

The RCM Guide: a novel protection tool for cross-border disaster-induced displacement in the Americas

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States in the Americas confront complex challenges in the face of human mobility caused by both sudden- and slow-onset disasters. A new regional guide presents practices and measures to help address the protection needs of cross-border disaster-displaced persons.

In November 2016, in Honduras, the Regional Conference on Migration (RCM)¹ adopted the *Guide to Effective Practices for RCM Member Countries: protection for persons moving across borders in the context of disasters*.² Designed to apply primarily to displacement deriving from sudden-onset disaster events, the RCM Guide has its roots in a 2013 Central America Regional Consultation by the Nansen Initiative, a global State-led process that culminated in the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Protection Agenda) which was endorsed by 109 government delegations in October 2015.³ To support States in using the Protection Agenda – a toolbox of practices collected from

across the world – the Platform on Disaster Displacement was launched as a follow-up in May 2016. The RCM Guide builds on the Protection Agenda; however, the practices and measures that it showcases are more specific to the Americas and reflect the collected experiences of States in this region.

The Guide provides direction to RCM Member Countries on how existing law, policy and practice in the Americas can be used to address the needs of persons displaced across borders in the context of disasters. This would include those displaced by the recent hurricanes in the Caribbean. Examples of relevant measures include the flexible application of existing migration categories, the granting of temporary

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admission and stay through the issuance of humanitarian visas, and the temporary suspension of return to disaster-affected countries. Its usefulness stems from the fact that it strengthens and amplifies existing immigration law and policy practices⁴ but at the same time is non-binding and does not create new obligations, extend existing State obligations or require that new laws be passed.

Since its adoption, the RCM Guide has already proven valuable when developing operational tools for preparedness and response to disaster displacement. In March 2017, authorities from Costa Rica and Panama held a workshop on disaster displacement to prepare a joint response to situations where people have to flee across their shared border as a disaster hits. In this process, the RCM Guide provided an important reference point, providing advice and orientation to authorities working on the ground on both sides of the border, including immigration officers, disaster risk management agencies, consular officials and Red Cross responders. The outcome of the workshop was a set of draft Standard Operating Procedures on how the two countries can concretely collaborate to assist and protect persons displaced by disasters. These procedures were tested and validated in a bi-national simulation exercise in August 2017 in the Coto Brus district of Costa Rica's Puntarenas Province which borders Panama.

The RCM Guide has also informed and supported response. For instance, Costa Rican authorities drew on the preparatory work for the Guide to ensure a better informed and prepared response to displacement resulting from Hurricane Otto in November 2016. To increase awareness and use of the RCM Guide, RCM Vice-Ministers agreed on a training programme for government officials and other RCM stakeholders from international organisations and civil society. This training, which started in August 2017, aims to strengthen institutional capacity and cross-border cooperation on how to apply measures addressing disaster displacement, based on the RCM Guide, the Protection

Agenda and the Migrants in Countries in Crisis Guidelines.⁵

Less than a year after the Guide's adoption, the South American Conference of Migration (SACM)⁶ announced its intention to work on developing a similar guide, thereby demonstrating the importance of the RCM Guide far beyond the RCM sub-region.

Future steps: slow-onset disasters and climate change

Looking to the future, there is a variety of ways in which the protection and migration-related measures that the Guide describes can be further implemented and developed by RCM Member Countries or other States in the Americas. For instance, its approach to disaster displacement could be specifically developed by building on the framework of reciprocity and legal obligations in the well-established parallel field of disaster response law. Yet this is not the only area in which the RCM Guide might prove an inspiration in the future.

Alongside sudden-onset disasters, the Americas as a region is equally affected by slow-onset disaster events associated, for instance, with the adverse effects of climate change. The latter can have an impact on the risk of displacement in two ways: firstly, by altering the frequency and severity of certain hazards (such as drought, flooding and heatwaves) and, secondly, by increasing the vulnerability of persons and communities. Hazards linked to climate change will continue to have an impact on human mobility in the Americas, even if it remains unclear exactly how many people will be affected.⁷

This lack of data means that the displacement impact of slow-onset events and the protection needs of those who move in response are less evident than for dramatic sudden-onset events. There is a lack of systematic collection and monitoring of data on disaster displacement in general, and even more markedly so in cases of displacement linked to slow-onset events. Existing global estimates suggest around 25.4 million people are displaced in the context of sudden-onset disasters every year, and the



750,000 people in Haiti needed urgent humanitarian aid after Hurricane Matthew hit the country in October 2016.

number for Latin America and the Caribbean in 2016 is estimated to have been 1.8 million.⁸ However, these numbers do not account for people moving due to slowly developing processes that have affected them over a long period of time. These forms of human mobility are hard to identify definitively and the lack of standardised data collection tools and vocabulary does not help either.

Indeed, although the relationship between the adverse effects of climate change and different types of human mobility (migration, displacement and planned relocation) is increasingly recognised, it is complex in character. As a driver for mobility, the impact of slow-onset events such as land and forest degradation, loss of biodiversity and desertification is often compounded by, and difficult to disentangle from, other pre-existing vulnerabilities stemming from weak governance, population growth, poor urban planning or rural underdevelopment. Moreover, disaster displacement is often a result of the impact of both slow- and rapid-onset disasters. This can be observed in ongoing displacement from rural and coastal areas in Honduras, Haiti and Panama, where resilience to sudden-onset

hazards was already weak due to aridity, land degradation and coastal erosion.

Due in part to such complexity, there appears – even in the Americas – to be little State practice on the protection needs of persons displaced by slow-onset events, as compared with those displaced by sudden-onset events. At the same time, this is an issue that cuts across traditional policy areas, from humanitarian assistance, refugee protection, migration management and human rights to climate change action, disaster risk reduction and development. Addressing disaster displacement due to slow-onset events, especially in the context of the adverse effects of climate change, would thus require a whole-of-government approach, robust development solutions and the integration of climate change action, disaster risk reduction and the 2030 Agenda for Sustainable Development.

Overall, then, challenges remain in addressing human mobility in the context of disasters and climate change. Nonetheless, building on the approach and measures outlined in the RCM Guide for displacement due to sudden-onset events may offer a way forward for policy development on

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mobility due to slow-onset disasters in the context of climate change. For instance, States could build on existing bilateral and regional migration agreements in the Americas, adopting national quotas or seasonal worker programmes and providing training and education to potential migrants, as a means of promoting migration as adaptation to the adverse effects of climate change, environmental change and natural hazards. Further discussion on migration as adaptation could also take place at a regional level within the UN Framework Convention on Climate Change. Factoring in such forms of mobility to sub-regional freedom of movement frameworks such as in MERCOSUR (Mercado Común del Sur – Southern Common Market) or SICA (Sistema de la Integración Centroamericana – Central American Integration System) would also be a possibility.

One additional challenge in the Americas is that, across the region as a whole, the integration of different (sub-) regional frameworks and processes is not as comprehensive as in other regions, for example, the European Union. The work relevant to disaster displacement of the different regional entities, for example, MERCOSUR and the South American Conference on Migration or the North American Free Trade Agreement and the RCM is not integrated enough to amount to a strong regional migration regime.⁹ This creates barriers to the implementation and enhanced application of the different measures proposed in instruments such as the Protection Agenda and the RCM Guide. Ways to bridge the silos and to coordinate effectively within and across a multitude of parallel mechanisms and processes, at regional, sub-regional and domestic levels, are needed.

Conclusions

All things considered, the adoption and dissemination of the RCM Guide is a major step in strengthening the protection of people displaced across borders in the Americas in the context of disasters. Where challenges remain in securing a robust

response for persons on the move in relation to situations of disasters and in addressing the adverse effects of climate change in the region, the RCM Guide may also provide a template and platform from which to promote policy development. As a first step, better and more systematic data are needed in order to ensure that any such efforts at the regional or sub-regional levels are built upon a firm empirical understanding of human mobility in this context.

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1. RCM or the Puebla Process is a Regional Consultative Process on Migration. RCM Member Countries are: Belize, Canada, Costa Rica, El Salvador, United States, Guatemala, Honduras, Mexico, Nicaragua, Panama and Dominican Republic. RCM also includes observer members: Argentina, Colombia, Ecuador, Jamaica and Peru. www.rcmvs.org
2. Regional Conference on Migration (2016) *A Guide to Effective Practices for RCM Member Countries: protection for persons moving across borders in the context of disasters*, drafted by the Nansen Initiative for RCM Member Countries <http://bit.ly/RCM-Guide-2016>
3. Nansen Initiative (2015) *Agenda for the protection of cross-border displaced persons in the context of disasters and climate change Volume I* <http://bit.ly/Nansen-ProtectionAgendaVol1>
 See also *Forced Migration Review* issue 49 (2015) on 'Disasters and displacement in a changing climate' www.fmreview.org/climatechange-disasters
4. Nansen Initiative and Cantor D J (2015) *Law, Policy and Practice Concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters*, Background Paper, States of the Regional Conference on Migration and Others in the Americas, Regional Workshop on Temporary Protection Status and/or Humanitarian Visas in Situations of Disaster, San José, Costa Rica, 10-11 February 2015 <http://bit.ly/Nansen-Cantor-2015>
5. MICIC (2016) *Guidelines to Protect Migrants in Countries experiencing Conflict or Natural Disasters* <http://bit.ly/MICIC-Guidelines-2016>
6. <http://csm-osumi.org>
7. Nansen Initiative and Rodríguez Serna N (2015) *Human Mobility in the Context of Natural Hazard-Related Disasters in South America*, Background Paper, Nansen Initiative/Refugee Law Initiative South America Consultation, Quito, Ecuador, 15-16 July 2015 <http://bit.ly/Nansen-RSerna-2015>
8. Internal Displacement Monitoring Centre (2017) *Global Report on Internal Displacement*, Part 1 <http://bit.ly/IDMC-GRID2017-Part1>
9. Lavenex S 'Regional migration governance' in Börzel T and Risse T (Eds) (2016) *Oxford Handbook of Comparative Regionalism*, Oxford: Oxford University Press <https://archive-ouverte.unige.ch/unige:93574>