

## CROSS-BORDER DISPLACEMENT IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE

Chairperson,  
Excellencies,  
Ladies and Gentlemen

Let me start by thanking UNHCR for this kind invitation to address you in my capacity as Envoy of the Chair of the Platform on Disaster Displacement.

My presence here is far from being self-evident. People displaced across borders in the context of adverse effects of climate change and disasters triggered by natural hazards are as such not recognized as refugees. International law does not protect them with regard to admission and non-refoulement. While the New York Declaration recognizes disasters and climate change as drivers of large movements of persons, its Annex I on the Comprehensive Refugee Response Framework (CRRF) refers to environmental issues only with regard to the environment potentially becoming a victim to large movements of refugees. There is no recognition in the CRRF that sudden onset disasters and slow-onset environmental degradation may victimize people.

And yet, despite this silence, the reality is grim: Each year around 25 million persons on average are displaced in the context of sudden-onset disasters. Most become internally displaced persons but some cross borders. They may seek refuge abroad as their life and health are threatened by hazards such as flooding or drought and ensuing famine, or because they cannot access physical safety, necessary medical care or needed humanitarian protection and assistance in their own country. Such people do not belong to any category of persons recognized to be in need of protection. Thus, all too often they become an invisible part of mixed migration flows. What is not defined is not counted, and their overall number remains unknown.

The Horn of Africa - one of the regions where the CRRF is applied - provides an excellent illustration of the inter-linkages between environmental events and large movements of refugees. Hundreds of thousands Somalis were received in neighboring countries as refugees when in 2011/2012 drought turned into famine. The Nairobi Declaration on durable solutions for Somali refugees and reintegration of returnees in Somalia of 25 March 2017 commits to 'strengthen the protection of refugees and respond effectively to the drought in the region to prevent new forced displacement.' In several parts of the world, linkages between drought, inter-communal violence, extremism or armed conflict are increasingly becoming evident. In the Central American Countries that apply the CRRF, cross-border displacement in the context of sudden-onset disasters is a common experience. In short: Cross-border displacement in the context of disasters and adverse effects of climate change creates protection challenges that are not only relevant for the Global Compact on Migration but also the Refugee Compact and its Program of Action.

What needs to be done? Based on the experience of the Platform on Disaster Displacement and the Nansen Initiative Protection Agenda it seeks to implement, I would like to suggest that the Program of Action:

1. Highlights the need and provides for measures to enhance relevant data and knowledge (i) on the role of disasters and the adverse effects of climate change as drivers of large movements of refugees, and (2) on the numbers and dynamics of cross-border displacement of disaster-affected persons, including through collecting sex and age disaggregated data to inform gender sensitive interventions that promote gender equality and the empowerment of all women and girls.
2. Promotes disaster risk reduction and climate change adaptation measures to (i) prevent displacement from areas at particular risk of disasters and the adverse effects of climate change; (ii) protect refugee camps and settlements in areas at risk; and (iii) facilitate sustainable reintegration of returning refugees in disaster- and climate change-affected areas of origin.
3. Encourages States which have accepted provisions enshrining wider notions of refugees (such as those contained in the African Union Refugee Convention and other relevant regional or domestic instruments) to apply them to persons who are forced to seek protection abroad when a disaster creates events seriously disturbing public order in the country of origin.
4. Recognizes that also in disaster situations displaced persons may qualify as refugees as defined by international law, particularly where (i) they belong to groups already persecuted before the disaster; (ii) originate from areas affected by armed conflict and other forms of wide-spread violence; or (iii) have a well-founded fear of becoming victims of violence where in the country of origin law and order are breaking down in the aftermath of a disaster; and provides for effective measures to ensure that border and asylum authorities have the capacity to identify such persons, particularly in situations of mixed migration flows.
5. Envisages effective measures to ensure that disaster affected persons displaced across borders are protected against forcible return prohibited by international or regional human rights law and encourages States to use complementary and subsidiary protection measures such as temporary protection or humanitarian visa where such persons do not qualify as refugees.
6. Promotes the CRRF approach to finding durable solutions, in particular return to and sustainable re-integration in countries of origin, where large numbers of disaster affected persons are displaced across border.
7. Promotes support to countries of origin to integrate the Guiding Principles on Internal Displacement into their national laws and policies and to build capacity to fully implement them in order to prevent secondary cross-border movements of persons internally displaced in the context of disasters and address the needs of returning refugees who cannot be sustainably reintegrated in their former homes because of the impacts of disasters and the adverse effects of climate change.
8. Recognize the particularly important role of regional and sub-regional organizations to enhance dialogue and cooperation between countries of origin and refuge in matters related to cross-border displacement of disaster-affected persons.