



Recommendations to the Inter-American Commission on Human Rights for the Cartagena +40 Process: The Need to Address Climate-Related Displacement

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Introduction

We provide these policy recommendations to the Inter-American Commission on Human Rights (IACHR or the Commission) as part of the Cartagena+40 Process, commemorating the 40th anniversary of the 1984 Cartagena Declaration on Refugees. The Cartagena+40 Process addresses three key areas: protection for people on the move, comprehensive solutions strategies, and disaster-related displacement.¹ Our focus is on the third area—the response to displacement caused or exacerbated by climate change and disasters.²

Building on the Commission's recognition of the climate emergency's impact on human rights³ and the insights from the historic hearing on climate-related human mobility in March 2024, this analysis aims to clarify State obligations to protect climate-displaced individuals. Our recommendations are based on the amicus brief we filed jointly before the Inter-American Court on Human Rights (Amicus Brief),⁴ intended to inform its upcoming advisory opinion on the "Climate Emergency and Human Rights." Additionally, they incorporate strategies from the Legal Action Agenda for Climate Displacement (Legal Action Agenda), a resource that provides consensus-based recommendations for addressing climate displacement in the Americas.⁵

The document is structured as follows: Parts I and II delineate State obligations to address internal and cross-border displacement, respectively. Part III offers recommendations for the Commission's formal input into the Cartagena+40 process. We attach the Amicus Brief and the Legal Action Agenda.

¹ Global Compact on Refugees, *Multistakeholder Pledge: Cartagena +40 – Chile Declaration and Plan of Action* (2023), <https://globalcompactrefugees.org/multistakeholder-pledge-cartagena40-chile-declaration-and-plan-action>.

² See Concept Note. Third Thematic Consultation of the Cartagena+40 Process: Protection in Contexts of Forced Displacement due to Disasters - Bogota, Colombia, 19-20 June 2024, <https://www.acnur.org/media/concept-note-third-thematic-consultation-cartagena-40-process-protection-contexts-forced>.

³ *Climate Emergency: Scope of Inter-American Human Rights Obligation*, Inter-Am. Comm'n H.R., Res. No. 3/2021, 5 (adopted Dec. 31, 2023), https://www.oas.org/en/iachr/decisions/pdf/2021/resolucion_3-21_ENG.pdf and REDESCA, *Poverty, Climate Change and ESCER in Central America and Mexico, in the Context of Human Mobility* (July 28, 2023), https://www.oas.org/en/iachr/reports/pdfs/2023/probreza_cambioclimatico_centroamerica_mexico_movilidad_humana_eng.pdf.

⁴ See CGRS, et al., as *Amici Curiae On Issues Related to the Response to Climate Displacement in Request for an Advisory Opinion Submitted by the Republics of Colombia and Chile*, Advisory Opinion OC-32, Inter-Am. Ct. H.R. (Dec. 18, 2023), available at <https://cgrs.uclawsf.edu/our-work/publications/issues-related-response-climate-displacement-request-advisory-opinion>.

⁵ International Refugee Assistance Project, *Legal Action Agenda for Climate Displacement, United States, Latin America & the Caribbean* (Spring 2024), <https://refugeerights.org/wp-content/uploads/2024/03/Climate-Legal-Action-Agenda-English.pdf>.

Part I – State Obligations to Address Internal Displacement

States have a duty to assist and protect populations internally displaced by the adverse effects of the climate emergency.⁶ In 2022 alone, environmental disasters forced 32.6 million people to leave their homes, significantly higher than the past decade's average, with most displacements induced by weather-related hazards.⁷ International and regional human rights frameworks dictate that States must design and implement comprehensive policies to protect the rights of affected populations before and after displacement events, ensuring the right to stay in their communities and allowing for safe return when possible.

A. International Human Rights Frameworks

International human rights law obligates States to protect climate-induced internally displaced persons (IDPs) by safeguarding their rights to remain in their communities and protecting their identity and cultural heritage.⁸ The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) enshrine the right to freedom of movement and to choose where one lives,⁹ emphasizing the prevention of arbitrary displacement. The Guiding Principles on Internal Displacement consolidate existing international law, stressing States' duties to avoid displacement and protect those displaced, *including in the context of* disasters.¹⁰ Additionally, soft law instruments such as the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons and the Framework on Durable Solutions for Internally Displaced Persons provide essential

⁶ UNHCR, WHY UNHCR IS TAKING ACTION ON CLIMATE CHANGE DISPLACEMENT, <https://www.unhcr.org/innovation/why-unhcr-is-taking-action-on-climate-change-displacement/> (last visited Nov. 16, 2023); UNHCR, *Global Trends: Forced Displacement in 2017*, 2 (2018), <http://www.unhcr.org/5b27be547.pdf>.

⁷ IDMC, *Global Report on Internal Displacement* (2023), <https://www.internal-displacement.org/global-report/grid2023/> (last visited July 15, 2024); see also Migration Data Portal, *Environmental Migration*, https://www.migrationdataportal.org/themes/environmental_migration_and_statistics (last visited July 15, 2024); Climate Refugees, *Global Displacement On the Rise, But Lack Of Comprehensive Data and Understanding Of Climate Change Displacement Persists*, <https://www.climate-refugees.org/spotlight/2023/06/26/climate-displacement> (July 15, 2024).

⁸ Maria Stavropoulou, *The Right Not to be Displaced*, 9 Am. Univ. Int'l Law Rev. 689 (1994), <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1473&context=auilr>; see also Michèle Morel, Maria Stavropoulou & Jean-François Durieux, *The history and status of the right not to be displaced*, 41 Forced Migration Rev. 5 (2013) <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/preventing/morel-et-al.pdf> (observing that “[t]he many existing fragments of law relating to arbitrary displacement have a common thread running through them, revealing a human right not to be displaced.”).

⁹ See G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948), art. 13, and G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 19, 1956), 999 U.N.T.S. 171, art. 12.

¹⁰ U.N. Guiding Principles on Internal Displacement, U.N. Secretary-General, U.N. Doc. E/CN.4/1998/53/Ad.2 (1998), <https://www.unhcr.org/us/sites/en-us/files/legacy-pdf/43ce1cff2.pdf>

guidelines. These frameworks collectively require States to adopt comprehensive policies that ensure the protection and rights of climate-displaced individuals, both during and after displacement events.

B. *The Inter-American Human Rights System*

The American Convention on Human Rights similarly guarantees freedom of movement and residence within a State's borders.¹¹ As detailed in our Amicus Brief, the Inter-American Court of Human Rights has reinforced obligations to prevent arbitrary displacement and ensure safe conditions for return, emphasizing that protecting freedom of movement is interconnected with safeguarding other fundamental rights, such as the rights to life, health, and property.¹² The Commission has already recognized that these rights are significantly impacted by climate change and disasters.¹³

Part II – State Obligations to Address Cross-Border Displacement

While comprehensive data on cross-border displacement due to climate emergencies is lacking, an estimated 1 in 4 climate-displaced individuals leave their countries in search of safety.¹⁴ States must respond by implementing solutions rooted in refugee and human rights law, which provide a framework of protection for individuals forced to cross borders because of climate change or disasters.

A. *Refugee Protection: The Refugee Convention and the Cartagena Declaration*

Nearly all States in the Americas have ratified the Refugee Convention and/or its Protocol.¹⁵ In addition, Mexico and fifteen other states in Central and South America have incorporated the broader refugee definition from the 1984 Cartagena Declaration on Refugees into their domestic laws. These commitments demonstrate a strong tradition of protection in the region that must now extend to climate-displaced individuals.

¹¹ Inter-Am Comm'n on Human Rights (IACHR), *Principios sobre Políticas Públicas de Memoria en las Américas* (Nov. 9, 2019), <https://www.oas.org/es/cidh/decisiones/pdf/Resolucion-3-19-es.pdf>.

¹² Amicus Brief, 21.

¹³ See IACHR Principios sobre Políticas Públicas, *supra* note 11; IACHR, *Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System*, ¶ 65 (2015), <https://www.oas.org/en/iachr/reports/pdfs/humanmobility.pdf>; and IACHR, *Human Mobility Inter-American Standards*, OEA/Serv.L/v/II. (Dec. 31, 2015), <http://www.oas.org/en/iachr/reports/pdfs/humanmobility.pdf>.

¹⁴ Al Jazeera, *Climate Change could displace 216 million by 2050: Report* (Sept. 14, 2021), <https://www.aljazeera.com/news/2021/9/14/climate-change-could-displace-216-million-by-2050-report>.

¹⁵ Notably, exceptions include Barbados, Cuba, and Guyana. Saint Kitts and Nevis has only acceded to the Convention, but not the Protocol.

1. The Refugee Convention and its 1967 Protocol

Among the situations where the Convention and Protocol may apply include “when the effects of climate change and disasters interact or are connected with conflict or violence or other forms of persecution” on the basis of the enumerated protected grounds.¹⁶ Adverse effects of climate change should not be considered in isolation but rather understood within the context of the other conditions that interact to force people to flee their homes.¹⁷ Focusing narrowly on individual climatic or disaster events “as solely or primarily natural hazards [...] might fail to recognize the social and political characteristics of the effects of climate change or the impacts of disasters or their interaction with other drivers of displacement.”¹⁸

Climate change and other drivers of displacement may combine to threaten societal structures and individual enjoyment of fundamental human rights generally.¹⁹ The effects of the climate emergency do not manifest as indiscriminate hazards unconnected to underlying social determinants. Rather, as the Office of the U.N. High Commissioner for Refugees (UNHCR) points out, climate impacts occur within a social and political context.²⁰ Therefore, it is critical to recognize the interconnectedness of different forms of status-based discrimination to save lives, guarantee legal rights, and extend maximum protections to all persons.

As UNHCR elucidates in its guidance, climate change can directly impact each specific legal element²¹ of the refugee definition.²² Further, the Center for Gender & Refugee Studies

¹⁶ UNHCR, *Submission by UNHCR: UN Special Rapporteur on Climate Change: Report on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders*, (Jan. 2023),

<https://www.ohchr.org/sites/default/files/documents/issues/climatechange/cfi-hrc-53-session/submissions/submission-climatechange-hrc53-un-unhcr.docx>.

¹⁷ UNHCR, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters*, ¶ 5. (Oct. 1, 2020),

<https://www.refworld.org/docid/5f75f2734.html>.

¹⁸ *Id.*

¹⁹ *Id.*; see also International Law Commission, *Draft articles on the protection of persons in the event of disasters*, article 5 ¶ 8 (2016), www.refworld.org/docid/5f64dc3c4.html.

²⁰ UNHCR *Legal Considerations*, *supra* note 17, ¶ 5.

²¹ UNHCR articulates the refugee definition, as enshrined in the Refugee Convention, to encompass individuals who: (1) have a well-founded fear of (2) persecution due to (3) one or more of the recognized protected grounds (race, religion, nationality, membership in a particular social group, or political opinion); and (4) are outside their country of origin or habitual residence and are either unable or unwilling to return or seek protection from that country. See UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, (Feb. 2019), <https://www.unhcr.org/us/media/handbook-procedures-and-criteria-determining-refugee-status-under-1951-convention-and-1967>.

²² UNHCR *Legal Considerations*, *supra* note 17, at ¶ 6; see also *Id.* at page 3, n.15, referencing *Teitiota v. The Chief Executive of the Ministry of Business, Innovation and Employment* [2015] NZSC 107 at ¶ 13,

(CGRS) and the International Refugee Assistance Project (IRAP) have each issued practical guidance to assist U.S. advocates in considering how climate change and disasters can implicate different elements of the refugee definition.²³

2. 1984 Cartagena Declaration on Refugees

The Cartagena Declaration recommended expansion of the definition of refugee to include persons who have fled their countries because their life, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances that have seriously disturbed public order. The IACtHR has interpreted the right to seek and receive asylum enshrined in the American Convention as articulated by the Cartagena Declaration, underscoring its authoritative significance for all members of the Organization of American States.²⁴

Indeed, climate disasters may entail or intensify massive violations of human rights, including chiefly the right to life. According to the jurisprudence of the Court, “massive” relates to the magnitude of the human rights violation, regardless of duration, and can result from a single event or a series of events.²⁵ “Where the effects of human rights violations go beyond the actual or direct victims to affect large segments of the population, or even the society as a whole, the situation may also be classified as a ‘massive violation of human rights.’”²⁶ As the IACHR has recognized, human rights violations in the context of the climate emergency are of paramount concern and the two issues are in many ways inextricably interrelated.²⁷

NZ Sup. Ct., www.refworld.org/cases/NZL_SC,55c8675d4.html, dicta at ¶ 13, citing earlier decisions and underscoring the possibility of establishing a claim for protection under the Refugee Convention in the context of climate change, environmental degradation, and attendant disasters.

²³ See, CGRS, *Asylum Claims for Individuals Fleeing Climate Change or Environmental Disasters: Making the Best Use of Existing Legal Frameworks* (June 2023), <https://cgrs.uclawsf.edu/our-work/publications/asylum-claims-individuals-fleeing-climate-change-or-environmental-disasters>; CGRS, *Investigating Climate-Related Aspects of Fear-of-Return Claims* (June 2024) (available upon request); and IRAP, *Practice Guide: Climate Change, Environmental Disasters, and U.S. Refugee Protection* (January 2024), https://web.tresorit.com/l/loPjZ#3NfW_6QWOMMpcUIVT9NyZQ,

²⁴ See, e.g., *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, Advisory Opinion OC-21/14, Inter-Am. Ct. H.R. (ser. A), ¶¶ 73-74 (Aug. 19, 2014), <https://www.refworld.org/cases/IACRTHR,54129c854.html>, ¶¶ 77-79; see also *The Institution of Asylum and its Recognition as a Human Right in the Inter-American Protection System*, Advisory Opinion OC-25/18, Inter-Am. Ct. H.R. (ser. A), ¶¶ 131-132 (May 30, 2018) https://www.corteidh.or.cr/docs/opiniones/seriea_25_ing.pdf.

²⁵ *Case of the “Las Dos Erres” Massacre v. Guatemala*, Judgment, Inter-Am. Ct. H.R. (ser. C), ¶¶ 73, 79, 152, (Nov. 24, 2009), <http://www.refworld.org/docid/564ed31a4.html>.

²⁶ *Case of González et al. (“Cotton Field”) v. Mexico*, Judgment, Inter-Am. Ct. H.R. (ser. C), ¶ 236, (Nov. 19, 2009), <http://www.refworld.org/docid/564ed5234.html>.

²⁷ IACHR Climate Emergency Resolution, *supra* note 3.

The adverse effects of climate change can similarly generate or amplify serious disruptions to the public order, such as the inability of the State to exercise basic safety and security functions, as in the aftermath of the 2010 earthquake in Haiti. The element of “other circumstances which have seriously disturbed public order” is properly understood to include disasters, displacement events, and hazards linked to the climate emergency.²⁸

The aim of “public order” must be understood as a State’s obligation to protect “the rights to life, physical integrity and liberty of people within the society.”²⁹ In fact, UNHCR guidance stresses that “the rights to life, physical security and liberty are *inherent* in the concept of public order.”³⁰ In reality, climate-induced adversities—ranging from intensifying disasters to shifts in agriculture—can yield large-scale displacements and societal disturbances profoundly impacting human rights. UNHCR has also clarified that “whether a disturbance to public order stems from human or other causes is not determinative for concluding a serious disturbance of public order; the central concern is the *effect* of a given situation.”³¹

B. International Human Rights and the Principle of Non-Refoulement

The principle of *non-refoulement* prohibits States from returning individuals to places where their lives or freedoms are threatened. Beyond being a cornerstone principle of refugee law, it is embedded explicitly or implicitly in diverse human rights instruments, including the Convention Against Torture, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the American Convention on Human Rights, and the American Declaration of the Rights and Duties of Man. This prohibition against return provides an additional legal basis for protecting those displaced across borders in the context of the climate emergency.

In the Americas, the IACtHR has recognized the link between the right to life, physical and moral integrity, and health care in the context of *refoulement*. “[T]he rights to life and personal integrity are directly and closely linked with human health care.”³² If the return of a person leads to a serious deterioration of health or causes death, this may constitute a

²⁸ Cleo Hansen-Lohrey, *Assessing serious disturbances to public order under the 1969 OAU Convention, including in the context of disasters, environmental degradation and the adverse effects of climate change*, UNHCR (Sept. 27, 2023), <https://www.refworld.org/docid/651422634.html>. (Note, in particular, at PDF p. 6, that the paper sets out by articulating practical guidance for determining when a “disturbance” should be considered an “event seriously disturbing public order (ESPDO).” This metric, referred to as “ESDPO indicia,” is the combination of (1) “indicators of a disturbance to public order,” and (2) “criteria for assessing when that disturbance can be characterized as ‘serious.’”)

²⁹ *Id.*, at 46.

³⁰ *Id.* (emphasis added)

³¹ UNHCR Legal Considerations, *supra* note 17, ¶ 16 (internal citations omitted) (emphasis added).

³² Case of Vera Vera v Ecuador, Judgment, Inter-Am. Ct. H.R. (ser. C), ¶ 43 (May 19, 2011), https://www.corteidh.or.cr/docs/casos/articulos/seriec_226_ing.pdf

refoulement in violation of international human rights law.³³ The U.N. Human Rights Committee and the IACHR have also endorsed this broad interpretation of principle of *non-refoulement*.³⁴

As evidence of the increasing recognition of climate displacement, the U.N. Human Rights Committee determined that the prohibition of *refoulement* in the ICCPR may encompass irreparable harm to the right to life and the prohibition against torture and cruel, inhuman, or degrading treatment within the context of climate change.³⁵ While the legal recognition of climate displacement under international law continues to evolve, this case underscores the obligation to protect individuals from being returned to threats posed by climate change under a broad human rights framework.

The submission of at least 50 amicus briefs to the Inter-American Court of Human Rights (IACtHR) recognizing the need to protect climate-displaced individuals, with more than 30 specifically invoking the principle of non-refoulement, demonstrates overwhelming support for the principle by a diverse set of actors and stakeholders.³⁶ This robust number of submissions underscores the importance of ensuring that individuals are not returned to places where their lives and personal integrity are at risk due to foreseeable threats caused or exacerbated by the climate emergency.

Finally, in circumstances where processing individual protection claims is impractical due to capacity constraints, or when individuals do not qualify for immigration status but are still at risk of *refoulement*, States can implement various policies—such as visas or temporary protection programs—to prevent returns to danger and ensure safety. The attached Legal Action Agenda provides further information on these and other measures that can be put in place to protect cross-border displaced individuals.

C. The Role of Cooperation

States are obligated to cooperate in fulfilling their human rights obligations, as underscored by the American Convention and international instruments such as the Global Compact on Refugees and the Global Compact for Migration. Climate change treaties, such

³³ OC-21/14, *supra* note 24, ¶ 229.

³⁴ IACHR, *Report No. 63/08, Case No. 12.534, Andrea Mortlock v. United States* ¶ 94, (July 25, 2008), https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/session9/US/IACHR_Inter-AmericanCommission_Annex1.pdf; *C. v. Australia*, UN Human Rights Committee (HRC), CCPR/C/76/D/900/1999, ¶8.5 (Nov. 13, 2002), <https://www.refworld.org/cases,HRC,3f588ef00.html>,

³⁵ *Ioane Teitiota v. New Zealand*, Communication No. 2728/2016, Views of 17 January 2020 (CCPR/C/127/D/2728/2016) (Human Rights Comm.) (Jan. 7, 2020), <https://www.refworld.org/cases,HRC,5e26f7134.html>

³⁶ Felipe Navarro, *How the Inter-American Court Could Advance Protection for Climate-Displaced Individuals*, Just Security (June 2024), <https://www.justsecurity.org/96690/inter-american-court-climate-displacement/>

as the Paris Agreement, also emphasize the necessity of global cooperation to address climate change impacts on human rights.³⁷

Countries in the Americas have already signaled their intent to cooperate to address disaster displacement. For example, in 2014, the Brazil Declaration recognized the “challenges posed by climate change ... as well as by the displacement of persons across borders that these phenomena may cause in the region.”³⁸ After that, the Regional Conference on Migration commissioned a report on enhancing the use of existing laws and policies for cross-border disaster-displaced persons.³⁹ Similarly, the South American Conference on Migration published the "Regional Guidelines on Protection and Assistance for Persons Displaced Across Borders and Migrants in Countries Affected by Disasters of Natural Origin" in 2018 to improve the humanitarian response to disaster displacement.

The Cartagena +40 process presents a unique opportunity for States to proactively leverage regional agreements to enhance migration policies—such as free movement agreements⁴⁰—in a way upholds human rights and addresses the needs of those displaced or at risk due to the climate emergency.

The Cartagena +40 process presents a unique opportunity for States to proactively leverage regional agreements to enhance migration policies, such as free movement agreements, in a way that upholds human rights and addresses the needs of those displaced or at risk due to the climate emergency. These measures should explicitly include Haiti and other majority Black countries in the Caribbean, who disproportionately suffer the effects of the climate emergency and face increased barriers and discrimination as they move through the region.⁴¹

³⁷ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, 138 U.N.T.S. 287, https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

³⁸ *Brazil Declaration and Plan of Action, Meeting on Refugees and Statelessness in Latin America* (Dec. 3, 2014), 18, https://www.acnur.org/fileadmin/Documentos/portugues/eventos/2014/Declaracao_e_Plano_de_Acao_Brasilia.pdf

³⁹ Nansen Initiative, *Protection for persons moving across borders in the context of disasters, A guide to Effective Practices for RCM Member Countries*, 6 (Nov. 2016), <https://environmentalmigration.iom.int/sites/g/files/tmzbd11411/files/PROTECTION-FOR-PERSONS-MOVING-IN-THE-CONTEXT-OF-DISASTERS.pdf> (The resulting Protection Agenda highlights ways in which countries can act to protect individuals displaced by climate and disasters across borders according to existing practices, experiences, and legislations in member countries.).

⁴⁰ For more information on the potential of free movement agreements as a tool to address climate displacement, see Legal Action Agenda, 17.

⁴¹ See, e.g., CGRS, Haiti Justice Partnership UC Law SF, and Haitian Bridge Alliance (HBA), *Precluding Protection: Findings from Interviews with Haitian Asylum Seekers in Central and Southern Mexico* (May 2024), <https://cgrs.uclawsf.edu/our-work/publications/precluding-protection-findings-interviews-haitian-asylum-seekers-central-and>; and CGRS, IMUMI, HBA, *A Journey of Hope: Haitian Women's*

Part III – Recommendations

While the scope of the agenda for the Cartagena +40 process is broad, we encourage the IACHR to consider climate displacement comprehensively and incorporate the following recommendations in its formal input to respond to both internal and cross-border climate displacement in a rights-based manner.

A. To Address Internal Climate-Displacement

States participating in the Cartagena +40 process should, at the very least, commit to:

1. Recognize internal climate displacement and its implications for the rights protected under the American Convention;
2. Respect, protect, and fulfill populations' right to stay in place by implementing climate change adaptation measures that increase resilience and limit the vulnerability of populations to climate and environmental risks;
3. Promote and implement stronger coordination between relevant government agencies working on disaster risk management and climate change adaptation; and
4. Integrate a human rights approach to climate-related human mobility that centers the needs and experiences of affected populations in line with the Guiding Principles on Internal Displacement and other relevant guidance.

B. To Address Cross-Border Climate-Displacement

Participating States should commit to:

1. Ratify the Refugee Convention and Protocol, and incorporate the expanded refugee definition of the Cartagena Declaration into their domestic legislation as a matter of urgency if they have not done so already;
2. Affirm that the principle of *non-refoulement* applies when individuals face the risk of harm due to the adverse effects of climate change or disasters and commit to interpreting their resulting obligations accordingly;
3. Recognize the refugee protection regime's applicability to protect some climate-displaced individuals and make the fullest possible use of existing international and regional refugee law, as reflected in UNHCR's guidance;
4. Establish or strengthen international protection procedures to receive, review, and adjudicate the claims of climate-displaced individuals; and
5. Create and implement clear guidance for officers charged with conducting international protection screenings and adjudicators on how to consider climate factors in the determination process.

Migration to Tapachula, Mexico (Jan. 2021), <https://cgrs.uclawsf.edu/our-work/publications/journey-hope-haitian-women%E2%80%99s-migration-tapachula-mexico>.

Additionally, beyond honoring the obligation to protect and in the spirit of fostering safe, humane, and orderly migration, States should additionally commit to:

6. Gather comprehensive data to understand climate displacement better and identify protection gaps;
7. Enhance migration pathways under existing or new frameworks, including for family reunification and labor; and
8. Implement and expand free mobility agreements to facilitate the movement of individuals impacted by climate change, ensuring that receiving States uphold their rights, including access to healthcare and education, and include Haiti and other majority Black countries in these arrangements.