

DISASTER AND CLIMATE CHANGE RELATED DISPLACEMENT – LAW AND POLICY ISSUES



**PLATFORM
ON DISASTER
DISPLACEMENT**
FOLLOW-UP TO THE NANSEN INITIATIVE

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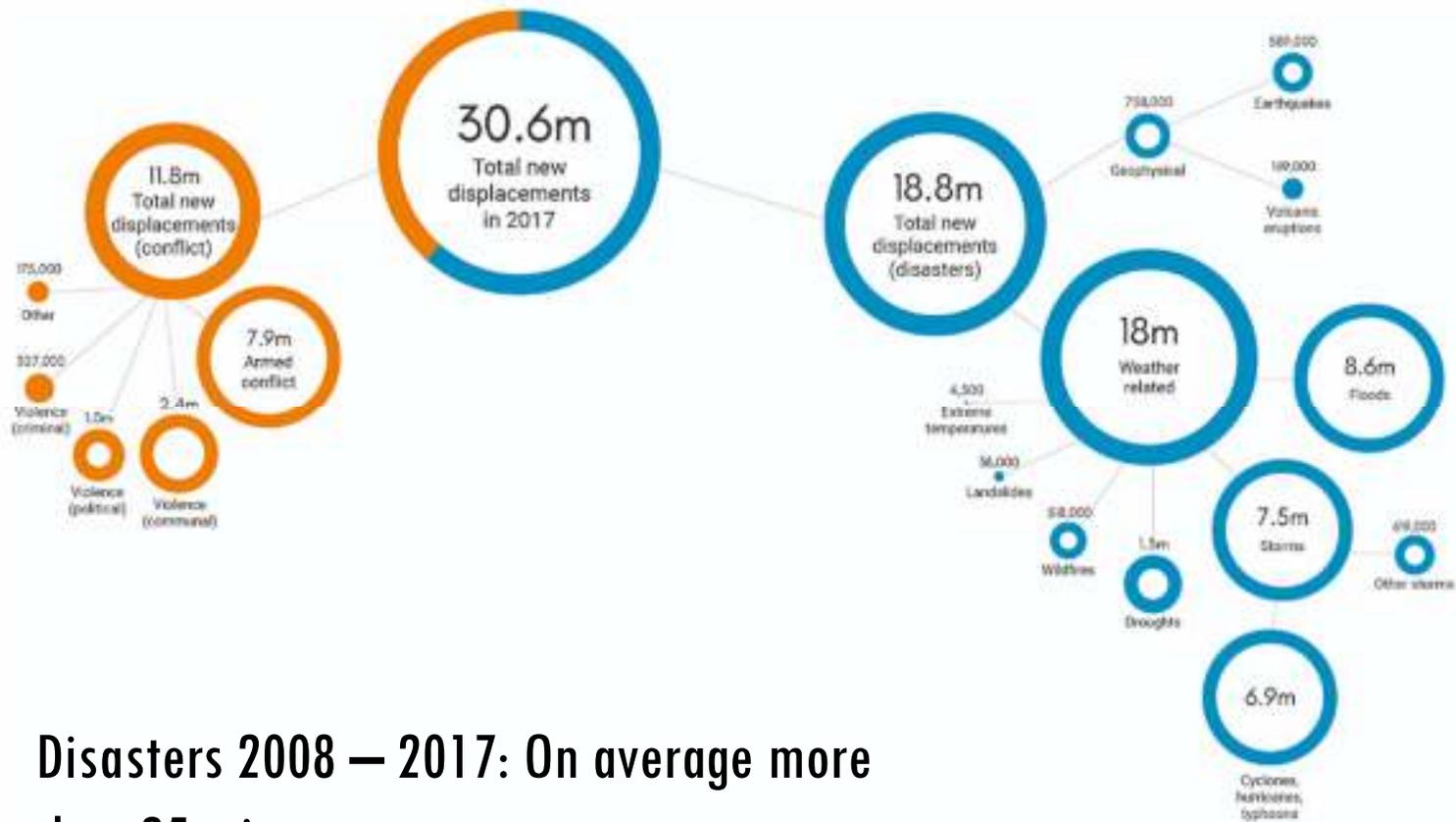


1. Disaster

Displacement

THE CHALLENGES

Large numbers...



Disasters 2008 – 2017: On average more than 25 mio per year

Large numbers...

- **Most are IDPs**
 - **Some displaced across borders (number ?)**
- **Others migrate to cope with disaster risks/secondary movement (number ?)**
- **Others in the context of slow-onset events and processes (number ?)**
- **Dynamics differ from one region to another**

2. A note on terminology



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“Climate Refugees” or Human Mobility (UNFCCC)

Migration	Planned Relocation	Displacement
(Predominantly) voluntary movement	Planned process, voluntary or not	(Predominantly) forced movement ‘forced migration’

3. Protection/Legal Gaps



Refugees?

- **Cross-border displaced persons** only rarely qualify as refugees
- **Human Rights apply**
- **Climate refugees?**
 - Problem of attribution
 - Lack of political will
 - Not what affected people want

Human Rights Apply, but what about cross-border disaster-displacement? Admission and Stay?

Category	Protection Framework
Internal displacement	Guiding Principles on Internal Displacement Domestic IDP laws and policies
Cross-border disaster-displacement	No int. normative framework (Refugee Convention not applicable)
Trafficking	Palermo Protocol

Voluntary movements

Category	Protection Framework
Internal migration	Constitution / human rights
Cross-border migration	Convention on the rights of migrant workers / (general) human rights: BUT: no right to admission, except bilateral / regional agreements

4. Policy

Options/Instruments



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Humanitarian Protection Measures

- Create and expand alternative legal pathways for disaster displaced
- Promote migration as an adaptation measure to the adverse effects of climate change
- Granting temporary protection to disaster displaced, extend humanitarian visa etc.
- Apply refugee law and human rights law, potential of expanded definition of refugees at regional level (Americas and Africa).
- Apply freedom of movement arrangements in sudden and slow-onset disaster situations.
 - Etc.



THANK YOU!

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