



Latin America Regional Brief: Climate Change and Human Mobility

June 2023

Executive Summary

Grassroots organizations working on climate change and human mobility identify the following three priorities: (1) Recognize climate change as a systemic crisis to denounce its root causes and demand fundamental changes to halt its advance, thus defending the peoples' right to remain in their territories; (2) Develop safe pathways for regular migration and strengthen protections for persons impacted by this crisis; and (3) Work articulately with local, regional, and international actors to achieve durable solutions.

Introduction

The Climate Migration and Displacement Platform (CMDP), jointly with Friedrich-Ebert-Stiftung (FES), convened a consultation of civil society organizations working on climate change and migration in Latin America. The meeting took place in Panama in April 2022. This document summarizes the main discussion points.

Ending the extraction and burning of fossil fuels is paramount to curbing the climate crisis and its devastating consequences. The defense and protection of water sources, combating the degradation of terrestrial ecosystems, and building resilient agri-food systems in the face of climate change are fundamental so that the population is not displaced or forced to migrate. Defending the territory includes confronting extractivist policies that value subsoils or soils more than the cultures and ecosystems that inhabit them. Community practices and efforts from the territories and communities need political and financial support. A political vision and regulatory frameworks are necessary to make protection and integration possible for internally displaced persons and migrants. Finally, for the purposes of this document, it is understood that migration refers to the crossing of international borders and that it can be a voluntary or forced act. Therefore, people who migrate may have protection needs.

Challenges and Characteristics of Internal Displacement and/or International Migration in Latin America as a Result of Climate Change

Along with particular sub-regional elements, there are common challenges and characteristics regarding human mobility and climate change:

- Ignorance of the climate crisis, its causes, and effects, despite the marked impacts (decrease in good quality and sufficient quantity of water, extreme temperatures, effects on seeds, soil erosion, rising sea levels, etc.), and changes in living conditions that force people to move internally or migrate to survive.

- Breaking up of the social and community fabric limits the ability to generate coordinated, integrated, and efficient responses.
- Communities in situations of vulnerability face the dichotomy between development and *el buen vivir*, or “good living”.
- The need to understand and know our social fabric first, then demand State presence.
- Insufficient public policies on climate change and others related to migration, and lack of regional coordination to make demands and act jointly.
- Lack of guarantee and protection of the population's human rights in general, with a particular impact on migrants and displaced persons.
- Need to address structural racism and xenophobia, including racial profiling.
- Difficulties identifying the environmental or climate change component in the factors that force people to abandon their places of residence.

In Mexico, it is difficult to identify the environmental or climate change component in the factors that force people to leave their homes. Agricultural losses due to drought and frost are added to poverty and factors associated with drug trafficking, organized crime, criminalizing migrants, and environmental defenders. Responsibilities and the role of the Federal state are unclear. No solid public policies address the issue in depth. It is preferred to speak of climate chaos to highlight its seriousness. The energy model continues to be centered on hydrocarbons. There is no mention of internal displacement, although it is occurring in a large part of the territory, specifically in localities with vulnerable communities whose main economic activities are agriculture and cattle raising, and where megaprojects are being developed, as in the south of the country.

In Guatemala and El Salvador, countries of origin, transit, and deportations, climate change increases the structural problems that force people to leave their communities, including violence, organized crime, and poverty. The extractivist economic model and monoculture accelerate climate change and lead to population displacement. The development paradigm and land tenure model devalue work in the countryside. The most affected are indigenous peoples, youth, women, and landless peasants, who are proportionally displaced. The people expelled from their territory are those who would have the best conditions for resilience and for building alternative models. The economies of these countries depend heavily on remittances from migrants abroad. A quarter of the Salvadoran population and 16% of the Guatemalan population live in the United States.

Honduras, a country of origin, transit, and deportation, faces several challenges. There is a political strategy of emptying large areas of the country, which have been taken over by armed groups interested in territorial control to exploit natural resources. This is profitable for organized crime and extractivist projects of all kinds, national and transnational. The impact of drug trafficking must be acknowledged, undermining democracy and the quality of life of broad sectors of the population, especially the most dispossessed. Floods are the result of deforestation, which generates greater environmental vulnerability. Drought, one of the slow-evolving consequences of climate change, is accentuated in the dry corridor, which is a trigger for the loss of livelihoods, which drives migration. In addition, some of the coastal areas are being displaced by rising sea levels.

In Costa Rica, Panama, and Colombia, the vision of the national economy does not fit with the needs of the communities. Governmental efforts hand-in-hand with extractive transnational corporations have fractured the social fabric and its organizational bases, forcing communities

to focus on daily subsistence. The criminalization of migration is a reality that must be confronted because it generates a situation exploited by mafias, violating the rights of those who migrate and those who receive them in transit. It is necessary to work on understanding migration and that irregular migration results from existing national, regional, and global policies within a capitalist, patriarchal, racist, and colonialist system and to acknowledge that migrants are people forced to move because they were uprooted from their territory. Hence, the need to join efforts and demand urgent actions to stop the root causes that force people to make this decision.

Although the countries of South America are more open to international migration, not all of them have knowledge or legislation on internal displacement. In the arid sub-regions, some of the most marginalized areas, susceptible to climatic phenomena and with a high level of internal displacement, proposals for coexistence based on understanding nature and promoting solutions are being advanced, resulting in land-use planning that allows for the coexistence of different forms of production. The challenge is to synchronize traditional and technical knowledge based on accepting the region's characteristics. For example, in arid areas of Brazil, a whole culture has been created to adapt to this climate, which will face new challenges when the climate crisis and its extreme temperatures are accentuated. The climate crisis implies recognizing that we need other forms of production that prioritize local consumption over agro-exports to ensure the coexistence of indigenous and peasant populations. Migration is much more difficult for the indigenous population, who privilege their community and cultural life, where the territory is part of their body. The migration of the young population is a difficult challenge to overcome when policies threaten the territories they inhabit, fracturing their social fabric and, therefore, the possibility of attracting back this population that returns with more education and social mobility.

Challenges

- Loss of social and community fabric structure limits the ability to generate coordinated and integrated responses.
- The extractive pressure on the territories has caused communities to lose the notion of how they have woven their social base, how they have made an impact, and how to have the capacity to replicate.
- Understanding and knowing the social fabric, to later demand the presence of the State.
- Working for sustainability as well as for daily subsistence.
- Organized crime supported by state indifference and lack of protection of communities.
- Understanding migration, including irregular migration, is the result of a capitalist system that is still colonial and, therefore, that there is a historical debt that must be recognized and assumed by the global north.
- Educational curriculum on racial and ethnic discrimination and patriarchy.
- Minimizing our dependence on fossil fuels as an immediate action to stop the climate crisis and its devastating consequences.
- Victimization of migrants, who are not seen and treated as subjects of rights, but as a problem without recognizing the causes of migration. The right to migrate and to seek and receive asylum is denied.

Recommendations

- Emphasize that people and communities have the right to remain in their territories. Stop the extractive policy that values the soil and subsoil more than the communities that inhabit it to achieve the permanence and rootedness of people in their territories and slow down the forced migration of young people from rural areas.
- Need to recognize and make 'drip-by drip' displacement and migration visible.
- Develop territorial planning that allows for the coexistence between nature and the different forms of sustainable production.
- Work together on understanding the climate crisis and the protection of ecosystems and address its causes as a matter of urgency. Information is not accessible; the challenge is how to translate the technicality when the ways to protect clash with the way of living.
- Work with remittance recipient families to use remittances for sustainable development.

Opportunities

- Action Plan 2024. Cartagena Declaration.
- The Escazú Agreement could be a window of protection for environmental defenders.
- Request for an Advisory Opinion before the Inter-American Court on migration due to climate change.
- Alliances between indigenous peoples can be opportunities:
- Mesoamerican Alliance of Peoples and Forests.¹
- Coordination of Indigenous Organizations of the Amazon Basin.²
- Mesoamerican Territorial Fund.³

¹ <https://www.alianzamesoamericana.org/es/>

² <https://twitter.com/coicaorg>

³ <https://www.alianzamesoamericana.org/es/fondo-territorial-mesoamericano/>

Annexes

Impact of climate change and human mobility on specific groups

There is a need to recognize the gap in approaches to human mobility and climate change, and the importance of making visible the intersectionality of all vulnerabilities. There is a narrative around human mobility due to the climate crisis that needs to be addressed. Affected communities lag behind because of the digital divide and have difficulty proposing counter-narratives.

Unaccompanied and accompanied children and youth

- Risks to their lives and safety.
- Identity.
- Statelessness.
- Suspended education and recreation.
- Right to food.
- Impact on development and health.
- Labor exploitation.

Women

- Victims of trafficking. Exposure to violence and sexual harassment.
- Imbalance of gender roles. Maternity, caregiving, and head of household roles, rights, and responsibilities for children.
- Health.
- Economic independence and impact on household finances and their participation in the labor force.

LGBTQ+ Community

- Lack of protection, especially in extreme situations and victims of structural machismo.
- Exacerbation of discrimination.

Non-Spanish speaking communities

- Discrimination.
- Disinformation.

Adults and senior citizens

- Integration.
- Cultural identity.
- Health.
- Reduced mobility.
- Loneliness.

Indigenous peoples and Afro-descendants

- Lack of hope, psycho-social risk.
- Dispossession of land and territory. Loss of livelihood and subsistence.
- Changes in life, culture, traditions, and practices.
- Discrimination and xenophobia.
- Marginalization, discrimination, and structural racism.
- Lack of awareness of collective rights, including the right to prior consultation.

- Labor exploitation.
- Absence of positioning of social movements in the face of the rights violations they suffer. Lack of understanding and avoidance of addressing these situations.

Campesino (peasant) populations

- Impacted by ecosystem alterations.
- Loss of livelihoods.
- Forced to switch to crops advertised as more profitable, which will have environmental consequences. Generation of high dependence on transgenic seeds and agro-toxic chemicals that kill pollinators. Imposition of monoculture and agroindustrial development.
- Gaps in land ownership. Eviction and dispossession.
- Excluded from the banking and financial system.

Coastal populations

- Imminent risk of displacement.
- Risk of loss of cultural identity.

Fauna and Flora

- They have no rights but are the sustenance of our survival.

Common elements

- Exacerbation of structural problems.
- People living in poverty.
- Greater lack of protection and vulnerability of people with disabilities.
- Unemployed youth.
- Little decision-making power.
- Impact on the peri-domestic (house, garden, animals).
- Local urbanization, blurring the urban from the rural.
- Risks in the conditions of mobility, victims of smuggling of migrants and trafficking in persons, risks in the means of transport and migratory routes.

Groups vulnerable to violations of their rights and the impact of climate change.

Human Rights Defenders

Attacks against life, personal integrity, freedom, and security. The strategy of terror in a violent environment, with several actors and gray zones. This situation generates individual and collective impacts on the social fabric and participation, generating stigmatization. Individual and collective protection mechanisms include the normalization of violence. Defense strategies should include strategic litigation that allows documenting and making visible, generating a higher cost for the perpetrator. It is necessary to change the narrative and address the root conflict.

Decent work

Violations of the population's rights result in human trafficking and contemporary forms of slavery. Employment discrimination and xenophobia are also observed. Need to address these rights violations as a structural problem, based on a human rights framework. In addition, there is an underground labor market in which organized crime operates, taking advantage of vulnerability based on gender differences, children and adolescents, and indigenous peoples.

Advocacy strategies include developing an international instrument that addresses the protection of women workers, particularly those in the care work. The urgency of a policy dialogue around the financing of labor migration and the need for a strategy to change narratives.

Rights to health, food, and water

Impact on communities due to resource extraction, commodification, and pollution. Impact on health and access to basic sanitation. Loss of healthy eating habits. Violation of the right to territory and a healthy environment. The violation of rights before migration is exacerbated when migrating, as they do not have the territory's resources. On the other hand, local populations are overwhelmed by migratory flows and the criminalization of those who assist them. Advocacy strategies include providing the means and conditions in the territories to assist and protect migrants. Develop policies that include migration of origin, transit, and destination and support the return and local initiatives from the youth and knowledge around the right to stay; in other words, not to be forced to migrate. Create alliances, promote mutual aid, and strengthen techniques and policies. Develop awareness-raising campaigns on climate change locally and in the languages spoken by the population. It is necessary to educate citizens and reverse populist demobilization, create opportunities for young people, including adequate and attractive jobs. Support local organizations and initiatives with tools to strengthen community governance capacities. Finally, it is essential to change the population's mentality about migrants through strategic communication.

Right to education

This is perceived in the lack of access to education in general and even more so in quality education. This is reflected in the high school dropout rate, the absence of education on ethnic and racial diversity, the technological gap, and the lack of continuity in learning processes as a result of mobility. The reluctance to validate, accredit and recognize studies and degrees also has a negative impact on the migrant population. Transculturation and culturalization represent a loss for native peoples. One strategy is to promote the use of remittances for education, particularly higher technical or university education. There is a need to develop protective regulatory frameworks for children and to recognize the failure of many entrepreneurship and employability strategies to stop migration and displacement. Education on racial discrimination, the right to difference, and indigenous rights should be incorporated into the curriculum so that the population understands that indigenous peoples predate republics.

Family life

This is manifested in the risks children face in terms of sexual and labor exploitation, unaccompanied migration, forced disappearances, and deaths of migrants in transit. Migration also presents barriers due to the lack of documentation and the impossibility of accessing it, resulting in the risk of statelessness. Family reunification is increasingly difficult and results from migration policies that lead to the separation of families. Adoption procedures must guarantee informed consent. We observe the criminalization of migration in deportations, and the exacerbation of poverty, which generally results in school dropouts. The channels for regular migration are a strategy, as long as labor rights and family unity are guaranteed and protected, as well as the consolidation of platforms for advocacy and denunciation. It is necessary to position these issues in global and regional spaces.

Opportunities in laws, policies, and practices to protect people and territories.

Argentina

- Potential in regional alliances.
- Complementary protection measures in Argentina for nationals from Central America, Mexico, and the Caribbean.⁴
- Migration regularization program for migrants in transit is in process.
- The Penal Code establishes the crime of forced displacement,⁵ but its application has resulted in the criminalization of territorial defenders.

Brazil

- Rainwater harvesting projects in rural fields and schools.
- Water resources policy.
- Process of construction of social technologies of adaptation, collective work process (MINGA).
- Process of knowledge management around climate resilient agriculture, social innovation, and visibility.
- Process for the protection and storage of native seeds.

Central America

- Agroecology initiative, training in organic agriculture (Proyecto Daki Semiárido Vivo), with high participation of women. It promotes the replacement of agrochemicals with organic fertilizers, rainwater harvesting, sustainable soil management, and agroforestry development processes.

Colombia

- There is a bill to amend the law on internal displacement to include people displaced by climate change.
- Inclusion of climate change in the National Development Plan.⁶

Costa Rica

- Interest in passing legislation on climate change.

El Salvador

- Implementation of the environmental law.⁷
- The special law on migration and foreigners⁸ and its regulations should focus on protection and assistance to Salvadorans abroad through consular services.

⁴ <https://www.argentina.gob.ar/normativa/nacional/disposici%C3%B3n-891-2022-364999>

⁵ <https://www.conceptosjuridicos.com/co/codigo-penal-articulo-180/>

⁶ <https://www.dnp.gov.co/plan-nacional-desarrollo/pnd-2022-2026>

⁷ <https://cidoc.marn.gob.sv/documentos/ley-del-medio-ambiente-actualizacion-2012/>

⁸ <https://www.migracion.gob.sv/servicios/legislacion-migratoria/>

- The law on civil protection, disaster prevention, and mitigation⁹ focuses on humanitarian assistance but does not support the reconstruction of livelihoods.
- Need to change the discourse on development and poverty and develop projects that empower people.

Honduras

- The law for the protection of Honduran migrants and their families¹⁰ could be used to advance strategies to prevent forced migration.
- The law on prevention, care, and protection of internally displaced persons,¹¹ recently approved, did not include climate change.
- Organizational process in Vallecito to create a space for food sovereignty and territorial recovery, based on coconut planting and processing.
- Support and promotion of Garifuna and Mizquito ancestral health, offering primary health care.
- In communal activities where the history of food is taught, they reconnect with their identity and identify that there are other forms of subsistence different from employment, through the contribution to the community.
- Practices aimed at recovering ancestral culture and demonstrating that it is not necessary to leave the communities to generate resources, that it is possible to do so by transforming local products and recovering seeds, emphasizing popular education. The strategy is first to inform the people in the territories and insist that the economic model does not consider the people in rural areas.
- Insistence on compliance with ILO Convention 169.
- Reform of the Penal Code, which establishes the crime of forced displacement,¹² but which has been used to criminalize territorial defenders. Development of a protocol to avoid violence in forced evictions.
- Advocacy around the implementation of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.¹³
- The climate change law¹⁴ needs resources to be allocated to enable its implementation.
- The cluster for the protection of communities at risk of displacement led by UNHCR has included in its guidelines the promotion of protection mechanisms in the face of environmental risks, after hurricanes Eta and Iota.
- Initiatives for the recovery of native seeds and integral agroecology proposals, together with struggles for the defense of land and territory (against extractive projects).

Mexico

- There are no public policies on migration due to the effects of climate change.

⁹ [https://observatoriop10.cepal.org/es/instrumentos/ley-proteccion-civil-prevencion-mitigacion-desastres-decreto-no-777#:~:text=Espa%C3%B1ol-,Ley%20de%20Protecci%C3%B3n%20Civil%2C%20Prevenci%C3%B3n%20y%20Mitigaci%C3%B3n%20de%20Desastres%20\(Decreto,servicio%20p%C3%ABlico%20de%20protecci%C3%B3n%20civil.](https://observatoriop10.cepal.org/es/instrumentos/ley-proteccion-civil-prevencion-mitigacion-desastres-decreto-no-777#:~:text=Espa%C3%B1ol-,Ley%20de%20Protecci%C3%B3n%20Civil%2C%20Prevenci%C3%B3n%20y%20Mitigaci%C3%B3n%20de%20Desastres%20(Decreto,servicio%20p%C3%ABlico%20de%20protecci%C3%B3n%20civil.)

¹⁰ https://oig.cepal.org/sites/default/files/2013_decreto106_hnd.pdf

¹¹ <https://reliefweb.int/report/honduras/honduras-ley-desplazamiento-interno-forzado-abril-2023>

¹² <https://www.conceptosjuridicos.com/co/codigo-penal-articulo-180/>

¹³ https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/WGPleasants/A-HRC-WG-15-1-2_sp.pdf

¹⁴ <https://observatoriop10.cepal.org/es/instrumentos/ley-cambio-climatico-decreto-297-2013#:~:text=La%20ley%20establece%20los%20principios,el%20cambio%20clim%C3%A1tico%20en%20Honduras.>

- The General Law on Climate Change.¹⁵ It only mentions population displacement as an axis for the elaboration and implementation of urban development plans and programs, justifying that this is within the ecological management of the territory, leaving aside the mitigation and adaptation measures contemplated therein.
- The Law on Refugees, Complementary Protection, and Political Asylum does not expressly provide for the recognition of this ground. Strategic litigation is being used to determine whether Mexico recognizes people forced to leave their country as a result of climate change as refugees, by applying the expanded definition of the Cartagena Declaration.
- The legislation on forced internal displacement is pending approval in the Senate.
- Disseminate successes such as the class action lawsuit in defense of native Mexican corn against the risks of transgenic contamination, which has succeeded in stopping large transnational corporations for 10 years. The opportunity around the strategic litigation to prevent the patenting of seeds (UPOV 91), is based on the defense of collective rights.
- The national water law¹⁶ initiatives must be discussed in the legislature that begins on September 1, 2024, and ends on August 31, 2027, to replace the National Waterways Law¹⁷ may be an opportunity.

Panama

- Legislation for the development of indigenous peoples¹⁸ may be an opportunity.
- The law on free, prior, and informed consent¹⁹ is pending regulation.
- Climate finance for indigenous peoples does not reach them, it remains in the intermediaries, efforts such as the Mesoamerican Territorial Fund may be opportunities.

Participants in the Consultation

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¹⁵ <https://observatoriop10.cepal.org/es/instrumentos/ley-general-cambio-climatico#:~:text=La%20ley%20establece%20disposiciones%20para.al%20cambio%20clim%C3%A1tico%20en%20M%C3%A9xico.>

¹⁶ <https://www.gob.mx/profepa/documentos/ley-de-aguas-nacionales-62956#:~:text=Tiene%20por%20objeto%20regular%20la.lograr%20su%20desarrollo%20integral%20sustentable.>

¹⁷ <https://www.gob.mx/profepa/documentos/ley-de-aguas-nacionales-62956#:~:text=Tiene%20por%20objeto%20regular%20la.lograr%20su%20desarrollo%20integral%20sustentable.>

¹⁸ <https://www.mingob.gob.pa/wp-content/uploads/2022/05/91590.pdf>

¹⁹ https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=102800#:~:text=La%20citada%20ley%20establece%20el.calidad%20de%20vida%20o%20desarrollo.