

## FORCED DISPLACEMENT DUE TO ENVIRONMENTAL CONFLICTS

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### I. Forced displacement due to environmental conflicts: a new category of human mobility.

The purpose of this paper is to describe an overview of forced displacement due to environmental conflicts, to refine the definitions in this regard by differentiating between migrants, refugees and those displaced by these causes, and to analyze the different legal governance mechanisms derived from both international treaties and domestic legislation in Argentina that regulate forced displacement in these cases, especially the mechanisms for citizen consultation and participation in this area.

We share here findings and reflections that are part of our research work in the framework of the project "Phoenix- A study about how global changes affect people's ability and willingness for mobility"<sup>2</sup> that in our case we carried out in Argentina with the support of the Inter-American Institute for Global Change Research (IAI).<sup>3</sup>

Within this research we studied multilevel governance by analyzing how mobilities for environmental and climate causes are integrated into different policy frameworks and how they are understood and framed by the actors involved. Multilevel governance is a common concept in political science<sup>4</sup> that deals with the spatial configurations of policymaking and emphasizes "the mutual dependence of supranational and subnational governmental actors"<sup>5</sup>. The concept itself was defined in the early 1990s by Marks: "a system of continuous negotiation between governments nested at various territorial levels-supranational, national, regional and local-as a result of a broad process of institution building and decisional reallocation that has brought some formerly centralized state functions to the supranational level and others to the local/regional level"<sup>6</sup>.

The Earth has experienced a 1.1 °C (2 °F) increase in its average temperature since the end of the 19th century. This global warming generates devastating effects, such as desertification, sea level rise and extreme weather phenomena that violate fundamental

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<sup>2</sup> Look at : <https://www.phoenix-climatemobilities.com/>

<sup>3</sup> Look at : <https://www.iai.int/>

<sup>4</sup> STEPHENSON, P. "Twenty years of multi-level governance: 'Where Does It Come From? What Is It? Where Is It Going?'" en Journal of European Public Policy. 2013. 20(6): 817-837

<sup>5</sup> WURZEL, R. K. W., et al. "Pioneers, leaders and followers in multilevel and polycentric climate governance" en Environmental Politics. 2019. 28(1): 1-21.

<sup>6</sup> MARKS, G.. "Structural policy and multi-level governance in the EC". In: A. Cafruny and G. Rosenthal eds. "The State of the European Community: The Maastricht Debate and Beyond" . 1993. Boulder, CO: Lynne Rienner, 391-411

human rights, including the right to life, water, food, health and adequate housing. According to UNHCR Argentina “56% of forced internal displacements in 2023 were caused by natural disasters”<sup>7</sup>.

More than 70% of the Earth's “vital signs” show that the future of humanity is in danger. Record emissions, temperatures and population and the destruction of ecosystems and disappearance of species have entered an unpredictable stage and more scientists are studying the possibility of a collapse of societies. Concentrations of CO<sub>2</sub> and methane in the atmosphere are at record levels. Methane is a powerful greenhouse gas, 80 times more potent than CO<sub>2</sub> in 20 years, and is emitted by fossil fuels, waste dumps, livestock and rice fields. The human population is increasing at a rate of about 200,000 people a day and the number of cattle and sheep by 170,000 a day, all contributing to record greenhouse gas emissions<sup>8</sup>. “We are already in the midst of an abrupt climate upheaval, endangering life on Earth like nothing humans have ever seen. The ecological overshoot of taking more than the Earth can safely give has pushed the planet into climatic conditions more threatening than any witnessed even by our prehistoric relatives,” says Oregon State University (OSU) Professor William Ripple. He adds, “Climate change has already displaced millions of people, with the potential to displace hundreds of millions or even billions. That would likely lead to greater geopolitical instability, possibly even partial societal collapse.”<sup>9</sup>

Although the causes of forced human displacement are not univocal and are often part of a complex web of war, political and economic situations, the need to leave one's home due to “natural” disasters or environmental causes, which have ultimately been produced by the “bad” extractivist and predatory development model that prevails today in almost all parts of the world, is becoming increasingly widespread and recurrent.

Although there is no disaggregated and detailed monitoring of the causes of mobility in all the countries of the world, more and more different agencies of the United Nations system are recording these phenomena and are beginning to investigate them more closely.

This requires a re-categorization of the traditional legal definitions of “migrants” and “refugees” given that most of these displacements occur within the borders of the same country and especially requires reflection on what rights these forcibly displaced persons have and what are the applicable norms or whether new regulations are needed to deal with emergencies and the consequences of these serious situations where many people lose everything, but also to address the causes, whether they could have been prevented

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<sup>7</sup> Infobae, June 5th 2024 <https://www.infobae.com/america/medio-ambiente/2024/06/05/la-fundacion-acnur-argentina-lanzo-una-campana-para-exigir-soluciones-duraderas-para-los-desplazados-climaticos/>

<sup>8</sup> Ripple, W. et al. The 2024 state of the climate report: Perilous times on planet Earth. 8 October 2024. BioScience, biae087, <https://doi.org/10.1093/biosci/biae087>

<sup>9</sup> Infobae, 18 de octubre 2024. <https://www.infobae.com/america/medio-ambiente/2024/10/18/mas-del-70-de-los-signos-vitales-de-la-tierra-muestran-que-el-futuro-de-la-humanidad-esta-en-peligro/>

or avoided and what access to information and participation those who are or have been affected have had before, during and after.

According to the IOM, “environmental migrants are persons or groups of persons who, mainly because of a sudden or progressive change in the environment that adversely affects their lives or living conditions, are forced to leave their usual place of residence, or choose to do so, either temporarily or permanently, and who move within the country or abroad”<sup>10</sup>.

When we speak of forced displacement due to environmental problems, we refer to migration and/or forced displacement due to natural or anthropic environmental reasons (climate, rains, droughts, storms, fires, logging, deforestation, pollution, rising sea waters, floods, ...). People move temporarily or permanently due to significant changes in the environment that negatively affect their living conditions. The degradation or destruction of the environment is the main cause of displacement. In the IOM classification this encompasses different situations: Disaster displacement, which is the “movement of people who are forced or obliged to leave their place of origin or habitual residence as a result of a disaster or to avoid being affected by the effects of an immediate and foreseeable natural hazard”; Climate-induced migration, i.e. the movement of a person or group of persons who, primarily due to a sudden or gradual change in the environment as a result of climate change, are forced to leave their place of habitual residence, or choose to do so, on a temporary or permanent basis, within a country or across an international border. Planned relocation; in the context of natural disasters or environmental degradation, particularly when resulting from climate change, a planned process whereby a person or group of people move or are assisted to leave their homes or temporary place of residence, and settle in a new location where they are offered the conditions necessary to rebuild their lives.

Immobility in the context of disasters, which occurs when people or communities exposed to environmental changes are unable or unwilling to move from their usual places of residence. Remaining in these places may be a voluntary decision to stay and adapt to these changes or it may be a forced one, considering that these people or communities are “trapped” in a context of risk<sup>11</sup>.

Society's interactions with its environment are diverse and complex, conditioned by natural, cultural, political, economic and even religious issues. No productive system, no technology is innocuous. Nature is increasingly being severely altered by humans both in the vital characteristics of its components (soil, water, biodiversity, air...) and in its biological functions (hydrological cycle, fertility, waste assimilation, biodiversity reproduction...). These alterations often have little visibility. Economic and political interests manipulate the information and distort its true scope.

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<sup>10</sup> OIM, 2014. Migration, Environment and climate change: Empirical Data for Policy Making - Glossary Information available on the IOM website <https://rosanjose.iom.int/es/migracion-medio-ambiente-y-cambio-climatico>.

<sup>11</sup> OIM, 2023. Mechanisms and sources of data on human mobility in the context of climate change, disasters and environmental degradation in South America. Buenos Aires.

Migration can present opportunities and benefits for migrants, host communities and communities of origin. However, when poorly regulated or unregulated, it can create significant challenges.

These challenges include overwhelming social infrastructures in the face of the unexpected arrival of large numbers of people and the deaths of migrants making dangerous journeys.

Although IOM has broadened the definition of environmental migrants to include those moving within the same country, in general, only foreign persons wishing to enter, transit, reside or settle permanently, temporarily or temporarily in another country are considered migrants.

At the international level, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>12</sup> is one of the regulations that covers them, complementing the principles and norms established in the instruments developed within the framework of the International Labor Organization, especially the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No. 151), the Convention concerning Forced or Compulsory Labor (No. 29) and the Convention concerning the Abolition of Forced Labor (No. 105). ), the Convention concerning Forced or Compulsory Labor (No. 29) and the Convention concerning the Abolition of Forced Labor (No. 105). Although most migrants seek a destination in a different country for economic, family, political, study or work reasons, and this is often due to lack of opportunities or conflicts in their countries of origin, there seems to be a voluntary component in this displacement.

Refugees, on the other hand, are persons who have been forced to leave their country of origin and have therefore sought protection in another state to whom it is impossible to return because there is a risk that they will be persecuted for their identity or beliefs, or because the country they come from is in the throes of violence, armed conflict or other events that seriously disturb public order. It is a legal status that grants the person certain rights and safeguards.

On the other hand, asylum seekers are those who have applied or are planning to apply for refugee status, but their application is still being processed. Generally, governments will assess asylum claims to determine whether a person is a refugee based on his or her circumstances. Not all asylum seekers will be granted refugee status; however, every refugee was an asylum seeker.

At the end of 2023, there were 6.9 million asylum seekers in the world.

Along with the statute of the Office of the United Nations High Commissioner for Refugees (UNHCR), the 1951 Convention remains the main instrument of protection at the international level. The Convention was adopted by a Plenipotentiary Conference on July 28, 1951 and entered into force on April 22, 1954. Years later, in 1967, the United Nations

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<sup>12</sup> Resolución 45/158 de la Asamblea General aprobada el 18 de diciembre 1990

General Assembly adopted the Protocol Relating to the Status of Refugees, which removed the original geographical and temporal limitations and entered into force on October 4, 1967.

At the universal level there are references to the right to asylum in Article 14.1 of the Universal Declaration of Human Rights (1948), as well as the Declaration on Territorial Asylum (1967), however, the lack of a binding instrument on asylum at the international level has led much of the doctrine to argue that the decision to grant it is a sovereign act. In the case of Argentina, obviously, since the UDHR has constitutional rank, this argument would not be sustainable.

In Latin America, although asylum was born as a discretionary power of the State to grant protection to the politically persecuted (political asylum)<sup>13</sup>, currently there is no discussion since both the American Declaration of Human Rights (ADHR) and the American Convention on Human Rights (ACHR) clearly establish that every person has, in case of persecution, the right to seek and receive asylum (protection), whether he/she is in its territory (territorial asylum) or requests resettlement in a third country.

Undoubtedly, in the case of foreigners displaced to another country due to environmental conflicts, the current legislation on migration applies to them. On the other hand, the granting of asylum or the recognition of refugee status according to current regulations is much more restricted, without prejudice to which we do not doubt that in extreme cases where the disaster implies a disturbance of public order in the country of origin they should be granted for humanitarian reasons, as in the extreme case of the disappearance due to the sinking of an island/country or other serious catastrophes.

It should also be emphasized that most of the armed conflicts in the world today have an extractivist cause behind them.

What falls outside any specific regulation is the case of internally displaced environmental persons, although their situation must be analyzed by applying the norms of international human rights law, in order to analyze their rights and the responsibilities of the State by action or omission.

## II. Forced displacement due to climate crisis and other environmental causes around the world

Today, more than 258 million migrants worldwide live outside their country of birth. This number is expected to grow as a result of a number of factors including overall population growth, increased connectivity, trade, rising inequality, demographic imbalances and climate change.

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<sup>13</sup> Look at the Caracas convention: The Diplomatic Asylum Convention was adopted on March 28, 1954, during the Tenth Inter-American Conference and came into effect on December 29, 1954, as stipulated in Article XXIII. Argentina approved the convention by the 24056 law and ratified it on March 29, 1993. The territorial Asylum convention was also adopted on March 28, 1954 and was endorsed by Argentina by the 24055 law, however on the October 29, 2024, the law haven't been ratified yet.

Scientific and political consensus, as evidenced in the Intergovernmental Panel on Climate Change (IPCC) Special Report on Global Warming of 1.5°C, indicates that global warming, if it continues to increase at the current rate, could reach 1.5°C between 2030 and 2050. This poses a serious threat to human survival. Climate change has already begun to generate adverse impacts around the world, including loss of ecosystems, reduced food security, increased migration and displacement, human rights impacts and increased inequality.<sup>14</sup> Global warming is causing increasingly lethal extreme weather events around the world. In 2023, more than 26 million people were internally displaced due to climate disasters, the third highest number in the last decade<sup>15</sup>.

The United Nations General Assembly adopted Resolution 61/165 on the Protection of Migrants in 2007<sup>16</sup>, but the majority did not agree to sign a document for a Global Compact on Safe, Orderly and Regular Migration, recognizing environmental factors as a cause of migratory phenomena.

Almost fifteen years ago, the links between climate change and human mobility (understood as displacement, migration and planned relocation) were included for the first time in an agreed text of the United Nations Framework Convention on Climate Change (UNFCCC), in the Cancun Adaptation Framework (2010), in the context of COP16. This Adaptation Framework invites Parties to take “action to enhance understanding, coordination and cooperation on displacement, migration and planned relocation as a result of climate change, where appropriate, at the national, regional and international levels” (FCCC/CP/2010/7/Add.1, section II inc. 14.f). For its part, in 2015 the International Organization for Migration (IOM), as a leading agency in the field of migration, created the area on Migration, Environment and Climate Change<sup>4</sup> to address the nexus between these three phenomena.

In the 2030 Agenda on Sustainable Development adopted in 2015, reference to environmental factors as a cause of movements of people who can no longer make a living on their land, forcing them to migrate to cities in search of opportunities. That inclusion broadened the scope of discussion on migrations that previously included wars, racism, institutional and political violence among others but not environmental factors and has done so based on evidence.

Finally, in 2018 at the UN, the magnitude of migration was again emphasized, including a specific section on actions related to natural disasters, adverse effects of climate change

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<sup>14</sup> Request for an Advisory Opinion on the Climate Emergency and Human Rights submitted to the Inter-American Court of Human Rights by the Republic of Colombia and the Republic of Chile on January 9, 2023.

<sup>15</sup> Infobae, 5 de junio 2024 <https://www.infobae.com/america/medio-ambiente/2024/06/05/la-fundacion-acnur-argentina-lanzo-una-campana-para-exigir-soluciones-duraderas-para-los-desplazados-climaticos/>. Ver: IDMC (The Internal Displacement Center). GRID 2024- Global Report on Internal Displacement <https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC-GRID-2024-Global-Report-on-Internal-Displacement.pdf>

<sup>16</sup> United Nations (A/RES/61/165). Protection of migrants <https://www.refworld.org/es/leg/resol/agonu/2007/es/36130>

and environmental degradation. States agreed on the final version of the Global Compact for Safe, Orderly and Regular Migration (GCM)<sup>17</sup>. This is the first time that the international community has agreed on a detailed framework for cooperation and addressing issues related to this type of international migration. The final draft was approved on July 13, 2018 in New York, the document was formally adopted during the Intergovernmental Conference held on December 10-11, 2018, in Morocco.

More than 150 countries signed it.

The Global Compact lists 23 objectives for State action, reinforced by specific commitments, which aim to address the challenges related to migration today. The GCM commitments and actions can be seen as a guide for States to fulfill their human rights obligations in designing migration governance measures to reduce the risks and vulnerabilities faced by migrants at different stages of migration and to create enabling conditions that allow all migrants to become active members of society.

Key commitments include:

- Strengthen evidence-based and human rights-based policymaking and public discourse on migration;
  - Minimizing the adverse drivers of migration, including combating poverty and discrimination, and addressing climate-related displacement and disasters;
  - Securing migrants' rights to information and legal identity;
  - Expand and diversify the availability of avenues for safe, orderly and regular migration, taking into account the particular needs of migrants in vulnerable situations;
  - Protect the right to decent work and other labor rights of migrants;
  - Address and reduce vulnerabilities and human rights violations in the context of migration;
  - Address and reduce vulnerabilities and human rights violations in the context of migration;
  - Protect the right to life in the context of migration;
  - To combat human smuggling and trafficking, while protecting the human rights of those who have been smuggled or trafficked; -To address and reduce vulnerabilities and human rights violations in the context of migration;
  - To respect human rights at borders and conduct human rights-based screening, assessment and referral of migrants; -To respect human rights at borders and conduct human rights-based screening, assessment and referral of migrants;
  - Protect the right to liberty and freedom from arbitrary detention, including by prioritizing alternatives to migrant detention;
  - Guarantee the right of migrants to access basic services, such as health, education and social support, without discrimination;
  - Eliminate discrimination and combat incitement to hatred and xenophobia;
- Maintain prohibitions on collective expulsion and removal for all migrants, ensuring that return is safe and dignified and that reintegration is sustainable; -Maintain prohibitions on

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<sup>17</sup> United Nations (A/RES/73/195) <https://documents.un.org/doc/undoc/gen/n18/452/03/pdf/n1845203.pdf>

collective expulsion and removal for all migrants, ensuring that return is safe and dignified and that reintegration is sustainable.

In the global agenda focused on human mobility, there has also been progress in the presence of migration associated with environmental factors. An example of this is the Nansen Initiative (2012)<sup>18</sup>, whose purpose is to support States and other stakeholders in their efforts to improve their level of preparedness and response capacity to address situations of displacement across borders in the context of disasters, including the adverse effects of climate change. This work is done through the identification of effective practices and consensus building with respect to key principles and elements for responding to the protection and assistance needs of displaced persons. While this Agenda for Protection is not binding on States, a Platform on Disaster Displacement (PDD)<sup>19</sup> has been in place since 2016 to provide support to follow-on countries in implementing the recommendations of this Initiative.

### III. The triple crisis and its differentiated impact on vulnerable groups

The effects of the climate crisis, biodiversity loss and pollution have a differentiated impact on those who are already vulnerable. For this reason, an intersectional approach to the human rights of forcibly displaced persons and those affected by the impacts of these crises is essential.

All of these phenomena are disproportionately felt by certain segments of the population already marginalized or vulnerable because of geography, gender, sexual orientation, age, ethnicity or minority status, disability, or because they live in situations of conflict, violence or displacement, as noted in Human Rights Council Resolution 48/14 establishing a Special Rapporteur on the promotion and protection of human rights in the context of climate change<sup>20</sup>.

Thus, if current trends continue, more than 340 billion women and girls - an estimated 8% of the world's female population - will live in extreme poverty by 2030 and nearly one in four will experience moderate or severe food insecurity. The gender gap in power and leadership positions still continues, and at the current rate of progress, the next generation of women will continue to work an average of 2.3 hours more than men in care and domestic work.

Gender inequality, coupled with the triple environmental crisis, is one of the great challenges of our time. It threatens the livelihoods, health and security of girls and women around the world.

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<sup>18</sup> The agenda of Nansen protection is disponible on the website [https://disasterdisplacement.org/wp-content/uploads/2014/08/EN\\_Protection\\_Agenda\\_Volume\\_I\\_-low\\_res.pdf](https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_-low_res.pdf)

<sup>19</sup> Official website of the Platform on disaster displacement : <https://disasterdisplacement.org/>

<sup>20</sup> <https://documents.un.org/doc/undoc/gen/g21/285/51/pdf/g2128551.pdf>



These crises are not “gender neutral”. Women and girls suffer the worst impacts of climate change, exacerbating existing gender inequality and posing unique threats to their livelihoods, health and security.

The IPCC's 2023 report includes sex-disaggregated data on the intersections of gender and climate change for the first time, and projects that by mid-century, under a worst-case climate scenario, climate change may push 158.3 million more women and girls into poverty (16 million more than the total number of adult men and boys).

Around the world, women depend more on natural assets, but have less access to them.

In many regions, women bear a disproportionate responsibility when it comes to securing food, water and fuel.

Agriculture is the most important labor sector for women in low- and middle-income countries.

During times of drought and erratic rainfall, women, as agricultural workers and primary producers, work harder to provide income and resources for their families.

This puts more pressure on girls, who often have to drop out of school to help their mothers cope with the additional burden.

When disasters occur, women are less likely to survive and often bear the brunt due to long-standing gender inequalities that have created disparities in information, movement, decision-making, and access to resources and training. Women and girls face greater difficulties in receiving relief and assistance, further threatening their livelihoods, well-being and recovery, as well as creating a vicious cycle of vulnerability to future disasters.

Climate change and disasters jeopardize the health of women and girls by restricting their access to services and medical care, as well as increasing risks related to child and maternal health.

Humanitarian programs tend to be heteronormative and can reinforce the patriarchal structure of society if they do not take into account sexual and gender diversity.

Another group especially negatively impacted by the triple crisis is children and adolescents<sup>21</sup>. The triple crisis affects their physical, psychological and social well-being. Children are more vulnerable to extreme weather conditions, such as floods, droughts, storms and heat waves. They are also at greater risk of contracting diseases such as cholera, malaria, dengue fever and Zika. The climate crisis generates feelings of disempowerment, affecting adolescents' sense of agency, purpose, and resilience. Climate change can disrupt teens' connection to family, friends, and community. It can also impact their educational and employment opportunities.

Drought, disappearing glaciers and water shortages lead to crop failures and higher food prices. This can cause food insecurity and nutritional deprivation in children.

Weather disasters cause internal displacement of children. Children and youth living in uprooted situations, such as refugee camps or slums, are especially vulnerable.

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<sup>21</sup> United Nations Children's Fund. "Children uprooted in a changing climate. Turning challenges into opportunities with and for young people on the move". 2021 Available at <https://www.unicef.org/media/109711/file/Children%20uprooted%20in%20a%20changing%20climate.pdf>

According to UNICEF, almost every child on the planet is exposed to at least one of these climatic and environmental hazards.

Last but not least, the triple planetary crisis, which includes biodiversity loss, climate change and pollution, has a significant impact on indigenous peoples, Afro and other local communities: The loss of biodiversity, with its correlative decrease in flora, fauna and ecosystems, affects the food supply and access to water. Global warming is one of the most acute manifestations of the environmental crisis and threatens the life of the planet. Increasing air and water pollution, as well as the introduction of non-native species, affect indigenous peoples.

In particular, indigenous peoples face other challenges that exacerbate the situation, such as inequality in access to health services, water and food, evictions of communities, police repression of demonstrations, lack of recognition of cultural diversity, lack of state investment, lack of environmental protection, lack of disaggregated information, and tensions and conflicts over the infringement of their territorial rights.

Among the demands of the indigenous social movements are the recognition of their right to autonomy, land ownership, agrarian reform, and the protection of their cultures and languages.

#### IV. Forced Displacement due to Environmental Conflicts in Latin America

In Latin America, the most unequal region on the planet, the climate emergency has a devastating and differentiated impact in certain sub-regions and on groups in vulnerable situations, such as children, women, indigenous peoples, peasant communities, among others, which could worsen if there is no significant reduction in emissions accompanied by urgent adaptation measures.

The IPCC's Fifth Assessment Report indicates that limited water resources as a result of glacial retreat in the Andes and altered regional precipitation cycles could greatly affect the population. In addition, a rise in sea level and increase in surface water temperature will have an impact on coastal communities, water supply and economies throughout the region. This may disproportionately affect coastal and island nations in the Caribbean Basin.

The Andes region is among the most sensitive areas in the world to migration and displacement associated with climate change. The Amazon rainforest, one of the world's largest reservoirs of biodiversity, is threatened.

"It is estimated that in the Andean region there will be an increase of between 100 - 200% of people affected by floods, a greater transmission of diseases such as malaria, dengue and chikungunya, the negative impact of up to 85% of the fauna and flora of the region, the reduction of harvests due to increasingly frequent droughts, the reduction of agriculture due to the rise in temperature and the reduction of fishing due to the acidification of the ocean. This, according to the IPCC, is undoubtedly a cause that will increase global human mobility, as there is already evidence that this is happening. This displacement will have differentiated impacts on the most vulnerable populations,

including coastal populations and island dwellers, indigenous peoples, Afro-descendant communities, peasants, among others”<sup>22</sup>.

Peru recorded 220 disaster events that caused 367,000 internal displacements during the period between 2016 and 2022, mostly due to floods (86.9%), storms (5.7%) and others generated by earthquakes (3.8%), landslides and mudslides (1.3%) and forest fires (0.8%)<sup>23</sup>. In March 2023, Cyclone Yaku and the Coastal El Niño phenomenon left 99 people dead, 13 missing, more than 370,000 people affected, 7,523 homes totally destroyed and more than 16,900 uninhabitable, in addition to damage to vital infrastructure such as health centers and schools<sup>24</sup>. Peru is the second country in South America with the second highest risk index to disasters and environmental and climate events, being very high its vulnerability, exposure and difficulty to counteract these impacts; occupying the 13th position with respect to 192 countries analyzed by the Global Risks Report, 2022.

Between 2016 and 2022, Colombia recorded 536,000 new displacements due to disasters (52.4% of them only in 2022, equivalent to 281,000 displacements) most of them linked to floods (87.3%), with the most affected area being the north of the country<sup>25</sup>.

Uruguay recorded 45,000 new internal displacements due to disasters during the period between 2016 and 2022<sup>26</sup>. The vast majority linked to floods (95.6%), but also to forest fires (2%) and storms (1.6%). Evacuations in the event of floods represent the most representative example of environmental mobility in the country. In 2019 alone, the Comprehensive Monitor of Risks and Affectations recorded 21 adverse events at the national level that affected 25,477 people (CSM, 2022). Along with floods and increased average precipitation, the main environmental threats predicted for the country are droughts, cold and heat waves, extreme winds, coastal erosion and sea level rise (CSM, 2022).

Paraguay between 2016 and 2022 recorded 98,000 new internal displacements, mainly linked to floods (95.9%)<sup>27</sup>. In addition to floods, drought episodes in rural areas affected the livelihoods of vulnerable populations and encouraged internal migration, mainly to cities, which contributed to a population growth of 27% between 1960 and 2020, directly impacting housing conditions<sup>28</sup>. Research has also found that the impacts of climate change do not always generate migration, in fact 3 out of 10 households in the indigenous communities of the Gran Chaco surveyed in a recent participatory study “stated that they

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<sup>22</sup> Inter-American Commission on Human Rights (IACHR). Climate Emergency. Scope and Inter-American Human Rights Obligations, Resolution 3/2021, December 31, 2021, p. 26.

<sup>23</sup> Internal Displacement Monitoring Centre (IDMC), 2023

<sup>24</sup> Emergency Operations Center (COEN), Perú, 2023.

<sup>25</sup> Internal Displacement Monitoring Centre, (IDMC) 2023

<sup>26</sup> Ibidem

<sup>27</sup> Ibidem

<sup>28</sup> World Bank. Indicadores. 2021.

have not taken any action other than to remain in the community under conditions of deprivation”<sup>29</sup>.

Between 2016 and 2022, in Bolivia, floods caused 95.3% of new internal displacement due to disasters registered in the country<sup>30</sup>. In addition to this phenomenon, Bolivia faces challenges around water resource availability.

Prolonged droughts, desertification affecting more than 40% of the Bolivian territory and the loss of 50% of glacier cover have increased water insecurity, both for consumption and for productive activities such as agriculture and livestock raising. These impacts were especially acute in rural areas, causing migration to metropolitan areas and intermediate cities, affecting indigenous peoples, whose livelihoods depend to a large extent on the natural environment.<sup>31</sup>

The last decades in Venezuela have been marked by severe and persistent drought, a fact that, according to scientists, will become more frequent due to global warming<sup>32</sup>. Venezuela has also lost four of its five glaciers since the 1990s<sup>33</sup>. The behavior of the glaciers is a clear sign of the impact of climate change. About 70% of Venezuela's energy comes from hydroelectric sources. This implies that the country is highly vulnerable to droughts<sup>34</sup>. During El Niño 2015-2016, linked to rising global temperatures<sup>35</sup>, Venezuela received between 50 and 65 percent less rainfall than the annual average<sup>36</sup>.

These circumstances led to both water and electricity rationing, with historic low water levels at the Guri dam in Bolívar, the country's largest hydroelectric facility, and months of power shortages in major urban centers<sup>37</sup>. The blackouts and water rationing aggravated

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<sup>29</sup> OIM, 2023

<sup>30</sup> Internal Displacement Monitoring Centre (IDMC), 2023

<sup>31</sup> South American Conference on Migration (CSM), 2022.

<sup>32</sup> WERRELL, C. y FEMIA, F. 2019 Venezuela: Drought, Mismanagement and Political Instability. The Center for Climate & Security. <https://climateandsecurity.org/2019/02/drought-mismanagement-and-political-instability-in-venezuela/>.

<sup>33</sup> ARNOLD- PARRA, S. 2021 An Ecosystem in Crisis: Environmental Degradation in Venezuela. Global Risk Insights LP. <https://globalriskinsights.com/2021/05/an-ecosystem-in-crisis-environmental-degradation-in-venezuela/>

<sup>34</sup> Bolivarian Republic of Venezuela. Second National Communication to the United Nations Framework Convention on Climate Change. Ministry of Environment and Natural Resources, United Nations Development Program, Global Environment Facility. UNDP. Caracas. 2017 [https://unfccc.int/sites/default/files/resource/2CNNCC-26NDig\\_2.pdf](https://unfccc.int/sites/default/files/resource/2CNNCC-26NDig_2.pdf).

<sup>35</sup> ARNOLD- PARRA, S., 2021. Op. Cit.

<sup>36</sup> GALLUCI, Venezuelan Leader Blames El Niño And Global Warming For Nation's Energy Crisis. International Business Times. <https://www.ibtimes.com/venezuelan-leader-blames-el-nino-global-warming-nations-energy-crisis-2349921>.

<sup>37</sup> WERRELL, C. y FEMIA, F. Op.cit..

the negative conditions already experienced by the majority of Venezuelans due to the economic contraction and food crisis in the country.

Between 2016 and 2022, Brazil recorded 2 million new displacements (35.4% occurred in 2022 alone, equivalent to 708,000 displacements) caused mainly by floods (47.95%) and storms (47.8%)<sup>38</sup>. In addition to these phenomena, the country has experienced drought-related migration in recent decades, especially in the Northeast of the country, a region where migration flows to the Southeast of the country due to prolonged droughts and reduced agricultural activity are recorded, with an average of 60,000 people migrating per year<sup>39</sup>. It is estimated that between 2030 and 2050, 24% of the population of this region will migrate as a result of climate change according to current projections<sup>40</sup>. In the Amazon, climate variability, increased forest fires, deforestation, rising temperatures, changes in rainfall patterns (droughts and floods) and increasing environmental degradation severely affect the livelihoods, food security and health of communities, factors that drive transitory and permanent environmental migrations<sup>41</sup>. According to the Global Risks Report 2022, Brazil has a “high risk” index to disasters due to its exposure and susceptibility to extreme events exacerbated by climate change and its challenges for adaptation, ranking 43rd out of 192 countries analyzed. Between 1980 and 2016, the country suffered 142 floods. During the same period, Brazil went through 18 droughts, which affected nearly 80 million people, caused 20 deaths and losses of US\$ 11.2 billion. Landslides and mudslides caused 1,730 deaths and affected more than 4.2 million people<sup>42</sup>. One of the most prominent cases in 2023 was the floods in Rio Grande do Sul that affected more than 1.7 million people. Some 68,000 people were forced to live in shelters, while more than 327,000 had to leave their homes. These figures are in addition to the 41,000 refugees, many of them of Venezuelan and Haitian origin, who were also affected by the floods.

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<sup>38</sup> IDMC, 2023

<sup>39</sup> CSM, 2022

<sup>40</sup> BARBIERI, A., DOMINGUEZ, E., QUEIROZ, B., RUIZ, R., RIGOTTI, J., CARVALHO, J. y RESENDE, M.. Climate Change and Population Migration in Brazil's Northeast: Scenarios for 2025–2050. International Union for the Scientific Study of Population. 2009 <https://iussp2009.princeton.edu/papers/93286>.

<sup>41</sup> FOLLY, M. y PIERES RAMOS, E. Climate change is already driving migration in the Brazilian Amazon. Climate-Diplomacy Magazine. Plataforma CIPÓ, RESAMA, MOVE-LAM. 2021. <https://climate-diplomacy.org/magazine/conflict/climate-change-already-driving-migration-brazilian-amazon>.; OIM. La movilidad humana en la agenda climática de las Américas: Necesidades y Oportunidades. IOM Environmental Migration Portal. 2019. <https://environmentalmigration.iom.int/la-movilidad-humana-en-la-agenda-clim%C3%A1tica-de-lasam%C3%A9ricas-necesidades-y-oportunidades>.; Deutsche Welle. Migração climática mais sentida em países de renda média. DW Brasil. 2020. <https://www.dw.com/pt-br/migra%C3%A7%C3%B5es-clim%C3%A1ticas-ser%C3%A3o-mais-sentidas-empa%C3%ADses-de-renda-m%C3%A9dia/a-54932276>.; BARBOSA, M. O que é migração climática? Instituto Brasileiro de Sustentabilidade e ESG. 2020 <https://www.inbs.com.br/o-que-e-migracao-climatica/>.; citados en OIM, 2022

<sup>42</sup> World Bank, Indicadores. 2021. <https://data.worldbank.org/indicator>.

The Caribbean, due to its geography, location and geomorphological composition, is historically vulnerable to frequent and intense weather conditions, hazards aggravated by the climate crisis. Hurricanes cause extensive damage throughout the region, flooding (associated with hurricanes, storm surges and rainfall) occurs more frequently and contributes to great cumulative damage and loss of life annually<sup>43</sup>. Rainy seasons intensify hazards affecting communities, leading to landslides and mudslides<sup>44</sup>. Other climate-induced effects that threaten the existence of these States and the livelihoods of their inhabitants include sea level rise, coastal erosion and salinization, and reduced water availability, among others; these impacts affect the environment and economic sectors, especially agriculture, forestry, fisheries and tourism. This is aggravated in many States that are partially below sea level<sup>45</sup>. Some States are also exposed to volcanic eruptions.

In Haiti, the 2010 earthquake caused 223,000 deaths and 3,000 people affected. Hurricanes Irma and Maria in 2017 caused 190 deaths and left more than 10 million affected. Hurricane Dorian in the Antilles, Puerto Rico and Bahamas caused 67 deaths and 29,500 affected in 2019.

Volcanic eruptions in Saint Vincent and the Grenadines in 2021 left approximately 20,000 people affected<sup>46</sup>.

In Honduras, communities displaced by violence face additional challenges due to recurrent climate disasters<sup>47</sup>.

## V. Forced displacement due to Environmental Conflicts in Argentina

In Argentina, there are numerous forced displacements due to environmental issues, although there are few specific figures.

The impacts of climate change in Argentina are expressed through different phenomena. Extreme rainfall or the lack of it (floods and droughts) are the main climatic risks.

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<sup>43</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Natural Disasters in Latin America and the Caribbean. Balboa, Ancon, Panama: OCHA ROLAC, 2019. Disponible en [www.reliefweb.int/sites/reliefweb.int/files/resources/20191203-ocha-desastres\\_naturales.pdf](http://www.reliefweb.int/sites/reliefweb.int/files/resources/20191203-ocha-desastres_naturales.pdf) ; FONTES DE MEIRA, L. y, PHILLIPS, W. An Economic Analysis of Flooding in the Caribbean: The Case of Jamaica and Trinidad and Tobago. Santiago, ECLAC, 2019. Disponible en [www.cepal.org/en/publications/44877-economic-analysis-flooding-caribbean-case-jamaica-and-trinidad-and-tobago](http://www.cepal.org/en/publications/44877-economic-analysis-flooding-caribbean-case-jamaica-and-trinidad-and-tobago)

<sup>44</sup> SEPÚLVEDA, S. A. y PETLEY, D.N.. Regional Trends and Controlling Factors of Fatal Landslides in Latin America and the Caribbean. Natural Hazards Earth System Sciences, 2015. 15: 1821-1833. Disponible en [www.nhess.copernicus.org/articles/15/1821/2015/](http://www.nhess.copernicus.org/articles/15/1821/2015/)

<sup>45</sup> FONTES DE MEIRA, L. y, PHILLIPS, W.. Op. Cit.

<sup>46</sup> OCHA. Op. cit; UNICEF. La Soufrière Volcano Eruption St. Vincent & the Grenadines, Humanitarian Situation Report No. 2., 2021. Available at [www.unicef.org/media/96701/file/StVincent-Grenadines-Volcano-SitRep-22-April-2021.pdf](http://www.unicef.org/media/96701/file/StVincent-Grenadines-Volcano-SitRep-22-April-2021.pdf).

<sup>47</sup> Infobae, 5 de junio 2024 <https://www.infobae.com/america/medio-ambiente/2024/06/05/la-fundacion-acnur-argentina-lanzo-una-campana-para-exigir-soluciones-duraderas-para-los-desplazados-climaticos>

Desertification constitutes a considerable challenge: drylands with varying degrees of exposure to desertification represent about 55% of the country's surface, contain 50% of agricultural production and host one third of the national population<sup>48</sup>.

Since 1980, it is estimated that the number of extreme rainfall events has tripled<sup>49</sup>. Floods and water pollution appear as impacts of environmental change in some regions, for example, the Argentine Northwest, causing “an increase in internal migrations”<sup>50</sup>. Likewise, the country presents an “increase in periods of extreme drought with animal mortality that harm livestock producers (especially small producers), (and) favorable conditions for the development of fires and damage to native forests, wildlife and wild flora”<sup>51</sup>.

In Argentina, between 2008 and 2023 there have been 162000 internal displacements due to disasters (145000 due to floods, 11000 due to storms, 2800 due to forest fires and 2200 due to landslides and mudslides) having been 142 events reported in that period<sup>52</sup>.

According to reports from the Secretariat of Environment of the National Government, migrations due to the shift of the technologized agricultural frontier, real estate voracity and deforestation have displaced 850,000 people in the present century. The situation is aggravated by climate alterations, severe storms that have multiplied by five in the last thirty years. In the last two decades, 300% more environmentally displaced people have been displaced. 70% from the Mediterranean areas of the Gran Chaco<sup>53</sup>.

According to the Global Risk Index 2022<sup>54</sup>, the country has a very high level of risk to disasters given its high degree of exposure and weakness to counteract extreme environmental events, ranking 32nd out of 192 countries analyzed.

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<sup>48</sup> TORRES, L., Abraham, E.M., Rubio, C., Barbero-Sierra, C y Ruiz-Pérez, M. Desertification Research in Argentina. *Land Degrad. Develop.*, 2015. 26: 433– 440.

<sup>49</sup> World Bank. Climate crisis impact the macroeconomic and poverty. 2021. <https://documents1.worldbank.org/curated/en/121961624981444917/pdf/Argentina-Poverty-and-Macro-Economic-Impacts-of-Climate-Shocks.pdf>

<sup>50</sup> Ex ministry environment and sustainable development 2020 [https://unfccc.int/sites/default/files/NDC/202206/Argentina\\_Segunda%20Contribuci%C3%B3n%20Nacional.pdf](https://unfccc.int/sites/default/files/NDC/202206/Argentina_Segunda%20Contribuci%C3%B3n%20Nacional.pdf)

<sup>51</sup> More information about climate change in the Integrated Environmental Information System Platform, in the Climate Change Risk Mapping System (SIMARCC). <https://simarcc.ambiente.gob.ar/> and in the State of the Environment Reports (2021) [https://www.argentina.gob.ar/sites/default/files/iea2021\\_digital.pdf](https://www.argentina.gob.ar/sites/default/files/iea2021_digital.pdf) y (2023) <https://ciam.ambiente.gob.ar/images/uploaded/recursos/583/IEA2023-VERSI%C3%93N%20FINAL.pdf>, el Geoportal del Ministerio de Obras Públicas (GEOMOP) <https://geoportal.obraspublicas.gob.ar/>, with data on adaptation to climate extremes.

<sup>52</sup> Internal Displacement Monitoring Centre, 2023 <https://www.internal-displacement.org/countries/argentina/>

<sup>53</sup> OIM. Migrations international review Reflexiones desde Argentina. Nº 8, Año 06. Buenos Aires, 2022 <https://argentina.iom.int/sites/g/files/tmzbd1901/files/documents/2023-12/revista-mig-int.-nro.-8-espanol.pdf>

<sup>54</sup> [https://weltrisikobericht.de/wp-content/uploads/2022/09/WorldRiskReport-2022\\_Online.pdf](https://weltrisikobericht.de/wp-content/uploads/2022/09/WorldRiskReport-2022_Online.pdf)

The population in general does not receive significant information on risk production processes, is not consulted on their implementation, and if it is, its response is not binding. The State (national and generally municipal or provincial) not only omits information, support or help but in many cases is responsible for generating works or having enabled undertakings that generate impacts.

The number of victims increases and so does the social resistance to face the risk and damage. Assemblies, social movements, protests, marches and days of protest, express the rejection every time society understands the cause/effect link in environmental matters.

Some struggles have notable protagonism and concrete achievements such as the social movements of Esquel with the obtaining of Law 5001 prohibiting open pit mining, or in Mendoza where the Citizen Assemblies achieved Law 7722 for the protection of water and the rejection of chemical mining.

Argentina has hundreds of social movements working on environmental issues in their territories. They are building a kind of popular environmentalism essentially opposed to the devastating economism. They confront rationalities, putting the right to life first. They make transparent the diverse forms of co-optation of power and its media operations, essentially, they advance in the construction of consensus in defense of their ecosystems, challenging the “modern rationality”, the false developmentalism and the individualism that favors social fragmentation<sup>55</sup>.

#### V.1. Displacements due to floods and/or alterations in rivers and watercourses

Argentina has a long list of serious floods. They are our most recurrent environmental problem. We are among the 15 countries most affected by severe floods<sup>56</sup>. Our plains are very productive, but have little drainage capacity and saturated water tables.

More than 1.5 million people live on the banks of rivers, streams, wetlands and other flood-prone areas, both in the submeridional lowlands of Santa Fe, Chaco and Santiago del Estero, as well as in other provinces (Formosa, Entre Ríos, Buenos Aires and Corrientes). With each flood, there are thousands of people affected and immense economic losses.

An example of a very serious flood was that of Comodoro Rivadavia Province of Chubut, in 2017, where an area of desert climate and low humidity was battered by an immense storm. There was great displacement of the population. More than 12,000 people were

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<sup>55</sup> MAFFEI, M. “Migrants, Refugees and Displaced Forced by Environmental Conflicts”. Paper for the presentation of the Plurinational Campaign for Water Life on October 19, 2024.

<sup>56</sup> Informe World Bank 2014 <https://www.bancomundial.org/es/news/feature/2014/10/01/inundaciones-en-argentina>



evacuated, many lost everything. 37 families migrated permanently from Comodoro and another 25 from the Laprida neighborhood and Juan XXIII<sup>57</sup>.

Another example that combines several multiple environmental problems is that of the Luján River, in the province of Buenos Aires. It is currently the second most polluted river basin in Argentina. A public asset and an ecosystem that has been disrupted and polluted by productive systems and real estate speculation that have severely altered it, destroying the biological functions of its wetland, expelling and displacing communities. It is increasingly full of toxic algae and has a nauseating odor in several sections<sup>58</sup>. Each real estate development has been aggravating the situation, increasing the vulnerability and damage in the surrounding neighborhoods. Now with each flood the water reaches the center of the city of Lujan and even the Basilica. All of this was due to the collaboration of the State. The urbanizations on the wetland included 86 neighborhoods until 2021 and continue to expand on the southern shore of the Río de la Plata in the municipalities of Avellaneda, Quilmes and Berazategui. Prosecutor Dominguez, in the case initiated by the neighbors, states: “it has been demonstrated that the illegal construction of gated communities and private clubs in the flood plain of the Luján River and in the Paraná Delta, on public property, have not only affected the environment, but have also caused serious damage and, consequently, incalculable damage to property, incalculable damages to public and private property, with violent evictions and affecting all those people who suffer the flooding of their homes and land, as happened in 2015, also causing the loss of human lives and human rights with an impact that is becoming increasingly intense..... “Behind so many blunders, there are powerful real estate companies like Colony Park that took the land to modify the ecosystem, expelling the islanders with fires, threats and violence. Communities that lived mainly from artisanal fishing, reed gathering and weaving, and fruit production, ended up crowded into hostile housing developments<sup>59</sup>. This illegal and fraudulent appropriation, however, has not had the unfavorable repercussions of the land seizures carried out by the impoverished sectors. The wetland, an essentially rural space, became a real estate business and a habitat for the elite. A drastic illegal environmental

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<sup>57</sup> MAFFEI, M. Op. cit. <https://www.infobae.com/sociedad/2019/06/22/la-argentina-ya-tiene-refugiados-climaticos/> <https://proyungas.org.ar/la-argentina-ya-tiene-refugiados-climaticos/>

<sup>58</sup> <https://anccom.sociales.uba.ar/2019/10/10/la-contaminacion-del-rio-lujan-no-se-detiene/> <https://www.infobae.com/tendencias/ecologia-y-medio-ambiente/2019/03/18/para-evitar-las-inundaciones-del-rio-lujan-hay-recuperar-el-equilibrio-y-la-armonia-del-ecosistema/> [https://www.facebook.com/aapescobar/videos/r%C3%ADo-luj%C3%A1n-inundados-y-contaminados/2008092852542703/?locale=es\\_LA](https://www.facebook.com/aapescobar/videos/r%C3%ADo-luj%C3%A1n-inundados-y-contaminados/2008092852542703/?locale=es_LA)

[https://www.greenpeace.org/static/planet4-argentina-stateless/2022/08/497b7a72-informe\\_carpincho-1.pdf](https://www.greenpeace.org/static/planet4-argentina-stateless/2022/08/497b7a72-informe_carpincho-1.pdf)

<https://www.fiscales.gob.ar/fiscalias/colony-park-un-negocio-inmobiliario-investigado-por-graves-danos-ambientales/>

<https://cdsa.aacademica.org/000-038/348.pdf>

<sup>59</sup> <https://www.aacademica.org/martin.ariel.gendler/5.pdf>

modification that pollutes and alters the natural conditions of the Delta, changing the use of the land, expelling families and compromising its biological functions, breaking the ecosystem to the detriment of all. Without any political protection, the settlers were expelled in spite of their resistance. Hundreds of families have ended up overcrowded in the villas of San Isidro and San Fernando.

Other examples of forced displacement due to alteration of watercourses are the hydroelectric megadams<sup>60</sup>. Argentina currently has 95 hydroelectric power plants. The construction of mega-dams generates severe ecological, demographic, social, economic and cultural impacts as a result of the violation of environmental laws and social rights, which in the discourse are presented as “costs of progress”.

They generate displacements, involuntary, forced and traumatic resettlements, with profound changes in the lifestyles and reproductive forms of the populations, unleashing impoverishment, disarticulating social networks and breaking community ties. Dams on plains rivers have greater impacts than those located in mountainous areas.

In the case of Yacyretá, some 100,000 farmers with small plots of land (2 to 8 ha), fishermen, basket weavers, and livestock breeders, located in 15 popular neighborhoods, were displaced (the company recognized 40,000 people). The evictions were violent and repressive. There was resistance, but the courts and the police carried out the forced evictions. Some inhabitants escaped when everything began to flood, others remained and were relocated in urban settlements built for that purpose. Housing without green spaces or places for production or recreation (where more than 9,000 families were relocated). There, isolation, poverty, unemployment and marginality grew in an extraordinary way<sup>61</sup>. The coastal economies and culture were destroyed, their patterns of territorial occupation, their forms of production and subsistence, their social articulations and their cultures were drastically altered.

In the case of the Salto Grande dam, the military dictatorship ordered the relocation without any consultation or participation with respect to the new city. More than 4,700 people were displaced.

In the remnant of the old city, impoverished settlers with greatly diminished economic possibilities remained. Federación was disconnected for many years from Nueva Federación, until a 5 km bridge was built to reconnect them.

In both cases, social disarticulation was a serious consequence; social networks and pre-existing circles of sociability were broken. Uprooting was widespread. Also in both cases, policies built imaginaries and discourses to legitimize socio-environmental impacts as secondary and inevitable consequences of progress.

## V.2. Migrations due to mining extractivism

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<sup>60</sup> MAFFEI, M. Op.cit

<sup>61</sup> <https://lavaca.org/notas/las-victimas-de-yacyreta/>  
<https://ea.net.py/documental-sobre-indigenas-desplazados-por-yacyreta/> (documental)

Open-pit mining is unsustainable because it exploits non-renewable common goods. It is the most polluting extractive system on the planet. It is full of highly dangerous chemicals and releases heavy and radioactive metals. Living beings suffer the impacts on their health and lives. A process that consumes extraordinary amounts of energy and water<sup>62</sup>.

We agree with Maffei that in Argentina, mining has neither legislation nor adequate controls and its practice is the result of a political option that has replaced industrial production with hydrocarbon, agricultural and mining extractivism.

The demand for minerals is increasing and exploitation is accelerating, favored by technologies. Luxury consumption and financial speculation are voracious consumers of minerals and metals. "The example of gold whose extraction destroys territories to end up 90% in the banks' vaults - says Maffei - is perhaps the greatest example of human irrationality".

Now is the furor of lithium and rare metals and we will be seeing its consequences soon in new displacements.

To give some examples we take the paradigmatic cases in Catamarca and San Juan.

In Catamarca, since 1997 Minera Bajo la Alumbra has extracted copper, gold, molybdenum, other minerals and rare earths in the open pit in the Department of Andalgalá, with immense profitability, and yet Catamarca continues to be one of the poorest provinces in the country. The mining company is a conglomerate of companies that is currently closing the mine. In its years of exploitation it has generated immense environmental conflicts: several breaks in the mineral pipeline have affected Catamarca, Santiago del Estero and Tucumán. Also repeated contamination due to leaks from the tailings dam that was installed on a geological fault, without any treatment on the floor of the dam and that, after 3 or 4 years, began to leak into the waters of the Vis Vis River.

Thus, the towns of Vis Vis, Andalgalá, Santa María and Belén have severe contamination indexes with the proliferation of cancer, renal dysfunction, hepatitis, etc. In Vis-Vis a 13-year-old girl died from repeated gastrointestinal disorders. The spills were hidden. The Viv-Vis site, once an orchard, is now an empty village. The houses remain padlocked. There is no detailed record of the number of migrants who have left this and other nearby towns, but all migrations are linked to water scarcity and contamination.

On the other hand, the mining company generated desperate situations in Campo El Arenal, Paloma Yaco, Campo La Pampa, and others due to the lack of water from its constant extraction from the Campo El Arenal aquifer.

Both the Conicet and the University of Buenos Aires (UBA), submitted a report to the Federal Justice, detailing also the copper<sup>63</sup> contamination of the DP2 canal, a tributary of the Salí-Dulce basin. Detecting selenium (highly radioactive) and mercury. The values far exceed the legally accepted levels, with severe negative effects on the health of the human population, flora and fauna. The attitude of the mining company was to pressure the

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<sup>62</sup> MAFFEI, M. Op.Cit

<sup>63</sup> Moreover it is necessary to keep in mind that the copper is bioaccumuable.

authorities to modify the reference values established by law, instead of correcting its leaks and contamination.

In the case of San Juan - a dry province par excellence, traditionally dedicated to wine production, fruit and vegetable production: olives, tomatoes, garlic, quince, pistachio, melons and other agricultural products, some pharmaceutical and textile industries - the activities are made possible by a strict control and distribution of water, which is always scarce.

Since 2005, this agrarian model has been impacted by metalliferous mining, which has become almost 70% of the products exported by the province, increasing the lack of water. Many producers do not have enough water.

In the last days of September 2024, the national authorities and San Juan authorities advanced in agreements to carry out large scale mega-mining, especially copper mining. The province currently has 5 large mining projects whose leaching is carried out with water from the Jáchal and San Juan rivers.

The activity has significant impacts on glaciers (vehicle traffic, covering the ice with particulate matter from rock blasting, everything accelerates the melting and loss of the albedo effect by darkening the surface) Not only the ice, also the rivers have their flow reduced and are repeatedly polluted by spills of more than one million liters of cyanide solution in 2015 and 2017. There are several court cases for this, however they continue<sup>64</sup>.

Regarding displacements San Juan already has more than 50% of rural workers living in urban areas, that is slightly more than 11,000 people.

### V.3. Fracking

Hydraulic fracturing is the extraction of gas and oil through the fracturing of rock by water pressure of such magnitude that it causes earthquakes. But also the use of more than 300 abrasive chemicals and others, generates an immense water pollution that penetrates into the groundwater and also reaches rivers, lagoons and streams.

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<sup>64</sup> El cianuro es un compuesto muy venenoso que se usa en la minería para recuperar metales preciosos y separar sulfuros. Cuando se derrama, puede contaminar el agua subterránea.

En el caso de la mina Veladero, en San Juan, se han denunciado varios derrames de cianuro: Septiembre de 2015, Septiembre de 2016, Marzo de 2017, Febrero de 2022.

La mina Veladero es operada por Minera Argentina Gold SRL (MAGSRL), una empresa que comparte el riesgo con la empresa canadiense Barrick Gold y la china Shandong Gold

En 2018, el juez Casanella elevó a juicio una causa por derrames de solución cianurada en San Juan. En esta causa, se procesaron a los exfuncionarios Sergio Lorusso, Beatriz Domingorena y Jorge Mayoral por incumplimiento de los deberes de funcionario público. Si embargo la causa está demorada sin que se realicen las audiencias. De esta primera causa federal en Buenos Aires se derivó otra, por el incumplimiento de la Ley de Glaciares (causa 16156/16). El 5 de junio de 2018, la misma también fue elevada a juicio oral. En ella se encuentran procesados los ex secretarios de Ambiente de la Nación Juan José Mussi, Omar Judis y Sergio Lorusso; y el ex director del Instituto Argentino de Nivología, Glaciología y Ciencias Ambientales (Ianigla), Ricardo Villaba, por el delito de abuso de autoridad. Ver: Tierra Viva. "El modelo minero de San Juan: Barrick Gold, el mayor derrame de la historia y la impunidad". Julio 31, 2024. <https://agenciaterraviva.com.ar/el-modelo-minero-de-san-juan-barrick-gold-el-mayor-derrame-de-la-historia-y-la-impunidad/>

It affects the peasant and indigenous populations living in the area<sup>65</sup>.

The Vaca Muerta formation (mainly Neuquén, but also Mendoza, La Pampa and Río Negro) has been generating serious environmental deterioration processes, destruction of houses due to earthquakes, loss of soil fertility, respiratory diseases and reduction of harvests.

This is an area where fruit was traditionally produced. Entire families make a living from farming and raising animals (sheep and goats). The farms are now lots, gated communities, with some sporadic farms. And migration to the cities.

Paradoxically, the economic boom in these provinces due to the millions of dollars in gas and oil exports, with the growing establishment of oil companies and commercial development in the region, has generated labor expectations and migration towards the area. In Neuquén, an average of 17 families settle down every day, especially in the capital city, which has doubled its population in a decade. The province also reflects this growth, from 550,000 inhabitants in 2010 to 726,000 in 2023, being the Argentine province with the highest growth rate.

#### V.4. Rural exodus due to agribusiness

Changes in agricultural production, technological progress, mechanization, direct sowing, intensive use of highly dangerous and carcinogenic agrochemicals such as glyphosate, 2,4 D, dicamba or glufosinate ammonium, have accentuated the displacement of the rural family, and have as a correlation the exodus of the rural family. have as a correlate the reduction of the population living and working in the countryside<sup>66</sup>.

This is not a new process, but it has accelerated sharply after the latest technological advances. Social, labor, economic and environmental issues are inseparably combined. Urban centers, especially peripheral ones, have become the recipients of these migrations. Argentina has thus become one of the most urbanized countries in the world, with more than 92% of its population living in cities, which is expected to reach 94% by 2030<sup>67</sup>. There are variants, such as the settlement of rural families in neighboring towns and the maintenance of rural work. Planting and other tasks are carried out quickly and it is not necessary to “live” in the countryside. Or the occupation of periurban land with flower and vegetable farms in an important area of Buenos Aires, Santa Fe, Entre Ríos, which is being joined by other provinces. There is also an expansion of the rural territory that has been approaching the cities and ends up adjacent to industrial plants, ports, schools, commercial premises, or neighborhoods, blurring the classic urban/rural

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<sup>65</sup> MAFFEI, M. Op.Cit

<sup>66</sup> Ibidem

<sup>67</sup> Argentina exceeds the world average (54%), the European average (75%), that of the United States (82.2%) and that of our own region (83%). Half of the population lives in a few urban centers, while the rest is distributed in medium and small towns. See: Dirección Nacional de Población. Urban population in Argentina. [s.f.https://www.argentina.gob.ar/sites/default/files/poblacion\\_urbana\\_dnp.pptx\\_.pdf](https://www.argentina.gob.ar/sites/default/files/poblacion_urbana_dnp.pptx_.pdf).

separation and favoring the displacement of rural families to the increasingly chaotic and uncontrolled cities.

#### V.5. Forest fires and land clearing and logging

Forest fires are becoming more and more widespread and serious. We are the third country in Latin America with the third largest number of hectares consumed by fire. Ninety-five percent are intentional. Fires to clear fields by modifying land use (planting, livestock, real estate developments). In all cases, droughts and increased temperatures due to climate variations are an additional risk<sup>68</sup>.

The insufficiency of adequate regulations and the negligent application of the existing ones are pointing out the need for structural and regulatory changes.

In the country, between 2019 and 2023, more than 3 million ha were burned. In 2024, not counting what happened in Córdoba, there had already been an exponential increase in other regions, more than 6000 ha were lost in Nahuel Huapi National Park and Los Alerces Park alone.

Each fire destroys ecosystems and all kinds of goods, kills flora and fauna, pollutes the atmosphere and water, emits greenhouse gases, and generates forced displacement of the population. Many businessmen allege “the need” to deforest in order to comply with export commitments already made.

The provinces most affected are Chaco, Salta, Formosa, Santiago del Estero, Catamarca and Córdoba,

Displacements are not always caused by fires or deforestation. In many cases they are the result of eviction orders and in many others they are the result of illegal actions by thugs in the pay of businessmen who have grabbed land.

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Non-compliance with Law 26331, on native forest land management, is absolutely intentional and functional to the loss of forest cover and the displacement of local

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<sup>68</sup> Ibidem

communities. Red and yellow zones are not demarcated in order to favor the plundering of forests.

Once destroyed by clearing, logging or burning, they are no longer demarcated: they are no longer forest or forest or anything else, just scorched earth.

Peasant and especially indigenous communities are the main victims, without relocation or any protection, they end up moving to the cities. National population censuses are the most accurate reference of these migrations.

This situation will be aggravated by the current government's defunding of the Forestry Fund<sup>69</sup> and the repeal by decree<sup>70</sup> of the Law for the granting of lands to indigenous communities (Law 26,160 and Decree No. 805 of November 17, 2021, which extended the emergency until November 2025), which suspended evictions and was a protection tool against the criminalization of these communities defending their rights.

## VI. Regulations and Governance of forced displacements due to environmental conflicts in Argentina

### VI.1.- International Normative Framework

VI.1.a. International human rights treaties, the jurisprudence of human rights bodies and other human rights mechanisms.

Obviously, the Universal Declaration of Human Rights (UDHR), the Covenant on Civil and Political Rights (CCPR), the Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are applicable in defense of the rights of people in situations of forced displacement due to environmental causes, and, if applicable, the ILO conventions on Indigenous Peoples, the Convention on the Elimination of All Forms of Discrimination against Women and/or the Convention on the Rights of the Child and/or the Convention on the Rights of Persons with Disabilities.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families<sup>71</sup> complements the principles and standards set forth in the instruments developed within the framework of the International Labor Organization, in particular the Convention concerning Migration for Employment (No. 97), the Convention

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<sup>69</sup> El 8 de octubre del 2024, mediante el Decreto 888/24, el [Poder Ejecutivo Nacional disolvió el Fondo Fiduciario de Protección Ambiental de los Bosques Nativos \(FOBOSQUE\)](#). Ver: FARN. "Menos transparencia y más desfinanciamiento: un Decreto que atenta contra la protección de los bosques nativos de Argentina". 25 de octubre 2024. <https://farn.org.ar/menos-transparencia-y-mas-desfinanciamiento-un-decreto-que-atenta-contra-la-proteccion-de-los-bosques-nativos-de-argentina/>

<sup>70</sup> Decreto 1083/2024. DNU-2024-1083-APN-PTE - Derógase Decreto N° 805/2021. <https://www.boletinoficial.gob.ar/detalleAviso/primera/317918/20241210>

<sup>71</sup> Resolución 45/158 de la Asamblea General aprobada el 18 de diciembre 1990

concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No. 143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No. 151), the Convention concerning Forced or Compulsory Labor (No. 29) and the Convention concerning the Abolition of Forced Labor (No. 105). The more recent Global Compact on Safe, Orderly and Regular Migration (GCM) is also applicable.

Although the convention, the ILO conventions and recommendations and the covenant are formulated to address the situation of cross-border migrants, we believe that their principles should be applied analogously to the case of internal migration insofar as they may be applicable because they contain human rights principles.

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) noted -in referring to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families- that core human rights treaties and other relevant international instruments to which a State is a party are autonomous and independent instruments, although they are also complementary and mutually reinforcing.

In 2021, in its resolution 48/13<sup>72</sup>, the Human Rights Council (HRC) recognizes the human right to a clean, healthy and sustainable environment, as well as the fact that climate change and environmental degradation cause harm to millions of people around the world, particularly vulnerable individuals and groups.

In its resolution 28/11<sup>73</sup>, the Human Rights Council recognized the need to clarify certain aspects of human rights obligations related to the environment. The Council requested the Special Rapporteur to further study these obligations, in consultation with Governments, human rights mechanisms, civil society organizations and others.

The Special Rapporteur presented his report - the culmination of five years of work in his role - on the framework principles on human rights and the environment at the thirty-seventh session of the Council.

In this report (A/HRC/37/59)<sup>74</sup>, the then Special Rapporteur, John H. Knox, proposed 16 principles related to human rights and the environment that build on the existing human rights system:

1. States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights.
2. States must respect, protect, and fulfill human rights in order to ensure a safe, clean, healthy, and sustainable environment.
3. States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.

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<sup>72</sup> A/HRC/RES/48/13

<sup>73</sup> <https://documents.un.org/doc/undoc/gen/g15/071/81/pdf/g1507181.pdf>

<sup>74</sup> <https://documents.un.org/doc/undoc/gen/g18/017/45/pdf/g1801745.pdf>



4. States should provide a safe and enabling environment in which individuals, groups and organs of society working on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.
5. States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental issues.
6. States should ensure public education and awareness of environmental issues.
7. States should facilitate public access to environmental information through the collection and dissemination of information and by providing affordable, effective and timely access to information to any person who requests it.
8. To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require prior assessment of the potential environmental impacts of proposed projects and policies, including their possible effects on the enjoyment of human rights.
9. States should provide for and facilitate public participation in environmental decision-making, and take into account the views of the public in the decision-making process.
10. States should provide access to effective remedies for violations of human rights and national laws related to the environment.
11. States should establish and maintain substantive environmental standards that are non-discriminatory and non-retrogressive and that respect, protect, and fulfill human rights.
12. States should ensure effective enforcement of their environmental laws against public and private actors.
13. States should cooperate with each other to establish, maintain and enforce effective international legal frameworks to prevent, reduce and redress transboundary and global environmental harm that interferes with the full enjoyment of human rights.
14. States should take additional measures to protect the rights of those most vulnerable to, or at particular risk of, environmental harm, taking into account their needs, risks and capacities.
15. States should ensure compliance with their obligations towards indigenous peoples and members of traditional communities, among other things.
16. States should respect, protect and fulfill human rights in the measures they adopt to address environmental problems and promote sustainable development.

#### VI.1.b. Environmental Conventions

##### a) The United Nations World Convention on Climate Change and its application in Argentina

The Argentine Republic ratified the United Nations World Convention on Climate Change (UNFCCC) on March 11, 1994 (approved by Law 24,295 of December 7, 1993). It also ratified the Kyoto Protocol in 2001 (approved by Law 25,438 of June 20, 2001) and the Paris Agreement on September 21, 2016 (approved by Law 27,270 of September 19,

2016). The aforementioned set of rules generates information reporting responsibilities before the UNFCCC.

The former Ministry of Environment and Sustainable Development was designated as the enforcement authority, by Law 27,520 of Minimum Requirements for Adaptation and Mitigation to Global Climate Change and of the international treaties on climate change subscribed by Argentina (today Secretary of Tourism, Environment and Sports, Undersecretary of Environment). To this effect, the National Directorate of Climate Change is in charge of the operative management to comply with the commitments arising from the Convention on Climate Change<sup>75</sup>, under the guidelines established by the Secretariat.

According to the UNFCCC, adaptation, mitigation, just transition and loss and damage measures are foreseen. All of them are related to forced displacement because they contribute to its prevention or reparation in case it should have occurred. Mitigation measures are those policies and technologies aimed at limiting and reducing greenhouse gas emissions and enhancing greenhouse gas sinks. There are many sectors in which mitigation actions can be carried out, including transportation, industry, agriculture and livestock, household and industrial waste management, and energy. Article 6 provides for education, training and public awareness.

According to the fourth biennial update report of the Argentine Republic to the UNFCCC<sup>76</sup>, different mechanisms have been set up at various levels that allow the articulation between government and citizens. In this sense, it is possible to mention the Meeting of Ministers, which is composed of the highest authorities of the respective areas of government. It is the main instance of coordination and articulation between the different areas of government. The Focal Points Roundtables, whose objective is to work at a technical level in the elaboration and implementation of the National Plan for Adaptation and Mitigation on Climate Change to 2030<sup>77</sup> and the production of documents to be submitted to the UNFCCC. They are made up of a representative designated by each of the Ministries that make up the National Cabinet on Climate Change<sup>78</sup>. This roundtable operates through Ad-Hoc Working Groups -sectoral or transversal, permanent or transitory, depending on their specific objective-, for which technical representatives are appointed for their conformation. In addition, the Provincial Articulation Board is composed of the members of the Climate Change Commission of the Federal Environmental Council<sup>79</sup> from each of the country's provinces and from the CABA, or, in their absence, those established by the COFEMA Assembly in plenary session. The purpose of this meeting is to coordinate actions between the Nation and the Provinces, and to

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<sup>75</sup> From now on, CMNUCC.

<sup>76</sup> ExMAyDS. 2021. Argentina's Fourth Biennial Update Report to the United Nations Framework Convention on Climate Change

<sup>77</sup> From now on, PNAyMCC.

<sup>78</sup> From now on, GNCC.

<sup>79</sup> From now on COFEMA.

provide feedback on the work being carried out on climate change adaptation and mitigation in each jurisdiction. In this way, the Climate Change Response Plans, defined in Article 20 of Law 25,720, are jointly addressed, which constitute an input for the development of the National Adaptation and Mitigation at Climate Change Plan. Finally, there is an Extended Roundtable<sup>80</sup> whose purpose is to generate a dialogue on national public policy that guarantees participation in the process of designing, improving, updating and implementing national climate policy, as well as the public's right to information. This is composed of representatives of the following roundtables described above and all interested actors are invited to participate, including the academic sector, workers, civil society, representatives of political parties, trade unions, municipalities, indigenous communities, the private sector, among others. In this sense, reinforcing the guidelines set forth by Law 27,520, with citizen participation as a transversal and integral work axis, different spaces were designed to encourage the participation of multiple sectors and actors committed to climate action. The review, coordination and design process, both of the objectives and of the country's vision and strategic lines, are built in a cooperative and collaborative manner through the different work instances that make up the National Cabinet on Climate Change.

Argentina has already presented its Fifth Biennial Report in 2023<sup>81</sup>.

Almost fifteen years ago, the links between climate change and human mobilities (understood as displacement, migration and planned relocation) were included for the first time in an agreed text of the United Nations Framework Convention on Climate Change (UNFCCC) (UNFCCC 2010: 14(f)). Since then, climate mobilities have been recognized in the 2016 New York Declaration and the 2018 Global Compact for Safe, Orderly and Regular Migration, and in 2016 the Platform for Disaster Displacement was founded to specifically address cross-border disaster displacement. In addition, governance actors from a number of thematic silos are beginning to establish linkages between climate change, human mobilities and their core thematic areas. In parallel, the emergence of climate mobilities as an established field of governance has been widely traced by researchers<sup>82</sup> and studies focusing on how climate mobilities are governed have continued to grow.

Over these fifteen years, it has become increasingly clear that the governance of climate mobilities is inherently complex vertically and horizontally, and that it is highly relevant not only to multiple scales of governance, but also to different thematic silos of governance.

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<sup>80</sup> For information regarding the extended Bureau, look at <https://www.argentina.gob.ar/ambiente/cambio-climatico/mesa-ampliada-1> .

<sup>81</sup> <https://unfccc.int/sites/default/files/resource/5to%20Informe%20Bial%20de%20Actualizaci%C3%B3n%20de%20la%20Rep%C3%ABlica%20Argentina.pdf>

<sup>82</sup> NASH, S. L. "Negotiating Migration in the Context of Climate Change. International Policy and Discourse". 2019. Bristol: Bristol University Press; JAKOBSSON, E. "How Climate-Induced Migration Entered the UN Policy Agenda in 2007–2010: A Multiple Streams Assessment" in *Cogitatio, Politics and Governance*. 2021, Volume 9, Issue 4, Pages 16–26 <https://www.cogitatiopress.com/politicsandgovernance/article/viewFile/4519/2338>

How people on the move in the context of climate change fit into these complex governance structures, and how these structures should be modified or expanded to better respond to the twin challenges of climate change and people on the move have therefore become lively debates across a range of disciplines, including (international) law, political science and geography.

#### b) The UN Convention on Biodiversity

The Convention on Biological Diversity (CBD) and the Kunming-Montreal Global Biodiversity Framework are agreements that seek to conserve biodiversity and halt the loss of life on Earth. The CBD is a global treaty that aims to conserve biological diversity, sustainably use biodiversity, and fairly and equitably share the benefits of genetic resources.

The Kunming-Montreal Global Biodiversity Framework is a strategic plan that defines objectives, targets, implementation instruments and monitoring indicators. It aims to halt and reverse biodiversity loss by 2030. Its targets include conserving 30% of land and sea by 2030, halving food waste, and investing at least \$200 billion annually in strategies that benefit biodiversity.

The CBD was signed in 1992 by 196 countries at the Earth Summit in Rio de Janeiro. It entered into force on December 29, 1993. CBD member countries meet every two years at the “Conference of the Parties” (COP) to establish priorities, review progress and commit to future plans.

The CBD defines biological diversity as the variability among living organisms from all sources, including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; it includes diversity within species, between species and ecosystems. Biological diversity forms the basis for human well-being and health, and is vital for entire communities and diverse livelihoods of the present and future. Nothing more and nothing less depends on healthy biodiversity than secure access to water, food security, a stable climate and the moderation of natural events, purification of air and water, soil fertility, pollination of plants, decomposition of waste, the availability of medicines, controlled pests and diseases, and the livelihoods and ways of life of entire communities.

Harmony with Nature and the protection of different ecosystems is intimately related to this Convention. It is particularly important for indigenous, Afro and local communities whose spirituality and livelihoods depend on Nature. The conservation of Nature and the different ecosystems

The Argentine Republic approved the Biodiversity Convention by Law 24375 and ratified it on November 22, 2024.

The country has submitted its National Biodiversity Strategy and Action Plan (NBSAP) to 2030 to the Convention<sup>83</sup> and has already submitted its Fifth National Report<sup>84</sup>.

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<sup>83</sup> <https://www.cbd.int/doc/world/ar/ar-nbsap-v2-es.pdf>

<sup>84</sup> <https://www.cbd.int/doc/world/ar/ar-nr-05-es.pdf>

Argentina has a National Advisory Commission for the Conservation and Sustainable Use of Biological Diversity (CONADIBIO in Spanish), which coordinates institutions to reach consensus on biodiversity policies and action plans.

#### c) The United Nations Convention on Desertification

The United Nations Convention to Combat Desertification (UNCCD) is a universal international agreement aimed at promoting a global response to desertification and drought. The Earth Summit held in Rio de Janeiro in 1992 was the genesis of this convention, which was approved on June 17, 1994.

The Argentine Republic has subscribed it in 1994, approved by Law 24.701 of September 25, 1996 and ratified it on January 6, 1997. The convention establishes the legal framework for the functioning of ecosystems with an environmental, social and economic approach in arid, semi-arid and dry sub-humid lands.

The UNCCD has 197 parties, it is an agreement between countries to ensure global action to combat desertification, and to encourage the participation of the civil society and the transfer of science and technology and its effective combination with traditional knowledge.

In Argentina, it is of particular interest given the slow but aggravated rural exodus due to droughts and the desertification advance. Our country has submitted its Performance Review Report and evaluation of the implementation system within the framework of the Seventh reporting process. Some of its objectives are to improve the condition of affected ecosystems, combat desertification and land degradation, promote sustainable land management and contribute to the neutrality of land degradation, improve the quality of land, improve the quality of life of the people and the environment, and promote sustainable land management and contribute to the neutrality of land degradation, improve the living conditions of affected populations, mitigate, adapt to and manage the effects of drought to increase the resilience of vulnerable populations and ecosystems.

#### VI.1.c. International commitments regarding forced displacements and migrations

Climate and environmental mobilities are not only addressed through the 2016 New York Declaration for Refugees and Migrants and its two resulting Global Compacts (the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration), but also through the 2015 Sustainable Development Goals and the United Nations Framework on Climate Change (UNFCCC), in the 2010 Cancun Adaptation Framework and many subsequent decisions, which have established, inter alia, a Working Group on Displacement under the Warsaw International Mechanism on Loss and

Damage<sup>85</sup>. United Nations agencies as diverse as the World Food Program (World Food Program 2022), the United Nations Children's Fund (United Nations Children's Fund 2021), the Food and Agriculture Organization of the United Nations (Food and Agriculture Organization of the United Nations 2019) and UN Women (UN Women 2023) have developed policy positions on climate and environmental mobilities and defend principles of human rights and solidarity in relation to them in various global processes.

The Argentine State is a party to the Sendai Framework for Disaster Risk Reduction 2015-2030<sup>86</sup>, approved by the UN General Assembly in June 2015, which established the importance of the “adoption of policies and programs that address disaster-induced human mobility to strengthen the resilience of affected people and host communities, in accordance with domestic law and national circumstances.”

Argentina adopted the 2030 Agenda for Sustainable Development, approved at the World Summit on Sustainable Development held in New York in September 2015, which states as target 13.1 the commitment to “Strengthen resilience and adaptive capacity to climate-related risks and natural disasters in all countries”, and as target 10.7 that of “Facilitating orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

In the same vein, it adhered to the Global Compact for Safe, Orderly and Regular Migration, adopted by the United Nations in December 2018, from which it committed to “increasing the availability and flexibility of regular migration channels”, resorting to “developing or building on national and regional practices that allow admission and a stay of appropriate duration for humanitarian or other reasons for migrants who are forced to leave their country of origin due to sudden natural disasters and other precarious situations, for example, through humanitarian visas, private sponsorships, children's access to education, and temporary work permits, while it is impossible for them to adapt in or return to their country of origin.”

The Argentine State also adhered to the Global Compact on Refugees, adopted by the UN General Assembly in December 2018, committing to take “measures aimed at assisting persons who have been displaced due to natural disasters, taking into account national laws and applicable regional instruments, and practices such as temporary protection and humanitarian stay agreements, where appropriate.”

The Pact for the Future was adopted on September 22, 2024 by all member states of the United Nations<sup>87</sup>. It envisages accelerating the still pending goals of the 2030 Agenda in its

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<sup>85</sup> Nash, S. L. “Negotiating Migration in the Context of Climate Change. International Policy and Discourse”. 2019. Bristol: Bristol University Press.

<sup>86</sup> The Sendai Framework for Disaster Risk Reduction 2015-2030 was adopted at the third United Nations World Conference in Sendai, Japan, on 18 March 2015. This is the result of a series of stakeholder consultations that began in March 2012 and intergovernmental negotiations that took place between July 2014 and March 2015, with the support of the United Nations Office for Disaster Risk Reduction, at the request of the United Nations General Assembly. Información disponible en: [https://www.unisdr.org/files/43291\\_spanishsendaiframeworkfordisasterri.pdf](https://www.unisdr.org/files/43291_spanishsendaiframeworkfordisasterri.pdf).

<sup>87</sup> [https://www.un.org/sites/un2.un.org/files/sotf-pact\\_for\\_the\\_future\\_adopted.pdf](https://www.un.org/sites/un2.un.org/files/sotf-pact_for_the_future_adopted.pdf)

Article 9 the strengthening of actions related to climate change and in its Article 10 the acceleration of efforts to restore, protect and conserve the environment. However, Argentina announced, through the then Foreign Minister, that it “dissociated” from the UN's Pact for the Future, which means that the country will not participate in this global agreement.

The dissociation does not entail immediate legal consequences, since the Pact is not legally binding. However, according to experts consulted, it could affect Argentina's participation in global debates on issues such as sustainable development, peace and international security.

## VI.2. Treaties and other regional documents.

Obviously, the American Declaration of Human Rights (ADHR), the American Convention on Human Rights and its Optional Protocol (Protocol of San Salvador) can be used in defense of environmentally displaced persons.

Argentina has also signed the Caracas Conventions: The Diplomatic Asylum Convention, adopted on March 28, 1954 in the framework of the Tenth Inter-American Conference and entered into force on December 29 of the same year, according to its article XXIII. Argentina approved the Convention by Law 24056 and ratified it on March 29, 1993. The Territorial Asylum Convention, also adopted on March 28, 1954, approved by Argentina by Law 24055, however to date (December 29, 2024) it has not deposited the instrument of ratification. In any case, these norms will be of restricted application in the cases we are dealing with.

It is undoubtedly the Escazu Agreement<sup>88</sup> that offers more procedural details applicable to the protection of environmentally displaced persons, since its objective is to guarantee the full and effective implementation in Latin America and the Caribbean of the rights of access to environmental information, public participation in environmental decision-making processes, and access to justice in environmental matters. It is also the first in the world to contain specific provisions on human rights defenders in environmental matters. Articles 5 and 6 provide that each Party shall guarantee the right of access to information in its possession, control or custody. It provides for the right to request and receive information from the authorities (without mention of interest), to be promptly informed whether or not the information is in the possession of the competent authority receiving the request, to be informed of the right to challenge and appeal the non-delivery of the information and the requirements to exercise this right. It also provides for facilitating access to environmental information for persons or groups in vulnerable situations, establishing procedures to assist them. In addition, it provides for the disclosure and generation of environmental information with the understanding that each Party will guarantee, to the extent of available resources, that the competent authorities generate, compile and make available to the public and disseminate environmental information in a

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<sup>88</sup> CEPAL, 2018. <https://www.cepal.org/es/acuerdodeescazu>. It was adopted in Escazú, Costa Rica, on March 4, 2018, and the Argentine State approved it in 2020 through Law No. 27566.

systematic, proactive, timely, regular, accessible and understandable manner, strengthening coordination between the different authorities of the State.

The Escazú Agreement enshrines the right to open and inclusive participation (Article 7), covering decision-making processes, reviews, revisions, reexaminations or updates related to projects and activities, other environmental authorization processes that may have a significant impact on the environment and when they may affect health, processes related to environmental matters of public interest (e.g., land use planning, elaboration of policies, strategies, plans, programs, rules and regulations that may have a significant environmental impact), and the obligation to adopt measures to ensure participation from the initial stages of the procedure. It includes the opportunity to submit comments by appropriate and available means.

The Agreement establishes the obligation to provide the public with the necessary information in a clear, timely and understandable manner to make the right of participation effective. In this regard, it provides for a reasonable period of time for informing the public and for the public to participate effectively. The information must be provided through appropriate means: written, electronic or oral means, and traditional methods. It also establishes that each Party must make efforts to identify the public directly affected by the projects and activities that may have a significant impact on the environment, and that prior to the adoption of the decision, the corresponding public authority must take due account of the outcome of the participation process.

It is important to emphasize that the information disseminated must include the procedure foreseen to allow the public to exercise the pertinent administrative and judicial actions. Regarding the latter, the procedure is expected to be adapted to the social, economic, cultural, geographic and gender characteristics of the public<sup>89</sup>. It provides for the public to participate in international forums and negotiations on environmental matters or with environmental impact. Likewise, it will promote, as appropriate, the participation of the public in national instances to deal with matters of international environmental forums and the obligation to make efforts to identify and support persons or groups in vulnerable situations to involve them in an active, timely and effective manner in the participation mechanisms. To this end, appropriate means and formats shall be considered in order to eliminate barriers to participation, and in this regard, each Party shall ensure respect for its national legislation and its international obligations regarding the rights of indigenous peoples and local communities.

Its Article 8 establishes that each Party shall guarantee the right to access administrative and judicial instances in environmental matters and to challenge and appeal, in substance and procedure: i) any decision, action or omission related to access to environmental information; ii) any decision, action or omission related to public participation in environmental decision-making processes; and iii) any other decision, action or omission that adversely affects or may adversely affect the environment or contravene legal norms related to the environment.

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<sup>89</sup> A clear demonstration of respect for these diversities is the obligation of the public authority to ensure that it facilitates the understanding and participation of the public directly affected who speak a majority of languages other than the official languages.



It establishes the need for state bodies with access to environmental expertise, effective, timely, public, transparent, impartial and cost-neutral procedures, broad legal standing, the possibility of ordering precautionary measures and provisions to cease, mitigate or recompose environmental damage, measures to facilitate the production of proof of environmental damage, and measures to facilitate the production of evidence of the environmental damage caused and reversal of the burden of proof and dynamic burden of proof, when applicable, timely enforcement and compliance mechanisms, reparation mechanisms (e.g. restitution to the state prior to the damage, restoration, compensation or payment of an economic sanction, satisfaction, guarantees of non-repetition, attention to the affected persons and financial instruments to support reparation).

Another fundamental aspect of the Agreement in relation to access to justice in environmental matters is related to measures to reduce or eliminate barriers to the exercise of the right, means of dissemination of the right of access to justice and procedures, mechanisms for systematization and dissemination of the corresponding judicial and administrative decisions, the use of interpretation or translation of languages other than the official languages when necessary for the exercise of the right. Likewise, in relation to vulnerable groups, it establishes that each Party shall attend to the needs of persons or groups in vulnerable situations through the establishment of support mechanisms, including free technical and legal assistance, as appropriate.

For its part, the IACHR recognizes that the phenomenon of human mobility in our region is complex due to the fact that this type of phenomenon always involves more than one State and because it is impacted by political, economic, social and environmental contexts. In the Commission's view, the foregoing entails significant challenges for the States of origin, transit, destination and return, which face challenges in terms of protecting and guaranteeing the human rights of persons under their jurisdiction, as well as the overloading of national systems in the face of the continuous increase in requests for various forms of international protection.

The Commission emphasizes that the international responsibility to protect and guarantee the rights of persons in the context of human mobility, within the framework of international obligations, can be determined according to the particular situation of each person under its jurisdiction. Therefore, it highlights the importance of: i) addressing and overcoming the causes that generate the forced displacement of persons; ii) guaranteeing the conditions for international mobility to be orderly, safe and regular; iii) ensuring access to migration, asylum or protection procedures; iv) carrying out returns in accordance with international standards in this area<sup>90</sup>.

The Commission recalls that human rights standards must be at the heart of any conceptual protection scheme, and the inclusion of human rights and protection standards helps to determine the speed with which a sustainable solution to the refugee problem, or the problem of involuntary displacement, can be found. However, it cautions that human rights standards must be translated into laws, policies and other practical and concrete

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<sup>90</sup> Inter-American Commission on Human Rights (IACHR)- OAS. Human mobility and protection obligations: Towards a sub-regional perspective. OEA/Ser.L/V/II. Doc. 194. 2023

measures that ensure the full realization of the human rights of people in the context of human mobility. Such measures must also have monitoring and follow-up mechanisms to assess whether they are achieving the results for which they were created.

They should also be flexible enough to adapt to other situations, when required.

Based on its observations and in light of the norms governing the Inter-American Human Rights System, in particular Article 41.b of the American Convention on Human Rights, the IACHR makes the following recommendations to the Member States of the Organization of American States:

1. Promote articulation among all the States of the region to adopt a regional cooperation scheme with an integral scope that allows progress towards a migration governance where the demographic, social and economic realities of each country are taken into account.

2. Strengthen coordination and promote the exchange of information, good practices and lessons learned among States with respect to actions implemented to guarantee the rights of persons in situations of human mobility,<sup>461</sup> particularly in large-scale movements. In addition, the Commission emphasizes the importance of working together with international organizations specialized in human rights and/or finance, as well as with civil society organizations, respecting the role of each of the actors within the framework of international human rights law.

3. Incorporate a gender perspective and a differentiated approach to protection, based on an intersectional perspective, in all migration measures, laws and policies implemented by the States in the sub-region.

4. Eliminate from legislation, public policies and state practices the criminalization of migrants who move in an irregular manner. In particular, States should refrain from adopting and implementing measures such as border closures, criminalization for irregular entry or presence, immigration detention, arbitrary deportations, disseminating or tolerating the dissemination of hate speech, as well as avoiding the criminalization of persons who provide aid and humanitarian assistance to people in the context of human mobility.

5. Generate statistical data to know the dimension of international migration, particularly of people who move outside the regular channels of entry to a State.

6. Eradicate the structural causes that generate the forced displacement of persons. To this end, States should work to apply the principles of shared responsibility and international cooperation to improve conditions in the countries of origin and ensure the exercise of human rights, so that these people are not forced to leave their countries in search of better life opportunities or protection.

7. Expand regular, safe, accessible and affordable channels of migration through the progressive expansion of visa liberalization, as well as easily accessible visa facilitation regimes and/or measures, such as complementary protection, temporary protection, humanitarian visas, visitor visas, family reunification, work visas, residency, and student and retiree visas, as well as private sponsorship programs.

8. Avoid automatic detention of persons in the context of human mobility. In parallel, where appropriate, States should provide alternatives to immigration detention that are compatible with the dignity of these persons. However, in cases where the detention of a

person in the context of human mobility is determined, States should ensure that the decision on immigration detention is made only as a measure of last resort and in accordance with the principles of exceptionality, necessity, reasonableness and proportionality. In addition, States should guarantee the availability of independent and autonomous monitoring mechanisms for immigration detention centers, regardless of what they are called internally.

9. Guarantee access to migration, asylum or international protection procedures (regular channels for the international mobility of persons), based on a complementary approach that identifies the needs of each of the persons arriving at the borders of the States and refers them to the corresponding national mechanisms. This, regardless of the migratory situation of the person requesting it.

10. Guarantee real access to justice and effective protection, in an efficient, impartial and expeditious manner, subject to the principles of immediacy, celerity and due diligence, through the mechanisms provided by national legislation, under conditions of equality with nationals. In this regard, States shall promote the ability of persons in human mobility who are victims of crime, especially those in an irregular situation, to access justice free from fear. In particular, access to justice for persons in human mobility requires that it be guaranteed across borders in conditions that are fair, effective and accessible to victims and their families.

Respect the principle of non-refoulement of any person where the State exercises jurisdiction. Therefore, the Commission reiterates that no person shall be expelled, returned, extradited or, informally transferred or surrendered, in any manner whatsoever, to the borders of another country, whether or not it is their nationality, where their life or liberty would be in danger or where they would be subjected to torture, cruel, inhuman or degrading treatment or punishment. Respect for the principle of non-refoulement includes the prohibition of rejection at the border and indirect refoulement.

12. Implement mechanisms to identify those persons who are in a situation of greater vulnerability or with specific protection needs. In particular, women, children and adolescents, LGTBI persons, indigenous peoples, Afro-descendants and persons with disabilities, in order to guarantee the enjoyment and exercise of their human rights in equal conditions and without discrimination.

13. Guarantee the protection of children and adolescents in all migration procedures that may have an impact on the protection or exercise of their rights. Such protection should have as its main focus the evaluation and determination of the principle of the best interest of the child.

14. Develop and implement national and regional mechanisms to search for missing, unlocated, kidnapped, trafficked or otherwise deprived of their liberty persons that allow aggrieved persons and their families, regardless of their migratory status and where they are, to have effective access to justice, including access to cross-border justice under fair, effective and accessible conditions.

15. Ensure that returns are ordered under administrative or judicial procedures that ensure due process guarantees, in a safe manner, in an environment that respects the human rights of this group of persons. In the case of returns of persons with international

protection needs, these should be carried out on the basis of genuine, fully informed and valid consent, in a dignified and safe manner, ensuring respect for the human rights of the persons involved and the adoption of appropriate measures for the assessment of their needs and their reintegration in the country of origin.

16. Adopt measures aimed at promoting the social integration of people in contexts of human mobility. Particularly, through the guarantee of the rights to non-discrimination and economic, social and cultural rights, including access to the right to work, education and health.

In the framework of the XVIII South American Conference on Migration (CSM), in 2018, Argentina and the rest of the States Parties approved the “Regional Guidelines on Protection and Assistance to Persons Displaced across Borders and Migrants in Countries Affected by Natural Disasters”, with the purpose of improving institutional capacity in the humanitarian response to the challenges of displacement by disasters, and aspiring to generate a comprehensive framework with minimum standards of protection.

The Inter-American Commission on Human Rights (IACHR) approved Resolutions N° 04/19 and N° 03/21, in which it urges States to guarantee human rights to persons who move for reasons directly or indirectly associated with climate change, such as the safeguard of non-refoulement while their condition is being determined.

For its part, the IACHR Court issued OC 18/03 on the legal status and rights of undocumented migrants, which is also applicable in cases of environmental migration<sup>91</sup>. Also applicable is OC 23/17 of the IACHR Court on the environmental obligations of the States that make up the Inter-American System of Human Rights, which recognized the right to a healthy environment as a fundamental individual and collective human right that includes present and future generations and detailed the obligations of States when they have caused or may cause significant environmental harm, including transboundary harm. In this opinion the Court explicitly mentioned climate change and made reference to extraterritorial obligations, emphasizing that the human rights obligations of States extend to all persons, including those outside the boundaries of each State. The IACHR also held that State obligations include the obligation to adopt measures to prevent significant environmental harm, both within and outside their territories, where “significant” is defined as any harm that may lead to a violation of the right to life and personal integrity. As preventive measures, States must regulate, supervise and monitor activities that may cause environmental damage, carry out environmental impact studies when there is a risk of damage, create contingency plans and mitigate damage if it has occurred despite the State's preventive actions.

States are also obliged to act in accordance with the precautionary principle to protect the rights to life and personal integrity in the event of possible irreversible and serious damage to the environment, even when it cannot be affirmed with scientific certainty that such damage will occur. It establishes that States have procedural obligations, such as guaranteeing access to information related to potential environmental harm, ensuring the

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<sup>91</sup> Corte IDH. OC-18/03 del 17 de septiembre de 2003. <https://www.acnur.org/fileadmin/Documentos/BDL/2003/2351.pdf>

right to public participation in environmental impact decision-making processes, and ensuring the right to access to justice to enforce State obligations related to the environment.

While these obligations were interpreted as applying to the right to life and personal integrity, the IACHR affirmed that they could apply to the broad range of rights particularly vulnerable in situations of environmental harm.

The Court also issued OC-21/14 -at the request of Argentina- on Rights and guarantees of children in the context of migration and/or in need of international protection, which obviously applies to this group in contexts of environmental displacement<sup>92</sup>.

The Court has held hearings on migrants on different occasions, for example, in 2020, when a hearing was held to review the protection measures in favor of migrants detained in Darien, Panama, in the context of a border crossing that generates serious environmental damage.

In an unprecedented process of previous citizen participation, through amicus briefs and public hearings, the IACHR Court moved forward with OC 32/24 on climate emergency that allows understanding the local impacts of this global threat, takes testimonies and direct evidence on the damage that has been caused in Latin America and offers legal arguments to demand a more effective and timely state action.

In the same vein, we await the Court's advisory opinion 31 on "The content and scope of the right to care, and its interrelation with other rights" requested by Argentina, after it rejected the current government's request to withdraw it. We believe that this opinion will include definitions on environmental care -as we have requested in the amicus briefs- and especially will account for the gap between women and men in terms of care, which is necessary to be visualized when legislating, resolving or implementing public policies in relation to forced environmental displaced persons with a gender perspective.

### VI.3. Argentinean environmental legislation and governance mechanisms

The Argentine State has a regulatory framework for environmental protection and climate change mitigation.

The 1994 constitutional reform incorporated the defense of the environment in the chapter "New rights and guarantees" as a fundamental right of the entire population to "enjoy a healthy, balanced environment, suitable for human development and for productive activities to satisfy present needs without compromising those of future generations" (articles 41 CN). For the highest Argentine judicial body, such recognition constitutes a "precise and positive decision of the constituent (...) to enumerate and hierarchize with supreme rank a pre-existing right"<sup>93</sup>.

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<sup>92</sup> Corte IDH. OC-21/14 del 19 de agosto de 2014. <https://www.acnur.org/media/opinion-consultiva-oc-21-14-derechos-y-garantias-de-ninas-y-ninos-en-el-contexto-de-la>

<sup>93</sup> CSJN, "Mendoza, Beatriz Silvia y otros c/ Estado Nacional y otros s/ daños y perjuicios (daños derivados de la contaminación ambiental del Río Matanza - Riachuelo)", Judgment of June 20, 2006, Whereas

There are numerous environmental protection laws whose principles must be applied in the analysis of situations of forced displacement, especially for their prevention, cessation and reparation, but none of them is specific. Among them, the General Environmental Law (Law 25.675), the Environmental Water Management Regime (Law 25.688), the Hazardous Waste Law (Law 24051), the Minimum Requirements Law for household waste (Law 25916), the Regime of Free Access to Environmental Public Information (Law 25.831), the Law of Minimum Budgets for the Environmental Protection of Native Forests (Law 26.331) and the Regime of Minimum Budgets for the Preservation of Glaciers and the Periglacial Environment (Law 26.639).

### VI.3.1 General Environmental Law. Law 25,675

The General Environmental Law<sup>94</sup> establishes the minimum requirements for a sustainable and adequate management of the environment, the preservation and protection of the biological diversity and the implementation of sustainable development and details the objectives to be met by the environmental policy. At the same time, it determines that, for its interpretation and application, the principles of congruence, prevention, precaution, progressiveness, responsibility, subsidiarity, sustainability, solidarity, cooperation and intergenerational equity must be taken into account<sup>95</sup>.

Law 25.675 establishes that the national environmental policy shall comply with the following objectives: "... h) To promote changes in social values and behaviors that make sustainable development possible, through environmental education, both in the formal and non-formal system; i) To organize and integrate environmental information and ensure free access to it by the population; j) To establish a federal system of interjurisdictional coordination for the implementation of environmental policies on a national and regional scale; k) To establish adequate procedures and mechanisms for the minimization of environmental risks, for the prevention and mitigation of environmental emergencies and for the recomposition of damages caused by environmental pollution".

Thus, with respect to environmental information, the above mentioned law provides that individuals and legal entities, public or private, must provide information related to environmental quality and to the activities they carry out, and that any inhabitant may obtain from the authorities the environmental information they administer and which is not legally considered as reserved. Likewise, the enforcement authority must develop a national integrated information system that manages significant and relevant environmental data and evaluates the available environmental information; likewise, it must project and maintain a system of data collection on basic environmental parameters,

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<sup>94</sup> Legislación disponible para su consulta en: <https://www.argentina.gob.ar/normativa/nacional/ley-25675-79980/texto>

<sup>95</sup> Cf. arts. 2, 4 y 10, Ley N° 25.675

establishing the necessary mechanisms for its effective implementation through the Federal Council of the Environment<sup>96</sup>.

The Executive Power, through the competent agencies, must prepare an annual report on the environmental situation of the country to be submitted to the Congress of the Nation. Said report must contain an analysis and evaluation on the state of environmental sustainability in the ecological, economic, social and cultural aspects of the whole national territory.

Likewise, with respect to citizen participation, it provides that everyone has the right to be consulted and to give their opinion in administrative procedures related to the preservation and protection of the environment, whether of general or particular incidence, and of general scope. In this sense, the authorities must institutionalize procedures for public consultations or hearings as mandatory instances for the authorization of those activities that may generate significant negative effects on the environment.

The opinion or objection of the participants will not be binding for the convening authorities; but in the event that they present an opinion contrary to the results of the public hearing or consultation, they must justify it and make it public. Citizen participation must be ensured mainly in the environmental impact assessment procedures and in the plans and programs for the environmental management of the territory, particularly in the stages of planning and evaluation of results.

Within this framework, the Federal Environmental System was established with the purpose of developing the coordination of environmental policy, tending to the achievement of sustainable development, among the different jurisdictions, the national government, the provincial governments and the government of the City of Buenos Aires. It is implemented through the Federal Environmental Council (COFEMA). In the case of forced displacements from one province to another, this agency should contribute to coordinate responses.

#### VI.3.2. Law 27,520<sup>97</sup> on Minimum Budgets for Adaptation and Mitigation to Global Climate Change.

This legislation created a structure that guarantees the transversality of the subject in the State policies in the long term. This legal framework was a fundamental step forward to elaborate and articulate climate change policies in the country, and to guarantee their implementation in a consensual and transparent manner throughout the territory. The National Climate Change Cabinet was created under the authority of the Cabinet of Ministers and is technically coordinated by the Secretariat of Climate Change, Sustainable Development and Innovation of the former Ministry of Environment and Sustainable Development. The main function of the Cabinet is to articulate with various government

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<sup>96</sup> The following link provides information on the structure and functions of the Federal Environmental Council: <https://www.argentina.gob.ar/cofema>.

<sup>97</sup> Boletín Oficial de la República Argentina, 20 de diciembre de 2019.

areas of the National Public Administration for the implementation of the National Plan for Adaptation and Mitigation of Climate Change<sup>98</sup>, and all those public policies related to the application of rules established in the law.

The National Climate Change Adaptation and Mitigation Plan 2030 synthesizes the country's policies to limit greenhouse gas emissions and generate coordinated responses that adapt vulnerable territories, ecosystems, sectors and communities to the impacts of climate change. Its content is in line with the climate commitments assumed by Argentina at national and international level, and is the result of the joint work of the National Climate Change Cabinet (NCCC). All national ministries, NCCC focal point tables, the 24 jurisdictions, through the NCCC Provincial Articulation Table, participated in its preparation, with contributions focused mainly on the adaptation component and regional development priorities. Representatives of the scientific community, environmental organizations, universities and academic institutions, business entities, political parties, trade unions and indigenous peoples, through the Extended Roundtable and the NCCC External Advisory Council.

Through the plan, the country details the means and actions to be taken to achieve the adaptation and mitigation goals set out in its Second NDC (Nationally Determined Contribution) and its update<sup>99</sup>.

The Environmental Governance Program has emerged as a federal proposal, rooted in the territory, to accompany the analysis of environmental problems and needs in the different municipalities of the country. Its main focus is to provide technical assistance to the municipalities in the review and survey of existing regulations, promoting their updating and improvement according to the local situation and specific management goals.

#### VI.4. Argentine regulations on migration and refugee issues

The national Constitution protects migrants by granting them the same rights as persons born in Argentine territory<sup>100</sup>. In turn, the Argentine State has adhered to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990) Law 26,202.

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<sup>98</sup> Documento disponible en: [https://www.argentina.gob.ar/sites/default/files/pnaymcc\\_2022\\_-\\_vf\\_resol.pdf](https://www.argentina.gob.ar/sites/default/files/pnaymcc_2022_-_vf_resol.pdf).

<sup>99</sup> In this sense, the goal of adaptation is to build capacities, strengthen resilience and reduce vulnerability to climate change in the different local governments and sectors, through measures that prioritize communities and social groups in vulnerable situations, and that incorporate a gender approach and intergenerational equity.

<sup>100</sup> Constitution of the Argentine Nation, art. 20: "Foreigners enjoy in the territory of the Nation all the civil rights of citizens; they may exercise their industry, commerce and profession; own real estate, buy and dispose of it; navigate the rivers and coasts; freely exercise their worship; testament and marry according to the laws. They are not obliged to admit citizenship, nor to pay extraordinary forced contributions. They obtain nationalization by residing two continuous years in the Nation; but the authority can shorten this term in favor of the one who requests it, alleging and proving services to the Republic".



In 2004, Argentina enacted Law 25.871, on Argentine migration policy, which inaugurated a new paradigm in the legislation on the subject, since it understands migration as a human right and establishes equal rights between nationals and non-nationals on the basis of equal treatment and non-discrimination<sup>101</sup>. The law is an example at the regional level for its focus on human rights, which includes standards that include, but are not limited to, access to public services such as health, justice and education. In addition, through the incorporation of the nationality criterion, the law facilitates access to public services such as health, justice and education. In addition, through the incorporation of the nationality criterion, the law facilitates access to immigration regularization for persons from Mercosur member and associated countries. In this way, the law is adapted to the migratory reality of the country. It is also noteworthy that this regulation focuses on the responsibility of the State to guarantee processes that allow the exercise of the right to migratory regularization.

Within the framework of domestic legislation, Law 25.871 regulates the admission, entry, stay and exit of persons to the country. In this regard, Regulatory Decree No. 616/10 provides that special consideration shall be given to persons who, not being refugees or asylum seekers under the terms of the applicable legislation on the matter, are unable to return to their countries of origin due to the consequences generated by natural or environmental disasters caused by man.

Therefore, Article 34 of Law 25.871 empowers the National Direction of Migration to authorize the entry into the country of foreigners who do not meet the regulatory requirements established for their entry “when there are exceptional reasons of a humanitarian nature, public interest or compliance with commitments acquired by Argentina” and in this sense, Article 17 of Law 25.871 provides that the National State must provide for the adoption of measures to regularize the immigration status of foreigners, and its regulation empowers the National Direction of Migration to authorize the entry of foreigners who do not meet the regulatory requirements established for their entry “when there are exceptional reasons of a humanitarian nature, public interest or compliance with commitments acquired by Argentina” and in this sense, Article 17 of Law 25.871 provides that the National State must provide for the adoption of measures aimed at regularizing the immigration status of foreigners and its regulation empowers such Agency to issue provisions to simplify and expedite the administrative procedures for such purpose, as well as to establish criteria for the exemption from the payment of immigration fees, in cases of poverty or when humanitarian reasons so justify.

Thus, the National Directorate of Migration considered it necessary to create a specific humanitarian visa program to facilitate the planned migration of persons in need of complementary international protection, within the framework of the non-binding commitments assumed by the Argentine Republic. In this sense, the Special Humanitarian

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<sup>101</sup> Article 4 of Law 25.871 states “The right to migration is essential and inalienable for the individual and the Argentine Republic guarantees it on the basis of the principles of equality and universality”.

Visa Program for nationals and residents of the United Mexican States, Central America and the Caribbean displaced by socio-natural disasters was approved<sup>102</sup>.

In 2006, Argentina passed Law 26165 on the Recognition and Protection of Refugees, after 45 years of the Convention Relating to the Status of Refugees since 1951. Neither the Convention nor the Protocol were initially signed by Argentina. The Convention was only approved in 1961 by law 15869 and ratified on November 15, 1961, entering into force ninety days later (conf. article 43). The Protocol was approved by law 17468 and ratified on December 6, 1967, entering into force on the same day (conf. Article VIII). Both instruments contain the classic definition of refugee and provisions referring to the legal status of the refugee, i.e. his/her rights and obligations in the host country. Recently, through Decree 942/2024<sup>103</sup>, the Executive incorporated a series of modifications to Law 26.165, restricting the recognition of refugee status.

In 2022 Argentina joined the Platform on Disaster Displacement (PDD), a group of States leading the implementation of an international protection agenda for environmentally displaced persons.

#### VI.5 - Legislation on indigenous peoples in Argentina

When environmental conflicts or natural disasters as a consequence of them affect native peoples or when they are displaced, specific regulations must be applied. The Argentine State, through the constitutional reform carried out in 1994, enshrined the rights of indigenous peoples in Article 75, paragraph 17, and recognized as a general principle the ethnic and cultural pre-existence of indigenous peoples, while establishing specific rights, among others, to participate in the management of their natural resources and other interests affecting them.

In the international sphere, there are three specific instruments on the subject: Convention No. 169 of the International Labor Organization (ILO)<sup>104</sup>, approved by Law No. 24,071; the United Nations Declaration on the Rights of Indigenous Peoples, approved in 2007; and the American Declaration on the Rights of Indigenous Peoples, approved in 2016. The interpretation guidelines provided by human rights supervisory bodies have promoted the paradigm of the protection of cultural diversity, which is based on the

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<sup>102</sup> Disposición 891/2022 DNM.

<sup>103</sup> <https://www.argentina.gob.ar/normativa/nacional/decreto-942-2024-405520>

<sup>104</sup> The previous mention of the Convention provides in Article 4 that "Special measures shall be taken as may be necessary to safeguard the persons, institutions, property, labor, cultures and environment of the peoples concerned and 2. Such special measures shall not be contrary to the freely expressed wishes of the peoples concerned, and in Article 7. that "Governments shall ensure that, wherever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact which planned development activities may have on these peoples. The results of these studies shall be considered as fundamental criteria for the implementation of the above-mentioned activities. Governments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories which they inhabit.

premise that each culture has a value in itself and that there is no culture superior to another. According to this principle, the worldview of indigenous peoples and their normative systems must be respected (their right to their rights), and the development of mechanisms for interaction between different cultures (interculturality) is fundamental.

Also applicable are Law 23,302 on Indigenous Policy and Support to Communities, through which legal status was granted to the indigenous communities located in the country; and Law 26,160 (and its successive extensions), which declared the emergency regarding the possession and ownership of lands traditionally occupied by indigenous communities. Currently the government repealed it by decree, which is manifestly unconstitutional<sup>105</sup>. In the decree the government recognizes that there are more than 250 territorial conflicts, but chooses to leave the native peoples unprotected in order to favor “the legitimate owners”. These are often companies or individuals seeking to advance on community territories in order to develop different businesses: mining, hydrocarbons, real estate, tourism.

Some of these sectors are currently benefiting from the RIGI, so the incentives to evict communities are even greater. In mid-November 2024, Argentina was the only country to vote in the United Nations General Assembly against a project for the recognition of the human rights of indigenous peoples. In that context, the government took the decision to repeal the law that supported the main public policy of territorial recognition of the country's communities.

In 2020, the Inter-American Court of Human Rights condemned Argentina and ordered the State to take reparation measures to comply with the rights of indigenous peoples, including their right to land. This obligation is still in force.

International human rights law, which is fully applicable in the Argentine Republic, has widely recognized the rights of indigenous peoples over their territories. Thus, ILO Convention No. 169 expressly establishes the State's duty to “safeguard the right of indigenous peoples to use lands not exclusively occupied by them, but to which they have traditionally had access for their traditional and subsistence activities”, paying particular attention to the cases of nomadic peoples and shifting cultivators (art. 14.1). Similarly, the United Nations Declaration provides that “indigenous peoples have the right to own, use, develop and control the lands, territories and resources which they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired” (art. 26.2). At the same time, the American Declaration determines that they have the right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired (Art. XXV).

These clauses enshrine the close link that indigenous peoples have with the lands, as well as with the natural assets of ancestral territories, a relationship of fundamental

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<sup>105</sup> Decree 1083/2024 of the National Executive Branch repealed Decree 805/2021, which extended National Law 26,160 on indigenous territorial emergency until November 2025. Decree 1083/2024 also declares the end of the emergency in land possession and ownership, and claims to seek to pacify territorial conflicts.

importance for the enjoyment of other human rights of indigenous and tribal peoples, which is related to the very existence of the peoples themselves<sup>106</sup>.

The regional court has also reiterated that the right of indigenous peoples to effectively administer, distribute and control their ancestral territory - in accordance with their customary law and communal property systems - is part of the right to property protected under Article 21 of the American Convention<sup>107</sup>. Indigenous and tribal peoples also have the right to protection from conflicts with third parties over land. According to the IACHR, there is a "State duty to prioritize (...) the rights of indigenous peoples in cases of conflict with property rights of third parties, to the extent that the former are linked to the cultural and material survival of these peoples", while clarifying that "this does not imply disregard for the right to just compensation that may correspond to third parties in good faith, as a consequence of the limitation to their legitimate right to property in favor of the right to communal property under Article 21 of the American Convention"<sup>108</sup>.

The right to consultation and participation of indigenous peoples is fundamental. Indeed, the State has the obligation to guarantee that indigenous peoples are consulted on issues that may affect them, taking into account that this consultation must be aimed at obtaining their free and informed consent. At the same time, they have the right to full and effective participation, through representatives chosen by them in accordance with their own institutions, in the adoption of decisions in matters that affect their rights and that are related to the elaboration and execution of laws, public policies, programs, plans and actions related to indigenous affairs (cf. arts. 6.1, 6.2, 15.2, 22.3, 27.3 and 28 of ILO Convention No. 169; arts. 10, 11, 15, 17, 19, 28, 29, 30, 32, 36 and 38 of the United Nations Declaration; and art. XXIII of the American Declaration).

The UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people has formulated the general obligation to consult indigenous peoples and ensure their participation in the following terms: "[i]n accordance with the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, States have a duty to consult with the peoples concerned, through special and differentiated procedures on matters affecting them, with the aim of obtaining their free, prior and informed consent. Based on an understanding of the relative marginalization and unfavorable conditions of indigenous peoples in relation to normal democratic processes, this duty flows from the primary right of indigenous peoples to self-determination and the principles of popular sovereignty and government by consent and is a corollary of related human rights principles. The duty to consult applies whenever a legislative or

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<sup>106</sup> cf. CIDH, "Derechos de los pueblos indígenas y tribales sobre sus tierras ancestrales y recursos naturales. Normas y jurisprudencia del Sistema Interamericano de Derechos Humanos", cit., párrs. 55-57; y Corte IDH, "Pueblo Indígena Kichwa de Sarayaku vs. Ecuador", cit., párr. 145, entre otros

<sup>107</sup> Corte IDH, "Pueblo Saramaka vs. Surinam", sentencia de 12 de agosto de 2008, Serie C N° 185, párr. 48

<sup>108</sup> CIDH, "Indigenous and tribal peoples' rights over their ancestral lands and natural resources. Norms and jurisprudence of the Inter-American Human Rights System". see also "Yakye Axa Indigenous Community v. Paraguay", cit., párrs. 146 a 149)

administrative decision may affect indigenous peoples in ways not perceived by the general population of the State, and in such cases the duty applies in relation to those indigenous peoples who are particularly affected and in respect of those particular interests.

The duty to consult applies not only when the proposed measure relates to substantive rights already recognized in domestic law, such as land rights<sup>109</sup>. The right to consultation is linked to multiple human rights. Thus, according to the UN Special Rapporteur, the State's duty to guarantee the right to consultation "...is a corollary of a large number of universally accepted human rights, including the right to cultural integrity, the right to equality and the right to property (...). More fundamentally, this duty derives from the primordial right of indigenous peoples to self-determination and the related principles of democracy and popular sovereignty. (...) Consistent with these principles, the duty of States to consult with indigenous peoples in decision-making processes that affect them is intended to end the historical pattern of exclusion from the decision-making process so that in the future important decisions are not imposed on indigenous peoples and so that they can flourish as distinct communities on the lands in which, culturally, they are rooted"<sup>110</sup>.

The IACHR and the Inter-American Court have recognized the relationship between the right to consultation and participation of indigenous peoples and multiple human rights<sup>111</sup>. Likewise, in different pronouncements, the IACHR Court has established precise standards that must be respected by States in the consultation and participation procedures of indigenous peoples<sup>112</sup>.

## VII. Some final reflections

It has been the intention of this article to give a global and regional overview of forced displacements for environmental reasons and especially to give an account of the seriousness of the situation in Argentina and the different legal provisions available to the Argentine State in order to comply with citizen participation in environmental care, climate change mitigation and protection in case of forced displacements due to environmental causes.

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<sup>109</sup> (ONU, Consejo de Derechos Humanos, Informe del Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, James Anaya, 15 de julio de 2009, Doc. ONU A/ HRC/12/34, párrs. 62 y 63).

<sup>110</sup> (ONU, Consejo de Derechos Humanos, Informe del Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, James Anaya, cit., párr. 41).

<sup>111</sup> (cf. CIDH, "Derechos de los pueblos indígenas y tribales sobre sus tierras ancestrales y recursos naturales. Normas y jurisprudencia del Sistema Interamericano de Derechos Humanos", cit., párrs. 274-276; Corte IDH, "Yatama vs. Nicaragua", sentencia del 23 de junio de 2005, Serie C N° 127, párr. 225)

<sup>112</sup> Cf. especialmente, Corte IDH, "Saramaka vs. Surinam", cit., párrs. 133-136); y ha sostenido que el derecho a la consulta de los pueblos indígenas está cimentado, entre otros, en el respeto a sus derechos a la cultura propia o identidad cultural (cf. Corte IDH, "Pueblo Indígena Kichwa de Sarayaku vs. Ecuador", cit., párrs. 159 y ss.).

The global population is exposed to threats associated with the extractivist model, which result in environmental disasters and consequences of the climate crisis that can lead to forced migration and displacement in unsafe conditions, inside or outside a country. These threats will become increasingly frequent and intense, making it imperative to generate information on the characterization of human mobility for climatic and environmental reasons, strengthen capacities to understand and manage these threats, and obtain greater funding to reduce the vulnerabilities of the exposed population. There is an urgent need to understand the needs of the environmentally and climatically mobile population and incorporate them into national and local planning; to raise awareness among host communities of the right to migrate; and, more broadly, to exercise the right to live in security, peace and dignity.

We have concrete political issues: the central countries have been taking very specific actions for decades. On the one hand, they remove polluting enterprises from their territories to relocate them in peripheral countries, and then reject migrants fleeing from the pollution caused precisely by their companies.

Those forcibly displaced by environmental problems are also victims of the demographic policies of our States that seek to expel communities from their territories, freeing companies from resistance and conflict. These are territories chosen for sacrifice and discrepancies are not accepted.

The imposition of restrictive migration policies exposes people to various forms of human rights violations in the context of human mobility in transit and destination countries.

The identification of the protection needs of a person in mobility makes it possible to guarantee access to the procedures they require and the prompt satisfaction of their humanitarian needs. Failure to identify these needs not only impedes access to protection mechanisms but also places these people at risk of human rights violations.

We believe it is necessary to move forward with a specific global legal framework on forced displacement due to environmental causes, taking into account existing international human rights frameworks.

Undoubtedly, all international human rights treaties in force should be applied as a general framework, especially the ILO Convention and Conventions on migration - which should be understood as human rights treaties and therefore be taken as guidelines to resolve conflicts in case of internal migration, unless there is a more favorable domestic legislation, since no lesser right could be granted to nationals in a situation of mobility than to foreigners. We also consider that asylum or the recognition of refugee status should be granted for humanitarian reasons according to the rules in force in extreme cases where the disaster involves a disturbance of public order in the country of origin.

We encourage that the guidelines and criteria of the IACHR and the IACHR Court on migration in general, and in cases of environmental conflicts in particular, be reflected at the international level in a specific binding normative framework, with an intersectional approach.

It is essential to continue working to achieve long-term commitments that are legally binding for the States, and that are aimed at building an interstate system that allows for the collection of accurate data on how many and which people migrate due to

environmental factors. To this end, the States of origin and host States should process data taking into account gender, ethnic and racial identities, in order to take into account the impact of climate change on vulnerable populations.

As far as Argentina is concerned, undoubtedly the absence of public policies and specific prevention, protection and remediation measures increases social vulnerability, reaching serious situations in the cases of already vulnerable affected groups. We consider that this is an essential aspect to work on. It is an issue that must be increasingly included in public policies, legislation and regional multilateral agreements.

The discussion on intervention frameworks in Latin America and the Caribbean recognizes the importance of local approaches and the role of cities in guaranteeing adequate and coherent solutions to address the issue, with emphasis on the provision of services for affected populations.

Parliaments and the legislative branch in Latin America and the Caribbean have a dynamic role to play in advancing the discussion on human mobility and climate change, with a need to translate normative advances into concrete measures and actions at the local level with the necessary support in terms of resources.

Affected populations must be integrated into the design of solutions based on participatory approaches to the identification of climate risks and hazards at the local level, including the views of grassroots organizations, indigenous communities, and other relevant stakeholders.

The perspective of climate, ecological and environmental justice is fundamental to understanding the differential impacts of climate change and other phenomena derived from extractivism on human mobility in Latin America and the Caribbean. It is also reflected in the region's support for new financial support mechanisms, such as the loss and damage fund, whose latest text reflects a priority on addressing migration, displacement and planned relocation.

Displaced persons and vulnerable communities must be integrated into actions now, but also considering future needs. In this regard, loss and damage assessments must take into account human mobility through the construction of indicators, integrating economic and non-economic damages and losses associated with human mobility.

We must push for better urban planning, especially in coastal regions and in terms of planned relocation to support both adaptation and loss and damage actions to prevent displacement. Updated methodologies are required to better assess the feasibility and cost of planned relocations.

As the conclusions of the First Regional Conference on Human Mobility and Climate Change in Latin America and the Caribbean point out, certain principles must be respected when addressing loss and damage in Latin America and the Caribbean, including the regional emphasis on climate justice, common but differentiated responsibilities and historical responsibilities. Climate change is not separate from development, but is an integrated issue in Latin America and the Caribbean. Human rights-based approaches are fundamental to addressing human mobility. The principle of solidarity appears as an important element in a very diverse region and negotiating bodies play a role in building

joint positions<sup>113</sup>. Latin America and the Caribbean has specific tools to be leveraged in promoting rights-based approaches to climate mobility, including the Escazu Agreement and the ongoing process of the Advisory Opinion requested to the Inter-American Court of Human Rights on the Climate Emergency and Human Rights.

Experiences in climate mobility governance in Latin America and the Caribbean appear to be successful when they integrate the perspectives of multiple areas of government, consider and account for the perspectives of different groups, and facilitate and ensure the participation of affected communities.

Local experiences in addressing the impacts of climate change and mobility of indigenous peoples deserve greater attention as indigenous populations, and indigenous youth in particular, are part of the solution to the challenges of climate change and mobility. They deploy efforts in territories to protect land, promote adaptation and build intergenerational approaches within indigenous groups. Similarly, governments and regional organizations should incorporate gender equality as part of their climate migration and disaster displacement efforts, promoting a forward-looking agenda that addresses the specific vulnerabilities and capacities of affected populations in terms of gender.

In our country, forced displacements due to environmental problems are the result of changes and alterations in ecosystems such as urbanization, dams, agro-livestock processes, open-pit mining, fracking, fires and logging, desertification, contamination of water sources, rising sea levels, among other processes that result from prioritizing economic growth over all reasonableness, all demonstration and all constructed knowledge.

Mining extractivism is multiplying throughout the Argentine mountain range; the loss of forests and woodlands seems to have no end; the Argentine sea is internationally plundered by clandestine fishing and the diversion of millions of tons of organic waste.

For this reason, we especially propose to legislate at the federal level minimum budgets and interprovincial responsibilities regarding forced internal displacement due to environmental causes, particularly considering the situation of extremely vulnerable groups such as native peoples and people living in poverty or on the streets, with an intersectional perspective that includes women, children, people with disabilities, the elderly and migrants. Each province should also legislate in relation to intra-provincial forced displacements due to environmental causes. There are recommendations and international jurisprudence on the subject that can be used similarly to prevent the causes of these forced displacements, inform the population about their potential risk and/or consequences, guarantee their community participation in the search for solutions and alternatives and eventually guarantee adequate reparation and non-repetition.

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<sup>113</sup> First Regional Conference on Human Mobility and Climate Change in Latin America and the Caribbean. Bogota, November 7 and 8, 2023. [https://environmentalmigration.iom.int/sites/g/files/tmzbdl1411/files/documents/2024-07/oim\\_mecc\\_primera-conferencia-regional-sobre-movilidad-humana-y-cambio-climatico-en-america-latina-y-el-caribe\\_spa.pdf](https://environmentalmigration.iom.int/sites/g/files/tmzbdl1411/files/documents/2024-07/oim_mecc_primera-conferencia-regional-sobre-movilidad-humana-y-cambio-climatico-en-america-latina-y-el-caribe_spa.pdf).



We must also demand the enactment of federal minimum environmental standards for mining, hydrocarbon and agro-industrial exploitation that recover criteria of harmony with Nature and respect for human rights, and that the current laws on minimum budgets for forests and glaciers be complied with.

In the meantime, we encourage the powers of the States in our region to proactively adopt the recommendations and guidelines of the Inter-American Commission on Human Rights on migration and refuge in intersection with the advisory opinions of the Inter-American Court of Human Rights on environmental and migration issues.

The production of data, the interoperability of databases, joint analyses, and the exchange of information on environmental migration should be strengthened. The approach should be integrated into national and subnational frameworks linked to climate change and other relevant planning.

Implement early warning systems and disaster risk management plans to reduce the vulnerability of communities to extreme weather events. We encourage the promotion of international and regional cooperation to develop joint strategies, share best practices and coordinate actions to prevent and mitigate the factors that lead to environmental migration.

Programs should be implemented to strengthen the adaptation and resilience of communities: land use planning, sustainable economic activities, strengthening of basic infrastructure, investment in services, among others. Training programs with a rights and gender focus should be implemented for capacity building and sensitization of government officials on environmental migration. Measures should be adopted to protect the rights of environmental migrants: assistance and protection policies, humanitarian visas and regular channels, promotion of access to housing, water, food, education and health.

It is essential to ensure that the voices of affected communities are heard and considered in decision-making related to environmental migration, and to promote their participation in consultation processes.

In the case of Argentina, the inopportune attitudes of the current national government and its withdrawal or absence from negotiations at the Sustainable Development and Climate Change Conferences and budget cuts in environmental matters are negative indicators of its commitment to the need to prevent environmental disasters and attend to the human rights of those displaced by such causes. This further accentuates the need to assume the responsibilities of the National Congress to legislate in this area and of the provincial and local governments to assume greater commitment to the withdrawal of the Nation.

We hope that this work can be used as input for future analysis, legislative initiatives and public policy planning.