



Guide to Effective Practices for RCM Member Countries: protection of people moving across borders in the context of disasters

Launch Event, Regional Conference on Migration, San Pedro Sula, Honduras, 18 November 2017

Background Information

At the Nansen Initiative Regional Consultation in Costa Rica, December 2013, the outcome document highlighted that the Regional Conference on Migration (*Conferencia Regional sobre Migración - RCM*) and the Cartagena +30 Process would be relevant regional fora for continuing a dialogue on the protection needs of people displaced across borders by disasters and the adverse impacts of climate change. It was recommended to start development of guidelines on Humanitarian Visa and Temporary Protection applicable in the region, within the context of the Regional Conference on Migration's work. The RCM is a very relevant forum in which such a dialogue can take place. RCM has previously examined, discussed and pronounced itself on the migratory consequences of disasters and the practice of its Member Countries, for example in the aftermath of Hurricane Mitch in 1998.

The Nansen Initiative developed a concept note and a proposal for such a process/dialogue in January 2014, and at the XIX Vice-Ministerial Meeting of the Regional Conference on Migration in Managua, Nicaragua from 26-27 June 2014, it was decided to hold a regional workshop on temporary protection status and/or humanitarian visas for persons displaced across borders in the context of disasters and the adverse effects of climate change.

The Nansen Initiative commissioned Dr. David Cantor in August 2014 to undertake a mapping of effective practices in the region, which resulted in the Background Paper: *'Law, Policy and Practice Concerning the Humanitarian Protection of Aliens on a Temporary Basis in the context of Disasters'*. This was a key background document for the Workshop which was jointly organised between the Government of Costa Rica, RCM and the Nansen Initiative, in February 2015. The outcome of this Workshop was a draft Guide to Effective Practices that was drafted and developed based on input from the participants and the Background Paper. The draft Guide was later circulated for comments and review to all RCM Member during several rounds of consultations in 2015 and 2016. The Guide has passed at the 'technical level' by RCM Member Countries in April 2016.

The draft Guide was tabled by Costa Rica to the Regional Consultation Group on Migration (RCGM) in June 2016, which is the technical and operational body of the RCM and which makes recommendations to the Vice-Ministers. The recommendation from the RCGM meeting held from 8 to 9 June in 2016 in Tegucigalpa was that the Vice-Ministers: *'Welcome the document and recognize that the new "Platform on Disaster Displacement" could provide technical support to carry out national and regional workshops and other training activities in coordination with the TS of the RCM'*.

At the XXI Regional Conference on Migration (RCM) in San Pedro Sula 15-18 November, the Guide will be welcomed in a decision by the Vice-Ministers; RCM Member Countries will be urged to implement it according to their possibilities; and the Vice-Ministers will approve holding regional Workshops with the Platform on Disaster Displacement (PDD) as the follow-up to the Nansen Initiative. After the official program of the XXI RCM is over, the Government of Germany and Honduras will host a reception to mark the launch of the Guide.

Features of the Guide

- The Guide is a unique and unprecedented document, and at regional level this is the first time such a Guide on admission and stay has been developed to cover the protection needs of cross-border disaster-displaced persons.
- The purpose of the Guide is to share information on the use of humanitarian protection measures that RCM Member Countries may apply on a temporary basis in response to the needs of cross-border disaster-displaced persons.
- The Guide compiles a broad set of effective practices drawn from RCM Member Countries, and other States in the Americas. It is in that sense not that different from the Nansen Initiative Protection Agenda, but it is much more region specific. The Guide reflects and is inspired by effective practices of RCM Member Countries, having been developed in a specialized regional consultative process on migration, the RCM.
- Like the Protection Agenda, the Guide is non-binding. It does not create new obligations, extend existing State obligations, or require that new laws be passed.
- Rather, based on existing practice and established humanitarian principles, it is intended for the Guide to support a more effective and consistent use of existing law, policy and practice to enhance the response to the needs of cross-border disaster-displaced persons. It also covers foreign migrants affected by disasters hence, being broader than the Protection Agenda and complementing the work of the Migrants in Countries in Crisis Initiative (MICIC).
- It is significant that RCM Member Countries have agreed to implement the Guide and also to support its implementation by approving training and capacity building on its use. PDD stands ready to support RCM Member Countries in these endeavors.
- The Guide will serve as an inspiration to other regions vulnerable and prone to the devastating effects of disaster displacement. There are already plans underway to commence a similar process in the context of the South American Regional Conference on Migration (CSM).
- The reference to cross-border disaster-displacement in the Brasilia Declaration and Plan of Action, suggest that there are also other regional processes in the Americas in which this work can be carried out.
- The relevance of such a Guide is global. Sudden-onset disasters may occur anywhere at any time, and slow-onset disasters are likely to arise in many parts of the world. Potentially every State can be faced with disaster displacement across borders, either as a country of destination, transit or origin.
- The PDD will work systematically to promote the Guide's implementation among RCM Member Countries and will also explore opportunities to develop similar tools in other disaster prone and disaster affected areas.