



THE
NANSEN
INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT

NATURAL HAZARDS, CLIMATE CHANGE, AND CROSS-BORDER DISPLACEMENT IN THE GREATER HORN OF AFRICA: PROTECTING PEOPLE ON THE MOVE

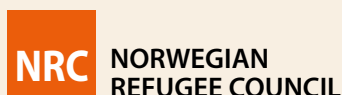
BACKGROUND PAPER

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DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT

EVIDENCE
FOR ACTION

PARTNERS



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1. INTRODUCTION

The Greater Horn of Africa¹ experiences a wide range of natural hazards, most commonly severe droughts and floods, but also landslides, dust storms, earthquakes, tsunamis and hurricanes. The effects of climate change are expected to lead to sea level rise, desertification, and increased rainfall variability. While such hazards drive internal and cross-border displacement in the Horn of Africa, in many circumstances these movements occur within a complex environment impacted by poverty, conflict, generalized violence, and governance challenges.

For example, the 2011-2012 Horn of Africa drought crisis affected an estimated 13 million people,² prompting millions of people to move within their own countries in search of food, water, shelter, and other forms of humanitarian assistance, while hundreds of thousands of other people primarily from Somalia sought refuge across international borders.³ Pastoralists also moved internally and abroad to access water and grazing grounds, a traditional practice to adapt to changing environmental conditions, with some ultimately becoming displaced. Yet, the displaced people and migrants moving in the context of the drought and famine faced numerous protection challenges compounded by the ongoing conflict in Somalia, cattle rustling, inter-communal conflict, smuggling, small arms trafficking and organized crime as they moved within the region or to the Middle East, Southern Africa, Europe and beyond.

Recognizing the multiple and overlapping factors impacting displacement in the Horn of Africa, actors at the local, national, regional and international levels have undertaken significant efforts to link and integrate disaster risk reduction, humanitarian assistance, pastoralism, peacebuilding, development, and food security strategies and plans. However, although these

measures address some of the protection needs of people displaced across international borders in the context of disasters, other protection and assistance gaps remain. For example, issues related to admitting displaced persons into a foreign country in disaster contexts, the conditions under which they would be permitted to stay (e.g., access to basic public services), and the conditions and modalities of return have not been fully addressed in existing international or regional laws, policies or administrative procedures.

1.1 BACKGROUND TO THE NANSEN INITIATIVE GREATER HORN OF AFRICA REGIONAL CONSULTATION

This background paper informs the Nansen Initiative Greater Horn of Africa Regional Consultation, held in Nairobi, Kenya from 21-23 May 2014. Launched by the Governments of Norway and Switzerland in October 2012, the Nansen Initiative is a state-led, bottom-up consultative process intended to build consensus on the development of a protection agenda addressing the

¹ For the purposes of this paper, the Greater Horn of Africa refers to Member States of the Intergovernmental Authority on Development (IGAD): Djibouti, Eritrea (suspended, 2007), Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda.

² Slim, Hugo, "IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya" (Nairobi, 2012).

³ According to the UNHCR's 2011 Global Report for Somalia, as a result of the drought, famine, ongoing conflict, insecurity and human rights violations, "an estimated 290,000 Somalis fled across the border into neighbouring countries, mainly to Ethiopia and Kenya, while more than 1.3 million were estimated to be internally displaced." UNHCR, "Global Report 2011- Somalia" (Geneva, 2011). Available at: <http://www.unhcr.org/4fc880a70.html>.

needs of people displaced across international borders in the context of natural hazards, including those linked to the effects of climate change.⁴

To build consensus on the protection agenda, the Nansen Initiative is in the process of undertaking five Regional Consultations in the Pacific, Central America, the Greater Horn of Africa, South-East Asia, and South Asia over the course of 2013 and 2014. The first two Regional Consultations took place in Rarotonga, Cook Islands and San José, Costa Rica in May and December 2013, respectively. The Nansen Initiative is also hosting regional meetings with civil society representatives in these same five regions. The Horn of Africa civil society meeting entitled, “Natural Hazards, Climate Change and Cross-Border Displacement: Protecting People on the Move” took place on 3-4 March 2014 in Nairobi. Outcome documents from all of the regional consultations contain recommendations for further action at the community, national, regional and international levels.

In 2015, the Nansen Initiative will bring together state representatives, experts and practitioners from around the world to discuss a protection agenda for cross-border displacement in the context of disasters. The global consultation and the protection agenda itself will build upon the consolidated knowledge generated from the five Nansen Initiative Regional Consultations, research conducted and commissioned by the Nansen Initiative Secretariat, and contributions from global partners, including on-going relevant policy processes and initiatives.

Within the Greater Horn of Africa region, a number of existing legal frameworks and ongoing processes are relevant to the protection of displaced persons in disaster contexts. Notably, the East African Community (EAC) is in the process of drafting a Disaster Risk Reduction and Management Bill that may incorporate protection for those displaced in disaster contexts, including across borders. The African Union’s 2009 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) also explicitly recognizes the protection and assistance needs of internally displaced persons in disaster contexts.⁶ Although it

does not specifically mention disasters linked to natural hazards, the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (AU Refugee Convention) has been applied in situations where the drivers of displacement included conflict and disasters, namely the 2011-2012 Horn of Africa drought crisis, as will be discussed later in this document.

Also relevant, among others, are the Intergovernmental Authority on Development’s (IGAD) 2013 Drought Disaster Resilience and Sustainability Initiative (IDDRSI), the IGAD Regional Consultative Process on Migration (IGAD-RCP), the 2010 Protocol on the Establishment of the East African Community Common Market, and the 2010 African Union Policy Framework for Pastoralism in Africa.⁷ These existing laws, policies, and processes are important not only for establishing a protective environment for those displaced in disasters, but also for preventing displacement and finding durable solutions, such as through resilience building measures.

Building upon these existing legal frameworks and processes, the Nansen Initiative Greater Horn of Africa Regional Consultation will begin with a two-day workshop, followed by a governmental dialogue on the workshop’s outcomes and agreement on future action. Participants will include representatives from states, international organizations, NGOs, civil society, academic institutions and other key actors working on issues related to displacement, disaster risk reduction, disaster management, climate change adaptation, human rights protection, migration management, development and climate change. The Regional Consultation will be hosted by the Government of Kenya, and co-organized by the Nansen Initiative Secretariat in Geneva, and the Norwegian Refugee Council’s Regional Office in Nairobi.

The overall objectives of the Regional Consultation are to: i) learn more about displacement and human mobility dynamics generally in the region, ii) identify the region’s specific challenges related to disasters and displacement, and iii) develop concrete, practical policy and programmatic outcomes to enhance the region’s overall preparedness and response to these challenges.

⁴ The Nansen Initiative is funded by the Governments of Norway and Switzerland, with additional financial support from the European Commission. It is governed by a Steering Group, which at the time of writing is comprised of nine Member States: Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico, Norway, the Philippines, and Switzerland. A Consultative Committee informs the process through expertise provided by representatives from international organizations addressing displacement and migration issues, climate change and development researchers, think tanks, and NGOs. The Envoy of the Chairmanship represents the Nansen Initiative throughout the process, providing strategic guidance and input. Finally, the Nansen Initiative Secretariat, based in Geneva, supports the process with additional strategic, research, and administrative capacity.

⁵ The five East African Community member States are Burundi, Kenya, Rwanda, Tanzania, and Uganda.

⁶ As of December 2013, Uganda had ratified the Convention, with Djibouti, Ethiopia, Eritrea, South Sudan, and Somalia as unratified signatories. Kenya and Sudan had neither signed nor ratified the Convention.

⁷ African Union, “Policy Framework for Pastoralism in Africa: Security, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities” (Addis Ababa, 2010).



2. OVERVIEW OF DISASTERS AND HUMAN MOBILITY IN THE HORN OF AFRICA

The Greater Horn of Africa includes the eight IGAD countries, covering an area of 5.2 million square kilometres, including a 4,000 kilometre coastline. While 60-70 per cent of the region is arid and semi-arid, the region also has large forested and savannah-based biomes, as well as large coastal tropical areas and islands. More than 200 million people with diverse and varied cultural and ethnic backgrounds live in the region speaking over 100 language dialects with ethnic groups, tribes and families spanning international borders. Customary legal systems are also prominent at the local level and used to oversee mobility issues, land use and ownership, conflict resolution, and resource management decisions. This background paper focuses primarily on Djibouti, Ethiopia, Kenya, Somalia, South Sudan and Uganda.

Low levels of development associated with poverty, water shortages food insecurity, limited social services, weak rule of law and contested governance structures are challenges to varying degrees in the region⁸ and contribute to a complex “conflict, disaster, and displacement nexus.” States, ethnic groups, pastoral communities and ideological groups repeatedly clash, with wide-ranging effects. The increased privatisation of land, the rising number of people moving from rural to urban areas – both Addis Ababa and Nairobi are among the top five fastest growing cities in the world – and the region’s over three per cent population annual growth have likewise contributed to changes in human mobility. In this context, the region’s many pastoralists involved in livestock production face challenges in preserving traditional migratory practices, knowledge and cultural norms.

Human mobility within the context of natural hazards and the effects of climate change takes various forms in the Horn of Africa. There is no internationally agreed upon terminology to describe these different categories of movement. For the purposes of this paper, and building upon paragraph 14(f) of the UN Framework Convention on Climate Change’s (UNFCCC) Cancun Outcome Agreement, human mobility will be discussed within three categories: (forced) displacement, (predominantly voluntary) migration, and (voluntary or forced)

planned relocation. The Nansen Initiative specifically addresses the protection needs of people forcibly displaced across international borders in the context of disasters associated with natural hazards, with migration and planned relocation addressed from the perspective of preventing displacement or finding durable solutions to displacement.

This section will provide an overview of disasters induced by natural hazards in the Horn of Africa, followed by descriptions and examples of different forms of human mobility (displacement, migration, and planned relocation) that have occurred in the context of these disasters.

2.1 NATURAL HAZARDS AND CLIMATE CHANGE IN THE HORN OF AFRICA

Given its predominantly arid and semi-arid climate, slow-onset disasters caused by drought remain the most immediate environmental challenge for people living in the Horn of Africa, contributing to large scale movements. The areas most affected by drought include southern Somalia, north eastern Kenya, and south eastern Ethiopia.⁹ An increasing number of sudden-onset disasters associated with heavy rainfall also frequently

⁸ According to UNDP’s 2012 Human Development Index, out of 186 countries surveyed, all of the IGAD countries scored in the bottom 25 percentile. Note that Somalia and South Sudan were not included. <http://hdr.undp.org/en/statistics/hdi>

⁹ Famine Early Warning System Network, “Special report: Potential impacts of likely 2012/13 El Niño event” (2012).

affect the region, such as flash floods along its extensive coastline and arid inland areas.¹⁰ Seasonal flooding commonly occurs from November to December and March to May.¹¹ Notably, droughts and flooding in the Horn are interrelated phenomena, with flooding often occurring in areas previously affected by drought due to severe land degradation and erratic fluctuations in rainfall.¹² Landslides have been known to accompany heavy precipitation in certain areas, such as in Uganda.¹³

To a lesser extent, the Rift Valley faces earthquakes, while coastal areas can experience hurricanes and occasionally tsunamis. For example, the 6.8 magnitude Toro Ruwenzori earthquake that occurred on 20 March 1966 was one of the most severe earthquakes in the East Africa Rift Valley. The quake killed 157 people in Uganda and the Democratic Republic of the Congo, and was felt as far as Burundi, Kenya, Rwanda and Tanzania with aftershocks in the months that followed killing an additional 90 people. Periodic earthquakes have continued since then; Uganda and the wider region most recently had earthquakes in January and July 2013. Somalia experienced severe infrastructure damage from the 2004 Indian Ocean Earthquake and Tsunami that killed 298 people and displaced more than 50,000. In November 2013 a hurricane and tropical cyclone hit Somalia's northern Puntland region, killing between 100-300 people.

According to the Intergovernmental Panel on Climate Change (IPCC), the African continent is one of the most vulnerable to climate change given its high exposure and low capacity to adapt. In the Horn of Africa, climate change will likely exacerbate the dramatic fluctuation between short, hard rainfall, and extended periods of no or low precipitation.¹⁵ Climate change is consequently expected to lead to increased water stress, higher temperatures, desertification, dust storms and decreased agricultural output. In coastal areas, sea level rise and higher sea temperatures pose an additional set of risks, including beach erosion, increased coral bleaching, and threats to seaside settlements.¹⁶ The IPCC noted specifically that "case studies from Somalia and Burundi emphasize the interaction of climate change, disaster,

conflict, displacement, and migration"¹⁷ for reasons such as reduced resilience to environmental stress and competition over natural resources.

Whether, and to what extent, a natural hazard develops into a "disaster" is dependent on a community's capacity to withstand the effects of the hazard. Factors such as weak levels of governance, poor infrastructure, conflict, climate change, food insecurity and poverty can all contribute to weakened resilience to natural hazards. However, as will be discussed later, efforts are underway in the Horn of Africa region to strengthen resilience by integrating disaster risk reduction and climate change adaptation strategies within development plans, such as by building upon diaspora networks, to name just one example.

2.2 DISPLACEMENT

The term "displacement" refers to situations where people are forced to leave their homes or places of habitual residence. Displacement may take the form of spontaneous flight, an evacuation ordered or enforced by authorities, or the relocation of a community to another location. Displacement can occur within a country, or across international borders. Again, the Nansen Initiative focuses on meeting the protection needs of people forcibly displaced across international borders in the context of disasters associated with natural hazards.¹⁸

Due to the multi-causal nature of human mobility, the tipping point between a forced and voluntary movement can be difficult to pinpoint.¹⁹ This is especially true in the case of slow-onset disasters, when displacement arises as a consequence of a gradual erosion of resilience. In comparison, the forced nature of a population movement in the context of a sudden-onset disaster such as an earthquake is easier to recognize, although other factors such as poverty and lack of preparedness contribute to whether displacement occurs. Finally, the cumulative effect of a series of smaller, sudden-onset disasters can also lead to displacement over time.

¹⁰ Government of Kenya, "National Climate Change Action Plan - Adaptation - Technical Report - Risk Assessment" (Nairobi 2012).

¹¹ UNOCHA, "Kenya: Emergency Humanitarian Response Plan Mid-Year Review" (2013).

¹² IGAD, "IGAD'S Regional Perspective on Disaster Risk Reduction" (2013).

¹³ Agrawal, Shreya and Others, "Risk Factors for Injuries in Landslide and Flood-Affected Populations in Uganda" (2013) 28 *Prehospital and Disaster Medicine* 314.

¹⁴ IPCC Working Group II, *Climate Change 2014: Impacts, Adaptation, and Vulnerability*, Africa Chapter, p.6.

¹⁵ Omondi, Philip and Others, "Linkages between global sea surface temperatures and decadal rainfall variability over the Eastern Africa region" (2013) 33 *Int. J. Climatol.* 2082.

¹⁶ Cf. M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson (eds), *Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, 2007 (Cambridge University Press).

¹⁷ IPCC Working Group II, *Climate Change 2014: Impacts, Adaptation, and Vulnerability*, Africa Chapter, p.6.

¹⁸ People displaced within their own countries are protected under national laws as well as international human rights and humanitarian law. However, for those who cross international borders in the context of disasters, international legal protection is lacking.

¹⁹ Foresight, "Migration and Global Environmental Change" (Final Project Report, The Government Office for Science, Foresight, 2011).

2.2.1 Examples from the Horn of Africa

As in other parts of the world, the drivers of displacement in the Horn of Africa are multi-causal and inter-linked. For instance, refugees or internally displaced persons who fled a conflict may subsequently be displaced by a disaster, or individuals may have fled from an area affected by both conflict and disasters. Thus, displacement in the Horn of Africa often includes people who have moved for a variety of reasons, one of which may be a natural hazard. Within current systems, it is difficult to identify the people displaced by disasters amongst larger migration or refugee flows, particularly given the lack of common criteria to identify a person displaced across international borders in disaster contexts. Therefore, in the absence of more precise data and analysis, the examples presented in this paper are not comprehensive representations, but rather are intended to highlight a few situations of displacement in disaster contexts (noting cross-border examples when possible) and the corresponding need to improve data collection.

Most displacement in disaster contexts is internal. For example, landslides have caused internal displacement in Kenya, Uganda and Tanzania. In October 2005, a 5.5 magnitude earthquake triggering the volcanic eruption of Mount Arteala prompted Ethiopian government authorities to order the evacuation of some 50,000 people.²⁰

Cross-border displacement has more commonly occurred during drought and floods. As previously mentioned, during the 2011-2012 drought well over a million people were displaced, both internally and across borders, including from Somalia into Kenya and across the Gulf of Aden into Yemen. Previously, over a million people were displaced in the context of the 1982-83 drought, mainly within and from Ethiopia and Sudan.²¹ Other examples of severe droughts in the pastoral border regions of Kenya, Uganda and South Sudan have also caused recurrent internal and cross-border movements.²² Most recently in March 2014, a year-long drought prompted some 30,000 Turkana pastoralists from north-west Kenya to move their livestock into

Uganda in search of water and food.²³ Flooding has also caused regular displacement across the region. Between 1998-2000, one study reported that flooding and landslides caused the internal and cross-border displacement of an estimated 250,000 people in Kenya, Somalia, Uganda, and South Sudan.²⁴ For example, subsequent to the 2012-13 floods in eastern and southern South Sudan, cross-border displacement increased.²⁵

2.2.2 Challenge of Data Collection and Analysis

More comprehensive data collection and analysis on cross-border displacement in the context of disasters in the Horn of Africa is presently lacking. Gathering this information is by nature complex due to the diverse drivers of displacement, scientific uncertainties, and the lack of systematic data collection and sharing. Therefore, the participants may want to discuss how existing information management tools for disasters and immigration could be adapted to help inform the development of public policy and operational responses.

2.3 MIGRATION

The term “migration” commonly refers to a broad category of population movements. The term “mixed migration” has been defined as “complex population migratory movements that include refugees, asylum seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants.”²⁷ Thus, mixed migration encompasses regular and irregular movements, and also denotes the diverse and overlapping motives that influence an individual’s decision to move, which can change over time. Likewise, the International Organization for Migration’s (IOM) working definition of an “environmental migrant” includes various groups of individuals moving within different contexts: voluntarily or involuntarily, temporarily or permanently, within their own country or abroad.²⁸

²⁰ Medilinks, ‘50,000 Ethiopians Advised to Evacuate After Earthquakes, Volcanoes’ (2005) <http://goo.gl/TJung2> accessed 28 October 2013.

²¹ de Waal, Alexander, *Evil days: Thirty years of war and famine in Ethiopia* (An Africa Watch report, Human Rights Watch 1991).

²² Security in Mobility Initiative, “Security in Mobility: Advocating for Safe Movement as a Climate Change Adaptation Strategy for Pastoralists in the Horn and East Africa,” OCHA, IOM, ISS and UNEP, June 2010) 14.

²³ Sam Jones, “Kenya’s Turkana region brought to the brink of humanitarian crisis by drought,” *The Guardian*, 26 March 2014. <http://goo.gl/THXvPk>

²⁴ Declan Conway, ‘Extreme rainfall events and lake level changes in East Africa: recent events and historical precedents’ [2004] *The East African great lakes: limnology, palaeolimnology and biodiversity* 63.

²⁵ OCHA, ‘Somalia - Consolidated Appeal (CAP) 2013-1015, Mid-Year Review 2013’.

²⁶ IOM defines migration as, “The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.” IOM, “Glossary on Migration” (2011).

²⁷ IOM, “Guidelines: Protection Assistance for Vulnerable Migrants” (2012).

²⁸ IOM’s working definition states: “Environmental migrants are persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to have to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their territory or abroad.” IOM (ed.), “Discussion Note: Migration and the Environment MC/INF/288-1” (2007).

Because the Nansen Initiative specifically focuses on the distinct protection needs of people displaced across international borders in the context of disasters, migration in this paper is used to refer to human movements that are *preponderantly* voluntary; for example, to work abroad in order to support families at home with remittances, or in order to avoid a situation where moving to another country at a later stage becomes unavoidable. In the context of slow-onset environmental degradation, “migration as adaptation” refers to the primarily voluntary decision to “avoid or adjust to”²⁹ deteriorating environmental changes that may result in a humanitarian crisis and displacement in the future. For the Nansen Initiative, understanding the dynamics of migration flows, including the associated motives, also provides insight into the overall conditions within which displaced people move in a region. It can also inform strategies to differentiate disaster-displaced people from other migrants that, in turn, facilitate the development of responses to adequately meet the specific protection needs of different groups of people.

2.3.1 Examples from the Horn of Africa

Migration in the Horn of Africa involves large, constant, mixed flows of people moving both within and from the region to Southern Africa, the Middle East, Europe, and further abroad. Migrants move voluntarily for education or employment, but also for other reasons such as to avoid inter-clan disputes, or cover basic needs.³⁰ Not surprisingly, studies have also shown a correlation between environmental stress and increased migration.

Historically migrants have commonly emigrated from Sudan, Eritrea and Somalia to Ethiopia, although this pattern varies in times of conflict. Over the past 20 years, Kenya has become a major destination for migrants who work and study primarily in the coun-

try’s urban centers. This general trend of rural to urban migration is characteristic of the region as a whole, with Addis Ababa, Dar es Salaam and Kampala experiencing population growth. Another predominant migration route for labour migrants from the Horn of Africa is to Yemen and Saudi Arabia, commonly transiting through Djibouti. Significant migration pathways also extend south to Southern Africa, chiefly to South Africa. While exact figures are uncertain, as of 2011 an estimated 100,000 migrants from the Horn of Africa resided in South Africa, with an additional 50,000 people living in Tanzania, Mozambique, Botswana and other Southern African countries.³¹

There is little comprehensive data on the extent of migration to Europe from the Horn of Africa.³² However, the principal migration routes are by sea through ports in the Maghreb (western and northern Africa), although some people have been known to travel by air before claiming asylum.³³ A substantial number of people from the Horn of Africa also migrate temporarily to work in Europe, such as in Italy and Spain’s agricultural sectors.³⁴

The extent of irregular migration in the region is difficult to quantify; however those who move are most likely to be young (of school going age) and male.³⁵ An estimated 20,000 male migrants are smuggled from the Horn of Africa to South Africa each year.³⁶ In addition, at least 50,000 irregular migrants cross the Gulf of Aden into Yemen.³⁷ Several thousand Eritreans have also been smuggled into Egypt, Israel and Southern Europe.³⁸ In recent months, however, Saudi Arabia has deported large numbers of irregular migrants from Ethiopia, while a December 2013 law in Israel allows the states to indefinitely detain asylum seekers or irregular migrants who cannot be deported for a period of up to one year, largely affecting people from Sudan and Eritrea.³⁹

²⁹ Barnett, Jon and Webber, Michael, “Migration as Adaptation: Opportunities and Limits” in McAdam, Jane (ed.), *Climate Change and Displacement* (Hart Publishing, Oxford, 2010).

³⁰ Katy Long and Jeff Crisp, ‘In harm’s way: the irregular movement of migrants to Southern Africa from the Horn and Great Lakes regions’ [2011] UNHCR Evaluation 7.

³¹ Long, Katy and Crisp, Jeff, “In harm’s way: the irregular movement of migrants to Southern Africa from the Horn and Great Lakes regions” (UNHCR, 2011).

³² Campbell, John, “Caught between the ideology and realities of development: Transiting from the Horn of Africa to Europe” (The LSE Migration Study Group Working Paper 2009/01, 2009). In total, the 27 European countries surveyed in the 2011 SOPEMI International Migration Outlook Report received 2 499 600 migrants from around the world in 2009. SOPEMI International Migration Outlook Report.

³³ de Haas, Hein, “The Myth of Invasion: the inconvenient realities of African migration to Europe” (2008) 29 Third World Quarterly 1305.

³⁴ Ibid.

³⁵ Cf. Hastrup, Kirsten and Olwig, Karen (eds), *Climate change and human mobility* (Cambridge, 2012); UNHCR (ed.), “Regional Conference on Refugee Protection and International Migration: Mixed Movements and Irregular Migration from the East and Horn of Africa and Great Lakes Region to Southern Africa” (2010).

³⁶ Ibid 37.

³⁷ Jureidini, Ray, “Mixed Migration Flows: Somali and Ethiopian Migration to Yemen and Turkey: Final Report” (2010).

³⁸ Regional Mixed Migration Secretariat, “Global Migration Futures Project” (2013).

³⁹ <http://goo.gl/GdcFwR>

2.4 PLANNED RELOCATION

According to the *IASC Operational Guidelines on the Protection of Persons in the Context of Natural Disasters*, permanent relocation is defined as, "The act of moving people to another location in the country and settling them there when they no longer can return to their homes or place of habitual residence."⁴⁰ Permanent planned relocation may be relevant for people displaced across international borders in disaster contexts in three scenarios:

- 1) as a preventative measure within the country of origin in the face of environmental degradation due to natural hazards to reduce the risk of cross-border displacement in the future;
- 2) as a durable solution within the country of origin to allow for the return of people displaced across international borders whose homes may need to be moved in the event that a disaster rendered their place of origin as no longer fit for habitation;
- 3) as a durable solution in a receiving country in the extreme event that natural hazards or environmental degradation render an entire country unfit for habitation (e.g., low-lying island states).

There is a significant body of literature on relocation (both forced and voluntary) in different contexts that are relevant to displacement in disaster contexts.⁴¹ However, because of the many potential negative effects associated with the process, research strongly suggests that relocation in the context of natural hazards and environmental degradation only take place as a last resort after all other options have failed and community resilience has significantly eroded.⁴² In general, experience has also shown that successful relocation, particu-

larly to another country, demands a long consultative process "between sovereign states, between communities at both origin and destination and their respective governments, and ultimately between the relocation and recipient communities themselves."⁴³

2.4.1 Examples from the Horn of Africa

In the Horn of Africa, the majority of planned relocation processes in disaster contexts have taken place within the same country following a disaster, although governments have also moved communities as a preventative measure such as the risk of drought. Extensive relocation efforts have taken place in Ethiopia for decades as part Government-led "villagization programmes" aimed, in part, at building resilience to drought.⁴⁴ For example, in the early 2000s, the Government of Ethiopia initiated renewed relocation projects as part of a national food security strategy in drought prone areas- a programme that continues today.⁴⁵ In countries like Somalia, Sudan and South Sudan, regional relocation efforts enacted by clans and other local bodies have also occurred during times of drought.⁴⁶ As in other parts of the world, relocation efforts in the Horn of Africa have historically met with varying levels of success, with some criticized regarding the underlying motivations and circumstances under which they occurred.⁴⁷

⁴⁰ IASC, 'IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters' (The Brookings-Bern Project on Internal Displacement, 2011).

⁴¹ See for example, Pankhurst and Piguet (n 45); Graeme Hugo. "Lessons from Past Forced Resettlement for Climate Change Migration," Revised Draft Chapter 9, Etienne Piguet, Antoine Pecoud and Pal de Guchteneire (eds.), *Migration and Environment and Climate Change*, UNESCO, May 2010; Anthony Oliver-Smith and Alex de Sherbinin. "Something Old and Something New: Resettlement in the Twenty First Century," Institute for the Study of International Migration, Georgetown University, Washington, 2013; Elizabeth Ferris. *Protection and Planned Relocation in the Context of Climate Change*. UNHCR Legal and Protection Policy Research Series. Geneva, UNHCR, July 2012.

⁴² Hugo, Graeme. "Climate Change-Induced Mobility and the Existing Migration Regime in Asia and the Pacific," in *Climate Change and Displacement: Multidisciplinary Perspectives*. McAdam, Jane, Ed., Hart Publishing, Oxford, 2012, 10.

⁴³ Campbell, John. "Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land," in *Climate Change and Displacement: Multidisciplinary Perspectives*. McAdam, Jane, Ed., Hart Publishing, Oxford, 2012, p. 78.

⁴⁴ Dessalegn Rahmato, *Famine and survival strategies: A case study from Northeast Ethiopia* (Nordiska Afrikainstitutet 1991).

⁴⁵ Alula Pankhurst and François Piguet, *Moving people in Ethiopia: Development, Displacement & the State* (Eastern Africa series, James Currey 2009) 138.

⁴⁶ Ofcansky, Thomas and Berry, LaVerle, "Ethiopia: Refugees, Drought, and Famine" (1998). Available at: http://rs6.loc.gov/frd/etsave/et_02_03.html.

⁴⁷ For example see, Alula Pankhurst and François Piguet, *Moving people in Ethiopia: Development, Displacement & the State* (Eastern Africa series, James Currey 2009). Human Rights Watch, 'Waiting here for Death: Displacement and "Villagization" in Ethiopia's Gambella Region (2012).



3. TOWARDS A PROTECTION AGENDA: THEMATIC ISSUES IN THE HORN OF AFRICA

This section has been drafted to accompany the four thematic issues that will be discussed during the Nansen Initiative Greater Horn of Africa Regional Consultation. The four issues include: 1) Protecting the Displaced; 2) Internal and Cross-Border Movements of Pastoralists; 3) Migration as Adaptation to Environmental and Climate Change; 4) Disaster Risk Reduction and Resilience Building Measures in the Context of Displacement.

3.1 PROTECTING THE DISPLACED: CHALLENGES AND OPPORTUNITIES

People displaced in the context of disasters have particular protection needs linked to the type of natural hazard and the involuntary nature of their movement. For example, in the case of displacement following a sudden-onset disaster such as a flash flood, people may flee without essential legal documents, money, and personal items. They may be separated from their families or face sexual and gender based violence during flight. Displaced people may also need emergency shelter, and access to health services, education, and psycho-social counselling. Upon return, displaced individuals or communities may find that their right to enjoy their land and property rights has been affected in their absence. Displacement may also result in discrimination and limited access to participation and consultation in planning processes for disaster relief and recovery.

Displacement across international borders poses an additional, distinct set of protection needs and challenges. There is no temporary protection scheme on the Continent or within the Greater Horn of Africa region that explicitly addresses cross-border displacement in disaster contexts, nor are there universally applied criteria to determine, in the context of disasters, when a movement could be characterized as forced across international borders for the purposes of international law.⁴⁸ Most recently, the 2011-2012 drought crisis in the Horn of Africa highlighted this gap, although some countries granted *prima facie* refugee status to asylum seekers fleeing drought-affected areas applying national refugee legislation based upon the AU Refugee Convention. Notably, the 2014 IPCC Report on Climate Change has stated that climate change is also likely to contribute to increased internal and cross-border displacement globally, a phenomenon addressed in various climate change plans in the Horn of Africa region. For example, Ethiopia's National Adaption plan includes provisions for people seeking assistance across international borders particularly from the arid areas south of the Sahara Desert.⁴⁹

⁴⁸ Drawing on Article 1(A)2 of the Refugee Convention, Walter Kälin proposes that a "person displaced across borders by the effects of climate change as a person in need of international protection" should meet the following criteria: 1) "Outside the country of origin or habitual residence," 2) "Danger to life, limb or health as a consequence of the effects of climate change or the nature of the response, or the lack thereof, by competent authorities in the country of origin or habitual residence," 3) "Unable or unwilling to avail oneself of the assistance and protection of the country of origin or habitual residence." He suggests that these criteria be interpreted based upon a "returnability" test that analyzes the "permissibility, feasibility (factual possibility) and reasonableness of return." Kälin in McAdam, Jane, (ed), *Climate Change and Displacement: Multidisciplinary perspectives* (Hart Publishers, 2012).

⁴⁹ "2.1 Refugees, especially from the arid areas south of the Sahara Desert, may increasingly come to Ethiopia. Therefore, Ethiopia should make the necessary preparations to care for them. The federal institutions which should spearhead this preparedness are the Refugees and Returnees Affairs Administration and the Ministry of Agriculture." Government of Ethiopia, Programme of Adaptation to Climate Change, 2014.

This section identifies the protection concerns and needs of people displaced across international borders in the context of disasters that are most likely to emerge in the Greater Horn of Africa region, focusing on the issues of 1) prevention and mitigation, 2) admission, 3) status during stay, 4) housing, land and property, 5) physical security, and 6) finding durable solutions.

3.1.1 Prevention and Mitigation

State responsibility for its citizens includes the obligation to prepare for, mitigate, and, when possible, prevent displacement.⁵⁰ This responsibility is recognized in international human rights law, as well as in the Kampala Convention and the Great Lakes Protocol that address the protection and assistance need of internally displaced persons. For example, the Kampala Convention “provides for the establishment of national and regional mechanisms for early warning, disaster risk reduction and for coordination of humanitarian assistance.”⁵¹

During the March 2014 Nansen Initiative Horn of Africa civil society meeting, participants identified the link between internal displacement and cross-border displacement in the region. Participants observed that cross-border displacement could be prevented or reduced in many disaster contexts if existing legal and policy frameworks for IDPs were fully implemented. For example, they argued that full implementation of existing laws and policies would strengthen resilience-building investments in disaster-prone areas. It would also ensure that protection and assistance is provided in the event of internal displacement in disaster contexts, reducing the need to seek assistance outside of one’s own country.

3.1.2 Admissions in the event of displacement

There is no assurance under international law that a person will be admitted and receive protection in another country in the context of a sudden-onset or slow-onset disaster.⁵² Although human rights law provides “an indirect right to be admitted and to stay where the removal of a person back to the country of origin would amount to inhumane treatment,”⁵³ this does not address all displacement situations.⁵⁴ Furthermore, while the International Convention on Protection of the Rights of All Migrant Workers and Members of their Families provides some protection for migrant laborers, it does not grant them a right to admission or continual stay in the country. Similarly, the UNHCR Executive Committee has argued that “those rescued at sea should be provided with at least temporary admission to a State,” with Goodwin-Gill suggesting that this principle could be applied in cases where people cross borders to seek protection and assistance in the context of sudden-onset disasters.⁵⁵

Ensuring that displaced people can access protection in another country in the context of disasters demands international collaboration and cooperation, since national authorities cannot always find solutions on their own. Walter Kälin and Nina Schrepfer have argued, “in the absence of an ability to assist and protect them, [the state of origin] should advocate for and safeguard their interests in the state in which they have found refuge, for example by activating a temporary protection scheme where possible or even necessary.”⁵⁶

There is no regional protection scheme in the Horn of Africa that explicitly addresses cross-border displacement in the context of disasters. The AU Refugee

⁵⁰ Kälin, Walter and Schrepfer, Nina, “Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches,” UNHCR Legal and Protection Policy Research Series (2012). See also the Nansen Conference Principle II: “States have a primary duty to protect their populations and give particular attention to the special needs of the people most vulnerable to and most affected by climate change and other environmental hazards, including the displaced, hosting communities and those at risk of displacement.” UNHCR, “Summary of Deliberations on Climate Change and Displacement” (2011).

⁵¹ For further discussion see, Allehone Mulugeta Abebe, “The Kampala Convention and environmentally induced displacement in Africa,” IOM Intersessional Workshop on Climate Change, Environmental Degradation and Migration 29-30 March 2011, Geneva, Switzerland, 1.

⁵² Kälin and Schrepfer have proposed the following as necessarily elements to be addressed: “Movement-related rights: Beneficiaries should be entitled (i) to enter countries of refuge, (ii) to stay there temporarily, i.e. as long as the obstacles to their return exist; (iii) to protection against refoulement as well as expulsion to other countries; and (iv) to permanent admission if after a prolonged period of time (some years) it becomes clear that return is unlikely to become an option again.”

⁵³ Ibid at 50; See McAdam, Jane, “Climate Change, Forced Migration, and International Law” (Oxford University Press, 2012) 49.

⁵⁴ Note that the outcomes from the Bellagio Conference on Climate Change and Displacement stated that in the case of a mass influx of individuals, states have recognized “minimum obligations to ensure admission to safety, respect for basic human rights, protection against *refoulement* and safe return when conditions permit to the country of origin. In an analogous situation where persons are in distress at sea, states have accepted time honoured duties to come to their rescue.” See UNHCR, “Summary of Deliberations on Climate Change and Displacement,” Bellagio Conference on Climate Change and Displacement, (2011). This recognition to date has only been formally recognized within the context of identifying refugees. However, some examples of state practice suggest that states are recognizing obligations in other contexts as well, though not consistently or in a widespread manner. See also the International Convention on the Safety of Life at Sea as updated in 1974, and the International Convention on Maritime Search and Rescue of 1979.

⁵⁵ McAdam, Jane, “Climate Change, Forced Migration, and International Law” (Oxford University Press, 2012) 262.

⁵⁶ Kälin, Walter and Nina Schrepfer, “Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches,” UNHCR Legal and Protection Policy Research Series (2012).

Convention's more expansive refugee definition includes "events seriously disturbing public order," which has the potential to address disaster contexts, although to date it has only been applied in disaster situations occurring alongside other factors driving cross-border displacement such as violence, conflict, human rights abuses, and an inability to access assistance.

As discussed, during the 2011-2012 drought crisis, hundreds of thousands of Somalis sought asylum on a *prima facie* basis under the AU Refugee Convention and national legislation, and were granted refugee status, primarily in Kenya, Ethiopia, and Djibouti. Some of those granted refugee status did not come from conflict-affected areas and stated they were fleeing the drought.⁵⁷ According to Tamara Wood, this practice acknowledged "the interrelationship between so-called 'natural' causes of displacement, such as drought, and the broader Somali context, including conflict, insecurity and lack of effective government."⁵⁸ However, one study found that within individual refugee status determination processes, Somalis from drought-affected areas applying for refugee status in Egypt needed to establish a link to conflict or persecution, as did Ethiopians drought victims seeking asylum in Yemen, potentially leaving them outside of the refugee legal framework.⁵⁹ Participants of the Nansen Initiative Horn of Africa Civil Society Meeting recommended that the African Court on Human and Peoples' Rights provide an interpretive judgment to guide States in the use of the "events seriously disturbing public order" clause in the context of natural hazards.

Outside of the region, other protection schemes have addressed disasters in the Horn. For example, the United States Government has the discretion to grant Temporary Protected Status (TPS) under the US Immigration Act of 1990 to people unable to return safely to their home country because of an environmental disaster that temporarily, but substantially, disrupts living conditions.⁶⁰ The TPS will only be activated upon the request of the affected country. Over the years the United States has granted TPS to citizens of Somalia, Sudan and South Sudan for various reasons. One challenge identified by rights advocates is the need to find durable solutions for TPS holders. The scheme was developed to grant those who would normally

be subject to deportation a six-month stay, extendable up to 18 months. However, to date, some people have held the status for as many as 20 years.⁶¹

In the Middle East and North Africa Region, the refugee definition within the League of Arab States' Convention on Regulating the Status of Refugees in the Arab Countries includes those fleeing "because of natural disasters or grave events resulting in major disruption of public order in the whole country or any part thereof." However, while the Convention was adopted in 1994 by the League of Arab States, it has not been ratified by any Member States.

Participants to the Regional Consultation can consider under what conditions the AU Refugee Convention should be applied in disaster contexts to admit drought victims seeking asylum as refugees and, to guard against *refoulement*, discuss whether there is a need to develop additional criteria or guidance to identify those in need of protection and assistance in disaster contexts. They can also discuss in what disaster contexts the AU Refugee Convention would not be appropriate, and whether such situations would warrant another system, such as a humanitarian visa, to grant admission.

3.1.3 Status during stay

Even under normal circumstances migrants may face a number of protection related challenges, including expensive consular services, discrimination, socio-cultural adaptation, limited communication with home, lack of documentation, informal labour status and low wages. In the event that a disaster-displaced person receives the right to enter a new country, on either a temporary or longer-term basis, it will be important to clarify their rights and responsibilities for the duration of their stay, taking into account the capacity of receiving states and host communities.⁶² As Jane McAdam points out, "limbo is in no-one's interest."⁶³

Participants could consider whether the same standards for refugees should apply to people displaced in disaster contexts, or whether they should be adapted to the specific protection needs in disasters. For example, the

⁵⁷ Kolmannskog, Vikram, "We Are in Between': Case Studies on the Protection of Somalis Displaced to Kenya and Egypt during the 2011 and 2012 Drought' (2013) 2 International Journal of Social Science Studies.

⁵⁸ Wood, Tamara, "Fragile states and protection under the 1969 African Refugee Convention" (2013) Forced Migration Review 18.

⁵⁹ Kolmannskog, Vikram and Tamer Afifi, "Disaster-Related Displacement from the Horn of Africa" draft, UNU and NRC, 2014, 7.

⁶⁰ Martin, Susan, "Climate Change and Migration" (German Marshall Fund of the United States, 2010).

⁶¹ Bell, Alistair, "Congress Looks at Fixing 'Temporary' US Immigration Limbo" (NBC News, 2013).

⁶² Depending on the duration of the displacement, Kälin and Schrepfer have proposed that status rights address the following: "(i) access to the labor market; (ii) access to housing, health services and education; (iii) protection against discrimination; (iv) freedom of conscious, religion and opinion; (v) property rights; (vi) the rights of person belonging to an ethnic, religious or linguistic minority to enjoy together with the other members of their group, their own culture, to profess and practice their own religion, or to use their own language; and be allowed (vii) to enjoy other relevant rights." Kälin, Walter and Nina Schrepfer, "Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches," UNHCR Legal and Protection Policy Research Series (2012).

⁶³ McAdam, p. 50. For a detailed discussion on status rights, see McAdam (2012), 252-256.

Horn of Africa Civil Society participants recommended exploring alternatives to camps, including the mapping and identification of good practices at the national level.

3.1.4 Housing, Land and Property

As in any disaster situation, states have a responsibility to protect, to the maximum extent possible, housing, land and property left behind by displaced individuals, communities or indigenous peoples “against looting, destruction, and arbitrary or illegal appropriation, occupation or use.”⁶⁴ In the specific situation of cross-border displacement in disaster contexts, three potential issues are likely to arise in the Horn of Africa. First, provisions may need to be made to ensure that those crossing a border are able to bring property, such as livestock or vehicles, across the border. Secondly, displaced persons may find upon return home that their houses, fields or grazing land have been occupied or used by others. Third, displaced people may find that they have been left out of disaster compensation schemes.

Thus, participants could discuss these and other potential challenges displaced people may face in trying to maintain and enjoy their property rights while outside the country, drawing upon lessons learned and good practices from the refugee and IDP context,⁶⁵ as well as customary practices from the region. For example, states could work with affected communities to set up mechanisms to resolve land disputes in areas of return, create joint resource management strategies, or develop special land registry procedures. Participants may also want to consider how displaced people can benefit from compensation funds for damaged or destroyed property, participate in potential land demarcation and registry exercises, or continue necessary maintenance on land and property during displacement.

3.1.5 Security of the Person

The physical security of both displaced and receiving communities needs to be assured when people seek protection across international borders. Displaced people often face many threats when moving in the Horn of Africa region due to conflicts, insecurity, criminal gangs, inter-communal violence, cattle rustling, etc. For example, displaced people may move to areas where weapons are prevalent, placing them at personal risk or of losing their livestock. Participants in the Horn of

Africa Civil Society meeting specifically noted the need to halt the proliferation of small arms and light weapons as a driver of conflict and displacement in the region.

Wider security concerns can also result in protection challenges for displaced persons. In the context of the 2011-2012 drought crisis, Hugo Slim concluded that some of the failings in the humanitarian response in Somalia could be attributed to al-Shabaab’s prohibitions on aid delivery and free movement to access aid, the withdrawal of Western aid in accordance with counter-terrorism policies, and the Humanitarian Country Team’s late and ineffective aid strategy.⁶⁶

During the discussions, participants to the Regional Consultation could discuss how to ensure the physical protection needs of displaced people and host communities in disaster contexts, while balancing their rights with States’ security considerations.

3.1.6 Durable Solutions

States have the primary responsibility to find a durable solution for their displaced citizens or habitual residents. This section is primarily focused on the possibility of return for people displaced across international borders in the context of disasters, which could also be accompanied by an internal planned relocation process.

While many people may be able to return within a short period following a sudden-onset disaster, the experience of internal displacement shows that displaced people often return before immediate and future displacement-related risks have been fully addressed (rapid return in itself is not a solution). Recovering from a slow-onset disaster like drought poses even more challenges for building resilience and thus, sustainable solutions to displacement. Absent improved resilience to future disasters and environmental stress, returnees may continue to be at a high risk of repeated crises and recurrent displacement.

In some circumstances, return to one’s home after a disaster is not always possible, such as when the place of former residence is no longer inhabitable or too exposed to the risk of recurrent disasters. For example, after the 2011-12 drought, many Somalis did not return to the drought affected areas, and instead “made their way towards major urban centres or areas considered to be clan homelands.”⁶⁷ In such cases, alternative ways to

⁶⁴ IASC, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (2011).

⁶⁵ For detailed guidelines regarding principles and implementation see, IASC “Housing and Property Restitution for Refugees and Displaced Persons: Implementing the ‘Pinheiro Principles’” (2007). See also the *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, *ibid*.

⁶⁶ Hugo Slim, “IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya: Synthesis Report” (2012).

⁶⁷ Lindley, Anna, “Between a Protracted and a Crisis Situation: Policy Responses to Somali Refugees in Kenya” (2011) 30 Refugee survey quarterly 14.

end cross-border displacement include returning to the country of origin followed by a planned relocation to a new place of residence within the country, or in exceptional circumstances facilitating permanent admission to the country of refuge.

Experience shows that durable solutions process are more effective when displaced people have the capacity and information they need to make a voluntary and informed choice about the different options available (e.g., return or relocation). This may mean including displaced people as participants in the planning and management of the durable solutions process, such as visiting their home area prior to returning, or visiting a potential relocation site.

States could consider developing inter-governmental mechanisms that would determine when return in disaster contexts is permissible and how to facilitate the return, including necessary exit procedures and travel home. For example, clear criteria could establish when it is safe for individuals to return home in disaster contexts. An inter-governmental mechanism could also facilitate planned return, in consultation with the affected communities, and include plans for rehabilitating areas damaged by the disaster, including ensuring compensation for lost property, adequate social services and appropriate livelihood opportunities.⁶⁸ Examples and lessons learned could be drawn from internal displacement and refugee experiences in the region.⁶⁹ For instance, participants could reflect upon the Government of Uganda's facilitated IDP return process in Northern Uganda, which included extended camp-transformation programmes and long-term livelihood support.⁷⁰

3.2 INTERNAL AND CROSS-BORDER MOVEMENT OF PASTORALISTS

As of 2008, an estimated 60 to 80 per cent of the population of the Horn of Africa is involved in pasture-based agricultural systems, contributing more than 15 per cent of IGAD's total GDP.⁷¹ In many border

areas, pastoralists' daily life, economic markets, and migratory pathways are governed by localized forces, only tangentially impacted by official border demarcations.⁷² Pastoralists traditionally use mobility, both within countries and across borders, as an adaptation measure to environmental stress. Pastoralists can also become displaced in disaster contexts, including across borders, with experts predicting that in the future pastoralists and agro-pastoralists "are likely to form the bulk" of people displaced in the context of disasters in the region.⁷³ As a 2010 inter-agency Security in Mobility initiative report explains, "The increase in frequency and length of drought cycles has forced herders to move more frequently, often to new destinations for extended periods. This adaptive trend has gone hand in hand with an increase in inter-communal conflict."⁷⁴ Yet, according to one author, there is a "limited understanding and appreciation of the range of cross-border linkages among pastoral communities and of the implications for drought preparedness, management and response."⁷⁵ Better knowledge is important to ensuring pastoralists' issues are included within adaptation plans, enhances early warning, and addresses the complex relationship between climate change, insecurity and migration, such as by preserving pastoralists' "freedom and flexibility of movement within national borders and beyond..."⁷⁶

Pastoralists' distinct mobile lifestyle, including across international borders, is recognized within the African Union's AU Policy Framework for Pastoralism (Pastoralism Framework). The Pastoralism Framework also highlights examples to facilitate the movement of livestock across international borders, such as the ECOWAS Transhumance Certificate and evolving discussions in COMESA on regional livestock certification systems. Finally, the Pastoralism Framework also sets out pastoralists' specific land and property concerns.⁷⁷ The Governments of Ethiopia, Kenya and Uganda are currently in the process of developing comprehensive pastoralist policy documents, and integrating the concerns of pastoralists into existing laws and policies. Governments in the region are also exploring how to balance environmental resource management to prevent degradation with pastoralists' mobility needs in times of

⁶⁸ UNHCR, "Summary of Deliberations on Climate Change and Displacement," (2011).

⁶⁹ For example, see the *IASC Framework for Durable Solutions for Internally Displaced Persons*.

⁷⁰ For an overview of the return process of IDPs in Uganda see IDMC, "Uganda: Country Page", Available at: <http://www.internal-displacement.org/countries/Uganda>.

⁷¹ Sandford, Judith and Ashley, Steven, "Livestock Livelihoods and Institutions in the IGAD Region: IGAD LPI Working Paper No. 10" (2008). This percentage is likely significantly higher in reality, owing to the large-scale informal cattle trade practiced across the Horn.

⁷² Little, Peter, "Pastoralism in a Stateless Environment: The case of the Southern Somalia borderlands" (2004) *Geography Research Forum*.

⁷³ Leroy, Marcel and Gebresenbet, Fana, "Climate Conflicts in the Horn of Africa?", *Conflict Trends* (2011).

⁷⁴ Security in Mobility Initiative (note 22) 11.

⁷⁵ Pavanello, Sara, "Working Across Borders: Harnessing the potential of cross-border activities to Improve livelihood security in the Horn of Africa drylands" (2010). The pastoral communities of the Borana, Gabra and Garri in Ethiopia, Kenya, Uganda and South Sudan; the Nuer, Anywaa and Uduk in Ethiopia, Sudan and South Sudan; and the Somali and Afar in Djibouti, Ethiopia, Somalia and Kenya all saddle national borders, and unregulated migrate between countries regularly.

⁷⁶ Security in Mobility Initiative (note 22) 11.

⁷⁷ See in particular Strategy 2.1 and 2.2, 28-29.

environmental stress. For example, Oxfam's 2008 report "Survival of the Fittest" found that the expansion of conservation areas in Tanzania has the largest impact in terms of restricting pastoralists' access to land.⁷⁸

3.2.1 Facilitating Migration as Adaptation to Environmental Stress

Pastoralists in the Horn of Africa have historically adapted to environmental variability by moving, often across international borders, to access grazing and water resources during disasters such as drought.⁷⁹ The Nansen Initiative Civil Society Conference in the Horn of Africa identified facilitating this movement through mapping and monitoring cross-border movements of pastoralists as an important priority.⁸⁰

Pastoral movement is also impacted by conflict. In the case of the 2011 drought crisis, there were reports of al-Shabaab and other actors within Somalia preventing pastoralists from leaving drought-affected areas. International borders may also hinder pastoralists from following traditional migratory patterns. Conflict between pastoral groups over access to land and resources is a recurrent reality in the Horn, contributing to the continuation of small-arms trading as well as leading to displacement.

Participants could discuss what measures could be taken to support pastoralists mobility, including across international borders, to facilitate migration as an adaptation measure in the context of natural hazards such as drought.

3.2.2 Displacement in the Pastoralist Context

Given their mobile lifestyle, recognizing when a pastoralist is forcibly displaced can present a challenge. Nina Schrepfer and Martina Caterina's study on the internal displacement of pastoralists in Northern Kenya discusses the heterogeneous nature of modern-day pastoralism, and identifies the multi-causal factors that influence their displacement.⁸¹ Through this analysis, Schrepfer and Caterina argue that pastoralists' varying levels of resilience to multiple stresses can contribute to an impoverishment process that may ultimately result in displacement: when pastoralists lack access to tradi-

tional grazing lands, or lose a significant numbers of livestock, and consequently become "drop-outs" from the pastoralist lifestyle.

In the context of displacement associated with disasters, poorer pastoralist households are particularly vulnerable, as they "suffer proportionately higher losses of livestock and take longer to rebuild their herds" following drought.⁸² Displacement across borders may also result in conflict with receiving communities, for example when pastoralists seek to graze their livestock on other's land. In finding durable solutions for displaced pastoralists, participants at the Nansen Initiative Civil Society workshop highlighted the importance of providing pastoralists with different livelihood options, preserving mobility as a way to build resilience to future disasters, and strengthening local cross-border peace structures and initiatives.

Participants to the Regional Consultation could discuss what measures could address the specific protection and assistance needs of pastoralists when they are displaced across international borders in disaster contexts, and how existing policies and processes could further address these needs.

3.3 MIGRATION AS ADAPTATION TO ENVIRONMENTAL AND CLIMATE CHANGE: OPPORTUNITIES AND CHALLENGES

State responsibility includes the obligation to prepare for and, where possible, prevent displacement. State responsibility to prevent displacement could also mean that states have a duty to attempt to secure, legal, voluntary means for their citizens to move to another part of the country, or, in exceptional cases, to migrate abroad to another country. It is for this reason that the 2011 Nansen Conference in Oslo urged national governments to "proactively anticipate and plan for migration as part of their adaptation strategies and development plans."⁸³

In times of drought, permanent, temporary and circular migration is commonly utilized to generate additional income through remittances.⁸⁴ Throughout the region, remittances sent by migrants abroad play an essential role in supporting family members left behind. For

⁷⁸ Cited in Security in Mobility Initiative (note22) 7. See also the discussion on Maasai pastoralist communities living in Tanzania's Ngorongoro Conservation area and the challenges they face adapting to drought, 7-8.

⁷⁹ Meier, Patrick and Others, "Environmental influences on pastoral conflict in the Horn of Africa" (2007) *Political Geography* 26(6) 716-734.

⁸⁰ Report: Nansen Initiative Civil Society Pre-meeting: Natural Hazards, Climate Change and Cross Border Displacement: Protecting People on the Move (2014).

⁸¹ Schrepfer, Nina and Caterina, Marina, "On the Margins: The Story of Internally Displaced Pastoralists in Northern Kenya." (NRC/IDMC, 2014).

⁸² Ibid 65.

⁸³ Ibid.

⁸⁴ IOM, 'Discussion Note: Migration and the Environment MC/INF/288 (2007).

example, according to UNDP, Somali emigrants living in North America and Europe send home approximately 1.6 billion USD each year. Thus, external support networks established through migration have the potential to significantly contribute to strengthening community resilience to natural hazards, and consequently reducing displacement.⁸⁵

3.3.1 Measures to Promote Free Movement

Countries in the Horn of Africa are members of several regional and sub-regional bodies developing free movement mechanisms. The Protocol on the Establishment of the East African Community Common Market was approved in 2010, with plans to introduce a regional passport by the end of 2014.⁸⁶ IGAD is currently drafting a protocol on the free movement of persons, based upon a regional economic integration agenda. Notably, in the Draft Terms of Reference for a Consultancy to Develop the Protocol, the IGAD Secretariat mentions “situation[s] where people are forced by circumstances such as natural disasters,” although it does not state how the issue should be addressed within the draft Protocol. To date, none of the free movement agreements grant permission to enter the labour market or access to governmental services in receiving countries. Within the African Union, comprehensive regional integration remains a key priority for the New Partnership for African Development (NEPAD).⁸⁷

States in the region have also negotiated separate bi-lateral visa waiver agreements. Kenya and Ethiopia, Ethiopia and Djibouti, and Kenya and Eritrea have all signed visa abolition treaties. These agreements entitle visa-free admission for various lengths of stay, with the longest being Kenyans entitled to stay in Ethiopia for up to one year. A number of migrants from the Horn of Africa, predominantly men, also take advantage of seasonal working schemes in Yemen. However, the Government of Ethiopia recently placed restrictions on its nationals seeking employment abroad as domestic workers, citing the human rights abuses linked to human trafficking that Ethiopians have faced.⁸⁸

3.3.2 Protection Concerns for Migrants

While migration as adaptation can, and does, provide a method to avoid displacement, migration may not always be an effective strategy. People unable to travel due to physical, social or financial limitations may be left behind without adequate access to sufficient levels of food or medical assistance. Poorer migrants with fewer resources and employment opportunities may find themselves an even more precarious economic situation and face numerous threats to their physical security.

Human trafficking and smuggling is pervasive across the region, and a large number of migrants rely upon smugglers who lead them over land, by air and/or by sea through multiple countries on circuitous routes designed to avoid detection.⁸⁹ In addition, the migration pathways themselves are often hazardous. Irregular migrants in particular are vulnerable to starvation, dehydration, exposure and fatigue from a long journey, or be kidnapped, raped, robbed, disappear and face extortion.⁹⁰ Thousands of people have died in the process of moving, including by drowning in the Gulf of Aden and the Mediterranean Sea on route to Yemen and Europe, respectively. Over the last two years some 90 percent of arrivals to Yemen are forced by criminal gangs into camps and face torture, extortion, sexual violence and sometimes disappearance.⁹¹ Noting Saudi Arabia’s mass expulsion of Ethiopians over recent months (6-8,000 people per day), the Regional Mixed Migration Secretariat predicts that natural hazards associated with climate change will further contribute to the drivers of migration, and that new destinations will emerge despite the realities of abuse, criminality, violence, death and sexual violence associated with irregular migration.

Participants in the Consultation will be invited to discuss in what contexts migration could be viewed as positive way to adapt to environmental degradation and other natural hazards. They could also explore how existing free movement arrangements can facilitate migration as a positive form of adaptation in times of environmental stress, addressing in particular the severe protection challenges facing migrants.

⁸⁵ The relief provided by the diaspora during disasters extends beyond financial support, as is shown by Girmachew Zewdu and Graeme Hugo; Zewdu, Girmachew and Hugo, Graeme, “The Impact of Remittances on Left behind Families in Ethiopia” (Conference on Migration and Development, Maastricht, 2014).

⁸⁶ Within the framework of the IGAD-MIP, the IGAD Regional Consultative Process on Migration (IGAD-RCP), formed in 2009, provides a platform for discussions on issues of migration. Sabahi Online, “East African Community closer to common passport, tourism visa” (2013). Available at: <http://goo.gl/Ig532p> accessed 13 December 2013.

⁸⁷ NEPAD, “Regional Integration and Infrastructure” (2013). Available at: <http://www.nepad.org/regionalintegrationandinfrastructure> accessed 27 November 2013.

⁸⁸ AFP, “Ethiopia bans domestic workers from moving overseas,” (2013). Available at: <http://goo.gl/kuAIUJ> accessed 17 January 2014.

⁸⁹ Long and Crisp (n 30) 11.

⁹⁰ Regional Mixed Migration Secretariat, ‘Responses to Mixed Migration in the Horn of Africa and Yemen: policies and assistance responses in a fast-changing context’ (2013); Regional Mixed Migration Secretariat, ‘Mixed Migration in Kenya: The scale of movement and associated protection risks’ (2013). Long and Crisp (n 30).

⁹¹ Regional Mixed Migration Secretariat, ‘Responses to Mixed Migration in the Horn of Africa and Yemen: policies and assistance responses in a fast-changing context’ (ibid).

3.4 DISASTER RISK REDUCTION AND RESILIENCE BUILDING MEASURES IN THE CONTEXT OF DISPLACEMENT

State responsibility requires States to prepare for foreseeable disasters and to do what is possible to prevent threats to the lives and property of people, including preventing displacement. Disaster risk reduction activities, 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 prevent displacement.⁹² State responsibility may also require the government to mobilize relevant regional and international organizations, arrangements and resources.⁹³

Both the United Nations Human Rights Committee and the African Commission on Human and Peoples Rights have specified that governments may be accountable if they “fail to act according to their human rights obligations in preventing disasters or impacts where such harm is foreseeable.”⁹⁴ The state’s positive obligation to prevent foreseeable harm may also include providing support to those obliged to move from high risk areas.⁹⁵

Disaster risk reduction activities play a particularly important role in building the resilience of disaster-affected communities to prevent displacement, strengthening host communities’ capacity to receive displaced persons, and finding durable solutions to end displacement. As mentioned previously, disaster risk reduction and early warning measures are explicitly mentioned in the Kampala Convention. Within the region, the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) – outlined in more detail below – provides a forum for discussing, designing and managing regional disaster risk reduction and disaster management policies, as well as for integrating development plans across State boundaries.

Several countries in the Horn of Africa have adopted Constitutions that specifically require that the State proactively implement disaster prevention activities, and some States have developed legislation related to disaster preparedness.⁹⁶ In addition, States in the region have effective early warning systems for drought and food security, and are undertaking efforts to integrate the systems across the region. However, as the 2011-2012

drought crisis showed, notification of a pending crisis does not always translate into an early response. Notably, these early warning systems have begun to incorporate data modelling that can provide States with better material with which to develop policies in preparation for new and recurrent disasters.⁹⁷

States have also undertaken a number of activities to strengthen the resilience of communities affected by natural hazards by addressing food security and livelihood concerns in an attempt to ward off a crisis situation. For example, the Government of Ethiopia’s Disaster Risk Management and Food Security Department has developed the Productive Safety Net Programme (PSNP), in conjunction with the World Bank and WFP, that provides multi-annual predictable cash and food transfers to support poor, rural communities who are particularly vulnerable to natural hazards and chronic food insecurity to resist shocks, create assets and become food self-sufficient. During the 2011-2012 drought, some 7.6 million Ethiopians received assistance under this programme.

A persistent challenge in disaster risk reduction and resilience building measures is closing the gap between development initiatives and humanitarian response phase. At the national level, this challenge illustrates the need for coordination between government departments, and increased integration of elements of disaster risk management plans into development policies and national adaptation plans.

Participants could discuss how disaster risk reduction, food security, and development strategies in the region could better address the concerns of people displaced across international borders in disaster contexts, identifying examples of good practices and lessons learned from past experience. For example, participants in the Nansen Initiative Horn of Africa civil society meeting recommended incorporating cross-border mobility issues within early warning systems.

⁹² Note that planned relocation is addressed within the discussion of durable solutions to displacement.

⁹³ UNHCR, “Summary of Deliberations on Climate Change and Displacement” (2011).

⁹⁴ Leighton, Michelle, “Key Issues for the Legal Protection of Migrants and Displaced Persons” (2010) Climate Change and Migration (German Marshall Fund of the United States) 7.

⁹⁵ Ibid.

⁹⁶ See Hugo Slim, “IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya: Synthesis Report” (2012).

⁹⁷ The Internal Displacement Monitoring Centre (IDMC), in conjunction with Climate Interactive, FEWS NET and the government of Kenya have begun to develop a livelihoods and displacement tool for the Horn of Africa. Cf. <http://goo.gl/cGBvE5>.



4. INTERNATIONAL COOPERATION AND SOLIDARITY

International cooperation and solidarity are essential elements in addressing the protection risks associated with cross-border displacement in the context of disasters. States have the primary responsibility to provide protection, assistance and durable solutions for their displaced citizens, as well as all people within their jurisdiction. However, if a situation or a disaster overwhelms the national capacity to respond, State responsibility requires States to mobilize relevant regional and international organizations, arrangements and resources.⁹⁸

In the event of cross-border displacement in the context of disasters, inter-state and regional coordination facilitating the movement of people and the humanitarian response will be essential. Collaboration also allows governments and other actors to pool resources, avoid duplication, and develop complementary assistance. In the Horn of Africa, national, regional and international bodies overlap to form a tiered and multi-framework response to disasters. Importantly, IGAD was originally established in 1986 to coordinate a sub-regional response to the challenges of drought and desertification.

Fully anticipating and responding to potential displacement dynamics requires coordination and planning across the various fields of disaster risk management, humanitarian response, human rights, migration, border management, development, and climate change. This section reviews these complex issues by providing a brief overview of existing laws, policies and processes at the global and regional level that are relevant to cross-border displacement in disaster contexts.

4.1 GLOBAL

4.1.1 Post-2015 Framework for Disaster Risk Reduction

The key international document on disaster risk reduction is the 2005-2015 Hyogo Framework for Action (HFA),⁹⁹ which identifies priority actions and provides resources for measures to strengthen disaster resilience. Both African regional organizations and countries in the Horn of Africa including Ethiopia, Kenya and Uganda have begun to take the HFA into account and are incorporating many of its components into national legislation, plans and strategies.¹⁰⁰ Implementation and revision of the HFA is supported by the UN Office for Disaster Risk Reduction (UNISDR), which maintains a regional office in Nairobi.

UNISDR is undertaking regional consultations to develop a post-2015 framework for disaster risk reduction. The 4th Africa Regional Platform on Disaster Risk Reduction held in 2013 recommended an increased focus on “people and assets ... being exposed to disasters through migration and climate change.”¹⁰¹ The 5th Africa Regional Platform took place from 5-8 May 2014 in Abuja, Nigeria, and will feed into the Third World Conference for Disaster Risk Reduction to take place in Sendai City, Japan, from 14- 18 March 2015. Participants at the Consultation could discuss how to integrate issues relating to disaster displacement, and human mobility issues generally, within follow up activities to the African Disaster Risk Reduction Platform.

⁹⁸ United National General Assembly Resolution, A/RES/46/182.

⁹⁹ UNISDR, “Hyogo Framework for Action 2005-2015: International Strategy for Disaster Reduction International Strategy for Disaster Reduction” (2005).

¹⁰⁰ Cf. Government of Ethiopia, “Ethiopia: National Progress Report on the Implementation of the Hyogo Framework for Action (2011-2013) - Interim”; Government of Kenya, “Kenya: National Progress Report on the Implementation of the Hyogo Framework for Action (2011-2013)” (2013); Government of Uganda, “The National Policy for Disaster Preparedness and Management” (2010).

¹⁰¹ African Union, “Report of the 4th Africa Regional Platform on Disaster Risk Reduction” (2013).

4.1.2 World Humanitarian Summit

Globally, there is no one institution with a sole mandate to address cross-border disaster-induced displacement. While there is similarly no specific funding mechanism for humanitarian assistance for those displaced by natural disasters, the regular international humanitarian funding channels are available. These include the Central Emergency Response Fund (CERF), the Humanitarian Programme Cycle, and bilateral donations provided directly to national authorities and aid agencies. IOM launched a Migration Emergency Funding Mechanism in December 2011; however this internal funding mechanism is only available for IOM's activities.

The UN OCHA has announced plans for a World Humanitarian Summit to be held in Istanbul in 2016. The Regional Consultation for South and East Africa is planned to take place from 27-28 October 2014 in South Africa.

4.1.3 UN Framework Convention on Climate Change

The UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol are the leading international legal documents addressing climate change.¹⁰² While the original text of the Convention does not mention displacement and migration as possible consequences of climate change, section 14(f) of the Cancun Outcome Agreement from COP16 makes this link clear. Human mobility issues (displacement, migration, and planned relocation) are also addressed within the Subsidiary Body for Implementation's (SBI) Work Program on Loss and Damage. The UN Convention to Combat Desertification is similarly relevant within the context of climate change.

Djibouti, Eritrea, Ethiopia, Somalia, Sudan and Tanzania have developed National Adaptation Programmes for Action (NAPAs) within the framework of the UNFCCC. With the exception of Djibouti, all of the NAPAs mention different forms of human mobility to a limited extent, such as relocation and migration as a coping strategy, although migration is not systematically addressed.¹⁰³ States are currently submitting their National Adaptation Plans for initial feedback. Participants could consider how outcomes from the Nansen Initiative Regional Consultation could support subsequent revisions to strengthen the inclusion of human mobility issues.

4.2 REGIONAL: AFRICAN UNION

4.2.1 African Union Draft Humanitarian Framework for Africa

The Humanitarian Affairs, Refugees and Displaced Persons Division (HARDP) within the African Union Commission coordinates humanitarian response in Africa at a regional level. In conjunction with UN OCHA, HARDP is currently developing a Humanitarian Framework for Africa.¹⁰⁴ The intention of the Framework is to "provide strategic guidance to all humanitarian actors on the continent for more effective action in the areas of disaster preparedness, capacity building and resource mobilization, and seek to further facilitate coordination of humanitarian action."¹⁰⁵

Participants could also discuss how to address regional coordination and response issues related to cross-border displacement in disaster contexts within the Draft Humanitarian Framework for Africa.

4.2.2 African Union Climate Change Strategy

Following the 2007 Decision and Declaration of the Africa Union on Climate Change and Development in Africa, the African Union has formed a common response to climate change. The Committee of African Heads of State and Government on Climate Change (CAHOSCC) is supported in developing a pan-African position on climate change policy by the African Ministerial Conference on the Environment (AMCEN). In addition, NEPAD's Climate Change and Natural Resource Management programme plays a "co-ordinating and advocacy role to promote regional and national programmes aimed at counteracting environmental threats."¹⁰⁶ The cross-sectorial Climate for Development in Africa (ClimDev-Africa) synthesizes policy and research.

The AU is in the process of finalizing a Climate Change Strategy, which will form part of the Comprehensive Africa Agriculture Development Programme (CAADP).¹⁰⁷ Participants to the Consultation could discuss how the effects climate change will have on human mobility in the Horn of Africa, and Africa more generally, and more specifically how to address cross-border displacement within the new AU Climate Change Strategy.

¹⁰² Other relevant documents include the Nairobi Work Programme; the Barbados Programme of Action for the Sustainable Development of Small Island Developing States; the Mauritius Strategy for the Further Development of Small Island Developing States.

¹⁰³ For more information see, McAdam, J. Annex, in *Climate Change, Forced Migration and International Law*, 2012.

¹⁰⁴ OCHA, 'OCHA support to NEPAD Planning and Coordinating Authority (NPCA)' (2012); African Union, 'Press Release: Annual African Union Humanitarian Symposium' (2013) <http://goo.gl/lcZmFZ> accessed 25 November 2013.

¹⁰⁵ Ferris and P Elizabeth Ferris and Daniel Petz, 'In the Neighborhood: The Growing Role of Regional Organizations in Disaster Risk Management' (Washington, DC February 2013).

¹⁰⁶ NEPAD, "Climate Change and Sustainable Development" (2013). Available at: <http://goo.gl/nFqZrQ>.

¹⁰⁷ African Union, "AUC and IPCC tackle Climate Change in Africa" (2013). Available at: <http://rea.au.int/en/content/auc-and-ipcc-tackle-climate-change-africa>.

4.2.3 African Solidarity Initiative

The African Union's (AU) African Solidarity Initiative (ASI), launched in 2012, seeks to mobilise solidarity across Africa for countries emerging from conflict, in line with the AU Policy on Post-Conflict Reconstruction and Development (PCRD) adopted in 2006. One of the objectives of the ASI is to "deepen the essence of African solidarity and promote a paradigm shift which center-stages African mutual assistance as a key dimension for enhanced and effective development of the continent." The ASI consequently provides an opportunity for co-operation between African Regional Economic Communities, as well as States, in responding to issues of human mobility in the context of disasters, and discussing the conflict-disaster nexus that can result in displacement. The ASI also provides a basis for promoting the resilience of conflict and post-conflict societies in the region to future disasters linked to natural hazards.

4.2.3 African Union Comprehensive Africa Agriculture Development Programme (CAADP)

The African Union's Comprehensive Africa Agriculture Development Programme (CAADP) aims to "help African countries reach a higher path of economic growth through agriculture-led development."¹⁰⁸ Thematic pillars one and three of CAADP focus respectively on sustainable land and water management, and food supply and hunger. The policy framework for Pillar I stresses the effect land degradation through "natural factors" can have on migration, and pastoralists in particular.¹⁰⁹ Pillar III returns to this subject in the context of food security through the Regional Food Security and Risk Management Programme for Eastern and Southern Africa (REFORM); noting that disturbances in "continuous and assured access to food" can affect population movement.

Participants at the conference could discuss how deliberations and policy development on food security and development within the framework of CAADP and REFORM programmes could be utilized to take into account human mobility, and cross-border displacement in particular.

4.3 SUB-REGIONAL: IGAD AND EAC

4.3.1 IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI)

The IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI), and its associated Regional Drought Resilience Platform, brings together IGAD

Member States, development and implementing partners, UN agencies, specialized training and research institutions and civil society organizations in order to address "the effects of drought and related shocks in the IGAD region in a sustainable and holistic manner."¹¹⁰ The IDDRSI is intended to link peacebuilding, development and disaster risk management efforts to build a holistic approach to drought responses across the IGAD region working through national, regional, and international actors and forums, and specifically includes cross-border programming.

The second IDDRSI Summit on Drought Resilience and Sustainability took place in Kampala, Uganda from 24-27 March 2014, where participants stressed the importance of putting resilience at the heart of development and relief efforts. Participants also adopted regional and country programming papers to mainstream IDDRSI policies.

The IDDRSI Strategic Plan (2013-2017) is currently being drafted, and will seek to provide a framework for humanitarian assistance over the next 15 years.¹¹¹ Participants at the Consultation could discuss how cross-border movement in the context of disasters could feature within the IDDRSI process, both through the various platforms and in Country and Regional Programming Plans. How disaster related displacement could link with other topical areas within the IDDRSI, including disaster risk management, development initiatives and early warning systems, could also be considered.

4.3.2 IGAD Regional Consultation Process (IGAD-RCP)

Established in 2008, the IGAD Regional Consultation Process (IGAD-RCP) provides a forum to facilitate regional dialogue and co-operation on issues of migration management amongst IGAD member States. Through the IGAD-RCP, IGAD States have formulated a Draft Regional Migration Policy Framework (RMPF). The RMPF addresses a range of issues related to human mobility, including labour migration, border management, irregular migration, forced displacement, internal migration and displacement, migration data, migration and development, and migration and the environment. The RMPF also addresses the possibility of a regional free movement agreement. This has been reflected in a 2012 agreement by IGAD member States to formulate a Draft Protocol on the Free Movement of Persons. In the Terms of Reference for the development of the Draft Protocol, the IGAD Secretariat notes that any protocol on migration must take into account "situation[s] where people are forced by circumstances such as natural disasters".¹¹²

¹⁰⁸ NEPAD, "About CAADP: The Comprehensive Africa Agriculture Development Programme" (2013) Available at: <http://www.nepad-caadp.net/about-caadp.php>.

¹⁰⁹ African Union, "CAADP Pillar I Framework: Sustainable Land and water Management" (2009).

¹¹⁰ IDDRSI Strategic Document, 8.

¹¹¹ IGAD, 'Process and progress in the development of CPPs, RPP and IDDRSI Strategic Plan' (2012).

The IGAD-RCP includes representation from the African Union Commission, and attempts to integrate IGADs migration policy with continental priorities, particularly the 2006 AU Migration Policy Framework for Africa. Both the Framework and the African Common Position on Migration and Development recognize that “[e]nvironmental factors play a role in causing population movements,” and recommend that States and regional economic communities (including IGAD and the EAC) “[i]ncorporate environmental considerations in the formulation of national and regional migration management policies to better address environment related causes of migratory movements.”¹¹³

The IGAD-RCP provides another possible regional forum where issues of displacement in the context of disaster can be discussed. The most-recent meeting of the IGAD-RCP took place from 24-25 May 2013.

4.3.3 East African Community Disaster Risk Reduction and Management Strategy

The 2011 EAC Disaster Risk Reduction and Management Strategy (2012-2016) explicitly addresses the “new phenomenon” of “climate refugees,” noting that natural hazards associated with climate change is “causing mass global migration and border conflicts.” It also identifies examples of cross-border movement in the context of drought from Burundi and cholera from the Democratic Republic of Congo. The document does not include any specific actions to address this phenomenon, and later acknowledges as a weakness the “limited memorandums or treaties for cross-border issues related to DRRM.”

4.3.4 Humanitarian Coordination and Response

Where present, National Disaster Management Offices generally coordinate a national response to a disaster, often supported by a national society of the International Federation of the Red Cross and Red Crescent. If a disaster overwhelms national capacity, government authorities may request international humanitarian and development assistance. The international response is coordinated in collaboration with national efforts under the leadership of a UN designated Humanitari-

an Coordinator using the cluster system.¹¹⁴ A regional response to disasters in the Horn of Africa is supported by the Nairobi-based UN OCHA Regional Office for East Africa.¹¹⁵

In the Protection Cluster has not been systematically activated in disaster response in the Horn of Africa, even when other clusters are used to coordinate an international humanitarian response.¹¹⁶ Cross-border, multi-country planning for disasters such as the drought are also not systematic, with Hugo Slim identifying the lack of a regional response to the 2011-2012 drought as a significant failure of the response effort.¹¹⁷

In March 2014, IGAD and UN OCHA signed a memorandum of understanding (MoU) during the IDDRSI Summit, agreeing to “collectively work towards building the resilience of communities dealing with drought and other emergencies.”¹¹⁸ The MoU also seeks to “enhance the integration of international humanitarian law and principles on the protection of civilians in crises,” noting in particular the importance of the Kampala Convention, and the need for more advocacy on humanitarian principles and effective aid delivery. Participants to the Regional Consultation could discuss how this collaboration could support multi-country humanitarian coordination and response efforts that incorporate cross-border displacement in disaster contexts.

4.3.5 East African Community Climate Change Policy

In 2011, the EAC developed the East African Community Climate Change Policy (EACCCP). The EACCCP notes that “climatic disasters... will result, among others, into internal population displacements and climate refugees.” In addition, the EACCCP states that all EAC states shall, “Promote management of cross-border natural resource based conflict as result of stress on water and pasture for pastoral communities,” as well as integrating climate vulnerability into disaster risk management policies. Efforts are underway to harmonize the EACCCP with the AU’s climate change policy.

¹¹² IGAD, “Draft Terms of Reference (TORS) for Consultancy to Develop the Protocol on Free Movement of Persons in the IGAD Region” (2012).

¹¹³ African Union, “The Migration Policy Framework for Africa” (Addis Ababa, 2006); African Union, “African Common Position on Migration and Development” (Addis Ababa, 2006).


¹¹⁴ For a detailed explanation of the Cluster Approach see, <http://goo.gl/R1jmbI>.

¹¹⁵ OCHA also maintains country offices in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, and Sudan.

¹¹⁶ As set out in global agreements, the Protection Cluster may be led by UNHCR, UNICEF or OHCHR depending on conditions and capacity at the time clusters for particular disaster response have been activated.

¹¹⁷ Hugo Slim, “IASC Real-Time Evaluation of the Humanitarian Response to the Horn of Africa Drought Crisis in Somalia, Ethiopia and Kenya: Synthesis Report” (2012) 3.

¹¹⁸ “UN and IGAD strengthen ties on resilience and humanitarian action,” ReliefWeb, 26 March 2014. <http://goo.gl/dHxG1G>



5. CONCLUSION

Conclusions from the Nansen Initiative Horn of Africa Regional Consultation will take the form of an Outcome Document containing a set of messages on disasters and cross-border displacement (e.g., to inform the IGAD IDDRSI, and the overall Nansen Initiative process).

Expected outcomes from the Greater Horn of Africa Regional Consultation may include the following:

- 1 A better understanding of the overall displacement dynamics in the region (drivers, trends, patterns, pathways and characteristics of the population) and the general protection needs of people displaced by disasters;
- 2 Identification of good practices, at regional, national and community levels, in establishing mechanisms for disaster preparedness, building resilience, and responding to and managing displacement risks;
- 3 Identification of institutions, programs and policies that address the interests and rights of displaced populations to move (including transit) with dignity, in safety and with full respect for their human rights;
- 4 Identification of practices related to admissions and standards of treatment in the context of cross-border migration and displacement in disaster situations, highlighting opportunities for further inter-state collaboration;
- 5 Examples of return following disasters that have been accompanied by processes of recovery and reconstruction;
- 6 An outcome document identifying common displacement challenges in the context of disasters and climate change in the Horn of Africa, and agreement on a road map to address these.

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT



**EVIDENCE
FOR ACTION**

This is a multi-partner project funded by the European Commission (EC) whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters. The project brings together the expertise of three distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) seeking to:

- 1 › **increase the understanding** of States and relevant actors in the international community about displacement related to disasters and climate change;
- 2 › **equip them to plan for and manage** internal relocations of populations in a protection sensitive manner; and
- 3 › **provide States and other relevant actors tools and guidance** to protect persons who cross international borders owing to disasters, including those linked to climate change.

**THE
NANSEN
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DISASTER-INDUCED CROSS-BORDER DISPLACEMENT

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