

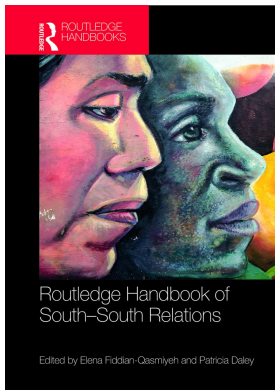
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Elena Fiddian-Qasmiyeh, Patricia Daley

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David James Cantor

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Cooperation on refugees in Latin America and the Caribbean

The 'Cartagena process' and South–South approaches

David James Cantor

Introduction

Humanitarian cooperation on refugees¹ in Latin America and the Caribbean assumes many forms.² Yet perhaps the most influential is the Cartagena framework, which is adopted and regularly refined by the governments of this region.³ Originating with the 1984 Cartagena Declaration on Refugees,⁴ these governments have met on each ten-year anniversary to review the new challenges facing refugees in the region and to define a common framework of principles, plans and programmes in response. These regional frameworks, and the process behind their adoption, produce an overarching common vision and roadmap that promote and harmonise the action of signatory states for the benefit of refugees in this part of the world.

The Cartagena framework results from a process that in itself engages substantive cooperation among a wide range of states in the global South. Both the framework and the long-standing, structured, state-based and multilateral process from which it results (and which it in turn sustains) are pertinent to the study of South–South approaches since they represent an unparalleled example of regional state-based humanitarian cooperation in the refugee field. After describing how this framework was historically and conceptually developed through the 'Cartagena process', this chapter outlines distinctive components of this unique model of humanitarian cooperation on refugees.

Even so, while the Cartagena framework and process offer a highly visible example of inter-state cooperation on refugees, its contribution to our understanding of South–South approaches is not without complexities. These are outlined in the final part of the chapter in relation to two main points. First, the fact that the Cartagena framework speaks explicitly of South–South approaches leads us to reflect on the precise formulation and its implications in this context. Second, a more careful analysis of participation in the Cartagena process suggests the need to fully acknowledge the role of other intersecting forms of cooperation alongside the South–South mode.

Cartagena framework: genesis and process

The Cartagena process began during the 1980s against the backdrop of relatively limited exposure among Latin American governments to the effects of major refugee crises, including

the Second World War. Since its inception, though, this process has come to act as the major conduit through which Latin American governments have developed frameworks to express and orient their shared approach to humanitarian cooperation in the refugee field. By tracing the elaboration of the Cartagena framework, as the prime example of inter-state cooperation on refugee protection in Latin America and the Caribbean since the 1980s, we gain a window onto how the process both *reflects* and *promotes* dynamics of cooperation among participating states.

Early Latin American engagement with 'refugees'

Latin American states were relative latecomers to the international regime created for refugees in the aftermath of the Second World War. The cornerstones of this regime were, and remain, the office of the United Nations High Commissioner for Refugees (UNHCR) and the 1951 Convention Relating to the Status of Refugees and its later 1967 Protocol.⁵ However, initially, most Latin American states declined to adhere to the Convention and Protocol. Rather, they saw the Second World War mass movements of 'refugees' as a European problem with little relevance to their experience of small-scale movements of political asylees in Central and South America (Cantor 2013). As such, they continued to rely on the regional and constitutional law framework of political asylum and not refugee law.⁶

This outlook and panorama began to shift dramatically only in the 1970s and 1980s as the Cold War took hold in Latin America. The dictatorships of the 1970s, such as those in the Southern Cone,⁷ provoked the flight or exiling of many people to other countries in Latin America, and pushed a first wave of ratifications of the Convention and Protocol by Latin American states. A second wave of ratifications of the global refugee framework then took place as the *en masse* displacement of persons due to intense political violence and conflicts surged in Central America in the 1980s (Cantor 2013). For the first time, the Cold War exposed governments in Latin America to significant humanitarian and political challenges related to 'refugees'. This represented a baptism by fire for these latecomers.

However, in tandem, from the 1980s, these governments began to develop a parallel Latin American framework for refugees. This has built on the global framework, which it is designed to complement, by creating additional elements pertinent to the 'local' context.⁸ Eschewing their earlier suspicion of the relevance of the 'refugee' concept to circumstances in Latin America, these developments still simultaneously evidence the contention among those states that the particularities of this region require certain additional elements. Efforts by governments to promote a regional approach began to consolidate around the 1984 Cartagena Declaration, the genesis of the Cartagena process.

Evolution of the Cartagena framework

The 1984 Cartagena Declaration represents one of the earliest articulations of a Latin American regional approach to refugees.⁹ It was adopted by ten states taking part in the Colloquium that led to its drafting and which presented conclusions that 'should receive adequate attention in the search for solutions to the grave problems raised by the present massive flows of refugees in Central America, Mexico and Panama'.¹⁰ Yet, those conclusions, and the commitments on refugee issues in the Contadura Act on Peace and Cooperation that it also endorses, largely invite adherence by participating states of origin and asylum to global refugee protection norms.¹¹ As such, the content of this South–South cooperation (SSC) is thus mostly oriented toward respect for global norms.

One conclusion with a more strongly 'local' flavour concerns the refugee definition. Thus, referring specifically to the 'experience gained from massive flows of refugees in the Central American area', Conclusion 3 of the Declaration recommends that participating states adopt a new refugee definition that reflects these circumstances, in addition to that in the global Convention.¹² The expanded refugee definition of the 1984 Cartagena Declaration has subsequently been incorporated into the national law of many Latin American states.¹³ Despite some criticism of how it is applied (e.g. Reed-Hurtado 2013), this expanded definition represents a concrete example of SSC among Latin American states that has had a continuing impact on the protection of refugees in this region up to the present day (cf. Omata, this volume).

Based in part on cooperation promoted by the Cartagena Declaration, an International Conference on Central American Refugees (CIREFCA) took place in 1989. This facilitated cooperation on refugees among participating Latin American states and led to the Declaration and Concerted Plan of Action in favour of Central American Refugees, Returnees and Displaced Persons (CIREFCA 1989). Implementation of this plan by the governments concerned contributed to resolving the Western hemisphere's most serious regional refugee crisis (see Mathew and Harley 2016; Betts 2009). Replicating the Cartagena Declaration,¹⁴ it also directed attention not only to refugees and returnees but also to internally displaced persons (IDPs), a novel approach at a time when the view of IDPs as a legitimate international concern remained disputed by states.¹⁵

These relatively successful processes undertaken by affected states for humanitarian cooperation on Central American refugees and IDPs offered a basis for promoting cooperation among other states in Latin America and the Caribbean (Fischel de Andrade 2014). In 1994, a ten-year commemoration of the Cartagena Declaration brought together a larger number of Latin American states to endorse the new San José Declaration on Refugees and Displaced Persons.¹⁶ This stresses the need for harmonisation, coordination and cooperation to protect and seek humanitarian solutions for refugees and IDPs in the region.¹⁷ However, by this time, there was no major refugee crisis to bring a practical focus to the San José Declaration. As such, the impact of its principled exhortations lay instead in promoting the vision of a regional approach to refugees.

Thus, the substantive provisions of the 1994 San José Declaration begin by recognising the role of the 1984 Cartagena Declaration in addressing Central American refugee flows and stressing the utility of the earlier Declaration for pursuing solutions not only to pending problems but also to 'new challenges posed by uprootedness in Latin America and the Caribbean'.¹⁸ The 1994 Declaration reiterates 'in particular, the value of the [expanded] refugee definition contained in the Cartagena Declaration', as well as pertinent guides to its interpretation.¹⁹ This is followed by rather abstract doctrinal pronouncements on a wide range of concerns,²⁰ which equally seek to promote a legally harmonised humanitarian approach to refugee and displacement problems in the region (see Fischel de Andrade 1998).

By the 20th anniversary of the Cartagena Declaration in 2004, the vision of a regional approach to refugees was substantially more consolidated, at least among Latin American states.²¹ The ensuing 2004 Mexico Declaration and Plan of Action (MDPA) to Strengthen the International Protection of Refugees in Latin America represents a significant advance in promoting a specifically Latin America approach,²² even as its practical relevance was underlined by the contemporary Colombian displacement crisis. Moreover, the MDPA goes beyond abstract exhortation of the need for cooperation and specifies several practical actions and programmes that will take forward this new regional cooperation in relation to refugees by participating Latin American states. Although IDPs are mentioned briefly in the Declaration, the plan of actions addresses only refugees.

The 2004 MDPA outlines three 'durable solutions' programmes as a response to two contemporary priority situations in the region that required urgent support: growing numbers of urban

refugees; and large numbers of Colombians living in the border areas of neighbouring countries and in need of international protection (Chapter 3). Thus, the ‘solidarity cities’ programme promotes self-sufficient and local integration for urban refugees. The ‘borders of solidarity’ programme promotes a humanitarian response to Colombians living in border areas. The ‘solidarity resettlement’ programme is envisaged as a tool to mitigate the humanitarian situation in countries of the region hosting a large number of Latin American refugees, referring implicitly to Colombians. These regional durable solutions programmes, conceived by the MDPA as a form of ‘international cooperation, in keeping with the principles of solidarity and responsibility-sharing’, continue to this day.²³

In 2014, the Cartagena process continued with the Brazil Declaration and Plan of Action (BDPA) (see UNHCR/ACNUR 2014).²⁴ This sustains the project of a regional approach to structural components of refugee protection begun in the 2004 MDPA by proposing a targeted set of capacity-building programmes across the following areas: international protection of refugees and asylum-seekers; comprehensive, complementary and sustainable solutions; statelessness; and regional cooperation (BDPA, Chapters 2, 3, 6 and 7). In tandem, it proposes programmes taken on a ‘solidarity’ basis for two sub-regions that present distinct refugee protection challenges, i.e. Northern Triangle of Central America (NTCA)²⁵ and the Caribbean (Chapters 4 and 5). The year after its adoption (2015), a first implementation meeting between states was held and another was planned for 2017.²⁶

The two 2014 BDPA chapters concerning specified sub-regions each give ‘solidarity’ a different emphasis. In the Caribbean, the focus is on building up the capacity of asylum systems and promoting dialogue to develop a regional consultative mechanism for managing mixed migration, especially the protection of persons at sea (Chapter 5). For the NTCA, the focus is on strengthening national protection measures for IDPs in countries of origin and also actions to promote ‘dignified and safe transit’ of persons fleeing these countries, especially in border areas (Chapter 4).²⁷ Subsequently, this has also contributed to the establishment of action-oriented new forums that further develop sub-regional cooperation between states for each situation: the Caribbean Migration Consultations for the Caribbean; and the San José process for the NTCA, which involves states of origin, transit and destination.²⁸

Impact on inter-state cooperation

Since the 1980s, the Cartagena process has succeeded in articulating among states in Latin America – and, more recently, in the Caribbean – a distinctive regional framework for responding to the humanitarian challenges of refugees, IDPs and, more recently, stateless persons. This process – an ongoing series of colloquia and consultations – has thus promoted cooperation on a continuing basis among states. This makes the framework both an outcome of cooperation in the refugee field among Latin American and Caribbean states and a channel for perpetuating such cooperation. In this way, the underlying process simultaneously reflects and promotes the inherent potential for ongoing humanitarian cooperation on a multilateral regional basis among the participating states.

The content of the Cartagena framework, though, generates a range of much more specific forms of humanitarian cooperation between the participating states. Thus, for refugees,²⁹ the Cartagena framework has helped to integrate Latin American states on similar terms into global refugee policy currents by incorporating global standards and approaches into its regional declarations and action plans. At the same time, the Cartagena process has created new approaches and principles – such as the expanded refugee definition – that ground a distinctive regional approach to refugee protection. Overall, whether in the implementation of global elements or in the adoption of a specific regional approach, the process promotes cooperation through a harmonised regional vision and standards.

At the same time, the Cartagena process has generally accompanied a shared conceptual approach with a firm pragmatic emphasis on common programmes. For specific refugee crisis situations, it has often been able to develop a common sub-regional approach based on the principal humanitarian concerns of the refugees (e.g. Central America, Colombia, NTCA, Caribbean). In tandem, thematic regional programmes promoted by the Cartagena process serve to underwrite other forms of cooperation between the participating states. Thus, the parameters for ‘solidarity’-durable solution programmes promote not only a commonality of approach by participating states but also networks of interconnected national projects (as in the case of ‘solidarity cities’) and special forms of bilateral cooperation (as for ‘solidarity resettlement’) among those states. Overall, the Cartagena process has thus stimulated significant forms of inter-state cooperation on refugees in Latin America.

Cartagena process: a model for cooperation in the global South?

The Cartagena framework has been central to promoting the development of a regional approach to refugee protection among participating Latin American and Caribbean states. In this regard, the range of contributions to emerge from the Cartagena process surpasses that of all other regional or inter-state coordination or cooperation mechanisms on refugees in Latin America. However, the singularity of this process is notable even when compared with processes of inter-state cooperation on refugee matters in other parts of the world. What then are the distinctive features that are joined together in the Cartagena process to make it such a unique model for humanitarian cooperation on refugee issues among countries in the global South?

Independent structure

One of the most distinctive structural features of the Cartagena process is that it is a multilateral mechanism located outside any established international forum. Of course, Latin American states have access to international organisations of a regional or sub-regional character that are seized of refugee issues among a range of other political concerns. The annual debate and resolution on refugees by the Organization of American States (OAS) General Assembly up to 2014 is but one pertinent example (see OAS 2014, Resolution 2839). By contrast, the Cartagena process transcends these political and politicised forums – each with its own distinctive reach and agenda – to instead carve out an independent space dedicated solely to promoting a Latin American response to the humanitarian concerns of refugees.

Despite its independent character, the Cartagena process has attained a degree of permanence and stability that is rarely seen in other such processes, at least in the refugee field. In Latin America, other independent processes have tended to be short in timescale and one-off and discrete in character (see, for example, UNHCR 2010). Beyond Latin America, it is notable that even the cooperation behind the famed 1989 Comprehensive Plan of Action produced only a one-off agreement that was then implemented by the parties over a longer period of time.³⁰ By contrast, the Cartagena process remains an ongoing independent process with well-defined agreement and implementation points more than 30 years after its genesis with the 1984 Cartagena Declaration.

Progressive development

Despite the incorporation of innovative legal elements in the ensuing framework,³¹ the Cartagena process retains an important degree of inbuilt flexibility that has allowed it to develop

new programmes and other forms of cooperation to address new refugee challenges as they have emerged. In this respect, it is distinct from regional refugee responses such as the set-in-stone international law framework of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.³² The Cartagena process, by contrast, offers states the opportunity to meet every ten years to reassess the relevant refugee challenges in the region at that point in time and how to respond to them. This periodicity seems to coincide with the emergence of major new refugee crises in this region every ten years or so.³³

This level of flexibility in the Cartagena process also facilitates a degree of progressive development of the framework over time in order to address an impressively wide range of themes pertinent to refugees that simultaneously builds on the foundations of earlier declarations. On the one hand, this layered approach has allowed the Cartagena process to reinforce and refine key messages of the Latin American approach, for example the concept of regional solidarity expressed through the resettlement programmes (for further analysis, see Jubilit and Pereira Carneiro 2011). On the other hand, this has allowed participants to address potential procedural and substantive weaknesses earlier in the process, for example by adding a plan of action from 2004 onwards to implement the common regional vision advanced in the declarations.

This has also involved a gradual geographical expansion of the Cartagena process. From the initial narrow Central American focus, it has grown to include the wider range of Latin American states and now also the Caribbean in its expanding regional vision. The participating states now encompass all countries in Latin America and the Caribbean, straddling sometimes stark political divides between these governments. Indeed, albeit as an observer, even Cuba attended the Cartagena+30 process that drafted the 2014 BDPA. Because some more recent refugee flows to Latin America also impact on Caribbean countries, this expansion has allowed understanding and action at regional and sub-regional levels to be developed between Latin American and Caribbean states, respectively.

Substantive humanitarian content

The Cartagena process, as well as the substantive content of the framework that it has produced, are squarely 'regional' in character. They focus on Latin American countries although, since the 1994 San José Declaration, the process has also included the participation of Caribbean states, with specific provision made in the 2014 BDPA. A regional approach to refugee situations is not unique to the Cartagena process. However, from the 2004 MDPA onwards, the frameworks adopted have also expressly made reference to the concept of SSC (see below for analysis on this point).

At root, the approach of the Cartagena process is resolutely humanitarian. This is not to say that state concern with border controls or managing wider migration flows has never influenced the selection of subject matter by the Cartagena process, or the terms in which it is addressed by the declarations or action plans. However, in comparison with many other forums for state cooperation on refugees, such as the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC) (Oelgemöller 2017), the emphasis in the Cartagena process lies squarely on promoting humanitarian cooperation in the regional response to refugees. This is evident from the substantive content of the framework of principles, action plans and discrete programmes developed by the process.

The framework resulting from the Cartagena process stimulates coordinated and harmonised national action through a dual approach to regional integration. On the one hand, it develops novel approaches that reinforce a vision of cooperation within the region based on its specific 'local' considerations. On the other hand, it forges a connection between participating states based

on their collective mode of incorporation as a region in the global refugee regime, i.e. it provides a blueprint for implementing global protection policy in this region. As such, the Cartagena framework shows that SSC in this field can revolve as much around implementing global norms as generating new visions or forms of humanitarian action derived from 'local' circumstances.

In much of the resulting framework, it is in fact difficult to differentiate between the local and the global. Take, for instance, the key Cartagena concept of 'solidarity', which has specific Latin American connotations linked to the common regional heritage of a generous tradition of asylum. However, its application in the framework is always linked to global concepts, usually derived from the global North, as in its application to durable solutions for refugees. At least in the refugee context, this suggests that the content of any SSC is likely to have links to wider extra-regional concepts, including those derived from forms of cooperation in the global North.

Conclusions

Even such a broad-brush account begins to illustrate how the combination of this wide range of pertinent features gives the Cartagena process a unique and distinctive character among other inter-state processes of humanitarian cooperation on refugees. This indicates that the Cartagena process is indeed an intriguing and unique model for humanitarian cooperation among states in the global South. While the process has served to generate and sustain cooperation at the inter-state level, further research could usefully provide a more detailed account through time of the relationships between individual states in relation to this process. This includes not only the different interests and accommodations reached within the negotiation of the framework but also the ways in which this framework has been implemented – whether singly or jointly – by participating states at the level of national or sub-national practice.³⁴

Complexities in the analysis

The Cartagena process in Latin America and the Caribbean has generated substantial impact in this region and also represents a unique model of inter-state humanitarian cooperation in the refugee field. It thus appears to support the apparently self-evident value of South–South humanitarian cooperation. However, more careful analysis of both the framework and the process suggests that their South–South character is actually less clear cut than might appear at first view. Rather, other parallel features can be discerned that point toward the need for a more nuanced explanation of the character and development of this regional form of cooperation on refugees.

Character of the framework

One of the attractions of studying the Cartagena process as an example of SSC is that its two most recently adopted declarations – the 2004 MDPa and the 2014 BDPA – expressly refer to this concept. Indeed, some of the scholarship in this field argues that the 2004 MDPa in particular develops a South–South approach to cooperation that is based on the recognition of the regional nature of refugee problems by participating Latin American states (see Harley 2014). The fact that the 2014 BDPA also refers explicitly to SSC on refugees would appear to strengthen this reading of the South–South character of this process and the adopted frameworks overall.

However, careful analysis of references to SSC in these two instruments points to difficulties in demonstrating that the participating states view either the process or frameworks as based on SSC. In the 2004 MDPa, the concept is absent from the list of orienting principles in the Declaration and appears only in the chapter of the Plan concerning 'durable solutions':

The preparatory process reiterated the need for international cooperation, in keeping with the principles of solidarity and responsibility-sharing, as a means to achieve effective durable solutions, as well as to disseminate best practices in the area of durable solutions in the region, promoting *south-south cooperation* and the creative approach of the 1984 Cartagena Declaration on Refugees.³⁵

In other words, in the MDPA, international cooperation to achieve solutions appears to be conceived as rooted principally in considerations of ‘solidarity’ and ‘responsibility-sharing’ rather than South–South approaches per se. SSC is instead framed as a by-product of these primary forms of cooperation (or perhaps of just the dissemination of best practices) in the area of durable solutions. This suggests a need for caution about overstating the extent to which the MDPA is based on SSC.

A narrower role in the Cartagena process for the SSC concept is also supported by the way in which it appears in the 2014 BDPA. Here, again, it does not figure among the orienting principles rehearsed in the Declaration but rather under particular programmes in two chapters of the Plan. The first mention appears in the ‘international protection’ chapter as a possible component of any ‘quality asylum’ programmes, i.e.

(m) Strengthen institutional capacities and the education and training of officials in order to maintain quality asylum systems through improved inter-agency coordination, the identification of additional human and financial resources, and implementation of regional training and twinning programmes through *South-South cooperation*.³⁶

The second mention occurs in the NTCA sub-region chapter under the ‘prevention’ programme to strengthen national protection in countries of origin. After rehearsing actions to implement this objective, the BDPA adds:

The importance of promoting *South-South and triangular cooperation schemes* for the implementation of this programme, based on best practices and experiences of other countries of the region, is recognized.³⁷

Taken together, the more limited scope of the concept in the 2014 BDPA becomes clear. SSC is not an orienting concept for the BDPA as a whole, or even for particular chapters. Nor is it mandatory. Rather, it is used to describe a potential form of cooperation to be developed in a targeted fashion for implementing relevant components of selected programmes.

Overall, this analysis suggests that the states participating in the Cartagena process view the concept of SSC in relatively narrow terms and as relevant only to a limited number of discrete areas of action. If correct, then this implies that those states do not self-identify as engaged in SSC through the Cartagena process, nor is this process itself a form of SSC. This suggests that the basis for the cooperation developed and promoted through the Cartagena process is not the fact that they are Southern states. Rather than evidencing a South–South approach as the general basis for humanitarian cooperation, the common thread that underpins this cooperative process should instead be sought in other concepts or approaches.

On a preliminary analysis, these processes seem to coalesce and self-identify around the concept of ‘region’ as the common thread that binds together the vision of the distinct participating states. Yet, within the Cartagena framework, ‘region’ is not necessarily a neat concept. First, it is limited to the Latin American and Caribbean governments who adopt the framework. Second, even if the origins and orientation of much of the framework are essentially

Latin American, the increased participation in more recent years of Caribbean states means that the region cannot be precisely defined as Latin America. By way of conclusion, this might be read simply as confirming the potential (conceptual) ‘messiness’ of such large and complex multilateral processes in practice.

Character of the process

The literature on SSC largely privileges the objectively South–South character of such approaches, downplaying the importance of the self-identification point. Presumably, whether the relevant schemes or processes self-identify in terms of SSC does not matter if, in practice, they pursue or achieve this end. After all, this field of study is concerned with demonstrating the value and dynamics of humanitarian cooperation among global South actors, including states in the global South. However, in doing so, we must take care not to overextend an analysis that emphasises the Southern features of these processes to the detriment of other equally important features that do not so easily fit within the concept of Southern.

The fact that states participate in the Cartagena process should allow us to characterise these principal actors in terms of their North/South positioning in a relatively straightforward way, as they are clearly tied to particular countries. Thus far, the analysis has assumed that the states participating in the Cartagena process are global South actors, thus giving the interlocution between them its South–South character. However, as the literature recognises, the North/South distinction can be slippery (see Fiddian–Qasmiyeh and Pacitto 2015; Fiddian–Qasmiyeh 2015; Fiddian–Qasmiyeh and Daley in this volume). Even so, in purely geographical terms, Mexico is part of the global North and so too, arguably, might be the countries of Central America and the Caribbean. Moreover, although they do not formally adopt the frameworks, Northern states have taken part in the process as observers or funders.³⁸

Even if the term South is understood in a more relational geo-political sense, as has been suggested in some of the literature (e.g. McEwan 2009), a number of powerful Latin American countries involved in the Cartagena process could (and do) lay claim to being ‘Northern’ states in some contexts, even as they might self-identify as ‘Southern’ in others (on Brazil, see Fiddian–Qasmiyeh and Pacitto 2015). Potentially, this would include such countries as Argentina, Brazil, Colombia, Costa Rica and Mexico. Indeed, these states are some of the key players within the Cartagena process, an acknowledgement reflected in part by the fact that many of them have assumed the honour of hosting a ten-yearly meeting. In other words, regardless of how the North/South distinction is framed, a key feature of the Cartagena process since its genesis has been that it has been based on the participation of both Northern and Southern states.

The important point here is that attempts to view the Cartagena process through the lens of South–South approaches should not obscure the important role played not only by Southern states but also by such relatively powerful ‘Northern’ states as Mexico. Rather, for a more nuanced account of cooperation in this context, we need to shift the focus of future analysis to considering the consequences of the different interests, profiles and influence of states involved in these processes. Focusing analysis on these more fine-grained features, and thus where and why such states might self-identify the cooperation as South–South, rather than on the fact that the states are, or might be, Southern, will allow a more complete account of the process of cooperation behind this framework to be developed.

Moreover, despite the fact that the participating states are the most visible actors in developing the resulting framework, a close examination of the process itself reveals that a range of other actors have played important roles within the Cartagena process. Although the frameworks are agreed and adopted in the name of the participating governments, a wide range of

other actors – including refugee community organisations, civil society and non-governmental organisations, academic bodies and international agencies – participate actively and enthusiastically in these processes. To give but a recent example, alongside the 30 Latin American and Caribbean states that took part in the process leading to the adoption of the 2014 BDPA, over 100 non-governmental organisations and international agencies also participated in some substantive form in the preceding process.

To take just non-governmental actors as an example, this involvement has been more than merely tangential. Indeed, it includes feeding directly into the substantive discussions to make important contributions on the frameworks, organising consultative meetings, disseminating the frameworks and monitoring their implementation.³⁹ However, alongside the South–South character of many of these cooperative activities, the North also has a role. Thus, even among organisations with a presence on the ground in Latin America, some have their head offices in the global North or have staff from the global North. The NGO Asylum Access is just one such example. In other cases, as with the author, who contributed to the 2014 BDPA process, both individual and organisation are from the global North. Among non-governmental actors, then, the Cartagena process involves a much wider set of interactions than just those with a strictly South–South character.

However, the clearest example of the involvement of powerful external actors is that of the office of the UNHCR, a ‘global’ actor that has an absolutely essential role in the Cartagena process. Indeed, UNHCR is the main motor behind the process and has played a key role in proposing or instigating many of the ‘local’ innovations in the frameworks, as well as driving the process forward through its key role in organising and facilitating the process. Indeed, it is unlikely that the process would have continued to the present without UNHCR. While UNHCR has offices in (and staff from) many of the participating countries, and thus acts in the South, it is not a Southern actor as such. This illustrates perfectly how even in these highly regionalised processes, South–South interactions exist alongside, and are closely intertwined with, other kinds of interactions (also see Fiddian-Qasmiyeh, this volume). It is important, then, that a focus on SSC in such processes does not obscure these other dynamics or the role of powerful ‘global’ actors such as UNHCR.

Conclusions

This study contributes to the literature on South–South approaches by showing how the Cartagena framework, in which a large number of Southern states are involved, represents a distinctive model of humanitarian cooperation on refugees. The framework, and the process behind it, bring together a number of important elements that have contributed to making it one of the longest-running and most successful exemplars of such regional cooperation in the world. This has likely been aided by the comparatively late arrival of Latin American and Caribbean states to exposure to major refugee problems and engagement with the global refugee regime. On the face of it, then, the Cartagena process is an instructive Latin American and Caribbean case study of inter-state processes of humanitarian cooperation for students of the South–South approaches.

At the same time, the study has shown that these large multilateral processes of cooperation between governments can be ‘messy’. As such, we need to ensure that our focus on the South–South elements of such processes does not overextend this analysis by ignoring other integrating concepts such as ‘region’ nor inadvertently obscure other important sets of relations between the interlocutors. For future studies in the field, this implies, first, promoting debate about the relative utility of concepts of ‘South–South’ cooperation and ‘regional’ cooperation, and the connections

between the two (see Muhr, this volume). Second, it requires shifting the focus to considering the consequences of the different interests, profiles and influence of states and other actors involved in these processes, rather than treating them as ‘Southern’. This includes recognising the role of ‘Northern’ states and other actors through time, not only as contributing to such processes but also learning and borrowing from them.

Notes

- 1 This chapter can helpfully be read alongside Omata, this volume, and Fiddian-Qasmiyeh, this volume.
- 2 Multilateral mechanisms include the wider Latin American and Caribbean Group (GRULAC), which serves as a forum for those states to coordinate at the UN on issues such as refugees. At a sub-regional level, inter-state cooperation mechanisms on refugees also exist, such as the heads of refugee commission meeting mechanism in the Common Market of the South (*Mercado Común del Sur* – Mercosur). A range of non-governmental organisation (NGO) cooperation mechanisms exist, such as the Regional Network of Civil Society Organisations for Migrations (*Red Regional de Organizaciones Civiles para las Migraciones* – RROCM).
- 3 Latin America is usually understood as encompassing Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama (as countries of North and Central America), Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela (as countries of South America) and Cuba and the Dominican Republic (in the Caribbean). Other countries and territories making up the Caribbean are Antigua and Barbuda, Aruba, Bahamas, Barbados, Cayman Islands, Dominica, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, Puerto Rico, Saint Barthélemy, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, Turks and Caicos Islands and the Virgin Islands.
- 4 The text of the Declaration can be found in UNHCR (1984, pp. 332–339). For a broader analysis of the scope and influence of the Cartagena Declaration, see Franco and Santistevan de Noriega (2005).
- 5 Statute of the *Office of the United Nations High Commissioner for Refugees*, annexed to UN General Assembly (1950), *Resolution 428 (V)* (14 December 1950); *Convention relating to the Status of Refugees* (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention); *Protocol relating to the Status of Refugees* (adopted 16 December 1966, entered into force 4 October 1967) 606 UNTS 267 (Protocol).
- 6 The institution of asylum is well-established in international law and refers to the protection conceded by a state on its territory (territorial asylum) or elsewhere (e.g. diplomatic asylum) to a non-national who seeks it against the acts or jurisdiction of another state. Refugees often benefit from asylum under the terms of the Refugee Convention and Protocol or other refugee instruments. The law of political asylum, which predates refugee law, provides a distinct basis for protection that is rooted in the discretion of the state to concede asylum on political grounds. This state practice was regulated in Latin America by regional conventions such as the *Montevideo Treaty on Political Asylum and Refuge* (adopted 4 August 1939); reprinted in Hudson (1949). See further Gil-Bazo and Nogueira (2013).
- 7 The Southern Cone countries of South America are Argentina, Brazil, Chile, Paraguay and Uruguay.
- 8 An African regional refugee convention was concluded in the 1960s that was designed to complement the Refugee Convention by providing additional elements relevant to addressing refugee problems in that continent (*Convention Governing the Specific Aspects of Refugee Problems in Africa* (adopted 10 September 1969, entered into force 20 June 1974) 1001 UNTA 45). See further the chapter by Omata, this volume.
- 9 The conceptual groundwork for this declaration was laid in events such as the 1981 Tlatelolco Colloquium (for the proceedings, see UNHCR 1982) and built, inter alia, on the African regional approach developed in the African Refugee Convention (see Cantor and Trimiño 2014). A separate initiative was the drafting in the mid-1960s of an American Convention on Refugees under the auspices of the Organization of American States. This was eventually abandoned with the negotiation and adoption of the 1967 Protocol, which was seen to obviate the need for a separate refugee convention applicable in the Americas.
- 10 Cartagena Declaration, section IV.
- 11 These include conclusions promoting the adoption of national laws to facilitate the application of the Convention and Protocol, and the ratification of those international instruments, as well as those reaffirming the importance of international principles such as *non-refoulement*, the non-political nature of

- asylum, family reunification. The refugee law principle of *non-refoulement* is expressed in provisions such as Article 33(1) of the Refugee Convention and is usually understood as forbidding the expulsion or return in any manner whatsoever of a refugee to a territory where she maintains a well-founded fear of persecution.
- 12 This includes as refugees ‘persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order’. For interpretation of this provision, see Cantor and Trimiño (2014).
 - 13 Fifteen Latin American states have adopted an expanded refugee definition based on the Cartagena Declaration into their national laws.
 - 14 Conclusion 9 of the Cartagena Declaration expresses concern at the situation of displaced persons within their own countries and ‘calls on national authorities and competent international organizations to offer protection and assistance to those persons and to help relieve the hardship which many of them face’.
 - 15 Wider interest among states in IDPs as a specific category of vulnerable person emerged during the early 1990s (see Kalin 2014).
 - 16 The text of the San José Declaration can be found in UNHCR 1995, pp. 415–428.
 - 17 For instance, the conclusions of the San José Declaration encourage governments to promote the harmonious application of the law and the progressive harmonisation of rules, criteria and procedures, and to seek humanitarian solutions within a coordinated framework and increase region-wide cooperation in admitting refugee groups.
 - 18 San José Declaration, Conclusion 1.
 - 19 Ibid., Conclusion 2.
 - 20 These range from addressing the causes of forced mass exodus (Conclusion 8) to respect for the human rights of persons migrating for economic reasons (Conclusion 10).
 - 21 Caribbean states and their refugee concerns are absent from this gathering in 2004.
 - 22 The text of the Mexico Declaration and Plan of Action can be found in UNHCR 2005, pp. 385–400.
 - 23 On the principle of ‘solidarity’ in South–South cooperation, see below, and Aneja, this volume.
 - 24 The full title of the Brazil Declaration adds ‘A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean’. The full title of the Brazil Plan of Action adds ‘A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity’.
 - 25 The NTCA countries are El Salvador, Guatemala and Honduras.
 - 26 The first inter-state implementation meeting was held at the International Institute for Humanitarian Law in San Remo, Italy, in March 2015.
 - 27 A Human Rights Observatory on Displacement located within SICA is a proposal in this chapter that seems to have fallen by the wayside subsequently.
 - 28 The first meeting, a High Level Round Table entitled ‘Call to Action: Protection Needs in the Northern Triangle of Central America’, resulted in the adoption of the 2016 San José Action Statement (UNHCR 2016).
 - 29 The more modest impact on the approach to IDPs and stateless persons likely reflects the fact that these issues are less susceptible to a negotiated regional response, being issues that are seen as principally within the domestic jurisdiction of states of origin.
 - 30 On the CPA, see Mathew and Harley (2016) and Betts (2009).
 - 31 Such as the expanded refugee definition promoted by the Cartagena Declaration.
 - 32 Note, though, that African countries have been apparently more disposed to developing regional treaty law on IDPs than states in the Americas. See the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (African Union 2009) (entered into force 6 December 2012).
 - 33 However, this tendency could be disrupted by the crisis emerging in Venezuela in 2017, the timing of which also tests whether the Cartagena process will prove an appropriate mechanism for fostering a regional response.
 - 34 For instance, in contrast to other authors cited in this chapter – e.g. Harley (2014), Jubilit and Pereira Carneio (2011) – it has been suggested by de Menezes (2016) that the success of such processes in Latin America has been principally at the level of discourse and dialogue rather than in their implementation in practice.
 - 35 2004 MDPA, chapter 1, *emphasis added*.

- 36 2014 BDPA, chapter 2, *emphasis added*.
37 *Ibid.*, chapter 4, *emphasis added*.
38 For example, delegations including from the United States of America, the European Union and Spain participated as observers in the consultations for the 2014 BDPA (See UNHCR 2015).
39 This is acknowledged in the final paragraph of the BPDA Declaration. The follow-up by NGOs in the region has taken various forms including through a 'High Level Round Table – A Latin American Response to the Global Refugee Crisis: From Promises to Action' organised by Asylum Access and held in Cartagena, Colombia in November 2016.

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