

THE
NANSEN
INITIATIVE

DISASTER-INDUCED CROSS-BORDER DISPLACEMENT



HUMAN MOBILITY IN THE CONTEXT OF NATURAL HAZARD-RELATED DISASTERS IN SOUTH AMERICA

BACKGROUND PAPER

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DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT

EVIDENCE
FOR ACTION

PARTNERS



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1. CONTEXT

Due to its size and the wide variety of territories within it, from deserts to sub-Antarctic regions, South America faces multiple challenges related to disaster risk management. Between 2000 and mid-2015, an estimated eight million people in South America were displaced in the context of disasters¹ linked to natural hazards, primarily within their own countries.² At the same time, the region has historically stood out for its solidarity in responding to intra-regional displacement, including through the development and consolidation of different forms of protection and assistance for displaced persons and migrants. These forms of regional cooperation and joint efforts in disaster risk management³ can serve to lay the groundwork for new forms of cooperation to address cross-border disaster-displacement in the future. This study has been prepared by the Nansen Initiative with the aim of exploring the intersection between human mobility in the context of natural hazards in South America, a wide area of research that addresses both sudden and slow-onset natural hazards, as well the adverse effects of climate change.

The Nansen Initiative is a State-led consultative process with the objective of building consensus on the development of a Protection Agenda for people displaced across international borders in the context of disasters, including the adverse effects of climate change. Between 2013 and 2015, the Nansen Initiative held Regional Consultations around the world in preparation for the October 2015 Global Consultation, during which States will discuss and validate the Protection Agenda. This

study aims to explore the factors related to cross-border disaster-displacement in South America, including patterns of human mobility in the context of natural hazards more generally as well as national and regional responses to the needs of individuals in such contexts. This study also served as a starting point for States participating in the Nansen Initiative South American Regional Consultation, hosted by the Government of Ecuador, in Quito on 15 and 16 July 2015.

¹ In this context, a disaster is understood as ‘a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources’ (*International Strategy for Disaster Reduction* (2007)).

² See section 3.2.

³ See the examples in World Bank, ‘Disaster Risk Management in Latin America and the Caribbean Region: GFDRR Country Notes’ (2012).



2. INTRODUCTION

Human mobility⁴ in the context of natural hazards does not occur in a vacuum; instead, it reflects the socio-economic, political, demographic and migratory context of the countries where it occurs. It is a multi-causal phenomenon⁵ influenced by preexisting conditions and situations, such as the levels of development, established migration patterns, local capacity,⁶ land access⁷ and the existence of armed conflicts,⁸ among others.⁹ This first section will focus on the South American context and the way it affects this phenomenon.

2.1 GEOGRAPHIC, DEMOGRAPHIC AND POLITICAL CONTEXT

South America spans the territory between northern Colombia at Punta Gallinas and Cape Froward in Chile, with the Darien region between Colombia and Panama as the only extra-regional land border. Its insular borders include the San Andrés, Providencia and Santa Catalina archipelago in Colombian territory in the

Caribbean and the Diego Ramírez islands in Chile. The subcontinent is surrounded by the Caribbean Sea in the north, the Atlantic Ocean to the east and the Pacific Ocean to the west.

There are twelve countries in the region: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela, as well as French Guiana, a French overseas territory (DOM), with a total of over 389 million inhabitants in 2014.¹⁰

⁴ Human mobility is an overarching term that encompasses all forms of movements, regardless of the causes behind them or whether they are voluntary or not. In this context, the Nansen Initiative draws on paragraph 14(f) of the Cancun Adaptation Framework, which divides human mobility into migration, displacement and planned relocation depending on the particular circumstances in each movement. The characteristics of each category are explored in section 3.

⁵ See *inter alia* UNHCR, 'Summary of Deliberations on Climate Change and Displacement' (2011), 2; Camillo Boano, Roger Zetter and Tim Morris, 'Environmentally Displaced People: Understanding the Linkages Between Environmental Change, Livelihoods and Forced Migration' [2008] 1 Forced Migration Policy Briefing, 9; Susana B. Adamo, 'Emigración and Ambiente: Apuntes Iniciales sobre un Tema Complejo' [2001] 7(29) Papeles de Población Universidad Autónoma del Estado de México 143, 145-146; Field et al (eds.), '2012: Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation. A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change' (IPCC: CUP 2012), 80-81 and Lauren Nishimura, "'Climate Change Migrants': Impediments to a Protection Framework and the Need to Incorporate Migration into Climate Change Adaptation Strategies' [2015] 27(1) IJRL 107, 123.

⁶ Consejo Permanente de la Organización de los Estados Americanos: Comisión Especial de Asuntos Migratorios, 'Migrantes en Situaciones de Desastres (documento presentado por la Presidencia)' (22 January 2009) OEA/Ser.G CE/AM-X/09.

⁷ Andil Gosine, 'Roots of Flight: Environmental Refugees in Latin America: A Response to Analysis by Homer-Dixon' [1996] 15(2) Refuge 27.

⁸ Graeme Hugo, 'Climate Change-Induced Mobility and the Existing Migration Regime in Asia and the Pacific' in Jane McAdam (ed.), *Climate Change and Displacement: Multidisciplinary Perspectives* (Hart 2010) 9.

⁹ Organization of American States, 'Letter of June 16th regarding Resolution 7/23 on the issue of Human Rights and Climate Change adopted on March 28, 2008 by the United Nations Human Rights Council' (2008). This intervention took place in the context of discussions before the UN Human Rights Council (OHCHR, 'Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights', UN Doc A/HRC/10/61 (2009)).

¹⁰ World Population Statistics, 'Population of South America' (World Population Statistics, 8 March 2014) <http://goo.gl/1fE8cV> accessed 6 May 2015.

In the region, Chile and Argentina are classified in the “very high human development” tier; Uruguay, Venezuela, Brazil, Peru, Colombia, Ecuador and Suriname are classified in the “high human development” tier and Paraguay, Bolivia and Guyana are classified in the “medium” tier.¹¹ Since the turn of the century, countries in the region have experienced a notable reduction in poverty and considerable growth of the middle class, along with a decrease in income disparity (as measured through the Gini coefficient).¹² Nonetheless, inequality is still a major challenge for the region, which has been characterized as the most unequal in the world due to persistent socio-economic differences between social classes in most of its countries.¹³

South America has been a stable region over the last two decades, with the exception of the short international armed conflict between Peru and Ecuador in 1995, and the non-international armed conflict in Colombia, which continues to present difficulties for the country and its neighbors. Within some countries, the illegal activities of organized criminal groups, including drug trafficking, also result in high levels of violence in their areas of influence.

The subcontinent hosts a plethora of fora for political and economic integration. All countries are Member States of the United Nations (UN), the Organization of American States (OAS) and the Union of South American Nations (*Unión de Naciones Suramericanas*, UNASUR). At a sub-regional level, South America hosts the Andean Community of Nations (*Comunidad Andina de Naciones*, CAN), whose members include Bolivia, Colombia, Ecuador and Peru, and the Southern Common Market (*Mercado Común del Sur*, MERCOSUR), which comprises Argentina, Brazil, Paraguay, Uruguay and Venezuela, while Bolivia is in the process of becoming a member as of mid-2015.

Lastly, all States in the region are members of the Community of Latin American and Caribbean States (*Comunidad de Estados Latinoamericanos y del Caribe*, CELAC); Bolivia, Ecuador and Venezuela are members of the Bolivarian Alliance of the Peoples of Our America (*Alianza Bolivariana para los Pueblos de Nuestra América*, ALBA), which also includes eight Caribbean

States, and Chile, Colombia, Peru and Mexico are part of the Pacific Alliance (*Alianza del Pacífico*). Several of these organizations also allow non-Member States to participate in meetings as observers or external partners, with some of these States even participating as Parties to their instruments, as discussed later in this document.

2.2 REGIONAL MIGRATION DYNAMICS

Historically, human mobility within South America has been motivated primarily by economic and political factors. Economic migration has usually been driven by the search for better labor prospects and higher standards of living. Political factors, particularly in the second half of the 20th century, have also prompted people to flee situations of violence or dictatorships in the Southern Cone. These economic and political factors also caused considerable levels of emigration to the United States and Spain.¹⁴

Current regional migration patterns in South America continue to be largely influenced by economic and political factors. Outside the region, the economic crises in North America and Europe have made countries in those regions less attractive destinations for migrants, and have also led many South Americans to return to their countries of origin. At the same time, considerable economic growth and an increase in human development in South America have created more incentives for individuals to either remain in or return to their countries of origin or to migrate within the region, mainly to Argentina, Brazil or Chile.¹⁵

In addition, while displacement linked to armed conflict and insecurity in Colombia is decreasing, the ongoing situation continues to be an important factor influencing displacement and migration in the subcontinent, with neighboring territories in Venezuela and Ecuador as the most frequent destinations.¹⁶ South America also has mixed migration flows arriving from Asia and Africa. Most of these migrants are only in transit towards North America, but in some cases a small number of them remain in the region, particularly in Brazil.

¹¹ United Nations Development Program (UNDP), ‘Human Development Report 2014’ (2014), Table 1.

¹² Evidiki Tsounta and Anayochukwu I. Osueke, ‘What is Behind Latin America’s Declining Income Inequality?’ [2014] 14/124 IMF Working Paper.

¹³ *ibid.*

¹⁴ Ezequiel Texidó, Jorge Gurrieri and Juan Artola, ‘Panorama Migratorio de América del Sur 2012’ (OIM 2012).

¹⁵ *ibid.*

¹⁶ *ibid.*

Within South American countries, the prevailing migration patterns are from rural to urban areas, reflecting the predominant trend in most of the developing world. In this context, new inhabitants often face significant challenges accessing adequate housing and public services in safe urban areas. Consequently, many urban areas increasingly have dense underdeveloped areas that are particularly susceptible to the effects of natural hazards.¹⁷

2.3 OVERVIEW OF NATURAL HAZARDS IN THE REGION

Due to South America's climatic and geographic diversity, the natural hazards it faces vary considerably both between and within countries. Nonetheless, there are clear patterns and similarities in how hazards affect the region. In the timeframe analyzed in this study, between 2000 and mid-2015,¹⁸ floods, linked mostly to the effects of La Niña,¹⁹ have been the most frequent natural hazards leading to disaster situations. At the same time geophysical events, such as earthquakes and volcanic eruptions, have also been frequent in some countries. These hazards and their impact on human mobility will be discussed in the next section.

¹⁷ Ian Burton, 'Do We Have the Adaptive Capacity to Develop and Use the Adaptive Capacity to Adapt?' in Joel B Smith, Richard J T Klein and Saleemul Huq (eds.), *Climate Change, Adaptive Capacity and Development* (Imperial College Press 2003) 137, 151.

¹⁸ See Annex I.

¹⁹ Michael H. Glantz, *Impacts of El Niño and La Niña on Climate and Society* (2nd ed. CUP 2001).



3. THE IMPACT OF NATURAL HAZARDS ON HUMAN MOBILITY

Human mobility linked to natural hazards is not a new phenomenon. On the contrary, it has occurred throughout history,²⁰ with more recent global level studies reinforcing the continued and important role that environmental factors play in influencing both national and international displacement and migration.²¹ Simultaneously, contemporary patterns of population growth and urbanization further contribute to the increased exposure and vulnerability of a larger number of people to natural hazards.²² In this sense, it is important to acknowledge that disaster displacement risk is a complex relationship between exposure to the natural hazard, vulnerability and existing capacities in the affected community or society to withstand the impacts of the hazard.²³

As a result, it is difficult to establish a unique and direct causal link between a natural hazard and a specific displacement or migration event, as multiple external and internal factors, such as the population's resilience and capacity to adapt, its physical and socioeconomic limitations and its willingness to leave or stay also play a role. In this sense, a natural hazard's impacts are *push factors*, the motives to stay or the inability to leave are *stay factors* and the reasons to go to a particular area are *pull factors*. Consequently, the total number of people that effectively move in the context of a natural hazard is a result of the relationship between these three factors.

In this sense, there are five general scenarios associated with natural hazards that may act as push factors. In turn, these scenarios can lead to different kinds of *movements*. Factors can be grouped into (1) sudden-onset natural hazards (2) slow-onset natural hazards and

environmental degradation, (3) low-lying island States at risk of substantial loss of state territory, (4) designation of areas as unfit for human habitation and (5) public disorder, violence or conflict over scarce resources.²⁴ Scenarios (1) and (2) have been documented in South America and will be the focus of this report. Additionally, the region also received a considerable number of Haitians displaced after the 2010 earthquake, which is a situation that merits its own analysis due to its particularities.

Movements describe three forms of movement as referred to in paragraph 14(f) of the United Nations Framework Convention on Climate Change's²⁵ (UNFCCC) Cancun Adaptation Framework,²⁶ namely displacement (understood as the primarily *forced* movement of persons), migration (understood as the primarily *voluntary* movement of persons) and planned

²⁰ Hugo (n 8) 9.

²¹ Reiko Obokata, Luisa Veronis and Robert McLeman, 'Empirical Research on International Environmental Migration: A Systematic Review' [2014] 36 *Popul Environ* 111, 132; Walter Kälin and Nina Schrepfer, 'Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches' [2012] UNHCR Legal and Protection Policy Research Series, 6 and Boano et al (n 5) 12.

²² Integrated Regional Information Networks (IRIN), 'Disaster Reduction and the Human Cost of Disaster' (IRIN Web Special 2005).

²³ Kälin and Schrepfer (n 21).

²⁴ *ibid*, 6.

²⁵ United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1171 UNTS 107.

²⁶ United Nations Framework Convention on Climate Change 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 (15 March 2011), available from <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf> accessed 20 September 2015.

relocation (understood as planned process of settling persons or groups of persons to a new location). It is worth noting that these are conceptual categories, and as such the limits between them can be blurry, or may change over time. For instance, the cumulative effects of environmental degradation can create a context within which what was initially voluntary migration evolves into forced displacement.²⁷

3.1 THE SOUTH AMERICAN CASE

Natural hazards have undoubtedly contributed to human mobility in South America. However, as in other parts of the work, studying this issue is difficult due to the lack of detailed statistical information to analyze the patterns and characteristics of such mobility.²⁸ Indeed, studies at a global level highlight that South America is, along with the Middle East, one of the regions where the human mobility dynamics linked to environmental factors have been explored the least.²⁹ In turn, this lack of data is also an obstacle to formulating responses to address the specific needs of disaster displaced persons.³⁰

National systems for recording disaster displacement in South America also vary significantly. Peru, for example maintains a registry of individuals who have lost their homes due to natural hazards, which shows that between 1904 and 2006 some 214,000 people's homes were destroyed by earthquakes with a magnitude of more than 7.0 on the Richter scale, with an additional 115,436 homes lost due to floods, 180 due to landslides and 7,200 due to volcanic activity.³¹ In some cases, statistics for disaster-related mobility can provide very detailed information on dozens of events, as for example the data on Colombia in the 2015 IDMC report.³² In other cases, precise data on disaster displacement is not available,

such as the massive 2007 floods in Bolivia, for which the national database only records that more than half a million residents were "affected".³³

As this example highlights, of the main statistical obstacles to improved data collection is that, in many countries, authorities and agencies responsible for disaster management use a single category, "affected," to record all individuals who were negatively impacted by a disaster within a single statistic. This wide category does not differentiate between the various ways people may be "affected" by a disaster, such as displacement, lost or damaged property, lost or injured family members or negative impacts to livelihoods. Information regarding cross-border movements is even less likely to be recorded or acknowledged than internal displacement, which may be partially due to a strong centralist tradition in Latin America that has resulted in less government presence in border areas.³⁴ Lastly, and despite being a positive development in terms of facilitating temporary protection for cross-border disaster-displaced persons, the free movement arrangements for short entries for South Americans in most countries in the region³⁵ hide the reasons motivating such movements, again making it difficult to differentiate between movements linked to natural hazards and those associated with labor, economic or personal reasons.

As a result, disaster displacement is a significantly underreported phenomenon. Solving this problem will require new approaches by States and other humanitarian actors to collect improved data in a regular, centralized and standardized fashion.³⁶

Acknowledging these limitations, this study includes an original statistical analysis compiling available information on disaster displacement, and human mobility in the context of natural hazards more generally. The

²⁷ UNHCR, 'Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective' (2008), 5.

²⁸ David Cantor, 'Leyes, Políticas y Prácticas en Materia de Protección Temporal Humanitaria de Extranjeros en el Contexto de Desastres, Estados Miembros de la Conferencia Regional sobre Migración y Otros Estados de las Américas: Estudio de Antecedentes para el Taller Regional in Materia de Protección Temporal y/o Visa Humanitaria en Situaciones de Desastres (San José, Costa Rica, 10 y 11 de febrero, 2015)' (2015), 13; Raoul Kaenzig and Étienne Pigué, 'Migration et Changement Climatique en Amérique Latine: Quels Enjeux' [2011] 11(3) *VertigO*; Paula Cristina Sierra-Correa et al, 'Colombia' in Michiel van Druenen, Ralph Lasage and C. Dorland (eds.), *Climate Change in Developing Countries: Results from the Netherlands Climate Change Studies Assistance* (CABI 2006) 26, 32.

²⁹ Obokata et al (n 21).

³⁰ Sebastián Rubiano Galvis, 'La Protección del Desplazamiento Forzado por Desastres Medioambientales en Colombia: Hacia una Perspectiva de Derechos Humanos' in Jane Felipe Beltrão et al (eds.), *Derechos Humanos de los Grupos Vulnerables: Manual* (dhes 2014) 431.

³¹ Nicolás Zevallos Trigo, 'Desplazamientos Internos en el Perú' (OIM 2015),

³² IDMC, 'Global Estimates 2015: People Displaced by Disasters – Dataset' (2015).

³³ Federación Internacional de Sociedades de la Cruz Roja y la Media Luna Roja (IFRC), *Asuntos Legales de la Respuesta Internacional a las Inundaciones del 2007 en Bolivia* (IFRC 2008).

³⁴ Claudio Véliz, *The Centralist Tradition of Latin America* (Princeton University Press 1980) and Alfred P. Montero and David J. Samuels, *Decentralization and Democracy in Latin America* (Notre Dame Press 2004).

³⁵ See section 4.2.2.1.

³⁶ Advisory Group on Climate Change and Human Mobility (UNHCR, IOM, UNU-EHS, UNDP, ILO, NRC/IDMC, Sciences Po-CERI and Refugees International), 'Human Mobility in the Context of Climate Change: Recommendations from the Advisory Group on Climate Change and Human Mobility: COP 20 Lima, Peru' (2014).

study's Annex includes a table identifying 90 episodes in the last fifteen years where natural hazards have led to the internal displacement of a considerable number of individuals.³⁷ Noting the lack of statistical data on cross-border disaster-displacement, documented cases of cross-border displacement and migration in the context of disasters and natural hazards are discussed individually.

Between 2000 and mid-2015, this study conservatively estimates that at least **7,953,898** individuals in South America were internally displaced or evacuated in the context of disasters.³⁸ At the same time, underreporting, particularly in the case of cross-border movements, indicates that the real number of disaster-displaced persons is undoubtedly greater.

Chart 1: Individuals displaced and evacuated by type of event, 2000 – June 2015

Type of event	Total number of individuals displaced
Floods	4,707,668
Volcanic activity	73,053
Landslides	154,632
Storms	25,076
Seismic activity	2,972,545
Wildfires	20,924
TOTAL	7,953,898

As a whole, movements caused by hydro-meteorological events take a central role in the region, and can be expected to increase in the future. Variation between

wet and dry seasons³⁹ and the periodic effects of El Niño⁴⁰ have already been found to directly impact the temporary migration of rural workers. In the next few years, climate change is expected to increasingly play a role in shaping human mobility. More specifically, the Intergovernmental Panel on Climate Change (IPCC) has concluded that the risk of displacement will rise in this century due to an increase in the frequency and intensity of hydro-metrological and climatological hazards, and more frequent events of long-term environmental degradation.⁴¹ It will also likely increase the frequency of cross-border disaster-displacement in particular.⁴² Although it is difficult to quantify,⁴³ the effects of climate change can also influence other factors linked to human mobility, such as food security or lack thereof.⁴⁴

The effects of climate change have also been foreseen in specific South American countries. For instance, the Colombian Government has informed international organizations that it estimates that even in the less dramatic climate change scenarios there will be, among other effects, a strong increase in rainfall in some areas and a great decrease in others,⁴⁵ which might prolong current trends of mobility due to floods and droughts.⁴⁶ In Argentina an increase in rainfall in the west and northwest areas of the wet Pampa, an increase in extreme precipitations in the center and the east of the country, an increase in rivers' levels and an increase in the frequency of flooding in most of them have already been recorded.⁴⁷ This causes concern, as flooding is already a major factor for people to leave regions that are frequently affected by it.⁴⁸ While in general most people who flee hydro-meteorological disasters are only dis-

³⁷ This table is included in this document as **Annex I**, and is the main source of statistical information for the remainder of this study. The data is derived, unless otherwise stated, from the UN Office for the Coordination of Humanitarian Affairs' (OCHA) Weekly Notes on Emergencies in Latin America and the Caribbean (REDLAC), and only includes events where the number of individuals who had to change locations is clearly noted, thus excluding events where the total number of individuals moving is not specified within the total number of affected persons.

³⁸ This calculation assumes that in the events where the number of 'families' and not 'persons' is registered each family unit has four members.

³⁹ Philine Oft, 'Microfinance Instruments can Contribute to Build Resilience: A Case Study of Coping and Adaptation Strategies to Climate-Related Shocks in Piura, Peru' (2010) 2 UNU-EHS Graduate Research Series, 71-77.

⁴⁰ Ministerio de Salud del Perú, 'El Fenómeno El Niño 1997-1998 en Perú' (2001).

⁴¹ IPCC Working Group II, 'Contribution to the Fifth Assessment Report' [2014] IPCC 5AR, WG2, Volume 1 Chapter 12.

⁴² Kälín and Schrepfer (n 21) 24-28; Hugo (n 8) 16-27.

⁴³ McAdam (n 8) Introduction.

⁴⁴ In the case of Argentina, see Ana María Murgida, 'Cambios Socio-Ambientales: Desplazamientos de las Poblaciones Históricamente Postergadas en el Chaco-Salteño' [2013] 9 Cuadernos de Antropología 35.

⁴⁵ Misión Permanente de la República de Colombia in Ginebra, 'Respuesta a la Solicitud de Información según lo Dispuesto en la Resolución 7/23 del Consejo de Derechos Humanos: "Los Derechos Humanos and el Cambio Climático"' (2008) MBNY-354/41.

⁴⁶ The climate change scenarios in Colombia have been explored in depth by the State in IDEAM, PNUD, MADS, DNP and Cancillería, 'Escenarios de Cambio Climático para Precipitación y Temperatura en Colombia 2011-2100: Herramientas Científicas para la Toma de Decisiones – Estudio Técnico Completo: Tercera Comunicación Nacional de Cambio Climático' (2015). Similarly, the impact on the Eje Cafetero region has been studied in Javier G. Valencia Hernández et al, *Cambio Climático y Desplazamiento Ambiental Forzado: Estudio de Caso en la Ecorregión Eje Cafetero en Colombia* (Universidad la Gran Colombia Editorial Universitaria 2014).

⁴⁷ Álvarez Gila et al, 'Argentina: Case Study Report' Report of the EACH-FOR project (Environmental Change and Forced Migration Scenarios) (2009).

⁴⁸ *ibid.*

placed temporarily and can return to their place of origin relatively quickly when conditions have improved,⁴⁹ the increased frequency and intensity of such hazards linked to climate change may make it more difficult to find durable solutions upon return, or return may even be impossible in some cases.⁵⁰

South American States have been particularly active in recognizing the nexus between climate change and human mobility through the Organization of American States,⁵¹ the South American Conference on Migration (*Conferencia Sudamericana sobre Migraciones*)⁵², MERCOSUR⁵³ and even the 2014 Brazil Declaration.⁵⁴ Individually, the Governments of Bolivia,⁵⁵ Brazil,⁵⁶ Ecuador,⁵⁷ Chile,⁵⁸ Paraguay,⁵⁹ Peru⁶⁰ and Venezuela⁶¹ have also discussed the current or foreseen impact of climate change on human mobility in their last national communications under the UNFCCC,⁶² which provides an entry point to include human mobility considerations within their national adaptation plans.

Finally, the extent to which a natural hazard develops into a disaster is also linked with other factors. For example, poor land management, such as the disappearance of local vegetation to prevent erosion, may have contributed to some local farmers in northeastern Brazil

to move during droughts.⁶³ Likewise, population growth can contribute to the destruction of natural resources like mangroves, which can in turn have negative consequences for border communities when flooding occurs, as in the case of San Lorenzo, Ecuador. South America's socio-economic context also influences the impact of natural hazards, as the effects of climate change on mobility are particularly hard on the most vulnerable social strata in developing countries.⁶⁴

The following sections will highlight some of the disasters in South America where the available evidence shows that population movements have been involuntary, and can therefore be classified as displacement, and also presents an analysis of potential patterns that emerge across the region.

3.1.1 Human mobility in situations of sudden-onset disasters

Of the total of at least 7,953,898 individuals who had to flee or relocate due to natural hazards over the last fifteen years in South America, the overwhelming majority of people were fleeing floods, which have been the most frequent sudden-onset hazard.

⁴⁹ Jon Barnett and Michael Webber, 'Migration as Adaptation: Opportunities and Limits' in McAdam (n 8) 37, 40.

⁵⁰ Field et al (eds.), '2014: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC CUP 2014), box ts.4.

⁵¹ Comisión Especial de Asuntos Migratorios (n 6) and OEA, 'Resumen de la reunión del 27 de enero de 2009' (2009) OEA No. OEA/Ser.G CE/AM-72/09.

⁵² OIM, 'Migración, Medio Ambiente y Cambio Climático: Documento para la Discusión, Presentado en la Décima Conferencia Sudamericana sobre Migraciones en Cochabamba, Estado Plurinacional de Bolivia, 25 y 26 de octubre de 2010' (2010) and CSM, 'XIV Conferencia Sudamericana sobre Migraciones, Declaración de Lima: "Migración e Inclusión: Un Reto para la Integración Suramericana"' (2014).

⁵³ ACNUR, 'Proceso Conmemorativo del 30 Aniversario de la Declaración de Cartagena sobre los Refugiados "Cartagena+30", Consulta Subregional del Mercosur, Buenos Aires, 18-19 marzo, 2014: Resumen de Conclusiones y Recomendaciones' (2014), recommendation no. 7.

⁵⁴ Brazil Declaration: A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean, Brasilia, 3 December 2014 (2014), 3.

⁵⁵ Bolivia: Ministerio de Medio Ambiente y Agua, 'Segunda Comunicación Nacional del Estado Plurinacional ante la Convención Marco de las Naciones Unidas sobre Cambio Climático' (2009) BOL/COM/7 E COPY 2 SPA.

⁵⁶ Brazil: Ministry of Science and Technology, 'Second National Communication of Brazil to the United Nations Framework Convention on Climate Change – Volume 2' (2010).

⁵⁷ Ecuador: Ministerio del Ambiente, 'Segunda Comunicación Nacional de Ecuador ante la Convención Marco de las Naciones Unidas sobre Cambio Climático' (2012) ECU/COM/2 E.

⁵⁸ Chile: Ministerio del Medio Ambiente, 'Segunda Comunicación Nacional de Chile ante la Convención Marco de las Naciones Unidas sobre Cambio Climático' (2011) CHL/COM/3 E.

⁵⁹ Paraguay: Secretaría del Ambiente, 'Segunda Comunicación Nacional: Cambio Climático' (2011) PRY/COM/3 E.

⁶⁰ Peru: Ministerio del Ambiente, 'Segunda Comunicación Nacional de Chile ante la Convención Marco de las Naciones Unidas sobre Cambio Climático' (2010) PER/COM/2 B.

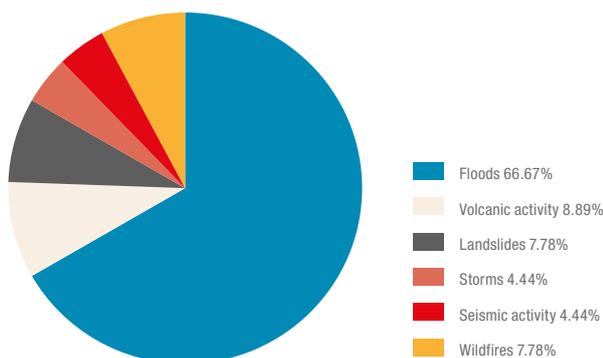
⁶¹ Venezuela: Ministerio del Ambiente y de los Recursos Naturales, 'Primera Comunicación Nacional en Cambio Climático de Venezuela' (2005) VEN/COM/1 E.

⁶² UNFCCC (n 25).

⁶³ Astri Suhrke, 'Pressure Points: Environmental Degradation, Migration and Conflict' [1993] American Academy of Art and Science Occasional Paper Series 3, 7.

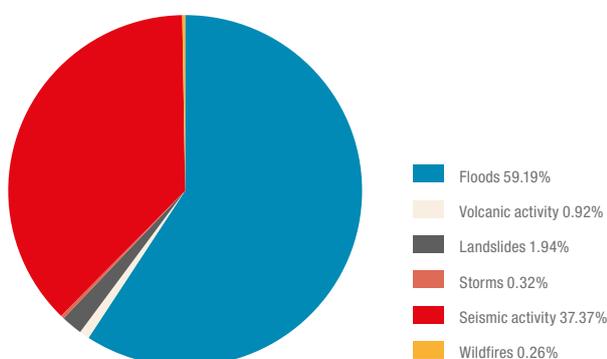
⁶⁴ *ibid.* and Rafael Leal-Arcas, 'Climate Migrants: Legal Options' [2012] 37 Social and Behavioral Sciences 86, 89.

Graph 2: Event frequency



However, while less frequent, earthquakes have displaced the largest number of people per event.

Graph 3: Percentage of total people on the move by type of sudden-onset hazard



At the global level, some South American countries are among those most affected by disaster displacement. For instance, in relation to the total number of people displaced in absolute terms during the 2008-2013 period, Colombia was the eighth most affected country, Chile twelfth and Brazil nineteenth (and even sixth in 2009⁶⁵).⁶⁶ In relative terms to each country's population at the global level,⁶⁷ Chile occupied the fourth place and Colombia the seventh.⁶⁸ In terms of natural hazards, seismic activity in 2010 caused the most displacement in Chile,⁶⁹ while floods led to the most disaster displacement throughout the 2008-2013 period, particularly in Colombia and Brazil.⁷⁰

Floods have also contributed to displacement in other countries in the region, such as Paraguay, where they displaced around 28,000 people in 2013.⁷¹ In Peru displacement following flooding has also been extensively documented, with 138,000 people displaced in 2012.⁷² Likewise when the Huallaga and Itaya Rivers regularly overflow their banks hundreds of families are forced to flee temporarily, with some of them even permanently relocating from hazard prone areas.⁷³

Volcanic activity has also led many authorities to evacuate communities before disaster situations occur to avoid potential loss, injury or death. For instance, in Peru, activity from the Ubinas volcano led to the evacuation of approximately 300 people in 2006,⁷⁴ while in 2004 some 4,000 people from Ubinas, Querapi and San Juan de Tarucani abandoned their homes under similar circumstances.⁷⁵ In Ecuador, authorities carried out a large-scale evacuation around the Tungurahua volcano in October 1999, evacuating 26,000 people, with some 4,500 people also evacuated in 2006 in the same region. More recently, Chilean authorities evacuated 6,685 residents living within the region surrounding the Calbuco volcano in May 2015.⁷⁶

⁶⁵ Internal Displacement Monitoring Centre (IDMC), 'Displacement due to Natural Hazard-Induced Disasters: Global Estimates for 2009 and 2010' (2011), 8-9.

⁶⁶ IDMC, 'Global Estimates 2014: People Displaced by Disasters' (2014).

⁶⁷ Number of people displaced per million inhabitants in the country.

⁶⁸ *ibid.*

⁶⁹ *ibid.*, 40.

⁷⁰ The floods and population flows related to the rainy season in the Atlántico department in Colombia, the subsequent rupture of the Canal del Dique and the State's response has been extensively documented in José J. Amar, Camilo Madariaga Orozco, Daladier Jabba Molineros, Raimundo Abello Llanos, Jorge Palacio Sañudo, Alberto De Castro Correa, Marina Martínez González, Ledier Miguel Utria Utria, Eliana Sanandrés Campís, Samier Eljagh Tapia, Claudia Robles Haydar, Martín Díaz Mora and Lorenzo Zanello Riva, *Desplazamiento Climático y Resiliencia: Modelos de Atención a Familias Afectadas por el Invierno en el Caribe Colombiano: El Caso del Sur del Atlántico (2010-2011)* (Universidad del Norte 2014).

⁷¹ IDMC 2014 (n 66) 35. This number is an estimate derived from the data provided in the IDMC report, which is presented in people displaced per million inhabitants (4,100).

⁷² IDMC/NRC, 'Global Estimates 2012: People Displaced by Disasters' (2013), 25 and IDMC 2014 (n 66) 29.

⁷³ Zevallos Trigos (n 31) 32-33.

⁷⁴ *ibid.*

⁷⁵ *ibid.*

⁷⁶ ONEMI, 'Monitoreo Alerta Roja para la Región de Los Lagos por Actividad del Volcán Calbuco (17 May 2015), available at <http://goo.gl/oYE7pf> accessed 18 May 2015.

3.1.1.1 Cross-border displacement and migration in the context of sudden-onset disasters

Sudden-onset hazards may also lead to disaster situations that prompt people to abandon their homes and seek protection and assistance abroad. Reflecting global trends,⁷⁷ current examples of cross-border disaster-displacement in South America mostly follow pre-existing international migration pathways, and can be broadly classified within four patterns.

First, individuals affected by a disaster may believe that their humanitarian needs will be better met in a neighboring country. For example, Colombians fleeing to Ecuador⁷⁸ from massive flooding during the 2010 wet season likely considered that emergency services in Colombia were already overwhelmed. In such instances, cross-border disaster-displacement may act as an escape valve to reduce pressure on limited resources during disaster situations.⁷⁹

Second, cross-border movements may be due to the fact that in some cases fleeing abroad to escape a natural hazard may be easier or safer than trying to seek safety within another part of the country of origin.⁸⁰ This is likely the case, for instance, of Chileans moving from border areas towards Argentina after landslides and earthquakes.⁸¹ Similarly, when the Mamore River in Bolivia breached its banks in April 2014 and caused flooding, it was extremely difficult for those in the border region of Guayaramerín to reach safe zones within Bolivia, thus some 120 families fled to temporary shelters in Brazil.⁸² A third and particularly interesting case is that of temporary settlements in the triple border between Colombia, Brazil and Peru, which periodically relocate from one country to another to avoid the cyclical rises in the Amazon River's water level. Since the stay

in each country is shorter than three months and many of those moving have double nationalities⁸³ this movement is particularly difficult to categorize.

Third, temporarily entering a neighboring country and then exiting through a different border point may be necessary to reach another area within the disaster-affected country. For example, in Norte de Santander, Colombia, when the 2010-2011 wet season made the road connecting La Siberia settlement to the town of Herrán impassable residents of La Siberia had to cross into Venezuela to access alternate roads to Herrán, where needed food supplies, commerce, and health and education services were available.⁸⁴

Finally, international movement may also occur when natural hazards severely impact people's livelihoods. In the case of Ecuador, international migrants in Spain,⁸⁵ identified the 1997-1998 El Niño phenomenon as a central factor influencing their decision to leave their places of origin, not only because of how natural hazards had directly affected them, such as due to lost housing, but also because they resulted in significant livestock and crop losses.⁸⁶

3.1.2 Displacement and Migration in the context of slow-onset hazards

While drought is the most prominent slow-onset natural hazard in South America, other hazards in the region include glacial melting, sea level rise and coastal erosion. While they have occurred throughout history due to several different causes, climate change can contribute to all these hazards, such as through the increased variation in rainfall patterns and more extreme weather events such as drought.⁸⁷ While there is consensus that

⁷⁷ OIM, 'Medioambiente, Cambio Climático y Migración: Perspectiva y Actividades de la OIM' (2011).

⁷⁸ Cantor (n 28) 15.

⁷⁹ Gabriela Iglesias and Adriana Pagani, 'Migraciones y Medioambiente Más Allá de las Fronteras: La Integración Regional en el Contexto Latinoamericano' 26(75) Cuaderno de Negocios Internacionales e Integración 25.

⁸⁰ Cantor (n 28) 15.

⁸¹ *ibid.*

⁸² Veridiana Sede, 'Floods and Displacement in Bolivia' en François Gemenne, Pauline Brücker and Dina Ionesco, *The State of Environmental Migration 2014: A Review of 2013* (2014 IOM SciencesPo) 175, 180.

⁸³ E-mail correspondence with Migración Colombia's Grupo de Estudios Interinstitucionales sobre Migración (17 May 2015), on file with the author.

⁸⁴ Daniel Salgar Antolínez, 'Confinados en la Frontera Colombo-Venezolana' (El Espectador 16 May 2015) available at <http://goo.gl/cugyJB> accessed 16 May 2015.

⁸⁵ The effects of the 1997 and 1998 El Niño in the region have been studied in Frances Rodríguez Van Gort, 'Efectos del Fenómeno El Niño 1997-1998 en América Latina y la Importancia de los Pronósticos Climáticos en la Mitigación de Desastres' (tesis) (2008) available at <http://goo.gl/9U7FeF> accessed 22 April 2015.

⁸⁶ Álvarez Gila et al (n 47) 22-30 and OIM, 'Migración, Medio Ambiente y Cambio Climático: Documento para la Discusión, Presentado en la Décima Conferencia Sudamericana sobre Migraciones en Cochabamba, Estado Plurinacional de Bolivia, 25 y 26 de octubre de 2010' (2010), 7

⁸⁷ Field et al (n 5).

hazards linked to climate change already have and will continue to have implications on human mobility in South America, it is not clear exactly how many people will be affected.⁸⁸ For example, it is not known to what extent the projected reduction in size of rainforests and mountain snowcaps in the Andes⁸⁹ due to climate change will potentially lead to the displacement and migration of local and indigenous populations.⁹⁰

Brazil has been the hardest hit by drought over the past decades, with reports that droughts have contributed to the mobility of over sixty million people⁹¹ towards larger cities,⁹² particularly in the northeastern region of the country.⁹³ Over the last thirty years, regions within Bolivia, Colombia, Ecuador, Peru and Venezuela have also recorded an increase in the frequency and severity of droughts, particularly since 2005.⁹⁴ Similarly, some regions now face increased aridity and land degradation, particularly in southern Peru and Chile and southwestern Argentina.⁹⁵

Rising sea levels also pose challenges to all coastal communities in South America⁹⁶ as it can cause individuals to leave these areas by considerably elevating push factors.⁹⁷ In the future, Suriname will be one of the countries most affected by sea level rise through the ero-

sion and flooding of its deltas⁹⁸ and coastal areas, given that around 90 per cent of the country's population, including Paramaribo, is concentrated in low-lying and flat coastal areas.⁹⁹ Uruguay could potentially lose 0.05 per cent of its territory with a one meter rise in sea level,¹⁰⁰ and Colombia is also highly vulnerable to sea level rise due to a confluence of highly vulnerable population concentrated in coastal areas and the considerable costs of implementing adequate response strategies.¹⁰¹

Many studies anticipate that the impacts of climate change will become increasingly serious in the decades ahead, contributing to human mobility in a larger scale.¹⁰² In times of drought, heat and low water availability may endanger people's health as well as their animals and crops, particularly for people living in semi-arid regions or who are dependent on water from glaciers. Such circumstances may force groups to abandon their agrarian lifestyles and migrate under vulnerable conditions.¹⁰³ Similarly, as the risk of floods in coastal areas increases with rising sea levels, affecting the inhabitants' quality of life, people may be forced to move to safer areas, including abroad, given existing international migration patterns in the region.¹⁰⁴ As in other regions in the world, the effects of climate change will predominantly affect the lowest socioeconomic

⁸⁸ Field et al (n 50) 20.

⁸⁹ German Advisory Council on Global Change (WGBU), 'World in Transition: Climate Change as a Security Risk, Summary for Policy-Makers' (2008).

⁹⁰ The issue of indigenous groups in Peru is studied in Geremia Cometti, 'The Necessity for an Ethnographic Approach in Peru' [2015] 49 FMR 14.

⁹¹ OIM, 'Migración, Desertificación, Degradación de Tierras, Sequía y Cambio Climático en América del Sur' (OIM Serie Migración, Medio Ambiente and Cambio Climático: Módulo IV, 2015).

⁹² Organización Panamericana de la Salud, 'Hacia un Mundo más Seguro Frente a los Desastres Naturales: La Trayectoria de América Latina y el Caribe' (OPS 1994), 31.

⁹³ Luis José Mata and Carlos Nobre, 'Background Paper: Impacts, Vulnerability and Adaptation to Climate Change in Latin America' (2006); Kaenzig and Pigué (n 28) 9-10 and Étienne Pigué, 'Climate Change and Forced Migration' [2008] 153 UNHCR New Issues in Refugee Research, 6.

⁹⁴ Kaenzig and Pigué (n 28) 7.

⁹⁵ OIM2015 (n 91).

⁹⁶ IPCC, *Impactos Regionales del Cambio Climático: Evaluación de la Vulnerabilidad* (1997) Capítulo 6: América Latina, 24.

⁹⁷ IPCC, 'IPCC Second Assessment: Climate Change 1995' (1995), 35; Magrin et al, 'Latin America. Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change' (IPCC CUP 2007) 581, 599; Kaenzig and Pigué (n 28) and Elizabeth Warn and Susana B. Adamo, 'The Impact of Climate Change: Migration and Cities in South America' [2014] 63(2) WHO Bulletin.

⁹⁸ Boano et al (n 5) 15.

⁹⁹ Cor Becker, 'Suriname' in van Drunen et al (n 28) 88.

¹⁰⁰ IPCC Second Assessment (n 97) 8.

¹⁰¹ Sierra-Correa et al (n 28) 26.

¹⁰² Diarmid Campbell-Lendrum and Lilibeth Acosta-Michlik, Ulka Kelkar and Upasna Sharma, 'A Critical Overview: Local Evidence on Vulnerabilities and Adaptations to Global Environmental Change in Developing Countries' [2008] 18(4) Global Environmental Change 539.

¹⁰³ IPCC 2014 (n 41) table KR-1.

¹⁰⁴ Álvarez Gila et al (n 47) 29.

classes.¹⁰⁵ Groups with specific needs may be particularly at risk, such as indigenous and afro-descendant groups and poor women and children.¹⁰⁶

Climate change will also impact food production in prairies across the subcontinent,¹⁰⁷ particularly in the Amazonian and equatorial regions, due to the impacts of land degradation on agriculture and livestock farming.¹⁰⁸ Such impacts may, in turn, indirectly contribute to human mobility by affecting food security and negatively impacting the economy of farming communities.¹⁰⁹ For example, a study on Ecuador projects that a severe reduction in food production (-30 to -60 per cent) associated with prolonged drought could potentially lead to a 40 to 150 per cent increase in international migration.¹¹⁰

3.1.3 Mobility due to tensions exacerbated by natural hazards

Disasters and the effects of climate change may also promote tensions and strife by seriously disturbing public order and security. In turn, these tense scenarios can interact with other factors to push people away from an area.¹¹¹ This is due to the fact that when natural hazards and preexisting conflicts come together, people are in a particularly vulnerable situation and their capacity to return to their place of origin is even lower.¹¹²

In the region the best example of this phenomenon is what happened in Haiti during and after 2010. Although the country is not in South America, the region received an important number of Haitians after the earthquake that year. Many of them received protection not because they fled the earthquake itself, but the effects it had on the country, which had been suffering from political instability, low levels of development and sporadic armed clashes that were exacerbated by the earthquake. In this sense, it was these new forms of instability and violence and the humanitarian needs of Haitians abroad that led to their protection in South America, and not the earthquake itself. This situation will be studied in greater detail in the next section.

¹⁰⁵ *ibid.*, 94. See further Elizabeth Ferris, 'Making Sense of Climate Change, Disasters, and Displacement: A Work in Progress' [2007] in Calcutta Research Group Winter Course (14 December 2007), 12.

¹⁰⁶ Field et al (eds.), '2014: Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part B: Regional Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC CUP 2014), 1516. The impact on women has been previously studied in UNIFEM, 'United Nations Development Fund for Women's Contribution to Request by UN High Commissioner for Human Rights for Information on Human Rights and Climate Change' (2008).

¹⁰⁷ Laura Yahdjian and Osvaldo E. Sala, 'Climate Change Impacts on South American Rangelands' [2008] 30(3) *Rangelands* 34.

¹⁰⁸ See the study on Argentina, Brazil, Chile, Colombia, Ecuador, Uruguay and Venezuela in S. Niggol Seo and Robert Mendelsohn, 'Climate Change Impacts on Latin American Farmland Values: The Role of Farm Type' [2008] 6(2) *Revista de Economía e Agronegocio* 159.

¹⁰⁹ UNHCR 2008 (n 27) 6. On Bolivia see, Óscar Paz, Javier Gonzales and Magali García, 'Bolivia' in van Drunen et al (n 28) 18.

¹¹⁰ IOM 'Migration, Environment and Climate Change: Assessing the Evidence' (2009), 337.

¹¹¹ Boano et al (n 5) Chapter 7; Rafael Reuveny, 'Climate Change-Induced Migration and Violent Conflict' [2007] 26 *Political Geography* 656 and International Federation of Red Cross and Red Crescent Societies (IFRC), 'Climate Change and Human Mobility: A Humanitarian Point of View' (2009).

¹¹² IDMC 2014 (n 66) 10.



4. PROTECTION OF CROSS-BORDER DISASTER-DISPLACED PERSONS IN SOUTH AMERICA

Although in most cases specific regulations for the protection of cross-border disaster-displaced persons have not been enacted, some of the existing protection systems applicable in South America have been or could be used to respond to their needs. In fact, as far back as the 1994 San José Declaration,¹¹³ States in the region called for regional fora on the protection of the environment to be used to discuss the links between the environment and refugees, as well as forced displacement and migration more generally.¹¹⁴ When disaster displacement takes place across international borders, solutions may be found in other branches of international law, including international refugee law¹¹⁵ and the international¹¹⁶ and Inter-American human rights regimes,¹¹⁷ among others.¹¹⁸

However, although these measures address some of the protection and assistance needs of people displaced across international borders in the context of disasters, other protection and assistance gaps remain. For example, the application of international or regional legal standards in many South American countries is difficult because they have not been regulated or adopted internally,¹¹⁹ and their effectivity is limited when

tending to the needs of displaced persons in protracted situations.¹²⁰ Furthermore, issues related to admitting displaced persons into a foreign country in disaster contexts, the conditions under which they would be permitted to stay, and the conditions and modalities of return have not been fully addressed in existing international or regional laws, policies or administrative procedures.

¹¹³ Declaración de San José sobre Refugiados y Personas Desplazadas, adoptada por el 'Coloquio Internacional: 10 Años de la Declaración de Cartagena sobre Refugiados', celebrado en San José, Costa Rica, del 5 al 7 de diciembre de 1994 (1994).

¹¹⁴ Conclusion twenty.

¹¹⁵ Convention relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Convention) and Protocol relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267 (1967).

¹¹⁶ Jane McAdam and Marc Limon, 'Human Rights, Climate Change and Cross-Border Displacement: The Role of the International Human Rights Community in Contributing to Effective and Just Solutions' (Universal Rights Group 2015).

¹¹⁷ American Declaration of the Rights and Duties of Man (adopted 2 May 1948) OAS/Ser.L/V/II.4 Rev. 9 (2003) 43 AJIL Supp. 133 (1949) (American Declaration) and American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123 (Inter-American Convention).

¹¹⁸ For a general perspective of the role of international law in this area see Marcos Nelio Mollar, 'La Protección Internacional de las Personas Afectadas por Desastres y otras Consecuencias de Fenómenos Naturales' in Silvana S. González Napolitano, Marcos Nelio Mollar, Paula M. Vernet, María Belén Gracia, Ignacio Vásquez, Gonzalo E. García Steeman, Patricia Bilbao, Víctor L. Elías, Pablo Ezequiel Cano, José Losada Revol, Luciana Aguirre and Leyddy Johanna Cárdenas Pérez, *Respuestas del Derecho Internacional a Desastres y otras Consecuencias de Fenómenos Naturales* (SGN Editora 2015).

¹¹⁹ An interesting development on this issue is Venezuelan Decreto N° 8.001, which established measures for accommodation and attention in cases of emergency and disasters (Gaceta Oficial Número 39.599, Año CXXXVIII Mes IV, 21 January 2011).

¹²⁰ Angela Williams and Richard Black, 'The Nansen Initiative, UNHCR and the Foresight Report on Migration and Global Environmental Change' (2012) and Roberta Cohen and Megan Bradley, 'Disasters and Displacement: Gaps in Protection' [2010] 1 J Int'l Humanitarian Legal Studies, 10.

This chapter will focus on the protection of cross-border disaster-displaced persons in three crucial phases: before, during and after displacement.¹²¹

4.1 BEFORE CROSS-BORDER DISASTER-DISPLACEMENT: MANAGING DISASTER DISPLACEMENT RISK IN THE COUNTRY OF ORIGIN

Disaster displacement risk is determined by a relationship between exposure, vulnerability and existing capacities.¹²² Consequently, one of the most effective ways to avoid it is by increasing resilience to natural hazards, such as by improving risk management systems, in an effort to reduce overall disaster displacement.¹²³

From a normative standpoint, a State's obligation to prevent displacement has been highlighted by the Inter-American Court, which has noted that this duty is fulfilled when the State, having indications that displacement might occur,¹²⁴ takes measures to avoid it.¹²⁵ Likewise, comparative jurisprudence indicates that if a State does not take preventive measures in the face of disaster risk it might be responsible for damages with respect to the rights of the affected population.¹²⁶

Disaster risk reduction activities, infrastructure improvements, urban planning, climate change adaptation measures, land reform, and other development measures to strengthen the resiliency of vulnerable persons or groups of persons are all potential actions to help people remain safely in their homes when faced with natural hazards, and thus substantially reduce the number of disaster displaced persons. Regarding the impacts of climate change, the duty to prevent disaster displacement may include addressing its underlying causes, such

as by reducing greenhouse gas emissions that contribute to the frequency and intensity on natural hazards or undertaking adaptation measures.¹²⁷ Such activities may also help to strengthening host communities' capacity to receive displaced persons, and facilitate finding lasting solutions to end displacement by reducing exposure and building resilience to future hazards. Therefore it is important to specifically address displacement, migration and planned relocation in disaster risk reduction, climate change adaptation and other development plans and strategies. In this sense, effective strategies focus on five key areas:

- 1 **Disaster risk reduction:** When initiatives to reduce disaster risk are successfully implemented they may help to prevent displacement or to reduce it, as in the case of community-led adaptation to variability in rainfall patterns in some mountainous and coastal regions in Ecuador¹²⁸ and interventions to reduce the impact of cyclical droughts in farmlands in Peru.¹²⁹ Other proposals, such as interventions to diminish the impact of sea level rise in coastal areas in Suriname, can have an even more profound impact in preventing displacement.¹³⁰

The research behind this study, which reveals that floods and earthquakes are the most important push factors, can also serve to design more effective prevention strategies to avoid displacement. In the case of floods, which are more frequent in the northern part of South America, strategies can involve a more effective and complete control of areas prone to risk by carrying out engineering and adaptation or relocation projects to reduce the odds that inhabitants have to flee once flooding occurs. Similarly, this information can help to strengthen emergency services in affected regions to improve the inhabitants' resilience when floods strike. On the other hand, even though earth-

¹²¹ These phases and State duties in each one of them largely reflect the protection framework contained in the UN Guiding Principles on Internal Displacement (Guiding Principles); UN Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2 11 (1998). On the applicability of the Guiding Principles to disaster displacement, see François Gemenne and Pauline Brückner, 'From the Guiding Principles on Internal Displacement to the Nansen Initiative: What the Governance of Environmental Migration Can Learn from the Governance of Internal Displacement' [2015] 27(2) IJRL 245.

¹²² Kälin and Schrepfer (n 21) 6.

¹²³ World Conference on Disaster Reduction, 'Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters: Extract from the Final Report of the World Conference on Disaster Reduction (A/CONF.206/6)' (2005).

¹²⁴ *Castillo González et al v. Venezuela* (Merits) Inter-American Court of Human Rights Series C No. 256 (27 November 2012), starting at para. 131.

¹²⁵ *Case of the Human Rights Defender and Others v. Venezuela* (Preliminary Objections, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 283 (28 August 2014), para. 167.

¹²⁶ See the European Court of Human Rights' decision in the *Case of Budayeva and Others v. Russia* (Applications nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02), judgment of 20 March 2008.

¹²⁷ Kälin and Schrepfer (n 21).

¹²⁸ Clark Gray and Richard Bilsborrow, 'Environmental Influences on Human Migration in Rural Ecuador' [2013] 50(4) Demography 1217.

¹²⁹ OPS 1994 (n 92) 56.

¹³⁰ Becker (n 99) 88 and 92.

quakes cannot be prevented, it is possible to take measures to reduce their impact. In particular, the adoption of high seismic resistance standards and measures to benefit areas that are particularly vulnerable to seismic activity, including relocation in some cases, can also be useful to reduce outward flows if they occur.

- ② **Climate change adaptation:** Most countries in the region have promoted public policies related to climate change adaptation and its impact on disasters,¹³¹ some of which highlight the importance of aspects that might have implications for human mobility, including disaster risk reduction or the protection to the right to housing in this context.¹³² Similarly, some adaptation strategies have already been implemented,¹³³ including several in the context of National Plans under the Cancun Adaptation Framework¹³⁴ derived from the UNFCCC.¹³⁵ Notable examples include projects in Bolivia,¹³⁶ particularly for managing water resources,¹³⁷ models for developing infrastructure and urbanization policies in Colombia¹³⁸ and the adaptation of river infrastructure in Ecuador. At the same time, preparing for climate change through local development and land use plans at a local level can help prevent risks in particular areas,¹³⁹ as in the case of initiatives in São Paulo and Lima.¹⁴⁰ However, beyond these efforts on aspects

that have an impact on this phenomenon there is a need for clearer strategies that deal with human mobility as a specific area of climate change adaptation.

It is also important to note that, regardless of their role in preventing displacement, even the best prevention measures cannot completely eliminate the risk of displacement in every case. This is also true of the effects of climate change, which are projected to increase the frequency and intensity of hydro-meteorological phenomena.¹⁴¹ As a result, successful planning necessarily involves not only implementing measures for prevention but also planning ahead for when displacement does indeed occur. In these scenarios of displacement, projects undertaken as prevention measures can also serve the double purpose of facilitating the displaced people's movement to safer areas.¹⁴² In all of these aspects, multilateral cooperation is not only useful to promote prevention but can also help to reduce adaptation costs for all parties involved.¹⁴³

- ③ **Facilitating migration with dignity:** In some cases human mobility itself, in the form of migration or a planned relocation process, can also be an adaptation strategy to reduce the risks derived from natural hazards and reduce disaster displacement

¹³¹ Elizabeth Warn, 'Adaptation, Adaptation, Adaptation; Migration, Climate Change and National Adaptation Plans in South America' (2013) IOM Migration Weblog, available at <http://goo.gl/qR5oql>, accessed 6 May 2015. For an in-depth look on legislation and public policy, see Argentina: 'Comité Gubernamental sobre Cambio Climático, 'Estrategia Nacional en Cambio Climático: Estructura, Introducción, Objetivos Generales y Medios' (2011); Bolivia: Ley 300 de 2012 – Ley Marco de la Madre Tierra y Desarrollo Integral para Vivir Bien (2012); Brasil: Lei Nº 12.187 de 29 de Dezembro de 2009 (2009), Chile: Ley 19300 de 1994 – Ley sobre Bases Generales del Medio Ambiente (1994); Paraguay: Decreto Nº 14.943 de 2001 – Por el cual se Implementa el Programa Nacional de Cambio Climático (2001) and Secretaría del Ambiente, Política Nacional de Cambio Climático (2012); and Uruguay: Ley Nº 17.283 de 2000 – Ley General de Protección del Medio Ambiente.

¹³² *Inter alia*, Colombia: Contraloría General de la República, 'Adaptación al Cambio Climático en Colombia' (2014); Ecuador: Ministerio del Ambiente, 'Estrategia Nacional de Cambio Climático del Ecuador (ENCC) 2012-2025' (2012); Uruguay: Ministerio de Vivienda, Ordenamiento Territorial y Medio Ambiente, 'Plan Nacional de Respuesta al Cambio Climático: Diagnóstico y Lineamientos Estratégicos' (2010).

¹³³ van Drunen et al (n 28). For more information on the integration of human mobility in Adaptation Plans see Koko Warner, Walter Kälin, Susan Martin and Yousef Nassef, 'National Adaptation Plans and Human Mobility' [2015] 49 FMR 8.

¹³⁴ Advisory Group (n 36) 4; 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, in Report of the Conference of the Parties to its Sixteenth Session, Addendum, Part Two: Action taken by the Conference of the Parties, FCCC/CP/2010/7/Add.1, 15 March 2011, para. 14 (f).

¹³⁵ See, for instance, Koko Warner, 'Climate Change Induced Displacement: Adaptation Policy in the Context of the UNFCCC Climate Negotiations' [2011] 2 UNHCR Legal and Protection Policy Research Series.

¹³⁶ Paz et al (n 109) 18 and Misión Permanente de la República de Bolivia in Ginebra, 'Respuesta a la Nota Verbal Ref: IW/MK/UH/is de 20 de Agosto de 2008 respecto a la Resolución 7/23 del Consejo de Derechos Humanos: "Los Derechos Humanos y el Cambio Climático"' (2008) MBNY-354/41.

¹³⁷ World Food Programme, 'Letter of 20 August 2008 on the Human Rights Implications of Climate Change' (2008).

¹³⁸ Sierra-Correa et al (n 28) 26.

¹³⁹ *ibid.*

¹⁴⁰ São Paulo (Brasil): Lei Nº 14.933 de 5 de Junho de 2009 (2009) and Lima (Peru): Ordenanza Municipal Nº 1836 de 2015 – Estrategia de Adaptación y Acciones de Mitigación de la Provincia de Lima al Cambio Climático (2015)

¹⁴¹ Leal-Arcas (n 64).

¹⁴² IPCC Second Assessment (n 97) 29.

¹⁴³ UNHCR 2008 (n 27) 10 and Barnett and Webber (n 49) 48.

risk.¹⁴⁴ For example, when living conditions deteriorate, individuals and families often use migration as a way to seek alternative opportunities within their country or abroad to avoid situations that otherwise may result in a humanitarian crisis and displacement in the future. Managed properly, migration has the potential to be an adequate measure to cope with the effects of climate change, other environmental degradation and natural hazards.

Circular or temporary migration, such as the IOM program linking Colombia and Spain,¹⁴⁵ discussed later in this chapter, can create new livelihood opportunities, support economic development, and build resilience to future hazards by allowing migrants to send back remittances and return home with newly acquired knowledge, technology and skills. Measures to help facilitate migration with dignity from countries or areas facing natural hazards or climate change impacts include reviewing existing bilateral and regional migration agreements, adopting national quotas or seasonal workers programs and providing training and education to potential migrants.

- 4 **Planned relocation:** The risks and impacts of disasters, climate change, and environmental degradation have led many governments around the world to move and settle persons or groups of persons to safer areas, both before and after disaster displacement occurs. However, because of the many negative effects associated with past relocation processes (including challenges related to sustaining livelihoods, cultural ties, identity and connection to land, among others), planned relocation is generally considered a last resort after other options have been reasonably exhausted. Thus, it should be used with extreme care and under strict parameters,¹⁴⁶ taking into account, among other things, the participation and particular characteristics of the affected communities,

its sustainability and land access and property rights.¹⁴⁷ Individuals in the most vulnerable situations, who due to their physical condition, age or economic situation are not able to relocate on their own also require special assistance in order to do so.¹⁴⁸ An example of a possible case of relocation is that of Tolú, Colombia, where researchers have proposed that the adaptation strategy to cope with sea level rise includes the preventive relocation of the population to safer areas.¹⁴⁹

- 5 **Responding to internal displacement:** Since most disaster displacement takes place within countries,¹⁵⁰ the protection of internally displaced persons (IDPs) is particularly important. To be effective, approaches to risk mapping, disaster risk reduction measures, contingency planning, the humanitarian response, as well as efforts to find lasting solutions to disaster displacement often require addressing both internal and cross-border displacement at the same time. Furthermore, although more knowledge and data is required to better understand the relationship, it has been observed that cross-border disaster-displacement could potentially be avoided or reduced if IDPs received adequate protection and assistance following disasters. In particular, a lack of durable solutions is one reason why internally displaced persons may subsequently move abroad.

The UN Guiding Principles on Internal Displacement, which have been recognized by the international community as an “important international framework for the protection of internally displaced persons,” include those displaced in the context of disasters. The Guiding Principles, interpreted and expanded upon by the Inter-American Court’s jurisprudence, indicate that the State has the obligation to take measures to reduce the displaced population’s vulnerability.¹⁵¹ In these cases, first responses are necessarily operative rather

¹⁴⁴ Cecilia Tacoli, ‘Crisis or Adaptation? Migration and Climate Change in a Context of High Mobility’ in José Miguel Guzmán, George Martine, Gordon McGranahan, Daniel Schensul and Cecilia Tacoli (eds.), *Population Dynamics and Climate Change* (UNFPA IED 2009) 104 and IPCC, *Climate Change 2014: Impacts, Adaptation and Vulnerability* (2014), 20.

¹⁴⁵ Franck Laczko and Christine Aghazarm (eds.), *Migration, Environment and Climate Change: Assessing the Evidence* (IOM 2009), 16.

¹⁴⁶ Advisory Group (n 36), 6; Elizabeth Ferris, ‘Protection and Planned Relocations in the Context of Climate Change’ [2012] UNHCR Legal and Protection Policy Research Series and UNHCR, *Planned Relocation, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future* (2014). See further Elena Correa, Fernando Ramírez and Haris Sanauhja, ‘Populations at Risk of Disaster: A Resettlement Guide’ (World Bank 2011).

¹⁴⁷ UNHCR, ‘Summary of Deliberations on Climate Change and Displacement’ (n 5) 7 and Cohen and Bradley (n 120) 29-31.

¹⁴⁸ Barnett and Webber (n 49) 40.

¹⁴⁹ Sierra-Correa et al (n 28) 30.

¹⁵⁰ Ferris 2012 (n 146) 9.

¹⁵¹ *Case of the Mapiripán Massacre v. Colombia* (Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 134 (15 September 2005), para. 179; *Río Negro Massacre v. Guatemala* (Preliminary Objections, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 250 (4 September 2012), para. 174 and *Case of the Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia* (Preliminary Objections, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 270 (20 November 2013), para. 315.

than legal, as the population's humanitarian needs have to be tended to in order to reduce the risk of displacement. Because of this, it is important to continue to strengthen emergency services in the region.

4.2 DURING CROSS-BORDER DISASTER-DISPLACEMENT

International law does not explicitly address whether and under which circumstances disaster displaced persons should be admitted to another country, what rights they have during their stay, and under what conditions they may be returned or find another lasting solution. In the absence of clear provisions in international law, some States in the Americas, among other regions, have developed a multitude of tools that allow them to admit or not return disaster displaced persons on their territory on an individual or group basis. These humanitarian protection measures are generally temporary, and may be based on regular immigration law, exceptional immigration categories, or provisions related to the protection of refugees or similar norms of international human rights law.

The kind of measures States may choose to take have varied depending on the particular circumstances in each case, which is why this section will be looking at two distinct scenarios: assistance from the country where the disaster occurs and assistance from other countries. In both cases, due to the preponderance of flows due to seismic activity and floods, in responses should reflect the needs created by these two types of events.

4.2.1 Assistance from the disaster-affected country to nationals abroad

In the event of cross-border disaster-displacement, the State of origin has a duty to take measures to ensure the effective consular protection of its nationals who are abroad when a disaster occurs in the country of origin.¹⁵²

For example, the disaster-affected State may request that a receiving State not return people to the disaster-affected country until conditions following the disaster have improved. Disaster-affected States may also need to take actions to help their citizens abroad overcome vulnerability, or ensure that they return safely and voluntarily. Such consular protection can take place bilaterally as well as through consular cooperation mechanisms between MERCOSUR countries, Bolivia and Chile, on one hand,¹⁵³ and CAN countries, on the other.¹⁵⁴

4.2.2 Admission, stay and non-return of cross-border disaster-displaced persons

The receiving State can provide protection to cross-border disaster-displaced persons in two ways. States can either admit such persons to their territory and allow them to stay at least temporarily or they can refrain from returning foreigners to a disaster affected country who were already in their territory when the disaster occurred. When cross-border disaster-displaced persons are admitted to a country, it is important to clarify their rights and responsibilities for the duration of their stay, taking into account the capacity of receiving States and host communities and the likely duration of stay. Such clarification not only ensures respect for the rights and basic needs of those admitted, but also helps avert the risk of secondary movements to another country.

As the next section will show, the admission of nationals of one South American country into another has been permitted in some cases. The power to regulate the admission of foreigners on its territory is an inherent right of every State and an attribute of its sovereignty. The flexibility inherent in immigration discretion, in particular, allows countries to grant permission for disaster-affected foreigners to travel to, be admitted to and temporarily stay in the country. The discretionary power of States in immigration matters is not unlimited, however, and must be exercised harmoniously in regard to their commitments under applicable rules of international and national law.¹⁵⁵

¹⁵² Vienna Convention on Consular Relations (adopted 24 April 1963, entered into force 19 March 1967) 596 UNTS 261.

¹⁵³ MERCOSUR, Mecanismo de Cooperación Consular entre los Países del Mercosur, Bolivia y Chile (2000) MERCOSUR/CMC/DEC. N° 35/00.

¹⁵⁴ Comunidad Andina de Naciones, Decisión 548: Mecanismo Andino de Cooperación en Materia de Asistencia y Protección Consular y Asuntos Migratorios (2003).

¹⁵⁵ For example, international human rights law, despite the absence of specific jurisprudence, may arguably protect a disaster displaced person against removal in certain limited situations, for instance where his or her life would face a real, imminent and foreseeable risk. Kälin and Schrepfer (n 21) 33-36.

Once an individual is under a receiving State's jurisdiction, it has the duty to respect his or her human rights,¹⁵⁶ regardless of his or her nationality or migratory status.¹⁵⁷ Lastly, it is important to highlight that even in circumstances when a person has irregularly entered a country or when he or she has exceeded the maximum stay, he or she has a right to a migration procedure with due process guarantees regardless of her migration status.¹⁵⁸

During his or her stay in the country of reception the rights and responsibilities of a cross-border disaster-displaced person vary depending on the applicable regulations upon which they were admitted to the country.¹⁵⁹ In general, States have used four different legal mechanisms to receive disaster-affected persons: (1) regular migration categories, (2) special migration categories,

(3) refugee status and forms of protection in cases of mass influx and (4) complementary forms of international protection.

4.2.2.1 Regular migration categories

The first form of humanitarian protection measures used by States has been to grant admission through regular migration instruments. In these cases, the person affected by a disaster is admitted into another country and is granted temporary stay.

The following table summarizes regulations for short entries between South American countries and French Guiana:

Table 2: Visa requirement for short stays (at least 60 days)¹⁶⁰

		DESTINATION												
		ARG	BOL	BRA	CHL	COL	ECU	GUY	FRG	PAR	PER	SUR	URU	VEN
ORIGIN	ARG		No*	No*	No*	No*	No*	No	No	No*	No*	No	No*	No
	BOL	No*		No*	No*	No*	No*	Yes	No	No*	No*	Yes**	No*	No
	BRA	No*	No*		No*	No*	No*	No	No	No*	No*	No	No*	No*
	CHL	No*	No*	No*		No*	No*	Yes	No	No*	No*	Yes**	No*	No*
	COL	No*	No*	No*	No*		No*	Yes	Yes	No*	No*	Yes	No*	No
	ECU	No*	No*	No*	No*	No*		No	Yes	No*	No*	Yes	No*	No*
	GUY	No	Yes	No	Yes	No	No		Yes	Yes	No	No	No	Yes
	FRG	No	No	No	No	No	No	No		No	No	Yes**	No	No
	PAR	No*	No*	No*	No*	No*	No*	Yes	No		No*	Yes**	No*	No
	PER	No*	No*	No*	No*	No*	No*	No	Yes	No		Yes**	No*	No*
	SUR	No	Yes	No	Yes	No	No	No	Yes	Yes	No		Yes	Yes
	URU	No*	No*	No*	No*	No*	No*	No	No	No*	No*	Yes**		No*
	VEN	No*	No*	No*	No*	No*	No*	Yes	No	No	No*	Yes**	No	

Sources: Official websites of the Ministries of Foreign and/or Home Affairs and IATA. The special provisions for holders of special passports are not included.

* Allows entry with national IDs.

** Grants tourist visa upon arrival at an international airport.

¹⁵⁶ See, among others, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) [2004] ICJ Rep 136.

¹⁵⁷ *Judicial Condition and Rights of the Undocumented Migrants* (Advisory Opinion OC-18/03), Inter-American Court of Human Rights Series A No 18 (17 September 2003); *Rafael Ferrer-Mazorra et al v United States*, Inter-American Commission on Human Rights, Report N° 51/01 Case 9903 (4 April 2001).

¹⁵⁸ *Case of Nadege Dorzema et al v. Dominican Republic* (Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 251 (24 October 2010), paras. 158-161 and 175; *Case of the Constitutional Court v. Peru* (Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 71 (31 January 2001), paras. 69-70. See further *Case of the Pacheco Tineo Family v. Plurinational State of Bolivia* (Preliminary Objections, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 272 (25 November 2013), para. 132 and OC-18/03 (n 157) paras. 118-119.

¹⁵⁹ As an introduction, see OIM, 'Asegurando Derechos and Promoviendo Mecanismos de Protección a Migrantes y Desplazados por Razones Ambientales en América del Sur' (2015).

¹⁶⁰ Due to the wide variation in terms between each country, this study takes as a common base a minimum of sixty days.

As the above table shows, with exception of Guyana, Suriname and French Guiana, most South American nationals can enter neighboring territories following disasters for short periods of time without a visa, and in many cases with just their national identification document.

This type of temporary entry has several shortcomings as a form of humanitarian protection for cross-border disaster-displaced persons. First, it has a limited duration, which means that it may expire before it is possible for an individual to return to her country of origin, and thus would need to be replaced by another migration status to avoid return, which may not be available. Second, while the person is able to escape the disaster situation, such a status, which is usually that of a tourist or other similar category, does not necessarily guarantee access to services that might be necessary for a person fleeing a disaster, such as shelter and other forms of humanitarian aid.¹⁶¹ Third, if migration officials do not register the reasons behind a person's entry into the country, it is impossible to identify the individual's particular protection needs. Finally, such temporary entry is also unavailable to individuals coming from outside the region, who require specific authorization, which limits its usefulness as a humanitarian protection tool. For instance, in the case of Haitians in 2010, the Bolivian authorities resorted to temporary tourist visas to children so that they could enter the country while other migration alternatives were sought for the long term.¹⁶²

4.2.2.1 Regional migration instruments

In addition to particular entry agreements between individual countries, some sub-regional agreements grant migrants from participating States a wider range of rights that can serve to facilitate the stay of cross-border disaster-displaced persons, and promote their wellbeing in the receiving country.

In South America the most advanced example is embodied by the MERCOSUR framework. Firstly, in regards to admission, national ID documents from citizens of the block's members and its associated States are recognized as valid international travel documents (see Table 2).¹⁶³ The most important development, however, is the MERCOSUR Residence Agreement, which also included Bolivia and Chile at its outset¹⁶⁴ and later Ecuador,¹⁶⁵ Peru¹⁶⁶ and Colombia.¹⁶⁷ The Agreement establishes a wide range of rights for regular migrants, including freedom of entry and the possibility of requesting temporary residence with associated rights, such as the right to work and to access social security, with the possibility of transforming temporary residence into permanent residence after two years.¹⁶⁸ The current exception within this framework is the admission of Venezuelan nationals in Colombia through the MERCOSUR framework, which Colombia has suspended until Venezuela fully adheres to the Residence Agreement.¹⁶⁹ However, Venezuelan nationals continue to be able to gain admission to the country under preexisting agreements.¹⁷⁰

This migration mechanism can thus serve as an option for cross-border disaster-displaced persons from State Parties to stay in a receiving country in the medium term, with the possibility of seeking permanent residency in the event that durable solutions are not found in a timely manner.¹⁷¹ Lastly, it is also important to note that MERCOSUR is in the process of developing a framework for "MERCOSUR citizenship" which, if implemented, could lead to an almost complete equivalence between the rights of foreign residents and nationals.¹⁷²

¹⁶¹ For instance, assistance in the case of a medical emergency.

¹⁶² El Nacional, 'Envían a Orfanatos Niños Haitianos Llegaron Bolivia' (4 de marzo de 2010), available at <http://goo.gl/vkjm4P> accessed 13 May 2015.

¹⁶³ MERCOSUR, 'Acuerdo sobre Documentos de Viaje de los Estados Partes del MERCOSUR y Estados Asociados' (2008).

¹⁶⁴ MERCOSUR, 'Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile' (2002).

¹⁶⁵ MERCOSUR, Decisión 021 de 2011.

¹⁶⁶ MERCOSUR, Decisión 004 de 2011.

¹⁶⁷ MERCOSUR, Decisión 020 de 2012.

¹⁶⁸ The status of mobility in MERCOSUR is analyzed in depth in Instituto de Políticas de Migraciones Internacionales y Asilo (IPMA), 'Estudio sobre Experiencias en la Implementación del Acuerdo de Residencia del Mercosur y Asociados: Documento de Referencia' (OIM 2014) and in Ana Margheritis, 'MERCOSUR's Post-Neoliberal Approach to Migration: From Workers' Mobility to Regional Citizenship' in David Cantor et al (eds.) *A Liberal Tide?: Immigration and Asylum Law and Policy in Latin America* (University of London ILAS 2015), 57.

¹⁶⁹ Unidad Administrativa Especial Migración Colombia, Resolución 2624 de 2014.

¹⁷⁰ El Espectador, 'Colombia Suspende Temporalmente la Visa Mercosur a Ciudadanos Venezolanos' (11 November 2014), available at <http://goo.gl/RpFV9A>.

¹⁷¹ Gonzalo E. García Steeman, 'Argentina y los Migrantes por Desastres Naturales' in Silvina S. González Napolitano (n 118) 189, 195.

¹⁷² MERCOSUR, 'Estatuto de la Ciudadanía del MERCOSUR: Plan de Acción' (2010).

The Andean Community also promotes mobility between its Member States,¹⁷³ which permits the admission of nationals of Member States without a passport.¹⁷⁴ Similarly, a proposal to create an Andean Migratory Statute with the purpose of creating a zone of free mobility and residence for citizens of State Parties¹⁷⁵ has been discussed but not yet implemented. Such a proposal would be equivalent to MERCOSUR's mechanisms by allowing access to employment, social security and residence to Bolivian, Colombian, Ecuadorian and Peruvian nationals.¹⁷⁶ However, since MERCOSUR has now integrated all CAN members within its Residence Agreement, it is unlikely that a CAN-only mechanism will materialize as it would duplicate the MERCOSUR Agreement.

4.2.2.2 Special migration categories

The last form of humanitarian protection measures for cross-border disaster-displaced persons come from the use of special migration categories that allow disaster-affected foreigners to stay in a receiving country. These categories differ from regular migration categories in that they either have less stringent requirements for particular types of migrants or they specifically include disasters as a cause motivating migration.¹⁷⁷ A person can access procedures to receive these migration categories either directly or indirectly. For example, a disaster-affected person who fails to claim asylum may automatically be referred to migration authorities who can grant other forms of admission, as is the case in Argentina¹⁷⁸ and Brazil.¹⁷⁹

States have most recently used special migration categories in response to Haitians who were either in their territory and were unable to return in the aftermath of the 2010 earthquake and the months following or arrived shortly thereafter. Conditions within Haiti after the earthquake were dire, with the Inter-American Commission on Human Rights expressing particular concern over the camp conditions for internally displaced persons¹⁸⁰ and reminding the international community and others “of the importance of respecting international human rights obligations in all circumstances, in particular non-derogable rights and the rights of those most vulnerable” during the emergency.¹⁸¹ One month after the earthquake, the UN High Commissioners for Human Rights and Refugees urged States to suspend returns of Haitian nationals to their country of origin, and to “continue granting interim protection measures on humanitarian grounds.”¹⁸² At the regional level, the meeting of UNASUR¹⁸³ heads of State called on Member States to carry out “special migratory regularization processes to benefit Haitian citizens,”¹⁸⁴ while ALBA countries called for a migration amnesty in favor of Haitians on their territories, and encouraged Member States, in some cases, to receive the family members of Haitians already in ALBA countries.¹⁸⁵

Following these calls, South American countries responded in different ways. Ecuador started a process of migration amnesty that granted five year non-immigrant visas in favor of Haitians present in its territory before 31 January 2010, which was also extended to the individuals' spouses and underage children who entered

¹⁷³ For more information on the Comunidad Andina's migration mechanisms see OIM and Comunidad Andina de Naciones, 'Avances y Recomendaciones para la Implementación de la Normativa de la Comunidad Andina en Materia de Migraciones' (2012) and María Isabel Moncayo, 'El Proceso de Construcción de la Política Migratoria Común en la Comunidad Andina' (tesis, 2009) FLACSO – Sede Ecuador.

¹⁷⁴ Comunidad Andina de Naciones, Decisión 503 (2001) and Resolución 527 (2006).

¹⁷⁵ Declaración de Bogotá, IV Foro Andino de Migraciones, 9 y 10 de mayo de 2013 (2013).

¹⁷⁶ CAN currently has mechanisms that allow intrarregional labor migration, but it is limited to individuals who have a job offer in the country of reception or that are being transferred by an enterprise from an office in one country to another. See decisions 545 (2003), 583 (2004) and 584 (2004).

¹⁷⁷ Leal-Arcas (n 64) 90.

¹⁷⁸ García Steeman (n 171) 196.

¹⁷⁹ Conselho Nacional de Imigração, Resolução Recomendada Nº 08 de 19 de dezembro de 2006: Dispõe sobre Pedidos de Refúgio Apresentados ao Comitê Nacional para os Refugiados – CONARE, que a Critério deste, Possam ser Analisados pelo Conselho Nacional de Imigração – CNIg como Situações Especiais (2006).

¹⁸⁰ Inter-American Commission on Human Rights, 'Press Release: IACHR Expresses Concern over Situation in Camps for Displaced Persons in Haiti', Press Release No. 115/10 (2010).

¹⁸¹ Inter-American Commission on Human Rights, 'Press Release: IACHR Stresses Duty to Respect Human Rights during the Emergency in Haiti', Press Release No. 11/10 (2010).

¹⁸² UNHCR, 'OHCHR/UNHCR Urge Extending Suspension of Returns to Haiti' (12 February 2010).

¹⁸³ Tratado Constitutivo de la Unión de Naciones Sudamericanas (adopted 23 May 2008, entered into force 11 March 2011) 2742 UNTS 48456. It is worth noting that UNASUR has among other objectives dealing with migration and climate change issues.

¹⁸⁴ UNASUR, 'Declaración de Solidaridad de UNASUR con Haití, Decisión de Quito' (9 February 2010).

¹⁸⁵ ALBA, 'Plan para la Contribución Solidaria de los Países del ALBA al Esfuerzo de Reconstrucción de Haití' (25 January 2010).

between 31 January and 30 June 2010.¹⁸⁶ The Venezuelan government's response, which allowed the regularization of irregular Haitian migrants in the country, was also directed at individuals who had entered Venezuela before the earthquake,¹⁸⁷ and as a result it was more of a benefit for people who were already outside Haiti than those who left afterwards.¹⁸⁸

In Colombia some disaster-affected Haitians, who did not meet the regular refugee definition, received the status of "refugee(s) due to humanitarian reasons,"¹⁸⁹ regardless of whether they had arrived before or after the earthquake. This status had more in common to humanitarian migration category due to the fact that it was discretionary and did not correspond with the refugee definition. At the same time, the Government of Colombia promoted an initiative to bring underage children of Haitian police officers to stay with their Colombian counterparts for a year, with full access to education and social services.¹⁹⁰ In Chile, Haitians received a special temporary residence status,¹⁹¹ and the

reunification of 34 individuals in Haiti with relatives who were residents in Chile was facilitated.¹⁹² Finally, in Argentina, rejected asylum-seekers from Haiti¹⁹³ were transferred to a migration procedure where they could obtain humanitarian temporary residence visas from the National Directorate for Migration.¹⁹⁴

Brazil developed the most elaborate migration mechanisms to admit disaster-affected Haitians.¹⁹⁵ In most cases, Haitian asylum claims were rejected. However, such persons were subsequently automatically redirected to the National Immigration Council's migration procedure, which granted humanitarian visas¹⁹⁶ to approximately 4,000 Haitians.¹⁹⁷ As the arrival of Haitians increased in 2012,¹⁹⁸ the Government sought other options to regularize migration, leading to more than 13,000 permanent residence visas during 2013¹⁹⁹ both on Brazilian territory and through the Embassy in Port-au-Prince.²⁰⁰ As a result of these programs around 26,000 permanent residence visas were granted to Haitians in the period between January 2012 and August 2015.²⁰¹

¹⁸⁶ Decreto 248 de 2010; OEA, 'Migración internacional en las Américas: Informes Nacionales, Primer informe del Sistema Continuo de Reportes de Migración Internacional en las Américas (SICREMI)' (2011) OEA/Ser.D/XXVI.2, 117 and TeleSUR, 'Ecuador Anuncia Proceso para Regularizar Haitianos mediante Amnistía Migratoria' (15 de abril de 2010). Regarding the implementation of these programs see Patricia Weiss Fagen, 'Receiving Haitian Migrants in the Context of the 2010 Earthquake' (Nansen Initiative 2013), 17.

¹⁸⁷ See further Análisis 365, 'En Venezuela Todos los Haitianos son Legalmente Reconocidos: Entrevista al Embajador de Haití en Venezuela' (date not available).

¹⁸⁸ Cantor (n 28) 75. Regarding the application of these dispositions in practice, see Radio Nacional de Venezuela, 'SAIME Inicia Operativo de Regularización para Ciudadanos Haitianos' (12 de marzo de 2010), available at <http://goo.gl/POE8eZ>, accessed 12 May 2015.

¹⁸⁹ Cantor (n 28) 85.

¹⁹⁰ Caracol Radio, 'Niños Haitianos Podrán Estudiar in Colegios de Bogotá' (20 de enero de 2010), available at <http://goo.gl/HdxsD9>, accessed 14 May 2015 and EFE, 'Cien Niños Haitianos Viajarán a Colombia donde serán Apadrinados por la Policía' (29 de enero de 2010), available at <http://goo.gl/kct8eT> accessed 13 May 2015.

¹⁹¹ Cantor (n 28) 86.

¹⁹² Woody Edson Loudior, 'Cooperación UNASUR-Haití: Hora de Hacer un Balance Completo' (13 de julio de 2011), available at <http://www.alainet.org/es/active/48018>, accessed 13 May 2015 and Rodrigo Vergara, 'La Historia Tras los Haitianos que Llegan a Chile para Buscar una Vida sin Terremoto (Emol 23 de enero de 2010), available at <http://goo.gl/DeCOBF>, accessed 13 May 2015.

¹⁹³ María Belén Gracia, 'La Protección de las Personas Internacionalmente Desplazadas por Desastres y otras Consecuencias de Fenómenos Naturales' in Napolitano et al (n 118), 68.

¹⁹⁴ Gracia (n 193) 65. See Ley No. 25.871 of 2010, Article 34. Regarding the current status of this mechanism, see Irene Duffard Evangelista, 'On Policies of Hospitality and Hostility in Argentina' [2014] 45 FMR 75.

¹⁹⁵ For more information on the general context of migration flows from Haiti to Brazil see Carlos Nieto, 'Migración Haitiana a Brasil: Redes Migratorias and Espacio Social Transnacional' (CLACSO 2014).

¹⁹⁶ Cesar Augusto Silva Da Silva, 'Brazil: Human Rights and Environmental Refugees' [2013] 22 Int. Law Rev. Colomb. Derecho Int. Bogotá (Colombia) 211, 231-232 and OEA, 'Migración Internacional en las Américas: Segundo Informe del Sistema Continuo de Reportes sobre Migraciones Internacionales en las Américas (SICREMI)' (2012) OEA/Ser.D/XXVI.2.2, 103.

¹⁹⁷ Gracia (n 193) 68

¹⁹⁸ Diana Thomaz, 'Post-Disaster Haitian Migration' [2013] 43 FMR 35.

¹⁹⁹ See the studies by Heloisa Harumi Miura, 'The Haitian Migration Flow to Brazil: Aftermath of the 2010 Earthquake' in François Gemenne, Pauline Brückner and Dina Ionesco, *The State of Environmental Migration 2014: A Review of 2013* (2014 IOM SciencesPo) 149 and Leonardo Cavalcanti, Tânia Tonhati and Antônio Tadeu Oliveira (eds.), *Autorizações Concedidas a Estrangeiros* (2015). See further ACNUR, 'Haitianos Reciben Residencia Permanente in Brasil' (30 August 2011), available at <http://goo.gl/IIF4OK>, accessed 13 May 2015.

²⁰⁰ Fagen (n 186) 15-17 and CNIg, Resolução 97 (2012).

²⁰¹ Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva, email communication to the Nansen Initiative (19 August 2015). Other sources estimate that, including the period after the earthquake in 2010, the total number of Haitians who have benefitted from different measures from the Brazilian Government is almost 40,000. Regarding the implementation of this program, see Fagen (n 186).

Migration reform currently underway in Brazil aims to establish clearer humanitarian protection standards and institutional responsibilities towards aliens with humanitarian needs in the future.²⁰²

South American States have other migration provisions in place or under development that, while not applied following the Haiti earthquake, specifically address disaster situations. In Argentina, for example, migration regulations allow for “provisional disembarkment”, which permit the admission of individuals who do not fulfill the regular conditions to do so by virtue of either (1) “the commitments made by the Argentinian Republic,” (2) when it is necessary in order to preserve individuals’ health and physical integrity, or (3) when there are humanitarian reasons to do so.²⁰³ Argentina also has provisions that explicitly state that individuals fleeing “natural disasters or environmental disasters caused by man” can obtain the special migration status of “transitory residents”.²⁰⁴ A similar example exists in Peru, where a legislative proposal presented to Congress in 2011 seeks to establish a “migratory category of a humanitarian nature,” which includes, among others, people fleeing disasters and the effects of climate change.²⁰⁵ The proposal is currently under consideration in Congress.

While not specifically mentioning disaster contexts, some States have other more general “humanitarian” migration categories that can permit the stay of cross-border disaster-displaced persons. In the case of Bolivia, the humanitarian visa allows entry into the country,²⁰⁶ while the one-year “temporary humanitarian residence” obtained once inside the country benefits individuals who, having entered legally, cannot fulfil the requirements for a regular temporary residence.²⁰⁷ Further developments in Bolivia are likely in the future following the 2013 Law on Migration that

gave the National Migration Council the responsibility to develop and execute policies that will “make it viable” for the country to admit people displaced by the effects of climate change and disasters,²⁰⁸ although it is not altogether clear at this point what this will mean in practice. In Uruguay, regulations allow for the admission of individuals who do not fulfill regular migration requirements when there are “exceptional humanitarian reasons.”²⁰⁹ While Paraguay does not yet have such a mechanism, the General Directorate on Migration has started to work with an inter-agency group of NGOs, aid service providers and international organizations to promote the timely detection of disaster-related entries into the country and strengthen the necessary responses.²¹⁰

Lastly, there are also extra-regional circular migration programs directed to South Americans affected by disasters, such as IOM’s Temporary and Circular Migration Program,²¹¹ which has allowed Colombian farmers to work temporarily in Spain, serving as an alternative way to temporarily escape situations where a disaster does not allow them to stay in their place of origin.²¹² In this way, the program seeks to be mutually beneficial to disaster-affected people and a third State that is looking for seasonal workers.

4.2.2.3 Refugee protection

In general, disaster situations and the effects of climate change in cross-border mobility do not as such fall within the scope of application of international or regional refugee protection instruments.²¹³ However, in some cases, refugee law or similar protection under human rights law will be applicable.²¹⁴ For instance, the effects of a disaster may create international protection concerns by generating violence and persecution, such as when a collapse of governmental authority triggered

²⁰² Gabriel Gualano de Godoy, ‘El Caso de los Haitianos en Brasil y la Vía de la Protección Humanitaria Complementaria’ in Martín Lettieri (ed.), *Protección Internacional de Refugiados en el Sur de Sudamérica* (Universidad Nacional de Lanús 2012) 309, 326.

²⁰³ Dirección Nacional de Migraciones, Disposición N° 1.846/2010 (2010).

²⁰⁴ Decreto 616, Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias (2010).

²⁰⁵ Congresista Humberto Lay Sun, ‘Proyecto de Ley que Establece la Calidad Migratoria de Carácter Humanitario’ (2011).

²⁰⁶ Ley 370 de 2013, Articles 21(I)(6) and 30.

²⁰⁷ Artículo 30.

²⁰⁸ Ley de Migración (2013).

²⁰⁹ Article 43 of the Ley 18.250 de 2008.

²¹⁰ E-mail correspondence with the Departamento de Prensa y Comunicación de la Dirección General de Migraciones de Paraguay (8 May 2015), on file with the author.

²¹¹ Franck Laczko and Christine Aghazarm (eds.), *Migration, Environment and Climate Change: Assessing the Evidence* (IOM 2009), 16.

²¹² Tatiana Rinke, ‘Temporary and Circular Labor Migration between Spain and Colombia’ in François Gemenne, Pauline Brückner and Dina Ionesco (eds.), *The State of Environmental Migration 2011* (IDDRI-IOM 2012) 25.

²¹³ See, for instance, the decision of the New Zealand Supreme Court in *Teitiota v Chief Executive Ministry of Business, Innovation and Employment* [2015] NZSC 107 (20 July 2015).

²¹⁴ Cantor (n 28).

by the disaster leads to violence and unrest²¹⁵ or when a government uses a disaster as pretext to persecute its opponents.²¹⁶ Thus, it is still necessary for competent authorities to carefully scrutinize cases from a disaster-affected country with a view to assessing if refugee status is applicable due to the negative consequences of the disaster.

Almost all²¹⁷ of the countries in the region are Parties to the 1951 Convention on the Status of Refugees, its Protocol, the American Declaration on the Rights and Duties of Man²¹⁸ and the American Convention on Human Rights, which enshrine the institution of asylum, which is effective when an individual is allowed to stay in the country of reception and her rights to non-refoulement and access to basic rights are ensured.²¹⁹

Additionally, several countries in the region²²⁰ have adopted in their national legislations the expanded refugee definition found in the 1984 Cartagena Declaration,²²¹ which includes persons who flee their country due to a threat to their life, liberty or security derived from situations of generalized violence, foreign aggression, internal conflict, massive violation of human

rights or other circumstances that gravely affect public order.²²² Although States are free to expand the Cartagena Declaration's definition to include people who flee disasters,²²³ this would not normally be compatible with the document's official interpretation, which establishes that the root causes of flight have to be a product of human action.²²⁴

Some countries have interpreted this to mean that the consequences of disasters, as opposed to the disasters themselves, have led to circumstances that warrant granting refugee status under Cartagena Declaration.²²⁵ For example, in the case of the 2010 earthquake in Haiti, which caused massive human and material losses²²⁶ and exacerbated preexisting situations of political instability and insecurity, these last two factors were taken into account by the Peruvian and Ecuadorian authorities, who granted refugee status under the Cartagena Declaration to some Haitians.²²⁷

The effectiveness of asylum systems for the protection of these individuals requires constant and efficient activity from national institutions for refugee protection in border areas. This objective might be reached by

²¹⁵ For example, Peruvian authorities found that asylum seekers from Haiti had a "well-founded fear of persecution by non-State actors that arose from the vacuum of governmental authority after the earthquake in Haiti," thus being eligible for protection under the 1951 Refugee Convention.

²¹⁶ In New Zealand, the Refugee Status Appeals Authority found that a female activist from Myanmar had a well-founded fear of arrest and sentencing because in the aftermath of Cyclone Nargis she had distributed humanitarian aid purchased by foreigners who supported an opposition party. Refugee Appeal No 76374, Decision of 28 October 2009 (B.L. Burson [member]), available online at <https://goo.gl/FSXoiP> (last accessed 4 March 2015).

²¹⁷ Guyana is a Party only to the American Declaration, as an OAS Member State. The effects of being a Party to the Declaration are explored in the next footnote.

²¹⁸ American Declaration on the Rights and Duties of Man (adopted by the Ninth Conference of American States, Bogotá, Colombia, 1948), Resolution XXX, 1 Annals of the OAS (1949). The Inter-American Court has ruled that the Declaration develops the human rights protection standards contained in the OAS Charter, and is thus binding for all OAS Member States (*Interpretation of the American Declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights*, Advisory Opinion OC-10/89, Inter-American Court of Human Rights Series A No. 10 (14 July 1989)).

²¹⁹ Roman Boed, 'Right of Asylum' [1994] 5(1) Duke J. Comp. & Int'l L 1, 3.

²²⁰ *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, Advisory Opinion OC-21/14, Inter-American Court of Human Rights (19 August 2014), FN 117-121.

²²¹ Cartagena Declaration on Refugees, adopted by the 'Colloquium on the International Protection of Refugees in Central America, Mexico and Panama' held in Cartagena, Colombia, from 19 to 22 November 1984 (1984).

²²² Conclusion no. 3.

²²³ ACNUR, 'Reunión de Expertos sobre la Interpretación de la Definición Ampliada de Refugiado Contenida en la Declaración de Cartagena sobre Refugiados de 1984, Montevideo, Uruguay, 15 y 16 de octubre de 2013: Resumen de las Conclusiones sobre la Interpretación de la Definición Ampliada de Refugiado de la Declaración de Cartagena de 1984' (2013), para. 10.

²²⁴ CIREFCA, 'Principios y Criterios para la Protección and Asistencia a los Refugiados, Repatriados y Desplazados en América Latina' (1989), para. 33

²²⁵ UNHCR, 'Summary of Deliberations on Climate Change and Displacement' (n 5) and Walter Kälin, 'Conceptualising Climate-Induced Displacement' in McAdam (n 8) 81, 89. For an example of a similar interpretative exercise, see Hélène Lambert, 'Causation in International Protection from Armed Conflict' in David James Cantor and Jean-François Durieux (eds.) *Refuge from Inhumanity? War Refugees and International Humanitarian Law* (Brill 2014), Chapter 3.

²²⁶ For a description of the effects of the earthquake, see Reliefweb, 'Haiti: Earthquakes Jan 2010 (2014)', available at <http://reliefweb.int/disaster/eq2010000009hti>, accessed 13 May 2015 and Fagen (n 186).

²²⁷ Cantor (n 28) 27-29 and María Belén Gracia (n 193) 65. In the case of Peru, a total of 213 people were recognized as refugees between 2008 and 2013 (Government information presented during the Regional Consultation in Quito, 15 and 16 July 2015).

implementing the Borders of Solidarity²²⁸ (also known as Borders of Solidarity and Safety) program, which has been recently reinforced in the 2014 Brazil Declaration and Plan of Action.²²⁹ This program, although not initially designed with the purpose of protecting cross-border disaster-displaced persons, can serve to identify people affected by it and direct them to the appropriate protection mechanism.

4.2.2.4 Mass influx situations

Unlike other countries in the subcontinent, which in circumstances of mass influx include mechanisms for the admission of “refugees,” Bolivia, Peru and Venezuela allow the entry of people “in need of international protection”, “looking for protection”, and “in need of protection” respectively. Consequently, this wider interpretation of the concept of “protection” could potentially be interpreted to cover individuals who cannot return to their country of origin in disaster situations.²³⁰

In Venezuela the national legislation establishes the possibility of granting temporary protection by allowing individuals who “wish to temporarily stay in the national territory” without requesting refugee status determination to enter the country and stay in it temporarily, all the while receiving humanitarian aid.²³¹ Such entry is permitted for ninety days, renewable once for the same period by decision of the National Refugee Commission.²³² Regulations in Peru establish a similar temporary protection status for a renewable period of three months, guaranteeing family unity and assistance for the satisfaction of basic needs.²³³ In the case of Bolivia, interpreting the existing provision²³⁴ is more difficult due to the fact that it has not yet been regulated, but there is no reason to believe that it is not similar to the other examples in this section.

In general, although these forms of temporary protection have not been used in the context of disaster displacement they are wide enough that they can be used to respond to cross-border disaster-displacement, particularly in mass influx situations,²³⁵ as highlighted by best practices at the global level.²³⁶

4.2.2.5 Complementary protection

Complementary protection is a form of international protection for individuals who, despite not fulfilling the refugee definition, cannot be returned to their country due to risk of a grave violation of their fundamental human rights.²³⁷

In the context of cross-border disaster-displacement, such a situation could arguably arise when a person is (1) outside of his or her country or origin and cannot return to it (2) due to a threat to his or her life or health (3) as a consequence of a disaster and the State of origin’s response or lack thereof, and is (4) unwilling or unable to seek protection from that country.²³⁸ In this case, the host country should analyze whether returning this person is permissible, possible and reasonable. If it is not, complementary protection or other forms of non-refoulement would be the appropriate mechanism to allow him or her to stay in the country.²³⁹

The content and scope of complementary protection depend on its development in national legislations,²⁴⁰ although there are basic standards derived from the Inter-American Human Rights System. Article I of the American Declaration of the Rights and Duties of Man protects an individual if there is a real risk that her expulsion to another country will lead to a violation of her right to life or personal security, which includes, among other things, the enjoyment of her physical

²²⁸ Declaración y Plan de Acción de México para Fortalecer la Protección Internacional de los Refugiados in América Latina, Ciudad de México, 16 de noviembre del 2004 (2004).

²²⁹ Brazil Declaration (n 54).

²³⁰ Jane McAdam, *Complementary Protection in International Refugee Law* (OUP 2007), 22 and Gualano de Godoy (n 202) FN 12.

²³¹ Ley Orgánica sobre Refugiados o Refugiadas y Asilados o Asiladas (2001), Capítulo VII.

²³² Decreto 2.491 de 2003, Reglamento de la Ley Orgánica sobre Refugiados o Refugiadas y Asilados o Asiladas (2003), Capítulo VIII.

²³³ Ley 27.981 de 2002, Articles 35 and 36 and Reglamento de la Ley de Refugiado (2002), Chapter VII.

²³⁴ Ley 251 de 2012, Article 31.

²³⁵ Volker Türk, ‘Temporary Protection Arrangements to Fill a Gap in the Protection Regime’ [2015] 49 FMR 40.

²³⁶ UNHCR, ‘Guidelines on Temporary Protection or Stay Arrangements’ (2014).

²³⁷ For more information on the applicability of complementary protection mechanisms in the context of climate change see Jane McAdam, ‘Climate Change Displacement and International Law: Complementary Protection Standards’ [2011] 3 UNHCR Legal and Protection Policy Research Series.

²³⁸ Kälin (n 225) 96-97.

²³⁹ Vikram Kolmannskog and Lisetta Trebbi, ‘Climate Change, Natural Disasters and Displacement: A Multi-Track Approach to Filling the Protection Gaps’ [2010] 879 IRRC 307, 323-324 and Barnett and Webber (n 49) 52. For a comparative perspective on non-refoulement under the European Convention on Human Rights see Matthew Scott, ‘Natural Disasters, Climate Change and Non-Refoulement: What Scope for Resisting Expulsion under Articles 3 and 8 of the European Convention on Human Rights?’ [2014] 26(3) IJRL 404.

²⁴⁰ UNHCR EXCOM, Conclusion No. 8 (XXVIII) ‘Determination of Refugee Status’ (1977) and UNHCR, ‘Providing International Protection including through Complementary Forms of Protection’ (2005) UN Doc EC/55/SC/CRP.16.

integrity, body and health,²⁴¹ which in turn also includes access to medical treatment.²⁴² Because of this provision, a State could arguably be prevented from returning a disaster-affected foreigner who, having suffered a deterioration of health due to the disaster, needs medical attention and cannot receive it in the disaster-affected country.

Under a parallel provision in the American Convention, the Inter-American Court has highlighted that in such cases complementary protection is an adequate mechanism to protect the rights of individuals who cannot return to their country due to a threat to their rights, particularly in the case of children.²⁴³ Similarly, the Court has established that, regardless of whether a State is a party to the regional instruments on torture,²⁴⁴ the prohibition to return an individual to a situation where he or she is at risk of torture or similar treatment has reached *ius cogens* status.²⁴⁵ This is also applicable in the case of the prohibition of “cruel, infamous or unusual punishment” contained in Article XXVI of the American Declaration, which forbids return of an individual whose medical condition could lead to this return to constitute this type of treatment.²⁴⁶ As a result, it is reasonable to believe that if these conditions are met in the context of cross-border disaster-displacement these forms of protection should also be available.

Although there are similar domestic provisions in several South American countries, Colombia has the only legislation specifically establishing a complementary protection mechanism, with regulations on refugee status determination²⁴⁷ providing for complementary measures for rejected asylum-seekers.²⁴⁸ The measures provide no clear criteria for their application, however, and rely upon the discretionary power of relevant migration authorities to decide on each case.

4.3. LASTING SOLUTIONS TO CROSS-BORDER DISASTER-DISPLACEMENT

Admission, stay and non-return of cross-border disaster-displaced persons are usually granted on a temporary basis. When such temporary measures come to an end, displaced persons need to find a solution that allows them to rebuild their lives in a sustainable way either in their country of origin, the country that received them or, in exceptional cases, in a third country.

States and disaster-displaced persons may prefer to end cross-border disaster-displacement through voluntary return with sustainable re-integration at the place where displaced persons lived before the disaster. When return to their former homes is not possible or desired, in particular when the area concerned is no longer habitable or too exposed to the risk of recurrent disasters, an alternative way to end cross-border disaster-displacement includes settlement in a new place of residence after return to the country of origin. Particularly when the conditions causing the displacement persist for an extended period of time or become permanent, finding a lasting solution may also entail facilitating permanent residence in the country that admitted them or in a third country.

Within South America, the MERCOSUR Residence Agreement lays the groundwork for this type of cooperation, and within this framework it could be possible to expand the breadth of rights guaranteed to cross-border disaster-displaced persons. A comprehensive approach to finding solutions to cross-border disaster-displacement that allows displaced persons to rebuild their

²⁴¹ *Haitian Center for Human Rights et al v. USA*, Inter-American Commission on Human Rights, Report No. 51/96 Case 10675 (1997).

²⁴² *Report on the Situation of Human Rights of Asylum-Seekers within the Canadian Refugee Status Determination System*, Inter-American Commission on Human Rights (2000) OEA/Ser.L/V/II.10/Doc 40 rev, para. 174.2.

²⁴³ OC-21/14 (n 220) paras. 232-242.

²⁴⁴ Inter-American Convention to Prevent and Punish Torture (adopted 9 December 1985, entered into force 28 February 1987) OAS Treaty Series No. 67, OEA/Ser.L.V/II.82 doc. 6 rev.1 at 83.

²⁴⁵ OC-21/14 (n 220) paras. 224-227 and *Report on Terrorism and Human Rights*, Inter-American Commission on Human Rights (2002) OEA/Ser.L/V/II.116 Doc. 5 rev. 1 corr., para. 395.

²⁴⁶ *Andrea Mortlock v. United States*, Inter-American Commission on Human Rights, Report No. 63/08 Case 12.534 (2008).

²⁴⁷ Decretos 2840 de 2013 and 1067 de 2015.

²⁴⁸ Article 33.

lives in sustainable ways requires accurate information about their needs and capacities, and mechanisms to ensure effective consultation and participation by the displaced. Lasting solutions must also include measures that ensure, among others, access to adequate housing, basic services and education, and the restoration of livelihoods.²⁴⁹ These measures should reflect the type of natural hazard that occurred in each particular disaster situation, as their nature affects the needs of the affected population.

It is important to recognize that although disaster displacement primarily constitutes a humanitarian and human rights challenge, it also carries with it significant development challenges as well as opportunities. The ability of affected persons to keep or regain their self-sufficiency is an essential component of finding lasting solutions to displacement. Particularly important are resilience building measures that seek to build and strengthen the ability of those groups, communities and institutions most affected by disaster displacement to recover from such disruption in a timely and efficient manner and to enable affected people to help themselves. Responding to disaster displacement through sustainable development interventions thus has the potential to benefit not only the disaster displaced populations but also their host communities.

When promoting local integration the cooperation between the State of origin and the State of reception is essential, as administrative assistance can facilitate the process of adapting to the new environment and help to achieve socio-economic stability through mechanisms such as the recognition of academic or professional titles, exemptions from consular fees or apostille requirements and double-taxation, pension and social security agreements.

²⁴⁹ IASC, *IASC Framework on Durable Solutions for Internally Displaced Persons* (The Brookings Institution – University of Bern Project on Internal Displacement 2010).



5. CONCLUSIONS

The findings in this study have indicated that disaster displacement in South America is an undeniable reality that has reached considerable proportions, particularly within the last fifteen years. More specifically, the preponderance of seismic activity and floods in the region requires special attention when designing prevention, preparedness and response strategies for cross-border disaster-displacement, including when seeking lasting solutions. At the same time, the effects of climate change are already visible in some parts of South America, strongly suggesting that disaster displacement linked to hydro-meteorological events will become more frequent in the coming decades.

Consequently, processes related to disaster risk management, investment in local capacities to build resilience to future natural hazards and climate change adaptation can all serve to reduce the disaster displacement risk. In particular, the current practice of considering the impacts of climate change on human mobility in national adaptation reports under the UNFCCC framework should be promoted and expanded within the region and beyond.

When cross-border disaster displacement cannot be avoided, States can respond through a plethora of different mechanisms derived from migration and human rights protection frameworks, including temporary forms of protection,²⁵⁰ with many such mechanisms having already been used in South America. In most instances these measures have provided effective responses to cross-border disaster-displacement, and they provide considerable guarantees. In particular, the MERCOSUR Residence Agreement, which extends to other countries in the region, is a clear alternative that can serve as a protection mechanism abroad in the medium and long term for South American citizens.

However, South America has still some way to go before adopting a common regional response, as the use of these mechanisms varies significantly from country to country. Existing mechanisms at the national level are largely ad hoc and thus do not guarantee a similar treatment in other cases,²⁵¹ because they often rely upon the discretionary power of relevant authorities as opposed to clear and consistent legal standards on the admission or stay of disaster-displaced persons. Further efforts are also needed to create consistent mechanisms to transform a temporary short-term status into a medium or long-term equivalent with adequate access to lasting solutions.²⁵² Lastly, when faced with cross-border disaster-displaced persons from outside the region, most national and regional systems lack a legal mechanism to offer a consistent response to their humanitarian and migration concerns.

In that sense, current migration reform processes in Brazil,²⁵³ Peru, Ecuador and Chile are valuable opportunities to reduce reliance on discretion when admitting cross-border disaster-displaced persons, and to promote the expansion of existing best practices, such as apply-

²⁵⁰ UNHCR 2008 (n 27) 11; UNHCR, 'Summary of Deliberations on Climate Change and Displacement' (n 5), 5 and Kälin and Schrepfer (n 21) 61.

²⁵¹ The information available on the case of Nepalis in South American in the aftermath of the 2015 earthquake and access to primary sources is limited. In the case of Colombia, the available information is summarized in El Espectador, 'Ubican a 48 Inmigrantes Ilegales en la Región del Urabá' (6 May 2015), available at <http://goo.gl/pmBiix> accessed 6 May 2015.

²⁵² Fagen (n 186) Chapter V.

²⁵³ Projeto de Lei do Senado, Nº 288 de 2013. See further Isabel Piacentini de Andrade, 'Brazil's Draft Migration Law' [2015] 49 FMR 36.

ing a rights-based approach to humanitarian protection measures.²⁵⁴ States may also have an interest in considering the harmonization of humanitarian protection measures at the sub-regional level. Such harmonization may facilitate international cooperation and solidarity in situations when national authorities cannot find solutions on their own. Furthermore, harmonization may help to ensure that all their citizens benefit from humanitarian protection measures in case of cross-border disaster-displacement.

For example, in the spirit of the Brazil Declaration and Plan of Action for 2014-2024, States could use existing regional mechanisms and processes²⁵⁵ to deepen a shared understanding of cross-border disaster-displacement and promote joint action, as well as building upon the strides that MERCOSUR and the Andean Community have already made. Such fora can serve to promote the adoption of minimum standards for meeting the protection and assistance needs of cross-border disaster-displaced persons, share best practices and promote the harmonization of the different national responses²⁵⁶ to address challenges shared within the region, such as how to admit cross-border disaster-displaced persons from outside the region and promote voluntary return, or if necessary, local integration.

In addition to these sub-regional political organizations, which can serve to reach agreements on this issue-technical bodies such as the South American Conference on Migrations (*Conferencia Sudamericana sobre Migraciones*, CSM)²⁵⁷ can also serve as a relevant forum to build upon on potential regional agreements. The CSM Observatory, due to its nature as a research center, also has the potential to become a key tool to produce detailed and regular data and analysis on disaster displacement, as well as human mobility within the context of disasters more generally, and thus allow for informed decision-making at the regional level.

Lastly, South America also has the opportunity to share its experiences and examples of effective practices related to disaster displacement, in particular its rights-based approach, with other countries around the world through process like the 2015 UNFCCC COP meeting in Paris, implementation of the Sendai Framework on Disaster Risk Reduction, the 2016 World Humanitarian Summit and the Nansen Initiative Global Consultation in October 2015.

²⁵⁴ Juan Pablo Terminiello, 'Los Desastres Naturales, el Cambio Climático y la Protección de los Derechos Humanos: Realidades y Desafíos frente al Desplazamiento Forzado' in Lettieri (n 202).

²⁵⁵ Liliana Lyra Jubilut and Erika Pires Ramos, 'Regionalism: A Strategy for Dealing with Crisis Migration' [2014] 45 RMF 66.

²⁵⁶ David James Cantor, 'Disasters, Displacement and a New Framework in the Americas' [2015] 43 FMR 37.

²⁵⁷ See, for instance, OIM, 'Relatoría Taller de Capacitación: Migración, Medio Ambiente y Cambio Climático en América del Sur' (OIM 2015).



ANNEX

Table 1: Examples of internal movements in the context of disasters, 2000-2015²⁵⁸

Date	Phenomenon	Country	People mobilized	Nature	Type of movement
2000	Floods	Chile	10,401+ ²⁵⁹	Internal	Spontaneous
	Landslides	Brazil	143,000 ²⁶⁰	Internal	Spontaneous
2001	Floods	Argentina	4,000 ²⁶¹	Internal	Spontaneous
	Floods	Brazil	12,000 ²⁶²	Internal	Spontaneous
2002	Floods	Ecuador	5,080 families ²⁶³	Internal	Evacuation
	Floods	Uruguay	3,600 ²⁶⁴	Internal	Evacuation
	Floods	Chile	49,310 ²⁶⁵	Internal	Evacuation
	Floods	Brazil	2,000 ²⁶⁶	Internal	Spontaneous
	Floods	Venezuela	800 ²⁶⁷	Internal	Evacuation
	Floods	Venezuela	3,000 ²⁶⁸	Internal	Spontaneous
	Storms/Floods	Argentina	3,000 ²⁶⁹	Internal	
	Volcanic activity	Ecuador	1,800+ ²⁷⁰	Internal	Spontaneous/ Evacuation

²⁵⁸ The data in this table is sourced (except when otherwise noted) from the Weekly Notes on Emergency in Latin American and the Caribbean (REDLAC) of the UN Office for the Coordination of Humanitarian Affairs (OCHA). It only includes data from events where the number of people on the move was available, and in thus excludes events where there is no segregation of the number of people on the move from the total number of victims. In the cases where the number of ‘families’ or ‘households’ was registered the total is obtained by assuming that the average size of a household is 4 members.

²⁵⁹ OCHA, ‘Chile – Floods OCHA Situation Report No. 3’ (12 July 2000), available at <http://goo.gl/q2wrzI>, accessed 22 April 2015.

²⁶⁰ OCHA, Brazil – Mudslides OCHA Situation Report No. 2 (9 August 2000), available at <http://goo.gl/lbmQ4o>, accessed 22 April 2015.

²⁶¹ Asian Disaster Reduction Center (ADRC), ‘Argentina: Flood’ (20 October 2001), available at <http://goo.gl/VqOKua>, accessed 22 April 2015.

²⁶² Asian Disaster Reduction Center (ADRC), ‘Brazil: Flood’ (10 February 2001), available at <http://goo.gl/9iXr5d>, accessed 22 April 2015.

²⁶³ OCHA, ‘Ecuador – Floods OCHA Situation Report No. 5, Ref: OCHA/GVA – 2002/0083’ (11 April 2002), available at <http://goo.gl/4Yi3f4>, accessed 22 April 2015.

²⁶⁴ Asian Disaster Reduction Center (ADRC), ‘Uruguay: Flood’ (26 April 2002), available at <http://goo.gl/oHnFDr>, accessed 26 April 2015.

²⁶⁵ OCHA, ‘Chile – Floods OCHA Situation Report No. 3, Ref: OCHA/GVA – 2002/0122’ (7 June 2002), available at <http://goo.gl/nBljyi>, accessed 22 April 2015.

²⁶⁶ Asian Disaster Reduction Center (ADRC), ‘Brazil: Flood’ (17 June 2006), available at <http://goo.gl/FXTpkg>, accessed 22 April 2015.

²⁶⁷ BBC, ‘Thousands Flee Venezuela Floods’ (24 July 2002), available at <http://news.bbc.co.uk/2/hi/americas/2147958.stm>, accessed 22 April 2015.

²⁶⁸ *ibid.*

²⁶⁹ BBC, ‘Storms Sweep Argentina and Chile’ (15 October 2002), available at <http://news.bbc.co.uk/2/hi/world/americas/2331065.stm>, accessed 22 April 2015.

²⁷⁰ OCHA, ‘Ecuador – Volcanic Eruption OCHA Situation Report No. 5’ (19 November 2002), available at <http://goo.gl/HbvSwb>, accessed 22 April 2015.

Date	Phenomenon	Country	People mobilized	Nature	Type of movement
2003	Landslides	Brazil	8,000+ ²⁷¹	Internal	Spontaneous
	Floods	Peru	5,000 families ²⁷²	Internal	Spontaneous
	Floods	Argentina	4,600	Internal	Evacuation
	Landslides	Bolivia	300	Internal	Evacuation
	Floods	Argentina	29,000 ²⁷³	Internal	Evacuation
	Floods	Argentina	100,000 ²⁷⁴	Internal	Spontaneous
	Floods	Brazil	230,000 ²⁷⁵	Internal	Evacuation
2005	Floods	Venezuela	5,000+ ²⁷⁶	Internal	Evacuation
	Floods/Landslides	Colombia	40,000 ²⁷⁷	Internal	Spontaneous
2006	Floods	Bolivia	2,009 families ²⁷⁸	Internal	Spontaneous
	Floods	Ecuador	757+ families ²⁷⁹	Internal	Evacuation/Spontaneous
	Volcanic activity	Ecuador	4,500	Internal	Evacuation
	Volcanic activity	Peru	296 ²⁸⁰	Internal	Spontaneous
2008	Floods	Ecuador	13,500 ²⁸¹	Internal	Evacuation
	Floods	Brazil	33,000 ²⁸²	Internal	Spontaneous
	Floods	Brazil	54,000 ²⁸³	Internal	Evacuation/Spontaneous
2009	Floods	Brazil	500,000+ ²⁸⁴	Internal	Spontaneous
	Floods	Argentina	16,600 ²⁸⁵	Internal	Evacuation
2010	Floods	Peru	1,635+	Internal	Evacuation
	Seismic activity	Chile	2,000,000	Internal	Spontaneous
	Floods	Brazil	157,000 ²⁸⁶	Internal	Spontaneous
	Floods	Bolivia	100,000 ²⁸⁷	Internal	Spontaneous/Evacuation
	Floods	Colombia	2,000,000+ ²⁸⁸	Internal	Spontaneous

²⁷¹ Asian Disaster Reduction Center (ADRC), 'Brazil: Mud Slide' (17 January 2003), available at <http://goo.gl/luiWhD>, accessed 22 April 2015.

²⁷² Reuters AlertNet, 'Heavy Rains Ruin Crops, Cattle, Kill Six in Peru' (27 January 2003), available at <http://goo.gl/pJZd9Q>, accessed 22 April 2015.

²⁷³ CNN, 'Argentina Floods Displace 100,000' (1 May 2003), available at <http://goo.gl/Z72KQF>, accessed 22 April 2015.

²⁷⁴ *ibid.*

²⁷⁵ Asian Disaster Reduction Centre (ADRC), 'Brazil: Heavy Rain' (15 December 2003), available at <http://goo.gl/cYTyc8>, accessed 22 April 2015.

²⁷⁶ OCHA, 'Venezuela: Floods OCHA Situation Report No. 1, Ref: OCHA/GVA – 2005/0028' (11 February 2005), available at <http://goo.gl/92bfhL>, accessed 22 April 2015.

²⁷⁷ BBC, 'Scores Killed in S America Floods' (15 February 2005), available at <http://news.bbc.co.uk/2/hi/americas/4266935.stm>, accessed 22 April 2015.

²⁷⁸ OCHA, 'Bolivia: Floods OCHA Situation Report No. 3, Ref: OCHA/GVA – 2006/0012' (7 February 2006), available at <http://goo.gl/BYlqVI>, accessed 22 April 2015.

²⁷⁹ OCHA, 'Ecuador: Floods OCHA Situation Report No. 2, Ref: OCHA/GVA – 2006/0045' (28 March 2006), available at <http://goo.gl/xiz9Zf>, accessed 22 April 2015.

²⁸⁰ Nicolás Zevallos Trigoso, 'Desplazamientos Internos en el Perú' (OIM 2015) 32.

²⁸¹ International Federation of Red Cross and Red Crescent Societies, 'Ecuador: Floods DREF operation no. MDREC003' (26 February 2008), available at <http://goo.gl/aFVeRZ>, accessed 22 April 2015.

²⁸² Asian Disaster Reduction Center (ADRC), 'Brazil: Flood' (23 November 2008), available at <http://goo.gl/jQDtI7>, accessed 22 April 2015.

²⁸³ *ibid.*

²⁸⁴ Asian Disaster Reduction Center (ADRC), 'Brazil: Floods' (5 de mayo 7 de 2009), available at <http://goo.gl/chOYVi>, accessed 22 April 2015.

²⁸⁵ International Federation of Red Cross and Red Crescent Societies, 'Argentina: Floods' (3 December 2009) FL-2009-000254-ARG, available at <http://www.ifrc.org/docs/appeals/rpts09/MDRAR006.pdf>, accessed 22 April 2015.

²⁸⁶ IDMC 2011, 27.

²⁸⁷ IDMC 2011, 27.

²⁸⁸ Reuters AlertNet, 'Colombia Estimates \$5.2 bln in rain, flood damages' (13 December 2010), available at <http://goo.gl/WsYtb4>, accessed 22 April 2015.

Date	Phenomenon	Country	People mobilized	Nature	Type of movement
2011	Volcanic activity	Chile	3,500	Internal	Evacuation
2012					
July 2011 – January 2012	Floods/ Landslides	Brazil	10,300 ²⁸⁹	Internal	Evacuation
	Floods	Brazil	38,000+	Internal	Spontaneous
	Volcanic activity	Colombia	1,272	Internal	Evacuation
	Floods	Peru	138,000 ²⁹⁰	Internal	Spontaneous
2013	Floods	Argentina	3,000 ²⁹¹		
	Floods	Colombia	70,000+	Internal	Spontaneous
	Floods	Argentina, Uruguay, Paraguay	462	Internal	Evacuation
	Floods	Brazil	20,000	Internal	Evacuation
	Floods	Nicaragua	125+	Internal	Spontaneous
2014	Floods	Argentina	14,000 ²⁹²	Internal	Evacuation
	Storm	Argentina	6,328 ²⁹³	Internal	Evacuation
	Floods	Argentina	6,300 ²⁹⁴	Internal	Evacuation
	Floods	Argentina	2,600 ²⁹⁵	Internal	Evacuation
	Floods	Argentina	2,200 ²⁹⁶	Internal	Spontaneous
	Floods	Argentina	300 ²⁹⁷	Internal	Evacuation
	Floods	Argentina	200 ²⁹⁸	Internal	Evacuation
	Landslide	Argentina	1,000 ²⁹⁹	Internal	Spontaneous
	Floods	Brazil	70,000 ³⁰⁰	Internal	Evacuation
	Floods	Brazil	40,000 ³⁰¹	Internal	Evacuation
	Floods	Brazil	19,413 ³⁰²	Internal	Spontaneous
	Floods	Brazil	10,000 ³⁰³	Internal	Spontaneous
	Floods	Brazil	6,000 ³⁰⁴	Internal	Spontaneous
	Floods	Brazil	4,600 ³⁰⁵	Internal	Evacuation
	Floods	Brazil	300 ³⁰⁶	Internal	Spontaneous
	Floods	Peru	7,000	Internal	Spontaneous/Evacuation
	Volcanic activity	Peru	4,000	Internal	Spontaneous
	Floods	Bolivia	189,997 families ³⁰⁷	Internal	Spontaneous
	Landslide	Bolivia	158 families ³⁰⁸	Internal	Other
	Landslide	Bolivia	31 families ³⁰⁹	Internal	Evacuation
Seismic activity/ tsunami risk	Chile	972,457 ³¹⁰	Internal	Evacuation	
Floods	Paraguay	300,000 ³¹¹	Internal	Spontaneous	

²⁸⁹ BBC News, 'Deadly Floods Ravage Brazil's Minas Gerais' (5 January 2012), available at <http://goo.gl/28PLrF>, accessed 22 April 2015.

²⁹⁰ IDMC 2013, 35.

²⁹¹ Asian Disaster Reduction Centre (ADRC), Argentina: Heavy rain, flood: 2013/04/01, available at <http://goo.gl/DAuOch>.

²⁹² IDMC, 'Global Estimates 2015: People Displaced by Disasters – Dataset' (2015).

²⁹³ *ibid.*

²⁹⁴ *ibid.*

²⁹⁵ *ibid.*

²⁹⁶ *ibid.*

²⁹⁷ *ibid.*

²⁹⁸ *ibid.*

²⁹⁹ *ibid.*

³⁰⁰ *ibid.*

³⁰¹ *ibid.*

³⁰² *ibid.*

³⁰³ *ibid.*

³⁰⁴ *ibid.*

³⁰⁵ *ibid.*

³⁰⁶ *ibid.*

³⁰⁷ *ibid.*

³⁰⁸ *ibid.*

³⁰⁹ *ibid.*

³¹⁰ *ibid.*

³¹¹ Telesur, 'Floods in Paraguay Dejan Más de 300 Mil Desplazados' (28 June 2014), available at <http://goo.gl/zkVXsX>, accessed 18 May 2015.

Date	Phenomenon	Country	People mobilized	Nature	Type of movement
2014	Wildfire	Chile	12,400 ³¹²	Internal	Evacuation
	Wildfire	Chile	370 families ³¹³	Internal	Evacuation
	Wildfire	Chile	37 families ³¹⁴	Internal	Evacuation
	Wildfire	Chile	18 families ³¹⁵	Internal	Evacuation
	Wildfire	Ecuador	548 families ³¹⁶	Internal	Evacuation
	Seismic activity	Ecuador	18 families ³¹⁷	Internal	Evacuation
	Floods	Uruguay	4,590 ³¹⁸	Internal	Spontaneous
	Floods	Uruguay	240 ³¹⁹	Internal	Evacuation
	Floods	Uruguay	100 ³²⁰	Internal	Spontaneous
	Volcanic activity	Colombia	12,750 families ³²¹	Internal	Evacuation
	Floods	Colombia	3,480 families ³²²	Internal	Evacuation
	Floods	Colombia	1,171 families ³²³	Internal	Uninhabitable area
	Floods	Colombia	675 families ³²⁴	Internal	Relocation
	Storms	Colombia	2,837 families ³²⁵	Internal	Uninhabitable area
	Landslides	Colombia	394 families ³²⁶	Internal	Uninhabitable area
	Wildfire	Colombia	33 families ³²⁷	Internal	Uninhabitable area
	Seismic activity	Colombia	4 families ³²⁸	Internal	Uninhabitable area
2015	Wildfire	Chile	4,500 ³²⁹	Internal	Spontaneous
	Volcanic activity	Chile	6,685 ³³⁰	Internal	Evacuation
	Floods/Landslides	Peru	2,500+	Internal	Spontaneous/Evacuation
	Floods	Chile	4,562	Internal	Spontaneous/Evacuation
	Floods	Bolivia	1,146 families	Internal	Evacuation
	Storms	Argentina	4,400	Internal	Evacuation
TOTAL 2000 to June 2015		Estimated	7,953,898		

³¹² IDMC, 'Global Estimates 2015: People Displaced by Disasters – Dataset' (2015).

³¹³ *ibid.*

³¹⁴ *ibid.*

³¹⁵ *ibid.*

³¹⁶ *ibid.*

³¹⁷ *ibid.*

³¹⁸ *ibid.*

³¹⁹ *ibid.*

³²⁰ *ibid.*

³²¹ *ibid.*

³²² *ibid.*

³²³ *ibid.*

³²⁴ *ibid.*

³²⁵ *ibid.*

³²⁶ *ibid.*

³²⁷ *ibid.*

³²⁸ *ibid.*

³²⁹ International Charter Space and Major Disasters, 'Fire in Chile' (14 March 2015), available at <https://goo.gl/vRzk52>, accessed 22 April 2015.

³³⁰ ONEMI, 'Monitoreo Alerta Roja para la Región de Los Lagos por Actividad del Volcán Calbuco (17 May 2015), available at <http://goo.gl/oYE7pf/> accessed 18 May 2015.

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT



EVIDENCE FOR ACTION

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

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

THE
NANSEN
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