Human Mobility and Climate Change in the IGAD Region

A Case Study in the Shared Border Regions of Ethiopia, Kenya and Somalia

UNHCR
The UN Refugee Agency

IGAD
PEACE, PROSPERITY AND REGIONAL INTEGRATION

MDCC
Migration, Disasters & Climate Change in the IGAD Region

Migration Multi-Partner Trust Fund

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JOINT PROGRAMME FOR ADDRESSING DRIVERS AND FACILITATING SAFE, ORDERLY AND REGULAR MIGRATION IN THE CONTEXTS OF DISASTERS AND CLIMATE CHANGE IN THE IGAD REGION

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MDCC
Migration, Disasters & Climate Change in the IGAD Region

MDCC and Joint Programme Partners:

- Migration Multi-Partner Trust Fund
- IOM UN MIGRATION
- International Labour Organization
- PLATFORM ON DISASTER DISPLACEMENT — FOLLOW-UP TO THE NANSEN INITIATIVE
- UNHCR The UN Refugee Agency
- IGAD — PEACE, PROSPERITY AND REGIONAL INTEGRATION

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ACRONYMS

BORESHA	Building Opportunities for Resilience in the Horn of Africa
COP	Conference of the Parties
DRR	disaster risk reduction
GBV	gender-based violence
GCM	Global Compact for Safe, Orderly and Regular Migration 2018
GCR	Global Compact on Refugees
GDP	gross domestic product
IASC	Inter-Agency Standing Committee
ICPAC	IGAD Climate Prediction and Applications Centre
ICPALD	IGAD Centre for Pastoral Areas and Livestock Development
IDDRSI	IGAD Drought Disaster Resilience and Sustainability Initiative
IDP	internally displaced person
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
MECC	migration, environment and climate change [IOM]
MPTF	Multi-Partner Trust Fund [for Safe, Orderly and Regular Migration]
MRP	migrant response plan
NCM	National Coordination Mechanism on Migration
NGO	non-governmental organization
OAU	Organization of African Unity
SDG	Sustainable Development Goal
SGBV	sexual and gender-based violence
UNDRR	United Nations Office for Disaster Risk Reduction
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees
UN OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOPS	United Nations Office for Project Services

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Thousands of families have been displaced due to recent climate change and droughts in Ethiopia's Somali regions, leaving them without hope. Most families have lost their homes, livestock and farmland. Photo © UNHCR/Eugene Sibomana.

FOREWORD

The effects of climate change, including its contribution to disaster risk, are impacting people's lives and human mobility. In many cases, this is resulting in new patterns of human mobility[1] within countries and across national borders, including migration, displacement and planned relocation away from increasingly uninhabitable areas. The most vulnerable people in society are among the most harshly affected by climate change and disasters. On the African continent, as in many other parts of the world, the effects of extreme weather events and slow-onset disasters interact with other drivers of displacement, including conflict, violence and persecution, triggering or exacerbating displacement.

East Africa and the Horn of Africa are experiencing drought. Many drought-affected communities are struggling to cope with the cumulative consequences of other shocks, including conflict and insecurity, the effects of climate change (flooding and food insecurity, in addition to drought), COVID-19, and the ongoing impacts of desert locusts on agro-pastoral communities. By the end of October 2022, Ethiopia was hosting 878,027 refugees and asylum seekers, mainly from other IGAD countries, and had 4.57 million IDPs at the end of August. The 2015–2017 drought displaced pastoralists from the Somali region of Ethiopia. Failed rainy seasons resulted in a loss

1 Human mobility is an overarching umbrella term that refers to three forms of population movement: i) displacement — the primarily forced movement of persons; ii) migration — the primarily voluntary movement of persons: and iii) planned relocation — the process of settling persons or communities in a new location (UNFCCC Decision 1/CP.16, *Cancun Climate Change Adaptation Framework*, Paragraph 14f).

of 80 per cent of the livestock. Movement of cattle in search of grazing increased pressure on greener areas and created environmental degradation.

Somalia has been affected by 30 years of conflict; it has a high level of deforestation and one of the highest populations of IDPs in the world. As of August 2022, there were an estimated 2.97 million IDPs; more than 630,000 Somalis were refugees, most of whom were hosted in Kenya and Ethiopia. The drivers of displacement are complex and

interlinked, but are predominantly related to conflict and climate shocks such as drought and floods.

These mobility scenarios – coupled with loss of livelihoods, increased poverty, and an erosion of resilience and traditional coping mechanisms, which undermine people's ability to respond to crises – require a comprehensive and coordinated response by all actors and consistent implementation of all relevant frameworks.

The strategic objective to promote safe, orderly and regular migration and to advocate for migration as an adaptation strategy to mitigate the effects of climate change and disasters is one of the preferred approaches to preventing displacement from occurring. However, in the absence of a regional migration framework that is consistently applied and domesticated in the national legislation of IGAD member states, the response to displacement across borders may require the application of international human rights and refugee law frameworks to meet international protection needs.

The Global Compact on Refugees calls for international cooperation and responsibility sharing in calling for all 'stakeholders with relevant mandates and expertise [to] provide guidance and support for measures to address…protection and humanitarian challenges' in a way 'which avoids protection gaps' (paragraphs 63 and 61). This echoes the United Nations Migration Network's work-plan under its climate change workstream, whose Pillar 2 focuses on expanding 'spaces for dialogue, exchange, capacity building and collaboration on practices and knowledge with States, stakeholders and other state-led initiatives'.

This study shows the extent to which addressing protection issues associated with human mobility in the context of the adverse effects of climate change and disasters requires collective responses where existing legal and normative instruments are not only available, but are effectively applied. The prerequisite for this includes proper understanding and analysis of actual mobility patterns and their root causes, and effective coordination of all relevant stakeholders, complemented with operational engagement on issues such as dissemination of material, translation services, capacity building, access to asylum procedures, protection monitoring and community participation.

Revealing the challenges of human mobility in response to the effects of climate change and disasters, making recommendations to address them, and proposing further research, this study provides a foundation for actors working on this complex issue to move forward hand in hand towards our common objective of reducing suffering and providing protection to the most vulnerable people on the move hit by humanitarian crises.

I would like to warmly thank everyone who has been involved in this work and to reiterate UNHCR's commitment to continue to engage actively in human mobility–related discussions to ensure that displacement issues and related protection needs in the context of the adverse effects of climate change and disasters are on the agenda and that the voices of refugees and displaced persons are being heard.

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UNHCR Regional Bureau for East, Horn of Africa and the Great Lakes Region

EXECUTIVE SUMMARY

This report on human mobility and climate change in the Intergovernmental Authority on Development (IGAD) region was commissioned by the United Nations High Commissioner for Refugees (UNHCR) and funded by the Migration Multi-Partner Trust Fund (MPTF) for Safe, Orderly and Regular Migration, which supports states to implement the 2018 Global Compact on Safe, Orderly and Regular Migration (GCM).

Three general questions guided the study:

1. What is the nature of climate change impacts and disasters in the IGAD region?
2. How do climate change impacts and disasters relate to human mobility in the IGAD region?
3. What protection frameworks and coordination mechanisms exist to respond to human mobility–related challenges in the context of climate change impacts and disasters in the IGAD region?

The research was conducted between November 2021 and May 2022, and included a document review, discussions with respondents representing a range of stakeholders, a workshop with community-based organizations (including faith-based groups, human rights defenders and peacebuilding groups), and a case study of human mobility in the shared border regions of Ethiopia, Kenya and Somalia.

The case study was intended to provide insights into cross-border migration linked to climate change and disasters in the shared border regions of Ethiopia, Kenya and Somalia. The limitations of this study are acknowledged in that the findings may not be representative throughout the region, as there are differences in exposure, hazard and vulnerability that influence human mobility in the context of climate change.[1] There are also differences in the response to climate change and disasters by individuals representing various ethnic groups, differences in their mode of existence, governance, and resilience and adaptive strategies, as well as differences in opportunities to finance adaptation and mitigation measures that create economic opportunities and sustainable development – hence difference in levels of development change dynamics. Further research is necessary to understand the subregional differences in specific geographical locations.

Disasters in the IGAD region are predominantly related to slow- and sudden-onset events and processes such as protracted droughts, floods and environmental

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[1] The Cancun Adaptation Framework (paragraph 14f) articulates three distinct forms of human mobility: i) Displacement – the primarily forced movement of persons; ii) Migration – the primarily voluntary movement of persons; iii) Planned relocation – a last resort measure when current settlement areas are set to become uninhabitable to settle people in areas out of harm's way, based on human rights principles and with the full participation of affected communities (see UNFCCC Decision 1/CP.16). This terminology is also adopted in the Nansen Initiative Agenda for the protection of cross-border displaced persons in the context of disasters and climate change (see paragraph 22 of volume 1 of the agenda).

degradation. These act as a threat multiplier for the negative impacts of conflict, food insecurity, poor governance, and lack of employment opportunities, infrastructure and amenities.

Movements related to climate change and disasters that were identified during the research period in the case study area include the following:

- Changes in the internal and cross-border migration patterns of pastoralists with specific characteristics and needs.
- Human mobility in the case study linked with climate change and disaster mainly takes the form of internal displacement.
- Internal mobility in southern Ethiopia and the Gedo region of Somalia linked to the ongoing drought; the continued drought has led to people crossing Ethiopian and Kenyan borders in search of water, food and assistance.
- Agropastoral and sedentary populations living along the riverbanks displaced temporarily by floods.
- Other trends of human mobility in the context of climate change and disasters that did not materialize at a sizeable scale at the time of the study.

The main protection issues identified in the case study area are the following:

- Loss of livelihoods, increasing poverty and the inability to meet basic needs. The pastoralist livelihood, which is fundamental to most of the livelihoods in the case study area, is particularly threatened by the adverse effects of climate change.
- The erosion of resilience and traditional coping mechanisms, which undermines people's ability to respond to crises.

- Increasing exposure to violence from Al-Shabaab and regional, interclan and resource-based conflict.
- The impact of climate change and disasters exacerbate and amplify pre-existing gender inequalities and the powerlessness, marginalization and discrimination of women and girls, undermining their already limited agency and economic independence.
- Women's high dependence on climate-sensitive work and limited access to economic resources and decision-making power disproportionately affect their ability to adapt or recover, thereby exposing them to distinct vulnerabilities – including gender-based violence (GBV), sexual abuse and exploitation, and trafficking.
- The increasing vulnerability of women and girls as climate change impacts and disasters make their traditional domestic duties and livelihood activities more difficult. Women's reliance on agriculture and natural resources for their unpaid production and care activities makes them particularly vulnerable to climate fluctuations. They must travel longer distances, invest more time and expose themselves to an increased risk of GBV just to meet their livelihood and care roles and responsibilities.
- Qualitative information from key informants for this study indicates that women are not consulted about migration decisions and are less mobile because of their household economic and domestic duties, including childbearing and child rearing.
- There are other vulnerable groups, including the elderly and persons with disabilities, but further research is needed to understand in more detail how they are affected by human mobility related to climate change and disasters.

A wide range of legal and policy frameworks regarding refugees, migrants and displaced persons (within one country and across borders), climate change, and development are relevant in the response to these protection issues. The case study revealed that the IGAD Protocol on Transhumance as well as the Protocol on Free Movement of Persons in the IGAD Region would be most useful in relation to the challenges faced by pastoralists affected by climate change and disasters. However, constraints remain for a full and proper implementation of these and other existing frameworks.

Practical challenges that prevent the implementation of the relevant frameworks in the case study area include the following:

- Challenging operating context affected by multiple crises (both climate and conflict related), which limits protection monitoring and operational interventions
- Lack of a cross-border coordination mechanism and data analysis, and a scarcity of financial resources to develop a repository of regional knowledge and early warning systems
- Complex coordination mechanisms across multiple countries, multiple governance levels, multiple international and national organizations, and multiple disciplines
- Lack of clarity about how existing protection frameworks are being instituted into policies and implemented at national and local levels
- Lack of in-depth knowledge about how various factors interact to generate movement
- Lack of age, gender and diversity data and gender analysis on the impact of climate change and how migration decision-making processes are made at the individual/household level; a gap in knowledge about how vulnerable groups are differently

affected by human mobility in the context of climate change and disasters and other factors

While there are varying approaches, refugee law is enacted through domestic legislation, and states have applied or are likely to apply the extended refugee definition under the 1969 Organization of African Unity Convention, thereby effectively providing international protection to persons displaced by climate change. However, the language contained in the GCM and the Global Compact on Refugees (GCR) should be kept quite distinct as per the 2016 New York Declaration for Refugees and Migrants. The regional solidarity thus far displayed gives hope that the regional frameworks on migration and freedom of movement will also be enacted through national legislation and implemented.

Following this qualitative study, recommendations were proposed to address the four main issues identified:

1. Establish a regional protection framework on human mobility in the context of climate change: Create a coherent regional protection framework on human mobility for addressing and protecting migrants and other displaced populations, as well as a sufficient and consistent application of the frameworks that are in place in highly complex environments where different forms of mobility simultaneously prevail and intersect. A human rights–based approach should be utilized. The regional framework should draw upon regional human rights law: the African Charter on Human and Peoples' Rights and jurisprudence from decisions on similar cases from the African Court on Human and Peoples' Rights and international human rights law frameworks. As states are already a party to the various international and regional human rights conventions, this

Refugee families put up makeshift shelters at a temporary site for new arrivals at Dagahaley refugee camp, in Dadaab, Kenya. Photo © UNHCR/Samuel Otieno.

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framework approach should be easier to adopt, and it may be easier to replicate elsewhere in the region. This would help to strengthen protection frameworks.

2. Enhance coordination for effective protection responses: Scale up capacity to ensure effective participation in supporting the IGAD region to fulfil commitments to the GCM and to develop and implement policies and plans to provide protection responses to migration related to climate change and disasters. It is critical for IGAD member states, with support from IGAD and development partners, to undertake cross-border coordination within the IGAD region that brings together distinct expertise and experiences around the key protection concerns/risks. It is necessary to map, track and monitor movements and to provide protection response and inter-agency referrals. Additionally, it is imperative that the protection response is informed by gender and that a referral mechanism for GBV survivors and trafficked victims is implemented. Effective coordination with actors working for the protection of displaced people who are not covered under the GCM based on their respective mandate and expertise for an integrated application of existing frameworks based on people's needs is necessary to ensure that there is no protection gap.

3. Strengthen capacities of IGAD member states on protection engagement: Increase protection engagement through strengthening the protection capacity of first responders, undertaking protection monitoring and protection by presence. IGAD member states, with support from IGAD and development partners, should create and implement a system of mobile protection units operating along transhumance routes and focusing on documentation, legal aid, housing, land and property issues. The mobile units would be staffed by state employees (from, for example, the civil registry or justice departments), thereby also serving to reinforce the state's capacity to engage and protect.

4. Enhance data and evidence through further research: Prioritize quantitative and qualitative research to fill the gap in knowledge regarding the specific nexus between climate change and cross-border movement in the region. The research should be undertaken with the affected populations identifying clearly the protection needs arising from climate-induced displacement in the context of the adverse effects of climate change and their traditional knowledge and mechanisms for addressing their needs.

1.1 STUDY RATIONALE AND PURPOSE

The Human Mobility and Climate Change Study in the IGAD Region has been commissioned by UNHCR in the context of the Joint Programme on Addressing Drivers and Facilitating Safe, Orderly and Regular Migration in the Contexts of Disasters and Climate Change in the IGAD Region[1] funded by the Migration Multi-Partner Trust Fund (MPTF) for Safe, Orderly and Regular Migration. The Migration MPTF is the UN financing mechanism to support member states to implement the 2018 Global Compact on Safe, Orderly and Regular Migration (GCM).

The joint programme is a partnership between the International Organization for Migration (IOM); the International Labour Organization (ILO); the Platform on Disaster Displacement, hosted under United Nations Office for Project Services (UNOPS); UNHCR; the Intergovernmental Authority on Development Secretariat; the IGAD Climate Prediction and Applications Centre (ICPAC); and the IGAD member states of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.

The overall objective of this joint programme is to contribute to facilitating pathways for regular migration in the IGAD region and minimizing displacement risk in the context of climate change, environmental degradation and disasters in line with the vision and guiding principles of the GCM.

The joint programme supports the implementation of the GCM; the Sustainable Development Goals; the 2015 Paris Agreement; the Sendai Framework for Disaster Risk Reduction 2015–2030; and the Protocol on Free Movement of Persons in the IGAD Region, adopted in June 2021.

The member states of the Intergovernmental Authority on Development (IGAD) are Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda. These countries have a diverse population and high natural population growth rates. There are uneven levels of development and, despite increasing urbanization, the majority of the population is employed directly or indirectly in agriculture. There are high levels of poverty as well as political and social instability, violent conflicts, and humanitarian crises. The region is affected by environmental degradation and considered to be vulnerable to climate change. It experiences irregular rainfall patterns,

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1 The joint programme involves ILO, IOM, UNOPS and UNHCR.

causing droughts and floods and other natural hazards, including cyclones and swarms of locusts.[2] It is believed that the combination of population growth and environmental change and degradation in the IGAD region, in addition to the predicted impact of climate change and escalating frequency of disasters, will lead to an increase in human mobility.[3]

'Human mobility' is an umbrella term that covers the following types of mobility:

- Displacement – populations have been forced to leave their habitual place of residence.
- Migration – the decision to move has primarily been voluntary.
- Planned relocation – relocation is organized with the participation of affected populations.[4]

These different types of human mobility occur within, to and from the IGAD region, precipitated by various complex and overlapping issues, including conflict, instability, poverty, climate change and disasters. Climate change is often referred to as 'a risk multiplier' that is 'driving displacement and protection needs around the world'[5] and negatively affecting human rights, which should be considered when considering asylum applications.[6] Resilience to climate-related disasters, environmental

degradation and displacement is often lowest in fragile and conflict-affected contexts. Impacts are disproportionately experienced by people in vulnerable situations. Displaced and stateless persons, including women, children, older persons, people with disabilities, LGBTQI+ (lesbian, gay, bisexual, transgender, queer, intersex and other gender identities and sexual orientations) people and indigenous peoples, are among those in greatest need of protection.[7]

People were twice as likely to be displaced by a disaster in 2015 than they were in the 1970s. Both sudden- and slow-onset impacts of climate change are expected to increase internal and cross-border displacement of people and affect human mobility strategies.[8] Over the last decade, extreme weather events have been linked to the displacement of an average of 23 million people each year. In 2020, over 30 million people were newly displaced.[9] Most people displaced by disaster are internally displaced, but some cross borders.[10]

Currently, there is limited understanding in the IGAD region and globally of the role that climate change impacts and disasters plays in human mobility, how they affect decisions to move, whose decisions they affect, and how they interact with other factors that influence decisions to move, such as poverty, inequality, discrimination and instability. Similarly, the distinct protection risks, vulnerabilities and consequences across groups with different age, gender and diversity characteristics as a consequence of human mobility related to climate change effects and disasters are not well understood. The GCM is new and in the process of being implemented and integrated into regional and national policies, strategies and legal frameworks for migration-related

issues, and its application to human mobility related to climate change is untested.

Further, coordination mechanisms with actors working on other forms of mobility in line with their respective mandate need to be strengthened. The coordination mechanism is one of the legal, normative and policy instruments and frameworks that is relevant to addressing the numerous human mobility situations and related protection needs in this context. In addition to the GCM, other relevant legal and policy frameworks addressing human mobility issues include laws, policies and standards for responding to refugees, displacement, migration, human rights and international humanitarian law, regional agreements for cross-border movements, climate change adaptation including disaster risk reduction (DRR), and development. The complexity of the range of instruments that potentially contribute to the legal, normative and policy frameworks addressing human mobility issues in the context of climate change presents capacity, operational and coordination challenges.

Through a desk review, discussions with respondents representing a range of stakeholders, and a case study of the shared border areas of Ethiopia, Kenya and Somalia, the study aims to provide insights into how climate change and disasters relate to internal and cross-border movements. It also aims to identify the immediate protection needs and potential protection responses in transit and on arrival at the destination, within current legal and policy frameworks and operational capacity, with a specific focus on migration (and related GCM elements). Information gathered incidentally during the research phase that relates to disaster risk reduction, climate change mitigation and adaptation, longer-term protection, and development needs has been recorded in the case study chapter. Three questions guide the study:

1. What is the nature of climate change impacts and disasters in the IGAD region?
2. How do climate change impacts and disasters relate to human mobility in the IGAD region?
3. What protection frameworks and coordination mechanisms for implementation exist to respond to human mobility related to climate change and disasters in the IGAD region?

The scope of the study is based on the original terms of reference (Annex 6.4), which were used to develop a more focused concept note (Annex 6.5). The concept note was shared with respondents ahead of discussions and also with stakeholders to explain the nature and purpose of the research. During the course of the primary research, in consultation with UNHCR, the research focus was further refined.

The study findings are presented in this report, alongside recommendations for protection responses to human mobility related to the effects of climate change and disasters and identified gaps to be addressed through further research and consultations.

1.2 THE IGAD REGION

IGAD, established in 1996, succeeded the Intergovernmental Authority on Drought and Development (IGADD), which was created in 1986 to address problems caused by recurring disasters in the region. The IGAD member states of Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda have a combined estimated population of 270 million[11] and a landmass of 5.2 million square kilometres, of which 60 to 70 per cent is arid or semi-arid land[12] and 46 per

2 Information from IGAD, https://igad.int/about-us/the-igad-region (accessed 3 December 2021).
3 IOM, Environmental Migration Portal, https://environmentalmigration.iom.int/addressing-drivers-and-facilitating-safe-orderly-and-regular-migration-contexts-disasters-and-climate-change-igad-region (accessed 29 November 2021).
4 See paragraph 14(f) of the UNFCCC Cancun Climate Change Adaptation Framework. This terminology is also adopted in the Nansen Initiative Agenda for the protection of cross-border displaced persons in the context of disasters and climate change (see paragraph 22 of volume 1 of the agenda), which was endorsed in 2015 by 109 states, and the subsequent work of the Platform on Disaster Displacement, which has UNHCR and IOM as standing invitees to its steering grouphttps://static1.squarespace.com/static/506c8ea1e4b01d9450dd53f5/t/5671da17bfe8739f7af1e7dd/1450301975249/Human+Mobility+in+the+Context+of+Climate+Change.pdf; https://disasterdisplacement.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf (accessed 24 November 2022).
5 UNHCR, 2021a: p. 2.
6 UNHCR, 2020.

7 UNHCR, 2021a.
8 Advisory Group on Climate Change and Human Mobility, 2015.
9 Internal Displacement Monitoring Centre, 2021.
10 UNHCR, 2021a; International Federation of Red Cross and Red Crescent Societies, 2021.

11 World Bank estimate, 2018. Cited in IGAD, 2021.
12 IGAD, 2021.

cent is unproductive or marginal.[13] Some IGAD member states are considered to be among the most vulnerable to disasters in the world.[14] Despite this, the region is heavily dependent on livestock and rainfed agriculture.[15] The creation of the IGAD Centre for Pastoral Areas and Livestock Development (ICPALD) and the development of the IGAD Protocol on Transhumance demonstrate the importance of pastoralism to regional livelihoods and GDP.

Extreme climatic and biological events, including drought, floods, environmental degradation and swarms of locusts, severely impact livelihoods and GDP, although the lack of data prevents the economic impacts from being quantified.[16] The impacts are not just economic – multiple disasters erode coping mechanisms among all stakeholders at all levels and 'recuring stress factors compound pre-existing vulnerabilities.'[17] The International Federation of Red Cross and Red Crescent Societies noted that a combination of natural and biological hazards, including floods, swarms of locusts and the COVID-19 pandemic in 2020, stretched the coping mechanisms and resources of populations, governments and the humanitarian and development sector in many IGAD member states.[18]

Climate change in the region is leading to unpredictable rainfall patterns and consecutive failed rainy seasons, undermining traditional pastoralist and agricultural practices. Droughts, which used to occur every 7 to 10 years, are increasingly common, and although populations are used to dealing with drought and can survive one failed rainy season, they cannot cope with extended periods of drought.[19] Livestock productivity declines and animals die.[20] There is also increased conflict during drought over scarce natural resources. Pastoralist migration patterns are disrupted; clans that would not normally come into contact with each other (because they move in different geographical areas or time their movements differently) are competing for the same resources at the same time.[21]

Most agriculture is rainfed and subsistence. Small farmers lack the resources to irrigate their land, so crops fail during drought. The rainy season used to see steady rainfall over a period of months, instead of the intense heavy rainfall over a few days that is becoming more common. The dry land is unable to absorb the rain, and floods are becoming common. The floods wash away topsoil and crops, as well as destroying infrastructure, limiting access to services and taking lives.[22] Rapid rural-to-urban migration is creating vulnerable informal settlements,[23] and human activities such as poor 'land use planning, settlements in flood plains, sedimentation and degradation of water catchment areas, deforestation, and inadequate drainage management in urban areas' are exacerbating the impact of heavy rainfall and floods[24] and other climate change phenomena.

Climate change has been linked to an increase in invasive species such as *Prosopis*, pests, including desert locusts, and diseases – in particular, malaria, dengue fever, cholera and Rift Valley fever, all of which threaten livelihoods.[25] Desert locusts, although common in Eritrea, Somalia and Sudan, are less common in Ethiopia, Kenya and Uganda; however, respondents spoke of devastating attacks in Kenya in 2020.[26] Efforts to control swarm formation are ongoing and appear to be successful.[27] In 2021, through ICPAC, IGAD launched an inter-regional platform to manage locusts and other trans-boundary threats through developing an early warning system and facilitating regional cooperation.[28]

Human mobility forms in the IGAD region are mixed, permanent, temporary or cyclical. It is difficult to attribute human mobility to one factor or to understand the relative importance of each factor.[29] The effects of climate change and disasters are contributing factors, but so are conflict, poverty, inequality, unemployment, and lack of opportunities and livelihood options, which combine to compel populations to move. The decision to move is a gendered one. Often women are disproportionately affected by climate change due to their dependence on natural and rainfed agriculture; the same is true in pastoralist communities given women's role in animal husbandry. People have been displaced by conflict and intercommunal violence internally and across borders. In the IGAD region, the different pastoralist groups are referred to as clusters, each of which moves within a specific geographical area. This reality impacts children

and women across the protection risk spectrum, including education, nutrition, health and safety. Climate change is disrupting the temporal and geographical migration patterns of pastoralists. Agropastoral and other settled populations are often temporarily displaced by floods. Severe and protracted drought also displaces many population groups, as they are forced to move in search of water.[30]

Research by IOM reveals that economic factors are significant in contributing to human mobility. For example, young Ethiopian men and women migrating to Saudi Arabia along the eastern route are nearly all primarily motivated by poverty, poor employment opportunities and low wages. Strong secondary drivers for those from households depending on agriculture include land depletion, soil erosion and climate shocks. IOM provides data and other reasons for migration.[31] Data collected for the Horn of Africa route, which focuses on migration within the Horn of Africa or returns to the region, cites forced movement related to natural disasters (14 per cent) and food insecurity (7 per cent), which might be linked to climate change and disasters.[32] Further research along each route is necessary to better understand how the different factors that migrants identify as the reasons for their movement are linked.

There is also significant rural-to-urban migration as people search for work, services or assistance because their pastoralist or agropastoralist livelihoods have failed. Adults send children to urban areas to go to school, and youth migrate for better employment opportunities. Urban areas cannot absorb large

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13 IGAD, 2016.
14 IGAD, 2021.
15 IGAD, 2020. It has the largest groups of pastoralists in Africa and is the only part of Africa that is self-sufficient in meat. It exports around 12.8 million sheep and goats and 60,000 tonnes of meat annually. Pastoralism contributes to 6 to 10 per cent of the GDP of IGAD member states and supports around 70 per cent of rural livelihoods. Extreme weather conditions and conflict are undermining pastoralism as well as increasing tensions and violence over access to natural resources.
16 IGAD, 2021.
17 UN OCHA, 2021.
18 International Federation of Red Cross and Red Crescent Societies, 2021: p. 24.
19 Multiple respondents to this study.
20 IGAD, 2021 and multiple respondents to this study. In some instances, pastoralists lose all their livestock. Animals weakened by drought cannot travel long distances in search of water and grazing and, when the rains eventually arrive, many animals die because they cannot acclimatize to the wet and relative cold. Malnourished animals are susceptible to diseases, which spread more easily during drought because more animals are accessing the same limited sources of water and grazing. Overuse of the same resources leads to environmental degradation.
21 Multiple respondents to this study. Pastoralists may also access water in urban areas or on agricultural land, damaging crops. In addition to people competing over natural resources, there are reports of wild animals attacking humans at water points.
22 IOM, 2021a. *Regional Migrant Response Plan for the Horn of Africa and Yemen 2021–2024.*
23 IGAD, 2021: p. 11.
24 Ibid. p. 9.

25 Ibid. p. 11.
26 Multiple respondents in Garissa County, Kenya. The swarms that attacked crops in 2020 were devastating, and Kenya, for example, was completely unprepared, as it had not experienced locust swarms in some parts of the country for 70 years.
27 Food and Agriculture Organization, 2021. The locust situation in Ethiopia and Somalia is being more closely monitored than the rest of the region, as those countries are considered to be the most likely places for locust swarms to develop.
28 ICPAC, 2021.
29 Multiple respondents to this study.

30 Ibid.
31 IOM, 2020a; IOM, 2021b; IOM, 2021c. Most Ethiopian migrants intend to return home after remitting money back to their families or saving enough money to establish a business to support their families. Some remigrate as they struggle to reintegrate. IOM data from the first half of 2021 for the four migration routes it monitors through the IGAD region show that economic factors are usually the main reason for migration, but no further information about whether these economic factors are linked to climate change or disasters is available.
32 IOM, 2021e. Forced movement is the term used in the IOM report.

numbers of people, the infrastructure cannot cope, and the economy cannot provide adequate employment. Rural-to-urban migration is also causing environmental damage. For example, in Uganda logging is now taking place nearer to cities, damaging root networks and resulting in the topsoil being washed away by rains.[33]

The IGAD region is experiencing a number of complex interlinked factors that interact with each other to compel people to move. To address these factors effectively, an in-depth understanding of the situation is necessary, and a range of well-balanced responses must be identified and implemented to manage human mobility in a way that promotes sustainable development and supports and protects all population groups, including the most vulnerable.

1.3 METHODOLOGICAL APPROACHES AND CONSTRAINTS

This is a qualitative study that was conducted between November 2021 and May 2022. It combines analyses of the following: a document review; information provided by respondents from a range of stakeholders; a workshop; and a case study.[34]

The workshop helped to encourage debate, verify information collected from individual informants and aid with analysis. A brief workshop report was shared with the participants to ensure that their views had been captured accurately (see Annex 3).

33 Respondent to this study.
34 A review of documents about the IGAD region, climate change, disasters and protection instruments. Information was provided by local government authorities, United Nations entities, international organizations, and local non-governmental organizations and community-based organizations. A workshop was held with community-based organizations from Garissa County. The case study was on the Somali region of Ethiopia, the north-east of Kenya and the Gedo region of Somalia bordering Kenya and Ethiopia.

Over 100 people participated in the research, either as individuals, in small groups or as part of the workshop held in Garissa. After sharing a copy of the concept note and explaining the purpose of the research, informed consent was obtained orally from each respondent, and all respondents participated after agreeing to be included. No views or comments have been attributed to a specific individual.

Gender and human rights have been mainstreamed throughout the study, from its inception to the production of the final report. The document review identified the human rights framework applicable to displaced and migrant populations and considered the different protection needs according to age, gender and diversity. Respondents included all genders, and participants of discussions, particularly those with representatives from community-based organizations and national staff working at the implementation level for larger organizations, were asked to share their views on the different protection needs of the various demographic groups. As noted elsewhere in the report, logistical constraints meant that research was not conducted among directly affected populations. This is a shortcoming of this study, and future research to fill this gap must be designed and conducted to ensure the participation of all vulnerable groups, including women, girls, the elderly and persons living with disabilities.

The case study was identified after extensive consultations and the desk review during the first three months of the project. The aim had been to identify an area where it was believed that the effects of climate change and disasters led to cross-border migration. Respondents were doubtful that such a location exists, as most migration linked with disasters is internal, and cross-border movement in the region tends to be displacement generated by conflicts.

The geographical area of the case study straddles Ethiopia, Kenya and Somalia; it experiences internal and cross-border movements. The area is affected by economic problems, conflict, insecurity and climate change, and is currently facing a severe drought as its fourth failed consecutive rainy season looms (at the time of the primary research, February to March 2022). This combination of factors allowed the study to consider how issues interact to lead to forms of human mobility. However, within the case study area, apart from pastoralists, other forms of cross-border movements related to the effects of climate change or natural disasters were not identified during the reporting period. Some internal movements related to the drought were identified. In the case study area, differentiating between forced displacement and voluntary migration is complicated. The combination of factors that might be contributing to human mobility and the difficulty in defining the nature of human mobility in the case study area are likely to be representative of other parts of the region. However, it should not be assumed that the case study findings can be neatly replicated throughout the region, as differences in ethnic groups, governance, economic opportunities and levels of development change dynamics. Further research is required to understand specific geographical locations. What the case study does demonstrate successfully

is the complexity of the overlapping factors influencing human mobility that create different protection needs, which in turn require different protection responses.

The analysis of findings from the document review, discussions with stakeholders and the case study was developed by organizing information thematically and noting areas of consensus and difference, as well as areas that needed clarification. Respondents were drawn from key stakeholder organizations identified at the initial stages of the study, and other respondents were identified through recommendations as the study progressed. There was a high level of consensus on all issues among national and international respondents, and the findings were consistent with views expressed in existing documentation.

The case study was conducted from Kenya by meeting with respondents in-person or by conducting online discussions with respondents in neighbouring Ethiopia and Somalia and those located in areas of Kenya where security restrictions prevailed.

Various factors constrained, delayed and disrupted the research process; consequently, access to areas and particular population groups was restricted and reduced the time available for research, which ultimately limited the scope and depth of the research findings.

Halima Hussein, a 28-year-old mother of two boys and one girl, fled the drought in Somalia (Bualle) at the beginning of October 2022. Her husband passed away in August; as he was the breadwinner of the family, she couldn't continue providing for them. Photo © UNHCR/Charity Nzomo.

2

HUMAN MOBILITY AND PROTECTION RISKS IN THE BORDER REGIONS OF ETHIOPIA, KENYA AND SOMALIA

2.1 CONTEXT OF THE CASE STUDY

To understand the protection risks and protection response framework for human mobility related to the effects of climate change and disasters, a case study was conducted in the shared border regions of Ethiopia, Kenya and Somalia. This area includes the Somali region of Ethiopia; the north-eastern counties of Mandera, Wajir and Garissa in Kenya; and the Gedo region of Somalia. Affected by drought, these shared border regions face the consequences of four consecutive failed rainy seasons.

The border regions are populated predominantly by the Somali ethnic group, many of whom are pastoralists; some are agropastoralists, and others are settled in towns and villages. The Somali population is comprised of several clans and sub-clans, as well as some minority groups.[1] Within this area, most people depend on pastoralism or agropastoralism for their livelihoods. In the urban areas, people engage in business or work in the public sector. In the north-east of Kenya, there are non-Somalis from other parts of Kenya who tend to work in the

1 European Union Trust Fund, 2016 and respondents.

public sector or for the security services.[2] The increased frequency of droughts, floods and other climate-related disasters eroded the livelihoods and communities in IGAD cluster III (the Mandera ecosystem of Ethiopia, Kenya and Somalia), where the pastoralists are moving with their livestock.[3]

Respondents who contributed to the case study include county government officials and staff from local and international non-governmental organizations (NGOs), community-based organizations, and the United Nations working mainly in Kenya but also in the areas of Ethiopia and Somalia that border Kenya. Unless otherwise stated, all information for this chapter is drawn from discussions with respondents.

In Kenya, the case study centres on the county towns of Mandera and Garissa. Owing to their geographical locations, people from Somalia, Ethiopia and Djibouti live there, as well as those from Kenya. These counties are important regional hubs for local livelihoods, business, trade and access to amenities. Mandera County is located in the extreme north-east of Kenya and borders Ethiopia to the north and Somalia to the east. The north-eastern counties of Kenya are considered to have been marginalized and are less developed than Nairobi and the central areas of Kenya; devolution is addressing these issues.[4] Mandera town is an urban centre with amenities and a business community. Garissa County borders Somalia and hosts the Dadaab refugee camps.[5] Both towns are

well connected by road and air to major population centres in Kenya, and both towns host large livestock markets that people from the region frequent.

The River Tana runs through Garissa County for 12 months of the year. The River Dawa flows for nine months of the year through Mandera town from the Ethiopian highlands and marks the border between Ethiopia and Kenya before flowing into Somalia. Agropastoralists farm the land on the riverbanks in both counties. Officially, the border between Somalia and Kenya is closed, but it is a long and porous border, not secured. The border between Ethiopia and Kenya is open and was closed for only a short time at the beginning of the COVID-19 pandemic. People in the border regions cross the international borders relatively easily, often without their identity documents being checked and without using official border crossings.

By the end of 2021, Ethiopia was hosting almost 1 million refugees, mainly from other IGAD countries, and had 3.5 million internally displaced persons (IDPs).[6] The Somali region in Ethiopia has refugee camps hosting Somali refugees. Droughts badly affected the area in the past, and it has a protracted situation of IDPs living in spontaneous settlements that were established during previous droughts. The 2015–2017 drought displaced pastoralists from the Somali region of Ethiopia. It failed to rain during two consecutive rainy seasons, and around 80 per cent of the livestock was lost. Movement of cattle in search of grazing increased pressure on better rainfed areas and created environmental degradation. In the Dollo zone, it is estimated that the proportion of pastoralists has decreased from 80 per cent to 20 per cent. By the end of 2019, 425,000 people were internally displaced as a result of the drought.[7]

Somalia has been affected by 30 years of conflict, has a high level of deforestation and has one of the highest populations of IDPs in the world, with an estimated 2.9 million people internally displaced in 2021.[8] As of February 2022, over 630,000 Somalis were refugees (50.6 per cent of them women), most of whom were hosted in Kenya or Ethiopia.[9] The military and political group Al-Shabaab is active in many parts of the country, and much of the Gedo region is inaccessible to humanitarian organizations. The drivers of displacement are complex and interlinked, but are predominantly related to conflict and climate shocks such as drought and floods. Between January and August 2021, around 573,000 people were displaced. Of these new and secondary displacements, it is estimated that more than 413,000 occurred because of conflict, while more than 90,000 were caused by drought and 59,000 by floods.[10] According to OCHA, displacement is also the result of forced evictions and land acquisition.[11] Somalia has a rapid urbanization rate of around 4.3 per cent a year.[12]

The regions where the three countries meet have an integrated cross-border economy. Small border towns and settlements have developed, and aid organizations have encouraged the sharing of infrastructure and amenities between the different countries to encourage commitments to peace.[13] There have been deliberate investments in the area to promote regional development such as the programme entitled Building Opportunities for Resilience in the Horn of Africa (BORESHA). This is a multi-year project

implemented by a consortium in partnership with local government and is implemented simultaneously in the shared border regions of Ethiopia, Kenya and Somalia.[14] It aims to promote stability and help to tackle irregular migration through resilience building. Objectives include better management of natural resources, including rangeland and water; increased resilience of the population to cope with shocks and respond to crises through disaster risk reduction; and protection and diversification of livelihoods.[15]

County government interventions in Kenya aim to respond to climate change and disasters and to protect livelihoods. There is a particular emphasis on protecting pastoralism by examining adaptive methods for livestock management and the management of land and water resources.[16] It is claimed that riparian floods could be avoided by improving dams along the rivers, which would also provide hydroelectric power.[17] Traditional conflict resolution measures to regulate access to natural resources have been undermined by political developments, corruption and conflict. However, in both Mandera and Garissa Counties there is a belief that asking elders to intervene in conflict is effective, and traditional methods of conflict resolution are being promoted by NGOs and used by

2 Ibid.
3 https://igad.int/strengthening-innovations-and-technologies-along-the-livestock-value-chain-in-igad-cluster-iii-through-established-platforms/ (accessed 31 October 2022).
4 Devolution is intended to address inequalities by allocating budgets and decision making for services and investment in infrastructure and the local economy to the county governments. Both Mandera and Garissa Counties are members of the Frontier County Development Council, which was established in 2016 to support the devolution process and promote cooperation, coordination and information sharing among its members.
5 https://www.unhcr.org/ke/figures-at-a-glance (accessed 15 March 2022). Almost half of all refugees hosted in Kenya live in these camps, of whom the majority are Somalis.

6 UNHCR https://reporting.unhcr.org/ethiopia#toc-populations (accessed 15 March 2022).
7 Ferrández, 2020.

8 UN OCHA, 2021.
9 UNHCR https://data2.unhcr.org/en/situations/horn (accessed 15 March 2021).
10 UN OCHA, 2021.
11 UN OCHA, 2021. During the same period in 2021, it is estimated that 92,000 people were evicted.
12 IOM, UNEP and Samuel Hall, 2022. It has one the highest ratios of urban populations in the region, with 46 per cent of an estimated population of 15.2 million living in urban areas. It is estimated that by 2040, the urban areas will accommodate almost 60 per cent of the population.
13 European Union Trust Fund, 2016.

14 BORESHA https://boreshahoa.org/about-boresha/ (accessed 21 February 2022).
15 Multiple respondents to this study.
16 Such as switching to more resilient breeds of particular animals and investing in camels, which are better adapted to dry conditions than cattle. In Garissa, government officials expressed interest in the possibility of synchronizing the vaccination of livestock on both sides of the Kenya-Somalia border to improve disease management. Water trucking to settled areas in times of drought includes water for livestock as well as humans, although it is not possible to provide enough water for all livestock. There is a belief that more could be done to manage water resources effectively. In Garissa, respondents claimed that they have not had to manage water in the past because there has always been enough, so they do not have effective systems to store water or to manage its use fairly and effectively.
17 European Union Trust Fund, 2016 and views expressed by government representatives and members of NGOs. Respondents felt that access to the River Tana in Garissa for both the pastoralists and the agropastoralists could be better managed to avoid conflict between the two groups and to protect the crops belonging to the agropastoralists from the livestock belonging to pastoralists.

local authorities in conjunction with state law enforcement. All respondents were positive about the effectiveness of traditional conflict resolution mechanisms and believed that they had the potential to achieve more. However, it should be noted that access to justice is often male dominated and excludes women; in that regard, further research is needed to understand who accesses and benefits from traditional conflict resolution and to assess if women and people from marginalized communities are excluded from use of land or natural resource management, etc.

The Kenya Development Response to Displacement Impacts Project, which has been developed to support host populations, also has the potential to mitigate conflict and support community cohesion. It became operational in 2018 and aims to improve social services and infrastructure, mitigate environmental degradation, and restore livelihoods. The presence of large numbers of refugees over 30 years has led to an overuse of natural resources; deforestation has occurred as refugees have cut down trees for firewood. At the same time, the effects of climate change and disasters have undermined pastoralism, which supports most people in the area – either directly, or indirectly through animal feed supply, meat processing, leather good production, etc. In particular, the project aims to develop the livelihoods of vulnerable groups, including women, youth and persons living with disabilities. Beekeeping is an alternative livelihood that is being promoted as part of the project and other development projects in the case study area and IGAD region.

In both Garissa and Mandera Counties, there are high levels of GBV related to women and girls going out to seek water and pasture for animals. In response to immediate protection risks, the county governments of Garissa and Mandera and aid organizations truck water to areas experiencing drought, and there are some protection response activities through national- and county-level community-based organizations. There are early warning mechanisms in place to alert populations of floods. Hydroelectric companies provide several days' notice before their dams reach capacity and large amounts of water are released into the rivers. The authorities and the Red Cross have systems to raise awareness about impending floods. Government authorities, NGOs and international organizations provide humanitarian assistance to those impacted by climate change and drought.

2.2 INTERNAL AND CROSS-BORDER MOBILITY IN THE CASE STUDY AREA

Both internal and cross-border migration and displacement exist in the case study area. People cross the borders on a daily basis to access education, health care and local markets. The education system in Kenya is better than in Somalia, and an estimated 2,000 children cross the border daily to attend school in Mandera town.[18] Women and children cross from the border area in Somalia into Kenya to access pre- and post-natal care, child health care, and nutrition programmes. Further south in Garissa, respondents also report women and children coming from Somalia into Kenya to access health care. However, it is also reported that Kenyans are travelling to Awash in Ethiopia, where the treatment for cancer is believed to be effective. The livestock markets in Garissa and Mandera towns are cited as among the best in the region, and pastoralists from Somalia come to Kenya to buy and sell livestock. Other traders cross the border regularly to buy and sell goods.

18 Figure from NGO staff member based in Mandera, February 2022.

Devolution has created a construction boom and employment opportunities in Mandera. People from the border regions of Ethiopia (and some from central Ethiopia) and Somalia cross the border as migrant workers daily or for extended periods to work in construction. Kenyans also migrate from other parts of Kenya to work in construction.[19] None of the above examples of short- and long-term migration is thought to be linked to climate change.

Other migration into Kenya is considered to be irregular and/or informal. In Garissa, the authorities reported that migrants come into Kenya mainly from Somalia and Ethiopia. The Somalis are often visiting relatives, and the Ethiopians tend to be economic migrants. They are smuggled over the border and usually arrested while attempting to pass internal Kenyan checkpoints using fake identification documents.[20] Irregular migrants are vetted to ensure that they do not pose a security risk and are not involved in terrorism. Following that they are fined or detained. The immigration services in Garissa contact the relevant embassies for those migrants that are to be repatriated. They are not asked to give their reasons for entering Kenya in an unauthorized manner, so it is unknown whether climate change and disasters have a role in their decision to migrate.

Pastoralists from IGAD cluster III (Mandera ecosystem) move with their animals in search of water, and at the time of primary research (February and March 2022) many were reported to be on the Kenyan side of

19 The livestock market has been upgraded, rural access roads have been paved and the devolved early educational facilities have been improved. These people aim to work to look after themselves and to send money home. Those with sedentary work planning to stay in Mandera for extended periods of time rent properties.
20 The smugglers are rarely caught. The process of liaising with the embassy to arrange repatriation takes about a week. In February, 20 Somalis who had been arrested in Kenya over the previous two months were returned by bus to Somalia. The arrest and repatriation of irregular migrants can exceed more than 20 in two months.

the border with Somalia – in Liboi, where recent rain provided water and grazing. In general, pastoralists do not seem to have difficulty with the authorities in crossing these international borders. Other movement linked to the drought is reported to be internal in Somalia and Ethiopia. In the north-east counties of Kenya, water trucking to affected areas appeared to be limiting internal movements.

In Ethiopia and Kenya, it is widely expected that if people from Somalia begin to arrive in larger numbers again, for whatever reason, they will be accepted into one of the existing camps as refugees.[21] This is because the practice of accepting Somali refugees in both countries is well established, and respondents argued that, even in the absence of an asylum claim and even if the displacement is linked to drought, there is no other mechanism to manage and support large numbers of displaced people from Somalia. These findings are consistent with those from another UNHCR-commissioned study in 2018, which found that respondents in Kenya believed that refugee status should be extended to people fleeing the drought in Somalia in 2011 on the basis that they needed humanitarian assistance, regardless of whether they fulfilled the legal criteria for refugee status.

The adverse effects of climate change and disasters exacerbate other factors that may lead to disruption of public order, political and religious tensions, discrimination, and gender-based violence, amplifying the persecution of marginalized groups denied humanitarian assistance and thereby allowing some persons to raise a valid protection claim under refugee law. Other respondents felt that conflict was underlying all the problems in Somalia, and therefore those crossing the border into Kenya qualified as refugees.[22] Border

21 Multiple respondents to this study.
22 Weerasinghe, 2018.

monitors on the Kenyan side of the border with Somalia report advising Somalis crossing into Kenya to seek asylum in Dadaab to avoid being arrested as illegal migrants.

Respondents felt that most Kenyans migrating from the north-east of the country in search of employment or educational opportunities tended to move internally and that few try to emigrate. There is a lack of research to explain whether such internal migration is linked to climate change. However, workshop respondents cited poverty, unemployment, poor infrastructure, lack of access to markets, lack of educational opportunities, poor governance and limited investment in development as reasons why members of the local population, particularly male youths but also female youths, felt compelled to migrate.

This brief overview of human mobility within the shared border areas of Ethiopia, Kenya and Somalia shows that cross-border migration linked to the effects of climate change and disasters seems limited to pastoralists.

Drought is generating internal displacement in Ethiopia and Somalia. If the drought continues, it is expected that people might be displaced across borders in search of assistance. Floods caused by rivers bursting their banks temporarily displace agropastoralist and sedentary populations. Further cross-border movement into Kenya and internal movement in Kenya are linked to economic factors. The population movements in the area are complex and occur over different periods of time.

2.3 PROTECTION RISKS

Pastoralist livelihoods and ways of life are dependent on their livestock. Extended periods of drought severely compromise their lifestyle and increase their protection risks by creating or exacerbating existing

socioeconomic vulnerabilities and tensions over access to natural resources, which can lead to violence. Pastoralists are the only group identified as part of this study that is currently crossing international borders in search of water and grazing in relation to the drought. The following section looks at the particular protection risks pastoralists face as a result of this mobility. Other displaced or migrating groups are referenced when the protection risk also refers to them.

2.3.1 Loss of Livelihoods

Without sufficient water and grazing, livestock die; some pastoralists lose all or most of their livestock, rendering their traditional lifestyle untenable. This leads to pastoralist 'dropouts',[23] poverty and urban drift. The decision to drop out is often one made by the male head of household; women tend to remain behind within the Somali pastoralist community. Without livestock, pastoralists move to villages and towns in search of work and to access resources. Many struggle to make a living, as their skills are ill-suited to a settled lifestyle. Respondents note that those living in villages tend to be vulnerable – they lack sustainable livelihood options and are unable to support their families and pay for health care or education.

At the household level, pastoralist women often supplement household income through different livelihood activities. The traditional lifestyle is disrupted, as there is no core livelihood to pass on to children. Valuable knowledge, passed down through generations, about livestock management, the climate and environment, and survival practices in harsh conditions, is lost. Households are often dependent on the goats and sheep

23 This is the term used by respondents to refer to pastoralists who have chosen or been forced to abandon their pastoralist livelihoods. In Somali pastoralist culture, men are responsible for camels, and women/children are responsible for goats and sheep.

tended by women and children, for their nutritional components of milk and meat. Poverty and lack of viable livelihoods become intergenerational problems, as parents, often poorly educated, are unable to send their children to school or to impart skills that lead to employment.

Numerous respondents noted the importance of Somali extended families and kinship networks, which provide mutual support during chronic and acute crises. These informal social coping mechanisms, in addition to remittances from relatives abroad, enable pastoralists and other Somali groups to survive hardships. However, there is a consensus that the resilience afforded by traditional support and resource sharing is reaching a breaking point, as few individuals can support more than their immediate relatives. Remittances from abroad are also said to be declining, as repeated requests for support have exhausted disposable income. Households cope through borrowing resources and selling household assets, including gold. Child marriage is another coping mechanism.

The economic hardship has resulted in an increase in suicide rates among male pastoralists after they have lost their livelihoods and are unable to support themselves and their families, although the numbers are still believed to be small. Suicide is rare among pastoralists, who are Muslim, as it is considered contrary to the Islamic faith. Sometimes relatives are too ashamed to report the death by suicide of a family member. In situations where the husband is unable to sell livestock to support the family financially, the women are left to care for and support their families, often undertaking menial work, which exposes them to exploitation.

As a livelihood, pastoralism is decreasing and, although no comprehensive statistics could be identified, it is believed that the numbers of

livestock among IGAD cluster III pastoralists have declined. Some experts believe that the practice of pastoralism is naturally adaptive to climate change, but that further support and research is needed to ensure effective adaptation. At the same time, as the number of domestically held animals has decreased, sizes of herds have increased as pastoralism has been commercialized by the wealthy and powerful, who invest in large herds and employ others to manage them. Some experts argue that a large-scale approach to pastoralism is unsustainable, and others claim that herd size should be dictated by how many animals can be sustained by the land. Again, research is needed to calculate how many animals the land can support, but it is generally accepted that the number is significantly lower than it was three or four decades ago. Pastoralist knowledge is important to developing climate change adaptive practices, so this must be captured as quickly as possible before it is lost with the older generations.

Respondents in Garissa believe that agro-pastoralists are particularly badly affected by floods because they tend to lose everything at once, including their next harvest, their farming equipment and supplies, and their homes and personal possessions.

2.3.2 Increased Violence

2.3.2.1 Intercommunal Tensions

Mobility is necessary for pastoralism to ensure the well-being of livestock. In the past, pastoralists would have moved once or twice a year to access water and pasture. These movements would have been regular and agreed upon with other population groups to manage the sequencing of access to resources. The insufficient and unpredictable rainy seasons have disrupted pastoralist migration patterns. Clans are forced to move beyond

their usual geographical area or to access a particular area at a different time, which can lead to clashes and resentment, with claims that they are accessing resources that belong to others. Clans with existing enmities might access resources in each other's territories or access resources at the same time during a drought, which can lead to clashes. Droughts also force pastoralists to access agricultural land in search of water at a time that damages crops. This leads to conflict with agropastoralists, undermines food security and threatens livelihoods. Similarly, pastoralists might take their livestock to water in urban areas. Local governments respond to droughts by trucking water to affected areas; the water might be intended for consumption by livestock as well as humans. However, it is not possible to provide enough water for all the livestock indefinitely.

2.3.2.2 Gender Role Transformation and Cattle Rustling[24]

Cattle rustling is a common practice among pastoralists and increases during drought as pastoralists who have lost their livestock attempt to replace them. Marriage is also dependent on livestock numbers. Brides and their families want to marry into another family that has large numbers of animals to provide for their daughters and to make a good dowry payment. Another driver, proposed by Kimani, is sexual intercourse. In one pastoralist community, a woman must be given a cow by her husband before they have sex for the first time. In some instances, the subtle sanctioning of a raid by a woman who wants to be married could push a man to do anything to marry her.[25] Social standing and respect within the community may be another driver for men to engage in cattle rustling. For example, a single man is not respected if he does not have any livestock and therefore cannot pay the dowry to marry.

To increase the chances of a good marriage, men engage in cattle rustling. Pressures to make a good marriage and to have a good-sized herd increase during a drought. Cattle rustling can lead to loss of life, and, according to the National Gender and Equality Commission in Kenya, women and children bear the brunt of this violence.[26] The commission reported that cattle rustling and banditry result in families being scattered and displaced and their lifestyles disrupted. Displaced families are accommodated as IDPs, placing additional pressure on their hosts. Furthermore, when the male head of household is killed or maimed during cattle rustling, this leaves the family without a breadwinner and in poverty. The social stigma of a man losing his livestock can lead to his wife running away, an inability to remarry, and alcoholism and idleness. Affected couples experience psychological trauma and consequences such as increased domestic violence, the break-up of marriages and the transformation of gender roles, with women taking on the responsibilities of the head of household. Analysis suggests that the commercialization of pastoralism has also intensified cattle rustling, turning what was once a manageable cultural practice intended to redistribute wealth and replenish livestock lost to drought into a 'lethal', devastating and heavily armed activity.[27]

2.3.2.3 Recruitment by Armed Actors

Al-Shabaab is extorting money from pastoralists by forcing them to pay 'taxes,' usually in the form of a certain number of animals. Pastoralists are also considered to be more at risk of recruitment into Al-Shabaab than other population groups because their mobility increases their contact with the insurgents. Pastoralists can see how Al-Shabaab are living and, as their own livelihood is difficult

or under threat, the lifestyle of Al-Shabaab can seem attractive. Dropout pastoralists are particularly vulnerable to recruitment because they often lack a viable alternative livelihood.

2.3.2.4 Risk of Conflict

The proliferation of small arms and light weapons in the IGAD region in recent decades has led to an increase in armed violence, as parties to conflicts quickly resort to firearms to address disagreements. Consequently, conflicts over scarce resources during drought and cattle rustling escalate into armed violence. The commercialization of cattle rustling has also led to more investment in arms, further escalating and intensifying armed violence.[28] In Somalia, it has been noted that men are more vulnerable to attacks in areas of conflict, and some men sleep in hidden locations away from their villages or with groups of friends to protect one another.[29]

2.3.3 Environmental Damage and Diseases

The drought is forcing pastoralists to access the same limited natural resources at the same time, which leads to unsustainable use and environmental damage. The presence of Al-Shabaab discourages pastoralists from accessing natural resources in areas where the group is present; IDPs fear retribution if they return to Al-Shabaab-held areas. The situation further limits pastoralists' choices and increases pressure on remaining resources. Another factor limiting the movement of pastoralists is land ownership, which is an issue that requires further exploration. In the past, land was accessible to all, but the extension of private ownership and disputes over ownership have limited pastoralist movement. Concentration of large numbers of livestock

in the same place at the same time is creating desertification. In the Kenyan town of Liboi near the Kenyan-Somali border, there is overcrowding at water holes. When livestock from different herds come into contact with each other at water holes and on migration routes, zoonotic diseases such as Rift Valley fever can be transmitted. Diseases such as cholera are also more prevalent during drought. Humans and animals that are already weakened by drought and malnutrition are more susceptible to disease. Such a situation is more difficult to address when clean water sources and proper sanitation are limited.

2.3.4 Differentiated Impacts and Vulnerability

2.3.4.1 Women

Gender inequality is high among pastoralists. Women have limited access to education, power, and opportunities to participate in public and political life.[30] Traditionally, men are the breadwinners, but resource scarcity, brought on by the effects of climate change and drought, means that they are often unable to provide for their families. Frustrated by their inability to fulfil their role and their increasing reliance on women in the household to provide financially, men are turning to violence against women and children. Consumption of the stimulant *qat* (*khat*) is increasing, and this is also believed to contribute to increases in domestic violence. Some men leave their families in search of work in the cities, leaving behind their wives and children without support or the finality of divorce. A few men, as already noted, commit suicide, and others are killed in disputes over resources that feed into pre-existing clan violence. These various factors are leading to an increase in female-headed households.

24 Kimani, 2021: p. xv.
25 Ibid. p. 23.

26 National Gender and Equality Commission, 2016. https://www.ngeckenya.org/news/6150/report-gender-concerns-in-the-conflicts-in-north-rift-valley-of-kenya# (accessed 31 October 2022).
27 Regional Centre on Small Arms, 2014.

28 Ibid.
29 Croome and Hussein, 2020.

30 Croome and Hussein, 2020. Specific reference to Somalia; similar views expressed by respondents.

The decision to move is taken by the men, and women are not consulted. Often the men will move on their own with the livestock in search of food and water, leaving female family members at home to manage the house, smaller animals and any agricultural land, and to look after young, elderly or vulnerable relatives. Pregnancy and breastfeeding also make it more difficult for women to move with the men. Boys may accompany the older men to help move the cattle. Separation from male members of the family leave households increasingly vulnerable and female-headed households exposed to the risk of physical and sexual violence by men. Traditionally, women and girls are responsible for collecting water and firewood, and, when resources are scarce, they have to travel further to more remote areas, again exposing them to attacks and rape.[31] Men, also displaced by drought to an unfamiliar environment without their usual community network to maintain socially acceptable behaviour, are reportedly more likely to attack and rape women and girls.[32] Many women and girls are raped while they sleep, particularly in areas where clan violence is high; the structure of their shelters makes them even more vulnerable.[33]

If possible, male relatives sell livestock and send the money home to support their families. However, during drought, livestock prices drop, and the animals being sold are likely to be in poor condition, which further reduces their value. The women are often left to care for and support their families under financial strain, combining their demanding domestic duties with limited income-generating

opportunities. They often have no choice but to take poorly paid work such as farm and domestic work, which leaves them vulnerable to exploitation. Some respondents speculated that women and girls may be forced into prostitution.

Among pastoralist groups, women tend to care for the smaller animals, including goats and sheep. During a drought, access to food and water is prioritized for cattle and camels, so goats and sheep are sacrificed first, as they are less valuable. Smaller ruminants are the first to be killed and eaten. The loss of this responsibility disempowers women, renders them more dependent upon the men, and reduces their role in decision-making, which was already small.

2.3.4.2 Children

Declining pastoralist livelihoods lead to an increase in child labour, exposing boys and girls to risks. Some pastoralist children attend school, and it is more likely for girls to be pulled out of school first, as boys' education is prioritized. Boys may be forced to work on construction sites or to help with the livestock. Initially, girls are often expected to help their mothers with the domestic chores, but they may be forced or encouraged into child marriage, as a girl's dowry is an important source of income for her family, and the girl is offered protection by her new husband and family. This reduces her family's responsibility (for her upkeep) and the number of mouths that must be fed. Child and forced marriage is a coping mechanism among members of the local population – some regard it as a positive coping mechanism and others as a negative one. Those with a higher level of education and greater contact with urban areas are more likely to view child and forced marriage as a negative coping mechanism.[34]

Respondents acknowledged that child labour and violence towards women and girls are issues among all population groups living in the case study area. These are not problems unique to pastoralists, and they are not all caused by climate change and drought. However, the effects of climate change and disasters exacerbate frustrations, stresses and poverty, leading to increases in domestic violence and child labour. Numerous respondents in Garissa also believe that sexual attacks against young men and boys have been increasing in recent years, but there is no data on this. Moreover, due to the stigma, such incidents are likely to be underreported. The increase in violence was linked to a general decline in the rule of law and increases in criminality as a result of prevailing poor economic conditions.

2.3.4.3 Other Vulnerable Groups

Vulnerable groups, including the very young, elderly, disabled and chronically ill, are more vulnerable during a drought. If families and communities decide to move in search of water or humanitarian assistance, the most vulnerable cannot move and are left behind, or they die on the journey. This is true of all population groups in the case study area and not only pastoralists.

2.3.5 Identity Documentation

A key protection concern is personal identity documentation, which guarantees a person's status under domestic law, facilitates free movement, safeguards one's rights and is usually necessary to receive humanitarian assistance.[35] Lack of personal identity documents among pastoralists can increase their

marginalization. The migratory, cross-border, rural lifestyle in the border areas has marginalized pastoralists from governments, amenities and settled populations. Ongoing conflict in IGAD cluster III exposes the pastoralists to violence, which means that they often live outside state-controlled rule of law. Some Kenyan Somalis are without identity cards, which impedes access to services, including banking systems and mobile telephones, which are used extensively to transfer money and by aid agencies to provide cash assistance. Lack of identity cards among Kenyan Somalis is particularly notable in Garissa County. Respondents reported that they believe only a small percentage of the Kenyan Somali population in Wajir and Mandera Counties lack identity cards.

To obtain a Kenyan identity card, applicants must provide documentation that proves they are from Kenya. This can be impossible for populations that have lived outside regulated systems and have not registered births, opened a bank account or signed a rental agreement. Respondents believe that the Kenyan authorities are concerned that they might give identity cards to members of Al-Shabaab or to refugees from Somalia who are hosted in the Dadaab refugee camps in Garissa County. This is a particularly complicated problem, as it is known that Kenyan Somalis have registered as refugees from Somalia to access assistance in times of crisis. The Government of Kenya and UNHCR are working to resolve this issue, but there are tens of thousands of individual cases to examine.

In Ethiopia, identity cards are issued at the lowest administrative level, so Ethiopian Somalis do not face the same problems as Kenyan Somalis, as local administrators personally know the people from their area who are entitled to an identity card. However,

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31 In other contexts, UNICEF has also found that during and after extreme weather events, girls may be more vulnerable to risks of violence and exploitation, including sexual and physical abuse and trafficking, particularly when collecting food, water and firewood or when staying in temporary shelters. See Pegram and Colon (2019).

32 Reports of rape to the authorities in Garissa County are few, and information is limited to urban areas. In Mandera, respondents believed that no rapes were reported to the authorities. In both counties, the elders help to resolve the situation by punishing the perpetrator.

33 Croome and Hussein, 2020; specific reference to Somalia.

34 See also Human Rights Council (25 April 2022), *Trafficking in Persons in the Agriculture Sector: Human Rights Due Diligence and Sustainable Development – Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children*, Siobhán Mullally, A/HRC/50/33, paragraph 24.

The report highlights how '[t]he effects of climate change can exacerbate pre-existing vulnerabilities and increase risks of child trafficking. Child labour may be used as a "coping mechanism" for communities recovering from the impacts of climate-induced events like droughts and flooding.'

35 Platform on Disaster Displacement, 2019.

Ethiopian Somalis who are internally displaced by drought and unable to return to their place of origin can find themselves without identity cards. The Ethiopian government and UNHCR are exploring alternative systems to issue identity cards to IDPs.

The borders between Ethiopia, Kenya and Somalia are porous. Local populations and pastoralists living in the border areas report that they can usually cross freely or relatively easily, even if border guards are present. Pastoralists from Kenya are also known to leave their identity cards in Kenya when crossing into Somalia for fear of being detained by Al-Shabaab and branded as spies. Instead, they feel safer pretending to be Somalis from Somalia without identity cards. Some pastoralists exploit the lack of regulation and corruption and have more than one identity card, or even a passport, and use whichever they believe to be the most useful at a particular time.

Pastoralists who lose their livelihoods altogether and are forced to settle in villages or urban areas can be particularly vulnerable, as they lack employable skills or skills that can generate a livelihood in a sedentary setting. Women are forced to take on menial work, exposing them to exploitation. Children are forced to work and must abandon the opportunity of education that a sedentary lifestyle affords. This means that families remain uneducated and livelihood options remain limited. The struggle to survive has been linked to criminal activity, which some respondents believe is increasing. Some young pastoralist men travel to urban areas in search of work. Further research is needed to understand the links between pastoralist dropouts and economically motivated internal migration with climate change and disasters.

Respondents are concerned that pastoralists and people from other livelihood groups who migrate in search of work face exploitation and risk being trafficked for sexual exploitation or forced labour.

2.3.6 Lack of Information on Protection Issues and Responses

Within the case study area, information about protection issues and responses is inadequate owing to three main causes: accessibility, presence and competing priorities. Some areas are difficult for protection organizations to access because of insecurity, particularly in Somalia and on the Kenyan side of the border with Somalia. In other areas there is a lack of funding for protection. This is true in the immediate cross-border areas around Mandera town, where international funding is focused on promoting livelihoods. There is speculation that donors are keen to support government priorities, which are focused on development rather than protection issues.

In Ethiopia, donors have reallocated their funding from the Somali region to the conflict in the north of the country. The slow-onset disaster of the drought has not attracted the attention of the international community. Aid organizations are concerned that the assessments needed to calculate the impact of the drought and the required assistance have not been undertaken in a timely manner, and that affected populations are at greater risk as a result. Lack of funding for protection for disaster-affected populations has been an ongoing problem. Long-standing internally displaced populations, displaced by

droughts in previous years, are overlooked by donors and receive little support. The lack of protection actors outside urban areas is blamed on a lack of funding, which means that information about protection issues from the more remote and border areas of the Somali region is limited.

Throughout these border areas, respondents are aware that there is smuggling of people and goods and people trafficking, but information is limited. Direct evidence that trafficking increases in response to the effects of climate change or that climate change heightens the risks is limited.

A woman and a child at the Kaharey camp for internally displaced people in Dollow, Somalia. The catastrophic drought ravaging Somalia is putting whole communities on the brink of famine. Many thousands have been forced to flee their homes in search of food, shelter and safe drinking water. Photo © UNHCR/Nabil Narch.

3

FRAMEWORKS AND CHALLENGES

Although there is no single comprehensive legal and policy framework to address human mobility issues related to climate change and disasters,[1] the relationship between climate change and human rights is increasingly recognized.[2] The current normative and policy frameworks addressing human mobility–related issues comprise various instruments.

As this study focuses on migration, this section considers the GCM as the primary policy framework. It also includes other key international and regional instruments from the African Union and IGAD that potentially address internal and cross-border population movements more broadly related to climate change and disasters and the challenges associated with their implementation.[3]

This is not an exhaustive discussion of all available legal, normative and policy instruments in the IGAD region, but rather an analysis of the most relevant instruments for protection responses for the shared border regions of Ethiopia, Kenya and Somalia.[4] Protection is defined by the International Committee of the Red Cross as 'all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law)'.[5] This definition of protection has been adopted by UNHCR and the Inter-Agency Standing Committee (IASC).

The various legal and policy instruments have been organized into three groups (according to what they are primarily related to): human mobility; climate change and disasters; and development. The first section begins by examining the GCM as it relates to human mobility, which is the focus of this study, and relating its objectives to various protection responses.

The section also reviews instruments related to forced displacement, namely refugees and internally displaced persons, which are not

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1 Virtual Workshop Series, 2021.
2 Teitiota v. New Zealand (advance unedited version), 7 January 2020, CCPR/C/127/D/2728/2016, UN Human Rights Committee, www.refworld.org/cases,HRC,5e26f7134.html. See also Article 5, International Law Commission, *Draft Articles on the Protection of Persons in the Event of Disasters* (2016).
3 Kenya, South Sudan and Uganda are also members of the East African Community, which has several instruments relevant to human mobility and climate change. Of these three countries, only Kenya is included in the case study, so East African Community instruments are not discussed in this report. For further information, see Nicodemus and Freeman, 2020.

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4 For more details on the protection instruments available to respond to human mobility related to disaster and displacement in the IGAD region, see IOM, 2018 and Nicodemus and Freeman, 2020.
5 International Committee of the Red Cross, 2018.

migration related but are relevant in the context of this study, as migration elements are analysed within the broader context of human mobility in the region.

3.1 HUMAN MOBILITY FRAMEWORKS

3.1.1 Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration (GCM), adopted in 2018, is the first intergovernmental agreement prepared under the auspices of the United Nations that covers all dimensions of international migration in a holistic and comprehensive manner.[6] While the GCM is not legally binding, it is a politically binding instrument. Its roots lie in the 2016 New York Declaration for Refugees and Migrants, which also provided the foundations for the 2018 Global Compact on Refugees. The GCR and GCM aim to strengthen the existing international, regional and national protection frameworks and to foster international commitments to share the responsibility for responding to population movements.

The GCM has 23 objectives that aim to reduce the risks and vulnerabilities migrants face at each stage of migration: at origin, in transit or at destination. However, the 2011 *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* aim to ensure that disaster relief and recovery efforts are conducted within a framework that protects and furthers the human rights of affected persons.[7] For the purposes of this study, the 23 objectives in the GCM have been organized in Table 1 in relation to the key

thematic areas identified in the 2011 IASC operational guidelines.

The GCM 'contains multiple references to environmental migration'.[8] The GCM recognizes that migrants may be 'compelled to leave their countries of origin due to sudden-onset natural disasters and other precarious situations'[9] and asserts that one of the objectives of the GCM is to '[m]inimize the adverse drivers and structural factors that compel people to leave their country of origin', which include '[n]atural disasters, the adverse effects of climate change and environmental degradation'.

The GCM contains a number of commitments from member states to harmonize approaches at the regional and subregional level in order to improve analysis and information sharing 'of sudden-onset and slow-onset [disasters] to map, understand, predict and address migration movements' more effectively; to '[i]ntegrate displacement considerations into disaster preparedness strategies'; and to extend 'humanitarian assistance' to meet 'essential needs' with 'full respect to rights… to address the vulnerabilities of persons affected by sudden-onset and slow-onset natural disasters'.[10]

The GCM also includes important commitments under Objective 5 on pathways for regular migration in relation to 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 disasters and other precarious situations. Further guidance on how to implement Objective 5 has been developed by the UN Network on Migration.[11] The International

8 IOM, 2018: p. 17.
9 GCM, 2018: paragraph 21(g).
10 GCM, 2018, Objective 2, paragraphs h-l.
11 UNNM, 2021b. *Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability.*

6 OHCHR, 1996–2022; GCM, 2018.
7 IASC, 2011: p. 7.

Table 1

KEY THEMATIC AREAS	GCM OBJECTIVES
Data, research and mitigation	1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies. 2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin.
Protection of rights related to documentation and free movement	3. Provide accurate and timely information at all stages of migration. 4. Ensure that all migrants have proof of legal identity and adequate documentation. 5. Enhance availability and flexibility of pathways for regular migration. 12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral. 13. Use migration detention only as a measure of last resort and work towards alternatives. 14. Enhance consular protection, assistance and cooperation throughout the migration cycle. 21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.
Protection of life; security and physical integrity of the person; and family ties	7. Address and reduce vulnerabilities in migration. 8. Save lives and establish coordinated international efforts on missing migrants. 9. Strengthen the transnational response to smuggling of migrants. 10. Prevent, combat and eradicate trafficking in persons in the context of international migration. 11. Manage borders in an integrated, secure and coordinated manner. 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.
Protection of rights related to food, health, shelter, education and social cohesion	15. Provide access to basic services for migrants. 17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration.
Protection of rights related to housing, land and property; livelihoods; and secondary and higher education	6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work. 16. Empower migrants and societies to realize full inclusion and social cohesion. 18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences. 19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries. 20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants. 22. Establish mechanisms for the portability of social security entitlements and earned benefits.

Migration Review Forum Progress Declaration reaffirms climate change as a driver of migration and takes note of national implementation plans for the GCM.[12]

3.1.2 Labour-Related Frameworks

The ILO, since 1919, has established and developed a system of international labour standards that govern a wide range of issues arising in the world of work on a daily basis, as well as a unique supervisory system advancing the effective implementation of the standards at the national level. To date, 190 conventions have been adopted. International labour standards are applicable to all workers, irrespective of nationality and immigration status, unless otherwise stated. International labour standards and ILO guiding principles provide important guidance on a wide range of areas on the rights of workers employed in countries other than their own, including migrants, refugees and other displaced persons. Fundamental rights at work, as embodied in the ten fundamental ILO conventions and defined in the 1998 Declaration on Fundamental Principles and Rights at Work, apply to all categories of workers and represent minimum standards of protection applicable to migrants, refugees and other forcibly displaced persons. In addition, two conventions specifically provide a framework for the protection of migrant workers as well as refugees and forcibly displaced persons who enter labour markets outside their home countries: the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

Additional relevant policy documents provide guidance to the ILO's tripartite constituents (government, employer and worker representatives). The ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All, adopted by representatives of governments and employers' and workers' organizations in 2015, are both a policy framework and a practical tool to help countries at all levels of development manage the transition to low-carbon economies, and can also help them achieve their intended nationally determined contributions and the 2030 Sustainable Development Goals.[13] In addition, at the occasion of the Conference of the Parties in 2022 (COP27), the ILO published a series of policy briefs on Just Transition, including a policy brief entitled 'Human Mobility and Labour Migration Related to Climate Change in a Just Transition towards Environmentally Sustainable Economies and Societies for All', which contains tailored recommendations for workers, employers, governments and international organizations.[14]

In 2016, the ILO adopted the Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market. It is a set of voluntary, non-binding principles rooted in relevant international labour standards and universal human rights instruments, and inspired by good practices implemented in the field to support and assist states in considering the access of these populations to their labour market and the creation of decent and productive jobs while balancing the needs and expectations of their own citizens.[15] In 2017, the ILO adopted Recommendation 205 – Employment and Decent Work for Peace and Resilience, which is the only labour standard for ILO constituents to address employment and other world-of-work issues in crisis situations arising from conflict and disaster.[16]

A state can accept cross-border displaced persons under temporary status and limit their access to the labour market, despite principles expressed in international human rights, labour law and refugee law. When this happens, displaced persons usually engage in the informal economy to support themselves. A number of ILO standards, especially the ILO fundamental conventions, apply to those employed in the formal and informal economies, but employment and protection of workers' rights in the informal economy is difficult to monitor and enforce.

Both the GCR and GCM emphasize the importance of finding sustainable solutions to displacement and migration respectively, which include, in the GCR, identifying 'resettlement places and complementary pathways for admission to third countries'[17] for refugees, and in the GCM 'expanding and diversifying availability of pathways for safe, orderly and regular migration'.[18] IGAD instruments are aligned to the GCR and GCM and support complementary pathways for persons in need of international protection and pathways for regular migration. For example, the Regional Migration Policy Framework and Regional Migration Action Plan 2015–2020 have strategic priorities related to climate change and disaster displacement.[19]

ILO supports regular migration pathways, including labour mobility pathways, by matching the skills of refugees and forcibly displaced groups to market needs, thereby providing temporary and long-term employment opportunities. Such programmes should be implemented in accordance with human rights law and protection mechanisms.[20]

3.1.3 IGAD Frameworks on Migration

IGAD instruments relevant to migration and displacement include The Protocol on the Free Movement of Persons in the IGAD Region (hereinafter The Protocol on Free Movement), which was adopted by member states on 24 June 2021. The Protocol on Free Movement recognizes 'the right of citizens of a Member State to enter, stay, move freely, study, work, establish business' in another member state. The Protocol on Free Movement acknowledges various issues that drive migration and displacement and that could be alleviated through free movement, 'including disasters, climate change and environmental degradation',[21] and states that movement across regional borders could occur 'in anticipation of, during or in the aftermath of disaster'.[22]

The Protocol on Free Movement commits member states to issue citizens with an official travel document, which includes a passport that complies with the International Civil Aviation Organization standards for travel documents, a national identity card or any other high-integrity travel document; citizens can use officially recognized identity documents to cross borders at official border crossings and ports of entry.[23]

Another relevant IGAD instrument is the Protocol on Transhumance, which seeks to protect the pastoral livelihood. The final

12 International Migration Review Forum, 2022. Paragraph 27, p. 4.

13 ILO, 2015. *Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All*. Just Transition Policy Briefs (Green jobs).
14 ILO, 2015.
15 ILO, 2016.
16 ILO, 2017. Employment and Decent Work for Peace and Resilience,

Recommendation 205.
17 UNHCR, 2018. GCR paragraph 18.
18 GCM, 2018: paragraph 21.
19 Brenn, 2022.
20 ILO, 2016. UNHCR, 25 March 2022. The Economic Mobility Pathways Project in Canada was launched as a pilot project in 2018 by Immigration, Refugees and Citizenship Canada in collaboration with Talent Beyond Boundaries and RefugePoint. The project connects qualified refugees with

employers in Canada, giving them a fair chance to compete for labour immigration opportunities and rebuild their lives, all while benefiting the national economy and local communities. While fully reliant on the existing Canadian labour mobility infrastructure, the project includes several administrative and financial flexibilities to facilitate refugees' access to the job opportunities and allows for family members to travel together. During the initial pilot or Phase 1 of the Economic Mobility Pathways Project, concluded in June 2021, 50 refugees from Lebanon, Jordan and Kenya moved to Canada with a new job and a chance to rebuild their lives.
21 IGAD, 2020a: Preamble.
22 IGAD, 2020a: Article 16.
23 IGAD, 2020a: Article 1 – Definitions, Article 6 – Travel Document, and Article 7 – Designated Points of Entry and Exit.

version of the Protocol on Transhumance was adopted by the Council of Ministers on 24 June 2021. It aims to exploit the 'full social and economic potential' of pastoralism and commits member states to invest in resources and capacity for transhumance systems and to harmonize national laws and policies to support pastoral development, including in governance, land management, cross-border security, livestock disease control, and mapping and monitoring of transhumance corridors. The Protocol on Transhumance explicitly acknowledges the impact of climate change and weather variability on transhumance and calls for member states to facilitate adaptation mechanisms and to allow 'free, safe and orderly cross-border mobility of transhumant livestock and herders in search of pasture and water'.[24] The Protocol on Transhumance and IGAD's other measures to protect transhumance are part of the region's commitment to 'leave no one behind', a central transformative promise of the UN's 2030 Agenda for Sustainable Development and its Sustainable Development Goals.[25]

The Protocol on Transhumance recognizes that transhumant populations often lack official identification documents and states that 'identification document means any document that may be used to prove a person's identity (including but not limited to national identification card, passport, local authority card or a letter from a government-recognized competent authority)'.[26] As part of the road map for the implementation of the Protocol on Transhumance, IGAD is initiating the IGAD Transhumance Certificate, which will be issued by the country of origin to each pastoralist beginning in 2023. In addition to recording personal details, the IGAD Transhumance Certificate will also contain information about the livestock each pastoralist owns. Any fluctuation in the size of the herd

has to be justified each time an international border is crossed. This measure is intended to help combat cattle rustling and contribute to conflict reduction among pastoralists.[27][28][29]

3.2 PROTECTION FRAMEWORKS

3.2.1 The 1951 Refugee Convention and the 1967 Protocol on Refugees

All IGAD members, except Eritrea, are parties to the legally binding 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, which provide refugees with international protection. However, claiming refugee status in response to climate change and disaster-related displacement hinges on the interpretation of 'persecution' and whether 'a well-founded fear of persecution' applies in such circumstances. There is no universally accepted definition of 'persecution', and UNHCR's efforts to date to develop one have been unsuccessful.[30] The fear must be 'well-founded', which means it must be objectively judged to be so by others, and not merely subjectively by the affected individual.[31] In 2000, Chimni argued that the Refugee Convention does not necessarily include those fleeing disaster.[32] The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on*

International Protection, reissued in 2019, also states that fear of persecution 'rules out' those displaced because of 'natural disaster' unless the nexus can be established with fear of persecution based on one of the five Refugee Convention grounds: race, religion, nationality, political opinion or membership of a particular social group;[33] however, it argues that cumulative factors, including disasters, could create a situation of persecution.

In 2020, UNHCR issued 'legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters' that argues that 'people seeking international protection in the context of the adverse effects of climate change or disasters' may have 'valid claims for refugee status' when the contemporary and potential future impacts of climate change and disasters on human rights are explored.[34] It notes that marginalized groups may be particularly vulnerable to the impacts of climate change and disasters, especially in states where rule of law is weak and governments are unable or unwilling to protect the population.

Climate change and disasters can exacerbate other socioeconomic issues, instability and violence. For example, climate change and disasters can intensify pre-existing resource conflicts, or they can create conflicts over resources that inflame pre-existing social and political tensions. According to UNHCR, analysis is necessary to understand how climate change and disasters interact with other factors, including 'forward-looking' analysis in cases of slow-onset disasters to understand if and how they could affect human rights and lead to a fear of persecution. Such analysis would inform pre-emptive action and engage relevant protection frameworks.[35]

3.2.2 Global Compact on Refugees

Addressing refugee issues, the GCR acknowledges that population movements are often comprised of people displaced for different reasons and with different objectives, some of whom are displaced internally while others cross borders. The GCR recognizes that sudden-onset disasters and environmental degradation may generate 'forced displacement'[36] and that, where applicable, national laws and regional instruments should be used to assist those forcibly displaced in the context of disasters, including the provision of temporary protection and humanitarian stay arrangements.[37]

IGAD members are among states that aligned their refugee responses with the GCR and the Comprehensive Refugee Response Framework. Although the GCR addresses international protection needs and challenges, including the context of climate change and disasters,[38] it recognizes the need to work collectively on related challenges in calling for 'stakeholders with relevant mandates and expertise [to] provide guidance and support for measures to address other protection and humanitarian challenges [which] could include measures to assist those forcibly displaced by natural disasters' (paragraph 63). It also references the need to reduce disaster risks (paragraph 9); for preparedness measures (paragraphs 52 and 53) to take into account global, regional and national early warning and early action mechanisms and measures to enhance evidence-based forecasting of future movements and emergencies (paragraph 53); and to include refugees in disaster risk reduction strategies (paragraph 79).

24 IGAD, 2020b: Article 2 – Purpose.
25 IGAD, 2020c.
26 IGAD, 2020b: Article 1 – Definitions.

27 IGAD, 2020b: Article 20 – IGAD Transhumance Certificate and Article 21 – Components of IGAD Transhumance Certificate.
28 Musau believes that, without a common IGAD disarmament policy for pastoralists, the Protocol on Transhumance will be difficult to implement, despite the various international, African Union and regional frameworks for small arms and light weapons controls, including the 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, to which all IGAD members have committed (Musau, 2021).
29 Cattle rustling is becoming increasingly violent, and a 2014 study identified a clear correlation between the proliferation of small arms and light weapons and cattle rustling (Regional Centre on Small Arms, 2014).
30 UNHCR, 2019: p. 21, paragraph 51.
31 UNHCR, 2019: p. 19, paragraph 38.
32 Chimni, 2000: p. 8.

33 UNHCR, 2019: p. 19, paragraph 39.
34 UNHCR, 2020: p. 11.
35 UNHCR, 2020: p. 4.

36 UNHCR, 2018. GCR: paragraph 12.
37 UNHCR, 2018. GCR: paragraph 63.
38 UNHCR, 2018. Climate change and disaster displacement in the Global Compact on Refugees.

3.2.3 The Nansen Initiative

The Nansen Initiative on Disaster-Induced Cross-Border Displacement's[39] Agenda for Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (2015) recognizes the gaps in protection for cross-border disaster-displaced persons, including the absence of a specific legal framework, mandated organizations and funding for cross-border disaster displacement work. It encourages the use of existing protection frameworks and stronger regional approaches and cooperation, as well as emphasizing the importance of disaster risk reduction and national adaptation plans to address issues of human mobility and to provide a comprehensive response to disaster displacement. The Agenda for Protection identifies three priority areas for mitigating disaster displacement: improve data collection and knowledge; enhance the use and improve the subregional harmonization of humanitarian protection measures; and strengthen the management of disaster displacement in the country of origin. This includes integrating human mobility into DRR, climate change adaptation and development strategies, and facilitating migration and planned relocation as a positive way to cope with natural hazards and climate change to prevent displacement from occurring.[40] The Agenda for Protection was endorsed by more than 100 governmental delegations in October 2015.[41]

3.2.4 Regional Refugee Instrument

The Organization of African Unity (OAU) 1969 Convention Governing Specific Aspects of Refugee Problems in Africa (hereinafter OAU Refugee Convention) applies to its successor, the African Union, and is legally binding for all IGAD country members.[42] The OAU Refugee Convention broadens the refugee definition to include persons 'compelled to leave…[their] habitual residence… to seek refuge outside their country of origin or nationality'.[43] Reasons for being compelled to leave include 'events seriously disrupting public order', which, it is argued, might apply to displacement related to the 'adverse effects' of climate change and disasters.[44] Kenya applied the OAU Refugee Convention by granting refugee status to some of the people fleeing the drought in Somalia in 2011.[45]

3.2.5 Internal Displacement Frameworks

For those who are forcibly displaced within national borders, protection responses fall under the Guiding Principles on Internal Displacement (1998). *The Guiding Principles on Internal Displacement* is not a legally binding document; however, the principles are based on the provisions contained in legally binding conventions concerning international human rights law, humanitarian law and refugee law. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to IDPs.

A person can become an IDP for numerous reasons, including natural and human-made disasters, which are explicitly mentioned in the guiding principles. The principles state that a displaced person retains their human rights, including economic, social, cultural, civil and political rights, and has a right to humanitarian assistance. They can also receive assistance for a voluntary, dignified and safe return, along with reintegration, local integration or resettlement. Authorities are to assist with the recovery of lost property and possessions, and if this is not possible, then they should assist IDPs in obtaining compensation or reparations. IDPs have the right to seek and enjoy asylum in other countries.[46]

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted in 2009 and known as the Kampala Convention, reaffirms the commitments to the Guiding Principles on Internal Displacement, including protection for those forcibly displaced by disasters. According to information provided by the African Union, as of April 2022, among IGAD members, only Djibouti, Ethiopia, Somalia, South Sudan, and Uganda had ratified or acceded to the Kampala Convention.[47] In addition, the International Conference on the Great Lakes Region, to which IGAD members Kenya, South Sudan, Sudan and Uganda also belong, has agreed to the Protocol on the Protection and Assistance to Internally Displaced Persons,[48] which established a legal framework for ensuring the adoption and implementation by member states of the Guiding Principles on Internal Displacement and their domestication into national legislation.

3.3 CLIMATE CHANGE ADAPTATION AND DISASTER RISK REDUCTION FRAMEWORKS

In addition to the instruments specifically designed to provide protection for migrants and displaced people in need, various international and regional agreements and frameworks for disaster risk reduction and climate change adaptation reference the needs of populations who are forced or choose to move in the context of climate change and disasters. DRR 'aims to reduce all forms of disaster risk, including the risk of disaster displacement'. In situations where displacement is unavoidable, long-term DRR measures are required to address the needs of disaster-displaced populations.[49]

The United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992,[50] and since COP13 parties have increasingly recognized the links between human mobility and climate change. The Cancun Adaptation Framework (2010)[51] at COP16 called for 'measures to enhance understanding, coordination and cooperation with regard to climate change–induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels'.[52] UNFCCC parties, under the Cancun

39 The Nansen Initiative is a state-led consultative process to build consensus on a protection agenda, addressing the needs of people displaced across borders in the context of disasters and the effects of climate change.
40 The Nansen Initiative, 2015: p. 10.
41 IOM, 2018.

42 IGAD countries Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda all signed the 1969 OAU Refugee Convention. As of 16 May 2019, Djibouti, Eritrea and Somalia have not ratified or acceded to the convention. https://au.int/sites/default/files/treaties/36400-sl-OAU%20Convention%20Governing%20the%20Specific%20Aspects%20of%20Refugee%20Problems%20in%20Africa.pdf (accessed on 9 November 2022).
43 OAU, 1969: Article 2.
44 UNHCR, 2020.
45 Weerasinghe, 2018. Somalis were also recognized under the Refugee Convention and UNHCR's mandate on humanitarian grounds and the ongoing conflict in Somalia.

46 UNHCR, 1998. Guiding Principles on Internal Displacement — Principle 3: protection and humanitarian assistance; Principle 28: return, resettlement and reintegration; Principle 29: recovery of property and possessions, compensation, reparation; Principle 15: right to seek asylum in another country.
47 African Union. https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa (accessed 9 November 2022).
48 International Conference on the Great Lakes Region, 2006. *Protocol on the Protection and Assistance to Internally Displaced Persons*, 30 November 2006, available at: https://www.refworld.org/docid/52384fe44.html (accessed 10 November 2022).

49 UNDRR, 2019.
50 UNFCCC, 1992. In 1992, countries joined an international treaty, the United Nations Framework Convention on Climate Change, as a framework for international cooperation to combat climate change by limiting average global temperature increases and the resulting climate change, and coping with impacts that were, by then, inevitable. https://unfccc.int/process/the-convention/history-of-the-convention#Essential-background (accessed 9 November 2022).
51 The objective of the Cancun Adaptation Framework is to enhance action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the UNFCCC. Ultimately, enhanced action on adaptation seeks to reduce vulnerability and build resilience in developing country parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable. https://unfccc.int/process/conferences/pastconferences/cancun-climate-change-conference-november-2010/statements-and-resources/Agreements (accessed 9 November 2022).
52 UNFCCC, 2021: paragraph 14(f).

Adaptation Framework, are encouraged to develop a national adaptation plan to mitigate the impact of natural hazards. The plan must be context specific and should include adaptation measures to avoid displacement, preparations for organized evacuation, and facilitation of voluntary migration. A national adaptation plan should aim to build resilience and develop long-term migration strategies such as labour migration programmes and facilitation of remittances and diaspora support.[53] States are primarily responsible for providing protection to those living in areas exposed to disasters and the impacts of climate change, as well as those displaced by natural hazards.

The COP21 Paris Agreement helped to consolidate action on human mobility in the context of climate change by promoting the global governance of human mobility.[54] It 'explicitly acknowledges the rights of all persons in vulnerable situations, including migrants, and calls for states to respect, promote and consider human rights when taking action to address climate change'.[55] The Task Force on Displacement was established in 2015 at COP21 and developed recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change.[56] The Nairobi Work Programme is the UNFCCC 'knowledge-to-action programme' for climate change adaptation and resilience; it was established in 2005 to facilitate the development of knowledge and knowledge sharing. Tools developed include models for predicting and responding to human mobility in the context of climate change and disasters.[57]

The planned relocation[58] of populations vulnerable to the impact of climate change and disasters can take place as part of disaster risk reduction in anticipation of or in response to disaster, and is considered a last resort – the relocation is intended to be permanent. Planned relocation differs from evacuation, which is an emergency response that might, for example, be undertaken in the context of a sudden-onset disaster. Before embarking on planned relocation, it is necessary to have analysis of and consultation about the present location and the proposed resettlement site with the population to be relocated and the new host population. A final report consolidating good practices for planned relocation, a toolbox and guidance for a rights-based approach to planned relocation were developed in 2014, 2015 and 2017 respectively.[59]

Planned relocation includes facilitated movements of populations vulnerable to climate change and disasters, movements of refugee and IDP populations as a durable solution or complementary pathway, and regularized labour migration. As there is no 'overarching international or regional framework governing planned relocation, the potential opportunities for offering planned relocation differ from one context to another'.[60]

The Sendai Framework for Disaster Risk Reduction (2015) is a 15-year voluntary, non-binding agreement that directly links disasters, climate change and displacement. It encourages transnational, national and local disaster preparedness, responses and recovery, including support for those displaced by disasters.[61] The inclusion of displacement within DRR is seen as an important policy move that promotes a holistic response to disaster-induced displacement involving multiple stakeholders. The United Nations Office for Disaster Risk Reduction (UNDRR) notes that '[f]orced displacement is one of the most common and immediate impacts of disasters' and exposes those who flee their homes to risks in the immediate term and potentially in the long term if displacement is protracted or if vulnerabilities have been exacerbated by the impact of disasters and displacement.[62]

The Programme of Action for Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 in Africa (2017) is aligned with the Africa Regional Strategy for Disaster Risk Reduction. It recognizes migration as a risk driver and stresses the need to address 'disasters and other risk drivers, including poverty, public health, climate change and variability, poorly managed urbanization, conflict and migration, [and] environmental degradation, simultaneously'.[63] UNDRR promotes the inclusion of provisions into international, regional and national disaster risk reduction plans to prevent displacement and protect those who have been displaced; it also provides practical guidance for DRR planning through its 2019 Words into Action publication *Disaster Displacement: How to Reduce Risk, Address Impacts and Strengthen Resilience*.[64] The Africa Working Group on Disaster Risk Reduction provides technical support to the

African Union and, with partners, organizes meetings twice a year.

One of the objectives of establishing IGAD was to address the drivers of displacement through collective protection of the environment and to tackle natural and human-made disasters.[65] Therefore, all IGAD members are party to the UNFCCC and agree that DRR and climate change adaptation policies and strategies should be designed to mitigate displacement and to provide protection where displacement occurs. Relevant IGAD strategies are listed below, although respondents noted that migration could be integrated more effectively into the various strategies:

- The IGAD Climate Prediction and Applications Centre (ICPAC) Strategic Plan (2016) promotes a holistic approach to tackling climate change and disasters, although it makes no specific refences to displacement or migration.[66] It is intended that ICPAC should develop displacement risk maps by using disaster and climate projections.
- The 2019 IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) aims to build resilience to recurrent droughts and to contribute to sustainable development. The initiative includes the strategic objective: 'Promote safe, orderly and regular migration and advocate for migration as an adaptation strategy…to mitigate the effects of climate change and weather variability, including migration as a form of household income diversification.'[67]
- The IGAD Regional Climate Change Strategy and Action Plan (2023–2030)[68]

53 Advisory Group on Climate Change and Human Mobility, 2014; Nyandiko and Freeman, 2020.
54 IOM, 2018.
55 IOM, 2018; UN, 2015. Paris Agreement.
56 https://unfccc.int/process/bodies/constituted-bodies/WIMExCom/TFD#Phase-1-June-2017---April-2019- (accessed 14 December 2022).
57 UNFCCC, https://unfccc.int/topics/adaptation-and-resilience/workstreams/the-nairobi-work-programme-the-unfccc-knowledge-to-action-hub-for-climate-adaptation-and-resilience (accessed 1 December 2021).
58 Planned relocation is defined 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, and 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. Such planned relocation may be carried out at individual, household and/or community levels. 'Planned relocations should normally be a last resort and adopted only when other alternatives are not possible.' See UNHCR, 2017. *A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change*. See also UNHCR, 2015. *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation*.
59 UNHCR, 2014. *Planned Relocation, Disaster and Climate Change: Consolidation Good Practices and Preparing for the Future*; UNHCR, 2015; UNHCR, 2017.
60 Virtual Workshop Series, 2021: 28.

61 UNGA, 2015a. Sendai Framework.
62 UNDRR, 2019: p. 2.
63 African Union, 2017. 'Programme of Action for Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 in Africa'.
64 Nicodemus and Freeman, 2020.

65 Ibid.
66 Ibid.
67 IGAD, IDDRSI. https://resilience.igad.int/priority-intervention-areas/#pias|7 (accessed 4 February 2022).
68 IGAD, 2022. https://www.icpac.net/publications/igad-regional-climate-change-strategy-and-action-plan-2023-2030/ (accessed 14 November 2022).

was still under development during the field study period (February and March 2022). Recognizing that the IGAD region is one of the conflict-affected areas in Africa where chronic conflicts are linked to scarcity and competition for natural resources, climate change will act as a threat multiplier, exacerbating the challenges and threats already being faced. 'Decreasing the availability of resources due to regional effects of climate change — like drought and desertification — leads to intensified competition for these resources. It can contribute to instability, lead to displacement and migration, worsen existing conflicts, and threaten global security.' As such, the IGAD strategy includes Security and Displacement as key priority areas, with the expected outcome of 'promot[ing] harmonization of regional immigration polic[y] institutionalism to reduce vulnerability to extreme climate events', along with a strategic intervention to develop regional guidelines for emergency evacuation plans resulting from extreme climate change events.[69]

- The IGAD Regional Strategy for Disaster Risk Management (2019–2030) is aligned with the Sendai Framework, which stresses the importance of including displacement in DRR strategies, and the African Union Programme of Action, which also references the Sendai Framework. The regional disaster risk management strategy aims to reduce the impact of disasters on the population, reduce displacement and support recovery processes that aim to 'build back better'. The strategy acknowledges that anecdotal evidence suggests that gender inequalities, age and disability increase vulnerabilities to disaster, but that a lack of disaggregated data prevents analysis of

how different socioeconomic and demographic groups are affected, which limits the development of effective policies to reduce inequalities.[70]

3.4 DEVELOPMENT-RELATED FRAMEWORKS

The United Nations 2030 Agenda for Sustainable Development[71] provides numerous entry points for protection interventions through prevention, adaptation, awareness raising and migration management, in addition to 'leaving no one behind' as the central, transformative promise of the 2030 Agenda and its Sustainable Development Goals (SDGs).[72]

Sustainable Development Goal 13 is as follows: 'Take urgent action to combat climate change and its impacts.' The following targets for SDG 13 are particularly relevant to human mobility: Target 13.1 – strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries; Target 13.2 – integrate climate change measures into national policies, strategies and planning; and Target 13.3 – improve education, awareness-raising, and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.[73]

Other SDGs (listed below) also specifically reference the environment, climate change and disasters, and may provide entry points to address issues of human mobility:[74]

- **Goal 1:** End poverty in all its forms everywhere. Target 1.5: By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure

and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.

- **Goal 2:** End hunger, achieve food security and improved nutrition, and promote sustainable agriculture achieved through sustainable food production and resilient agricultural practices to increase productivity and production, maintain ecosystems and strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters.

- **Goal 6:** Ensure availability and sustainable management of water and sanitation for all. Target 6.4: Substantially reduce the number of people suffering from water scarcity.

- **Goal 9:** Build resilient infrastructure, promote inclusive and sustainable industrialization, and foster innovation.

- **Goal 10:** Reduce inequality within and among countries. Target 10.7: Facilitate orderly, safe and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.

- **Goal 11:** Make cities and human settlements inclusive, safe, resilient and sustainable. Targets reference working towards 'mitigation and adaptation to climate change' and establishing resilient human settlements to protect populations from displacement and migration.

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69 IGAD, 2022.
70 IGAD, 2021.
71 UNGA, 2015.
72 United Nations Sustainable Development Group, 2022.
73 UNGA, 2015b: p. 23.
74 UNGA, 2015b: Goals 1, 2, 6, 9, 10, 11, pp. 15–22.

Women and children at the Madhayto camp for internally displaced people in Baidoa, Somalia, are among the many thousands who have been forced to flee their homes in search of food, shelter and safe drinking water. Children under the age of five are among the most vulnerable to acute hunger and require urgent assistance to survive. Photo © UNHCR/Nabil Narch.

4

ANALYSIS: APPLYING EXISTING FRAMEWORKS

4.1 MAIN FINDINGS

This section summarizes the main findings of the document review and case study. In this regard, the following findings stand out and affect the nature and scope of the overall analysis:

1. The case study revealed that the major migratory trend in relation to climate change in the concerned countries involved pastoralists with specific gendered characteristics and needs. Other potential trends of human mobility in the context of climate change and disasters have also been identified, but did not materialize in sizeable scale at this stage.

2. The case study also concludes that human mobility in the case study area linked with the effects of climate change and disasters mainly takes the form of internal displacement, not cross-border displacement, and occurs particularly among pastoralist populations.

3. The countries concerned in the case study did not implement the relevant global and regional legal and policy frameworks to respond to these trends. Accordingly, the relevant parts of the GCM and other instruments are analysed insofar as they could guide protection responses for the identified protection needs of the populations moving or expected to move because of climate change and disasters in the case study area.

4. While legal and policy frameworks exist, in practice migration frameworks have not been applied to the main migratory trends in relation to climate change. As mentioned above, during the consultations, it was indicated that the concerned countries would likely grant refugee status on a prima facie basis to persons fleeing drought if such movements increase, applying the extended refugee definition under the OAU Convention, as some states have already done. However, this approach raises a number of issues, and hopefully frameworks on migration and freedom

of movement will be enacted into national legislation and implemented.

5. Disaster displacement data is under-reported and often limited to the immediate aftermath of a disaster, thereby limiting the information available. Without monitoring data, it is difficult to determine the duration of displacement and the reasons for remaining displaced (choice or necessity), as well as to identify displacement caused by slow-onset hazards, which lower the threshold for when people are forced to flee. Likewise, there is little monitoring of human mobility in the context of slow-onset disasters to understand the levels of preparedness and resilience regarding adapting and choosing to stay or leave.

6. From key informant interviews, it was found that women and girls may become even more vulnerable as a result of the effects of climate change and disasters. Their role is normally to shepherd the smaller animals, which walk slower. They are left behind without male protection when the men and boys are setting off with the larger animals in search of scarce water resources. Women's reliance on agriculture and natural resources for their unpaid production and care activities makes them particularly vulnerable to climate fluctuations. They must travel longer distances, invest more time and expose themselves to higher risks of GBV just to meet their livelihood and care roles and responsibilities. The impacts of climate change and disasters exacerbate and amplify pre-existing gender inequalities and the vulnerabilities of persons with specific needs, including children, elders and people with disabilities. The impacts have the potential to amplify the powerlessness and marginalization of women and girls, as well as discrimination against them, undermining their already limited agency and economic independence.

4.2 CHALLENGES

4.2.1 Climate Change and Conflict

The main factors contributing to human mobility in the shared border areas of Ethiopia, Kenya and Somalia are poverty, conflict and climate change. These issues are interlinked and interact to magnify negative impacts and protection risks. Although it is recognized that conflict can undermine coping mechanisms and leave populations unable to withstand climate change and disasters,[1] to better understand the complex links between climate change, conflict and human mobility in this case study and in general, further research is needed. A 2017 review of quantitative studies examining the link between climate change and collective violence concluded that, despite an increasing number of studies asserting that links exist, further rigorous research and analysis are necessary to provide satisfactory explanations about the relationship and to differentiate among the impacts of different types of disasters in different contexts.[2] In December 2021, International Crisis Group stated that '[t]he UN, other multilateral organizations and concerned governments have a lot of work to do to grasp how processes associated with climate change, such as desertification and forced migration, will influence future conflicts'.[3]

The UN Security Council has recognized climate change in the Sahel region as a security threat.[4] In 2018, the UN Department of Political and Peacekeeping Affairs established the Climate Security Mechanism jointly with the UN Development Programme and UN Environment Programme in order to help the UN system address climate-related security

1 Abshir, 2020.
2 Thiesen, 2017.
3 International Crisis Group, 2021c.
4 International Crisis Group, 2021b.

risks more systematically.[5] The UN Mission in Somalia has a climate security expert.[6] The Intergovernmental Panel on Climate Change argues that, while there is little evidence of a direct causal link between climate change and violent conflict, climate change has the potential to increase the risk of armed conflict.[7] In line with the findings from the case study in this report, a 2016 study in East Africa concluded that the negative impact climate change has on the availability of natural resources can trigger conflict by undermining livelihoods, which forces people to join extremist groups such as Al-Shabaab; by precipitating migration, which can lead to tensions between the migrant and host populations; and by forcing pastoralists to access natural resources outside their usual migration routes, bringing them into conflict with other pastoralists, farmers and other population groups.[8]

4.2.2 Integrating Climate Change into Institutional Responses

In recent years, there has been an increasing institutionalization of the human mobility and climate change nexus, providing opportunities to address the issues through policies and operations.[9] However, it is still a new area of work, so it is challenging for organizations to integrate climate change into their existing activities. As not all organizations can secure funding for staff to focus on climate change, the responsibility is added to the workload of an existing staff member. This can result in staff being overstretched and certain thematic areas of work being neglected. A particular challenge is coordination and knowledge sharing among the different sectors of migration,

5 UNDPPA, 2021.
6 International Crisis Group, 2021a.
7 Abshir, 2020.
8 Van Baalen and Mobjörk, 2016.
9 IOM, 2018.

protection, disasters, climate change adaptation and development interventions.[10] Effective coordination and understanding takes time, especially if cross-sector engagement is to succeed in communicating complex issues across different areas of expertise.

It is apparent that there are numerous coordination mechanisms relevant for responses to human mobility and climate change and disasters (see Chapter 4.4). However, the impression during the research for this study is that the various coordination mechanisms are disjointed and the vertical and horizontal communication is not good. Apart from the well-established humanitarian cluster system, there seem to be few operational fora to provide expertise at the level of implementation and to coordinate interventions. While conducting the primary research, it was necessary to seek support from different sectors. Sometimes these different sectors did not appear to be working together or to be aware of each other, and it is also unclear whether the full range of expertise is engaged in each coordination mechanism. These observations require further exploration, as they are based on impressions and limited contact at certain levels of coordination, particularly at the national level.

4.2.3 Implementation and Coordination of Transnational Responses

Climate change, disasters and cross-border migration are transnational issues. Therefore, legal frameworks, policies and strategies must be agreed upon, implemented and coordinated across international boundaries to ensure a comprehensive response throughout the affected region. Many ethnic groups in the IGAD region straddle international

10 Case study findings and Virtual Workshop Series, 2021.

political borders and, as a consequence, move regularly between countries to trade, to access amenities, for employment or as part of their pastoralist livelihood. Populations may be moving, but they do so within their own ecosystem and are cohesive populations.[11] In some parts of the IGAD region, such movements are largely unregulated. This is partly because of long, porous, remote borders and insecurity in some of the border areas, but also because such informal cross-border movement is accepted and expected as a traditional way of life. It is difficult to balance the needs of those whose lives and livelihoods are dependent on easy and regular cross-border movement with modern ideas of border security and regulations that are sensitive to the differences between traditional informal movement and unauthorized cross-border smuggling and crime.

Furthermore, as populations in the IGAD region, particularly those in the border regions, tend to move informally among people they know, they seldom engage with formal structures and processes of regularized migration and so fall outside the legal, organized and institutionalized protection framework. Maru et al. note that the 'nation-state' approach to managing migration does not fit with pastoralist lifestyle that relies on cross-border mobility. They suggest that the GCM is a Western attempt to control and manage migration based on the assumption that migration is a linear and predictable process. In fact, Maru et al. conclude that migration is increasingly complex, movement flows are mixed and movement is rarely linear. Therefore, flexible approaches that respond to the realities of migration are needed to manage migration. In order to develop a realistic response, it is necessary to have a thorough understanding of livelihoods and lifestyles outside the West

and the factors that influence or force people to move.[12]

The case study demonstrates that multiple regional issues contribute to migration, and a regional and coordinated response to the various forms of mobility that intersect is required among governments and other stakeholders. International stakeholders relevant to climate change and human mobility, such as ILO, IOM, UNHCR and the UNFCCC, have structured their regional operations differently, meaning geographical coverage is not aligned. Three IGAD members are also members of the East African Community, while four IGAD members are members of the Great Lakes conferences; although not examined as part of this report, these bodies have policies that are relevant but are different from IGAD's.

4.2.4 In-Country Coordination

Ethiopia, Kenya and Somalia have federal or devolved systems that provide political access at the implementation level for operational organizations, but can create additional challenges for coordination in-country and the development of national systems. Levels of capacity, coordination upwards with the centre and coordination sideways with other administrative areas are inconsistent. All the countries are experiencing instability, although Kenya less so than Somalia and parts of Ethiopia. The instability both contributes to human mobility and negatively impacts on governance and coordination.

In-country coordination takes place on multiple levels through government structures and through humanitarian and development fora, and there appear to be gaps between

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11 The views of multiple respondents.

12 Maru, Nori, Scoones, et al., 2022.

the policymaking and strategy development levels and the operational level. Although the document review has identified the relevant protection instruments to support the different GCM objectives (see Annex 6.2), it is apparent that numerous sectors and areas of expertise would be required to provide an effective, holistic protection response. Currently, there seems to be a lack of interdisciplinary and intersectoral coordination. For example, in Somalia and Kenya there appears to be a lack of coordination among migration/displacement actors, DRR actors and development actors at the operational levels, as protection responses in situations of human mobility related to climate change and disasters are managed through humanitarian structures.

The findings from the document review are illustrated by the findings from the case study, including the difficulty in differentiating between the different types of human mobility (from the legal and policy perspective, as well as in reality), as the various drivers of human mobility are complex and interlinked. The case study also illustrates the wide range of potential stakeholders and expertise that must be coordinated horizontally and vertically within IGAD members states and across the IGAD region.

4.3 RESPONSES

The table in Annex 6.2 (Key Thematic Areas Pertaining to the GCM) and the following discussion consider how the GCM and other instruments provide protection. The original intention of the study was to focus on the voluntary cross-border migration movements related to climate change and disasters identified in the case study. However, the

findings conclude that human mobility in the case study area linked with climate change and disasters mainly takes the form of internal and not cross-border movements, and occurs particularly among pastoralist populations. This section considers the range of instruments that might contribute to protection responses relevant to the case study.

The table in Annex 6.2 summarizes the case study findings and shows how the GCM could contribute to addressing the identified protection needs and which other protection instruments might guide relevant protection responses. The table is divided into four columns, which should be read from left to right. The first column includes the key thematic areas from the 2011 IASC Guidelines on the Protection of Persons in Situations of Natural Disasters. The second column includes the 23 GCM objectives, which correspond to the key thematic areas as presented in Section 3.1 above. The third column summarizes the key findings from the case study, which are categorized by the GCM objectives, and indicates which are the most relevant to the issues of human mobility and climate change identified in the case study. While the GCM aims to reduce risks and vulnerabilities migrants face at each stage of migration, other relevant protection frameworks, preventative measures and information are listed in the fourth column to address the identified protection needs.

4.3.1 Data, Research and Mitigation (GCM Objectives 1 and 2)

Data collection and research on human mobility and climate change is ongoing in the IGAD region, but more data is needed to inform

evidence-based research. Insecurity and lack of funding limit the scope of data collection. Migrants and affected populations can be reluctant to respond to questions, particularly if they fear for their physical safety and/or are migrating in an unauthorized manner. There is a lack of understanding of the relationship between: the various factors that compel people to move; the impact of climate change and disasters on different age, gender and diversity groups, which undermines effective human mobility; and the impact of climate change policies and operations to address specific vulnerabilities and demographic and socioeconomic groups. In addition to efforts by national statistical offices and the IGAD statistics team, current data collection includes the following:

- The **IOM Displacement Tracking Matrix**, through a set of tools and methodologies, gathers, analyses and disseminates information on mobility, drivers, vulnerabilities and needs of displaced and mobile populations on a regular basis. In particular, data collected through area-based assessments, flow monitoring and surveys informs about mobility dynamics in the region. Data from the matrix is shared publicly and used for country-level analysis, regional analysis and collaborations with research institutes, universities and other entities working on strengthening the evidence base of climate and mobility.

- The **Internal Displacement Monitoring Centre** collects data on internal displacement linked to disasters and conflict. The data for disasters is disaggregated by type of disaster. It also provides risk modelling for sudden-onset disasters.[13]

There are numerous early warning systems in place in the IGAD region that help to monitor potential threats from climate change and disasters. They contribute to knowledge and help to address GCM Objective 2, which aims to minimize adverse drivers that compel people to migrate. The early warning systems include the following:

- **ICPAC Climate Outlook for the Greater Horn of Africa**, which is published three times a year to coincide with seasonal changes. It forecasts temperature, rainfall and droughts, and provides recommendations for health and water and some limited perspectives on migration. ICPAC also provides weekly, monthly and seasonal weather forecasts.

- The **Predictive Livestock Early Warning System** is being implemented by the Food and Agriculture Organization in Kenya, Ethiopia, Somalia and South Sudan. It monitors the availability of grazing and surface water for livestock. There are plans to roll out the programme more widely to help to predict and manage cross-border movement.[14]

- **Monitoring of transnational threats** such as locusts by ICPAC; monitoring of droughts and floods by IDDRSI and various national authorities – for example, the National Drought Management Authority in Kenya and the National Disaster Management Agency in Ethiopia. Warnings are disseminated among local populations by local authorities, social media and humanitarian organizations.

In addition to the above ongoing initiatives, there are specific research projects designed to provide insights into human mobility and climate change. These include the following:

- **IOM Migration, Environment and Climate Change (MECC) Projects** are completed in five countries in East Africa and the Horn of Africa: Djibouti, Kenya, Somalia, Tanzania and Uganda. Each project had a research element that aims to examine the MECC nexus to develop policy recommendations and to identify relevant networks to implement the policy recommendations. Government stakeholders were involved, and there was community-level engagement intended to develop insights into the migration experience. Community pilot projects are developed based on findings. In 2022, a review was published of climate hazards and pastoralists' responses in the IGAD region.[15] Currently IOM has several MECC/DRR projects underway in Kenya, South Sudan, Uganda, Burundi and Tanzania. The regional office also supported the Government of Uganda in the coordination and technical support of a regional ministerial conference on migration, environment and climate change, which resulted in 15 member states signing the first-ever regional declaration on MECC – the new Kampala Ministerial Declaration.

- The **RefMig project** is an ongoing global study with several case studies, including Kenya. It aims to provide a deeper understanding 'of the norms, laws, institutions and practices that govern refugeehood and the migration and mobility of refugees'. The study is based on the premise that 'refugees are migrants' and questions the division between refugees and other migrant groups (the notion that international protection is only for refugees and that refugee onward mobility is limited),

to understand how migration and human rights might be reconciled.[16]

- The **Borderlands Study** is being conducted by the Rift Valley Institute and the Norwegian Refugee Council among the populations that live in border areas and regularly cross borders to trade, attend school and access health services. The study aims to understand how these populations can be included in public life without restricting their daily lives and livelihoods and to use the findings to make recommendations to IGAD.

- The **Virtual Workshop Series** (2021) on Developing a Research and Policy Agenda for Addressing Displacement and Migration in the Context of Disasters and Climate Change in Africa[17] saw more than 170 researchers, policy experts and practitioners working across Africa and beyond come together to discuss law and policy responses to displacement and migration in the context of disasters and climate change. The **subsequent research agenda** was launched in November 2021; it identifies knowledge gaps to develop a research and policy agenda for addressing displacement and migration in the context of disasters and climate change in Africa.

These areas also need further exploration:

- Research to record **traditional systems, approaches and knowledge** that have proved successful for indigenous groups before they are lost. Pastoralists have detailed knowledge of the climate and

13 Internal Displacement Monitoring Centre, https://www.internal-displacement.org/ (accessed 10 March 2022).

14 Food and Agriculture Organization, https://www.fao.org/land-water/water/drought/drought-portal/details/en/c/1201135/ (accessed 10 March 2022).

15 Rodgers (2022). *Equipped to Adapt? A Review of Climate Hazards and Pastoralists' Responses in the IGAD Region*. Nairobi: IOM and ICPALD. https://environmentalmigration.iom.int/sites/g/files/tmzbdl1411/files/documents/IOM%20ICPALD%20Pastoralism%20Report.pdf.

16 RefMig, https://www.refmig.org/ (accessed 14 December 2022).
17 The Virtual Workshop Series (2021) was jointly organized by the Kaldor Centre for International Refugee Law (University of New South Wales), the Platform on Disaster Displacement, IOM, UNHCR, IGAD, Centre for Human Rights, University of Pretoria and University of Nairobi, under coordination of Tamara Wood. https://www.kaldorcentre.unsw.edu.au/sites/kaldorcentre.unsw.edu.au/files/Africa_Workshop_Series_Concept_Note_EN.pdf (accessed 20 November 2022).

environment. As pastoralist livelihoods are failing and traditional knowledge about how to adapt to climate conditions and climate change is not being passed on to the next generation, there is an urgency to gather this information.[18] Projects then need to be developed to explore how traditional practices can be combined with externally introduced systems and knowledge to help populations respond effectively to climate change and disasters. Early results show that integrating local and traditional knowledge from agropastoralists with scientific approaches into the development of climate services improves the accuracy of forecasts. It also improves their legitimacy, as the forecasts drawing on traditional indicators have greater relevance for populations whose livelihoods depend on being able to adapt to climatic conditions.[19]

- **Traditional conflict resolution mechanisms** also need to be recorded and better understood, as they can help to manage access to natural resources. Political developments and conflicts have undermined these traditional systems, but it seems that their value is being recognized and there is government and non-government support to promote the use of traditional conflict resolution mechanisms alongside state systems of rule of law.

Development, climate change and disaster risk reduction initiatives are necessary to minimize drivers of migration and displacement. It has not been possible during this study to identify how far implementation of the Sendai Framework has progressed in the case study countries. There are challenges with coordination and implementation in Kenya. Respondents noted that it is easier to secure international funding for mitigation

18 Nabenyo, 2020.
19 Confer, 2022.

than for adaptation measures. Yet adaptation for agropastoralists and pastoralists will be necessary to ensure that their traditional livelihoods survive. As it is unlikely that the same number of people can be supported as pastoralists and agropastoralists, alternative livelihoods must also be identified. Current rural-to-urban migration is environmentally and developmentally unsustainable without investment in infrastructure and job creation. The achievement of the SDGs is inextricably linked to effective climate change adaptation and disaster risk reduction.

Certain measures to support pastoralists are being piloted such as the introduction of live-stock insurance, which pays out during times of crisis to help pastoralists keep their animals alive. Some of these projects have been successful, but others have failed because the insurance company did not pay out. Where successful, it is reported that pastoralists have accepted insurance policies. This requires a change in mindset, as traditionally pastoralists 'insured' their livelihoods by owning large numbers of animals – so that if many die as a result of disease or drought, enough remain to rebuild the herd. Participants in the workshop held as part of this study were unaware of the insurance pilot schemes, but would support the idea, as they criticized the lack of insurance or compensation for pastoralists, agropastoralists and others who lost their possessions and livelihoods as a result of climate change and drought.

4.3.2 Protection of Rights Related to Documentation and Free Movement (GCM Objectives 4, 3, 5, 12, 13, 14, 21)

GCM objectives related to legal identity and protection are relevant to issues identified in the case study. However, only the aspects

of the GCM that relate to the mobility of populations affected by climate change and disasters, and not all the issues included in the table in Annex 6.2, are discussed here.

Lack of legal identity, although not related to climate change and disasters, has been identified as a problem for pastoralists, mainly for those linked to Garissa County. Measures to address this issue are ongoing and are supported by the Convention on the Reduction of Statelessness and the IGAD Protocols on Freedom of Movement and Transhumance. The international protection instruments for refugees, which fall outside the scope of the GCM, include the 1951 Refugee Convention, the 1967 Protocol on Refugees, the GCR, the Comprehensive Refugee Response Framework, the 1969 OAU Refugee Convention and national refugee laws. International human rights law is also relevant for the protection of displaced people in need.

The international refugee protection framework should provide clear processes for those seeking asylum. Information provided to migrants is limited to the routes used by economic migrants and the border areas where protection monitoring can take place. Lack of funding and insecurity prevent more information from being provided to migrants at the various stages of their journeys. This also means that how various factors contribute to migration and their relative level of importance are not well understood. No government mechanisms for dealing with regular migration were identified during the case study research. Protection information for Somalis leaving Somalia assumes that Ethiopia and Kenya will accept them as refugees, whether they are fleeing conflict or drought. This means that institutionalized protection is available, but that there are no other options to enter another country legally through regular migration pathways. Implementation of the IGAD Protocol on

Free Movement should offer regular migration pathways, but these might be inappropriate for pastoralists; a better alternative for this group may be the Transhumance Protocol.

4.3.3 Protection of Life, Security and Physical Integrity of Persons, and Family Ties (GCM Objectives 7, 8, 9, 10, 11, 23)

Insecurity, poor governance and rule of law, and lack of border management and security in all three countries, particularly Somalia, are limiting protection monitoring and interventions and putting those living in the border areas, or crossing the borders, at risk, including those affected by the effects of climate change and disasters. The lack of protection monitoring means that the extent of protection risks and needs is unknown.

Safeguarding of women and children and other vulnerable groups is lacking, whether they are sedentary, are migrating voluntarily or are forcibly displaced. This is despite the existence of human rights law, which protects all persons and includes special provisions for vulnerable groups, as well as the GCM and other frameworks for voluntary migration and forced displacement, which reinforce commitments to human rights and the protection of the most vulnerable. In urban areas included in the case study, there may be limited availability of medical and psychosocial support for those who have been attacked or raped, but in rural areas there is none.

The IGAD Freedom of Movement Protocol and the IGAD Transhumance Protocol provide a framework for cooperation among states on border security. It is known that human smugglers and traffickers operate in the case study area, but little information is

available. There are human rights instruments to protect people from smuggling and trafficking, but these can only be implemented with effective security and rule of law.

The various instruments to regulate international migration – including the GCM, the IGAD Protocol on Freedom of Movement and the IGAD Protocol on Transhumance – are intended to improve border management and security. In these areas, people do not regularly show identification documents or do not possess them. There is significant informal cross-border trade and smuggling. It would be difficult to establish an effective system for managing border security that prevents criminal activity without undermining informal livelihoods. Border security will be impossible to establish while there is ongoing conflict, and even if there is stability, managing the borders will still present a challenge, as they are long, porous and often remote. To implement these instruments while protecting livelihoods and improving security, it will be necessary to upgrade border management systems and develop the capacity of border management agencies.

4.3.4 Protection of Rights Related to Food, Health, Shelter, Education, and Social Cohesion (GCM Objectives 15, 17)

It is not clear whether any basic needs within the case study area are provided to those considered to be internal or cross-border economic migrants. Through governments, the United Nations, international organizations and NGOs, humanitarian assistance is provided to those affected by drought and floods. Those in IDP camps in Ethiopia and Somalia also receive humanitarian assistance

in line with the Guiding Principles on Internal Displacement and regional IDP policies that provide for responses to disasters. Those crossing the borders from Somalia can access their basic needs in the established refugee camps in line with refugee laws. When national plans have been developed and implemented in line with the Sendai Framework and the Nansen Agenda for Protection, they should include provisions for states to respond to migration and displacement related to climate change and disasters.

There is usually prejudice against migrants (and refugees) because they are believed to increase competition for employment; they are seen as a drain on the economy and resources and a threat to security. This can lead to host governments regarding migrants as a security threat rather than a group in need of protection. Therefore, interventions that help to reduce discrimination, promote social cohesion, build resilience and support livelihoods are important. The Kenya Development Response to Displacement Impacts Project has been designed to support host communities that have been negatively impacted by the presence of the Dadaab refugee camps. It has been included in the case study because it aims to promote social cohesion; similar programmes could be implemented to promote social cohesion in different contexts of human mobility. The BORESHA programme aims to promote peace in the cross-border areas of Ethiopia, Kenya and Somalia through a range of infrastructure and livelihood interventions, with a special focus on vulnerable groups.

The rehabilitation/strengthening of traditional conflict resolution mechanisms, which has been a focus of some interventions in the case study area, also has the potential to contribute to social cohesion and to help maintain positive relationships between host and migrant/displaced populations.

4.3.5 Protection of Rights Related to Housing, Land and Property; Livelihoods; and Secondary and Higher Education (GCM Objectives 6, 16, 18, 19, 20, 22)

Housing, land and property rights are not specifically referenced in the GCM, but are part of the IASC Guidelines, which provided the basis of the thematic areas for organizing the GCM objectives, so housing, land and property issues identified in the case study are included here. Pastoralists forming cluster III are prevented from accessing land and resources because of disputes over land ownership. Determining land rights and access to land through agreements that are acceptable to all is an important process and would be part of implementing the IGAD Transhumance Protocol.

Within the case study, no groups were identified as in need of the protection afforded by GCM objectives focused on employment rights, banking systems and social protection. If further research demonstrates that climate change and disasters are linked to economic migration, there are various existing instruments designed to protect the rights of refugee and migrant workers. Such instruments would offer a protection framework for recruitment and working conditions, and related mechanisms would help to facilitate regular migration, inclusion and access to finance systems. The IGAD Freedom of Movement Protocol would also help to integrate migrants and promote social cohesion. However, informal employment, which is prevalent in the region, is difficult to regulate and monitor, and many of those in search of work lack the skills required for the formal employment sector.

4.4 COORDINATION

Considering the diversity of mobility situations and related needs, and due to the interconnectedness of all aspects of the phenomenon, there is a need for cooperation among all actors. Developing and implementing integrated approaches to human mobility requires all governmental, non-governmental, institutional, civil society and other actors to work together based on their respective mandates, expertise and experience in responding to specific human mobility forms.

In practice, there are a variety of coordination mechanisms guiding responses for human mobility related to climate change operating at the international, regional, national and subnational levels in the region. It was not possible during the time frame of this study to elicit the same level of detail for all mechanisms, or to understand whether they operate effectively. This section summarizes information provided by respondents and impressions of how some of the coordination mechanisms work. Some mechanisms are newly established, so they should be revisited in the near future to understand how they operate. Further research is needed to understand the remit of the various coordination mechanisms and whether or not they are effective, and to map their interventions in order to identify gaps and areas of overlap.

4.4.1 International-Level Coordination Mechanisms

- The **Platform on Disaster Displacement**, established in 2016 to implement the Nansen Agenda, is state-led and has a steering group comprised of 17 member states, with IOM and UNHCR as standing invitees. It supports existing

state-led processes at the international and regional level and provides a forum to strengthen coordination among stakeholders responding to displacement, migration, disaster and climate change.[20]

- The **UN Network on Migration** was created to support member states to implement the GCM. It is coordinated by IOM and operates at international, regional and country levels.[21] For the purposes of this study, the UN Network on Migration liaises with the African Union and IGAD and its member states. At the country level, IOM manages the secretariat and overall coordination of the network, which aims to bring together the UN County Team and facilitate the understanding of the GCM among UN staff. In some countries, such as Kenya, the Resident Coordinator has assumed the responsibility to coordinate the network, and this is thought to help raise its profile. The UN Network on Migration's 2021 and 2022 workplan identifies several thematic priorities, including support to implement the COP21 Paris Agreement and the GCM commitments on climate and migration.[22]

- The **Task Force on Displacement** was established in 2015. The Paris Agreement called for the creation of the task force under the Warsaw International Mechanism, and it is comprised of 14 members.[23] The Task Force on Displacement addresses both internal and

cross-border climate migration to provide a 'broad global policy framework for human mobility and climate change'.[24]

4.4.2 Regional-Level Strategies and Mechanisms to Facilitate Coordination

- The **Migration Protection Working Group** is a new initiative co-chaired by IOM and UNHCR and established in September 2021. It focuses on the IGAD region's eastern migration route and aims to support government and partners to respond to migration. The remit of the working group is still being developed, and additional information was unavailable during the research phase of this study (January–March 2022).

- The **Regional Migrant Response Plan (MRP) for the Horn of Africa and Yemen 2021–2024** is a route-based approach that aims to address the 'humanitarian, development and protection needs' of vulnerable members of host and departing, transiting, stranded, settled and returnee migrant populations from the Horn of Africa, specifically Somalia, Djibouti and Ethiopia, moving to and from Yemen. 'Other population groups in need in the affected countries are targeted under the country-level Humanitarian Response Plans…MRP planned interventions are aligned and linked to those [Humanitarian Response Plans] to ensure a comprehensive response to all persons in need.'[25] In March 2022, the MRP had 41 partners, including UN entities, government bodies, local and international NGOs, and civil society organizations.[26]

- The **Regional Humanitarian Partners Team** for the Horn of Africa is an inter-agency coordination forum for UN agencies and international NGOs. It aims to identify and address operational and strategic issues that are critical to the delivery of humanitarian assistance. The team supports country teams and sector-specific technical groups at the regional level by providing guidance and engaging in joint initiatives to address challenges. The Regional Humanitarian Partners Team undertakes advocacy and awareness raising to support its objectives and the work of its partners.[27]

4.4.3 Coordination within IGAD

The **IGAD Migration Department** falls under health and social development and has core funding for key positions, but funding for other staff and activities is mobilized through projects. An important project is designed to explore migration governance in the region. The first phase (2014–2017) supported the creation of national coordination mechanisms, and the second phase, which is ongoing, continues to support existing coordination mechanisms to ensure that they are resourced and capacitated, and is working with national governments to create appropriate coordination mechanisms where they do not yet exist.

IGAD works with focal points from member states on disaster risk management, climate change and displacement. These are drawn from members' existing governance structures – climate change usually falls under the environment agencies and DRR under national disaster agencies.

There are ongoing discussions about how best to structure IGAD to respond to migration and disasters. Migration and disasters could be incorporated into one of the existing three working groups for health, water and DRR. At the time of the primary research (February–March 2022), the DRR working group appeared to be the most appropriate. Although a stand-alone group for migration and disasters would be more visible, there are concerns that four separate working groups could create silos. Integrating migration and disasters into the DRR working group might promote a more streamlined and comprehensive approach.[28]

In 2021, IGAD endorsed its Disaster Response Fund and requested the establishment of the IGAD Disaster Operation Centre and the development of a regional flood risk profile in collaboration with UNDRR, World Food Programme and CIMA (Centro Internazionale in Monitoraggio Ambientale).[29] In December 2021, IGAD opened a research centre in Mogadishu, Somalia, to collect and analyse data and disseminate information about events being linked to climate change in the region, such as droughts, floods and swarms of locusts.[30] This is in addition to its other centres for Climate (ICPAC), Floods (IDDRSI) and Pastoralism (ICPALD).

4.4.4 National- and Local-Level Coordination Mechanisms

At national and local levels, coordination mechanisms differ among the case study countries.[31]

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20 Platform on Disaster Displacement, https://disasterdisplacement.org/ (accessed 1 December 2021).
21 UN Network on Migration, https://migrationnetwork.un.org/ (accessed 20 April 2022).
22 UN Network on Migration, 2021.
23 UNDP, UNHCR, IOM, ILO, International Federation of Red Cross and Red Crescent Societies, Platform on Disaster Displacement, civil society, Advisory Group on Climate Change and Human Mobility, YOUNGO (UNFCCC constituency of Youth Non-Governmental Organizations), UNFCCC Adaptation Committee, UNFCCC Least Developed Countries Expert Group, and Executive Committee of the Warsaw International Mechanism for Loss and Damage. https://unfccc.int/process/bodies/constituted-bodies/WIMExCom/TFD/membership (accessed 5 December 2021).

24 IOM, 2018.
25 IOM, 2021a. Migrant Response Plan, p. 6.
26 Information provided by respondents.

27 Regional Humanitarian Partners Team, 2022.

28 Views expressed by respondents.
29 African Union and UNDRR, 2021.
30 Voice of America, 2021.
31 Unless otherwise stated, information about the case study countries, structures and policies for managing immigration and for coordinating implementation operations has been collated from multiple respondents to this study.

4.4.4.1 Ethiopia

Ethiopia includes displacement in its **National Disaster Management Agency**. Respondents report that the agency is an established structure with an effective level of capacity. There is a good understanding of coordination among government and non-governmental organizations, although it is unclear whether this translates into action. The term displacement is applied broadly by government entities to include refugees and migrants affected by conflict, drought, and floods. The Ethiopian IDP policy is also very broad.[32]

Informed by the GCM, the Government of Ethiopia has established the **National Partnership Coalition**, which is a multi-stakeholder coordination forum for migration governance. Stakeholders include the National Disaster Management Agency, although there is no specific mention of migration in relation to climate change and disasters in Ethiopia's responses to implementing the GCM. The Government of Ethiopia has identified six priority thematic areas: 1. Awareness and Promotion of Overseas Employment; 2. Law Enforcement; 3. Protection of Returnees and Vulnerable Migrants; 4. Diaspora Engagement and Development; 5. Migration Data Management; and 6. Migration Research. It has established a task force at the national level to address these themes, which it is in the process of replicating at the state level. The National Partnership Coalition manages its six pillars as follows:[33] Ministry of Labour and Social Affairs is the lead for protection; Ministry of Justice is the lead for prosecution; Ministry of Labour and Skills is the lead for job protection; Ministry of Education heads the research working group; Central Statistical Agency collects, compiles and analyses the relevant data; and Ministry of Foreign Affairs

has a dedicated department to manage diaspora engagement.

In response to the GCM, the Government of Ethiopia has initiated the process to develop a national migration policy and intends to integrate the IGAD Freedom of Movement Protocol into domestic law once ratified. It has taken a number of measures to replace existing policies or to create new ones in relation to labour migration, education, training and access for migrants to labour markets in Ethiopia and internationally. Several measures are intended to strengthen protection and focus on vulnerable groups, including returning migrants, returning refugees and IDPs. In 2020, the government issued Proclamation 1178 on countering trafficking in persons and smuggling of migrants. The government has also prioritized improved engagement with the diaspora to harness economic and development benefits, and better research and data collection to inform government responses to migration.[34]

In its voluntary report on the progress of implementing the GCM, the main challenge Ethiopia notes is the lack of effective coordination internally among government entities, between the national and state levels, and regionally with other African states.[35]

Protection operations for Ethiopia are coordinated through the **Humanitarian Response Plan**. At the operational level, protection interventions in the south-east of the country, which form part of the case study, are coordinated through the humanitarian cluster system. However, although the capacity of protection organizations is reported to be good, there is a lack of funding to monitor protection issues and support protection interventions for the whole geographical area effectively.

4.4.4.2 Kenya

In 2016, the Government of Kenya established the **National Coordination Mechanism on Migration** (NCM), which is responsible for developing national migration policy and mainstreaming responses to the GCM through relevant policies and government structures. It falls under the Directorate of Immigration and Citizenship, but it has not been enshrined in law and lacks a dedicated budget from the government. The NCM brings together relevant ministries and government bodies with non-state actors, including UN entities and civil society organizations. The NCM has adopted a consultative process and engages relevant stakeholders on the GCM and other related policy issues.[36] It has led two three-day sensitization workshops on the GCM with select committee members of the Kenyan Parliament. The NCM has also coordinated the drafting of a national migration policy, which has been pending Cabinet approval since 2019. The National Labour Migration Policy and the National Labour Migration Management Bill have been pending Cabinet approval since 2020.[37] It is unclear why approval is still pending, but outside observers assume that these issues are not priorities for the government.

In December 2020, the Ministry of Interior and Coordination of National Government published a three-year implementation action plan for the GCM. The plan focuses on managing migration to protect migrants, to harness the economic and development benefits of migration, to ensure the security of Kenya, and to mainstream the GCM into relevant existing state structures and policies. Progress on the implementation of the plan has been limited because of lack of funding.[38]

In its voluntary report on the progress to implement the GCM, the Government of Kenya identifies a number of challenges for implementation, including the lack of funding and capacity, the global pandemic, and the shifting and complex security and migration dynamics. The government also notes its slow compliance with international standards as an obstacle to GCM implementation, and highlights that it is yet to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members their Families.[39] There is no reference to the IGAD Freedom of Movement Protocol and the Protocol on Transhumance in Kenya's GCM implementation plan, but the government regards them as relevant to the objectives of the GCM, particularly Objective 5 (to enhance regular migration pathways), and notes its support of the two protocols in its voluntary reporting on the status of the GCM in Kenya.[40]

The terms of reference for the National Coordination Mechanism on Migration do not explicitly mention the inclusion of government and non-government stakeholders relevant to climate change and disasters, and, although reference is made to climate change in Kenya's implementation plan for and reporting on the GCM, there are no specific actions to address climate change and disasters in relation to migration.[41] Within the current government structures, it is unclear how responses to migration are linked with responses to disasters, climate change and environmental issues. Currently, the National Disaster Response Centre falls under the Ministry of the Interior, while the National Drought Management Agency falls under the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes. Interventions relevant to climate change adaptation and resilience

32 Views expressed by respondents.
33 The Federal Democratic Republic of Ethiopia, 2020.

34 Ibid.
35 Ibid.

36 Republic of Kenya, 2016. NCM mandate and objectives.
37 Email correspondence dated 29 March 2022 and multiple respondents to this study.
38 Republic of Kenya, 2020; Republic of Kenya, 2022.

39 Republic of Kenya, 2020.
40 Ibid.
41 Republic of Kenya, 2020; Republic of Kenya, 2022.

building fall under different ministries. The National Climate Change Action Plan 2018–2022 (currently under review) is led by the Ministry of Environment and Forests, while the State Department for Development of Arid and Semi-Arid Lands falls under the Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes.[42]

The devolution process, mandated in Kenya's 2010 constitution, which determined what responsibility remained at the national level and what would be devolved to county governments, was finalized in December 2021 and has yet to be fully implemented. There is a lack of inter-ministerial coordination and communication at the national level. Devolution is still in a transition phase, and there is a lack of communication between the national and county government levels. As a result of the confused and transitional nature of the system, responses to crises tend to be led by ad hoc committees. For example, a National Emergency Committee under the Ministry of the Interior was established to lead Kenya's response to the COVID-19 pandemic, and the Ministry of Environment and Forests was tasked with leading the response to the desert locust swarms.

Through the Humanitarian Partnerships Team in Kenya, OCHA coordinates responses to disasters. The various ministries of the Kenyan government liaise with UN agencies and NGOs through this mechanism. At the operational level, interventions in response to disasters and other issues are coordinated by steering committees led by the county government. Respondents from the UN and NGOs and county representatives report that the steering committees are effective in ensuring information exchange, planning and coordination. There are regular scheduled meetings, and any organization can call an ad hoc meeting when there is a particular

issue to discuss. Protection interventions, particularly in Mandera County, are reportedly limited because of a lack of funding.

4.4.4.3 Somalia

In Somalia, the federal system of governance means that policies and their implementation can differ from one Federal Member State to another. In addition, some areas of the country are more badly affected by conflict than others. Respondents report that they must operate according to the specific context and how policies are interpreted and implemented, and cannot adopt a uniform approach throughout the country. The movements of IOM and other organizations in Somalia are restricted because of insecurity. At the time the primary research was conducted (February and March 2020), Somalia was in the process of drafting a mixed migration policy. It has not yet submitted a voluntary report on the progress of implementing the GCM.

Interventions at the operational level in Somalia are coordinated through the local humanitarian cluster system. In areas of conflict, humanitarian organizations have limited oversight. Respondents at the implementation level report that there is little contact at higher administrative levels with humanitarian coordination mechanisms such as the **Humanitarian Country Team**.

4.4.5 UN Relevant Stakeholders

4.4.5.1 International Labour Organization

The ILO is the United Nations specialized agency for the world of work. It is the only tripartite UN agency, bringing together representatives of governments and employers' and workers' organizations to adopt

international labour standards and develop policies and programmes promoting decent work for all women and men. The ILO has a constitutional mandate to protect the rights and interests of all workers, including those employed in countries other than their own. Its comprehensive normative framework aims to improve working conditions for women and men, strengthen labour market governance, and protect the most vulnerable. While migration implies complex challenges in terms of governance, migrant workers' protection, migration and development linkages, and international cooperation, the ILO works to forge policies to maximize the benefits of labour migration for all those involved.[43]

The ILO seeks to promote international labour standards, tools and guidance in the context of the implementation of the GCM and the GCR, including through the delivery of 'implementing guidance and good practices on labour market integration for refugees and displaced persons, including those impacted by climate change'.[44] Since its inception, the ILO has engaged in labour aspects of refugee responses. Since 2013, it has stepped up its interventions to support refugees' access to decent work in the wake of the Syrian refugee response.[45] The ILO seeks to address decent work deficits and their interaction with climate-related impacts, and works alongside states and regional groups to consider the role of labour migration within climate adaptation strategies and in contributing to a just transition towards environmentally sustainable economies.[46]

ILO is working to improve opportunities for regular labour mobility, decent work and

economic growth in the IGAD region through the development of models of intervention, in the broader context of regional integration.[47]

4.4.5.2 International Organization for Migration

IOM is the only intergovernmental organization that is exclusively focused on migration. IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants. IOM has been addressing the link between migration, the environment and climate change since the 1990s. In 2015, it established the Division on Migration, Environment and Climate Change. IOM is researching the migration, environment and climate change nexus and the different types of mobility and reasons for population movement. IOM has a regional office in Nairobi, Kenya, for East Africa and the Horn of Africa, covering 10 countries.[48] In the IGAD region, IOM supported the operation of Migrant Response Centres along the major migration routes from East Africa and the Horn of Africa in Djibouti, Ethiopia, Somalia and Sudan, extending over to the Middle East in Yemen (Migration Response Points). In collaboration with partners, they provide basic services and lifesaving assistance to migrants stranded along those routes.

4.4.5.3 United Nations High Commissioner for Refugees

UNHCR is a global organization dedicated to saving lives, protecting rights, and building a

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42 Respondents to this study.

43 ILO Labour Migration, https://www.ilo.org/global/topics/labour-migration/lang--en/index.htm (accessed 6 December 2022).
44 ILO, 2021. Programme and Budget for the Biennium 2022–2023.
45 ILO. Crisis Migration. https://www.ilo.org/global/topics/labour-migration/policy-areas/crisis/lang--en/index.htm.
46 ILO. Climate Change, Displacement and Labour Migration. https://www.ilo.org/global/topics/labour-migration/climate-change/green-jobs/lang--en/index.htm.

47 ILO. 'Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility'. https://www.ilo.org/africa/technical-cooperation/free-movement/lang--en/index.htm.
48 IOM, 2021d.

better future for refugees, forcibly displaced communities and stateless people. The UNHCR Statute, adopted in 1950, establishes UNHCR's mandated responsibilities.[49] Based on the 1951 Geneva Refugee Convention, UNHCR's core mandate is to ensure the international protection of uprooted people worldwide.

UNHCR is the Global Protection Cluster lead. It contributes to inter-agency protection responses for disaster-related crises and advances legal, policy and practical solutions for the protection of persons displaced in the contexts of climate change and disasters. In 2021, UNHCR published its Strategic Framework for Climate Action, which includes three interrelated pillars focusing on the following: law and policy; operational aspects, including mitigation, resilience and adaptation; and UNHCR's own efforts to reduce its environmental impact as part of 'greening the UN'.[50]

The UNHCR Regional Bureau in Nairobi covers 11 countries in East Africa, the Horn of Africa and the Great Lakes Region.

4.4.5.4 United Nations Framework Convention on Climate Change

The UNFCCC provides technical and capacity-building support. It is does not do direct implementation. It has five Regional Collaboration Centres, and the centre for eastern and southern Africa is based in Kampala. It supports Angola, Botswana, Eritrea, Eswatini, Ethiopia, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Rwanda, Seychelles, South Africa, South Sudan, Tanzania, Uganda, Zambia and Zimbabwe.[51]

4.4.5.5 United Nations Office for Disaster Risk Reduction

The UNDRR Regional Office for Africa (UNDRR-Africa) is based in Nairobi, Kenya, and provides support to 44 sub-Saharan member states and 5 African regional economic areas, including IGAD. The UNDRR-Africa Liaison Office is in Addis Ababa, Ethiopia, and supports the African Union and its Programme of Action for the Sendai Framework. UNFCCC and UNDRR are key UN agencies for supporting responses to climate change and disasters.

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49 UNHCR Statute adopted by UN General Assembly Resolution 428 (V), 5th Session, 325th plenary meeting, 14 December 1950. Paragraph 1 in the annex to the Statute of the Office of the United Nations High Commissioner for Refugees explains UNHCR's responsibility to provide 'international protection' to refugees as described in the statute, and to assist governments to 'seek permanent solutions for the problem of refugees'. Paragraph 8 lists the specific protection functions of UNHCR. See note on the mandate of the High Commissioner for Refugees and its office, UNHCR: https://www.unhcr.org/protection/basic/526a22cb6/mandate-high-commissioner-refugees-office.html.
50 UNHCR, 2021a. Strategic Framework for Climate Action; UNHCR 2021b. Operational Strategy for Climate Resilience and Environmental Sustainability 2022–2025.

51 UNFCCC, https://unfccc.int/about-us/regional-collaboration-centres/rcc-kampala/about-rcc-kampala (accessed 6 December 2022).

5

RECOMMENDATIONS

The recommendations below were proposed to address the four main issues identified in this qualitative study. One prevailing recommendation is that all actors, including the African Union, IGAD and its member states, and members of the Multi-Partner Trust Fund Joint Programme, are to integrate gender equality across all the actions proposed.

5.1 FRAMEWORKS

Establish a regional protection framework on human mobility in the context of climate change. While recognizing that member states of the Horn of Africa have adopted national strategies and responses supported by IGAD in addressing the recurrent needs of populations affected by drought and other climatic shocks, one of the gaps identified through this study is the lack of a coherent regional protection framework on human mobility for addressing and protecting migrants and other displaced populations, as well as an insufficient and inconsistent application of the frameworks that are in place:

• A human rights-based approach should be strengthened, given that the primary responsibility to protect all persons in its territory, including nationals and foreigners in its territory, lies with the state. The regional framework should draw upon national human rights legislation, regional human rights law (the African Charter for Human and Peoples' Rights), and jurisprudence from decisions on similar cases from the African Court on Human and Peoples' Rights and international human rights law frameworks. As states are already a party to the various human rights conventions, this framework approach should be easier to adopt, and it may be easier to replicate elsewhere in the region. This would help to strengthen protection frameworks.

• The African Union to utilize this framework as an opportunity to promote socioeconomic integration and increased social cohesion to mitigate the effects of climate change and disaster-induced displacement. This framework could serve to further operationalize the African Union's Agenda 2063: The Africa We Want.

• The framework to be adopted by member states, with budget allocation for domestication into national laws and implementation, as well as a biannual reporting requirement by the state on implementation for accountability purposes.

- Capitalize on sharing good practices across regions and Regional Economic Communities (RECs). The East African Community has a Climate Change Policy Framework, and, as some IGAD member states are also members of the East African Community, this is an opportunity to share experiences.

- UNHCR's role, as defined by its mandate to protect refugees, stateless persons and IDPs, should disseminate and promote the application of UNHCR's 2020 legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters, and must be understood within a broad social and political context. Strengthen capacities of actors in the region on the application of international refugee law in the context of the adverse effects of climate change and disasters.

- Conduct an assessment comparing the frameworks for refugee protection and the frameworks for migration to identify gaps in protection that may be addressed through amendments to regional protocols and national laws for people displaced across borders.

- Exchange and identify good practices on mobility frameworks across regional economic communities, notably the ECOWAS (Economic Community of West African States) Transhumance Protocol of 1998, the ECOWAS Protocol on Free Movement of Persons, Residence and the Right of Establishment, and IGAD's Protocol on Free Movement of Persons, which will facilitate transhumance and the free movement of persons.

- Utilize the good offices UNHCR has already established with its line ministries in Ethiopia, Somalia and Kenya for the implementation of the refugee protection framework to support the national-level implementation of migration frameworks.

- For IDPs under IASC arrangements, UNHCR, as global cluster lead for protection, is to ensure effective preparedness and response, and contribute to operational delivery for protection and humanitarian assistance.

- To address potential cases of statelessness among pastoralists who lost their nationality or their ability to pass down nationality to their children, are forcibly displaced across borders, and, owing to their constant movement, do not have an effective nationality or habitual residence, UNHCR should advocate for the ratification of the statelessness conventions and their domestication in national law, accompanied by support to set up statelessness determination procedures.

- Governments, together with other partners, to undertake protection monitoring along transhumance routes and collaborate with border control for identification and referral of people on the move.

- In close collaboration with the African Commission on Human and Peoples' Rights, and in application of the Kampala Convention on IDPs, the African Charter on Human and Peoples' Rights and other African Union human rights conventions, ensure that refugees, IDPs and returnees who are displaced due to climate shocks enjoy effective protection.

- Enhance the availability and flexibility of pathways for regular migration through support to IGAD and the member states of this Multi-Partner Trust Fund Joint Programme in strengthening protection frameworks.

- In line with one of the guiding principles from the UNDP Africa Borderland Regions Report (2022), the mobility of agropastoralists must be recognized and facilitated as a sociocultural right and a socioeconomic necessity in borderlands.

'Governments, regional economic communities and the African Union should embrace cross-border mobility and ratify and implement protocols that enhance and facilitate barrier-free cross-border movement of borderland communities… [and] promote productivity and mobility of agropastoralists across national borders.'

- Encourage and support IGAD member states to implement the two IGAD protocols (on the free movement of persons and transhumance) through information sharing and capacity building.

- National migration coordination mechanisms or Department of Immigration Services in IGAD member states to assess whether the IGAD protocols on free movement and transhumance and GCM are adequately instituted and operationalized in their state.

- UNHCR to further develop its role in building the capacities of actors involved in this context (including authorities, IGAD, IOM and partners) on the application of international refugee law, as well as UNHCR's response to the protection needs of pastoralists who are migrating or are displaced internally or across borders in the context of climate change and disasters.

- Migration MPTF partners to continue advocating for other forms of complementary protection, such as non-removal, leave to remain and temporary stay visas for pastoralists who do not meet the refugee definition.

5.2 COORDINATION

Enhance coordination for effective protection responses. Invest in resilience and enhance preparedness. Consider investments and partnerships among governments and private

entities related to the following: finance (e.g. the World Bank's International Finance Corporation), innovation and technology, partnerships and collaborations, and human-centred approaches. Recommendations for all members of this Multi-Partner Trust Fund Joint Programme on Human Mobility related to Climate Change in the IGAD Region:

- Hold a national forum in affected IGAD countries to have normative discussions on policy, resources and the whole-of-government approach to address human mobility in the context of climate change and disasters. Deliberate on the issue, the framework and the mechanisms for coordination. A decentralized approach should be utilized whereby the local authorities in these regions should receive material and financial assistance to undertake monitoring, mapping and reporting of human mobility, categorizing these movements based on the reason provided for the movement. Similarly, documentation or lack thereof should be noted.

- IGAD member states, with support from IGAD and development partners, to undertake critical cross-border coordination within the IGAD region that brings together distinct expertise and experiences around the key protection concerns/risks. Map, track and monitor movements and provide protection response or inter-agency referrals. It is imperative that the protection response is informed by gender and that a referral mechanism for GBV survivors and trafficked victims is implemented. Effective coordination with actors working for the protection of displaced people who may not qualify for refugee status but still have protection needs is based on the objective of cooperation with external partners working in non-migratory forms of human mobility of the UN Migration Network's climate workstream in implementation of

the GCM and the GCR, whose paragraph 63 calls for 'stakeholders with relevant mandates and expertise [to] provide guidance and support for measures to address other protection and humanitarian challenges' for an integrated application of existing frameworks based on people's needs so as to ensure that there is no protection gap. The coordination and formalization of transhumance routes in a rotational manner will prevent environmental degradation and promote environmental renewal and peaceful coexistence between farmers and pastoralists.

- Scale up capacity to ensure effective participation in supporting the IGAD region to fulfil commitments to the GCM and to develop and implement policies and plans to provide protection responses to migration related to climate change and disasters.

- Ensure that human mobility discussions occur, keeping terminology distinct and differentiating between the GCR and the GCM. Recognizing that human mobility arising from the effects of climate change and disasters affects both refugees and migrants, a shared space is required for joint discussions and approaches for people who are affected and have protection and legal needs. Dialogue and coordination are key for coherent approaches to our work; the Platform on Disaster Displacement or other platforms could provide such a space.

- Participate actively in coordination mechanisms to determine where UNHCR can contribute to aspects of their work and which coordination mechanisms facilitate the work of UNHCR. In consultation with other stakeholders, UNHCR should identify how to strengthen coordination vertically and horizontally and across different areas of expertise.

- Partners of this Migration Multi-Partner Trust Fund Joint Programme should seek to support the development of a regional protection framework for persons being displaced or migrating in the context of the effects linked to climate change.

- Encourage development partnerships that can strengthen the protection environment and provide solutions for displaced people and other people on the move in the context of recurrent climatic shocks and extreme weather events.

5.3 PROTECTION ENGAGEMENT

Strengthen the capacities of IGAD member states on protection engagement. Protect land and property rights; guarantee services to non-residents, as anyone who needs assistance should get it; replace lost or destroyed documents; enable compensation, especially for legal services; and support entry into the labour market. The objective is to find durable solutions: return and reintegration, local integration, relocation.

- Increase protection engagement through strengthening the protection capacity of first responders and undertaking protection monitoring and protection by presence in the shared border regions of Ethiopia, Kenya and Somalia through mobilizing resources; include monitoring of GBV, sexual abuse and exploitation, and trafficking.

- Use information gathered through protection monitoring to develop a better understanding of the protection needs of populations migrating across borders in the context of climate change and disasters.

- Collaborate with the United Nations Legal Identity Expert Group to address the 2030 Agenda for Sustainable Development implementation of Sustainable Development Goal/Target 16.9 (legal identity for all). United Nations agencies and programmes to provide support to member states to develop civil registration, vital statistics and identity management systems to uphold the promise of leaving no one behind.

- Continue to work with the authorities in Kenya and Ethiopia to provide national identity documents to Kenyan Somalis and internally displaced populations in the Somali region of Ethiopia to work towards eliminating statelessness and to ensure that people can access their rights, including access to basic needs.

- Work with IGAD member states to ensure that all citizens have identity documents in line with the Freedom of Movement Protocol and the Transhumance Protocol, and implement community-based awareness-raising campaigns on the importance of identity documentation from a human rights perspective (e.g. freedom of movement) and prevention of statelessness.

- IGAD member states, with support from IGAD and development partners, to create and implement a system of mobile protection units operating along transhumance routes and focusing on documentation, legal aid, and housing, land and property issues. The mobile units would be staffed by state employees (from, for example, the civil registry or justice departments), thereby also serving to reinforce the state's capacity to engage and protect.

- IGAD states to carry out a sensitization campaign on the importance of documentation in relation to human rights, with simple messaging such as

'document holders are rights holders'. Rural radio programmes in local languages can also help to sensitize pastoralists on the importance of human rights, what it means to be a rights holder, and the importance of documentation.

- Source funding opportunities through the International Finance Corporation, a member of the World Bank, to finance multisectoral projects to help build self-reliance and resilience for agropastoralists in order to mitigate climate change–related conflict and forced displacement. Promote environmental renewal and peaceful coexistence between farmers and pastoralists using a multisectoral agropastoral/forestry livelihoods approach that involves, for example: reforestation, biogas, biofuel briquettes made from animal dung, and mobile fencing for animals to fertilize farmland while they eat the remnants after harvest.

- Create small libraries (mobile) to promote human rights and other life skills, animal husbandry skills, literacy, and numeracy in local languages along transhumance routes for empowerment through education. Centres of learning, even mobile ones, can be safe spaces for women, girls, children, the elderly and people with disabilities.

5.4 FURTHER RESEARCH

Enhance data and evidence through further research. As this specific nexus between climate change and cross-border movement in this region is largely under-researched, it is recommended to prioritize research in some of the following areas:

- Examine land disputes, land rights and access to natural resources as they relate to pastoralists and agropastoralists and are

exacerbating the effects of climate change and droughts and feeding into existing conflicts or creating new conflicts.

- Support the IGAD Drought Disaster Resilience and Sustainability Initiative (IDDRSI) with its objective to improve data collection (through their Statistical Unit to be established in IGAD) and mechanisms for sharing data and developing information-sharing policies.

- Conduct quantitative and qualitative research to fill the gap in knowledge with regard to the specific nexus between climate change and cross-border movement in the region. This is in order to understand the interaction of the different triggers contributing to human mobility in all its forms, with a view to informing the development of appropriate protection responses.

- Collect disaggregated data and conduct research to understand how different demographic and socioeconomic groups are impacted by migration in the context of the adverse effects of climate change and disasters, and to identify their different protection needs. Further research is needed on child labour and migration.

- Identify how members of this Multi-Partner Trust Fund Joint Programme can improve protection responses to address sexual and gender-based violence; child marriage and child labour; and protection of the elderly, people with disabilities and other people with specific needs, and can seek funding and resources to implement protection responses.

- Record traditional knowledge about the climate, the environment and methods of responding to climate change and disasters.

- Record traditional conflict resolution mechanisms, with particular reference to the management of natural resources.

- It should not be assumed that the case study findings would be neatly replicated throughout the region, as differences in ethnic groups, governance, economic opportunities and levels of development change dynamics; as a result, further research is necessary to understand specific geographical locations.

- Conduct qualitative research to understand the specific factors that, in the context of climate change, amplify the vulnerability of affected populations to trafficking (e.g. gaps in protection responses or drivers pushing towards risky human mobility pathways).

- Conduct further research on the interactions between the impacts of climate change and disasters and conflict and violence, including their impact on movements of people and associated needs.

- Partner with the UNDP Africa Borderlands Centre to conduct research and policy analysis with regard to the border areas of Ethiopia, Somalia and Kenya, with the aim of building resilience and improving livelihoods to mitigate the effects of climate change and disasters.

- Conduct research on the relative benefits and disadvantages for people displaced by disasters and climate change under refugee law and free movement agreements, as a matter of law and in practice, in line with priority research identified in the research agenda for advancing law and policy responses to displacement and migration in the context of climate change.

6

ANNEXES

6.1 BIBLIOGRAPHY

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6.2 KEY THEMATIC AREAS PERTAINING TO THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION 2018

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
Data, research and mitigation	1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies.	Relevant to human mobility and climate change 1. Data collection on human mobility and research on human mobility, climate change and disasters are ongoing. However, data collection and research are inconsistent across the IGAD region and are dependent on funding and access. More funding and capacity are needed for: protection monitoring; quantitative and qualitative research; and disaggregated data collection to analyse the impacts on different demographic and socioeconomic groups.	• IOM data tracking matrix • Internal Displacement Monitoring Centre data • IGAD research centres • Early warning mechanisms • Ongoing thematic research
	2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin.	Relevant to human mobility and climate change 2. The main drivers of internal and cross-border migration are poverty and lack of opportunities. The role of climate change is unclear. Conflict in Somalia is a major cause of internal and cross-border displacement. It interacts with other drivers of migration and displacement, including climate change. Displacement of pastoralists, internal and cross-border, and temporary internal displacement of agropastoralists are linked to climate change. Internal displacement in Ethiopia and Somalia is linked to drought, which, if it continues, is expected to lead to cross-border displacement.	• Ongoing thematic research • SGDs, national development plans and development interventions • Early warning mechanisms • Sendai Framework, Nansen Agenda and national DRR/disaster risk management initiatives • Interventions to support traditional livelihoods

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
Protection of rights related to documentation and free movement	4. Ensure that all migrants have proof of legal identity and adequate documentation.	<u>Limited links with human mobility and climate change identified</u> 4. People from rural areas and marginalized groups lack identification documents. Somali Kenyans in Garissa County are particularly affected.	• 1961 Convention on the Reduction of Statelessness • IGAD Freedom of Movement Protocol • IGAD Protocol on Transhumance
	3. Provide accurate and timely information at all stages of migration.	3. Lack of funding and instability, particularly in border areas, limit border protection monitoring and dissemination of information to populations on the move. Protection needs stem from conflict, poverty and lack of services, as well as climate change. Further research is needed to determine the relative importance of each of these factors so that relevant information can be provided to populations on the move.	• IOM Migrant Response Centres along eastern, southern and northern migration routes • Border protection monitoring
	5. Enhance availability and flexibility of pathways for regular migration.	5. Regular migration pathways are limited. Cross-border migration related to climate change was not identified by the case study. The new IGAD Protocols for Freedom of Movement and Transhumance are intended to improve regular migration pathways. Somalis crossing into Ethiopia and Kenya are expected to be accepted as refugees regardless of their reason for crossing the border.	• IGAD Freedom of Movement Protocol • IGAD Transhumance Protocol • 1951 Refugee Convention and 1967 Protocol • GCR and Comprehensive Refugee Response Framework • National refugee policies

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
Protection of rights related to documentation and free movement	12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral.	12. The only procedures related to migration identified by the case study were for managing illegal migrants. Other identified procedures related to the registration of refugees from Somalia in north-east Kenya and the Somali region of Ethiopia are experiencing delays.	Kenya national processes • 1951 Refugee Convention and 1967 Protocol • OAU Convention • GCR/ Comprehensive Refugee Response Framework • National refugee policies
	13. Use migration detention only as a measure of last resort and work towards alternatives.	13. Kenya and Somalia detain illegal migrants. The situation in Ethiopia was not confirmed. One respondent suggested that alternatives should be explored.	Kenya national processes
	14. Enhance consular protection, assistance and cooperation throughout the migration cycle.	14. Authorities in Kenya liaise with embassies to support their citizens and facilitate repatriation.	Kenya national processes
	21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.	21. The situation in Ethiopia and Somalia was not confirmed.	

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
Protection of life; security and physical integrity of the person; and family ties	7. Address and reduce vulnerabilities in migration. 8. Save lives and establish coordinated international efforts on missing migrants. 9. Strengthen the transnational response to smuggling of migrants. 10. Prevent, combat and eradicate trafficking in persons in the context of international migration.	Relevant to human mobility and climate change 7. Protection responses are limited by insecurity and lack of funding. Women, girls and other vulnerable groups are exposed to greater risks outside their usual geographical areas. 8. UNHCR, IOM and Red Cross coordinate efforts to find missing migrants (and refugees). 9/10. Information about ongoing human smuggling and trafficking is limited. The Government of Ethiopia has issued a proclamation to counter trafficking. Any measures taken in Kenya and Somalia have not been identified.	Human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities • UN Convention against Transnational Organized Crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. • Government of Ethiopia Proclamation 1178 on countering trafficking in persons and smuggling of migrants.
	11. Manage borders in an integrated, secure and coordinated manner. 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.	11. Border management is limited. Insecurity in border areas is negatively impacting migration and livelihoods. 23. IGAD Protocols on Free Movement and Transhumance are intended to improve regional cooperation for migration.	• IGAD Freedom of Movement Protocol • IGAD Transhumance Protocol

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
Protection of rights related to food, health, shelter, education and social cohesion	15. Provide access to basic services for migrants. 17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration.	Relevant to human mobility and climate change 15. It is unclear what basic services, if any, are provided to migrants. Basic services are provided to pastoralists (including access to land for grazing and water) and displaced populations affected by climate change and disasters. Cross-border displaced persons from Somalia can seek asylum. 17. Support for pastoralists Development interventions are aimed at promoting resilience and supporting both host and displaced populations. Use of traditional conflict resolution mechanisms is complemented by local authority interventions and support from NGOs.	• 1951 Refugee Convention and 1967 Protocol • GCR and Comprehensive Refugee Response Framework • Human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities • Guiding Principles on Internal Displacement, the Kampala Declaration and the Great Lakes IDP Protocol • Sendai Framework and Nansen Agenda • Humanitarian assistance IGAD Transhumance Protocol • BORESHA and Kenya Development Response to Displacement Impacts Project • Tradition conflict resolution mechanisms

Key Thematic Areas	GCM Objectives	Human Mobility in the Border Regions of Ethiopia, Kenya and Somalia Key Findings	Other relevant Protection Frameworks, Preventative Measures and Information
		No significant links with human mobility and climate change identified	
	Housing, land and property	Landownership disputes are preventing pastoralists from accessing natural resources.	IGAD Protocol on Transhumance
Protection of rights related to housing, land and property; livelihoods; and secondary and higher education	6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.	6. Respondents feared that economic migrants are exploited.	• 1998 Declaration on Fundamental Principles and Rights at Work
	16. Empower migrants and societies to realize full inclusion and social cohesion.	16. Small-scale cross-border trading: migrants from Somalia opened businesses in Garissa.	• 1948 Migration for Employment Convention and Recommendation • 1975 Migrant Workers Convention and Recommendation
	18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences.	18. There is little investment in skill development, and no evidence of mutual recognition of skills.	• International Labour Standards and Guiding Principles • 2016 Guiding Principles: Access of Refugees and Other Forcibly Displaced Persons to the Labour Market
	19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries.	19. No formal mechanisms for harnessing diaspora support were identified.	
	20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants.	20. The diaspora provides remittances, but the amount is unknown. Financial inclusion of migrants is unknown.	IGAD Freedom of Movement Protocol
	22. Establish mechanisms for the portability of social security entitlements and earned benefits.	22. Mobile telephone networks used to transfer money and distribute cash assistance.	Cash assistance programmes.

6.3 WORKSHOP REPORT

Civil Society Workshop in Garissa Town
Human Mobility and Climate Change in the IGAD Region
Migration MPTF–Joint Programme Study

16 February 2022

Palm Oasis Hotel, Garissa Town
Workshop Report prepared by Rebecca Roberts

Introduction

A half-day workshop with members of civil society organizations working in Garissa County in Kenya was held on 16 February 2022 as part of the Migration MPTF–Joint Programme study: Human Mobility and Climate Change in the IGAD Region. The aim of the workshop was to gather grassroots information to complement that provided by organizations working at higher levels of policymaking and implementation to identify any differences of opinion and contradictions, as well as to provide a means of triangulating findings.

The workshop was attended by a range of organizations, including faith-based organizations, human rights defenders and peacebuilding organizations, with some focused on supporting specific groups, including women, girls, children, persons living with disabilities and pastoralists. The participants were identified by the Chairperson of the Civil Society Forum in Garissa to ensure that active organizations from different sectors were represented.

The workshop was divided into two parts. The first identified factors that forced specific demographic and/or socioeconomic groups to move or led to a decision to move, and described whether that movement was temporary, permanent or voluntary and the benefits and risks of moving. The second part identified the needs, available support, coordination mechanisms and gaps in available support required by a specific population group.

Participants were asked to base their responses on human mobility into, from and around Garissa Town and Garissa County, as well as any cross-border movement between Kenya and Somalia.

This report is a summary of the workshop findings.

1. Reasons for Moving

Livelihoods and New Opportunities

The main reasons for migration in Garissa County are to protect livelihoods and to explore new opportunities. The pastoralists have been affected by the recent frequent droughts, which have disrupted their seasonal migration patterns and led to the deaths of large numbers of

livestock and, consequently, a significant drop in the number of livestock in the area. To protect their livelihoods, pastoralists move in search of water and grazing. Scarcity of water can result in pastoralists avoiding long journeys; instead they may move to nearby villages and towns to access water from boreholes or trucked in by the local authorities. This can put a strain on local resources and can lead to tensions. Tensions can also develop around the Tana River if pastoralists also take their livestock there because they can damage the agropastoralists' crops.

A range of people are leaving the area in search of 'greener pastures' or better opportunities – not just a better economic situation, but a more secure and fulfilled life guaranteed by stronger and better governance systems than are present in some areas of the country. Many of the people migrating in search of a better life are youth, mainly male, who have completed their education and maybe lack the grades or the funds to go to university, so travel to Garissa Town or another part of Kenya, often Nairobi or Mombasa, to look for work. Some may also be looking for better education opportunities. Those migrating to urban areas sometimes stay permanently; others return home after a few years. A smaller number of young people may try to emigrate abroad illegally with the help of criminal gangs. Workshop participants see this as a desperate act for people who do not have alternatives, as the exposure en route to torture and abuse, including sexual abuse, is high, as is the risk of dying during the long journey.

Workshop participants noted that a number of the Somali businesspeople who had been established in Garissa for many years after fleeing conflict and instability in Somalia have been emigrating with their families and taking their businesses with them in search of a more business-friendly environment. One participant suggested that some of the Somali businesspeople are re-establishing their businesses in Turkey. This group is migrating permanently and can afford to move legally and safely.

Marriage

Another option for those looking for 'greener pastures' is to marry, preferable someone from the western diaspora. Although many girls and young women, and some men, aspire to marry someone from the diaspora who can give them a new life in the West, the large dowry paid for a bride is seen an income-generating opportunity by vulnerable families and can lead to forced and early marriage, and sometimes an unhappy marriage.

Disasters

Disasters, mainly floods, were identified as a reason for forced, temporary and (usually) local displacement to higher ground, mainly of the agropastoralists, but also of urban/village households. Droughts also force people to leave their homes; they move to an area where water is more readily available. Some workshop participants noted that widespread and prolonged droughts in the past have meant that there was nowhere to go. The River Tana reportedly has never completely dried up, so the agropastoralists living along the river do not move during drought.

Conflict, Insecurity, Instability

Although identified as reasons forcing people to move, conflict, insecurity and instability were not believed to be significant causes of movement currently among the population of Garissa

Country. The Kenyan side of the border with Somalia is vulnerable to attacks from Al-Shabaab, so people have moved away from the border. Non-Somali Kenyans do not go to the area unless they are part of the security forces because they are automatic targets for Al-Shabaab and easily recognized as not being Somali.

Al-Shabaab has been charging pastoralists 'taxes' in Somalia, which are paid in livestock. This practice is discouraging some pastoralists from entering Somalia, and some are remaining in the border area, which has received rain in recent months. Kenyan pastoralists entering Somalia leave their Kenya identification documents behind so they can claim to be Somalis from Somalia and avoid accusations of spying from Al-Shabaab.

Criminality

Lack of employment opportunities were identified as a reason for men, youth in particular, joining criminal gangs. Some of these youths are children of pastoralists who have been deliberately settled in a village by their parents so that they could attend school. The rise in the number of schools in the area in the last couple of decades and increasing numbers of children receiving an education have convinced many pastoralists that education is worthwhile, gives their children new opportunities and diversifies family livelihood options. Having completed their education, there is a lack of appropriate employment for these young people, and pastoralist families lack the money to support them. They may not want to join other family members keeping livestock or the depletion of livestock in recent years means that there is insufficient livestock to support all family members.

Rural-to-village-to-urban migration is also seen as a cause of criminality, as nomadic and rural livelihoods have become more difficult to sustain and the numbers living in settled populations increase. Insecurity in the past has encouraged people to seek safety with others, and this has been another reason for the growth in the number of settled populations. With a denser population, there is more competition for employment opportunities, as well as a lack of skills among some who have found it difficult to adapt to an urban lifestyle. Anti-social behaviour, drug taking and criminal gangs that engage in petty crime, theft, mugging and rustling of sheep and goats to sell at markets in Nairobi are seen as a consequence of this.

Overpopulation and Poor Governance

One group identified overpopulation in certain areas forcing people to move because poor infrastructure and economy resulted in inadequate services and employment opportunities. Another group identified poor governance as a reason why people are moving. Most participants initially disagreed with both these views. However, after discussion, participants reasoned that lack of employment opportunities and government support for those whose livelihoods have been affected by factors beyond their control are root causes for population movement. They also conceded that some areas have become overpopulated and that people move elsewhere, often locally, to secure more space for their household.

Political Dissenters

One group noted that political dissenters were forced to move to save their lives, but other workshop participants questioned whether this problem is widespread.

Comments

Other than the refugees hosted in Dadaab, the workshop participants did not identify people of other nationalities coming to and settling in Garissa County, other than the long-term residents from Somalia. They noted that Kenya is a transit country for economic migrants.

2. Identified Needs

Basic Needs

Basic needs including water, food and shelter were stressed as essential to life for those forced to move because of drought and floods. It was stressed that many village dwellers are already living in vulnerable situations and have little capacity to respond to further threats.

Lack of support for vulnerable groups in the past led to thousands of Kenyans from the host population registering as refugees.

Governance and Rule of Law

Poor governance and widespread corruption were cited as root causes for lack of infrastructure, amenities and employment options in Garissa County. Poor roads or lack of roads were identified as impeding access to markets to sell produce and preventing people from maximizing the potential of their livelihoods. Some noted that the recent devolution has led to improvements in the provision of services, whereas others are sceptical and believe that devolution was a mistake.

It was noted that there are plans for disaster risk reduction, but that they are either inadequate or not implemented. Lack of funding was identified as part of the problem. However, when funding is available, there appears to be a flurry of activity (coordination meetings and plans), which seem to be abandoned when the funding ends. It was also noted that there is a lack of adaptive practices to build resilience in the face of disasters and climate change. Some workshop participants believe that it is necessary to diversify livelihoods, particularly among pastoralists and agropastoralists. Others were hostile to this view, arguing specifically that pastoralism has always been practiced in the region and that it will be able to continue.

There is a belief among many respondents to this study and the workshop participants that the River Tana could be better managed to prevent flooding. The water is used to provide hydro-electric power, and there are a series of dams managed by Ken Gen along the river. When it rains heavily, the dams reach capacity and Ken Gen gives three to five days' notice that it will release the water, which enables those downriver to move themselves and a few possessions to higher ground. The water released from the dams contains chemicals that kill any produce in the ground that is not washed away. It is unclear whether there is any long-term soil contamination.

Workshop participants argued that issues over access to water could be better managed by developing proper agreements to share the water and providing access to the Tana River for animals in uncultivated areas.

Poor response by the security services to criminality and insurgents was blamed for some instability. It was felt that pastoralists lacked protection and that they were unfairly treated by the security services, as well as facing physical dangers from insurgents. Respondents outside the workshop did not report pastoralists as having problems with the security services in Kenya.

Participants noted that refugees caught outside the camps without permission are spending too much time detained in cells when the procedure for returning to camps is known and understood. Lack of human resources and low priority attached to returning refugees to the camps is blamed for the unnecessarily lengthy periods of time being spent by refugees in police cells.

There is a lack of services in border areas because professionals such as teachers, doctors and nurses are specifically targeted by Al-Shabaab. This has resulted in people moving away from the border region in search of services.

Insurance and Compensation

There is no system of insurance or compensation for those whose livelihoods and/or possessions are lost through climate change and natural disasters. Agropastoralists were considered to be particularly badly affected by the lack of financial support because they tend to lose everything when the river floods, including their next harvest, farming equipment and supplies, and homes and personal possessions.

Opportunities

Lack of opportunities was identified as a key reason for people to migrate, yet there are limited options through regular migration for work or education. Consequently, people migrate legally, but with little support or knowledge about the problems they might face, or they do so illegally, exposing themselves to risks. It was argued that there should be more investment in job creation and training, as well as information about the opportunities and risks of migrating for work. It was noted that many scams circulate on social media about non-existent jobs.

Sexual and Gender-Based Violence

This is a potential risk (particularly but not exclusively for women) at any time, although migration increases the risk because people are travelling through or settling in an unfamiliar environment and lack their usual social support network, which also acts as a form of physical protection. All groups on the move are at risk.

Improved Status for Refugees

Three types of refugees in Dadaab camps in Garissa County were identified:

- Refugees from Somalia who fled conflict in the 1990s.
- Refugees from Somalia who have come to Kenya in the last 10 years or so because they need humanitarian assistance, but are not necessarily directly affected by conflict.
- Somali Kenyans from the host community who, over the last 20 years, needed humanitarian assistance and claimed refugee status as Somalis from Somalia. Those who were among the first Kenyans who entered the camps have children who have received a good education

and want to go to university or establish themselves elsewhere; they find that they cannot do so because of Kenya's encampment policy. The Government of Kenya and UNHCR are in the process of removing Kenyans from the refugee database; they will receive Kenyan identity cards, which will enable them to leave the camps.

Workshop participants noted the need to relax the rules for the alien registration card, which prevents refugees from moving freely around the country and from accessing legal employment opportunities. Such a system is preventing refugees from becoming self-reliant.

3. Existing Support

Support Providers

National and local government, the UN, international and local NGOs, and civil society were all identified as providing emergency support to those displaced by floods and drought. Although livestock are fundamental to the local economy, and there is food and water supplied for animals in times of drought, it is not enough, and animals die. Some participants argued that government authorities discriminate against pastoralists and agropastoralists, which has led to a lack of adequate support.

Legal protection is provided by UNHCR, the Refugee Consortium of Kenya and paralegals. Pro bono legal representation is available for refugees and migrants. The number of illegal migrants in Garissa County is limited.

For sexual and gender-based violence (SGBV) survivors, medical care and psychosocial support are available, mainly provided by non-state actors, but it is limited, especially in rural areas, and referral pathways are weak. Cultural beliefs and the stigma attached to those who have been raped and sexually assaulted are tackled through awareness raising and dissemination of information about the support available to those who have experienced SGBV. Awareness raising emphasizes that violence, rape and sexual assaults are crimes and perpetrators will be punished. However, workshop participants reported that law enforcement is poor. Support to address SGBV is coordinated by the Gender Technical Working Group, human rights defenders, local chiefs and paralegals.

It was noted that Somalis take pride in supporting their families, extended families and other members of the community. However, it is believed that these family and social support networks are overstretched and have reached a breaking point, with the result that households are increasingly focusing their resources on a limited number of people.

There are local conflict resolution mechanisms in place, comprising traditional methods, elders, peace committees and civil society organizations. These mechanisms help to mediate use of natural resources when resources are limited and groups may have migrated to the area specifically to access these resources.

Apart from awareness raising by NGOs on the dangers of migration, no other specific support directed at migrants was identified.

There is capital support for businesses, including Sharia-compliant loans, revolving funds and funding targeting persons living with disabilities.

Communication

Various methods of disseminating information were highlighted, including:

- Local radio stations that broadcast in a number of local languages were identified as the most effective means of disseminating official information.
- Social media platforms are used for information sharing, particularly among the younger generations.
- Word of mouth through social networks and important local figures such as chiefs.
- Awareness raising through community outreach, campaigns and public participation sessions.

Coordination

A variety of mechanisms exist to coordinate responses through local government, specific technical working groups, peace committees, NGO and civil society fora, and ad hoc committees, but it is unclear how effective they are at levels other than the local level. Many workshop participants cited lack of coordination as undermining effective responses.

4. Conclusion

The main group forced to migrate because of drought are the pastoralists, and the agropastoralists are the main group displaced by floods. For most members of these groups, the movement is temporary, although some resettle in villages or urban areas. Households not involved in pastoralism or agropastoralism are affected by drought and floods and migrate, usually temporarily, in search of safety and assistance. Other groups migrating are searching for better opportunities, employment and sometimes education.

The main concerns expressed by the workshop participants about human mobility and climate change related to the impact on the livelihoods of pastoralists and agropastoralists and the emergency lifesaving interventions required for them and others displaced by floods and disasters. Their other major areas of concern related to the lack of regular migration pathways for migrants to leave the region in search of work, education and better opportunities, and the need for investment in all aspect of development to improve infrastructure, amenities and livelihood options.

In terms of legal protection and access to rights, workshops participants noted the need to improve the freedom of movement for refugees; provide Kenyan identity cards to Kenyans registered as refugees; improve processing of refugees detained by the police; improve sexual and gender-based violence support, awareness raising and prosecution of perpetrators; and raise awareness of the risks posed by marriage and early and forced marriage and the risks associated with irregular migration.

Lack of good governance and adequate funding were identified as impeding progress on the above issues.

Summary Table
Garissa County: Who Is Migrating and Why

Migrating groups	Main causes of migration	Type of migration
Pastoralists	Drought	Seasonal migration – internal and cross-border, impacted by climate change (men, boys)
Agropastoralists	Floods	Temporary, internal to higher ground – whole households
Households fleeing disaster (sedentary, living in towns and villages)	Mainly floods, but also droughts	Temporary, internal – whole households
Youth who are economic migrants	Lack of opportunities	Legal, internal – temporary/permanent (individuals) Illegal, abroad – temporary/permanent (individuals)
Businesspeople	Poor business environment	Legal economic migration, permanent abroad (whole households)
Young women for marriage (also some young men)	Lack of opportunities	Internally and abroad – some marriages fail and brides/grooms return home

Summary Table
Protection Issues

Protection issues	Main groups affected	Support
Forced and climate-induced displacement Loss of property and livelihoods	Pastoralists and agropastoralists	Humanitarian assistance No insurance or compensation Some adaptive livelihood measures Water management could be improved
Loss of property	Households displaced by disaster	Humanitarian assistance
Early/forced marriage	Young women and girls	Awareness raising
Sexual and gender-based violence	Women and girls	Support limited to urban areas Poor referral pathways Low arrest and prosecution rate
Dangerous migration routes	Youth	Awareness raising Limited regular migration labour, education and training pathways

Workshop Participants

Name	Position	Organization
Mohamed Khalif	Chairperson	Civil Society Forum
Salah Yussuf	Deputy Civil Society	Deputy Civil Society
Haretha Bulle	Programme Manager	Haki na Sharia
Abdifatah Siraji	Assistant Field Officer	Kesho Alliance
Muhubo Idle	Director and Founder	Girl Concern
Umulkheir Ahmed	Training Officer	Garissa Paralegal Department
Hajiro Bishar	Communication Officer	ROAD International
Sheikh Hassan Abdi	Religious Leader	Supkem
Sheikh Ismail Maalim Issack	Treasure	Al Ihsan
Fatuma Hakar	CEO and Founder	Girlkind Kenya
Hafsa Ahmed Mohamed	CEO and Ffounder	WOHED (Women Education and Health for Development)
Hared Samer	Programme Officer	Africa Child Development
Mohamed Mohamud Mudo	Programme Officer	Pastoralist Girls Initiatives
Osman Yahye	Programme Officer	WomenKind
Abdi Shukri Jelle	Project Officer	Muslims for Human Rights
Jillo Dabaso	Programme Officer	SIMAHO (Sisters Maternity Home)
Mzee Aden Bille	Chairperson	Garissa Disability Committee
Farhia Osman Abdi	Programme Coordinator	Udgoon Foundation
Barlin Ali Muthow	Programme Officer	Inua Girls Group
Aden Abdi	Programme Coordinator	Garissa Peace and Development Council

6.4 TERMS OF REFERENCE

TORs for Expert Research Consultant Human Mobility and Climate Change in the IGAD region
October 2021 – March 2022

Senior external consultant with missions to Somalia and Ethiopia

Background on Human Mobility and Climate Change in the IGAD region

The Intergovernmental Authority on Development (IGAD) is one of the eight Regional Economic Communities of the African Union, comprising the Member States (MS) of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. It is home to more than 230 million people whose livelihoods and income are predominantly linked to agriculture. The IGAD region is one of the most diverse regions in the world, including areas of development and others prone to violent conflict, political instability, humanitarian crises, and disasters linked to the adverse effects of climate change and environmental degradation.

The different forms of human mobility[1] (displacement, migration and planned relocation) to, from and within the IGAD region reflect the range of complex and overlapping drivers and structural factors that often compel people to leave their country or homes of origin. The main, and overlapping, drivers of human mobility include disasters linked to natural hazards, environmental degradation, the adverse effects of climate change, conflict, food insecurity, lack of jobs, loss or vulnerability of livelihoods and the search for better economic opportunities. Disasters linked to natural hazards, environmental degradation, and the adverse effects of climate change are amongst the most important and overlapping drivers of human mobility. Individual migration decisions and displacement are often based on a combination of the environmental and other economic, political and social drivers, coupled with personal and household characteristics such as age, gender, diversity and education. In 2020, with the COVID-19 pandemic, many countries in the IGAD region put in place different types of travel and entry restrictions. While many of these were intended or described as temporary,[2] it is yet to be seen how they may affect human mobility in the medium and longer term.

On the African continent, the IGAD region is considered one of the most vulnerable to climate variability and change, and more than two-thirds of the region is arid or semi-arid. It regularly faces a wide range of natural hazards, leading to displacement and other forms of human mobility, most commonly severe droughts and floods, but also landslides, earthquakes and tropical cyclones, as well as slow-onset climate change effects such as sea level rise, environmental degradation and changing rainfall variability.[3]

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1 This Joint Programme uses the umbrella term 'human mobility' to refer to three forms of human mobility as used in Paragraph 14(f) of the UNFCCC Cancun Climate Change Adaptation Framework, namely displacement (understood as the primarily forced movement of persons), migration (understood as the primarily voluntary movement of persons) and planned relocation (understood as planned process of settling persons or groups of persons to a new location).
2 These measures have often been extended or repeated (e.g. because of different 'waves'), and the impact on human mobility needs to be considered in the longer term, as mentioned.
3 The 2011/2012 drought crisis in the IGAD region affected an estimated 13 million people, with tens of thousands more seeking refuge across international borders. While some people from drought-affected areas were able to benefit from refugee status and assistance in receiving countries, others did not. This highlights the gap in international and regional legal frameworks to fully address the distinct protection needs of disaster-displaced persons, although some have argued that the African Union Refugee Convention may be applicable in certain circumstances.

Background on the Joint Migration Multi-Partner Trust Fund (MPTF) Programme

The Migration Multi-Partner Trust Fund (MPTF) is the only funding mechanism fully dedicated to supporting collective action on migration and ensuring that the mutual trust, determination and solidarity amongst States and with other stakeholders can be fostered to ensure safe, orderly and regular migration. The Migration MPTF is rooted in the 2030 Agenda for Sustainable Development and builds upon its recognition that migration is a multidimensional reality of major relevance to the sustainable development of countries of origin, transit and destination. The Fund will help realize the intrinsic link between the Global Compact on Migration (GCM) and the achievement of all Sustainable Development Goals.

In accordance with the MPTF fund objectives, this Joint Programme seeks to minimize the adverse drivers and structural factors that compel people to leave their country of origin, while also facilitating safe, orderly and regular migration in the context of disasters, climate change and environmental degradation in the IGAD Region. The implementation of planned and well-managed migration policies can have a positive contribution on development and protection of those moving or being compelled to move, the risk of which can be reduced or mitigated through regular pathways for migration, integrated approaches to disaster risk reduction, climate action and measures to support decent work and livelihoods, and migration as an adaptation strategy.

Overall Objective of this Joint Migration Multi-Partner Trust Fund (MPTF) Programme

In light of the projected population growth, with continued environmental change and degradation and an increase in the frequency and/or intensity of disasters associated with climate change, it is anticipated that the number of people migrating and people at risk of displacement will increase. **This Joint Migration Multi-Partner Trust Fund Programme therefore seeks to minimize the adverse drivers and structural factors that compel people to leave their country of origin, while also facilitating safe, orderly and regular migration in the context of disasters, climate change and environmental degradation in the IGAD Region.**

The overall objective of this joint programme is to contribute to facilitating pathways for regular migration in the IGAD region and minimizing displacement risk in the context of climate change, environmental degradation and disasters in line with the vision and guiding principles of the Global Compact for Safe, Orderly and Regular Migration (GCM). In particular, the Joint Programme aims to improve regional and national migration governance in the context of the adverse impacts of climate change and environmental degradation through different actions that each address the relevant objectives of the GCM and contribute to the implementation of other relevant international instruments, notably Target 10.7 under SDG 10, the 2015 Paris Climate Change Agreement under the United Nation Framework Convention on Climate Change (UNFCCC) and the Sendai Framework for Disaster Risk Reduction 2015–2030.

This will be achieved through addressing needs and gaps in I) DATA AND KNOWLEDGE; II) NATIONAL AND REGIONAL POLICY FRAMEWORKS; III) DISASTER DISPLACEMENT PREPAREDNESS and IV) REGULAR MIGRATION PATHWAYS. This study will be conducted in the frame of Pillar IV.

PILLAR IV: REGULAR MIGRATION PATHWAYS
OUTCOME 4: Migrants affected by the adverse impacts of disasters and climate change in the IGAD region have enhanced pathways for regular migration and access to protection services in accordance with international, regional and domestic law.

Outcome 4 will enhance the availability and flexibility of pathways for the regular migration of persons vulnerable to climate change in the IGAD region as one way to enable community resilience and prevent or mitigate disasters or crises related to the adverse effects of climate change. This includes enhancing capacities and access to knowledge and information at the community and national levels and protection services on the mixed movement routes (cf. Office of the Special Envoy for the Central Mediterranean Situation). A study will be commissioned and capacity development support provided to national and local stakeholders to raise awareness, promote access to information, and enhance preparedness and protection in accordance with international, regional and domestic law.

Output 4.2: Guidance and capacity development activities to enable National Governments and Local Authorities in the IGAD region to apply relevant international and regional legal instruments (detailed below) for enhanced pathways for regular migration and access to protection services for migrants that reduce their vulnerability and increase their resilience to climate and disaster risk in areas of origin and destination.

A study following up on recommendations and gaps identified by previous studies[4] in the IGAD region will be commissioned, with a focus on cross-border movements and examination of the accessibility of migration pathways, and, in regularization of pathways and/or status, to inform gaps and provide further policy guidance and capacity development activities. It will also inform UNHCR, the UN Migration Network and other partners' advocacy with Governments and other relevant stakeholders. It will also support States to develop, or implement, any bilateral instruments that may support such regular migration. The study will be regional in nature and have a particular focus on the implications for women and girls and other groups who may be disproportionately affected. It will analyse the rights of displaced people in view of existing frameworks and assess how their rights are protected, including child rights and other human rights.

Follow-up activities could include the development of standard operating procedures, possible training and simulation exercises (subject to the findings) for Migration or Border Officials to apply these tools under Pillar III,[5] as well as capacity development activities to raise awareness, build knowledge and enable action on human mobility and climate change by Member States, local authorities and regional partners.[6] All activities in the project will be based on international human rights standards and ultimately seek to promote and protect the human rights of all people on the move or at risk of being displaced in the context of disasters and the adverse effects of climate change, regardless of their migration and legal status. The activities in the project will be implemented with attention to specific protection needs related to age, gender

and diversity in all project activities to ensure that all engaged in the project enjoy their rights on an equal footing.

UNHCR and other partner agencies of this project are deeply concerned about the challenges arising from the lack of access to regular pathways to support migration as adaptation and the reduction of disaster or crisis risk that climate change is exacerbating, particularly in fragile contexts. Knowledge gaps remain about the complex pathways by which human mobility and climate change are interlinked and associated protection challenges.

Objective and scope of the work

The consultancy outlined in this TOR will support the preparation of the aforementioned study, which will contribute to better understanding the drivers of human mobility in the context of climate change, including protection gaps and the responses in terms of pathways for migrants. While all forms of human mobility will be part of the study as a way of describing the phenomenon as whole and possible interactions between them, the study will look in particular at human mobility–related aspects in the region to inform the work of the UN Migration Network[7] on climate change and disasters. Displacement and planned relocation that are outside the scope of work of the Network will be dealt with only in their interaction/complementarity with migration patterns and with the aim of better understanding migration trends.

The study will also provide tailored insights as to how protection aspects of migration in the climate change and disaster context might be reflected in ongoing policy processes, including the link with the implementation of GCM and synergies with GCR – recognizing root causes, multiple drivers and the need to invest in prevention.

Particular attention will be given to attribution – the fact that it is very hard to disentangle the role climate change plays in 'push' factors of migration in many cases. For example, people may need to move in the face of increasing desertification and drought, but land use change, population growth and mismanagement of water may all equally be impacting these drivers. This issue is framed on multicausality, climate change acting as a risk multiplier, with particularly vulnerable people affected, especially those dependent on resource-based livelihoods, living in environmentally degraded areas of high disaster risk, low access to protection and assistance, etc.

The study will also focus on development of guidance tools, awareness-raising materials and activities to strengthen responses and application of relevant instruments[8] in the IGAD region, including: 1) guidance to inform Member States, practitioners, decision-makers and UNHCR personnel regarding the relevance and application of the Refugee Convention and regional refugee instruments to international protection in the context of climate change, disasters and mobility situations in the IGAD region, and to strengthen their application in practice based on UNHCR legal considerations, guidelines and analysis, and the Global Compact on Refugees (GCR, notably paragraph 63); 2) refugee status determination, as all persons are entitled to seek asylum, access and technical support, also in the context of climate change; 3) 'toolbox' of international protection measures to ensure refugee law frameworks are consistently considered and remain available and accessible; 4) data, knowledge gaps and communication by documenting practices at points in time when refugee law frameworks have underpinned international protection for persons fleeing in the context of climate change. Follow-up activities of this study could include capacity building,

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4 UNHCR (2018), *In harm's way: International protection in the context of nexus dynamics between conflict or violence and disaster or climate change*, available from https://www.unhcr.org/5c1ba88d4.pdf; Platform on Disaster Displacement (2019), *The role of free movement of persons agreements in addressing disaster displacement: A study of Africa*, available from https://disasterdisplacement.org/portfolio-item/free-movement-of-persons-africa.
5 This Migration MPTF Joint Programme Pillar III concerns Government's preparedness to Disaster Displacement Preparedness through the following: 1) National Governments in the IGAD region and IGAD have enhanced their preparedness and operational readiness to respond to cross-border disaster displacement, 2) National Governments and Local Authorities in the IGAD region have skills, tools and capacity to prepare for cross-border disaster displacement and 3) Standard Operating Procedures (SOPs) and admission and stay have been put to practice and tested in simulation exercises.
6 See also Article 16 of the FMP, which is also rooted in a rights-based approach.
7 UN Migration Network: https://migrationnetwork.un.org/.
8 International and Regional Refugee law and other protection instruments, including complementary forms of protection under international human rights law and temporary protection or stay arrangements.

development of standard operating procedures, and possible training and SIMEXs for Migration or Border Officials to enhance their skills to apply these tools, in partnership with the Platform on Disaster Displacement and IGAD, under Pillar III.

Supervision

The expert research consultant (hereafter 'consultant') will be under the supervision of the UNHCR Regional Bureau for East Africa and the Great Lakes, with technical support from the Office of the Special Advisor on Climate Action (OSACA) and the Climate Change and Disaster Displacement (CCDD) team in the Protection Policy and Legal Advice (PPLA) Section in the Division of International Protection (DIP). The expert research consultant will seek cooperation with other project partners.

Key deliverables

A report, including literature review and case study research in the IGAD region, to provide Governments, intergovernmental organizations, UN organizations and other stakeholders with strengthened guidance, tools and capacities on the application of International and Regional Refugee law and complementary forms of protection under international human rights law and temporary protection or stay arrangements in the context of human mobility, disasters and climate change in the IGAD Region. The study will additionally provide recommendations to UNHCR, States and other relevant stakeholders on gaps and potential solutions to address protection challenges arising from the gaps in the area of migration and climate change. Hence the interaction with other forms of human mobility (including displacement) and associated protection needs will be part of the study as ways to fill the gap, although not of direct relevance to the work of the UN Migration Network.

The consultant will deliver three specific outputs over the period 1 October 2021 to 31 March 2022, and will have tasks over the following three phases:

Phase 1: Research methodology, literature review and logistical preparation for case study research

- Develop comprehensive research methodology, including research questions and question-naires for this study's multiple field cases, in line with the overall study needs and objectives.
- Participate in all Joint Programme Steering Group meetings and regularly report on the progress of the study research to all partners of the project.
- Conduct a synthesis of existing information and evidence that will provide a conceptual framework for the case studies.
- Possible desk review assessment of the implications that COVID-19 has had on movement patterns in 2020 and how that may have impacted migration in the IGAD region throughout 2020/21.
- Deliverables: Workplan and inception report, desk review report for comments and editing.
- Support with logistics and planning for Phase 2, including contact with UNHCR and partners.

Phase 2: Case studies research

- Carry out case study research according to the methodology developed in Phase 1, includ-ing travel to relevant case study locations identified in Phase 1 (destinations subject to COVID-19 restrictions) in the IGAD region.

- Conduct interviews and participatory assessments with, and gather information otherwise from, state officials, UNHCR and other international and national organizations, displaced people, migrants, experts and others, with particular attention to age, gender and diversity.
- Draft synthesized analysis of migration due to climate change and disasters by November 2021. This should include an analysis, inter alia, of the below:
- The nature of the climate change and/or disaster phenomena in the region (slow/sudden-onset events, duration and impacts of hazard)
- The link to human mobility (multi-causality, degree to which climate change is a root cause for migration and its connections with other causes of displacement)
- Analysis of human mobility (internal, cross-border)
- Role of humanitarian and other key actors in the region in terms of protection and assistance
- Availability and impact of humanitarian assistance in this context and impact of development assistance in such contexts, as it may (or not) have an impact in supporting resilience, adapta-tion and other strategies
- Protection challenges, including those unique to disaster dimensions (if any)
- Good practices (and/or less effective practices) in responding to climate-induced migration, particularly in terms of pathways
- Availability of and obstacles to solutions to address challenges in this context
- Key recommendations and/or action points for UNHCR regarding protection aspects in this context leading to determining the key information and training focuses

Phase 3: Synthesis report of evidence base and recommendations

- First draft by February 2021, draft synthesis report by early March 2022 and Final report by end of March 2022 of evidence-based recommendations, to address protection challenges related to the nexus between the adverse effects of climate change/disasters, and migration and related pathways for migrants, including in relation to the relevant objectives of the Global Compact for Migration: Existing pathways and their access for migrants in the context of climate change and disasters.
- Elements for UNHCR's consideration regarding existing and potential operational engage-ment in relation to migrants affected by climate change and disasters.

Monitoring and progress controls

- Timely and accurate reporting to UNHCR and other Joint Programme partners and technical working groups on project progress.
- Timely administration of project agreements, including budget adjustments, amendments and official correspondence with donors and partners.

Accountability (key results that will be achieved)

- Stakeholders will better understand the protection challenges and solutions arising in relation to the nexus between migration and climate change and/or disasters (e.g. indicator: concrete and actionable recommendations for Governments and other stakeholders documented and shared).
- Stakeholders can clearly articulate legal positions, with concrete examples, through which States and other relevant stakeholders can better understand the protection dimension of the nexus.

- Case studies highlight key decision points for actors under the GCM and participants of this Migration MPTF Joint Project, GCM implementation, and connection to project objectives/outcomes/outputs.
- Participation in, inter alia, focus group discussions is based on the participation of migrants, based on age-, gender- and diversity-sensitive analysis through participatory, rights-based and community-based approaches.
- The study strengthens existing partnerships and expertise as appropriate (e.g. indicator: through exchanges of information, cooperation, participation in joint meetings, not aimed to be measured).
- The report clearly articulates recommendations/decision points coherently, which are under-pinned with relevant legal arguments.
- Evidentiary sources are comprehensively named and credited.
- Learning is well documented, made accessible and actively shared with relevant stakeholders to strengthen collective understandings.
- Gaps and further potential or necessary work is highlighted.

Responsibility

- Work with country operations, partners and migrants to assess the challenges potentially arising from migration in the context of the nexus, including through identifying protection gaps, challenges and areas for and ways to achieve improvement.
- Ensure that reporting and recommendations are forward-looking, with a view to preparing relevant stakeholders for the protection challenges of the nexus between climate change and/or disaster and migration.
- Ensure that clear links are made between consultations with migrants, displaced persons, staff, and partners, and are framed within current legal realities.
- Ensure that findings are coherently presented, and accessible to a range of stakeholders, including non-legal entities and expertise.
- Actively build relationships with key stakeholders at the field level.

Qualifications and experience

Essential minimum qualifications and professional experience
- Postgraduate university (Masters or PhD) degree in related field, such as Law, International Relations, Migration Studies, Geography, Environmental Studies or related social sciences.
- Excellent command of English; command of additional languages relevant for case studies is an advantage (French and/or Somali).
- Publications in the fields of climate change, human mobility, migration, disaster displacement.
- Excellent research, analytical and conceptual abilities; strong drafting and writing skills.
- Experience conducting field research and key informant interviews.
- Experience conducting desk reviews and background documents on related issues.
- Experience working with key stakeholders on climate change, migration, human mobility and disaster displacement issues, including within the UN system, NGOs and/or academia.

6.5 CONCEPT NOTE

Human Mobility and Climate Change in the IGAD Region

Purpose

The Human Mobility and Climate Change Study in the IGAD Region has been commissioned by UNHCR and funded by the Migration Multi-Partner Trust Fund (MPTF) to contribute to the work of the Migration MPTF in implementing the Global Compact on Migration (GCM). The study aims to improve insights into how climate change and disasters relate to cross-border movement and to identify legal, policy and operational challenges and opportunities for providing protection, humanitarian assistance and assistance designed to promote resilience and adaptation. It is guided by three key questions:

1. What is the nature of climate change and disasters in the IGAD region?
2. How do climate change and disasters relate to human mobility in the IGAD region?
3. What protection frameworks and coordination mechanisms for implementation exist to respond to migration related to climate change and disasters in the IGAD region?

Background

The Intergovernmental Authority on Development (IGAD) comprises Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda. These countries have a diverse population of around 230 million people and high natural population growth rates. There are uneven levels of development and increasing urbanization, although over 80 per cent of the population is still employed in agriculture. There are high levels of poverty, political and social instability, violent conflicts, and humanitarian crises. The region is affected by environmental degradation and considered to be vulnerable to climate change. It experiences irregular rainfall patterns, causing droughts and floods and other natural hazards, including typhoons and plagues of locusts.[1]

The study uses the umbrella term 'human mobility' to cover the following different types of mobility:

- Displacement: populations have been forced to leave their usual place of residence.
- Migration: the decision to move has primarily been voluntary.
- Planned Relocation: organized relocation based on population participation.[2]

These different types of human mobility occur within and to and from the IGAD region, precipitated by the various complex and overlapping issues that populations factor into their decision-making about whether to move. Currently, how these populations prioritize the different factors to reach their decisions is poorly understood.

It is believed that in the IGAD region, the combination of population growth, environmental change and degradation, and the predicted impact of climate change and the escalating

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1 Based on information from IGAD, https://igad.int/about-us/the-igad-region.
2 Definition from paragraph 14(f) of the UNFCCC Cancun Climate Change Adaptation Framework.

frequency of disasters will lead to an increase in human mobility. The Migration MPTF was established to support the implementation of GCM at the national level and 'seeks to minimize the adverse drivers and structural factors that compel people to leave their country of origin, while also facilitating safe, orderly and regular migration in the context of disasters, climate change and environmental degradation'.

Rationale and Scope

Currently, there is limited understanding in the region, as well as globally, of the role that climate change and disasters play in human mobility, how they affect decisions to move, whose decisions they affect and how they interact with other factors such as poverty and instability to influence decisions to move. There are concerns that the effects of climate change and disasters can be misused to access certain funding streams or to explain violence, instability and lack of rule of law to detract attention from underlying causes such as resource conflicts or poor governance.

This study will analyse migration within the broader context of human mobility where other types of movements can occur simultaneously – namely displacement and planned relocation. It aims to provide insights into the root causes and triggers for human mobility, to raise awareness about the potential role of climate change and disasters in human mobility, and to inform the development of appropriate policies and responses in coordination with actors working on the other forms of human mobility. The study will examine the existing protection frameworks and their application from a legal and policy perspective and, through case studies, an operational perspective, with the intention of providing regionally specific, evidenced-based recommendations for action at both the policy and implementation level.

The key questions guide the study, and the scope of each is briefly outlined below:

What is the nature of climate change and disasters in the IGAD region?
Under this question, the study will provide an overview of climate change, disasters and environmental degradation in the IGAD region. It will include slow- and sudden-onset disasters and attempt to examine how these are monitored and categorized, noting that protection and humanitarian action have developed to respond to sudden-onset rather than slow-onset disasters. IGAD has recently established the Climate Prediction and Applications Centre, which can be consulted, among others, about climate change in the region. The study expects to find examples of floods, droughts, typhoons, locusts, environmental degradation, desertification and deforestation, but will include other natural phenomena identified during the research.

It is intended that this question will be answered primarily through document review and a number of remote and in-person interviews with specialist organizations and experts.

How do climate change and disasters relate to human mobility in the IGAD region?
Here the study will map human mobility in the region believed to be related to climate change and disasters. It aims to illuminate how climate change and disasters influence decisions to move and interact with other potential triggers and push-pull factors such as violent conflict, political instability, poverty and the COVID-19 pandemic. The study will attempt to identify migration patterns and analyse differences in decision-making among different demographic and social groups by considering age, gender, diversity and educational levels.

Part of the analysis to respond to this question will be developed during the literature review and then tested through the field research and case study/ies to check, refine and expand on the initial analysis. The aim of the case study/ies, which will be identified jointly with UNHCR, is to gain more detailed contextual insights into how different issues interact to impact on human mobility and primarily on migration. The focus of the study is on new and emerging mixed migration in transit and at a destination where the focus is necessarily humanitarian rather than developmental. However, research among more established settlements of migrant populations would help to develop an understanding of their reasons for moving. Although the focus is on migration in the context of climate change and disasters, it is anticipated that, in some instances at least, multiple factors will have contributed to the decision to migrate.

What protection frameworks and coordination mechanisms for implementation exist to respond to migration related to climate change and disasters in the IGAD region?
The answers to this question are the main intended outcome of the study. It will examine protection frameworks and how they are implemented, with a particular focus on the GCM and instruments specific to Africa and the IGAD region. Analysis of the implementation of the GCM will include comparisons with the implementation of the Global Compact on Refugees (GCR) to identify potential synergies while recognizing the distinction between protection in the context of migration and international protection that might be granted to those who have crossed borders.

The literature review and legal and policy discussions with key stakeholders will focus on the protection frameworks and coordination mechanisms, while the case studies aim to understand how the protection frameworks are applied and how coordination mechanisms operate to provide humanitarian assistance and more development-orientated approaches intended to promote resilience and adaptation.[3] The study will aim to identify what regular migration pathways are available in the region and how they are understood and implemented. For example, migration pathways for employment and education might be options that are offered to individuals and groups, but family reunification, which is also a migration pathway, is a right.

The study will also identify the different coordination mechanisms and multiple stakeholders – potentially including regional bodies, institutions, civil society, policy fora, etc. – involved in responding to human mobility. The terminology, mandates, and legal and policy frameworks under which stakeholders work differ, potentially impeding effective coordination. Therefore, the study will explore how these different coordination mechanisms function and whether stakeholders liaise through institutionalized mechanisms or on an ad hoc basis, with a view to understanding how and if migration is addressed within the context of human mobility and what synergies exist or could be developed.

The findings will include examples of best practice and lessons learned, challenges and gaps in the protection framework, policy and practice, and potential synergies. The study conclusions

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3 UNHCR Strategic Framework for Climate Action, 2021.

will aim to highlight what support is available and how it is coordinated and managed for population migration related to climate change and disasters. Any differences in the support available to different demographic and social groups will be highlighted.

The recommendations for responding to human mobility, particularly migration, resulting from the conclusion will be evidence based and specific for improving national and regional capacity to manage migration, legal protection, policy and practice in the context of climate change and disasters in the IGAD region. The findings should inform the UN Migration Network on climate change and disasters, as well as IGAD and its member states.

Information to respond to this question will be gathered mainly from the field study through key informant interviews and research among populations affected by human mobility. In addition to the affected populations themselves, the study intends to include information and views gathered from a range of stakeholders at the regional, national and local levels involved in policymaking, research and interventions to respond to human mobility.

The study will identify its limitations and areas that require further research. In particular, it will take care to highlight potential issues of attribution of cause and effect with regard to climate change and disasters.

JOINT PROGRAMME FOR
ADDRESSING DRIVERS AND
FACILITATING SAFE, ORDERLY
AND REGULAR MIGRATION IN
THE CONTEXTS OF DISASTERS
AND CLIMATE CHANGE IN
THE IGAD REGION

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