Meeting Summary

Forum on Refugee and Migration Policy

The event was co-hosted by the Chatham House International Law Programme and the Overseas Development Institute (ODI)

3 November 2017
Introduction

This document summarizes the key points to emerge from the Forum on Refugee and Migration Policy roundtable discussion, which brought together a diverse group of experts from government, international organizations, NGOs, civil society and research institutions.

The event was held under the Chatham House Rule and was co-hosted by Chatham House and the Overseas Development Institute (ODI).

Background

This roundtable discussion focused on the issue of population movements prompted by climate change, natural disasters and food insecurity, as well as the linkage between these drivers of displacement and ‘traditional’ causes of displacement, including armed conflict and human rights violations. The meeting recognized that while some of the people displaced across borders by disasters may qualify for protection under the 1951 Convention Relating to the Status of Refugees, most fall outside the scope of that instrument, although the international human rights law framework would nevertheless apply to them and some may benefit from the extended refugee definition in regional refugee instruments. For those internally displaced, the Guiding Principles on Internally Displaced Persons (IDPs) would apply. While the Guiding Principles are non-binding they draw on relevant aspects of international human rights and international humanitarian law. And, in many African states, those internally displaced by disasters would also benefit from the Kampala Convention (the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa).

The discussion was also shaped by a recognition that population movements associated with the process of climate change have become an increasingly pressing issue. Scientific research indisputably demonstrates that global temperatures and sea levels are rising. As a result, growing numbers of people are likely to be on the move in the future, especially in areas that are also affected by political or social violence and economic stagnation.

The massive internal movement of people in Somalia and from there to Ethiopia and Kenya in 2011 provides a good example of the way in which these different drivers of displacement can become inextricably combined. UNHCR, for example, referred to those people who left Somalia at this time as ‘refugees’, while agencies that focused on development and environmental issues such as UNDP considered them to be ‘drought victims’.

While climate change is a global phenomenon, it is evident that low and middle-income countries will be most seriously affected by the population displacements associated with that process. In this respect, the meeting concluded, it was essential for the issue of disaster displacement to be fully integrated into the efforts that are being made to attain the Sustainable Development Goals, as well as the formulation of the forthcoming Global Compacts on Refugees and Migration.

Taking stock of the discourse

The discourse on the role of climate change and disasters as drivers of displacement has expanded substantially in recent years, and now draws upon both quantitative data from scientists, who are modelling climate change, and qualitative analysis by social scientists, who are exploring the human impact of that process. While much of the early literature on this issue consisted of speculative analysis

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1. See annex at the end of this document for more detail on the Forum on Refugee and Migration Policy.
with respect to the number of people who might be displaced by climate change in the future, more recent research has focused on specific situations where climate change and natural disasters are prompting people to move.

The current discourse is also a more nuanced one than that which took place in the past, with particular emphasis now being placed on (a) the way in which climate change interacts with other drivers of displacement; (b) the way in which people use migration as an adaptive strategy; and, (c) the steps that can be taken to avert or manage population movements linked to climate change.

The discourse on climate change and displacement has attained much greater visibility in the course of the last decade. The report of the Global Commission on International Migration, for example, published in 2005, made just a few and scattered references to the issue, rather than treating it as a substantive matter of concern.

This situation was to change rapidly in the next few years, following the launch of the Al Gore film *An Inconvenient Truth*, the decision of both IOM and UNHCR to focus more systematically on the issue, and the establishment, in 2012, of the Nansen Initiative, whose ‘Agenda for the protection of cross-border displaced persons in the context of disasters and climate change’ was endorsed by over 100 governments in October 2015. Significantly, that document also recognized that ‘most disaster displaced persons remain within their own country’, meaning that the discourse on disaster displacement could not be separated from ongoing efforts to reinforce the protection available to conflict-related IDPs.

The importance of terminology and labels in this discourse was noted by a number of participants. Several different terms have been used for the people whose plight was under discussion at the roundtable, including ‘environmentally displaced person’, ‘environmental refugee’ and ‘climate change refugee’. There was a broad consensus that those fleeing events related to climate change and disasters should not be called ‘refugees’ because they are legally and conceptually distinct from people who are entitled to protection under the 1951 UN Refugee Convention.

There was also a consensus that terms referring only to ‘climate’ were problematic, as they excluded people fleeing from non-climate-related disasters, such as earthquakes. Participants agreed that the notion of ‘disaster displacement’ was most appropriate as it could be employed in the context of both slow and sudden-onset emergencies as well as non-climate-related drivers. This concept also places primary emphasis on the impact of disasters on affected populations, rather than the nature of the event itself. It was noted that in raising awareness of disaster displacement – in order to generate more effective and coordinated policymaking – there are risks of playing into the increasingly securitized discourse around migration and refugee issues at global, regional and national levels. How best to relay the scale and reality of disaster displacement movements without scaremongering is a challenge for actors working in this field.

**Responses to disaster displacement**

The roundtable discussed responses to disaster displacement at the local, national and regional levels, focusing on both cross-border and internal movements of people. More specifically, it considered (a) at which of these levels the response is most effective; (b) how response can be most effectively balanced with prevention; and, (c) what examples of best practice can be identified and replicated in other contexts.
There was a shared view that better data and data management have an important combined role to play in improving responses. First, better statistics are needed on the scale and nature of disaster displacement, especially that which involves population movements from rural to urban areas and that which is prompted by the long-term process of climate change. Such data must also be consistent, collected in a timely manner and widely shared amongst relevant stakeholders. At the moment, it was observed, many different organizations are engaged in data collection activities, employing a variety of methodologies and using different conceptual frameworks.

Second, data collection, management and dissemination is not enough. The ultimate purpose of data is to inform more effective responses, and in that respect, particular emphasis should be placed on providing governments of affected countries with the information they need to avert, plan, prepare for and respond to disaster displacement.

Third, improved data have a central role to play in supporting advocacy, raising awareness and resource mobilization efforts. At a time when both humanitarian and development funding are coming under considerable pressure, particular efforts are needed to convince donor states that a substantive and timely investment in research on disaster displacement would allow more cost-effective approaches to be pursued.

Participants agreed on the need for local, national and regional responses to disaster displacement to be harmonized with one another. In that respect, the most effective action is often taken when the government of an affected country (the Philippines was cited as one example) has the capacity to coordinate the diverse actors involved. A number of participants also underlined the crucial role played by grassroots responders, especially in the context of sudden onset disasters. In Bangladesh, for example, communities are alerted to the imminent risk of flooding by the simple use of whistles and bicycle bells. There was also discussion about how the private sector can contribute to responses at the national level, including the potential role of insurance providers.

Turning to international responses, the roundtable heard that regional approaches are in several respects more relevant than global approaches, as they bring together countries that are confronted with similar risks and which share common interests. In this context, specific attention was given to the work of the Alliance of Small Island States and the freedom of movement agreement established by ECOWAS (Economic Community of West African States).

Participants agreed that an adequate balance must be established between disaster response and disaster prevention. Some felt that there was currently too much focus on the former, largely because sudden humanitarian emergencies attract greater attention and resources. A more effective approach would be to invest in development programmes and national development plans, thereby strengthening the resilience of local communities and their ability to withstand both slow and sudden-onset disasters. Indeed, it was noted by some participants that support from wealthier states for adaptation and resilience activities in affected countries, as well as for durable solutions for people displaced, could be seen through the lens of climate justice alongside a development and humanitarian perspective.

Efforts to prevent and respond to disaster displacement must always be informed by a recognition that population movements have multiple interacting drivers. Drought, for example, undermines food security and often prompts people to leave their usual place of residence in order to establish livelihoods or look for assistance elsewhere.
At the same time, there is substantial evidence to suggest that social tensions and violence are likely to increase when rainfall levels drop, making it even more likely that people will look for safety and security elsewhere. Displacement itself can reinforce the cycle of deprivation and violence, creating marginalized and exploited groups of people who may turn to the use of force in order to assert themselves.

**Protection and human rights dimensions**

An essential component of the response to disaster displacement is that of protecting and safeguarding the human rights of affected populations. In that respect, the roundtable acknowledged the importance of the Nansen Initiative’s Protection Agenda and encouraged the Platform on Disaster Displacement to persist with its dissemination.

Participants concurred that there is currently little appetite amongst states to establish new legal categories or ‘hard law’ international instruments with respect to disaster displacement. Improved protection must therefore utilize existing frameworks. As demonstrated by the Guiding Principles on Internal Displacement, non-binding initiatives can be ethically persuasive and effective in persuading states to respect evolving norms.

There was discussion about the desire of disaster-affected populations to remain as far as possible in their usual place of residence as well as their need to move out of harm’s way. The roundtable recognized the ways in which displacement can disrupt and undermine established cultures, a particularly important consideration in the context of indigenous peoples and the residents of small island states.

In terms of moving to safety, it was argued that affected populations should, to the extent possible, be able to migrate in an orderly manner, using safe and legal routes. Without access to such routes, people may have to embark on hazardous journeys that involve smugglers and traffickers, which put those fleeing at risk of exploitation and abuse.

The roundtable took note of the fact that disaster displacement has hitherto been manifested primarily in the form of population movements within national borders. There was consequently a need for efforts to enhance the protection of people affected by disaster displacement to be effectively aligned with the longstanding effort to strengthen respect for the human rights of IDPs.

In this context, participants expressed concern that the issue of internal displacement was currently being neglected by the international community, due in part to the spate of large-scale refugee emergencies that have taken place in the last five years. The September 2016 New York Declaration for Refugees and Migrants, for example, had devoted just one short paragraph to the issue, despite the fact that there are almost twice as many IDPs as refugees. Many of those IDPs, moreover, currently face enormous difficulties in accessing protection, assistance, livelihoods and lasting solutions to their plight.

Reflecting on the IDP discourse, participants identified three areas in which action is required. First, further thought is required on the question of solutions for IDPs, especially the point at which internal displacement can be said to have come to an end. Second, greater efforts are needed to ensure that IDPs are more prominently placed on international processes such as the formulation of a Global Compact on Refugees and the attainment of the Sustainable Development Goals.

Third, participants agreed that the 20th anniversary of the Guiding Principles on International Displacement, in 2018, should be used as an opportunity to reinvigorate the campaign for better IDP protection and to ensure that the issue of disaster displacement is fully integrated in that effort. At a time
when states are preoccupied with responding to cross-border movements of people, there is a real risk that those who are displaced within their own countries will be left ‘out of sight and out of mind’.

With respect to the rights of people who are displaced by disasters and who seek safety in another state, it was noted that few would be granted protection under the provisions of the 1951 UN Refugee Convention. A number of participants suggested that rather than seeking to extend the remit of that instrument, it would be more effective to encourage states to make use of discretionary measures such as temporary protection arrangements and humanitarian visas. Such practices should also be harmonized and made as consistent as possible.

Global responses and compacts

Roundtable participants considered the extent to which the Global Compact on Refugees and the Global Compact on Migration would specifically address the question of disaster displacement. Some participants felt that the issue was equally relevant to both, while others expressed a concern that it might fall between the two and not be adequately addressed by either. While recognizing that the processes associated with the two compacts could not now be changed or combined, some participants suggested that an integrated approach, leading to a single compact on human mobility, would have been preferable.

Participants agreed on the importance of engaging in both consultation processes, so as to ensure that disaster displacement is placed firmly on the international and UN agenda. Several participants provided practical examples of their engagement with these processes, stressing the important opportunity that the compacts represent for the formulation of more effective and equitable policies in relation to refugees and migrants. It was noted that the Global Compacts could provide an opportunity to encourage wider and more harmonized use of temporary protection and humanitarian status to provide protection to people displaced across borders by disaster. The importance of building in a review mechanism in the Compacts was also raised.

Others expressed a concern that the compact processes are raising unrealistic expectations, pointing out that the current international climate is not particularly conducive to the strengthening of refugee and migrant protection. The 2016 New York Declaration, it was pointed out, is a non-binding document that lacks specific commitments with respect to the issue of responsibility-sharing for refugees. And while the Comprehensive Refugee Response Framework represents a welcome attempt to operationalize the Declaration, it is yet to be seen how it may result in a ‘paradigm shift’.

Conclusion

The final session of the roundtable identified the key conclusions and recommendations to be drawn from the day’s discussions.

First, disaster displacement is taking place on a growing scale, and will continue to do so unless effective collective efforts are taken to address the issue of climate change. Disaster displacement is also a complex and diverse phenomenon, due in large part to the multiple and interacting drivers that prompt people to leave their usual place of residence.

Second, while the discourse on disaster displacement has become more sophisticated in recent years, additional efforts are required to strengthen its empirical and conceptual basis. More research and better data are required on the issue, while a consensus is required in relation to the descriptive labels applied to people who are obliged to move as a result of both slow and sudden-onset disasters.
Third, there is a need to persist with the efforts made by the Nansen Initiative to strengthen the protection available to people affected by disaster displacement, whether they remain within or leave their own country. With respect to the former group, those efforts should build upon existing protection frameworks and be pursued in the context of a reinvigorated discourse on the human rights of IDPs. In terms of the latter, little progress is likely to be made in seeking to extend the refugee definition in the UN Refugee Convention to disaster-displaced populations, a situation that requires use of alternative approaches such as temporary protection and humanitarian visas to be pursued.

Fourth, while disaster displacement demands international and regional responses, particular emphasis should be placed on action at the national and local levels. In this respect, greater efforts should be made to learn from recent disasters in which governments and civil society have performed in a particularly effective manner, alongside examples of constructive private sector involvement.

Finally, improved emergency planning, preparedness and response must be combined with a much stronger focus on and investment in disaster prevention and reduction measures. By promoting inclusive development processes that support the resilience of local communities, it would be possible to reduce both the human and material cost of disaster displacement.

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People are on the move in every part of the world. While many migrate in a safe and legal manner for the purpose of employment, education or family reunion, a growing number are compelled to leave their own countries as a result of armed conflict, political violence, serious human rights violations, natural disasters and the consequences of climate change. In their quest to find safety elsewhere, they have little choice but to embark on difficult, dangerous and irregular journeys.

The international community’s response to this situation has been inadequate. While numerous communities and governments have reacted with generosity, many of the world’s refugees and migrants are deprived of the protection and assistance to which they are entitled and are unable to find lasting solutions to their plight. Governments are failing to address the issue of human displacement in a coordinated and cooperative manner, and in some cases are flouting fundamental principles of international law. The refugee and migration issue has become a deeply divisive one, both within and between states.

Responding to this scenario, Chatham House and the Overseas Development Institute (ODI) will convene a Forum on Refugee and Migration Policy. The Forum’s purpose is to support the development of effective and equitable policies at the international, regional and national levels with respect to the cross-border movement of people who have been compelled to leave their homes as a result of serious threats to life, liberty or livelihood.

The Forum will act as a platform for dialogue between members of a diverse, international and high-level group of experts through a series of meetings over the next two years. It will include representatives from the humanitarian, development, security and foreign policy communities, as well as from foundations, civil society and the private sector. A particular objective of the Forum will be to foster a closer dialogue between the forced displacement and migration policy communities. Operating under the Chatham House Rule, the Forum will provide a space for a frank exchange of views between these different stakeholders, thereby supporting other ongoing processes relating to refugee and migration policy.

The Forum will also commission and publish policy briefs on relevant issues and contribute to the sharing of empirical evidence, effective practices and policy innovations. The Forum will keep abreast of and contribute to the work of other organizations that are active in the areas of refugees, migration and humanitarian action.