

**Background Paper**

**Nansen Initiative South Asian Regional Consultation**

*Climate Change, Disasters, and Human Mobility in South Asia and Indian Ocean*

Khulna, Bangladesh, 3-5 April 2015

1. **Introduction**

South Asian[[1]](#footnote-1) geography is diverse, ranging from the world’s highest elevations in the Hindu-Kush Himalayas to the low-lying coastal plains and islands of the Arabian Sea, Indian Ocean and Bay of Bengal.[[2]](#footnote-2) Due to these unique geo-climatic conditions, South Asia is exposed to a wide array of natural hazards with the potential or likelihood to trigger human mobility (i.e. displacement, migration, and planned relocation), including sudden-onset hazards (e.g. tropical cyclones, flash floods, earthquakes, tsunamis, landslides, avalanches and glacial lake outburst floods), as well as slow-onset hazards (e.g. desertification, droughts, riverbank erosion).[[3]](#footnote-3)

Over the years, these natural hazards have resulted in significant displacement in South Asia. Between 2008 and 2013, the Internal Displacement Monitoring Centre (IDMC) estimated that more than 46 million people were displaced by sudden-onset disasters in South Asia.[[4]](#footnote-4) India ranked the highest, with some 26 million people displaced during that same period. In a densely populated region with approximately 1.7 billion people, a single event in South Asia can result in large-scale movements. For example, an estimated 11 million people were displaced in 2010 when Pakistan’s Indus River flooded,[[5]](#footnote-5) while in October 2013 the Indian Government evacuated over one million people in anticipation of Tropical Cyclone Phailin reaching its shores, with 13.2 million people ultimately affected by the disaster.[[6]](#footnote-6)

While the vast majority of displacement has been internal, a few instances of cross-border displacement have been reported in wake of sudden-onset disasters, such as between India and Bangladesh when Cyclone Aila struck the countries in 2009.[[7]](#footnote-7) Slow-onset disasters, for example desertification in remote Nepalese villages in the Himalayas[[8]](#footnote-8) and drought in Kuchi nomadic communities in Afghanistan,[[9]](#footnote-9) have also prompted people to move internally and abroad in search of alternative livelihood activities or humanitarian assistance. In coastal areas, rising sea levels coupled with saline intrusion and erosion pose unique challenges that also compel people to move, domestically and internationally.[[10]](#footnote-10)

Given many countries’ high exposure and current adaptive capacity, South Asia is one of the regions in the world which will increasingly face the adverse effects of climate change, such as rising sea levels, salt water intrusion, coastal erosion, glacial melting, drought, and variable intensity and periodicity in rainfall patterns and monsoon seasons. These effects have been shown to threaten human settlements, infrastructure, resource availability and livelihoods, especially agrarian, small/marginal households. Such movements occur within a complex set of drivers, such as population growth, increased urbanization, severe poverty, a growing demand for foreign labour, border management and security concerns, and conflict. At the same time, displacement in the context of disasters can increase the risk of social tension and conflict in receiving areas, contributing to xenophobia, persecution, etc.[[11]](#footnote-11) Other countries in the Indian Ocean region (IOR) are also documented to face similar challenges.[[12]](#footnote-12)

The overall number of people displaced across international borders in South Asia is not known. However, in light of projected population growth, continued environmental degradation and the predicted increase in the frequency and intensity of disasters linked to climate change, it is anticipated that population movements in the context of disasters and climate change in South Asia and the Indian Ocean Rim are likely to increase over the next decades. To date, South Asia does not have a regional or sub-regional temporary protection mechanism that allows people displaced in disaster contexts to enter another country. However, given the multi-causal nature of human mobility in the context of disasters and climate change in South Asia, a number of existing national and regional laws and policies can play a role in: i) preventing displacement when possible, such as by building resilience to future natural hazards through development and disaster risk reduction activities; and ii) preparing for and providing protection and assistance to displaced persons in disaster contexts when it cannot be avoided.

***1.1 Background to the Nansen Initiative South Asian Regional Consultation***

This background paper informs the Nansen Initiative Regional Consultation on *“Climate Change, Disasters and Human Mobility in South Asia and Indian Ocean,”* taking place in Khulna, Bangladesh from 3-5 April 2015, which aims at exploring the issues related to human mobility (displacement, migration and planned relocation) in the context of disasters and climate change. It will focus on South Asia and also draw on the experiences of other States in the Indian Ocean region.

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 how best to protect and address the needs of people displaced across international borders in the context of drought, flooding and other natural hazards, including those linked to the effects of climate change, as well as how such displacement can be prevented.[[13]](#footnote-13) Inter-governmental Regional Consultations and Civil Society Meetings held in the Pacific, Central America, the Horn of Africa, Southeast Asia, and South Asia over the course of 2013 to 2015 will ensure the Nansen Initiative process is grounded in practical experience. Outcome documents from all the Regional Consultations contain recommendations for further action at the community, national, regional and international levels.

In mid-October 2015, the results of the Nansen Initiative Regional Consultations and Civil Society Meetings will be consolidated and discussed at a global inter-governmental meeting in Geneva, Switzerland to discuss cross-border disaster-displacement and other forms of mobility in disaster contexts. The Nansen Initiative does not seek to develop new legal standards, but rather to discuss and build consensus among states on the potential elements of a Protection Agenda, which may include standards of treatment. Its outcomes may be taken up at domestic, regional and global levels and lead to new laws, soft law instruments or binding agreements.

By now, all South Asian countries have national disaster risk reduction, development, humanitarian assistance, migration, climate change adaptation and human rights laws and policies relevant to the protection of displaced persons and the management of population movements in disaster contexts. At national level, South Asian countries have developed national climate change adaptation plans, including some National Adaptation Programmes of Action (NAPA) within the UNFCCC Cancun Adaptation Framework.[[14]](#footnote-14) Notably Afghanistan and Nepal have national policies that specifically address internal displacement caused by natural hazards.

At the regional level, emerging from the Declaration of the Eighteenth South Asian Association for Regional Cooperation (SAARC) Summit (Kathmandu, November 2014), States have acknowledged the “*existential threats posed by climate change to some SAARC Member States*,” highlighting the need for a legally-binding outcome from the UNFCCC 2015 negotiation process on climate change and also welcoming the decision to establish a comprehensive SAARC Environment and Disaster Management Centre. SAARC Member States have also emphasized the need for effective measures to prevent the trafficking and exploitation of women and children, and “*agreed to collaborate and cooperate on safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region*.” Within the region, the Leaders have recognized the need to “reinvigorate” regional cooperation and enhance regional “connectivity” within SAARC.

Disasters, climate change and human mobility are also a key concern of civil society actors in South Asia. For example, the February 2015 Nansen Initiative Civil Society Meeting[[15]](#footnote-15) on “Climate Change, Disasters, and Human Mobility in South Asia” held in Kathmandu, Nepal, brought together some 70 participants from Bangladesh, India, Maldives, Nepal, Pakistan, Sri Lanka, and Afghanistan. The participants agreed that displacement in the context of disasters is an important or very important issue in South Asia, and likely to increase in importance in the future. They emphasized the complexity of human mobility dynamics in the region given the multiple factors that drive movement, the “mixed” nature of migration flows, and the existence of secondary and even tertiary movements following disasters. Overall, participants identified protection gaps related to displacement, planned relocation, mixed migration, and the needs of migrants caught in disaster situations. To address these gaps, participants noted the importance of a regional, multi-sector approach that builds on existing frameworks, particularly those at the national level and within SAARC. Participants also highlighted the need to incorporate the issue of human mobility in the context of disasters and climate change within relevant ongoing international processes.

***1.2 Objectives of the South Asian Regional Consultation in Bangladesh from 3-5 April 2015***

It is in this backdrop that the Nansen Initiative’s fifth Regional Consultation will provide an opportunity for countries in the South Asian region to share relevant experiences, discuss challenges and identify good practices related to human mobility in the context of natural hazards and climate change. The forthcoming Consultation will provide an overview of human mobility in the context of climate change and disasters in South Asia and the Indian Ocean, focusing on three thematic questions:

1. How can disaster risk reduction, climate change adaptation and resilience building measures help to prevent and avoid displacement?
2. How can internal or cross-border migration help people to adapt to disaster situations and negative effects of climate change?
3. How can people displaced in the context of disasters be better assisted and protected?

The Consultation will also look into opportunities for addressing human mobility in disaster contexts in relevant regional and global processes.

The objectives of the Nansen Initiative South Asian Regional Consultation *inter alia* are:

1. Attain a better understanding of the human mobility dynamics linked to natural hazards in South Asia and the Indian Ocean;
2. Identification of good practices - at regional, national and community levels- in establishing mechanisms for climate change adaptation, disaster preparedness and building resilience aimed at responding to and managing displacement risks;
3. Identification of context in which migration could be viewed as positive way to adapt to environmental degradation, and a better understanding of how Governments can facilitate migration as a positive form of adaptation in times of environmental stress.
4. Identification of good practices regarding the protection of displaced persons in disaster contexts.

The outcomes of the Nansen Initiative South Asian Regional Consultation will be synthesized in a non-binding, non-attributable outcome document identifying common human mobility challenges in the context of disasters and climate change in South Asia and reflect recommendations made during the Consultation on how to address them.

The Regional Consultation will be hosted by the Government of the People’s Republic of Bangladesh, and will be co-organized by the Government of the People’s Republic of Bangladesh, the Nansen Initiative and the International Organization for Migration (IOM). The Consultation will take the form of a workshop, organized into technical segments, with an aim to identify the specific challenges that the region faces regarding natural hazard-related disasters and displacement, and to present existing policies and practices in response to these challenges. The Consultation will include a field trip to visit a disaster-affected area, followed by a governmental dialogue on the workshop’s outcomes and agreement for follow-up, on the last day of the Consultation.

This paper has been drafted to accompany discussions within the Regional Consultation. The next section (II) will provide an overview of disasters and human mobility in the region, including reflections on the underlying causes and characteristics of such movements. Section III will then explore two specific thematic issues: 1) Protecting People to Avoid Displacement in the Context of Disasters; 2) Protecting Displaced Persons in the Context of Disasters and the Effects of Climate Change. Section III will highlight existing relevant processes within South Asia with which the Nansen Initiative can share the findings and conclusions from the Regional Consultation. Section IV outlines potential outcomes from the Regional Consultation.

1. **Background to Disasters and Human Mobility in South Asia**

The South Asian region, with its enormous ethnic and linguistic diversity, has a long history of human mobility, including internal displacement and migration within countries as well as across borders. Consequently, human mobility within the context of natural hazards and the effects of climate change takes various forms in South Asia. There is, as yet, no inter-governmentally agreed upon terminology to describe these different categories of movement. For the purposes of this paper, and building upon paragraph 14(f) of the 2010 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 primarily addresses the protection needs of people 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 natural hazards in South Asia, followed by descriptions and examples of different forms of human mobility (displacement, migration, and planned relocation) that have occurred in the context of such hazards.

***2.1 Natural Hazards and Climate Change in South Asia***

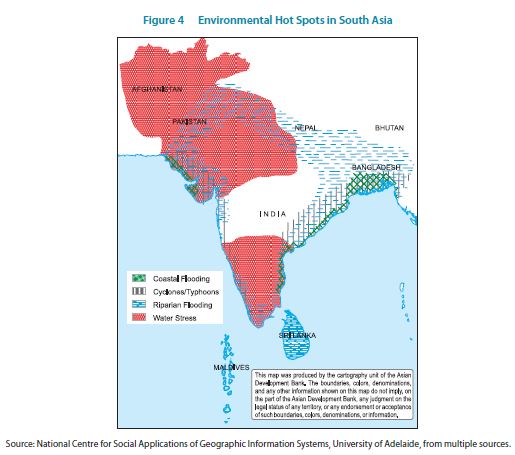
South Asia faces a wide variety of natural hazards and experiences numerous disasters annually that have been steadily increasing in number over recent decades.[[16]](#footnote-16) The annual monsoon season, with its associated storms and cyclones, produces the most significant hazards in the region. In fact, of the world’s total population exposed to floods each year, 64 per cent are in South Asia.[[17]](#footnote-17) The Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report highlights South Asia’s vulnerability to climate change, predicting rising temperatures, more variable precipitation, and increasing intensity and frequency of natural hazards.[[18]](#footnote-18) According to the 2014 Climate Change Vulnerability Index, globally, Bangladesh faces the highest level of risk from the effects of climate change, with India and Pakistan ranking 20th and 24th, respectively. [[19]](#footnote-19)

Because the Hindu Kush Himalaya mountain belt traces the world’s largest intercontinental collision zone, South Asia is frequently exposed to earthquakes. [[20]](#footnote-20) On average, earthquakes affect 660,000 people per year across the region.[[21]](#footnote-21) Major earthquakes over the past ten years include the 2001 Bhuj earthquake, 2005 Kashmir Pakistan earthquake, and 2011 Sikkim earthquake, as well as the 2004 Indian Ocean Earthquake and Tsunami.[[22]](#footnote-22) Countries with mountainous regions are also prone to unique high elevation hazards, including glacial lake outburst floods (GLOFs)[[23]](#footnote-23) and landslide-induced dam outburst floods (LDOFs).[[24]](#footnote-24) A recent example of a LDOF occurred in August 2014 on Koshi River in Nepal presenting a risk of flash flooding in neighboring Bihar, India, highlighting the importance of trans-border flood management.[[25]](#footnote-25)

In glacial areas, thawing permafrost and melting glaciers can also significantly impact water systems, causing drought and even desertification in areas that depend on glacier water for agricultural production and drinking supplies. Droughts and desertification can also increase the likelihood of secondary disasters such as wild fires. Mountain regions are particularly vulnerable to the effects of climate change, as a one degree increase in temperature at sea level implies an approximately two degree increase in the high elevations of the Hindu-Kush Himalayas.[[26]](#footnote-26)

Low lying islands and coastal regions are susceptible to sudden- and slow-onset hazards, particularly in the face of increased exposure to cyclones and rising sea levels associated with a changing climate. Tsunamis, cyclones, and rising sea levels can result in inundation, causing significant infrastructure damage or salt water intrusion to fresh water supplies and agricultural land. For example, coastal Bangladesh and India experienced severe damage and displacement following Cyclone Aila in 2009. A gradual salinization of drinking water is already taking place in many areas of Bangladesh, including the Ganges tidal floodplain.[[27]](#footnote-27) With a large proportion of coastal populations dependent on agriculture, saltwater intrusion into croplands can significantly alter the economic livelihoods of millions. Water and wind erosion is another common slow-onset hazard in South Asia, with coastal erosion particularly affecting Bangladesh, India and the Maldives.

South Asia is expected to see population growth in the decades ahead, particularly in densely populated urban areas, many of which are located in low-lying coastal zones. Disasters themselves have also been identified as drivers of urbanization. Consequently the World Bank has predicted that South Asia is likely to become “the most vulnerable area in the world to disaster events.”[[28]](#footnote-28) The Asian Development Bank has identified key “environmental hot spots” in South Asia that are most likely to face hydro-metrological hazards. (See figure below)



Source: Asian Development Bank, “Addressing Climate Change and Migration in Asia and the Pacific: Final Report,” Philippines, 2012.[[29]](#footnote-29)

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. At the same time, for example, many people living in flood-prone areas have also developed the capacity to cope with, or even benefit from, normal flooding during the annual monsoon season.

***2.2 Challenge of Data Collection and Analysis***

In general, comprehensive data collection and analysis on displacement and migration in the context of disasters in South Asia is lacking. Gathering this information is by nature complex due to the diverse drivers of human mobility, scientific uncertainties, and unsystematic data collection and sharing. Therefore, participants to the Regional Consultation may want to discuss how existing information management tools for disasters, climate change, and migration could be adapted to help inform the development of public policy and operational responses for disaster-related displacement and migration.

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

Due to the multi-causal nature of human mobility, distinguishing between a forced and voluntary movement can be difficult. This is especially true in the case of slow-onset hazards, when displacement may arise 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, may be easier to recognize, although other factors such as poverty and lack of disaster preparedness contribute to whether displacement ultimately occurs. Finally, the cumulative effect of a series of smaller, sudden-onset disasters can also lead to displacement over time.

***2.3.1 Examples from South Asia***

As in other parts of the world, the drivers of displacement in South Asia are multi-causal and inter-linked to other factors such as poverty, levels of development, or conflict. Thus, displacement in South Asia often includes people who have moved for a variety of reasons, one of which may be a sudden- or slow-onset natural hazard. In such circumstances, it may be difficult to distinguish people displaced by disasters within larger mixed migration flows, particularly those crossing international borders given the lack of common criteria to identify such people. Therefore, in the absence of more precise data and analysis, the examples presented in this paper are not comprehensive representations, but rather highlight a few situations of displacement in disaster contexts (noting cross-border examples when possible) and the corresponding need to improve data collection.

The 2004 Indian Ocean Earthquake and Tsunami sent enormous waves to South Asia, affecting Sri Lanka, the Maldives and India. In Sri Lanka the waves killed 35,322 people and destroying over 100,000 homes,[[30]](#footnote-30) and displaced approximately 500,000 people. All the Maldives’ some 200 islands were hit by the waves, killing 80 people and displacing approximately 29,000 people. In India, the tsunami affected over 2,000 km of the country’s coastline. Over 10,000 Indians died in the disaster, with almost 650,000 people displaced in emergency shelters at the height of the disaster.[[31]](#footnote-31)

An October 2005 earthquake, registering 7.6 on the Richter-scale, had a devastating impact on northern Pakistan, including the Pakistan-Administered Kashmir (PAK). This earthquake was, at the time, Pakistan’s worst disaster on record. According to Government statistics, an estimated 3.5 million people who were “affected” by the earthquake became internally displaced or “homeless.” The effects of the earthquake were also felt in India in Jammu and Kashmir, where some 150,000 people lost their homes, and over 1,300 people died.[[32]](#footnote-32)

In 2010, over two months of heavy rains led to a gradual inundation of northwest Pakistan, covering an enormous geographic radius, including areas with on-going insecurity and armed conflict. The unprecedented floodwaters affected an estimated 18 million people and left 14 million in need of humanitarian assistance.[[33]](#footnote-33) A 2012 IDMC report states that at the peak of emergency, approximately 11 million people were internally displaced.[[34]](#footnote-34)

In October 2013, Tropical Cyclone Phailin prompted the Indian Government to evacuate over one million people prior to landfall.[[35]](#footnote-35) Ultimately some 250,000 homes were destroyed in the disaster, with 47 people killed as compared to more than 10,000 people who died during the 1999 Super Cyclone affecting the same region that left 1.6 million people homeless. In November 2007, Cyclone Sidr hit Bangladesh, displacing 650,000 people and killing some 3,500 people in areas that had also been affected by flooding earlier in the year.[[36]](#footnote-36)

In September 2011, an earthquake with a 6.8 magnitude occurred in the border region of Sikkim, India, Nepal, and Bhutan,[[37]](#footnote-37) with several lower intensity aftershocks triggering landslides linked to persistent heavy rains. The disaster displaced some 46,000 people in Nepal,[[38]](#footnote-38) 4,200 people in Bhutan,[[39]](#footnote-39) as well as 1,500 people from the sparsely populated Sikkim, who were evacuated to government shelters.[[40]](#footnote-40) Cold weather conditions made the delivery of transitional shelters urgent, yet continued aftershocks, landslides, and poor weather blocked roads, hindered government and international organizations’ efforts to return communities to partially damaged homes and community infrastructure.[[41]](#footnote-41)

Slow-onset hazards have also resulted in displacement. As a result of 40 years of coastal erosion, Bhola, Bangladesh’s largest island located at the mouth of Meghna River, lost approximately half its land mass, prompting the movement of around 500,000 people.[[42]](#footnote-42) Many moved to Bholar Basti, a poor informal settlement in Dhaka named after the inhabitants’ former residence.[[43]](#footnote-43) In Afghanistan, a 2013 drought led to the displacement of Kuchi nomadic peoples, who lost their livestock, access drinking water and pasture lands.[[44]](#footnote-44)

Only isolated incidents of cross-border displacement have been recorded in the wake of large sudden-onset disasters. For example, in the aftermath of Cyclone Aila in 2009, numerous scholars and humanitarian agencies cite cross-border movement from Bangladesh into north-western India.[[45]](#footnote-45) A report based on field interviews found that 123,000 displaced persons spontaneously fled permanently to other locations, including across the border to India.[[46]](#footnote-46) A number of such cross-border movements were characterized by a multi-stage movement: first from camps on embankments, then to nearby regions, and ultimately to mega-cities such as Dhaka, or across the borders to West Bengal or Assam. Some Indians also reportedly sought relief following Aila in Bangladesh.[[47]](#footnote-47)

On 18 August 2008, a breach of the Kosi River embankment caused flash flooding that displaced 45,000 people from the Sunsari District in Nepal, and affected about three million people from 1,704 villages in North Bihar, India.[[48]](#footnote-48) In the flood’s aftermath, some displaced persons from Nepal traveled into India to flee from the deluge. Flooded and damaged roads forced those seeking to enter Kathmandu from the east to take a 32 hour detour into India.[[49]](#footnote-49)

Other recurrent slow-onset hazards, such as droughts or the annual flooding, have also prompted individuals or families to move internally or abroad, usually in search of alternative livelihood activities and/or assistance, as will be described in the following section. However there is insufficient evidence to determine whether movements associated with such disasters could accurately be described as “involuntary” or “forced.” Finally, the region’s past and ongoing conflicts have also led to significant internal displacement and refugee flows, with some of those people subsequently displaced again by disasters.

***2.4 Migration***

The term “migration” commonly refers to a broad category of population movements.[[50]](#footnote-50) 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.”[[51]](#footnote-51) 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.[[52]](#footnote-52)

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”[[53]](#footnote-53) deteriorating environmental changes that may result in a humanitarian crisis and displacement in the future.

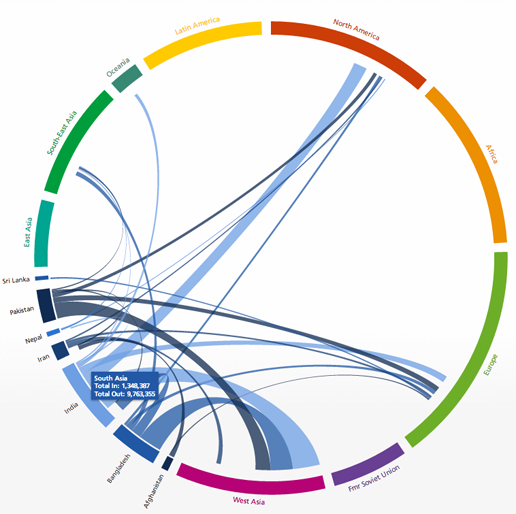
For the Nansen Initiative, understanding the dynamics of migration flows, including the associated motives, also provides insight into the overall conditions within which displaced people move in a region. Pre-existing migration patterns frequently indicate the paths that displaced people will follow, and may illustrate some of the risks and challenges of moving in the region.[[54]](#footnote-54) Migration management tools and mechanisms are also useful examples of existing practice that could potentially be adapted to differentiate disaster-displaced people from other migrants which, in turn, could facilitate the development of policy responses to adequately meet the specific protection needs of different groups of people.

***2.4.1 Examples from South Asia***

Migration in South Asia

involves large, constant, mixed flows of people, including those moving voluntarily for education or employment, but also to access basic needs. Historically, South Asia has been a hub for migration flows as a result of its strategic location between Europe and East Asia. For instance, the Indian and Pakistani diaspora are among the largest and most extensive in the world. [[55]](#footnote-55)

In recent years, South Asia’s vast population has led to its status as an important source of migrants to other parts of Asia, the Pacific, and around the world. Bangladesh, India, Nepal, Pakistan, and Sri Lanka are amongst the largest “sending” countries of migrants.[[56]](#footnote-56) With a domestic population of over 1.2 billion people, in 2013 India’s migrants abroad sent home more remittances than any other country, an estimated 70 billion USD.[[57]](#footnote-57) As indicated in the figure below, the vast majority of population outflows from South Asia during 2005-2010 either remained within the region, or traveled to the Middle East (labelled as West Asia), with smaller streams to North America and Europe.[[58]](#footnote-58) For example, about 5.5 million Bangladeshis live and work overseas, primarily in the Gulf States of Saudi Arabia and the UAE.[[59]](#footnote-59) However, almost 80 per cent of all migration is estimated to take place between countries with contiguous borders;[[60]](#footnote-60) thus the most well-established international migration streams are regional, to neighbouring countries.



For instance, significant migration takes place from Bangladesh to India. The Asian Development Bank has described the corridor as the “largest single international migration flow, with more people involved than … Mexico-United States migration.” [[61]](#footnote-61) It is estimated that approximately 12 to 17 million Bangladeshi immigrants have come to India since the 1950s, with most residing in the northeast states of West Bengal, Assam, and Tripura.[[62]](#footnote-62) As of 2011, the World Bank estimates that 3.3 million migrants currently live across the Bangladesh-India corridor.[[63]](#footnote-63)

Another key dimension of mobility in this region is the bilateral free mobility agreements between certain contiguous countries. For instance, the 1950 Treaties of Friendship and Peace between India-Nepal and India-Bhutan ensure that migrants can cross these borders freely, without any passport or visa.[[64]](#footnote-64) These international migration flows are often circular and seasonal through informal channels, so precise numbers do not exist. Other borders in the region are more heavily controlled, namely the borders between India and Pakistan,[[65]](#footnote-65) Pakistan and Afghanistan, and Bangladesh and India.[[66]](#footnote-66)

***2.4.2 Natural Hazards, Environmental Degradation and Migration in South Asia***

Increasingly, natural hazards and environmental degradation have been identified as drivers of migration in South Asia. For example, one study in Bhutan found that rural-urban migration rates spiked in the immediate aftermath of an earthquake.[[67]](#footnote-67) The study also found increased urbanization trends following flash floods, particularly those floods that damaged houses and crop land.[[68]](#footnote-68) Similarly, ICIMOD has identified higher labour migration rates in communities affected by rapid-onset water hazards across the Hindu Kush Himalaya.[[69]](#footnote-69) Similar findings were documented by Sri Lankan officials, who reported that as extreme weather events become more frequent and variable, resulting in failing harvests, people increasingly migrate to cities in the hope of securing a more stable income.[[70]](#footnote-70)

Examples of slow-onset hazards leading to migration include protracted displacement following drought in Pakistan, where individual male members of IDP families travelled to work in Quetta, Pakistan on a periodic basis.[[71]](#footnote-71) Studies have identified Nepalese migrating across the border to India to cope with drought and water scarcity, highlighting that those relying on subsistence agriculture and livestock management were most likely to move. [[72]](#footnote-72) Another report found that repeated displacement following disasters in the Western Hindu Kush Himalayas contributed to increased migration flows to the Gulf Countries.[[73]](#footnote-73) Overall, these findings suggest that temporary or seasonal migration is a commonly used strategy to cope with food and livelihood insecurity.

Disasters may increase the likelihood of human trafficking. Human trafficking is pervasive across South Asia, which acts as a source, transit, and destination region. India serves both as a destination and transit country for women migrating from and trafficked from Bangladesh, such as to the Middle East.[[74]](#footnote-74) For example, in the aftermath of Cyclone Aila, one study based on field interviews in Bangladesh identified linkages between Cyclone Aila and increased rates of trafficking.[[75]](#footnote-75) Men can also become trafficking victims. Another study following the 2007 cyclone and floods in Bangladesh found that smugglers had promised to bring men from devastated villages to find work in Northern India, demanding high fees to finance the journey.[[76]](#footnote-76)

***2.5 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.”[[77]](#footnote-77) Permanent planned relocation may be relevant in the context of disasters and effects of climate change in three scenarios:

1. as a preventative measure within the country of origin to reduce the risk of displacement in the future by moving people out of areas particularly at risk of sudden-onset disasters (such as flooding or land-slides) or becoming inhabitable in the face of environmental degradation;
2. as a durable solution within the country of origin to allow for the return of people displaced internally or 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 large parts of or an entire country unfit for habitation (e.g., low-lying island states).

It is important to note that relocations, even when taken for the best of reasons, can also be forced displacement when people are forced to move, such as when government authorities have determined that an area is no longer safe for habitation due to the likely risk of future natural hazards. At the same time, proactive, pre-disaster relocations may be useful in helping to prevent cross-border displacement or dangerous, undocumented migration that could arise in the context of hardship associated with the disaster.

There is a significant body of literature on relocation (both forced and voluntary) in different contexts that are relevant to displacement in disaster contexts.[[78]](#footnote-78) In general, 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.[[79]](#footnote-79)

***2.5.1 Examples from South Asia***

Planned relocation in South Asia has largely taken place within a community’s own land boundaries following a severe sudden-onset disaster, such as an earthquake, tsunami or cyclone. In general, communities are relocated inland or to designated settlements built in remote areas.

For example, following the 2004 Tsunami, planned relocation featured prominently within the Maldives’ National Recovery and Reconstruction Plan, which identified five islands for development to host relocated populations.[[80]](#footnote-80) Similarly in Sri Lanka, buffer zones were created that prohibited the reconstruction of houses within 100 to 300 meters along the coast, affecting some 70,000 people.[[81]](#footnote-81) While many of the people affected by the rezoning had already been displaced by the tsunami itself, for some the relocation process resulted in a secondary or tertiary movement.**[[82]](#footnote-82)**

In 1996, the Indian Sundarbans Islands, Lohachara, was highlighted in the press as “the world’s first populated island lost to sea level rise.”[[83]](#footnote-83) As the island became completely submerged, its 7,000 former inhabitants were relocated to Sagar, another Sundarban island, which itself faces increasingly limited natural resources and land area.[[84]](#footnote-84)

In January 2011, the Association for Climate Refugees (ACR) acquired a small land plot of 1.65 acres in Kamarkhola Union in Khulna district, donated by a local landowner to host some twenty families. The land represents the first such acquisition for climate-affected communities, and will be transformed into a community land trust. ACR hopes that this symbolic gesture will hopefully inspire other landowners to donate larger pieces of unused land to assist in finding solutions to the displaced population of Bangladesh.[[85]](#footnote-85)

In Nepal, desertification, drought, and dwindling water supplies have prompted villages in remote mountain communities to plan to relocate to new areas. For example, after a decade of water scarcity, a remote village in Upper Mustang district of Nepal received significant coverage in 2010 when its relocated residents were described as “Nepal’s first climate change refugees” by local media.[[86]](#footnote-86) Similarly, the Ministry of Environment and the World Wildlife Fund Hariyo Ban Program are collaborating to support the relocation of some 150 people from 23 households in Dhe Village,[[87]](#footnote-87) using a sustainable plan hoped to be a model for other processes. Another village with acute water scarcity in Upper Mustang district, Samzong, is also being relocated to land provided by a former regional king.[[88]](#footnote-88)

**III. Towards a Protection Agenda: Thematic Issues in South Asia**

The 2011 SAARC Charter of Democracy reaffirms, “faith in fundamental human rights and in the dignity of the human person as enunciated in the Universal Declaration of Human Rights and as enshrined in the respective Constitutions of the SAARC Member States.”[[89]](#footnote-89) Human rights are also prominently addressed in the 2002 SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution and 2002 SAARC Convention on Promotion of Welfare of Children.[[90]](#footnote-90) The adoption of a social charter in 2004 further echoes a broader commitment to advance the socio-economic conditions of the populations in the region.[[91]](#footnote-91) While to date SAARC has not established a regional Human Rights institution or mechanism, six South Asian countries have National Human Rights Commissions.[[92]](#footnote-92)

Building upon this background and South Asia’s past experience of disasters and human mobility, this section explores two specific thematic issues. The first section, Protecting People to Avoid Displacement in the Context of Disasters, will explore how disaster risk reduction, climate change adaptation, development activities, migration as adaptation, and planned relocation can all contribute to the prevention of displacement. The second section, Protecting Displaced Persons in the Context of Disasters and the Effects of Climate Change, will address the particular protection challenges of internally displaced persons and people displaced across international borders in disaster contexts.

**3.1. Protecting People to Avoid Displacement in the Context of Disasters**

States have the primary responsibility to provide protection and assistance to their citizens. In the context of natural hazards, this duty requires states to prepare for foreseeable disasters and to do what is possible to prevent threats to the lives and property of their people, including preventing displacement.[[93]](#footnote-93) 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 resilience are all potential actions to prevent displacement or reduce the impact of displacement when it cannot be avoided. State responsibility may also require the government to mobilize relevant regional and international organizations, arrangements and resources.[[94]](#footnote-94)

***3.1.1 Disaster Risk Reduction, Climate Change Adaptation, and Development Planning***

The United Nations Human Rights Committee has 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.”[[95]](#footnote-95) A State’s positive obligation to prevent foreseeable harm may also include providing support to those obliged to move from high risk areas.[[96]](#footnote-96) Disaster risk reduction activities can 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.

Within the region, the SAARC Disaster Management Centre (SDMC) is responsible for disaster management. The Natural Disaster Rapid Response Mechanism(NDRRM) is a binding regional mechanism to regulate disaster response action in South Asia. The NDRRM obliges SAARC Member States to take legislative and administrative measures to implement agreement’s provisions, including measures for requesting and receiving assistance, conducting needs assessments, and establishing regional standby arrangements.[[97]](#footnote-97) As of early 2015, the mechanism had not yet been activated because it had only been ratified by five of the eight SAARC Member States.

All States also have designated national authorities responsible for disaster risk reduction and disaster management, with most having national disaster management legislation(s). Within each country, various national organizational mechanisms, at times coordinated by national and disaster risk management offices, bring together a diverse range of organizations. Several countries in South Asia have adopted laws that specifically require the State to proactively implement disaster prevention activities. States in the region also have developed early warning and forecasting systems for tsunamis, floods, landslides, and cyclones.[[98]](#footnote-98)

|  |  |  |
| --- | --- | --- |
| **National Disaster Risk Management Authorities and Policies** | | |
| **Country** | Authority | Policy |
| **Afghanistan** | Afghan Disaster Management Authority (ANDMA) | [Law on Combating Disasters in the Republic of Afghanistan](http://www.preventionweb.net/english/professional/policies/v.php?id=28051) (1991) |
| **Bangladesh** | Department of Disaster Management | [National Plan for Disaster Management 2010-2015](http://www.preventionweb.net/english/professional/policies/v.php?id=16676) (2010) |
| **Bhutan** | Ministry of Home and Cultural Affairs – Disaster Management Division | National Disaster Risk Management Framework (endorsed in 2006), National Disaster Management Bill (Draft 2010) |
| **India** | Ministry of Home Affairs— National Institute of Disaster Management (NIDM) | Disaster Management act, Act no. 53 (2005); [Standard Operating Procedure for Responding to Natural Disasters](http://www.preventionweb.net/english/professional/policies/v.php?id=14224) (2010) |
| **Maldives** | National Disaster Management Centre | [Disaster Management Act (2006, revised on 3 October 2007)](http://www.preventionweb.net/english/professional/policies/v.php?id=30924) |
| **Nepal** | Ministry of Home Affairs— Central Industrial Disaster Relief Committee (CIDRC) | National Strategy on Disaster Risk Management (2009) |
| **Pakistan** | National Disaster Management Authority (NDMA) | National Disaster Risk Management Act (2010) |
| **Sri Lanka** | [Ministry of Disaster Management and Human Rights](http://www.disastermin.gov.lk/) | Disaster Management Act (2005) |

The SAARC Action Plan on Climate Change governs regional climate adaptation efforts. On a national level, South Asian countries have developed national adaptation plans, including some National Adaptation Programmes of Action (NAPA) within the UNFCCC Cancun Adaptation Framework.[[99]](#footnote-99) Only a few national policies recognize human mobility within their climate change adaptation planning. For example, the Maldives National Adaptation Programme of Action (2007) “prioritised population consolidation, development” and aims to build “support for the implementation of the Safer Island Strategy, in which communities would be persuaded to move to designated ‘safe islands.’”[[100]](#footnote-100) Similarly, Afghanistan’s 2009 NAPA highlights the internal mobility of Kuchi nomadic peoples as a potential adaptation mechanism to cope with climatic change.[[101]](#footnote-101) The following figure summarizes these national programmes and corresponding authorities, with particular attention paid to the inclusion of human mobility considerations.

|  |  |  |  |
| --- | --- | --- | --- |
| **National Climate Change Authorities and Policies** | | | |
| **Country** | Authority | Policy | Reference to Mobility |
| **Afghanistan** | National Environmental Protection Agency | National Adaptation Programme of Action (2009) | “Forced migration” discussed in context of drought and desertification (p.70); mobility of Kuchi Nomadic peoples highlighted as adaptation mechanism (p.19); increased urbanization “largely because of internal displacement driven by drought and conflict” (p.18) |
| **Bangladesh** | Ministry of Environment and Forest | National Adaptation Programme of Action (2005, updated 2009) | No significant mention of mobility in context of disasters; Indirect reference in schematic where Climate Change could impact livelihoods through employment income consumption changes, leading to “migration crime” (p.32) |
| **Bhutan** | National Environment Commission | National Adaptation Programme of Action (2006) | No significant mention of mobility in context of disasters; rural to urban migration mentioned briefly as an environmental stressor (p.2) |
| **India** | Ministry of [Environment, Forests and Climate Change](http://timesofindia.indiatimes.com/home/environment/global-warming/India-invokes-right-to-grow-to-tell-rich-nations-of-its-stand-on-future-climate-change-negotiations/articleshow/36724848.cms) | National Action Plan on Climate Change (2008) |  |
| **Maldives** | Ministry of Environment Energy and Water | National Adaptation Programme of Action (2007) | While not referred to as displacement or migration, there is extensive discussion of “consolidation of population and development” as a key adaptation measure (p.43); The Government “Safer Island Strategy” (SIS) prioritizes Planned Relocation to fewer islands (p.45); Mobility listed as potential “Sustainable Development Outcome”, in relation to adaptation strategies (p.4) |
| **Nepal** | Ministry of Environment | National Adaptation Programme of Action (2010) | No significant mention of mobility in context of disasters; “Displacement and migration” listed as local perception of climate induced disasters (p.60) |
| **Pakistan** | Ministry of Climate Change | National Climate Change Policy (2013) | Acknowledges enormous displacement from 2010 floods; lists “Increased health risks and climate change induced migration” listed as one of nine most important threats; lists “Curb rural-to-urban migration” as a Policy Measure for town planning in face of climate change |
| **Sri Lanka** | Ministry of Environment and Renewable Energy | National Climate Change Policy (2012) | No significant mention of mobility in context of disasters |

To date human mobility considerations have not been prominent within regional or national plans and strategies. Another persistent challenge in disaster risk reduction and resilience building measures is closing the gap between development initiatives and humanitarian response phase, particularly to find durable solutions to disaster-related displacement. Development plans and strategies do, however, include provisions for building resilience for future disasters.

Participants could discuss how disaster risk reduction, climate change adaptation, and development strategies in the region could better address the concerns of displaced persons in disaster contexts, including the potential for cross-border movements, by identifying examples of good practices and lessons learned from past experience.

***3.1.2 Planned Relocation***

Planned relocation may be an option to reduce exposure to natural hazards, such as those associated with rising sea levels, or when it has been determined that particular areas face a high level of risk from a sudden or slow-onset natural hazard. Planned relocation may also be appropriate as a potential durable solution to disaster-related displacement, such as when displaced persons’ original place of residence is no longer habitable following a sudden-onset disaster.

As discussed above, a number of national governments and civil society actors have already undertaken, or are in the process of planning for permanent relocation in low-lying island and coastal areas, as well as mountainous regions.

In all areas, planned relocation is a complex process. For example, it may be difficult for governments to identify last for relocation sites due to challenges with securing land tenure.[[102]](#footnote-102) People may also gradually return home towns and villages that were destroyed by disasters, despite their continued exposure to the same hazards, if they do not find adequate solutions elsewhere. A study on the Sri Lanka buffer zone after the 2004 Tsunami, for instance, found that people frequently moved back to their homes in the prohibited coastal areas, particularly those that relied on fishing and tourism for income.[[103]](#footnote-103) Since problems such as poverty may overtake lingering memories of dangerous disasters, successful relocations also need to take adequate consideration of livelihood opportunities in the new area. Experience has shown that adequate consultation with all affected communities is also a strong factor in a relocation processes’ success. A study in the Maldives confirmed the suitability of relocating the Kandholhudhoo community to another uninhabited island, particularly because the destination was fully supported through a collective decision-making process.[[104]](#footnote-104)

According to Graeme Hugo, “Ultimately, the key indicator of success in displacement and resettlement must be that those displaced are established at their destination with, at minimum, the same level of living they enjoyed at the origin, but desirably and improved standard of living.”[[105]](#footnote-105)

Participants could discuss what lessons have been learned from past experience within South Asia regarding planned relocation, and how these could be applied within the context of future disasters and the impact of climate change.

***3.1.3 Migration as Adaptation***

In the context of slow-onset natural hazards and environmental degradation, research indicates that people tend to increasingly migrate from affected areas over time, as opposed to waiting until a crisis point arrives.[[106]](#footnote-106) In such situations, the responsibility to prevent displacement could also mean that States have a duty to try to secure legal, voluntary means for their citizens to move to another part of the country, or in exceptional cases, to migrate abroad. It is for this reason that the 2011 Nansen Conference, which was hosted by the Government of Norway to discuss the nexus between climate change and displacement, urged national governments to, ‘proactively anticipate and plan for migration as part of their adaptation strategies and development plans...”[[107]](#footnote-107)

In times of flooding and drought, permanent, temporary and circular migration has commonly been utilized in South Asia to generate additional income through remittances. Throughout the region, remittances sent by migrants abroad play an essential role in supporting family members left behind. For example, in 2013 South Asians sent back some 111 billion USD in remittances, with the figure expected to rise to 136 billion USD in 2016.[[108]](#footnote-108) Thus, external support networks established through migration have the potential to significantly contribute to strengthening community resilience to natural hazards, and consequently reducing displacement.

SAARC’s existing “Visa Exemption Scheme” grants special entry visas to specific categories of people, which range from dignitaries and government officials, to businessmen, journalists, and sportsmen. [[109]](#footnote-109) On a national level, migration policies vary starkly across South Asian countries. In addition, bilateral free mobility agreements such as the 1951 “Treaties of Friendship” allow passport and visa-free entry between India and Nepal, and India and Bhutan. As noted previously, mobility between other States is much more tightly regulated and restricted.

Also relevant are the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) that focuses on the harmonization of assessment processes for asylum seekers, law enforcement border management, strengthening national legal frameworks, and sharing migration-related information,[[110]](#footnote-110) and the Regional Consultative Process on Overseas Employment and Contractual Labor for Countries of Origin in Asia (Colombo Process), which has identified “the possible nexus between environmental degradation and climate change on one hand and human mobility on the other, and its likely implications on labour migration” as an emerging issue.[[111]](#footnote-111) These regional migration processes also seek to address the underlying causes of irregular migration. For example, recognizing that migrants may be extremely vulnerable to violence, exploitation and other types of protection risks from traffickers, smugglers or criminal networks, Ministers in attendance at the Fifth Ministerial Conference of the Bali Process “underscored the importance of addressing humanitarian and protection needs in managing irregular movement.”[[112]](#footnote-112) The Almaty Process[[113]](#footnote-113) is also potentially relevant.

A number of research institutions and civil society actors in South Asia are researching or advocating for policies to support voluntary migration as an adaptation measure.[[114]](#footnote-114) However, according to an Asian Development Bank report, “The emphasis of policy in Asia and the Pacific has been on constraint, policing and exclusion, rather than migration management. These barriers are likely to be even more significant to environmental migrants in the future, unless changes are made.”[[115]](#footnote-115)

Within these broader mixed migration flows and associated risks, specific protection concerns also arise for migrants residing in or transiting through a country when a disaster strikes, such as challenges accessing state protection and assistance as a non-documented person. In the aftermath of a disaster, migrants – both documented and undocumented – may face a heightened risk of arrest or deportation due to lack of documentation, increasing fear and uncertainty for those individuals, possibly further compromising their ability to access assistance and protection.

Participants in the Regional Consultation will be invited to discuss in what contexts migration could be viewed as positive way to adapt to environmental degradation and climate change. Participants could also discuss what role governments could play in promoting migration as an adaptation measure, and explore how existing agreements could facilitate migration as a positive form of adaptation in times of environmental stress, addressing in particular the severe protection challenges facing migrants. For example, participants could review existing and potential policies to support voluntary migration including education/skills development, and how remittances could support adaptation. Participants could also discuss the challenges of internal migration as well as international migration channels, urbanization concerns, and free movement agreements.

***3.2 Protecting Displaced Persons in the Context of Disasters and the Effects of Climate Change***

***3.2.1 Protection for Internally Displaced Persons (IDPs)***

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. In the case of displacement following a sudden-onset disaster, people may flee without essential legal documents such as identity cards and marriage certificates, or documents may be destroyed. For example, following the 2010 Pakistan floods, some displaced persons whose identity documents had been lost or destroyed had difficulty accessing government compensation schemes that required national identity cards.[[116]](#footnote-116)

During flight, family members may become separated, or face sexual and gender based violence. Displaced women and children may be trafficked. Displaced people may also need emergency shelter, and access to health services, education, and psycho-social counselling. Sometimes the need for ongoing humanitarian assistance is underestimated, with assistance needed months or even years after the disaster. For example according to the Bangladesh Red Cross Society, two years after Cyclone Sidr struck Bangladesh in 2007, almost 500,000 people remained displaced and lacked adequate shelter.[[117]](#footnote-117) 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. Finally, the poor are often the most likely to be displaced.

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 humanitarian response is coordinated in collaboration with national efforts under the leadership of a UN designated Humanitarian Coordinator using the cluster system.[[118]](#footnote-118) A regional response to disasters in Asia is supported by the Bangkok-based UN OCHA Regional Office for Asia.[[119]](#footnote-119) Notably Afghanistan and Nepal have national policies that specifically address internal displacement caused by natural hazards.

Participants to the Regional Consultation could discuss the link between internal displacement and cross-border displacement, and the extent to which the provision of protection and assistance in the event of internal displacement in disaster contexts reduces the need to seek assistance outside of one’s own country. Participants could also discuss the potential role of regional disaster response mechanisms, such as the SAARC Environment and Disaster Management Centre, to support national response efforts. Participants will also be invited to share experiences of other protection and operational challenges during displacement, and provide examples of good practices about how to respond to these gaps.

***3.2.2 Preparing for Cross-Border Movements in the Context of Disasters and Natural Hazards***

Displacement across international borders poses an additional, distinct set of protection needs and challenges. There is no temporary protection scheme in South Asia 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.[[120]](#footnote-120) While only Afghanistan has ratified the 1951 Refugee Convention and the 1967 Protocol relating to the status of Refugees, many South Asian countries offer asylum to a considerable number of refugees based upon national legislation.[[121]](#footnote-121) No country in the South Asia region has ratified the 1954 Convention relating to the status of stateless persons.

***3.2.2.1 Admission and Stay***

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.[[122]](#footnote-122) 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,”[[123]](#footnote-123) this does not address all displacement situations.[[124]](#footnote-124) 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. [[125]](#footnote-125)

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. Scholars have proposed that “in the absence of an ability to assist and protect them, [the state of origin] should advocate forand 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.”[[126]](#footnote-126)

Outside of the region, citizens from some South Asian countries have been able to benefit from different forms of migration mechanisms following sudden-onset disasters. For instance, the Government of Canada has expedited immigration procedures for individuals who are “significantly and personally affected” by selected disaster situations, such as the 2004 Indian Ocean Earthquake and Tsunami.[[127]](#footnote-127) The Government of Australia also “put high priority” on processing temporary visas for those affected by the 2004 Tsunami, as well as fast-tracking existing applications.[[128]](#footnote-128) Furthermore, the South Korean government decided that migrants from tsunami-affected areas would be given priority in the 2005 roster of applicants for the Employment Permit System.[[129]](#footnote-129)

Participants to the Regional Consultation can consider under what circumstances it may be appropriate to ensure that a disaster-displaced person can legally cross an international border to receive protection assistance. In such cases, participants could discuss what criteria would be necessary to identify individuals in need of protection within the larger mixed migration flows, and what national and regional policies might need to be developed to facilitate admission.

***3.2.2.2 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.[[130]](#footnote-130) As Jane McAdam points out, “limbo is in no-one’s interest.” [[131]](#footnote-131)

State cooperation to delineate and agree upon such rights would be essential.[[132]](#footnote-132) Ideally, States from sending countries could play a role in negotiating these in advance and in consultation with potentially affected individuals and communities. Consulates could also offer services for their nationals abroad, such as providing information on cultural integration, or identity card and permit applications.

***3.2.2.3 Search for 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). 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 habitable or too exposed to the risk of recurrent disasters. In such cases, alternative ways to 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.

**IV. 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.[[133]](#footnote-133)

In the event of cross-border displacement in the context a disaster, 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. While there are larger regional cooperation systems that link South Asian states to other countries across Asia and the Pacific, SAARC is the sole regional organization for South Asian states exclusively.

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 regional level that are relevant to human mobility in the context of disasters and climate change. During the Regional Consultation, participants will be invited to discuss these, and other, opportunities to integrate the issue of disasters, displacement and human mobility within these ongoing processes.

***4.1 SAARC Comprehensive Framework on Disaster Management***

In the past decade, disaster management has become a priority for SAARC, as “the suddenness and the magnitude of the loss and damage caused by the tsunami of December 2004 provided an immediate sense of urgency towards promoting regional cooperation in the area.”[[134]](#footnote-134) Following the Tsunami, a Special Session of the SAARC Environment Ministers in June 2005 adopted the Malé Declaration on a collective response to large-scale disasters,[[135]](#footnote-135) prompting the development of the Comprehensive Framework on Disaster Management (2006-2015), adopted the following year. While the Framework does not address mobility concerns, it is aligned with the Hyogo Framework of Action.[[136]](#footnote-136) This South Asia Comprehensive Framework is similarly in the process of undergoing revisions for post 2015.

SAARC’s Disaster Management Centre (SDMC), based New Delhi, India, serves Member Countries with policy advice and capacity building services, including through research on trans-boundary challenges and information sharing.[[137]](#footnote-137) SDMC has also developed strategic roadmaps tailored to specific natural hazards and more general issues, including “Integration of Disaster Risk Reduction and Climate Change Adaptation in South Asia,”[[138]](#footnote-138)and “Community Based Disaster Risk Management.”[[139]](#footnote-139) SDMC has also developed a Digital Vulnerability Atlas and recently launched an online web portal, the South Asia Disaster Knowledge Network. Human mobility considerations do not feature prominently in these documents or tools.

***4.2 SAARC Visa Exemption Scheme***

The SAARC Visa Exemption Scheme serves as an example where South Asian countries came together to grant special entry visas to particular categories of people. SAARC’s Visa Exemption Scheme currently includes 24 categories of “entitled persons” eligible to move more freely between Member States. The list is periodically reviewed by Council Ministers.[[140]](#footnote-140) Although SAARC does not have a dedicated institution or framework to address migration and border management issues, the issue of migration and the need to ensure the “safety, security and wellbeing” of migrant workers was highlighted in the 2014 SAARC Kathmandu Declaration.

***4.3 SAARC Climate Change Policy***

SAARC has numerous regional environment and climate change initiatives and strategies. The 2008 Dhaka Declaration on Climate Change requires Member States to carry out mitigation activities, as well as “promote advocacy programs and mass awareness on climate change… initiate and implement programmes and measures as per SAARC practice for adaptation for dealing with the onslaught of climate change to protect the lives and livelihood of the people.” The SAARC Action Plan on Climate Change(2009-2011) outlines cooperation on seven thematic areas,[[141]](#footnote-141) highlighting the need for “exchange of information on disaster preparedness and extreme events” as well as “capacity building and exchange of information on climate change impacts (e.g. sea level rise, glacial melting, biodiversity and forestry)” as top priorities.[[142]](#footnote-142) The Thimphu Statement on Climate Change, adopted in 2010 during the 16th SAARC Summit in Bhutan, develops numerous initiatives “to strengthen and intensify regional cooperation to address the adverse effects of climate change in a focused manner.” Prior to these initiatives, the 1997 SAARC Environment Plan of Action created the SAARC Coastal Zone Management Centre (SCZMC),[[143]](#footnote-143) and the SAARC Disaster Management Centre (SDMC).

***4.4 Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)***

Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), comprising Bangladesh, Bhutan, India**,** Nepal, and Sri Lanka, as well as Myanmar and Thailand, has identified disaster management and climate change as strategic priorities, [[144]](#footnote-144) led by India and Bangladesh respectively. In the March 2014 Declaration from the third BIMSTEC Summit held Myanmar, Member States “Resolve to enhance cooperation … and promote capacity building in the area of disaster management.”[[145]](#footnote-145) During the Summit, *The Hindu* reported that the Bangladesh Prime Minister Sheikh Hasina warned that “a rise in one degree Celsius due to global warming would submerge a fifth of Bangladesh, forcing 30 million people to become ‘climate migrants.’”[[146]](#footnote-146)

**V. Conclusion**

The outcomes of the Nansen Initiative South Asian Regional Consultation will be synthesized in a non-binding, non-attributable outcome document identifying common human mobility challenges in the context of disasters and climate change in South Asia and reflect recommendations made during the Consultation on how to address them.

**ANNEX: GLOSSARY**

**DISASTER** is understood as “serious disruption of the functioning of a community or society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources” (UNISDR). In the present context, those disasters provoked by a natural hazard are relevant.

**SUDDEN-ONSET DISASTERS** comprise hydro-meteorological hazards such as flooding, windstorms or mudslides, and geophysical hazards including earthquakes, tsunamis or volcano eruptions.

**SLOW-ONSET DISASTERS** relate to environmental degradation processes such as droughts and desertification, increased salinization, rising sea levels or thawing of permafrost.

**CLIMATE CHANGE** refers to any change in climate over time, whether due to natural variability or as a result of human activity, according to the Intergovernmental Panel on Climate Change (IPCC).

**CROSS-BORDER** movements take place if affected people do not move inside of a country, but across international borders.

**DISPLACEMENT** describes forced movements of people, while the term migration is used for voluntary movements.

**INTERNALLY DISPLACED PEOPLE** are people or groups of people who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Guiding Principles on Internal Displacement).

**CROSS-BORDER DISPLACEMENT IN THE CONTEXT OF DISASTERS AND THE EFFECTS OF CLIMATE CHANGE** refers to situations where people flee or are displaced across borders in the context of sudden- or slow-onset disasters, or in the context of the adverse effects of climate change.

*NOTE: “Climate Refugee” is often used in the media to define a person displaced in the context of disasters like droughts, sea level rise as well as extreme weather events like hurricanes, tsunamis or earthquakes. This concept does not exist in international law and is not endorsed by the Nansen Initiative.*

1. The South Asia Region consists of the Member States to the South Asian Association for Regional Cooperation (SAARC): Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. [↑](#footnote-ref-1)
2. Notably, many natural features such as river basins, fault zones, or mountain ranges are shared by several countries; therefore, impacts of climate change and natural hazards in this region often “transcend national boundaries” and require inter-governmental cooperation. See The World Bank, GFDRR, *Disaster Risk Management in South Asia - A Regional Overview* (Washington DC: 2012) 31. [↑](#footnote-ref-2)
3. See Asian Development Bank, 'Addressing climate change and migration in Asia and the Pacific*'* (Asian Development Bank, Manila, Philippines 2012). [↑](#footnote-ref-3)
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13. The Nansen Initiative is funded by the Governments of Norway and Switzerland, with additional financial support from the European Commission, the Government of Germany, and the MacArthur Foundation. It is governed by a Steering Group 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. [↑](#footnote-ref-13)
14. Jane McAdam, *Climate Change, Forced Migration and International Law* (Oxford University Press, New York 2012). [↑](#footnote-ref-14)
15. The Asia Pacific Refugee Rights Network (APRRN), the International Centre for Integrated Mountain Development (ICIMOD) and the Nansen Initiative jointly organized the meeting, which was held at ICIMOD’s headquarters. [↑](#footnote-ref-15)
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23. Water from such flooding carries sediment from moraine dam and riverbanks; the combined effect of sudden flooding and debris movement can wash away riparian farmland, infrastructure, and entire settlements. [↑](#footnote-ref-23)
24. This particular type of sudden-onset hazard occurs when a landslide falls directly into a river channel, thereby creating a dam and eventual flash flood. [↑](#footnote-ref-24)
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120. 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.” Walter Kälin, ‘Conceptualizing Climate-Induced Displacement’ in Jane McAdam (ed.), *Climate Change and Displacement*: *Multidisciplinary perspectives* (Oxford, Portland, Or: Hart, 2012). [↑](#footnote-ref-120)
121. According to UNHCR, these States include: Afghanistan, India, Nepal, Pakistan, and Sri Lanka. UNHCR, ‘2014 UNHCR regional operations profile - South Asia’, 2014 <http://www.unhcr.org/pages/49e45b156.html> and UNHCR, ‘2014 UNHCR regional operations profile - South-West Asia’, 2014 <http://www.unhcr.org/pages/49e45af26.html>. [↑](#footnote-ref-121)
122. 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 *refoulment* 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.” Walter Kälin and Nina Schrepfer, ‘Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches,’ (February 2012) *UNHCR Legal and Protection Policy Research Series.* [↑](#footnote-ref-122)
123. Ibid at 50; See McAdam, Jane, “Climate Change, Forced Migration, and International Law” (Oxford University Press, 2012) 49. [↑](#footnote-ref-123)
124. 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. [↑](#footnote-ref-124)
125. Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012) 262. [↑](#footnote-ref-125)
126. Walter Kälin and Nina Schrepfer, ‘Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches,’ (February 2012) *UNHCR Legal and Protection Policy Research Series.* [↑](#footnote-ref-126)
127. Government of Canada, ‘Notice - Immigration Measures in Support of the Government’s Response to Typhoon Haiyan,’ 13 November 2013. Available at <<http://www.cic.gc.ca/english/department/media/notices/2013-11-13.asp>>. [↑](#footnote-ref-127)
128. Frank Laczko and Elizabeth Collett, ‘Assessing the Tsunami's Effects on Migration’ (April 2005) available at http://www.migrationinformation.org/USfocus/display.cfm?id=299. [↑](#footnote-ref-128)
129. Asmita Naik, Elca Stigter and Frank Laczko, ‘Migration, Development and Natural Disasters: Insights from the Indian Ocean Tsunami’ (2007) *IOM Migration Research Series* available at http://www.preventionweb.net/files/8646\_MRS30.pdf. [↑](#footnote-ref-129)
130. 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 us their own language; and be allowed (vii) to enjoy other relevant rights.” Walter Kälin and Nina Schrepfer, ‘Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches,’ (February 2012) *UNHCR Legal and Protection Policy Research Series.* [↑](#footnote-ref-130)
131. For a detailed discussion on status rights see Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012) 252-256. [↑](#footnote-ref-131)
132. Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012) 252-256. [↑](#footnote-ref-132)
133. United National General Assembly Resolution, **A/RES/46/182 available at** <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/582/70/IMG/NR058270.pdf?OpenElement>**.**  [↑](#footnote-ref-133)
134. SAARC, ‘Area of Cooperation - Environment’ (2009) available at http://saarc-sec.org/areaofcooperation/cat-detail.php?cat\_id=54. [↑](#footnote-ref-134)
135. Edward Cameron, ‘Male Declaration on the Human Dimension of Global Climate Change’ (2007). [↑](#footnote-ref-135)
136. SAARC, ‘SAARC Comprehensive Framework on Disaster Management’ (2005) available at http://saarc-sdmc.nic.in/framework.asp. [↑](#footnote-ref-136)
137. UNISDR Asia Pacific, *The Hyogo Framework for Action in Asia and the Pacific 2011-2013* (UNISDR, 2013) available at http://www.unisdr.org/files/32851\_hfaregionalsynthesisreportasiapacif.pdf.) 37. [↑](#footnote-ref-137)
138. SDMC, *Road Map: Regional Cooperation on Climate Change Adaptation and Disaster Risk Reduction in South Asia* (2008). [↑](#footnote-ref-138)
139. UNISDR Asia Pacific, *The Hyogo Framework for Action in Asia and the Pacific 2011-2013* (UNISDR, 2013) 37. [↑](#footnote-ref-139)
140. SAARC, ‘SAARC Comprehensive Framework on Disaster Management’ (2005). [↑](#footnote-ref-140)
141. These include adaptation, mitigation, technology transfer, finance and investment, education and awareness, management of impacts and risks, and capacity building for international negotiations. [↑](#footnote-ref-141)
142. Maud Poissonnier-Lescuras and François Gemenne, ‘ClimMig: Climate-related migration and the need for new normative and institutional frameworks. Bhutan: Case study in the framework of the project’ (2013) *ClimMig, Paris* available at http://www.humanrights.at/climmig/wp-content/uploads/Bhutan-ClimMig.pdf. [↑](#footnote-ref-142)
143. Established in the Maldives in 2004, it aims to promote cooperation in planning, management and sustainable development of coastal zones, including research, training and awareness in the region. [↑](#footnote-ref-143)
144. India Ministry of Foreign Affairs, *Brief on BIMSTEC* (2014). [↑](#footnote-ref-144)
145. BIMSTEC (ed), ‘Third BIMSTEC Summit Declaration’ (4 March 2014). [↑](#footnote-ref-145)
146. Nay Pyi Taw, ‘Bangladesh asks BIMSTEC to take “unified” stand on climate change,’ *The Hindu Online* available at http://www.thehindu.com/news/international/south-asia/bangladesh-asks-bimstec-to-take-unified-stand-on-climate-change/article5749267.ece. [↑](#footnote-ref-146)