

TASK FORCE ON DISPLACEMENT STAKEHOLDER MEETING
“RECOMMENDATIONS FOR INTEGRATED APPROACHES TO AVERT, MINIMIZE AND ADDRESS
DISPLACEMENT RELATED TO THE ADVERSE IMPACTS OF CLIMATE CHANGE”

Château de Bossey Conference Centre, Bogis-Bossey, Switzerland
May 14th - 15th 2018

ABOUT RESAMA

Founded in 2010 by Erika Pires Ramos (Brazil) and Alba Goycochea (Uruguay), the South American Network for Environmental Migrations (RESAMA) is a regional independent network of 22 experts, researchers and practitioners in the field of environmental migration that aims to disseminate information on the topic and to include it in the public agendas around South America.

RESAMA works for the recognition and legal protection of environmental migrants by providing capacity building for stakeholders and policymakers, contributing for the integration of the issue into existing laws and policies on climate change, disaster risk reduction, human rights, as well as supporting the design of new instruments at global, regional and national levels.

Among its objectives is the promotion of regional approach of displacement in the context of climate change, emphasizing the role and the contribution of regional actors, policies and practices, taking into account regional and national experiences in the continent.

* List of selected participations and publications in ANNEX I.

MARKETPLACE ON INTEGRATED APPROACHES BASED ON GOOD PRACTICES AND LESSONS LEARNED

There is a positive scenario for the recognition of the connections between human mobility and climate change in South America. The growing awareness of regional actors could result in the adoption of specific measures to recognize, protect and assist displacements related to the adverse effects of climate change.

Regional organizations recognize, through ‘soft law’ declarations, the challenges posed by climate change and natural disasters, as well as by the displacement of people across borders that these phenomena may cause in the region.

Countries’ good practices can be seen under different regimes. Peru, last month, published its national policy on climate change and mentions the development of an action plan to prevent and address forced migration due to the effects of climate change. Likewise, Brazil’s National Adaptation Plan handles migration as a possible adaptation strategy (changing the negative interpretation of migration as failure).

Under the disaster risk reduction policy area, some countries present laws that aim at protecting populations in case of emergencies and disasters, often mentioning the relocation of human settlements to reduce potential and existing risks.

Under the migration regime, it is always worth mentioning the humanitarian visas - that, in our view, are only emergency solutions – and also important to highlight Bolivia’s 2013 Migration Law, which brings a definition of ‘climate migrant’.

However, there is an absence of regional and sub-regional specific norms, formal recognition and effective action guidelines on human mobility in the context of climate change in the region. Instead, it presents a diversity of organizations without coherence in actions related to climate change, migration and disasters. Besides lacking articulation and coordination, their climate change policies and measures usually do not integrate impacts of human mobility, risks of cross-border displacement and so on.

UNFCCC could address this problem enhancing regional governance, promoting not only the integration of all climate change policies and legislations, but also the inclusion of human mobility in their agenda. In other words, it could strengthen legal frameworks through the promotion and adaptation of existing instruments.

As example, with the support of regional organizations and consultative processes, it could support States in the reformulation of their National Adaptation Plans and Nationally Determined Contributions in order to include human mobility in the context of climate change as a priority. As several countries in the region are undergoing processes of immigration legislation review, it could also work on recommendations for the inclusion of people affected by climate change.

Finally, reinforce and develop suitable and efficient tools for monitoring and evaluating the implementation of the recommendations on human mobility in the context of climate change and address data gaps in cross border and slow-onset displacements.

1. GOOD PRACTICES FROM COUNTRIES EXPERIENCE ILLUSTRATING MEASURES TO AVERT, MINIMIZE OR ADDRESS DISPLACEMENT RELATED TO CLIMATE CHANGE

1.1 EXAMPLES OF ENVIRONMENTAL MIGRATION DUE TO DISASTER DISPLACEMENT IN SOUTH AMERICA

- ✓ 2017 mid-year estimates: Peru (293,064), Brazil (70,867), Argentina (26,045), Colombia (22,872), Uruguay (8,799), Chile (7,581), Paraguay (4,488), Bolivia (3,063), Ecuador (2,946) (IDMC, 2017).
- ✓ 2016: 289,000 displacements by disasters in Ecuador in 2016, mainly due to the earthquake that struck the country – considered one of the ten largest disaster displacement events of 2016 (IDMC, 2017).
- ✓ 2015: Chile (1,000,000), Paraguay (171,000), Brazil (59,000), Venezuela (45,000), Argentina (36,000), Uruguay (24,000). Despite displacements also occurred in Bolivia, Peru and Ecuador, Chile was among the countries with most new disaster displacements in 2015 due to the earthquake that hit the country.
- ✓ Brazil: within the 20 countries with the largest number of disaster displacements in the period 2008-2014 (IDMC, 2015).
- ✓ Cross-boarder displacements: floods in Bolivia with displacement to Brazil; floods in Colombia with displacement to Ecuador (NANSEN, 2015).
- ✓ Estimated Haitian migration to South America after the 2010 earthquake: 93,809 persons. (IOM, IPPDH; 2017)

1.2 GOOD PRACTICES – POLICY AREA – CLIMATE CHANGE

Climate Change National Policies:

- ✓ Peru (April 2018): in addition to considering the impacts of climate change on vulnerable groups' human rights, it aims to promote the sustainable disaster risk reduction related to climate change induced disasters, as well as climate change adaptation. **The brand-new law innovates by mentioning the development of “an action plan to prevent and address forced migration due to the effects of climate change in order to avoid the increasing pressure on urban infrastructure and services, averting the chances of social conflicts among migrants themselves”.**

Nationally Determined Contributions (NDCs):

- ✓ Uruguay: “strengthen climate risk management against floods, through the enhancement of vulnerable population resettlement processes and the implementation of new land-use planning measures”.
- ✓ Colombia: the impacts of migration “increase pressure on natural resources in the most vulnerable areas, often resulting in increased deforestation”.

National Adaptation Plans (NAPs):

- ✓ Brazil: the increase of temperature may intensify the risk of extreme events, which may cause displacement; the possibility of new migratory flows in response to the negative consequences of climate change; **migration as a “possible strategy of adaptation”**. The need of “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation [...] at national, regional and international levels”.
- ✓ Colombia: migration and displacement affect not only the poorest persons but also populations settled in risky areas.
- ✓ Chile: the country links extreme hydro meteorological events to the increase of infectious diseases and allergic injuries, which leads to migration.

1.3 GOOD PRACTICES – POLICY AREA – DISASTER RISK REDUCTION

- ✓ Venezuela (2010 ‘Gran Misión Vivienda’): response to emergency caused by storms and flooding that affected hundred thousands of people in the country's poorest areas. The mission has built up to 800,000 houses (out of 3 million initially projected) until 2015. **It is the only country that refers to human mobility as a preventive aspect – regarding planned relocation.**
- ✓ Venezuela (Decree n. 8,001 of 2011): the ‘Special Law on Decent Shelter’ called the government to protect populations in case of emergencies and disasters.
- ✓ Suriname (2015): the country recognized “the vulnerability of the coast and the ever increasing impacts on a significant percentage of the population”, which posed a dilemma for the government to decide to invest in adaptation in these areas or to relocate the population at risk.

- ✓ Colombia (Law n. 1,523 of 2012): the ‘National Policy of Disaster Risk Management and National System of Disaster Risk Reduction’ sets forth “relocation of human settlements addressed to disasters situations” and that “public entity buildings in educational and health, including hospitals, security and welfare sectors that are located in high-risk areas will be relocated”.
- ✓ Peru (Law n. 29,869 of 2012): it aims at “the resettlement of population located in regions of high risk and provides voluntary and involuntary resettlement.”
- ✓ Brazil (Ministerial Decree n. 02 of 2012): publication of the ‘National Collective Protocol for the Integral Protection of Children and Teenagers, Elderly People and People with Disabilities in Situations of Risk of Disasters’, which addresses the protection of vulnerable groups during displacement and evacuation.
- ✓ Bolivia (Law n. 602 of 2014): the country’s Risk Management Law “relocation of human settlements” to reduce potential and existing risks.

1.4 GOOD PRACTICES – POLICY AREA – MIGRATION

- ✓ Argentina (Decree n. 616 of 2010 – “Special transitory residents”): the country classified the victims of natural disasters as transitory residents under a “special” subcategory. It considers the situation of people who, although do not require international protection, temporarily cannot return to their home countries due to the consequences of natural or environmental disasters of human origin.
- ✓ Bolivia (Law 370 of 2013 – Legal definition of “climate migrants”): only Latin American country that treated migration due to climate change. The law regulates climate change induced migration considering two situations: i) the protection of its citizens through the adoption of international agreements and conventions; ii) the admission of displaced populations due to climate effects, in the case of risks or threats to life, or environmental disasters in general. It also contains the definition of “climate migrant”.
- ✓ Chile (Law 20,430 of 2010 – Non-refoulement principle): the country’s Refugee Law only addresses to the principle of non-refoulement, prohibiting expulsion or devolution to a country where their safety could be threatened.
- ✓ Chile’s Migration Law Reform (2018) - It aims to provide up to 10,000 humanitarian visas for Haitians every year.
- ✓ Ecuador (Decree 248 of 2010 – “Non-immigrant visa”/Haiti): special regularization for Haitians victims of the 2010 earthquake. It provides that Haitian citizens who entered in Ecuador until 31 January 2010 could be granted with a non-immigrant visa valid for 5 years.
- ✓ Ecuador (Law n. 938 of 2017) – Article 58 provides visa concession for humanitarian visas.
- ✓ Peru (Decree 1,236 of 2015 – “Temporary humanitarian visa”): it applies to those who migrate due to disasters.
- ✓ Venezuela (Decree 8,001 of 2011 – “Social visas”/Haiti): humanitarian visas have been granted to Haitians since the earthquake hit the country. The Decree aims the construction, habilitation, conditioning organization, full attention and management of shelters to protect the population in case of emergencies or disasters.

- ✓ Brazil (Normative Resolution n. 97 of 2012 – “Humanitarian Visa”/Haiti): strategy to receive and regulate the entrance of the victims of the 2010 earthquake in Haiti. It establishes the concession of a permanent visa for humanitarian reasons, which would be initially valid for five years and it had been amended every year. The publication of the country’s new Migration Law (Law 13,445 of 2017) includes temporary visas for humanitarian reasons (including environmental disasters), still pending on specific regulation.

1.5 REGIONAL STAKEHOLDERS/ORGANIZATIONS ENGAGEMENT ON CLIMATE CHANGE AND HUMAN MOBILITY

- ✓ Brazil Declaration Cartagena + 30 (2014): it recognizes “the challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders that these phenomena may cause in the region, and recognize the need to conduct studies and give more attention to this matter.”
- ✓ Brazil Plan of Action Cartagena + 30 (2014): “in light of the new challenges posed by climate change and natural disasters, as well as by displacement of persons across borders that these phenomena may generate, UNHCR is requested to prepare a study on the subject with the aim of supporting the adoption of appropriate national and regional measures, tools and guidelines, including response strategies for countries in the region, contingency plans, integrated responses for disaster risk management and humanitarian visa programs, within the framework of its mandate.”
- ✓ Common Market of the South (MERCOSUR): the 2002 MERCOSUR Residence Agreement on the free movement of persons could be adapted to facilitate the movement of environmentally displaced persons in the region. In 2012 MERCOSUR and UNASUR Member States were called upon to recognize the migration caused by natural hazards and to create a protocol aimed at to environmental migration.
- ✓ Union of South American Nations (UNASUR): it is working towards the establishment of a South American citizenship that could facilitate the management of intra-regional cross-border movements in the context of climate change and disasters.
- ✓ 2016 UNASUR-MERCOSUR Dialogue on Human Rights of Migrants and Humanitarian Cooperation and the MERCOSUR Dialogue on Human Rights of Migrants: Humanitarian Crisis and Food Security: the development and implementation of instruments for risk management and humanitarian cooperation to safeguard the human rights of migrants must be taken forward at a regional level.
- ✓ South American Conference on Migration: references to environmental migration in 2006, 2010, 2015 and 2016 declarations. A report on migration, environment and climate change, elaborated by RESAMA, was presented as a reference document for the XVI Conference of 2016.
- ✓ Organization of American States (OAS): Declaration on Climate Change, Food Security and Migration in the Americas, adopted on 14 June 2016; “Migrants in Disaster-related Situations” from the OAS’s Committee of Migratory Issues (2009); resolutions of the OAS General Assembly on climate change, disasters, migration and internal displacement.

2. POLICY/LEGAL/KNOWLEDGE GAPS THAT COULD BE ADDRESSED THROUGH UNFCCC PROCESS, AND SPECIFICALLY THE WIM:

AND

3. SPECIFIC RECOMMENDATIONS FOR HOW THE UNFCCC/TFD COULD ADDRESS THIS SPECIFIED GAP:

2/3.1 LACK OF ARTICULATION AND COORDINATION AMONG REGIONAL POLICIES AND MEASURES REGARDING HUMAN MOBILITY IN THE CONTEXT OF CLIMATE CHANGE

There is an absence of regional and sub-regional specific norms, formal recognition and effective action guidelines on human mobility in the context of climate change in South America. Instead, the region presents a diversity of organizations without coherence in actions related to climate change, migration and disasters. Besides lacking articulation and coordination, their climate change policies and measures usually do not integrate impacts of human mobility, risks of cross-border displacement and so on.

Recommendations of how the UNFCCC could address this specified gap:

- ✓ Act as the major stakeholder in enhancing regional governance in the region, promoting not only the integration of climate change policies and legislations, but also the inclusion of human mobility in their agenda.
- ✓ Promote the engagement of all South American institutions in identifying regional normative and institutional gaps to address human mobility in the context of the adverse effects of climate change. Strengthen legal frameworks through the promotion and adaptation of existing instruments.
- ✓ Develop recommendations on human mobility in the context of climate change through the establishment of guidelines with unified measures to be adopted in all levels – regional, sub-regional and national.
- ✓ With the support of regional organizations and consultative processes, support States in the reformulation of their National Adaptation Plans (NAPs) and Nationally Determined Contributions (NDCs) in order to include human mobility in the context of climate change as a priority. Similar/common regional strategies would harmonize the different national initiatives being developed to protect people displaced by climate change.
- ✓ Create regional platforms for the exchange of information, good practices and resilience measures, ensuring thus total and informed participation of affected communities and local leaderships.
- ✓ Reinforce and develop suitable and efficient tools for monitoring and evaluating the implementation of the recommendations on human mobility in the context of climate change.
- ✓ As several countries in the region are undergoing processes of immigration legislation review, recommend the inclusion of people affected by the adverse effects of climate change.
- ✓ Considering that most part of the climate change-induced displacement happens regionally, focus on regional, sub-regional and local initiatives and search for regional, sub-regional and local durable solutions to human mobility and climate change.
- ✓ Promote the involvement of public and private actor in the development of possible solutions. Social resilience often depends on economic resilience.
- ✓ Support the development and establishment of 'regional observatories' in order to keep track and updated information/data regarding local and regional displacements related to the adverse effects of climate change

2/3.2 REINFORCE A HUMAN RIGHTS BASED APPROACH OF HUMAN MOBILITY DUE TO THE ADVERSE EFFECTS OF CLIMATE CHANGE

Recommendations of how the UNFCCC could address this specified gap:

- ✓ Reinforce a human rights based approach of human mobility due to the adverse effects of climate change, making it a central issue by international and regional human rights bodies. The regional human rights bodies may play a crucial role to establish protection standards for people forced to move by the adverse effects of climate change. As example, the norms and standards of the Inter-American System on Human Rights regarding the human rights of migrants, referring to environmental migration.
- ✓ Activities to address challenges and enhance opportunities associated with human mobility in the context of climate change should be inclusive and target all segments of the communities concerned and affected by climate change-induced migration. Thus, it would ensure participation, a fundamental human right.
- ✓ Reinforce the need and urgency to address the lack of specific protection with a comprehensive human rights approach for people and communities affected by disasters and climate change, and governance mechanisms that set out clearly norms and actors, adopting a concept of environmental migration based on human dignity.
- ✓ Adopt preventive measures to avoid the victimization and the criminalization of environmental migration.
- ✓ Support long-term solutions (that consider the whole process involving human mobility in the context of climate change) and not only emergency solutions (as humanitarian visas).

2/3.3 MIGRATION AS AN (POSITIVE) ADAPTATION STRATEGY

Recommendations of how the UNFCCC could address this specified gap:

- ✓ Develop recommendations that change the negative paradigm of migration, which interprets migration as a failure of adaptation. Consider migration as an adaptation strategy in the context of climate change adaptation policies and actions, pointing out clear criteria to define in which situations this strategy should be conducted/used/implemented. Highlight the positive impacts of migration in the context of climate change.
- ✓ This could be done with the inclusion of migration as an adaptation strategy into National Adaptation Plans (NAPs) from the countries of the region (as example, the Brazilian NAP).
- ✓ As the terms of 'loss and damage' under the WIM remain unknown/are still under discussion and considering that the Paris Agreement Parties agree that Article 8 does not involve or provide a basis for any liability or compensation, reinforce the need to examine human mobility in due to the adverse effects of climate change under an adaptation perspective.
- ✓ Migration as an adaptation strategy should consider protection measures that address all phases of human mobility process – before, during and after the movement – with a view to anticipate challenges and develop effective responses.

2/3.4 ADDRESS DATA GAPS AND COLLECTION CHALLENGES – CROSS BORDER AND SLOW-ONSET EVENTS DISPLACEMENT

There is a gap on cross-border and slow-onset environmental displacement data in South America as each country adopts a different method to identify and count people displaced by disasters and none has a clear understanding of displacements related to slow-onset events. Data is usually collected during emergencies without middle and long-term analyses on how many people return to their homes or those who remain in protracted or permanent displacement situation. The standardization of this data collection in the regional context is desirable, as well as the collection of disaggregated data, especially concerning vulnerable groups (children, elderly, women, migrants, persons with disabilities, indigenous peoples).

Recommendations of how the UNFCCC could address this specified gap:

- ✓ Keep a record of environmental migration cases by region and the creation of national, regional and global databases as environmental migration observatories with specific and unified methodologies to identify and register cases of displacement and/or communities at risk of displacement in the context of climate change.
- ✓ Adopt a regional protocol/action plan/recommendations for data collection of people displaced by climate change (for both sudden and slow-onset events), with the standardization of methodologies among countries of the same region. The document to be developed may also consider disaggregated data collection of vulnerable groups, and long-term data collection to identify displaced people who return to their homes and those in situation of long term or permanent displacement.
- ✓ Develop mechanisms and methodology, as regional networks of researchers and institutions, to produce data collection and compilation on slow-onset events and communities at risk of displacement by this kind of disasters.
- ✓ Develop displacement in the context of climate change indicators, including legal indicators (all the ongoing procedures of indicators and monitoring processes of the implementation of international policies do not consider the “legal” element). It is important to include this kind of indicator as they can provide a way to obtain specific information about climate change-induced displacement, the alignment of national and regional norms and policies to international guidelines, as well as monitoring the implementation of these guidelines and international policies in the national and regional context.

ANNEX I

LIST OF PARTICIPATIONS AND PUBLICATIONS

SELECTED PARTICIPATION IN EVENTS

- ✓ 'Forum on Refugee and Migration Policy' (Chatham House: The Royal Institute of International Affairs and Overseas Development Institute - ODI, London, 2017);
- ✓ 'Platform on Disaster Displacement Advisory Committee Workshop' (Platform on Disaster Displacement - PDD, Bogis-Bossey, 2017);
- ✓ 'Conferencia Suramericana sobre Migraciones' (PDD and International Organization for Migration - IOM, Santiago, 2017);
- ✓ 'Migraciones en las Americas' (Brown International Advanced Research Institutes - BIARI, Mexico City, 2017);
- ✓ 'Curso Interamericano sobre Migraciones Ambientales' (Mar del Plata, 2017);
- ✓ 'Conferencia Regional sobre Migraciones y Plataforma sobre Desplazamiento por Desastres' (PDD, San José, 2017);
- ✓ 'Consulta Regional para el Pacto Global sobre Migración Segura, Ordenada y Regular' (IOM, Santiago, 2017);
- ✓ 'Expert Panel, OHCHR and Intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders' (Office of the United Nations High Commissioner for Human Rights - OHCHR, Geneva, 2017)
- ✓ 'The Platform on Disaster Displacement and the UNFCCC Task Force on Displacement – Opportunities for support and action' – Side event at the 22nd Conference of the Parties of the United Nations Framework Convention on Climate Change (PDD, Marrakech, 2016);
- ✓ 'Simposio Migraciones Climáticas' (Fundación Ecología y Desarrollo - ECODES, Madrid, 2016);
- ✓ 'Platform on Disaster Displacement Advisory Committee Workshop' (PDD, Geneva, 2016);
- ✓ 'Migración, Cambio Climático y Desarrollo Sostenible en America del Sur' (IOM, Foz do Iguaçu, 2016);
- ✓ 'Technical meeting on Migration, Displacement and Human Mobility in the context of Action Area 6 of the initial two-year workplan of the Executive Committee of the Warsaw International Mechanism for Loss and Damage' (IOM, Casablanca, 2016).

SELECTED PARTICIPATION IN CONSULTATIVE PROCESSES AND NETWORKS

- ✓ Admission as a key actor of the AdaptaClima Platform and the Working Group on Adaptation of the Brazilian Forum on Climate Change (FBMC – Multistakeholder);
- ✓ Contributions to the Forum on Social Participation of the Immigration National Council (FPS-CNIg). Participation in the consultative groups about de regulation of the new Brazilian migration law and Global Compact.

SELECTED PUBLICATIONS

- ✓ Ramos, E.P.; Cavedon-Capdeville, F.S.; Odriozola, I.; YAMAMOTO, L. (2018) Informe de Posición RESAMA n. 01: La migración ambiental en el Pacto Mundial para una Migración Segura, Ordenada y Regular – Desafíos y aportes para América Latina y el Caribe. <resama.net/publications>;
- ✓ Ramos, E. P.; Cavedon-Capdeville, F.S. (2017). Regional responses to climate change and migration in Latin America. Research Handbook on Climate Change, Migration and the Law. Benoît Mayer and François Crépeau (Editors);
- ✓ Ramos, E. P.; Yamamoto, L. (2018) Deforestation, drought and environmental migration in Brazil: an overview. Routledge Handbook of Environmental Displacement and Migration. Gemmene, F.; McLeman, R. (Editors);
- ✓ Ramos, E. P.; Cavedon-Capdeville, F.S; Yamamoto, L.; Serraglio, D.A. (2017) “Towards a regional agreement on disaster displacement?”. Forced Migration Review - Latin America and Caribbean, 56. <<http://www.fmreview.org/latinamerica-caribbean/piresramos-cavedoncapdeville-yamamoto-serraglio.html>> ;
- ✓ Yamamoto, L; Serraglio, D.A.; Cavedon-Capdeville, F.S. (2017) "Human mobility in the context of climate change and disasters: a South American approach". International Journal of Climate Change Strategies and Management. <<https://doi.org/10.1108/IJCCSM-03-2017-0069>>;
- ✓ Ramos, E. P.; Jubilut, L. L.; Cavedon-Capdeville, F.S.; Claro, C.A.B. (2016) Environmental migration in Brazil: Current context and systemic challenges”. OIM Policy Brief Series, Issue 5 - Vol. 2;
- ✓ RESAMA. (2016) “Migración, medio ambiente y cambio climático: agenda 2030, buenas prácticas y desafíos para la región suramericana”. 16th South American Conference for Migrations. <<http://csm-osumi.org/sites/default/files/>>.

SELECTED INTERVIEWS

- ✓ Ramos, E. P. “Mudança climática impacta mobilidade humana no Brasil” [*Climate change impacts human mobility in Brazil*], Le Monde Diplomatique, April 2017. <<http://diplomatique.org.br/mudancas-climaticas-impactam-mobilidade-humana-no-brasil/>>
- ✓ Yamamoto, L. “Migrações ambientais, uma consequência das mudanças e desastres naturais” [*Environmental migrations, a consequence of changes and natural disasters*], Migra Mundo, June 2017. <<http://migramundo.com/migracoes-ambientais-uma-consequencia-das-mudancas-e-desastres-naturais/>>