

The Nansen Initiative: building consensus on displacement in disaster contexts

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Over almost three years, the Nansen Initiative consultative process has identified a toolbox of potential policy options to prevent, prepare for and respond to the challenges of cross-border displacement in disaster contexts, including the effects of climate change.

The Nansen Initiative was initially launched by the Governments of Switzerland and Norway in October 2012, recognising that under existing international law there is no assurance that people forced by disasters to flee across international borders will be admitted and receive assistance, let alone find durable solutions to their displacement. Such displacement creates not only legal protection problems but also operational, institutional and funding challenges, since no international organisation has a clear mandate for such people.

However, over the course of the Nansen Initiative's consultative process with states, civil society, academics, international organisations and affected communities, it quickly became evident that a holistic approach to the topic would also need to look at prevention of displacement; planned relocation or voluntary and regular migration to avoid a situation where displacement with all its negative impacts becomes inevitable; and better protection and sustainable solutions for internally displaced persons too. The consultations have also brought out the multi-causal nature of displacement, particularly following slow-onset hazards and other gradual effects associated with climate change, and highlighted that such population movements are occurring **in the context of**

disasters and climate change rather than being exclusively **caused by** such events.

Building consensus

The Nansen Initiative's primary purpose is to build consensus among affected states about how they could adequately respond to the challenge of cross-border displacement in the context of disasters, including the adverse impacts of climate change. To this end, it has held inter-governmental consultations hosted by members of the Nansen Initiative Steering Group¹ within five sub-regions (the Pacific, Central America, the Greater Horn of Africa, Southeast Asia and South Asia), and separate civil society meetings in these same regions. These consultations emphasised the diverse and distinct dynamics of cross-border displacement, and human mobility more generally within disaster contexts. Furthermore, the consultations highlighted the largely regional nature of these movements and the numerous processes under way for responding to displacement in disasters.

Disaster displacement, including across international borders, is either already a reality in many parts of the world or is likely to increase or occur, since climate change is likely to increase the magnitude and frequency of disasters. The consultations have affirmed the primary responsibility

of states to prevent displacement when possible, and, when it cannot be avoided, to protect displaced people as well as find durable solutions for their displacement. The consultations have also confirmed that the existing international and regional mechanisms, laws and policies do not sufficiently address the challenge of cross-border displacement in the context of disasters, and have identified the need for improved preparedness.

Overall, the Initiative has generated strong interest because it provides somewhere to discuss what needs to be done to adequately prepare for and respond to such displacement by bringing together stakeholders dealing with humanitarian action, human rights protection, migration management, disaster risk reduction, climate change adaptation, refugee protection, and development. In particular, the consultative process has highlighted the important role of regional and sub-regional organisations in complementing national efforts to identify solutions to the challenge by building upon and strengthening existing laws and mechanisms.

Tools and more

The Initiative has identified a wide variety of protection and migration measures for disaster-affected people. These include issuing humanitarian visas, stays of deportation, granting refugee status in exceptional cases, bilateral or regional arrangements on free movement of persons, expediting normal migratory channels, or the issuance of work permits. The consultations identified the need to review the potential applicability of existing regional agreements to address cross-border displacement in disaster contexts, or, when absent, to consider the development of temporary protection, admission and stay arrangements linked to durable solutions.

The consultations have also emphasised the need for a 'toolbox' of policy options that go beyond protecting the displaced and address other forms of human mobility – such as by helping people to avoid becoming displaced, including (when appropriate) by moving

Key findings from the regional consultations

Within the conclusions developed during each regional consultation a number of key global themes emerged. However, each region identified specific priorities to respond to their unique challenges. Reports from the consultations are available online at www2.nanseninitiative.org/#consultations and several articles in this issue of FMR are derived either from reports prepared in preparation for or from reports resulting from the regional consultations.

internally or across borders in regular or planned ways before displacement occurs.

For example, disaster risk reduction activities, climate change adaptation, contingency planning exercises, infrastructure improvements, relocating people at risk of displacement to safer areas, land reform and other measures to improve resiliency are all potential actions to help people stay in their homes for as long as possible. Ensuring that existing legal and policy frameworks for internally displaced persons are fully implemented was also identified as a way to improve the overall response to disaster-related displacement. Finally, particularly in the context of slow-onset natural hazards and the effects of climate change, voluntary migration to another part of the country or (when appropriate) to another country can provide an opportunity to seek employment and reduce the risk of displacement in times of humanitarian crisis.

Framing and feeding messages

There will be numerous opportunities during 2015 and 2016 to bring the recommendations and findings from the Nansen Initiative into global and regional processes addressing issues essential to developing a comprehensive response to cross-border displacement in the context of disasters. At the global level, relevant conclusions from the Initiative's findings supported the prominent inclusion of disaster displacement, both internal and cross-border, within the Sendai Framework for Disaster Risk Reduction 2015-2030. The Initiative has also contributed to conversations surrounding the negotiations on the 2015 Paris

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Ruins of a home destroyed by Cyclone Nargis, Myanmar. May 2008.

Climate Change Agreement, and actively participated in the 2016 World Humanitarian Summit consultative process. Regionally, the findings from the consultations have been taken up by states within the December 2014 Cartagena +30 Brasilia Declaration and Action Plan, the draft Strategy for Climate and Disaster Resilient Development in the Pacific, and the Regional Conference on Migration (Puebla Process) February 2015 workshop, where Central and North American Member States discussed effective practices for utilising temporary humanitarian protection mechanisms in disaster contexts.

In October 2015, states will meet in Geneva to adopt a 'Protection Agenda' on cross-border displacement in the context of disasters and climate change, identifying effective practices and setting out areas of future action at domestic, regional and international levels.² The Protection Agenda will not suggest creating new international law but rather include a set of common understandings of the issue, its dimensions and the challenges faced by relevant stakeholders. It will identify and reiterate key principles in the areas of

protection and international and regional cooperation, and provide examples of existing practices and tools to prevent, prepare for and respond to internal and, in particular, cross-border displacement in disaster contexts. Finally, it will include recommendations on the way ahead for follow-up when the Nansen Initiative ends in December 2015.

Thus far the work of the Nansen Initiative has taken place outside the United Nations (UN) system. However, it is now time to place cross-border displacement in the context of disasters and climate change back on the UN's agenda. To do so requires finding an institutional arrangement for the topic, and for states to take forward the Protection Agenda's action plan as their own.

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1. The Steering Group includes representatives from Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico, Norway, the Philippines and Switzerland, with UNHCR and IOM as Standing Invitees.

2. Draft Protection Agenda online at www2.nanseninitiative.org/global-consultations/