

Cuerpo-Territorios in motion: climate (im)mobilities in light of international advisory opinions

Cuerpo-Territorios em movimento: (i)mobilidades climáticas à luz de opiniões consultivas internacionais

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1 INTRODUCTION

Environmental disasters and climate change disproportionately affect Indigenous, Afro-descendant, and other historically marginalized populations, exposing the uneven impacts of ecological degradation across bodies and territories (IPCC, 2023). In 2024 alone, over 9.8 million people were displaced by environmental events in the world (IDMC, 2025), illustrating the scale of climate-induced mobility. Yet, migration is rarely driven solely by environmental factors; socio-economic inequality, colonial legacies, and structural violence intersect with ecological disruption to shape patterns of displacement and “trapped populations”. Despite these complexities, public and political narratives often frame climate-affected populations as helpless or threatening, justifying militarized, neglectful, or exclusionary interventions.

Rooted in Indigenous and decolonial thought, the notion of *cuerpo-territorio* offers a critical lens for examining climate mobility by treating body and territory as inseparable sites of vulnerability and resistance, shaped by colonialism, racialized hierarchies, and gendered violence. In contrast, existing legal and policy frameworks, such as the Cancun Agreements, tend to address climate mobility in abstract, technocratic terms, often overlooking the embodied and intersecting struggles faced by those most affected.

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This article engages with interdisciplinary literature on decoloniality, racial capitalism, and Indigenous epistemologies to explore how the *cuerpo-territorio* framework can enrich our understanding of climate (im)mobility in Latin America. It begins by examining the ways in which recent advisory opinions issued by the Inter-American Court of Human Rights (IACtHR) and the International Court of Justice (ICJ) have addressed the theme, before turning to case studies of populations facing displacement and immobility in the context of environmental crises. For the purposes of this analysis, climate (im)mobile *cuerpo-territorios* are understood as communities whose mobility, or inability to move, remains inseparable from embodied, territorial, and relational experiences.

The remainder of this article proceeds as follows: Section 2 outlines the theoretical foundations of climate (im)mobilities and *cuerpo-territorio* and situates it within the broader discourse of climate justice and decolonial thought. Section 3 examines emerging legal approaches to climate displacement in Latin America through Advisory Opinions from international courts, highlighting gaps in recognition of embodied territoriality. Section 4 presents a Latin American case study of climate (im)mobile populations, demonstrating how the *cuerpo-territorio* lens illuminates experiences overlooked by conventional approaches. Section 5 concludes by arguing that centering embodied territoriality in climate justice frameworks can open new pathways for reparations, rights-based protection, and emancipatory responses to displacement.

2 CLIMATE MOBILITY AND *CUERPO-TERRITORIO*: THEORETICAL FRAMEWORKS

2.1 (im)mobility: core definitions

Although there is no internationally accepted definition for persons on the move due to environmental drivers, the legally-binding Cancun Agreements on climate change adaptation identify three forms of “climate change induced” movement: displacement, migration, and planned relocation. The International Organization for Migration (IOM) has defined climate migration as

The movement of a person or groups of persons who, predominantly for reasons of sudden or progressive change in the environment due to climate change, are obliged to leave their habitual place of residence, or choose to do so, either temporarily or permanently, within a State or across an international border. (IOM, 2019).

This expansive definition reflects the current state of the field: while recognition of climate-related movement is expanding, forecasting models remain in their infancy and cannot yet produce precise predictions, given the complexity and uncertainty of human mobility under climate stress (SCHEWEL et al., 2024).

Precisely because numbers and projections remain uncertain, the focus must shift to the political and policy responses that attempt to govern climate mobility. However, as Gonzalez (2021) argues, these responses, rather than reducing vulnerability, often entrench it. The national-security response frames migration as a threat, obscuring its structural links to global environmental change while legitimizing the militarization of borders (GONZALEZ, 2021). Even the ostensibly benevolent humanitarian response reduces displaced people to passive victims in need of rescue, reinforcing paternalistic narratives that erase Northern culpability and sidestep claims for climate justice (GONZALEZ, 2021). In doing so, such approaches not only reproduce racial and gender inequities but also enable the Global North to evade responsibility for the very injustices it has helped create.

Moving on, displacement occurs when people are forced to leave their homes or usual places of residence because of disasters or to avoid immediate and foreseeable natural hazards (Nansen Initiative, 2015). Thus, climate displacement refers to those who move, either temporarily or permanently, within their own country or across borders due to sudden or slow-onset climate impacts such as sea-level rise, drought, or desertification (GONZALEZ, 2020). Importantly, Gonzalez (2021) also highlights that those most vulnerable to these climate-related disasters are predominantly non-white populations, groups who often live in highly exposed areas that face disproportionate risks from hurricanes, floods, drought, desertification, and rising seas. In this context, factors such as race, class, gender, indigeneity, and migration status intersect to shape who is most exposed and least able to respond to climate displacement.

Finally, drawing from the observations made by Durand-Delacre *et al.* (2023), planned relocation can be defined as a deliberate, organized, and typically permanent process in which a group or community, rather than isolated individuals or households, is assisted by external actors, most often governmental bodies or non-governmental organizations, to move from their place of habitual residence to a safer location. It differs from other forms of human mobility, such as displacement or voluntary migration, in that it is: (i) collective in nature; (ii) coordinated and facilitated through institutional or organizational support; and (iii) primarily undertaken in anticipation of, or in response to, specific hazards and vulnerabilities (DURAND-DELACRE *et al.*, 2023). It is generally regarded as a measure of last resort, owing to its potential to disrupt social cohesion, livelihoods, and cultural heritage.

Although the Cancun Agreements constitute one of the most comprehensive legally binding frameworks on climate-related mobility, they reflect what Schewel (2019) calls a “mobility bias”: a disproportionate focus on the causes and effects of movement while neglecting the social forces shaping immobility. This bias reduces those who remain in high-risk areas to “trapped populations,” defined by the IOM (2019) as individuals unable to migrate yet exposed to heightened vulnerability.

Justice-based approaches call for greater attention to immobility and agency. Farbotko’s (2023) study of Funafala, Tuvalu, shows that communities often prioritize ontological security, relying on local knowledge and exercising political agency. She further develops the notion of “anti-displacement mobilities” (2022), where ideas, people, and materials circulate as forms of resistance to external narratives framing displacement as inevitable.

By widening the lens beyond movement to include immobility and resistance, the concept of climate (im)mobilities offers a more nuanced account. As Boas, Farbotko, and Bukari (2024) argue, mobilities are both shaped by and constitutive of power relations. They are “scripted” not only by climate hazards but also by political and institutional responses, from state-led relocation schemes to policies encouraging settlement in risk-prone areas (LINDEGAARD, 2018; WARNER & WIEGEL, 2021; ZICKGRAF, 2019).

Thus, climate (im)mobility must be understood as simultaneously about bodies—how they are moved, immobilized, and represented—and about territories—how land, water, and ecosystems are governed, claimed, or abandoned.

a. Cuerpo-Territorio

In recent years, Latin American feminist thought has generated conceptual frameworks that challenge dominant Western epistemologies by centering the lived experiences and struggles of Indigenous women. Lorena Cabnal, a Maya Q’eqchi’ and Xinka community feminist from Guatemala, conceptualizes the *cuerpo-territorio* (body-territory) as an indivisible and contested space where multiple systems of oppression, such as race, class, and gender converge. For Cabnal, the body of an Indigenous woman is not merely a personal or biological entity: it is a territory in its own right, historically and presently subject to invasion, dispossession, and violence, much like the ancestral lands of her people (CABNAL in LÓPEZ, 2018). This cycle of violence is both historical—rooted in colonial invasion, sexual violence, and cultural erasure—and contemporary, manifesting in feminicides, sexual assaults, and the extractivist plundering of Indigenous territories.

Thus, Cabnal’s *cuerpo-territorio* is not a static metaphor but a *praxis*: defending the body and defending the land are mutually constitutive struggles, and healing is integral to sustaining resistance against patriarchal,

colonial, and neoliberal systems. *Cuerpo-territorio* also engages the notion of “territory” through a distinctly Latin American approach, encompassing a multi-layered set of meanings that:

weave together the ancestral cosmologies of Indigenous and rural communities, the nation-state’s perspective on ownership and governance of what is often termed ‘natural resources,’ and the territorial defence movements organised by urban and rural communities affected by extractive practices (SALGADO, 2024, p.204).

Over time, the concept has been shaped by diverse strands of Latin American feminism, and, as a methodology, *cuerpo-territorio* functions as a living practice, fostering the exchange of collective and individual experiences linked to displacement and struggles for territorial defense (SALGADO, 2024). Beyond Indigenous frameworks, it resonates across various spheres such as queer and Afro-diasporic perspectives. Meireles (2025) observes a common thread in these diverse contexts: an intentional effort to move away from modern and colonial understandings of the body (typically cisgender and male) that tend to reduce it, almost automatically and prior to individual experience, to a biological, individual, homogeneous, isolated, neutral, and whitened subject.

Thus, the *cuerpo-territorio* concept fundamentally challenges dominant Western separations of body and land, nature and culture, individual and collective, offering an embodied framework essential to analyzing climate (im)mobility. Understanding it means understanding how colonialism, capitalism, patriarchy, and racism converge to dispossess both bodies and territories, complexifying simplistic notions of climate displacement as mere physical movement. Recognizing the embodied and territorial dimensions of (im)mobility reveals how forced migration, immobility, and resistance are entangled with struggles for bodily autonomy, communal wellbeing, and ecological justice.

b. (Im)mobile Cuerpo-Territorio

While *cuerpo-territorio* and climate (im)mobility research remain in relatively early stages of theoretical and methodological development, their intersection is conceptually compelling. As it was established, the *cuerpo-territorio* framework originates in Indigenous ecofeminist struggles, which conceive the body and land as an ontological continuum and insist on their defence as inseparable political acts. Emerging from collective resistance to extractivism, this notion addresses precisely those structural

drivers (environmental degradation, dispossession, and socio-ecological exploitation) that shape contemporary climate (im)mobility. Linking these two fields is therefore not only analytically coherent but politically necessary, especially for research that seeks to account for the historical and ongoing coloniality of climate displacement and forced immobility.

Rosa dos Ventos Lopes Heimer's Travelling Cuerpo-Territorios methodology (2022) offers a rigorous decolonial feminist geographical approach that can serve as a methodological bridge between these domains. Developed in the context of her doctoral research on Latin American migrant women's experiences of intimate partner violence and state violence in England, the methodology reconfigures the body as the first and foundational territory from which to analyse migration, violence, and resistance. It directly challenges the epistemic and ontological separations between mind, body, and territory embedded in Western rationality (LOPES HEIMER, 2022), privileging instead an embodied, relational, and multi-scalar understanding of socio-political processes.

The original purpose of Heimer's methodology was twofold. First, it aimed to counter the methodological nationalism and epistemic extractivism prevalent in Global North migration research, particularly in studies of gender-based violence, which often reproduce culturalist stereotypes and frame migrant women primarily as passive victims. By grounding her method in *cuerpo-territorio*, Heimer sought to recognise participants as epistemic subjects and co-producers of knowledge, thereby resisting the objectification and decontextualisation of their experiences. Second, the method sought to document and analyse how multiple forms of violence (intimate, institutional, and structural) are inscribed on and through migrant women's bodies, while also revealing the embodied nature of their resistance.

This methodological framework is particularly well suited to the study of climate (im)mobility. An adaptation — (Im)mobile *Cuerpo-Territorios* — would document the embodied effects of both movement and enforced stasis in the context of environmental change. On and through the body, this methodology would trace the corporeal imprints of climate hazards, alongside the physical and emotional impacts of displacement journeys, border controls, immobility and relocation processes, along with intergenerational accumulation of oppressions in regard to race, gender, sexuality, etc.

Heimer (2022) demonstrates that the methodology of Travelling Cuerpo-Territorios not only exposes the intimate inscriptions of migration and violence on the body, but also elucidates how these embodied marks are produced and reproduced through necropolitical state policies that render certain lives disposable (MBEMBE, 2003).

It is precisely in this tension that the Advisory Opinions of the Inter-American Court of Human Rights (IACtHR) and the International Court of Justice (ICJ) on climate change intervene. These opinions grapple with the question of how international law should respond when environmental degradation and climate impacts force people to move, or trap them in place, challenging the existing necropolitical order of borders.

Bridging forward, situating these legal developments within a *cuero-territorio* lens makes it possible to read the IACtHR and ICJ opinions not merely as legal documents, but as interventions that contest embodied forms of climate violence, reframe mobility as a site of rights-claiming, and open normative space for the recognition of both movement and staying as acts of territorial defence.

3 (IM)MOBILITY IN INTERNATIONAL LAW

A significant gap persists in international law regarding the legal protection of individuals affected by climate-related (im)mobility. While persons fleeing in the context of adverse effects of climate change and disasters may, in certain circumstances, present valid claims for refugee status under the 1951 Refugee Convention, there are no specific legal provisions addressing such claims (UNHCR, 2020). As with any other case, applicants must demonstrate that they meet the criteria established in Article 1A (2) of the Convention, which, interpreted according to its ordinary meaning, context, and object and purpose, requires a well-founded fear of persecution based on one or more protected grounds, coupled with the inability or unwillingness of the country of origin to provide protection.

In practice, as Scopp (2025) observes, the exclusion of climate-related displacement from the 1951 Convention leaves such persons in a state of legal limbo. Without explicit recognition, they are often unable to access the rights and safeguards afforded to “conventional” refugees, as courts have generally resisted an expansive interpretation of the Convention to encompass those displaced by climate impacts.

With the rise of international climate litigation, the period from 2023 to 2025 marked a pivotal moment in climate jurisprudence, with parallel advisory opinion proceedings initiated before the Inter-American Court of Human Rights (IACtHR) and the International Court of Justice (ICJ).

In January 2023, Chile and Colombia jointly requested the IACtHR to clarify states’ obligations to address the climate emergency under international human rights law, invoking Article 64 of the American Convention on Human Rights. Two months later, in March 2023, following sustained advocacy by youth from Small Island Developing States, the United

Nations General Assembly unanimously requested the ICJ to opine on states' duties concerning climate change under a broad array of legal instruments, including the UN Charter, the principal human rights covenants, the UNFCCC, the Paris Agreement, and UNCLOS.

While advisory opinions lack binding force, they function as “Rosetta Stones” for interpreting ambiguous treaty obligations, guiding both domestic and international decision-making on climate governance (TIGRE & ROCHA, 2025, p. 5). In doing so, they frequently shape the development of international norms, inform state practice, and influence future jurisprudence, making these proceedings a significant step in defining the legal contours of state responsibility for climate action.

3.1 OC-32/25 - Inter-American Court of Human Rights

The Inter-American Court of Human Rights' (IACtHR) recent Advisory Opinion situates climate (im)mobility within a broader human rights architecture that treats the climate emergency not as an environmental anomaly but as a structural crisis with differentiated, intersectional impacts. The Court recognizes that climate change, through both sudden-onset disasters and slow-onset processes, disproportionately affects groups already subject to entrenched discrimination, including women, girls, Indigenous Peoples, Afro-descendant communities, LGBTQIA+ persons, older adults, persons with disabilities, and those in situations of poverty or displacement (paras. 389, 594–596). Drawing on an intersectional framework (para. 592), the Court underscores that these vulnerabilities are not isolated but mutually reinforcing, limiting the adaptive capacity of those affected and necessitating the inclusion of differentiated measures in all State actions to achieve substantive equality (para. 596).

Within this framework, the Court develops a nuanced approach to climate mobility, adopting the Office of the High Commissioner for Human Rights' categorization of climate change as a driver of human mobility across four scenarios: sudden-onset disasters, gradual environmental degradation, planned relocation from high-risk areas, and displacement linked to climate-related violence or unrest (paras. 415, 692). Crucially, the Court also touches on immobility, both involuntary, where structural barriers prevent movement, and voluntary, where cultural, social, or economic ties anchor people to place despite escalating risks (paras. 419). It rejects a purely humanitarian or securitized framing, instead locating mobility and immobility within the enforceable guarantees of freedom of movement under Article 22 of the American Convention and Articles VIII and XXVII of the American Declaration, including protection from *de facto* restrictions arising from State inaction (paras. 414, 689).

The Court's reasoning advances three key normative principles. First, it acknowledges both internal and cross-border climate displacement, recognizing that while most displaced persons remain within their countries, international movement occurs and faces significant legal protection gaps that can undermine peace and exacerbate conflict linked to climate displacement (para. 420–421). Second, it imposes “enhanced due diligence” obligations on States, mandating the proactive incorporation of displacement prevention, planned relocation, and protection measures into sustainable development, adaptation, and mitigation policies (paras. 422–425).

Third, the Court affords special protection to groups with distinct territorial and cultural ties, particularly Indigenous Peoples, regardless of formal property rights, requiring equivalent-quality land and cultural safeguards during relocation and designating relocation as a last resort (paras. 425, 427, 429). States must establish adequate legal frameworks for planned relocations aligned with international and regional human rights standards, define institutional responsibilities, and provide comprehensive reparations to affected persons. They are also obliged to guarantee the voluntary right to return when feasible and to facilitate the recovery of land, housing, property, and possessions for those displaced or returning (para. 430).

Furthermore, the Court stresses the necessity of effective international cooperation in addressing displacement, migration, and planned resettlement caused by climate change. Cross-border mobility requires common strategies based on multilateralism and cooperation at international and regional levels (paras. 431, 433). States must create domestic legal and administrative mechanisms to ensure the legal and humanitarian protection of climate-displaced persons crossing international borders (para. 433).

The Advisory Opinion deepens its rights-based approach by linking climate governance to the dismantling of structural inequalities. It addresses the heightened risk of gender-based violence during and after disasters (para. 614), noting that emergencies exacerbate gendered divisions of labor, disproportionately burden women and girls with survival responsibilities, and expose them to sexual and physical violence. States are thus obligated to prevent, investigate, and sanction GBV in disaster contexts, and to mainstream gender and intersectional perspectives across all climate and disaster policies. Notably, the Opinion extends explicit protection to LGBTQIA+ (specifically gender-diverse) people (para. 618), requiring non-discriminatory healthcare, safe and inclusive shelters, and protection from harassment (para. 590).

These substantive protections are reinforced by robust procedural and structural duties, including the obligation to collect and analyze disaggregated data by gender, age, disability, ethnicity, income, and geography (paras. 512–513), conduct differentiated risk assessments, and

monitor health, housing, and livelihood vulnerabilities among marginalized groups (paras. 508, 594–596). The Court emphasizes that failure to implement such measures is not a mere policy lapse, but a violation of international human rights law (para. 591).

From the perspective of *cuero-territorio*, the Inter-American Court of Human Rights' Advisory Opinion constitutes a profound legal and conceptual advancement by explicitly linking the bodily experiences of vulnerable populations to their territorial and environmental contexts amid the climate crisis. The Court's recognition of intersectional vulnerabilities, spanning gender, ethnicity, indigeneity, sexual orientation, disability, and socioeconomic status, illuminates how the body and territory are inseparable sites where structural violence, discrimination, and climate impacts converge, reinforcing conditions of (im)mobility. By positioning both mobility and immobility as rights-protected phenomena, the Opinion challenges dominant paradigms that frame displacement merely as humanitarian or security issues, instead embedding freedom of movement and rootedness within an expansive human rights framework.

3.2 Advisory Opinion on the Obligations of States in respect of Climate Change - International Court of Justice

In contrast to the Inter-American Court of Human Rights' (IACtHR) rich, expansive, and socially grounded treatment of human mobility and immobility in the context of climate change, the International Court of Justice (ICJ) adopts a markedly more restrained and cautious approach. The ICJ addresses climate-induced displacement in a single paragraph (para. 378) stating that:

The Court considers that conditions resulting from climate change which are likely to endanger the lives of individuals may lead them to seek safety in another country or prevent them from returning to their own. In the view of the Court, States have obligations under the principle of non-refoulement where there are substantial grounds for believing that there is a real risk of irreparable harm to the right to life in breach of Article 6 of the ICCPR if individuals are returned to their country of origin (ICJ, para. 378; citing Human Rights Committee, *Teitiota v. New Zealand*, 2019, para. 9.11).

This articulation directly builds on the precedent set by the 2019 *Teitiota v. New Zealand* case, wherein Ioane Teitiota, a Kiribati national, argued that climate change-induced saltwater intrusion, freshwater scarcity, and violent

land disputes had rendered his homeland uninhabitable. While the UN Human Rights Committee acknowledged that climate change can imperil the right to life, it ultimately concluded that Teitiotā's personal risk did not meet the threshold of imminence required for protection.

In a timely and insightful analysis, Lena Riemer (2025) highlights the ICJ's landmark acknowledgment of non-refoulement obligations in climate displacement cases, emphasizing its reliance on *Teitiotā* to affirm that climate change can trigger international duties preventing forced return to life-threatening conditions. Significantly, the ICJ embraces a "real risk" standard rather than requiring imminence, thereby clarifying a previously ambiguous legal criterion. Although this represents a significant, if limited, step forward in fortifying protections for climate-displaced persons, it signals a nascent judicial consensus increasingly attuned to the legal consequences of climate-related harms (RIEMER, 2025).

Nonetheless, Riemer (2025) critiques the ICJ for largely overlooking broader dimensions of climate displacement, despite its explicit acknowledgment in the United Nations General Assembly's resolution. The Court missed critical opportunities to articulate positive state obligations (including admission procedures, individualized risk assessments, and safeguards against indirect refoulement) particularly in scenarios such as sea-level rise resulting in entire territories becoming uninhabitable. Moreover, the ICJ's failure to engage with more progressive regional jurisprudence, especially the Inter-American Court of Human Rights' comprehensive Advisory Opinion OC-32/25, constrains its capacity to offer nuanced guidance on temporally sensitive and differentiated protection measures (RIEMER, 2025).

Further, Riemer (2025) observes that the ICJ's cautious and hedged language stands in contrast to the robust scientific consensus on ongoing climate displacement, thereby diminishing the urgency reflected in other international legal and policy instruments. While the ICJ's framing advances protection frameworks by discarding imminence requirements in favor of a risk-based approach, it neglects crucial aspects of climate mobility such as internal displacement, voluntary migration, planned relocation, and involuntary immobility. The absence of intersectional vulnerability analysis and insufficient incorporation of evolving human rights standards reveal missed opportunities for establishing a more comprehensive and effective legal response to climate-induced displacement (RIEMER, 2025).

From a *cuerpo-territorio* perspective, the ICJ's opinion is ambivalent: it affirms States' binding duties and recognizes that climate harm reaches the scale of bodies, but it remains formal and untethered to the lived, territorial realities that *cuerpo-territorio* foregrounds. The Court's "real risk" framing clarifies a protection threshold, yet the opinion stops short of naming or

remedying the differentiated, embodied harms experienced by Indigenous peoples, racialized communities, women, trans persons, people with disabilities, and those rendered immobile by structural constraints.

4 DISSIDENT (IM)MOBILE *CUERPO-TERRITORIO*: THE INVENTION OF SPACE BEYOND BINARISM

Territories are never neutral; they are spaces of governance and control. In his research with LGBTQIA+ individuals in São Paulo (Brazil), Souza (2022) shows that queer and trans people do not merely inhabit space but actively territorialize it through their bodily presence. Everyday resistance emerges precisely where systematic violations, across family, education, prisons, and public health, attempt to delegitimize or erase them. The governance of one's own body, then, becomes a totalizing and multidimensional struggle, in which conflicts unfold both in material terms (the body as territory) and in symbolic terms (ideological disputes over the meaning of gendered and sexualized existence) (SOUZA, 2022).

Souza's ethnography work further highlights how trans and *travesti*¹ lives are continually subjected to processes of deterritorialization, whereby social institutions, religion, education, culture, economy, family, seek to undermine bodily autonomy and self-representation. Passability, as he notes, mediates both access to space and exposure to violence, while transphobic crimes aim not only to destroy individual lives but also to annihilate the symbolic and political force carried by those bodies (SOUZA, 2022).

Applied to gender-diverse and queer lives, the *cuero-territorio* framework exposes how dissident bodies function as vectors of subversion: in inventing themselves, they invent space, reshaping both corporeal and environmental terrains into territories of dispute. This dispute does not occur in abstraction, but is materially intensified in contexts of socio-environmental crisis. Climate disasters, in particular, as noted by the IACtHR, highlight the intersections between environmental vulnerability, structural inequality, and systemic violence against marginalized populations.

The April 2024 floods in the Brazilian state of Rio Grande do Sul starkly illustrate the convergence of climate disasters, structural inequality, and systemic violence against marginalized communities. Affecting 471 municipalities, killing over 170 people, and displacing more than 600,000, the floods struck hardest in socioeconomically vulnerable, predominantly Afro-descendant areas (Brazilian Civil Defense; Observatório das Metrópoles). Trans and *travesti* people, whose bodies are already subject to intersecting regimes of social, institutional, and political violence, were hit hard.

As documented by the Associação Nacional de Travestis e Transexuais (ANTRA, 2025), recent years have seen an escalation of anti-trans legislative agendas in Brazil, driven by far-right actors, against the backdrop of Brazil leading the world in trans murders for sixteen consecutive years, with most victims being young, Black, poor, and from the Northeast, often killed with extreme cruelty in public spaces.

Initially, as Acácio *et al.* (2025) observe, there was a perception among flood survivors that they were “all in the same boat.” However, as the crisis unfolded, the differentiated impact on marginalized groups became evident, echoing Malcolm Ferdinand’s (2022) “slave ship” metaphor: while humanity may face the same storm of climate change, some are confined to the hold while others stand on deck. For trans and *travesti* people, the rising waters interacted with the cumulative processes of exclusion that predate disasters, producing distinct vulnerabilities. ANTRA’s (2025) documentation points to structural discrimination amplifying risks during crises, systemic exclusion from healthcare, housing, and social assistance, intensified transphobia in emergency contexts, including denial of access to shelters, and the absence of provisions for gender-affirming healthcare, identity-appropriate hygiene products, and mental health support.

At the height of the floods, trans-centered collective responses emerged as critical infrastructures of survival. *AjudaTrans-RS (TransHelp–Rio Grande do Sul)*, created through grassroots mobilization, operated primarily via social media to connect affected trans people with trans and allied volunteers (DAHLEM, 2025). Looking at gaps from official humanitarian distributions, it facilitated the donation and delivery of essentials, including gender-affirming supplies such as binders, hormone therapy, and identity-appropriate hygiene products. The initiative also mobilized licensed therapists to provide mental health support and coordinated temporary shelter arrangements in safe, trans-affirming environments. By centering trans agency in both the design and execution of relief efforts, *AjudaTrans-RS* not only addressed immediate needs but also disrupted the paternalistic and exclusionary logic of state-led disaster responses (DAHLEM, 2025).

Abrigo Renascer emerged as a more permanent reaction to environmental transphobia, a term that refers to the phenomenon whereby cissexist and cisheteronormative norms, in interaction with historical inequalities of gender, race, class, and territory, deepen the vulnerability of trans populations in times of disaster (MORETHSON *et al.*, 2025). Founded after repeated reports of violence, humiliation, and denial of shelter in mainstream emergency facilities, *Abrigo Renascer* was conceived explicitly as a space free from transphobia, structured to ensure dignified reception (*acolhimento digno*) and the affirmation of gender identities. Located in Porto

Alegre, the shelter prioritized those evacuated from neighborhoods such as Floresta, an area historically associated with sex work, where trans women and *travestis* are overrepresented due to systemic barriers to education and formal employment. During the evacuation there were reports of trans people being deliberately rescued last, only to face rejections from shelters that cited “lack of space” despite admitting cisgender individuals from the same rescue groups (MORETHSON et al., 2025).

In addition to providing physical safety, *Abrigo Renascer* served as a community hub where residents could access legal aid, health services, and collective decision-making about the shelter’s governance, thereby transforming the function of “refuge” from passive relief to active empowerment (MORETHSON et al., 2025).

This case exemplifies the dynamics of (im)mobile *cuerpo-territorios*. Trans and *travesti* bodies, often Black, poor, and marked by historical patterns of oppression, were not only disproportionately affected by the material destruction of the floods, but were actively immobilized by discrimination. They were left without resources, delayed in rescue operations, and excluded from shelter precisely because of how their bodies are socially read and regulated. This enforced immobility coexisted with forced displacement, producing a double bind in which movement itself became a site of violence. Simultaneously, the emergence of trans-centered alternative shelters and mutual aid networks demonstrates how territory can be reconfigured to meet the specific needs of these bodies.

By centering trans knowledge, social networks, and embodied experiences, initiatives such as *AjudaTrans-RS* and *Abrigo Renascer* operate as forms of autonomous territorial practice: they contest exclusionary spatial logics and generate queer geographies in which safety, care, and identity affirmation are inseparable from material shelter. These interventions showcase the ways in which marginalized bodies can actively shape, claim, and transform space in response to environmental and social precarity.

A critical obstacle in addressing these dynamics is the lack of intersectional and disaggregated data. As Acácio *et al.* (2025) stress, trans people and *travestis* are often rendered “unseen” and “erased” from official registries, impeding the provision of support tailored to their specific needs, and obstructing access to healthcare, protection, and social assistance. Such invisibilization directly contravenes the IACTHR’s OC-25, which affirmed States’ binding obligations to adopt urgent mitigation and adaptation measures with special attention to the most vulnerable populations, especially LGBT+ people, and underlined the necessity of producing and utilizing intersectional data.

Applying this standard, the exclusion of trans people in disaster contexts constitutes not only a failure of social policy but also a violation of States' human rights obligations. The 2024 Rio Grande do Sul floods thus make visible the urgent need for climate and disaster governance frameworks that integrate gender diversity, racial justice, and the lived realities of (im)mobile *cuerpo-territorios*, while recognizing the political and spatial agency of trans communities in reshaping territory.

5 CONSIDERATIONS

Integrating the framework of *cuerpo-territorio* into the analysis of climate (im)mobility disrupts dominant humanitarian, securitarian, and migration-management paradigms (GONZALEZ, 2022) by centering the embodied, territorial, and lived realities of those most affected. As both a methodology and an epistemological lens, *cuerpo-territorio* is a product of the tensions between Western-imperialist cosmovisions, which conceptualize territory as property, nature as commodity, and bodies as hierarchically devalued according to race and gender, and alternative eco-feminist Indigenous and marginalized worldviews that insist on relationality, reciprocity, and the inseparability of body and land.

This epistemic movement opens productive ground for discussions on climate reparations and legal pluralism, particularly in light of recent Advisory Opinions, which provide fertile material for rethinking the scope of protection in international law. In contexts where political consensus remains elusive, courts hold a crucial role in interpreting existing legal frameworks expansively, extending their protection to populations affected by climate (im)mobility and thereby creating possibilities for more grounded and globally resonant rulings.

The Latin American case studies of trans communities in Brazil illustrate how (im)mobile *cuerpo-territorios* not only endure but actively contest climate violence. Trans-centered initiatives have generated inclusive territorial practices that prefigure alternative ways of inhabiting and governing space. Extreme weather events, while exposing deep structural vulnerabilities, also act as disruptive shocks that unsettle the *status quo* and enable, even if temporarily, new forms of collective organization and imagination to emerge. Such experiences reveal that legal protection cannot be disentangled from broader political claims over territory, identity, and survival; rather, climate governance must be grounded in differentiated, community-led approaches that emerge precisely through these crises, offering glimpses of alternative worlds already in the making.

Further research on (im)mobile *cuero-territorios* is necessary to deepen understandings of how environmental change, displacement, and immobility are simultaneously embodied and territorialized. Such inquiry, however, must avoid epistemic extractivism by centering subaltern knowledge systems and respecting the autonomy of the communities whose experiences it engages. A *cuero-territorio* perspective insists that intersectionality is not an optional supplement but a constitutive dimension of climate (im)mobility, demanding sustained attention to race, gender, sexuality, class, and indigeneity. At the same time, it accentuates the urgency of reparations, not as charity, but as a legal and political obligation, anchored in the perspectives of those historically subjected to dispossession and environmental harm. Reframing climate (im)mobility governance through these principles redefines justice as the simultaneous restoration of bodily integrity, territorial sovereignty, and ecological balance.

NOTE

¹ Latin-American gender identity that describes people who were assigned male at birth, but recognize themselves as belonging to the female gender, while not claiming the identity of a woman (ANTRA, 2018). As Martínez and Vidal-Ortiz (2021) argue, *travesti* is foremost a political identity, one that interrogates and mobilizes intersecting hierarchies of sexuality, race, class, and beyond, as a means of demanding radical social transformation through collective action.

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ABSTRACT

This article examines how the decolonial ecofeminist framework of *cuerpo-territorio* can deepen understandings of climate (im)mobility in Latin America by linking embodied, territorial, and relational experiences of displacement and immobility. It analyzes recent advisory opinions by the Inter-American Court of Human Rights and the International Court of Justice, situating them within broader debates on the legal protection of climate-displaced persons. Latin American experiences, particularly those of trans and travesti populations in Brazil affected by the 2024 Rio Grande do Sul floods, illustrate how extreme climate events both expose structural vulnerabilities and create openings for alternative forms of collective organization and territorial practice. By expanding on *cuerpo-territorio*, the article argues for climate governance rooted in differentiated, community-led approaches that recognize intersectionality, resist epistemic extractivism, and frame reparations not as charity but as legal and political obligation. Ultimately, it proposes that law, when informed by embodied territoriality, can become a tool for ecological and decolonial justice.

Keywords: Climate (Im)mobility; *Cuerpo-Territorio*; Climate Justice; Decoloniality; International Advisory Opinions; Trans and Travesti Communities.

RESUMO

Este artigo examina como o marco ecofeminista decolonial do *cuerpo-territorio* pode aprofundar os entendimentos sobre a (i)mobilidade climática na América Latina, ao relacionar experiências corporificadas, territoriais e relacionais de deslocamento e imobilidade. Analisa pareceres consultivos recentes da Corte Interamericana de Direitos Humanos e da Corte Internacional de Justiça, situando-os em debates mais amplos sobre a proteção jurídica de pessoas deslocadas pelo clima. As experiências latino-americanas, particularmente as de populações trans e travestis no Brasil afetadas pelas enchentes de 2024 no Rio Grande do Sul, ilustram como eventos climáticos extremos simultaneamente expõem vulnerabilidades estruturais e criam aberturas para formas alternativas de organização coletiva e práticas territoriais. Ao expandir o conceito de *cuerpo-territorio*, o artigo defende uma governança climática baseada em abordagens diferenciadas e conduzidas pelas próprias comunidades, que reconheçam a interseccionalidade, resistam ao extrativismo epistêmico e enquadrem a reparação não como caridade, mas como obrigação jurídica e política. Em última instância, propõe que o direito, quando informado pela territorialidade corporificada, pode se tornar uma ferramenta de justiça ecológica e decolonial.

Palavras-chave: (I)Mobilidade Climática; *Cuerpo-Território*; Justiça Climática; Decolonialidade; Pareceres Consultivos Internacionais; Comunidades Trans e Travestis.