

CONCEPT NOTE

Stakeholder Workshop “The role of free movement of persons agreements in addressing disaster displacement in Africa” with focus on ECOWAS, IGAD and SADC region

1. Background and Context

The Platform on Disaster Displacement (PDD) was established on 1 July 2016 to follow up on the work started by the Nansen Initiative on cross-border disaster-displacement and to implement the recommendations of the Nansen Initiative Protection Agenda. On 1 July 2019, the PDD entered its second phase and embarked upon its Strategic Framework 2019-2022 with the overall objective:

To support States and other stakeholders to strengthen the protection of persons displaced across borders in the context of disasters and the adverse effects of climate change, and to prevent or reduce disaster displacement risks in countries of origin.

In support of meeting this overall objective, PDD will address the following four strategic priorities for the period 2019-2022:

- I. Support integrated implementation of global policy frameworks on human mobility, climate change action and disaster risk reduction that are relevant for disaster displaced persons;
- II. Promote policy and normative development to address gaps in the protection of persons at risk of displacement or displaced across borders;
- III. Facilitate exchange of knowledge and strengthen capacity at the national and regional levels to implement effective practices and instruments that can prevent, reduce and address disaster displacement;
- IV. Strengthen evidence and data, on disaster displacement and its impacts.

The 2019 PDD Study “The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement: A Study of Africa” and proposed follow-on research support strategic priorities II and IV, by: identifying the potential of Africa’s free movement arrangements to allow people to travel to neighbouring countries in anticipation of, during, or in the aftermath of a disaster; identifying policy and normative gaps within Africa’s existing free movement arrangements; and developing guidance for their future development and implementation. Ultimately, this research could contribute to finding ways to prevent or reduce cross-border disaster displacement in Africa by facilitating pre-emptive movement across borders and ensuring that those who are displaced receive appropriate protection and have access to lasting solutions. It could also provide a model for future research and development in other regions that have adopted, or are considering, free movement arrangements.

2. The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement

In May 2019, the Platform on Disaster Displacement published a report titled: **'The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement: A Study of Africa' (PDD Free Movement study)**. This report considers whether, and how, agreements for the free movement of persons could assist in addressing the protection gap for disaster displaced persons in Africa, including displacement that occurs in the context of sudden- and slow-onset disasters and the adverse effects of climate change. Free movement agreements have the potential to permit disaster displaced persons, and those at risk of disaster displacement, to enter and stay in host states, allowing access to territory, livelihood opportunities and assistance from international and non-governmental organisations. While free movement agreements have been adopted, or proposed, in most of Africa's sub-regional economic communities and at the continental level, they have not, until now, been developed with the protection needs of disaster displaced persons in mind. The PDD Free Movement study therefore considers the extent to which such agreements do, or could, address the needs of those displaced in the context of a disaster, as well as the opportunities they present for those at risk of disaster displacement to move out of harm's way before disasters strike or to migrate as a way to cope with the challenges of climate change if adaptation in the country of origin is not possible.

The PDD Free Movement study analyses opportunities and limitations within African regional and sub-regional free movement agreements with respect to three core protection needs of cross-border disaster-displaced persons – that is, access to territory, status and rights during stay, and opportunities for lasting solutions. It identifies key advantages of free movement over other cross-border mobility mechanisms in addressing the protection needs of disaster displaced persons in Africa. These include: broad eligibility criteria under free movement agreements, opportunities for access to employment and other livelihoods, and scalability of free movement at the regional, sub-regional and bilateral levels. The study also identifies a number of key limitations of free movement agreements in addressing disaster displacement, including: significant levels of state discretion in their implementation, the potential exclusion of disaster displaced persons at the national level, onerous procedural requirements for those wishing to access free movement agreements, and limited protection of the human rights of those who move.

The PDD Free Movement study concludes that ultimately, the extent to which agreements for the free movement of persons could contribute to addressing displacement in the context of disasters and adverse effects of climate change in Africa depends on how they are incorporated and implemented at the national level, where state practice could either reinforce or address the potential limitations. As such, the report recommends that further research is required in order to fully assess the extent to which agreements for the free movement of persons do, or could, address disaster displacement in Africa. It also suggests the development of recommendations for how African States could further develop or supplement existing free movement agreements to maximise the potential benefits for disaster displaced persons.

3. Objectives of the Stakeholder Workshop

The key objectives of the stakeholder workshop are:

1. Explore and evaluate opportunities and limitations that free movement agreements provide for preventing and responding to displacement in the context of disasters and adverse effects of climate change in Africa. Participants will discuss the **opportunities and limitations of free movement agreements** themselves – in particular, within the ECOWAS, IGAD and SADC regional economic communities. They will also identify and discuss issues that do or could arise in the **implementation** of free movement agreements at the national level, via their incorporation into domestic law and policy frameworks and their operation in practice.
2. Identify and evaluate specific **strategies or solutions that could enhance the role of free movement agreements** in addressing disaster displacement. These may include modifications to existing (or proposed) free movement agreements, the development of supplementary frameworks or guidelines for states implementing free movement, or practical programmes that promote access to free movement for disaster displaced persons and those at risk of being displaced by a disaster.
3. **Identify key areas** where **further research and engagement** could enhance the role of free movement in addressing disaster displacement. Solicit feedback on the 2019 PDD Free Movement study. Assess and refine the scope and methodology of the follow-up research recommended in the report (see Research Agenda in Annex 3 of the report).

4. Practical and organizational information

a) Venue, duration and participation

The 2-day Workshop will be held at Stellenbosch University on 27-28 November 2019. The workshop is funded with contributions from the Federal Department of Foreign Affairs of Switzerland and the German Federal Ministry of Economic Cooperation and Development. A MOU will be developed between project partners. Stellenbosch University's Development and Rule of Law Programme (DROP) is the local implementation partner and in charge of logistical arrangement, flight booking, etc.

There will be approximately 40 participants (tbc), including:

- 1-2 representatives each from ECOWAS, IGAD and SADC Secretariats (individuals involved in the negotiation/implementation of free movement agreements)
- 6-10 government representatives engaged in free movement and/or migration policy and/or dealing with disaster displacement (1-2 from each of the three economic communities)
- 1 representative each from key international organisations working on human mobility in relevant sub-regional economic communities (ILO, IOM, UNHCR etc.)
- 1-3 researchers studying free movement arrangements/ disaster displacement in Africa

- 2-3 representatives from potential partner institutions/organisations for follow-up research (e.g. Stellenbosch University, IGAD, etc.)
- 1-2 representatives from PDD
- PDD Free Movement Report author
- Workshop Facilitator (potentially Lucy Daxbacher from IGAD)

b) Draft Agenda

The final format and agenda will be developed by the PDD in consultation with the PDD Free Movement Report author as well as workshop partners (Stellenbosch University, GIZ, IGAD, tbc). The workshop will include a combination of small group (4-8 people) and plenary discussion.

Day 0

- Dinner with Plenary Presentation: PDD 2019 Free Movement report – key findings and feedback from stakeholders

Day 1

- Plenary presentations: Opportunities for using free movement agreements to prevent or reduce disaster displacement by facilitating pre-emptive movement across borders (Keynote from Envoy of the Chair of PDD, then statements from each sub-region providing a review of the current status of development or implementation of free movement agreements)
- Lunch Break
- Group discussion: Opportunities for using free movement agreements to facilitate cross-border mobility and protection of displaced persons in anticipation of, during or following a disaster
- Group discussion: Key limitations of free movement agreements in addressing disaster displacement, including legal and practical barriers to access, scope of protection during stay, and long-term prospects for lasting solutions
- Plenary discussion on the outcomes from the group work
- Dinner

Day 2

- Plenary discussion: Strategies for enhancing access to free movement and addressing the needs of disaster displaced persons
- Plenary discussion: Exchanges of 'good practice' between the three regions – selected case studies of specific arrangements or programs that could be used/adapted to support the use of free movement in the disaster context
- Lunch break
- Group discussion: Proposed further research on the potential operation of free movement in the disaster context – scope, methodology and potential case studies.
- Closing plenary

End./