1. Introduction

Hardly a week goes by in which humanitarian crises do not precipitate some form of human movement, whether it is the stranding of tens of thousands of migrant workers on the Libyan-Tunisian border, the exodus of malnourished individuals from famine-hit Somalia or evacuations following Japan's triple disaster.

With generous support from the John D. and Catherine T. MacArthur Foundation, in 2011, the Institute for the Study of International Migration (ISIM) at Georgetown University launched a three-year project to develop guiding principles and identify effective practices to address the migration ramifications of a broad range of humanitarian crises.

The project focuses on crisis-related movements that do not fit within current legal and institutional frameworks designed to protect forced migrants, most notably, refugees (persons who have fled due to a well-founded fear of persecution). Those who move internally or internationally, temporarily or permanently, as a direct result of acute crises or in anticipation, fall within the scope of the project. Of equal interest are those who become “trapped”, unable to move to greater safety.

ISIM seeks to gauge the potential of existing frameworks and mechanisms to adequately protect those who move or become trapped in humanitarian crises. The project’s recommendations will seek to identify principles and effective practices on: (1) the rights of those who move or remain trapped in the context of humanitarian crises; (2) the obligations of governments; and (3) the responsibilities of international actors.

This report provides an overview of the project and highlights its contemporary relevance by presenting working descriptions and conceptualizations developed for the purposes of the project. ISIM’s first year of activities is featured, with a particular focus on salient themes arising from a two-day review workshop held in September 2012. Future products include an edited volume on Migration and Humanitarian Crises: Causes, Consequences and Responses (to be published by Routledge in 2013), a Special Issue of Forced Migration Review (to be published in late 2013) and a series of background papers emphasizing the situation of non-citizens caught in humanitarian crises (in support of preparations for the UN High-Level Dialogue on Migration and Development, to be held in October 2013).
2. Project Overview

The world has witnessed catastrophic humanitarian crises over the ages. From the bubonic plague, the Irish potato famine and the 1931 great flood in China, to the more recent crises in Japan, the Horn of Africa and North Africa and the Middle East, history warns of a need to respond to crises through effective and humane policies and practices. ISIM’s Crisis Migration project seeks to inform these policies and practices.

Humanitarian crises precipitate heterogeneous forms of human movement. People move within and across land borders, on a temporary or permanent basis, in a legal or irregular manner. People move on their own or with assistance from external actors, benefiting from evacuation mechanisms, voluntary migration programs or social and diaspora networks. Others resort to clandestine networks, traveling by land or sea, taking enormous security risks. Some remain trapped, unable to reach safety. Not all those who move or become trapped are nationals of the country undergoing a crisis; many are non-nationals, transiting or residing temporarily or habitually in legal or irregular status at the inopportune time.

Policymakers, institutional players, scholars and civil society actors have all acknowledged the existence of normative and implementation gaps for protecting those who move or become trapped in humanitarian crises. Much of this recognition has focused on the consequences resulting from environmental factors (these include climate change and acute natural hazards, such as floods or cyclones). Yet, protection for those who are displaced or trapped for other reasons (such as political instability and generalized violence) also remain inadequate. This observation raises difficult questions. Should those who are forced to move because of the consequences of environmental factors be treated any differently or more generously than those who move because they fear for their lives, safety or health as a consequence of a nuclear accident or persistent gang violence? Should responses privilege certain causes? These are not easy questions to answer.

In seeking to inform responses to these questions, ISIM’s project widens the analytical lens. To maximize the potential to constructively inform policy and practice, given the diversity of contemporary humanitarian crises and the array of associated mobility implications, our working description of a humanitarian crisis is necessarily broad. We describe a humanitarian crisis as: *any situation in which there is a widespread threat to life, physical safety, health or subsistence that is beyond the coping capacity of individuals and the communities in which they reside.* The constituent elements of this description are: (1) widespread threat to life, physical safety, health or subsistence that is beyond the coping capacity of individuals and the communities in which they reside.

*Events and processes,* occurring independently, simultaneously, overlapping or recurring, may trigger
situations falling within ISIM’s working description of a humanitarian crisis. These events and processes include those that occur naturally and/or due to human action (including human accident or ill-will). Cyclones, tsunamis, earthquakes, epidemics and pandemics, nuclear and industrial accidents, “acts of terrorism”, armed conflict, environmental degradation, drought, famine, climate change and situations of general violence and political instability are all potential triggers. Pre-existing or contemporaneous stressors that lead to human insecurity or governance deficiencies are also relevant, as are today’s mega-trends, such as urbanization, population growth and resource scarcity. These can influence the creation or perpetuation of humanitarian crises.

We perceive movements/non-movements occurring in the context of humanitarian crises falling within four broad categories. In keeping with our far-reaching examination of protection needs, these include movements that may fall outside traditional notions of “forced migration”. The following categories are not intended as legal definitions of various “types” of migrants, but rather reflect our attempt to describe the phenomena. These categories are not mutually exclusive, as people may shift from one category to another or fall into more than one.

1. **Displacement:** This category is intended to encompass those who are compelled to move. For those who move in the aftermath of a humanitarian crisis, their life, physical safety, health or subsistence must be directly affected. For those who move just prior to a humanitarian crisis, their life, physical safety, health or subsistence must be directly threatened. Those who move following the issuing of an early warning would fall into this category.

2. **Trapped populations:** This category encompasses those who are directly affected or threatened by a humanitarian crisis (i.e. those who are in the same situation as persons in the above category) but who do not/cannot move due to physical, financial, security, logistical, health and/or other reason that impedes their ability to move.

3. **Anticipatory movement:** This category encompasses those who move because they anticipate future threats to their lives, physical safety, health or subsistence but who are not compelled to move by their immediate circumstances. This category includes (but is not limited to) those who live in areas that are predicted to experience intensified and recurrent climatic hazards, increased drought and desertification, rising sea levels and other impacts of climate change.

4. **Mixed migration:** This category encompasses situations in which those who are displaced (category one) or anticipate future harm (category three) use the same modes of movement (such as smuggling operations) as those who are migrating for other purposes. These situations could be regarded as humanitarian crises in themselves when, for example, the modes of movement endanger people's lives, physical safety, health or subsistence.

The extent to which those who move in the context of humanitarian crises can and should have access to protection under existing frameworks is affected by where the movement falls, or is perceived to fall, within the continuum between voluntary and forced movement. Access to protection is also affected by political will and capacity, institutional mandates, operational decisions and geopolitical vagaries. Responding to the movement-related implications of humanitarian crises necessarily requires a determination of where to set thresholds. In other words, which types of individuals should be deemed as in need of protection? What meanings or content should “protection” encompass? Which approach should guide the determination of who can access international protection—one based on needs or one based on rights?

ISIM’s “humanitarian crisis” umbrella provides the necessary scope for examining:

1. The commonalities and differences in international and internal movement and non-movement occurring in a diverse range of situations (i.e. those triggered by varied events and processes, representing assorted underlying stressors and representing geographic and temporal variation).

2. The commonalities and differences in the associated protection and assistance needs of those who move, as well as those who are trapped.
3. The potential for existing normative and operational frameworks (such as those applicable to different types of trigger events, forced migration, voluntary migration, and human rights) to be used more effectively to address identified needs.

In turn, this undertaking holds the potential to distill common principles that could be applied to what may ordinarily be regarded as disparate situations unlikely to engender common responses.

With a view to informing and guiding the development of policy and practice, the project’s recommendations will seek to identify principles and effective practices on: (1) the rights of those who move or remain trapped in the context of humanitarian crises; (2) the obligations of governments; and (3) the responsibilities of international actors.

At this juncture, ISIM has purposefully refrained from articulating or endorsing a single definition of “protection”. We see the concept working on multiple levels (sub-national, national, regional and international) and encompassing: (1) legal protection in terms of status determination and *non-refoulement*; (2) the ability to exercise rights; (3) physical safety and security; (4) long-term durable solutions; and/or (5) access to humanitarian assistance.

ISIM welcomes and solicits comments on this project. We are interested in opinions and impressions on our working description of humanitarian crisis and its constituent elements, our preliminary synthesis of categories of movement, the conceptualization and implementation of “protection”, existing normative and implementation gaps, and existing empirical evidence. Please contact Sanjula Weerasinghe: ssw33@georgetown.edu.

3. Review Workshop

ISIM’s first year of activity focused on accumulating knowledge, expert commentary and critical analysis. Following internal research, commissioned papers and interviews with key staff members of intergovernmental and non-governmental organizations, the year culminated in a two-day review workshop convening 35 commissioned authors, academics, practitioners, legal experts and policymakers (see Annex 1 for the review workshop program and Annex 2 for the list of participants).

Opening the workshop, Susan Martin, ISIM’s Director, summarized the paper she co-authored with Sanjula Weerasinghe and Abbie Taylor, *Setting the Scene: Migration Implications of Humanitarian Crises*, discussing much of the material detailed in Section 2 above.

Workshop sessions then followed a similar structure, beginning with presentations by commissioned authors, followed by reflections from invited experts and ending in an open discussion. Through presentation and discussion of a diverse range of case studies of humanitarian crises, the first day of the workshop attempted to identify forms of “crisis migration”, probe the significance of applicable dimensions (i.e. causality, vulnerability, geography, temporality) and identify complexities surrounding the provision of protection.

Presentations and discussion on the second day centered on two areas: (1) specific groups of “crisis migrants” who arguably face unique protection needs (such as non-citizens caught in crises, those traveling by sea, newly urbanized populations victims of trafficking); and (2) the international architecture for providing protection (including the applicability of existing frameworks) and factors of import for framing appropriate responses.

The list below notes salient points of discussion and tension, requiring ongoing reflection and analysis.

- **Detailed examination of commonalities and differences:** Case study discussions revealed commonalities and differences in the movement-related implications across diverse humanitarian crises. The discussions demonstrated the merits of a systematic examination aimed at elucidating further commonalities and differences in greater depth and detail, and the pot-
The Crisis Migration Project

Institute for the Study of International Migration

ential utility of the “humanitarian crisis” umbrella as an analytical and prescriptive tool. The fruits of this labor, it was argued, may reveal ways in which further sub-categories could be useful to policymakers and practitioners.

- **Ascertaining the “tipping point” of a humanitarian crisis:** The point at which a given situation “tips” to embody a “humanitarian crisis” formed the subject of much debate, demonstrating the complexity associated with ascertaining the “tipping point” for the cases under examination, as well as their end point. Determining the point at which slow-onset processes manifest into a humanitarian crisis is complex and requires further research and analysis. When is a crisis prolonged, chronic or anticipatory? Are these distinctions useful? If so, what types of situations do they encompass? Is it more useful to ask what constitutes a tipping point in each individual crisis? Who or what institution decides on the tipping point, and what action should be taken at various stages of a crisis?

- **Sub-categorization of types of humanitarian crises:** Greatest consensus and political momentum exists for clarifying frameworks to address protection gaps where: (1) acute events, whether natural or human made, trigger humanitarian crises, or (2) pre-existing or chronic stressors—such as limited governance capacity in Haiti or recurring events combined or underlined by processes as in flooding and conflict in Colombia—create a humanitarian crisis out of almost any event. Lastly, there is less consensus on how to address the movement-related implications of slower-onset processes that result in humanitarian crises.

- **Subjective crises, “widespread threat”, and transit migrants:** Participants raised questions regarding the definition of “widespread.” How many people must be affected before a crisis falls within the project’s parameters? Some noted the potentially restrictive nature of the threshold requirement, describing situations in which small numbers of individuals experience threats to life, physical safety, health or subsistence. In attempting to ascertain the boundaries of this criterion, participants suggested that certain transit situations (such as migrants in distress at sea), in and of themselves, may fall within the working description of a humanitarian crisis.

- **Resistance to new categories:** Questions were raised over the utility of adding to the existing legal and descriptive categories of those who move. Categories help define rights but they are counter-productive for a range of reasons (as detailed in literature on the migration-displacement nexus) and do not adequately accommodate all populations on the move with protection needs. In this context, the “humanitarian crisis” lens is useful because it may readily encompass emerging and evolving forms of humanitarian crises and their associated movements, uninhibited by an initial preoccupation with the forced-voluntary dichotomy.

- **Protection and changing needs:** The concept of protection and its content is subject to ongoing discussion. There is a danger that indiscriminate use of the term can translate to confusion on the ground. Participants accepted that migrants’ protection needs can and do change over time, noting as examples “economic” migrants who encounter a humanitarian crisis during transit or upon arrival in a destination country. In considering “the end of displacement” and the lifecycle of humanitarian crises, many participants noted that returnees often continue to share many of the same vulnerabilities as those who continue to be displaced (or those who failed to move in the first place). Indeed, their return may not necessarily reflect a cessation of needs, but rather people’s desire to return to their home communities, the conditions suffered during displacement, or the result of government pressure to return.

- **Pragmatic definitions:** In defining those persons of concern under the project, a pragmatic decision should be made to strike a balance between a broad or a narrow approach. The utility of a generic and broad definition lies in its ability to encompass anticipatory movement and gaps that might appear in the future. A narrower definition, on the other hand, would ensure greater certainty and may align with state interests. An ideal definition would be sufficiently flexible and operationally manageable. Much can and should be gleaned from the Guiding Principles on Internal Displacement and their development.
Vulnerability and resilience: Clarification was sought on the meaning of vulnerability and its corollary, resilience, at the individual, household, community and national levels. From a practical perspective, it is difficult for governments and operational agencies to determine the location of the most vulnerable communities and the resilience of vulnerable communities to humanitarian crises. Ultimately, needs and vulnerabilities do not necessarily lead to a set of rights. Gaps in protection can be explained by historical experiences, socio-economic and development circumstances and disposition towards human rights, among other things. These latent conditions must be taken into consideration when framing responses to protection. Similarly, “static” conceptions of vulnerability should be avoided; suggestions were made to consider demographic (aging populations and examples of intergenerational statelessness), epidemiological (chronic health conditions) and migratory transitions (urbanization) as measures of vulnerability.

Normative or implementation gap: A recurring theme throughout the two days of discussion related to the extent to which normative gaps in protection exist in contrast to implementation gaps. In this respect, repeated calls were made for a bottom-up legal and empirical analysis and an organized presentation of existing protection gaps at the local, national, regional, and international levels, paying attention to operational, institutional and legal responses. Mapping the complex web of relevant regimes should facilitate the task of deciphering the extent to which existing frameworks could be “stretched”—both normatively through creative interpretation of existing legal frameworks and case-law, and practically through on-the-ground protection. In this context, the extent to which non-migration- or non-crisis-specific frameworks—formal (i.e. constitutional rights), informal (i.e. customary practices), and inarticulate (“non-policies”) components—could provide effective protection must also be examined.

New partners: Efforts should be made to engage new partners and emerging actors including the private sector, local governments and the media. The project also provides an opportunity to assess the real and perceived divisions between humanitarian and development actors.

4. Commissioned and Internal Papers

Brief synopses of the papers presented at the review workshop are detailed below. Each of the papers will be published in 2013, with some of them included in a forthcoming edited volume on Migration and Humanitarian Crises: Causes, Consequences and Responses and others published by ISIM as working papers. Summaries and extracts of a number of these papers will also feature in a Special Issue of Forced Migration Review to be published in late 2013.

A. Framing

Setting the Scene: Migration Implications of Humanitarian Crises
Susan Martin, Sanjula Weerasinghe and Abbie Taylor
Institute for the Study of International Migration
Georgetown University

This paper introduces the rationale for conceiving of “crisis migration” as an umbrella for examining contemporary movements and protection needs. The paper explores conceptualizations of relevant parameters such as “humanitarian crisis”, “protection”, dimensions of a humanitarian crisis and forms of movement and non-movement. Through a review of relevant literature and a survey of existing policy and practices, Susan Martin, Sanjula Weerasinghe and Abbie Taylor situate the lens of “crisis migration” within the historical context and highlight potential gaps in protection for “crisis migrants”. Drawing on the findings of commissioned papers, the authors conclude by raising questions on how best to frame responses to the migration implications of humanitarian crises.
Conceptualizing ‘Crisis Migration’
Jane McAdam
University of New South Wales

In this paper, Jane McAdam adopts a theoretical perspective to explore the parameters of “crisis migration” and in doing so probes the extent to which it offers a useful conceptualization for advancing legal and policy responses to forced migration.

B. Case Studies

Flooding in Pakistan and Colombia
Refugees International
(Alice Thomas)

This paper provides a comparative examination of the movement-related implications of the floods in Pakistan and Colombia, examining these floods as examples of humanitarian crises triggered by acute natural events. Situating her analysis in the political context of each country and their shared histories of pre-existing displacement from conflict and political instability, Alice Thomas describes and compares forms of movement and the applicable disaster response architecture before reviewing and critiquing local, national and international responses to the floods. Noting the tendency of flood-displaced populations to return as soon as possible after the disaster, Thomas points out the need to restructure the “bifurcated” humanitarian response to acute crises that artificially separates the emergency response from the early recovery phase. Thomas concludes by emphasizing the positive obligations on the part of national governments to better protect vulnerable populations by implementing measures to prevent and mitigate displacement and by adopting a rights-based approach to disaster management.

Recurrent Acute Disasters, Crisis Migration: Haiti Has Had it All
Elizabeth Ferris
Brookings-LSE Project on Internal Displacement, Brookings Institution

This paper charts Haiti’s complex history since the 1800s, of diverse humanitarian crises triggered by state fragility, political instability and natural hazards and discusses their interplay with internal and international movement of Haitians. Elizabeth Ferris focuses on the Haitian, U.S., Caribbean and Latin American policy frameworks and the efficacy of their responses to Haiti’s crises and population movements. In examining U.S. policies, Ferris explores whether or not temporary protection is indeed the solution.

Environmental Displacement and the Challenge of Rights Protection
Roger Zetter and James Morrissey
University of Oxford

Through case studies on Bangladesh, Viet Nam, Ghana, Ethiopia and Kenya, this paper primarily explores internal movement in the context of slow-onset climate and environmental stress. Roger Zetter and James Morrissey discuss relevant normative frameworks and national policies pertaining to rights protection, highlighting the extent to which their conjecture is mediated by politico-historical experiences and contemporary contextual factors, including demographic and socio-economic trends as well as state-sponsored development initiatives. Overall, the authors observe the tendency of governments to frame slow-onset issues as humanitarian emergencies, rather than that which requires a sustainable, developmental response and subsequently, a place on the domestic political agenda.

Somali Environments, Conflict and Migration
Anna Lindley
The School of Oriental and African Studies, University of London

Anna Lindley explores the nexus of unfolding environmental degradation, drought, famine and political instability in her case study of the humanitarian crisis in Somalia. Lindley discusses drivers, dynamics, patterns and geography of movements and the subsequent importance of multi-sectoral
responses. In concluding, Lindley argues that state fragility and conflict exacerbate the impact of drought and highlights the problem of a “policy silo” or single-sector approach, in addressing humanitarian crises.

North Koreans in China and Burmese in Thailand
W. Courtland Robinson
Bloomberg School of Public Health
Johns Hopkins University

W. Courtland Robinson presents the situations of Burmese in Thailand and North Koreans in China to highlight the utility and limits of the refugee/non-refugee nomenclature. Comparing the political contexts and responses in these host and destination countries, Robinson describes the crises, non-refugee migrants and their associated protection needs. He argues for a more nuanced normative and operational protection avenues that are consistent with “border realities” and warns of the generational effects of displacement for “non-traditional” forced migrants.

Protecting People Displaced and Affected by Criminal Violence in Mexico and Central America
Sebastián Albuja
Internal Displacement Monitoring Centre

This paper examines the ways in which intense criminal violence impacts human mobility. Albuja first describes the evidence of violence that causes migration, as in the case of Mexicans fleeing drug-cartel violence, and the effect of violence on migration, notably Central American migrants crossing through Mexico. Second, he discusses the extent to which these situations of violence constitute a humanitarian crisis. Third, he assesses Mexican and U.S. government responses and the applicability of existing international protection frameworks and their potential for protection. Albuja concludes by arguing for responses that go beyond the traditional approach to crime (which is mostly concerned with punishing or neutralizing offenders) in order to focus on the victims of intense criminal violence as people in need of protection.

Chernobyl and Fukushima: Consequences and Lessons Learned
Silva Meybatyan
University of the District of Columbia

In order to shed light on a neglected area of research, Silva Meybatyan examines the movement related implications of humanitarian crises triggered by nuclear accidents. Preparedness, risks and responses to Chernobyl are compared with that of Fukushima in order to identify lessons, protection needs and commonalities with crises generated by other acute events.

Health Crises and Migration
Michael Edelstein and David L. Heymann
Chatham House
Khalid Koser
Geneva Centre for Security Policy

In this paper, a team of health and migration experts examines the extent to which health crises lead to large-scale movement. Michael Edelstein, Khalid Koser and David L. Heymann explore the nature and dynamics of large-scale movement as they are mediated by the actions of external actors, including the media, governments and international health bodies. They conclude that in most instances—the exception being occasional and short-lived internal migration caused by misunderstanding and panic—current international agreements contribute to an orderly and collective public health response that precludes the real or perceived need for large-scale cross-border movement. In addition, the authors explore, analyze and discuss responses to health that affect individuals including deportation, containment and non-admission policies often implemented through legislation, before concluding that such mechanisms are generally not effective.

Community Relocations: The Arctic and South Pacific
Robin Bronen
Alaska Immigration Justice Project

Permanent community relocation is already occurring as a consequence of the effects of climate change. The need for relocation is predicted to increase. Robin Bronen’s paper examines the nature of permanent community relocation initiatives that are currently taking place in Alaska and the Carteret Islands. In her recommendations, Bronen calls for an adaptive governance framework based on human rights doctrine that will provide a continuum of responses from protection in place to community relocation.
C. At-Risk Populations

Protecting Non-Citizens in Situations of Conflict, Violence and Disaster
Khalid Koser
Geneva Centre for Security Policy

Drawing on case studies from Libya, Côte d'Ivoire, South Africa and Thailand, among others, this paper proposes a multitude of reasons for focusing greater attention on the situation of non-citizens—and in particular migrant workers—caught in humanitarian crises. Demonstrating the lack of explicit attention in relevant international instruments to non-citizens displaced in the context of crises, the inadequacy of institutional and national mechanisms and the neglect of the private sector, Koser discusses the short- and long-term implications for protection and assistance on the ground.

Human Trafficking and Smuggling in the Time of Humanitarian Crises
Elżbieta Goździak and Alissa Walter
Institute for the Study of International Migration
Georgetown University

A recurrent concern during humanitarian crises is that children and persons who lose their livelihoods are particularly vulnerable to trafficking, as families are separated, social norms tested, and governance (regular immigration procedures and border controls, for example) are disrupted. Arguments are made to the effect that: (1) the breakdown in governance might also facilitate corruption among officials and provide openings for organized crime to take control of various markets, including the trade in people; (2) very often, employment is disrupted, leaving people in precarious economic situations and more likely to take risks; (3) the desire for a safe and secure environment may prompt people to migrate; (4) humanitarian crises may lead to an influx of aid workers, peacekeepers or military personnel, which may result in higher demand for sex workers; and (5) military groups may also utilize child soldiers, comfort women and war wives as well as other trafficked persons to undertake a variety of dangerous tasks. These hypotheses are often put forth in an empirical vacuum, as research on human trafficking in general, and on the nexus of trafficking and crises in particular, is limited. This paper examines the scant, mainly anecdotal, evidence of trafficking during crises, juxtaposes the Global North and Global South discourses of human trafficking in the time of crises and raises questions about the need for legal, operational and policy frameworks for preventing trafficking and smuggling and protecting survivors in the aftermath of crises.

Flight to the Cities: Urban Options and Adaptations
Patricia Weiss Fagen
Institute for the Study of International Migration
Georgetown University

Following an overview of the mega-trend in urbanization, this paper discusses the ways in which humanitarian crises, triggered by acute events and slow-onset processes, create groups of crisis migrants who accelerate and exacerbate problems associated with urban expansion. Fagen explores how crises within cities parallel those driving people to them and increases vulnerabilities. Weiss Fagen discusses the particular protection and assistance needs of “crisis migrants” vis-à-vis poor but more stable urban dwellers. Her recommendations for ensuring adequate and targeted urban investments are directed at the humanitarian community, donors, development organizations and governments.

Policy Adrift: The Challenge of (Mixed) Migration by Sea
Judith Kumin
Formerly of UNHCR

Focusing on mixed-migration by sea, this paper assesses the unique normative and practical complexities associated with providing protection and assistance to those who travel by sea. Reflecting on migration by sea as both a crisis in itself and a migration implication of a humanitarian crisis, Kumin discusses, among other issues, the public opinion and government perception of so-called “boat people”, as well as legal quandaries, issues of sovereignty, burden-sharing and challenges of securing cooperation among states.
D. Responses

Lessons Learned from the Development of the Guiding Principles on Internal Displacement
Roberta Cohen
Brookings Institution

The Guiding Principles on Internal Displacement have been widely credited with moving governments and the international community towards recognition of the need for improved law and policy to address displacement within countries. In this context, the paper examines and appraises the extent to which the Guiding Principles can be used as a model to inform the development of principles and effective practices to address crisis-related movement. In elucidating and imparting key lessons, Cohen highlights processes and mechanisms used to obtain government buy-in, support and traction.

Enhancing Adaptation Options and Managing Human Mobility in the Context of Climate Change: The Role of the United Nations Framework Convention on Climate Change
Koko Warner
United Nations University

This paper examines the potential role and applicability of the UN Framework Convention on Climate Change for addressing migration, displacement and relocation associated with climate change. Emphasizing the need for policy coherence across humanitarian, development, donor and other actors, Warner discusses the need to identify good practices and lessons learned and the need to prepare a synthesis of existing research to identify gaps.

Disaster Law
Stefanie Haumer
German Red Cross

Stefanie Haumer provides an overview of international legal frameworks and soft law instruments, including the fundamental principles of the Red Cross and Red Crescent Movement, as they apply to crises and displacement. The main body of Haumer’s paper discusses the utility and benefits of International Disaster Law, especially the Guidelines on International Disaster Response Laws and the IFRC’s policies and activities with respect to vulnerable migrants.

Hyogo Framework, Disaster Risk Reduction and Mobility
IOM in coordination with UNISDR

The importance of considering the linkages between migration and Disaster Risk Reduction (DRR) are considered by IOM and UNISDR in this paper. It also seeks to determine the ways in which DRR contributes to addressing the challenges associated with human mobility in crisis situations, as well as how mobility can prevent, or at least mitigate, the impact of crisis situations. In this context, the paper includes a discussion of the “Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disaster” and the inclusion of migration into a post-Hyogo agreement.

Crisis Migration and Housing, Land and Property (HLP) Rights: Disaster, Conflict and Climate Change
Scott Leckie (did not attend the review workshop)
Displacement Solutions

Utilizing case studies, including Bangladesh, Tuvalu and Kiribati, Scott Leckie measures the impact of instances of “crisis migration” on HLP rights, evaluates existing HLP-specific normative frameworks and their implementation, and highlights the challenges inherent in addressing these rights. Leckie concludes with three perspectives to inform legal and policy frameworks, but argues that in many cases, what is needed is effective interpretation and implementation of the law. In particular, the paper concludes that all governments currently possess legal obligations under human rights law to respect, protect and fulfill the HLP rights of everyone under their jurisdiction, including persons, families and communities displaced by crises; that everyone displaced by crises possesses, under human rights law, the full spectrum of HLP rights; and that HLP rights must form core components in the development and enforcement of domestic laws and policies designed to resolve crisis migration in a sustainable manner.
Something Old and Something New: Resettlement in the Twenty-First Century
Anthony Oliver-Smith
University of Florida
Alex de Sherbinin
Center for International Earth Science Information Network, Earth Institute, Columbia University

This paper examines something old, lessons from resettlement praxis and existing guidelines, and something new, the emerging guidelines and potential future trajectories of resettlement in the context of climate change and its anticipated impacts. Oliver-Smith and de Sherbinin ask pertinent questions with regard to the stakeholders in the process, decision-making dilemmas (including the point at which a location becomes uninhabitable) burdens of responsibility for resettling populations, rights of host communities and the life cycle of the resettlement process. Given the likely changes in the size and driving forces behind resettlement, the paper also examines which models of resettlement are best suited to meet future resettlement needs.

The Global Governance of Crisis Migration
Alexander Betts
University of Oxford

This paper discusses the “regime complex” for crisis migration, highlighting the proliferation of non-hierarchical institutions and mandates at the informal, formal, bilateral and multilateral levels that create this complexity. Through a discussion of specific cases, Alexander Betts analyzes the extent to which “regime stretching” could address the protection needs of crisis migrants.

5. Looking Ahead

ISIM has an extensive range of activities planned for the second year of the project. These include: an edited volume on Migration and Humanitarian Crises: Causes, Consequences and Responses (to be published by Routledge Press in 2013); a special issue of Forced Migration Review (to be published in late 2013); presentations at pertinent international and regional dialogues relating to migration, displacement and migration governance; meetings and workshops with policymakers, practitioners and scholars to disseminate and dissect preliminary recommendations; and field research through collaboration with regional partners to test some of the project’s findings empirically.

ISIM will continue to ensure that the project supports other initiatives at the operational and normative levels. Of particular significance in the immediate future, ISIM is preparing background papers on the protection needs of non-citizens caught in humanitarian crises to support preparations for the UN High-Level Dialogue on Migration and Development, scheduled to take place in October 2013. This endeavor, along with other initiatives, coincides with the main aim of the project: to guide and inform responses aimed at protecting those who move or become trapped in the context of humanitarian crises.
Annex 1: Review Workshop Program

26 – 28 September 2012; Airlie Center, Warrenton, Virginia

FINAL PROGRAM
Chatham House Rules

Wednesday 26 September

7:00pm    Dinner and Introductions (Main Dining Room)
8.00/8.30pm    Informal Remarks and Drinks (Federal Room)

ISIM’s Crisis Migration Project: Susan Martin, ISIM
Nansen Initiative: Walter Kälin, University of Bern

Thursday 27 September (Federal Room)

Each session will begin with a very brief (5-7 min) presentation of the principal findings of the commissioned research reports. The roundtable discussion will be launched by one or two invited speakers and then opened to the entire group.

8.30 – 9:15am Welcome and Setting the Scene:
Susan Martin, ISIM (with Sanjula Weerasinghe and Abbie Taylor)

9:15-10:45am Framing the Issues
Jane McAdam, University of New South Wales
Roger Zetter, University of Oxford
Discussion: Launched by Joel Charny, InterAction

Break

11.00-12:30pm Case Studies: Colombia, Pakistan, Haiti and Horn of Africa
Alice Thomas, Refugees International
Elizabeth Ferris, Brookings Institution
Anna Lindley (Audio), SOAS, University of London
Discussion: Launched by Michelle Leighton, American University of Central Asia

Lunch

1:30-3:00pm Case Studies: Zimbabwe, Burma, North Korea and Mexico
W. Courtland Robinson, Johns Hopkins University
Sebastián Albuja, Internal Displacement Monitoring Centre
Tara Polzer Ngwato, formerly of African Centre for Migration and Society

Discussion: Launched by Bill Frelick, Human Rights Watch

Break

3:15-5:00pm  Relocation
Alex de Sherbinin, Earth Institute, Columbia University
Anthony Oliver-Smith, University of Florida
Robin Bronen, Alaska Immigration Justice Project
Silva Meybatyan, University of the District of Columbia

Discussion: Launched by Elizabeth Ferris, Brookings Institution, and Jane McAdam, University of New South Wales

Break

5:00-6.00pm Reflections and Discussion of Policy Implications of Case Studies

Moderator: Susan Martin, ISIM

7.30pm Dinner

Friday 28 September (Federal Room)

8:00-9:30am Cross Cutting: Urbanization, DRR and Hyogo, Health Emergencies and IDRL

Patricia Weiss Fagen, ISIM
Khalid Koser, Geneva Centre for Security Policy
Patrice Quesada, IOM
Stefanie Haumer, German Red Cross

Discussion: Launched by Sean Loughna, Overseas Development Institute

Break

10:00-11:45am Mixed Migration, Non-Citizens in Crises and Trafficking

Khalid Koser, Geneva Centre for Security Policy
Judith Kumin, formerly of UNHCR
Elżbieta Goździak, ISIM

Discussion: Launched by Peter Benda, U.S. Department of State and Sue Le Mesurier, International Federation of Red Cross and Red Crescent Societies

Lunch

12:45-2:00pm Framing Responses
Roberta Cohen, Brookings Institution
Koko Warner, United Nations University
Alex Betts, University of Oxford
Karoline Popp, IOM

Discussion: Launched by Vincent Cochetel, UNHCR and Khalid Koser, Geneva Centre for Security Policy

2:00-3:00pm  Summing Up, Next Steps and Closing Remarks

Moderator: Susan Martin, ISIM
Annex 2: Review Workshop Participant List

1. Sebastián Albuja, Internal Displacement Monitoring Centre
2. Peter Benda, U.S. Department of State
3. Alexander Betts, University of Oxford
4. Robin Bronen, Alaska Immigration Justice Project
5. Roberta Cohen, Nonresident Senior Fellow, Brookings Institution
6. Joel Charny, InterAction
7. Vincent Cochetel, UNHCR
8. Elizabeth Ferris, Brookings Institution
9. Bill Frelick, Human Rights Watch
10. Elżbieta Goździak, ISIM
11. Stefanie Haumer, German Red Cross
12. Shea Houlihan, ISIM
13. Walter Kälin, University of Bern
15. Judith Kumin, formerly of UNHCR
16. Michelle Leighton, American University of Central Asia
17. Sue Le Mesurier, International Federation of Red Cross and Red Crescent Societies
18. Sean Loughna, Overseas Development Institute
19. Susan Martin, ISIM
20. Jane McAdam, University of New South Wales
21. Silva Meybatyan, University of the District of Columbia
22. Anthony Oliver-Smith, University of Florida
23. Tara Polzer Ngwato, formerly of African Centre for Migration and Society
24. Karoline Popp, IOM
25. Patrice Quesada, IOM
26. W. Courtland Robinson, Johns Hopkins University
27. Alex de Sherbinin, Columbia University
28. John Slocum, MacArthur Foundation
29. Abbie Taylor, ISIM
30. Alice Thomas, Refugees International
31. Alissa Walter, ISIM
32. Koko Warner, United Nations University
33. Sanjula Weerasinghe, ISIM
34. Patricia Weiss Fagen, ISIM
35. Roger Zetter, University of Oxford