

# ECOS DEL CAMINO

JUNIO 2022 · MÉXICO  
VOLUME 1  
FIRST EDITION

## RISK AND MAINSTREAMING

In the face of climate  
change displacement.

## HUMAN MOBILITY AND CLIMATE CHANGE

Context about  
displacement.

## HUMAN RIGHTS

And access to justice.



Magazine *"Ecos del camino"*  
Por un Mundo Sin Fronteras

Primera edición: México 2022  
ISBN

DR © Sin Fronteras I.A.P.  
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Impreso en México /  
Printed in México

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# EDITORIAL

Sin Fronteras IAP, in addition to being an organization that protects human rights of migrant populations, also seeks to promote the exchange of ideas, analysis, dissemination, and thought about migration caused by the effects of climate change.

As a product of partnerships with colleagues and institutions such as the United Nations High Commissioner for Refugees (UNHCR) Mexico, Greenpeace, Vía Orgánica, Regeneration International, the National Autonomous University of Mexico (UNAM), the Institute of Juridical Investigations, The University Seminar on Studies of Internal Displacement, Migration and Exile (SUDIMER), and the National Laboratory of Diversity of the National Autonomous University of Mexico, the idea emerged to widen the spectrum of diffusion of knowledge on this topic through the publication of this journal.

The idea of this first edition is to approach to the different stances regarding the necessity of addressing the issue of international, regional, and national migration due to the current climate crisis. It is in this tone that we decided to integrate essays that represent the range of theory and practice in the field of human migration caused by the effects of climate change, with the intention of showing that our field of study is dynamic, complex, and multi-factorial. We believe that this selection of essays gives justice to the range of these topics and will allow for us to position the issue before migration authorities, legal officials, colleagues and human rights defenders from civil society organizations, and academia.

Sin Fronteras thanks all the institutions that helped to bring this idea to life, and that formed part of the editorial and scientific review committee of this journal, and our funders, without whose support we would not have been able to publish this document. Last, but certainly not least, we recognize the effort and disposition of the colleagues that head each of the participating institutions, those who put their heart and soul into each one of the articles that form part of this great volume of work, and without whom this would have been impossible. We also wish to thank the Sin Fronteras team, consultants, translators, editing and design team. Thank you for the confidence, patience, and for believing in this space for dialogue, analysis, and reflection on human mobility in the face of climate change.

*Ana Mercedes Saiz Valenzuela*  
*Executive Director, Sin Fronteras IAP*

# PROLOGUE

It is said that climate change is the crisis that will define our era, a “red alert for humanity”. The effects are so great, both for the scientific discourse and the social implications, that it is impossible to ignore: desertification, shortage of water and other natural resources, ever more frequent fires, unusually strong rains, melting glaciers, and droughts, among other indicators, put at risk ways of life, impede the exercise of human rights, and can exacerbate tensions, armed conflicts, and forced displacement and migration.

Migration due to conflicts arising from natural disasters and the events themselves is one of the gravest consequences of climate change. Although it is true that entire communities around the world are impacted—it is estimated that 40.5 million people were internally displaced in 2020, and 30.7 million of these were due to natural disasters—people in already vulnerable situations like refugees, internally displaced people, and stateless people, are disproportionately affected, to the level of having to abandon their homes, and in many cases, crossing international borders. These people may come to need international protection and legal recognition.

When reflecting on displacement in the context of natural disasters and climate change, it is necessary to consider those people who are forced to leave their place of origin because of a disaster, environmental activists who are put in high-risk situations because of political contexts, and also those who are displaced due to other reasons, such as violence, persecution, and human rights violations, and therefore are found to be in a situation of higher risk in disaster contexts and are even driven to a second forced displacement. At the same time, the environmental impact of this human mobility can aggravate already existing problems of environmental degradation.

As you will be able to read in this first edition, it is estimated that in the not-too-far future, Latin America will be one of the regions most affected by climate change-related displacement: millions of people forced to leave their homes and unable to return, who will require protection in other regions of their country or across international borders. In this unfavorable scenario, international refugee law and human rights law play a relevant role and can offer solutions. For example, in some cases a well-founded fear of persecution on the basis of discrimination in the

access to protection must be analyzed, or alternatively, that the circumstances provoked by natural disasters generate a situation that “gravely disturbs the public order” and where the States are not able or willing to provide effective protection. It is in these situations, where either based on the Convention Relating to the Status of Refugees, or the Cartagena Declaration, that people should be able to receive international protection as refugees in these circumstances.

Additionally, in specific contexts and depending on the impact on the exercise of human rights, other responses can be offered, such as temporary protective status that guarantees the exercise of rights, and the guarantee of no-refoulement to zones where the displaced persons’ lives will be at risk.

In this journal, you will find 10 interesting articles that present the problem from different perspectives. These articles enable the reader to learn about the diverse aspects of the problem and their interactions, make visible and recognize the differential impact that these issues have on people in vulnerable situations, and reflect on where we are currently and where we are headed.

For some, this discussion is coming too late. For me, these brief pages that I have the honor to introduce are the beginning of a necessary dialogue in Mexico and in the region, a starting point that invites the exchange between experts on climate change and global warming, human migration, international protection, and human rights, that without a doubt will contribute to a greater understanding and expansion of the evidence that will guide the response to this complex phenomenon. Lastly, I wish to reiterate my gratitude for the urgent calls to action by the United Nations Secretary General António Guterres and the United Nations High Commissioner for Refugees Filippo Grandi, to prepare ourselves to mitigate future protection needs and prevent climate change displacement. Now that we have surpassed the alarming marker of 100 million forcibly displaced people in the world, these actions are more important than ever.

*Giovanni Lepu*

UNHCR Mexico Representative, Mayo 2022

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# POLITICIANS AGAINST THE ARRIVAL OF CLIMATE DISPLACED PEOPLE

By: Bernardo Bolaños Guerra <sup>1</sup>

## KEY WORDS:

HUMAN HABITAT, CLIMATE CHANGE, CLIMATE MIGRATION, ENVIRONMENTAL CRISIS

## ABSTRACT

Just as borders are militarized to prevent the passage of migrants, so are countries' communications cut off to deny that thousands of displaced people are fleeing the effects of climate change in their places of origin. Disguising themselves as experts, many politicians deny that the hurricanes of November 2020, which triggered a Central American migrant caravan, were atypical and a product of climate change; others dispute that parts of Mexico and the world will become uninhabitable in 50 years, as some models claim; some others contradict those who use the concept of "environmental refugee" and also those who prefer to speak of "climate displaced" or "climate migrant" (any denomination is wrong when it is intended to deny the problem). Their shields are attitudes of denial. Their weapons are accusations of charlatanism against anyone who studies the phenomenon of migration induced by the environmental crisis. Their helmets are proposals that change the con-

versation towards infrastructure megaprojects and supposed development, but that in fact displace people and destroy natural areas. The walls they erect are their decisions not to fund socio-environmental studies. The barbed wire is the closing of research centers in ecology and climate change and the vote, at international summits, against setting ambitious goals on adaptation to environmental change.

On the eve of the invasion of Ukraine, Russian analyst Sergei Karaganov, close to Vladimir Putin, warned: "What should we do with hundreds of millions of Pakistanis, Indians, Arabs, and others whose lands may soon become uninhabitable? Should we invite them now as the United States and Europe began to do in the 1960s, attracting immigrants to reduce the cost of local labor and undermine unions? Or should we prepare to defend our territories from outsiders? In that case, we should abandon all hope of developing democracy, as Israel's experience with its Arab population shows" (Karaganov, 2022, p. 66).

Thus, as if the environmental crisis and those who try to qualify its risks were not enough, there are political leaders who openly call for ethno-nationalist retreat. Ecofascism is not a distant threat. Behind the attitude that publicly denies the seriousness of global warming, politicians privately design selfish plans to save their countries or part of them, naive plans because there is no corner that can offer, in the long term, a sustainable habitat within a collapsed planet.

Societies that claim to respect human rights and reciprocity in international relations must take care to negotiate as soon as possible a comprehensive framework for the protection of the environmentally displaced people in general. If human life is endangered in the places of origin, the principle of non-return to the country of destination must be applied. From the perspective of human security and the pro personae principle, the obligations related to climate change adaptation contained in the UN Framework Convention and the Paris Agreement should be expanded and developed to cover those affected by the global environmental crisis.

Countries that have failed, for whatever reason, to reduce their per capita carbon footprint must assume their share of responsibility and take in a quota of climate-specific displaced people (in addition to their other international commitments in terms of asylum and refuge). I'm talking about those affected by hurricanes, floods, rising sea levels, droughts or conditions of humidity and temperature intolerable to the human body. In order to recognize them as climate displaced people, it must not be necessary to wait for definitive scientific evidence on the connection between contemporary climate change and specific hydrometeorological processes, as this would be an impossible condition for timely attention. In contrast to general explanations of climate change, the



science of individual and recent catastrophic events is still too recent; but that does not mean that displaced people must be sacrificed for it, since the precautionary principle, according to which lack of scientific certainty cannot be invoked when we have powerful indications that invite us to protect people, is applicable to their benefit.

For years, the issue of environmentally induced migration was almost topic prohibited for international agencies such as the International Organization for Migration (IOM), the United Nations Food and Agriculture Agency (FAO), or the World Bank (WB). Few isolated academics have the resources to research such a complex and multifactorial problem. But the issue is so important that we cannot leave it in the hands of officials who depend on their governments and politicians who in turn depend on pandering to public opinion to win votes. Moreover, studying environmentally induced migration is not only for the social sciences and humanities study, but also for the study of the natural science disciplines. It may be for long-term approaches (as *Homo sapiens* migrated from Africa driven by the drought of great lakes and then faced glaciations and volcanic eruptions). It is to probe surprising causal relationships that international agencies cannot, or do not want to, see (postcolonial studies and climate change, the latter and its relationship with feminism, ethnography of environmental migration caused by pests caused

in turn by global warming - such as coffee rust in some regions -, advantages and disadvantages of adaptation through biotechnology that develops resistant species, among many other topics).

In Latin America, we must urgently study the research of scientists Chiu Xu, Marten Scheffer, and others on the future human climate niche (Xu et al., 2020). Humans, as well as grain and livestock production, are mostly concentrated in a small portion of the planet, chosen as climate space. Although there are Inuit in the Arctic and Bedouin in the desert, most of us prefer temperate climates, an average annual temperature of between 11°C and 15°C. Now, the temperature experienced by the average human being is projected to change more in the next few decades than it has in the last 6,000 years. Even if the temperature increase were to be contained to 1.5°C or 2°C, the increase that people will experience by 2070 is estimated at 7.5°C. The difference results from the fact that the land will warm much faster than the seas.

Thus, today's temperate regions, close to 13°C on average, will have an average temperature of 20°C in 50 years. Considering the above, how many millions of people will migrate? It is up to us to try to calculate this in order to prepare ourselves. The maps presented by Xu et al. (2020) are particularly worrying for Latin America.

Regarding winners and losers, countries like Russia will have higher agricultural productivity thanks to climate change, but even they will see their benefits outweighed by the disasters that the climate crisis will bring to public health (more frequent heat stress, widespread tropical diseases). Moreover, unfortunately, authoritarian populist leaders see in the misfortune of neighboring countries a threat, the threat of climate migration. Instead of showing solidarity, climate stress leads the old racist powers to return to old imperial dreams of exclusion of those who are different.

The United States has not been a model of virtue either. Not only do its inhabitants have the worst carbon footprint per capita, but Trump cancelled the Temporary Protected Status (TPS) program that benefited victims of hurricanes, typhoons, and earthquakes. Another example: California authorities use detained migrant labor as firefighters to fight wildfires, exposing them to great danger. Inmates in general account for approximately 27% of the state's firefighting capacity. This policy makes migrants potential victims of the climate tragedy.

Meanwhile, in Europe, extreme right-wing parties are winning elections by waving the flag of the migratory threat coming from the other side of the Mediterranean. In reality, it is not certain that the uninhabitable areas of the Sahel, south of the Sahara Desert, will expand as a result of global warming (it is even possible that they will shrink and, in part, become green) (De Haas, 2020). Let us remember that climate change will bring surprises. Recent studies suggest that the real danger will be in areas that combine high humidity with temperatures above 32°C, a deadly cocktail for the human body that needs to perspire to regulate heat. So, perhaps we will see climate displaced people leaving Spain, the south of France, Italy, and Greece. Let us hope, for their sake, that the destination countries to which they are heading do show the hospitality that we see fading in Europe today.

Thus, climate displaced people are being treated as what Giorgio Agamben has called mere "nude life," naked life, life in bulk: life that is contained within environmental hells or used as a firebreak; life that can sink into the Mediterranean unless it serves us; life whose skin color must match national myths about "us."

In conclusion, I would like to warn my academic colleagues against an attitude that would consist of trying to reassure public opinion at the expense of the truth, even if they do so with good intentions. For example, Professor Hein de Haas, already quoted, writes that the evidence provided by scientific research "challenges the popular idea that climate change will lead to mass migration [...] since migration is driven by many factors, it can rarely be reduced to the effects of a single form of change, such as climate change or other environmental factors." And yet, one would have to reply to the Dutch scholar, a sufficient condition is a sufficient condi-



tion. As when a migrant says: “I lost everything in the hurricane. I have no choice but to leave here.” In November 2020, the aforementioned hurricanes Eta and Iota left approximately 4 million people affected only in Honduras. The fact that the borders are militarized and that they try to prevent migration does not take away from the fact that migration exists as an intention and as people’s desperation. The fact that people do not live in hurricane-proof houses does not mean that local mayors should be blamed for it, under the argument that “natural disasters do not exist and authorities should have approved protocols and obtained funding to strengthen housing”.

Many social scientists try to emphasize the weight of hydrometeorological processes and increase the weight of political and social factors. To quote De Haas again, he contrasts the human and political origins of desertification with the theories that adduce climate change. According to him, most crises in land and water management are not directly caused by migration or environmental migration, but the indirect and partial result of social changes such as massive water abstraction for urban and industrial use. However, given that current climate change itself has its origin in the emission of greenhouse gases emitted by humans, it is scant consolation to repeat and repeat that “there are no natural disasters”. Assuming that disasters always have political and social causes (let’s forget for a moment that a meteorite could fall on us), there will still be potentially hundreds of millions of environmentally displaced people.

We found people who say “migration from Central America is not caused by climate change, but by the capitalist accumulation regime, that is, megaprojects such as hydroelectric dams or the palm oil agroindustry”. However, statistics and field work show that some migratory waves do come from the Central American Dry Corridor or from agricultural regions hit by pests associated with rising temperatures.

From the postmodern turn in the Humanities, some people say that climate science and the climate crisis are a “discourse” or “narrative” of the global North. They ignore that it will not be the United States, Canada, or northern Europe that will be hit hardest by droughts; it will be Spain, Mexico, Colombia, Chile, or Turkey, among other countries further south. Potentially deadly heat shocks will be felt mainly in India and Pakistan, southeastern China, and northern Australia, as well as in Mexico and Brazil. How can



it be that the main affected countries dismiss the threat by saying that it is a foreign discourse or narrative? Moreover, the experts who make up the United Nations Intergovernmental Panel about Climate Change (IPCC) come from all corners of the globe. Climate science is from the South, North, East, and West.

No one reviewing the abundant evidence can any longer deny that climate change is one of the most pressing problems facing humanity. This can be demonstrated by looking at carbon dioxide numbers, coral reef bleaching, average global temperature, cloud form, among many other indicators. And, once one accepts that conclusion, believing that climate migration will be a minor problem would be illogical. Hundreds of millions of farmers depend on rains that will no longer come as regularly as before. Many more inhabitants of large equatorial and southern metropolises, which have become heat islands, are going to look for better niches.

**INSTEAD OF WORRYING,  
IT IS TIME TO ACT ACCORDINGLY.**



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# THE NAIL IN THE COFFIN: ENVIRONMENTAL DISPLACEMENT

By: *María Fernanda Rivero Benfield*<sup>1</sup>

## ABSTRACT

This article aims to take a brief look at how the lack of international frameworks that address migration for environmental reasons as a solid reason to seek and receive asylum, violates the human rights of people, leaving them in a bureaucratic limbo, where the will of the states is imminent. The article specifically addresses the case of the Mexican state and how it has responded to the arrival of environmentally displaced persons from countries such as Haiti, Honduras and Senegal.

### KEY WORDS

MIGRATION,  
FORCED DISPLACEMENT,  
CLIMATE REFUGEES,  
CLIMATE CHANGE

**W**hen you ask Cambodians how they are, you ask “Sok sabay” which literally translates as “Have you eaten rice yet?” For most of them, rice is their main and only food. It is also a symbol of well-being. However, the situation is changing due to the great floods and droughts that Cambodians have been experiencing, holding them from harvesting.

It should be considered that 80% of the country is a rural area. Therefore, any alteration in the agricultural cycle affects the general population. In fact, the effects of climate crisis have forced the internal displacement of 4 million people and more than 1.1 million have been forced to migrate abroad (Migrants Refugees, 2021). This is a large number considering that the total population of the country amounts to approximately 16.72 million inhabitants.

I use Cambodia as an example since I lived there, and it was the first time I became aware of migration due to climate change. In the year spent there, I saw how people had begun to adapt to the catastrophe: Because storms were so heavy, people began to build their houses on high ground, and an important part of the work of many NGOs and volunteers focused on teaching children how to swim to prevent drowning during this season. Even so, every year dozens of children and adults drown still.

These actions respond to the emergency. Nevertheless, people do not talk about the ravages of the climate crisis. Even displaced people themselves were not aware that there was a name for what was happening to their homeland.

It is simple: if we do not put a label on it, it does not exist. This is the reason why, currently, there is not an official name for the people who leave their countries because of the environmental crisis. Some call them “climate immigrants,” “environmental refugees,” “compulsive environmental immigrants,” or “ecological immigrants.” However, the fact that there is no official name makes them invisible. How can you protect something that does not exist?

At Sin Fronteras we deal with many cases of Hondurans requesting support. Usually, when being asked about the reasons for migrating, they would say they are fleeing persecution or lack of access to rights. The following is an example of this: From 2013 to 2022, the Mexican Commission for Refugee Assistance (COMAR) has recognized 32,316 people of Honduran origin (COMAR, 2022). Furthermore, 2020 was one of

the most difficult years in history, because apart from the pandemic and the generalized violence in the country, there were devastating hurricanes, leaving more than 4 million inhabitants affected (9.5% of the entire country) (UN Honduras, 2021). In 2020, Honduran nationals ranked first in asylum applications in Mexico, despite the pandemic and border closures, with 15,383 applications to COMAR.

The “Stay at Home” confinement protocol was impossible for many people, but especially for thousands of Hondurans who lost their homes. Undoubtedly, migration has a myriad of root causes, but in some cases the impact of the climate crisis is what triggers everything, the nail in the coffin.

Now let’s think about Haiti, which in 2010, suffered an earthquake that left more than 200,000 deceased, a deadly cholera outbreak, a severe housing and services crisis, as well as a new context of generalized violence.

At that time, the arrival of Haitians in Mexico began to be visible. In fact, between February and May 2010, a humanitarian permit was included that guaranteed them residency for one year, but certainly, most of them decided to migrate to countries a little closer or where they saw a greater possibility of integrating into the labor market, such as Chile and Brazil, which became an attractive option: Chile, with the political overture of the leading government, and Brazil, with the need for manpower due to the World Cup, which allowed the reception of Haitians, although they were not given certainty about their immigration regularization.

Nevertheless, in 2021 and 2022, these people, who had lived for many years in these South American countries, found themselves in the need to migrate to other countries including Mexico and the USA, since the conditions with the governments of Piñera and Bolsonaro implemented much more restrictive measures for their stay and integration.



The Mexican state was faced with the challenge of reviewing hundreds of asylum applications from people who had already been recognized in Chile and Brazil, but many of them were dismissed, since according to Mexican law, asylum is not offered to people who have been recognized in other countries.

Undoubtedly, this became an opportunity for Mexico to modify its regulations in favor of people subject to international protection who, as in the case of the Haitians, are in the limbo since they were offered complementary protection, even if they were not granted asylum.

As mentioned above, migration has multiple causes as background, and considering environmental factors as one of them has not been easy, since when a natural disaster is reported, most of the articles focus on the number of people who died and the devastation it caused in the area, but rarely gives rise for an analysis of the causes of the phenomenon itself, much less on the human displacement it will generate.

A clear example at present is the case of people from Senegal. According to the latest data from COMAR, it is a surprise to see that this country has become the ninth nationality of people seeking refuge in Mexico. From January to April 2022, 841 Senegalese people have applied for asylum before COMAR, ranking above nationalities such as Colombian. In this sense, the question is: What is happening in the African country that is making people decide to travel to Mexico?

According to the Alliance for Solidarity-Action Aid, “The climate crisis is affecting Senegal and will be aggravated by the current situation in Ukraine and Russia, two of the countries that exported the most cereals, a trade that has been interrupted by the war. According to the United Nations Humanitarian Agency, it is estimated that 27 million people in West Africa are suffering from hunger and another 11 million could be added in the next three months”. (AGENCIAS, 2022). This case is particularly relevant, as the climate factor is accentuated by a war that is millions of miles away from the country.

The pending task is to explain to the world that although hurricanes and environmental disasters have always happened, in the present they have increased exponentially due to climate change, and this is the responsibility of the people who inhabit the world, but this also implies that the States must take immediate actions that include plans for the reception of people who are fleeing because of the climate crisis.

Hannah Arendt, German writer and philosopher who was recognized as a refugee after the WWII, believed that people with this condition of stay are likely to find themselves in limbo, as they are deprived of space in laws that were not designed for them, and are also conditioned to regain their human rights only if they are recognized by another state.





Arendt criticizes the statement that human rights are intrinsic and if, in fact, their enjoyment ends up depending on some State making them valid, as happens with people seeking asylum because of the environmental crisis, they struggle to be recognized as refugees and also depend on the flexibility and interpretation that each country has on international and national laws, which causes their rights to be reduced to “the hope” that the laws of the country where they seek asylum are sufficiently open to resolve the gaps and ambiguities that may mean the environmental issue.

On the one hand, the 1951 Convention Relating to the Status of Refugees does not specifically indicate the cause of the environment as a reason for recognizing a refugee. What has happened in Mexico is that the Cartagena Declaration has been interpreted so that asylum seekers seeking asylum for environmental reasons are included in “generalized violations of human rights”, considering that a healthy environment is a human right to be guaranteed.

On the other hand, one of the greatest challenges is the care provided to displaced people. In Mexico alone, there are no organizations specialized in internal displacement, which results in people deciding to migrate to other countries. In this sense, it is worrying that during 2021 in Mexico, more than 100 thousand people were displaced from their homes due to climate change, as happened in the state of Tabasco, which suffered floods due to heavy rains that led to the displacement of more than 3,600 people.

The Mexican State, as well as other countries, must have laws and protocols that protect displaced people

regardless of their origin. In the cases of Mexico and Central America, we must take into account intersectionality, since the needs of a displaced indigenous woman are not the same as those of a trans person of Salvadoran origin fleeing persecution and because their land is no longer fertile. Undoubtedly, it will be important to follow up on the new regional agreement of Escazú (ECLAC, 2018), as it is the first environmental treaty in Latin America and the Caribbean.

To conclude, it is necessary to give a name to environmentally displaced people, so that they are made visible and recognized at an institutio-



nal level. In other words, it is urgent to build a category of protection at the international level that would add the commitment of the States to give a new reading to the Cartagena Declaration, which would include the victims of environmental catastrophes and would become a great step in the construction of regional solutions to face the challenges involved in the protection of these people.

The new interpretation would make it possible to promote a review process of its asylum regulations and policies in order to include this new population. Similarly, this process of reflection would make it possible to question the degree of protection offered by the visas and humanitarian permits that several of these States have created for those facing a forced exodus due to environmental or climatic reasons (Sanchez, 2020).

**THE WORLD IS CONSTANTLY EVOLVING, AS WELL AS THE NEEDS OF PEOPLE; THEREFORE, THE REGULATIONS AND INTERPRETATION OF THE LAW IN ACCORDANCE WITH HUMAN RIGHTS MUST ALSO DO SO.**

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<sup>2</sup> The Cartagena Declaration: it includes the principle of non-refoulement and calls on countries to seek durable solutions such as voluntary repatriation or local integration and to make efforts to eradicate the root causes of the refugee problem. Consult: <https://www.refworld.org/docid/50ac93722.html>

# CLIMATE CHANGE AND FORCED MIGRATION

By: Luisa Gabriela Morales-Vega<sup>1</sup>

## ABSTRACT

This article aims to continue with some discussions on the terms climate change and forced migration, intending to bring them to a wider audience, given the importance they have acquired in current regional and global migration dynamics, which are expected to increase. It presents some reflections on the need to question the scope of the terms in question based on the category of expulsions proposed by the Dutch sociologist Saskia Sassen and on some positions of the International Organization for Migration.

The purpose is not to elaborate on original theorizations, but to initiate a debate on the exclusion that migration rules and policy generate and maintain against people in need of international protection.

### KEY WORDS

FORCED MIGRATION, EXPULSIONS,  
CLIMATE CHANGE, REFUGEES

## INTRODUCTION

According to World Bank estimates through the Groundswell report (2021), by 2050 climate change will have been able to displace two hundred and sixteen million people within the territory of their own countries and most of the people facing this risk live in South Asia, South Africa and, of course, Latin America, where the number of displaced people is expected to reach 17 million. In Mexico, it is estimated that twenty-seven million people living in less developed municipalities are at risk of environmental catastrophes from floods, droughts, or hurricanes (Fernández, 2021).

At the beginning of 2015, the International Organization for Migration, for its part, created a dedicated Migration, Environment, and Climate Change (MECC) Division to supervise, support, and coordinate the development of a guide for policies linked to these three variables as it considers that environmental factors must be integrated into the management of international migration in all its facets. From these two large-scale assessments, we can deduce the importance of research into the link between the environment - especially in terms of its transformations - and human mobility.

However, it is necessary to reflect on the meaning of these elements. It should be noted that the nature of this article is not to propose a theorization of what they should be called or how their meaning should be integrated; therefore, the modest objective is reduced to taking up again some discussions on their meanings, to bring them closer to a wider public given their importance.

To achieve this objective, we will first present some ideas that help to problematize the central terms of this article, based on the position of the Dutch sociologist Saskia Sassen and national and international norms, and finally, we will present some reflections on the subject.



## CLIMATE CHANGE

**C**limate change has become a major issue on the international public agenda in recent years. In general terms, it refers to the long-term increase in the earth's temperature and the effects that such an increase may have on climate conditions (UN).

These variations may have their origin in natural geological processes, but it has been shown that they are also the result of human activity that generates the emission of greenhouse gases. Therefore, climate change has been treated as a phenomenon caused by the species. That is why the possibility of manipulating or reversing it has been interpreted.

For this reason, its study has transcended the field of the natural sciences and is currently the object of study of all disciplines of human knowledge, from Ethics to Geology. It is interesting that, for example, since the 1990s, climate change was incorporated by Waever, Buzan, and De Wilde (1998) into the list of events that represent a risk to global security and consequently has been discursively positioned -like migration- from a securitizing position of international relations.

Hence, the population in general, and state governments, continuously relate to this concept. We can say that there is no space for political, normative, or academic discussion that does not pay attention to this phenomenon.

Due to the centrality that the term has gained, it is necessary to comment on its meaning. Climate Change has become a master category that as such has been useful to explain a great variety of events, phenomena, effects, and transformations, but precisely because of this quality it is currently insufficient; in other words, when an analytical category becomes hegemonic, it begins to generate blind spots because the elimination of the possibility of coining alternative terms, different from the master category, generates that another variety of events remain out-

side its understanding and therefore, ignored. Consequently, according to Saskia Sassen (2015), the term is insufficient because its meaning is incapable of capturing the accumulation of ideas that it represents due to the dynamism of the associated events in contrast to the stability of the word. Sassen (2014) has pointed out that, due to a combination of factors, including climate change, people and communities have been expelled from their place of origin or usual place; however, she warns that expulsion should not be interpreted even though displaced people or migrants did indeed experience an eviction.

The notion of expulsion is much more complex when referring to a spatial non-location of both individuals and communities. This is possible thanks to the invisibility imposed on those who are expelled; in other words, the conditions of exclusion, disadvantage, and vulnerability in which they find themselves generate the impossible qualification of people a non-identification of them, derived from the insufficiency of political and normative language to name their condition.

## FORCED MIGRATION

**L**ike what happens with Climate Change, the term Forced Migration has become a primary category with pretensions to understand numerous realities, since according to the International Organization for Migration it refers to a migratory displacement that, although the drivers may be diverse, involves force, compulsion, or coercion (2022).

By incorporating the presence of force, compulsion, or coercion, it is defined based on its contrast with voluntary migration; the complexity is easy to guess when, under what circumstances, and when it is possible to classify mobility as an involuntary reaction, compelled by any of the three elements. Since the will is an internal process, it is difficult to discern its absence in the personal decision to migrate; therefore, political, and economic normativity has focused on evaluating the objective elements present in the context of people who migrate. It is not difficult to notice a gag, a primordial incompatibility in trying to notice the presence of a mental, personal, and internal process through external elements, and foreign objects outside the subject.



The International Organization for Migration itself recognizes this discrepancy and therefore warns that “although not an international legal concept. This term has been used to describe the movements of refugees, displaced persons (including those displaced by disasters or development projects), and, in some cases, victims of trafficking. Internationally, the use of this term is debated due to the widespread recognition that there is a continuum of agency rather than a voluntary/forced dichotomy and that it could undermine the existing international legal protection regime.” (OIM 2019) The fact that the IOM denies the existence of a voluntary/forced dichotomy, reveals for our purposes that it is indeed very complex to assess the absence of what is known as willingness based on the context surrounding the person and that we are indeed facing a master category and as such it is used to express a huge range of situations in which migrants can be placed.

IOM (2019) has also made it clear that it is more appropriate to speak of environmental migrants than environmental refugees, gi-

ven that it could lead to a biased debate that would propose partial and insufficient solutions to the complexity of human mobility and even lead to false expectations of protection. Nevertheless, we do not overlook the fact that the refugee status to which people may have access derives from a request for international protection formulated under international, regional, and/or national law.

While IOM fearfully asserts that forced migration is not an international legal concept, it also confirms that situations and events that could impose some force, compulsion, and coercion on the decision to move have the capacity to actualize the hypotheses of the Convention Relating to the Status of Refugees, the Cartagena Declaration or the Law on Refugees, Complementary Protection and Political Asylum. Although the position of the IOM is understandable, given the positions that have identified asylum as a disputed right that, at least in Mexico, extends or not the protection requested based on racist and classist criteria. (Ortega, 2021)



## FINAL CONSIDERATIONS



The preceding arguments are aimed only at demonstrating the following: forced migration is a central category that regardless of not having a legal nature; its use has permeated political discourses and has been useful to explain many phenomena, which could seem favorable given its flexibility, but it is at the same time disregarding because by encompassing the wide range of situations to which it relates; it leaves out many others while generating a kind of gray area when combined with legal categories that refer to the same thing.

This is how the expulsion of the person who, under duress in the face of an unexpected disaster or the slow but sustained deterioration of the environment, decides to move his or her residence and request international protection to maintain or improve his or her means of subsistence, is forged. Exclusion of political discourse, legal regulation, social consideration, and the everyday spheres in general.

These exclusions are so effective that they produce the invisibility of the material in the sense that when they are located outside the narratives that are heard and disseminated in courts, institutions, the media, reports, or statistics, a kind of concealment is produced that makes them untraceable; even though both the conditions and the people are

there, the rest do not see them. It is not possible to reach them, since, as already mentioned, they endure the insufficiency of political and normative language to name their condition. What materially exists is narrated in a very partial way.

Finally, to fix on these phrases as central categories is a way of reflecting on them as categories that invite us not to think, which has been especially tragic when it comes to phenomena that challenge our humanity. In conclusion, it is imperative to continue and strengthen research to dismantle, in regulations, public policy, state action, and social assessment,

***THE OVERLAPS THAT EXPEL PEOPLE NOT ONLY FROM THE CONDITIONS OF EXISTENCE BUT ALSO FROM ANY WAY OF PREVENTING, REMEDYING, REPAIRING, OR COMBATING THEM.***

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# GENDER IMPACTS ON MIGRATION DUE TO ENVIRONMENTAL CAUSES

By: Dra. Mercedes López Martínez <sup>1</sup>



**T**his article addresses international migration for environmental reasons from a gender perspective, locating the differentiated impacts between women and men, especially in southern countries that suffer greater consequences from climate change to which the global north contributes. Industrial agriculture is located as a cause of global warming, but also as a solution by becoming agroecological, organic or regenerative, providing dignity to peasant work, economic resources to avoid migrating and contributing to the reestablishment of community regeneration, especially among populations of young women and men.

## ABSTRACT

### KEY WORDS

CLIMATE CHANGE,  
GENDER PERSPECTIVE,  
REGENERATION,  
DIFFERENTIATED IMPACTS

The climate emergency currently threatening the planet is, above all, the product of a predatory capitalist model that threatens biodiversity, species, bodies, territories, community identity, seeds, health, and food sovereignty; a whole series of common goods and rights that are endangered by neoliberal interests with a patriarchal approach, where companies from industrialized countries -from the global North- destroy everything, mainly in impoverished countries of the South. The World Bank indicates that more than 140 million people (3% of the world's population) in Sub-Saharan Africa, Latin America, and South Asia will be forced to migrate internally due to climate impacts, a problem that will negatively impact more than 17 million people only in Latin America (WB, 2018).

These threats, together with greenhouse gas emissions caused by the overexploitation of natural resources and unsustainable production models to cover predatory consumption patterns, put humanity at risk with the invasion of plastic in the seas, ultra-processed food that generates garbage, and also problems of obesity and malnutrition; all this poses a risk to humanity as pointed out by the UN, which calls to stop the "spiral of self-destruction" that humanity is facing (La Jornada, 2022: 26).

Behind this civilizational crisis, we must keep in mind that there are millions of people who have been forced to move from their places of origin by ecological disasters such as forest fires, droughts, water shortages, floods, rising sea levels, hurricanes, chemical or nuclear disasters, rising sea levels due to melting glaciers, destruction of biodiversity and ecosystems, release of viruses due to habitat destruction, among others, migration that according to the UN "could reach 560 per year or 1.5 per day by 2030, which would endanger millions of lives", in other words, millions of stories of climate victims that are forgotten, especially when it comes to women and girls, who are even more vulnerable to global warming (op. cit.). The data are revealing, the UNDP indicates that women and girls are 14 times more likely than men to die from climate disasters (UNFPA, 2021).

Another risk whose impact has not yet been analyzed is the consequence of wars on agricultural soils, which are contaminated and degraded by bombing, in addition to the loss of crops that are affecting world food security and have caused the prices of fuel, seeds, fertilizers, and food to rise and populations to flee their territories.

This added to millions of people whose basic human rights are violated by projects of death, which lead them to migrate in extreme conditions, under multiple dangers and exposed to all kinds of violence in their journey to find a place to live in dignity. Generally seeking space in nations that have exploited them and contributed to climate disasters, and that in the face of climate emergencies or conflicts do not receive them, ignoring their responsibilities in this growing human mobility.

The data speak for itself: "...in 2015 there were 244 million international migrants, 3.3% of the world's population and more than 740 million people forced to move within their own country. An increasing percentage of this population expelled from their homes do so because of the consequences of the climate crisis: in 2018, 17.2 million people had to do so because of climate disasters" (Felipe B, 2019).

Faced with this problem, various international organizations have called for urgent responses that consider social aspects “with a multidimensional approach that prioritizes women”. This is because inequality does not arise with climate problems, but rather is pre-existing and worsens at critical moments (BBVA, n/d).

Regarding women and girls, who generally migrate from poor countries, during their journeys they are exposed to violence and sexual exploitation, job insecurity, discrimination, and racism due to their gender, race, religion, and social class, which leads them to experience double and triple discrimination, without recognition of their great social and economic contribution by growing, processing, and marketing food and seeds, cooking, taking care of domestic work, as well as caring for infants, the sick, and the elderly. Those who remain in the territories are often abandoned by their partners in barren areas, without credit or training, as they do not own the land, which aggravates their poverty.

They are also the most affected by droughts, since they are responsible for carrying water from ever greater distances, collecting firewood for cooking and being exposed to toxic fumes. In floods, they are the ones who die the most due to gen-

der assignments that limit their ability to swim and climb trees. For example, in the case of disaster compensation, they are not subject to it in the same proportion as men, because they are not landowners or they are underrepresented in decision-making spaces where public policies are designed.

On the other hand, in camps for refugees or displaced persons, sexist patterns are perpetuated where women are placed in places far from bathrooms and kitchens, where they are more exposed to sexual aggression, kidnapping, or trafficking for sexual exploitation. After climatic disasters, marriages have increased at an earlier age so that “there is one less mouth to feed” (...) or because families “believe they are improving the future opportunities of a daughter” (UNFPA, 2021); in addition, women suffer a greater degree of food insecurity, which is worse when they are pregnant or breastfeeding.

In the countryside, there is a notable lack of social recognition of women, who are fundamental for food production and for resilience in the face of climate change, since in each planting cycle they select the seeds that are most resistant to drought or rain, adapting them to increasingly severe environmental conditions and planting in an agroecological and natural way, which contributes to “sequestering” carbon from the environment and returning it to its natural place: the earth, to humidify it, enrich it, and cool the planet.

It should not be forgotten that women are leading the fight against the climate crisis, developing strategies to organize themselves in cooperatives and work groups, and adopting more sustainable collective measures to cool the planet, as shown by a World Bank study (WB, n/d).

However, in the Latin American region, “almost 60 million women live in the countryside but only 30% of them own agricultural land, barely 10% have access to credit and only 5% to technical assistance programs”. This situation makes poverty even more precarious for women who work the land, who if they were on an equal situation with the resources granted to men could contribute to an increase of 2.5 to 4% in agricultural production (BBVA, n.d.). To overcome these gaps, ECLAC-UN (2020) indicates that research should be increased and databases should be promoted as evidence to locate the links “between migration, environment, climate change, and gender” in order to elaborate public policies with a gender perspective.

It is also necessary to make women, including migrant women, visible as social agents of change and leaders in their families and communities. The above, complemented by the participation and contribution of all genders in the search for solutions to the problems of human mobility derived from environmental factors, intensified by climate change.

Therefore, it is essential to make visible the problems, expectations and voice of migrant women in order to implement public policies and international and national programs with a gender perspective against gender-based violence, gender discrimination, and the dispossession of their rights when they are forced to leave their lands, without comprehensive humanitarian support, and above all, for women to strengthen their skills and resilience.

Another pending issue is the establishment of a gender-sensitive international convention on climate-related migration in order to anticipate and provide dignified care for people who will leave their places of origin due to climatic phenomena.



Especially because projections on migration are worrying, since according to data from the UN Special Rapporteur on Migration, it is estimated that climate change will cause the displacement of about 150 million people in the world by 2050 (Felipe, B. 2019).

We must act now to reduce the number of people forced to migrate, to build a present and future where people migrate for pleasure and to visit other places, and not to survive due to extreme conditions.

Time is running out, so it is urgent to act immediately in global regeneration of soils, community, life, and dignity of those who feed us to recover biodiversity, to cool the planet with agroecological or organic projects; all with a gender perspective, a task that is promoted in an important way by networks such as Regeneration Internacional, which includes regenerative projects in all continents, contributing to move from industrial agriculture as a generator of greenhouse gases, to organic agriculture as a hope for regeneration.

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# DUAL VULNERABILITY OF MIGRANT WOMEN DUE TO CLIMATE CHANGE FROM A HUMAN RIGHTS PERSPECTIVE

By: M. en D. Juan Francisco Astudillo Tenorio <sup>1</sup>

## RESUMEN

**C**limate change has violated access to Human Rights. One of its effects is forced migration; however, some people will experience its effects more brutally if there is no gender perspective to guarantee their protection.

In the first place, we will deal with climate change whose problem lies in its impact on thousands of people, many of them displaced globally. In addition, we will address the subsequent level of vulnerability according to the circumstances and social context in which they are found. Further, two aspects will be approached from a gender perspective: The first one consists of explaining the theoretical relationship that places this group in greater danger given their situation of vulnerability. Therefore, the second one stands for the need for greater legal protection in terms of access to human rights. The present article will be developed through the deductive method as a common thread to later frame an analysis of the information and culminate in the elaboration of conclusions.

## INTRODUCTION

**T**his article presents a series of cross-cutting approaches to the context of vulnerability of migrant women to climate change hazards from human rights and gender perspectives.

One of the first points to be addressed is the phenomenon of climate change, which is linked to the social and political factors of migrants, specifically a gender perspective is proposed for a better understanding and probable responses to the problem of women as a vulnerable group. Subsequently, the level of vulnerability is considered in terms of the number of risks and threats in both, the legal and material sphere of migrants, to continue with a legal approach to migration considering the increase in the number of displaced persons around the world due to various causes, including climate change.

Finally, we find two major challenges: the first consists of establishing and guaranteeing the progressive expansion and the second of promoting human rights in Mexico and the possible integration of migrants forced by climate change into the community where they are located, in a dignified manner.

## DEVELOPMENT

### I. CLIMATE CHANGE

**F**irstly, it is essential to understand the grave consequences that climate change has had on our lives in a broad sense, which in turn clearly shows the problem. There is enough scientific evidence to take for granted that this is a planetary phenomenon derived from global warming due to human activity. As a conceptual preamble, we can frame climate change as:

**“... long-term shifts in temperatures and weather patterns. These shifts may be natural, such as through variations in the solar cycle. But since the 1800s, human activities have been the main driver of climate change, primarily due to burning fossil fuels like coal, oil, and gas.”**  
(Naciones Unidas, s.f.)

## KEY WORDS

MIGRATION, VULNERABILITY,  
WOMEN, CLIMATE CHANGE

Having stated this, we cannot ignore some aggravating factors such as the important level of consumption, waste, and squandering of natural resources such as water, air, land, and ocean pollution, as well as all the environmental consequences and their effects on human beings and other living beings with whom we cohabit. The UN recognizes the effects resulting in disasters as consequences of climate change: intense droughts, water scarcity, severe fires, rising sea levels, flooding, melting polar ice, catastrophic storms, and declining biodiversity. (Naciones Unidas, s.f.). Some others include hurricanes of greater intensity and strength, and an increase of vectors, among others.

The problem that afflicts us has not been solved by the existing regulations, as joint efforts and political will are still required. Given the lack of means of subsistence, people who used to migrate for work or to improve their quality of life, now travel in caravans to escape environmental dangers, and those who suffer most are those who belong to vulnerable groups such as children and adolescents, the elderly, women, people with disabilities, etc. In other words:

**“...the relationship between migration and climate change arises from the possible generation of massive migratory flows as a result of climatic alterations in the geographical environment; however, the decision to migrate, as well as the impacts of the effects of climate change, are conditioned by the vulnerability and resilience of populations and families.”**  
(Ibarra, 2021)

Although the topic of climate change is very extensive, there is no doubt that disasters will increase in intensity, especially in urban areas with prominent levels of marginalization and poverty.



## II. VULNERABILITY

The vulnerability generated by climate change is more recognizable, specifically in migrant women in a cross-cutting manner “particularly on their economic, social and political security” (Teófilo Altamirano, 2014) because of their exposure to these phenomena.

Consequently, it is not the same as a woman whose life unfolds in a city, white and of high economic status as an indigenous and/or peasant woman who lives on agriculture for her subsistence (Altamirano, 2014), who does not speak the predominant language in each society, with a different sexual preference, etc. In other words:

**“... in addition to the undocumented or those in an irregular migratory situation, there are migrant women, children, and adolescents, as well as lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. People of certain national origins, those belonging to Indigenous peoples and Afro-descendants can also be included.”**  
(Informes Covid-19, 2020)

Recognizing this context helps us to address the different forms of discrimination that privilege, guarantee or limit women’s access to their human rights when they migrate. On the institutional side, when migrants arrive in transit or destination countries if their situation is irregular, they are taken to migratory stations where “they live in overcrowded conditions, lack sanitary measures and social distancing, and do not have medical personnel to provide health care”. (Manjarrez, s.f.). On the other hand, this situation could be lessened or eradicated if the State were to harmonize its legal and institutional efforts to achieve a better quality of life and ensure the human rights of all people, including migrant women.

Also, the causes of migration are varied, including insecurity, violence, poverty, disasters, wars, the

search for better opportunities, etc. Therefore, we can assume that the idea of migrants seeking the American dream has been surpassed by the strong motives that force them to migrate. Considering that it is a phenomenon that will remain in our current and future reality, the State should guarantee access to human rights to migrant women.

Some of the main laws that guarantee the human rights of migrants in Mexico are the Political Constitution of the United Mexican States, Migration Law, National Women’s Law, Federal Law to Prevent and Eliminate Discrimination, the General Law



on Women's Access to a Life Free of Violence, General Law on Climate Change, General Law for Equality between Women and Men, General Law to Prevent, Investigate and Punish Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among others.

We also have international treaties and instruments ratified by Mexico; some of them are Escazu Agreement, Paris Agreement, Kyoto Protocol, and Vienna Convention, among others. The Vienna Convention promotes its applicability to constitutional rank (CEPAL, s.f.).

These laws oblige the Mexican State to enforce and fully respect the human rights of migrants. In

this sense, free transit, freedom, and social rights found in the first articles of the Mexican Constitution must be guaranteed. The most important right to preserve justice, the rule of law, and the integrity of migrants in Mexico are to guarantee human rights, those previously known as fundamental or basic.

The right to migrate itself constitutes an essential element in preserving human dignity, as well as the protection of care by the State, the right to information, life, safety, freedom, health (integral), to not be victims of torture or inhuman and degrading treatment, identity, justice, due process, communication with family members, to legal representation, to integrate into society (work, family, housing, food, education), drinking water, etc.

According to Ignacio Burgoa, human rights are ethical imperatives emanating from the nature of man that translate into respect for his life, dignity, and freedom in his dimension as a person. He explains that "individual guarantees are equivalent to the legal-positive consecration of these elements, in the sense of making them mandatory and imperative to attribute respectability to them on the part of the state authorities and the State itself" and should therefore be positive law.

Furthermore, the propensity of migrant women to suffer harassment in transit through Central American countries on their way to destination countries such as the United States, Canada, or Mexico increases due to gender and other factors such as lack of education, social capital, or language.

***“Migrant women are also victims of gender-based violence, discrimination, racism, and xenophobia in the transit countries, at the border crossing, and in the destination country since, due to their immigrant and undocumented status, they lack legal and economic protection, in addition to the fact that it is difficult for them to integrate or assimilate into the culture of the receiving society.”***

*(Lizárraga, Tú, Migrante, 2017)*



Such violations range from physical or verbal mistreatment, abuse, harassment, and sexual harassment to rape by authorities, organized crime, and their migrant partners, labor exploitation, or normalized violence (gender, sexual, symbolic, economic, psychological, emotional, sexual exploitation, and trafficking for prostitution (Lizárraga, Tú, Migrante, 2017)), among others. Therefore, migrant women in Mexico can be triply vulnerable to situations of family violence due to their status as women, foreigners, and irregular migrants.

Aquino also states that "illegality" entails job insecurity and an obstacle to social advancement. For this reason, the debate has now moved on to the regular or irregular migrant condition, removing the reference to legal or illegal, which leads to the condition of criminality or an illicit act that should be punished as a crime.

However, it should not be omitted those risks and hazards are multivariate, but in practical terms, they are those affectations that arise from the contact of extreme events derived from climate change when they converge causing damage in urban areas. These figures move according to the level of affectation when the "natural" phenomena touch land or communities, as already mentioned. Going a little deeper into the paradigmatic change of consciousness, it is estimated that all state and federal actions should focus on unrestricted respect for human rights in all areas: labor, leisure, personal and political.

### III. MIGRATION

Migration as a social phenomenon has been present in the history of human life on the planet. That is to say,

*“Since the earliest times, humanity has been on the move. Some people move in search of work or economic opportunities, to join family, or to study. Others move to escape conflict, persecution, terrorism, or human rights violations. Still, others move in response to the adverse effects of climate change, natural disasters, or other environmental factors.”*

*(Naciones Unidas, s.f.)*

It is, consequently, a natural process that, thanks to the intervention of other economic and political processes, has been necessary to regulate or not to have certain control over the people who move to favor certain trade routes, countries, regions, or continents.

It should be noted that migration is on the rise and is the need for people to move for various reasons such as seeking a better quality of life, the sustenance of basic needs such as food, clothing, or housing, in addition, and for other reasons external to their will as in the case of those displaced either by war, violence, insecurity or even weather conditions.



The first step is to define exactly what migration is and some of the salient aspects in the study of this phenomenon. A first approach to the population movements portal of the National Autonomous University of Mexico (u) refers that migration:

*“...is defined as the displacement made by a person or a group of people to change their place of residence, either from one country to another or within the same country. Distinct factors motivate people to migrate: political, economic, social, cultural, warlike, among others.”*

*(UNAM, 2013)*

This definition itself points out the basic elements by which individuals or groups move internally or externally. The International Organization for Migration (IOM) defines a migrant as:

*“...a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes several well-defined legal categories of people, such as migrant workers; persons whose types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.”*

*(OIM, 2021)*

Some of these legal categories of classification of migrants entail State recognition of protection; however, this is not the case in the present assumption. We cannot omit that the seriousness of the migration situation lies in the most shocking data we can currently find. According to the IOM, by 2020 there will be 281 million migrants, among them 135, 161,000 are women.

(OIM, 2020). This highlights the relevance of the gender perspective approach for the attention of female migrants in our country. Especially given the fact that “Latin America and the Caribbean (LAC) is the second region most disaster-prone region in the world, with 152 million people affected by 1,205 disasters (2000-2019).” (OCHA, 2020).

Along the same lines, the vulnerability we spoke of earlier is aggravated in marginalized areas such as Latin America, which “...has been severely affected by the phenomenon called El Niño and other climatic extremes, which have contributed to significantly increase the vulnerability of human systems and natural disasters (floods, droughts, landslides, etc.)...” (López, 2009), thereby demonstrating the direct relationship between disasters in the region and the forced need to migrate.

Another alarming figure for refugees according to the UN is that at the end of 2019 there were 79.5 million forcibly displaced people in the world, twenty-six million are refugees, more than half of them under the age of eighteen. (Suzuki, 2019). In addition, UNHCR estimates that by 2050 there will be two hundred million migrants. Data that support the need to take strong actions to ensure the protection of migrant women from a gender and HR perspective.

It should be clarified that the migration issue in the Latin American region has become more complex; for example, Mexico has ceased to be a transit country to modify migration patterns to become a destination country, and it is currently facing the challenge of integrating 17 million climate displaced persons (Naciones Unidas, 2021). This means a greater demand for medical, administrative, and security services and those related to access to rights. Nevertheless, although the phenomenon permeates government actions, society has its rhythm to coexist with a new reality; some sectors of the population perceive it as more than an opportunity, demanding greater secularization from the government. In this regard:

**“Immigration has become undesirable and presses for its control delegating to Mexico the task of reducing or containing the migrant flows that transit through its territory. To this end, the Mexican government’s actions take on a policing character prone to incur in human rights violations and to sponsor the proliferation of criminal groups that thrive on the needs and suffering of migrants.”**  
(Hernández, 2016)

In this sense, the State’s inaction re-victimizes migrants, and, as part of integration efforts, respect and tolerance should be promoted as “...a value that should be fostered among the population, but even more so among young people, non-discrimination against indigenous people in the cities, Central Americans in the south of the country, among others.” (Mendizábal, 2009). In Mexico, an emblematic case of the help provided by society to migrants in the south who want to go north on the beast, are the “matronas” (midwife) who get together to cook and to provide them when the train in which they are transported passes through their communities.

There is no doubt that such statements regarding the Latin American region reveal all the shortcomings and areas of opportunity that we face daily. Despite the many or few efforts in the legal materiality, there is still much to be done, making visible the problems that occur is one more step toward a probable solution.

Of the 281 million global migrants by 2020, 14.8 correspond to Latin America and the Caribbean -- 50.5% men and 49.5% women. (Portal de datos sobre migración, 2021). Given that more than half of the world’s population are women, the probability that this group would be in a situation of vulnerability will be greater. In addition to the above, their irregular status deprives them of access to many human rights which, for reasons of spatiality, we will not delve into here; however, there is a wealth of information on the subject.

Finally, the official government website states that “Mexico is a country where the four dimensions of migration converge: origin, transit, destination, and return”. (Portal de datos sobre migración, 2021). This may generate internal changes and perceptions at the international level and greater demands for adaptation and generation of strategies for the attention and protection of the rights of migrants in the four scenarios. As we have expressed previously, the situation of vulnerability increases when faced with social assumptions such as gender, sex, skin color, and age, among others.



## IV. GENDER PERSPECTIVE

The gender perspective issue has gained importance over the years, and it is of vital importance for its application in the solution of the conflict, which is framed in two main variables: the purpose of non-discrimination and positive legal access to their rights in our country.

To begin with, understanding the abuses and violence that exist against women because of gender allows us to take actions to contrast, make visible and prevent such behaviors.

Before starting the following section and understanding why to include a gender perspective, we will talk about the unfortunate murder of Victoria Salazar, a Salvadoran refugee in Tulum. Victoria died of asphyxiation when she was subdued on the floor by four members of the Municipal Directorate of Public Security of Tulum, in the State of Quintana Roo. (Naciones Unidas, 2021). The security personnel lifted Salazar's body and threw it into the back door of the police car. (Krauze, 2021).

Even though human rights are enshrined in our Constitution, these degrading and dehumanizing facts increase the degree of vulnerability of migrant women. In this sense, we will first clarify what we mean when we talk about gender perspective; and this "...alludes to a conceptual tool that seeks to show that the differences between women and men are not only due to their biological determination but also to the cultural differences assigned to human beings." (Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres, 2018). Regardless of cultural differences, human rights must prevail in

the treatment of foreigners, regardless of their migratory status.

The ideal goal is the sense of justice and gender equity as a "...principle related to the idea of equality, substantive balance, parity, equity, and recognition of social differences." (Camacho & Moguel, 2010). Supporting part of what we have said above, it is useless to make theoretical conjectures with norms and treaties in favor of human rights when their material access is not conceived in material terms. Therefore, it is an unfinished business, but by incorporating it into the discussion, the intention is to incorporate positive changes regarding the inclusion of migrant women and the protection of their human rights.

As we have discussed, the causes for which women migrate are multivariate, ranging from seeking better opportunities to improve their lives, to escape from conflicts or devastation that devastate their countries. (ONU Mujeres, s.f.). Their situation becomes precarious when they face role conditions and stereotypes, but above all due to the lack of access to human rights during the transfer from their countries of origin to their destination countries without considering insecurity, lack of healthy food, or a safe and hygienic place to spend the night, etc.

By making differences and inconsistencies in treatment for discriminatory reasons visible, we can understand the lack of equality and equity, leading us to be more initiative-taking and accept differences as a natural part of others as something intrinsic to the human species.

## V. MEXICAN CONSTITUTIONAL AMENDMENT OF JUNE 2011

In Mexico, on June 10, 2011, an amendment was published in the Official Daily of The Federation (DOF, by its Spanish acronym) to protect the human rights of all persons (Secretaría de Gobernación, 2016), which consisted of a paradigm shift in the recognition of rights, coupled with the "pro persona" principle and the principle of progressiveness to improve the scope of their rights.

Unfortunately, in the context of structural violence against women, girls, and adolescents, structural measures are required to take positive action to prevent and reduce those risks that are already present in society but that by doing nothing contribute to the problem and not to its solution. This issue underpins the greater inclusion and efficiency of a system that responds to global mobility governance - a significant challenge.

## VI. CHALLENGE OF INTEGRATION

*It will not be pursued a modification of the neighboring country's immigration laws and regulations; instead, the Federal Executive Branch will attack the root causes of emigration through the creation of decent jobs, regional development, and the building of a welfare state and the promotion of peace-building processes.*

*The United States and the countries of Central America, which are the origin of growing migratory flows, will be involved in this solution. Emigration is not an unsolvable issue, but a consequence of plundering policies, impoverishment of populations, and accentuation of inequalities, and its effects can be counteracted with development and welfare.*

In the face of a complex problem, complex solutions must be created. Therefore, the first approach to a solution would be to integrate the two perspectives prescribed above, such as gender and human rights, into the treatment of migrant women; in addition to the labor aspect, and their integration into the locality where they are.

Furthermore, within the National Development Plan 2019-2024, the State of Mexico focuses on the historical migration of Mexican nationals to the United States. However, we will emphasize some points:

**T**hrough negotiation and frank dialogue, the governments of the United States and those of the so-called Northern Triangle of Central America, Guatemala, Honduras, and El Salvador will be involved in the construction of mechanisms for economic reactivation, welfare, and development capable of deactivating the migratory phenomenon.

**W**hile it is true that the entry of foreigners requires a registration process for security reasons, starting with the security of the interested parties themselves, statistics, and the implementation of reception mechanisms, Mexico has resumed its tradition as a hospitable country, a land of asylum and an integrator of migrations.

**T**he Federal Executive Branch will apply the necessary measures to guarantee that foreigners can transit safely through the national territory or settle in it.

**I**t is necessary to anticipate possible situations of a humanitarian crisis due to the arrival in the country of massive flows from other nations, but, above all, it is necessary to sensitize the national population with a campaign to eradicate racism, xenophobia, and paranoia that, unfortunately, have become part of some sectors of society.

*(Plan Nacional de Desarrollo 2019-2024, 2019)*

The limits of protection for nationals abroad are the laws and sovereignty of the country where they are and the situation of each migrant, especially those in an irregular situation. Although the strategy they propose is to tackle the underlying problem, there is no mention of clear rules of integration for migrants already in the country. Despite recognizing that it is necessary to take measures in the face of a humanitarian crisis, it is not proposed a course of action from the State and only includes the dissemination and promotion of non-racist or discriminatory inclusion by society (without underestimating its importance).

Reuveny and Paterson, state that “rich societies may be able to absorb displaced persons without excessive problems.” (Reuveny & Paterson Allen, 2007). Hence the economic excuse is no longer valid, but a mere pretext for not doing so. To this, we can add that one of the principles of the New York Declaration for Refugees and Migrants establishes a principle of saving lives and preventing migrants from suffering harm. (Asamblea General de las Naciones Unidas, 2018).

From another point of view, some actions that are recommended from a gender perspective to achieve better integration are:

**E**quitable redistribution of activities between women and men (in the public and private spheres).

**M**odification of social structures, mechanisms, rules, practices, and values that reproduce inequality.

**F**air valuation of the different jobs performed by women and men, especially in terms of raising children, caring for the sick, and household chores.

**S**trengthening women’s management and decision-making power.

*(Comisión Nacional para Prevenir y Erradicar la Violencia Contra las Mujeres, 2018)*

Finally, during an interview that Humberto Márquez conducts with Alejandro Solalinde, he mentions that “women would have a great capacity to act if they were united if they were conscious. For me, young people are strong, but not only strength, but they are also preparation, wisdom, ideals, solidarity; a promise, which is no longer future, with a reality.” (Márquez). These values interpose the duty to be of the current laws, institutions, and civil organizations in favor of human rights.

## VII. INTERNATIONAL HUMANITARIAN APPRECIATIONS

It should be noted that in a parallel report on the pandemic and human rights in the Americas, the Inter-American Commission on Human Rights points out that it is necessary to count on the support, participation, and cooperation of individuals and groups from civil society, such as non-governmental organizations and community-based organizations, as well as the private sector. (Comisión Interamericana de

Derechos Humanos, 2020). Intersectoral work represents one of the short-, medium-, and long-term achievements to be reached.

For its part, the New York Declaration establishes a pan social approach, which “promotes broad collaboration (from all dimensions) through the inclusion of migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other stakeholders in migration governance.” (Asamblea General de las Naciones Unidas, 2018). All the above actors form a fundamental part of the integration process of migrant women and their possible and necessary protection of their human rights.

## CONCLUSIONS

**A**t this point, three edges are recognized to understand the migratory phenomenon about the impact that climate change has on women's lives:

**A**voiding subjugating migratory activity as something negligible.

**I**ncreasing hate or xenophobic speeches against migrant women from all sectors of society.

**I**nsist on a free perspective of fair treatment for all migrants for the simple fact of being migrants, as established by the Political Constitution of the Mexican States and the international regulations. Even though "as of May 2020 seven countries have included within their migratory regime figures that allow the issuance of visas and residence permits to those who are in a situation of forced displacement due to environmental or climatic causes, based on purely humanitarian considerations..." (Sánchez, 2020), it is still fragile as its content (in Beatriz Sánchez's words), extension in time and even its very existence depend on the discretionality of the State.

**C**limate change and migration will continue to increase, hence the importance of taking legal measures for the integration of all migrants, especially those in vulnerable situations.

**T**hat this work serves as a basis for deepening the gender perspective about migration to defend the human rights of migrant women and girls simply because they are human beings in any country of destination which they go.



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# FORCED DISPLACEMENT AND INTERSECTIONALITY

By: Grethy Rebeca Manzanares Garmendia <sup>1</sup>

## ABSTRACT

**T**his article presents a theoretical analysis of the intersectionality between forced displacement due to effects derived from Climate Change (CC) and structural inequality, including the existence of asymmetric power relations between actors in political dynamics. From the perspective of political ecology, it is argued that there is an unequal distribution of the effects derived from CC, which causes the forced displacement of those who face a double burden of precariousness due to greater exposure to risk, marginalization, and vulnerability while also facing greater effects derived from CC. rious dimensions that amplify the link between climate change and human mobility is also recognized to shed light on forced displacement derived from the effects of CC and to design binding and timely strategies in this regard.

The article provides an explanatory literature review which provides a reference framework that integrates the inherent processes of social transformation with the analysis of CC. The urgent need to understand the va-

## KEY WORDS

FORCED DISPLACEMENT, CLIMATE REFUGEES,  
STRUCTURAL INEQUALITY, CLIMATE CHANGE,  
POWER RELATIONSHIPS

## INTRODUCTION

Understanding the intersectionality between climate change (CC) and human mobility requires a historical review of the positioning of CC as a priority issue on the global agenda. Following this line, since the 1960s, environmental issues have gained relevance, given the concern of academics and activists about the environmental degradation caused by the rapid economic growth since the Industrial Revolution.

The advocacy efforts of various actors led to the signing of global agreements from Stockholm (1972), Rio de Janeiro (1992), Johannesburg (2002), Rio de Janeiro (2012), to the Paris Agreement (2015). And with a holistic approach to sustainable development, objectives regarding CC are also incorporated in the Millennium Development Goals (MDGs 2000-2015) and the Sustainable Development Goals (SDGs 2015-2030).

In this vein, Aldunce, et al. (2020), argues that in Latin America there has been progress in the integration of adaptation with CC mitigation. Nevertheless, these efforts have been greater on issues of infrastructure, natural systems and biodiversity and to a lesser extent with the social dimension (i.e., the social dimension is the weakest link in the fight against CC in Latin America.)

In this context, this article recognizes the urgency of making visible the various social aspects of the effects of climate change, since these are not only reflected in exposure, but also in instability, marginalization and systemic risk, which on many occasions translates into forced displacement, both internally and externally.



## HUMAN MOBILITY IN CLIMATE CHANGE FRAMEWORKS

The United Nations Framework Convention on Climate Change (UNFCCC, 1992) became the main reference framework on the subject and was ratified by subsequent agreements. Reviewing these, Santes-Alvarez considers Climate Change (CC) to be an “alteration attributable directly or indirectly to human activity that modifies atmospheric composition and that is in addition to natural mutability detected over comparable time periods.” (Santes-Álvarez, 2015)

Additionally, the main effects of CC recognized in these frameworks are: increase in greenhouse gases, increase in global average temperature and extreme weather events. It is also recognized that the so-called “developing countries” are particularly vulnerable to the adverse effects of climate change (Paris Agreement, 2015).

The Paris Agreement also recommends that, when adopting measures to address climate change, the parties involved should respect, promote, and take into account their respective obligations regarding the human rights of vulnerable populations, including immigrants (Paris Agreement, 2015). However, the only adaptation and mitigation measures that incorporate the social dimen-

sion do so in a general manner, referring to strengthening resilience and reducing vulnerability to CC through a participatory and transparent governance model in line with sustainable development (Paris Agreement, 2015), without making specific mention of forced displacement caused by the effects of CC.

## UNEQUAL DISTRIBUTION OF THE EFFECTS OF CC

**A** Addressing climate change is inherent to political dynamics at different scales, since it involves decisions that could cause, prevent, minimize or adapt to the effects of climate change. In other words, decisions must be made that affect (positively or negatively) the interests of various stakeholders (including the State, companies, the general population, among others). And these “actors have dissimilar positions of power and have differentiated resources to assert their interests, which translates into the inequitable distribution of the costs and benefits derived from environmental change, which, in turn, reinforces or transforms these relationships” (Durant, Figueroa and Guzmán, 2011. P.289).

This inequitable distribution of the effects of CC occurs in various dimensions that function as layers that multiply the levels of instability. On the one hand, systemic risk involves physical changes resulting from industrial activities (e.g., increase in greenhouse gas emissions, increase in global average temperature, biological modification of species) that are “potentially” equal in their human impact; however, when the context is taken into account, it becomes evident that their impacts are distributed unequally (Bryant, R. L., & Bailey, S., 2000).

According to the report of the Intergovernmental Panel on Climate Change (IPCC, 2007), in Latin America there is a high probability of an increase in tornadoes, hail, heat waves, precipitation, extreme temperatures, the intensity and frequency of hurricanes, sea levels and the extinction of species. The IPCC (2007) also estimated that by 2020 the net number of people suffering from water stress would increase by 7 to 77 million, and by 2050 it would increase by 60 to 150 million. However, according to the World Bank (2010), the most severe impacts of CC are expected to be concentrated in the global south, especially in rural areas.

In addition, physical changes due to systemic irrigation reinforce marginality and vulnerability. Regarding marginality, when the effects derived from CC are reflected in physical changes linked to daily life (e.g., soil erosion), the impacts may be gradual and not be perceived in the short term; however, the social impact accumulates and usually increases inequality, marginalization, and people in unstable conditions are mostly affected. To better explain this linkage, it is worth quoting Soler (2017) who mentions that:

**“The climate crisis is causing convulsions in agriculture, water, forests, fisheries and industrial sectors, among other sectors, generating ecological, economic and social insecurity. Instability whose translation is: dwindling agricultural crops, increased tensions and conflicts between territories over access to water, increased forest fires, erosion, reduced fish catches, and a social decline that is not noticed by the actors involved. In addition, it will force us to face catastrophic impacts, social emergencies, unforeseen social changes and “masses of refugees who will no longer be able to subsist in the places they come from and will want to have a share in the survival opportunities of privileged countries.”**  
(Soler, Francisco.2017, mayo 21)

Regarding vulnerability, CC manifests itself in episodic effects such as increased floods, storms and droughts; its effects can sometimes be sudden, but others can be permanent. The impact can be general; however, marginal populations are usually the most affected because they are more exposed to “natural disasters”, i.e., this sector of the population normally lives in areas that are unsuitable due to their proximity to rivers and/or are more prone to landslides, in addition to having homes with fragile construction materials and structures; and they have few resources to rebuild them if they suffer any damage during a “natural disaster.”





All these effects together result in the forced displacement, both internal and external, of the precarious populations of the global south. In other words, poor and marginalized people face a double burden: existing inequalities as well as increased risks in the face of CC (Taylor, M. 2015). In this way the climate crisis is affecting:

**“the freedom to freely choose one’s residence [3], as it will delineate, establish and limit the territory. This territorial redefinition will be produced: firstly, by the appearance of climatic walls. New category of borders that will establish which are the new habitable spaces, the available resources, the migratory movements and the security of people [4].”**

*(Soler, Francisco.2017, mayo 21)*

On the other hand, the existence of asymmetrical power relations could cause prevention and mitigation measures not to be tailored to the interests of the affected population but to the interests of other actors (for example, not to make changes in industrial production modes in order not to increase their costs) or there may be repression in the face of demands for timely solutions. This scenario would further force displacement due to the lack of alternatives for dealing with CC.



## CONCLUSIONS

**S** Structural inequality and the contexts of repression complicate the understanding of forced displacement as a consequence of the effects of climate change; such intersectionality causes the most evident causes to be economic and political situations. The truth is that many populations in the global south have increased their levels of instability because they unfortunately find themselves at the crossroads between the effects of climate change and political disasters, that is, they inhabit a region with structural inequalities inherited from the colony and in states that respond to the interests of elites rather than the common good (including climate issues.)

They are thus forced to move due to their increasing instability (due to systemic risk, vulnerability or marginalization reinforced by the effects of CC) which mainly threatens their lives through food insecurity and the elimination of their livelihoods. For example, inhabitants of the Honduran Caribbean who were affected by hurricanes Iota and Eta, Nicaraguan indigenous populations and environmentalists who have been repressed for demanding timely measures to address the environmental impacts of CC effects, and coffee farmers in Nicaragua.

In these cases, people seek opportunities for change outside the borders of their Nation States and with this impose new challenges to international migration policy to integrate the conceptualization of climate change with the inherent processes of social transformation, because human beings are not outside their environments (Marcus Taylor ,2015). And thus create mechanisms that identify forced displacements due to the effects of CC; and promote timely migration policies and regulatory frameworks based on human rights that generate breaks in the cycle of instability.

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# CLIMATE CHANGE, NATURAL DISASTERS AND HUMAN MOBILITY

By: *María Fernanda Delgadillo Santos*<sup>1</sup>

## ABSTRACT

Climate change represents one of the greatest challenges of our time and one of its human consequences are the effects on the right of freedom of movement and residence, specifically, in recent times throughout the world, we have experienced natural phenomena with extreme characteristics that have caused disasters in human populations. As a result of these disasters, persons and groups of persons have been forced to leave their places of habitual residence and have done so within their own countries, or even, across internationally recognized borders, setting up in the first cases of internal forced displacement, while, in the second, possible cases of climatic refuge.

That's why, it's imperative that the International Community adopt the necessary and pertinent measures to combat, on the one hand, climate change, and on the other, its negative consequences on people's rights, preventing phenomena of forced mobility in a context of multiple violations of their rights.

Nowadays, talking about global warming is not a novel topic. Contrary to this, we can associate it with the increase in the general global temperature, melting of polar ice caps, sea level rise, extreme weather phenomena and changing seasons, floods, soil desertification and droughts, to mention just a few consequences. (Intergovernmental Panel on Climate Change [IPCC], 2007.)

These phenomena have consequences that are linked to the right to freedom of movement and residence, making them, from my perspective, one of the main global problems related to climate change, since these phenomena are undoubtedly affecting crop seasons, soil fertility, air and soil quality, changing our lifestyles and subsistence.

### KEY WORDS

CLIMATE CHANGE,  
HUMAN RIGHTS,  
DISASTERS,  
HUMAN MOBILITY,  
DISPLACEMENT

Following this line, it should only be noted that these consequences do not have the same effects on all populations; they affect them differently, given that, in addition to the natural issues, there are the typical and structural characteristics of the global south, such as low access to basic services and other rights.

The purpose of this article is to describe the problem of forced human mobility caused by the

adverse effects of climate change by compiling information from various institutions, bodies and agencies that report on this situation and possible ways to address it.

The purpose of these findings is to make the problem visible, as well as to establish a minimum basis for the forms of protection for people facing displacement.

According to the latest Global Report on Internal Displacement 2020 (Internal Displacement Monitoring Centre [IDMC], 2020), in 2019 around 1,900 natural phenomena caused 24.9 million internal displacements, a figure up to three times higher than those triggered by violence and other related conflicts, as shown below (FIGURE 1.)



**FIGURE 1 (IDMC, 2020.) This figure corresponds to the documented increase in displacements due to climate change compared to those caused by other reasons.**

**FIGURE 1 (IDMC, 2020)**

The American continent, in particular, is on alert for climate migrations since, according to World Bank projections ([WB], 2018), by 2050 there could be between 1.4 and 2.1 million “internal climate migrants” in Mexico and Central America alone. In the most pessimistic scenario, they could reach 3.9 million, representing 1.9% of the region’s population.

In this regard, it is particularly relevant to mention the relationship between the rights of movement and residence, and the human right to a healthy environment, since the protection of the environment has a close relationship with the exercise of other rights since it assumes a budget that guarantees effective access to them; in this sense it was interpreted by the Inter-American Court in Advisory Opinion number 23 (2017, para. 47.)

Because ensuring a healthy environment, constitutes in turn an action that prevents the forced mobility

of people, the obligations of States in terms of climate change related to minimize gas emissions (Paris Agreement, 2016, art. 4), and adapt, as processes to be carried out by States to adjust to the actual or projected climate (IPCC, 2014, p. 128) are effective guarantees for the right of movement and residence.

In this sense, forced mobility induced by climate change is one of the situations against which there is a need to adapt, as it represents a proximate threat, for example, the European Commission, in The Environmental Change and Forced Scenarios project

(EACH-FOR, 2009) stated that issues related to the environment and its degradation are a driver of the migrations we are currently experiencing and pointed out, among other issues, that:

**T**he scale and frequency of many environmental hazards are increasing and further environmental degradation will occur due to global warming, so pressures to migrate are increasing.

**M**igration is a traditional coping mechanism; however, in some areas these traditional patterns have changed in recent decades due to rapidly changing socioeconomic and environmental conditions.

**M**igration occurs when livelihoods cannot be sustained, especially when agriculture or pastoralism are severely affected by environmental degradation or extreme phenomena.

**M**igration decisions are complex and reflect the connection among environmental factors, and economic, social and political factors. (pp. 4-5)

For its part, the German Advisory Council on Global Change (2009), analyzed six risk factors against the security of countries and considered among them:

**5. Triggering and intensification of migration: Migration is already a major and largely unresolved international policy challenge. Climate change and its social impacts will affect increasing numbers of people, thereby increasing the number of migration hotspots around the world. The potential for associated conflict is considerable, especially since “environmental migrants” are not currently provided for in international law. Disputes over compensation payments and the funding of systems to manage refugee crises will increase. In accordance with the “polluter pays” principle, industrialized countries will have to face up to their responsibilities. If global temperatures continue to rise unabated, migration could become one of the major areas of conflict in international politics in the future. (p. 5)**

It follows from these considerations that appropriate adaptation measures are needed to ensure the enjoyment of human rights, particularly the right of movement and residence discussed here.

Finally, it should be borne in mind that the latter can be violated by two types of forced human mobility, that which occurs within the borders of a single State and that which crosses an internationally recognized border. Below are some examples of measures that have been proposed for both variants.



Regarding internal displacement, the report Preparing for Internal Climate Migration (WB, 2018), where this issue was addressed under the premise that “Internal climate migrants are fast becoming the human face of climate change” (p.1), recommended:

**R**educing global greenhouse gas emissions to alleviate climate pressure on people and their livelihoods, and reduce the overall magnitude of climate-induced migration.

**T**ransform development planning to take into account the full cycle of climate-induced migration (before, during and after migration).

**I**nvesting in data and analysis to improve understanding of climate-induced internal migration trends and trajectories at the country level. (pp. 185-189)

The report made an assessment of sub-Saharan Africa, South Asia and Latin America, predicting that by 2050, if no concrete measures are taken to address climate change, at least 143 million people would be forced to move within their countries. In addition to the study of sudden climate events such as hurricanes, the implications of so-called slow-onset climate change phenomena such as sea level rise or desertification were studied, which increased migration estimates. In addition, as a result of the increase in migrations, and knowing that these occur from rural to urban areas, due to the fact that the former has a direct dependence on natural resources, the Report recommended that:

**P**olicies that favor adaptation to the effects of climate change should be adopted to curb mass migrations to cities.

**D**iversify remunerated activities and improve social protection programs.

**F**or their part, urban areas should plan public policies for the arrival of displaced persons so that they can receive them without infringing on their most basic human rights. (pp. 28-29)

Now, with regard to protection in cases where people have left their countries, the recent decision of the United Nations Human Rights Committee regarding the case of *Teitiota v. New Zealand* (2020), represents an issue to be considered.

In that case, Mr. Loane Teitiota filed an application for protection (asylum) with the State of New Zealand, arguing that rising sea levels and other climatic effects had rendered his home country, Kiribati, uninhabitable for all its residents, noting further that these events had resulted in violence over the land that remained habitable; that environmental degradation was severely affecting agriculture, and that the fresh water supply had already been contaminated by salt water from the sea. New Zealand, after reviewing the situation, denied the application and deported Mr. Teitiota to Kiribati on the basis that it was not at imminent risk. The dispute was taken to the Human Rights Committee who determined that in this case the right to life was not affected because, despite the situation, sufficient protection measures had been taken in Kiribati, however, it debated the issue and considered that climate change could be a reasonable and sufficient cause to request protection. The Committee considered that:

**P** *people fleeing the effects of climate change and natural disasters should not be returned to their homelands if fundamental human rights would be put at risk by it.*

**A** *ylum seekers are not required to demonstrate that they would face imminent harm if returned to their countries, specifically because of the impact on the rights to life and personal integrity.*

**G** *overnments may incur in illegal actions if they return a person who, due to the effects of climate change, may be affected by the following: the right to life (Article 6) or where there is a real risk of facing cruel, inhuman or degrading treatment (Article 7.) Both rights considered in the International Covenant on Civil and Political Rights.*

**T** *he international community must make efforts to stop this situation both within countries and at the international level in the face of the great humanitarian crisis that would result from mass migration in the future, which would undoubtedly activate the obligations of “non-refoulement” in the receiving States.*

Regarding this decision, the United Nations High Commissioner for Refugees ([UNHCR], 2020) stated that people fleeing the effects of climate change, whether slowly degrading or sudden, could have valid applications to be recognized as refugees under the 1951 Refugee Convention or under regional legal frameworks for refugees.

It asserted that, while climate change and disasters will often affect entire communities and therefore all members are affected, this in no way detracts from the validity of claims made by individual members; thus, under this assumption, it would not be obliged to establish a risk of persecution beyond that of others similarly situated and indeed, the fact that it is a widespread situation in a given community may strengthen rather than weaken the justification for an individual’s fear of persecution.

Derived from what has been pointed out and analyzed throughout this essay, it is possible to conclude that climate change, in addition to the effects it has directly on the environment, is having negative consequences on other rights, such as the right to movement and

residence, by forcing people to abandon their places of origin or habitual residence. This phenomenon is occurring as forced internal displacement, when it has not crossed borders, or as possible cases of asylum, in those cases in which an internationally recognized border has been crossed.

Given this reality, it is imperative that the member states of the international community adopt mitigation measures to reduce, in the medium and long term, climate change and its adverse effects, but at the same time, it is essential to implement adaptation measures that, immediately and in the short term, address the events of forced human mobility that are taking place and threaten to increase.

However, States should work to ensure the most appropriate measures, taking into consideration the specific characteristics of the region in which they are located and the forms of human mobility that occur there, as well as the climatic phenomena that may occur and their consequences, with the sole objective of safeguarding the human rights of people in the face of this upcoming reality.



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# CLIMATE CHANGE AND FORCED INTERNAL DISPLACEMENT: LEGISLATIVE GAPS

By: Mauro Pérez Bravo<sup>1</sup>

## ABSTRACT

In this text, we seek to reflect on the absence of laws in Mexico to attend to the victims of forced internal displacement due to climate change. Although this reflection will be brief, we seek to demonstrate the lack of efforts to provide the authorities with the legislative tools to carry out concrete actions and thus attend to the aforementioned victims. This is one of our first attempts to analyze Mexican regulations, focusing our study on two main axes: climate change and forced internal displacement. What we hope is to begin a legal and scientific dialogue to harmonize laws that regulate the State and have a positive impact on the exercise of the human rights of the victims suffering forced internal displacement due to climate change.

## KEY WORDS

CLIMATE CHANGE, LEGISLATION, HUMAN RIGHTS, FORCED INTERNAL DISPLACEMENT

## I. THE LAW CHALLENGE

Throughout the history of mankind, legal sciences, or law, we have had to face numerous challenges, ranging from establishing the minimum parameters for a healthy coexistence among world societies to punishing historical crimes that have deeply affected the dignity of individuals; for example, the special tribunals designed to punish war crimes, such as the International Military Tribunal at Nuremberg.

In this context, experience has shown us that the law always arrives late. When there is a problem that affects particularly a certain type of population or we face a complex fact affecting the relations of coexistence, that's when concerns and demands for legislation arise. It seems to us that this is the case of climate change.

In recent years, the importance of environmental rights related to ecosystem caring, as well as the exercise of their human rights, has had a great boom given the evident deterioration of the planet's natural resources, which already has a negative impact on the well-being of human beings.

However, what is climate change? According to the United Nations Framework Convention on Climate Change, it is understood as "a change of climate attributed directly or indirectly to human activity altering the composition of the global atmosphere and the natural climate variability observed over comparable periods" (1992). As we can see, it is human beings who have brought about these structural and sometimes irreversible changes in the biological, chemical, or physical dynamics of ecosystems, which have repercussions on people's health, well-being, and, in general, their living conditions. Therefore, the adverse effects of climate change are understood as follows:

**“...changes in the physical environment or biota resulting from climate change that have significant adverse effects on the composition, resilience, or productivity of natural or managed ecosystems; the functioning of socio-economic systems; or human health and welfare.”**  
(United Nations, 1992)

For the law, climate change, as well as its adverse effects, constitute a challenge of complex proportions since it implies providing regulatory bodies to govern the actions of public institutions and guide the activity of private initiative in order to diminish the effects of this climate change.

Can the law contribute to reducing the adverse effects of climate change? Although there are important efforts at the legislative level to provide a legal framework that allows the competent authorities to act accordingly, these legislative actions have come when the damage to the ecosystem is so profound that, on many occasions, it is irreversible. As an example of the consequences of climate change we have:

As we can see, combating climate change entails facing enormous challenges from an interdisciplinary perspective, where law plays a preponderant role since it is through the laws that citizens themselves can demand the authorities to carry out concrete actions or public policies to address certain problems, such as climate change.

If there are no legal mechanisms that allow the authorities to carry out concrete

***“...increased frequency; intensity and duration of extreme weather events; melting of glaciers and ice sheets; sea level rise; storm surges; saline water intrusion; ocean acidification; changes in precipitation; flooding; heat wave; droughts; forest fires; increased air pollution; desertification; water scarcity.. ”***  
(2019, pág. 5)

actions to combat climate change and its consequences, or, if applicable, legal bases on which people can demand the authorities to act accordingly, legal gaps will continue irreversibly damaging the population and the environment to worsen and become it more pronounced.



## II. LAWS REGARDING FORCED INTERNAL DISPLACEMENT AND CLIMATE CHANGE

In the midst of this complex reality that is the fight against climate change, we find a consequence that requires legal and humanitarian efforts: forced internal displacement due to climate issues.

In recent decades, discussions regarding victims of forced internal displacement due to environmental issues have been gaining relevance both in research conducted by United Nations agencies, as well as those carried out by various academic centers and universities, given the situation represented by climate change and migration itself.

However, what are we talking when we talk about displaced people and climate change? As pointed out by Soledad Suescún, Javier Iván, and Egea Jiménez, Carmen (2011), the discussions and reflections about the nomenclature or conceptualization of the victims of forced internal displacement due to climate change have many edges, since the denominations would in turn imply very specific protection and attention mechanisms, such as climate displaced persons or climate refugees, climate forced migrations, etcetera. For the moment, we will stick with the term “displaced people due to environmental issues”, as it is the definition that has achieved consensus among specialists in the field, and that are defined as:

***“People who have been forced to leave their traditional habitat, temporarily or permanently, due to a marked environmental disruption, either because of natural hazards and/or caused by human activity, such as industrial accidents; or people that have caused their permanent displacement by large economic development projects or have been forced to migrate because of poor processing and deposition of toxic waste, endangering their existence and/or seriously affecting their quality of life.”***

(El-Hinnawi, 1985, pág. 4)

It seems appropriate to us that this definition of displaced people due to environmental issues includes most of the possibilities for which they have to be displaced. In 2016, the National Human Rights Commission released a “Special Report about Internal Forced Displacement in Mexico” to the public opinion, in which it breaks down the causes of

displacement. However, in these causes it does not explicitly point out climate change, but it is limited to point out natural disasters as causes of forced displacement, without making visible the important component that is climate change (National Human Rights Commission, 2019).

The special report of the National Human Rights Commission points out that, in Mexico, megaprojects are also a cause of forced internal displacement. These megaprojects do contemplate consequences and impacts on the environment due to the development of business, real estate, corporate infrastructure, etcetera: “Similarly, in development projects human action can cause disasters of different nature, as in the case of mines whose toxic waste can be dumped in rivers and in the subsoil causing further damage” (Comisión Nacional de los Derechos Humanos, 2019, p. 15)

Although the National Human Rights Commission points out the environmental impacts of megaprojects or that there are internal forced displacements due to natural disasters, this does not dimension forced migrations due properly to climate change.

In this same context, according to public information, the Ministry of Environment and Natural Resources does not have information about many people have been in a situation of forced internal displacement due to climate change (2021).

Similarly, the National Coordination of Civil Protection reported in the official letter SSPPC/SPPPC-CP/CNPC/DGGR/02481/2021 that, although the Federal Government had a program to assist victims of Internal Forced Displacement, such program was an additional item in the National Human Rights Plan 2020-2024 included in the National Development Plan 2019-2024. However,

no special strategies are specified to assist victims of internal forced displacement.

In other words, although Internal Forced Displacement is recognized as a problem in Mexican territory, the issue of climate change is not specifically addressed.

As mentioned above, the discussions on whether or not include the issue of refuge would result in States activating protection mechanisms precisely for those seeking recognition of refugee status, which have different parameters and standards than those for the population in transit. It is therefore necessary to continue with reflections and studies on protection mechanisms for environmentally displaced persons.

In which the victims of internal displacement due to climate change find themselves, why are there no public policies or concrete actions to address environmental displaced people? While there are many possible answers, one of them is that there are no ordinary laws that bound the authorities to address forced internal displacement due to climate change.

Now, despite the existence of some specialized laws, Mexico has not been able to articulate real legal efforts allowing the authorities to respond to the specific problems of forced internal displacement and climate change.

It was only in 2012 that the General Law on Climate Change was published in Mexico. This law establishes the execution of actions to elaborate public policies in the field of “ecological land management, internal displacement of people caused by phenomena related to climate change, human

settlements, and urban development”. This is one of the few references to internal forced displacement due to climate change in the law, without providing specific public policy obligations to build diagnoses, programs, aid funds, inter-secretariat meetings, to mention a few.

Another reference that we can find in the General Law on Climate Change regarding forced internal displacement established in Article 30, section II says: “Use the information contained in the risk atlas for the elaboration of urban development plans, construction regulations, and land use planning of the federal entities and municipalities; and to prevent and address the possible internal displacement of people caused by phenomena related to climate change”. Therefore, these two are the only legal guidelines established in the General Law on Climate Change, without clearly specifying the scope of the protection of human rights to which the victims of forced internal displacement due to climate change are entitled, for example, the specific actions to address forced internal displacement due to climate change are left to the free interpretation of the competent authorities.

In addition, in the body of the General Law on Climate Change, we detect that there are no clear guidelines about forced displacement due to climate issues. For example, the Law seeks to combat and generate strategic legal frameworks to combat climate change, however, there are no adequate legal guidelines to address the victims of forced internal displacement due to climate or environmental issues.

The Law for the Prevention and Attention to Internal Displacement in

the State of Chiapas, among its considerations, established the following: “Population displacement in Chiapas has taken place for decades due to a variety of causes: natural phenomena and socio-environmental vulnerability such as earthquakes, hurricanes, volcanic eruptions, and large-scale landslides. Although natural issues causing internal forced displacement are detected, climate change is not specifically mentioned as one of them. A similar situation occurs with the legislation of Guerrero and Sinaloa about forced internal displacement; climate change is not specified as a cause of forced internal displacement.



Currently, at the time of writing this document, Mexico does not have a General Law to attend to victims of forced internal displacement or where climate change is recognized as a cause of these displacements, which shows the lack of interest at the legislative and public policy level to address not only climate change, but also the victims of forced internal displacement.

## CONCLUSION

**A**lthough there are signs of concern on the part of the authorities to address climate change, this is not reflected in concrete public policies or in legislative ordinances that allow the creation of conditions for to take care and protect the victims of forced internal displacement.

It is already a significant advance that natural disasters have been identified as a cause of forced internal displacement, which make us think about appropriate

strategies to assist the affected population. However, climate change has been ignored as a preponderant and permanent factor of forced internal displacement. Hence the urgency for Mexico to carry out concrete actions at the legislative level, such as the harmonization of laws on climate change and forced internal displacement, public policy with a human rights perspective to assist victims of forced internal displacement due to climate change, and the creation of mechanisms for their integration and access to a dignified life.

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<sup>2</sup> As mentioned above, the discussions on whether or not include the issue of refuge would result in States activating protection mechanisms precisely for those seeking recognition of refugee status, which have different parameters and standards than those for the population in transit. It is therefore necessary to continue with reflections and studies on protection mechanisms for environmentally displaced persons.



# HUMAN MOBILITY CAUSED BY THE EFFECTS OF CLIMATE CHANGE: OBSTACLES TO ACCESS TO JUSTICE IN LATIN AMERICA AND THE IMPORTANCE OF ACCESS TO PUBLIC (ENVIRONMENTAL) INFORMATION

By: Sandra Elizabeth Alvarez Orozco <sup>1</sup>

## ABSTRACT

**H**uman mobility is intrinsic to the nature of the human being, since the beginning of time, which can be seen as the struggle for one's survival, regardless of the factors that originate it. One of the causes that has always been present and that is unfortunately invisible is the mobility caused by the multiple effects of climate change. Affected people and communities find themselves in the imminent need to leave their places of origin, seeking better living conditions either within their home countries or across international state borders. This article allows us to reflect on how even though these displaced persons lost everything along the way many of their rights are also violated, including access to justice. In this way, we are not only referring to the exclusion of this important right, but also the exclusion of environmental and climate justice.

### KEY WORDS

CLIMATE CHANGE, HUMAN MOBILITY,  
HUMAN RIGHTS, ACCESS TO JUSTICE; ACCESS TO PUBLIC  
(ENVIRONMENTAL) INFORMATION

## I. HUMAN MOBILITY AS A MEASURE OF ADAPTATION TO THE EFFECTS OF CLIMATE CHANGE

To begin this section and for this article, we will start by stating the concept of human mobility as a group of the population who leave their places of origin because of the effects of climate change, as established by the International Organization for Migration (OIM, 2012):

*“... The movement of people in and out of an area in the exercise of their right to freedom of movement”. It is “a complex process motivated by distinct reasons (voluntary or involuntary), which is carried out with the intention of remaining in the place of destination for short or prolonged periods or even to develop circular mobility. This process involves crossing the boundaries of a geographical or political division, within a country or abroad.”*

As we can see, this concept is the most appropriate since it clearly encompasses both, migrants, and those in need of international protection, including victims of forced internal displacement, which has been the subject of doctrinal discussion, and we do not intend to discuss in-depth in this article. However, what is clear is that one of the multiple causes of human displacement is the effects of climate change, in addition to other factors such as violence in different forms, discrimination, and organized crime, among others. This

leads us to ask the next question: what is the difference between forced displacement because of climate change and other forms of human mobility? We will explain it throughout this article.

Climate change is a topic that by itself can be misused in various conceptions, laws, arguments, and public policies, which is serious as we cannot begin to analyze a problem by itself if we do not have clarity about its nature. Climate change is a defense mechanism of the planet

that is linked to global warming; however, thanks to anthropogenic intervention, the alteration experienced by various terrestrial climates has been potentiated. This indicates that the climate changes due to natural causes and causes of anthropogenic causes (Díaz, 2012).

Some of the major manifestations of climate change identified by the Intergovernmental Panel on Climate Change (IPCC, 2021) are: increase in global temperature, decrease in the extent of snow and glacial ice, increase in intense tropical cyclonic activity in the North Atlantic, higher incidence of extreme values of sea-level rise, episodes of intense precipitation, as well as an increase in heatwaves, to mention a few.

While the Human Development Report 2020 (PNUD, 2020) states that global warming is the clearest evidence that we are already exceeding the carrying capacity of the planet's atmosphere at an unprecedented rate, and shows that human activity has become a dominant force affecting the planet's key processes, these effects are further accentuating existing inequalities and threatening to significantly reverse development. This leads to the title of the report as *The next frontier between human development and the Anthropocene*, where it is clear that thanks to these tensions experienced by the planet, the challenges faced by societies are increasing, such as the global pandemic of Covid-19 and human mobility as a measure of adaptation to climate change.

Human mobility, in this sense, is a mechanism to face climate pressure, within the framework of adaptation,<sup>2</sup> and we experienced it historically in Mexico when great cultures such as the Maya and Teotihuacan were severely affected by changes in the climate ending their habitat and their development. In the past, it was considered that these displacements occurred internally; however, since the emergence of Sin Fronteras IAP and other organizations in Mexico, we have documented that this type of mobility has already crossed international state borders. It has also been identified that to flee extreme weather conditions, it is not necessary for the person to have any social or economic capital, as well as support networks to leave their places of origin. It has also been detected that it is very complicated to differentiate these causes from others, which makes it a multicausal phenomenon and this makes it different from other types of human mobility, as well as the additional challenge of being able to access the recognition of the right to asylum since most Latin American legislations do not contemplate the cause of the effects of climate change as a guiding principle for the recognition of refugee status.

In addition to these challenges of recognition, we add the difficulty of access to rights, such as access to justice, where there is also a differentiated approach even greater than that of other types of mobilities and which goes to the lack of knowledge of the subject, data, and its effects.



## II. CHALLENGES IN THE PROTECTION OF PEOPLE IN A SITUATION OF MOBILITY DUE TO CLIMATE CHANGE: ACCESS TO JUSTICE AND PUBLIC (ENVIRONMENTAL) INFORMATION

The barriers of State Sovereignty, State security over human security, and the principle of non-intervention make it exceedingly difficult for women human rights defenders and civil society organizations to access and in turn provide the necessary security and adequate defense for people in situations of human mobility, even more so for those whose direct cause is the consequence of climate change. Consequently, local, regional, and international responses are insufficient and uncoordinated. **One of them is the right to access justice. And we quote Juan Carlos Murillo when he states that a deficient administration of justice in the country of asylum could call into question the protection enjoyed by the refugee and whether it is effective (MURILLO, 2022).**

The challenges of access to justice for foreigners in need of international protection exist in the Mexican case, despite the interventions of human rights defenders, national, regional, and international institutions and organizations or civil society organizations such as Sin Fronteras IAP. These types of organizations and institutions seek daily that people in this conglomerate have access to adequate information about their procedures, not only the recognition of refugee status, but the administrative migration procedure (PAM), and different means of challenge, to name a few. It is also intended that they have the right to be legally represented, but also that they are clear about the causes that led them to leave their country of origin and that they recognize the effects of climate change.

With the help of the National Supreme Court of Justice, Sin Fronteras IAP began the elaboration of the Action Protocol for those who impart justice in cases affecting persons subject to international protection in 2013 (SCJN, 2013), a valuable tool that provided essential elements to legal operators for the applica-

tion of norms and principles of International Refugee Law (IRL) and human rights. Its last amendment was made in 2019 (SCJN, 2019). Both instruments mention that the situation of human mobility is conjunctural and that new grounds must be kept open, leaving the vein to consider the recognition of access to justice for foreign persons who left their countries of origin because of the serious affectations brought about by global warming.

To disseminate this tool, the following year the Judgment Award contest was promoted, as well as the dissemination work through workshops in different Houses of Legal Culture throughout Mexico. The purpose of the Judgment Award, in the category of Right of Access to Justice for Migrants or Persons Subject to International Protection, is to bring access to justice closer to

the migrant population and those subject to International Protection and to make visible the good practices of judges, courts and tribunals throughout the American continent.

From 2016 to 2021, 14 rulings have received that address and reflect mostly the recognition of internal displacement due to climate causes, the consolidation of a right to a healthy environment, the right to water, the protection of ancestral territories and sacred sites, the right to cultural identity, among others, which frame that there is progress on the topic.

For such a case, a specific example can be considered, a particular judgment 411-2017, resolved by the Constitutional Chamber of the Supreme Court of El Salvador. In the said judgment, the content of international human rights treaties is taken up again and recognizes the binding force of the guiding principles of internal displacement, when it comes to socio-environmental disasters making a reflection on the right to material security, which has two facets. The first one refers to the right of the members of society to be protected against circumstances that put at risk important collective legal assets such as health and the environment. The second focuses on the right of individuals, regardless of their nationality, to receive adequate protection from the authorities when they are exposed to exceptional risks that they have no legal duty to tolerate because they exceed the bearable levels of danger implicit in life in society (Sentencia 411/2017, 2018).

In Mexico, it is important to mention that there are some resolutions issued by the Mexican Commission for Refugee Assistance (COMAR, by its Spanish acronym), the body in charge of resolving the procedure for recognition of refugee status in Mexico, where recognition is granted to persons who have left their places of origin because of the droughts or the recent hurricanes that have hit Central America and the Caribbean countries. They are not recognized as refugees but as beneficiaries of complementary protection (or substitute protection as it is called in other countries), which although it guarantees the principle of non-refoulement does not make it as suitable for access to other types of rights such as Economic, Social, Cultural and Environmental Rights (DESCA, by its Spanish acronym).

At the international level, it is relevant to mention the case of Loane Teitiota, national of Tarawa Kiribati vs. New Zealand. Teitiota had to leave his country of origin because of climate change and sea-level rise. In New Zealand, his request for asylum was denied, so he was deported to his country of origin. Its resolution was truly relevant mentioning, among other things, that

**“ [...]in the absence of strong national and international initiatives, the effects of climate change on receiving States may expose individuals to a violation of their rights under Articles 6 and 7 of the Covenant, which entails compliance with the (non-refoulement) obligations of sending States.”**  
(PIDCyP, 2020)

This is an important reference for the recognition of climate refugees.

Despite these efforts, the road is still arduous and requires communication and information, not only from the judiciary but from the authorities of the diverse levels of government. All these actions are to strengthen the asylum system and access to justice for the population in human mobility, recognizing that the effects of climate change are becoming more visible every day and that we must opt for a protection that guarantees not only access to this right but also the guarantee of the right to asylum and construction towards environmental and climate justice. One of the ways in Latin America and the Caribbean is the strengthening of public information.

The right to access to public information began to consolidate under the light of the Rio Declaration on Environment and Development in 1992, where the foundations were laid in its Principle 10, on access to information as the best way to deal with environmental issues. But it is not until the Escazú Agreement (CEPAL, 2018)<sup>3</sup> that the purposes that lead to adequate access to public (environmental) information are already established as: guaranteeing the right to every person (without distinction of nationality) to access environmental information, to participate meaningfully in the decisions that affect their lives and their environment and the one that perhaps contributes most for the purposes of this analysis access to justice when these rights have been violated.

Although this document does not emphasize human mobility, its implementation is a clear path that leads to its recognition through the request for open information and serves as a basis for the creation of policies and instruments to address this problem. Being a binding document already ratified, at least by the Mexican State, to recognize the problem and take actions to prevent this type of displacement, improve preparedness for the attack of these adverse phenomena, develop tools for adaptation and resilience and require authorities to manage comprehensive disaster risk management (Odrizola, 2019).



## CONCLUSIONS

As we can notice, the consequences of climate change are becoming more devastating for societies every day, causing the mobilization of thousands of people annually; not only at the level of the countries of origin, but in many cases already crossing international state borders, placing these events no longer within the scheme of internal displacement, but already externalized to levels of international protection.

People who are forced to leave their places of origin for these reasons face greater obstacles than other people in situations of mobility, which directly threaten the enjoyment of human rights. Firstly, due to the lack of knowledge on the subject, its recognition in public policies and legislation. Secondly, due to the difficulty of knowledge and positioning of the issue by legal operators of administrative bodies, who fail to understand and give evidentiary value to scientific research on the effects and consequences of current climate change.

Those who impart justice have the challenge of knowing the national and international normative framework, the jurisprudence emanating from international and regional courts, as well as the recommendations made by human rights protection bodies; this fact allows them to interpret in more detail how to maximize the protection of the human rights of migrants and refugees, including those affected by the effects of climate change.

The obstacles to access to justice for human mobility because of climate change are clear, regardless of what is mentioned in current instruments that unfortunately are not usually binding, and that have as their axis the absence of a binding legal definition that categorizes people as migrants, refugees, or displaced persons. Another obstacle that we mentioned in previous paragraphs is the deficiency in data, as well as the absence of granting full evidentiary value to the reports issued by academic institutions and international organizations.

The Escazú Agreement is a great step forward in the framework of access to justice, at least in the countries that have ratified it, which can serve as a means to achieve three purposes: a) as a preventive element, since people or communities at risk of displacement can obtain information regarding the risks to which they are exposed; b) from the collection of data and qualitative and quantitative information on parameters, causes, trends and patterns of human mobility related to environmental and climatic factors can help improve the governance of human mobility due to environmental causes (Odrizola, 2019); and c) provide clear elements that serve as an element of access to justice for people in a situation of mobility due to adverse climate causes, on the one hand, their recognition and, on the other, as full evidentiary elements that serve as a basis for them to be considered in regulations and public policies.

The road is a long one. Women defenders and civil society organizations such as Sin Fronteras are beginning to identify the current problem, as well as to begin to document those cases of mobility due to extreme climate causes through methodologies that integrate elements of access to environmental and climate justice and to inform by the Judgment Award the good practices that exist in the region.

# THE URGENT NEED TO RECOGNIZE AND PROTECT ENVIRONMENTAL REFUGEES IN MEXICO

Por: Alethia Fernández de la Reguera Ahedo <sup>1</sup>

## ABSTRACT

In 2018, the migrant caravans coming from Central America marked a turning point in migration patterns in Mexico, not only because migration policy was positioned in a very important way on the public agenda, but also because of the great need to expand international protection mechanisms, criminalization, detention and deportation of forced migrants increased (Gandini, Fernández de la Reguera, & Narváez, 2020). While caravans were not a new phenomenon, as of 2018 it was evident that people migrating to Mexico do so in a forced manner. Families, women, children, adolescents, the elderly, and people with disabilities leave their countries not only because of poverty but also because of criminal violence and food insecurity due to environmental causes.

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<sup>33</sup> The treaty entered into force on 22 April 2021, as part of Earth Day. The countries that ratified this agreement are so far in the drafting of this article: Argentina, Mexico, Guyana, Uruguay, Bolivia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Antigua and Barbuda, Nicaragua, Panama, Ecuador, and Saint Lucia.

<sup>2</sup> An adaptation strategy for people affected by environmental change or the effects of climate change. It has also become a way of life in some areas. However, we have reached a critical point. (Boncour, 2009).

## KEY WORDS

FORCED MIGRATION,  
ENVIRONMENTAL DEGRADATION,  
MIGRANT CARAVANS,  
INTERNATIONAL PROTECTION,  
ENVIRONMENTAL REFUGEES

As of 2018, applications for refugee status in Mexico began to increase exponentially, rising from 14,528 applications in 2017 to 29,623 in 2018 and 131,448 in 2021 (COMAR, 2017, 2018, 2022). This shows that Mexico is a transit country, but also a destination country for people who have been forcibly displaced from their places of origin. The Mexican State's responses to the caravans have been diverse; however, what predominates is criminalization, prolonged and generalized detention, and deportation, often inclusive without allowing the people on the move to be informed of their right to seek asylum in Mexico. In 2021, the National Migration Institute broke a historic record with the detention of 307,679 people, of which 84,122 were women from Guatemala, Honduras, El Salvador, Nicaragua, and Haiti (Unidad de Política Migratoria, 2021).

Although academia and various activists in favor of the human rights of migrants insist on the relevance of identifying and naming forced migration because of structural violence, to generate adequate solutions to protect the vulnerable among the vulnerable, migration policy and asylum policy in Mexico have lagged the needs of the lives that migrant exoduses embody. Moreover, the relationship between forced displacement and environmental

causes is increasingly recurrent; only at the end of 2020, three weeks after hurricanes Eta and Iota hit Honduras, there was already a new caravan that was detained in Guatemala. In this article, it will be presented a reflection on the need to link migration studies more closely with environmental studies to promote the expansion of international protection mechanisms for forced migrants, especially those whose displacement is directly or indirectly linked to environmental causes, whether natural disasters or conditions related to environmental degradation.



We are facing an overly complex phenomenon since on the one hand there are forced displacements caused by criminal violence and State violence in Guatemala, El Salvador, and Honduras, but there is also an especially important and little visible dimension related to natural disasters and environmental degradation. What are the climate risks facing Central America, particularly Honduras, and how do they impact mobility patterns? What legal mechanisms should be generated to guarantee the non-refoulement and comprehensive protection of environmental refugees? It seems that in general, migration scholars are not taking into account the centrality of natural disasters and environmental degradation caused by climate change and macro projects as triggers of forced migrations (Estevez, 2022). The interest in this topic arises from a collection of testimonies of migrants from Honduras, and caravanners, in the city of Tapachula, Chiapas between 2018 and 2020. The first explanation given by the people is that they fled violence and poverty, but they also highlight the problems they have had to recover from floods and droughts, how their fields have stopped producing, or how they have had to leave their land because of macro-tourism projects.

Climate change, natural disasters, and environmental degradation have recently been identified by UNHCR as the cause of massive internal and international displacement (Parra, 2020). According

to the World Bank, in a pessimistic scenario, by 2050 up to 143 million people or 2.8% of the population of Sub-Saharan Africa, South Asia, and Latin America could be internal climate migrants, and in the case of Mexico up to 3.1 million people (Kumari Rigaud et al., 2018). Livelihoods have been affected by the following four aspects of climate change: temperature, water availability, sea-level rise, and extreme weather events, which directly or indirectly affect people's lives and food systems. One of the difficulties in identifying the relationship between these processes and mobilities is that they can be slow processes of environmental degradation, altering labor markets and social life, or sudden destruction of housing and land, as was the case with the hurricanes by the end of 2020.

Warming and drought affect agricultural production and access to water. In 2015, in the "Dry Corridor" of Central America, around 500,000 people experienced severe food insecurity (Acaps, 2015) demonstrating that climate change and environmental degradation aggravate the vulnerabilities of sensitive areas and hinder the survival of their populations (Lupián Ochoa & Ayvar Campos, 2015). Moreover, it is difficult to have accurate predictions about which countries and regions will be the most affected by climate change, due to spatial and temporal variability, as well as the specific risks and resilience capacities of every country. Despite this, Central America is classified as a vulnerable region, so it is expected that having a temperature increase of 2 degrees Celsius, the decrease in crop yields would be 50% (Kumari Rigaud et al., 2018).

People living in countries or municipalities affected by epidemic levels of criminal violence and poverty, such as Honduras, have extremely limited resources, making migration their main resilience strategy. In this sense, it is vitally important to reflect on how criminal violence and environmental degradation coexist in forced migrations, particularly from Central America, and why existing international protection mechanisms have failed to include, at least in the Latin American region, environmental causes as grounds for seeking asylum. What currently exists in the region are temporary protection mechanisms, but it has not yet been possible to integrate the environmental dimension into the framework of the right to asylum (Sánchez - Mojica, 2020). There is a legal debate on the definition of environmen

not only consider the protection of people who have already been internally displaced as a result of a sudden disaster, but also those who are at risk of being displaced due to gradual environmental impacts or changes, and those who cross international borders either forcibly or voluntarily (Rubio Díaz - Leal, 2018). The 1951 Refugee Convention establishes refugee status, based on persecution, and does not include natural disasters or the effects of climate change on livelihoods as a push factor for forced migration. In addition, there is a lack of international consensus on the determination of environmental reasons as a cause of migration (Casillas, 2020). Therefore, even though environmental migration is on the agenda of international organizations, as is the case of the International Organization for Migration and is contemplated in the 2018 Global Compact for Migration, there are no specific protection mechanisms stipulated in national legislation for environmental refugees.

In the case of the Latin American region, complementary protection has been chosen by several countries to address the challenges of environmental displacement, but this does not include the guarantee of non-refoulement or the comprehensive protection that the legal category of refugee entails. From the experience of the Haitian displacement caused by the earthquake in 2010, seven countries have included forms of complementary protection and temporary residence for this type of displaced person. The first countries to implement specific measures were Argentina, Brazil, Mexico, Venezuela, and Ecuador.

Although the 1984 Cartagena Convention stands out as a regional mechanism for defining the right to asylum more flexibly than the 1951 Geneva Convention by covering indirect effects of expulsion such as poverty, economic crises, violence, disease, food insecurity, and malnutrition, it does not yet recognize environmentally displaced people. In this sense, various experts and activists in the region have opened the debate on the relevance and workable solutions to creating a legal framework for environmental refugees. On the one hand, it is proposed to open the debate on the 1951 Geneva Convention; however, this generates political tensions in countries with a rise of anti-immigrant and anti-refugee political parties. On the other hand, it is proposed to generate a specific mechanism to differentiate the protection needs of people who are refugees due to war or generalized violence,

from those who left their countries due to environmental causes (Pajares, 2020).

Another proposal, possibly more encouraging due to the recent experience in the Latin American region to create forms of temporary and specific complementary protection for certainly forced mobilities, is the reinterpretation of the Cartagena Convention to generate lasting solutions (Sánchez - Mojica, 2020). Based on this, it is argued that it is urgent to adapt to the needs of the region, as happened when in 2010 after the Haitian earthquake, protection was extended to victims, not because of the natural disaster, but of the public disorder it caused.

In this sense, as argued by the Spanish jurist Beatriz Eugenia Sánchez-Mójica, one could take the example of the Organization of African Unity Convention, which includes a broader concept of refugees by integrating environmental disasters as a serious cause of public order. So far, the Cartagena Convention recognizes the need to protect people when public disorder endangers their life and liberty and is caused by human beings; for example, in extractive and the development of macro projects that generate forced displacements. In this sense, the argument would be to broaden the refugee category in contexts where environmental damage has caused an aggravation to public order.

The Mexican biologist Julia Carabias points out that the environmental degradation caused by the climate field generates extremely negative impacts in terms of social justice. Survival will be possible at a higher cost, i.e., it will require the use of more technologies to cope with this climate crisis (Carabias, 2018). The poorest countries will be the most affected. It is more pertinent than ever to reflect on who is responsible for environmental degradation. “Climate migrants do not flee because of the criminal activities of their governments, they flee rather because of the criminal activities of the governments of the industrialized world, which are the main responsible for global climate change (Pajares, 2020: 235).” From an environmental and social justice perspective, it is very necessary to understand the complexities of environmental displacement and the shared responsibility with countries that are today closing their doors to asylum seekers, such as the United States.

In terms of the protection of populations forcibly displaced by environmental causes, there are at least two urgent lines of reflection. On the one hand, there are the rural and Indigenous populations that are mostly expelled because of large development projects and the environmental degradation caused, but on the other hand, we also have entire populations that leave their communities because organized crime has co-opted the territory. However, there has also been an environmental impact that generates food insecurity and ends up damaging social life and labor markets. How do we make the complexities visible? What is behind an asylum request where the person has left for many of these causes, all together, that ends up being denied because it is considered an economic migration?



In November 2021, because of the publication by the U.S. Government of the Temporary Protected Status aimed at the Haitian population already residing in that country to avoid their deportation, new caravans of Haitian people arrived in Mexico. Thousands of families moved through the Latin American region. Most of them had left Haiti in 2010; their children were born in Chile or Brazil, which is why these two countries are among the ten nationalities with the highest number of asylum applications in 2021 in Mexico. The vast majority left Haiti because of the earthquake, food insecurity, and criminal violence, and over a de-

cade have benefited in countries such as Chile, Argentina, and Brazil, partially from temporary forms of international protection. In some cases, only certain family members have been recognized as refugees. This case shows that nationally and as a region we have enormous challenges in terms of international law for refugees.

Given this complex scenario, how do we define the causes of mobility? It is feasible to continue with legal frameworks incapable of recognizing the multiple causes of forced mobility, as well as the profound inequalities and needs in terms of international protection for people who cannot be turned back. International protection for environmental refugees requires integrating the principle of non-refoulement established in the 1951 Convention and the Cartagena Convention. Otherwise, the criminalization and deportation of these populations lead them back to death in their places of origin. In a region such as Latin America, where extractive projects devastate natural territories, and where structural, cultural, and direct violence generate enormous social inequalities, it is urgent to redefine who are environmental refugees.



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