

Concept Paper and Draft Agenda

Nansen Initiative Southern Africa Consultation

in cooperation with the Development and Rule of Law Programme (DROP) at Stellenbosch University

*Disasters, Climate Change and Human Mobility in Southern Africa:
Consultation on the Draft Protection Agenda
Stellenbosch, South Africa, 4-5 June 2015*

I. Introduction

The effects of natural hazards on migration and displacement in Southern Africa¹ are both substantial in scale and diverse in nature. In particular, flooding associated with tropical cyclones, and severe drought have consistently contributed to both internal and cross-border displacement. Southern Africa also experiences a range of other natural hazards including landslides, flash floods, earthquakes, tsunamis, tornados, excessive snowfall, hail storms, sand storms, land degradation, extreme temperatures and volcanic eruptions. Hazards such as these take place in broader environmental, social and political contexts impacted by inequality, poverty, violence and governance challenges. At the same time, despite the fact that human mobility is complex and multi-causal in nature, it has to be emphasised that many of the interacting social, demographic and economic drivers of observed migration are sensitive to climate change impacts.²

Between 2008 and 2013, the Internal Displacement Monitoring Centre (IDMC) estimated that more than 1.5 million people were displaced by sudden-onset disasters in Southern Africa.³ Mozambique ranked the highest, with some 500,000 people displaced during that same period. While the vast majority of displacement has been internal, a few instances of cross-border displacement have occurred in the context of both slow- and sudden-onset disasters. The 2002 Cyclone Eline affected some five million people⁴ and ultimately displaced as many as 1.25 million people across Southern Africa,⁵ with some people from Mozambique evacuated to South Africa. In 2002, the eruption of Mt. Nyiragongo near Goma, Democratic Republic of Congo (DRC) displaced an estimated 300,000 who crossed the border into Rwanda and

¹ Angola, Botswana, Democratic Republic of the Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

² Intergovernmental Panel on Climate Change, Isabelle Niang and Oliver C. Ruppel, CLAs, "WG2 AR5 – Africa" (2014) at 1204. Available at http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/WGIIAR5-Chap22_FINAL.pdf, accessed 9 February 2015.

³ Internal Displacement Monitoring Centre (IDMC) data as of 09/10/2014. Accessed on 4 May 2015 at www.internal-displacement.org. Note that the overall numbers are incomplete, as not every country had data for each year.

⁴ RIASCO Southern Africa, 'Humanitarian Trends in Southern Africa: Challenges and Opportunities' (2013) at 20.

⁵ John Oucho, 'Internal Displacement of Populations in the SADC Region: An Overview', Paper presented at the Seminar on Internal Displacement in the SADC Region, Gaborone (2005).

Uganda.⁶ More recently, the 2015 Cyclone Chedza caused substantial damage and displacement across eastern Southern Africa, with severe flooding reportedly prompting displacement in both directions across the border between Malawi and Mozambique.⁷ In the future, the Intergovernmental Panel on Climate Change has concluded that there is a medium to high risk that the effects of climate change will result in an increase in migration and displacement across the region, and the rest of Africa.⁸

Within Southern Africa, a number of existing legal frameworks and ongoing processes are relevant to the protection of displaced persons in disaster contexts. The African Union's 2009 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) also explicitly recognizes the protection and assistance needs of internally displaced persons in disaster contexts.⁹ Although it does not specifically mention disasters linked to natural hazards, the 1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (AU Refugee Convention) has been applied in situations where the drivers of displacement included conflict and disasters, namely the 2011-2012 Horn of Africa drought crisis.

Also relevant, among others, are the Southern African Development Community (SADC) Draft Protocol on the Facilitation of Movement, the 2011 Programme on Climate Change Adaptation and Mitigation in the Eastern and Southern Africa Region, and the 2006 SADC Disaster Risk Reduction Strategic Plan. These existing laws, policies, and processes are important not only for establishing a protective environment for those displaced in disasters, but also for preventing displacement and finding durable solutions, such as through resilience building measures.

1.1 Background to the Nansen Initiative Southern Africa Consultation

This Concept Note and Agenda informs the Nansen Initiative Southern Africa Consultation on *"Disasters, Climate Change and Human Mobility in Southern Africa: Consultation on the Draft Protection Agenda,"* taking place in Stellenbosch, South Africa, 4-5 June 2015, which aims to explore issues related to human mobility (displacement, migration and planned relocation) in the context of disasters and climate change in Southern Africa. The Consultation will also provide participants with an opportunity to review and contribute to the Nansen Initiative's draft Protection Agenda on cross-border displacement in the context of disasters and climate change.

Launched by the Governments of Norway and Switzerland in October 2012, the Nansen Initiative is a State-led, bottom-up consultative process intended to build consensus on how best to protect and address the needs of people displaced across international borders in the context of drought, flooding and other natural hazards, including those linked to the effects of climate change.¹⁰ Inter-governmental Regional

⁶ UN OCHA, 'The role of OCHA in the emergency operations following the eruption of the Nyiragongo Volcano in Goma, Democratic Republic of Congo' (2002). Available at <http://reliefweb.int/report/world/role-ocha-emergency-operations-following-eruption-nyiragongo-volcano-goma-democratic>, accessed 13 February 2015.

⁷ BBC World Service, 'Africa Today: 16 February 2015' (2015). Available at <http://www.bbc.co.uk/podcasts/series/africa/all>, accessed 4 February 2015; Times Live, 'Relief for flood-hit Mozambique and Malawi' (2015). Available at, <http://www.timeslive.co.za/thetimes/2015/01/18/relief-for-flood-hit-mozambique-and-malawi>, accessed 4 February 2015.

⁸ Ibid at 1204.

⁹ As of 3 December 2014, Angola, Lesotho, Malawi, Swaziland, Zambia, and Zimbabwe had ratified the Kampala Convention, with DRC, Madagascar and Namibia as unratified signatories. Botswana, Mauritius, the Seychelles and South Africa had neither signed nor ratified the Convention.

¹⁰ The Nansen Initiative is funded by the Governments of Norway and Switzerland, with additional financial support from the European Commission, the Government of Germany, and the MacArthur Foundation. It is governed by a Steering Group comprised

Consultations and Civil Society Meetings held in the Pacific, Central America, the Horn of Africa, Southeast Asia, and South Asia over the course of 2013 to 2015 ensured that the Nansen Initiative process is grounded in practical experience. Outcome documents from all the Regional Consultations contain recommendations for further action at the community, national, regional and international levels.

The results of the Nansen Initiative Regional Consultations, Civil Society Meetings and other consultative meetings will be consolidated within a final version of the Protection Agenda, which will be presented at the inter-governmental Global Consultation in Geneva, Switzerland from 12-13 October 2015. The Nansen Initiative does not seek to develop new legal standards, but rather to discuss and build consensus among states on the potential elements of a Protection Agenda, which may include standards of treatment. Its outcomes may be taken up at domestic, regional and global levels and lead to new laws, soft law instruments or binding agreements.

1.2 Objectives of the Southern Africa Consultation

The Nansen Initiative Southern Africa Consultation will provide an opportunity for representatives from governments, civil society, international organizations and academic institutions in the region to share relevant experiences and identify good practices from Southern Africa related to human mobility in the context of natural hazards and climate change as they review the draft Protection Agenda. The primary objectives of the Nansen Initiative Southern Africa Consultation are to:

1. Attain a better understanding of the human mobility dynamics linked to natural hazards in Southern Africa, particularly related to cross-border displacement and migration;
2. Review the draft Protection Agenda and provide feedback on the document's overall structure, content and key messages, and in particular the extent to which the draft reflects the sub-regional dynamics in Southern Africa;
3. Identify effective practices from Southern Africa - at regional, national and community levels- in relation to thematic areas within the draft Protection Agenda (climate change adaptation, disaster risk reduction, migration as adaptation, planned relocation, protecting disaster displaced persons, and protecting migrants caught up in a disaster-affected country);
4. Contribute to on-going discussions about future international institutional arrangements on cross-border disaster-displacement following the October 2015 Nansen Initiative Global Consultation.

II. Administrative Details

The Southern Africa Consultation will be hosted by the Development and Rule of Law Programme (DROP) at Stellenbosch University and co-organized by the Nansen Initiative Secretariat and the Norwegian Refugee Council. The Regional Consultation will be held at the Faculty of Law, Stellenbosch University, Seminar Room, Old Main Building, Corner of Ryneveld- and Victoria Streets, Stellenbosch, South Africa.

of nine Member States: Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico, Norway, the Philippines, and Switzerland. A Group of Friends, coordinated by the European Union and Morocco, is comprised of interested States and regional organizations who would like to be associated with the Initiative, and contribute through comments and proposals. A Consultative Committee informs the process through expertise provided by representatives from international organizations addressing displacement and migration issues, climate change and development researchers, think tanks, and NGOs. The Envoy of the Chairmanship represents the Nansen Initiative throughout the process, providing strategic guidance and input. Finally, the Nansen Initiative Secretariat, based in Geneva, supports the process with additional strategic, research, and administrative capacity.

The Consultation will bring together 35-45 participants working on issues related to displacement, disaster risk reduction, disaster management, human rights protection, migration management and climate change. The Consultation will take the form of a one and a half day workshop and the outcomes will be synthesized in a short report.

The organizers have limited funding to cover the cost of travel and accommodation of approximately 25 participants. International organizations are kindly requested to consider defraying their expenses.

III. Agenda

Day 1 Thursday, 4 June 2015	
08:00-08:30	Registration
08:30-09:30	<p>Welcome Remarks Prof. Oliver Ruppel, Director of the Development and Rule of Law Programme (DROP), Stellenbosch University and Member of the Consultative Committee of the Nansen Initiative & Chairmanship of the Nansen Initiative</p> <p>Official Opening (tbc) Chairmanship of the Nansen Initiative and Stellenbosch University</p> <p>Overview of the Nansen Initiative Prof. Walter Kaelin, Envoy of the Chairmanship</p> <p>Individual Introduction of Participants</p>
09:30-10:00	<i>Coffee Break/ Presentation of Participants and Methodology for the Consultation</i>
10:30-12:30	<p>Panel Presentations and Plenary Discussion</p> <p>Overview of Human Mobility in the Context of Natural Hazards and Climate Change in Southern Africa: Dynamics, Case Studies and Concepts</p>
12:30-14:00	<i>Lunch</i>
14:00-16:00	<p>Presentation of the Draft Protection Agenda Prof. Walter Kaelin, Envoy of the Chairmanship of the Nansen Initiative</p> <p>Questions and Answers</p>
16:00-16:30	<i>Coffee Break</i>
16:30-18:00	<p>Plenary Discussion on Key Principles and Elements of the Draft Protection Agenda</p> <p>Plenary Discussion and General Feedback</p> <ul style="list-style-type: none"> • Aim and scope • Structure and style • Overall content • Key principles, notions and concepts

19:00	Dinner Reception
Day 2 Friday, 5 June 2015	
08:30-09:00	Summary of Day One
09:00-10:30	Review of Chapters in the Draft Protection Agenda /Feedback on Effective practices from Southern Africa (Plenary and Group Work)
10:30-11:00	<i>Coffee Break</i>
11:00-12:30	Plenary Discussion on Key Messages (Part One) and The Way Ahead (Part 6) in the Draft Protection Agenda
12:30 – 13:00	<p>Closing Statements</p> <p>Next Steps for the Nansen Initiative Envoy of the Chairmanship of the Nansen Initiative, Prof. Walter Kaelin</p> <p>Closing Remarks Chairmanship of the Nansen Initiative</p> <p>Closing Remarks The Development and Rule of Law Programme (DROP), Stellenbosch University</p>
13:00-14:00	<i>Lunch</i>



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