

## CONCEPT NOTE

### Third Thematic Consultation of the Cartagena+40 Process *Protection in Contexts of Forced Displacement due to Disasters*

*Bogota June 19 and 20, 2024*

#### I. Introduction

This document has been prepared by the Technical Secretariat of the Cartagena +40 Process (C+40), led by the Government of Chile with the support of UNHCR, the Government of Colombia and the Platform on Disaster Displacement, to inform and guide discussions among Latin American and Caribbean States, local authorities and communities, regional and sub-regional mechanisms, international agencies, civil society, forcibly displaced people-led organizations, academia, national institutions for the promotion and protection of human rights, the private sector, and international development and financial actors, during the Third Thematic Consultation of the Cartagena+40 Process.

The objective of this Third Thematic Consultation is to engage in a joint reflection to identify, highlight and promote concerted solutions to strengthen, as a regional response, the protection, preparedness and resilience of forcibly displaced people in the context of disasters and the effects of climate change. The above will ensure a multi-sectoral and differentiated approach to groups and individuals in vulnerable situations and keep people at the center of all actions.

Forced displacement in the context of disasters and the effects of climate change is among the most significant humanitarian and development challenges currently facing States and the international community<sup>1</sup>.

The above illustrates that the link between climate crisis and forced displacement, is intertwined with multiple drivers and triggers of displacement, rather than a direct causal pathway, particularly in places where adaptive capacity is low and vulnerability is high. The impacts of climate change and disasters also **affect access to durable solutions** for refugees and displaced populations, limiting options for safe and sustainable return to highly vulnerable countries and communities, and affecting prospects for integration into host communities.

Climate-related disasters caused more than half of the new displacement recorded in 2023 globally, with 26.4 million people displaced by extreme weather events, floods and droughts. Nearly 60% of these people, refugees and internally displaced persons live in countries that are among the most vulnerable to disasters and climate change<sup>2</sup>.

This type of displacement, along with other forms of human mobility, has been widely recognized in the Cancun Adaptation Framework, in the Sendai Framework for Disaster Risk Reduction 2015-2030, the 2030 Sustainable Development Goals, the Paris Agreement, and other relevant platforms. The Loss and Damage Fund, recently

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<sup>1</sup> The United Nations Office for Disaster Risk Reduction (UNDRR) uses the term "disasters" instead of "natural disasters". The reason is that disasters are the result of the interaction between hazardous events (which may be natural, such as hurricanes or earthquakes) and conditions of vulnerability in the affected communities. While hazards may be natural, disasters are not because their impact depends on human factors such as urban planning, infrastructure and risk management policies.

<sup>2</sup> <https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC-GRID-2024-Global-Report-on-Internal-Displacement.pdf>

adopted at COP 28 on Climate Change, includes migrants and refugees among the activities to be funded, ensuring compatibility with existing investments, results frameworks and funding windows and structures<sup>3</sup>.

In recent years, the United Nations has adopted several resolutions related to forced displacement caused by disasters and other humanitarian crises. In 2022, the UN General Assembly adopted resolution A/77/L.32, which focuses on international cooperation for humanitarian assistance in the context of disasters. It emphasizes the importance of preparedness and early response to minimize the impact of these disasters and recognizes the close linkages between relief, rehabilitation, and development.

In various documents and action plans, UNHCR has highlighted the need to address humanitarian crises and forced displacement caused by armed conflict, food insecurity, environmental degradation or climate change. Recently, UNHCR launched the Strategic Plan for Climate Action 2024-2030, its global roadmap with four interdependent objectives: protection, solutions, resilience and adaptation. In addition, UNHCR published its *Legal considerations on claims for international protection in the context of the adverse effects of climate change and disasters*<sup>4</sup>, which clarifies that the refugee definition criteria of international and regional refugee law may apply in certain situations.

The Inter-American Commission on Human Rights (IACHR) and the Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) have issued a Resolution on Climate Emergency and Human Rights in the Americas<sup>5</sup>. It recognizes that climate change is a human rights emergency and constitutes one of the greatest threats to the full enjoyment of human rights by present and future generations, as well as to the health of ecosystems and all species inhabiting the hemisphere.

Similarly, the Human Rights Council Resolution 53/6 on "Human rights and climate change" recognizes the link between the adverse impacts of climate change, in particular on livelihoods, displacement, and migration, and the need to adopt adaptation measures that benefit the most vulnerable people, facilitate safe and voluntary displacement, minimize forced displacement, and address gaps in the protection of human rights. This is essential, inter alia, to reduce the risk of trafficking and exploitation of people on the move, particularly women and girls<sup>6</sup>.

These actions and resolutions reflect the continued and sustained effort by the United Nations and other regional and international agencies to improve humanitarian response and address the root causes of forced displacement, including the impacts of climate change and disasters.

In the face of this reality, government protection is crucial. This is of particular concern in Latin America and the Caribbean, which is the second most vulnerable region in the world to the adverse impacts of climate change,

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<sup>3</sup> Operationalization of the new funding arrangements, including a fund, for responding to loss and damage referred to in paragraphs 2-3 of decisions 2/CP.27 and 2/CMA.4 <https://unfccc.int/decisions>

<sup>4</sup> UN High Commissioner for Refugees (UNHCR), Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters, 1 October 2020: <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123356>

<sup>5</sup> Resolution available at: <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2022/045.asp>

<sup>6</sup> Resolution 53/6 adopted by the Human Rights Council on 12 July 2023. Human Rights and Climate Change, available at: <https://documents.un.org/doc/undoc/gen/g23/148/73/pdf/g2314873.pdf?token=idGInISW5WTXq1ILCI&fe=true>

including extreme weather events. Moreover, one-third of the region's population lives in disaster prone areas<sup>7</sup>. Indeed, between 2000 and 2023, disasters affected more than 190 million people<sup>8</sup>.

The inclusion of this theme in the Cartagena+40 Process aims to reflect on the protection needs arising from these scenarios and on the concrete and solidarity-based responses and solutions that can be adopted for the next decade. This includes actions aimed at understanding displacement in the context of disasters and the adverse effects of climate change, as well as strengthening the protection of forcibly displaced people, promoting their resilience and including them in adaptation and response plans. All these efforts aim to build a regional response focused on protection, preparedness, and resilience.

The region will continue to be at the forefront of the reflection and adoption of measures to protect and mitigate the impact of the adverse effects of climate change and disasters on human mobility, from a protection and solutions approach that also integrates the experiences and challenges of the Caribbean island states.

## II. Context and current practices

Reports by various United Nations agencies – including the United Nations Office for Disaster Risk Reduction (UNDRR), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and UNHCR – as well as from the Inter-American Commission on Human Rights (IACHR), highlight the multi-causality of forced displacement in the context of disasters, emphasizing that pre-existing vulnerabilities in communities increase the need for protection and assistance.

In addition, these agencies report that climate change has multiple negative impacts on humanitarian emergencies, exacerbating the vulnerability of communities and hampering relief efforts. The UNDRR has documented an increase in the frequency and intensity of disasters, causing devastation to communities and increasing the number of displaced persons. Rising global temperatures are intensifying the hydrological cycle, leading in more frequent floods and longer droughts, affecting food security and access to clean water. Disasters damage critical infrastructure such as roads, hospitals and schools, hampering rescue operations and long-term recovery. Finally, we know that disaster related reconstruction costs and lost income place a significant economic burden on affected countries, especially in developing regions.

In addition, UNHCR has warned that disasters and the adverse effects of climate change also exacerbate conflict situations and other causes of displacement. In this context, people in situations of pre-existing displacement – such as internally displaced persons and refugees – are particularly vulnerable because, among other factors, they have limited adaptive capacity and, in some cases, are more exposed to environmental risks due to the conditions in the host areas and cities. Disaster induced displacement can also increase the risk of statelessness and lead to greater protection risks and reduced options for solutions, especially return, new displacements, often along dangerous routes.

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<sup>7</sup> For a measure of country risk exposure, see: <https://gain.nd.edu/our-work/country-index/rankings/>; which provides, among other tools, a risk index: "The ND-GAIN Country Index is a measurement tool that helps governments, businesses and communities examine risks exacerbated by climate change, such as over-crowding, food insecurity, inadequate infrastructure, and civil conflicts. (...)". Information available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR\\_slow\\_onset\\_of\\_Climate\\_Change\\_SPweb.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_slow_onset_of_Climate_Change_SPweb.pdf)  
Data on internal displacement at the regional and global level are available in: IDMC GRID report: <https://www.internal-displacement.org/global-report/grid2024/>

<sup>8</sup> Panorama of Disasters in Latin America and the Caribbean 2000 - 2022, OCHA - UNDRR, 7 Sep 2023. Report available at: <https://reliefweb.int/report/world/panorama-de-los-desastres-en-america-latina-y-el-caribe-2000-2022>

This highlights the need for humanitarian response to include protection mechanisms for forcibly displaced persons, in addition to integrating disaster risk reduction and climate change adaptation into development and urban planning policies.

In this framework, the **triple nexus approach, which promotes cooperation, collaboration, and coordination between humanitarian, development, and peacebuilding activities**, is essential to effectively address disasters and their consequences. This approach recognizes that crises and disasters are interlinked and that isolated responses may not be sufficient to achieve sustainable and resilient recovery.

Integration of the triple nexus approach can be achieved through joint needs assessment, cross-sectoral coordination and flexible long-term financing. This approach is crucial to address the immediate impact of disasters and to build more resilient communities capable of coping sustainably with future crises.

In this complex context, the region has at its disposal legal and humanitarian tools developed at both the international and regional levels, which constitute a solid foundation on which the countries of Latin America and the Caribbean can base their joint reflections within the framework of this Cartagena+40 Process.

Indeed, the **Guiding Principles on Internal Displacement** (Guiding Principles, 1998<sup>9</sup>) define internally displaced persons as persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of, inter alia, "natural or man-made disasters".

For its part, the **2014 Brazil Declaration and Plan of Action** already referred to disaster-related displacement, anticipating the challenges that would arise in the decade of its implementation. In 2018, the Global Compact on Refugees recognized that in certain situations, external forced displacement may result from sudden-onset natural disasters and environmental degradation, specifying that, although climate, environmental degradation, and specified that while climate, environmental degradation and disasters do not in themselves cause refugee displacement, they are increasingly interacting with the drivers of refugee movements. In this context, at the Second Global Forum on Refugees in 2023 a Multi-Stakeholder Pledge on Climate Action was formulated, to strengthen the protection, preparedness and resilience of refugees, other forcibly displaced persons, stateless persons, and their host communities in the face of current and future climate impacts<sup>10</sup>. The pledge encourages various stakeholders to take concrete action, in particular on accessible and scaled-up financing, the development of inclusive laws, policies and plans, and the development of projects based on best practices and local and traditional knowledge.

In addition, the issue has been included in the work agendas of regional consultative forums on migration issues, such as the Regional Conference on Migration, the South American Conference on Migrations, and the Caribbean Community. Some of these fora have already adopted guidelines that are valuable contributions to the Cartagena+40.

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<sup>9</sup> UN Commission on Human Rights, Guiding Principles on Internal Displacement, 1998. Available at: <https://documents.un.org/doc/undoc/gen/g98/104/93/pdf/g9810493.pdf?token=UBO6SmYHgxmsqzc3yz&fe=true>

<sup>10</sup> Global Refugee Forum 2023, Multistakeholder Pledge on Climate Action: <https://globalcompactrefugees.org/pledges-contributions/multistakeholder-pledges-2023/multistakeholder-pledge-climate-action>  
Countries in the region, such as Chile, have adhered to this pledge, as well as individual countries that have made pledges on this issue.

Likewise, the Inter-American Court of Human Rights (IACHR) is expected to adopt a decision regarding the request of Chile and Colombia for an Advisory Opinion on the Climate Emergency and Human Rights<sup>11</sup>, which should address key aspects related to displacement in the context of climate change and disasters in the region, the responses that states should adopt to address protection needs.

These initiatives complement the fact that a significant number of laws in Latin America explicitly establish a special regime - entry visas or residence permits, generally under the humanitarian category - for people displaced by the adverse effects of climate change or disasters. Specific legal responses have even been developed to receive people from certain areas or zones affected by these phenomena. This provides a solid basis for coordinating action, seeking commitments and agreements, and developing appropriate solutions. For example, the Caribbean stands out for having implemented solidarity policies of free transit and reception, also in a coordinated manner within the region, for people displaced by these events.

This issue in the Cartagena+40 Process is essential for the Chile Plan of Action to anticipate and address the significant challenges that may arise during its decade of implementation and is certainly an opportunity to open up space that requires better understanding. Anticipating these challenges highlights the visionary and pioneering character that has characterized the entire Cartagena Process over its 40 years, all the more so given that the Brazil Action Plan anticipated the protection needs and solutions that would arise from these new scenarios.

### III. Technical and strategic areas of discussion

The focus areas of this Consultation have been defined in response to the priorities and needs identified in the region in recent years, in synergy with the principles of the Global Compact on Refugees. The consultation aims to create an inclusive space for reflection with a view to formulating strategies, commitments and joint responses to the protection of people, which are the central focus of all actions.

In this context, four technical areas for discussion have been identified, each with specific topics to be addressed, accompanied by guiding questions to steer the debate towards the elaboration of common solutions.

**States and other stakeholders are encouraged to frame their interventions around the proposed questions in order to achieve an effective and substantive outcome.**

**Suggestions for innovative responses and solutions are invited to facilitate new pragmatic and effective programs and strategies. Please review the document ["State interventions and presentation of good national practices at the C+40 Consultations"](#).**

#### FIRST SEGMENT - PREVENTION STRATEGIES, TAILORED AND DIFFERENTIATED RESPONSES, AND HUMANITARIAN ASSISTANCE FOR THE PROTECTION OF PEOPLE ON THE MOVE IN THE MOST AFFECTED COUNTRIES

Addressing humanitarian, development and protection needs in the countries of origin is an imperative of the comprehensive protection approach along the route that inspires the elaboration and design of Chile's future Action Plan. This is in addition to the need to incorporate gender, intersectional and intercultural perspectives, in order to have adapted and differentiated responses.

<sup>11</sup> Request for an advisory opinion on the Climate Emergency and Human Rights submitted to the Inter-American Court of Human Rights by the Republic of Colombia and the Republic of Chile, available at: [https://www.corteidh.or.cr/docs/opiniones/soc\\_1\\_2023\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/soc_1_2023_en.pdf)

As indicated above, various United Nations reports, and resolutions have shown that disasters and the adverse effects of climate change have an impact on access to the enjoyment of human rights by affected people, on the rights of communities and, in a differentiated manner, on specific groups and individuals in situations of vulnerability. They also affect access to durable solutions, limit opportunities for safe and sustainable return and affect the prospects for integration of displaced persons into their host communities.

### 1) Strategies and prevention programs for protection

The Sendai Framework for Disaster Risk Reduction 2015-2030 comprehensively documents the actions that should be taken at all stages of disasters and related displacement. In its Mid-Term Review, the framework identifies the need to redouble efforts to improve understanding of community vulnerabilities and risk exposure<sup>12</sup>. A common and detailed understanding of displacement can provide the community with a robust, people-centered baseline scenario of disaster risk and its effects. This would make it possible to better identify what efforts are needed and where they should be targeted to reduce the vulnerability associated with (or revealed by) displacement.

Preventive measures aimed at strengthening protection and solutions need to be comprehensive and, moreover, adapted to the specificities of the events. In this context, the following areas for discussion are suggested:

- **Adopt and develop in advance comprehensive and differentiated protection mechanisms and response strategies to prevent, as far as possible, forced displacement, including early warning and information systems. Ensure access to basic rights, an adequate standard of living and enhance the resilience and adaptive capacity of communities and people in vulnerable situations, with particular attention to people seeking refugee status, refugees, internally displaced persons and stateless persons.** *How could mechanisms be established to share information at the regional level on risks of displacement due to disasters or adverse effects of climate change, early warning or mobilization of resources for humanitarian aid to the most impacted areas? What should displacement preparedness policies foresee and include, from the initial stages to the medium and long term?*
- **To promote the active and meaningful participation of displaced people, communities particularly affected, at risk of displacement, or already displaced** -for example, Indigenous, Afro-descendant or cross-border communities, or groups led by women-; both in the identification of needs (focusing on National Adaptation Plans (NAPs), as well as in leading their implementation. *How can the active participation of these people and communities be favored? How can the inclusion of displaced people in social protection systems and records be supported?*

### 2) Regulations and policies on internal displacement

- **Include laws and policies on displacement** in which disasters and the adverse effects of climate change are considered as a cause of displacement - Guiding Principles on Internal Displacement. *Could the Chile Plan of Action recommend ensuring a differential approach, highlighting the relevance of their interaction with other vulnerability factors such as conflict or violence or the condition of being previously forcibly displaced or stateless?*

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<sup>12</sup> Report of the mid-term review of the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030. Page 92, available at: <https://sendaiframework-mtr.undrr.org/media/87276/download?startDownload=20240604>

- **Establish clear and specific guidelines on how relocation processes should be carried out for displaced people in contexts of climate change and disasters and how to offer them durable solutions.** What is required to design a planned relocation in accordance with the individual and collective needs and preferences of displaced people? How to ensure comprehensive care from a rights restitution perspective (recognizing that relocations are not limited to the physical transfer of people from one place to another, but must start from the restitution of affected rights and address the underlying causes of displacement)?

### 3) International humanitarian aid to the most affected countries

Promoting humanitarian aid to countries of origin is an imperative of the principles of solidarity and responsibility-sharing that have inspired the Cartagena Process throughout its history.

Disasters and the effects of climate change will continue to impact internal and cross-border displacement and possibly also be a source of conflict over access to resources, increased marginalization, and poverty, among other things. Development policies and support for the most affected countries and communities will be crucial, and they can be developed through bilateral, multilateral, and regional cooperation and coordination policies.

## SECOND SEGMENT - STRENGTHENING INTERNATIONAL PROTECTION IN HOST COUNTRIES

Disasters and the negative effects of climate change can generate situations of violence, disorder and conflict, serious disruptions of public order, and violence due to limited access to resources in contexts of food shortages or even famine. People may also be deprived of access to health and other basic rights.

In this scenario, international protection systems in host countries and the strengthening of solutions as a protection tool become crucial. Host countries can develop innovative tools to welcome people who may cross borders and come to their territories.

Without prejudice to guaranteeing access to refugee status determination systems, where appropriate, States may develop, for example, humanitarian visas and rapid response mechanisms in the event of such humanitarian contingencies. As noted, many countries in the region have legislation that provides for the granting of visas on humanitarian grounds related to disasters; Bolivian legislation, for example, makes direct reference to the adverse effects of climate change in this respect.

It is very likely that in the coming years, all countries will face, to a greater or lesser extent, the adverse effects of climate change. World Bank projections indicate that, in a pessimistic scenario, the number of internal climate migrants could exceed globally 143 million people by 2050 (about 17 million in Latin America), with the poorest populations and countries being the most affected<sup>13</sup>.

The World Bank also points out that internal climate migrants do not necessarily stop at borders, as climate change can inhibit or drive cross-border migration, depending on a number of factors that lead people to decide to move.

On the other hand, in the possible scenario of crossborder displacements within the region, it is likely that many countries will show solidarity with their neighbors. It is pertinent to analyze the tools that each country has developed to give concrete meaning to this willingness to cooperate regionally. The protection measures to be designed, reception policies or legal interpretations of domestic legislation will certainly be strengthened if they are

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<sup>13</sup> World Bank: Groundswell: Preparing for Internal Climate Migration, report (English, French, Portuguese, Spanish) available at: <https://openknowledge.worldbank.org/entities/publication/2be91c76-d023-5809-9c94-d41b71c25635>



adopted as a common regional cooperation policy, with a view to reciprocity. Moreover, it is possible that those who are host countries today may become countries of origin in the years to come. A reciprocal approach can generate a region with greater solidarity and in which the principle of shared responsibility prevails.

In this context, the following areas for discussion are suggested:

- **Apply, where relevant, international refugee law to protect people forcibly displaced across international borders in the context of the adverse impacts of climate change and disasters.** In what specific circumstances can cross-border displaced people be protected under the refugee definition of the 1951 Convention and/or its 1967 Protocol? What interpretation of the regional refugee definition of the 1984 Cartagena Declaration may allow its application in the context of displacement due to disasters and adverse effects of climate change?
- **Apply complementary forms of international protection when there are serious risks of affecting the human rights of displaced people who should be protected under the principle of non-refoulement.** How can domestic legislation on complementary or temporary protection be strengthened to address these phenomena?
- **Design humanitarian responses for people in need of international protection, including in cases of mass influxes or other humanitarian crises when circumstances in the country of origin remain fluid or unclear.** Without prejudice to the right to seek and receive asylum, how can we strengthen domestic legislation to establish protection mechanisms, such as complementary admission arrangements, humanitarian or entry visas, or stay permits? How to anticipate legal and practical responses to emergency humanitarian situations? What is required to strengthen the recognition of family unity and make it effective? ¿What other legal pathways could be adopted?
- **Develop comprehensive, differentiated and specific policies for reception in circumstances of international displacement in the context of disasters.** What mechanisms and actors should be involved in the development of these policies?
- **Promote international collaboration and reciprocity.** What tools or agreements, regional or bilateral, can be developed to facilitate mobility, including, for instance, cross-border evacuation needs?

### THIRD SEGMENT - MAIN REGIONAL FRAMEWORKS AND PROCESSES IN LATIN AMERICA AND THE CARIBBEAN THAT ADDRESS DISPLACEMENT IN DISASTER CONTEXTS. ARTICULATION AND SYNERGIES WITH THE CHILE PLAN OF ACTION.

In Latin America and the Caribbean, there are numerous mechanisms or instances of cooperation and coordination that address human mobility issues, including those resulting from climate change and displacement due to disasters. The Chile Plan of Action, which will be an adapted regional application of the 2018 Global Compact on Refugees, is also a space to identify existing regional advances and initiatives and, where appropriate, draw on them as a basis for facilitating, complementing and improving their guidelines, commitments and programs for implementation.

- **Pledges on displacement and climate change made before the 2023 GRF that may impact the region.** How can C+40 become a space for implementation and coordination of the pledges? What is required for Latin American and Caribbean countries to submit pledges related to the multistakeholder pledge on Climate Action in order to receive improved access to climate action, including capacity-building and financing?



- **Initiatives for coordinated response and proposals for collaboration with regional and subregional mechanisms, along with their respective technical working groups, aiming for regional alignment with existing agreements or protocols concerning risk management and protection responses** (such as the South American Conference on Migration -CSM-, the Regional Conference on Migration -CRM-, the Central American Integration System -SICA-, the Caribbean Community -CARICOM, the MERCOSUR, MIRPS or the Quito Process). **What initiatives exist at the sub-regional level and can be extended to Latin America and the Caribbean? What progress can countries build upon to coordinate actions at a continental level? What would be the role of Chile's Plan of Action in providing a strategic and articulating regional framework on this issue in these forums?**

Finally, all States, other stakeholders, and regional and subregional mechanisms are urged to link their pledges at the Global Forum on Refugees to the Cartagena+40 multi-stakeholder pledge and to consider the Cartagena+40 Process and the Chile Plan of Action as a space for regional articulation.

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Official Website of the Cartagena+40 Process / Ministry of Foreign Affairs of Chile:  
<https://www.minrel.gob.cl/proceso-de-cartagena-40>

Information on the Cartagena Process throughout its history and C+40 documents:  
<https://www.acnur.org/cartagena40>

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