



Government of the
Republic of Kenya



***Natural Hazards, Climate Change, and Cross-Border Displacement in the
Greater Horn of Africa: Protecting people on the move***

Conclusions: Nansen Initiative Regional Consultation, Nairobi, Kenya 21-23 May 2014

More than 70 participants representing governments of six countries from the Greater Horn of Africa Region,¹ Tanzania and Yemen, representatives from the Nansen Initiative and its chairmanship, as well as representatives from regional and international organizations, UN Agencies, civil society and research institutions, met in Nairobi, Kenya from 21-23 May 2014 for the third Nansen Initiative Regional Consultation on “Natural Hazards, Climate Change, and Cross-Border Displacement in the Greater Horn of Africa: Protecting people on the move,” which was held at the Boma Nairobi hotel. The participants expressed their thanks and appreciation to the Government of the Republic of Kenya for hosting this important consultation.

The participants welcomed and commended 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 displaced² across borders in the context of disasters and the effects of climate change. The overall objective of the Greater Horn of Africa Regional Consultation was to identify specific challenges that the region faces related to natural hazard related disasters and cross-border displacement and to develop practical, policy and programmatic outcomes in response to these challenges.

Participants recognized that the Greater Horn of Africa is not only affected by conflict and terrorism but is also vulnerable to the effects of climate change. They noted that the increased frequency and intensity of weather events, primarily droughts, floods, and tropical cyclones, are expected to lead to increased water stress, higher temperatures, desertification, decreased agricultural production, increased human and livestock diseases, livestock loss, and famine while sinking ground water levels and sea level rise cause salinization of land and water source and may pose threats to sea-side settlements. Consequently, they recognized that the number of displaced people is likely to increase, with climate change also exacerbating the potential for conflict associated with weakened resilience to natural hazards and competition over scarce resources such as water and grazing areas.

¹ The Governments of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, and Uganda were represented.

² In this document, the term “displacement” refers to situations where people are forced to leave their homes or places of habitual residence. The term “migration” is used to refer to movements that are *predominantly* voluntary.

Participants acknowledged that large-scale disasters within the region have already prompted millions of people to flee internally and across porous international borders, recalling in particular the experiences of the 2009-2012 drought crisis that prompted hundreds of thousands of people to seek refuge across international borders within the region and beyond. They also noted the example of the 2002 volcanic eruption outside Goma, Democratic Republic of the Congo that prompted thousands of people to flee across the border into Rwanda and Uganda, as well as the situation of pastoralists crossing borders in search of water and pastures for their animals. Participants highlighted that such movements are multi-causal and occur within a complex environment impacted by poverty, food insecurity, conflict, cattle rustling, generalized violence, and governance challenges to varying degrees.

Participants recalled the Greater Horn of Africa's decades of experience, generosity and hospitality in providing protection, assistance and durable solutions to millions of refugees, as well as protecting and assisting internally displaced persons in both conflict and disaster contexts. The importance and relevance of national law and its implementation within all phases of the response was stressed, and they highlighted the readiness of countries in the region to admit and host people and communities affected by disasters who are forced to seek protection and assistance abroad. Participants recognized the contribution of host communities, and the sustained humanitarian and development assistance provided from within the region and beyond.

Participants stressed the importance and the need for early warning and response mechanisms, and preparedness as essential for building resilience and preventing displacement particularly in areas exposed to droughts and floods, but also landslides, tsunamis, and tropical cyclones. They identified the importance of activities that span the humanitarian and development response through integrated programming, and supported regional strategies that bring together strategies and plans addressing disaster risk reduction, humanitarian assistance, pastoralism, peacebuilding, development, and food security, such as the Intergovernmental Authority on Development's (IGAD) 2013 Drought Disaster Resilience and Sustainability Initiative (IDDRSI). Participants highlighted the need to specifically address human mobility in such strategies and plans.

Participants recalled that human mobility is a common feature in the Greater Horn of Africa region. They highlighted the traditional practice of pastoralists who move internally and across international borders to access water, grazing land and markets as method to adapt to environmental stress, noting that community-based mechanisms can play an important role in mitigating potential conflict with host communities. They recognized the challenge of balancing pastoralists' mobility and lifestyle with environmental conservation, population growth, and state security considerations.

Participants identified migration as a potentially positive form of adaptation to environmental degradation, while noting at the same time the negative impacts of irregular migration on countries of transit and destination as well as the numerous protection risks faced by migrants when they use perilous routes and are exposed to smuggling, human trafficking, extortion and violence while moving within the region or to the Middle East, Southern Africa, Europe and beyond.

Participants took note of the relationship between internal displacement and cross-border displacement, emphasizing the importance of implementing relevant existing regional and national legal frameworks, such as the African Union's 2009 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and the 2006 Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons (Great Lakes IDP Protocol), as an essential element for preventing cross-border displacement.

Participants recognized that those displaced across borders in the context of disasters should be admitted and provided with protection and assistance. They acknowledged that such people are particularly in need of food, shelter, education and health services; security and protection against exploitation; as well as access to and restoration of their livelihoods. Participants noted that the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 AU Refugee Convention) has been applied in situations where the drivers of displacement included conflict and disasters, namely the 2009-2012 Horn of Africa drought crisis. They noted that the notion of "events seriously disturbing public order," as enshrined in the Convention's wider definition of who is a refugee, covers situations where the lives of those affected are threatened by the disaster and protection and assistance are unavailable in areas of origin as a consequence of conflict. However, they expressed concern that the scope of the 1969 AU Refugee Convention may not extend to people displaced across borders in situations where elements of conflict and violence are absent.

Participants emphasized that, to the extent possible, humanitarian assistance provided during displacement should be linked to self-reliance and livelihood development programming. Participants also identified the need to integrate host communities' needs within all stages of assistance to displaced persons.

Participants also emphasized the importance of finding durable solutions for displaced persons to allow them to rebuild their lives, regain their livelihoods and thus end displacement. They mentioned the existence of appropriate normative frameworks and strategies; measures to enhance security, including human security; as well as the availability of livelihoods and development oriented recovery activities as necessary elements to achieve such solutions.

Participants agreed that prevention, preparedness, and responses to cross-border displacement in the context of disasters require action to be taken at community, national, regional and international levels, while paying special attention to the needs of women, youth and children. They identified five areas where action is needed:

I. Preventing and Mitigating the Impact of Displacement through Resilience Building and Disaster Risk Reduction Measures

1. Recognize that preventing and mitigating the impact of all forms of displacement in disaster contexts is a development issue that should be addressed within national development plans to strengthen the resilience of communities in areas at risk of displacement as well as in areas likely

to host displaced people, through measures such as investing in infrastructure, livelihoods, education, and health care.

2. Integrate human mobility and the needs of communities affected by displacement, including host communities, into regional and national disaster risk reduction strategies and adaptation plans, ensuring that they are aligned with each other at all levels.
3. Consider programs that increase the resilience of pastoralist communities, such as livestock insurance, access to credit and funds, mobile schools, mobile health services, the development of industries for pastoral products, and support for alternative and diversified livelihoods.
4. Take appropriate action to implement paragraphs 7 and 8 of the Summary Statement of the 5th African Regional Platform and the Third Ministerial meeting for disaster risk reduction, which calls for cross-border cooperation for population movements including those induced by disasters (sudden- and slow-onset). Anticipate cross-border movements and plan for the provision of assistance to those arriving through strengthening and developing cross-border data collection, early warning mechanisms, and contingency and preparedness plans that draw on information from multiple countries and incorporate traditional community-based knowledge and practices.
5. Recommend to carry out disaster risk management in accordance with existing relevant legal frameworks such as the Kampala Convention and the African Charter on Human and Peoples Rights.

II. Cross-Border Movement of Pastoralists

1. Acknowledge the value of and allow the traditional practice of pastoralists to move internally and across international borders to access water, pastures and regional markets as a method to adapt to drought.
2. Map pastoralist corridors at the national and regional level, facilitate border crossing, and recognize and strengthen pastoralist cross-border systems, in close consultation with governments and pastoralists on both sides of the border, to facilitate movement in times of environmental stress.
3. Reconcile regional cross-border security needs, and other key issues such as the proliferation of small arms and light weapons, cattle rustling and human as well as livestock health, with pastoralists' livelihood needs, including cross-border mobility for access to water and pasture, within relevant regional and national policies. Support structures and processes at the governmental and community level to prevent, mediate, arbitrate, and mitigate inter-community conflicts.
4. Support mechanisms facilitating agreement on the use of land by arriving pastoralists, provide for livelihood support services, and include development projects for host communities to facilitate pastoralists' movement and prevent and reduce conflict with host communities.
5. Encourage using the 2010 AU Policy Framework for Pastoralism in Africa, supporting its domestic implementation as well as the harmonization of laws and policies addressing the mobility of pastoralists, recognizing that many pastoralists lack documents allowing them to cross borders.

6. Consider including the concept of migration as adaptation and the displacement of pastoralists across international borders within the draft IGAD Transhumance Protocol currently under development.
7. Develop a regional approach to ecosystem management and conservation that addresses shared resources taking into account the impact of population movement, through measures such as cross-border assessments and sharing information between countries.

III. Migration as Adaptation to Environmental Impacts Linked to Climate Change

1. Acknowledge the potential of helping families and communities adapt to environmental stress if some of their members are allowed to migrate abroad, send back remittances, and return with newly acquired skills to their areas of origin.
2. Give priority to allowing people affected by environmental stress to move in a regular manner and in safety and dignity, with full respect of their rights.
3. Promote migration opportunities for people affected by environmental degradation and climate change, such as facilitating seasonal migration. Provide, when needed, necessary skills training and education to prepare such people, including pastoralists, to find employment and diversified livelihood opportunities abroad.
4. Encourage the inclusion of migration as a form of adaptation to climate change within the protocol on the free movement of persons currently being developed by IGAD.
5. Develop new and improve existing data collection tools and analysis on human mobility in the context of environmental degradation and climate change, and develop criteria to differentiate voluntary and non-voluntary movements in such contexts.

IV. Protecting People Displaced across International Borders in the Context of Disasters

1. Recognize that people displaced across borders in the context of disasters, including drought, should be admitted when their lives or health are at risk, and they have no access to protection and assistance in their country of origin and government capacity to respond is overwhelmed.
2. Address the protection needs of such people, in particular regarding food, shelter, education and health services in accordance with relevant international standards such as the SPHERE Standards and the 2005 International Health Regulations; security and protection against exploitation; as well as access to and restoration of their livelihoods. Also recognize and address the specific needs of host communities.
3. Consider applying the 1969 AU Refugee Convention's expanded definition of a refugee that includes persons fleeing "events seriously disturbing public order" (Art. 1, para. 2) in situations where disasters are compounded by conflict and violence.
4. Engage with the African Court and Commission on Human and Peoples' Rights regarding a potential interpretation of the clause "events seriously disturbing public order" in disaster contexts without other factors of conflict or persecution, and encourage the African Union to discuss and seek consensus from Member States on the applicability of this clause to such disaster contexts.

5. Consider the development and use of temporary protection measures in disaster contexts where cross-border displaced people are not recognized under the AU Refugee Convention but still in need of international protection and assistance, building upon existing laws, policies, and practices in the region and UNHCR's Guidelines on Temporary Protection or Stay Arrangements.
6. Support the ratification and full implementation of legal instruments addressing internal displacement, in particular the 2009 Kampala Convention and the 2006 Great Lakes IDP Protocol, in order to avoid situations where people displaced within their own countries in the context of disasters are forced to seek protection and assistance abroad.
7. Interpret the provisions on freedom of movement (Art. 7-12) within the 2009 East African Community (EAC) Protocol on the Establishment of the East African Community Common Market, and the 2012 EAC One Stop Border Post Act in way that facilitates admission during disasters, and consider whether the draft free movement protocol within IGAD should permit entry in disaster contexts when people may lack the necessary travel documents.
8. Ensure a comprehensive approach to finding durable solutions for displaced persons, in particular voluntary return to their place of origin, that includes measures to restore livelihoods and access to basic services, and ensures consultation and participation of affected communities, including those receiving the returnees. Develop criteria to determine when safe and dignified return is possible.

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

1. Establish and strengthen coordination and response mechanisms to address cross-border population movements in the context of climate change and disasters in all areas addressed in these conclusions, without prejudice to the sovereignty and security of the host states and the obligation of those admitted to respect the law of the land.
2. Ensure that donor priorities are better aligned with regional and national priorities and realities regarding activities addressing the needs of displaced people in the context of disasters including climate change.
3. Explore opportunities for accessing existing and new financial mechanisms at the regional and international levels to build resilience in disaster-prone areas, respond to cross-border population movements, and find durable solutions to displacement.
4. Promote the Conclusions of the Nansen Initiative Greater Horn of Africa Regional Consultation in relevant fora, in particular:
 - a. UN Framework Convention on Climate Change negotiations
 - b. 2016 World Humanitarian Summit
 - c. Post-2015 framework for disaster risk reduction
 - d. AU Climate Change Strategy
 - e. IGAD Drought Disaster Resilience and Sustainability Initiative
 - f. IGAD Regional Consultation Process on Migration
 - g. EAC Disaster Risk Reduction and Management Strategy
 - h. EAC Climate Change Policy.

The participants expressed their appreciation to the Government of the Republic of Kenya for its generosity in hosting the third Nansen Initiative Regional Consultation and for its willingness to take the results to relevant regional and international fora. 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 and 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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