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## The LFDD - human mobility nexus in Africa, Latin America and the Caribbean: A review of national policy and legal frameworks

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# The LFDD – Human Mobility Nexus in Africa, Latin America and the Caribbean

## A Review of National Policy and Legal Frameworks

*Diogo Andreola Serraglio*

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**Diogo Andreola Serraglio**

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## Abstract

Although extreme weather events and slow onset processes have been increasingly linked to human mobility in distinct international governance spaces, research and policy on migration, displacement and planned relocation resulting from slow onset events remain focused mainly on sea level rise or specific hazards such as prolonged droughts. Land and forest degradation and desertification (LFDD), as a driver of population movements and its implications for long-term development policy, have received less attention. Considering the far-reaching impacts of these processes on human systems, this discussion paper aims to examine to what extent the LFDD – human mobility nexus has been integrated in existing policy and legal frameworks in African, Latin American and Caribbean (LAC) countries, identifying pathways towards improved management of population movements related to slow onset events. In this context, this discussion paper also presents national responses to the current COVID-19 pandemic, which has increased vulnerability in areas affected by progressive environmental changes. The analysis builds upon a review of policy and legal documents, and it sets the groundwork for an advanced research and policy agenda on human mobility in the context of LFDD. Even though efforts have been made to acknowledge the topic in African and LAC nations, the findings suggest the need for wider consideration of the LFDD – human mobility nexus in existing domestic frameworks.

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Bonn, December 2020

Diogo Andreola Serraglio

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## Abbreviations

CBD	Convention on Biological Diversity
COP	Conference of the Parties
COVID-19	coronavirus disease
CPRP	COVID-19 Preparedness and Response Plan
DRR	disaster risk reduction
ExCom	executive committee
GCM	Global Compact for Safe, Orderly and Regular Migration
GDP	gross domestic product
GHG	greenhouse gas
IDP	internally displaced person
IPCC	Intergovernmental Panel on Climate Change
L&D	loss and damage
LAC	Latin America and the Caribbean
LDN	land degradation neutrality
LFDD	land and forest degradation and desertification
LULUCF	land use, land use change and forestry
NAP	national adaption plan
NAProg	national action programme
NBSAP	national biodiversity strategy and action plan
NDC	nationally determined contribution
OAS	Organization of American States
OAU	Organisation of African Unity
REDD	reduction of emissions from deforestation and forest degradation
TFD	Task Force on Displacement
UNCCD	United Nations Convention to Combat Desertification
UNDRR	United Nations Office for Disaster Risk Reduction
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees
WIM	Warsaw International Mechanism for Loss and Damage

## 1 Introduction

Climate extremes and slow onset events<sup>1</sup> may increase population movements in the years to come (Intergovernmental Panel on Climate Change [IPCC], 2018). Land and forest degradation and desertification (LFDD), which is caused by unsustainable land management and climate change, has intensified internal and cross-border mobility patterns, challenging people's livelihoods (IPCC, 2019). The IPCC defines land and forest degradation as “a negative trend in land condition, caused by direct or indirect human processes, including anthropogenic climate change, expressed as long-term reduction and loss of [...] biological productivity or ecological integrity” and “land degradation that occurs in forest land”. Desertification is characterised as “land degradation that exists when precipitation has been significantly below normal levels, causing serious hydrological imbalances that adversely affect land production systems” (IPCC, 2019).

The accelerated degeneration of lands and forests often results from processes of degradation that, combined with inefficient food production systems, achieve short-term economic benefits and trigger loss and damage (L&D) (United Nations Convention to Combat Desertification [UNCCD], 2017a). Faced with the lack of alternatives to recover land and forest resources, LFDD exacerbate socio-economic inequalities, prompting conflicts and migration (International Organization for Migration [IOM] & UNCCD, 2019; Lyster, 2015). Human activities associated with LFDD have modified more than 70 per cent of the global land surface, amplifying the vulnerability of 1.3 to 3.2 billion people in developing countries (Olsson et al., 2019). It is estimated that land and forest degradation has disrupted the livelihoods of at least 3.2 billion people worldwide, while desertification has affected around 2.7 billion people in the past decades (Montanarella, Scholes, & Brainich, 2018).

Africa, Latin America and the Caribbean (LAC) are particularly impacted by LFDD. The impacts of climate change accentuate LFDD in both regions by altering the frequency and intensity of land processes, fostering the vulnerability of entire communities (Food and Agriculture Organization [FAO], 2020; Montanarella et al., 2018). Environmental degradation, deforestation and contamination of soils affect people's ways of living and their resilience, often to the level where they must seek better conditions elsewhere (Puscas, 2018). In this context, “migration is often used as a risk management strategy to mitigate the impacts of variability in household consumption and revenues related to agriculture” (The Nansen Initiative, 2015).

Coupled with that, the current coronavirus disease (COVID-19) pandemic has amplified the vulnerability of individuals on the move due to LFDD, with intangible socio-economic consequences. COVID-19 has spread to fragile areas that are often affected by conflicts, poverty and weak health systems. The pandemic aggravates populations' vulnerability, as “choices need to be made between respecting social distancing orders and protecting people against disasters, as both can be mutually exclusive” (Ionesco & Chazalnoël, 2020). In turn, this hampers “migration patterns as many [people] might be forced to move in search of better conditions once mobility restrictions are lifted” or “situations where people try to

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1 Slow onset events broadly refer to sea level rise; increasing temperatures; ocean acidification; glacial retreat and related impacts; salinisation; land and forest degradation; loss of biodiversity; and desertification (United Nations Framework Convention on Climate Change [UNFCCC], 2012).

move out of affected areas despite the restrictions, as the burden of these multiple vulnerabilities become too much to bear” (Ionesco & Chazalnoël, 2020).

This discussion paper aims to investigate how African and LAC countries have addressed the LFDD – human mobility nexus in their policy and legal frameworks, and to explore approaches for the effective management of population movements resulting from slow onset events. The paper i) provides a brief overview of the existing literature on the topic, underlining how systemic risks add new layers of vulnerability in this context; ii) shows how distinct domestic policy and legal frameworks that currently exist integrate the matter, identifying pathways towards the improved management of human mobility resulting from slow onset events; and iii) presents concluding remarks. In addition to the severity of the LFDD-related risks and consequences for human mobility in Africa and LAC, the findings suggest that the linkages between population movements and LFDD need to be better reflected in national legal frameworks. Although efforts have been made at the national level to acknowledge that migration, displacement, planned relocation and “trapped” populations are impacts of environmental changes, specific measures to prevent and manage human displacement – and to recognise, protect and assist people affected by LFDD – have yet to be developed.

Methodologically, the paper builds upon interdisciplinary literature and a review of policy documents. International frameworks with the potential to respond to the LFDD – human mobility nexus were initially selected and brought to the national level, enabling the analysis of domestic legal and policy measures. The paper concentrates mainly on the identification of national normative instruments and other official documents that recognise population movements in the context of slow onset events, with attention being given to LFDD.

## **2 Analytical and methodological frameworks**

### **2.1 Understanding human mobility in the context of LFDD**

Migration processes linked to environmental factors operate in a diversity of time-space and scales, and they are not unprecedented in history (Hetherington, 2012). Population movements can result from phenomena that unfold over decades – or even centuries – to modify the habitability of a given area, phenomena such as natural climate variations due to geological periods, but also geophysical activities inherent to the Earth system and man-made interventions in the environment. Such changes have challenged the adaptation of human settlements around the globe (McLeman, 2014).

#### *The concept of human mobility*

Debates on human mobility in the context of climate and other environmental changes persistently focus on the urgency of establishing an appropriate terminology to describe the phenomenon. Expressions such as “environmental refugees”, “environmental migrants” and “environmentally displaced people” have been used. Despite reflecting the existing divergences between distinct academic groups (McAdam, 2012), they enabled a “nebula of political discourses and arguments which have built a significant momentum in recent years, possibly creating opportunities for reforms in global governance” (Mayer, 2016).

The use of the term “human mobility” has been proposed recently: “[It] includes different forms of movement and refers to the ability to migrate” (Ionesco, Mokhnacheva, & Gemene, 2017), embracing the nuances of distinct situations. Perceived as “an umbrella term that refers to all aspects of the movement of people, human mobility is understood to encompass (in)voluntary internal and cross-border displacement of populations, voluntary internal and cross-border migration and planned and consented relocation” (Advisory Group on Human Mobility and Climate Change, 2015). Thus, there are three modalities of movement implicit in this typology: migration, expressed voluntarily; displacement, recognised by its compulsory nature; and planned relocation, identified by the implementation of resettlement programmes.

Whereas migration implies the control over the decision to move, displacement is characterised by the lack of alternatives other than leaving. The former is commonly linked to slow onset processes and the latter to sudden onset processes. The distinction is “highly controversial, and not as clear-cut as it might seem” (Gemene, 2012). Human mobility tends to start spontaneously and – with the depletion of the resources that enable livelihoods in a specific area – it reverts to being compulsory. There is a subtle boundary separating migration and displacement, which is often dismissed, complicating “the implementation of appropriate political responses” (Ionesco et al., 2017).

Planned relocation entails state assistance and relates to people who will not be able to return to their places of origin.<sup>2</sup> The relocation of human settlements from one place to another calls for the safeguarding of relevant characteristics: social structures, political systems, cultural aspects as well as different world perspectives, among others. In this regard, “the community stays together at the destination in a social form that is similar to the community of origin” (Campbell, 2010). In addition to providing housing and other basic services in new localities, resettlement programmes are also responsible for livelihood management and other social aspects. Ensuring the maintenance of socio-cultural aspects is key: “[T]heir feasibility should be based on socially and culturally appropriate factors rather than their economic viability” (Kazmi, 2012).

As recently suggested by the global climate agenda, this paper uses the term “human mobility” to describe population movements associated with climate and other environmental changes, encompassing as many people as possible who are susceptible to migration, displacement and planned relocation – without leaving “trapped” populations behind – in the context of LFDD.

### *The linkages between LFDD and human mobility*

The mechanisms through which the impacts of LFDD might influence migration decisions are complex and usually non-linear (Hastrup & Olwig, 2012; McLeman, 2017; Oakes, Banerjee, & Warner, 2019). Besides environmental drivers, a combination of social, political, economic and demographic factors also shape people’s decisions to move or stay

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2 The United Nations High Commissioner for Refugees (UNHCR) defines this modality as “[...] a planned process in which persons or groups of persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives. Planned relocation is carried out under the authority of the state, takes place within national borders, and is undertaken to protect people from risks and impacts related to disasters and environmental change, including the effects of climate change” (UNHCR, 2015).

in a given location (Human Rights Council [HRC], 2018; Ionesco et al., 2017; Mayer, 2016; McLeman, 2017). As such, human mobility results from the interactions of multiple aspects that cannot be isolated from one another (Cournil, 2017; HRC, 2018; Olsson et al., 2019). Taking these different dimensions into consideration, existing migration patterns are modified and exacerbated by environmental changes such as the loss of biodiversity and LFDD, rather than being uniquely caused by them (Internal Displacement Monitoring Centre [IDMC], 2018; IOM & UNCCD, 2019).

Even though migration has often been a strategy to cope with LFDD (McLeman, 2014; Oakes et al., 2019), when forced, it enhances socio-economic and environmental fragilities,<sup>3</sup> constraining resources and access to basic services (HRC, 2018). Both LFDD and climate change act as threat multipliers for already precarious livelihoods (International Policy Centre for Inclusive Growth, 2019), “leaving them highly sensitive to extreme climatic events, with consequences such as poverty and food security” (Olsson et al., 2019). This, in turn, influences the choice to migrate (ACP Observatory on Migration, 2011; McAdam, 2012; Warner et al., 2012) and even “traps” people in their places of origin (HRC, 2018; Ionesco et al., 2017; Oakes et al., 2019; Rigaud et al., 2018).

A certain degree of consensus has formed around the idea that migration can be a beneficial option to cope with the impacts of climate change. However, migration as an adaptation strategy is not a clear-cut concept. Many organisations and governments have begun to promote the notion that mobility might be a solution – rather than an approach – to avoid the impacts of climate change completely. Nevertheless, “the positive and dynamic vision comprises a certain number of risks, starting with forgetting that for a large number of migrants, leaving is not a voluntary choice but a forced one” (Ionesco et al., 2017). Human mobility often leads to maladaptation at places of origin (e.g. “trapped” populations experience loss of income-generating opportunities, or food and water insecurity) and at destination locations (e.g. housing in disaster-prone areas, combined with additional pressures on natural resources).

Human mobility patterns associated with LFDD are mostly characterised as rural-urban or circular processes – so they are mostly short distance and internal (Ionesco et al., 2017; McLeman, 2017). Environmental changes such as loss of biodiversity and LFDD can also result in temporary or sometimes protracted displacement due to the longer-lasting or potentially irreversible effects to the environment (HRC, 2018; Rigaud et al., 2018; The Nansen Initiative, 2015). Even though human mobility may relieve environmental pressures in the areas of origin, it also fosters LFDD in the receiving or destination locations (The Global Knowledge Partnership on Migration and Development, 2017) and creates greater demand for the housing, food, water and services that the new location is unable to provide (McLeman, 2017).

Africa and LAC are particularly impacted by LFDD. Coupled with prolonged droughts and loss of biodiversity, LFDD have been identified as underlying causes of famines, loss of livestock, armed conflicts as well as large-scale population movements in several regions of Africa (Adaawen, Rademacher-Schulz, Schraven, & Segadlo, 2019; Afifi, Govil,

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3 According to the HRC, “the already fragile balance of human and environmental interaction is put increasingly at risk by the impacts of climate change. Yet these impacts and slow onset processes, in particular, do not operate in isolation. In many places, they interact with other climate events, high poverty levels, food insecurity, conflict, and low adaptive capacity” (HRC, 2018).

Sakdapolrak, & Warner, 2012). West and most parts of East Africa have been severely affected by LFDD and recurrent droughts:

[A]side from well-known Sahelian droughts in the 1970's and 1980's that recorded millions of deaths, recent drought impacted on food production and water scarcity resulted in food and water crises for more than 1 million people in the Sahelian countries [...]. (Adaawen et al., 2019)

African communities often migrate to different regions to cope with climatic variability and its impacts on LFDD. Population movements in the region are either permanent or short-term, internal or transboundary (Liehr, Drees, & Hummel, 2016). Given the continent's vulnerability to LFDD – vulnerabilities that are associated with limited adaptive capacities, high dependence on ecosystems for livelihoods and high poverty levels in rural populations – “interventions to address [LFDD and] droughts are often reactive rather than proactive” (Adaawen et al., 2019).

The LAC region is characterised by 5 million square kilometres (km<sup>2</sup>) of arable soil, 23 per cent of the world's forests, and between 60 and 70 per cent of all life forms worldwide, which are spread across 12 biomes. Even though LAC's arable territory and biodiversity have the potential to ensure both sustenance and a good quality of life for its populations (FAO, 2020), the association of LFDD with the impacts of climate change increases the vulnerability of entire local communities and remains one of the region's main challenges (FAO, 2015; UNCCD, 2019; United Nations Office for the Coordination of Humanitarian Affairs, 2019). Even though extreme weather events result in concrete and visible L&D, slow onset processes such as LFDD need to be further examined in LAC:

[A]nalyzing the thresholds in inequalities, demography and environmental transformation beyond which changes in the availability of major resources are irreversible should be the object of further research, as it is a question that will become increasingly crucial in the coming decades, especially when looking at the link between resource scarcity, migration and conflict. (UNCCD, 2019)

### *Human mobility and L&D*

L&D refer to the consequences of climate change that have not been – or cannot be – avoided through mitigation and adaptation measures. Even though enhanced efforts to curb greenhouse gas (GHG) emissions and appropriate adaptation strategies can reduce future L&D, some of this loss and damage is unavoidable (Warner & van der Geest, 2013).<sup>4</sup> There is consensus that L&D are associated with

adverse climate-related impacts and risks from both sudden onset events, such as floods and cyclones, and slower onset processes, including droughts, sea level rise, glacial retreat and desertification. Impacts and risks have been discussed predominantly with a view towards vulnerable developing countries and have been considered to include both economic (e.g. loss of assets and crops) and non-economic types (e.g. loss of biodiversity, heritage and health). (Mechler et al., 2020; van der Geest & Warner, 2019)

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4 Although some studies distinguish loss (permanent impact) and damage (reversible impact), “in the climate negotiations and in the emerging literature on L&D, the term is usually treated as one single concept” (van der Geest & Warner, 2019).

At the 19th Conference of the Parties (COP19) to the United Nations Framework Convention on Climate Change (UNFCCC), the Warsaw International Mechanism for Loss and Damage (WIM) was established, recognising that L&D can be reduced through adaptation strategies and acknowledging that often L&D cannot be avoided (van der Geest & Warner, 2019). Composed by an executive committee (ExCom), the WIM included human mobility among the issues to be investigated in its initial two-year work plan.<sup>5</sup> Action Area No. 6 seeks to “enhance the understanding of and expertise on how the impacts of climate change are affecting patterns of migration, displacement and human mobility” (UNFCCC, 2014). In this regard, the ExCom sought to improve knowledge about the linkages between population movements and climate change through the compilation of consistent scientific data and by summarising existing studies, lessons learnt and good practices on the topic (Mattos & Mont’Alverne, 2016). Such process are reflected in the Paris Agreement, which required the WIM ExCom to establish a Task Force on Displacement (TFD).

The TFD has brought to light four main ways in which human mobility, in the context of LFDD, can lead to economic and non-economic L&D: i) LFDD may erode the capacity of ecosystems to provide critical services such as the availability of fresh water, food, shelter and energy production; ii) LFDD may result in disaster due to a rapid onset event; iii) LFDD may increase the vulnerability of communities and ecosystems to climate change and possibly trigger a cascade of hazards, prompting displacement; and iv) LFDD may act as threat multipliers for other humanitarian crises (UNFCCC, 2018).

Climate change and related risks are leading to irreversible impacts on vulnerable communities already affected by LFDD. L&D in this context vary according to geographic locations and social structures: “[T]he mechanisms by which climate change can influence the flow of people also vary widely from place to place, with corresponding sets of losses and damages faced by the affected populations at the time of departure [...]” (Heslin et al., 2019; Mechler et al., 2020). In African and LAC countries, L&D from human mobility in the context of LFDD usually emerge from changes in people’s living conditions, as fertile agricultural land becomes uninhabitable and traditional livelihoods deteriorate.

### *The increased vulnerability due to the current COVID-19 pandemic*

The outbreak of COVID-19 has unprecedented impacts on human mobility, challenging (inter)national migration management and aggravating the vulnerability of people on the move (IOM, 2020b).<sup>6</sup> These individuals may be particularly vulnerable to the direct and indirect impacts of COVID-19:

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- 5 At COP23, the WIM’s new five-year work plan was approved: “[I]t included a smaller set of work streams that looked at slow onset events, non-economic losses, comprehensive risk management, migration and displacement, and action and support” (van der Geest & Warner, 2019).
  - 6 The COVID-19 x human mobility nexus exacerbates existing vulnerabilities from three distinct perspectives. In addition to a health crisis in which people on the move find themselves exposed to the virus with limited tools to protect themselves, a socio-economic and protection crisis are also to be mentioned. Whereas the first impacts persons on the move with precarious livelihoods and limited access to social protection measures, the second relates to movement restrictions to curb the spread of COVID-19. These have a severe impact on the rights of many people on the move, who may find themselves trapped in precarious situations. In this case, “asylum-seekers may find themselves unable to cross international borders to seek protection and some refugees may be sent back to danger and persecution in

[T]heir ability to avoid infection, receive adequate health care and cope with the economic, social and psychological impacts of the pandemic can be affected by a variety of factors, including their living and working conditions, lack of consideration of their cultural and linguistic diversity in service provision, xenophobia, their limited local knowledge and networks, and their access to rights and level of inclusion in host communities, often related to their migration status. (Guadagno, 2020)

The current pandemic has affected human population movements in the context of LFDD in different ways. Given that many seasonal migrants rely on internal or cross-border movements to access work in the agricultural and livestock sectors, COVID-19 has threatened their income opportunities. These migrants tend to periodically move from degraded rural areas – with poor livelihood opportunities and weak income diversification – in search of better economic conditions through informal jobs. In this context, “restrictions to seasonal work can also affect the agricultural sector in various territories which rely on temporary labour, which may disrupt harvests and affect overall food security” (IOM, 2020a). In LAC alone, the pandemic has put nearly 14 million people at risk of hunger. It is estimated that the number of people experiencing severe food insecurity in the region will increase from 3.4 million to 13.7 million over the course of 2020 (United Nations Office for Disaster Risk Reduction [UNDRR], 2020).

Besides, people’s ability to flee natural disasters has been hindered by restrictions on movement in response to the pandemic. Lockdowns have hampered individuals’ capacity to move out of disaster-prone areas, such as those severely affected by LFDD (IOM, 2020a). As a result, “choices need to be made between respecting social distancing orders and protecting people against disasters, as both can be mutually exclusive” (Ionesco & Chazalnoël, 2020). At the same time, displacement may facilitate COVID-19 transmission, as social distancing is rendered impossible during evacuations and in displacement settings.

The COVID-19 crisis has also implications for “trapped” populations, adding new layers of vulnerability in already fragile communities (Ionesco & Chazalnoël, 2020). These populations are frequently composed of marginalised groups living in degraded areas that are experiencing economic hardship and have limited access to basic services (Flores-Palacios, 2020) – from housing to water sanitation, from food to social services and from education to social protection (IOM, 2020a; UN, 2020). Still, return migration has also been an emerging topic within the pandemic context, as restrictions on movement are preventing individuals from returning to their countries and communities of origin, despite having lost their livelihoods, either due to the pandemic or disasters (IOM, 2020a).

## 2.2 Global governance of the LFDD – human mobility nexus

New layers of international governance have been set up around themes currently being debated, including human mobility in the context of climate and other environmental changes. These additional layers of governance represent an opportunity to recognise and reinforce protection and assistance to individuals exposed to LFDD and other climatic risks. Progress has been made in acknowledging the topic through the adoption of new frameworks and/or the reformulation of existing ones.

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their home countries [...], while returning [internally displaced persons] IDPs may face similar predicament in their home localities” (United Nations [UN], 2020).



### *The United Nations Framework Convention on Climate Change (UNFCCC)*

Human mobility in the context of climate change was first expressly addressed under the international climate regime in 2010 at COP16 to the UNFCCC. The topic was raised again two years later during discussions related to the support of an L&D mechanism to tackle the impacts of climate change (United Nations General Assembly [UNGA], 2016).<sup>7</sup> The inclusion of this subject in the climate agenda was further promoted with the adoption of the Paris Agreement during COP21. Decision 1/CP.21 (§ 49) required that the ExCom of the WIM establish a Task Force on Displacement aimed at developing recommendations to prevent and reduce forced migration processes driven by climate change (UNFCCC, 2015).

The TFD's first report was made available at COP24 (2018), remarking that the level of attention being given to human mobility had significantly increased since 2015. At the national level, the TFD recommended the adoption of specialised legislation, ensuring coordination among actors dealing with human mobility and climate change. The TFD report further suggested increased engagement in partnerships with affected communities and other stakeholders, the integration of human mobility into the formulation and implementation of national adaptation plans (NAPs), and the communication of efforts undertaken through nationally determined contributions (NDCs) (UNFCCC, 2018). The report also invites governments to enhance research, data collection and risk analyses as well as to share information to better map, understand and manage human mobility related to the impacts of climate change. Attention was given to the state of knowledge about displacement in the context of slow onset events, underlining the need for technical guidance to support countries in mainstreaming displacement in their NAPs and NDCs (UNFCCC, 2018).

### *The United Nations Convention to Combat Desertification (UNCCD)*

The 1994 UNCCD remains the sole intergovernmental environmental agreement to expressly associate human mobility with environmental changes. Its preamble states that “desertification and drought affect sustainable development through their interrelationships with important social problems such as [...] those arising from migration, displacements of persons and demographic dynamics” (UNCCD, 1994). Articles 10 and 11 of the Convention reinforce the need for instruments to mitigate and adapt to the impacts of LFDD while “assisting environmentally displaced persons” (UNCCD, 1994). In doing so, the UNCCD is not restricted to environmental aspects but it is also “crucially a social agreement that is fully committed to the protection of the most vulnerable groups” (IOM & UNCCD, 2019).

A study on “the role that measures taken to implement the Convention can play to address desertification, land degradation and drought as one of the drivers that causes migration” was requested during COP13 to the UNCCD (UNCCD, 2017b).<sup>8</sup> The report, made available in 2019, examined LFDD as drivers of human mobility and illustrated how sustainable land management can minimise forced migration processes. The study emphasised the need to: i) protect and restore fragile ecosystems through participatory approaches, ii) establish dignified livelihoods and employment opportunities, and iii) address pre-existing vulnerabilities and inequalities (IOM & UNCCD, 2019). At the national level, the document recommended the implementation of domestic legal frameworks to tackle LFDD as drivers

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<sup>7</sup> See Decision 3/CP.18 (UNFCCC, 2013).

<sup>8</sup> See Decision 28/COP13 (UNCCD, 2017b).

of migration in a collaborative and cross-cutting manner, maximising synergies across policy areas and preventing them from overlapping. The study also encouraged governments to foster research and data collection to better understand the LFDD – human mobility nexus and facilitate evidence-based policies (IOM & UNCCD, 2019).

### *The Convention on Biological Diversity (CBD)*

Ratified in 1992, the CBD aims to reduce the rate of biodiversity<sup>9</sup> loss at the global, regional and national levels, contributing to poverty alleviation and the maintenance of life on the planet (UNCED, 1992). In addition to the establishment of the 2010 Biodiversity Targets, the framework set specific strategies through the 2020 Aichi Targets, adopted at COP10 to the CBD.<sup>10</sup> Besides acknowledging “the importance of addressing the underlying causes of biodiversity loss across all sectors of government and society” (Population Action International, 2011), Parties agreed to translate the overarching international framework into revised and updated national biodiversity strategies and action plans (NBSAPs) by 2012.

Even though the Convention does not link population movements to loss of biodiversity – which often results from practices associated with LFDD – it embraced the so-called ecosystem approach as its primary framework for action. Defined as “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way” (CBD, 2002), the ecosystem approach “recognises that humans, with their cultural diversity, are an integral component of many ecosystems” (Kim, 2018). Given that humans impact ecological systems and that, in turn, degraded ecosystems affect human well-being, people and the environment cannot be separated.<sup>11</sup> The CBD has the potential to fill the existing gap in the LFDD – human mobility nexus through the integration of an ecocentric view under the ecosystem approach. Developments in this agenda have yet to realise the opportunities for “innovative, environmentally holistic and people-centred approaches that can be usefully applied for climate-related purposes” (Kim, 2018).

### *The Sendai Framework for Disaster Risk Reduction – United Nations Office for Disaster Risk Reduction (UNDRR)*

The Sendai Framework for Disaster Risk Reduction 2015-2030<sup>12</sup> is a non-binding agreement that aims to achieve “the substantial reduction of disaster risk and losses in lives, livelihoods and health and in economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries” (UNDRR, 2015). It outlines seven targets to prevent and minimise existing disaster risks,<sup>13</sup> as well as calls for the better

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9 Biodiversity is “the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part” (UNCED, 1992).

10 See COP10 Decision X/2 (CBD, 2010).

11 See the Malawi Principles related to the ecosystem approach, endorsed at COP5 to the CBD (FAO, 1998).

12 See Resolution No. 69/283 (UNGA, 2015a).

13 These are: i) reduce global disaster mortality; ii) reduce the number of affected people globally; iii) reduce direct economic loss in relation to gross domestic product (GDP); iv) reduce disaster damage to critical infrastructure and disruption of basic services; v) increase the number of countries with national and local DRR strategies; vi) substantially enhance international cooperation to developing countries; and vii) increase the availability of and access to multi-hazard early warning systems (UNDRR, 2015).

understanding of the topic and the strengthening of disaster risk reduction (DRR) management, improving resilience and enhancing disaster preparedness for effective responses in recovery, rehabilitation and reconstruction (UNDRR, 2015). In doing so, the framework underlines the resilience-building potential of all modalities of human mobility (Yamamoto et al., 2017).

The Sendai Framework urges the protection of any individual on the move in DRR strategies, striving for the strengthening of both human and infrastructure resilience through the engagement of national governments, regional and international organisations, as well as relevant stakeholders addressing the topic (IDMC, 2017). References to human mobility are noted in provisions dealing with the improvement of disaster risk governance. In this regard, the framework suggests the formulation of normative instruments that effectively tackle human displacement in the context of disasters, presenting a twofold approach to human mobility: i) the impacts of disasters on displaced people and their role in DRR, and ii) the management of all phases of the displacement cycle – pre-disaster, displacement and post-crisis phases.

### *The Global Compact for Safe, Orderly and Regular Migration (GCM)*

The GCM was concluded in December 2018, and it is filled with references to climate-induced migration. By including a specific section on migration associated with “[n]atural disasters, the adverse effects of climate change, and environmental degradation” (UNGA, 2018), the non-binding cooperation framework “represents a turning point in global environmental migration policy as it articulates a wide and comprehensive understanding of these challenges” (IOM & UNCCD, 2019).

Objective 2 of the GCM acknowledges the impacts of climate change as drivers of migration. It concentrates on mapping and developing strategies to minimise the effects of environmental factors on the decision to move. Objective 5 calls on countries to

develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin owing to sudden onset natural disasters and other precarious situations [...]. (UNGA, 2018)

In addition, Objective 23 commits countries to increase international and regional cooperation in areas from where irregular migration emerges due to consistent impacts of climate-related disasters (UNGA, 2018).

Although the UNFCCC’s TFD recommendations offer details on how to avert, minimise and address the effects of climate change on human mobility, their focus is mainly on sudden onset events as environmental factors. The GCM has a broader approach. Besides including slow onset processes in the description on environmental factors, it encompasses all phases of forced movements and calls for a better understanding of them as well as their prevention in addition to regional harmonisation, coherence and long-term policies to address the issues. Importantly, the GCM’s Preamble mentions the UNFCCC and the work that has been developed by the TFD, inviting governments to review climate and migration national strategies in connection to the GCM. It emphasises the need to develop appropriate methodologies in order to gather better data and information, in particular regarding regional and national migration trends.

### *The United Nations High Commissioner for Refugees (UNHCR)*

The international refugee law developed from the adoption of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, which removed both geographical and temporal limitations of the refugee concept.<sup>14</sup> Despite listing grounds for granting refugee status, this framework did not exhaust every possible situation that could lead to properly defining a refugee. After the completion of the 1951 Convention and its 1967 Protocol, two regional instruments stand out as facilitating the extension of the traditional refugee concept. These are the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted by the Organisation of African Unity (OAU), and the 1984 Cartagena Declaration, under the Organization of American States (OAS).<sup>15</sup> Even though they were not designed to deal with forced cross-border movement associated with environmental issues, by extending the refuge concept, they enabled the implied incorporation of environmental adversities – including climate change – as a reason for granting refugee status.

In 2008, the UN Refugee Agency released the report “Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective”, outlining that although climate change has been the subject of intense debates within the scientific community, insufficient attention has been given to the humanitarian consequences it will generate (UNHCR, 2008). Since then, UNHCR has shown a more comprehensive attitude towards forced cross-border movements, acknowledging that effective refugee protection relies on the ability to better understand broader human mobility patterns, such as the ones associated with the impacts of climate change.<sup>16</sup> Nevertheless, there has been no decision on whether the classic refugee definition extends to individuals fleeing natural disasters: The lack of persecution means that such situations are not in themselves generally seen as a basis for granting refugee status.

## 2.3 Methodological framework

This discussion paper examines how African and LAC countries have addressed the LFDD – human mobility nexus in six distinct policy and legal frameworks with particular relevance and potential to respond to the phenomenon. The assessment of existing national responses

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14 Article 1(2) of the United Nations Convention relating to the Status of Refugees defines refugee as any person that “[...] as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (UNHCR, 1951).

15 The 1969 Convention stated that the refugee concept “shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality” (Organisation of African Unity, 1969). Similarly, the Cartagena Declaration included “among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order” (Organisation of American States, 1984).

16 See UNGA (2009, 2011, 2014, 2015b).

enables the identification of policy gaps that can inform international and regional action agendas on migration in the context of slow onset events.

### *National scope*

The paper targets African and LAC countries. Of the 55 African countries examined, 7 are in North Africa (Algeria, Egypt, Libya, Morocco, Sahrawi Arab Democratic Republic, Sudan and Tunisia), 19 in East Africa (Burundi, Comoros, Djibouti, Ethiopia, Eritrea, Kenya, Madagascar, Malawi, Mauritius, Mozambique, Réunion, Rwanda, Seychelles, Somalia, Somaliland, Tanzania, Uganda, Zambia and Zimbabwe), 8 in Central Africa (Angola, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, and São Tomé and Príncipe), 16 in Western Africa (Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo) and 5 in Southern Africa (Botswana, Eswatini, Lesotho, Namibia and South Africa). Of the 33 LAC countries, 8 are in Central America (Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama) and Mexico, 12 in South America (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela) and 13 in the Caribbean (Cuba, Dominican Republic, Haiti, Trinidad and Tobago, Jamaica, the Bahamas, Barbados, Antigua and Barbuda, Saint Lucia, Grenada, Saint Vincent and the Grenadines, Saint Kitts and Nevis, and Dominica). Dependencies and territorial extensions were not considered.

### *Policy and legal frameworks*

This discussion paper focuses on global and national agendas for: i) avoiding and/or minimising LFDD as drivers of human mobility and the vulnerability of mobile and “trapped” populations; ii) managing the potential impact of LFDD on human mobility; and iii) addressing the residual impacts of LFDD on mobile populations, including economic and non-economic L&D. More specifically, the paper reviews national policies aligned with six global frameworks that may govern the LFDD – human mobility nexus: the UNFCCC, the UNCCD, the CBD, UNDRR, the GCM and UNHCR.<sup>17</sup> These correspond to the following national legislations: environmental law, with attention being given to climate, desertification and biodiversity normative instruments; DRR law; migration and refugee laws. In addition, national contingency responses that were implemented to tackle the impacts of the COVID-19 pandemic in both regions were reviewed in the attempt to find any recognition concerning individuals who are prone to human displacement for environmental reasons and their vulnerability.

### *Qualitative data analysis*

To verify to what extent African and LAC countries have integrated human mobility in the context of LFDD in their national agendas, the analysis builds upon selected official documents submitted to the international policy frameworks mentioned above, as well as domestic normative instruments. These were extensively scrutinised from a pragmatic

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<sup>17</sup> The selection of the six policy frameworks do not exclude the significance of other agendas dealing with the topic, such as the 2030 Agenda and the Sustainable Development Goals.

qualitative – mixed-method – approach, and assumptions emerged from the combination of different terms. Once expressions were identified, the content was further consulted to provide background and a detailed comprehension of the context at stake.

The following keywords were used to detect references to human mobility: “migration”, “displacement”, “planned relocation”, “trapped”, “(re)settlement” and “(im)mobility” (including related words such as “migrating” and “migrated”, “displacing” and “displaced”, “relocating” and “relocated”). Mentions of LFDD were identified from the (in)direct acknowledgement of the following slow onset processes: sea level rise, increasing temperature, ocean acidification, glacial retreat, salinisation, land and forest degradation, loss of biodiversity and desertification. The same procedure was applied to determine the recognition of L&D, that is, “loss”, “damage”, “economic” and “non-economic” (including related words such as “lost” and “losing”, “damaging” and “damaged”), and correlated mechanisms, that is “reparation”, “compensation”, “risk transfer”, “insurance”, and “system”.

All the selected official documents and normative instruments examined were gathered in online databases related to the policy frameworks at hand:

1. The UNFCCC repository allowed for the analysis of the NDCs (UNFCCC, s.a.-a) and NAPs (UNFCCC, s.a.-b). The “Climate Change Laws of the World” from the Grantham Research Institute on Climate Change at The London School of Economics and Political Science (London School of Economics, s.a.) facilitated the compilation of national climate normative instruments.
2. The UNCCD “Knowledge Hub” simplified the collection of the national action programmes (NAProgs) and land degradation neutrality (LDN) targets (UNCCD, s.a.).
3. The CBD repository was used for the examination of the NBSAPs (CBD, s.a.).
4. National DRR normative instruments were assessed at UNDRR’s “Prevention Web – The knowledge platform for disaster risk reduction” (Prevention Web, s.a.).
5. The International Labour Organization and its “COVID-19 and the world of work – Country Policy” (International Labour Organization, s.a.) assisted in the compilation of national responses released thus far in response to the COVID-19 pandemic.
6. National migration and refugee normative instruments were brought together through UNHCR’s “Refworld Database” (UNHCR, s.a.).

### *Methodological limitations*

The development of this discussion paper was challenged by the relative lack of availability of scientific literature addressing the linkages between human mobility and slow onset events, more specifically LFDD. Often, the paper was hindered due to the inaccessibility of normative instruments, and it was also difficult to verify whether an identified document was the latest version passed or already in force. Consequently, given its non-exhaustive nature, the paper offers a general survey of some of the frameworks dealing with the topic. It should be considered as indicative of general trends in Africa and LAC, rather than a consolidated and well-established position.

### 3 Overview of the LFDD – human mobility nexus in national climate policies and legislation

#### 3.1 Africa

To date, references to human mobility in the African climate agenda are still generic – 15 NDCs (out of 50) and 6 NAPs (out of 6) cite the topic. Altogether, they are not sufficiently explored as instruments for considering the challenges posed by human mobility in the context of LFDD. Even though some countries have integrated this dimension in their official documents, the topic is usually addressed in the context of climate-related hazards such as droughts and floods. As such, there is little recognition of the linkages between migration, displacement, planned relocation and/or “trapped” populations and slow onset processes. Rural-urban migration – *rural exodus* – is generally mentioned as being responsible for disruptions in urban areas, increasing population pressures and impairing existing infrastructure and services. Nevertheless, such references do not detail the root causes of such movements, whether they are associated with LFDD or not.

In addition to climate change, food, political and national (in)security are related to the reduction in the available amount of arable lands. Hence, the relevance of sustainable land and forest management is emphasised. The strengthening of initiatives to support the recovery and rehabilitation of land and reforestation could avert and minimise human displacement and other L&D related to LFDD. In this agenda, LFDD are brought within the land use, land use change and forestry (LULUCF) sector and thus perceived in the context of mitigation measures.<sup>18</sup>

In the existing African NDCs and NAPs, L&D are linked to economic losses caused by extreme events – for example damages to critical infrastructure and loss of income and/or livelihoods – and less attention is given to non-economic losses, for example cultural heritage and social cohesion. Economic losses are also associated with infrastructure damages caused by armed conflicts. Although not directly related to the LFDD – human mobility nexus, the development of international compensation instruments, the incorporation of monitoring and reporting systems, as well as the implementation of insurance schemes to cope with extreme weather events are suggested as possible mechanisms to tackle L&D caused by the impacts of climate change.

Somalia’s and Sudan’s NDCs, as well as Kenya’s NAP, make direct references to population movements linked to LFDD. Somalia’s contribution calls attention to the existing pastoralists and farming systems threatened by poor land management. Coupled with the impacts of a changing climate, unsustainable land use results in rural-urban migration and conflicts over natural resources. The document makes reference to “increases in injury and death as a result of drought, increase in incidence of conflict over diminishing natural resources such as water and grazing land, significant migration and displacement of people, and loss of primary assets such as livestock” (Republic of Somalia, 2016). Sudan’s NDC underlines that poor policy coordination has challenged sustainable land management

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18 In this context, Rwanda’s second NDC states that “emissions from deforestation, agriculture, and land use, combined with strong expected emission growth from expected economic development and energy use are significant enough within Rwanda’s carbon footprint to demand a mitigation response” (Government of Rwanda, 2020).

in the country, resulting in “serious environmental problems, such as overgrazing, overcultivation, and reduced land productivity, which in turn have led to rural poverty and rural-urban migration patterns that cannot be sustained in the long-term” (Republic of Sudan, 2017).

Kenya’s NAP points out that unsustainable land-use practices affect livelihoods, with climate change further destabilising land management: “[S]uch insecurity hampers economic development by discouraging household investment and increasing internal migration” (Republic of Kenya, 2017). The term “environmental refugee” was used in the context of sea level rise and the uninhabitability of coastal areas. Importantly, the plan seeks to tackle the impacts of climate change on LFDD through land reform and the implementation of insurance mechanisms. Besides enhancing climate resilience, the measures would strengthen social protections and expand economic growth.

Similarly, the analysis of 27 normative instruments (Annex 1) passed by national governments indicates a limited incorporation of the *human mobility* dimension. In truth, nine decrees and laws make reference to population movements being a consequence of climate change. The phenomenon adds a layer of vulnerability in rural areas, which are already sensitive to LFDD and overdependent on natural resources, whilst migrants’ arrivals in metropolitan centres jeopardise available resources in these areas. To exemplify rural-urban migration, Uganda’s National Policy on Climate Change affirms that, “as the productivity of agriculture, forestry and fisheries decreases, people increasingly migrate to urban areas, leading to the formation of slums and their associated problems” (Republic of Uganda, 2015). As such, human mobility is often linked to food (in)security rather than LFDD per se. In short, national climate legislation in Africa essentially focuses on mitigation measures, in which LFDD appear within the LULUCF sector.<sup>19</sup>

Importantly, Lesotho’s National Climate Change Policy seeks to enhance social protections by managing climate-induced migration. Besides acknowledging that accelerated climatic variability has intensified both internal and cross-border migration flows, disrupting livelihoods, it admits that the lack of appropriate infrastructure and capacity to cope with the phenomenon “hinders government’s ability to deliver services, ensure domestic order, and protect the country’s borders from invasion and threats” (Kingdom of Lesotho, 2017). In addition to recognising migration as an adaptation strategy, the normative instrument suggests that population movements in the context of climate change may amplify political disputes, raising tensions in destination areas. The legislation aims to assist and prevent climate-induced migration by: i) mainstreaming migration into national development frameworks, ii) improving land-use management, and iii) investing in sustainable agriculture schemes in vulnerable areas (Kingdom of Lesotho, 2017).

Likewise, besides reiterating that climate change interacts with distinct drivers of migration, Ghana’s National Climate Change Policy states that population movements can represent a significant adaptation measure when it is planned and proactive as well as amplify geopolitical problems, raising tensions in destination areas. Faced with the lack of an

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19 Malawi’s National Climate Change Policy outlines that “mitigation against climate change through better land use, clean development mechanisms and reduction of emissions from deforestation and forest degradation (REDD), as it will yield positive local as well as global socio-economic and environmental benefits through increase in below and above ground carbon and reduced GHG emission” (Government of Malawi, 2012).



institutional regulatory framework for human mobility management, the increase of irregular migration, conflicts over (natural) resources, and the inability of migrants to access basic social services, the following objectives and interventions were proposed: i) ensure equal opportunities to economic and social amenities at destination areas; ii) enhance resilience in both origin and destination areas; iii) invest in sustainable land management, curbing rural-urban migration; iv) facilitate flows of remittances and goods and services between source and destination areas; v) provide social protections for migrants; and vi) mainstream migration into national development frameworks, among others (Republic of Ghana, 2013).

### 3.2 Latin America and the Caribbean

A limited number of countries in the LAC mention human mobility in their climate agendas – 8 NDCs (out of 34) and 7 NAPs (out of 9), whereas the topic is usually discussed in the context of disastrous events such as hurricanes, flooding and landslides. There is little recognition of the connection between population movements and slow onset processes – at most, these are related to sea level rise – and no direct references to human mobility in the context of LFDD.<sup>20</sup> Notably, LFDD are often not acknowledged as an impact of climate change. Instead, it is brought within the LULUCF sector and thus perceived in the context of mitigation measures. Nevertheless, initiatives to support the recovery and rehabilitation of land and reforestation, such as adaptation that is based in ecosystems, are strongly encouraged.

Similar to the African countries, L&D in the existing LAC NDCs and NAPs are only linked to economic losses caused by extreme weather events, and no attention is paid to non-economic L&D. Some countries highlight that L&D are bound to have a greater impact on vulnerable groups and people living in extreme poverty. The development of international compensation mechanisms is suggested to tackle L&D caused by the impacts of climate change. However, these have not been linked to human mobility policies and interventions.

Chile's updated NDC aims at strengthening the capacity to adapt to climate-related risks and managing the impacts of "socio-natural disasters". Among its adaptation actions, the NDC announced that "by 2021, guidelines on the effects of climate in the phenomenon of human mobility will be developed, in line with related international instruments" (Government of Chile, 2020). It acknowledges that the ability of local communities to respond to the impacts of climate change is key to reducing L&D associated with sudden onset events. LFDD are related to mitigation measures and the relevance of "addressing climate change, desertification, land degradation and drought through an adequate management of the vegetation resources [...], while promoting the recovery through reforestation, revegetation and sustainable management of native habitats nationwide" was emphasised (Government of Chile, 2020).

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20 For instance, Saint Lucia's NAP (2019) states that planned relocation associated with sea-level rise will enhance LFDD in the destination areas: "Sea level rise impacts – Relocation of critical infrastructure and communities, and associated costs and problems related to limited suitable areas. [...] Potential migration and land use change, adding pressure on inland forest reserves to provide land for various uses as coastal land is lost to erosion and inundation" (Government of Saint Lucia, 2018).

Despite not covering the LFDD – human mobility nexus, Saint Lucia’s NAP is worth mentioning. Composed of a 10-year action plan (2018-2028) aimed at improving national adaptive capacity, the strategy underlines that the increased frequency and intensity of extreme weather events has exacerbated the country’s vulnerability to climatic risks and given rise to L&D. The plan indicates that the progressive erosion of the coastal zones as a result of sea level rise will culminate in the relocation of critical infrastructure and communities, enhancing LFDD in the destination areas, leading to “potential migration and land use change, adding pressure on inland forest reserves to provide land for various uses as coastal land is lost to erosion and inundation” (Government of Saint Lucia, 2018). Importantly, the plan makes reference to the work that has been developed by the TFD.

The picture is no different with domestic regulatory frameworks for climate mitigation and adaptation. In this regard, 11 (out of 16) national normative instruments (Annex 2) currently in force reveal a reduced incorporation of the *human mobility* perspective. Again, decrees and laws make reference to population movements being a consequence of rapid onset events. There are no direct references to migration, displacement, planned relocation and/or “trapped” populations being linked to LFDD. National climate legislation in LAC countries is mainly enacted to regulate mitigation measures, to list instruments intended to reduce GHG emissions and, at most, to establish action plans to prevent and control deforestation.

Indirect mentions of human mobility can be identified in the context of human settlements and infrastructure disruptions. While Jamaica’s Climate Change Policy Framework states that the country’s “susceptibility to natural disaster has proven to be a major threat to the stability of human settlements and infrastructure” (Government of Jamaica, 2013), Saint Lucia’s National Climate Change Policy recognises that “climate change is likely to impact negatively on human settlements, especially as most major settlements are situated in low-lying coastal areas” (Government of Saint Lucia, 2003).

Mexico’s General Law on Climate Change,<sup>21</sup> enacted in 2012, initially did not make reference to human mobility in the context of climate change. The amendment undertaken in 2018 included that migrants’ human rights may be threatened by the impacts of climate change. It outlines that all national climate strategies should take the *human mobility* dimension into account, and that administrative entities should foster the prevention and management of the phenomenon. The need for financial resources to facilitate the implementation of relocation programmes was emphasised.

Peru’s Framework Law on Climate Change should also be highlighted. The legislation, enacted by Decree No. 30.754 of 2018, is the first national climate policy in LAC to effectively address human mobility in the context of climate change. The formulation of an action plan to prevent and respond to forced migration processes caused by the impacts of climate change is envisaged. The action plan aims to avert the overload of urban infrastructure and services, the increase of social inequalities and conflicts, as well as the decline of education and health indicators. Notably, it defines environmental migrants as

persons or group of persons who, for compelling reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporary or permanently, and who move either within their country or abroad. (Republic of Peru, 2018)

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21 In Annex 2, see Law No. 347.021 of 2018, Articles 28, 29, and 30 (United Mexican States, 2018).

By including slow onset events in the concept, the LFDD – human mobility nexus would be encompassed. Nevertheless, the law has not yet taken effect.

## **4 Overview of the LFDD – human mobility nexus in national desertification agendas**

### **4.1 Africa**

The analysis of 42 NAProgs and 42 LDN targets submitted to the UNCCD thus far demonstrates that human mobility is addressed in 39 and in 23 of them, respectively. All of them confirm that LFDD are caused by the human misuse of natural resources, affecting sustainable development, enhancing food scarcity and often leading to rural-urban migration. In African countries, population movements towards urban centres are also frequently coupled with political instability. Besides intensifying poverty in rural zones, migration fosters social pressures in cities, for example,

labour out-migration in the rural areas and unemployment with its attendant social problems in the urban areas. The environmental resources in and around the cities where the migrants settle come under severe pressure. Difficult living conditions and loss of cultural identity undermine social stability. (Republic of Ghana, 2002)

References to human mobility in the context of LFDD are related to the failure of agricultural practices, which leads to food insecurity. Given that LFDD can limit the availability of important ecosystem services, sustainable land management has been encouraged. Ethiopia's NAProg lists the following strategies to tackle the LFDD – human mobility nexus: i) rehabilitate degraded lands through the implementation of ecosystem services and sustainable land management; ii) support voluntary resettlement and migration of individuals from poor rural areas; iii) provide credit for the construction of physical infrastructure; and iv) encourage farming of marginal urban areas (Republic of Ethiopia, 2015).

When acknowledged, economic L&D are linked to crop failure. For instance, the costs of LFDD in South Africa stem from “loss of rural livelihood options and persistence of poverty; loss of productivity, for agriculture and forestry; loss of water resources; diminished ecosystem functions, such as biodiversity protection; loss of landscape value, with knock-on effects to recreation and tourism” (Republic of South Africa, 2004).

Some African rural populations resist the impacts of LFDD by making temporary regional and transboundary movements. Seasonal migration reduces pressure on land resources and enables the diversification of the production system, both for livestock and other natural resources. Periodic human mobility is part of pastoralist patterns of subsistence and trade: “[T]raditional methods of land use among the nomadic pastoral communities such as seasonal migration are ecologically viable strategies for land use management” (Republic of Kenya, 2002).

Importantly, Liberia's NAProg outlines that the camps within national borders set up for refugees and internally displaced persons (IDPs) result in extensive LFDD. The role played by UNHCR in responding to the rehabilitation of degraded areas due to temporary settlements is mentioned (Republic of Liberia, 2013). Still, some LDN targets reiterate that

land endows the well-being of present and future generations, providing a wide range of ecosystem services necessary for human livelihoods. In this context, South Sudan's LDN target acknowledges that LFDD threaten the well-being of its population – raising the risk of population movements and conflicts – and the LDN seeks to link land management strategies to food and water security, climate adaptation and averting forced migration (Republic of South Sudan, 2020).

Finally, the role of the UNFCCC in combating LFDD is often brought to the fore. Increased levels of LFDD due to climatic variability are a challenge for several African countries, as LFDD “negatively impact food security, unemployment rates, poverty levels and sustainable development” (Government of Eritrea, 2015). In fact, better living conditions for vulnerable populations depend on enhanced synergies between UNFCCC, UNCCD and CBD strategies. Climate change, LFDD and biodiversity loss are interlinked global environmental problems – the increase in LFDD leads to a vicious cycle of biodiversity loss, climatic variability and, ultimately, human mobility.

## 4.2 Latin America and the Caribbean

From 25 NAProgs and 14 LDN targets submitted to the UNCCD hitherto, human mobility is respectively addressed in 22 and in 6 of them. Overall, they attest that droughts and LFDD threaten regional sustainable development and – combined with the socio-economic fragilities of communities living in degraded areas – lead to rural-urban migration processes, which in turn intensify vulnerability and poverty in rural areas and increase social pressures in cities.

References to human mobility in the context of LFDD are often related to the failure of economic activities and agricultural practices, which leads to food insecurity: “[...] people are not leaving islands as a result of land degradation; they are migrating to New Providence [capital] because the economic opportunities are better” (Commonwealth of the Bahamas, 2006). Given that LFDD can limit the availability of important ecosystem services – “LFDD can influence livelihoods by limiting the availability of vital ecosystem services, including food and water, increasing the risk of poverty and, ultimately, forcing people to move” (Government of Chile, 2018) – sustainable land management has been encouraged.

LAC countries also reinforce the role played by the UNFCCC in combating LFDD resulting from climate change. They also acknowledge that land is a source of well-being for present and future generations by providing a wide range of ecosystem services for human settlements. Here, when addressed, economic L&D appear in combination with crop failure, loss of productive lands and biodiversity:

[...] the annual cost of land degradation in Guyana [...] is equal to 10 percent of the country's Gross Domestic Product [GDP]. Land degradation leads to reduction in the provision of ecosystem services that takes different forms – deterioration in food availability, soil fertility, carbon sequestration capacity, wood production, groundwater recharge, etc. – with significant social and economic costs to the country. (Cooperative Republic of Guyana, 2017)

## 5 Overview of the LFDD – human mobility nexus in national biodiversity strategies and action plans

### 5.1 Africa

References to human mobility were identified in 24 NBSAPs (out of 51). They emphasise that the increasing loss of biodiversity hinders the livelihoods of vulnerable communities, particularly in already degraded ecosystems, often resulting in rural-urban migration. Coupled with the impacts of climate change and LFDD, biodiversity overexploitation leads to starvation, conflicts over resources, as well as displacement of entire populations: “[LFDD] undoubtedly have adverse effects on biodiversity. [LFDD] increase the changes of wildfires, which destroy a lot of biodiversity. [LFDD] also result into migration of people [...]” (Republic of Uganda, 2018).

African countries acknowledge that LFDD have negative impacts on biodiversity. Accelerated population dynamics and economic growth have caused land-use changes that, ultimately, have led to biodiversity loss. In this sense, “increasing population growth with resulting agricultural expansion, overgrazing and deforestation, increased poverty and huge infrastructure and development activities can significantly cause biodiversity loss” (Republic of South Sudan, 2018).

Considerations about the relationship between biodiversity and human well-being are widely underlined. The sustainable use of biodiversity assets improves social, cultural and economic aspects of the human population and also averts migration processes. Zimbabwe’s NBSAP clarifies that

human well-being is dependent on resilient and healthy biodiversity components. Biodiversity is central in the generation of ecosystems goods and services that support human well-being. Humans depend on biodiversity for food, fibre, materials and energy as the foundation of livelihoods. (Republic of Zimbabwe, 2014)

Promoting human well-being through sustained biodiversity is key to tackling human mobility in the context of LFDD.

In this agenda, L&D are associated with loss of biodiversity and cultural heritage – hence, non-economic L&D. The traditional knowledge and practices of Indigenous communities that are relevant for the conservation and sustainable use of biodiversity assets – and their customary use of biological resources – are not integrated into national development plans. This knowledge remains legally unprotected and risks disappearing with increased migration processes. The implementation of appropriate measures to respect and protect traditional knowledge, practices, customary uses and rights of Indigenous and local communities is often recommended.

Biodiversity conservation and restoration through ecosystem services are suggested. These practices support the improvement of livelihoods, poverty eradication and the reduction of rural-urban migration. Importantly, Mauritius’ NBSAP underlines the role played by “ecosystem-based DRR” in the context of LFDD.<sup>22</sup> Well-managed ecosystems not only act

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<sup>22</sup> Ecosystem-based DRR is characterised by the sustainable management, conservation, and restoration of ecosystems, which are aimed to achieve resilient development by minimising disaster risks.

as a natural infrastructure and reduce exposure to hazards, but also increase communities' socio-economic resilience. By bolstering local livelihoods and essential natural resources, human displacement can be avoided. In this sense, "ecosystem management also generates a range of other social, economic and environmental benefits for multiple stakeholders, which in turn feed back into reduced risk" (Republic of Mauritius, 2017). Similarly, South Africa's NBSAP indicates that well-functioning ecosystems are likely to play an important role in enhancing resilience to the impacts of climate change by protecting human settlements and activities (Republic of South Africa, 2015).

## 5.2 Latin America and the Caribbean

Mentions of human mobility were found in 13 NBSAPs (out of 32). LAC countries point out that biodiversity overexploitation – combined with the impacts of climate change and LFDD – intensifies population movements towards urbanised areas, which, in turn, are also affected by environmental deterioration. Coupled with precarious infrastructure, services and available resources, rural-urban migration and the growth of informal human settlements cause further LFDD and biodiversity deterioration. As such, LAC countries also recognise the LFDD – loss of biodiversity nexus, as well as the interactions of LFDD with population movements.

Similar to the African context, the association of biological diversity with human well-being is emphasised. Through sustainable management, biodiversity contributes not only to the social, economic and cultural development of communities – thus avoiding migration processes – but also "to the physical, spiritual and psychological well-being of all its people" (Government of Saint Lucia, 2000). In this regard, LAC countries often acknowledge that loss of biodiversity affects human rights, including the right to live in a healthy environment. The Bahamas NBSAP declares that humankind must also be considered an integral component of ecosystems (Commonwealth of the Bahamas, 1999).

Non-economic L&D, such as loss of biodiversity and cultural heritage, are regularly brought to the fore. There is a need to better map Indigenous communities' livelihood practices: Besides presenting cultural and spiritual influences, these practices can prevent or at least reduce population movements (Government of Barbados, 2002). In this region, the use of economic tools to mainstream biodiversity, such as the economic valuation of natural resources and payments for ecosystem services, is often suggested. The regulation of market failures would enable the establishment of economic incentives, which could favour the conservation and sustainable use of biodiversity assets and, hence, help to avoid human displacement.

LAC strategies and action plans are mainly focused on: i) the conservation of ecosystems' diversity, species and genetic resources; ii) the promotion of the sustainable use of these resources in support of human development; iii) the equitable distribution of the benefits derived from the use of biodiversity assets; and iv) the participation of people and institutions in the management of biodiversity.

Notably, the Bahamas' NBSAP points out that the arrival of illegal migrants and refugees in remote areas poses threats to local biodiversity. Colombia's action plan states that conflicts within national borders lead to biodiversity loss. Despite having political,

institutional and regulatory frameworks in place and an extensive array of conservation systems, conflicts generated due to land use in the South American country persistently reflect “the failures in the implementation of land-use planning. As a result, biodiversity and ecosystems have been heavily impacted by human settlements and production activities” (Government of Colombia, 2017).

## **6 Overview of the LFDD – human mobility nexus in national DRR agendas**

### **6.1 Africa**

The review of 25 DRR normative instruments (Annex 3) duly passed by national governments reveals that 19 decrees and laws incorporate the “human mobility” dimension into their provisions. Whereas mentions of displacement are connected to evacuation responses because of natural hazards, references to planned relocations are either related to disaster preparedness or post-disaster management. Despite acknowledging that the impacts of climate change may exacerbate the intensity and frequency of extreme weather events, African DRR policies seldom recognise the role of slow onset processes in environmental hazards and human mobility processes. Egypt’s DRR strategy underlines LFDD as environmental pressures that can trigger disasters and ultimately cause the displacement of inhabitants.<sup>23</sup>

Ethiopia’s and Uganda’s DRR normative instruments introduce a concept for displacement.<sup>24</sup> Whereas the first characterises it as the process of people being forced to move from their homes to other places because of a natural hazard, war and/or conflict, as well as man-made actions, the latter associates population displacement with

crisis-induced mass migration in which large numbers of people are forced to leave their homes to seek alternative means of survival. Such mass movements normally result from the effects of conflicts, severe food shortage, and the collapse of economic support systems [...]. (Republic of Uganda, 2010)<sup>25</sup>

African countries confirm that a disaster is a function of the risk process and results from the combination of hazards, vulnerability and insufficient adaptive capacity. Disasters cause a broad range of social, economic and environmental impacts with long-lasting and multi-generational effects, including human displacement. African countries have also admitted that climate change will exacerbate disaster situations in the continent (Republic of Liberia, 2012).

In this agenda, L&D are only associated with economic impacts such as damages in infrastructure and long-term consequences on economic growth, development and poverty

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23 See National Strategy for Adaptation to Climate Change and Disaster Risk Reduction (Arab Republic of Egypt, 2011).

24 See National Policy and Strategy on Disaster Risk Management (Republic of Ethiopia, 2013) and National Policy for Disaster Preparedness and Management (Republic of Uganda, 2010).

25 To better understand the linkages between conflicts, LFDD and human mobility, see Liberia’s National Disaster Management Policy (Republic of Liberia, 2012).

reduction. As such, disaster risk management activities are widely recommended. The implementation of interventions before, during and after the disaster period in a timely manner and with the involvement of all concerned actors is key to avoiding human displacement. These interventions should be implemented in a coordinated and integrated manner, taking into consideration not only social problems but also climate change-related risks. Some African countries promote DRR as being an integral objective of their environmental policies and plans, such as the ones related to LFDD.

Namibia's National Disaster Risk Management Plan lists DRR strategies to address camp coordination and management for IDPs. The plan proposed the following prevention actions: i) development of risk and vulnerability assessments; ii) mapping of disaster-prone areas for relocation; iii) camp coordination and management awareness-raising adapted to community level; and iv) early warning systems linked to population displacement and relocation as prevention measures. In addition, the following preparedness actions were selected: i) map options for durable solutions to displacement; ii) ensure the protection of properties left behind by displaced persons against destruction and arbitrary appropriation; and iii) awareness-raising about durable solutions to displacement. Furthermore, the following recovery strategies were envisaged: i) support for the closure of relocation centres and durable solutions to displacement; ii) support of livelihood opportunities for displaced population in the early recovery phase; and iii) the voluntary resettlement of IDPs in other parts of the country (Republic of Namibia, 2011).

## 6.2 Latin America and the Caribbean

To date, 13 (out of 19) DRR normative instruments (Annex 4) duly passed by national governments acknowledge the “human mobility” perspective. Mentions are concentrated on procedures to be followed and measures to be taken in the event of disasters. Like in the African context, references to displacement are linked to evacuation responses, whereas references to planned relocation are either related to disaster preparedness or post-disaster recovery. Ecuador's DRR plan includes human displacement and relocation in its definition of “(in)directly affected person”:

directly affected persons are those who have suffered injury, illness, or other health effects; who were evacuated, displaced, relocated, or have suffered direct damage to their livelihoods, economic, physical, social, cultural, and environmental assets. Indirectly affected persons are those who had suffered consequences, other than or in addition to direct effects, over time, due to disruption or changes in economy, critical infrastructure, basic services, commerce or work, or social, health and psychological consequences. (Republic of Ecuador, 2018)<sup>26</sup>

Given their disruptive nature, disasters are often correlated with the impacts of climate change. Nevertheless, the role of slow onset processes in triggering environmental hazards is hardly acknowledged in the DRR frameworks of the countries in the region. There is no acknowledgement that LFDD may result in disaster due to a rapid onset event, nor that LFDD may increase the vulnerability of communities and ecosystems to climate change, possibly causing a cascade of hazards and inducing displacement.

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26 See Plan Nacional de Respuesta ante Desastre (Republic of Ecuador, 2018).



L&D are only associated with economic impacts deriving from extreme weather conditions and, as such, are seldom linked to the LFDD – human mobility nexus. In this context, Dominica’s Climate Resilience and Recovery Plan (2020-2030), established as a result of Hurricane Maria’s devastating effects in the island, stresses that

around 80 percent of the population (65,000 people) was directly affected, 65 people perished, more than 90 percent of homes were damaged or destroyed and 90 percent of crops and livestock were lost. [...] The impact of this near total devastation was estimate at US\$1.3 billion, amounting to 226 percent of the GDP. (Commonwealth of Dominica, 2018)

Again, disaster risk management is encouraged to anticipate, respond to and recover from the impacts of imminent disasters. However, the role played by slow onset events is not taken into account in the reasoning for establishing the DRR measures. Importantly, disaster preparedness would not only reduce environmental hazards that may be triggered by LFDD, but also avert human displacement in this context. Disaster response should go beyond immediate and short-term needs and provide effective, efficient and timely responses that encompass the LFDD – human mobility nexus.

### 6.3 Countries’ responses to the COVID-19 pandemic

Some of the countries examined in this discussion paper present provisions that address epidemics and pandemics<sup>27</sup> in their DRR normative instruments.<sup>28</sup> Known epidemics in Africa and LAC include the avian influenza, Ebola haemorrhagic fever, the human immunodeficiency virus and malaria. These tend to affect the disadvantaged, poor, rural and vulnerable populations of Africa and LAC, which have a higher disease burden and less access to health services. Both epidemics and pandemics can be addressed through the development of contingency plans and by structuring emergency health services. Success depends on the effective development of early warning systems through monitoring and training in emergency operations. In this context, “the ability to effectively respond to emergencies is strongly influenced by the extent to which such emergencies have been assessed in advance and prepared for with corresponding prevention and mitigation measures” (Government of Rwanda, 2012).

Most African countries have declared a state of health emergency in response to the growing number of people infected with COVID-19. The review of seven specific measures (Annex 5) to control the spread of the disease shows that national governments aim to minimise the

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27 Whereas epidemics are expressed through the sudden increase in the number of cases of a disease in a given area and/or among a group of people over a particular period of time, pandemics are described as global epidemics, that is, an epidemic that spreads to more than one continent. In an interconnected world, “epidemics due to a new influenza virus are likely to take hold around the world and become a pandemic faster than before” (Government of Rwanda, 2012).

28 See the Plano Nacional de Preparação, Contingência, Resposta e Recuperação de Calamidades e Desastres (see Annex 3, Republic of Angola, 2016); the National Disaster Risk Reduction Strategy of Botswana 2013-2018 (see Annex 3, Botswana, 2013); the Stratégie Nationale de Prévention et de Réduction des Risques de Catastrophes de la République du Congo 2016-2023 (see Annex 3, Democratic Republic of Congo, 2016); the National Disaster Management Policy of Liberia (Republic of Liberia, 2012), and the National Disaster Management Policy of Rwanda (Government of Rwanda, 2012).

marginalisation of vulnerable groups and tensions between ethnic groups, specifying protection measures that ensure equal access to basic services for the whole population. The strategies target families and communities affected by the outbreak of COVID-19, with special attention being given to vulnerable groups: children, women, the elderly, people with disabilities, children in institutions, the chronically ill and, in some cases, “those in hard-to-reach locations or with poor access to services” (Government of Malawi, 2020). The wording of the sentence leaves room for the interpretation that people displaced in the context of LFDD, along with “trapped” populations, would be covered. Nevertheless, the documents analysed make no reference to environmental changes such as LFDD or to the impacts of climate change.

Malawi’s national COVID-19 Preparedness and Response Plan (CPRP) is the only one to expressly include migrants and refugees in its list of vulnerable groups. The document requests the organising of “community engagement activities with vulnerable population groups at higher risk due to mobility patterns (for example, traders, land transport agencies, communities along the borders, migrant workers, etc.)” (Government of Malawi, 2020).

Similarly, most LAC countries have formalised a state of health emergency, establishing extraordinary actions to control the spread of COVID-19. From the investigation of 14 specific measures (Annex 5), it can be concluded that human mobility in the context of climate change – and, more specifically, LFDD – is not addressed. The documents focus on those who have completely lost their incomes and the most vulnerable, for example children, women, the elderly, people with disabilities, the chronically ill as well those living in extreme poverty. For instance, Panama’s Solidarity Plan aims to benefit persons belonging to “vulnerable families, to communities in multidimensional poverty, as well as individuals living in areas of difficult access” (Republic of Panama, 2020). Given that LFDD are commonly associated with food insecurity and poor living conditions, it can be presumed that this group of individuals are included in the protective measures. Nevertheless, no direct references to environmental changes such as LFDD or to the impacts of climate change were identified.

Importantly, Ecuador authorised the extension of the visa regularisation process of Venezuelans within its national borders due to the socio-economic crisis that is devastating the neighbour country.<sup>29</sup> In short, it enables Venezuela’s migrants to stay during the pandemic outbreak, whether the requirements of Executive Decree No. 826 of 2019, which was established to grant temporary residence permits for humanitarian reasons, are met or not.

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29 In Annex 5, see Decree No. 1020 of 2020: “Extension del proceso de regularización de venezolanos” (Ecuador).

## 7 Overview of the LFDD – human mobility nexus in national migration policies and legislation

### 7.1 Africa

Of 31 national (im)migration policies in Africa (Annex 6), only three regulate special cases that fall outside established migration categories such as travel, entry and stay in the country. These cases are usually authorised on the basis of individual circumstances, tend to be temporary and short-term, and depend on discretion. Whereas Algeria enables the “regularisation” of non-nationals facing critical situations,<sup>30</sup> Ghana provides “emergency entry visas” that last up to 14 days.<sup>31</sup> For its part, Angola grants short stays to “foreign citizens who, for urgent reasons, need to enter national territory” (Republic of Angola, 2007).<sup>32</sup> In all cases, requirements and further details are not specified, thus placing the inclusion of slow onset climatic events at stake. As national (im)migration policies in Africa were enacted before 2017 – the moment that the GCM recommendations on human mobility in the context of climate change were being developed – there was no opportunity to draw on the guidance and norms put forward. The revision and adoption of new migration policies in the region – 23 African countries have not yet adopted specific legislation to deal with this legal framework – would enable the formulation of consistent approaches to address the challenges of population movements in the context of LFDD.

### 7.2 Latin America and the Caribbean

A review of national (im)migration policies in 33 LAC countries (Annex 7) reveals that 16 of them regulate special cases that go beyond common (im)migration processes. These are usually applied on the basis of individual circumstances, depend on discretion and are granted on a temporary basis. In most cases, these categories “entitle the recipient to an immigration status of temporary residence, with all of the entitlements to work and services, along with the relevant obligations, specified in the national law of the country concerned” (Cantor, 2018). In this context, Belize, Colombia and Dominican Republic grant “temporary protection visas to any person without prejudice to the question whether he/she is a prohibited immigrant, if he/she considers the issue of such a permit desirable”.<sup>33</sup> To date, no temporary protection permits associated with human mobility in the context of environmental changes – including LFDD – were identified in these countries.

Hurricane Mitch in 1998 – the second-deadliest Atlantic hurricane on record in Central America, affecting Costa Rica, Nicaragua and Panama<sup>34</sup> – led to the regularisation of entry

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30 In Annex 6, see Law No. 08-11 of 2008, Article 12 (Algeria).

31 In Annex 6, see Law No. 1691 of 2001, Article 01 (Ghana).

32 In Annex 6, see Law No. 02 of 2007, Article 45 (Angola).

33 In Annex 7, see Chapter No. 156 of 2000, Article 18 (Belize); Decree No. 834 of 2013, Article 7 (Colombia); and Decree No. 631 of 2011, Article 43 (Dominican Republic).

34 In Annex 7, see Decree No. 24.457 of 1998 (Costa Rica), Decree No. 94-98 of 1999 (Nicaragua) and Decree No. 34 of 1999 (Panama).

visas and the stay of Hondurans displaced by the disaster.<sup>35</sup> Human mobility in the context of sudden onset events was at once recognised, allowing the prompt response of national governments to assist affected people.

Critical to this research, 13 countries in the region have adopted (im)migration law provisions regulating the situation of non-nationals whose cases disclose humanitarian considerations. Transitory measures were adopted by countries in the aftermath of the earthquake that struck Haiti in 2010, and it was explicitly stated that environmental disasters fall within the scope of the underlying concept.<sup>36</sup> For instance in Argentina, transitory residence for “humanitarian reasons” can be granted to people who “cannot return to their countries of origin [...] due to the consequences generated by natural or man-made environmental disasters” (Republic of Argentina, 2010). Whereas Brazil’s “humanitarian reception” can be authorised to individuals from “any country in a situation of [...] major calamity or environmental disaster” (Republic of Brazil, 2017), Ecuador’s “protection for humanitarian reasons” can be granted to “victims of natural or environmental disasters” (Republic of Ecuador, 2017). Yet, “humanitarian residence” in Peru can be approved for “persons who have migrated for reasons of natural and environmental disasters” (Republic of Peru, 2017).

Despite mentioning environmental disasters in the context of being granted humanitarian visas for protection, none of the documents examined is backed by official definitions of the term. The definitions leave room for broader interpretations, implying the inclusion of forced cross-border movements associated with both sudden and slow onset events. Given that humanitarian visas were applied strictly for the migration patterns that arose as a result of the 2010 earthquake in Haiti, it remains to be seen whether this legal instrument will also be employed in the context of LFDD in cases where this triggers humanitarian crises.

Bolivia is the only country in LAC that recognises migration in the context of climate change. Article 65 of its National Migration Law (Law No. 370 of 2013) addresses the topic from two perspectives: i) the protection and assistance of national and non-national citizens through the adoption of international agreements and guidelines, and ii) the admission of people threatened and/or displaced due to climate or other environmental changes. The legislation defines climate migrants as “groups of persons who are forced to displace from one state to another due to climate effects, when a risk or threat to their life may exist, whether due to natural causes, environmental, nuclear or chemical disasters or hunger”. Given that food insecurity is directly linked to LFDD, population movements related to the topic of this research would be encompassed by the provision. However, the law has not yet taken effect. Despite the definition of climate migrants, some of the topics pending regulation by decrees are: the criteria for admission and for staying within national borders; the means for dealing with the temporary aspects of visas; and the migration cycle as a whole.

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35 It is to be noted that Honduras was the country most affected by the storm: It destroyed approximately 35,000 houses and damaged another 50,000, leaving up to 1.5 million people homeless. At that time, that represented 20 per cent of the country’s population.

36 In Annex 7, see Law No. 25.871 of 2010, Articles 23 and 24 (Argentina); Law No. 370 of 2013, Article 30 (Bolivia); Law No. 13.445 of 2017, Article 14 and 30 (Brazil); Law No. 938 of 2017, Articles 58 and 66 (Ecuador); Decree No. 44 of 2016, Article 12 (Guatemala); 2011 Migration Law, Article 37 (Mexico); Decree No. 1.350 of 2017, Article 29 (Peru); and in Annex 9, see Decree No. 8.001 of 2001 (Venezuela).

## 8 Overview of the LFDD – human mobility nexus in national refugee agendas

### 8.1 Africa

To date, 46 African countries are Parties to the 1951 Convention and its 1967 Protocol. Domestic laws regulating the granting of refugee status were identified in 39 countries (Annex 8) and,<sup>37</sup> from that, 32 have incorporated the extended refugee definition from the 1969 OAU Convention. In these countries, people recognised under this complementary concept are refugees and entitled to all of the rights and benefits accruing under the 1951 Convention. African countries tend not to treat people fleeing climate-related disasters and other slow onset processes as refugees. The African Union argues that the scope of its extended refugee definition regarding protection does not include forced cross-border movements associated with environmental changes. There is no jurisprudence in the African continent allowing and/or confirming such an interpretation. As such, instead of factoring as an obligation under the 1969 OAU Convention, protection linked to LFDD would “derive from humanitarianism or even generosity” (McAdam, 2012).

Some countries authorise the regulation of supplementary provisions concerning the reception and accommodation of asylum seekers in the event of a mass influx.<sup>38</sup> The decision about whether a group or category of persons qualify for refugee status depends on discretion. Angola’s national refugee law provides temporary protection to refugees on a large scale, encompassing also those escaping environmental hazards.<sup>39</sup> Article 32 affirms that Angola

may grant refugee status to groups of persons who leave the country of origin or of usual residence, [...] as a consequence of serious armed conflict, occupation or foreign domination of his/her national territory or natural disasters, leading to large-scale refugee flows. (Republic of Angola, 2015)

It is unclear whether the definition of “natural disasters” can be extended to LFDD, given its slow onset nature.

### 8.2 Latin America and the Caribbean

Twenty-eight LAC countries have ratified the 1951 Convention and its 1967 Protocol to date, and 17 have incorporated determination procedures concerning refugee status into their domestic laws (Annex 9).<sup>40</sup> From that, 12 have also consolidated the expanded refugee

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37 Despite being parties to the 1951 Convention and its 1967 Protocol, Cape Verde, Chad, Equatorial Guinea, Guinea Bissau, Madagascar, Seychelles, and São Tomé and Príncipe have not established national refugee laws thus far.

38 In Annex 8, see Law No. 10 of 2015, Article 32 (Angola); Law No. 1/32 of 2008, Article 81 (Burundi); Law No. L/2018/050/AN of 2018, Article 50 (Guinea); Law No. 21 of 2016, Article 42 (Togo); and Act No. 130 of 1998, Article 35 (South Africa).

39 See Law on the Right of Asylum and the Refugee Status, Law No. 10 (Republic of Angola, 2015).

40 Antigua and Barbuda, the Bahamas, Dominica, Ecuador, Guatemala, Haiti, Honduras, Saint Kitts and Nevis, Saint Vincent and Grenadines, and Trinidad e Tobago have not yet established national refugee laws.

definition based on the one recommended by the non-binding 1984 Cartagena Declaration. As such, the policies of these nations provide all the rights and benefits established under the 1951 Convention to those people officially recognised under the broader concept. Some of the countries do not recognise all five specific elements in the expanded definition. For instance, the national laws of Belize and Peru do not mention generalised violence. In Mexico, other circumstances that have seriously disturbed public order are applicable only to acts attributable to man. On the other hand, Brazil's national law makes reference only to massive violations of human rights.

Refugee standards in Bolivia, Costa Rica, Peru and Venezuela include provisions for temporary protection, which are to be granted in the event of a mass influx of people seeking international assistance. For its part, Mexico regulates the granting of complementary protection, extending assistance beyond the existing rules of international refugee law. Nevertheless, these special measures do not make any reference to forced cross-border movements in the context of sudden and/or slow onset environmental changes such as LFDD.<sup>41</sup>

Even though a small number of Haitians were recognised as refugees by Ecuador and Peru in the aftermath of the earthquake that struck the island of Hispaniola in 2010 (Cantor, 2018), LAC countries do not consider people fleeing from environmental hazards and other slow onset climatic processes to be refugees. Despite adopting the expanded definition suggested by OAS in 1984, regional countries “have tended to apply the situational concept as requiring a direct link to governmental or political circumstances” (Cantor, 2018).

## 9 Policy gaps and recommendations

Human mobility in the context of climate and other environmental changes has been increasingly integrated into the debates for creating distinct intergovernmental policy frameworks at the global level, reflecting the significance of the topic and the challenges to address it. In this regard,

it is of utmost importance that global policy discussions integrate the realities observed on the ground, and vice versa, that initiatives at the local, national and regional levels take into account the outcomes of policy discussions at the international level. (IOM & UNCCD, 2019)

This section presents a short overview of the previous sections, highlighting how the distinct domestic agendas of Africa and LAC have been dealing with the LFDD – human mobility nexus.

### *The UNFCCC and national climate policies and legislation*

The TFD's first report, released in 2018, suggested the development of specialised legislation at the national level. This would ensure coordination among actors dealing with human mobility and climate change, the integration of the topic into the formulation and

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41 In Annex 9, see Law No. 251 of 2012, Article 31 (Bolivia); Decree No. 36.831-G of 2011, Article 145 (Costa Rica); Law No. 27.891 of 2002 (Peru); and Decree No. 8.001 of 2001, Article 33 (Venezuela).

implementation of NAPs, and the communication of efforts undertaken through NDCs. The examination of climate policies of African and LAC countries – NAPs, NDCs and domestic normative instruments – shows little acknowledgement of international guidelines concerning the climate agenda, particularly those related to human mobility in the context of climate change. Even though national legal frameworks have been redesigned since the ratification of the Paris Agreement and the establishment of the TFD, they barely consider any of the recommendations applicable to the topic. An exception is the amendment of Mexico's General Law on Climate Change, which included the human mobility perspective in its new climate strategy. Overall, the national normative instruments of Africa and LAC hardly recognise the LFDD – human mobility nexus, signifying a lack of preparedness.

The topic is usually addressed in the context of climate-related hazards, with little recognition of the linkages between population movements and slow onset processes. Similarly, although some of the countries highlight that L&D are bound to have a greater impact on vulnerable groups and people living in extreme poverty, L&D in the existing documents are only linked to economic losses caused by extreme weather events, and no attention is given to the LFDD – human mobility nexus. Even though efforts have been made to acknowledge population movements in the context of LFDD at the national level – for example the NDCs of Somalia and Sudan, and Kenya's NAP – specific measures to prevent and manage human displacement and to recognise, protect and assist people affected by LFDD have yet to be developed. In this regard, Chile's updated NDC should be taken as an example, as it provides provisions aimed at developing a guideline on the impacts of climate change on human mobility patterns, including slow onset processes such as LFDD.

The national policies on climate change in Africa of both Lesotho and Ghana, as well as Peru's Framework Law on Climate Change in LAC, are to be highlighted. These domestic normative instruments envisage the formulation of specific measures to prevent and respond to forced migration processes caused by the impacts of climate change, including LFDD. Some of the strategies proposed are: the mainstreaming of migration into development frameworks; the improvement of land-use management; and investments in sustainable agriculture schemes in vulnerable areas. Countries in both regions should use these policies as examples to enhance responses and address human mobility in the context of LFDD.

By extending the mandate of the TFD for five years, the WIM can play a key role in the formulation and implementation of effective measures. As the ExCom activities are still in the development stage, “it becomes difficult to evaluate the task force direction in the future” (Ionesco et al., 2017). Efforts carried out under this agenda have been crucial to the consolidation of the topic at the international, regional and national levels. The TDF work plan can signify major progress in discussions associated with population movements linked to climate and other environmental changes, enabling a more systematic investigation of the LFDD – human mobility nexus.

### *The UNCCD and national desertification agendas*

The original text of the 1994 UNCCD made reference to the LFDD – human mobility nexus, suggesting the development of international, regional and national instruments to tackle the impacts of LFDD while addressing population movements in this context. Importantly, the study requested at COP13 (2017), which was made available two years later, recommended not only the implementation of legal frameworks to cope with LFDD as drivers of migration

in a collaborative and cross-cutting manner, but also the facilitation of evidence-based policies at the national level.

Almost all African and LAC countries acknowledge the linkages between population movements and LFDD in their NAProgs and LDN targets. They confirm that droughts and LFDD threaten national sustainable development and intensify rural-urban migration processes, exacerbating poverty in rural areas and increasing social pressures in cities. L&D are always related to the failure of agricultural practices, which leads to food insecurity, and indirectly associated with human mobility in the context of LFDD. Despite progress in recognising the topic, the discussion paper reveals the lack of specific measures to address the problem at the national level. In this regard, Ethiopia's NAProg and its specific strategies to tackle the LFDD – human mobility nexus could be replicated by African and LAC countries in updated NAProgs and LDN targets.

It can be concluded that the global desertification agenda remains under-explored when it comes to the establishment of effective responses to addressing human mobility in the context of LFDD. The UNCCD should further promote enhanced living conditions for communities affected by LFDD through the implementation of sustainable land management programmes that consider strategies to curb uncontrolled rural-urban migration and related issues. At the national level, the rehabilitation of degraded lands through ecosystem services and sustainable land management should be implemented with a view towards reducing the risk of forced migration. Maximising synergies across domestic policy areas – for example environment and migration national agendas – is key for the successful development of measures related to the LFDD – human mobility nexus.

#### *The CBD and national biodiversity strategies and action plans*

The institutional framework regulating biological diversity and related aspects at the global level has no provisions and/or recommendations for addressing human mobility, neither in the context of biodiversity loss nor LFDD. As a result, mentions of population movements due to the increased degeneration of natural ecosystems – which often results from LFDD – are still generic in the normative frameworks of African and LAC countries. Even though many of them acknowledge that loss of biodiversity hinders the livelihoods of vulnerable communities and often leads to rural-urban migration, strategies and action plans developed to promote the conservation and sustainable use of biodiversity assets do not include effective responses to tackle human displacement in this context. Importantly, the role played by LFDD in the process of biodiversity loss, as well as their interaction with migration patterns, needs to be further explored to enable short- and long-term solutions.

By recognising that human beings are an integral component of the Earth's ecosystems, the CBD has the potential to fill the existing gap in the LFDD – human mobility nexus. An ecocentric view under the “ecosystem approach” can provide innovative, holistic, people-centred responses that encompass the well-being and protection of those exposed to population movements induced by climate or other environmental changes. Given that biodiversity conservation and restoration through ecosystem services are often suggested, these should be put into practice with a view towards not only improving livelihoods and eradicating poverty through sustainable land management, but also curbing uncontrolled rural-urban migration processes. That is, strategies established with the purpose of promoting conservation and sustainable use of natural resources should also take the



integrated management of lands into account, thus regulating human mobility in the context of LFDD.

Better living conditions for vulnerable populations depend on enhanced synergies between UNFCCC, UNCCD and CBD strategies. Climate change, LFDD and biodiversity loss are interlinked global environmental problems – the increase in LFDD leads to a vicious cycle of biodiversity loss, climatic variability and, ultimately, human displacement.

### *UNDRR and national DRR agendas*

References to human mobility in the Sendai Framework were identified in provisions dealing with the improvement of disaster risk governance. They suggest the formulation of normative instruments to tackle human displacement in the context of disasters, emphasising not only the impacts of environmental hazards on displaced people and their role in DRR, but also the management of all stages of the disaster cycle – pre-disaster, evacuation and post-crisis phases.

Even though the mobility dimension is often integrated in African and LAC national DRR agendas, mentions are only linked to sudden onset events and mostly associated with evacuation responses. The role of slow onset processes such as LFDD in triggering environmental hazards and human displacement is hardly acknowledged. There is no acknowledgement that LFDD may result in disaster due to a rapid onset event, nor that LFDD may increase the vulnerability of communities and ecosystems to climate change. Perceiving slow onset processes as an integral part of cascading risks is key to addressing the LFDD – human mobility nexus in this policy framework.

Similarly, the human mobility dimension should be acknowledged in the whole disaster cycle, not only during the evacuation phase. The implementation of interventions before, during and after the disaster period in a timely manner and with the involvement of all concerned actors remains essential to averting human displacement associated with LFDD. That would allow for a broader view on how slow onset events shape environmental hazards and interact with the whole displacement process. Lastly, disaster risk management measures would not only reduce environmental hazards that may be triggered by LFDD, but also avert human displacement in this context. These measures should be implemented in a coordinated and integrated manner, taking into consideration not only social problems but also other climate-related risks.

### *COVID-19 response and recovery*

National DRR frameworks are also often responsible for presenting provisions to address epidemics and pandemics. Even though most African and LAC countries have declared a health state of emergency in response to the growing number of people infected with COVID-19, only a few of them have established extraordinary actions to control the spread of the disease thus far. Despite focusing on those who have completely lost their incomes and the most vulnerable, measures examined do not acknowledge migrants' higher level of vulnerability and susceptibility to risk due to increased exposure to climate and other environmental changes. Given that LFDD are commonly associated with poor living conditions and food insecurity, it can be presumed – but not guaranteed – that this group of individuals are included in the protective measures. As such, those developing contingency

plans and structuring emergency health services tackling the current pandemic need to take individuals on the move into account. Protection measures must ensure equal access to basic services for the whole population, regardless of their status, and those developing the strategies to control the spread of the disease must consider the needs of those who are on the move, minimising the marginalisation of vulnerable groups affected by LFDD.

### *The GCM and national migration policies*

By including a specific section on migration associated with climate and other environmental changes, the GCM represents a turning point in global environmental migration policy. It acknowledges the multi-causality of migration and identifies “slow onset environmental degradation, disasters and climate change impacts as major challenges to address in contemporary migration policy and practice” (IOM & UNCCD, 2019). Besides including slow onset processes and encompassing all phases of forced movements in its provisions, the non-binding cooperation framework has called for the better understanding of them as well as their prevention in addition to regional harmonisation, coherence and long-term policies to address the issues. Importantly, at the national level, the GCM recommends the revision of climate and migration national strategies.

Even though some – especially LAC – countries have adopted (im)migration law provisions regulating the situation of non-nationals whose cases disclose humanitarian considerations, which include environmental disasters, these tend to be temporary and short-term. Given that slow onset processes require long-term solutions, special cases that fall outside established migration categories may not serve to respond to the LFDD – human mobility nexus. As such, there is a need for countries to cooperate in order to identify, develop and strengthen solutions for migration in the context of slow onset processes such as LFDD.

Notably, most national (im)migration policies in African countries were enacted before 2017 – the moment that the GCM recommendations on human mobility in the context of climate and other environmental changes were being developed. As a result, there was no opportunity to draw on the guidance and norms being put forward by them. The revision and adoption of new migration policies would enable the formulation of consistent approaches to address the challenges of population movements in the context of LFDD. In this regard, Bolivia’s 2013 National Migration Law is to be cited as an example for recognising migration processes in the context of climate change and aiming at the protection and assistance of national and non-national citizens through the adoption of international agreements and guidelines. Nevertheless, the law has not yet taken effect.

### *UNHCR and national refugee agendas*

In addition to the 1951 Convention and its 1967 Protocol, two regional instruments stand out as facilitating the extension of the traditional refugee concept in Africa and LAC. The extended refugee definitions from both the 1969 OAU and 1984 OAS conventions imply the protection of individuals fleeing due to environmental changes that lead to human rights violations. As such, the LFDD – human mobility nexus would be encompassed by this policy framework in both regions.

Nevertheless, African and LAC countries do not consider people on the move due to environmental disasters and other slow onset climatic processes to be refugees. Whereas

African countries argue that the scope of their extended refugee definition regarding protection does not include forced cross-border movements associated with environmental changes and that safeguard in such cases would be considered humanitarian action, LAC nations restrict the application of the regional concept to governmental or political circumstances. As a result, they do not embrace forced cross-border movements that are linked to environmental changes and/or economic reasons. There seems to be a lack of political will to further promote the topic at the regional and national levels, thus preventing the inclusion of these individuals in this agenda's protective scope.

Recently, UNHCR has shown a more comprehensive attitude towards forced cross-border movements, acknowledging that effective refugee protection relies on the ability to better understand broader human mobility patterns, such as those associated with climate and other environmental changes. This can be the starting point not only for the effective recognition of the LFDD – human mobility nexus, but also for the development of feasible legal solutions from the perspective of refugees.

## 10 Conclusion

The linkages between human mobility and LFDD need to be better understood and reflected in the policies and legal frameworks of Africa and LAC. Although efforts have been made at the national level to acknowledge that migration, displacement, planned relocation and “trapped” populations are impacts of climate and other environmental changes, specific measures to prevent and manage human displacement – and to recognise, protect and assist people affected by LFDD – have yet to be developed. In this context, it is critical that national strategies and legal frameworks address pre-existing vulnerabilities: Countries in both regions need to examine the interlinkages between actions to avoid, minimise and address LFDD and human mobility. In short, given the complex nature of this nexus, countries need to create a comprehensive set of policies and instruments that: i) recognise, protect and assist people affected by LFDD; ii) promote sustainable land-use and ecosystem-based approaches to climate risk management; and iii) generate livelihood opportunities, and thus prevent forced migration in the context of LFDD. Importantly, land restoration and related measures need to be aligned with local people's needs, otherwise efforts can create additional social and environmental threats. In addition, policies should protect and foster the human rights of people on the move, including displaced people, migrants and relocated populations. Finally, national responses can be enacted using effective global governance arrangements. The latter require enhanced collaboration between wider multilateral processes, including synergies between global environmental policy frameworks such as the UNFCCC, the UNCCD and the CBD, together with international DRR (UNDRR) and human mobility (GCM and UNHCR) agendas.

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## **Annexes**

<b>Annex 1: Domestic climate regulatory frameworks – Africa</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Benin	Law on Climate Change Regulation	Law No. 18	2018
Burkina Faso	National Adaptation Plan for Climate Change	Decree No. 1189	2015
Dem. Rep. of Congo	National Committee on Climate Change	Decree No. 729	2010
Djibouti	Order establishing the National Steering Committee on Climate Change	Order No. 99-0277	1999
Gabon	National Climate Plan	-	2012
Gambia	National Policy on Climate Change	-	2016
Ghana	National Climate Change Policy	-	2013
Ivory Coast	Programme National de Changement Climatique	-	2014
Kenya	Climate Change Act	Act No. 11	2016
Lesotho	National Climate Change Policy (2017-2027)	-	2017
Liberia	National Policy and Response Strategy on Climate Change	-	2018
Madagascar	National Policy on Climate Change	-	2011
Malawi	National Climate Change Policy	-	2012
Mali	National Policy on Climate Change	-	2011
Morocco	Politique du Changement Climatique au Maroc	-	2019
Mozambique	Estratégia Nacional de Mudanças Climáticas (2013-2025)	-	2013
Namibia	National Policy on Climate Change for Namibia	-	2010
Niger	National Policy on Climate Change	-	2012
Nigeria	National Policy on Climate Change	-	2013
Seychelles	Seychelles National Climate Change Strategy	-	2009
Sierra Leone	National Policy on Climate Change	-	2015
South Africa	National Climate Change and Health Adaptation Plan (2014-2019)	-	2014
Tanzania	Tanzania National Climate Change Strategy	-	2012
Uganda	National Policy on Climate Change	-	2015
Zambia	National Climate Change Response Strategy	-	2010
Zimbabwe	National Policy on Climate Change	-	2018
Source: Author			

<b>Annex 2: Domestic climate regulatory frameworks – LAC</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Argentina	Ley de presupuestos mínimos de adaptación y mitigación al cambio climático global	Law No. 27.520	2019
Brazil	Política Nacional sobre Mudança Climática	Law No. 12.187	2009
Colombia	Ley por la cual se establecen directrices para la gestión del cambio climático	Law No. 1.931	2018
Costa Rica	Política Nacional de Adaptación al Cambio Climático de Costa Rica (2018-2030)	Decree No. 20	2018
Dominican Republic	Política Nacional del Cambio Climático	Decree No. 269	2015
Guatemala	Política Nacional del Cambio Climático	Governmental Agreement No. 239	2009
Honduras	Ley de Cambio Climático	Law No. 297	2013
Jamaica	Climate Change Policy Framework and Action Plan	Law passed	2013
Mexico	Ley General de Cambio Climático	Law No. 347.021	2018
Nicaragua	Decreto para establecer la Política Nacional de Mitigación y Adaptación al Cambio Climático y de Creación del Sistema Nacional de Respuesta al Cambio Climático	Decree No. 07	2019
Panama	Política Nacional del Cambio Climático	Decree No. 35	2007
Paraguay	Ley Nacional de Cambio Climático	Law No. 5.875	2017
Peru	Ley Marco sobre Cambio Climático	Law No. 30.754	2018
Saint Lucia	National Policy on Climate Change and Adaptation Plan	-	2003
Trinidad and Tobago	National Policy on Climate Change	-	2011
Uruguay	Política Nacional del Cambio Climático	-	2017
Source: Author			

<b>Annex 3: Domestic DRR regulatory frameworks – Africa</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Algeria	Loi relative à la prévention des risques majeurs et à la gestion des catastrophes dans la cadre du développement durable	Law No. 04-20	2004
Angola	Plano Nacional de Preparação, Contingência, Resposta e Recuperação de Calamidades e Desastres	Decree No. 29	2016
Botswana	National Disaster Risk Reduction Strategy (2013-2018)	-	2013
Cape Verde	Estratégia Nacional de Redução de Risco de Desastres	-	2017
Dem. Rep. of Congo	Stratégie nationale de prévention et de réduction des risques de catastrophes de la République du Congo (2016-2023)	-	2016
Djibouti	Loi portant politique nationale de gestion des risques et des catastrophes	Law No. 140/AN/06	2006
Egypt	National strategy for adaptation to climate change and disaster risk reduction	-	2011
Ethiopia	National Policy and Strategy on Disaster Risk Management	-	2013
Gambia	National Disaster Management Policy	-	2008
Liberia	National Disaster Management Policy	-	2012
Madagascar	Loi relative à la politique nationale de gestion des risques et des catastrophes	Law No. 2015-031	2016
Malawi	Disaster Risk Financing Strategy and Implementation Plan (2019-2024)	-	2019
Mali	Plan national de contigence multirisques de préparation et de réponse aux catastrophes	-	2010
Mauritius	The National Disaster Risk Reduction and Management Act	Act No. 02	2016
Mozambique	Plano Director para a Redução do Risco de Desastres (2017-2030)	-	2017
Namibia	National Disaster Risk Management Plan	-	2011
Rwanda	The National Disaster Management Policy	-	2012
Seychelles	Disaster Risk Management Act	Act No. 15	2014
Sierra Leone	Disaster Management Policy	-	2006
South Africa	Disaster Management Amendment Act	Act No. 03	2003
South Sudan	Ministry of Humanitarian Affairs and Disaster Management (MHADM) Strategic Plan 2018-2020	-	2018
Tanzania	Disaster Management Act	Act No. 17	2015
Uganda	National Policy for Disaster Preparedness and Management	-	2010
Zambia	Disaster Management Act	Act No. 13	2010
Source: Author			

<b>Annex 4: Domestic DRR regulatory frameworks – LAC</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Argentina	Plan Nacional para la Reducción del Riesgo de Desastres (2018-2023)	-	2018
Bolivia	Plan de emergencia nacional para confrontar el fenómeno ‘El Niño’ (1997-1998)	Decree No. 24.857	1997
Brazil	Law establishing the National Policy on Protection and Civil Defence	Law No. 12.608	2012
Costa Rica	Plan Nacional de Gestión del Riesgo (2016-2020)	-	2016
Dominica	Dominica Climate Resilience and Recovery Plan (2020-2030)	-	2020
Dominican Republic	Protocolo nacional de actuación para la protección social frente a choques climáticos	-	2018
Ecuador	Plan nacional de respuesta ante desastre	-	2018
El Salvador	Ley de protección civil, prevención y mitigación de desastres	Decree No. 777	2005
Grenada	National Disaster Plan	-	2006
Guatemala	Política Nacional para la Reducción de Riesgo a los Desastres	Agreement No. 06	2011
Haiti	Action Plan for National Recovery and Development of Haiti	-	2010
Honduras	Ley de Contingencias Nacionales	Decree No. 09	1990
Jamaica	National Disaster Risk Management Act	Act No. 01	2015
Panama	Plan Nacional de Gestión de Riesgo de Desastres (2011-2015)	-	2011
Paraguay	Política Nacional de Gestión y Reducción de Riesgos de Desastres	-	2018
Peru	Procedimiento Técnico y Metodológico para la elaboración del Estudio Especializado de Evaluación de Riesgos de Desastres y Vulnerabilidad al Cambio Climático para el ordenamiento territorial	Resolution No. 008	2016
St. Kitts and Nevis	Natural Hazard Mitigation Policy and Plan	-	2001
St. Vincent and Grenadines	National Emergency and Disaster Management Act	-	2006
Uruguay	Política nacional de gestión integral del riesgo de emergencias y desastres en Uruguay (2019-2030)	Law No. 18.621	2019
Source: Author			



<b>Annex 5: Responses to the COVID-19 Pandemic – Africa and LAC</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Argentina	Emergencia Sanitaria	Decree No. 260	2020
Barbados	Emergency Management Act	Chapter No. 160A	2020
Colombia	Decreto por el cual se declara un Estado de Emergencia Económica, Social y Ecológica en todo el territorio Nacional	Decree No. 417	2020
Costa Rica	Medidas de Protección Social (IMAS)	-	2020
Dominican Republic	Programa Quédate en Casa	-	2020
Ecuador	Extension del proceso de regularizacion de venezolanos	Decree No. 1020	2020
Ethiopia	National Comprehensive COVID-19 Management Book	-	2020
Ghana	Coronavirus Alleviation Programme (CAP)	-	2020
Guatemala	Ley de Emergencia para proteger a los guatemaltecos de los efectos causados por la pandemia coronavirus (COVID-19)	Decree No. 12	2020
Honduras	Decreto de Estado de Emergencia Sanitaria	Agreement No. 61	2020
Madagascar	Plan d'Urgence Social	-	2020
Malawi	National COVID-19 Preparedness and Response Plan (CPRP)	-	2020
Mali	Plan d'Actions pour la Prévention et la Réponse à la Maladie à COVID-19	-	2020
Mexico	Acuerdo por el que se declara como emergencia sanitaria por causa de fuerza mayor, a la epidemia de enfermedad generada por el virus SARS-CoV2 (COVID-19)	-	2020
Nigeria	Preparedness and response to coronavirus disease 2019 (COVID-19) at primary healthcare and community level	-	2020
Panama	Plan Panamá Solidario	Decree No. 400	2020
Peru	Dictan medidas complementarias destinadas a reforzar el Sistema de Vigilancia y Respuesta Sanitaria frente al COVID-19 en el territorio nacional y a la reducción de su impacto en la economía peruana	Decree No. 29	2020
Saint Lucia	Social Stabilization Plan	-	2020
Senegal	Programme de Résilience Economique et Sociale – Mobilisation nationale et internationale pour abonder le Fonds de Riposte et de Solidarité face à la pandémie du COVID-19	-	2020
Somalia	Somalia Country Preparedness and Response Plan (CPRP) – COVID-19	-	2020
St. Vincent and Grenadines	National Recovery Plan – Rising Stronger from the Ashes of COVID-19	-	2020
Source: Author			

<b>Annex 6: Domestic migration regulatory frameworks – Africa</b>			
<b>Country</b>	<b>Normative instrument</b>	<b>Enactment</b>	<b>Year</b>
Algeria	Loi No. 08-11 du 21 Joumada Ethania 1429 correspondant au 25 juin 2008 relative aux conditions d'entrée, de séjour et de circulation des étrangers en Algérie	Law No. 08-11	2008
Angola	Law No. 2 of 2007 Act on the Legal Regime of Foreign Citizens	Law No. 02	2007
Botswana	Immigration Act	Act No. 03	2011
Cameroon	Loi No. 1997/012 du 1997 fixant les conditions d'entrée, de séjour et de sortie des étrangers au Cameroun	Law No. 12	1997
Dem. Rep. of Congo	Ordonnance-loi No. 1983-033 du 1983 relative à la police des étrangers	Ordinance No. 33	1983
Egypt	Law No. 88 of 2005 on Entry, Residence and Exit of Foreigners	Law No. 88	2005
Eritrea	Regulation No. 4/1992 of 1992 of Travel Documents and Immigration	Regulation No. 04	1992
Ethiopia	Immigration Proclamation No. 354/2003 of 2003	Proclamation No. 354	2003
Ghana	The Immigration Regulations	Law No. 1691	2001
Guinea	Loi No. L/9194/019/CTR du 1994 portant sur les conditions d'entrée et de séjour des étrangers en République de Guinée	Law No. L/9194/019/CTR N	1994
Ivory Coast	Décision No. 2005-05/Pr du 2005 relative à l'identification des personnes et au séjour des étrangers en Côte d'Ivoire	Decision No. 05/PR	2005
Lesotho	Aliens Control Act	-	1968
Liberia	Aliens and Nationality Law	-	1973
Madagascar	Loi No. 1962-006 fixant l'organisation et le contrôle de l'immigration	Law No. 006	1962
Malawi	Immigration Regulations of 1968	-	1968
Mauritius	Immigration Act	Act No. 13	1970
Morocco	Loi No. 02-03 relative à l'entrée et du séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières	Law No. 02-03	2003
Mozambique	Law No. 5/93 of 1993 (Aliens)	Law No. 05	1993
Namibia	Immigration Control Act	-	1994
Nigeria	Immigration Act	Act No. 06	1963
Rwanda	Law No. 17/99 of 1999 on Immigration and Emigration	Law No. 17	1999
Senegal	Décret No. 71-860 du 1971 relatif aux conditions d'admission, de séjour et d'établissement des étrangers	Decree No. 71-860	1971
Seychelles	Immigration Decree	Chapter 93	1981
Sierra Leone	The Non-Citizens (Registration, Immigration and Expulsion) Act	Act No. 14	1965
South Africa	Immigration Regulations	Act No. 13	2002
Sudan	Passports and Immigration Act	-	2000
Tanzania	Immigration Act	Act No. 07	1995

<b>Annex 6 (cont.): Domestic migration regulatory frameworks – Africa</b>			
Tunisia	Loi No. 68-7 du 1968 relative à la condition des étrangers	Law No. 68-7	1968
Uganda	Citizenship and Immigration Control Act	Chapter 66	1999
Zambia	Immigration and Deportation Act	Bill No. 18	2010
Zimbabwe	Immigration Regulations	SI195/1998 (CAP 4:02)	2005
Source: Author			

<b>Annex 7: Domestic migration regulatory frameworks – LAC</b>			
<b>Country</b>	<b>Normative instrument</b>	<b>Enactment</b>	<b>Year</b>
Antigua and Barbuda	Ley de Inmigración y Pasaportes	-	2014
Argentina	Ley de Migraciones	Law No. 25.871	2010
Bahamas	Ley de Inmigración	-	1969
Barbados	Ley de Inmigración	-	1976
Belize	Immigration Act	Chapter 156	2000
Bolivia	Ley de Migración	Law No. 370	2013
Brazil	Lei de Migração	Law No. 13.445	2017
Chile	Decreto No. 597 - Aprueba Nuevo Reglamento de Extranjería	Decree No. 597	1984
Colombia	Decreto No. 0834 de 2013 – Por el cual se establecen disposiciones en materia migratoria de la República de Colombia	Decree No. 0834	2013
Costa Rica	Ley General de Migración y Extranjería: Régimen de Excepción para Centroamericanos ilegales en Costa Rica	Decree No. 24.457	1998
	Ley General de Migración y Extranjería	Law No. 8.764	2009
	Reglamento de Extranjería	Decree No. 37.112-G	2012
Cuba	Modificativo de la Ley No. 1.312 – “Ley de Migración”, de 20 de Septiembre de 1976	Decree No. 302	2012
Dominica	Ley de Inmigración y Pasaportes	-	1941
Dominican Republic	-	Decree No. 631	2011
Ecuador	Decreto No. 248 de 2010	Decree No. 248	2010
	Lei Orgánica de Movilidad Humana	Law No. 938	2017
	Decreto No. 111 de 2017 – Reglamenta a la Ley Orgánica de Movilidad Humana	Decree No. 111	2017
El Salvador	Ley de Migración	Decree No. 2.772	1958
Grenada	Ley de Inmigración	-	1969
Guatemala	Migration Code	Decree No. 44	2016
Guyana	Ley de Extranjería de 1947	-	1947
Haiti	Loi du 25 Novembre 1959 sur l’Immigration et l’Emigration	-	1959
Honduras	Reglamento de la Ley de Migración y Extranjería	Decree No. 208/203	2004
Mexico	Ley de Migración	-	2011
Nicaragua	Para ciudadanos centroamericanos que se encuentran en el territorio nacional	Decree No. 94-98	1999
	Ley General de Migración y Extranjería	Law No. 761	2011
	Reglamento a la Ley No. 761 de 2011	Decree No. 31	2012

<b>Annex 7 (cont.): Domestic migration regulatory frameworks – LAC</b>			
Panama	Por el cual se dictan algunas medidas administrativas para legalizar la residencia definitiva de nacionales de la República de Nicaragua, que se encuentran indocumentados en el país	Decree No. 34	1999
	Que reglamenta el Decreto Ley No. 3 de 22 de febrero de 2008, que crea el Servicio Nacional de Migración y dicta otras disposiciones	Decree No. 320	2008
Paraguay	Ley de Migraciones	Law No. 978	1996
Peru	Ley de Migraciones	Decree No. 1.350	2017
St. Vincent and Grenadines	Ley de (Restricción) de la Inmigración de 1939	Law No. 95	1939
Suriname	Ley de Extranjería	-	1992
Trinidad and Tobago	Ley de Inmigración de 1969	Act No. 41	1969
Uruguay	Ley de Migración	Law No. 18.250	2008
Source: Author			

<b>Annex 8: Domestic refugee regulatory frameworks – Africa</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Algeria	Décret No. 1963-274 du 1963 fixant les modalités d'application de la Convention de Genève du 28 juillet 1951 relative au statut des Réfugiés	Decree No. 274	1963
Angola	Law on the Right of Asylum and the Refugee Status	Law No. 10	2015
Benin	Ordonnance No. 75-41 du 1975 portant statut des réfugiés	Ordinance No. 75-41	1975
Botswana	Refugees (Recognition and Control) Act	Chapter 25:03	1968
Burkina Faso	Loi No. 042-2008/AN du 2008 portant statut des réfugiés au Burkina Faso	Law No. 42	2008
Burundi	Loi No. 1/32 de 2008 sur l'asile et la Protection des réfugiés au Burundi	Law No. 1/32	2008
Cameroon	Loi No. 2005/006 du 2005, Portant statut des réfugiés au Cameroun	Law No. 006	2005
Central African Republic	Décret No. 09.001 du 6 janvier 2009 portant organisation et fonctionnement des organes de mise en oeuvre de la politique nationale relative aux réfugiés	Decree No. 09.001	2009
Democratic Republic of Congo	Décret No. 99-310 du 1999, Création, Attributions, Organisation et Fonctionnement du Comité National d'Assistance aux Réfugiés	Decree No. 99-310	1999
Djibouti	Décret No. 2001-0101/PR/MI modifiant le Décret No. 77-054/PR/AE du 1977 portant création de la commission nationale d'éligibilité au statut des réfugiés	Decree No. 0101	2001
Egypt	Law No. 88 of 2005 on Entry, Residence, and Exit of Foreigners	Law No. 88	2005
Eswatini	The Refugees Act	Act No. 15	2017
Ethiopia	Refugee Proclamation	Proclamation No. 1110	2019
Gabon	Loi No. 5/98 du 1998 portant statut des réfugiés en République gabonaise	Law No. 05	1998
Gambia	The Refugee Act	-	2008
Ghana	Refugee Law of 1992	-	1992
Guinea	Loi L/2018/050/AN, relative à l'Asile et à la Protection des Réfugiés en République de Guinée	Law No. L/2018/050/AN	2018
Kenya	The Refugee Act	Act No. 13	2006
Lesotho	The Refugee Act	-	1983
Liberia	The Refugee Act	-	1993
Malawi	The Refugee Act	-	1989
Mali	Loi No. 1998-40 du 1998 portant sur le statut des réfugiés	Law No. 40	1998
Mauritania	Décret No. 2005-022 du 2005 fixant les modalités d'application en République Islamique de Mauritanie des Convention internationales relatives aux réfugiés	Decree No. 022	2005

<b>Annex 8 (cont.): Domestic refugee regulatory frameworks – Africa</b>			
Morocco	Décret No. 2-70-647, Modifiant le Décret No. 2-67-1266 du 29 août 1987 fixant les modalités d'application de la convention relative au statut des réfugiés, signée à Genève le 28 Juillet 1951	Decree No. 2-67-1266	1987
Mozambique	The Refugee Act	Act No. 21	1991
Namibia	Refugees (Recognition and Control) Act	Chapter 2065	1999
Niger	Loi No. 97-016 du 1997 portant statuts des réfugiés	Law No. 97-016	1997
Nigeria	National Commission for Refugees Act	Chapter N21 LFN	2004
Rwanda	Law No. 13 of 2014 Relating to Refugees	Law No. 13	2014
Senegal	Décret No. 78-484 du 1978 relatif à la Commission des Réfugiés	Decree No. 78-484	1978
Sierra Leone	The Refugees Protection Act	Act No. 06	2007
Somalia	Presidential Decree No. 25 of 1984 on Determination of Refugee Status	Decree No. 25	1984
South Africa	The Refugee Act	Act No. 130	1998
Sudan	Asylum Act	-	2014
Togo	Loi No. 2016-021 du 2016 portant statut des réfugiés au Togo	Law No. 021	2016
Tunisia	Loi No. 68-26 du 1968, portant adhésion de la Tunisie au protocole relatif au statut des réfugiés	Law No. 68-26	1968
Uganda	The Refugee Act	Act No. 21	2006
Zambia	The Refugee Act	Act No. 01	2017
Zimbabwe	The Refugee Act	Act No. 13	1983
Source: Author			

<b>Annex 9: Domestic refugee regulatory frameworks – LAC</b>			
<b>Country</b>	<b>Normative instruments</b>	<b>Enactment</b>	<b>Year</b>
Argentina	Ley General de Reconocimiento y protección al refugiado	Law No. 26.165	2006
Belize	Refugees Act	Chapter 165	2000
Bolivia	Ley de protección a personas refugiadas	Law No. 251	2012
Brazil	Estatuto do Refugiado	Law No. 9.474	1997
Chile	Ley que establece disposiciones sobre protección de refugiados	Law No. 20.430	2010
Colombia	Por el cual se establece el Procedimiento para el Reconocimiento de la Condición de Refugiado, se dictan normas sobre la Comisión Asesora para la Determinación de la Condición de Refugiado y otras disposiciones	Decree No. 2.840	2013
Costa Rica	Reglamento de Personas Refugiadas	Decree No. 36.831-G	2011
Dominican Republic	Reglamento de la Comisión Nacional para los Refugiados	Decree No. 2.330	1984
El Salvador	Ley para la Determinación de la Condición de Personas Refugiadas	Decree No. 918	2000
Jamaica	Refugee Policy	-	2009
Mexico	Ley sobre Refugiados y Protección Complementaria	-	2011
Nicaragua	Ley de Protección a Refugiados	Law No. 655	2008
Panama	Decreto Ejecutivo No. 05 de 2018 – Que desarrolla la Ley 5 de 26 de Octubre de 1977, por la cual se aprueba la Convención y Protocolo sobre El Estatuto de los Refugiados, deroga el Decreto Ejecutivo No. 23 de 10 de Febrero de 1998 y dicta nuevas disposiciones para la protección de las personas refugiadas	Decree No. 05	2018
Paraguay	Ley General sobre Refugiados	Law No. 1.938	2002
Peru	Ley del Refugiado	Law No. 27.891	2002
Uruguay	Derecho al Refugio y a los Refugiados	Law No. 18.076	2006
Venezuela	Ley Orgánica sobre Refugiados o Refugiadas y Asilados o Asiladas	Decree No. 2.491	2003
	Ley especial de refugios dignos para proteger la población en casos de emergencias o desastres	Decree No. 8.001	2001
Source: Author			



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