THE NANSEN INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT

Background Paper
Nansen Initiative Civil Society Meeting

Climate Change, Disasters, and Human Mobility in South Asia

Kathmandu, Nepal
2-3 February 2015

I. Introduction

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

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

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[1] The South Asia Region consists of the Member States to the South Asian Association for Regional Cooperation (SAARC): Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka, and most recently, Afghanistan.

[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 intergovernmental cooperation. The World Bank, GFDRR, *Disaster Risk Management in South Asia - A Regional Overview* (Washington DC 2012) 31.

3 Asian Development Bank, *Addressing climate change and migration in Asia and the Pacific* (Asian Development Bank, Manila, Philippines 2012).

4 IDMC, "Global Estimates 2014: People displaced by disasters," September 2014.

[5] IDMC, 'Pakistan: Displacement caused by conflict and natural disasters, achievements and challenges' (2012).

[6] http://reliefweb.int/report/india/government-india-and-world-bank-sign-153-million-agreement-odisha-disaster-recovery

Cyclone Aila struck the countries in 2009.[7] Slow-onset disasters, for example desertification in remote Nepalese villages in the Himalayas[8] and drought in Kuchi nomadic communities in Afghanistan,[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]

Given many countries' high exposure and current adaptive capacity, South Asia also increasingly faces the adverse effects of climate change, including rising sea levels and changing monsoon seasons, which threaten human settlements, infrastructure, resource availability and livelihoods. 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]

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 South Asia, both internally and across international borders, are likely to increase. 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 Civil Society Meeting

This background paper informs the Nansen Initiative South Asia Civil Society Meeting taking place in Kathmandu, Nepal from 2-3 February 2015, which will explore the issue of human mobility (displacement, migration and planned relocation) in the context of disasters and climate change in the South Asia. 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 the development of a Protection Agenda addressing the needs of people displaced across international borders in the context of natural hazards, including those linked to the effects of climate change.[12] To feed the Nansen Initiative

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[7] Jane McAdam, Ben Saul, 'Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh' [2010] GERMAN YEARBOOK OF INTERNATIONAL LAW
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1720788.

[8] Nam Raj Khatri, 'Climate-Change Refugees in Nepal: The Need for Climate-Smart Capacity Building' in Walter Leal Filho (ed), *Climate change and disaster risk management* (Climate change management, Springer, Heidelberg, New York 2013).

[9] Samuel Hall Consulting, *DISPLACEMENT DYNAMICS IDP Movement Tracking, Needs and Vulnerability Analysis: Herat and Helmand Afghanistan* (Kabul 2014) 17.

[10] Uma Kothari, 'Political discourses of climate change and migration: resettlement policies in the Maldives' (2014) 180 The Geographical Journal 130 8.

[11] Ramesh Ghimire, Susana Ferreira, Jeffrey H. Dorfman, Flood-Induced Displacement and Civil Conflict, World Development, Volume 66, February 2015, Pages 614–628

[12] 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

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process with practical experiences and build consensus, inter-governmental Regional Consultations and Civil Society Meetings are taking place in the Pacific, Central America, the Horn of Africa, Southeast Asia, and South Asia over the course of 2013 to 2015. The South Asian Civil Society Meeting will contribute to discussions in the South Asian inter-governmental Regional Consultation hosted by the Government of Bangladesh in Dhaka from 5-7 April 2015. Outcome documents from all the Regional Consultations contain recommendations for further action at the community, national, regional and international levels.

In 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 a Protection Agenda for cross-border displacement in the context of disasters. 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.

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 in disaster contexts. Notably Afghanistan and Nepal have national policies that specifically address internal displacement caused by natural hazards.   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, governments and civil society actors in the region clearly recognize the pressing challenges posed by natural hazards, climate change and human mobility.

Most recently, in the Kathmandu Declaration from the November 2014 South Asian Association for Regional Cooperation (SAARC) Summit meeting, States 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 the SAARC Environment and Disaster Management Centre. Member States 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 recognized the need to "reinvigorate" regional cooperation and enhance regional "connectivity" within SAARC, and in particular "renewed their commitment to achieve [a] South Asian Economic Union."

Disasters, climate change and human mobility are also a key concern of civil society actors in South Asia, an issue highlighted with the People's SAARC 2014 Declaration, which ran prior to the SAARC Summit. Participants emphasized the "transnational dimensions" of climate change and environmental

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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.

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degradation, and called on South Asian States to "uphold environmental conservation and climate justice" complemented by sustainable development models. Participants also stressed the need to establish "high standards" to ensure that the rights of conflict and disaster affected people, IDPs, refugees and migrants are respected, protected and fulfilled. In particular, they called for the development of a human rights charter and mechanism in accordance with international human rights law, as well as the creation of "support mechanisms for stranded migrants and migrants in need."

Building upon these recent events, the Nansen Initiative's fifth Civil Society Meeting will provide an opportunity for participants to share relevant experiences, discuss challenges and identify good practices related to human mobility in the context of natural hazards and climate change in South Asia. The meeting will take the form of a two-day workshop with plenary discussions, presentations, and working groups. Participants will include 30-50 representatives from civil society organizations, affected communities, and academic institutions in the eight SAARC countries that work closely with affected communities on issues linked to human mobility, natural hazards and climate change in the region. Representatives from a limited number of international organizations addressing these issues will also participate. The meeting will be jointly organized by the International Centre for Integrated Mountain Development (ICIMOD), the Asia Pacific Refugee Rights Network (APRRN) and the Nansen Initiative Secretariat in Geneva, and is made possible by generous funding from the MacArthur Foundation.

The overall objectives of the Nansen Initiative South Asian Civil Society Meeting are to:

1. Develop a better understanding of the human mobility dynamics linked to natural hazards in South Asia;
2. Identify good practices, at regional and community levels, in establishing mechanisms for climate change adaptation, disaster preparedness, building resilience and responding to and managing displacement risks;
3. Identify key protection concerns for people displaced or moving within their countries or across borders in disaster contexts, and assess the relevance and appropriateness of existing policies, strategies and normative frameworks.
4. Draft key messages and provide input for the Nansen Initiative inter-governmental South Asian Regional Consultation in Dhaka, Bangladesh from 5-7 April 2015.

This paper has been drafted to accompany discussions within the Civil Society Meeting. 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 Civil Society Meeting. Section IV outlines potential outcomes from the Civil Society Meeting.

II.   Background to Disasters and Human Mobility in South Asia

South Asian terrain is diverse, ranging from world's tallest mountains to the low lying coastal plains and islands along the Arabian Sea, Indian Ocean, and Bay of Bengal. [13] Afghanistan, Nepal, and Bhutan are landlocked and characterized by the Hindu-Kush Himalaya's high elevations. Bangladesh's landscape is dominated by low-lying coastal zones, while Sri Lanka and Maldives are island states.[14] India is often referred to as a "sub-continent" on its own, with a vast spectrum of geological and climatological features. Because many of the region's river basins, fault zones, and mountain ranges span several countries, the effects of South Asia's wide array of natural hazards can often "transcend national boundaries"[15] and require intergovernmental cooperation.[16]

The South Asian region, with its enormous ethnic and linguistic diversity, has a long history of human mobility-- including migration, internal displacement, and refugee movements. Consequently, human mobility within the context of natural hazards and the effects of climate change takes various forms in South Asia. There is no internationally agreed upon terminology to describe these different categories of movement. For the purposes of this paper, and building upon paragraph 14(f) of the 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 disasters induced by 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 these disasters.

2.1 Natural Hazards and Climate Change in South Asia

South Asia faces a wide variety of natural hazards and experiences numerous disasters annually, experiencing a steadily increasing number of sudden-onset hazards over recent decades.[17] 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.[18] Drought, desertification, and reduced water availability are significant slow-onset hazards.

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

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[13] The World Bank, GFDRR (n 2) 31.

[14] ibid.

[15] ibid..

[16] For example, Koshi River floods on Nepal-India border in 2008 and 2014.

[17] The World Bank, GFDRR (n 2) 3.. Between 1971 and 2009, South Asia has experienced 1,017 natural disasters that meet the criteria of EMDAT.5. The number of disasters per year has increased steadily starting with 8 reported disasters in 1971 to more than 40 in 2009 – a fivefold increase.

[18] The World Bank, GFDRR (n 2) 3.

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intensity and frequency of natural hazards.[19] According to the 2014 Climate Change Vulnerability Index, Bangladesh is the most at risk to the effects of climate change of all countries around the world, with India and Pakistan ranking 20th and 24th, respectively.[20]

The Hindu Kush Himalaya mountain belt traces the world's largest intercontinental collision zone, and thus has frequent exposure to earthquakes.[21] On average, earthquakes affect 660,000 people per year across the region.[22] Major earthquakes affecting the region over the past ten years include the 2001 Bhuj earthquake, 2004 Sumatra earthquake causing the Tsunami, 2005 Kashmir Pakistan earthquake, and 2011 Sikkim earthquake.[23] Countries with mountainous regions are also prone to unique high elevation hazards, including glacial lake outburst floods (GLOFs)[24] and landslide-induced dam outburst floods (LDOFs).[25] 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.[26]

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 also vulnerable to 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.[27]

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.[28] With a large portion of the population dependent on agriculture, saltwater intrusion into croplands could 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.

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[19] Climate & Development Knowledge Network, *The IPCC's Fifth Assessment Report: What's in it for South Asia?: Executive Summary* .
[20] Maplecroft, 'Climate Change and Environmental Risk Atlas' (2014).
[21] The mountains trace the interaction of the Indian and Eurasian tectonic plates. The World Bank, GFDRR (n 2) 11..
[22] OCHA, *2011 Sikim Earthquake graphic*. Sources: UNCS, Europa Technologies, PDC (OCHA, 2011).
[23] ibid.
[24] 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.
[25] 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.
[26] Soumyadeep Banerjee, Brigitte Hoermann and Jean Y Gerlitz (eds), *Labour migration as a response strategy to water hazards in the Hindu Kush-Himalayas* (International Centre for Integrated Mountain Development, Kathmandu 2011).
[27] M. M Holland and C. M Bitz, 'Polar amplification of climate change in coupled models' (2003) 21 Climate Dynamics 221.
[28] Arpita Bhattacharyya and Michael Werz (ed), *Climate Change, Migration, and Conflict in South Asia: Rising Tensions and Policy Options across the Subcontinent* (2012) 27.

South Asia is expected to see enormous population growth in the decades ahead, particularly in densely populated urban areas, many of which are located in low-lying coastal zones particularly vulnerable to slow-onset hazards linked to climate change. 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."[29]   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)

Figure 4   Environmental Hot Spots in South Asia
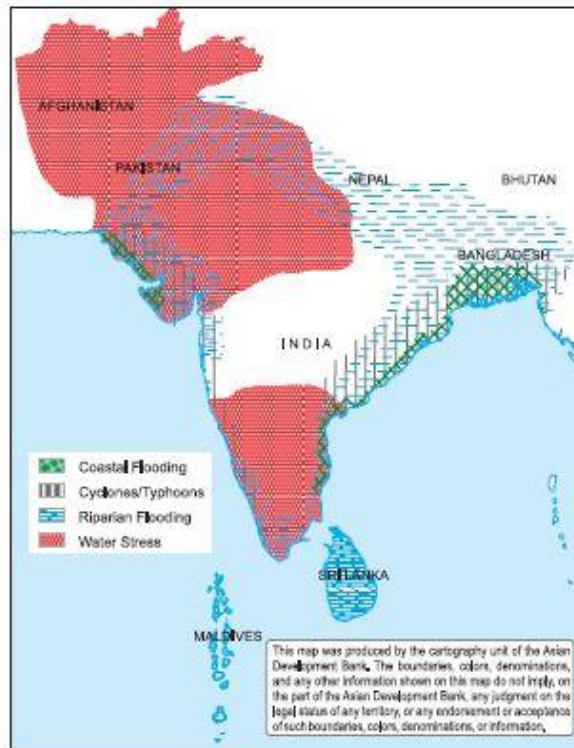
Source: National Centre for Social Applications of Geographic Information Systems, University of Adelaide, from multiple sources.

Source: Asian Development Bank, "Addressing Climate Change and Migration in Asia and the Pacific: Final Report," Philippines, 2012.[30]

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.

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[29] The World Bank, GFDRR (n 2) 11.
[30] Asian Development Bank, *Addressing Climate Change and Migration in Asia and the Pacific: Final Report* (Philippines 2012) http://reliefweb.int/sites/reliefweb.int/files/resources/addressing-climate-change-migration_0.pdf accessed 21 January 2014.

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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 displacement, scientific uncertainties, and unsystematic data collection and sharing. Therefore, participants to the Civil Society Meeting may want to discuss how existing information management tools for disasters and migration could be adapted to help inform the development of public policy and operational responses for disaster-related displacement.

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, the tipping point between a forced and voluntary movement can be difficult to pinpoint. This is especially true in the case of slow-onset disasters, when displacement arises 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 is easier to recognize, although other factors such as poverty and lack of preparedness contribute to whether displacement 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 are intended to 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 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,[31] 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

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[31] Forced Migration Review (ed), *Tsunami: learning from the humanitarian response* (2005).

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coastline. Over 10,000 people died in the disaster, with almost 650,000 people displaced in emergency shelters at the height of the disaster.[32]

An October 2005 earthquake, registering 7.6 on the Richter-scale, had a devastating impact on northern Pakistan, including the politically sensitive 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.[33]

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.[34] A 2012 IDMC reported that at the peak of emergency, approximately 11 million people were internally displaced.[35]

In October 2013, Tropical Cyclone Phailin prompted the Indian Government to evacuate over one million people prior to landfall.[36] 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. Cyclone Sidr hit Bangladesh in November 2007, displacing 650,000 people, and killing almost 3,500 people in areas that had also been affecting by flooding earlier in the year.[37]

In September 2011, an earthquake with a 6.8 magnitude occurred in the border region of Sikkim, India, Nepal, and Bhutan,[38] with several lower intensity aftershocks triggering landslides amidst conditions of persistent heavy rains. The disaster displaced some 46,000 people in Nepal,[39] 4,200 people in Bhutan,[40] as well as 1,500 people from the sparsely populated Sikkim, who were evacuated to government shelters in Gangtok.[41] 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.[42]

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[32] Human Rights Watch, "After the Deluge: India's Reconstruction Following the 2004 Tsunami." http://www.hrw.org/reports/2005/india0505/index.htm

[33] http://reliefweb.int/report/india/south-asia-earthquake-fact-sheet-25-fy-2006

[34] UN Office for the Coordination of Humanitarian Affairs, 'Recovering with resilience: Pakistan floods one year on' (2011) http://reliefweb.int/report/pakistan/recovering-resilience-pakistan-floods-one-year.

[35] IDMC (n 8).

[36] http://reliefweb.int/report/india/government-india-and-world-bank-sign-153-million-agreement-odisha-disaster-recovery preparation

[37] http://displacementsolutions.org/wp-content/uploads/CDMP-Internal-Displacement-Bangladesh-Analysis.pdf

[38] OCHA (n 28).

[39] IDMC (n 50).

[40] UN Office for the Coordination of Humanitarian Affairs, 'CERF provides $1.6 million for shelter and temporary schooling for earthquake-affected populations in Bhutan' (2011).

[41] ibid.

[42] Biswajyoti Das, 'Landslides hamper rescue efforts after Himalaya quake' (2011).

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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.[43] Many moved to Bholar Basti, a slum in Dhaka named after the inhabitants' former residence.[44] In Afghanistan, a 2013 drought led to displacement of Kuchi, or nomadic population, who lost their livestock, access drinking water and pasture lands.[45]

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.[46] A report based on field interviews found that 123,000 displaced persons spontaneously fled permanently to other locations, including across the border to India.[47] Many 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.[48]

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.[49] 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.[50]

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 slow-onset 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.[51] The term "mixed migration" has been defined as "complex population migratory movements that include refugees, asylum

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[43] Sanjoy Biswas and Md. Akterul Alam Chowdhury, *Climate Change Induced Displacement and Migration in Bangladesh: The Need for Rights-Based Solutions* (2012).
[44] IRIN, 'Bangladesh: "River refugee" numbers continue to swell' (2008).
[45] Samuel Hall Consulting (n 11) 17.
[46] International Organization for Migration (IOM), *Joint Position Ppaer on Cyclone Aila: Priorities for Action* (Dhaka, Bangladesh 2010). Matthew Walsham (n 64).
[47] Hasan Mehedi, *A case study of cyclone Aila in the southwest coastal region of Bangladesh* (2011).
[48] Jane McAdam, Ben Saul (n 9).
[49] Rashmi Kiran Shrestha, Rhodante Ahlers, Marloes Bakker and Joyeeta Gupta, *Institutional dysfunction and challenges in flood control along the transboundary Kosi River: A Case study of the Kosi Flood 2008* (2009).
[50] NCM, 'Koshi Flood Disaster in Nepal' (2008).
[51] IOM defines migration as, "The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes;

seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants."[52] 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.[53]

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"[54] 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.[55] 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.[56]

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

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it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification." International Organisation for Migration, *Glossary on Migration* (2011).

[52] ibid.

[53] IOM's working definition states: "Environmental migrants are persons or groups of persons who, for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to have to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their territory or abroad." International Organization for Migration (ed), 'Discussion Note: Migration and the Environment MC/INF/288-1' (2007).
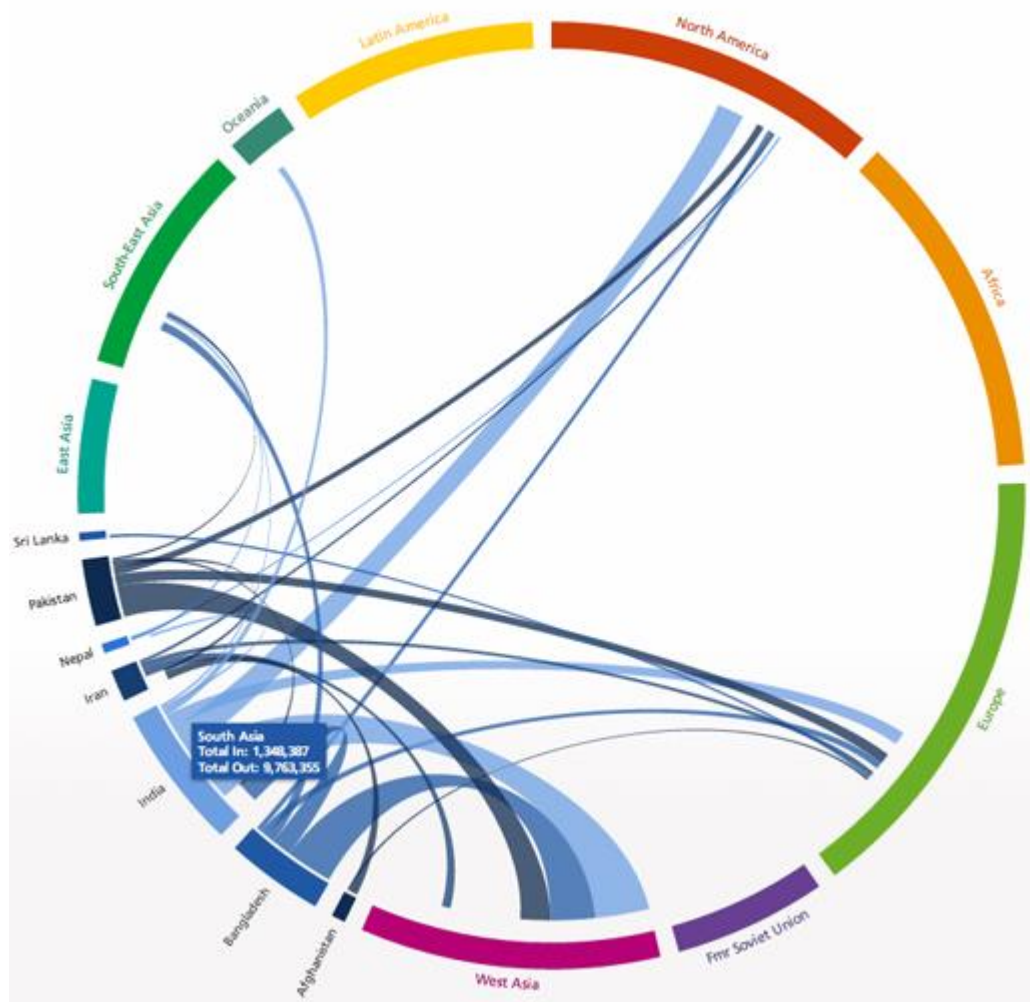
[54] Barnett, Jon and Webber, Michael, "Migration as Adaptation: Opportunities and Limits" in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary perspectives* (Hart, Oxford, Portland, Or 2012).

[55] Nicholas van Hear, Oliver Bakewell and Katy Long, 'Drivers of Migration' (2012) 1 Migrating out of Poverty Research Programme Consortium Working Paper. Falmer, University of Sussex.

[56] Asian Development Bank (ed) (n 3).

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are amongst the largest "sending" countries of migrants.[57] With a domestic population over 1.2 billion people, India's migrants abroad sent home more remittances than any other country, an estimated 70 billion USD.[58] 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.[59] For example, about 5.5 million Bangladeshis live and work overseas, with the Gulf States of Saudi Arabia and the UAE as primary destinations.[60] However, almost 80 per cent of migration is estimated to take place between countries with contiguous borders;[61] thus the most well-established international migration streams are regional, to neighbouring states as opposed to across continents.

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[57] Asian Development Bank (ed) (n 3).
[58] http://www.worldbank.org/en/news/press-release/2014/04/11/remittances-developing-countries-deportations-migrant-workers-wb
[59] Nikola Sander, Guy J. Abel & Ramon Bauer, 'The global flow of people' http://www.global-migration.info/.
[60] Matthew Walsham (n 64) 48.
[61] Jolin Joseph and Vishnu Narendran, 'Neither Here nor There, An Overview of South-South Migration from both ends of the Bangladesh-India Migration Corridor' (2013).

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For instance, significant migration takes place from Bangladesh to India, especially to the far eastern Indian states of West Bengal and Assam. The Asian Development Bank suggests that it constitutes the "largest single international migration flow, with more people involved than ... Mexico-United States migration." [62] It is estimated that approximately 12 million 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.[63] As of 2011, the World Bank estimates that 3.3 million migrants currently live across the Bangladesh-India corridor.[64]

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.[65] These international migration flows are often circular and seasonal through informal channels, so exact numbers do not exist. It is also important to acknowledge that not all migration in this region moves freely. For instance, the border between India and Pakistan is heavily militarized. [66] Cross-border issues also exist between Pakistan and Afghanistan, and between Bangladesh and India.[67]

Disaster may increase the likelihood of human trafficking. Human trafficking is pervasive across South Asia, acting 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.[68] 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.[69] Men can also become trafficking victims. Another study following the 2007cyclone and floods in Bangladesh found that smugglers had promised to bring men from devastated villages to find work in Northern India, only to end up trapped in sweatshops at the Indian border having lost their savings to finance the journey.[70]

2.4.2 Natural Hazards, Environmental Degradation and Migration in South Asia

Increasingly, environmental factors have been identified as a driver 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.[71] The study also found increased urbanization trends following flash floods, particularly those floods that damaged houses and crop land.[72] Similarly, ICIMOD has identified higher labour migration rates in communities affected by rapid-onset water hazards across the Hindu Kush Himalaya.[73]

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[62] Arpita Bhattacharyya and Michael Werz (ed) (n 31) 29.

[63] ibid.

[64] Jolin Joseph and Vishnu Narendran (n 85).

[65] Maud Poissonnier-Lescuras and François Gemenne (n 35).

[66] Arpita Bhattacharyya and Michael Werz (ed) (n 31) 20.

[67] ibid.

[68] Jolin Joseph and Vishnu Narendran (n 85).

[69] Matthew Walsham (n 64) 30.

[70] Alice Poncelet, Francois Gemenne, Marco Martiniello and Hassan Bousetta, 'A Country Made for Disasters: Environmental Vulnerability and Forced Migration in Bangladesh' in Tamer Afifi and Jill Jäger (eds), *Environment, forced migration and social vulnerability* (Springer, Berlin, London 2010) 219.

[71] Laurence Levaque, *Disaster Management Analysis in Bhutan* (2005).

[72] ibid.

[73] Banerjee, Hoermann and Gerlitz (eds) (n 38) Sec1:1.

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Similar findings are also documented by Sri Lankan officials, who reported that extreme weather events are more frequent and variable, resulting in failing harvests that increasingly prompt people to migrate to cities in the hope of securing a stable income.[74]

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.[75] Studies have identified Nepalese moving across the border to India as migrants to cope with drought and water scarcity, highlighting those whose livelihoods include subsistence agriculture and livestock management were most likely to move. [76] The Foresight Report also found that repeated displacement following disasters in the Western Hindu Kush Himalayas contributed to increased migration flows to the Gulf Countries.[77] Overall, these findings suggest that temporary migration is a commonly used strategy to cope with seasonal food insecurity.

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."[78] 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.

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[74] IRIN, 'Beating wild weather in Sri Lanka' http://www.irinnews.org/printreport.aspx?reportid=98008.

[75] Samuel Hall Consulting (n 11) 25.

[76] See, Jeevan R. Sharma (n 20). Brigitte Hoermann, Soumyadeep Banerjee and Michael Kollmair (eds), *Labour migration for development in the Western Hindu Kush Himalayas: Understanding a livelihood strategy in the context of socioeconomic and environmental change* (International Centre for Integrated Mountain Development, Kathmandu, Nepal 2010).

[77] Jeevan R. Sharma (n 20).

[78] IASC, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*. The Brookings-Bern Project on Internal Displacement (2011).

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There is a significant body of literature on relocation (both forced and voluntary) in different contexts that are relevant to displacement in disaster contexts.[79] 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.[80]

2.5.1 Examples from South Asia

The majority of relocations in South Asia have 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. These movements contrast with scenarios where families flee on their own, often to more urban areas (not necessarily be safer) where they may have livelihood opportunities or social networks.

In the aftermath of the 2004 Indian Ocean Earthquake and Tsunami, planned relocation featured prominently within the Maldives' National Recovery and Reconstruction Plan, which selected five islands for development to host relocated populations.[81] Similarly in Sri Lanka, buffer zones were created that barred the reconstruction of houses within 100 to 300 meters along the coast, affecting some 70,000 people.[82] While many of these people had already been displaced by the tsunami itself, for some the relocation process led to a secondary, and at times tertiary, movement.[83]

In 1996, the Indian Sundarbans Islands, Lohachara, was highlighted in the press as "the world's first populated island lost to sea level rise."[84] After the island became completely submerged, its 7,000 former inhabitants relocated to Sagar, another Sundarban island, which itself faces increasingly limited natural resources and land area.[85]

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 named the Community Land Trust for Climate Displacement Solutions in

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[79] See for example, Graeme Hugo. "Lessons from Past Forced Resettlement for Climate Change Migration," Revised Draft Chapter 9, Etienne Piguet, Antoine Pecoud and Pal de Guchteneire (eds.), *Migration and Environment and Climate Change,* UNESCO, May 2010; Anthony Oliver-Smith and Alex de Sherbinin. "Something Old and Something New: Resettlement in the Twenty First Century," Institute for the Study of International Migration, Georgetown University, Washington, 2013; Elizabeth Ferris. *Protection and Planned Relocation in the Context of Climate Change.* UNHCR Legal and Protection Policy Research Series. Geneva, UNHCR, July 2012.

[80] Hugo, Graeme. "Climate Change-Induced Mobility and the Existing Migration Regime in Asia and the Pacific," in *Climate Change and Displacement: Multidisciplinary Perspectives.* McAdam, Jane, Ed., Hart Publishing, Oxford, 2012, 10.

[81] Forced Migration Review (ed) (n 49) Sec1:49.

[82] Nishara Fernando and Asitha G. Punchihewa, 'CS2: Lessons learnt from the 2004 Indian Ocean tsunami' (2011) UK Government's Foresight Project, Migration and Global Environmental Change.

[83] Forced Migration Review (ed) (n 49) Sec1:43.

[84] Geoffrey Lean, 'Disappearing world: Global warming claims tropical island' The Independent (24 December 2006)

[85] Scott Leckie, Zeke Simperingham and Jordan Bakker, 'Bangladesh's climate displacement nightmare' (2011).

Bangladesh. 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.[86]

In Nepal, desertification, drought, and loss of water supply have prompted villages in remote mountain communities to plan relocation 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, with relocated persons deemed "Nepal's first climate change refugees" by local media.[87] 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[88] 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 the former regional king, Mr. Jigme Palbar Bista.[89]

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

The 2011 SAARC Charter of Democracy fourth line 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."[90] In addition, the 2002 SAARC conventions address human rights issues, including the SAARC Convention on Combating and Prevention of Trafficking in Women and Children for Prostitution and SAARC Convention on Promotion of Welfare of Children.[91] 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.[92] While to date SAARC has not established a regional Human Rights institution or mechanism, six South Asian countries have National Human Rights Commissions.[93]

Building upon the background of disasters and human mobility in South Asia presented above, 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.

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

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[86] ibid.
[87] AKANSHYA SHAH, 'Nepal's first climate refugee village in Mustang' (2010) www.myrepublica.com/portal/index.php?action=news_details&news_id=19341.
[88] Pratima Shrestha, 'Vulnerability Assessment of Dhe Community, Surkhang VDC' (2012).
[89] Lo-Mustang Foundation, 'Village relocation for water supply' (2014) http://www.lo-mustanglmf.org/environment.php.
[90] SAARC, 'SAARC Charter of Democracy' (2011) accessed 11 May 2014.
[91] Garimella Subramaniam, 'Writing SAARC's incomplete chapter' (2014).
[92] ibid.
[93] Afghanistan, Bangladesh, India, the Maldives, Nepal and Sri Lanka all have national human rights commissions.

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to prevent threats to the lives and property of their people, including preventing displacement.[94] 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. State responsibility may also require the government to mobilize relevant regional and international organizations, arrangements and resources.[95]

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."[96] The state's positive obligation to prevent foreseeable harm may also include providing support to those obliged to move from high risk areas.[97] Disaster risk reduction activities 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, while the SAARC Action Plan on Climate Change governs regional climate adaptation efforts.

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.[98] As of 2014, only five of eight SAARC countries had ratified the mechanism, thus it is not active. Notably, displaced persons are also not specifically addressed within the NDRRM.

All states have designated national authorities responsible for disaster risk reduction and disaster management, with most having national disaster management legislation. Within each country, various national organizational mechanisms, at times coordinated by national and disaster risk management offices, bring together the diverse range of organizations. Several countries in the South Asia have adopted laws that specifically require that the state to proactively implement disaster prevention activities.

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[94] Walter Kälin and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change Normative Gaps and Possible Approaches* (2012). See also Nansen Principle II, which confirms that, "States have a primary duty to protect their populations and give particular attention to the special needs of the people most vulnerable to and most affected by climate change and other environmental hazards, including the displaced, hosting communities and those at risk of displacement" and UNHCR, 'Summary of Deliberations on Climate Change and Displacement' (2011) 23 International Journal of Refugee Law 561.

[95] ibid.

[96] Michelle Leighton, 'Key Issues for the Legal Protection of Migrants and Displaced Persons' 2010 Climate Change and Migration (German Marshall Fund of the United States) 7.

[97] Michelle Leighton, 'Key Issues for the Legal Protection of Migrants and Displaced Persons' 2010 Climate Change and Migration (German Marshall Fund of the United States) 7.

[98] SAARC, 'SAARC Natural Disaster Rapid Response Mechanism' http://saarc-sadkn.org/ndrrm.aspx accessed 19 September 2014.

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 (1991)
Bangladesh	Department of Disaster Management	National Plan for Disaster Management 2010-2015 (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 (2010)
Maldives	National Disaster Management Centre	Disaster Management Act (2006, revised on 3 October 2007)
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	Disaster Management Act (2005)

States in the region also have developed early warning and forecasting systems for tsunamis, floods, landslides, and cyclones.[99] However, to date human mobility has not been prominent within SAARC's regional climate change adaptation strategies, or within national adaptation plans. A 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 prevent displacement in the context of slow-onset disasters, 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 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 islands and coastal areas, as well as mountainous regions. Although noting that relocation should be a last resort, one study in the Maldives

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[99] UNISDR Asia Pacific, *THE HYOGO FRAMEWORK FOR ACTION IN ASIA AND THE PACIFIC 2011–2013* (2013) 21.

confirmed the suitability of relocating the Kandholhudhoo community to another island, particularly because the destination was fully supported through a collective decision-making process.[100] This example is unique in that the destination island was previously uninhabited.

In all areas, planned relocation is a complex process. For example, government-owned land parcels in northern Bangladesh are occupied illegally and pose challenges to a relocation scheme for "climate-displaced" communities.[101] Because most people would like to return home, a problem that sometimes arises after relocation is the gradual resettlement of towns and villages that were destroyed by disasters, despite their continued exposure to the same hazards. A study on the Sri Lanka buffer zone after the 2004 Tsunami found that people frequently moved back to their previous coastal areas, particularly those that relied on fishing and tourism for income.[102] 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.

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."[103]

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 disasters or lands that gradually become uninhabitable due to cumulative sudden-onset disasters, research to date indicates that people tend to increasingly migrate from at risk areas over time, as opposed to waiting until a crisis point arrives.[104] 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…'"[105]

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[100] Arup International Development, 'Dhuvaafaru Island tsunami resettlement study' (2006).

[101] Md Shamsuddoha, M Shahadat Hossain, Mohammad Shahjahan, 'Land availability for climate-displaced communities in Bangladesh' in Scott Leckie (ed), *Land solutions for climate displacement* (Routledge studies in development, displacement and resettlement, Routledge, Abingdon, Oxon, New York, NY 2014).

[102] Nishara Fernando, Koko Warner and Jorn Birkmann, "Migration and Natural Hazards: Is Relocation a Secondary Disaster or an Opportunity for Vulnerability Reduction?" in Tamer Afifi and Jill Jäger, *Environment, Forced Migration and Social Vulnerability* (Springer 2010) 153.

[103] Graeme Hugo, 'Climate Change and Migration: Some Lessons from Existing Knowledge of Migration in Southeast Asia' in Lorraine Elliott (ed), *Climate Change, Migration and Human Security in Southeast Asia* (S. Rajaratnam School of International Studies 2012).

[104] Kälin, Walter and Nina Schrepfer, "Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches," UNHCR Legal and Protection Policy Research Series, February 2012, p. 41.

[105] Cited in Kälin, Walter and Nina Schrepfer, "Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches," UNHCR Legal and Protection Policy Research Series, February 2012, 61.

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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.[106] Thus, external support networks established through migration have the potential to significantly contribute to strengthening community resilience to natural hazards, and consequently reducing displacement.

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.[107] Only a few national policies recognize the need to address human mobility within 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.'"[108] Similarly, Afghanistan's 2009 NAPA highlights the internal mobility of Kuchi Nomadic peoples as a potential adaptation mechanism to cope with climatic change.[109] The following figure summarizes these national programmes and corresponding authorities, with particular attention paid to the inclusion of mobility in context of disasters.

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[106]http://www.worldbank.org/en/news/press-release/2014/04/11/remittances-developing-countries-deportations-migrant-workers-wb
[107] Jane McAdam, *Climate change, forced migration, and international law* (Oxford University Press, Oxford, New York 2012).
[108] Kothari (n 12) 6.
[109] National Environmental Protection Agency, 'Afghanistan National Adaptation Programme of Action (NAPA)' (2009) p. 19.

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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	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

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. [110] 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. This stark contrast reflects the political sensitivity surrounding cross-border mobility in the South Asia region.

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[110] SAARC, 'Visa Exemption Scheme' (2009) http://saarc-sec.org/saarc-visa-exemption-scheme/100/ accessed 20 October 2014.

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Other ongoing regional processes, such as the Bali Process,[111] the Colombo Process,[112] and the Almaty Process,[113] also provide platforms to address regional protection of human rights for migrants in disaster contexts. Recognizing that that migrants may be extremely vulnerable to violence, exploitation and other types of protection risks from traffickers, smugglers or criminal networks, during the Fifth Ministerial Conference of the Bali Process, the Ministers in attendance "underscored the importance of addressing humanitarian and protection needs in managing irregular movement."[114] Additionally, it was recognized that the causes of irregular movements are "complex and multi-dimensional," and that States should "continue to work with countries of origin…to address where possible underlying factors which made people vulnerable to irregular movement."[115]

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.[116] 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."[117]

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 Civil Society Meeting 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

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[111] Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. All eight South Asia countries are members, in addition to 32 other states, UNHCR, and IOM. The SAARC Secretariat is an observer institution, as is the ADB and the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC) Secretariat.

[112] The Regional Consultative Process on Overseas Employment and Contractual Labor for Countries of Origin in Asia.

[113] For countries in periphery of Central Asia, Pakistan and Afghanistan, the Ministerial Conference on Refugee Migration and International Migration *Almaty Declaration* (2011).

[114] Bali Process, *Fifth Ministerial Conference on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: Co-Chairs' Statement* (2013) http://www.baliprocess.net/files/ConferenceDocumentation/FIFTH%20MINISTERIAL%20CONFERENCE%20CO-CHAIRS%20STATEMENT%20-%20FINAL.pdf accessed 15 April 2014. 3.

[115] ibid. 3.

[116] Examples include Refugee and Migratory Movements Research Unit (RMMRU), an affiliate of the University of Dhaka in Bangladesh, and the Centre for Research on Environment Health and Population Activities (CREHPA) in Nepal.

[117] Graeme Hugo and et al. *Climate Change and Migration in Asia and the Pacific: Executive Summary* (Philippines 2009) http://www.preventionweb.net/files/11673_ClimateChangeMigration.pdf accessed 07 March 2014.

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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 identify documents had been lost or destroyed had difficulty accessing government compensation schemes that required national identity cards.[118]

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.[119] 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.[120] A regional response to disasters in Asia is supported by the Bangkok-based UN OCHA Regional Office for Asia.[121]

Participants to the Civil Society Meeting 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.

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[118] Riccardo Polastro, Aatika Nagrah, Nicolai Steen, Farwa Zafar, "Inter-Agency Real Time Evaluation of the Humanitarian Response to Pakistan's 2010 Flood Crisis," DARA, March 2011, p. 43
[119] http://www.irinnews.org/report/87126/bangladesh-two-years-after-cyclone-sidr-survivors-still-seeking-shelter
[120] For a detailed explanation of the Cluster Approach see, https://www.humanitarianresponse.info/clusters/space/page/what-cluster-approach.
[121] OCHA also maintains country offices in Indonesia, Myanmar and the Philippines.

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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.[122] 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.[123] No country in the South Asia region has ratified the 1954 Convention relating to the status of stateless persons. Regional migration processes, such as the Bali Process, the Colombo Process, and follow-up to the Jakarta Declaration, have also not addressed the specific needs of displaced persons in disaster contexts, although they do seek to address the underlying causes of irregular migration.

In light of this, the Asia Pacific Refugee Rights Network (APRRN) has developed the Vision for Regional Protection through a collaborative effort with a range of partners and stakeholders. The Vision[124] outlines the protection challenges for "people in need of protection"[125] in a migratory context. It envisages an Asia Pacific region in which states (including those outside the region), civil society, UNHCR and other actors collaborate effectively towards a common purpose of regional protection, with respect for their differentiated roles and responsibilities. Within this broad framework, the Vision presents a civil society perspective on the basic and fundamental protections that have to be in place in the region to meet this objective.

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[122] 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." Kälin in McAdam (ed) (n 78).

[123] 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>.

[124] http://www.aprrn.info/1/index.php/resources/publications-and-materials/reports/281-the-asia-pacific-refugee-rights-network-s-vision-for-regional-protection

[125] "People in need of protection" include refugees, asylum seekers, torture survivors and complainants, trafficked persons, IDPs, stateless persons and returnees.

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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.[126] 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,"[127] this does not address all displacement situations.[128] 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.[129]

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. Walter Kälin and Nina Schrepfer have argued, "in the absence of an ability to assist and protect them, [the state of origin] should advocate for and 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."[130]

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.[131] 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.[132] Furthermore, the South Korean government

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[126] 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."

[127] Ibid at 50; See McAdam, Jane, "Climate Change, Forced Migration, and International Law" (Oxford University Press, 2012) 49.

[128] 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.

[129] McAdam, Jane, "Climate Change, Forced Migration, and International Law" (Oxford University Press, 2012) 262.

[130] Kälin, Walter and Nina Schrepfer, "Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches," UNHCR Legal and Protection Policy Research Series (2012).

[131] Government of Canada, "Notice- Immigration Measures in Support of the Government's Response to Typhoon Haiyan," 13 November 2013. <http://www.cic.gc.ca/english/department/media/notices/2013-11-13.asp> accessed 28 May 2014.

[132] Frank Laczko and Elizabeth Collett, 'Assessing the Tsunami's Effects on Migration' (April 2005) http://www.migrationinformation.org/USfocus/display.cfm?id=299.

decided that migrants from tsunami-affected areas would be given priority in the 2005 roster of applicants for the Employment Permit System.[133]

Participants to the Civil Society Meeting 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.[134] As Jane McAdam points out, "limbo is in no-one's interest." [135]

State cooperation to delineate and agree upon such rights would be essential.[136] 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). Recovering from a slow-onset disaster like drought poses even more challenges for building resilience and thus, sustainable solutions to displacement. Absent improved resilience to future disasters and

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[133] Asmita Naik, Elca Stigter and Frank Laczko, 'Migration, Development and Natural Disasters: Insights from the Indian Ocean Tsunami' (2007).

[134] 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." Kälin, Walter and Nina Schrepfer, "Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches," UNHCR Legal and Protection Policy Research Series (2012).

[135] McAdam, p. 50. For a detailed discussion on status rights, see McAdam (2012), 252-256.

[136] Jane McAdam Climate Change, Forced Migration, and International Law 263

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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 inhabitable 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.[137]

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 Civil Society Meeting, 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."[138] 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,[139] prompting the development of the Comprehensive Framework on Disaster Management (2006-2015), adopted the following year. While the Framework does not address

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[137] United National General Assembly Resolution, A/RES/46/182.
[138] SAARC, 'Area of Cooperation - Environment' (2009) http://saarc-sec.org/areaofcooperation/cat-detail.php?cat_id=54.
[139] Edward Cameron, 'Male Declaration on the Human Dimension of Global Climate Change' (2007).

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mobility concerns, it is aligned with the Hyogo Framework of Action.[140] 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.[141] 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,"[142]and "Community Based Disaster Risk Management."[143] 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 include 24 categories of "entitled persons" eligible to move more freely between Member States. The list is periodically reviewed by Council Ministers.[144] 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 also 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,[145] 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.[146] 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

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[140] SAARC, 'SAARC Comprehensive Framework on Disaster Management' (2005).
[141] UNISDR Asia Pacific (n 156) 37.
[142] SDMC, *Road Map: Regional Cooperation on Climate Change Adaptation and Disaster Risk Reduction in South Asia* (2008).
[143] UNISDR Asia Pacific (n 156) 37.
[144] SAARC (n 178).
[145] These include adaptation, mitigation, technology transfer, finance and investment, education and awareness, management of impacts and risks, and capacity building for international negotiations.
[146] Maud Poissonnier-Lescuras and François Gemenne (n 35).

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SAARC Environment Plan of Action created the SAARC Coastal Zone Management Centre (SCZMC),[147] 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, [148] led by India[149] 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."[150] 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.'"[151]

V. Conclusion

Conclusions from the Nansen Initiative South Asian Civil Society Meeting will include a set of messages on climate change, disasters and human mobility to inform inter-governmental Regional Consultation hosted by the Government of Bangladesh in Dhaka from 5-7 April 2015, and the overall Nansen Initiative process.

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[147] 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.
[148] India Ministry of Foreign Affairs, *Brief on BIMSTEC* (2014).
[149] India Ministry of Foreign Affairs (n 224).
[150] BIMSTEC (ed), 'Third BIMSTEC Summit Declaration' (4 March 2014).
[151]   http://www.thehindu.com/news/international/south-asia/bangladesh-asks-bimstec-to-take-unified-stand-on-climate-change/article5749267.ece

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.