



PLATFORM
ON DISASTER
DISPLACEMENT
FOLLOW-UP TO THE NANSEN INITIATIVE

IMPLEMENTING THE COMMITMENTS RELATED TO ADDRESSING HUMAN MOBILITY IN THE CONTEXT OF DISASTERS, CLIMATE CHANGE AND ENVIRONMENTAL DEGRADATION

A Baseline Analysis Report
Under the Global Compact for
Safe, Orderly and Regular
Migration

By Daria Mokhnacheva
April 2022



In partnership with:



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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	2
LIST OF ACRONYMS	5
EXECUTIVE SUMMARY	9
1. INTRODUCTION	13
1.1 Context	13
1.2 Project background	13
1.3 Purpose of the project	14
1.4 Contents of the report	15
2. METHODOLOGY	16
2.1 Terminology and scope	16
2.2 Methodology of the study	17
2.2.1 Analytical framework and indicators	17
2.2.2 Data collection methodology	18
2.3 Limitations	19
3. OVERVIEW OF THE GLOBAL DATABASE	21
3.1 Overview of instruments included in the database	21
3.2 Relevance to GCM objectives and actions	36
3.3 Cross-cutting issues	37
3.4 Comparative insights	46
4. MAPPING THE BASELINE IN 21 COUNTRIES	48
4.1 Overall results in relation to GCM commitments	48
4.1.1 Objective 2 – Minimizing the adverse drivers	49
4.1.2 Objective 5 – Enhancing availability and flexibility of pathways for regular migration	52
4.1.3 Objective 21 – Facilitating safe and dignified return and sustainable reintegration	53
4.1.4 Objective 23 – Strengthening international cooperation	55
4.2 Observations from the detailed review	55

5.	REGIONAL APPROACHES	58
5.1	Examples of regional instruments and practices	58
5.1.1	Africa and Arab States	59
5.1.2	Asia and the Pacific	61
5.1.3	Europe and North America	62
5.1.4	Latin America and the Caribbean	63
5.2	General considerations regarding regional findings	66
6.	GENERAL OBSERVATIONS AND RECOMMENDATIONS	67
6.1	Overall observations from the findings	67
6.2	Gaps identified	68
6.3	Recommendations	71
7.	CONCLUDING REMARKS	76
	ADDENDUM I.	
	Data Collection and Analysis Methodology	78

LIST OF ACRONYMS

AEC	African Economic Community
ALBA	Bolivarian Alliance for the Peoples of our America
ASEAN	Association of Southeast Asian Nations
BMZ	German Federal Ministry for Economic Cooperation and Development
C40-MMC	C40 Cities and Mayors Migration Council
CCA	Climate Change Adaptation
CEPREDENAC	Coordination Center for the Prevention of Natural Disasters in Central America
COMESA	Common Market for Eastern and Southern Africa
CVF	Climate Vulnerable Forum
DRR	Disaster Risk Reduction
DRM	Disaster Risk Management
EAC	East African Community
ECCAS	Economic Community of Central African States
ECMWF	European Centre for Medium-Range Weather Forecasts
ECOWAS	Economic Community of West African States
ESCAP	Economic and Social Commission for Asia and the Pacific
EU	European Union
FAO	Food and Agriculture Organization
GCM	Global Compact for Safe, Orderly and Regular Migration
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GMDAC	Global Migration Data Analysis Centre
IDMC	Internal Displacement Monitoring Centre
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IMRF	International Migration Review Forum
(I)NDC	(Intended) Nationally Determined Contribution
IOM	International Organization for Migration
MECC	Migration, Environment and Climate Change
MGI	Migration Governance Indicators
MPTF	Migration Multi-Partner Trust Fund
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
OAU	Organization of African Unity
OHCHR	Office of the United Nations High Commissioner for Human Rights
OESC	Organization of Eastern Caribbean States
OSCE	Organization for Security and Co-operation in Europe
PDD	Platform on Disaster Displacement
PICD	Pacific Immigration Development Community
RCM	Regional Conference on Migration (Central and North America)

RESAMA	Red Sudamericana para las Migraciones Ambientales (South American Network for Environmental Migration)
RIMES	Regional Integrated Multi-Hazard Early Warning System for Asia and Africa
SAARC	South Asian Association for Regional Cooperation
SACM	South American Conference on Migration
SADC	Southern African Development Community
SDG	Sustainable Development Goal
SFDRR	Sendai Framework for Disaster Risk Reduction
TFD	Task Force on Displacement
UN	United Nations
UNCCD	United Nations Convention to Combat Desertification
UNDRR	United Nations Office for Disaster Risk Reduction
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNMN	United Nations Migration Network
USAID	United States Agency for International Development
WIM	Warsaw International Mechanism for Loss and Damage

EXECUTIVE SUMMARY

BACKGROUND

Disasters, the adverse effects of climate change and environmental degradation increasingly affect the livelihoods, resilience and human rights of people around the world, including by compelling people to leave their homes and countries of origin, or by trapping people in areas at risk and in situations of high vulnerability. Given the scale and complexity of these challenges, increased international action and cooperation are critical to minimize the adverse drivers of human mobility, assist and protect those displaced and on the move, and ensure dignified and sustainable long-term solutions for affected populations.

In December 2018, Member States of the United Nations adopted the Global Compact for Safe, Orderly and Regular Migration (GCM), a historical non-binding international agreement proposing for the first time a common and comprehensive approach to the governance of international migration aligned with obligations and principles under international law. The agreement includes, among other issues, specific commitments to address the drivers that compel people to leave their countries of origin in the context of disasters, the adverse effects of climate change and environmental degradation, and to protect and assist those who are compelled to leave their countries in these contexts. This includes 12 actions under Objectives 2, 5, 21 and 23 of the GCM that are of particular relevance to addressing these challenges.

Yet, in the absence of a dedicated monitoring and reporting framework, and of globally consolidated baseline information on applicable national instruments and practices, analysing the progress made in implementing these commitments remains a challenge. To support such efforts, this report reviews provisions relevant to governing human mobility in the context of disasters, climate change and environmental degradation in existing national and regional policy and legal instruments, with the aim to establish a preliminary baseline against which future progress can be measured as part of GCM voluntary monitoring and reporting efforts.

This report is an integral part of a **tool** consisting of an **indicators-based Analytical**

Framework, a **global database** of national and regional policies and legislation, and a **detailed review** for a selection of countries with a set of recommendations, that serves as a pilot analysis and can be used as such or further adapted by governments and relevant stakeholders to track the implementation of GCM commitments related to human mobility in the context of disasters, climate change and environmental degradation. The tool can also serve as a supplementary point of reference to guide implementation, as it highlights available guidance on this topic and provides examples of relevant instruments and practices, as well as a useful resource for researchers and practitioners for further analysis of policy development in this area.

SCOPE OF THE BASELINE MAPPING

This report is based on a review of policy and legal instruments and practices involving two stages: 1) the compilation of a global database of active, draft and past national and regional policy and legal instruments from available secondary literature; and 2) a more detailed review of instruments in 21 selected countries in relation to a selection of indicators developed as part of the Analytical Framework.

The **global database** contains over 930 national policy and legal instruments in 171 countries, 20 bilateral and 140 regional instruments in the areas of human mobility, climate change, disaster risk management, and sustainable development governance containing provisions of relevance to human mobility in the context of disasters, climate change and environmental degradation. To support future research and comparative analysis, the database includes not only those instruments that are active, but also instruments that are under development and those no longer in effect, but which offer useful examples of provisions that can inform future policy development. The database should be considered as a living document to be regularly updated as national and regional policy review efforts progress.

The **detailed review** of policy and legal instruments in effect in 21 selected countries (Albania, Argentina, Bangladesh, Costa Rica,

Egypt, Fiji, Germany, Ghana, Jamaica, Kenya, Lesotho, Nepal, New Zealand, Niger, Peru, Tajikistan, Tuvalu, Uganda, United States of America, Vanuatu and Viet Nam) analyses the policy and legal landscape in these countries against commitments made under the GCM through the application of 15 indicators from the Analytical Framework in order to establish a baseline of existing provisions.

FINDINGS

The findings presented in the report serve to illustrate existing instruments and practices of interest that could inform further policy development. Some overall observations can be derived from the general review of instruments compiled in the global database, and from the more detailed analysis of instruments in 21 countries against selected GCM commitments.

For example, identified instruments tend to predominantly address human mobility in the context of disasters, climate change and environmental degradation from the **prevention angle**, which is of greater relevance to **Objective 2** and to minimizing the adverse drivers and structural factors that compel people to leave their country of origin. Relatively more references to these issues were found in instruments governing climate change adaptation and disaster risk management, although this may be a result of the data collection methodology.

The **main gaps** in policy and legislation identified are in the area of dedicated provisions for admission and stay, regular pathways (**Objective 5**), and return and sustainable reintegration of migrants (**Objective 21**) in the context of environmental drivers. This observation also reflects broader policy gaps in the area of regular migration pathways, beyond the disaster, climate change and environmental dimensions. Some countries have specific provisions in their migration policies and legislation addressing admission and stay and assistance to migrants and people displaced in the context of disasters and climate change, and a few governments have developed or are currently in the process of developing dedicated policy or legal instruments specifically addressing human

mobility challenges in disaster and climate change contexts. These efforts can offer useful models to inform policy development elsewhere.

In other cases, references to human mobility challenges in the context of disasters, climate change and environmental degradation often **remain general, limited and predominantly focused on internal**, rather than international movement. In the case of instruments governing admission and stay, provisions are often **indirect (or implicit) and discretionary**. This limits the predictability and consistency in their application, in the absence of concrete commitments and targets and of implementation, monitoring and accountability mechanisms.

Overall, while the growing number and variety of relevant instruments indicates some progress in policy development, the existence of policy and legal instruments is only effective if supported by **adequate institutions and implementation mechanisms**, and if translated into concrete action. This baseline mapping did not review these aspects, and the extent to which existing instruments are effectively applied should be explored in a second stage of the GCM implementation review.

Finally, **regional and international cooperation** and dialogues addressing this issue have increased and exist in most regions of the world. Regional and national policy development in participating countries can be mutually supportive, as evidenced in certain regions, such as Latin America and the Caribbean or East Africa, where dedicated regional guidance and relevant legal frameworks have been adopted. However, not all States participate in such processes, and not all have access to regional and international resources. Further research into possible barriers and incentives to such participation, as well as into implications of uneven access to regional and international partnerships and support for countries that face human mobility challenges in the context of disasters, climate change and environmental degradation could help to identify gaps to be addressed through greater international cooperation and resource mobilization (Objective 23).

RECOMMENDATIONS

Based on these observations and gaps identified as part of the analysis, the report formulates several recommendations to governments, regional and international organizations, donor agencies, the research community and other stakeholders to support further GCM implementation, and voluntary monitoring and reporting efforts in relation to commitments addressing human mobility in the context of disasters, climate change and environmental degradation.

Recommendations for **governments** focus on strengthening national-level commitments and implementation efforts in relation to the specific GCM objectives and actions covered in this study, to the extent relevant to their national context and local needs. This could be supported through the elaboration of GCM National Implementation Plans and GCM pledges that acknowledge and address these issues, and through the development and application of innovative, comprehensive and coherent cross-sectoral approaches in collaboration with relevant local, national, regional and international stakeholders and partners. In this regard, examples of existing and effective practices, including those identified in this study, could be drawn upon. Increased involvement in bilateral and regional cooperation on specific aspects requiring joint approaches, in particular in relation to regular pathways for migration is also recommended. Further comprehensive national-level policy review to identify strengths and gaps in policy development and implementation in relation to these issues is an important step to support further progress towards implementing GCM commitments, along with regular monitoring and reporting on implementation under the International Migration Review Forum (IMRF) and other relevant international monitoring frameworks and forums, such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Sendai Framework for Disaster Risk Reduction (SFDRR) 2015-2030.

Recommendations for **regional organizations** focus on strengthening regional commitments, frameworks and tools that can support and encourage national-level policy development and implementation. Given their capacity and potential to bridge international and

regional policy development and national action, regional organizations have a particular part to play in supporting the translation of international and regional legal frameworks and policy instruments into national policies and legislation, and mobilizing national and international commitment, funds and relevant expertise. The establishment of regional monitoring and reporting mechanisms on specific commitments could also encourage national application of existing frameworks.

UN agencies and other international organizations also have an important role to play in supporting governments in their policy development and implementation efforts, through capacity development, fund mobilization, expertise and development of tailored guidance on particular aspects and gap areas highlighted in this mapping. Recommendations for these actors focus also on supporting country-level policy analysis and monitoring and reporting under the GCM, including by using, adapting and adjusting the indicators-based tool proposed here. The United Nations system also has a key role to play in ensuring complementarity of action and collaboration in the follow-up to the New York Declaration on Refugees and Migrants and the implementation of the GCM and of the Global Compact on Refugees (GCR).

For **donors**, the report recommends to strengthen the use of existing funding streams and to allocate funds more systematically to programmes addressing policy and research gaps related to human mobility challenges in the context of disasters, climate change and environmental degradation, promoting integrated cross-sectoral and multi-stakeholder approaches aligned with the GCM commitments and guiding principles. Examples of such national and regional programmes already exist in different regions of the world and many can be found in the United Nations Network on Migration's Repository of Practices, providing models for further action and fund mobilization.

The report also includes recommendations for the **research community**, related to addressing knowledge gaps highlighted as part of the

mapping in relation to specific instruments and GCM commitments, and supporting further national research and analysis to inform policy development and implementation. In addition, the research community can contribute to the expansion of the analytical framework and its indicators to support a more advanced mapping of the implementation of relevant GCM commitments and of the extent of application and effectiveness of existing instruments.

Numerous **other stakeholders**, including the civil society, national human rights institutions, representatives of migrants and local communities, trade unions, and the private sector have an important role to play in ensuring accountability of state-led action in relation to the commitments made under the GCM and to the application of its key guiding principles, such as people-centered and human-rights based approaches, gender-responsiveness, child-sensitivity, whole-of-government, whole-of-society, and rule of law and due process. These actors also support implementation at the local level, and the tool could be further expanded to enable reporting by a wide range of stakeholders.

Continued monitoring and reporting of policy development and practice through the IMRF and through other international monitoring frameworks, under the 2030 Agenda for Sustainable Development, SFDRR and relevant UNFCCC mechanisms, constitutes an important avenue towards promoting more integrated, effective and coherent implementation of GCM commitments and of overall action to address human mobility challenges in the context of disasters, climate change and environmental degradation.

The tool proposed as part of this project offers guidance to governments and to other stakeholders both for policy development as well as for voluntary monitoring and reporting on the implementation of these specific GCM commitments. It is hoped that it will be further used by different stakeholders, and continuously refined and adjusted to specific needs and to the evolving stages of the GCM implementation.

1

INTRODUCTION

1.1

CONTEXT

Every year, millions of people are displaced in the context of sudden-onset disasters, while the livelihoods of millions more are affected by slow-onset environmental change and degradation, with many being compelled to leave their homes, and others remaining trapped in areas at risk. Forced population movement associated with disasters, the adverse effects of climate change and environmental degradation can pose significant challenges that greatly undermine sustainable development, climate change adaptation, disaster risk reduction and migration governance efforts. At the same time, if well governed, safe, regular and orderly migration can also offer opportunities to increase the resilience of people affected by environmental hazards and to support sustainable development efforts. These challenges and opportunities have been increasingly recognized by governments and other stakeholders at national, regional, global and local levels, and discussed in a number of international and regional policy fora.

In December 2018, Member States of the United Nations adopted the Global Compact for Safe, Orderly and Regular Migration (GCM), a historical non-binding international

agreement proposing for the first time a common and comprehensive approach to the governance of international migration aligned with obligations and principles under international law. Among other issues, the GCM includes several specific commitments to address the drivers that compel people to leave their countries of origin in the context of disasters, the adverse effects of climate change and environmental degradation, and to protect and assist those who leave their countries in these contexts. It thus constitutes the first-ever inter-governmentally negotiated agreement on international migration formally recognizing the linkages between migration on the one hand, and disasters, climate change, and environmental degradation on the other.

1.2

PROJECT BACKGROUND

More than three years since the adoption of the GCM, efforts to analyse progress in implementing these specific commitments remain limited and unsystematic, in great part due to the absence of a dedicated monitoring and reporting framework, and of a globally consolidated baseline of information on

applicable national instruments and practices.¹ The International Migration Review Forum (IMRF), established to discuss and share progress on the implementation of all the aspects of the GCM, will convene for the first time in May 2022. Building on the regional reviews conducted in 2020-2021, it will provide an opportunity to exchange on the progress made since the adoption of the GCM, and to formulate recommendations to guide further efforts to support the GCM implementation at the local, national, regional and global levels.

To support the review of progress made on GCM commitments related to migration governance in the context of disasters, climate change and environmental degradation ahead of the IMRF, the State-led Platform on Disaster Displacement (PDD) has commissioned the development of an Analytical Framework and a baseline mapping to identify national policy and legal instruments² supporting the implementation of these commitments. The work is undertaken through the project “*Baseline Mapping on the Implementation of Commitments related to Addressing Human Mobility Challenges in Disaster and Climate Change Contexts under the Global Compact for Safe, Orderly and Regular Migration (GCM)*” coordinated by PDD in partnership with the International Organization for Migration (IOM) and funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) through the Global Programme Human Mobility in the Context of Climate Change implemented by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), with the Norwegian Refugee Council (NRC) as grant manager. The project is in line with the PDD Strategy and Workplan for 2019-2022 (activity I.2.C “Support regional and overall review of the implementation of the GCM”) and is a contribution to the

United Nations Network on Migration (UNMN) 2021-2022 workplan under Thematic Priority 4 on Climate Change and Migration (Output 4).³ It is also aligned with other international policy commitments related to addressing human mobility challenges in the context of disasters, climate change and environmental degradation, including those made under the Paris Agreement and other relevant Decisions of the United Nations Framework Convention on Climate Change (UNFCCC),⁴ the Sendai Framework for Disaster Risk Reduction (SFDRR) 2015-2030 and the 2030 Agenda for Sustainable Development.

1.3

PURPOSE OF THE PROJECT

The present mapping exercise and analysis constitute a first effort to establish a consolidated baseline of information on existing national policy and legal instruments across several key policy sectors that are relevant to the implementation of GCM commitments related to human mobility in the context of disasters, climate change and environmental degradation. Given the early stages of the GCM implementation and review process, the analysis seeks as a first step to identify the overall existence of relevant provisions in national policy and legal instruments. To a more limited extent, the significance and relevance of available provisions is also assessed. The purpose of this initial review is to establish a preliminary baseline that will serve as a basis against which progress on GCM implementation can be measured as part of future monitoring and reporting efforts.

1 For a broader overview of initial country and regional-level trends in relation to the overall commitments under the GCM and each of its 23 Objectives, see International Organization for Migration (IOM). (2022). *Migration Governance Indicators Data and the Global Compact for Safe, Orderly and Regular Migration: A Baseline Report*. Geneva, IOM.

2 For a definition of “policy and legal instruments” as used in this report, see Section II.iii.b of the accompanying Analytical Framework. Throughout the report, mentions of ‘instruments’ refer to the full scope of the definition unless otherwise stated.

3 UNMN Thematic Priority 4. (2021). *Workplan – Thematic Priority 4 on Migration in the Context of Disasters, Climate Change and Environmental Degradation*. Available at <https://migrationnetwork.un.org/resources/workplan-thematic-priority-4-migration-context-disasters-climate-change-and-environmental>. Accessed 16 April 2022.

4 In particular, decisions related to the work of the UNFCCC Warsaw International Mechanism for Loss and damage (WIM) and its Task Force on Displacement. See for example UNFCCC. (2019). *Decision 10/CP.24 Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts*, FCCC/CP/2018/10/Add.1. Available at <https://unfccc.int/sites/default/files/resource/10a1.pdf>. Accessed 16 April 2022.

The ultimate objective of the project is to provide a useful guidance tool for voluntary monitoring and reporting by Member States, which would build on and be complementary to existing monitoring, reporting and data collection efforts under other relevant global processes. This tool, consisting of an indicators-based Analytical Framework, an accompanying global database and the present baseline mapping analysis, could be used as such or further adapted by governments and relevant stakeholders to track the implementation of GCM commitments related to human mobility in the context of disasters, climate change and environmental degradation in the coming years. The framework can also serve as a supplementary reference tool to guide implementation by promoting available guidance on this topic and providing examples of relevant instruments and practices.

1.4

CONTENTS OF THE REPORT

This report contains five chapters. The **first chapter** presents key terminology and outlines the scope of the analysis, as well as the methodology and main elements of the Analytical Framework guiding the present mapping and analysis. It also presents the limitations of the methodology and analysis. The **second chapter** provides an overview of

national policy and legal instruments included in the global database compiled for this study, discusses the types of provisions available to address challenges related to human mobility in disaster, climate change and environmental degradation contexts, considers their relevance to the implementation of the GCM, and provides some comparative insights across countries and regions. The **third chapter** focuses on the results of the detailed review of 21 countries selected for this pilot baseline mapping exercise, conducted on the basis of the Analytical Framework and indicators. For each selected GCM objective and action, it discusses the state of available policy and legal frameworks identified in the reviewed countries and provides some observations in relation to policy developments as well as gaps towards the implementation of the GCM commitments. The **fourth chapter** presents examples of regional instruments and approaches identified during the research, in view of the several commitments for regional and bilateral cooperation made under the GCM on human mobility in disaster, climate change and environmental degradation contexts. The **fifth chapter** presents some overall observations derived from the findings and offers recommendations for consideration by governments and other stakeholders supporting the implementation of GCM commitments on human mobility in the context of disasters, climate change and environmental degradation. Concluding remarks are provided in the final section of the report.

2

METHODOLOGY

2.1

TERMINOLOGY AND SCOPE

This analysis discusses several forms of population movement in the context of disasters, climate change and environmental degradation, including migration, displacement, evacuations and planned relocation, which are referred to in the objectives and paragraphs of the GCM addressing issues related to environmental drivers.⁵ Furthermore, the report uses the term “**human mobility**” as an encompassing term designating all these movements.

The use of these terms is in line with the

terminology used in key international and intergovernmental processes and documents addressing these issues, including the Nansen Initiative Protection Agenda,⁶ the Cancun Adaptation Framework and decisions and documents related to the Warsaw International Mechanism for Loss and Damage under the UNFCCC,⁷ the 2016 New York Declaration for Refugees and Migrants,⁸ and the work of intergovernmental organizations such as IOM,⁹ the Office of the United Nations High Commissioner for Human Rights (OHCHR)¹⁰ and others.

In line with the scope of the GCM, the focus of this study is on policy and legal instruments and practices contributing to governing and addressing *international* (cross-border) migration. Yet, recognizing that

- 5 United Nations General Assembly (UNGA). (2019). *Global Compact for Safe, Orderly and Regular Migration*, Resolution 73/195 of 19 December 2018, A/RES/73/195, Objective 2, paras 18(h)-18(l), Objective 5, 21 (g) and 21(h). See also Table A.I.1 in Addendum I for selected objectives and actions.
- 6 The Nansen Initiative. (2015). *Agenda for the Protection of Cross -Border Displaced Persons in the Context of Disasters and Climate Change*. Volume I and II. Geneva, The Nansen Initiative.
- 7 UNFCCC. (2010). *Decision 1/CP.16 The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention*, FCCC/CP/2010/7/Add.1, para 14.(f); UNFCCC. (2019). *Decision 10/CP.24 Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts*, FCCC/CP/2018/10/Add.1, Annex, para 1.(c).
- 8 United Nations General Assembly (UNGA). (2016). *New York Declaration for Refugees and Migrants*, Resolution 71/1 of 19 September 2019, A/RES/71/1, para 3.
- 9 IOM. (2021). *Institutional Strategy on Migration, Environment and Climate Change 2021-2030*. Geneva, IOM, Annex 4, p. 37-39.
- 10 OHCHR. (2018). *The slow onset effects of climate change and human rights protection for cross-border migrants*. UN Doc. A/HRC/37/CRP.4. Geneva, OHCHR.

a comprehensive approach to cross-border human mobility in the context of environmental drivers includes measures to prevent, reduce and manage displacement risks within the country of origin, the analysis also examines national policies and legislation which address *internal* migration, displacement and planned relocation in order to identify possible measures contributing to reducing the risks of cross-border displacement and to minimizing the drivers and factors that compel people to leave their countries of origin. It is understood however that not all of these dimensions of human mobility fall squarely or only within the scope of the GCM.

Finally, this analysis is primarily concerned with human mobility associated with environmental drivers as referred to in the GCM, including sudden-onset and slow-onset disasters, the adverse effects of climate change and environmental degradation.¹¹ At the same time, in light of the complexity and multi-causality of population movement in the context of disasters and climate change, instruments addressing diverse forms of human mobility are reviewed. This includes forms of human mobility that are addressed under separate international policy processes and legal regimes, notably refugee law frameworks which fall outside of the scope of the GCM, but which may be relevant in some circumstances.¹²

These and other elements of the conceptual and terminological approach adopted for this analysis are explained in more detail in the accompanying Analytical Framework.¹³

2.2

METHODOLOGY OF THE STUDY

In order to guide the baseline mapping of the implementation of GCM commitments related to addressing human mobility in disaster and climate change contexts, an Analytical Framework and methodology were developed following a consultation process with PDD partners and UNMN stakeholders (including the co-leads and stakeholders of the UNMN Thematic Priority 4), including through a Reference Group established for this project. The consultation process took place from November 2021 to January 2022.

The Analytical Framework and its Annexes define a set of indicators to guide the review of national policy and legal instruments and describe in detail the scope and methodology applied for this mapping exercise. This section summarizes key elements of the methodology that guided the main phases of this project, including the development of the Analytical Framework and its indicators, the data collection process, and the analysis of the findings.

2.2.1

Analytical framework and indicators

The GCM includes several objectives and paragraphs (“actions”) addressing human mobility challenges in the context of environmental drivers. This analysis focuses on 12 concrete actions under four Objectives of the GCM (Objectives 2, 5, 21 and 23) identified as most relevant based on their explicit focus on, or implicit relevance to, human mobility challenges associated with disasters, climate

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- 11 See UNGA, Objective 2 and Objective 5, above n 5, and Table A.I.1 in Addendum I to this report for the different terms used in the GCM. While the term “natural disasters” is used in the GCM, disasters in fact are not natural, and are a result of the interaction between a natural hazard and social, political and economic determinants of vulnerability. The term “natural” disaster therefore is only used in this report when quoting text from original documents. For the sake of brevity, shorthand terms “disaster and climate change contexts” or “environmental drivers” are frequently used throughout the remainder of the report and should be understood as designating all types of environmental drivers covered by the GCM, including sudden- and slow-onset disasters, the adverse effects of climate change and environmental degradation.
- 12 For example, see Weerasinghe, S. (2018). *In Harm's Way. International Protection in the Context of Nexus Dynamics between Conflict or Violence and Disaster or Climate Change*. Geneva, UNHCR.
- 13 Mokhnacheva, D. (2022). *Baseline Mapping of the Implementation of Commitments related to Addressing Human Mobility Challenges in the Context of Disasters, Climate Change and Environmental Degradation under the Global Compact for Safe, Orderly and Regular Migration (GCM): Analytical Framework*. Geneva, Platform on Disaster Displacement.

change and environmental degradation.¹⁴ The selected objectives and paragraphs are presented in Addendum I, Table A.I.1.

As part of the development of the Analytical Framework to guide the mapping exercise, each of the 12 actions was analysed in relation to key existing international legal obligations and standards and to possible local, national and regional-level measures. At least one indicator was proposed for each action to help to review national and regional efforts to support its implementation: overall, a total of 25 national- and regional-level indicators were developed across the 12 actions. These indicators initially focus on structural and process-related parameters¹⁵ to allow to establish a preliminary baseline, and a qualitative approach was prioritized in order to capture the diversity, nuances and specificities of available instruments. The development of the indicators was guided by available international guidance and standards for indicator development, taking into consideration existing global monitoring frameworks and data collection processes and sources. All the indicators were pilot-tested on 3 countries (Costa Rica, Fiji and Kenya), and refined during the research phase. The final indicators, along with the associated guiding questions, measurement methodology, possible sources and available guidance for the implementation of relevant commitments, are presented in Annex A to the Analytical Framework. In addition, to promote alignment with key cross-cutting GCM principles such as gender responsiveness, human rights-based approaches, child-sensitivity, and whole-of-government approach, the framework proposes specific markers to measure the

integration of human rights, gender, child and local governance dimensions (see Table A.I.2 in Addendum I below).¹⁶

The Analytical Framework further defines the scope and type of national (and to some extent, regional) instruments to be considered, taking into account the cross-cutting nature of human mobility challenges in the context of disasters, climate change and environmental degradation. The mapping exercise thus adopts a broad multisectoral approach, in line with the GCM principles of whole-of-government approach, sustainable development and international cooperation, and with its 360-degree and people-centred vision of international migration.

2.2.2

Data collection methodology

Following the development of the Analytical Framework, desk research was conducted with the aim to identify existing instruments and specific provisions included in national policies and legislation relating to human mobility in disaster and climate change contexts in accordance with the Analytical Framework. The objective of the research was to constitute a preliminary baseline of information as a basis for further analysis relating to GCM implementation, to help identify knowledge and implementation gaps, and, in the future, to facilitate the voluntary monitoring and reporting on the progress in the implementation of the GCM.

14 This selection includes 10 actions with a direct reference to disasters, climate change and/or environmental degradation, and 2 actions retained based on their focus on safe return and sustainable reintegration, which can be directly linked to disaster management and climate change adaptation considerations, despite the absence of a direct reference to the subject in the text. Several other objectives and paragraphs which may be of indirect (or less direct) relevance to addressing human mobility challenges in disaster and climate change contexts are not included in this preliminary baseline exercise. The Analytical Framework could be expanded in the future to include those provisions as well.

15 This study broadly adopts the categorization of indicators defined by OHCHR in its guidance for developing human rights indicators. Structural indicators focus on the adoption of instruments and existence of mechanisms to support commitments; process indicators focus on policy implementation efforts; while outcome indicators focus on the impacts and results. See OHCHR. (2012). *Human Rights Indicators: A Guide to Measurement and Implementation*. Geneva, United Nations. Available at https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf. Accessed 16 April 2022.

16 The human rights, gender and child sensitivity markers also contribute to measuring alignment with the overall people-centred approach of the GCM. Although the whole-of-government principle addresses a wide range of dimensions relating to horizontal and vertical policy coherence across all sectors and levels of government, the local governance marker focuses only on one of these aspects, namely vertical policy coherence between the national and local levels. Horizontal policy coherence can partially be measured through indicator 1.1 of the Analytical Framework. The markers are presented in more detail in Annex B of the Analytical Framework.

The data collection process involved two main phases:

1. **Compilation of a global dataset of instruments based on the review of existing relevant mapping exercises and secondary literature**
2. **Additional research and detailed review of instruments for a selection of countries in line with the indicators**

The first phase sought to consolidate the results of past global research and mapping efforts of relevant national and regional migration, disaster risk reduction, climate change and other policies, based on a literature review and compilation of data from different sources into a single centralized global database. The resulting dataset constituted the overall basis for the baseline mapping of national (and to some extent, regional) legal and policy instruments of relevance to the commitments under the GCM related to human mobility challenges in disaster and climate change contexts.

The second phase complemented past research findings through updated, more advanced research of policy and legal instruments and specific provisions in 21 selected countries,¹⁷ including through a review of primary sources. The aim of this second phase was to identify more recent instruments, collect the information necessary to populate the indicators of the Analytical Framework and obtain examples of effective practices to inform the preparation of national and thematic case studies. The identified active policy and legal instruments were then analysed in relation to a selection of indicators developed as part of the Analytical Framework. These findings are presented in Chapter III of the report.

More detailed information concerning the type of instruments reviewed, the sources used for the desk research, as well as the data analysis methodology is presented in Addendum I at the end of this report.

2.3

LIMITATIONS

Key limitations were mainly related to the scope of the exercise, which constituted a first attempt at defining a monitoring and reporting framework at a relatively early stage of the GCM implementation and policy development in the area of human mobility in disaster and climate change contexts, and which was limited by some resource and capacity constraints.

While the GCM encourages a whole-of-society approach, the primary responsibility for the implementation of the GCM lies with Member States.¹⁸ Consequently, the data collection process prioritized actions and instruments developed by or with the participation of Member States, and specifically those for which information could be collected more easily based on available sources. Evidence of practices, such as ad hoc measures, programmes, initiatives, could not be collected systematically with the available resources, and could only be included for a limited number of countries for which such information was readily available from secondary sources. Implementation efforts of local governments could not be systematically captured at this stage due to limited available research, and those of other stakeholders were outside of the scope of this exercise.

In addition, the time and resources available for this mapping exercise did not allow a comprehensive, exhaustive review of all existing and relevant national policies in every country, which would have required more extended access to documents and consultations with relevant national stakeholders. The findings presented in this report are therefore strongly determined by the focus, scope, methodology and publication date of the secondary sources consulted. Although the results of the detailed review

¹⁷ The 21 countries are: Albania, Argentina, Bangladesh, Costa Rica, Egypt, Fiji, Germany, Ghana, Jamaica, Kenya, Lesotho, Nepal, New Zealand, Niger, Peru, Tajikistan, Tuvalu, Uganda, United States of America, Vanuatu and Viet Nam. The 21 countries were selected in consultation with the project's Reference Group based on several practical considerations, including governments' interest and engagement in this topic, data availability and access to documents, and geographical balance across the regions of the world. For more information on the selection criteria, please refer to the Analytical Framework.

¹⁸ See UNGA, above n 5, paragraph 53.

for some of the countries were cross-checked with IOM's national and regional thematic specialists,¹⁹ the overall research focused on documents readily available on selected public online platforms or through secondary sources, and on documents available in the languages accessible to the research team (English, French, German, Spanish, Portuguese and Russian). Instruments for several countries included in the detailed mapping could not be reviewed in depth due to language limitations (as was the case, for example, for a number of instruments from Egypt, Nepal, Tajikistan and Viet Nam), or because they could not be publicly accessed. As a result, the information captured for each indicator does not represent a comprehensive overview of the policies and legislation in each reviewed country, but rather is based on examples of key instruments, provisions and anecdotal evidence of practices that were identified and accessible at the time of the research. A validation of results by relevant national stakeholders would be an important step in the future as part of the GCM voluntary monitoring and reporting process.

Another limitation concerned the comparability of results across countries and over time, given the broad diversity of types of instruments, of their normative weight, of the extent and quality of the provisions, as well as of terminology used. Differences in interpretation of what constitutes a relevant or sufficient provision and of the extent to which they are applicable in the context of the GCM further added to the complexity of the analysis, particularly in the case of some instruments and provisions related to other frameworks and mandates, such as international refugee law. As the main objective of the project was to establish a baseline, at this early stage the mapping exercise focused on identifying relevant instruments and provisions to constitute a basis for further analysis and assessment. Measuring progress in policy development and implementation at the

national or regional level, including to understand the impact of the adoption of the GCM on recent policy development, was thus outside of the scope of this study.

In addition, assessing the quality or effectiveness of measures and their impact was also beyond the scope of the mapping and could not be done as part of this research. This report thus mainly provides a preliminary overview of the extent and relevance of existing provisions, along with some limited qualitative analysis. A quality and effectiveness assessment allowing a more rigorous comparative analysis between countries would require a more advanced methodology with precise qualitative and quantitative measurement criteria. The current indicators were designed in a way to mainly capture structural and process-related elements (such as the existence of frameworks or efforts, rather than their practical application or impacts) as an initial step of the implementation review process. The Analytical Framework and its indicators would therefore need to be revised over time to respond to evolving implementation, monitoring and reporting needs, and in particular to capture the extent to which existing provisions are supported by adequate implementation mechanisms and translated into concrete action or measures.

Finally, key guiding principles of the GCM, including human rights-based approaches, gender responsiveness, child sensitivity, and whole-of-government approach (with focus on local government inclusion) were integrated in the Analytical Framework through the inclusion of dedicated markers, however additional resources would have been required for a systematic review of identified instruments in relation to those markers. As part of this initial exercise, these cross-cutting issues could only be reviewed through thematic snapshots.

19 Findings were reviewed by IOM for Argentina, Bangladesh, Costa Rica, Ghana, Kenya, Lesotho, Nepal, Peru, Uganda, USA, Vanuatu and Viet Nam, and at the regional level for Latin America and the Caribbean, East Africa, West and Central Africa, Southern Africa and Asia and the Pacific.

3

OVERVIEW OF THE GLOBAL DATABASE

This chapter provides an overview of national-level instruments compiled as part of the first phase of the data collection process for this study, which sought to consolidate and centralize findings from past regional and global policy review exercises into one global database. This serves as a first step towards identifying provisions of relevance to GCM commitments on human mobility in the context of disasters, climate change and environmental degradation.²⁰ The resulting global database currently contains a total of **932 national instruments**, **140 regional instruments** and **20 bilateral instruments** identified from secondary literature and complemented by additional research for a selection of countries that were reviewed in more detail during the second phase of the data collection process. The global database aims to provide a resource for researchers and practitioners as a foundation for further research and analysis of policy development on human mobility, disasters, climate change and environmental degradation, not only in relation to the implementation of GCM commitments, but also in relation to

other key global policy frameworks (such as the UNFCCC), and in support of targeted policy-oriented research on these topics.²¹

3.1

OVERVIEW OF INSTRUMENTS INCLUDED IN THE DATABASE

The analysis presented in this section relates to national-level instruments included in the global database.²² The aim is to provide a general overview of some of the existing, past and ongoing instruments and provisions of relevance to human mobility in the context of disasters, climate change and environmental degradation to inform policy development in support of the implementation of GCM commitments. Due to methodological limitations outlined in the previous chapter and in Addendum I, this overview should not be considered as an exhaustive review of all existing policies and legislation: the geographic

²⁰ The sources and methodology for this compilation are presented in more detail in Addendum I.

²¹ The global database is publicly available online, and should be considered as a dynamic, living document to be regularly updated.

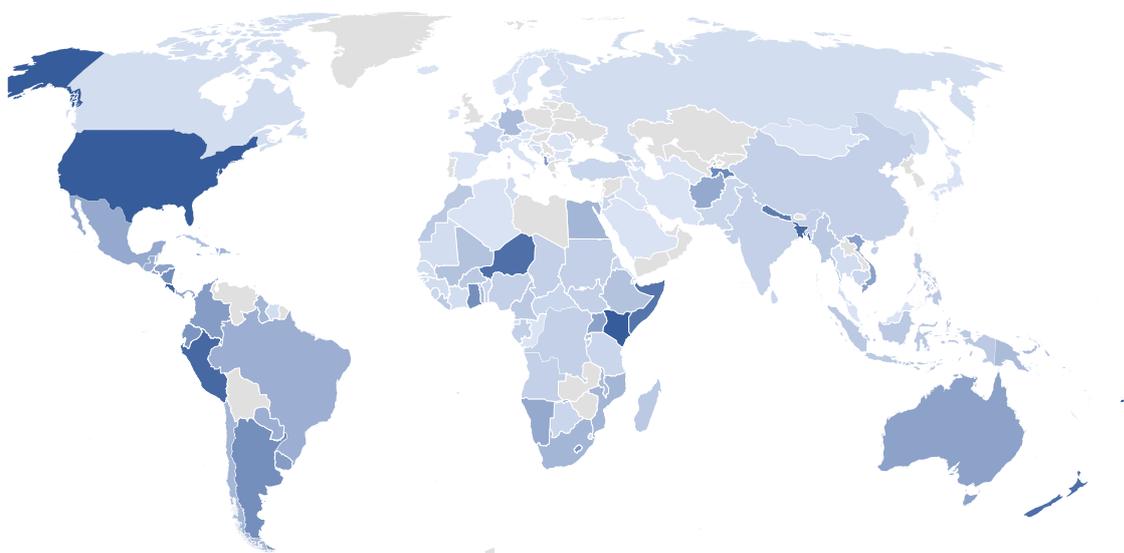
²² Examples of regional instruments included in the database are presented in subsequent chapters. Bilateral instruments are only reviewed as part of the analysis of the 21 countries included in the detailed mapping; 17 bilateral instruments included in the database involve free movement and labour migration agreements, mainly in Africa (8 instruments), followed by Asia and the Pacific (7 instruments) and Americas (4 instruments); and 3 bilateral agreements focus on other types of cooperation (development, security or disaster response).

and thematic distribution of instruments is undoubtedly affected by the focus and scope of the sources consulted for this compilation, and the results should thus be interpreted with these caveats in mind. In addition, while this section also examines the relevance of some of these types of instruments and provisions to various commitments made under the GCM, it is important to note that in most cases the instruments included in the database were not specifically designed to support the implementation of the GCM²³ and may fall under other frameworks.²⁴ Finally, a distinction should be made between the existence of instruments or provisions and their actual application in practice – the latter is outside of the scope of this study and should be examined as part of further research and monitoring and review efforts.

Geographic distribution

The global database contains 932 national instruments identified in 171 countries across five regions (Africa, Americas, Asia, Europe, Oceania) (Figure 1). 53 of the identified countries are in Africa (31%), 38 in the Americas (22%), 33 in Asia (19%), 31 in Europe (18%) and 16 in Oceania (9%). The countries featuring in the database include 44 Least Developed Countries (LDC), 26 Land Locked Developing Countries (LLDC), and 40 Small Island Developing States (SIDS), with some countries included in two categories (LDC and LLDC, SIDS and LDC) (Figure 2).

Fig.1 Global distribution of countries included in the database
(The colour distribution represents the number of instruments identified in the countries. The dark blue colour shows the higher number of instruments).



23 Many existing relevant instruments predate the adoption of the GCM; in the case of instruments developed after 2018, a separate analysis would be required to assess the extent to which national policy development has been influenced by the adoption of the GCM.

24 This is for example the case of refugee and asylum laws, disaster risk reduction strategies, and national adaptation plans and nationally determined contributions under the UNFCCC. These instruments, while relevant to some commitments under the GCM, are governed by other frameworks and their implementation involves other actors and mandates. For these reasons, cooperation and complementarity with other international legal and policy frameworks and relevant actors is particularly critical for the effective implementation of the GCM.

Fig. 2 Number of Least Developed Countries, Land Locked Developing Countries and Small Island Developing States included in the global database

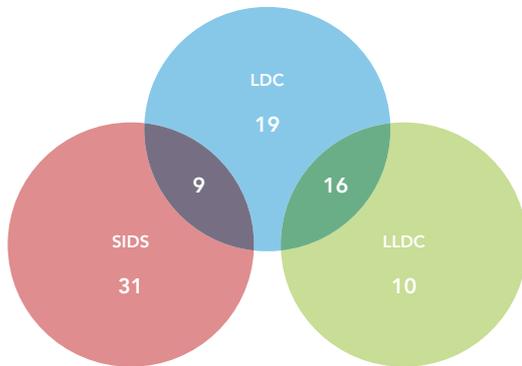


Fig. 3 Distribution of identified national instruments by UN region

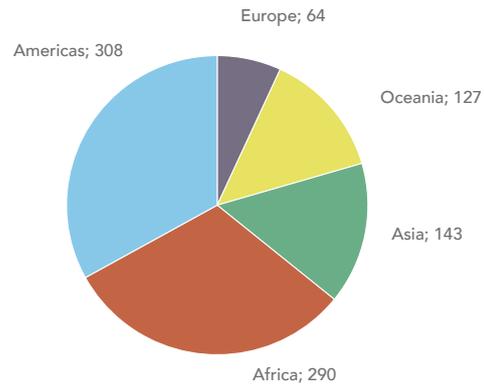
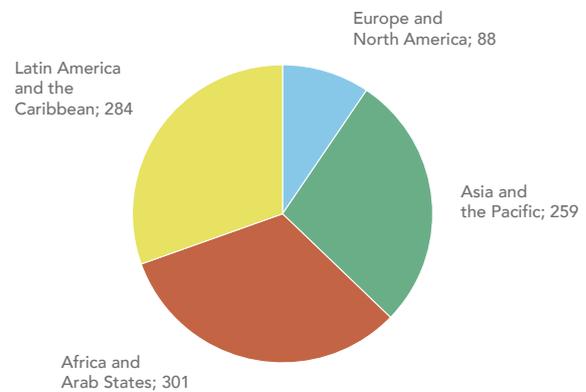


Fig. 4 Distribution of identified national instruments by GCM review region



Of the 932 national instruments included in the global database, 308 instruments were identified in the Americas (33%), 290 in Africa (31%), 143 in Asia (15%), 127 in Oceania (14%) and 64 in Europe (7%).²⁵

The number of instruments per country ranges from 1 instrument (the case of 37 countries included in the dataset), to 23 instruments (Fiji), with no clear correlation between the number of instruments per country and the region in which they are located. Overall, the interpretation of these results must take into account the likely geographic bias related to access and language limitations outlined in Chapter I above, as well as the two-stage data collection process, which allowed to identify more instruments for a selection of countries. These results therefore may not be representative of the actual policy and legal landscape across countries and regions. More advanced research for all countries is likely to yield many more national-level results and alter the above figures.

Typology of instruments

The identified instruments were categorized under three types of instruments. Most of the instruments recorded in the database are in the “Policy” category (521 entries, 56%), a category which includes policies, action plans, strategies, frameworks, national adaptation plans (NAP), (intended) nationally determined contributions (I)NDCs and other policy

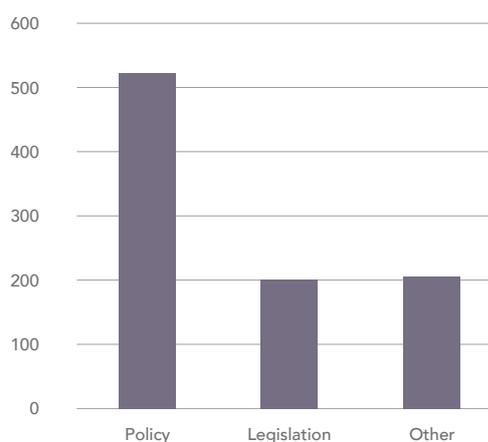
25 The regional classification in the global database is based on the Standard Country or Area Codes for Statistical Use of the United Nations Statistics Division (<https://unstats.un.org/unsd/methodology/m49/>). For the purposes of the analysis, this report also presents the results in relation to the regional groupings in use for the regional reviews of the GCM, which combine Europe and North America, Asia and the Pacific, and which have a separate review process for Arab States. The regional groupings under the GCM are less precise, since some countries have participated in several regional reviews. For example, some Arab States have participated in both the Arab States and Africa review processes. For this reason, Africa and Arab States are presented here as one group. Some countries from Central and Western Asia have participated in the Europe and North America process, and vice versa. In such situations, statistics for these countries are presented in the GCM regional grouping that matches the UN regional classification of the country (e.g. statistics for Armenia, Azerbaijan, Georgia, Turkmenistan, Turkey are considered under the Asia and the Pacific group, even though these countries also took part in the Europe and North America regional review).

instruments. Another 202 entries (22%) are part of the “**Legislation**” category, including laws, decrees, acts, resolutions, regulations and other legal instruments.²⁶

In addition, 206 entries (22%) correspond to other governmental instruments and documents not squarely fitting the Policy and Legislation categories but either supporting their implementation (for example, policy implementation guidelines and manuals, standard operating procedures, labour migration programmes, visa waiver arrangements),²⁷ or demonstrating some form of intent or commitment of the government to address this topic (for example, government-commissioned white papers, studies, documents, reports and needs assessments,²⁸ as well as national reporting to global policy processes such as National Communications to the UNFCCC).²⁹ These instruments are categorized as “**Other**”.³⁰

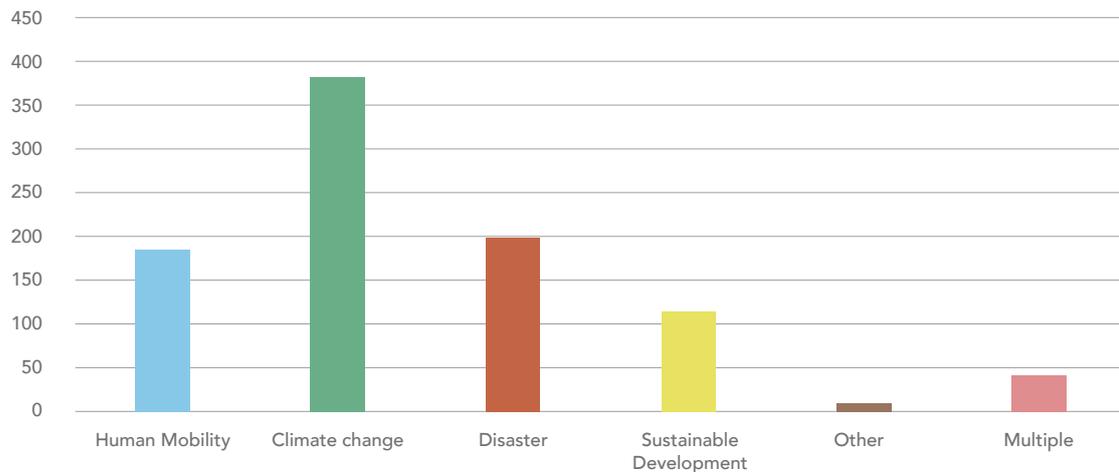
Additionally, instruments were categorized according to their thematic policy area (Fig. 6). Most of the identified instruments (383, or 41%) are related to **climate change** governance, of which over two thirds correspond to documents and submissions encouraged or required under the UNFCCC, such as national adaptation plans, nationally determined contributions or national communications.³¹ Around 21% of the instruments recorded in the database (199) are related to **disaster** management,

Fig. 5 Number of identified instruments by type



including disaster risk reduction, disaster risk management, disaster response, civil protection. Another 20% of the identified instruments (185) are related to **human mobility** governance, including immigration, foreigners’ status, asylum and refugee laws, border management, internal displacement. 115 instruments have been categorized under the **sustainable development** thematic category, which includes diverse instruments related to economic development, rural and urban development, poverty reduction, land and ecosystem management (including national action programmes to combat desertification), environmental management, health and housing.³²

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- 26 See also Section II.iii.b of the accompanying Analytical Framework for a more detailed definition and description of these categories.
- 27 Around 20% of the entries included under the category “Other” correspond to such guiding instruments or mechanisms supporting policy implementation.
- 28 The database includes 15 such entries corresponding to studies, reports, assessments, white papers issued or commissioned by governments seeking to identify national priorities in relation to climate change, disasters or human mobility.
- 29 National Communications (NCs) to the UNFCCC, which are a requirement for Non-Annex I Parties to the UNFCCC, account for over 70% of entries recorded in this category (149 entries). While not constituting a policy per se, NCs outline measures that governments are undertaking or planning in support of the objectives of the UNFCCC. The inclusion of human mobility dimensions in NCs constitutes an important indication of the recognition by governments of the need (and in some cases, commitment) to address these issues conjunctly.
- 30 Given varying uses of terminology and differing interpretations of what constitutes a policy or legislation in some countries, the current categorization of instruments may be subject to change as part of future and more in-depth national-level review. For example, some countries issue advice, directions, notifications and other forms of communication serving to explain or interpret a policy or legislation, which have been categorized as “Other”, but which may have a more prescriptive effect that could not be assessed as part of this study.
- 31 Most provisions on human mobility in the climate change policy area were found in instruments addressing climate change adaptation; standalone climate change mitigation policies seldom included a reference to human mobility, unless also addressing adaptation.
- 32 About half of current entries under this category relate to National Action Programmes supporting the implementation of the United Nations Convention to Combat Desertification (UNCCD). As the main secondary sources used for this study focused on climate change, disaster and human mobility instruments, instruments under the sustainable development category are likely to be under-explored in this study. More in-depth review of national policies related to policy sectors listed in this category would likely yield many additional relevant results.

Fig. 6 Distribution of instruments by policy sector

A few instruments addressing the rights of specific vulnerable groups or human rights in general were categorized as “**Other**” (9 instruments). Finally, 41 instruments were identified as addressing multiple policy areas (see Fig. 7).

Among these 41 multi-sectoral instruments, 16 deserve particular attention as they specifically address human mobility in disaster and climate change contexts. These instruments include policies, legislation or operating procedures to prevent, reduce or respond to displacement in disaster and other emergency situations (Afghanistan, Bangladesh, Fiji, Indonesia, Maldives, Vanuatu), policies, legislation or guidelines for planned relocation in the context of disasters and climate change (Fiji, Haiti, Peru, Viet Nam) and policy documents or reports addressing human mobility in climate change contexts more broadly (Ecuador, Nepal, New Zealand). One policy addressing forced migration and displacement in the context of climate change is currently under development (Peru).³³

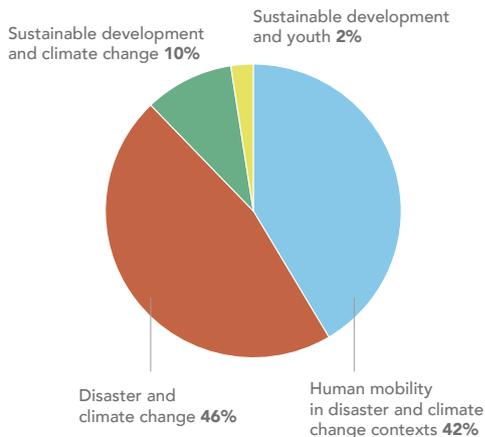
Temporal dimension

In terms of temporal range, the earliest instrument recorded in the database was adopted in 1946 (Foreigners Act of Bangladesh, which is still in effect), and the most recent instruments date from 2022 (Peru’s Climate Change Emergency Decree, the USAID Climate Strategy 2022-2030, the First Nationally Determined Contributions to the UNFCCC of the Central African Republic and El Salvador, and two draft instruments currently under development in Argentina and Peru). Four entries corresponding to visa waiver regimes in three countries in Eastern Africa could not be dated. Most instruments included in the database were adopted after 2000 (881 entries, or close to 95%), of which 182 were adopted after 2019, the year following the adoption of the GCM (see Fig. 8 and 9). In addition, six instruments adopted prior to 2000 were revised after 2015,³⁴ and several

33 The Government of Peru is currently developing an Action Plan to Avert and Address Forced Migration and Displacement due to the Effects of Climate Change, in line with the national 2018 Framework Law on Climate Change and its regulation.

34 Tajikistan’s 1999 Law on Migration (updated in 2018); Fiji’s 1995 National Disaster Management Plan and 1998 National Disaster Management Act (both updated in 2018); Slovakia’s 1994 Act on Civil Protection of the Population (updated in 2018); New Zealand’s 1993 Earthquake Commission Act (updated in 2020) and the 1988 Stafford Disaster Relief and Emergency Assistance Act in the USA (revised in 2016).

Fig. 7 Thematic focus of multi-sectoral instruments identified in the global database



of this topic in global policy discourse and to the adoption of important international frameworks around those years, such as the Cancun Adaptation Framework under the UNFCCC adopted in 2010, or the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction 2015-2030 and the Paris Agreement adopted in 2015.³⁶ Over 30 instruments governing human mobility were adopted or revised after 2019, the year following the adoption of the GCM. However, given the non-exhaustiveness of the database and the difficulty to establish causality, additional research and analysis would be needed to understand if recent policy development is directly related to the adoption of these global frameworks.

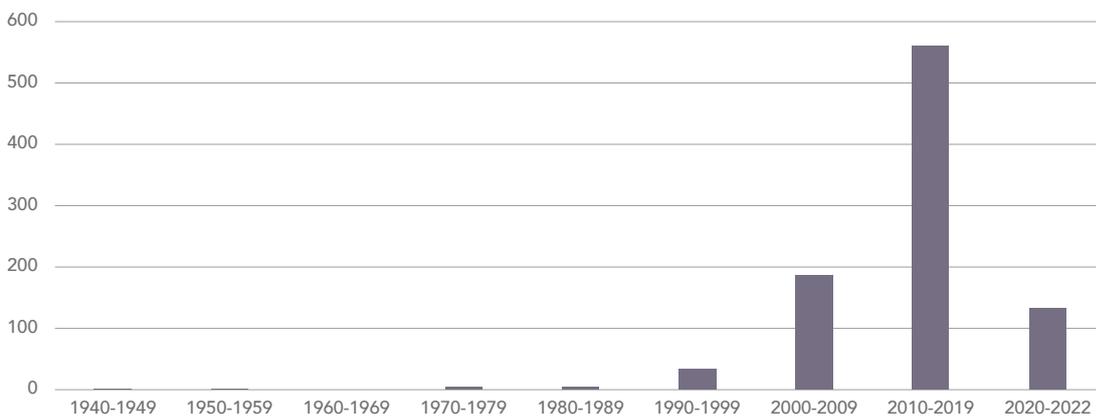
instruments adopted between 2000 and 2015 were updated in the 2010s.³⁵

The higher numbers of instruments with provisions of relevance to human mobility in disaster and climate change contexts adopted since 2010, and particularly since 2015, may be related to the increasing recognition

Status

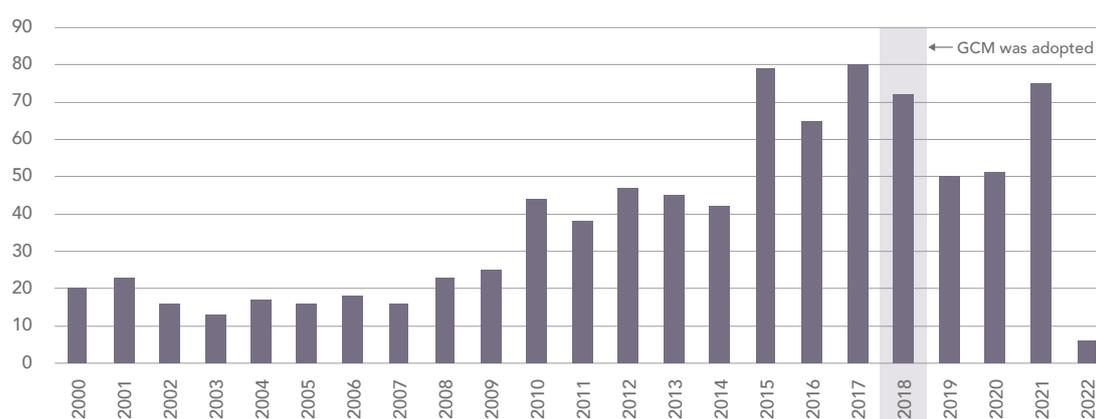
In order to constitute a comprehensive repository of instruments to support future research and analysis, including comparative analysis over time, the database includes all instruments with direct or indirect

Fig. 8 Temporal distribution of identified instruments by decade



35 This includes migration legislation in Colombia, Finland, Germany, Kenya, Mexico, Peru, Russia, Vanuatu; disaster management legislation in Tajikistan, Uruguay and Viet Nam; and the climate change strategy and action plan in Bangladesh. Most of the revisions to migration legislation were made prior to the adoption of the GCM, except in Germany and Russia (both updated their migration laws in 2021). The disaster and climate change instruments included in this list were updated between 2017 and 2021.

36 Many of the provisions identified were found in instruments required as part of the implementation and reporting mechanisms related to these global policy processes. It is interesting to note however that some countries included provisions of direct relevance to human mobility in the context of environmental drivers in their policies and legislation even before the adoption of these frameworks. Further analysis of policy evolution in such countries could help to shed light on the extent to which global policy frameworks might influence national policy development.

Fig. 9 Temporal distribution of identified instruments by year since 2000

relevant provisions, regardless of their date of publication and status of validity.³⁷ The database thus includes 311 instruments that could be identified as “**active**”, and 118 as “**expired**”.³⁸ It also includes 13 **draft** instruments, including 8 instruments pending endorsement or under development at the time of writing, and 5 draft instruments dating prior to 2018 whose status could have changed but could not be verified in this research. The status of many instruments (currently 490 entries) remains unknown and needs to be confirmed through further research.³⁹

Types of provisions identified

As part of the data collection process, provisions related to human mobility in disaster and climate change contexts in each recorded

instrument were analysed and categorized according to the type and extent of relevance to this topic. A distinction was made between “**direct**” and “**indirect**” provisions: provisions were considered direct if they explicitly referred to human mobility in disaster and climate change contexts;⁴⁰ and indirect if they did not explicitly mention this issue but could be interpreted as relevant and applied to address human mobility challenges in disaster and climate change contexts.⁴¹ A second distinction was made between “**general**” provisions and “**specific**” provisions: general provisions included provisions that made broad references to the issue;⁴² specific provisions were those that proposed concrete measures to address human mobility challenges associated with environmental drivers.⁴³

37 Previously, the Analytical Framework indicated that only active instruments would be included in the database. However, expired or inactive instruments offer interesting insights and examples of past practice for possible replication or improvement, and their inclusion in the database constitutes a useful contribution for future comparative research and analysis. Likewise, draft policies are included given that they provide an indication of progress at the national level, and could offer useful examples for future policy development. It is noted however that provisions in draft instruments can change prior to adoption, and any analysis should take this caveat into account. Further monitoring and review of such ongoing processes and of the evolution of the status of these draft instruments should be ensured. While this Chapter II provides an overview of all instruments included in the database, regardless of their status, only active instruments are considered for the indicators-based analysis in Chapter III.

38 Most of the instruments marked as expired were adopted after 2000, and only 2 expired instruments date prior to 2000. Of the 47 instruments dating prior to 2000 (including 9 instruments originally adopted prior to 2000 and updated or revised after 2000), 18 were verified as active, 2 as expired; the status of 27 instruments adopted prior to 2000 could not be verified.

39 As part of this project, a more systematic verification of the status of instruments could only be conducted for the 21 countries selected for the detailed baseline mapping, where possible based on available sources and consultations with national IOM offices.

40 For example, this included a reference to “disaster displacement” or “climate-induced migration”; or an acknowledgement of the links between climate change or disasters and human mobility.

41 This for example included instruments providing protection to “victims of an event seriously disturbing public order”, provisions for admission and stay on humanitarian grounds, or free movement agreements.

42 For example, simply acknowledging the effects of disasters or climate change on human mobility.

43 For example, measures to address migration associated with climate change included in the priority areas of action of an instrument; specific provisions or targets for the relocation of people from areas at risk; measures to reduce and address disaster displacement.

Dedicated instruments

A few instruments included in the database are specifically dedicated to human mobility in disaster and climate change contexts. These are among the most specific and direct provisions that were identified in this research. Many of these instruments focus on internal displacement in disaster contexts and outline national priorities and strategies in preventing and addressing such displacement, as well as institutional roles and responsibilities and specific activities to be implemented.⁴⁴ Several others focus on planned relocation in the context of climate change and define the national strategy and priorities, or provide technical guidance to conduct such relocation.⁴⁵ A few countries have developed action plans or strategy papers addressing this issue more broadly and identifying key trends, challenges and priorities at national or local levels in relation to human mobility and disasters and climate change more generally.⁴⁶

Direct provisions in climate change, disaster and sustainable development instruments

Over 400 identified instruments (including 53 expired instruments)⁴⁷ make only general direct references to human mobility in the context of environmental drivers, such as broad references to the impacts of disasters or climate change on human mobility, including on rural-urban migration, international migration, or displacement risks.⁴⁸ At least 350 instruments (including 45 expired instruments and 11 draft instruments) were found to contain direct specific provisions. Most of the direct specific provisions were found in instruments governing disaster risk management and climate change adaptation.⁴⁹ Some of those instruments have more limited provisions, which in most cases address the need to organize evacuation, prevent and manage displacement and assist displaced people, or to consider planned relocation out of areas at risk.⁵⁰ Some instruments include specific provisions for data collection or research on human mobility in disaster and climate change contexts.⁵¹ Other instruments have more advanced provisions, including dedicated sections on migration or displacement, environment and climate change presenting key issues faced

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- 44 For example, Afghanistan's 2019 Standard Operating Procedures for Coordination of Emergency Response to Internally Displaced Persons; Bangladesh 2015 (expired) National Strategy on the Management of Disaster and Climate Induced Internal Displacement and its 2021 revised version, the National Strategy on Internal Displacement Management; Fiji's 2019 Displacement Guidelines in the Context of Climate Change and Disasters; Indonesia's 2018 Head of National Disaster Management Agency Regulation on the Handling of Internally Displaced Persons during Emergency Response; Maldives' 2013 National Framework for Managing Internally Displaced Persons in the Maldives in Case of a Disaster/crisis and Vanuatu's 2018 National Policy on Climate Change and Disaster-Induced Displacement.
- 45 Fiji's 2018 Planned Relocation Guidelines in the Context of Climate Change and Disasters and 2019 Act 21 Climate Relocation of Communities Trust Fund, Peru's 2012 Law on Population Relocation for Areas of Very High Unmitigable Risk (updated in 2017), and Viet Nam's 2006 Decision Approving the Program on Population Distribution in Natural Disaster- and Special Difficulty-hit Areas (updated in 2012).
- 46 Ecuador's 2015 policy report presenting recommendations for policy development on human mobility in the context of disasters and climate change in the province of Pichincha, Nepal's 2017 draft Climate Change and Migration Strategy Paper, New Zealand's draft Pacific Climate Change-Related Displacement and Migration: A New Zealand Action Plan. In addition, Peru is currently developing a dedicated action plan (see above n 33).
- 47 Information about expired and draft instruments is provided in this section for illustrative purposes only: while these instruments and provisions are not currently in effect, they provide relevant examples of past policy and legal provisions as well as new policy development efforts which could inform policymaking elsewhere. Any examples referring to expired or draft policies are clearly indicated as such.
- 48 Some instruments also recognize the effects of out-migration on people and communities left behind
- 49 An updated detailed review of human mobility integration in all available Nationally Determined Contributions (NDC) was published by SLYCAN Trust in March 2022. See SLYCAN Trust. (2022). *UPDATED Briefing Note: Human Mobility in Nationally Determined Contributions*. Human Mobility in the Context of Climate Change #4. Colombo, SLYCAN Trust (GTE) Ltd. Available at <https://www.slycantrust.org/knowledge-resources/integrating-human-mobility-into-nationally-determined-contributions-and-national-adaptation-plans>. Accessed 16 April 2022.
- 50 For example, planned relocation in the context of climate change is mentioned in the policies of Bangladesh, Cook Island, Egypt, Nicaragua, Uganda among others.
- 51 For example, several countries make provisions for the registration of disaster displaced people (such as Albania, Ecuador, Nepal). Others have provisions for the establishment of research programmes or centres on migration and climate change (such as Bangladesh, Niger).

at national level and priority areas of action.⁵² Several instruments outline more concrete and detailed provisions related to planned relocation, including specific targets in terms of numbers of communities to relocate, key roles and responsibilities, and overall principles and strategy for the relocation of people.⁵³ A few climate change adaptation instruments include provisions to consider or promote migration as adaptation in the context of climate change.⁵⁴

Direct provisions in human mobility instruments

Of the 185 identified instruments on human mobility, including immigration or refugee laws, migration policies or policies on internal displacement, over 80 include direct provisions

recognizing disasters or other environmental factors as a driver of human mobility,⁵⁵ acknowledging the vulnerability of migrants in disaster situations,⁵⁶ or offering protection and granting admission or stay for people from disaster-affected countries both as part of regular and exceptional migration categories.⁵⁷ Some of these instruments include sections dedicated to this issue.⁵⁸ Some examples of human mobility instruments considering and promoting international labour migration to help diversify livelihoods and build the resilience of people affected by climate change were also identified: these include both instruments governing international migration, as well as a few policies focused on internal displacement in the context of disasters and climate change.⁵⁹

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- 52 For example, Fiji's 2021 Climate Change Bill includes a section on Climate Displacement.
- 53 For example, Fiji, Peru, Uruguay, and Viet Nam have dedicated policies, legislation or programmes for relocation – at times referred to as “resettlement”. Côte d'Ivoire, Nepal, Sierra Leone have concrete targets or plans for relocation in their climate change and disaster risk management policies.
- 54 For example, a reference to migration as an adaptation strategy is included in Brazil's 2016 National Adaptation Plan to Climate Change, Ghana's 2013 National Climate Change Policy, Lesotho's 2018 National Climate Change Policy, Micronesia's 2013 Nation-wide Integrated Disaster Risk Management and Climate Change Policy, Niger's 2020-2030 National Strategy and Plan for Adaptation to climate change in the agricultural sector, or Pakistan's 2017 Climate Change Adaptation Strategy and Action Plan for Gilgit-Baltistan Province.
- 55 For example, Angola's 2015 Law on the Right of Asylum and the Refugee Status, Bosnia and Herzegovina's 1992 Lawful Act on Refugees and Displaced persons, Egypt's 2016-2026 National Strategy for Combating and Preventing Illegal Migration, Niger's 2020-2035 National Migration Policy and Action Plan and Tajikistan's 1997 Law on the State Border and the 1999 Law on Migration recognize disasters and climate change as drivers of migration and displacement.
- 56 For example, Costa Rica's 2018-2022 National Integration Plan recognizes the vulnerability of irregular migrants in the context of disaster, and Peru's 2017 Supreme Decree approving the 2017-2025 National Migration Policy recognizes people affected by disasters as a vulnerable group.
- 57 Relevant direct provisions were found in at least 30 instruments in over 20 countries. For example, Albania's 2021 Law no. 79/2021 on Foreigners includes provisions for the issuance of visas at the border, extensions of visas as well as granting of residence to people who have left their country due to a disaster. Angola's 2015 Law on the Right of Asylum and the Refugee Status grants refugee status to victims of disasters. Argentina's 2003 Migration Law grants temporary residence to people unable to return to their country due to a disaster. Mexico's 2014 Guidelines for Expedited Visa Procedures considers disasters as part of humanitarian reasons. Tajikistan's 1999 Law on Migration (updated in 2018) extends visas to migrant workers in the event of a disaster. In Korea, migrants from countries affected by disasters were prioritized for the issuance of employment permits under its 2005 Employment Permit System. Canada's 2001 Immigration and Refugee Protection Act and Russia's 2002 Federal Law Concerning the Legal Status of Foreign Citizens (updated in 2021) both include provisions for the non-return of or temporary suspension of readmission procedures to countries experiencing a disaster. Argentina and the USA had adopted ad hoc regulations granting temporary protection status to Haitians following the 2010 earthquake and 2016 Hurricane Matthew. Several other examples were found in Australia, Bolivia, Brazil, Costa Rica, Cuba, Ecuador, El Salvador, Finland, Georgia, Iceland, New Zealand, Nicaragua, Paraguay, Peru, Trinidad and Tobago. Some of these examples are presented in Table 1.
- 58 For example, Uganda's 2016 draft National Migration Policy and Lesotho's 2021 draft National Migration and Development Policy included dedicated sections on migration, environment and climate change.
- 59 For example, Kiribati's 2014 National Labour Migration Policy, aligned with its Migration in Dignity strategy, makes some of the most explicit linkages between international labour migration and climate change adaptation, and actively promotes overseas employment and permanent migration in response to climate change, stating climate change resilience as one of the goals of the Labour Migration Policy. Action 10.7 in Vanuatu's 2018 National Policy on Climate Change and Disaster-Induced Displacement focuses on “Explor[ing] options to facilitate safe, well-managed international labour migration as a livelihood and adaptation option to assist some families, where appropriate, to diversify their incomes through international remittances.”. The 2021 National Strategy on Internal Displacement Management of Bangladesh commits to “Facilitate temporary and circular international labour migration to diversify livelihoods of the marginalized and vulnerable community in partnership with ILO, IOM, UNHCR, UNDP, WFP, UNFPA, WHO, UNWOMEN, UNRCO, IFRC and other national and international organizations”, and refers to the example of the Temporary and Circular Labour Migration scheme between Colombia and Spain, which has been applied in the context of disasters.

Table 1. Examples of national human mobility instruments addressing protection and assistance needs of people displaced internally or across borders following disasters (non-exhaustive)

Country	Title of instrument	Year of publication	Type of provision related to human mobility in disaster and climate change contexts
Afghanistan	National Policy on Internally Displaced Persons	2013	Disasters recognized as a driver of displacement; specific section included on “Natural Disasters” with commitments for prevention, mitigation, preparedness and response measures to reduce displacement risk. Reference to durable solutions, including relocation. Provisions on responsibilities to ensure that if it is not possible for people to return to their homes as a result of “natural” ⁶⁰ or man-made disasters, measures are taken to relocate them to safe areas.
Albania	Law no. 79/2021 on Foreigners	2021	Issuance of visa at the border in exceptional cases, including disasters. Visa extension in case of <i>force majeure</i> or humanitarian reasons. Residence permits motives include humanitarian reasons, which include persons who left their country due to a disaster.
Angola	Law N. 10 – Law on the Right of Asylum and the Refugee Status	2015	Refugee status may be granted to groups of persons leaving a neighbouring country as a consequence of a disaster.
Argentina	Law No. 25.871 – Migration Policy of Argentina	2003	Temporary residence granted to persons not able to return to their country due to a disaster.
Australia	Procedures Advice Manual (PAM3) (providing advice on the exercise of provisions under the Migration Act and Regulations)	1994, updated 2003	Possible extension of stay for visa holders unable to return to their country due to a disaster.
Australia	Direction 61 – Guidelines for considering cancellation of student visas for non-compliance with student visa condition 8202 (or for the review of such cancellation decisions) and for considering revocation of automatic cancellation of student visas	2014	Disaster recognized as an exceptional circumstance beyond the visa holder’s control to be considered in the decision on student visa cancellation.
Brazil	Migration Law	2017	Temporary humanitarian visa may be granted to nationals of a country experiencing a disaster.
Canada	Immigration and Refugee Protection Act	2001	Provisions for non-return to countries experiencing a disaster.
Costa Rica	General Law of Migration and Aliens: Exception Regime for Irregular Central Americans in Costa Rica	1998	Regularization of irregular migrants in the context of hurricane Mitch.
Cuba	Decree No. 26	1978	Temporary admission and stay granted to nationals of countries affected by a disaster.

60 See above n 11 regarding the use of the term “natural disaster”.

3. OVERVIEW OF THE GLOBAL DATABASE

Country	Title of instrument	Year of publication	Type of provision related to human mobility in disaster and climate change contexts
Ecuador	Organic Law of Human Mobility	2017	Disasters recognized among criteria for granting humanitarian protection.
Ecuador	Decree No. 248	2010	Regularization of Haitians in the context of the Haiti 2011 earthquake.
El Salvador	Special Law on Migration and Aliens	2019	Tourists may request an extension of their stay in the country in case of a disaster. Possibility of granting residence for humanitarian reasons justifying special treatment, which the accompanying regulation extends to situations of vulnerability following a disaster.
Finland	Aliens Act	2004 (amended in 2010)	Temporary humanitarian protection granted to nationals of countries affected by a disaster unable to return.
Georgia	Law of Georgia on Refugee and Humanitarian status	2011	Humanitarian status granted to persons from countries affected by a disaster.
Iceland	Foreign Nationals Act	2016	Discretionary measures for groups of people arriving from countries affected by a disaster.
Kenya	Act No. 56 of 2012 – The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act	2012	IDP definition recognizes disasters as a driver of displacement.
Mexico	Regulation of the Migration Law	2012, updated 2014	Temporary admission and visa extension for humanitarian reasons, including disasters.
Mexico	Migration Law	2011, updated 2013	Visa requirements for admission may be waived and temporary stay allowed for humanitarian reasons, which extend to disaster situations according to the accompanying general guidelines.
Mozambique	Policy and Strategy on Internal Displacement Management	2021	Policy applies to internally displaced people in the context of disasters (as well as conflict, human rights violations, generalized violence and other reasons) and addresses prevention, assistance, protection and reintegration/durable solutions for the displaced.
Nepal	National Policy on Internally Displaced Persons (No. 2063)	2007	Definition and measures for “Person or Family displaced due to natural disasters”.
New Zealand	Visa Pak Issue 186 (31 October 2014) – Further visitor visas for people who are unable to return home due to circumstances in their home country.	2014	Extension of visas in response to uncertainty caused by disasters in the visa holder’s home country.
Nicaragua	Decree No. 94-98 – For Central American citizens who are in the national territory	1998	Promotes flexible migration policies for citizens of countries in Central America following hurricane Mitch.

Country	Title of instrument	Year of publication	Type of provision related to human mobility in disaster and climate change contexts
Niger	Law on the Protection and Assistance of Internally Displaced Persons	2018	Addresses prevention of displacement, protection and assistance to IDPs, durable solutions and the institutional framework. "Natural" or human-made disasters are listed among drivers in the definition of IDP. Obligation to prevent disaster-induced displacement. Arbitrary displacement in the context of "natural" disasters are included among punishable offences.
Paraguay	Decree No. 4.483 – National Migration Policy of the Republic of Paraguay	2015	Disasters and climate change recognized as drivers of human mobility. Provisions on prevention and mitigation of forced disaster-induced mobility; planned relocation; admission and stay of persons and groups affected by disasters in their countries of origin.
Peru	Migration Law	2017	Provisions for humanitarian visas and regularization for people from countries affected by a disaster.
Romania	Emergency Ordinance No. 194/2002 on the regime of aliens in Romania approved with modifications through law 357/2003	2002	Temporary admission and stay to nationals of countries affected by a disaster and for humanitarian reasons.
Russian Federation	Federal Law "Concerning the Legal Status of Foreign Citizens in the Russian Federation" (No. 115-FZ)	2002 (updated in 2013 and 2021)	Temporary suspension of the readmission procedure to a country of origin in case of a disaster.
Somalia	National Policy on Refugee-Returnees and internally Displaced Persons	2019	Definition of internally displaced persons applies to disaster circumstances, and disasters recognized as a cause of displacement. Formulates guiding principles, roles and responsibilities for assisting IDPs and proposes durable solutions.
Sudan	National Policy for Internally Displaced	2009	Provisions to protect and assist people internally displaced following disasters.
Turkey	Law No. 6.458 on Foreigners and International Protection	2013	Provisions to protect and assist people displaced following disasters.
Turkmenistan	The Law on Migration	2005	Provisions for relief to people displaced following disasters.
Uganda	National Policy for Internally Displaced Persons	2004	Assistance and protection of internally displaced persons, including those displaced following disasters. Durable solutions, return, resettlement, integration and re-integration, protection against arbitrary displacement. Displacement prevention, protection of IDPs rights, addressing the causes and effects of displacement. Early warning, information collection and sharing.
United States of America	Deferred Enforced Departure (DED)	1990	Formerly called Extended Voluntary Departure, the policy allows certain individuals from designated countries and regions facing political or civic conflict or disasters to temporarily stay in the USA.
United States of America	Immigration and Nationality Act (INA)	1990, updated 2002	Temporary Protected Status in the national law includes protection provisions in the context of disasters.

Indirect provisions in human mobility instruments

The remaining human mobility instruments contain indirect provisions, the application of which could potentially be extended to people from countries affected by disasters or climate change. This includes provisions for visas or exemptions granted on humanitarian grounds;⁶¹ temporary protection in the event of a mass influx;⁶² extended criteria for granting protection based on refugee protection tools and instruments;⁶³ the non-return of migrants and asylum-seekers “for compelling reasons” and other broader discretionary powers to grant admission or extend the stay of foreigners.⁶⁴ Some of these instruments may fall outside of the scope of the GCM and may be related to other specific international legal frameworks. However, they could be (and have

been) in some cases applied to support people compelled to leave their country of origin following a disaster, in cases where the latter is interpreted by competent national authorities as meeting these broader criteria for admission and stay. Other provisions outside of the humanitarian context, such as visa-free entry regimes or free movement provisions;⁶⁵ or labour migration schemes,⁶⁶ could also potentially benefit people compelled to move in response to sudden or slow-onset effects of disasters or climate change. While these provisions and instruments do not directly refer to disaster and climate change contexts, their application in such contexts could be envisaged, or their use expanded to address such situations more specifically. In some cases, some of these instruments have already been applied to grant temporary admission and stay to people from disaster-affected countries.⁶⁷

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- 61 Provisions for temporary admission and stay “on humanitarian grounds” or “humanitarian visas” were identified in the immigration and asylum legislation of close to 40 countries, mostly in the Americas and Europe. Examples of countries include Albania, Australia, Bolivia, Canada, Cook Islands, Costa Rica, Croatia, Denmark, Equatorial Guinea, Estonia, Georgia, Germany, Ghana, Honduras, Jamaica, Kenya, Latvia, Lesotho, Liberia, Luxembourg, Malta, Moldova, Montenegro, Netherlands, New Zealand, Nicaragua, Niger, North Macedonia, Romania, Slovenia, Switzerland, Timor-Leste or Uruguay.
- 62 For example, Albania’s 2021 Law on Asylum, Costa Rica’s 2002 Refugee Law, Iceland’s 2016 Foreign Nationals Act, Venezuela’s 2001 Law on Refugees and Asylum.
- 63 Several identified refugee law instruments included extended criteria for determining refugee status to cases of “events seriously disturbing public order”. For example, this was the case of the 2002 Refugee Law of Peru and 2012 Refugee and Protection Law of Mexico. Similar provisions were identified in the Refugee Laws of Burundi, Kenya, Lesotho, Mozambique, Namibia, Niger and Uganda. The 1992 Ghana Refugee Law has a clause on prohibition of expulsion and return of refugees to countries experiencing events seriously disrupting public order.
- 64 For example, the 2015 Immigration Law of the Cayman Islands, or the 2013 Immigration Act and Subsidiary Legislation of Montserrat. The 1946 Foreigners Act of Bangladesh and Nepal’s 1992 Immigration Act both grant discretionary powers to the authorities to regulate or apply exemptions to the conditions of admission of foreigners, while Lesotho’s 2018 Immigration and Citizenship Bill and Tajikistan’s 1999 Migration Law (updated in 2018) foresee the possibility of granting citizenship or long-term residence subject to official discretion.
- 65 Free movement or visa-free entry provisions for specific nationalities or for specific purposes were for example found in national instruments in Mali, Mauritania, Mauritius, Solomon Islands, Tajikistan and Viet Nam. See also Box 1 on Free movement agreements.
- 66 For example, the Pacific Australia Labour Mobility (PALM) scheme in Australia, and the Recognised Seasonal Employer (RSE) Scheme in New Zealand.
- 67 For example, Jamaica’s 2009 Refugee Law provisions to grant leave to remain to rejected asylum seekers were applied to Haitians following the 2010 earthquake, while the governments of Chile and the Dominican Republic exercised their discretionary powers to grant admission and stay to Haitians affected by the disaster. See Cantor, D. (2021). *Environment, Mobility, and International Law: A New Approach in the Americas*. Chicago Journal of International Law, Volume 21, No.2.

BOX 1. Free movement agreements as a possible solution for admission and stay in the context of disasters, climate change and environmental degradation

Through Objective 5 of the GCM, States committed to enhance availability and flexibility of pathways for regular migration, including to strengthen admission and stay and develop longer-term solutions for migrants compelled to leave their countries of origin owing to sudden-onset or slow-onset disasters and effects of climate change (para 21(g) and 21(h) of the GCM).

Free movement agreements constitute an example of regular migration pathways that could be applied to support these commitments, and academic scholars have increasingly been studying the relevance and application in practice of such agreements in disaster and climate change contexts.⁶⁸ Regional and bilateral agreements on free movement of persons exist in all regions of the world, and many countries participate in one or sometimes several free movement agreements as part of bilateral and regional economic integration efforts.⁶⁹ Such agreements contribute to reducing migration restrictions between member States,

for example by removing or simplifying visa requirements for citizens⁷⁰ (and at times, foreign residents) of participating countries, allowing access to labour markets, facilitating regularization,⁷¹ guaranteeing full enjoyment of rights, or in some cases granting the right to long term residency.⁷²

Many of the provisions facilitating admission and stay as well as residence and establishment can provide effective temporary or longer-term solutions to migrants from countries affected by disasters or the effects of climate change. Some of these free movement provisions have been used to grant admission and stay to people from countries affected by a disaster, for example under relevant treaties in the Caribbean Community (CARICOM) and in the Organisation of Eastern Caribbean States (OECS) following Hurricane Maria in Dominica in 2017,⁷³ or under the Indo-Nepal Treaty of Peace and Friendship following the 2015 earthquake in Nepal.⁷⁴

68 For example, see Wood, T. (2019). *The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement: A Study of Africa*. Geneva, PDD; Francis, A. (2019). *Free Movement Agreements and Climate-Induced Migration: A Caribbean Case Study*. New York, Sabin Center for Climate Change Law, Columbia Law School; Cantor, D. (2021). Environment, Mobility, and International Law: A New Approach in the Americas. *Chicago Journal of International Law*, Volume 21, No.2.

69 The global database accompanying this report includes 35 regional or bilateral agreements facilitating free movement. This list is not exhaustive as it was primarily based on the review of applicable regional and bilateral instruments in the 21 countries selected for the detailed review, and should continue to be updated with other free movement instruments in effect in other regions.

70 Visa free admission for all citizens of participating countries is a common feature in many free movement agreements, for example the 2004 EU Free Movement Directive; the 2000 Agreement on Mutual Visa-free Travel of Citizens between Belarus, Kazakhstan, Kyrgyzstan, Russian Federation and Tajikistan; between Uganda, Kenya and Rwanda as part of the Northern Corridor Integration Projects; and within many other sub-regional economic communities in Africa and in Latin America and the Caribbean.

71 For example, the 2009 EAC Protocol, the 1979 ECOWAS Protocol and the 2005 SADC Protocol (not ratified).

72 This was the case for example of several free movement protocols in Africa, such as the 2009 EAC Protocol, the 1983 ECCAS Protocol, the 1979 ECOWAS Protocol. Agreements in certain regional economic communities in Latin America and the Caribbean such as CARICOM and MERCOSUR provide rights of long term or permanent residence under certain conditions (Francis, above n 1).

73 Free movement is established in the CARICOM through provisions in the 2001 Revised Treaty of Chaguaramas, and in the OECS through the 2010 Revised Treaty Of Basseterre Establishing The Organisation Of Eastern Caribbean States Economic Union. For their application in disaster contexts, see Cantor, above n 1, and Francis, above n 1.

74 The Nansen Initiative. (2015). *Agenda for the Protection of Cross -Border Displaced Persons in the Context of Disasters and Climate Change*. Volume II. Geneva, The Nansen Initiative.

Yet, free movement agreements are rarely designed with the specific intention to offer protection to people leaving their countries in the context of a disaster or the adverse effects of climate change, with the exception of the IGAD Protocol on Free Movement of Persons (adopted in 2020 but not yet ratified), which specifically addresses cross-border movement before, during or after a disaster and includes provisions for temporary non-return to disaster-affected countries. The IGAD Protocol on Free Movement of Persons also recognizes the positive role of free movement in mitigating the impacts of disasters (and droughts in particular), climate change and environmental degradation, and promotes the free movement of workers, which could also contribute to addressing the needs and strengthening the resilience of people affected by the adverse effects of climate change. In many other cases however, free movement provisions under such agreements have limitations, and their application is not universal. In some cases, they may apply to specific categories of visitors or purposes, particularly related to economic activities.⁷⁵ In many agreements, these provisions are for temporary movement only, or applicable for a limited duration.⁷⁶ In addition, commitments and conditions for admission and stay may vary between different participating

States, and some governments may decide to close their borders in emergency circumstances.⁷⁷ All these limitations can constitute a significant barrier to the applicability of such agreements in disaster and climate change contexts.⁷⁸

Considering the possible advantages of free movement instruments in supporting regular migration pathways in disaster and climate change contexts, it would be important for the research community to continue investigating further where and how such instruments have been applied in practice to admit people in these circumstances, and for governments to consider adapting these instruments to allow more flexibility and direct applicability in disaster and climate change contexts, including as part of solutions to address long-term or permanent effects of climate change.

Useful guidance: UNMN. (2021). *Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability*. Available at https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/resources_files/guidance_note-regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf. Accessed 16 April 2022.

75 For example, the 2012 ASEAN Agreement on the Movement of Natural Persons only concerns business visitors, corporate staff and executives, and contractual service suppliers. The Chapter on the Movement of Natural Persons under the 2020 Pacific Agreement on Closer Economic Relations (PACER) Plus covers similar categories of visitors, and in some cases, also extends provisions for facilitated temporary admission to semi-skilled workers and spouses. Its long-term vision however does envisage “to progressively liberalise the movement of natural persons among the Parties” (PACER Plus Article 9).

76 For example, the 2018 Agreement on Mutual Trips of Citizens between Tajikistan and Uzbekistan only allows visa-free stay for 30 days, after which a visa is required. Admission and stay under the 2020 Pacific Agreement on Closer Economic Relations (PACER) Plus is temporary and defined by individual participating countries for each category of visitor.

77 Provisions in that regard are included for example in the 2000 Agreement on Mutual Visa-free Travel of Citizens between Belarus, Kazakhstan, Kyrgyzstan, Russian Federation and Tajikistan, the 2018 Agreement on Mutual Trips of Citizens between Tajikistan and Uzbekistan and in many regional and sub-regional free movement agreements in Africa (see Wood, above n 1).

78 For more on related limitations, see Wood, above n 1.

Scope of human mobility addressed in the identified instruments

While a key objective of the research was to identify provisions addressing international (or cross-border) human mobility, in line with the scope of the GCM, in many cases it was not possible to determine whether references to human mobility in the identified instruments concerned internal or international movement. This was the case of at least 500 instruments, for which information provided by secondary sources was insufficient, or where the definitions and use of human mobility terms were unclear or inconsistent.⁷⁹ This issue is particularly common among climate change, disaster or sustainable development instruments, as human mobility instruments generally include clearer definitions or focus on specific types of human mobility.⁸⁰ The research identified close to 200 instruments which only concern **internal** population movement in the context of disasters, environmental degradation or climate change, including around 20 policy and legal instruments dedicated to managing internal displacement.⁸¹ Explicit references to **international** (or “cross-border”) movement associated with environmental drivers were identified only in around 190 instruments, with many of those addressing both internal and international human mobility.⁸² Most instruments with

explicit references to international migration are found in immigration legislation (about half of the identified provisions on international migration).⁸³ Such provisions were also found in around 30 climate change policy instruments,⁸⁴ about 20 disaster risk management policies,⁸⁵ and 10 sustainable development policies, mainly related to efforts to combat desertification.⁸⁶

3.2

RELEVANCE TO GCM OBJECTIVES AND ACTIONS

While many provisions identified during this research are related to multiple GCM objectives and actions,⁸⁷ an overwhelming majority of instruments relate to Objective 2 (over 800 instruments), and in particular to action 18(i) on developing adaptation and resilience strategies (over 500 instruments) and action 18(j) on integrating displacement considerations into disaster preparedness strategies (around 190 instruments). This can be explained by the fact that most identified instruments are related to climate change, disaster management and sustainable development governance, and thus directly relevant to addressing the drivers of human mobility and strengthening the

79 For example, many instruments with direct general references used the terms “migration”, “out-migration”, “mass migration”, “labour migration”, “seasonal migration”, “population movement” or “exodus” when discussing the possible effects of climate change, without specifying whether the term addressed internal or international movement, or both. See for example Niger’s 2021 Revised Nationally Determined Contribution, Armenia’s 2017 National Disaster Risk Management Strategy and Action Plan, among many others.

80 Some ambiguity was nevertheless also found in some migration policies, such as Lesotho’s 2021 Draft National Migration and Development Policy, which addresses both internal and international migration throughout the document, and is not very clear on the scope of the section on Migration, Environment and Climate Change.

81 At least one instrument related to the protection of internally displaced persons also addresses cross-border movement with a provision for temporary admission and stay on humanitarian grounds (Liberia’s 2002 Declaration of the Rights and Protections of Liberian Internally Displaced Persons).

82 These instruments can be found in the global database using the “cross-border”, “international” or “external” filters in the column “Characteristics of human mobility”.

83 Half of these are found in the Americas, followed by Asia and the Pacific and Europe (around 20% each), and Africa (around 10% of identified immigration laws).

84 About half of these are in Africa, where many countries address the impacts of climate change on international migration in their adaptation policies, nationally determined contributions and national communications to the UNFCCC. The remaining instruments are distributed relatively evenly between countries in the Americas, in Asia and in the Pacific.

85 Mainly in Africa and in Asia and the Pacific.

86 Mainly in Africa, but also in four Small Island Developing States in the Caribbean (Haiti and Jamaica) and the Pacific (Tuvalu and Vanuatu).

87 This analysis only examines the relevance of instruments in relation to the 12 GCM actions under the 4 objectives selected for this study, based on the information recorded in the database obtained from secondary sources. This information thus does not reflect all the GCM objectives and actions that different instruments may be contributing to. For a broader, complementary policy overview in relation to all GCM objectives beyond the 12 selected actions, see IOM (2022), above n 1.

resilience of people.

More than 150 identified instruments were found to be related to Objective 5 on pathways for regular migration, all of them falling under the human mobility governance category (immigration and refugee law, migration policies). Given the methodology of the data collection process and the structure of the indicators, most such instruments (131 entries) were identified as related to GCM provisions for admission and stay in sudden-onset disaster contexts (paragraph 21(g)), and only a few were found of relevance to solutions for migrants compelled to leave their countries of origin owing to slow-onset disasters and effects of climate change (paragraph 21(h)), such as free movement provisions, labour migration schemes, or long-term residence provisions, which are still under-explored in the research on human mobility in disaster and climate change contexts.

Only 15 instruments were identified as of relevance to commitments under Objective 21 on sustainable return (including readmission) and reintegration. This is in part related to the methodology of the research, which looked for very specific aspects in relation to return and reintegration (i.e. consideration of climate change and disaster risk as part of reintegration policies and programmes, and inclusion of returning migrants in the green transition), which are likely to be still very limited both in policies and in practice. In general, however, identifying national reintegration policies has proved to be a challenge as part of this research, and such instruments and their integration of climate change and disaster dimensions constitute a major knowledge gap to be explored further.

Finally, only five national instruments were identified as directly supporting the implementation of Objective 23 on international cooperation, as they included

direct and specific commitments to support developing countries and promote bilateral and regional cooperation on human mobility in disaster and climate change contexts.⁸⁸ National instruments in many other countries highlight the need to increase international or regional collaboration, but few include such direct commitments. Given the prioritization of other indicators for this study, this particular aspect was not reviewed in as much detail as others, and further research on provisions and policy efforts in support of this Objective would be required.

It is important to note in general that for most countries (excluding the 21 countries selected for the detailed review), the instruments were not systematically reviewed to assess their relevance across GCM objectives and actions related to human mobility in disaster and climate change contexts, and in most cases only the most relevant objective and action was indicated. The above figures should therefore be treated on an indicative basis.

3.3

CROSS-CUTTING ISSUES

The GCM is guided by ten key cross cutting and interdependent principles, which are outlined in paragraph 15 of the agreement.⁸⁹ These principles should guide all GCM implementation efforts, including those related to commitments on human mobility in disaster and climate change contexts. The extent to which these principles are integrated in existing national policy and legal frameworks varies across countries and can take different forms, as evident from the review of instruments identified as part of this mapping exercise. While a systematic review of the integration of these principles in the instruments included in the database was not

88 Denmark's (expired) 2010 Strategy for Danish Humanitarian Action for 2010-2015, Germany's 2015 Action Plan of the Federal Foreign Office for Humanitarian Adaptation to Climate Change, New Zealand's 2018 Pacific Climate Change-Related Displacement and Migration: A New Zealand Action Plan, and the 2021 President's Emergency Plan for Adaptation and Resilience and 2022 USAID Climate Strategy 2022-2030 in the USA.

89 The ten key principles of the GCM are: People-centred, International cooperation, National sovereignty, Rule of law and due process, Sustainable development, Human rights, Gender-responsive, Child-sensitive, Whole-of-government approach, Whole-of-society approach. See GCM, para. 15 (UNGA, above n 5). See also UNMN, 2020, *Implementing the Global Compact for Safe, Orderly and Regular Migration (GCM): Guidance for governments and all relevant stakeholders* for an explanation of each of these principles.

conducted, some examples of approaches were captured during the research, particularly in relation to the integration of human rights, gender-responsiveness, child-sensitivity and the whole-of-government approach, with a focus on local government inclusion.⁹⁰

Human rights

In relation to the human rights guiding principle of the GCM, references to human rights were identified in at least 97 national instruments and 29 regional and sub-regional instruments, with some instruments adopting a human-rights based approach,⁹¹ or including comprehensive provisions for the protection of human rights of displaced persons.⁹² Some national and regional human rights instruments which directly address the rights of migrants and displaced people in the context of climate change or disasters are also noteworthy.⁹³ Some instruments also address the rights and needs of specific groups, including women, children, people with disabilities, older persons and other people with special needs in these contexts.⁹⁴

Child sensitivity

References to the rights and needs of children were noted in at least 100 national instruments, and 26 regional instruments. Some countries and regions have dedicated instruments to protect the rights of children in disaster (and displacement) situations,⁹⁵ while others address these rights in broader sectoral policies.⁹⁶ Most identified instruments focus on the needs and vulnerability of children, and few were found to include provisions promoting the participation and involvement of children and youth in decision-making and implementation.⁹⁷

Gender responsiveness

The inclusion of gender considerations has been analysed to a greater extent as part of this report, as more or less advanced references to gender issues were recorded in over 140 national policies and laws, and over 30 regional instruments.⁹⁸ Several national instruments specifically dedicated to addressing displacement in disaster and climate change contexts in Bangladesh, Fiji, Maldives, or Vanuatu have adopted comparatively more comprehensive gender-inclusive approaches (see Box 2).

-
- 90 The Analytical Framework proposes the use of four thematic markers on human rights, gender responsiveness, child sensitivity and local governance to help to conduct a basic review of the extent to which instruments align with some of these principles. These markers could not be systematically applied in the pilot phase, but could be considered in future follow-up research and analysis. The analysis presented here is mainly based on information that was available from secondary sources, which did not necessarily address these aspects in depth.
- 91 For example, Fiji's 2019 Displacement Guidelines in the Context of Climate Change and Disasters, or the 2021 National Strategy on Internal Displacement Management of Bangladesh.
- 92 For example, Niger's 2018 Law on the Protection and Assistance of Internally Displaced Persons, or Uganda's 2004 National Policy for Internally Displaced Persons.
- 93 For example, Peru's 2018 National Human Rights Plan, or the 2019 Interamerican Principles on the Human Rights of all Migrants, Refugees, Stateless Persons and Victims of Trafficking.
- 94 Several disaster risk management policies recognize the specific needs of people with disabilities and older persons, for example in Bangladesh, Brazil, Colombia, Cook Islands, Fiji, Indonesia, Nepal and the USA. Brazil's 2012 Joint National Protocol for the Comprehensive Protection of Children, Elderly and Persons with Disabilities in Disaster Situations provides concrete guidelines for providing support to specific groups in the context of disaster displacement.
- 95 For example, Brazil's 2012 Joint National Protocol for the Comprehensive Protection of Children, Elderly and Persons with Disabilities in Disaster Situations, or the Philippines 2016 Children's Emergency Relief and Protection Act. At the regional level, Caribbean countries have adopted in 2020 the Regional Protocol for the Integrated Protection of Children and Adolescents in Emergency and Disaster Situations. In Africa, the African Charter on the Rights and Welfare of the Child guarantees the protection of the rights of children in displacement.
- 96 For example, Fiji's 2018-2030 National Disaster Risk Reduction Policy, among many others.
- 97 One of the examples identified was the 2019 Kenya Youth Development Policy – Empowered Youth for Sustainable Development, which includes provisions for youth engagement in green jobs and participation in disaster preparedness and response.
- 98 These policies can be found in the global database, recorded as A or B under the Gender Marker score or through a key word search in the "Additional Thematic Issues" column.

In most other cases, identified gender-related references are not directly related to provisions on human mobility in disaster and climate change contexts, and instead apply more generally to the instrument or to the thematic area governed by the instrument. For example, many disaster risk reduction or climate change governance instruments recognize the vulnerability and needs of women and girls⁹⁹ and promote their participation in disaster risk reduction or adaptation activities and decision-making, but do not consider gender-related dimensions in the provisions related to displacement or migration in climate change or disaster contexts.¹⁰⁰

In cases where the two issues are addressed together, references are often limited in scope (for example, general statements on gender inequalities or differentiated outcomes of disaster displacement or climate-induced migration for women and men)¹⁰¹ and with few actionable provisions or commitments. Gender issues in these provisions are approached through different angles, with some focusing on the vulnerabilities and needs of women

displaced or migrating in the context of disasters and climate change,¹⁰² and some acknowledging the vulnerabilities of women and households left behind in the context of seasonal or permanent out-migration of men.¹⁰³

Three national gender policies reviewed as part of this mapping exercise in Bangladesh, Lesotho and Niger¹⁰⁴ include dedicated sections on climate change and disaster management (in the case of Bangladesh, the policy was dedicated to climate change and gender conjointly), but only address displacement or migration in a limited way.¹⁰⁵ More concrete provisions identified across the other instruments focus on sex and age disaggregated data collection in disaster contexts or in relation to the impacts of climate change.¹⁰⁶ Others include provisions for the prioritization of assistance and services to women and girls in disaster displacement situations,¹⁰⁷ or for addressing gender-based violence and protection challenges in disaster displacement contexts.¹⁰⁸

99 Very few reviewed instruments consider the needs of LGBTQI people: for example, the 2018 National Human Rights Plan of Peru and New Zealand's 2019 Wellbeing Budget include provisions to prevent violence and discrimination against LGBTQI communities, and the Eighth Five Year Plan 2020-2025 of Bangladesh refers to sexual minority groups among marginalized populations requiring protection; however, none of these references are directly linked to human mobility and climate change or disaster issues.

100 See for example, Nepal's (expired) 2016-2020 Post Disaster Recovery Framework, Peru's 2018 Framework Law on Climate Change, or the Solomon Islands 2018 National Disaster Management Plan among many others.

101 Such as in the Third National Communications of Viet Nam and of Egypt to the UNFCCC, or in Liberia's 2018 Intended Nationally Determined Contribution.

102 For example, such references were found in Guatemala's National Plan for Disaster Risk Management for 2018-2022, the 2013-2018 Bangladesh Climate Change and Gender Action Plan, and the 2019 Third National Communication of Viet Nam.

103 This issue was noted in Nepal's (expired) Priority Framework for Action: Climate Change Adaptation and Disaster Risk Management in Agriculture 2011-2020 and in its 2021 Third National Communication to the United Nations Framework Convention on Climate Change. The 2006 National Action Programme to Combat Desertification of Equatorial Guinea also noted the effect of out-migration of young people on the vulnerability of children and older persons left behind.

104 2013 Climate Change and Gender Action Plan of Bangladesh (expired, but expected to be reviewed and updated according to the country's Eighth Five Year Plan for July 2020 – June 2025), Lesotho's 2018-2030 Gender and Development Policy and Niger's 2017 Gender National Policy.

105 For example, the expired 2013 Climate Change and Gender Action Plan of Bangladesh mentions the impacts of male rural-urban migration on women's vulnerability and included an objective to ensure alternative livelihood opportunities for women who have migrated internally to cities due to the impacts of climate change. Lesotho's policy only mentions displacement once, as a consequence of climate change. Niger's policy mentions among priority actions the need to reduce migration and to support disaster displaced women, and referred to "inclusive management of migration situations to address gender inequality".

106 For example, Tajikistan's National Disaster Risk Reduction Strategy for 2019–2030, Fiji's 2018-2030 National Disaster Risk Reduction Policy or the (expired) National Plan for Disaster Management 2016-2020 of Bangladesh; or, at the regional level, the SADC Gender-Responsive Disaster Risk Reduction Strategic Plan and Action Plan 2020-2030 and the ECOWAS Disaster Risk Reduction Gender Strategy and Action Plan 2020-2030.

107 For example, Afghanistan's 2019 Standard Operating Procedures for Coordination of Emergency Response to Internally Displaced Persons.

108 Fiji's 2018-2030 National Disaster Risk Reduction Policy, Guatemala's National Plan for Disaster Risk Management 2018-2022, Lesotho's 2021 Draft National Migration and Development Policy (under development), or Vanuatu's (expired) 2016 National Cyclone Support Plan.

BOX 2. Towards a meaningful integration of gender in national policies on human mobility in the context of disasters, climate change and environmental degradation

Ensuring the gender responsiveness of policies addressing human mobility in disaster and climate change contexts can be a challenge, particularly as policy development in this complex and multi-dimensional area is still in its early stages in most countries, with limited dedicated guidance available and significant knowledge gaps standing in the way of effective planning and governance. A few countries that have been at the forefront of disaster displacement preparedness and response, such as Bangladesh, Fiji, Maldives or Vanuatu, have developed dedicated policy instruments aimed at preventing and addressing displacement risks, protecting affected populations, and designing long-term solutions in the face of increasing challenges associated with climate change and disasters. In addition to their interest in terms of their thematic focus, these policies offer helpful examples of ways in which gender considerations can be effectively integrated in such multi-dimensional policy instruments.

For example, **Vanuatu's 2018 National Policy on Climate Change and Disaster-Induced Displacement** adopts gender equity and responsiveness as a key guiding principle for the policy, and integrates provisions for women's inclusion, meaningful participation and leadership in nearly all of its 12 strategic priority areas, taking into account their needs, knowledge and capacities. The policy also ensures coherence with key national gender policy priorities and frameworks, and assigns responsibilities for the Department of Women's Affairs in the implementation of most of the strategic areas. The policy

is overall aligned with key international standards and policy commitments which promote gender equality and inclusion, such as the 2030 Agenda for Sustainable Development, the 1998 Guiding Principles on Internal Displacement¹⁰⁹ and the IASC Framework on Durable Solutions for Internally Displaced Persons.¹¹⁰

Fiji's 2019 Displacement Guidelines in the Context of Climate Change and Disasters adopt a human-rights based and gender-responsive approach as a guiding principle. Their provisions promote the meaningful engagement and participation of women (and gender-related organizations) in decision-making, planning, and implementation processes related to disaster and climate change-related displacement. The guidelines also include provisions for disaggregated data collection and for specific assistance to vulnerable groups, including women. They are aligned with several key international frameworks that promote gender-responsive approaches, including the 1998 Guiding Principles on Internal Displacement, the 2030 Agenda for Sustainable Development and the GCM.

The **2021 National Strategy on Internal Displacement Management of Bangladesh**, which is part of the government's efforts to implement the Sendai Framework for Disaster Risk Reduction and the Nansen Initiative Protection Agenda, outlines the government's obligations on human rights protection and non-discrimination based on gender, and links the strategy to the broader social development framework

109 United Nations Commission on Human Rights. (1998). *Guiding Principles on Internal Displacement*. Available at <https://undocs.org/E/CN.4/1998/53/Add.2>. Accessed 16 April 2022.

110 Inter-Agency Standing Committee. (2010). *IASC Framework on Durable Solutions for Internally Displaced Persons*. Washington, DC, The Brookings – Bern Project on Internal Displacement. Available at <https://interagencystandingcommittee.org/system/files/2021-03/IASC%20Framework%20on%20Durable%20Solutions%20for%20Internally%20Displaced%20Persons%2C%20April%202010.pdf>. Accessed 16 April 2022.

of Bangladesh, including its commitments on women and gender empowerment and related policies. The strategy refers to key international standards and guidance such as 1998 UN Guiding Principles on Internal Displacement, as well as the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters,¹¹¹ the IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action¹¹² and the Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (the MEND Guide).¹¹³ Provisions include gender-sensitive planning and response to disasters, disaggregated data collection, considerations regarding specific protection and health needs of women, as well as participation, decision-making and information rights for women. As part of durable solutions, the strategy envisages funding, capacity building and access to jobs for women. Specific responsibilities are assigned to the Ministry of Women and Children Affairs and Department of Youth Development for the implementation of some of these actions.

The 2013 National Framework for Managing Internally Displaced Persons in the Maldives in Case of a Disaster/

Crisis is also aligned with key international standards and guidance, such as the 1998 Guiding Principles on Internal Displacement, the SPHERE standards¹¹⁴ and the IASC Framework on Durable Solutions for Internally Displaced Persons and adopts the related principles and indicators in relation to women's equal participation, access to information and documentation. The framework outlines key actions and institutional roles and responsibilities under six sectors of intervention following displacement in disaster contexts, each of which contain provisions specific to the needs of women in terms of access to food, shelter, health services, land and property rights, while also taking into account and promoting the participation of women in the various stages of response.

The review of these policies sheds light on some common elements that could inform other countries in their efforts to ensure gender-responsive approaches to addressing human mobility challenges in disaster and climate change contexts, in line with the GCM Guiding Principle of gender responsiveness (GCM, para. 15). These common elements are summarized in the table below.

111 IASC. (2011). *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*. Washington, DC, The Brookings – Bern Project on Internal Displacement. Available at https://interagencystandingcommittee.org/system/files/legacy_files/Operational_guidelines_nd.pdf. Accessed 16 April 2022.

112 IASC. (2015). *IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action*. Available at <https://interagencystandingcommittee.org/working-group/iasc-guidelines-integrating-gender-based-violence-interventions-humanitarian-action-2015>. Accessed 16 April 2022.

113 Camp Coordination and Camp Management Cluster, IOM, European Commission. (2014). *THE MEND GUIDE: Comprehensive Guide for Planning Mass Evacuations in Natural Disasters*. Available at <https://ccccluster.org/resources/mend-guide>. Accessed 16 April 2022.

114 Available at <https://spherestandards.org/>. Accessed 16 April 2022.

Elements towards a gender-responsive policy on human mobility in disaster and climate change contexts	Bangladesh 2021 Strategy	Fiji 2019 Guidelines	Maldives 2013 Framework	Vanuatu 2018 Policy
Integrating gender responsiveness as a key cross-cutting issue or guiding principle informing the overall policy		✓		✓
Adopting key international standards that recognize and promote gender sensitive approaches	✓	✓	✓	✓
Recognizing the specific and differentiated needs and vulnerabilities of women, men, girls and boys, including those identifying as LGBTQI, ¹¹⁵ before, during and after disaster displacement and in relation to climate-induced migration	✓	✓	✓	✓
Recognizing the different roles and capacities of women, men, girls and boys, including those identifying as LGBTQI, in the different stages of prevention, preparedness and response to disaster and climate-induced displacement			✓	✓
Promoting sex-disaggregated data collection and research to inform policies and decision-making	✓	✓	✓	✓
Including provisions aimed at ensuring protection and access to key services and assistance for most vulnerable women, men, girls and boys, and LGBTQI people, including to prevent and address gender-based violence in disaster displacement situations	✓	✓	✓	✓
Including provisions aimed at ensuring equal access to information and documentation			✓	✓
Including provisions aimed at building capacities and empowering women and girls, LGBTQI people	✓			✓
Including provisions aimed at ensuring equal participation and leadership of women and girls, LGBTQI people in decision-making and implementation	✓	✓	✓	✓
Including measures aimed at addressing gender-based discrimination as part of long-term solutions, particularly in terms of access to resources and opportunities, including employment and migration opportunities to support resource diversification and adaptation	✓			✓
Ensuring governance structures to support the implementation of gender-related commitments (outlining government's obligations and responsibilities, linking to existing Gender policies and frameworks; assigning roles to Gender or related ministries, bodies, institutions in the implementation of each strategic objective; ensuring gender-responsive policy development)	✓	✓	✓	✓

115 While the policies reviewed here did not specifically consider or address the needs of people identifying as LGBTQI, the explicit recognition and inclusion of their needs and rights in policies and legislation should be promoted.

These elements are not exhaustive, and mainly serve to demonstrate the multiplicity of angles through which gender considerations can be integrated in policies governing human mobility in the context of disasters and climate change. The growing body of academic and institutional literature on the links between gender, climate change and human mobility helps to strengthen the understanding of specific gender dimensions and needs to be addressed in this context in different regions of the world, and contributes to identifying possible approaches and examples of State practice.¹¹⁶ In parallel, existing international guidance on gender integration into policies and programming¹¹⁷ offers helpful tools for decision-makers to guide the design of gender-responsive and inclusive policies and measures. Such tools could be further tailored to the needs of the human mobility and climate change and disasters policy field through continued research and policy analysis.

Useful guidance:

OHCHR and women's human rights and gender equality resource page. Available at <https://www.ohchr.org/en/women>. Accessed 16 April 2022.

UNSDG. (2013). *Gender Equality Marker – Guidance Note*. Available at <https://unsdg.un.org/resources/gender-equality-marker-guidance-note>. Accessed 16 April 2022.

UN Women. (2021). *Policies and Practice: A Guide to Gender-Responsive Implementation of the Global Compact for Migration*. Available at <https://ppguide.unwomen.org/>. Accessed 16 April 2022.

Migration Multi-Partner Trust Fund. (2020). *Operations Manual, Annex I: Gender Marker Guidance Note*. Available at https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/migration_mptf_ops_manual_rev_dec_2020_final.pdf. Accessed 16 April 2022.

116 For example, see Bleeker, A. et al. (2021). "Advancing gender equality in environmental migration and disaster displacement in the Caribbean", *Studies and Perspectives series-ECLAC Subregional Headquarters for the Caribbean*, No. 98 (LC/TS.2020/188-LC/CAR/TS.2020/8). Santiago, Economic Commission for Latin America and the Caribbean (ECLAC). Available at https://repositorio.cepal.org/bitstream/handle/11362/46737/1/S2000992_en.pdf. Accessed 16 April 2022; or GIZ. (2019). *Human Mobility, Climate Change and Gender: Compendium of best practices, lessons learnt and tools for Pacific practitioners*. Eschborn, GIZ. Available at <https://www.adaptationcommunity.net/wp-content/uploads/2020/03/HMCCC-Gender-Compendium-2019.pdf>. Accessed 16 April 2022.

117 See Useful references section under the Gender Marker in Annex B to the Analytical Framework.

Whole-of-government approach

In relation to the whole-of-government approach, some reviewed instruments recognize the need for horizontal or vertical policy coherence. The former include examples of human mobility instruments referring to other key national policy frameworks in the areas of climate change adaptation, disaster risk reduction and sustainable development,

and recognizing the need to ensure policy coherence and strengthen other sectoral policies.¹¹⁸ Other examples of instruments include those seeking to strengthen vertical policy coherence across all levels of government. In that regard, several national climate change or disaster risk reduction instruments were identified which consider the role of cities and local governments in addressing human mobility in disaster or

118 For example, Lesotho's 2021 draft National Migration and Development Policy (under development), the 2016 National Migration Policy for Ghana, or the 2015-2030 Migration Policy of Haiti.

climate change contexts.¹¹⁹ In some cases, local governments lead the way in addressing these challenges, by downscaling national-level policies and efforts to the local level or by developing locally-led innovative action. A few sub-national instruments and practices were identified as part of the research, which address challenges related to human mobility in the context of climate change.¹²⁰ In parallel,

local actors across countries and city networks are coming together to address local-level effects of climate change on migration and to call for accelerated national, regional and international responses to these challenges., for example through such initiatives as the C40-MMC Global Mayors Task Force on Climate and Migration¹²¹ (see Box 3).

BOX 3. Mayoral Leadership on Climate Migration

Cities and the mayors who lead them deal with the realities of the climate crisis and migration on a daily basis. They protect residents from extreme heat, flooding, or other hazards; welcome people displaced by climate impacts internally or internationally; and promote climate justice and leaving no one behind in the green transition.

In the face of these challenges, mayors are putting people at the centre of their climate action and calling on national governments and the international community to join them. In November 2021, a leading group of mayors from C40 Cities and the Mayors Migration Council issued a Global Mayors Action Agenda on Climate and Migration,¹²² identifying three priority areas for global action – *Urban Resilience*, *Urban Inclusion*, and **Urban Transformation**. Each priority area aligns with the GCM.

The following examples of existing leading urban practices from the Action Agenda demonstrate that solutions exist if investments are made in city action.

URBAN RESILIENCE *GCM Objective 2: Minimize the adverse drivers*

Dakar, Senegal: Improving blue infrastructure to mitigate flooding impacts and displacement risk

Dakar is redeveloping the Grand Yoff district's stormwater retention basin to reduce local population's exposure to flooding events, minimizing the adverse drivers that compel displacement within the city. The project will mitigate risk, create green spaces, and reduce health-related hazards for residents.

Houston, USA: Developing just relocation strategies for residents in high-flood risk areas

Houston developed a long-term resilience framework for adapting to climate-

122 Available at <https://www.mayorsmigrationcouncil.org/c40-mmc-action-agenda>. Accessed 16 April 2022.

119 For example, Nepal's 2017 Disaster Risk Reduction and Management Act and Disaster Risk Reduction and Management Rules and Tajikistan's 2004 Law on Protection of the Population and Territories from Natural and Man Made Disasters assign clear responsibilities and roles to local authorities and actors in the organization of evacuations and response to disasters.

120 For example, the 2017 City of Cape Town Climate Change Policy in South Africa considers the impacts of climate change on internal migration. The 2017 Climate Change Adaptation Strategy and Action Plan for Gilgit-Baltistan Province in Pakistan includes guidelines on climate change and migration. In Ecuador, a 2015 local government-led report provided recommendations for policy development on human mobility in the context of disasters and climate change in the province of Pichincha.

121 For more information, see <https://www.mayorsmigrationcouncil.org/news/sole24ore>. Accessed 16 April 2022.

related hazards, such as flooding-induced displacement. The city provides resources for housing buyouts and just relocation opportunities, while prioritizing risk reduction in vulnerable and marginalized communities that historically are most impacted by climate.

URBAN RESILIENCE *GCM Objective 15: Provide access to basic services for migrants and GCM Objective 2, action 18(g): Account for migrants in national emergency preparedness and response*

Dhaka North City Corporation, Bangladesh: Improving water management in informal settlements, to reduce vulnerability to health and climate hazards

To address climate and health risks in vulnerable communities, Dhaka North is working with the national government to improve living conditions in the city's informal settlements – where many internally displaced people also happen to live – including through the provision of more reliable, improved and climate-resilient water supply.

Barcelona, Spain: Strengthening coordination with the third sector and civil society organizations to ensure the inclusion of newcomers

Barcelona's Reception and Assistance Network for Immigrant Persons coordinates delivery of essential services to migrants and displaced people in partnership with the public and non-profit sectors, providing a wide range of training, technical and economic support so that migrants can access inclusive services and equal opportunities.

Urban Transformation

GCM Objective 16: Empower migrants and societies to realize full inclusion and social cohesion and GCM Objective 21, action 37(h): Facilitate the sustainable reintegration of returning migrants

Freetown, Sierra Leone: Creating green and decent jobs for disadvantaged youth, including rural migrants

Acknowledging green infrastructure as a mitigation and adaptation strategy, Freetown launched a large-scale reforestation project – Freetown the Treetown campaign – for heat stress reduction, air quality improvements, and reduction of flooding and landslide risk. Since 2020, more than 600 green jobs have been created, especially for marginalized women and youth, including rural migrants.

Milan, Italy: Quantifying the equity impact of job growth tied to green investments per different demographic group, including foreign-born workers

Milan assessed the equity impact of jobs supported by future climate interventions and found that by 2030 Milan could support over 50,000 jobs from a green and just recovery. The construction and manufacturing sectors can drive stable employment with full time opportunities open to non-Italian residents, integrating migrants in a green and just transition.

These practices offer useful examples that could inspire action in other cities and that could be further scaled up for a stronger inclusion of international migrants in disaster risk reduction, climate change adaptation and sustainable development action.

Useful guidance: UNDRR Disaster Resilience Scorecard for Cities (addendum on disaster displacement). Available at <https://www.unisdr.org/campaign/resilientcities/toolkit/article/disaster-resilience-scorecard-for-cities.html>. Accessed 16 April 2022.

This overview can only provide non-exhaustive, anecdotal examples of the integration of key cross cutting issues and GCM guiding principles into national policy and legal instruments. For a more in-depth review of the alignment of policies and legislation with these principles in order to identify possible policy gaps, additional analysis would be required. A more systematic application of the human rights, gender, child-sensitivity and local governance markers to the instruments in the global database could further support such efforts in the future, in combination with in-depth integrated country-level analysis of instruments addressing human mobility in disaster and climate change contexts.

3.4

COMPARATIVE INSIGHTS

While the global mapping does not constitute an exhaustive review of all relevant national policies allowing a more robust comparison across countries and regions, some distinctions and commonalities between countries could be noted based on available data.

For example, relatively more instruments with direct and specific provisions related to human mobility in disaster and climate change contexts were found in Latin America and the Caribbean and in Asia and the Pacific, where about 40% of all identified instruments have direct (rather than indirect or general) provisions, compared to about 30% in Africa and Arab States and in Europe and North America. In all regions, such direct specific provisions are mainly found in instruments governing climate change adaptation and disaster risk management, possibly demonstrating the priority given by countries to addressing climate change and disasters and strengthening national policy frameworks in line with commitments made at the international level.

Some distinctions could be found between regions in terms of thematic focus of human mobility-related provisions in such instruments, reflecting national and regional priorities. For example, in Africa, provisions in such instruments commonly have a greater focus

on issues around urbanization and rural out-migration, agriculture and food security, as well as security and links to conflict. Challenges related to drought and displacement appear to be relatively more common among disaster-related instruments in this region, compared to other regions. In Latin America and the Caribbean, human mobility-related provisions in many climate change policies focus on planned relocation (particularly in relation to coastal settlements), on the vulnerability of migrants in the context of climate change, and on general strategic orientations for policy development on this topic. Provisions in disaster-related instruments in this region focus on evacuations, preparedness, displacement management and migrant inclusion. In Asia and the Pacific, more instruments with direct provisions were identified in relation to disaster management than climate change governance, with provisions in climate change instruments focusing more on longer term resilience and adaptation strategies, including through planned relocation, and disaster management instruments focusing more on immediate response to disaster displacement and assistance to vulnerable populations.

When looking at instruments governing human mobility with direct specific provisions, relatively more such instruments were found in countries in Latin America and the Caribbean compared to countries in other regions, with many countries in this region having multiple active laws or regulations including relevant provisions, such as Argentina, Ecuador or Peru. Most such instruments are related to immigration law, although a few relevant provisions were also identified in some instruments related to refugee law, internal displacement or planned relocation. The focus of provisions in these instruments is mainly on temporary residence, humanitarian visas and regularization of migrants from disaster-affected countries. In other regions, human mobility instruments with direct specific provisions on human mobility challenges in disaster and climate change contexts were found to be less prevalent. In Africa, a few countries (Botswana, Ghana, Kenya, Lesotho and Uganda) have migration policies, which include entire sections dedicated to the links between migration, environment and climate change, examining key trends, challenges and strategic priorities across this topic. In most

cases however, these policies are still in a draft form, and this policy area seems to be largely under development in the region. Most human mobility instruments with direct provisions in countries in Africa are related to internal displacement, which, along with migrant and refugee returns, is a key area of concern in the region. In Europe, direct specific provisions on disasters and climate change identified in human mobility instruments were nearly all found in legislation related to foreigners' status, and concern temporary protection and border management. In Asia and the Pacific, fewer examples of direct provisions were found in national migration or refugee legislation and policies, however this region has the highest number of national instruments specifically dedicated to human mobility in disaster and climate change policies, including guidelines, policies or legislation on planned relocation in the context of climate change, disaster displacement, or strategies on climate change and migration, as well as some examples of labour migration policies considering climate change adaptation needs.

In parallel, however, human mobility instruments with indirect references were found in many of the regions with fewer dedicated or directly relevant provisions, possibly providing some protection and solutions to people compelled to leave their countries in the context of disasters or climate change. In Europe, immigration and foreigners' status legislation in many countries includes provisions for temporary admission and stay on humanitarian grounds or in case of mass influx, which reflects the language of related regional European Union directives. In Asia, migration legislation of some countries contains provisions granting discretionary powers to authorities to decide on admission and stay. In the Pacific, several national immigration laws include provisions for admission and stay on

humanitarian grounds or for special purpose visas, and some countries participate in labour migration and residence schemes. In Africa, several countries extend criteria for the refugee status to events seriously disturbing public order. In Latin America and the Caribbean, many countries have provisions for temporary protection on humanitarian grounds or in case of mass influx, humanitarian visas, or apply extended definitions of the refugee status, some of which have been applied to grant temporary protection to people from countries affected by disasters.

The focus of provisions included in national and regional instruments reflects particular region-specific priorities and issues of concern. For example, many instruments identified in countries in Africa focus on issues around pastoralism, drought, sustainable land management, development and youth, internal displacement in conflict and disaster settings, and free movement. In the Americas, a greater focus seemed to be on temporary protection and disaster preparedness and response, with particularly strong regional cooperation on latter through dedicated regional agencies, and an important number of dedicated national legal instruments. In Europe, human mobility in disaster and climate change contexts is mostly addressed through civil protection policies, or considered in terms of increased migration from other regions. In Asia, many provisions were found regarding overseas employment and protection of migrants in crisis situations abroad, reflecting the importance of labour migration and remittances as an income diversification strategy in the region. In the Pacific, planned relocation is a recurrent issue, along with climate-resilient development and regional seasonal labour migration options. These priority areas are likely to continue to inform national policy development in these regions.

4

MAPPING THE BASELINE IN 21 COUNTRIES

This chapter presents the findings of the detailed mapping exercise conducted in a second stage of the data collection process in 21 selected countries, applying the methodology and indicators of the Analytical Framework. As part of this mapping effort, the policy and legal instruments of 21 selected countries were reviewed in more detail to take stock of existing efforts and opportunities contributing to the implementation of GCM commitments relevant to human mobility challenges in the context of disasters, climate change and environmental degradation.

The list of selected countries consists of Albania, Argentina, Bangladesh, Costa Rica, Egypt, Fiji, Germany, Ghana, Jamaica, Kenya, Lesotho, Nepal, New Zealand, Niger, Peru, Tajikistan, Tuvalu, Uganda, United States of America, Vanuatu and Viet Nam. In addition to the policy-related selection criteria outlined in the Analytical Framework, this selection of countries sought to allow for a geographically balanced review across regions (see Table 2). As part of this review, only currently active instruments were considered for the indicators-based analysis. Given resource limitations, only a selection of indicators was applied as part of

this initial mapping exercise (see Addendum I, and in particular Table A.I.1).

4.1

OVERALL RESULTS IN RELATION TO GCM COMMITMENTS

The detailed mapping exercise allowed to identify additional policy and legal instruments in each country, and to review the extent to which existing and active policies and legislation include provisions which could support the implementation of GCM commitments addressing human mobility challenges in disaster and climate change contexts.¹²³ Since an exhaustive review of all national (and regional) policies and processes could not be conducted as part of this mapping exercise, the results below should be treated as indicative, and broadly serve to identify some key policy strengths and gaps. Figure 10 summarizes the overall status of the existence of relevant provisions across the 21 countries in relation to the indicators, actions and objectives of the GCM.

¹²³ It should be noted that the purpose of this first baseline mapping was to identify the existence of references in order to establish a baseline. This analysis does not seek to assess the normative significance or effectiveness of different provisions and instruments, or to evaluate the performance of countries reviewed as part of this mapping exercise; the limited qualitative analysis provided here focuses on the scope of provisions identified in the instruments.

Table 2. Regional distribution of the countries selected for the detailed review (based on GCM regional review groupings)

Africa and Arab States	North Africa/Arab States	Egypt
	Western Africa	Ghana, Niger
	Eastern Africa	Kenya, Uganda
	Southern Africa	Lesotho
Asia and the Pacific	Southern Asia	Bangladesh, Nepal
	South-eastern Asia	Viet Nam
	Central Asia	Tajikistan
	Oceania	New Zealand
	Melanesia	Fiji, Vanuatu
	Polynesia	Tuvalu
Latin America and the Caribbean	South America	Argentina, Peru
	Central America	Costa Rica
	Caribbean	Jamaica
Europe and North America	Western Europe	Germany
	Southern Europe	Albania
	North America	United States of America

4.1.1 Objective 2 – Minimizing the adverse drivers

In nearly all reviewed countries, most of the relevant provisions identified through the detailed review correspond to commitments made under Objective 2 of the GCM. All of the reviewed countries have at least some references to human mobility in their adaptation and resilience strategies (of relevance to action 18(i) of the GCM), including policies for climate change adaptation, disaster risk reduction strategies, sustainable development or poverty reduction plans and

other relevant sectoral instruments. In many cases, these references acknowledge the impacts of climate change, environmental degradation and disasters on migration and displacement in the country, or consider possible planned relocation measures. Many of these references focus on internal mobility challenges, however instruments in more than half of the countries also consider implications for cross-border human mobility.¹²⁴ These references range from broad recognition of linkages between environmental drivers and human mobility, to more advanced commitments to develop measures to address

¹²⁴ Considerations of implications for cross-border mobility were found in adaptation and resilience instruments of Ghana, Uganda, Lesotho, Bangladesh, Nepal, New Zealand, Tuvalu, Vanuatu, USA, Germany, Argentina and Peru.

these issues. Most countries also have direct provisions with concrete measures to address displacement as part of the disaster preparedness and response instruments (in relation to action 18(j) of the GCM). In nine countries among the 21 reviewed only partially relevant provisions could be identified, which either mention the risk of displacement in passing without including measures to address it, or which refer to evacuation measures only.

About half of the countries included in the mapping, particularly in Africa, the Pacific and Latin America and the Caribbean are involved in regional processes addressing human mobility considerations as part of regional disaster preparedness strategies (action 18(j) of the GCM), and 17 countries are involved in regional adaptation, resilience, and vulnerability reduction efforts considering human mobility dimensions (action 18(k)) (see also Chapter IV below). Some countries have also engaged in bilateral cooperation for disaster displacement preparedness, including through joint simulation exercises or the development of standard operating procedures (SOPs) on cross-border disaster displacement response (see box 4). Two thirds of the reviewed countries are involved in regional processes and dialogues directly dedicated to addressing human mobility challenges in disaster and climate change contexts and contributing to developing coherent approaches to such challenges (action 18(l)). The remaining seven countries have participated in some relevant processes in the past (for example, countries which endorsed the Nansen Initiative Protection Agenda in 2015 but which do not seem to have followed up on the process further), or are members of regional fora that have addressed

these topics without them being their main focus. Four countries have participated in the development of dedicated regional guidance tools addressing human mobility in disaster and climate change contexts.¹²⁵ Close to two thirds of countries included in the detailed mapping are only involved in partially relevant frameworks, or have access to partially relevant guidance tools that address these issues to some extent.¹²⁶ No dedicated (or even partially relevant) regional guidance on measures to address human mobility in disaster and climate change contexts was identified for countries in Southern and South-East Asia.

The least developed area under Objective 2 is related to action 18(h) of the GCM on joint analysis and sharing of data and information. Only one country (Kenya) was found to have a directly relevant provision to strengthen transboundary cooperation on data collection on related topics. Thirteen countries have only partially relevant provisions, mostly focusing on strengthening national research or data collection on human mobility in disaster and climate change contexts with no reference to transboundary collaboration, or in some cases, recognizing the need for regional or transboundary collaboration on data collection but focusing separately either on disaster and climate data, or on human mobility data.¹²⁷ No relevant provisions could be identified in seven countries. At the regional level, only two countries were found to be involved in an active regional data collection or information sharing system which covers data on disaster displacement or climate-related migration.¹²⁸ All other countries are members in some regional mechanisms of relevance, which for example collect regional data on disasters and climate risk, but not on associated human

125 Argentina, Peru, Costa Rica and USA who have taken part in the development of regional guidance under the SACM and RCM processes.

126 For example, some guidance tools for governments developed by international organizations in specific regions contain limited guidance on addressing displacement in disaster contexts, such as the OSCE self-assessment tool which contains some guidance to help plan for cross-border disaster displacement, or the OHCHR and UNDP "Checklists for Integrating Human Rights in Natural Management in the Pacific", which also addresses displacement.

127 For example, this was the case in Egypt.

128 Ghana, which hosts the West African Science Service Centre on Climate Change and Adapted Land Use (WASCAL) that collects data on climate change and rural-urban and cross-border migration; and Viet Nam, which is a member of the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) and its ADINet ASEAN Disaster Information Network that collects data on disaster displacement at the regional level. Data collection on climate change, disasters and migration and displacement is also undertaken by the IGAD Climate Prediction and Application Centre as part of the MPTF Regional Joint Programme and the GIZ Global Programme Human Mobility in the Context of Climate Change in the IGAD region, in which Kenya and Uganda take part (see box 5).

mobility trends,¹²⁹ or which record data on migration flows but not on environmental drivers.¹³⁰

Another gap area under Objective 2 is related to action 18(g) of the GCM on accounting for migrants in national emergency preparedness and response: direct and concrete provisions in that regard could only be identified in disaster response or migration legislation in four countries.¹³¹ In nine other countries identified instruments either briefly make reference to migrants (or “foreign nationals”)

but do not make concrete commitments to address their needs and vulnerabilities, or have broader provisions guaranteeing equal protection to all in disaster situations, but not directly acknowledging the specific needs of migrants. Very few provisions were found on including migrants in disaster preparedness and response activities.¹³² The remaining eight countries do not have any references to the rights and needs of migrants in disaster situations in their disaster response or human mobility instruments identified as part of this mapping.

BOX 4. Building joint capacities to respond to cross-border disaster displacement

Paragraph 18(j) of the GCM (Objective 2) calls for States to “Integrate displacement considerations into disaster preparedness strategies and promote cooperation with neighbouring and other relevant countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information”. Some countries have already engaged in cross-border cooperation on disaster response preparedness, and their experience could inform and inspire other countries as well.

For example, in Latin America, Costa Rica and Panama developed joint Standard

Operating Procedures for cross-border disaster displacement situations, which they have tested through a bilateral simulation exercise in 2017.¹³³ Colombia and Ecuador recently conducted a cross-border disaster displacement simulation exercise with the support of the Platform on Disaster Displacement.¹³⁴ In Peru and Ecuador, authorities of border provinces of the two countries have shared coordination platforms for disaster risk management activities, and have conducted a binational earthquake drill in the past.¹³⁵ The navies of Peru, Ecuador and Colombia, and more recently, Mexico have also conducted joint preparedness exercises in 2019 and 2021 to strengthen their coordination

133 For more information: <https://disasterdisplacement.org/costa-rica-and-panama-prepare-for-cross-border-disaster-displacement>

134 For more information (in Spanish): <http://portal.gestiondelriesgo.gov.co/Paginas/Noticias/2022/Colombia-y-Ecuador-realizaron-ejercicio-de-simulacion-binacional-de-desplazamiento-transfronterizo-en-desastres.aspx> and https://www.youtube.com/watch?time_continue=1&v=z_DfZ7XmcR0&feature=emb_logo

135 For more information: <http://bvpad.indec.gov.pe/doc/pdf/esp/doc2488/doc2488-contenido.pdf>

129 Regional data collection and sharing mechanisms on disasters or climate risks are available in all regions or sub-regions covered in this mapping.

130 For example, regional and sub-regional migration observatories, such as in Latin America and the Caribbean or Africa.

131 Ghana, Niger, Costa Rica and Peru.

132 In Germany, the 2007 National Integration Plan mentions the involvement of migrants in civil protection and disaster response activities as an example of social integration.

in responding to disaster situations, in particular tsunamis and earthquakes.¹³⁶ In Central Asia, a similar cross-border disaster simulation exercise was conducted between Armenia and Georgia in 2017.¹³⁷ In West Africa, cross border displacement simulation exercises have been conducted between Mali and Mauritania in 2018¹³⁸ and between Gambia and Senegal in 2019.¹³⁹ Although these exercises did not focus specifically on disaster situations related to natural hazards, the operational plans, cross-border arrangements and institutional roles that they helped to test and strengthen directly contribute to building joint capacity to respond to cross-border displacement situations in disaster contexts. Additional cross-border disaster response simulation exercises are planned between Tanzania and Malawi as part of an IOM project on disaster risk reduction, and in the IGAD region as part of the Migration MPTF Joint Programme in IGAD on “Addressing drivers and facilitating safe, orderly and regular migration in the contexts of disasters and climate change in the IGAD region” (see Box 5).

In some countries, such cross-border collaboration is underpinned by formal bilateral cooperation agreements. For example, Costa Rica and Panama have signed a Memorandum of Understanding, which is currently being updated, to promote coordination between their respective national emergency response institutions. Other examples include agreements signed by Germany with several neighbouring countries on mutual assistance in the event of disasters: the agreement between Germany and Austria for instance outlines border management and admission and stay modalities in case of cross border evacuations.¹⁴⁰ Exploring the lessons learned and examples of challenges, effective practices, procedures and standards derived from these numerous bilateral experiences could offer useful insights and guidance to further inform bilateral disaster displacement preparedness efforts and practice, and to support the implementation of this GCM commitment.

136 <https://dialogo-amicas.com/articles/navies-of-peru-ecuador-colombia-mexico-strengthen-natural-disaster-response/#.YjNxU7g680p>

137 <https://www.iom.int/news/armenian-disaster-response-simulation-supported-un-migration-agency>

138 <https://www.iom.int/news/iom-carries-out-displacement-simulation-exercise-mauritania-mali-border>

139 <https://rodakar.iom.int/news/first-crisis-simulation-exercise-takes-place-along-gambian-senegalese-border>

140 1988 Agreement between the Republic of Austria and the Federal Republic of Germany Concerning Mutual Assistance in the Event of Disasters or Serious Accidents.

4.1.2 Objective 5 – Enhancing availability and flexibility of pathways for regular migration

Six countries were found to have directly relevant provisions for admission and stay in sudden-onset disaster contexts in their

national instruments governing human mobility (in relation to action 21(g) of the GCM).¹⁴¹ Most other countries reviewed have indirectly relevant national instruments, for example including provisions for humanitarian visas, temporary admission and stay on humanitarian grounds or in the case of mass influx or other

141 Tajikistan, New Zealand, USA, Albania, Argentina, Peru. For example, Albania’s 2021 Law on Foreigners includes a provision for issuing visas at the border in exception circumstances, which includes disasters. Peru’s immigration legislation includes provisions for granting humanitarian visas to victims of disasters. Argentina and New Zealand’s legislation includes provisions for temporary residence or visa extension for people unable to return to their country due to a disaster. Tajikistan’s Border Management Law allows entry for foreigners compelled to cross its border following a disaster. The Temporary Protection Status in the USA is also applicable in disaster situations and has been used to grant temporary protection to Haitians following the 2010 earthquake for example.

temporary protection provisions that do not explicitly refer to disaster situations, but that could be applied (and at times, have been applied)¹⁴² in such situations upon discretion of the authorities. In four countries, no relevant instruments and provisions could be identified.¹⁴³ Even fewer relevant instruments in this regard were identified at bilateral and regional level. Only four countries are involved in directly relevant regional or bilateral instruments with provisions for admission and stay in disaster contexts,¹⁴⁴ and nine countries participate in regional or bilateral arrangements or processes which do not directly address admission and stay in disaster situations, but have potential applicability in such contexts.¹⁴⁵ No relevant regional or bilateral initiatives for admission and stay could be identified for the remaining eight countries, mostly located in Asia and the Pacific.

In relation to action 21(h) of the GCM focusing on temporary and long-term solutions for migrants compelled to leave their countries of origin in the context of slow-onset disasters, very few directly relevant instruments or processes were identified, and this remains one of the largest gap areas in terms of policy development. While many countries included in this review (particularly those in Latin America and in the Pacific) have participated in some processes that broadly acknowledge this issue, none have led to the development of concrete instruments. Some countries, particularly in Africa, Latin America, in the Pacific, but also in Europe, are members of regional or

bilateral agreements on free movement. Such agreements could provide some entry points, but in many cases are not designed in a way to comprehensively address the needs of people compelled to leave their countries in the context of climate change on a seasonal or permanent basis (see also Box 1), with the exception of the 2020 draft IGAD Protocol on Free Movement of Persons which recognizes the positive contribution of free movement in mitigating impacts associated with disasters, climate change and environmental degradation. Many countries have concluded bilateral labour migration agreements, which could offer an example of a measure for further expansion to target more specifically migrant workers from countries affected by the adverse effects of climate change (in particular, the relevance of labour migration schemes in the Pacific has been extensively discussed in this context).¹⁴⁶ In most cases however, such agreements do not directly address the specific needs and vulnerabilities of migrants from countries particularly affected by climate change.

4.1.3

Objective 21 – Facilitating safe and dignified return and sustainable reintegration

Efforts in support of the implementation of Objective 21 were only reviewed in relation to action 37(a) as part of this mapping, focusing on return and readmission of migrants to countries experiencing disasters.¹⁴⁷ The indicator proposed for this action focuses on

142 For example, provisions under Jamaica's refugee law have been applied in such contexts, see above n 67.

143 This could reflect the absence of relevant provisions, or be related to the difficulty to access national policy documents, including due to language barriers.

144 Such instruments were only identified for 4 countries: Germany and USA, where some relevant bilateral agreements and arrangements could be identified, and Kenya and Uganda, both of which are signatories to the 2013 EAC Disaster Risk Reduction and Management Bill (passed in 2016) that calls on States to grant admission and stay to people from disaster-affected countries and the 2020 IGAD Protocol on Free Movement of Persons which allows entry and stay in the context of disasters. It should be noted that the 2020 IGAD Protocol on Free Movement of Persons was only recently adopted and is not yet ratified; the roadmap for its implementation extends to 2038.

145 For example, regional or bilateral free movement arrangements or regional refugee protection frameworks with extended definitions of applicable criteria, such as the 1984 Cartagena Declaration, or the 1969 African Refugee Convention.

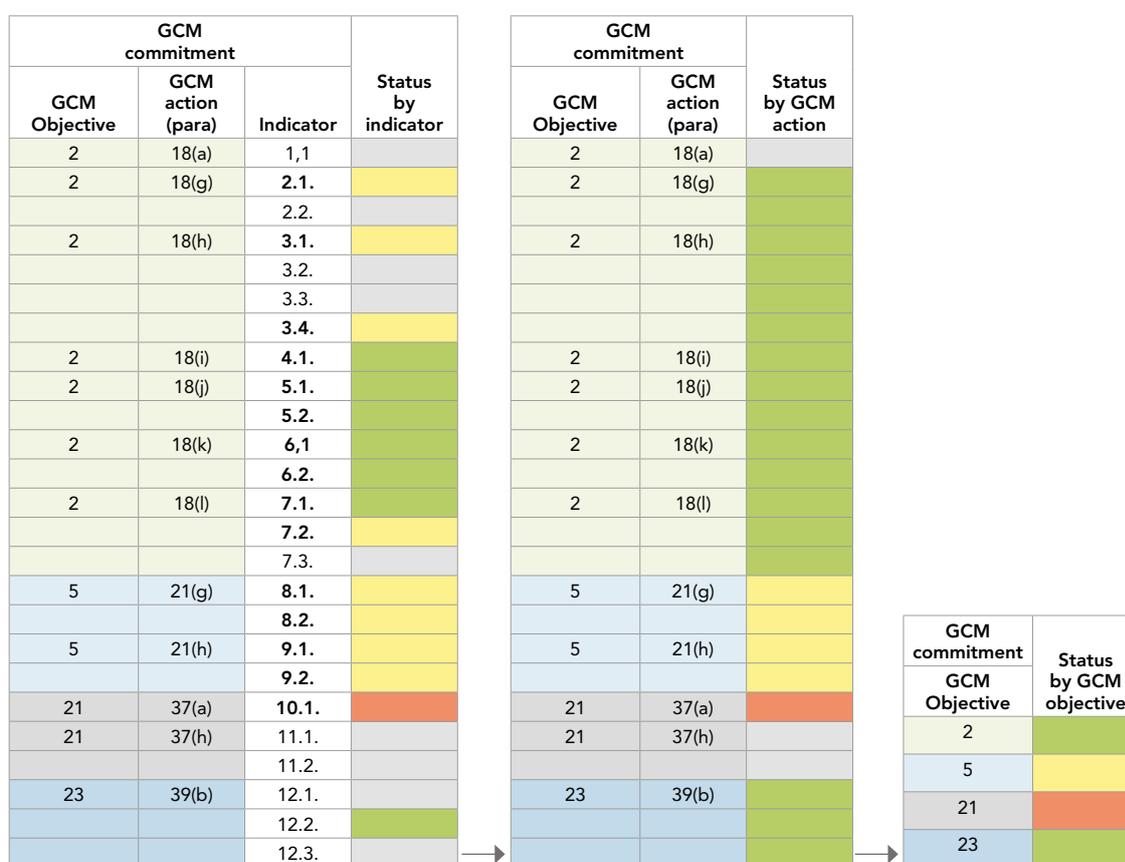
146 For example, the Pacific Access Category Resident Visa in New Zealand to which citizens of Tuvalu and Fiji (as well as Kiribati and Tonga) can apply could provide a long-term or permanent solution to people particularly affected by the effects of climate change in these countries. For more on this subject, see for example, Fornale, E. and Kagan, S. (2017). *Climate Change and Human Mobility in the Pacific Region: Plans, Policies and Lessons Learned*. KNOMAD Working Paper 31; and resources on ILO's Climate change, displacement and labour mobility webpage: <https://www.ilo.org/global/topics/labour-migration/climate-change/green-jobs/lang--en/index.htm>. Accessed 16 April 2022.

147 In relation to action 37(h), which was not reviewed as part of this pilot mapping, the MGI Data Bulletins provide useful complementary insights on reintegration policies (see figure 1 in the MGI Data Bulletin for GCM Objective 21, in IOM (2022), above n 1).

regional and bilateral cooperation, rather than on national instruments (although national instruments allowing for the suspension of return to countries affected by disasters were identified during the research in Argentina, Tajikistan and USA). Only two countries (Kenya and Uganda) are involved in a regional cooperation process explicitly addressing return to countries in disaster contexts, as part of the EAC Disaster Risk Reduction and

Management Bill passed in 2016 and the 2020 IGAD Protocol on Free Movement of Persons, and two countries¹⁴⁸ are members of regional agreements that considered the suspension of return and expulsions under broader circumstances (for example, for humanitarian reasons, in the event of human rights violations or events seriously disturbing public order). No relevant regional or bilateral instruments were identified for most other countries.

Fig. 10 Existence of instruments and provisions in relation to the indicators and GCM actions and objectives in the 21 selected countries



Note: The results presented at the level of GCM objectives and actions are based on an aggregation of results at indicator level, which are themselves derived from the individual scores of each country. Indicators, action and objectives for which most countries scored "Yes" are coloured in green, those which scored "Partially" are coloured in yellow, and those which scored "No" are coloured in red. Only 15 indicators were included in this pilot phase (indicated in bold in the first table), noting that 7.1 and 12.2 are the same indicator.¹⁴⁸

148 Germany (the 2001 EU Temporary Protection Directive No. 2001/55/EC calls on Member States to consider "compelling humanitarian reasons which may make return impossible or unreasonable" in cases of enforced return; and the 2008 EU Return Directive 2008/115/EC indicates that "Member States may postpone removal for an appropriate period taking into account the specific circumstances of the individual case") and Niger (the 1985 Supplementary Protocol to ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment prohibits expulsions where they may lead to human rights violations).

149 The Data Analysis section in Addendum I to this report explains the methodology which allowed to prepare this visual synthesis in detail.

4.1.4 Objective 23 – Strengthening international cooperation

The implementation of commitments under Objective 23 (action 39(b)) was measured through the same indicator as for action 18(l) under Objective 2, i.e. through participation in relevant regional and international dialogues and processes. The results are therefore the same as those presented in the relevant section above. While the other two indicators proposed for this action were not reviewed as part of this pilot mapping, some examples of efforts to support implementation in affected countries were identified, particularly among traditional donor countries, such as Germany, the USA and New Zealand, which have all three included commitments to provide international support to developing countries on human mobility in disaster and climate change contexts in their development cooperation strategies, or which have provided funding to related projects and programmes in developing countries.

4.2

OBSERVATIONS FROM THE DETAILED REVIEW

Overall, the review of national instruments in the 21 selected countries, and to some extent, of national engagement in bilateral, regional and international processes, provided insights on current policy and legal efforts of relevance to the implementation of GCM commitments related to human mobility in disaster and climate change contexts in the countries included in this research.

Key observations include the following:

- In the 21 reviewed countries, policy development related to **addressing the**

environmental drivers of human mobility is more advanced than in other areas (such as enhancing regular migration pathways or sustainable return and reintegration), although the integration of human mobility considerations in national instruments is still limited and varies considerably between countries, which could in part be related to different national contexts and needs, involvement in relevant global and regional processes, as well as on availability of tools and resources to support policy development in this area;¹⁵⁰

- Despite calls and commitments to strengthen **knowledge and data collection and sharing**, including at regional levels, such efforts are still limited. Few instruments reviewed in the 21 countries include provisions aimed at strengthening national research and data collection on human mobility in disaster and climate change contexts, and very few countries engage in regional data sharing cooperation and joint research to specifically address cross-border human mobility challenges associated with environmental drivers, unless they are part of specific projects (mainly implemented by international organizations or international academic institutions). However, regional data sharing mechanisms of partial relevance exist in most regions and could be expanded to collect data on human mobility in disaster and climate change contexts specifically;
- Existing provisions mostly focus on **internal human mobility challenges**, and much less so on **international (cross-border) migration and displacement**. As noted above, only half of the reviewed countries explicitly refer to cross-border human mobility challenges in their national development, adaptation and resilience strategies, and most of these mentions are general in scope, with only a few countries considering international migration-based strategies as part of national adaptation

¹⁵⁰ For example, some of the more advanced provisions relating to human mobility in disaster and climate change contexts were included in national instruments as part of externally funded projects or with the support of intergovernmental organizations, which is not equally available to all countries depending on funding priorities and requests for assistance.

efforts.¹⁵¹ While the recognition of internal human mobility challenges is important and constitutes a key step towards addressing the risks of cross-border human mobility challenges, to support the implementation of the GCM, greater attention could be devoted in national instruments both to challenges and to opportunities associated with cross-border movement and to promoting the creation, availability and flexibility of such pathways;

- The main gaps in policy and legislation identified are in the area of **admission and stay, regular pathways, and return and reintegration** (which also reflects broader policy gaps in the area of regular migration pathways, beyond the disaster, climate change and environmental degradation dimensions):
 - In relation to national instruments and cooperation for admission and stay in the context of **sudden-onset disasters**, many instruments of indirect relevance exist that could be applied, but in the absence of explicit recognition of disaster and climate change-related challenges and related protection needs, the provision of such protection is often not guaranteed and left to the discretion of national authorities;
 - This review only found a limited number of examples of regional and bilateral cooperation aiming to identify temporary and permanent solutions for people from countries affected by **slow-onset disasters, adverse effects climate change and environmental degradation**, which are little translated into action, beyond dialogues and declarations. Concrete solutions need to be developed in this area for affected

countries and people, particularly to design long-term and permanent solutions for people unable to adapt or return to their countries due to loss and damage associated with the slow-onset effects of climate change;

- Examples of **readmission and return** agreements addressing disaster circumstances identified in this study were very limited.¹⁵² This likely constitutes an important policy gap to be addressed to ensure that migrants are not returned to countries experiencing a disaster or extreme environmental degradation. Some of their needs may be addressed through temporary protection mechanisms in receiving countries, however greater cooperation would be needed between countries of origin and destination to determine whether conditions for return are safe and durable from a disaster and climate risk point of view, and that measures to strengthen the resilience and livelihoods of returning migrants are in place;
- No examples could be identified on **sustainable migrant reintegration** practices in the countries reviewed in the detailed mapping.¹⁵³ This area does not yet seem to have attracted sufficient policy attention and should be promoted further as it constitutes a key opportunity to address drivers and mitigate the risk of displacement, while supporting the reintegration of returning migrants;
- At the same time, several instruments and practices were identified in a few countries both as part of **regular and exceptional migration measures** in

151 As indicated in Chapter II, the geographic scope of migration or displacement addressed was not always clearly specified in the reviewed documents. In many cases instruments clearly referred to internal movement, but in some cases the distinction was not clearly made and could be subject to interpretation. The figures presented in this paragraph refer to those national instruments that explicitly referred to international (or cross-border) movement. For example, Vanuatu notes the relevance of international labour migration to support adaptation in its 2018 National Policy on Climate Change and Disaster-Induced Displacement.

152 Some examples of national and regional instruments with non-expulsion and non-return provisions exist, for example some provisions were found in national legislation and policies in Argentina, Tajikistan, USA, or at the regional level, in East Africa; but this area would require additional research on existing frameworks (in particular, bilateral return and readmission agreements) and on the application of agreements in practice.

153 Some examples elsewhere exist, for example in West Africa, where such practices have been promoted under projects led by intergovernmental actors and NGOs (for example in Senegal as part of an IOM-led project, which has also contributed to the development of guidance on sustainable "green" reintegration of returning migrants, available at <https://publications.iom.int/books/reintegration-handbook-annex-11-guidance-mainstreaming-environmental-and-climate>).

- terms of provisions for admission and stay in disaster contexts, non-return, regularization of irregular migrants from disaster-affected countries,¹⁵⁴ ad hoc and discretionary measures applied to temporarily (or permanently) grant entry and protection to people affected by disasters, or free movement. Their application in practice in disaster and climate change contexts should be continuously studied and monitored.
- Few reviewed countries have **dedicated instruments** addressing human mobility challenges in disaster and climate change contexts, but the number of such instruments has increased in the last few years (for example Fiji, Bangladesh or Vanuatu have developed such policies after 2018).¹⁵⁵ In addition, several countries have adopted national plans or legislation committing to strengthening policies in that area (Peru, Costa Rica and Argentina are currently developing related legislation or policies). To support the implementation of the GCM, it would be important to ensure that such policies and related implementation efforts sufficiently consider and address international migration dimensions. The present analysis has not been able to review the implementation of such policies, and it would be important to review this as part of future research and analysis, and to monitor progress on these commitments as part of future GCM voluntary monitoring and review efforts;
 - Many reviewed countries have **indirectly relevant provisions**, whether related to migrant inclusion in disaster response, vulnerability reduction, preparedness, admission and stay, regularization, labour migration or free movement. Examples of their application in disaster and climate change contexts are still anecdotal and should be explored in more detail and monitored more systematically, as such evidence could inform further policy development and application.
 - Participation in **regional processes** discussing or addressing human mobility challenges in disaster and climate change contexts could also encourage national policy development, particularly in those regions where regional legally binding frameworks have been adopted and translated into national legislation, or where such processes have facilitated the exchange of knowledge and effective national practices and contributed to developing dedicated guidance and supporting capacity building. The links between regional developments and national policy development could be further studied in more detail.
- These observations from the in-depth country level analysis overall seem to confirm and complement the general overview of the instruments included in the global database presented in the previous chapter. A detailed review of policies in other countries following this methodology could help to identify additional examples of instruments and practices and help to draw a more comprehensive picture at the global and regional levels. As this mapping focused on identifying the existence of relevant provisions, future efforts could look into the extent of implementation of these provisions, as well as their overall relevance to the national context and local needs, through a more in-depth analysis of national instruments, practices and institutional mechanisms.

154 For example, Argentina, Costa Rica and Peru regularized Haitian migrants following the 2010 earthquake.

155 It should be noted that with the exception of Vanuatu, these policies focus on internal (rather than international) human mobility challenges.

5

REGIONAL APPROACHES

The primary objective of this study was to review national instruments and efforts that can contribute to the implementation of GCM commitments. However, several GCM commitments of relevance to human mobility in the context of disasters, climate change and environmental degradation focus on bilateral and regional cooperation. Therefore, regional instruments were also reviewed to some extent as part of the research. The examples presented in this chapter are mainly derived from the findings from the detailed review of 21 countries and from secondary literature reviewed during the compilation of the global database, and are not based on a comprehensive mapping of all existing regional instruments. This overview therefore is not exhaustive, but serves to illustrate existing regional practices of interest contributing to addressing human mobility challenges in the context of disasters, climate change and environmental degradation.

5.1

EXAMPLES OF REGIONAL INSTRUMENTS AND PRACTICES

Overall, a total of 140 regional instruments with relevant provisions were identified as part of the research, including 33 legal instruments and 62 policy instruments. The remaining instruments were categorized as “Other”, and include state-led political declarations, guidelines, funding mechanisms or partnerships. Instruments governing climate change and disasters account for more than half of the identified instruments (71 instruments), and 49 instruments are related to human mobility governance. The remaining instruments focus on sustainable development, human rights and regional integration. In terms of geographic distribution, 56 regional instruments were identified in Africa, only 3 instruments were identified for Arab States, 37 in the Americas, 31 in Asia and the Pacific, 11 in Europe, and two were cross-regional.¹⁵⁶

¹⁵⁶ Asia-Africa RIMES-ECMWF Collaboration and the EUR-OPA Major Hazards Agreement.

5.1.1

Africa and Arab States

Most identified regional instruments in Africa containing provisions on human mobility in disaster and climate change contexts are related to human mobility governance (21 instruments). Of these, close to half are related to free movement, with almost each economic community of Africa having developed a protocol on free movement (although only three were active at the time of writing, and others still awaiting ratification).¹⁵⁷ Most of these instruments have indirect provisions of relevance to disasters, climate change and environmental degradation. The exception is the 2020 IGAD Protocol on Free Movement of Persons, which specifically allows admission and stay, addresses return in the context of disasters and generally recognizes the positive contribution of free movement in the face of disasters, climate change and environmental degradation.¹⁵⁸ Other regional human mobility instruments address migration governance more generally, pastoralism, or internal displacement, many of which make direct references to disasters or climate change.¹⁵⁹ Some instruments have provisions for cooperation on data collection and sharing.¹⁶⁰

Many regional instruments with relevant provisions were identified under the disaster

risk management policy area, including regional and sub-regional implementation plans for the Sendai Framework for Disaster Risk Reduction which are available both at the continental level (as part of the African Union) and for most economic communities of Africa. In addition, two regional instruments were identified focusing on humanitarian response,¹⁶¹ and two on gender and disaster risk reduction.¹⁶² Some sub-regions in Africa have developed climate change strategies, and several instruments focus on issues related to drought,¹⁶³ sustainable land management, agriculture and other sustainable development challenges. These instruments mostly address human mobility issues in a general way, for example recognizing the impacts of climate change on migration and displacement, although some have more advanced provisions for the assistance to displaced persons in the context of disasters.¹⁶⁴ Some countries in different sub-regions of Africa are also involved in regional and sub-regional programmes and projects seeking to address human mobility challenges in disaster and climate change contexts, such as the Great Green Wall Initiative,¹⁶⁵ the Sustainability, Stability and Security (3S) Initiative,¹⁶⁶ the Migration Multi-Partner Trust Fund Project in the IGAD on “Addressing drivers and facilitating safe, orderly and regular migration in the contexts of disasters and climate change in the IGAD region” (see Box 5), the Global

157 1983 ECCAS Protocol relating to the Freedom of Movement and Right of Establishment of Nationals of Member States (active), 1979 ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment (active), 2009 EAC's Protocol on the Establishment of the East African Community Common Market (active), 1998 COMESA Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence (not ratified), 2012 Protocol on Free Movement and Establishment of Persons within the territory of Member States of the Community of Sahel Saharan States (draft), 2018 AEC's Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment (not ratified), 2005 SADC Protocol on the Facilitation of Movement of Persons (not ratified).

158 See also Box 1, and above n 115.

159 For example, the 2012 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and the 2006 Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons both address protection of IDPs in disaster situations. The 2020 ECOWAS Regional Migration Policy includes a sectoral strategy on addressing the impact of climate change on migration.

160 The 3 Year Implementation Plan of Action for the Global Compact on Safe, Orderly and Regular Migration (GCM) in Africa (2020-2022) and the Migration Policy Framework for Africa and Plan of Action (2018 – 2030).

161 The 2012 ECOWAS Humanitarian Policy and the 2015 African Union Humanitarian Policy Framework. Provisions for data collection on disaster displacement are also included in the 2015 African Union Humanitarian Policy Framework.

162 ECOWAS Disaster Risk Reduction Gender Strategy and Action Plan 2020-2030 and SADC Gender-Responsive Disaster Risk Reduction 2020-2030.

163 For example, the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) Strategy, 2019-2024.

164 For example, the 2016 EAC Disaster Risk Reduction and Management Bill includes provisions for admission and stay of persons affected by disasters; the 2015 African Union Humanitarian Policy Framework includes provisions for the protection of disaster displaced people.

165 Great Green Wall Initiative of the Community of Sahel-Saharan States (CEN-SAD): <https://www.fao.org/3/bq725e/bq725e.pdf>

166 3S Initiative: <https://3s-initiative.org/en/3s-brochure/>

Programme Human Mobility in the Context of Climate Change implemented by GIZ, or regional migration, environment and climate change projects implemented with the support of IOM.¹⁶⁷

Only three regional instruments were identified in the Arab States, including the 1994 Arab Convention on Regulating Status of Refugees in the Arab Countries, the 2018 Arab Strategy for Disaster Risk Reduction 2030 and the Prioritized

Action Plan 2018-2020 of the Arab Strategy for Disaster Risk Reduction 2030. The two instruments related to disaster risk reduction make general references to risks associated with disaster displacement, and include provisions for providing assistance to displaced people and for ensuring their participation in preparedness efforts. Some Arab State countries are also signatories of regional instruments in Africa or in Asia, and are therefore covered by provisions under those instruments.

BOX 5. Implementing GCM commitments on human mobility in the context of disasters, climate change and environmental degradation through multipartnership approaches

To support the implementation of the GCM in line with paragraph 43 of the agreement, a start-up fund, the Multi-Partner Trust Fund for Safe, Orderly and Regular Migration (MPTF), was set up to provide seed funding to programmes promoting collective action on migration. In the absence of dedicated funding streams to support projects addressing human mobility challenges in disaster and climate change contexts, the MPTF provides a key opportunity for States and other stakeholders to engage in innovative and collaborative initiatives in this important area. This is effectively illustrated by the regional IGAD Joint Programme “Addressing drivers and facilitating safe, orderly and regular migration in the contexts of disasters and climate change in the IGAD region” launched in 2021 and implemented by IGAD, IOM, ILO, PDD (hosted by UNOPS) and UNHCR.¹⁶⁸

This multi-partner initiative implemented in the IGAD region over a period of two

years supports the implementation of several key GCM commitments related to human mobility challenges in disaster and climate change contexts. Pillar I of the initiative on Data and Knowledge contributes to Objective 1 and to action 18(h) under Objective 2 of the GCM by building the capacities of States and regional institutions to collect and use data and knowledge on the links between migration, displacement, climate change, disasters and environmental degradation, to support informed decision-making. Pillar II of the programme on National and Regional Policy Frameworks directly contributes to actions 18(i), 18(j), and 18(l) under Objective 2 of the GCM by supporting policy development and policy coherence on human mobility in the context of disasters, climate change and environmental degradation both at national and regional levels. Pillar III of the programme on Disaster Displacement Preparedness contributes to actions 18(j) and 18(k) under Objective 2, and action

¹⁶⁸ Information available on the UN Migration Network website: <https://migrationnetwork.un.org/mptf> and the MPTF Project webpage: <https://mptf.undp.org/factsheet/project/00126022>. Accessed 16 April 2022.

¹⁶⁷ For example, the 2020-2022 IOM project “Implementing Global Policies on Environmental Migration and Disaster Displacement in West Africa” or the IOM International Development Fund Project “Research: Mainstreaming Environmental Dimensions in Integration, Reintegration and Relocation initiatives in Lesotho and Mauritius”.

21(g) under Objective 5 of the GCM by preparing States for cross-border disaster displacement and strengthening admission and stay modalities in disaster situations through the development of joint standard operating procedures and simulation exercises. Finally, Pillar IV of the programme on Regular Migration Pathways contributes to actions 21(g) and 21(h) under Objective 5 of the GCM by promoting existing regular migration pathways in the region for migrants affected by disasters and climate change, including through community-level awareness raising and creation of green job opportunities for migrants.

Building on the complementary expertise and capacities of multiple governmental, UN and non-UN entities, the joint programme

contributes to the implementation of several key global policy frameworks in addition to the GCM, such as the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction and the Paris Agreement under the UNFCCC. In addition, to complement these efforts, coordination is ensured with other partners, projects and funding streams. For example, this includes close collaboration between the MTFP Joint Programme and the Global Programme Human Mobility in the Context of Climate Change implemented by GIZ.¹⁶⁹ This type of multi-stakeholder and multi-donor approaches provides an example of possible innovative, comprehensive and collective initiatives that could inspire action to address human mobility challenges in disaster and climate change contexts in other countries and regions.

¹⁶⁹ Information available at <https://www.giz.de/en/worldwide/67177.html>. Accessed 16 April 2022.

5.1.2 Asia and the Pacific

In Asia and the Pacific, most identified regional instruments with relevant provisions concerned disaster management, with about half related to the implementation of the Sendai Framework for Disaster Risk Reduction, and half dedicated to regional and sub-regional joint disaster response. Most of these instruments had general provisions on displacement or evacuation, although a few also included more specific provisions, or established tools to support data collection on disaster displacement.¹⁷⁰

Several regional declarations on climate change had addressed human mobility

issues, including most recently, communiqués adopted as part of the Climate Vulnerable Forum in 2021 in Asia and in the Pacific, which identified efforts to address climate change and migration as a priority for both regions, and called for funding and support to address these challenges.¹⁷¹ In the Pacific, the issue is more prominently addressed as part of the Framework for Resilient Development in the Pacific (FRDP)¹⁷² which guides the overall resilience and adaptation efforts in the region, and includes several commitments and provisions for action on displacement and migration (including migration as part of adaptation). Some relevant efforts are also taking place under regional economic integration and cooperation frameworks, in

¹⁷⁰ The ADINet ASEAN Disaster Information Network collects data on displacement, and the 2017 ASEAN Joint Disaster Response Plan includes provisions for displacement tracking and monitoring. The (expired) Asian Action Plan 2018-2020 for the implementation of the Sendai Framework for Disaster Risk Reduction (SFDRR) also included provisions for displacement data collection and risk assessment.

¹⁷¹ 2021 CVF Asia Regional Communiqué and 2021 CVF Pacific Regional Communiqué.

¹⁷² Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (2017-2030).

particular under the Pacific Islands Forum, which has discussed the challenges related to human mobility in disaster and climate change contexts, and separately promoted cooperation on labour migration.¹⁷³

Fewer relevant instruments were identified in Asia and the Pacific in relation to regional human mobility governance, with most regional migration consultative processes focusing on other thematic issues such as the protection of the rights of migrant workers, or smuggling and trafficking. Some of the regional consultative processes had addressed this issue briefly in the past,¹⁷⁴ but no follow up discussions could be identified. In the Pacific, some discussions have taken place under the Pacific Immigration Development Community (PICD). One guidance document was identified under the Bali Process,¹⁷⁵ which notes the discretionary powers of States to extend permission to stay for people from countries affected by disasters in the context of return and reintegration, which is one of the few provisions of this kind identified in this mapping, even though it does not constitute a binding commitment. Some regional free movement agreements were identified in the region with no provisions directly relevant to disaster or climate change contexts,¹⁷⁶ but their possible applicability or extension could be explored further (see also Box 1). Most relevant instruments and provisions as part of migration governance in the Pacific are found at the bilateral level, with several seasonal and permanent labour migration schemes and agreements available between Australia, New Zealand and specific Small Island Developing States in the region that are particularly

vulnerable to the effects of climate change. These bilateral schemes are not specifically designed to support people affected by climate change, but can benefit some people in such situations; important lessons could be drawn from their design and implementation in practice in order to inform policy and practice elsewhere.¹⁷⁷

Finally, a few dedicated regional programmes, such as the Joint Programme “Pacific Climate Change Migration and Human Security (PCCMHS) Programme” implemented jointly by IOM, ILO, OHCHR, and ESCAP, and the GIZ Global Programme Human Mobility in the Context of Climate Change have also supported countries in the Pacific region in strengthening their capacities to address these challenges, including through regional dialogue and policy development.

5.1.3

Europe and North America

Relatively few regional instruments of relevance to human mobility in disaster and climate change contexts were identified in Europe (and none were identified in North America). A few European Union Directives that address entry and stay, free movement, return or temporary protection may be of certain relevance to address the protection and assistance needs of people from countries affected by disasters, however these instruments have not been designed with such needs in mind and the extent of their applicability in such situations is unclear and subject to the discretion of EU Member States.¹⁷⁸

173 See the (expired) 2005 Pacific Plan for Strengthening Regional Cooperation and Integration and the 2014 Framework for Pacific Regionalism.

174 The 2011 Declaration of the Regional Conference on Refugee Protection and International Migration (Almaty Process) and the 2011 Dhaka Declaration under the Colombo process mention the impacts of climate change on migration.

175 2019 Bali Process Policy Guide Returns and Reintegration.

176 The 2012 ASEAN Agreement on the Movement of Natural Persons, the 2000 Agreement on Mutual Visa-free Travel of Citizens of Belarus, Kazakhstan, Kyrgyzstan, Russian Federation and Tajikistan, and the 2020 Pacific Agreement on Closer Economic Relations (PACER) Plus.

177 For a discussion on these programmes and some of their limitations, see the recent review of seasonal workers schemes in the Pacific conducted by ILO: ILO. (2021). *Seasonal worker schemes in the Pacific through the lens of international human rights and labour standards: A summary report*. Geneva, ILO. Available at https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/publication/wcms_832224.pdf. Accessed 16 April 2022. See also Burson, B., Bedford, R. and Bedford, C. (2021). *In the Same Canoe: Building the Case for a Regional Harmonisation of Approaches to Humanitarian Entry and Stay in 'Our Sea of Islands'*. Geneva, PDD.

178 See Cooper, M. D. (2012). *Migration and Disaster-Induced Displacement: European Policy, Practice and Perspective*. Center for Global Development (CGD) Working Paper 308. Washington, DC.

A few regional policy instruments related to disaster risk reduction, climate change or sustainable development include some general references to the impacts of climate change or disasters on human mobility.¹⁷⁹ As part of regional (and cross-regional) cooperation on disaster response, some countries have worked jointly on improving emergency planning and disaster response to better account for migrants and refugees and engage them in disaster risk reduction activities.¹⁸⁰

5.1.4 Latin America and the Caribbean

In Latin America and the Caribbean, relevant regional instruments identified are mostly related to human mobility governance, including regional and sub-regional declarations as part of regional migration consultative processes, refugee protection tools and instruments¹⁸¹ and some sub-regional free movement agreements,¹⁸² most of which have general or indirect provisions of relevance to human mobility in disaster and climate change contexts. Notably, this region is the only one where regional instruments dedicated to these issues were found: two regional cooperation instruments concern the

regularization of Haitians following the 2010 earthquake, and two guidance instruments adopted as part of regional consultative processes on migration in Central and North America and South America are specifically dedicated to human mobility challenges in disaster and climate change contexts.¹⁸³ More general guidance has also been adopted to help identify and support migrants in situation of vulnerability, which recognizes people displaced by disaster and climate change as migrants at risk.¹⁸⁴

Most other regional instruments identified in the region concerned cooperation for disaster risk reduction and humanitarian assistance, which nearly all recognize the vulnerability of migrants and displaced people and include specific commitments to protect them and address disaster displacement (including cross-border displacement).¹⁸⁵ Some provisions are related to data collection on disaster displacement.¹⁸⁶ These commitments are further supported by strong institutional arrangements for joint disaster response in the region, with dedicated sub-regional agencies and tools.¹⁸⁷

179 For example, the 2019 European Green Deal recognizes the impacts of climate change on displacement but does not envisage specific action to address it.

180 Such cooperation has taken place as part of the EUR-OPA Major Hazards Agreement, which brings together Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Georgia, Greece, Luxembourg, Malta, Republic of Moldova, Monaco, North Macedonia, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Ukraine, Lebanon, and Morocco.

181 The 1984 Cartagena Declaration on Refugees has an extended definition of refugees; the 2014 Brazil Declaration and Plan of Action "Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity" recognizes the risk of cross border displacement associated with disasters and climate change; and the 2017 San Pedro Sula Declaration contributing to the Global Compact on Refugees recognizes the multicausality of movement, including in the context of climate change.

182 Free movement agreements were identified in the Caribbean (under the Organisation of the Eastern Caribbean States), Central America (under the System for Integration of Central America), South America (under MERCOSUR) and in the Andes (Andean Community of Nations).

183 The 2018 SACM Regional Guidelines on Protection and Assistance for Persons Displaced across Borders and Migrants in Countries affected by Disasters of Natural Origin and the 2017 Guide to Effective Practices for RCM Member Countries: protection for persons moving across borders in the context of disasters.

184 2013 Regional Guidelines for the Preliminary Identification and Referral Mechanisms for Migrants in Vulnerable Situations.

185 For example, provisions to address cross-border displacement are included in the CEPREDENAC Regional Disaster Risk Reduction Plan 2014-2019, while the 2015 San Salvador Declaration calls for cross-border cooperation to address the needs of people displaced by disasters.

186 Related direct provisions were found in the 2017 Central American Policy on Comprehensive Disaster Risk Management (PCGIR); the 2018 Implementation Plan for the Andean Disaster Risk Reduction includes more general provisions on disaster risk data.

187 For example, the Caribbean Disaster Emergency Management Agency (CDEMA) and the Caribbean Catastrophe Risk Insurance Facility support States in the Caribbean in preparing and responding to disasters, and in Central America, the Centre for the Coordination of Disaster Prevention (CEPREDENAC) plays a similar role and supports activities related to cross-border disaster displacement preparedness.

Fewer relevant regional instruments were identified in relation to cooperation on climate change governance or sustainable development, with most of them including only general references to human mobility issues.

An exception was the 2019 Plan for Integrated Development in Central America, which includes a whole chapter dedicated to climate change, migration and disasters.

Table 3. Examples of regional tools of relevance to GCM commitments related to human mobility challenges in disaster and climate change contexts (non-exhaustive)

Type of commitment	Relevant GCM objective, action and corresponding indicators	Examples of regional instruments, initiatives and tools
Cooperation on data collection and information sharing	Obj. 2, 18(h) Indicator 3.4	<p>East Africa: the IGAD Climate Prediction and Application Centre (ICPAC) collects data on climate change, disasters and displacement as part of the MPTF Regional IGAD joint programme and with support of the GIZ Global Programme Human Mobility in the Context of Climate Change.</p> <p>West Africa: The West African Science Service Centre on Climate Change and Adapted Land Use (WASCAL) conducts regional-level research on climate change and rural-urban and cross-border migration.</p> <p>South-eastern Asia: The ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) collects data on disasters and displacement as part of the ADINet ASEAN Disaster Information Network.</p>
Cooperation on disaster displacement preparedness and response addressing the needs of migrants and displaced people	Obj. 2, 18(j) and 18(k) Indicators 5.1, 6.1	<p>Africa: The 2015 African Union Humanitarian Policy Framework includes comprehensive provisions for the protection and assistance to disaster displaced people at all stages of displacement.</p> <p>Asia: The Asia-Pacific Action Plan 2021-2024 for Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 identifies efforts to protect and promote the rights of marginalized groups during disaster-induced evacuation and displacement as a priority for national-level action.</p> <p>Latin America: The Implementation Plan for the Andean Disaster Risk Reduction for 2019-2030 calls for regional cooperation to reduce the risk of displacement through disaster risk management bilateral agreements and protocols.</p> <p>Caribbean: The 2020 Regional Protocol for the Integrated Protection of Children and Adolescents in Emergency and Disaster Situation presents standards and recommendations to avoid and address displacement of children in disasters.</p>
Cooperation on sustainable development, climate change adaptation and resilience addressing human mobility	Obj. 2, 18(k) Indicator 6.2	<p>West, Central and Southern Africa: The Sustainability, Stability and Security (3S) Initiative seeks to create green jobs for vulnerable people, including migrants, and to prevent displacement through preparedness and early warning systems.</p> <p>East Africa: The IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) Strategy for 2019-2024 seeks to build the resilience of vulnerable communities to prevent displacement, and to foster regional cooperation on drought management. It considers migration as an adaptation strategy.</p> <p>Pacific: The 2016 Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management promotes regional cooperation and national action to address and prepare for displacement and increase the resilience of vulnerable communities.</p> <p>Central America: The 2019 Plan for Integrated Development in Central America includes a dedicated chapter on climate change, migration and disasters.</p>

Type of commitment	Relevant GCM objective, action and corresponding indicators	Examples of regional instruments, initiatives and tools
Dialogues, processes and tools dedicated to addressing human mobility in disaster and climate change contexts	Obj. 2, 18(l) Indicators 7.1, 7.2	<p>West Africa: The Migration Dialogue for West Africa (MIDWA) has a Thematic Working Group on climate change, land degradation, desertification, environment and migration.</p> <p>Central America: As part of the regional consultative process on migration, a Guide to Effective Practices for RCM Member Countries: Protection for Persons Moving Across Borders in the Context of Disasters was adopted in 2017, and is being rolled out with the support of regional actors such as CEPREDENAC.</p> <p>South America: As part of the regional consultative process on migration, Regional Guidelines on Protection and Assistance for Persons Displaced across Borders and Migrants in Countries affected by Disasters of Natural Origin were adopted in 2018, and a working group on migration, environment, disasters and climate change was established in 2021.</p> <p>Pacific: The Regional Policy Dialogue organized under the Pacific Climate Change Migration and Human Security (PCCM-HS) programme aims to support policy development to address challenges related to human mobility in disaster and climate change in countries in the Pacific.</p>
Cooperation on admission and stay for migrants from countries affected by sudden-onset disasters	Obj. 5, 21(g) Indicator 8.2	<p>East Africa: The East African Community (EAC) Disaster Risk Reduction and Management Bill passed in 2016 commits Member States to grant entry and temporary residence to citizens of other Member States in case they are affected by a disaster.</p> <p>East Africa: The 2020 draft IGAD Protocol on Free Movement of Persons allows citizens of IGAD Member States to cross borders in anticipation of, during or in the aftermath of a disaster.</p> <p>Latin America and the Caribbean: The 2019 Interamerican Principles on the Human Rights of all Migrants, Refugees, Stateless persons and Victims of Trafficking call on States to provide measures for the regularization of migrants based on humanitarian reasons, including disasters.</p>
Cooperation to develop temporary and permanent migration-based solutions and pathways for people affected by slow-onset environmental drivers	Obj. 5, 21(h) Indicators 9.1, 9.2	<p>Asia: The 2021 CVF Asia Regional Communiqué considers climate change and migration as a key regional priority and calls for support to assist and protect climate-displaced persons and migrants in the region.</p> <p>Pacific: The 2016 Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management encourages the use of regional labour migration schemes to address the vulnerability of people affected by climate change.</p> <p>Central America: The 2020 draft Action Plan for the Comprehensive Approach to Migration (PAIM-SICA) includes commitments to strengthen prevention and response to human mobility associated with environmental factors and to develop criteria for the recognition of an “environmental migrant” category.</p>
Cooperation on return and readmission in disaster situations	Obj. 21, 37(a) Indicator 10.1	<p>East Africa: The 2020 draft IGAD Protocol on Free Movement of Persons includes provisions allowing disaster-affected people to remain in another country as long as return to their country of origin is not possible or reasonable. The EAC Disaster Risk Reduction and Management Bill promotes cooperation between host countries and countries affected by a disaster for the return of citizens to the affected country.</p> <p>Asia: The 2019 Bali Process Policy Guide on Returns and Reintegration brings the attention of States to the possibility for them to grant temporary or permanent permission to stay to people from countries affected by disasters.</p> <p>Europe: The European Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts between Member States in Receiving Such Persons and Bearing the Consequences Thereof encourages Member States to consider compelling humanitarian reasons which may make return impossible or unreasonable.</p>

5.2

GENERAL CONSIDERATIONS REGARDING REGIONAL FINDINGS

As the mapping of regional instruments as part of this research was not exhaustive, many knowledge gaps remain. A more systematic and thorough review of relevant instruments for each region would help to identify additional relevant frameworks and cooperation efforts, as well as opportunities to strengthen regional cooperation on human mobility challenges in disaster and climate change contexts. In terms of policy gaps, similarly to the observations drawn from the review of national instruments, a key gap remains in terms of cooperation on admission and stay and sustainable return in disaster contexts, and on regular pathways

and long-term solutions for people from countries affected by slow-onset disasters and environmental degradation, including in the context of climate change. So far most regional cooperation efforts addressing the challenges related to human mobility in the context of disasters, climate change and environmental degradation are undertaken as part of disaster risk reduction and climate change adaptation cooperation. These efforts can significantly contribute to addressing the drivers and reducing the risks of displacement, but they may not address some of the key protection and assistance needs in relation to cross-border human mobility in such contexts. Finally, the existence of provisions does not always translate into concrete actions, and more research should be supported to assess the extent of implementation of these commitments at the national level.

6

GENERAL OBSERVATIONS AND RECOMMENDATIONS

The elements presented in the previous chapters, while not exhaustive, allow to make general observations with regards to national and regional policy development and gaps in relation to human mobility in the context of disasters, climate change and environmental degradation, and particularly in relation to the implementation of related commitments under the GCM. This chapter reflects on the main findings identified above, and formulates recommendations for consideration by governments, regional organizations, international organizations, researchers and other stakeholders.

6.1

OVERALL OBSERVATIONS FROM THE FINDINGS

This study helped to identify certain features of policy development on human mobility in disaster and climate change contexts. The following general observations can be made:

- Overall, there is increased recognition and policy development efforts at national and regional levels in relation to addressing human mobility challenges associated with environmental drivers, which is manifest through the increasing number of relevant instruments and provisions over the

last decade (as compared to preceding years). These changes are also likely to be influenced by and draw on international and regional policy developments in this area;

- Efforts to address and minimize adverse drivers of human mobility have received greater attention as compared to other policy areas in relation to these issues, which also aligns with and reflects the current prevention-oriented priorities of international cooperation;
- A few countries have developed or are currently in the process of developing dedicated policy or legal instruments specifically addressing human mobility challenges in disaster and climate change contexts, which also seek to ensure vertical and horizontal policy coherence. Their experience can inform policy development elsewhere;
- Some countries have dedicated migration policy and legal tools that can provide protection and assistance to migrants and people displaced in the context of disasters and climate change, internally and across borders, and these instruments can provide useful models for inspiration or replication in other countries. In addition, many countries have instruments with less direct or explicit provisions, which can be used or adapted further to address the needs of migrants in the context of disasters and

climate change more specifically, including with respect to strengthening regular migration pathways;

- Regional cooperation and dialogues addressing this issue have increased and exist now in most regions of the world, although not all countries participate in such regional processes;
- Many tools and guidance documents are being developed by governments, intergovernmental organizations and other stakeholders, including in the context of regional processes, which can support governments in further policy development efforts.¹⁸⁸

6.2

GAPS IDENTIFIED

Several gaps were identified in relation to the implementation of relevant GCM commitments, including policy and knowledge gaps.¹⁸⁹

Policy gaps

In terms of policy gaps, one key gap is related to the types of human mobility covered by the instruments identified in this study. In many cases, provisions in the identified instruments address internal human mobility challenges, rather than **international (cross-border) migration and displacement** or are not clear about the scope of human mobility covered by the instrument. This is particularly the case with respect to instruments governing climate change adaptation, disaster risk management and sustainable development. As discussed in the Analytical Framework, addressing internal human mobility challenges is an important first step towards addressing cross-border human mobility challenges and ensuring that migration is a choice and not a necessity, and as such these instruments are important to achieving Objective 2 of the GCM. However, in

order to better support the implementation of the GCM commitments, it would be critical to strengthen policy and legal provisions relating to international migration in the context of disasters and climate change, in particular to address the needs and protect the rights of people compelled to leave their countries, and to enhance the availability and flexibility of pathways for regular migration in this context.

Additional policy gaps identified through the review of the global database and detailed mapping relate to the availability of clear **provisions for admission and stay and for the temporary protection** of people compelled to leave their countries following a disaster or slow-onset effects of climate change. In many cases, national immigration and other relevant legislation include indirect and broad provisions, which could be interpreted as applicable, but whose application is often dependent on the interpretation and discretionary powers of national authorities. Clearer and direct provisions addressing admission and stay in disaster circumstances and in the context of climate change would strengthen the predictability and capacity to provide adequate and relevant protection and assistance for migrants and displaced people in these contexts. At least 20 countries were found to have such direct provisions, and their experience can offer useful models for other countries. In relation to this gap, it is also important to note that existing identified provisions are also found in instruments that may fall outside of the scope of the GCM, such as refugee laws and other protection instruments. Governments thus have access to a broader set of protection tools to consider and use in this context, while ensuring complementarity and coherence between different frameworks at the national level, and their consistent implementation.

Concrete solutions to address human mobility in the context of **slow-onset and permanent climate change effects** are a particular gap area where international, regional and bilateral efforts need to be strengthened. Very few instruments of possible (mostly

¹⁸⁸ See Annex A of the Analytical Framework for examples of guidance relevant to different GCM objectives and actions.

¹⁸⁹ Some of these gaps may be related to the limitations of the research methodology and data collection process, as outlined in the Limitations section in Chapter II. The results should therefore be interpreted with this caveat in mind.

indirect) application were identified in this review, and more efforts should be invested in developing such solutions for long-term and permanent migration from areas that may become uninhabitable due to the adverse effects of climate change. Solutions could be based on existing instruments such as rights-based labour mobility schemes, citizenship programmes, free movement and residence agreements, or addressed through innovative tools including special dedicated migration categories, visas and pathways. Similarly, solutions could involve innovative policies and practices, for example by promoting decent and inclusive employment opportunities as part of the green and just transition, and involving migrant workers, displaced people and returning migrants in the process.

Another gap relates to promoting and investing in **national and regional data collection and management systems**: despite progress in the last two decades, availability and use of policy-relevant data and evidence on human mobility in disaster and climate change contexts remains limited, particularly regarding local, national, and sub-regional (and bilateral) cross-border dynamics.¹⁹⁰ While the GCM calls for transboundary cooperation on data and information sharing, progress on joint data collection will remain limited unless national capacities and knowledge are strengthened. At this stage, not all countries even recognize the need to invest in national data collection and management systems on this topic; and even fewer countries consider transboundary research or data cooperation. Efforts to strengthen national capacities for data collection and use, and to foster regional collaboration and systems for data sharing and joint analysis to inform regional and national policy development could be strengthened further, for example by building on existing regional disaster risk or migration data collection systems. Such efforts could focus, inter alia, on identifying cross-border human mobility trends in the context of environmental drivers (including temporary, circular, and informal migration) and associated vulnerabilities and human rights concerns.

An important gap to address relates to the importance to standardize, systematize and ensure comparability of data across countries, and to better articulate data collection efforts across thematic areas (including human mobility, climate, environmental and disaster risks, and socio-economic parameters).

In relation to **cross-cutting approaches**, in particular human rights and gender integration, as well as the people-centred approach overall, some of the reviewed instruments explicitly indicate human rights-based approaches and gender responsiveness as key guiding principles of the policy, which would imply that any actions implemented under the instrument (including those related to addressing displacement or migration in disaster and climate change contexts) should be guided by these principles too. Such human rights-based, gender-responsive and inclusive approaches overall can generally contribute to strengthening the resilience of individuals and addressing the human mobility drivers associated with gender inequality and with the different situations, needs and capacities of women, men and those who identify outside of those binary categories. However, in the absence of a clear and direct integration of human rights and gender dimensions in provisions addressing human mobility in disaster and climate change contexts (and vice versa), such dimensions may be overlooked during the implementation, in particular when it comes to planning and providing assistance and solutions for affected individuals. Similar concerns can be raised with regards to other groups with special needs, including people with disabilities, older persons, and economically and socially marginalized people who may face barriers to movement and become trapped in situations of high vulnerability. While noting that the extent of necessary provisions depends on the type and purpose of different policy and legal instruments, the limited integration of these issues overall could constitute an important policy gap that would need to be addressed in many countries.

¹⁹⁰ On the state of research and data on human mobility in the context of disasters and climate change, and related gaps, see for example IOM and Eurasyllum Ltd. (2020). *Migration Policy Practice, Special Issue on Data, Human Mobility and the Environment*, Vol. X, Number 1, January–March 2020.

In relation to the **whole-of-government principle**, and in particular to vertical policy coherence, instruments in many countries recognize the importance of local governance, and some assign roles to local and city-level actors, however such provisions often apply to the overall thematic area covered by the instruments, and not specifically to local human mobility, disaster and climate change challenges. The role of local governments and other actors in addressing these issues at the local (and urban) level could be recognized and promoted further, and national action could be mirrored better through local-level planning and implementation.

Overall, while an impressive number of relevant instruments and provisions were identified in many countries across all regions, **in some countries fewer or no instruments** were identified. For some of these countries, instruments might be less accessible or less well documented; for others this might point to a lack of relevance or necessity to address such issues; and for others yet, this might point to a policy gap. Efforts to support these countries in identifying relevant policy needs and gaps, and developing policies and legislation according to their national context could be pursued as part of the implementation of the GCM commitments on regional and international cooperation. Possible barriers and incentives to countries' participation in relevant regional processes could also be studied further, along with an analysis on whether, to what extent and under which conditions international and regional policy developments influence national decision-making. Some useful lessons could be drawn in that regard from the experience of national policy development as part of the implementation of the SFDRR, UNFCCC or UNCCD, or from efforts to translate regional instruments, such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), into national legislation.

It is important to note that the absence of dedicated instruments in a country does not constitute a gap per se, if strong and complementary provisions exist across different policies, or if adequate measures are applied in practice. Strong and targeted provisions in migration, adaptation or disaster

risk reduction instruments can be as effective as standalone dedicated instruments on human mobility in disaster and climate change contexts, as long as they are accompanied with robust **implementation and follow-up mechanisms and institutions**. The existence of dedicated instruments often indicates the interest and commitment of governments, but is only effective if translated in practical implementation. Ultimately, the effectiveness of provisions depends on State practice and application of these provisions and on the existence of institutional structures, coordination mechanisms and resources to support implementation.

Research and knowledge gaps

Some research and knowledge gaps were also identified on the basis of the findings derived from the global and detailed mapping.

The detailed review demonstrated the added value of more **advanced country-level research** to help identify additional examples of national instruments not yet captured in existing research and in the global database. In particular, compared to other regions, the relatively lower number of instruments identified in Asia may be pointing to an important knowledge gap, which could be addressed through comprehensive policy and legislation reviews of countries in the region in line with this study's Analytical Framework, and in collaboration with national researchers and countries. The same applies to countries in other parts of the world where language and other access-related barriers have limited such research so far.

Another knowledge gap concerns specific thematic aspects of the GCM, in particular when it comes to **Objective 21 on return and reintegration**, and to some extent to **Objective 5 on regular migration pathways**, and particularly on bilateral agreements and practices for admission and stay, as well as labour migration arrangements. These aspects would require more extensive research in consultation with national experts in order to identify relevant policy and legal instruments and ad hoc practices which may offer valuable examples of effective measures to facilitate admission and stay, regularization, readmission

and sustainable return, and long-term solutions for people from countries affected by disasters and climate change. A complementary area to investigate would be with regards to the effects of the Covid-19 pandemic on the application of discretionary measures for admission and stay, and the lessons that can be drawn from this crisis in terms of the flexibility or rigidity of existing frameworks, provisions and practices.¹⁹¹

This research, including the detailed review of 21 selected countries, focused on a selection of indicators and GCM actions; many more aspects that were not reviewed as part of this study would be relevant to investigate further, for example to assess **policy coherence** efforts (which could be captured through indicator 1.1 related to GCM Objective 2, paragraph 18(a)), **international cooperation** efforts (through the indicators proposed under Objective 23, paragraph 39(b)), as well as an in-depth review of **alignment with human rights and the integration of other GCM principles**. These aspects, in particular gender responsiveness, child sensitivity, and local governance could only be addressed here through anecdotal examples. The application of the proposed thematic markers to other instruments included in the global database could help to identify additional examples of related provisions and effective practices, as well as associated gaps. As a more advanced step at country level, subsequent efforts could focus on in-depth rights-based and gender analysis of national policies and legislation of relevance to human mobility in disaster and climate change contexts in order to understand how the implementation of these policies will affect women, men, LGBTQI people and their rights differently. Further country-level analyses could also look at the relevance of policies to the rights and needs of other groups, such as people with disabilities, older persons, undocumented migrants, and economically and socially marginalized groups at risk of being trapped in areas affected by disasters, the adverse effects of climate change and environmental degradation. This could in turn

help to identify ways to strengthen national policy and legal frameworks to make them more people-centred, rights-based and gender-responsive and tailored to national and local issues and needs.

Finally, a critical area for further research and analysis would be to review the **extent of implementation** of existing instruments and provisions, the adequacy and effectiveness of existing implementation modalities and mechanisms, and the outcomes of their application in practice. This could constitute an important second stage as part of this baseline mapping process and of future monitoring efforts in relation to the implementation of relevant GCM commitments, for example through the development and application of a second layer of process- and outcome-level indicators. An comparative analysis of the evolution of national policies and legislation over time, based on the information compiled in the global database, could also help to identify general directions and progress in national policy development.

6.3

RECOMMENDATIONS

On the basis of the findings presented in this report, the following recommendations are proposed to support further efforts by governments, regional and international actors, and other stakeholders to implement the GCM commitments related to addressing human mobility challenges in the context of disasters, climate change and environmental degradation.

¹⁹¹ Some studies have been conducted in Asia on the effects of Covid-19 on migration and internal displacement in disaster and climate change contexts, and complementary research could study these dynamics in other regions. See Weerasinghe, S. (2021). *Weathering the Storms: COVID-19, Disasters and Internal Displacement in the Asia Pacific in 2020*. UNDRR and IOM; and ILO. (2021). *Impact of COVID-19 on nexus between climate change and labour migration in selected South Asian countries: An exploratory study*. Geneva, ILO.

Recommendations for national governments:

- Strengthen commitments and implementation efforts related to addressing human mobility in disaster and climate change contexts, including by developing GCM National Implementation Plans and GCM pledges that acknowledge and address these challenges. Such efforts would benefit from cooperation with frameworks and actors relevant to governing other forms of human mobility in line with their mandates;
- Consider the gaps and opportunities identified in this review, to the extent relevant to the national (and regional) context, and strengthen efforts to address them, in collaboration with other stakeholders with the relevant expertise, including local governments and affected communities;
- Conduct a more thorough review of relevant national frameworks, drawing on the proposed Analytical Framework and indicators, to identify strengths, gaps and opportunities for policy, programmatic and practice development;
- Consider and include issues and action related to human mobility in disaster and climate change contexts as part of the reporting to the GCM follow-up and review processes and other relevant international monitoring frameworks and forums, such as the UNFCCC. The proposed Analytical Framework and indicators can support these efforts, and help to strengthen the recognition of these issues in GCM National Implementation Plans, NDCs and NAPs, national disaster risk reduction strategies and other policy instruments;
- Promote comprehensive and coherent approaches to human mobility in disaster and climate change contexts across policy and action areas, for example through cross-sectoral strategies and national coordination and implementation mechanisms, and by involving other frameworks and actors of relevance to different forms of human mobility. The

results of this baseline mapping provide useful examples of possible measures that can be adapted according to the national context, and existing mechanisms for technical assistance under various global policy processes could further support these efforts;¹⁹²

- Explore innovative, positive and inclusive action to address policy gap areas (for example, build on existing, but also consider and develop new migration pathway options and special visa categories, including to strengthen opportunities for migration as part of adaptation efforts; promote migration benefits for sustainable development, disaster risk reduction and adaptation through the involvement of migrants, returnees and diaspora; promote migrant integration and reintegration opportunities through employment opportunities in the green and just transition);
- Step up bilateral and regional dialogues to address areas requiring increased cooperation between countries, for example in relation to admission and stay arrangements, regular pathways or readmission and return;
- Identify funding and financing solutions to address human mobility challenges in disaster and climate change contexts, at both national and local level, focusing on policy, data and research gaps identified in previous chapters.

Recommendations for regional organizations:

- Continue to strengthen regional-level commitments to address human mobility challenges in disaster and climate change contexts, including through continued dialogue as well as through the development of dedicated practical policy and legal tools and guidance;
- Cooperate to address gaps identified in this report at the regional level, for example in relation to strengthening and standardizing disaster, climate change and human mobility data collection and sharing,

¹⁹² For example, the Santiago Network for Loss and Damage (<https://unfccc.int/santiago-network/about>) and the work of the WIM Task Force on Displacement under the UNFCCC, and similar support mechanisms and guidance available under the 2030 Agenda for Sustainable Development or the Sendai Framework for Disaster Risk Reduction.

supporting capacity building of Member States, developing stronger and more tailored regional policy frameworks, and ensuring accountability mechanisms;

- Provide support to Member States in implementing their commitments through the development of dedicated guidance and mobilization of funding and expertise;
- Promote regional monitoring and reporting mechanisms to encourage national-level application of instruments.

Recommendations for relevant UN entities and international organizations:

- Provide support to countries in implementing their commitments through the development of tailored guidance, capacity building, support to data collection, fund mobilization and provision of relevant expertise;
- Support further country and local-level analysis and research, including using the proposed methodology and baseline findings, to identify main issues and gaps at national and local level and to inform policy development in support of the GCM commitments on human mobility in disaster and climate change contexts;
- Support countries in their monitoring and reporting efforts, for example through the application of the proposed Analytical Framework and indicators, and report own efforts based on this tool and adapting it as necessary;
- Support efforts to continuously refine the Analytical Framework tool to extend it to other relevant GCM objectives and actions (for example, on reintegration, diaspora engagement, migrant vulnerability), and to upgrade it in line with progress in the different stages of implementation of the GCM (for example, by adding outcome-level indicators to measure policy effectiveness, and specific indicators on human rights, gender-responsiveness, child-sensitivity, policy coherence, local governance and other GCM principles);
- Promote and strengthen opportunities for dedicated complementary and coherent reporting on human mobility in disaster and climate change action under other existing monitoring frameworks, (e.g. the SDG indicators framework, the Sendai Monitor, and UNFCCC reporting mechanisms; or as part of national policy review efforts, such as the MGI profiles);
- Update or develop more specific guidance on the development and use of regular migration pathways and certain mobility-based instruments, such as bilateral labour migration agreements, specifically to respond to disaster and climate change challenges;¹⁹³
- Strengthen complementarity and collaboration across other relevant policy areas and actors, including by ensuring that refugee law frameworks, including the Global Compact on Refugees (GCR), are consistently considered and remain available and accessible as part of a “toolbox” of responses to address protection needs in disaster and climate change contexts;
- Develop more detailed guidance on human-rights based approaches, gender mainstreaming, policy coherence, local governance and other cross-cutting approaches specifically adapted to policies on human mobility in disaster and climate change contexts, building on existing research and guidance.¹⁹⁴

193 Existing guidance includes for example the UNMN Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability and the UNMN Global Guidance on Bilateral Labour Migration Agreements, both available on the UN Migration Network website under relevant Working Groups: <https://migrationnetwork.un.org/working-groups>. See also ILO Guidelines for a just transition towards environmentally sustainable economies and societies for all: https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_432859.pdf.

194 See for example OHCHR work and reports on Human Rights, Climate Change and Migration: <https://www.ohchr.org/en/climate-change/human-rights-climate-change-and-migration>; for local and urban level action, see for example the UNDRR Disaster Resilience Scorecard for Cities, which includes an addendum on disaster displacement: <https://www.unisdr.org/campaign/resilientcities/toolkit/article/disaster-resilience-scorecard-for-cities.html>. More generally, see references to useful guidance provided in Annexes A and B to the accompanying Analytical Framework.

Recommendations for donor agencies:

- Promote the allocation of funds under existing funding streams (such as the Migration Multi-Partner Trust Fund, the Adaptation Fund, the Green Climate Fund, the Global Environment Facility, etc.) to projects addressing human mobility in disaster and climate change contexts, including through increased flexible and unearmarked contributions to these funds or through earmarked contributions dedicated to this thematic area;
 - When allocating funds to address human mobility challenges in disaster and climate change contexts, prioritize programmes adopting integrated cross-sectoral and multi-stakeholder approaches, particularly at the regional level, ensuring alignment with the GCM commitments and guiding principles and building on the experience and lessons learned from existing and past projects;¹⁹⁵
 - Ensure that adequate funding is allocated to projects and programmes contributing to address policy, capacity building and research gaps highlighted in this report and those identified as part of key global research projects.¹⁹⁶
- Recommendations for the research community:**
- Support further research efforts to populate and continuously update the global database, identify additional instruments at national and local level, confirm the status of instruments, analyse their relevance to different GCM actions, and review their implementation status and gaps;
 - Conduct research to address the knowledge gaps identified in this report, particularly in relation to the relevance and applicability of certain types of indirectly relevant instruments, and to review the evolution of national and regional policy development over time (in particular, since the adoption of the GCM);
 - Conduct complementary research of existing instruments to review the extent to which they consider and address particular aspects around human mobility in disaster, environmental degradation and climate change contexts (for example, slow-onset events, trapped populations, provisions for people who leave, and for those who stay behind), and analyse how such aspects could be better reflected in policy responses;
 - Support a human rights and gender analysis of existing national instruments for a more comprehensive review of how national instruments and the policy landscape are fit to protect the rights of those displaced or on the move (and in particular, marginalized communities, people with special needs), what mechanisms are available and how these principles have been translated in practice;
 - Contribute to the development of additional indicators and a methodology to support a more advanced mapping of the implementation of relevant GCM commitments, in particular to measure the application of existing instruments in practice and their effectiveness;
 - Support further efforts to regularly update and use the global database for other types of academic research and in support of other policy processes, such as those addressing internal disaster displacement and migration, climate change adaptation, disaster risk reduction and sustainable development.

195 Many examples of national and regional programmes which can serve as models for replication and upscaling can be found in the UNMN Repository of Practices: <https://migrationnetwork.un.org/hub/repository-of-practices>.

196 Information about several past and ongoing research projects on human mobility in disaster and climate change contexts and their policy-relevant recommendations can be found on the website of the Hugo Observatory: https://www.hugo.uliege.be/cms/c_4655083/en/hugo.

Recommendations for other stakeholders
(including the civil society, national human rights institutions, representatives of migrants and local communities, the private sector):

- Ensure accountability of action, for example using the Analytical Framework as a tool to analyse progress made by governments against the implementation of GCM commitments related to human mobility in disaster and climate change contexts;
- Support governments, particularly at local level, in implementing and reporting on these commitments;
- Report own efforts and action using this tool, and collaborate with the UN Network on Migration to update the tool in a way to better capture multi-stakeholder efforts;
- Support the review of the application of key GCM principles as part of policy development and implementation, in particular with regards to people-centered and human-rights based approaches, gender-responsiveness, child-sensitivity, whole-of-government, whole-of-society, and rule of law and due process.

7

CONCLUDING REMARKS

This report constitutes a first and preliminary attempt at reviewing efforts by governments contributing to the implementation of GCM commitments related to addressing human mobility in the context of disasters, the adverse effects of climate change and environmental degradation. The findings presented in this report are by no means exhaustive, and are limited to offering insights and examples both in terms of policy development and achievements, and in terms of policy gaps.

These findings have allowed to identify general insights which can inform further policy development and complementary research. For example, the predominance of relevant provisions in climate change adaptation and disaster risk governance instruments points to the relevance and opportunities to address human mobility challenges through the growing body of policy and legislation in these sectors. However, additional efforts are needed to ensure greater integration of these dimensions in other sectoral policies (in particular, migration strategies and sustainable development policies) and to ensure policy coherence across sectors. Such efforts would also benefit from cooperation with other frameworks and actors relevant to other forms of human mobility and in line with their respective mandates.

In addition, despite the impressive number of identified instruments and provisions, in

many cases references to human mobility in disaster and climate change contexts remain general, limited and discretionary, and predominantly focused on internal, rather than international movement. This undermines possible implementation of effective action, in the absence of concrete commitments and targets and of related monitoring and accountability mechanisms. Efforts to address particular human rights and protection gaps that migrants and displaced people from countries affected by disasters and climate change face, including in the long term, are still insufficient in most countries. Examples of policies and legislation that do address these concerns identified as part of this research can offer useful models for replication in other countries, from expanding the scope of existing instruments providing different forms of protection (including on human rights and humanitarian grounds), to developing dedicated instruments and specific migration categories.

Additional gap areas remain in particular when it comes to developing long-term solutions and integrated action towards inclusive sustainable development, such as the creation of employment opportunities in the green and just transition accessible to vulnerable communities, migrants and returnees. Finally, regional and international cooperation efforts, while constituting some of the most tangible examples of action and progress in this

thematic area, could be strengthened further through a shift from general dialogue to more concrete action and support to policy and legal development and implementation both at national and regional levels. Ultimately, the existence of instruments is only effective if supported by adequate institutions and implementation mechanisms and translated into concrete action. Regional and international actors can help to promote the application of existing frameworks in an integrated and consistent manner, to ensure that no one is left behind.

The recommendations provided in this report to governments, UN entities and international organizations, the civil society, the research

community and other stakeholders indicate possible directions towards strengthening the implementation of GCM commitments and overall action to address human mobility challenges in the context of disasters and climate change. Continued monitoring and reporting of such efforts through the International Migration Review Forum and other international monitoring frameworks, under the 2030 Agenda for Sustainable Development, the Sendai Framework for Disaster Risk Reduction and relevant UNFCCC mechanisms, constitutes one such avenue, along with further capacity building and support to policy development, in which all stakeholders have an important role to play.

ADDENDUM I.
DATA COLLECTION
AND ANALYSIS
METHODOLOGY

This Addendum provides additional information regarding the data collection and analysis process introduced in Chapter I of this report. It describes the type of instruments reviewed, the sources consulted, as well as the data analysis process. This information complements and updates the methodology described in the Analytical Framework.

INSTRUMENTS REVIEWED

The data collection process primarily focused on national-level legislation (for example, laws, decrees, acts, resolutions, regulations, agreements) and policies (for example, policies, action plans, strategies, frameworks, NAPs, (I)NDCs). For some actions and indicators, regional and bilateral instruments were also identified and reviewed, where such information could be easily obtained from secondary literature and some key online repositories.

Instruments were reviewed across four main policy sectors, broadly grouped as: Human Mobility (e.g. migration, displacement, evacuation, planned relocation, refugee protection, resettlement, reintegration); Climate Change (e.g. climate change mitigation, climate change adaptation); Disasters (e.g. humanitarian assistance, disaster preparedness, disaster response, disaster risk reduction); and Sustainable Development (e.g. environmental/ecosystem management, integrated coastal zone management, land management, urban/rural planning, development, poverty reduction, food and agriculture, public health, education, gender equality, social justice). For some countries,

where such information was available from past mapping exercises or secondary literature, additional instruments falling outside of these four thematic categories were also considered, such as national constitution documents or human rights instruments.

In addition, for some indicators, and where information was readily available from secondary literature, the mapping also reviewed some national, bilateral or regional tools, mechanisms and initiatives, such as guidelines, standard operating procedures, relevant national or bilateral/regional programmes, ad hoc practices, institutional arrangements, funds, data collection systems, dialogues and other cooperation platforms.

SOURCES

For the first phase involving the compilation of the global dataset, the research team reviewed a number of past mapping exercises and secondary sources published by intergovernmental actors, international organizations, non-governmental actors, and academics specialising in the areas of migration, displacement, disasters, climate change and environmental degradation. These included the Nansen Initiative regional consultations' background and technical papers¹⁹⁷ and Volume II of the Nansen Initiative Protection Agenda;¹⁹⁸ *The Atlas of Environmental Migration*;¹⁹⁹ outputs under relevant activities of first phase of implementation of the WIM Task Force on Displacement;²⁰⁰ the PDD baseline mapping of disaster risk reduction strategies integrating human mobility concerns;²⁰¹ IOM's regional

197 In particular, Wood, T. (2013). *Protection and Disasters in The Horn of Africa: Norms and Practice for Addressing Cross-Border Displacement in Disaster Contexts*. The Nansen Initiative; and Cantor, D. (2015). *Law, Policy and Practice Concerning the Humanitarian Protection of Aliens on a Temporary Basis in the Context of Disasters*. Geneva, The Nansen Initiative.

198 The Nansen Initiative, footnote n 6 in main text.

199 Ionesco, D., Mokhnacheva, D. and Gemenne, F. (2017). *The Atlas of Environmental Migration*. Abingdon, Routledge.

200 In particular, mapping exercises under Activity I.1 and Activity II.4 of the WIM TFD 2017-2018 Workplan: IOM. (2018). *Mapping Human Mobility and Climate Change in Relevant National Policies and Institutional Frameworks*. Activity I.1. Task Force on Displacement; and UNHCR. (2018). *Mapping of Existing International/Regional Guidance/Tools on Averting, Minimizing and Addressing Displacement and Durable Solutions* Activity II.4. Task Force on Displacement.

201 Yonetani, M. (2018). *Mapping the Baseline – To What Extent Are Displacement and Other Forms of Human Mobility Integrated in National and Regional Disaster Risk Reduction Strategies?* Geneva, PDD.

policy reviews on migration, environment and climate change;²⁰² the set of studies on planned relocation in the context of hazards and climate change produced by PDD, Kaldor Centre, IOM and GIZ;²⁰³ the SLYCAN Trust Briefing Notes on Human Mobility in Nationally Determined Contributions;²⁰⁴ regional reports published in relation to the 2020-2021 GCM Regional Review Process,²⁰⁵ as well as academic literature providing country, regional and global reviews of national and regional policy and legal instruments of relevance.²⁰⁶

For the second phase involving the detailed review of instruments for the 21 selected countries, a number of global online policy and law databases were consulted to identify

more recent national policies and legislation. These included UNHCR's RefWorld database,²⁰⁷ UNDRR's PreventionWeb knowledge base,²⁰⁸ IFRC's Disaster Law Database,²⁰⁹ ILO's NATLEX database,²¹⁰ FAO's FAOLEX database,²¹¹ UNFCCC's NDC Interim Registry and NAP Central,²¹² and the Climate Change Laws of the World database of the Grantham Research Institute on Climate Change and Environment (London School of Economics).²¹³ For some countries, where available, national policy and legislation repositories were also consulted. Whenever available, the identification and review of primary sources was preceded by a review of country policy profiles such as the IOM Migration Governance Profiles;²¹⁴ and the national voluntary submissions to

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- 202 IOM (2019). *La movilidad humana en la agenda climática de las Américas. Necesidades y oportunidades*. San José, IOM; OIM. (2021). *La movilidad humana derivada de desastres y el cambio climático en Centroamérica*. Ginebra, OIM; IOM Pretoria. (2022). *Desk review of Southern African national policies*. (internal document)
- 203 Bower, E. and Weerasinghe, S. (2021). *Leaving Place, Restoring Home: Enhancing the evidence base on planned relocation cases in the context of hazards, disasters and climate change*. Geneva, PDD and Kaldor Centre; IOM (2022). *Leaving Place, Restoring Home II: A Review of French, Spanish and Portuguese Literature on Planned Relocation in the Context of Hazards, Disasters, and Climate Change*. Geneva, IOM; Weerasinghe, S. and Bower, E. (2021). *Unpacking Spatial Complexity: Case studies of planned relocation with multiple origin and destination sites*. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).
- 204 SLYCAN Trust. (2021). *Briefing Note: Human Mobility in Nationally Determined Contributions*. Human Mobility in the Context of Climate Change #4. Colombo, SLYCAN Trust (GTE) Ltd; and SLYCAN Trust. (2022). *UPDATED Briefing Note: Human Mobility in Nationally Determined Contributions*. Human Mobility in the Context of Climate Change #4. Colombo, SLYCAN Trust (GTE) Ltd.
- 205 Regional reports for the five regional review processes under the GCM (Africa, Arab States, Asia and the Pacific, Europe and North America and Latin America and the Caribbean) are available on the UNMN website: <https://migrationnetwork.un.org/>. Accessed 16 April 2022.
- 206 For example, Burson, B., Bedford, R. and Bedford, C. (2021). *In the Same Canoe: Building the Case for a Regional Harmonisation of Approaches to Humanitarian Entry and Stay in 'Our Sea of Islands'*. Geneva, PDD; Cantor, D. (2021). *Environment, Mobility, and International Law: A New Approach in the Americas*. Chicago Journal of International Law, Volume 21, No.2; Cantor, D. (2018). *Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean: Study Prepared for UNHCR and PDD at Request of Governments Participating in the 2014 Brazil Declaration and Plan of Action*. Geneva, PDD; Méndez, J.C. (2021, forthcoming). *Implementación De Los Objetivos Del Pacto Mundial Para La Migración Ordenada, Segura Y Regular En Materia De Cambio Climático Y Desastres: Una Propuesta De Línea Base Para Centroamérica*. UNA/PDD; Nyandiko, N., Freeman, R. (2020). *Disaster Risk Reduction, Climate Change Adaptation and Development Policies, and their Consideration of Disaster Displacement and Human Mobility in the IGAD Region*. Geneva, NRC; Scott, M. (2020). *The role of national law and policy in addressing displacement in the context of disasters and climate change in Asia and the Pacific*. In M. Scott and A. Salamanca (Eds.) *Climate Change, Disasters and Internal Displacement in Asia and the Pacific: A Human Rights-Based Approach*. Abingdon, Routledge; Serraglio, D. A. (2020). *The LFDD – human mobility nexus in Africa, Latin America and the Caribbean: A review of national policy and legal frameworks*. Discussion Paper 22/2020. Bonn, Deutsches Institut für Entwicklungspolitik (DIE); Weerasinghe, S. (2021). *Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, the Niger, the Philippines and Somalia*. UNHCR and IOM; Wood, T. (2019). *The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement: A Study of Africa*. Geneva, PDD.
- 207 Available at <https://www.refworld.org/>. Accessed 16 April 2022.
- 208 Available at <https://www.preventionweb.net/knowledge-base/type-content/policy-plans>. Accessed 16 April 2022.
- 209 Available at <https://disasterlaw.ifrc.org/disaster-law-database>. Accessed 16 April 2022.
- 210 Available at https://www.ilo.org/dyn/natlex/natlex4.home?p_lang=en. Accessed 16 April 2022.
- 211 Available at <https://www.fao.org/faolex/en/>. Accessed 16 April 2022.
- 212 Available, respectively, at <https://www4.unfccc.int/sites/ndcstaging/Pages/Home.aspx> and <https://www4.unfccc.int/sites/nacp/Pages/Home.aspx>. Accessed 16 April 2022.
- 213 Available at <https://climate-laws.org/>. Accessed 16 April 2022.
- 214 Available at <https://migrationdataportal.org/overviews/mgi#0>. Accessed 16 April 2022.

the GCM regional review processes.²¹⁵ For Fiji, New Zealand, Vanuatu and Viet Nam, some additional instruments were identified from the dataset provided by the Internal Displacement Monitoring Centre (IDMC) and DLA Piper compiled under an ongoing project on legal and regulatory frameworks linked with displacement and mobility resulting from disasters or climate change.²¹⁶ Websites of relevant regional organizations were also consulted at times to identify instruments and tools to inform regional-level indicators. To complement and validate the list of identified national and regional instruments, the country datasets were submitted to IOM's regional and national offices for review by the Organization's migration, environment and climate change experts.²¹⁷

All the instruments identified during these two phases of the data collection process which had provisions of relevance to this mapping exercise were systematically recorded in a global database, along with information about some of their key characteristics.²¹⁸ To facilitate future comparative analysis over time, all instruments with direct or indirect relevant provisions were recorded in the database, regardless of their date of publication and status of validity.²¹⁹

The choice was made to only record policy and legal documents, and at times governmental programmes and schemes²²⁰ – information about other tools, such as projects or initiatives, dialogues, platforms, partnerships, institutions was considered in the detailed

country review, but not recorded in the database.

The global database compiled as part of this exercise contains over 930 national instruments and 140 regional and 20 bilateral instruments. It thus constitutes an important repository and preliminary baseline for further analysis of existing relevant policy and legal instruments and practices addressing this thematic area.

DATA ANALYSIS

Following the compilation of the database, a more in-depth analysis of identified policy and legal instruments was conducted for the selected 21 countries in order to analyse the extent to which they meet the commitments made under the GCM in relation to human mobility challenges in disaster and climate change contexts. The analysis was based on the application of the indicators developed as part of the Analytical Framework. Given resource limitations, the detailed analysis focuses on 15 indicators (out of the available 25), selected in consultation with the project's Reference Group based on identified priority areas of action (Table A.I.1 below).

For each country, an answer code (yes/no/partially) was assigned for each of the 15 selected indicators based on the availability, relevance and extent of the provisions identified in available national and regional instruments, in line with the methodology presented in Annex A of the Analytical

215 Available on the UNMN website, above n 9.

216 IDMC-DLA Piper Project on "Legal and regulatory frameworks linked with displacement and mobility resulting from disasters or climate change in Australia, Fiji, India, Japan, Malaysia, New Zealand, Papua New Guinea, Singapore, Thailand, Torres Strait Islands, Vanuatu and Vietnam".

217 The feedback received from IOM regional and national offices allowed to confirm and complement national-level data for Argentina, Bangladesh, Costa Rica, Ghana, Kenya, Lesotho, Nepal, Peru, Uganda, USA, Vanuatu and Viet Nam, as well as regional instruments in Latin America and the Caribbean, East Africa, West and Central Africa, Southern Africa and Asia and the Pacific. For Tajikistan, additional information was gathered from an ongoing IOM policy mapping (Gampp, L. M. (forthcoming). *Policy Analysis on Migration, Environment and Climate Change: Tajikistan*. Working Paper. Dushanbe, IOM.).

218 Instruments were considered as relevant if they included direct references to human mobility challenges in disaster and climate change contexts, and if they included direct or indirect provisions contributing to address these challenges or to protect and support people compelled to move in this context. A number of national immigration and border management policies and laws which included provisions to allow humanitarian workers to cross borders to provide relief following a disaster were not included (e.g. Viet Nam, Seychelles), since such provisions did not meet the above criteria.

219 The status of instruments is indicated in the database, whenever available – for many instruments, the status could not be confirmed based on information available from the document or consulted secondary sources. See also footnote 37 in Chapter II of the report.

220 For example, governmental labour migration programmes and schemes, or visa waiver schemes.

Framework.²²¹ While expired policies and legislation were also consulted during this process, only those instruments that were in effect at the time of the research were considered for the selection of the answer code for each indicator.

It is important to note that while the analysis was based on the review of national and regional instruments, the purpose of this first baseline mapping exercise was not to evaluate the analysed countries' performance in implementing the GCM or to conduct cross-country comparison of progress, but to contribute to the review of the overall policy landscape of relevance to the implementation of the selected GCM commitments at regional and global levels. The results were therefore analysed in an aggregated manner at the level of selected GCM actions and objectives.

To facilitate analysis at regional and global levels, a score was assigned to the answers as follows: "Yes" was attributed a score of 1, "Partially" was attributed a score of 0.5, and "No" was attributed a score of 0. Country-level results were then aggregated and normalized to produce an analysis at the level of indicators, of GCM actions and objectives, as well as at the level of regions using the regional classification adopted for the GCM regional reviews.²²² The scoring system is used in this mapping exercise to facilitate the overall interpretation of the results and a comparative analysis across the indicators, actions and objectives, but should not be considered as an assessment of the normative significance or effectiveness of different provisions and instruments identified in this mapping exercise.

221 Given that an exhaustive policy review could not be conducted at national level due to the limitations explained above, a "No" answer denotes the absence of provisions in the identified instruments, but does not exclude the existence of relevant provisions in other national instruments which could not be accessed.

222 For example, to obtain the normalized score for an indicator at the regional level, the individual scores of the countries in that region for the indicator were aggregated and divided by the number of countries. To obtain the global normalized score at the level of a GCM action, the scores obtained for each indicator within that action across the 21 countries were aggregated and divided by the number of countries and of indicators.

Table A.I.1 – GCM objectives and provisions (actions) of relevance to human mobility in disaster and climate change contexts selected for the baseline mapping, and corresponding indicators developed as part of the Analytical Framework.

(The 15 indicators selected for the detailed analysis are highlighted in bold)

Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin		
18(a)	Promote the implementation of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals and the Addis Ababa Action Agenda, and the commitment to reach the furthest behind first, as well as the Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015–2030	1.1 Integration of commitments related to the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Paris Agreement, and/or the Sendai Framework for Disaster Risk Reduction in national migration policy instruments
18(g)	Account for migrants in national emergency preparedness and response, including by taking into consideration relevant recommendations from State-led consultative processes, such as the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (Migrants in Countries in Crisis Initiative Guidelines)	2.1. Existence of provisions in relevant national legal and policy instruments promoting the consideration of the human rights, specific needs, vulnerabilities and capacities of migrants in disaster preparedness and response
		2.2. Integration of considerations regarding the human rights, specific needs and vulnerabilities of migrant populations into national operational frameworks and tools for disaster preparedness and response
<i>Natural disasters, the adverse effects of climate change, and environmental degradation</i>		
18(h)	Strengthen joint analysis and sharing of information to better map, understand, predict and address migration movements, such as those that may result from sudden-onset and slow-onset natural disasters, the adverse effects of climate change, environmental degradation, as well as other precarious situations, while ensuring effective respect for and protection and fulfilment of the human rights of all migrants	3.1. Existence of provisions in relevant national policy instruments aimed to strengthen transboundary cooperation for research, analysis and information sharing on migration trends in the context of disasters, the adverse effects of climate change, and environmental degradation
		3.2. Existence of national data collection and information sharing systems to provide evidence for decision-making on human mobility in disaster and climate change contexts
		3.3. Existence of provisions in relevant regional policy instruments applicable to the country aimed to strengthen transboundary cooperation for research, analysis and information sharing on migration trends in the context of disasters, the adverse effects of climate change, and environmental degradation
		3.4. Participation in regional data collection and information sharing systems to provide evidence for decision-making on human mobility in disaster and climate change contexts
18(i)	Develop adaptation and resilience strategies to sudden-onset and slow-onset natural disasters, the adverse effects of climate change, and environmental degradation, such as desertification, land degradation, drought and sea level rise, taking into account the potential implications for migration, while recognizing that adaptation in the country of origin is a priority	4.1. Integration of human mobility, disaster and climate change considerations in national instruments governing migration, sustainable development, adaptation and resilience to sudden-onset and slow-onset natural disasters, the adverse effects of climate change, and environmental degradation

18(j)	Integrate displacement considerations into disaster preparedness strategies and promote cooperation with neighbouring and other relevant countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information	5.1. Integration of displacement considerations into national disaster preparedness and response instruments
		5.2. Participation in regional or bilateral disaster preparedness cooperation efforts that address disaster displacement, including early warning, evacuation planning, reception and assistance
18(k)	Harmonize and develop approaches and mechanisms at the subregional and regional levels to address the vulnerabilities of persons affected by sudden-onset and slow-onset natural disasters, by ensuring that they have access to humanitarian assistance that meets their essential needs with full respect for their rights wherever they are, and by promoting sustainable outcomes that increase resilience and self-reliance, taking into account the capacities of all countries involved	6.1 Participation in subregional or regional cooperation efforts for humanitarian assistance to persons affected by sudden-onset and slow-onset disasters that take into account the human rights and particular vulnerabilities and needs of migrants and displaced people
		6.2. Participation in subregional or regional cooperation efforts to address the vulnerabilities and increase the resilience of persons affected by sudden-onset and slow-onset disasters that integrate human mobility considerations
18(l)	Develop coherent approaches to address the challenges of migration movements in the context of sudden-onset and slow-onset natural disasters, including by taking into consideration relevant recommendations from State-led consultative processes, such as the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, and the Platform on Disaster Displacement	7.1. Participation in regional or international inter-governmental processes and dialogues dedicated to the challenges of human mobility in the context of sudden-onset and slow-onset disasters (same indicator as 12.2)
		7.2. Existence of regional instruments or guidance dedicated to addressing challenges of human mobility in the context of sudden-onset and slow-onset disasters
		7.3. Existence of explicit reference to the recommendations of the Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change in relevant national policy and legal frameworks
Objective 5: Enhance availability and flexibility of pathways for regular migration		
21(g)	Develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden-onset natural disasters and other precarious situations, such as by providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits, while adaptation in or return to their country of origin is not possible	8.1. Existence of national instruments for admission and stay for migrants from countries affected by sudden-onset disaster
		8.2. Participation in bilateral or regional agreements facilitating admission and stay for migrants from countries affected by sudden-onset disaster

21(h)	Cooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin owing to slow-onset natural disasters, the adverse effects of climate change, and environmental degradation, such as desertification, land degradation, drought and sea level rise, including by devising planned relocation and visa options, in cases where adaptation in or return to their country of origin is not possible	<p>9.1. Participation in bilateral, subregional, regional cooperation efforts to support temporary or seasonal migration solutions for people increasingly affected by slow-onset disasters, adverse effects of climate change and environmental degradation</p> <p>9.2. Participation in bilateral, subregional, regional cooperation efforts to support permanent migration pathways for people compelled to leave their countries of origin owing to slow-onset disasters, adverse effects of climate change and environmental degradation in cases where adaptation in or return to their country of origin is not possible</p>
Objective 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration		
37(a)	Develop and implement bilateral, regional and multilateral cooperation frameworks and agreements, including readmission agreements, ensuring that return and readmission of migrants to their own country is safe, dignified and in full compliance with international human rights law, including the rights of the child, by determining clear and mutually agreed procedures that uphold procedural safeguards, guarantee individual assessments and legal certainty, and by ensuring that they also include provisions that facilitate sustainable reintegration	10.1. Participation in bilateral and regional cooperation frameworks on safe return and readmission including provisions for disaster situations
37(h)	Facilitate the sustainable reintegration of returning migrants into community life by providing them with equal access to social protection and services, justice, psychosocial assistance, vocational training, employment opportunities and decent work, recognition of skills acquired abroad, and financial services, in order to fully build upon their entrepreneurship, skills and human capital as active members of society and contributors to sustainable development in the country of origin upon return	<p>11.1. Consideration of disaster, climate change and environmental risk in national policy instruments and provisions addressing migrant reintegration</p> <p>11.2. Consideration of opportunities for returning migrants in the disaster risk reduction, climate change adaptation and sustainable environmental management sectors in national policies, provisions and programmes addressing migrant reintegration</p>
Objective 23: Strengthen international cooperation and global partnerships for safe, orderly and regular migration		
39(b)	Increase international and regional cooperation to accelerate the implementation of the 2030 Agenda for Sustainable Development in geographical areas from which irregular migration systematically originates owing to consistent impacts of poverty, unemployment, climate change and disasters, inequality, corruption and poor governance, among other structural factors, through appropriate cooperation frameworks, innovative partnerships and the involvement of all relevant stakeholders, while upholding national ownership and shared responsibility	<p>12.1. Financial support to projects and programmes aimed at addressing human mobility challenges in disaster and climate change contexts in affected countries</p> <p>12.2. Participation in regional or international inter-governmental processes and dialogues dedicated to the challenges of human mobility in the context of sudden-onset and slow-onset disasters (same indicator as 7.1.)</p> <p>12.3. Number of projects funded by multilateral funds that aim to address challenges related to human mobility in disaster and climate change contexts.</p>

Table A.I.2 – Markers proposed in the Analytical Framework

Human Rights Marker	Gender Marker	Child Sensitivity Marker	Local Governance Marker
A. Significant integration of human rights in the instrument	A. Significant integration of gender considerations in the instrument	A. Significant integration of child rights and needs in the instrument	A. Significant integration of local governance dimensions
B. Partial integration of human rights in the instrument	B. Partial integration of gender considerations in the instrument	B. Partial integration of child rights and needs in the instrument	B. Partial integration of local governance dimensions
C. No integration of human rights in the instrument	C. No integration of gender considerations in the instrument	C. No integration of child rights and needs in the instrument	C. No integration of local governance dimensions



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