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## Could Latin American citizenship be a fourth durable solution?

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**Proposals for a regional South American citizenship put forward by the Union of South American Nations (UNASUR) offer the possibility of alternative solutions for the protection of internally displaced persons and refugees in the region.**

One of the goals of the Union of South American Nations (UNASUR), established in 2008, is to establish a single South American citizenship. This would be a huge and innovative step, reflecting the political will and spirit underlying a number of significant initiatives which have been introduced in the region over previous decades.

The Cartagena Declaration on Refugees, adopted in 1984, established the legal foundation for refugees in the region, based on a broader version of the 1951 Convention refugee definition, considering refugees to be “persons who have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”<sup>1</sup>

In 2002 countries of the Common Market of the South – MERCOSUR – signed an agreement granting freedom of circulation and residence for all their citizens.<sup>2</sup> Then in 2012 the countries of the (by then enlarged) MERCOSUR bloc signed the MERCOSUR Declaration of Principles on the International Protection of Refugees, pledging to identify asylum needs in mixed migratory flows (with special attention paid to gender and age) and avoid *non-refoulement*.<sup>3</sup> The Declaration also sought to guarantee that refugees could exercise the same rights as other foreigners, promoted family reunification of refugees and established mechanisms for cooperation between the different countries’ asylum institutions. In addition, it created a regional resettlement programme to highlight the importance of harmonising national legislations and of working collectively to protect refugees arriving in the region.

In 2004, the 20 countries of the Latin American and Caribbean region and UNHCR, the UN Refugee Agency, developed the Mexico Plan of Action, reflecting concerns about the threat posed to the region’s stability by the Colombian conflict and the large number of refugees and internally displaced persons (IDPs). The Plan of Action emphasised the importance of cooperation, international solidarity and shared responsibility, aiming to strengthen the framework of international protection in order to achieve durable solutions for refugees in the region. The Plan considered that the quality of asylum was fundamental to finding durable solutions to refugee problems – that is, if protection is effective, a refugee will not need to go to a third country by means of secondary or irregular movements.

In 2014, international organisations and representatives of civil society organisations throughout the region adopted the Declaration and Plan of Action of Brazil. This regional tool to strengthen international protection in Latin America focuses on durable solutions and highlights good practices, promoting South-South cooperation and support from the international community for two specific ongoing displacement situations – growing numbers of refugees who have settled in the large urban centres of Latin America and the large number of vulnerable Colombian citizens in the country’s border areas with Ecuador, Panama and Venezuela.

### Latin American political will

The establishment of the regional bodies and instruments outlined above exemplify the political will existing in the region and illustrate why the Latin

American approach – avoiding restrictive policies, allowing the regularisation of migration, and implementing measures to identify those in need of international protection – has differed from much of what happens in other parts of the world.

UNASUR was established as a space of convergence with other initiatives but with the aim of going a step further: “to build a South American identity and citizenship.”<sup>4</sup> In this context, the South American citizenship that it proposes constitutes the most comprehensive, innovative and potentially durable solution to the humanitarian crisis in the region. It also represents a redefinition of the relationship between the South American countries, based on a common vision and a regional identity.

### Concepts of citizenship

Among its specific objectives, UNASUR seeks to consolidate a South American identity through the progressive recognition of rights for nationals of a Member State residing in any of the other Member States, in order to allow South American citizenship and access to social security and health services throughout the region; through cooperation in the field of migration, it aims to promote region-wide recognition of human and labour rights in order to regularise and harmonise migration policies. The agreement on the exemption of visas and passports signed by the Foreign Ministers of the South American Community of Nations (predecessor to UNASUR) in November 2006 was the first step toward freedom of movement and contributed to laying the groundwork for a South American citizenship.

UNASUR was innovative in presenting the concept of citizenship based on the notion of the legal principle of *jus domicile* – right of residence. This comes from understanding citizenship as membership on different political levels, from local to regional. And it is at the intergovernmental regional level that UNASUR acknowledges the need to ‘transnationalise’ citizenship rights for all citizens and non-national citizens residing in their countries – that is, to recognise a form of belonging by virtue of the place of residence.

While South American citizenship could be considered as an alternative durable solution, it is also complementary to the needs of international protection for refugees and national protection for IDPs. UNASUR has strengthened South-South cooperation, developing a regional agenda in the face of shared problems which increasingly transcend national boundaries.

It is important to note that Resolution No 14/2014 of the Council of Chancellors of UNASUR in 2014 approved the conceptual report on South American citizenship. Similarly, sub-regional bodies (CAN – Comunidad Andina/Andean Community – and MERCOSUR), the South American Conference on Migration and the Working Group on South American Citizenship (GTCS) continue to work on a rights-based, dynamic and integrated approach; progress made on this issue was presented at UNASUR’s meeting in November 2015 in Montevideo. Since that time, the GTCS has continued to work on the issue. For UNASUR’s Secretary General, the goal of a South American citizenship embodies the organisation’s institutional and integrationist aspirations.

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1. The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America [www.refworld.org/docid/51c801934.html](http://www.refworld.org/docid/51c801934.html)
2. [www.mercosur.int](http://www.mercosur.int)
3. [www.refworld.org/docid/5301ebba4.html](http://www.refworld.org/docid/5301ebba4.html)
4. UNASUR comprises 12 countries of the South American region: Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. [www.unasursg.org](http://www.unasursg.org)



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