

THE
NANSEN
INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT



HUMAN MOBILITY, NATURAL DISASTERS AND CLIMATE CHANGE IN THE PACIFIC

BACKGROUND PAPER

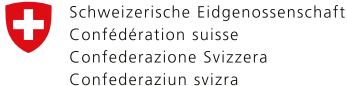
Rarotonga, Cook Islands
21–24 May 2013

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT  EVIDENCE
FOR ACTION

PARTNERS



The project is funded
by the European Union
with the support of
Norway and Switzerland



Federal Department of Foreign Affairs FDFA

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I. INTRODUCTION

Pacific Island countries, like many small island developing states, face a complex set of issues related to human mobility (forced displacement, voluntary migration, and planned relocation) and natural disasters.¹ The Pacific Islands are regularly affected by severe windstorms, cyclones, flooding, earthquakes, tsunamis, and volcanic eruptions. Even more important, however, is the threat climate change impacts such as rising sea levels and increasing sea temperatures pose to Pacific Island countries.

Recurrent disasters in the Pacific region increasingly trigger population movements. To date, the Pacific has not yet experienced a significant level of cross-border displacement due to natural disasters, nor does the region have a high level of refugee movements. As in other regions of the world, most displacement in the Pacific is internal following sudden-onset disasters, with people generally able to return to their homes shortly after the disaster. However, the region has a very high rate of international migration, with people routinely moving from one country to another. Migration abroad, while still mainly economic in character, is increasingly linked to natural disasters and environmental degradation. Some governments have also begun to move at risk populations to safer areas within their own countries not only in the aftermath of volcanic eruptions or tsunamis but also due to the effects of sea level rise and more extreme weather patterns linked to climate change,² and are contemplating the need to seek alternatives abroad. In this context, human mobility in the Pacific region is expected to significantly increase in the coming decades and beyond.

While the desire to remain in one's country therefore informs many of the existing policies, some leaders in the Pacific region are convinced that the time has come to prepare for future population movements by agreeing on measures now that will be necessary to protect the rights and dignity of affected people in order to avoid forced displacement or the need for evacuations, and to adequately respond to displacement when it takes place. Other Pacific leaders are not prepared to discuss migration at this stage of the negotiations, fearing that it will result in a declaration of failure to engage in meaningful negotiations to reach the goal of safeguarding Pacific Islands from climate change.

While existing international and national legal regimes respond to some of the protection concerns arising from human mobility within the context of natural disasters, others remain unaddressed. To respond to these legal gaps, it is necessary to discuss issues such as i) migration as a possible adaptation measure to prevent forced displacement; ii) facilitating admissions in the event of cross-border displacement; iii) delineating rights for individuals during their cross-border displacement; iv) developing mechanisms to facilitate return to the country of origin; and v) planned relocation to prevent forced displacement or as a durable solution.

¹ This paper uses the notion of "natural disasters" to refer to disasters that are caused by both slow- and sudden-onset natural hazards. As stated in the 2011 *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, "The term 'natural' disaster is used for ease although the magnitude of the consequences of sudden natural hazards is a direct result of the way individuals and societies relate to threats originating from natural hazards. The magnitude of the consequences is therefore determined by human action, or the lack thereof." See p. 58.

² For more detail, see the Pacific Climate Change Science Program (PCCSP) Regional Overview. <http://www.cawcr.gov.au/projects/PCCSP/publications.html> (Last accessed: 16 April 2013)

1.1 BACKGROUND TO THE PACIFIC REGIONAL CONSULTATION

This background paper has been drafted to inform the Nansen Initiative regional consultation “Human Mobility, Natural Disasters and Climate Change in the Pacific” held from 21-24 May 2013 on Rarotonga, Cook Islands.³

The Nansen Initiative on disaster-induced cross-border displacement is a state-led, bottom-up consultative process⁴ intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders by natural disasters, including those linked to the effects of climate change.

To begin the Nansen Initiative process, five regional consultations are planned to take place in the Pacific, Central America, East Africa, Southeast Asia and South Asia over the course of 2013-2014. These consultations will bring together representatives from states, international organizations, NGOs, civil society, think tanks and others key actors working on issues related to displacement and natural disasters, including those in the context of climate change. The outcomes from these consultations will be compiled in preparation for a global consultative meeting planned for early 2015, when representatives of interested states and experts from around the world will discuss a potential ‘protection agenda’ for cross-border displacement in the context of natural disasters. The Initiative does not aim at creating new legal standards but its outcomes may be taken up at domestic, regional and universal levels and lead to new laws, soft law instruments or binding agreements.

The UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol are the principal international legal documents addressing climate change.⁵ While the original text of the Convention does not mention displacement and migration as possible

consequences of climate change, paragraph 14(f) of the Cancun Outcome Agreement, adopted by the Conference of the Parties (COP) 16, recognizes climate change will trigger human mobility and calls for “(m) easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation.”⁶ Displacement, migration and planned relocation are also recognized within the Subsidiary Body for Implementation’s (SBI) Work Programme on Loss and Damage.

Within the region, the Pacific Islands Forum⁷ adopted the Niue Declaration on Climate Change in August 2008. It affirms “the importance of retaining the Pacific’s social and cultural identity, and the desire of the Pacific peoples to continue to live in their own countries, where possible.” The Member States commit to advocating in all international fora the threats climate change pose to Pacific Island Forum countries’ “territorial integrity and continued existence as viable dynamic communities.” Finally, they “encourage the Pacific’s Development Partners to increase their technical and financial support for climate change action on adaptation, mitigation and, if necessary, relocation (...).”

The Pacific Islands face a number of distinct challenges related to human mobility and natural disasters that the Nansen Initiative seeks to address. But the UNFCCC’s categorization of human mobility (displacement, migration and planned relocation) triggered by climate change is both broader than the Nansen Initiative in terms of the types of population movements, and narrower, in terms of the causes of the movement, since the Nansen Initiative addresses *cross-border displacement* in the context of climate change, but also *other natural disasters*. However, the UNFCCC’s three broad categories of human mobility are highly relevant for the Nansen Initiative when examining the different *phases of cross-border displacement*: 1) the prevention of displacement, 2) protection during displacement, and 3) finding durable solutions to displacement.

³ Kindly note that an executive summary of this paper will be made available to participants prior to or at the Consultation.

⁴ The Nansen Initiative is funded by the Governments of Norway and Switzerland, with additional financial support from the European Commission. It is governed by a Steering Group, which at the time of writing is 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, academia, research institutions, 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.

⁵ Other relevant documents include the Nairobi Work Programme, the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, and the Mauritius Strategy for the Further Development of Small Island Developing States.

⁶ UNFCCC, Outcome of the work of the *Ad Hoc* Working Group on long-term Cooperative Action under the Convention, COP.16, Cancun, 2010.

⁷ Membership includes: Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of Marshall Islands, Samoa, the Solomon Islands, Tonga, Tuvalu, and Vanuatu. Associate members are: New Caledonia and French Polynesia.

At the request of some SPREP member countries, the Nansen Initiative's Pacific regional consultation will also examine priority issues identified by Pacific countries relating to loss and damage within the context of the UNFCCC negotiations. This will allow the consultation to benefit from the participation of experts in the areas of disaster risk reduction, risk retention, risk management, risk transfer and rehabilitation. The diverse viewpoints of these experts will provide an opportunity for the Nansen Initiative consultation to contribute to broader discussions within the Pacific region on loss and damage and other initiatives associated with the UNFCCC and climate negotiations process.

The workshop will feed into a governmental dialogue on the last day of the consultation when the respective Ministers will be briefed on the prior discussions, perspectives and conclusions generated by the experts, researchers, practitioners and affected communities. The governmental dialogue will also provide an opportunity for Ministers and other government officials to present country-specific issues and challenges related to migration as adaptation, planned relocation and displacement. It is expected that an outcome document will be prepared for the final day of the consultation containing a set of messages on human mobility in the context of natural disasters and climate change.



II. OVERVIEW OF HUMAN MOBILITY AND NATURAL DISASTERS IN THE PACIFIC

The Pacific Islands include 22 countries and territories⁸ comprised of thousands of islands spread across a vast geographic territory.⁹ An estimated 10 million people inhabit some 300 islands. Of these, 6.9 million people live in Papua New Guinea.¹⁰ Despite their small populations, the islands are culturally rich and socially diverse, with land in particular often governed according to distinct customary systems.

The need for cultural preservation in the face of climate change and human mobility is a recurring theme in the Pacific Islands. The notion of culture is complex. Cultures constantly evolve and encompass a wide variety of elements, including language, religion, food, architecture, livelihood practices, clothing, art, music, storytelling, etc. In the Pacific region, land is of particular cultural importance. According to one author, “land holds life together and holds meaning, land equals identity.”¹¹ Most Pacific Island land is regulated by a variety of customary regimes. Similarly, the concept of land in the Pacific Islands is extremely heterogeneous, and defies any general description. Notions of family kinship, cultural identity, and clans are closely linked to ancestral land, and for some, land cannot be detached from those who ‘belong’ to it.¹² At the same time, through their long history of migration, Pacific Islanders also have a “cultural identity as great travelers, inheritors of their ancestors’ remarkable

achievements in navigating, sailing and settling throughout islands of the expansive Pacific Ocean.”¹³

When considering the potential protection needs associated with human mobility, policy makers will also need to address the Pacific’s anticipated ‘youth bulge’ over the next twenty years, which may lead to a significant increase in migrants and urbanization in the Pacific. A 2009 study on migration from rural islands to more central urban islands noted that the movement to urban areas could also be attributed to “a combination of the adverse impacts of climate change and socioeconomic factors inherent in small island developing states.”¹⁴

Human mobility within the context of natural disasters and climate change takes various forms in the Pacific region. There is no internationally agreed upon terminology to describe these different types of movement. However for the purposes of this study, and building upon paragraph 14(f) of the Cancun Outcome Agreement, this paper will discuss human mobility within three categories: (forced) displacement, (predominantly voluntary) migration, and planned relocation. This section will first provide an overview of natural disasters common to the Pacific, which will lead into descriptions and examples of human mobility that has occurred within the context of these disasters.

⁸ This includes American Samoa, the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, the Marshall Islands, Nauru, New Caledonia, Niue, Northern Mariana Islands, Palau, Papua New Guinea, Pitcairn, the Solomon Islands, Samoa, Tokelau, Tonga, Tuvalu, Vanuatu, and Wallis & Futuna.

⁹ The Pacific Islands are commonly divided into three geo-cultural sub-regions: Melanesia, Micronesia and Polynesia. Melanesia is primarily composed of large, mountainous and mainly volcanic island countries. Micronesia and Polynesia have smaller islands most of which are atolls with low elevation that lack fresh water sources and arable land (Kiribati, Marshall Islands, Tokelau and Tuvalu). Samoa, Tonga, the Federated States of Micronesia, and the Cook Islands have richer soil due to their volcanic origins. New Zealand is considered part of Polynesia.

¹⁰ Statistics for Development, “Pacific Island Populations: Estimates and projections of demographic indicators for selected years,” Secretariat of the Pacific Community, 2011. <http://www.spc.int/sdp/> (Last accessed: 16 April 2013)

¹¹ Struck-Garbe, Marion. “Reflections on Climate Change by Contemporary Artists in Papua New Guinea,” *Pacific News*, No. 38, July/August 2012, p. 28.

¹² Campbell, John, “Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land” in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, 2010) p. 61.

¹³ Farbotko, Carol. “Wishful sinking: Disappearing islands, climate refugees and cosmopolitan experimentation.” *Asia Pacific Viewpoint*, Vol. 51, No. 1, April 2010, p. 54.

¹⁴ Locke, Justin T, “Climate change-induced migration in the Pacific Region: sudden crisis and long-term developments.” *The Geographic Journal*, vol. 175, No. 3, September 2009, p. 171.

2.1 SUDDEN AND SLOW-ONSET DISASTERS IN THE PACIFIC

The Pacific is one of the most disaster prone regions in the world. In addition to the many active volcanoes, the Pacific Island countries are exposed to numerous other sudden-onset disasters, such as earthquakes, cyclones, tsunamis, and flooding. Pacific Island countries have also arguably begun to feel the effects of climate change through sea level rise, increased intensity of extreme rainfall events, ocean acidification, and warming temperatures. For example, in some countries sea level rise has resulted in coastal erosion and salt water intrusion of fresh water sources and agricultural lands. Drought combined with environmental degradation also has the potential to trigger fresh water emergencies.¹⁵

Other factors contribute to the severity of these disasters. All of the Pacific Island countries except New Zealand are classified as small island developing states (SIDS) by the United Nations. Despite many being able to benefit from subsistence farming, a significant number of Pacific Islanders rely upon international aid and remittances from abroad. Given their small territories and limited government resources, many Pacific Island countries also lack high quality water and sanitation, health, and education facilities. Rising levels of rural to urban migration, generally from outer islands, are also reducing national food production capacity and contributing to an increased dependency on imported food sources.

2.2 DISPLACEMENT

The term displacement refers to situations where people are forced to leave their homes or places of habitual residence. In the context of natural disasters, displaced people may leave to save their lives in the context of a sudden onset-disaster or because the environment

has deteriorated to such an extent that it is no longer possible for people to live there. Displacement may take the form of spontaneous flight, or an evacuation¹⁶ ordered or enforced by authorities. Displacement can occur within national borders or across international boundaries.

Due to the multi-causal nature of human mobility generally,¹⁷ the tipping point between forced and voluntary movements in the context of slow-onset disasters can be very difficult to pinpoint, particularly for cross-border movements. However, the distinction between voluntary and forced movements is important not only because international law requires such precision,¹⁸ but also because the nature of the movement influences a person's ability to successfully settle in the destination,¹⁹ which may in turn determine their need for additional assistance and their future plans, such as any desire to return.

To date, the Pacific has not experienced a significant level of cross-border displacement due to natural disasters, nor does the region have a high level of refugee movements. As in other regions of the world, most displacement in the Pacific region is internal following sudden-onset disasters, with people generally able to return to their homes relatively soon after the disaster, although displacement may last months or years pending a durable solution.

For example, the February 2013 earthquake and tsunami in the Solomon Islands displaced an estimated 2,400 people, with some 1,670 people seeking shelter in 11 camps. In 2009, a tsunami hit Samoa, displacing some 5,000 people who fled to higher ground. Volcanic eruptions prompted government authorities to evacuate some 400 people on Gau Island, Vanuatu in 2009. In Papua New Guinea, a 2004 volcanic eruption on Manam Island displaced some 10,000 people, many of whom are still displaced despite Government efforts to find a durable solution.

¹⁵ At the time of writing in May 2013, the Marshall Islands had declared a state of disaster and requested international assistance in response to a severe drought affecting the northern islands. Similarly, in 2011 a fresh water crisis in Tuvalu forced the Government to declare a national emergency and request international assistance. Tokelau, Kiribati, and Samoa also faced challenges related to the drought. See Michael Field, "Water airlift launched for Tuvalu," Stuff.co.nz, 7 October 2011. <http://goo.gl/IPJh2p> (Last accessed: 1 May 2013)

¹⁶ Evacuation is defined as "Facilitation or organization of transfer of individuals or groups from one area/locality to another in order to ensure their security, safety and well-being." See IASC, *Handbook for the Protection of Internally Displaced Persons*, March 2010, p. 503.

¹⁷ Foresight, *Migration and Global Environmental Change*, Final Project Report, The Government Office for Science, London, 2011. Boncour, Philippe, and Bruce Burson. "Climate Change and Migration in the South Pacific Region: Policy Perspectives" in Bruce Burson (ed), *Climate Change and Migration: South Pacific Perspectives* (Institute of Policy Studies, 2010) p. 8.

¹⁸ Kälin, Walter, "Conceptualising Climate-Induced Displacement," in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, 2010).

¹⁹ Hugo, Graeme, "Climate Change-Induced Mobility and the Existing Migration Regime in Asia and the Pacific," Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, 2010) p. 12.

2.3 MIGRATION AS ADAPTATION

The term migration refers to a broad category of population movements.²⁰ Likewise, the International Organization for Migration's (IOM) working definition of an "environmental migrant" also encompasses various groups of individuals moving within different contexts: voluntarily and involuntarily, temporarily or permanently, within their own country or abroad.²¹

Because the Nansen Initiative specifically focuses on the distinct protection needs of people displaced across international borders in the context of natural disasters, migration in this document is used to refer to human movements that are *predominantly* voluntary, e.g., to work abroad in order to support families back home with remittances or in order to avoid a situation at a later stage when moving to another country becomes unavoidable. In the context of slow-onset environmental degradation due to climate change, "migration as adaptation" refers to a primarily voluntary decision to "avoid or adjust to"²² deteriorating environmental changes that may result in a humanitarian crisis in the future. Such migratory movements can be temporary, circular, or permanent.

When addressing potential migration as a form of adaptation, this paper is cognizant of the fact that migration may not always be an effective solution to the prevention of displacement, but to the contrary, may result in additional protection concerns. For example, people unable to travel due physical, social or financial limitations may be left behind without adequate access to sufficient levels of food or medical assistance.

Historically, migration in the Pacific has been driven by concerns about overpopulation, ensuring adequate food supplies, accessing employment and education opportunities, and joining family members. While international migration is still primarily economic and voluntary in character, it is increasingly linked to natural disasters and environmental degradation. The multi-faceted decision to migrate in the context of environmental factors may also be influenced by a subjective understanding of potential hazards and the extent to which a person perceives that they are vulnerable to the hazards²³ based upon their own adaptive capacity, and the capacities of their communities and countries.²⁴ With so much focus on the consequences of climate change in the Pacific, studies also highlight how emotional and psychological reactions to the threat of climate change can also impact a decision to migrate.²⁵ In the Pacific context, the church and religious belief has played and continues to play an important part in shaping attitudes, particularly in older generations, who may believe that God will not forsake them, which directly impacts their risk perception.²⁶

As of 2010, an estimated 850,000 people of Pacific ethnicity or ancestry had immigrated²⁷ to four Pacific Rim countries: New Zealand (350,000), USA (300,000), Australia (150,000), and Canada (50,000).²⁸ By 2010 around 500,000 people born in Pacific Island countries—roughly equivalent to the total population of Micronesia—were living in towns and cities on the Pacific Rim, mainly in Auckland, Wellington, Sydney, Brisbane, Honolulu, Los Angeles, San Francisco and Vancouver.²⁹ Most Pacific Island migrants to the United States settle primarily in Hawai'i and California, mostly coming from the United States' Pacific territories: American Samoa, Guam, and the Northern Mariana Islands. As of

²⁰ 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; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification." IOM 2011, Glossary on Migration. <http://goo.gl/HeJC33>

²¹ 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." *Discussion Note: Migration and the Environment* (MC/INF/288-1 November 2007- Ninety Fourth Session). Geneva: International Organization for Migration, 2007.

²² Jon Barnett and Michael Webber, "Migration as Adaptation: Opportunities and Limits," in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, 2010) p. 37.

²³ Hugo (2010) p. 21.

²⁴ Boncour, Philippe, and Bruce Burson. "Climate Change and Migration in the South Pacific Region: Policy Perspectives" in Bruce Burson (ed), *Climate Change and Migration: South Pacific Perspectives* (Institute of Policy Studies, 2010) p. 14.

²⁵ Shen, Shawn and François Gemenne, "Contrasted Views on Environmental Change and Migration: The Case of Tuvaluan Migration to New Zealand," *International Migration*, Vol. 49, 2011, p. 236.

²⁶ See M Elliot and D Fagan. "From Community to Copenhagen: Civil Society Action on Climate Change in the Pacific" in Bruce Burson (ed), *Climate Change and Migration: South Pacific Perspectives* (Wellington, IPS, 2009) pp. 75-76.

²⁷ The majority of all emigration in the Pacific region is permanent relocation. The Asian Development Bank notes that this is important also when considering the role of remittances and the development role they could play in the country of origin. Asian Development Bank. "Addressing Climate Change and Migration in Asia and the Pacific: Final Report." 2012, p. 18.

²⁸ Bedford, Richard, and Graeme Hugo, "Population Movement in the Pacific: A Perspective on Future Prospects," Labour & Immigration Research Centre, February 2012, p. vii.

²⁹ Bedford and Hugo (2012) p. 24.

2000, around 10,000 Pacific born people had migrated to the United Kingdom. Papua New Guinea is also expected to become a more important destination country for Pacific Island migrations in the future.³⁰ Irregular migration is not significant in the region, and consists mainly of temporary workers overstaying their visas.³¹

As environmental concerns increasingly become drivers of migration, it is anticipated that migrants will more likely follow pre-existing patterns, rather than developing new routes. For example, the 2011 Christchurch earthquakes led to a notable increase in migration from New Zealand to Australia by people who had lost their homes or livelihoods.

2.4 PLANNED RELOCATION

The planned relocation of people at risk of exposure to natural hazards can be temporary or permanent. According to the *IASC Operational Guidelines on the Protection of Persons in the Context of Natural Disasters*, relocation is defined as follows:

- a) **Temporary relocation:** The act of moving evacuated people to a place where they stay until return or settlement elsewhere in the country becomes possible;
- b) **Permanent relocation:** 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.³²

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 against their will, 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.

The most widely known examples in the Pacific of cross-border relocation due to disasters, environmental degradation and land scarcity took place within the context of colonialism. For example, a typhoon in 1907 prompted the German colonial administration to help approximately 300 persons relocate from Woleai (Federated States of Micronesia) to found a new settlement in Saipan (now the Commonwealth of the Northern Mariana Islands). In the 1940s, the people of Banaba Island (Kiribati) were brought to Rabi Island

(Fiji) to escape the environmental destruction caused by phosphate mining and to allow for mining to continue. In 1947, 35 people from Vaitupu, Tuvalu's largest atoll, relocated to Kioa Island, in northern Fiji because of concerns about land scarcity. The island was purchased the previous year before resettlement began. This was a community initiated and managed process, albeit with assistance from the local colonial administration. In 1966, the New Zealand Department of Maori and Island Affairs established a temporary scheme to permanently resettle approximately half of the Tokelauan population after a severe hurricane devastated Tokelau's three atolls by destroying palm trees and causing salt water intrusion of agricultural areas. However, these more historical movements were orchestrated by colonial services and did not require passports or contemporary protocols of residency, citizenship, and visas.³³

More recently, states have had to relocate their citizens to other areas within their territory. For example, due to sea level rise, the Government of Fiji is assisting some 150 villagers to relocate from Vunidogoloa on Vanua Levu Island to higher ground in the village of Kenani. Since the late 1960s, there have been multiple attempts in Papua New Guinea to relocate the islanders from the unsustainable living conditions on the low-lying Carteret Islands to more sustainable areas in the country. However, even as late as 2009, problems such as arguments with Tinputz landowners, and a lack of gardens, food supplies, and appropriate housing have prompted people relocated from the Carteret Islands to return home.

There are also initial steps underway to relocate at risk populations to land in different countries. In April 2012, the Parliament of Kiribati approved the purchase 2,200 hectare of land in Fiji. President Tong has told the press that the purchase was intended to address food security issues of his nation, rather than being a potential site to relocate individuals whose land may be uninhabitable due to climate change. However, earlier in the previous month, a news outlet reported that the Cabinet had approved a plan to ultimately purchase some 6000 acres of fertile land in Fiji's main island Viti Levu, and that the President hoped it "could provide an insurance policy for Kiribati's entire population of 103,000, though he hopes it will never be necessary for everyone to leave."³⁴ There are also reports that the Government is in negotiation over land on Vanua Levu Island in Fiji, which would be used for "crops, to settle some Kiribati farmers and to extract earth for sea defences."³⁵

³⁰ Bedford and Hugo (2012) p. 47-48.

³¹ Bedford and Hugo (2012) p. i.v.

³² IASC, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (The Brookings-Bern Project on Internal Displacement, January 2011) p. 58.

³³ Campbell (2010a) p. 77.

³⁴ Elbourne, Frederica, "Kiribati buys land to relocate," *Fiji Times Online*, 12 March 2012. <http://www.fijitimes.com/story.aspx?id=195789> (Last accessed: 8 May 2013)

³⁵ BBC. "Kiribati mulls Fiji land purchase in battle against sea," BBC Online, 8 March 2012. <http://www.bbc.co.uk/news/world-asia-17295862> (last accessed: 24 January 2013)



III. PROTECTION IN THE CONTEXT OF NATURAL DISASTERS AND HUMAN MOBILITY

While existing international and national legal regimes respond to some of the protection concerns arising from human mobility within the context of natural disasters, others remain unaddressed.³⁶ This section identifies the protection concerns and needs most likely to emerge in the Pacific region.

3.1 MIGRATION AS ADAPTATION (CHALLENGES, POLICIES, AND PRACTICE)

States have the primary responsibility to provide protection and assistance to their citizens. In the context of natural disasters, this duty requires states to prepare for foreseeable disasters and to do what is possible to prevent threats to the lives and property of their people, including preventing displacement.³⁷ 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 resiliency are all potential actions to prevent displacement. State responsibility may also require the government to mobilize relevant regional and international organizations, arrangements and resources.³⁸

In the context of slow-onset disasters or lands that gradually become uninhabitable due to cumulative sudden-onset disasters, it is likely that people will

initially migrate voluntarily from at risk areas, as opposed to waiting until a crisis point arrives.³⁹ 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 to another country. It is for this reason that the 2011 Nansen Conference in Oslo urged national governments to ‘proactively anticipate and plan for migration as part of their adaptation strategies and development plans...’⁴⁰

Migration is also increasingly discussed as an adaptation measure to environmental changes in the Pacific, rather than an economic drain or security risk that needs to be curtailed. As Stephen Castles purports, “The objective of public policy should not be to prevent migration, but rather to ensure that it can take place in appropriate ways and under conditions of safety, security and legality.”⁴¹ President Tong of Kiribati has called for urgent deliberations on adaptation measures, including migration. He believes that increased labor migration to other countries will allow family members to support their extended family by sending back remittances to Kiribati.⁴²

³⁶ For a detailed discussion, see Jane McAdam, *Climate Change, Forced Migration, and International Law*. Oxford University Press, Oxford, 2012. See also Walter Kälin 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.

³⁷ 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. 19. 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.”

³⁸ UNHCR, “Summary of Deliberations on Climate Change and Displacement,” April 2011, p. 7.

³⁹ Kälin and Schrepfer (2012) p. 41.

⁴⁰ Cited in Kälin and Schrepfer (2012) p. 61.

⁴¹ Castles, Stephen, “Afterword: What Now? Climate-Induced Displacement after Copenhagen,” in Jane McAdam (ed), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart Publishing, 2010) p. 245.

⁴² Loughry, Maryanne and Jane McAdam. “Kiribati- relocation and adaptation,” *Forced Migration Review*, 31, p. 52.

Table 1: Overview of Free Movement in the Pacific Region

Right to Free Movement Between		Limited Right to Free Movement		No Right of Free Movement
		From	To	
Australia and New Zealand <i>Trans-Tasman Travel Agreement</i>		New Zealand* *If born in Niue	Niue	Fiji* *Present suspension from the Commonwealth
American Samoa, Commonwealth of Northern Mariana, Guam, and U.S. <i>All U.S. citizens or nationals</i>		<i>Niue Immigration Act</i>		
French Polynesia, New Caledonia, Wallis & Futuna, and France <i>All French citizens</i>		Australia,* Kiribati,* Nauru,* New Zealand,* Papua New Guinea,* Samoa,* Solomon Islands,* Tonga,* Tuvalu,* Vanuatu*	U.K.	
From	To	*If in 1982 a) Commonwealth citizen with parent who was a citizen of U.K. and colonies because born in UK, or b) female Commonwealth citizen married before 1983 to a man with right of abode in U.K.		
Cook Islands, Niue, Tokelau	New Zealand			
<i>All New Zealand citizens</i>				
Federated States of Micronesia,* Republic of Marshall Islands,* Palau* *May be denied entry (health, security, or likelihood of becoming a public charge)	American Samoa, Commonwealth of Northern Mariana, Guam, U.S.	<i>Certain Commonwealth citizens have a right of abode in U.K.</i>		
<i>Compact of Free Association authorizing free movement to U.S and its territories and possessions</i>				
American Samoa, Commonwealth of Northern Mariana, Guam, U.S.	Federated States of Micronesia, Republic of Marshall Islands			
<i>Some governments have no immigration restrictions for U.S. citizens or nationals</i>				
Pitcairn	U.K.			
<i>British Overseas Territory citizenship</i>				

While some people affected by natural disasters and environmental degradation may freely migrate to states with which their country of origin has special historic and legal ties, this avenue is blocked for citizens of other Pacific Island States whose territory will be particularly affected by the consequences of climate change and whose populations are at a heightened risk of having to move abroad.

The Pacific Island countries are also in the process of negotiating the Pacific Island Countries Trade Agreement, which could include the Temporary Movement of Natural Persons scheme.⁴³ As of March 2010, it was understood that this scheme would allow both skilled and unskilled workers with a job offer to work in another Pacific Forum Island Country⁴⁴ for up to three years.⁴⁵

⁴³ Pacific Island Forum Secretariat. "PICTA trade in services negotiations progress," Press Statement, 22 September 2011. <http://goo.gl/oF12v9> (Last accessed 29 January 2013)

⁴⁴ Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, Niue, Palau, Papua New Guinea, the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

⁴⁵ Pacific Immigration Directors' Conference. "The Pacific Island Countries Trade Agreement (PICTA) and the Temporary Movement of Natural Persons (TMNP) scheme: An update for immigration directors." March 2010, p. 1.

In general, the current migration schemes for both New Zealand and Australia are mostly oriented toward facilitating the flow of skilled labor, with fewer opportunities for unskilled workers, older persons, or people with disabilities. Australia has an immigration policy of non-discrimination that does not favor applicants from the Pacific Islands over applicants from other countries.⁴⁷

That said, New Zealand and Australia's immigration laws have a few programs created for select Pacific Island countries. The first are New Zealand's Pacific Access Category and Samoan Quota, which apply an annual quota system allowing for permanent stay, accepting applicants from Tonga (250 people), Tuvalu (75 people), Kiribati (75 people), and Samoa (1,100 people).⁴⁸ The second is New Zealand's Recognised Seasonal Employer Program, which invites unskilled workers from selected Pacific Island countries⁴⁹ to work in the agricultural sector when additional workers are needed. Finally, in Australia, the 2012 Seasonal Worker Program, like New Zealand's, allows for the seasonal migration of temporary agricultural workers from selected Pacific Island countries.⁵⁰

Despite these schemes, facilitating migration as adaptation and managing it in a way that protects human rights and safeguards the dignity of migrants remains a challenge for the region.

3.2 DISPLACEMENT

Protection risks potentially arise at all stages of cross-border disaster-induced displacement. This section highlights protection challenges in the context of 1) admissions, 2) during displacement, and 3) the search for durable solutions.

3.2.1 Admissions in the event of displacement (challenges, policies, and practice)

There is no international legal assurance that in the event of a sudden-onset disaster, or when a slow-onset disaster has left individuals with no other option for survival, a person will be able to seek international protection in another country, either temporarily or permanently.⁵¹ 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,"⁵² this would not address all displacement situations.⁵³ Finally, 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 continuing stay in the country, and it has been signed by only one country in the region.⁵⁴

⁴⁶ Notably, a report following a recent visit to New Zealand by a delegation from the Parliament of Tuvalu stated, "Tuvalu is particularly looking to New Zealand and Australia for help with relocating its older citizens." New Zealand House of Representatives. "Visit by a delegation from the Parliament of Tuvalu." Report of the Foreign Affairs, Defence and Trade Committee, 23 June 2011, p. 2. Others have raised concerns about the specific needs of older persons. See Ferris, Elizabeth, Michael M. Cernea, and Daniel Petz. *On the Front Line of Climate Change and Displacement: Learning from and with Pacific Island Countries*. The Brookings Institution-London School of Economics Project on Internal Displacement, September 2011, p. 17. See also, Laczko Frank and Christine Aghazarm, Eds., *Migration, Environment, and Climate Change: Assessing the Evidence*. International Organization for Migration, Geneva, 2009.

⁴⁷ See discussion and references in McAdam, Jane, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012) p. 206. McAdam, Jane, *Swimming Against the Tide*, 2011, p. 20, cited in Lebedev, Katerina. "Rising to the Challenge: Funding Adaptation and Handling Displacement in Kiribati." Pacific Calling Partnership, November 2011, p. 13.

⁴⁸ Applicants must pay a fee to apply for the Pacific Access Category and Samoan Quota. Immigration New Zealand. <http://www.immigration.govt.nz/employers/employ/lowerperm/pacific/> (Last accessed: 6 May 2013).

⁴⁹ Federated States of Micronesia, Papua New Guinea, Kiribati, Nauru, Palau, the Republic of the Marshall Islands, Solomon Islands, Tonga, Tuvalu, Samoa and Vanuatu.

⁵⁰ Participating countries include Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Timor-Leste. As of 6 May 2013, nine Approved Employers were participating in the Program.

⁵¹ 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 *refoulement* 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."

⁵² Kälin and Schrepfer (2012) p. 35. See also Chapter Three in McAdam (2012).

⁵³ See, however, outcomes from the Bellagio Conference on Climate Change and Displacement, which 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." UNHCR, "Summary of Deliberations on Climate Change and Displacement," April 2011, p. 5.

⁵⁴ Notably, Palau is the only Pacific Island country that has signed the Migrant Workers Convention. Australia and New Zealand are also not signatories. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 93. <http://goo.gl/fMpmx> (Last accessed: 6 May 2013)

Admissions policies are also relevant in the case of a small island and/or low-lying island state that may become uninhabitable due to loss of territory, inadequate water supplies, lack of housing and employment opportunities. Under such circumstances, and presuming the legal continuity of statehood,⁵⁵ Walter Kälin and Nina Schrepfer conclude that the key question becomes “how one guarantees admission of citizens of submerged island states onto other countries on a permanent basis and how their rights can be secured in a way that avoids marginalization, regardless of whether or not they keep their nationality of origin.”⁵⁶ Finally, admissions considerations are also relevant when discussing the potential of migration as a form of adaptation to climate change (see above).

Finding solutions to ensure that displaced people can enjoy protection in another country requires international collaboration and cooperation. National authorities cannot always find solutions on their own. For example, Kälin and Schrepfer argued, “In the absence of an ability to assist and protect them, [the country 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.”⁵⁷

A number of authors have suggested reviewing existing immigration schemes to see how they can accommodate cross-border displacement in the context of natural disasters.⁵⁸ Current national immigration regimes in the Pacific have limited options to allow temporary stays in case of an emergency.

The Government of Australia has the non-nationality specific Humanitarian Stay (Temporary) (subclass 449) visa, which was created to provide temporary stay to vulnerable individuals (and their family members) who have grave fears for their personal safety. These Safe Haven visas are designed to respond to short-term humanitarian crises and visa holders are expected to return home when the Australian Government considers it safe to do so. Applications can only be made by acceptance of an offer made by the Minister for Immigration and Citizenship; people cannot initiate an application themselves. There is no permanent migration pathway for subclass 449 visa holders - they are prevented from applying for any other visa, unless the Minister agrees to lift an application bar which applies to the visa.

New Zealand has a history of ad-hoc migration policy responses to natural disasters, such as in 1966 when approximately half of the Tokelauan population was resettled in New Zealand following a severe hurricane. More recently, after Cyclone Heta struck Niue in 2004, New Zealand offered to resettle the affected population, but the offer was refused by Niue authorities.

There are also examples of inter-island customary practices in the Pacific Islands that have facilitated post-disaster mobility. As early as the 1870s, there are reports that communities from disaster-affected islands (e.g., drought, frost, or cyclones) would stay on other islands providing them food and assistance, including in the displaced peoples’ home areas, until it was possible to return.⁵⁹ The 1966 resettlement of Tokelauns to New Zealand also included a welcoming ceremony that included Maori representatives.

3.2.2 Protection during displacement (challenges, policies, and practice)

Although the majority of the displacement to date in the Pacific Islands has been internal, this experience of displacement is useful to help identify potential protection needs that may arise during displacement to other countries following a sudden-onset disaster. For example, the need to address land tenure, adequate housing, employment opportunities, access to food, and maintaining cultural identity all emerged from past displacement experience.⁶⁰ Thus, in the event that an individual is admitted to a new country, on either a temporary or longer-term basis, it will be important to clarify rights and responsibilities while on the foreign territory.

Depending on the duration of the displacement, Kälin and Schrepfer propose 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 persons 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 use their own language; and be allowed (vii) to enjoy other relevant rights.”⁶¹ Ideally, states from sending countries could play a role in

⁵⁵ “It is far from clear whether affected persons would meet the legal definition of stateless persons, and even if they would, the 1954 Convention on the Status of Stateless Persons would not provide them with a right to be admitted to or stay in a particular country.” Kälin and Schrepfer (2012) p. 41. See also Chapter Five in McAdam (2012).

⁵⁶ Kälin and Schrepfer (2012) p. 39.

⁵⁷ Kälin and Schrepfer (2012) p. 43-44. See also Chapters Three and Four in McAdam (2012).

⁵⁸ Hugo (2010) p. 10. Khalid Koser has also advocated for adapting current migration schemes in Australia in particular. See “Environmental Change and Migration: Implications for Australia.” Lowy Institute for International Policy, December 2012.

⁵⁹ Campbell, John. “Traditional disaster reduction in Pacific Island communities,” *GNS Science Report 2006/38*, p.23.

⁶⁰ Office of the High Commissioner for Human Rights, *Protecting the Human Rights of Internally Displaced Persons in Natural Disasters: Challenges in the Pacific*, Regional Office for the Pacific, April 2011.

⁶¹ Kälin and Schrepfer (2012) p.61.

negotiating these in advance and in consultation with potentially affected individuals and communities.

Ensuring that both displaced people and receiving communities are able to maintain their cultural values and identities is also important. As past experience has shown, for example in the case of resettled people from the Carteret Islands in Papua New Guinea, tensions may arise in the host community, who may have been forced to give up their land to create space for relocated people. Measures should be taken to ensure that both the displaced and host communities are able to maintain their cultural values, spirituality, livelihoods, and identity.

3.2.3 Durable solutions for displacement (challenges, policies, and practice)

Overall, 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 following a sudden-onset disaster.

In the context of cross-border disaster-induced displacement, states could consider developing inter-governmental mechanisms that would determine when return is permissible and how to facilitate the return, including necessary exit procedures and travel home. For example, clear criteria could establish when it is safe for individuals to return home. An inter-governmental mechanism could also facilitate planned return, in consultation with the affected communities, and include plans for rehabilitating areas damaged by the disaster, including ensuring compensation for lost property, adequate social services and appropriate livelihood opportunities.⁶²

Examples about how to ensure durable solutions for returning displaced persons in the context of natural disasters can be drawn from the internal displacement context.⁶³ A durable solutions process should ensure that displaced people have the capacity and information they need to make a voluntary and informed choice about the different options available (e.g., return or relocation). This may mean including displaced people as participants in the planning and management of the durable solutions process, such as visiting their home area prior to returning or visiting a potential relocation site. Displaced people should also have access to those administering and implementing the durable solutions process, such offices or organizations involved in the humanitarian or development programs within the

overall plan. Finally, the displaced should have access to information about how the program is progressing.

It is important to note that while many people may be able to return within a short period of time following a sudden-onset disaster, the experience of internal displacement shows that the displaced often return before immediate and future displacement-related risks have been fully addressed (quick return in itself is not a solution). This includes the fact that many returnees often continue to be at a high risk of repeated crises and recurrent displacement. Similarly, in the absence of a planned process, protracted displacement may lead some individuals to return home (on their own) to potentially dangerous living conditions.

Past experience has also proven that return to one's home after a sudden-onset disaster is not always possible, for instance because the place of former habitual 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 facilitating permanent admission to the country of refuge.

3.3 PLANNED RELOCATION (CHALLENGES, POLICIES, AND PRACTICE)

This section explores measures to ensure that planned relocations are sustainable and implemented with respect for the rights and dignity of affected populations as well as receiving communities. Planned relocations are particularly relevant in the context of slow-onset disasters such as rising sea levels but may also be necessary in the context of sudden-onset disasters when an original place of residence was destroyed, or when areas have been designated as high risk areas.

Voluntary, planned relocation organized by the government should take place in close and continued consultation with communities at all stages of the process. Forced relocation due to environmental degradation should take place only as a last option after all other options have failed, and communities' adaptation capacity and resilience has significantly eroded.⁶⁴

⁶² UNHCR, "Summary of Deliberations on Climate Change and Displacement," April 2011, p. 6.

⁶³ For example, see the *IASC Framework for Durable Solutions for Internally Displaced Persons*. The Brookings Institution-University of Bern Project on Internal Displacement, April 2010.

⁶⁴ Hugo (2010) p. 10.

Community participation is important at all stages of displacement,⁶⁵ but particularly when determining the place where people will be relocated, and even more so when the potential relocation site is in another country. To date, Pacific Islanders relocated to other areas have faced significant challenges integrating within the receiving community, and maintaining relationships with those left behind. These experiences highlight that “[decisions] about where, when and how to relocate communities need to be sensitive to cultural and ethnic identities and boundaries to avoid possible tension and conflict. They also need to safeguard livelihoods, traditions, access to land, and respect for land and inheritance.”⁶⁶

Within the individual countries, governments have found it difficult to identify land for relocation sites, and to compensate those giving up land to receive displaced people. The communities in need of relocation generally do not have land to purchase themselves. Thus, Governments have had to seek alternative arrangements to secure land. In the Marshall Islands, the Government has negotiated rental agreements with land owners to gain access to land. In the case of Papua New Guinea and the Solomon Islands, the Catholic Church has donated land for relocated families.⁶⁷ However, in both cases the land provided was still insufficient to meet the demand.

Although contested by some, a 2010 report by the New Zealand Foreign Affairs, Defence and Trade Committee suggested that experience could be drawn from the Maori experience of making “more effective commercial use of their land while retaining traditional ownership structures,” noting that the traditional systems vary widely and will ultimately require a community based solution adapted to each context.⁶⁸ While this conclusion was drawn within the context of international development, it could also apply within efforts to find practical strategies for negotiating land use in attempts to find durable solutions for the displaced.

Relocation plans should also take into consideration the potential for tensions to arise when displaced people lack land rights to assure housing, food production, and livelihood opportunities. This was the case for families relocated to Bougainville, who also worried about how to maintain their usufruct rights over the land they left behind in the Carteret Islands.⁶⁹ In addition, the lack of available land has left people in protracted displacement situations, such as the Solomon Islanders who were displaced following the 2007 earthquake.

These problems would likely become even more complex if communities were to be relocated to another Pacific Island country in a different cultural and geographic region given each community’s distinct social and cultural traditions. For example, in New Zealand, John Campbell anticipates that there would need to be “some form of accommodation of the concerns of the tangata whenua (indigenous people, Maori) who might feel their land claims were threatened by resettlement schemes for communities from outside the country.”⁷⁰ Relocation schemes would need to be developed in a way that respects and benefits both receiving and relocated people.⁷¹

Any successful relocation, particularly to another country, would demand a long consultative process “between sovereign states, between communities at both origin and destination and their respective governments, and ultimately between the relocation and recipient communities themselves.”⁷² Unfortunately, most communities’ strong connection to their ancestral lands means that any relocation would likely not be without long-term costs that may span several generations.⁷³

In the case of potential cross-border relocation, negotiations with the receiving government are also essential, not only in terms of guaranteeing immigration clearance, if necessary, but also in regards to ensuring longer-term support to both the relocated and host communities.

⁶⁵ A number of authors have studied local knowledge in response to the challenges posed by climate change. For example see Paton, Kathryn, and Peggy Fairbairn-Dunlop. “Listening to Local Voices: Tuvaluans respond to climate change.” *Local Environment: The International Journal of Justice and Sustainability*. Vol. 15, Issue 7, 2010, pp. 687-698; Henry, Rosita and William Jeffery. “Waterworld: the heritage dimensions of ‘climate change’ in the Pacific.” *Historic Environment*, Vol. 21, no. 1, 2008, pp. 12-18; Barnett, Jon and Mark Busse. “Ethnographic Perspectives on Resilience to Climate Variability in Pacific Island Countries,” APN Project Re: 2001-11.

⁶⁶ UNHCR, “Summary of Deliberations on Climate Change and Displacement,” April 2011, p. 6-7.

⁶⁷ The Pacific Conference of Churches has noted that many churches in the Pacific region have significant land holdings. Personal communication, 13 May 2013, Geneva, Switzerland.

⁶⁸ “Inquiry into New Zealand’s relationships with South Pacific countries,” Report of the Foreign Affairs, Defence and Trade Committee, December 2010, p. 50.

⁶⁹ Campbell (2010a) p. 70.

⁷⁰ Campbell (2020b) p. 41.

⁷¹ The policy implications are discussed at length in McLeod, Deborah. “Potential Impacts of Climate Change Migration on Pacific Families Living in New Zealand,” in Bruce Burson (ed), *Climate Change and Migration: South Pacific Perspectives* (Institute of Policy Studies, 2010) pp. 135-157.

⁷² Campbell (2010a) p. 78.



IV. INTERNATIONAL COOPERATION AND SOLIDARITY

International cooperation and solidarity are essential elements to addressing the protection risks associated with human mobility in the context of natural disasters. Collaboration also allows governments and other actors to pool resources, avoid duplication, and develop complementary assistance.⁷⁴

In the South Pacific, Philippe Boncour and Bruce Burson have argued that actors should try to build upon “existing regionally situated arrangements of inter-communal and inter-island co-operation in the wake of natural disasters.”⁷⁵ Furthermore, to fully address and anticipate potential displacement dynamics, humanitarian response efforts need to link with disaster risk reduction activities, as well as climate change processes. This section highlights key policy processes for integrating human mobility in the context of natural disasters at the global, regional and bilateral levels.

4.1 GLOBAL

4.1.1 UNFCCC: International mechanism for loss and damage⁷⁶

At the 2012 COP 18 in Doha, the Parties decided to establish “institutional arrangements, such as an international mechanism to address loss and damage” and to “elaborate activities to further the understanding of and expertise on loss and damage” at the next COP (COP 19), which will include discussions about displacement, migration as adaptation, and planned relocation.

Loss and damage has been a Pacific and AOSIS priority since 1991. In 1991, Vanuatu submitted a proposal on behalf of the Alliance of Small Island States (AOSIS) on an insurance proposal which was presented to the Intergovernmental Negotiating Committee (INC) that

drafted the United Nations Framework Convention on Climate Change (UNFCCC).

The 1991 Insurance Mechanism would consist of:

- International Climate Fund to finance measures to counter the adverse consequences of climate change.
- A separate International Insurance Pool to provide financial insurance against the consequences of sea level rise, that would be funded by major emitters on the basis of GDP and GHG emissions and that would be triggered by sea level rise parameters.

The insurance mechanism was not included in the Convention but there were references to insurance in the sections on Adaptation.

A prime AOSIS consideration at the time was the question of liability for addressing impacts that could not be addressed through adaptation, in the context of a perceived lack of resources for adaptation.

⁷³ Campbell(2101a) p. 59. See also Jane McAdam, “Caught between homelands” Inside Story, 15 March 2013.

⁷⁴ UNHCR, “Summary of Deliberations on Climate Change and Displacement,” April 2011, p. 8.

⁷⁵ Boncour and Burson (2010) p. 22.

⁷⁶ The text on the UNFCCC discussions on loss and damage was drafted by SPREP as background information for the SPREP-led session of the Nansen Initiative Pacific Regional Consultation.

Increased scientific understanding over the years moved the debate away from a focus on sea level rise and culminated in the Multi Window Mechanism that was presented at the Poznan meeting in 2008. That proposal moved the debate away from a compensation only focus, and sought to address the broader issues of what could be done to prevent or limit the losses, with liability issues being considered as a last resort for risks that could not be eliminated also reflects the current position of the group on loss and damage. In 2012, AOSIS pushed for the establishment of an International Mechanism at COP 18 (Doha) to address loss and damage from the adverse effects of climate change. The International Mechanism was proposed to sit under the UNFCCC and have three mutually connected components:

- ❶ **An Insurance Component** to help SIDS and other particularly vulnerable developing countries manage financial risk from increasingly frequent and severe extreme weather events;
- ❷ **A Rehabilitation/Compensatory Component** to address the progressive negative impacts of climate change, such as sea-level rise, increasing land and ocean temperatures, and ocean acidification; and
- ❸ **A Risk Management Component** to support and promote risk assessment and management tools and facilitate and inform the Insurance Component and Rehabilitation/Compensatory Component.

While the establishment of an international mechanism was not achieved in Doha, what was achieved at COP 18 was a mandate in Decision 3/CP.18 paragraph 9 "... to establish, at its nineteenth session, institutional arrangements, such as an international mechanism, including its functions and modalities, elaborated in accordance with the role of the convention as defined in paragraph 5 of the decision".

Additionally several key mandates were provided in paragraphs 10-12 of the decision. In paragraph 10, it "requests the secretariat to carry out the following interim activities under the work programme on loss and damage, prior to the thirty-ninth session of the SBI (November 2013)

- a) An expert meeting to consider future needs, including capacity needs associated with possible approaches to address slow onset events and to prepare a report for consideration by the Subsidiary Body for Implementation at its thirty ninth session;
- b) Preparation of a technical paper on non-economic losses;
- c) Preparation of a technical paper on gaps in existing institutional arrangements within and outside

of the Convention to address loss and damage, including those related to slow onset events.

Paragraph 11, requests SBI to consider the technical paper referred to in paragraph 10 (c) in developing the arrangements referred to in paragraph 9.

Paragraph 12 "also requests SBI to elaborate, at its thirty eighth session [June 2013], activities under the work programme on loss and damage, to further the understanding of and expertise on loss and damage associated with the adverse effects of climate change, taking into account the provisions contained in paragraph 7" of the decision.

As proposed earlier and highlighted in a proposed AOSIS Work Plan 2013 (Draft), AOSIS needs to prepare in advance and be able to justify to developed partners:

- Why are we calling for the establishment of an international mechanism?
- Why do we consider some of the existing institutional arrangements inadequate to deal with an important issue such as loss and damage?

The substance of the proposed activities under the Work Plan was agreed to by the AOSIS Group on Loss and Damage during the Informal Dialogue, which was hosted by the Government of Jamaica in Montego Bay from 10-12 March 2013. The informal dialogue proved useful for AOSIS members that were present. They were able to clarify some issues and at the same time discuss openly and frankly with partners some of the most sensitive issues for both sides. Some questions were left unanswered and some of those questions relate to the components of the AOSIS Proposal.

4.1.2 Humanitarian Response

Globally, there is no one institution with a sole mandate to address cross-border disaster-induced displacement. Likewise, while there is no specific funding mechanism for humanitarian assistance for those displaced by natural disasters,⁷⁷ the regular international humanitarian funding channels are available. These include the Central Emergency Response Fund (CERF), the Consolidated Humanitarian Appeals Process, and bilateral donations provided directly to national authorities and aid agencies. IOM launched a new Migration Emergency Funding Mechanism in December 2011; however this internal funding mechanism will only be available for IOM's activities.

⁷⁷ Leckie notes a proposed "Papua New Guinea and South Pacific Evacuation, Migration, Protection, Integration and Reconstruction Fund." See Displacement Solutions. "Climate Change Displaced Persons and Housing, Land and Property Rights: Preliminary Strategies for Rights-Based Planning and Programming to Resolve Climate-Induced Displacement, p. 27.

4.2 REGIONAL

4.2.1 Pacific Islands Forum: Pacific Plan Review 2013

In October 2005, the Pacific Island Forum (PIF) leaders endorsed “The Pacific Plan for Strengthening Regional Cooperation and Integration.”⁷⁸ As its title suggests, the ten year strategy document identifies initiatives to build partnerships and strengthen regional cooperation through “sharing resources of governance, alignment of policies and delivery of practical benefits.”⁷⁹ Notably for the purposes of this study, the Pacific Plan highlights among other issues the need for 1) expanding regional technical and vocational training,⁸⁰ 2) developing regional plans and policies for the mitigation and management of natural disasters, 3) a strategy to maintain and strengthen Pacific cultural identity, and 4) plans for “urbanisation, bio-security and safety and expanded focus on broader political and human security issues.”⁸¹

In November 2007, the PIF approved an additional set of decisions for implementing the Pacific Plan that specifically addressed climate change. The leaders agreed that national adaptation plans should be developed and that climate change should be incorporated within national development plans, drawing upon the PIF Framework for Action on Climate Change. They specifically directed the Council of Regional Organisations of the Pacific (CROP)⁸² to “identify sustainable financing option at national, sub-regional and/or regional levels to support climate change adaptation and mitigation by members.”⁸³ The Pacific Plan is currently under revision throughout 2013.⁸⁴

4.2.2 Pacific Platform for Disaster Risk Management and the Pacific Climate Change Roundtable

The key international document regarding disaster risk reduction and disaster risk management is the 2005-2015 Hyogo Framework for Action,⁸⁵ which identifies priority actions and provides resources for measures to strengthen disaster resilience. The Pacific Island Forum has incorporated the Framework within the Pacific Disaster Risk Reduction and Disaster Management Framework for Action 2005-2015.⁸⁶ The implementation of the Framework is overseen, within the Secretariat of the Pacific Community, by the South Pacific Islands Applied Geoscience Commission (SOPAC), which has a regional mandate for disaster risk reduction from the PIF leaders. The Pacific Disaster Risk Management Partnership Network, which includes a wide range of actors in the region, is part of SOPAC.

There is currently an initiative underway in the Pacific region to bring together climate change and disaster risk management frameworks together at the regional level from 2015-2025. In July 2013, the Pacific Platform for Disaster Risk Management and the Pacific Climate Change Roundtable will hold a joint regional meeting in Nadi, Fiji. This meeting, which will bring together Ministers, international organizations, NGOs, civil society and academics, would be an opportunity to discuss disaster-induced human mobility within the context of a common regional framework.

⁷⁸ *The Pacific Plan for Strengthening Regional Cooperation and Integration*, endorsed by Pacific Island Forum leaders in October 2005, Pacific Island Forum Secretariat, revised October 2007.

⁷⁹ *The Pacific Plan for Strengthening Regional Cooperation and Integration*, p. 2.

⁸⁰ In a 2009 PIF meeting, the leaders explicitly acknowledged the need to “better provide Pacific peoples access to economic opportunities through skills and prospects for mobility.” Pacific Island Forum, “Fortieth Pacific Island Forum Communiqué,” Cairns, Australia, 5-6 August 2009, p.17.

⁸¹ *The Pacific Plan for Strengthening Regional Cooperation and Integration*, p. 6-8.

⁸² CROP has a mandate to “improve cooperation, coordination, and collaboration among the various intergovernmental regional organisations to work toward achieving the common goal of sustainable development in the Pacific region. CROP comprises the heads of the intergovernmental regional organisations in the Pacific.” <http://www.forumsec.org/pages.cfm/about-us/crop/>

⁸³ *The Pacific Plan for Strengthening Regional Cooperation and Integration*, p. 44.

⁸⁴ For more information about the 2013 Pacific Plan review process, please see: <http://www.pacificplanreview.org/> (Last accessed: 21 February 2013).

⁸⁵ *2005-2015 Hyogo Framework for Action: Building the Resilience of Nations and Communities to Natural Disasters*. World Conference on Disaster Reduction. 18-22 January 2005, Kobe, Hyogo, Japan.

⁸⁶ Pacific Islands Forum, *Pacific Disaster Risk Reduction and Disaster Management Framework for Action 2005-2015*.

4.2.3 Pacific Humanitarian Team

To date, the Pacific Humanitarian Team's contingency planning only addresses internal displacement. However, as the only regional cluster system in the world, the Pacific Humanitarian Team has the potential to work closely with governments in the Pacific to develop a regional contingency plan in the event of cross-border displacement in the context of natural disasters. It has also been suggested that contingency planning exercises consider the possibility of a series of small-scale disasters to anticipate the cumulative effect of disasters on community resilience.⁸⁷ This is particularly relevant when exploring the potential consequences of climate change.

4.3 BILATERAL

International development assistance also has a long history of supporting migration related schemes as a means for promoting development. For example, the Governments of Australia and New Zealand both fund training programmes to prepare Pacific Islanders to work in a global labour market.⁸⁸

The Government of Australia has also initiated bilateral programs, such as the Australia-Kiribati Partnership for Development. The Australia-Kiribati Partnership for Development includes education and workforce skill development initiatives which aim to improve the quality of basic education and vocational training in Kiribati so that I-Kiribati women and men can gain the skills necessary for productive lives and to access employment opportunities at home or overseas. Australia also supports the Kiribati Australia Nursing Initiative which aims to educate and skill I-Kiribati youth to gain Australian and international employment in the nursing sector.

Other examples include the European Union's support for climate change adaptation projects, such as two bilateral (Solomon Islands and Vanuatu) and two multi-country projects through the Global Climate Change Alliance. The Government of Germany trains seamen in an attempt to prepare them for the global labor market through the German Agency for Technical Cooperation (GTZ) and the German Federal Ministry for Economic Cooperation and Development (BMZ). Both China and Taiwan also offer educational scholarships to certain Pacific Island nationals.

In terms of general bilateral assistance, the United States of America is the second largest donor, after Australia, to the Pacific Islands. The Government of China is growing in importance as the third major donor in the Pacific, followed by Japan, New Zealand, the EU, and France.⁸⁹ More recently the United Arab Emirates has also emerged as donor through its Partnership in the Pacific Programme.

⁸⁷ Packwood, Sarah Justine. "PROCAP Mission Report, Papua New Guinea, 14/3 - 15/10/2012," 29 October 2012, p. 16.

⁸⁸ For example, in 2007 the Government of Australia founded the Pacific Technical College, endorsed by the Pacific Island Forum in 2005, which trains Pacific Islanders in five technical areas (1) automotive, 2) manufacturing, 3) construction and electrical, 4) tourism and hospitality, and 5) health and community services. With campuses in Fiji, Samoa, and Vanuatu, the College teaches according to Australian technical standards in an effort to increase the mobility of Pacific Island workers. By 2015 the College plans to have close to 6,000 graduates.

⁸⁹ Fifita, Mary and Fergus Hanson. "China in the Pacific: The New Banker in Town," Pacific Forum CSIS, Sydney: April 2011, p. 3.



V. OPERATIONAL RESPONSES

5.1 NATIONAL ADAPTATION PLANS WITHIN THE CONTEXT OF THE UNFCCC

A number of Pacific Island states developed National Adaptation Programmes of Action (NAPAs) in accordance with the guidelines of the UNFCCC's Subsidiary Body for Scientific and Technological Advice. However, during a workshop on natural disasters and displacement in the Pacific, government participants observed that these plans emphasize physical infrastructure over other adaptation strategies such as planned relocations and migration, making it difficult to receive international funding to address displacement.⁹⁰ Although five countries⁹¹ included human mobility considerations within the NAPAs, participants to the workshop concluded that the plans should be expanded further to include the "building of institutional and technical capacities for migration, displacement and planned relocations."⁹²

These conclusions were confirmed in a recent review by the Norwegian Refugee Council's Internal Displacement Monitoring Center (IDMC). The study reviewed 15 Pacific Island countries' disaster risk management and climate change adaptation legal and policy documents.⁹³ The study found that displacement terminology was largely absent from the documents. Instead, displacement is referenced more implicitly as a consequence of disasters, such as in evacuation measures. While migration is explicitly mentioned in all of the NAPAs, it was generally viewed negatively as a potential drain on national human resources and capacity, rather than as a potentially positive adaptation

policy option. Integration of relocation measures varied, with some countries already including planning and projects within their strategic planning, while others were still considering relocation as a possibility. International relocation, when mentioned at all, was only considered as a last resort following a major natural disaster such as a tsunami, or as a last resort in the event that adaptation measures to climate change fail.

Given that the debate on human mobility within the context of the UNFCCC only began recently with the 2010 adoption of paragraph 14(f) in the Cancun Adaptation Framework, it is understandable that the NAPAs have little in regards to displacement, migration and planned relocation. However, as states begin the process of drafting new National Adaptation Plans it will be important to explore how human mobility can be best incorporated to ensure migration is viewed as a possible viable adaptation measure, to explore how disaster risk reduction activities can prevent displacement, and how to reduce protection risks when displacement does take place.

One national example of addressing human mobility in the context of adaptation is the Government of Kiribati's "migration in dignity" policy, which supports citizens migrating abroad in search of employment and educational opportunities. Within this policy, the Kiribati government has initiated an Education for Migration programme. Specific initiatives have also focused on training nurses for an international market, such as the AusAID Kiribati-Australia Nursing Initiative. IOM has also provided technical assistance to contribute to the incorporation of human mobility issues with national adaptation measures, such as in the Marshall Islands.

⁹⁰ Ferris, Cernea, and Petz (2011) p. 16.

⁹¹ Human mobility was included within the National Adaptation Programmes of Action developed by the Republic of Kiribati (2007), Samoa (2005), the Solomon Islands (2008), Tuvalu (2007), and the Republic of Vanuatu (2007). See the Appendix in McAdam (2012) pp. 271-280.

⁹² Ferris, Cernea, and Petz (2011) p. 31.

⁹³ Daniel Petz. "Invisible Displacement" Draft One, IDMC, 5 May 2013.

5.2 HUMANITARIAN RESPONSE

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. However, large scale disasters have also overwhelmed national capacity due to wide-scale damage and the assistance needed for internally displaced people.

In recent years, humanitarian actors have increasingly recognized the need to address protection needs associated with forced displacement due to natural disasters.⁹⁴ While the majority of the policy development has focused on internal displacements, humanitarian actors have also explored the potential of cross-border displacement due to natural disasters, including the effects of climate change.

As part of its 2010 Protection Preparedness and Response Plan, the Pacific Humanitarian Protection Cluster prioritized building strong government and community relationships, focusing in particular on Fiji, Samoa, Vanuatu, and the Solomon Islands. These countries were selected because of the potential of frequent natural disasters to exacerbate pre-existing protection challenges. They were also selected to improve national awareness and capacity on protection issues. Key activities include protection training (such as on the Guiding Principles on Internal Displacement), and mainstreaming protection concerns with disaster risk reduction strategies and humanitarian contingency planning exercises. In addition, the UNHCR Regional Office in Canberra has been focusing the protection needs associated with the longer-term effects of climate change.⁹⁵

5.3 DISASTER RISK REDUCTION AND DISASTER RISK MANAGEMENT

At the national level, Pacific Island governments have National Disaster Management Offices that develop national disaster risk management and disaster risk reduction plans and policies. The 2013 IDMC study

highlights Papua New Guinea and Fiji as having some of the most developed disaster risk management national policies⁹⁶ addressing displacement and human mobility because they emphasize that both severe weather events and climate change will result in displacement and the need for planned relocation. The policies also acknowledge and address the potential economic, cultural, legal, and social costs and opportunities associated with relocation and displacement in the context of natural disasters.

While government capacity varies, SOPAC has concluded that countries often lack strong national institutions and governance structures for disaster risk reduction activities, and rely on donor funding, which may in turn result in a reverse incentive to wait for post-disaster assistance.⁹⁷ Government participants in a Brookings workshop on internal displacement and natural disasters also reported a lack of disaster related policies and laws to specifically address internal displacement. Similarly, a UNICEF study found that national disaster management plans focused more on infrastructure and systems,⁹⁸ as opposed to protection related risks such as forced displacement. Even when disaster plans do include displacement scenarios, they often focus on cyclones, but not other potential disasters.⁹⁹

In the Pacific region, IOM has undertaken a number of projects to address human mobility within national hazard mitigation, disaster preparedness, disaster response, and post-disaster reconstruction tools, policies, and activities.

National planning processes in the Pacific have also begun to address the need for joint strategic frameworks for addressing climate change adaptation and disaster risk management. For example, the Government of the Cook Islands has developed the Joint National Action Plan for Disaster Risk Reduction and Climate Change Adaptation (JNAP) 2011-2015. As at the regional level, such strategies could explore the insertion of human mobility related issues.

⁹⁴ See for example, Office of the High Commissioner for Human Rights, *Protecting the Human Rights of Internally Displaced Persons in Natural Disasters: Challenges in the Pacific*, Regional Office for the Pacific, April 2011.

⁹⁵ Ringgaard Pedersen, Susanne. "End of Mission Report (PROCAP): Fiji," OHCHR Fiji, 1 September 2009 to 29 February 2010, p. 4. UNHCR, "Pacific islanders face the reality of climate change... and relocation." 15 December 2009. <http://www.unhcr.org/4b264c836.html> (Last accessed: 2 May 2013)

⁹⁶ The study highlights Papua New Guinea's Strategic Program for Climate Resilience, and Fiji's national Climate Change Policy.

⁹⁷ SOPAC, "Disaster Risk Reduction and Disaster Management in the Pacific." <http://goo.gl/7Y7nmu> (Last accessed: 29 January 2013)

⁹⁸ UNICEF, "Think Children!" April, 2009.

⁹⁹ Ferris, Cernea, and Petz (2011) p. 12.



VI. CONCLUSION

An outcome document will be prepared for the final day of the Nansen Initiative Pacific Regional Consultation containing a set of messages on human mobility in the context of natural disasters and climate change (e.g., to inform the June 2013 UNFCCC consultations in Bonn, Germany, the September 2013 Pacific Islands Forum meeting on the Marshall Islands, and the overall Nansen Initiative process).

The key outcomes of the consultation may include the following:

- ❶ Familiarity with the Nansen Initiative and its relevance for the Pacific region;
- ❷ A better understanding of the situation and relationship between human mobility, natural disasters and climate change in the Pacific region;
- ❸ A better understanding of protection concerns in the context of human mobility and disasters in the Pacific region;
- ❹ The identification of standards of treatment and good practices that support the interests and rights of affected populations during cross-border migration, planned relocation and displacement in the context of slow and sudden-onset natural disasters;
- ❺ Identification of good practices and suggestions for the incorporation of human mobility related to natural disasters within national, regional and international processes; and
- ❻ An understanding of the types of institutional arrangements, such as an international mechanism to address loss and damage, that might best serve the Pacific region's needs.

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT



EVIDENCE FOR ACTION

This is a multi-partner project funded by the European Commission (EC) whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters. The project brings together the expertise of three distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) seeking to:

- 1 › **increase the understanding** of States and relevant actors in the international community about displacement related to disasters and climate change;
- 2 › **equip them to plan for and manage** internal relocations of populations in a protection sensitive manner; and
- 3 › **provide States and other relevant actors tools and guidance** to protect persons who cross international borders owing to disasters, including those linked to climate change.

THE
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