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The Cartagena process: 30 years of innovation and solidarity

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The 30th anniversary of the 1984 Cartagena Declaration offers the opportunity to consider the achievements of the Cartagena process and the characteristics that make it so remarkable.

Ten years ago, while writing about the Cartagena +20 process, I reflected on the journey by Latin America and the Caribbean in the field of refugee protection since the 1984 Cartagena Declaration.¹ I was looking for the common elements to all Cartagena commemorative processes that had produced important Regional Declarations² as well as for the most unique elements of each. This reflection is even more timely today at the conclusion of its 30th anniversary, which has culminated in the adoption of the Brazil Declaration and its Action Plan³ by 28 countries and 3 territories of Latin America and the Caribbean.

One unifying element is that since 1984 participating states have reaffirmed the need to strengthen the international protection regime for refugees, displaced and stateless persons by highlighting, firstly, the centrality of the principle *pro homine*⁴; secondly, the reliability of the international instruments on refugees and stateless persons; and, thirdly, the convergence and complementarity of International Human

Rights Law, International Refugee Law and International Humanitarian Law. Most remarkably, this defence of international protection has taken place within an ever more restrictive global environment.

Furthermore, all the Regional Declarations put an emphasis on sustainable or durable solutions; they endorse pragmatic and flexible approaches while stressing that sustainable solutions are best achieved in a framework of peace and respect for human rights. As a corollary, the Declarations explicitly or implicitly underline that refugees and displaced persons are essential parties to the construction of peace.

Also, all the Declarations recognise the importance of the collaboration of the international community, and highlight the principles of regional solidarity, cooperation and responsibility. It is within this framework, which emphasises the region's primary responsibility, that international cooperation is sought and welcomed.

The 1984 Cartagena Declaration on Refugees⁴ is a landmark regional refugee instrument, which for Latin America broadened the refugee definition and proposed new approaches to the humanitarian needs of refugees and displaced in a spirit of solidarity and cooperation.

Article III (3): *...the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety 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.*

On the occasion of the Cartagena Declaration's 30th anniversary, governments of Latin America and the Caribbean met in Brasilia on 2-3 December 2014. At the end of the meeting, 28 countries and three territories of Latin America and the Caribbean adopted the **Brazil Declaration** ('A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean') and a **Plan of Action** ('A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity').

1984 Cartagena Declaration on Refugees, 22 November 1984: www.unhcr.org/45dc19084.html

It is interesting to note two more common elements. The first is the open, inclusive and comprehensive nature of the dialogues held among governments, civil society (including academia) and relevant international and regional organisations. The second is the ability of the region to generate both innovative ideas and effective proposals that have not only served well for situations of refugees and displaced persons in Latin America and the Caribbean but have also been the subject of study and use in other regions of the world.

For example, the Conferencia Internacional sobre Refugiados Centroamericanos (International Conference on Central American Refugees)⁵ was started in 1989 as a result of the Cartagena process, opening the way to ground-breaking initiatives, including the FOREFEM dialogues that made it possible for the voices of women to be included in the search for durable solutions.⁶ These also laid the ground for women to be recognised as having their own rights in personal documentation, to land ownership, and to be empowered to organise their own voluntary repatriation movements.

Distinctive elements of the Cartagena process

The Cartagena Declaration of 1984 is particularly known for its expanded refugee definition [see box on previous page], which was a crucial instrument for the protection of refugees from Central America in the 1980s and has continued to be so for thousands of refugees from the region and from other continents.

The 1994 Declaration of San José (Cartagena +10) is perhaps the least known and cited of the Regional Declarations. However, it was visionary in bringing forward a series of principles on internal displacement, years before the Guiding Principles on Internal Displacement were formulated.

The 2004 Mexico Declaration (Cartagena +20) is unique for three reasons in particular. Firstly, the Declaration was accompanied by

an Action Plan; secondly, the Action Plan included three innovative programmes for sustainable solutions, embracing even more strongly the principles of solidarity and joint responsibility through its Cities of Solidarity, Solidarity resettlement and Borders of Solidarity; and, thirdly, the scope of consultations was broadened to include three sub-regional meetings, which provided even greater legitimacy to the process.

And now, the 2014 Declaration of Brazil follows the path marked out by the Declaration of Mexico, since it includes an ambitious Plan of Action for the period 2015-24. One of its 11 programmes of action incorporates the Caribbean countries as full members of the process for the first time. Other noteworthy elements of Cartagena +30 include the call to eradicate statelessness by 2024, a labour mobility programme (also called the 'fourth solution') and an agreement to better understand and respond to the humanitarian consequences, including displacement, of the violence perpetrated by international organised crime.

Cartagena +30 had the broadest ever consultative process since 1984, with four sub-regional meetings and a Ministerial closing event in Brasilia which enjoyed the participation of virtually all governments of Latin America and the Caribbean, other observer governments, refugees, internally displaced and stateless persons, international and regional bodies, and more than 150 NGO and academic representatives.

Cartagena encapsulates the capacity and will of a whole sub-continent to periodically analyse the humanitarian challenges ahead, the contemporary plight of refugees, internally displaced and stateless persons in the region, in order to equip itself with a common instrument of policy and guiding principles (through the Declaration) and with coordination, cooperation and response mechanisms (through the Action Plan) to meet the protection and humanitarian needs collaboratively identified. Such a forum does not exist in any other continent.

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1. www.refworld.org/docid/3ae6b36ec.html
2. San José Declaration on Refugees and Displaced Persons, 7

December 1994: www.refworld.org/docid/4a54bc3fd.html; Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America, 16 November 2004: www.refworld.org/docid/424bf6914.html; Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, 11 November 2010: www.refworld.org/docid/4cdd44582.html

3. Brazil Declaration and Plan of Action, 3 December 2014: www.refworld.org/docid/5487065b4.html
4. The principle that laws shall be interpreted and applied in a way that will most favour the respect of human rights of the individual.
5. www.refworld.org/publisher/CIREFCA.html
6. <http://tinyurl.com/FOREFEM>