Conflict or Natural Disaster: Does It Matter for Migrants

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OVERVIEW   **September 2016**

Both conflicts and natural disasters produce life-threatening situations for citizens and migrants. While violence is at the core of the threat in conflicts, natural hazards represent the threat in natural disasters. During conflict, citizens and non-citizens alike may be the targets of armed attacks and sexual and gender-based violence, and both groups risk forced recruitment into armed forces. In some cases, migrants may be the specific target of violence, as occurred in Libya in 2011. In natural disasters, both populations may be harmed if there is widespread destruction of habitat and livelihoods. Migrants may be more likely to live in neighbourhoods with poor housing and infrastructure, leaving them particularly vulnerable to the impacts of natural disasters. In both cases, individuals, families, and affected communities have limited capacity to overcome the threats without the help of national governments, civil society, and private sector actors and, where added capacity is needed, the international community.

This issue brief examines the differential impacts of conflicts and natural disasters on migrants. It goes on to discuss existing legal and policy frameworks that guide actions on conflicts and natural disasters and explores practical constraints in responding to the needs of migrants in each type of situation. These include failures in governance at the national and local levels, particularly during conflict, which make protection of non-citizens by host countries difficult; weaknesses in early warning and emergency preparedness systems; difficulties in mounting large-scale evacuations when non-citizens are unable to remain in the affected countries; barriers to effective collaboration between the military and humanitarian actors, particularly in conflict situations; and challenges to reintegrate migrants who must return to their home countries because of conflicts or natural disasters.

What is the MICIC Initiative?

The Migrants in Countries in Crisis (MICIC) Initiative is a government-led undertaking, co-chaired by the Philippines and the United States, which seeks to improve the ability of States and other stakeholders, to prepare for, respond to, and protect the dignity and rights of migrants caught in countries in situations of acute crisis. When countries experience such crises—conflicts or natural disasters—migrants may not be accounted for in response mechanisms and may need specific support to find safety and rebuild their lives. The Initiative examines the roles and responsibilities of States, civil society, the private sector, international organizations, and migrants before, during, and after a crisis. For more information, visit the MICIC Initiative website at: http://micicinitiative.iom.int/ *or contact: MICICSecretariat@iom.int.*

This issue brief summarizes actions that can be taken to overcome some of these barriers. In both types of situations, there is need for compliance with core humanitarian principles of humanity, neutrality, impartiality, and independence in responding to the needs of migrants. In conflict situations, it is particularly important that all parties to a conflict—States and non-state actors alike — implement the provisions of the 4th Geneva Convention relative to the Protection of Civilian Persons in Time of War and apply them to all persons residing on their territory. Governments and non-state actors should provide safe passage for migrants who wish to leave the territories they control and cooperate with international organizations, including the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the International Committee of the Red Cross (ICRC). All stakeholders need to monitor early warning signs of emerging or changing patterns of conflict and develop plans for

sharing this information, take steps to ensure that sensitive information about migrants does not fall into the hands of combatants, and develop contingency plans for evacuation and reintegration of migrants during conflict.

In natural disasters, progress is needed in building the legal bases for, and implementing existing guidelines on, the protection of those displaced by natural hazards, including non-citizens, and in clarifying the lead international organization responsible for protection of those displaced by these crises. The needs and capabilities of migrants should be integrated into disaster risk reduction, early warning, emergency preparedness, and emergency response systems. The [Migrants in Countries in Crisis (MICIC) Initiative Guidelines on the Protection of Migrants in Countries Experiencing Conflict or Natural Disaster](#) provide guidance on how to take such action. The Guidelines will also help governments, other stakeholders, and migrants themselves determine whether relocation within the host State, evacuation to the State of origin, or remaining in place is the best option for non-citizens affected by natural disasters. It is also important to establish mechanisms to protect migrants working in post-disaster reconstruction jobs from exploitation and abuse.

INTRODUCTION AND CONTEXT

Data on Conflicts and Natural Disasters

According to the International Institute for Security Studies' Armed Conflict Database, there are currently 40 armed conflicts, including local rebellions, long-term insurgencies, civil wars, or inter-State conflicts.[1] Conflicts range in terms of their location, intensity, and duration. Relatively few are international armed conflicts. Most conflicts are internal although they may involve external parties. Such conflicts are occurring in Syria, Iraq, Afghanistan, Yemen, and Somalia. Some are in the acute phase, with deadly consequences for tens of thousands of civilians. Most conflicts, however, are protracted ones in which the accompanying violence waxes and wanes. An example is the conflict between Armenia and Azerbaijan over the contested province of Nagorno- Karabakh. The conflict first broke out in 1988. Although a ceasefire was signed in 1994, in the absence of a peace agreement, there have been recurrent waves of violence, the most recent round occurring in April 2016. Conflicts occur in all regions (see Figure 1 in Annex). The number of countries affected by armed conflicts is large when all State actors who contribute troops as combatants and peacekeepers are included, not just the direct parties to the conflict (see Figure 2 in Annex).

Natural disasters affecting non-citizens occur in a broader range of countries. According to the Centre on the Epidemiology of Disasters' International Disaster Database, during the period from 2011-2015, there were 1802 natural disasters (or an average of 361 per year).[2] Both developed and developing countries have been affected. In 2015 alone, there were more than 102 million persons affected by these events.[3] Deaths due to natural disasters are much more significant for developing countries, however (see Figure 3 in Annex). A range of natural hazards lead to natural disasters. The most prevalent are floods and storms, followed by earthquakes and droughts. Even though not as common, earthquakes, and associated catastrophes such as tsunamis can cause far higher death rates than other disasters; for example, the 2004 earthquake/tsunami off the coast of Sumatra and the 2010 earthquake in Haiti caused more than 200,000 deaths each.[4]

Impacts of Conflicts and Natural Disasters

Direct threats to people's lives and livelihoods occur in the context of conflicts and natural disasters. In both situations, the dangers may be indiscriminate although pre-existing conditions, such as poverty, may make certain groups more vulnerable. Citizens and non-citizens alike are in danger from bombs, exploding ordinances and other violence in the case of conflict. Citizens and migrants alike may be in areas that are besieged or otherwise inaccessible to aid because of fighting. Similarly, destruction of habitat in the case of natural disasters may be life-threatening for all people in the affected areas. Roads may be damaged and air and sea ports destroyed by the hazard, preventing aid from reaching those in need. Public utilities and infrastructure such as electricity, water and sanitation, and health facilities may be damaged as well. Communication lines may be down, making it difficult to identify those in greatest need.

Migrant camp near the port of Misrata destroyed by a rocket shot by Ghaddafi forces © IOM/ Nicole Tung 2011

In some cases, however, migrants may be disproportionately affected by crises. They may be targets of military attacks, as was seen in Libya in 2011 when there were armed assaults on migrants from sub-Saharan Africa who were believed to be mercenaries fighting for the government. In natural disasters, low-wage migrant workers may disproportionately live in poor neighbourhoods with no access to transportation to flee from harm's way. They may not be able to afford to live in houses that conform to earthquake resistant and other building codes. Specific groups of migrants, such as domestic workers may be left behind as their employers flee in the face of crises. Even non-citizens who would ordinarily be resilient in their own home communities—such as tourists or students—may find themselves at high risk in crises in host countries because they are without community support, do not understand the local language, or are unfamiliar with local weather patterns.

Manifestation of Conflicts and Natural Disasters

The ways in which threats manifest are also different. Conflicts may be isolated to certain areas of a country but may often spread throughout the territory with little warning. Disasters tend to be confined to the specific areas that have been hit by the natural hazard (e.g., earthquake, cyclone, or flood). The principal security threat from conflict is violence whereas the threats from natural disasters are usually the physical destruction of buildings, infrastructure, services, and businesses that can put people's lives and livelihoods at risk. In complex crises that involve both conflict and natural hazards, such as the 2011 famine in Somalia, these security risks are compounded. The type of crisis and the resulting security risks will determine if it is safe for migrants to remain in place, relocate within the country experiencing the crisis, or if they must return to their home countries. Remaining in the country experiencing the crisis is more likely in cases of natural disasters than in cases of conflict as there may be no safe zone in the latter situation.

Role of National Governments

Perhaps most significantly, the role of the national government may vary considerably between conflict and natural disaster settings. During conflict, the government itself may be a party to the fighting and, in some cases, may be the force that is threatening civilians, including non-citizens. The government may not have physical control over territory in which non-citizens are located. Protecting migrants in these situations may require negotiations with insurgents in addition to governments. By contrast, in most cases of natural disasters, governments are willing to assist all persons on their territory requiring emergency assistance, including non-citizens. They may not have the capacity, however, to carry out all of the tasks needed to protect citizens and non-citizens alike and may require the assistance of other actors.

FRAMEWORKS AND APPROACHES

The core human rights of all non-citizens caught in countries experiencing conflicts or natural disasters are identical. Non-citizens are protected by international human rights law, even if they are displaced, and regardless of the cause of displacement. Almost all of the rights articulated in the 1948 Universal Declaration of Human Rights (UDHR), the 1966 International Covenant on Civil and Political Rights (ICCPR), and the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR) apply to all persons, including migrants. The non-binding but widely endorsed 1998 Guiding Principles on Internal Displacement, and the binding 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa also apply equally to those displaced by conflicts or natural disasters. Internally displaced persons (IDPs) include not only citizens but those whose habitual residence is the affected country, which means that many, though not all migrants are covered. Beyond these frameworks, however, there are differences in international and regional law and guidance as applied to civilians in conflict and persons affected by natural disasters.

The 1949 Geneva Conventions that detail the rules of war apply only to those affected by armed conflict. The 4thGeneva Convention relative to the Protection of Civilian Persons in Time of War applies specifically to civilians, including non-citizens. In defining those protected by the Convention, the treaty states it applies to "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals."[5] It does not apply, however, to citizens of countries that have not ratified the Convention.[6] In addition, citizens of neutral countries and co-belligerents are not covered if their countries "have normal diplomatic representation in the State in whose hands they are."[7] The Convention elaborates the rights of protected persons, stating they "are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault."[8] Special note is given to unaccompanied children: "The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances."[9] The Convention also provides for the exit of non-citizens although that right is not absolute: "All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State."[10] Non-citizens who are not able to leave may be subject to internment but "only if the security of the Detaining Power makes it absolutely necessary."[11]

No similar binding international law applies to non-citizens in natural disasters although there has been progress in recent years in establishing principles that apply to this population. In 2007, the State parties to the International Red Cross and Red Crescent Movement adopted Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance (IDRL Guidelines).[12] The aim was to provide guidance to States on ways to improve their domestic legal, policy, and institutional frameworks concerning international disaster relief and initial recovery assistance. The IDRL Guidelines make clear that affected States have the primary responsibility to ensure disaster risk reduction, relief, and recovery assistance in their territory and specify that "National Red Cross and Red Crescent Societies, as auxiliaries to the public authorities in the humanitarian field, and domestic civil society actors play a key supporting role at the domestic level."[13] Relevant to the situation of migrants, the IDRL Guidelines set out the following principles: a. Aid priorities are calculated on the basis of need alone; and b. Provided without any adverse distinction (such as in regards to nationality, race, ethnicity, religious beliefs, class, gender, disability, age and political opinions) to disaster-affected persons.[14] The IDRL Guidelines also urge disaster-affected and transit States to expedite "visas and any necessary work permits, ideally without cost, to non-citizens that carry out disaster relief activities."[15] This provision would apply to personnel of organizations that are assisting or evacuating non-citizens.

More recently, the International Law Commission has drafted a set of articles on the Protection of persons in the event of disasters.[16] The Commission has adopted a draft preamble and 18 draft articles, and has recommended to the General Assembly the elaboration of a convention on the basis of the draft articles.[17] Perhaps the most important draft article, in relationship to non-citizens is Article 6 on humanitarian principles, which states: "Response to disasters shall take place in accordance with the principles of humanity, neutrality and impartiality, and on the basis of non-discrimination, while taking into account the needs of the particularly vulnerable."[18]

More specific guidance related to displacement in natural disasters may be found in the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters (IASC Guidelines), which is focused primarily on internally displaced persons but is also relevant to migrants affected by these events.[19] The IASC Guidelines emphasize that "the life, physical integrity, and health of persons exposed to imminent risks created by natural disasters, including in particular of persons with specific needs, should be protected, to the maximum extent possible, wherever those persons may be located." [20] The IASC Guidelines focus on activities to prevent or stop harm to displaced persons during natural disasters; ensure that affected persons have access to relevant goods, services, and opportunities and are able to claim their rights; and avoid or combat discrimination. They cover social, economic, cultural and political rights of those affected by disasters.

Institutionally, there are overlaps and differences in the organizations that respond in conflicts and natural disasters. At the international level, the UN Office for the Coordination of Humanitarian Affairs (OCHA) is responsible for complex emergencies that can include large-scale disasters as well as conflicts. The cluster system is used to coordinate humanitarian responses. The designation of lead agency for camp management and protection of displaced populations differs, however, in cases of conflicts and disasters. UNHCR is the lead for camp management in the case of conflict whereas IOM has the responsibility for natural disasters. UNHCR is also responsible for protection of refugees and displaced persons in conflict settings; responsibility for protection of displaced persons in natural disasters is determined on a case–by-case basis. The coordination demonstrated between the two organizations during the 2011 Libyan conflict, in which UNHCR took the lead for refugees and IOM for migrants, offer important lessons for the future.

Two different parts of the Red Cross and Red Crescent movement also have responsibility in the context of conflicts and disasters. ICRC is the lead agency in cases of conflict. According to its mission statement, ICRC "is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles."[21] National societies, sometimes acting under the umbrella of the International Federation of Red Cross and Red Crescent Societies (IFRC), play an auxiliary role, often mandated by legislation, to governments in responding to disasters. With national societies in 187 countries, these organizations are generally the first responders in natural disasters. They address both immediate and long-term needs, including disaster preparedness, emergency response, community-based health care and first aid training and activities, restoring family contact for disaster victims, and youth and volunteer activities.

PRACTICES

Planning and Preparedness to Respond to Crises

The practices to be employed in responding to the needs of migrants in conflict and natural disaster settings will differ in a number of ways. Whereas conflicts affect a relatively small number of countries in any given year, natural hazards are prevalent in most countries although the number experiencing extreme natural hazards in any given year is much smaller. The frequent prevalence of natural disasters encourages more systematic planning. Many countries experience different types of hazards—hurricanes, cyclones, typhoons, earthquakes, volcanic eruptions, floods, etc.—making emergency preparedness all the more necessary for effective response. Hence, most countries have processes and plans already in place into which they can integrate the needs of migrants.

By contrast, most States that experience conflict do not have conflict preparedness plans in place prior to the outbreak. Even though there may be early warnings of conflict, and countries may experience recurrent bouts of violence, governments are usually reluctant to prepare their populations for the effects of such occurrences. They hope to avoid the outbreak of violence and see preparedness as a sign of failure. Hence, there are no existing plans into which migrant concerns can be integrated, at least in host States. This is not necessarily the case for other stakeholders, such as States of origin and transit, international organizations, private sector actors, and civil society.

Evacuations and Access during Crises

There are other differences in practice. Mass evacuation of non-citizens to home countries is more common in conflict settings than in natural disasters. Recent large-scale repatriations have taken place from conflicts in Syria, Libya, Yemen, Cote d'Ivoire, and Central African Republic. These have all involved coordination among governments, international organizations, and other stakeholders. In some cases, national governments have undertaken mass evacuations not only of their own citizens but those of other countries. In 2015, the Indian government launched Operation Raahat, during which it evacuated the citizens of more than 40 countries from Yemen.[22] In total, the Indian government evacuated 4,640 Indians and 960 foreign nationals.[23]

Large-scale evacuations have occurred during natural disasters but they are more infrequent. Natural disasters tend to be more localized and generally require temporary evacuations or, in exceptional cases, relocation within the affected country. A notable exception was the repatriation of thousands of foreign tourists from tsunami affected countries in 2004. Employers and airlines undertook many of the evacuations. For example, Club Med evacuated more than 1000 guests and employees from three resorts in Thailand and the Maldives[24] while Qantas Airlines sent a large airline to Phuket, accepting passengers returning to Australia regardless of which airline they had previously flown.[25] By contrast, migrant workers in tsunami affected countries found it more difficult to return home. In Thailand, for example, irregular migrants working in the tourist industry faced impediments to return home from their own governments as well as fears that they would be unable to return to Thailand if they left.[26] Similarly, during massive flooding in Thailand in 2011, migrants from Myanmar attempting to return home were "detained at the border by immigration authorities, charged excessive amounts by brokers, and extorted once inside Burma," according to a Thai Ministry of Finance and World Bank report.[27]

Ensuring the cooperation of host State governments is often more difficult in conflict situations and may require departure from normal operations and policies. The Philippines succeeded in negotiating an agreement with the Syrian government for a waiver of mandatory departure documents for Filipinos who wanted to leave Syria during the conflict.[28] To enable evacuations to proceed, however, the government of the Philippines abstained from voting for a UN Human Rights Council resolution condemning abuses by the Syrian government. The Philippines Minister of Foreign Affairs explained that it abstained because the safety of Filipinos required the continuing cooperation of the Syrian government.[29]

Gaining access to migrants in conflict may also require coordination with non-State actors who are in control of areas in which migrants are residing. During the conflict in Libya, IOM received security clearances from the then Libyan government, rebel commanders, the North Atlantic Treaty Organization (NATO) forces and the government of Niger in order to reach migrants in Sebha and Gatroun in southern Libya who were in need of humanitarian assistance and conduct evacuations through Niger.[30] This process took weeks, however, to bring to a successful conclusion.

In many conflict situations, such negotiations are not successful or there are no parties willing to even consider providing access. Lack of security hampers direct access to civilians in need of protection from the warring parties, regardless of their nationality. Remote management of humanitarian operations becomes the norm when aid organizations are unable to reach potential beneficiaries. In Libya, evacuation of migrants from the besieged city of Misrata was coordinated from Benghazi, which had fallen to rebel forces that permitted international actors to operate.[31] Delegation of authority for rescue and evacuation from those perceived to be supporters of one side or the other of the conflict to those who are seen as neutral may also help protect migrants caught in the crossfire. In Yemen, for example, India and Russia could more safely evacuate non-citizens and took the citizens of other countries. The United States, having determined that there was no safe area in which to gather its citizens to be evacuated, did not send in its own aircraft to evacuate them, fearing they would become a target and further endanger the civilians. Instead, it supported the efforts of international organizations and other governments to evacuate U.S. citizens and others. The United States reached out to U.S. citizens in Yemen to inform them of these opportunities and hundreds of them were successfully evacuated.[32]

Role of Military in the Context of Crises

Some militaries have planned for evacuations in conflict situations. NATO, for example, has promulgated guidelines on Non-Combatant Evacuation Operations (NEOs) that are implemented by its individual member States. NEOs are operations conducted to relocate to a place of safety non-combatants, including citizens of the member States, threatened in a foreign country. The guidelines emphasize that NEOs should have the capability to provide security,

reception and control, movement, and emergency medical support for the civilians and unarmed military personnel to be evacuated.[33] The role of military forces in natural disasters is often quite different than it is in conflict. The militaries of both the country experiencing the crisis and other States are more likely to be involved in search and rescue, logistics, and evacuation. Although deployment of military is usually a last resort, in many cases, "only the military has the manpower, equipment, training and organisation necessary to gather the relief effort required during catastrophic incident recovery."[34] As compared to conflicts, the affected country is more likely to request the assistance of military resources of other countries. In Haiti, for example, the US military was responsible for rebuilding the airport and seaport and providing assistance to civilian disaster relief operations. According to a Rand assessment of the military involvement, at its height, there were more than 22,200 personnel, 33 U.S. Navy and US Coast Guard vessels, and more than 300 aircrafts deployed by the US military.[35] In addition to other duties, the military supported efforts by the US Department of Homeland Security to facilitate evacuation of US citizens, transit of foreign aid workers through the US to Haiti, and admission of Haitians to the US on humanitarian parole. In Asia, the Indian Army "has become one of the first responders in times of crises, with special attention to tsunami and earthquake relief." [36] It was actively involved in efforts to evacuate Indian citizens in Nepal after the earthquake. The Indian military also responds at home to the needs of non-citizens affected by natural disasters; in 2013, the Indian military was called upon to rescue thousands of Indian and foreign tourists and pilgrims in Uttarakh, after floods left them stranded.[37]

Return of Migrants to Areas Affected by Conflicts and Natural Disasters in their Aftermath

Finding solutions for migrants differs in conflict and natural disaster scenarios. Conflicts are often protracted, precluding evacuees from returning to the host countries for lengthy periods of time, if at all. Migrants returning to their home countries during conflict may have experienced significant physical, psychological and emotional trauma related to the violence they experienced themselves or observed happening to others. They will often need psycho-social support services to enable them to deal with the post-trauma ramifications of these experiences.

When the acute stage of conflict ends, some migrants may decide to return to their host States but find themselves in still unstable situations. Renewal of hostilities even after peace agreements are reached is common. Militias may continue to operate and localized attacks may become the norm. It takes time for rule of law to be established in post-conflict countries. In the interim, human smuggling and trafficking may take hold. Re-evacuation may be necessary in such situations. Libya is an example. A recent study of migrants from Niger to Libya concluded that "Libya, while increasingly dangerous, continues to be a potentially lucrative and compelling prospect for economic migrants from Niger."[38] Wages were higher than during pre-conflict times because of the scarcity of labour. The risks were high as well, but seen as less than what was perceived as an even more dangerous crossing to Europe.[39]

Hurricane Katrina (2005):

Some parishes in Louisiana saw significant growth in the foreign born population following hurricane "Katrina"; migrants were attracted to the growing number of construction jobs in these areas.[40] One study concluded: "Nearly half of the reconstruction workforce in New Orleans is Latino, of which 54 percent is undocumented. Most of these workers have arrived since the storm and are performing tasks critical to the rebuilding of New Orleans and its neighboring communities."[41] The report also found that both documented and undocumented migrants were likely to be exploited because of "inadequate legal protection and the failure on the part of federal and local authorities to monitor construction sites" in the aftermath of the disaster.[42] A number of community-based organizations had responded to this problem with worker centres that provided safety training, gloves, masks, helmets, jackets and earplugs for those working in dangerous recovery efforts.[43]

Floods in Thailand (2011):

The Thai Ministry of Finance and World Bank report on the 2011 floods in Thailand referenced above also concluded that migrant workers would likely be needed for reconstruction and highlighted concerns about potential exploitation. The report recommended that the Thai Government "escalate enforcement of existing protections and intensify bilateral negotiations on labor migration management with origin countries to ensure that migrants entering Thailand after the floods can do so through regular channels that are affordable and secure so as to avoid the worse consequences of irregular migration such as human trafficking and other forms of exploitation. This implies ensuring that brokers are regulated, corruption is countered and violations of rights are effectively reduced. Creating policies to ensure migrants can speedily obtain and always have access to their documents will also be important."[44]

By contrast, migrants affected by natural disasters are more often able to resume their normal activities once the immediate effects of the crisis are over. Migrants affected by natural disasters may, of course, have experienced trauma similar to those in conflicts, particularly if they lost family members or friends during the disaster or suffered severe injuries. They may need a variety of services to help them in coping post disaster, including medical care, psycho-social support, and help in finding new employment or housing destroyed during the disaster.

For those who evacuate from the immediate vicinity of the disaster, return is often possible within days of the crisis. In fact, there may be incentives for migrants to return to communities that experienced natural disasters. Migrants often play an important role in reconstruction in these situations. In some cases, migrants working in reconstruction were already employed in the construction industry, as was the case in the New York City area after hurricane "Sandy".[45] In other cases, migrants who arrive post-disaster are newcomers to these locations.

SUGGESTIONS AND GOOD PRACTICES

Planning and emergency preparedness are essential to effective response in both conflict and natural disaster situations. As discussed in this policy brief, different approaches may need to be taken to address the specific challenges of each type of crisis.

To address the needs of migrants in countries experiencing *conflict*, the following steps could be taken by stakeholders, including States, international organizations, civil society and the private sector:

- Encourage all parties to conflict—States and non-state actors alike—to implement the provisions of the 4th Geneva Convention relative to the Protection of Civilian Persons in Time of War and apply them to all persons residing on their territory. Almost 200 countries have ratified the Convention, making it one of the most widely adopted conventions.
- Ensure compliance with core humanitarian principles of humanity, neutrality, impartiality and independence in responding to the needs of migrants in conflict situations. This is extremely important to assure parties to the conflict that the aid providers are not taking the side of one combatant group over another.
- Encourage all parties to conflict—States and non-state actors alike—to provide safe passage for migrants who wish to leave the territories they control. This will likely mean that the warring parties will permit officials of countries of origin and representatives of international organizations to gain access to migrants so they can provide transport and other assistance.
- Encourage continuing cooperation between UNHCR and IOM in coordinating responses to migrants as well as refugees, asylum seekers, stateless persons, and IDPs caught in conflict situations.
- Monitor early warning signs of emerging or changing patterns of conflict in order to alert migrants in a timely fashion to exit at-risk countries or areas in which violence is likely to break out.
- Map migrant exposure to conflict.
- Develop plans for sharing information on emerging and changing patterns of conflict among all relevant stakeholders.
- Take steps to ensure that sensitive information about migrants, such as their places of employment and residence, does not fall into the hands of combatants.
- Develop contingency plans for evacuation of migrants during conflict, which may include agreements with other countries for bilateral, regional, or international cooperation in undertaking such missions.
- Test evacuation plans through desktop and field exercises involving all relevant stakeholders and taking in account different conflict scenarios.
- Bring together local communities and migrants to discuss potential sources of conflict and to create more cooperative intergroup relations to lessen prospect of armed attacks on non-citizens.
- Develop plans for reintegration of evacuated migrants, including programs to address physical and mental traumas resulting from their conflict experiences.
- Assess the potential for safe return of migrants to countries following conflict and provide assistance as needed to those requesting help in return.

To address the needs of migrants in countries experiencing *natural disasters*, the following steps could be taken by stakeholders, including States, international organizations, civil society and the private sector:

- Make progress in the adoption, ratification and implementation of the Convention on protection of persons in the event of disasters being drafted by the International Law Commission.
- Encourage all stakeholders to implement the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance promulgated by the International Red Cross and Red Crescent movement. In particular, encourage compliance with the provision that all aid is to be provided without any adverse distinction (such as in regards to nationality (emphasis added), race, ethnicity, religious beliefs, class, gender, disability, age and political opinions) to disaster-affected persons.
- Encourage all stakeholders to implement the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters and apply them as needed to non-citizens to ensure their protection during natural disasters.
- Clarify the lead international organization responsible for protection of those displaced by natural disasters, including non-citizens, to ensure effective coordination of responses. Since the IOM already has responsibility for camp management for IDPs and has recently been identified as the leading international migration agency within the UN system, IOM is a logical choice for this role.
- Integrate the needs and capabilities of migrants into existing disaster risk reduction, early warning, emergency preparedness and emergency response systems, with particular attention to migrant-specific issues such as their ability to read and comprehend the host language.
- Develop and test contingency plans for the relocation or evacuation of migrants during natural disasters, taking into account the severity of the disaster and likelihood that migrants may want to return to host communities in the country affected by the disaster.
- Map migrant exposure to natural disasters, collecting and analysing past disaster losses to identify patterns of vulnerability in high-migration, disaster-affected communities.
- Institute awareness-raising programs for migrants about prevention, preparedness, and emergency response procedures in host countries.
- Provide training to military forces that take part in humanitarian operations to rescue and assist people affected by natural disasters, including migrants. This training should emphasize the core humanitarian principles of neutrality, impartiality and independence.
- Determine criteria, eligibility and mechanisms for relocation within the host State, evacuation to the State of origin or to remaining in place for migrants affected by natural disasters.
- Ensure against exploitation of migrants working in post-disaster reconstruction jobs by providing prevailing wages, monitoring work conditions, providing safety equipment as needed, and enforcing laws against human smuggling, trafficking in persons, and occupational health and safety and other labour violations.

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ENDNOTES

[1] Armed Conflict Database (ACD): https://acd.iiss.org/en/about.

[2] Calculated from the Centre for Research on the Epidemiology of Disasters (CRED) EM-DAT database, http://www.emdat.be/.

[3] Ibid.

[4] https://earthquake.usgs.gov/earthquakes/world/world_deaths.php.

[5] Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, Article 4, https://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument

[6] 196 countries have ratified the convention; the most recent ratification is by South Sudan, which ratified it soon after independence.

[7] Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, Article 4, https://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument.

[8] Ibid., Article 27.

[9] Ibid., Article 24.

[10] Ibid., Article 35.

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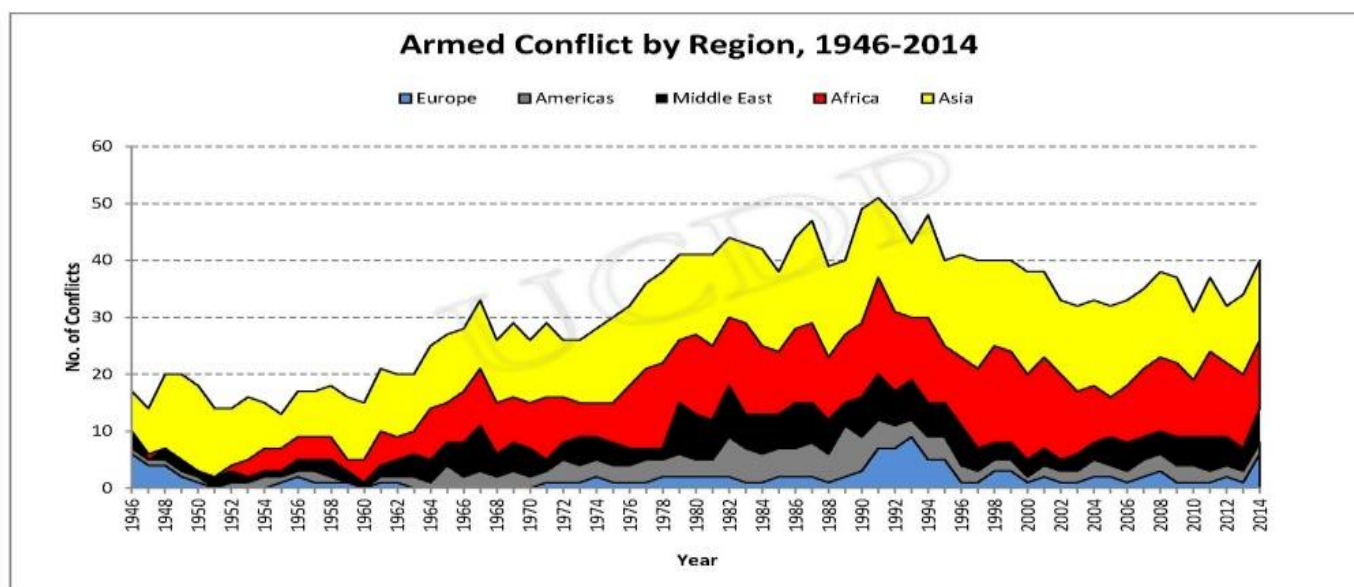
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ANNEX

Figure 1:

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Figure 2:

Organized Violence in 2014

Figure 3:

Number of natural disasters by country: 1976-2005