



Disasters and Cross-Border Displacement in Central America: Emerging Needs, New Responses

Conclusions: Nansen Initiative Regional Consultation, San Jose, Costa Rica 2-4 December 2013

More than 100 Participants from Central American countries, Mexico, Colombia, Haiti and the Dominican Republic, representatives from the Nansen Initiative, as well as representatives from regional and international organizations, civil society, and research institutions, met in San Jose, Costa Rica from 2-4 December 2013 for the second Nansen Initiative Consultation on “Disasters and Cross-Border Displacement in Central America: Emerging Needs, New Responses.” The majority of participants recognized cross-border displacement in the context of disasters as a very important issue for the region. They welcomed the Nansen Initiative, which is a state-led, bottom-up consultative process intended to build consensus on a protection agenda addressing the needs of people displaced across international borders in the context of natural disasters, as well as the effects of climate change.

Participants recognized the existence of national and regional comprehensive disaster risk management policies and mechanisms that have been developed in response to the many natural hazards in the region, which include hurricanes, flooding, landslides, tsunamis, earthquakes, drought, and volcanic eruptions. At the same time, they highlighted that disasters have prompted millions of people to flee not only internally, but also across international borders within Central America and the surrounding region, recalling in particular the experiences of Hurricane Fifi in 1974, Hurricane Mitch in 1998, and the 2010 earthquake in Haiti.

Participants recognized that climate change is increasingly affecting the region, for example through the increased frequency and intensity of hydro-meteorological storms, and reduced accumulated precipitation in the Dry Corridor. Coastal erosion, flooding, and the salinization of fresh water sources and agricultural land associated with sea level rise have also prompted some communities, including indigenous communities, to plan for the relocation of their villages to higher ground.

Participants recalled that the Regional Climate Change Policy specifically addresses the need to develop national strategies related to “the evacuation, temporary and permanent relocation and immigration of populations most affected by increased and reoccurring extreme climate.” Participants noted that people use migration as a last resort to ensure livelihoods.

Participants expressed that, while most of the displaced remain within their own countries where they are protected by national legislation, there are certain legal gaps for the protection of those displaced across borders, and these need to be addressed as an increasingly relevant issue. States need to prepare for the arrival of people displaced by disasters and the challenges of cross-border humanitarian assistance.

Participants stressed the role of comprehensive disaster risk management measures to prevent, mitigate and respond to cross-border displacement. At the regional level, participants reiterated the

importance of regional coordination within the context of the Central American Integration System (*Sistema de Integración Centroamericana*- SICA) and, in particular, identified the Coordination Centre for the Prevention of Natural Disasters in Central America (*Centro de Coordinación para la Prevención de los Desastres Naturales en América Central* - CEPREDENAC) and the Central American Policy on Comprehensive Disaster Risk Management (*Política Centroamericana de Gestión Integral de Riesgo de Desastres* - PCGIR) as an important tool for reducing vulnerability and enhancing the resilience of communities in areas at risk of natural hazards.

Participants acknowledged the region's historical experience in providing protection and assistance to displaced persons in disaster situations. Participants expressed concern about the challenges of identifying disaster-displaced persons within the context of larger mixed migration flows within and through the region. They were concerned about the particular risks of gender based violence, generalized violence, organized crime, illicit trafficking of migrants, and trafficking of persons that exacerbate existing vulnerabilities of people, in particular women, girls and boys displaced across borders in the context of disasters. They also identified the challenge of protecting property and livelihoods. Participants stressed the particular needs of indigenous peoples and ethnic minorities. Participants also expressed concern about the protection needs of migrants caught up in disaster situations.

Participants identified the Central American Commission of Migration Directors (*Comisión Centroamericana de Directores de Migración* – OCAM), the Regional Conference on Migration (*Conferencia Regional sobre Migración* - RCM) and the Cartagena +30 process as relevant regional fora for continuing the regional dialogue on the protection needs of people displaced across borders by disasters, and the adverse impact of climate change.

Participants highlighted the importance of finding durable solutions for the displaced that allow them to rebuild their lives and end displacement. Return to and reintegration in their place of origin is the preferred solution; and when this is not feasible, reintegration in another location within their own country. However, permanent admission and integration in the country of refuge should not be excluded, in particular when in the aftermath of a disaster the country of origin is unable to reintegrate those who left, or when displacement has become protracted. Finding durable solutions remains a challenge, particularly due to insufficient funding, lack of information, and weak coordination and cooperation between relevant stakeholders. Participants also emphasized the need to respect the rights of affected people, families and communities, to participate and be informed about decisions that are important for them.

Participants recognized that, while in some countries international agreements and existing national laws provide certain protection for persons displaced across international borders in the context of natural disasters, such as by granting temporary protection status, complementary protection, or humanitarian visas, these measures are often based on an *ad hoc* response. There is still a legal gap regarding the protection and assistance needs of persons displaced across borders. Participants highlighted the fact that sustainable return to the country of origin and other integrated durable solutions ending the displacement remain a challenge.

Participants agreed that preparedness and response to disaster-induced cross-border displacement requires coordinated action to be taken at community, national, regional and international levels. They identified five areas where action is needed:

I. Disaster Risk Management: Prevention of and Preparedness for Displacement

- Incorporate internal and cross-border disaster-induced displacement scenarios within instruments like National Disaster Risk Management Policies and National Systems for Civil

Protection, as well as in the Central American Policy on Comprehensive Disaster Risk Management (PCGIR), the Central American Regional Mechanism for Mutual Assistance and Coordination (*Mecanismo Regional de Ayuda Mutua ante Desastres - MecReg*), the International Humanitarian Assistance Mechanisms (*Mecanismos de Asistencia Humanitaria Internacional - MIAH*) and the revision of the Hyogo Framework for Action.

- Harmonize relevant definitions and concepts at the regional level regarding comprehensive disaster risk management and displacement.
- Promote the integration of activities aimed at strengthening the resilience of communities at risk of displacement in development plans and actions, against the various risks particularly in the context of climate change, to protect water catchment areas and to recover hydrographic basins and vulnerable coastal areas.
- Create a methodology for developing participatory assessments on the sociocultural aspects of communities displaced across borders.
- Develop bi-national and regional contingency plans that identify risk scenarios and formulate comprehensive disaster risk management actions to reduce vulnerability and strengthen capacity to respond to cross-border displacement.

II. Migration and Border Management in Disaster Contexts

- Promote and harmonize the use of humanitarian visas for the admission of persons displaced by disasters.
- Develop criteria for identifying persons eligible to receive humanitarian visas.
- Protect the human rights of people moving across borders against return to their country of origin as long as their lives, personal integrity and health are at risk.
- Explore possibilities to ensure that beneficiaries of humanitarian visas have access to comprehensive and durable solutions when their visas expire.
- Consider protections measures for all migrants when their countries of origin are faced with emergency situations caused by disasters.
- Recommend the development of guidelines that are applicable in the region within the context of the Regional Conference on Migration's (RCM) work.

III. Protection during Cross-Border Displacement in Disaster Contexts

- Ensure in disaster situations, respect for the human rights of persons displaced across borders, especially the right to personal integrity, family unity, food, health, shelter or adequate housing, access to education and respect for their culture and language.
- Strengthen effective measures in responding to disasters to protect women, boys and girls, against violence, including gender-based violence, as well as people with specific needs and vulnerabilities during displacement, such as older persons and persons with disabilities.
- Include the specific needs, cultural rights, and social rights of displaced indigenous communities and ethnic minorities in public policy and disaster and emergencies response plans.
- Create bi-national mechanisms to ensure the protection of livelihoods and property of persons displaced across borders.
- Ensure all migrants have access to humanitarian assistance and protection in disaster situations, as well as consular services from their country of origin.
- Take steps to ensure that people affected by a disaster are consulted, informed and actively participate in the planning and delivery of humanitarian assistance, as well as planning for finding comprehensive and durable solutions.

- Develop strategies for integrating the human rights of persons displaced across borders within policies, plans, protocols and programs at the local, national and regional levels.
- Strengthen training, awareness raising and capacity-building on the protection of people displaced across borders within disaster risk management, in accordance with local, national, regional mandates and competencies, both institutionally and multi-sectorally.

IV. Durable Solutions for Cross-Border Displacement in Disaster Contexts

- Ensure that displaced persons across borders have access to adequate information that will allow them to make a voluntary decision, based upon the available options for comprehensive and durable solutions, particularly return.
- Ensure a comprehensive approach to finding durable solutions that takes into account measures regarding adequate housing, reestablishment of livelihoods, access to basic services and the need for affected populations to participate in the planning and implementation of such measures.
- Strengthen the country of origin's effort to seek comprehensive and durable solutions, with the participation and commitment of development actors and the development sector as a whole from the initial stages, with a focus on including comprehensive risk management and climate change adaptation in local, national and regional development plans.
- Improve the coordination of inter-governmental mechanisms to implement integrated and durable solutions, especially for return, building upon the bi-national actions and practices that currently exist.

V. International Coordination and Cooperation for Cross-Border Displacement in Disaster Contexts

- Incorporate the issue of cross-border displacement within the context of comprehensive risk management and in the guidelines and procedures of the Central American Regional Mechanism for Mutual Assistance and Coordination (MecReg), including regional manuals and protocols for humanitarian assistance management and administration.
- Ensure efficient coordination between affected countries, humanitarian agencies, and development agencies in planning and response efforts, based on the principles of the United Nations Humanitarian Reform and the Transformative Agenda, such as leadership, transparency, accountability and predictability.
- Explore opportunities for accessing existing and new financial mechanisms at regional and international levels for comprehensive disaster risk management, cross-border displacement and finding integrated and lasting solutions.
- Establish bi-national mechanisms and protocols for the recovery and replacement of cross-border displaced persons' personal identification documents that were lost, damaged or left behind.
- Promote that the Conclusions of the Nansen Initiative Regional Consultation are raised within relevant regional and international processes, including in particular:
 - The Central American Commission of Migration Directors (OCAM), the Regional Conference on Migration (CRM), the Cartagena 30 + process, the Global Forum on Migration and Development, among others.
 - International Humanitarian Assistance Mechanism (MIAH).
 - Regional Risk Reduction Plan (PRRD) and the IV Meeting of the Regional Platform for Disaster Risk Reduction in the Americas.

- Regional Climate Change Policy and the Summit of the United Nations Framework Convention on Climate Change (COP20).
- Regional Communications Platform of CEPREDENAC.
- Agenda for the sustainable development goals for people and planet.

The participants expressed their appreciation to the Government of Costa Rica for its generosity in hosting the Second Regional Consultation of the Nansen Initiative and for its willingness to take the results to relevant regional and international forum. They invited interested and relevant parties to follow up on the results of the Consultation and expressed the hope that these efforts will help to better manage cross-border movements of people in the context of disasters, including the effects of climate change, but also to alleviate the plight and suffering of affected persons, and ensure the respect and full realization of their rights.

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