

Cartagena

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CARTAGENA: *A legal and political device that refers both to an expanded definition of refugee and a South-South framework of refugee governance cooperation. By scrutinising the recent Cartagena +40 process it questions the articulation of Cartagena into the global management of mobilities from a critical perspective of the refugee/migrant dichotomy. This contribution invites to reflect on how Cartagena functions as a discursive façade that obscures states' simultaneous deployment of containment, deterrence, and selective inclusion measures to control mobilities.*

Keywords: forced mobilities governance; protection regional regime; UNHCR; Cartagena +40; Latin America

The 1984 Cartagena Declaration on Refugees—hereafter, simply Cartagena—is one of the most important instruments in Latin American regional refugee governance. Cartagena was aimed at responding to mass forced displacements in Central America in a context where Latin American traditional legal frameworks on political asylum proved to be inadequate to give protection and humanitarian relief to two million displaced people (Fischel De Andrade 2019). Cartagena was the result of several negotiations and initiatives from the Organization of American States, the Inter-American Human Rights System and particularly the United Nations High Commissioner for Refugees (UNHCR), an actor whose influence was growing at the time (Reed-Hurtado 2013). The Declaration has to be understood in a context of decreased interest in the 1951 Convention relating to the Status of Refugees (1951 Convention), which was considered a European convention, Eurocentric, and far removed from Latin American context and preoccupations (Franco and Santistevan de Noriega 2005). Moreover, most countries in the region had not yet passed domestic refugee law and neither had put in place refugee status determination (RSD) procedures. In this particular moment, Cartagena appeared as a solution to respond to humanitarian challenges and develop cooperation between states (Reed-Hurtado 2013). This instrument is also an illustration, when considered next to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention), that the Global South also produces international

law (Hamlin 2021). Cartagena must be scrutinised not as an outdated fixed instrument but rather as a living roadmap constructing a regional regime.

In this short piece, I would like to reflect on the framework of Cartagena understood as a political and legal device, and how it functions as a discursive façade that obscures states' simultaneous deployment of containment, deterrence, and selective inclusion measures to control mobilities. By referring to mobilities, I include both refugees and migrants since these categories are blurred and politically constructed, in part by the same actors pivotal to Cartagena, the states and UNHCR (Hamlin 2021). Although the migration–refugee nexus has been explored in the broader literature (Scheel and Ratfisch 2014), its application to Latin America—and particularly to the Cartagena refugee protection framework—remains comparatively underexamined¹. The discussion is divided into four parts. First, I will examine the Cartagena definition. Second, I will provide a careful analysis of the Cartagena framework. The third section will be focused on the Cartagena +40 process. Finally, I offer some conclusions.

Cartagena Definition

Cartagena or “the spirit of Cartagena” has been converted into a symbol of Latin America’s solidarity and openness for refugees and other people in “need of protection”² (Freier 2015). In spite of its multiple contributions, Cartagena is usually mentioned in the literature due to its broader refugee definition, largely inspired by the OAU Convention, which includes those who:

have fled their country because their lives, safety, or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, and massive violations of human rights or other circumstances which have seriously disturbed public order (Cartagena Declaration 1984: conclusion 3).

Despite the non-binding nature of the Declaration, this regional definition was incorporated, albeit with some modifications in several cases, in the majority of local legislations in Latin America. However, there are differences in granting asylum based on the expanded Cartagena definition of refugee across the various states of the region (Acosta Arcarazo and Madrid Sartoretto 2020), thus making the definition more an aspiration than a

¹ Here we can mention the recent contribution of Leiza Brumat (2022) for the Brazilian case. The seminal work of Eduardo Domenech (e.g., Domenech 2017) on the South American regime and the role of the International Organization for Migration (IOM) is also relevant here.

² I use quotation marks since I am using a category from the UNHCR. For critical analysis of this question see Clavijo (2025).

reality³. For instance, between 2016 and 2018 Mexico used the Cartagena definition to grant refugee status to Venezuelans but refused categorically to apply it for Central Americans (Sánchez Nájera and Freier 2022). Thus, the application of the expanded definition is governed by the political will of the states, which further weakens its aspiration to be a regional reference in the protection of refugees.

Cartagena Cooperation Framework

Yet, Cartagena is more than a mere definition; it also refers to a framework of South–South cooperation between Latin American and Caribbean countries (Cantor 2019). This cooperation framework is coordinated by the UNHCR. From a Foucauldian perspective, the UNHCR is “conducting the conduct of countries” (Scheel and Ratfisch 2014, 928) in refugee governance in general and in the Cartagena political space in particular. With its extended presence in the region, the UNHCR plays the role of referent in refugee governance and was indeed a key actor in the drafting of the Cartagena Declaration, a key difference with the OAU Convention (Hamlin 2021).

The aim of the Cartagena +40 framework is to set a protection agenda every ten years, on the anniversary of the Declaration, by bringing together key actors such as governments, international organisations, and civil society. This ongoing regional arena remains alive and brings contemporaneity to the Cartagena Declaration⁴. Since its adoption in 1984, the Cartagena process has developed the following declarations and plans: *San José Declaration* (1994), *Mexico Declaration and Plan of Action* (2004), *Brazil Declaration and Plan of Action* (2014) and finally, in 2024, *Chile Declaration and Plan of Action* (Cartagena +40). These declarations and plans of action had left, as Vera (2021) stated, a “mixed legacy”⁵ because of the ambitious project to create new solidarities in the region despite great political limitations. From an empirical point of view, even with this protection framework, asylum seekers, and more broadly people on the move in the region, still face precarity, uncertainty, and lack of

³ An interesting counter example is the *registro ampliado* implemented by Ecuador between 2009 and 2010. A total of 28,909 Colombians were registered and 27,740 were recognized as refugees with the cooperation of UNHCR. It is one of the best illustrations of the Cartagena spirit (Reed-Hurtado 2013).

⁴ This is an important difference from the other regional instrument, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa. If this instrument offers an expansive definition of refugee, it does not create a new regional arena to follow up the debates on international protection with posterior declarations and actions plans.

⁵ Vera refers to the Mexico Declaration and Plan of Action. However, the idea can be expanded to all of the other processes.

protection (for instance, see Blouin 2021 on Peru; Riggiozzi et al. 2023 on Brazil). The survival situation of forced migrants is of course not particular to the region; however, it is worth questioning the role that Cartagena played in it. Here we need to take distance from exceptionalism and discursive rights and make the analysis progress and ask to what extent the regional framework offers a truly innovative solidarity-based approach to forced mobilities.

To scrutinise the Cartagena framework and its influence, I argue that we have to situate it as part of the global management of mobilities and not an exception from it. A close examination of the Cartagena +40 process and its final result, the *Chile Declaration and Plan of Action*, illustrates well how Cartagena is part of the global management of mobilities.⁶

The Cartagena +40 Process

The Cartagena +40 process was viewed as a top-down project without political and economic support either from the UNHCR, as technical secretariat, or the Chilean government, host to the conference.⁷ The methodology for this process was indeed vague, improvised, and defined without discussion with civil society. Civil organisations I followed during the negotiations felt that their voices were not fully listened to by states, whose commitment to the Cartagena +40 process was weak, in a context of complex mobilities and several setbacks in general human rights protection in the region that affect especially people on the move. For instance, the timeline of meetings and the deadline to submit reports or contributions to the Declaration and Plan of Action drafts were short and unplanned. Doors during the negotiations between delegations were also closed to the public and spaces of dialogue between states and civil society were limited. The decision to move official negotiations between states to Geneva was also seen as an obstacle in the construction of a regional refugee regime. Indeed, it was the first time in this regional ongoing effort that negotiations occurred outside the continent. This novelty in the process illustrates, however, how the regional protection framework is connected to global ones (Vera 2021; Cantor 2019; Hamlin 2021) since Geneva is the main bureau of UNHCR. Moving regional discussions to

⁶ As part of my PhD fieldwork, I was following the negotiation process of Chile Declaration and Plan of Action (Cartagena +40) online through several activities, including participation in the Grupo Articulador Regional del Plan de Acción Brasil (GARPAB) — a coalition that brings together multiple civil society organisations, established ten years ago within the framework of the Cartagena Process +30. I also took part in the public meetings with States and other actors involved in the process, such as UN agencies.

⁷ I had the opportunity to take part in the Cartagena +30 process in 2014, representing a civil society organisation. The methodology and support provided by the Norwegian Refugee Council were indeed key to ensure participation and dialogue with official delegations.

Geneva, where participation of local key actors is by definition harder,⁸ showed the actual power landscape of refugee protection between North and South.

The process also includes the incorporation of the “voices” of the refugees for the first time. The participation of refugees in Cartagena +40 to find solutions to their own displacement was praised as innovative and exceptional. However, a more critical perspective could, for instance, first ask whether their “voices” were truly listened to, and which voices of refugees were actually heard, given the poor conditions of participation that I mentioned before. Secondly, as Tazzioli notices elsewhere, the participatory turn “by refugees to refugees” is a way of asking refugees to take part in their own governmentality and “to fill in the gaps, to fix the broken system, and not to behave as passive beneficiaries” (Tazzioli 2022, 181).

It seems urgent to question the articulation of Cartagena as part of the global management of mobilities, where refugees are treated as if they were citizens without rights yet in charge of solving their displacement, in a context of increased border closure and xenophobia in the region and beyond. As such, the Cartagena +40 process is getting more closely aligned with global trends in the management of mobilities.

The *Chile Declaration and Plan of Action* were finally adopted in December 2024. These instruments aim to constitute the regional version of the *Global Compact on Refugees* (Cartagena +40, 2024), showing the connection between regional and global refugee governance. The content of the instruments, of course, incorporates some of the region-specific initiatives, such as the Quality Asylum Initiative⁹, the Cities of Solidarity, or the Border of Solidarity and Safety (Moulin 2009). However, the text avoids answering crucial questions, such as the actual implementation of the Cartagena definition to protect people on the move in the region, and then respond, in accordance with the spirit of Cartagena, to the displacement of Venezuelans, Haitians, Nicaraguans, and others. References to border control and contention are also absent from these texts, despite the ongoing reinforcement of migration control in the region. Both the Declaration and the Plan contain clear references to more global refugee governance mainstream preoccupations, such as the contributions of refugees

⁸ The participation of few civil society actors and also refugees were made possible. However, for economic reasons, I argue that had the debates taken place in Latin America, as in the past editions, civil society and refugee participation would have been broader and fairer.

⁹ The QAI was created in the Brazil Plan of Action in 2014. The goal is to strengthen the RSD systems in the region. Despite being praised as a good practice, the RSD procedures in the region have several fragilities such as delays, decisions without motivation and more broadly few granted refugee status.

to host countries, the need for self-reliance for refugees and communities, and multi-actor cooperation, including the private sector.

Conclusion

Coddington (2018) points out that the protections offered by the 1951 Convention “have become a façade for arbitrary and harmful treatment of refugees” (337). In our case, I claim that Cartagena as well has become a façade to avoid discussing how states in the region use different tactics and *ad hoc* measures for contention and deterrence. These practices include visas, readmission agreements, violations of the *non-refoulement* principle in border areas, externalisation, detention, and so forth (Hiemstra 2019; Álvarez 2020; Blouin 2021). Cartagena can thus constitute a useful political tool to praise the construction of a specific landscapes of protection whilst avoiding or hiding the discussions regarding actual practices of movement control in Latin America.

To face the complex “landscapes of protection”¹⁰, it is necessary to look at the strategies that people on the move develop to defy the regional refugee governance. Some Venezuelans for instance, despite being refugees according to the Cartagena definition (Freier et al. 2022), have also chosen not to claim asylum and find other legal strategies, such as temporary migration status, to move and work “more easily” than beginning a long RSD procedure with no guaranteed success. Further research might deepen these trajectories and their repercussions on the (forced) mobilities global governance. I also suggest that more work could be done on the perspectives and living experiences of refugees who took part in the consultation process of Cartagena +40 and those who did not, to contribute to a much-needed research programme with critical and robust insights of the Cartagena framework.

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¹⁰ Coddington defines the landscapes of protection as “the landscapes of protection that encompass the range of practices engaged in refugee governance, from signed treaties to soft laws, subcontracted service providers and substandard media coverage” (2018, 327).

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References

- Acosta Arcarazo, Diego, and Laura Madrid Sartoretto. 2020. “¿Migrantes o refugiados? La Declaración de Cartagena y los venezolanos en Brasil.” Working paper 9/2020. <https://www.fundacioncarolina.es/wp-content/uploads/2020/03/AC-9.2020.pdf>.
- Álvarez Velasco, Soledad. 2020. “Ilegalizados en Ecuador, el país de la ‘ciudadanía universal.’” *Sociologías* 54 (4): 138–70. <https://doi.org/10.1590/15174522-101815>.
- Blouin, Cécile. 2021. “Entre la espera y el miedo: las trayectorias legales de la población venezolana en la región de Tumbes.” In *Trayectorias migrantes: la juventud venezolana en el Perú*, edited by Elizabeth Salmón, 133–171. Lima: Fondo Editorial de la PUCP.
- Brumat, Leiza. 2022. “Migrants or Refugees? ‘Let’s Do Both’. Brazil’s Response to Venezuelan Displacement Challenges Legal Definitions.” *Migration Policy Centre*, January 11, 2022. <https://migrationpolicycentre.eu/migrants-or-refugees-lets-do-both-brazils-response-to-venezuelan-displacement-challenges-legal-definitions/>.
- Cantor, David James. 2019. “Cooperation on Refugees in Latin America and the Caribbean.” In *Routledge Handbook of South–South Relations*, edited by Elena Fiddian-Qasmiyeh and Patricia Daley, 282–295. London and New York: Routledge.
- Cartagena +40. 2024. *Declaración y Plan de Acción de Chile 2024–2034*. <https://www.acnur.org/sites/default/files/2024-12/Declaracion-y-Plan-de-Accion-de-Chile-2024-2034.pdf>.
- Cartagena Declaration on Refugees. 1984. Adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, Cartagena de Indias, Colombia. <https://www.acnur.org/media/declaracion-de-cartagena-sobre-los-refugiados>.
- Clavijo, Janneth. 2025. “La Producción Política de Las Necesidades En El Gobierno de Las Migraciones y El Refugio: Asistencialización de La Protección En El Espacio Sudamericano.” *Colombia Internacional*, 123: 163–88. <https://doi.org/10.7440/colombiaint123.2025.07>.
- Coddington, Kate. 2018. “Landscapes of Refugee Protection.” *Transactions of the Institute of British Geographers* 43 (3): 326–40. <https://doi.org/10.1111/tran.12224>.
- Domenech, Eduardo. 2017. “Las Políticas de Migración En Sudamérica : Elementos Para El Análisis Crítico Del Control Migratorio y Fronterizo.” *Terceiro Milênio: Revista Crítica*

de Sociologia e Política 8: 19–48.
<https://www.revistaterceiromilenio.uenf.br/index.php/rtm/article/view/2/2>.

- Fischel De Andrade, José H. 2019. “The 1984 Cartagena Declaration: A Critical Review of Some Aspects of Its Emergence and Relevance.” *Refugee Survey Quarterly* 38 (4): 341–62. <https://doi.org/10.1093/rsq/hdz012>.
- Franco, Leonardo, and Jorge Santistevan de Noriega. 2005. “La contribución del proceso de Cartagena al desarrollo del derecho internacional de los refugiados en América Latina.” In *Memoria del vigésimo aniversario de la Declaración de Cartagena sobre los Refugiados*, edited by Alto Comisionado de las Naciones Unidas para los Refugiados, 79–138. San José: Editorama. <https://www.acnur.org/fileadmin/Documentos/Publicaciones/2012/8996.pdf>.
- Freier, Luisa Feline. 2015. “A Liberal Paradigm Shift?: A Critical Appraisal of Recent Trends in Latin American Asylum Legislation.” In *Exploring the Boundaries of Refugee Law: Current Protection Challenges*, edited by Jean-Pierre Gauci, Mariagiulia Giuffrè, and Evangelia Lilian Tsourdi, 118–145. Leiden: Brill Nijhoff. <https://doi.org/10.1163/9789004265585>.
- Freier, Luisa Feline, Isabel Berganza, and Cécile Blouin. 2022. “The Cartagena Refugee Definition and Venezuelan Displacement in Latin America.” *International Migration* 60 (1): 18–36. <https://doi.org/10.1111/imig.12791>.
- Hamlin, Rebecca. 2021. *Crossing: How We Label and React to People on the Move*. Stanford: Stanford University Press.
- Hiemstra, Nancy. 2019. “Pushing the US–Mexico Border South: United States’ Immigration Policing throughout the Americas.” *International Journal of Migration and Border Studies* no. 5 (1/2): 44. <https://doi.org/10.1504/ijmbs.2019.099681>.
- Moulin, Carolina. 2009. “Borders of Solidarity: Life in Displacement in the Amazon Tri-Border Region.” *Refuge* 26 (2): 41–54. <https://doi.org/10.25071/1920-7336.32077>.
- Reed-Hurtado, Michael. 2013. “The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America.” Legal and Protection Policies Research Series, UNHCR. <https://www.refworld.org/reference/lpprs/unhcr/2013/en/97247>.
- Riggirozzi, Pía, Natalia Cintra, Jean Grugel, Gabriela Garcia Garcia, and Zeni Carvalho Lamy. 2023. “Securitisation, Humanitarian Responses and the Erosion of Everyday Rights of Displaced Venezuelan Women in Brazil.” *Journal of Ethnic and Migration Studies* 49 (15): 3755–3773. <https://doi.org/10.1080/1369183X.2023.2191160>.
- Sánchez Nájera, Felipe, and Luisa Feline Freier. 2022. “The Cartagena Refugee Definition and Nationality-Based Discrimination in Mexican Refugee Status Determination.” *International Migration* 60 (1): 37–56. <https://doi.org/10.1111/imig.12910>.
- Scheel, Stephan, and Philipp Ratfisch. 2014. “Refugee Protection Meets Migration Management: UNHCR as a Global Police of Populations.” *Journal of Ethnic and Migration Studies* 40 (6): 924–941. <https://doi.org/10.1080/1369183X.2013.855074>.

- Tazzioli, Martina. 2022. "Extractive Humanitarianism: Participatory Confinement and Unpaid Labor in Refugees Governmentality." *Communication, Culture and Critique* no. 15 (2): 176–192. <https://doi.org/10.1093/ccc/tcac018>.
- Vera Espinoza, Marcia. 2021. "The Mixed Legacy of the Mexico Declaration and Plan of Action: Solidarity and Refugee Protection in Latin America." In *Latin America and Refugee Protection: Regimes, Logics and Challenges*, edited by Liliana Lyra Jubilut, Marcia Vera Espinoza, and Gabriela Mezzanotti, 77–95. New York and Oxford: Berghahn Books.