

**Ministry of Foreign Affairs,
Trade and Integration**
General Office for Refugees

ECUADOR'S REFUGEE POLICY

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P r e l i m i n a r y W o r d s

When we were children, the 21st century seemed far, far away, almost out of reach, full of uncertainties, but also of promising dreams. Some of us imagined a completely technified world, with spaceships, where human beings were not far removed from our current astronauts. Others thought on Huxley's "Brave New World", a place of perfect planning that assured an efficient, organized and aseptic human community. Some of us simply dreamed with a better world... We thought that in the 21st century, human beings would have forever eradicated violence, wars, injustice. We dreamt about a world of freedom, a world without borders...

Suddenly, the 21st century caught up with us.

In many ways, it is not the brave new world we had dreamt about. Humanity must solve a few urgent issues. Violence, war, inequalities and absurd deaths are a constant presence; sometimes, I am afraid, more terrifying than what we could ever imagine-, and their sequels: destroyed and homeless families.

This is, unfortunately, the reality of thousands of refugees all over the world; for Ecuador, the reality of our Colombian neighbors who cross the

northern border of Ecuador in the hundreds looking for security, for a space where they can rebuild themselves as families, as human beings free from fear and apprehensions.

In spite of the social and economic impacts this means for the country, based on fundamental principles that advocate a world of peace, solidarity and with free mobility, Ecuador has decided to work hard to ensure the protection of the essential rights of all the refugees welcomed in our territory, in the framework of a comprehensive development with the receiving communities.

Ecuador works relentlessly to fulfill these childhood dreams. We are a country of peace and our Government of the Citizen Revolution wages a daily war against inequality, poverty, and exclusion, a brotherly effort that is already giving fruits.

Gustavo Larrea
**Minister Coordinator
of Internal and External Security**

September 2008

Preliminary Words

Solidarity is the tenderness of the peoples
Pablo Neruda

In the last eight years, the Colombian population displaced by the severe internal conflict that affects our neighbor country has increased in an unusual way: three million inside Colombia itself and 600,000 outside its borders. Of the last figure, Ecuador is estimated to have welcomed 36%, that is, 180,000 Colombian men and women.

However, the volume of persons in need of international protection could be greater, if we take into account the presence of thousands of the so-called “invisible” refugees, that is, persons that, for economic limitations, for lack of information or for lack of trust, due to the experiences lived in their country of origin, have never approached the authorities of Ecuador to regularize their immigration status.

Granting protection to these persons, based on their acknowledgement as refugees, is a priority for the Ecuadorian Government, which strives to offer effective protection for the life, physical integrity, freedom and security of our neighbors who have been forced to abandon their country of origin.

After a serious and in-depth analysis of the issue of forced displacement towards our country, the Government of the Citizen Revolution has devised a policy that approaches the refugee phenomenon as

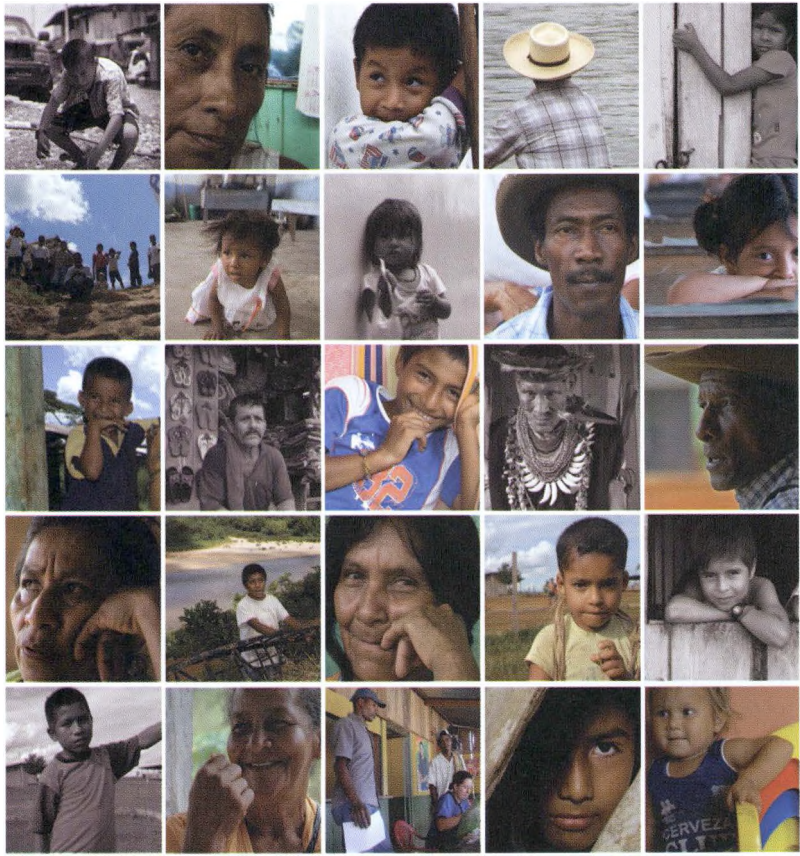
an integral part of the fundamental right to human mobility.

The efforts of Ecuador are truly remarkable, huge and of great magnitude, as we must bear in mind that refugees come to regions of our country that have the lowest levels of development.

For this reason, I believe that the refugee status, based on the principles of shared responsibility and complementarity, is guaranteed by international instruments, which demand the collaboration and support of the international community. Ecuador acknowledges the work of the United Nations System and in particular of its High Commissioner for Refugees (UNHCR) in this noble humanitarian task.

For me it is a great privilege to present Ecuador's Refugee Policy, the first of its kind in Latin America, and to assure that the Government of the Citizen Revolution is willing to enforce all the commitments contained in this document.

Maria Isabel Salvador Crespo
**Minister of Foreign Affairs,
Trade and Integration**
September 2008





1

Executive Summary

Since the year 2000, thousands of citizens from Colombia and other countries have entered Ecuadorian territory looking for international protection. As of late 2007, more than 55,000 refugee applications have been filed; however, reality exceeds this figure by far.

We must always bear in mind that emigrants are human beings, and that refugees are the most vulnerable sector of this population. The Republic of Ecuador, which historically has maintained as a State policy an unwavering respect for human rights, has a strong commitment regarding the protection of this large group of alien citizens. Accordingly, it has assumed the responsibility of finding a lasting and dignified solution to their plight.

The State of Ecuador has maintained a permanent commitment to guarantee the acknowledgement of the status of individual and massive inflows of refugees. It will also respect and guarantee the principles of no return and no criminal punishment for violations of current immigration laws in case of asylum and refugee seekers; it will also make decisions and carry out actions required to achieve the effective inclusion or insertion of these persons. In this sense, Ecuador undertakes to comply with the commitments assumed in the 1951 Geneva Convention on the Status of Refugees, its 1967 Protocol, the Declaration of Cartagena of 1984 and

the 2004 Declaration and Plan of Action of Mexico, according to its realities and possibilities, and with an approach of solidarity and shared responsibility, both with the State of Colombia and with the international community.

This document, which contains the refugee policy of the National Government of Ecuador, intends to effectively enforce the provisions of the National Development Plan, chapter Foreign Policy, and the goals and programs already assumed by Ecuador regarding refugees.

Five elements included in this document are worth noting:

- A “combined model” of protection of persons that require it will be implemented. This model is a response to possible massive flows of refugees and to individual applications, to legalize thousands of the so-called “invisible” persons, because they have not dared come to our public institutions or because they are not aware that they have rights in Ecuador.
- In order to give protection to “invisible persons” within a very short term, an extended registration will be applied as a new modality in Latin America, gathering the experiences of other countries around the world; the main criterion to accept a refugee is the internal conflict in Colombia. We intend to register some 50,000 persons in the

Northern Border by June 2009 and to give them a modicum of guarantees and protection. During a second phase, this mechanism will be applied to the rest of the country.

- The huge task of including the population in need of international protection as part of a comprehensive migration policy must be focused towards their active insertion within a long-term development strategy. The fundamental goal of this strategy is the active incorporation of all society, including the citizens of other countries who seek and find refuge in Ecuador.
- In this context, the State of Ecuador fosters the implementation of the Solidarity Border Program, as provided in the Plan of Action of Mexico; the Technical Secretariat of Plan Ecuador will be responsible for the execution thereof. At the same time, the Solidarity Cities Program will be bolstered, and to this end, alliances will be established with several municipal governments (Quito, Cuenca, Santo Domingo, Ibarra, etc).
- The Government of Ecuador has given a mandate to the inter-ministerial working group to become a Promoting Group, responsible for the implementation of this policy and to publicly report on its advances (at least once a year). This Promoting Group will include the National Secretariat for Migrant Affairs (SENAMI) and the Ecuadorian International Cooperation Agency (AGECI).

The State's refugee policy needs to be strengthened and complemented through the appropriate institutionalization and allocation of human, technical and financial resources by the State. The commitment of Ecuador of contributing its own funds to each of the programs mentioned in this document is explicitly stated.

With the essential support of International Humanitarian Law, the Government of the Citizen Revolution will foster in the northern border of the country, in addition to a system of protection, the Solidarity Border Program, as a concrete proposal for integration and development.

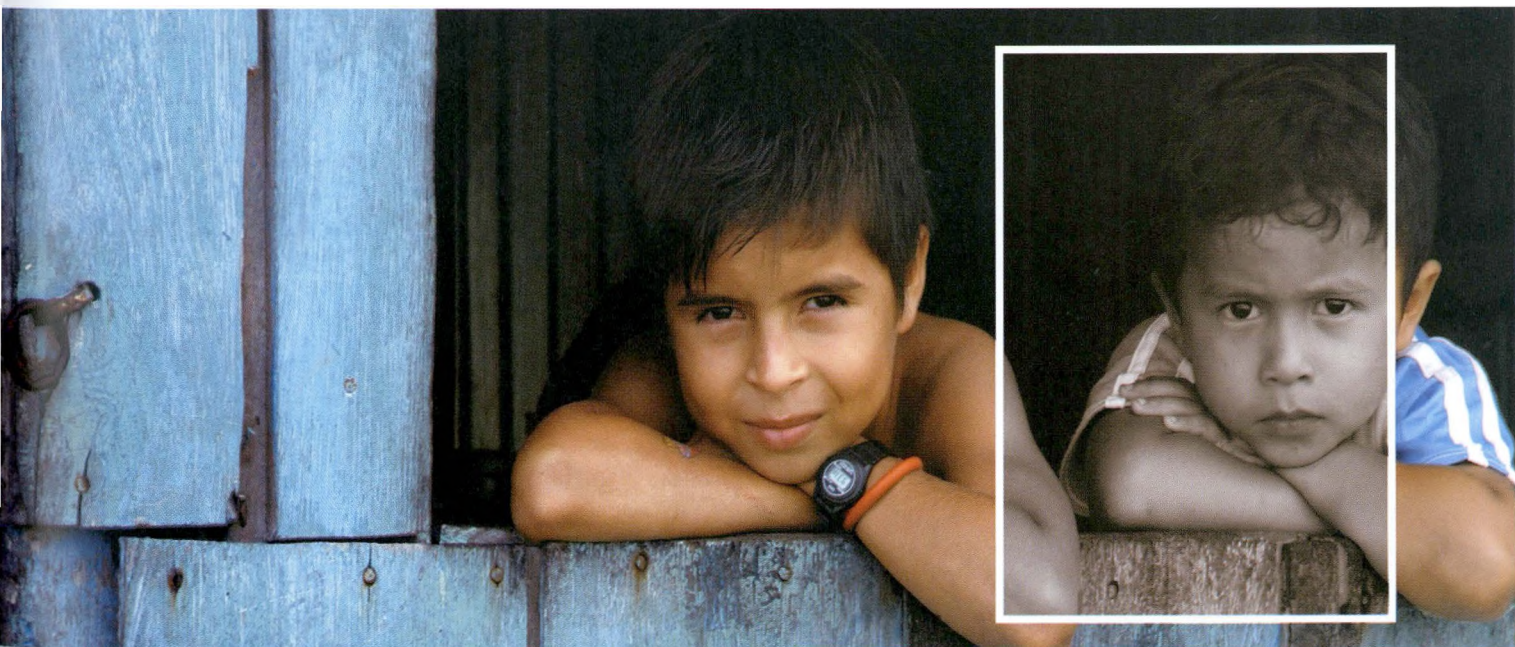
With the Government of Colombia, Ecuador is contemplating a relationship, a space or form of shared responsibility and reciprocal cooperation in the search for concrete, lasting, dignified and sustainable solutions to all Colombian refugee applicants found in Ecuador, guaranteeing the protection and the respect for the human rights of all citizens in need of international protection. The same relationship of bilateral shared responsibility will also be enhanced through international cooperation.

2 Foreword

The document *Ecuador's Refugee Policy* is the product of the collective work of several ministries: the Ministry of Foreign Affairs, Trade and Integration; the Ministry of Coordination of Internal and External Security; the Ministry of Defense; the Ministry of Government; the Ministry of Justice and Human Rights, and the Technical Secretariat of Plan Ecuador, together with the representation of the United Nations High Commissioner for Refugees (UNHCR) in the country.

This working group was given a mandate by the Government of the Republic to submit a proposal regarding the lack of protection of thousands of Colombian refugees in the country.

As a result of this mandate, representatives of the aforementioned entities met during six workshops to define, in a participatory process, the content of this document. After each workshop, partial results were sent to each of the institutions, with the purpose of reaching agreements one step at a time with the relevant authorities. In this way, a truly institutional participation was built. The methodology, the conduction and the systematization of the results have been the responsibility of the General Office for Refugees (DGR), of the Foreign Ministry. Its contents are the product of an inter-ministerial consensus.



3

Introduction

The Republic of Ecuador guarantees, as an essential principle of its State policy, the unwavering respect for human rights, and the promotion and defense of the fundamental rights of all persons, without exceptions. These principles are enshrined in the texts of the Political Constitution of the State and in all the international legal instruments in force for Ecuador, aimed at the defense, protection and promotion of human rights. In this field, the process of the *Citizen Revolution* which Ecuador is living through implies protecting the right to free human mobility as a constitutional guarantee, as an effective demonstration of the validity of the human rights of all persons, both of our fellow Ecuadorian citizens established outside the national territory as well as of foreign citizens settled in our homeland, regardless of their immigration status. This large group of persons includes refugees or refuge applicants in Ecuador.

This reality forces the State of Ecuador to respond accordingly, through the planning and execution of public policies aimed at fully complying with the principles of International Humanitarian Law and, in this field, to address, with the generosity and solidarity characteristic of the people of Ecuador, the problems and the needs of hundreds of thousands of persons, both Ecuadorian emigrants living abroad and foreign immigrants established in the territory of Ecuador, in view of the full integration of the migration phenomenon.

The Citizen Revolution strives to guarantee protection and support to Ecuadorian men and women living abroad and, at the same time, eradicating the permissiveness, tolerance and encouragement of xenophobic and backward attitudes against the inhabitants of neighboring countries that come to Ecuador, especially from Colombia and Peru, whether as political refugees or as economic migrants, a fact that weakens any serious, coherent and sustainable migration policy.

Currently, it is necessary to broaden criteria in order to face the immigration and refuge phenomena in their various modalities. Fundamentally, it is urgent to strengthen the framework of protection of the human rights of persons moving towards our country, especially those who seek international protection, through the generation of assistance and prevention plans and programs. There is a pressing need to foster policies and programs that, in various fields -economic, political, social, cultural, legal and institutional, both at national and at international levels-, aim at responding to persons who, as a result of having lived processes of human mobility of great magnitude, move from one country to another, generally by force, and live in precarious and vulnerable situations.

The State of Ecuador guarantees the acknowledgement of the status of individual refugee and for the



massive affluence of foreign citizens. It respects and guarantees the principles of no return and no criminal punishment for violations of current immigration legislation in cases of asylum and refuge, and it shall execute the actions required for the effective inclusion of these persons in Ecuadorian society.

The issues of economic migration, refuge and forced displacement have been compounded by other problems that, in general, are addressed from the perspective of trafficking in persons and trafficking in immigrants. In all these processes, the distinctions between “forced nature” and “free decision” are extremely difficult to make and determine, and may lead to multiple and recurrent violations of the fundamental rights of immigrants, refugees and displaced persons. To pretend that these issues are enclosed within the same denomination prevents understanding the differences between each human group and giving adequate treatment to each group. This entails the risk of making them invisible and, therefore, it makes refugees, displaced persons and migrants more vulnerable than what they structurally are.

Mobility is a human right that includes freedom of transit, of residence and to request, receive and enjoy asylum and/or refuge. The State is responsible for protecting this right, through the establishment of sound constitutional principles to guide the design of effective national public policies.

The starting point of a comprehensive migration policy must be its active insertion within a long-term development strategy. The fundamental objective of this strategy must be the active incorporation of all society—and not only of a fraction thereof—in national life; this includes, evidently, the communities of

migrants in countries of transit and destination. In other words, we must aim at a society that guarantees access by all its members, without exception, to a decent standard of living, to a standard of wellbeing that meets their basic needs, as well as the guarantee, by the State, of the effective exercise of their citizen rights, based on an adequate and sustainable use of their abilities and of the various human and natural potentialities of the country.

If it is necessary for Ecuador to support its large community of migrants, it is also necessary to make the efforts required to raise the awareness of the Ecuadorian society concerning immigration. This policy should take into account the deployment of awareness-raising campaigns all over the nation, aimed at the entire population, in order to prevent, reduce and eliminate xenophobic attitudes and behaviors (in some cases encouraged by the media and, even, by certain national, local and/or control authorities that make erroneous interpretations of the causes of citizen insecurity and the variation of the crime rate, attributing insecurity and crime exclusively to the presence of foreign citizens). Immigration has to be seen as an opportunity, not as a threat.

The Colombian conflict continues to be the main generator of internal displacement and expeller of refugees in the Latin American region. With the application of Plan Colombia, our neighbor country has the highest number of internally displaced people in the world, as it is calculated that there are more than three million persons with this status. Displaced populations live in conditions of extreme poverty and objectively lack any effective guarantees regarding the validity and protection of their fundamental human rights. Likewise, there are some 600,000 Colombian

refugees in neighbor countries, including Ecuador, Panama, Venezuela, Brazil and Peru. In the southern border of Colombia, indiscriminate aspersions, using chemical agents that are harmful for human, animal and plant health –glyphosate, Cosmo-flux and others- continue to expel Colombian farmers towards Ecuadorian territory.

The number of refuge applicants in Ecuador has increased considerably in recent years. There is, in addition to the high number of refuge applicants, an indeterminate number of Colombian citizens that have fled their country due to violence and who, when they arrive in Ecuador, fail to apply for refuge for lack of information, because they feel their safety is threatened, due to economic limitations and, in some cases, because they do not wish to apply for refuge, possibly for fear of suffering the consequences of discrimination.

In this context, it is also worth noting that information mechanisms on the refuge process in Ecuador are still insufficient. As they cross the border towards Ecuador, Colombian citizens often do it simply to safeguard their lives and their personal integrity, as well as the lives and the integrity of their families, entering the territory of the nearest country, Ecuador, without knowing that, from the moment they leave their homeland and they enter another State, they are in fact refugees in the new country. This reality determines also that thousands of persons do not apply for refuge and begin to live as irregular or undocumented immigrants, liable of being deported.

Also, the migration phenomenon has aspects of refuge and economic immigration. The lack of clear policies leaves thousands of Colombians in a

grey area. For fear, lack of information or economic limitations, they decide not to apply for refugee status.

Lack of documentation is the main cause that prevents the insertion of foreign citizens –mostly Colombian- in the formal labor market of Ecuador. They are exposed to the abuse of employers when they enter the informal labor market. This situation also affects boys, girls and adolescents who are left out of the official educational system. Access to public health is also restricted or very limited, due to the lack of official documentation or due to the irregular migration status in which these citizens find themselves. For this reason, Ecuador's policy includes specific agreements of inclusion of refugees with the Ministries of health, education and labor, in order to allow this population to access these services in equal conditions as Ecuadorian nationals.

We might say that of the groups of Colombian immigrants, the refugee population is the most vulnerable, as they come from an environment of widespread violence in their country of origin, without protection from their Government, and they arrive in a new country where, due to certain xenophobic and discriminatory attitudes, alien citizens – mostly Colombian – do not always find a favorable context that assures them physical and emotional security.

Ecuador's refugee policy has two sides:

A. On the one hand, guaranteeing full protection of the vulnerable population, in a broad sense of the word. This policy expression includes not only the respect for International Humanitarian Law by the State of Ecuador, but also the guarantees that shall be granted to ensure the effective exercise

of human and citizen rights by foreign refugees established in our country.

B. The second aspect of the Ecuadorian refugee policy is the guarantee that must be offered for an effective and lasting solution to the situation of refugees. The ideal solution would be the voluntary and dignified return of refugees to their country of origin, the Republic of Colombia; unfortunately, this option is highly unlikely, due to the negative dynamics of the armed conflict in Colombia.

Another possibility or perspective of solution for the vulnerable situation of refugees is their voluntary resettlement or relocation in third countries; in this context, Ecuador is deeply thankful for the solidarity of brother countries like Brazil, Argentina and Chile, among others, that have extended their generosity and their supporting hands in favor of Colombian refugees.

For most Colombian refugees in Ecuador, a lasting solution to their vulnerability would be synonym of their total and effective inclusion in Ecuadorian society, with the same rights and obligations as Ecuadorian citizens, within a development approach that we aspire to build in Ecuador's Citizen Revolution.

Also, Ecuador's refugee policy has a legal basis on International Humanitarian Law. Our public policy takes into account the essential interaction among the aspirations, goals and programs we wish to carry out, as well as the required consolidation of the institutions and the financing of the actions we intend to execute.

Interaction among these key elements is the commitment of the State and of the Government of the Republic of Ecuador.



4

Refugees and Plan Ecuador

In March 2007, the Government of Ecuador publicly launched Plan Ecuador as a State policy for the northern border of our country. Plan Ecuador conceives human security and solidarity as the result of the building of peace and development; of an equitable and supportive international relations policy; and of a defense policy based on the protection of the country's population, resources and wealth, with an effective control of the national territory.

Plan Ecuador, faced with the impacts of the Colombian internal conflict on Ecuadorian society, guides its efforts on the basis of a preventive, multi-dimensional and multi-sectorial approach, aimed at solving the serious economic and social problems caused by poverty, exclusion and violence.

The fundamental principles of Plan Ecuador are:

a) Peace and cooperation as a system of cohabitation among States;

b) Rejection of external aggression, non-intervention in the internal affairs of other countries and sovereign equality in the relations among States, particularly neighboring States; and,
c) Cooperation and shared responsibility in the achievement of the objectives of development among the various institutions of the State of Ecuador and the organizations of society.

Ecuador is the Latin American country that has received the largest number of refugees in its territory, especially Colombian nationals. This huge flow of foreign persons is a direct consequence of the serious internal conflict of Colombia, which has been catalogued as the worst humanitarian crisis in the Western hemisphere in recent times, which shows no signs of solution in the short or medium term.

From the year 2000 onwards, thousands of Colombian citizens in need of international protection have crossed the border with Ecuador. Until now, there are



no surveys that allow us to define the exact number, the quality of life of persons eligible to be awarded the status of refugees, and the objective impact in the life of the country of the presence in Ecuador of such a large group of population uprooted by the Colombian conflict.

The refugee issue no longer affects exclusively the northern border of Ecuador, as there has been a dispersion of Colombian citizens to all the regions of the country, including the two largest cities, Quito and Guayaquil. The huge numbers of Colombian citizens present in Cuenca, Santo Domingo de los Tsachilas, Nueva Loja (Lago Agrio), Esmeraldas, Tulcan and Ibarra, to name just the capitals of the Ecuadorian provinces that probably welcome the greatest numbers of Colombian citizens in Ecuador, is also worth noting. We must place emphasis on the presence of an important number of Colombian citizens in certain rural areas, with greater incidence in the provinces that make up the Border Integration Zone with Colombia: Esmeraldas, Carchi, Imbabura, Sucumbios and Orellana. The Amazon province of Sucumbios deserves special attention, as here the largest concentration of Colombian population requesting international protection is probably located.

The discrete displacements of Colombian citizens that leave their country and enter Ecuadorian territory (mostly by land, generally on foot), and the permeability of the border itself, especially in view of the geographic reality shared by both countries (extensive jungle areas) makes this phenomenon objectively difficult to identify. For this reason, it is difficult to identify in detail the population in need of international protection.

In February 2008, the representation in Ecuador of the United Nations High Commissioner for Refugees, UNHCR, submitted preliminary data of a study on the needs of international protection of population of Colombian nationality in the northern border region of Ecuador (provinces of Sucumbios, Orellana, Carchi, Esmeraldas and Imbabura). According to this document, some 85,000 Colombians live in the northern border of Ecuador, and it is calculated that almost 70% or 59,000 of them declare that they need special protection. Of this group, some 35,000 persons have never applied for refugee status. This study is just the first step to learn the truth about the situation of this population. The second phase consists in understanding this reality at national level.

From the year 2000 until late 2007, the Ministry of Foreign Affairs, Trade and Integration (General Office for Refugees) has registered 55,691 refugee applications. Only in 2007, 11,306 persons requesting this status filed applications. This means, on average, 942 applications per month. The number of applications has increased considerably since 2002, when the peace process in Colombia collapsed. The main causes leading to the request for asylum are directly related with the development of the internal conflict in Colombia.

Of the total number of applications, from early 2000 until late 2007, 29.5% (16,407) have been accepted and 35.75% (19,908) have been rejected, because they fail to comply with the conditions of eligibility provided in the 1951 United Nations Convention on the Status of Refugees, its Protocol of 1967 and Executive Order 3301 of May 1992. For these procedures there has been permanent coordination between the Ecuadorian Foreign Ministry and

UNHCR. Other applicants have been repatriated, resettled in other countries, or the interested persons themselves have failed to continue with the formality. Of the total number, 13.24% (7,373) of applications are pending a decision.

The State of Ecuador has assumed the commitments regarding asylum and/or refuge arising from International Humanitarian Law. Executive Order 3301/92 regulates the application of the norms, both of the Geneva Convention on Refugees (1951) as of the Declaration of Cartagena of 1984. This Order, which contains Ecuadorian legislation regarding this matter, has served as model for other countries in the region.

Plan Ecuador explicitly includes the axis of "Human Rights and Humanitarian Assistance and Refuge", and it also contemplates the guarantee of the exercise of human rights and protection against all forms of discrimination of the population settled in the area, as well as compliance with international commitments assumed regarding humanitarian assistance and refuge of displaced persons from their place of origin.

The refugee population deserves special attention, with actions of protection and inclusion by the State and the civilian society of Ecuador, which have the adequate support of UNHCR and other international

aid workers, on the basis of the organizational structure at province, municipality and community level. In principle, they will seek the inclusion of local, national, refugee and immigrant population, to promote tolerance and solidarity, prevent confrontations between different groups of vulnerable population and ensure that immigrants and refugees are better informed of their rights and obligations.

Plan Ecuador considers the following strategies to reach the above-mentioned goals:

- Promote understanding of the fundamental rights of persons, as well as the dissemination of the different mechanisms of protection and defense of human rights from governmental actors, local governments and organizations of civilian society.
- Strengthen human rights training programs for members of the Armed Forces, National Police and civilian society, among others.
- Promote transparency and equality in the analysis of specific cases related with human rights violations.
- Strengthen contingency plans to face greater flows of displaced persons in the area.
- Coordinate tasks and experiences and share information with international agencies and NGOs to develop joint work in the issue of displaced persons.



5 Challenges and the National Development Plan

Ecuador faces the need to design and implement new creative policies to facilitate the search for adequate solutions to an adequate and effective asylum system for persons in need of international protection.

This challenge means that the State of Ecuador must grant protection and therefore provide migration legality, with the status of refugee, to all foreign persons that can demonstrate their need for this protection.

At the same time, Ecuador is committed to provide comprehensive protection to all refugees, based on civil, economic, social and cultural rights, which means the implementation of a national policy of inclusion.

Inclusion of persons in need of protection requires a territorial approach, that is, an approach directed by force towards the communities that welcome applicants for international protection as a whole, including refugees and resident population in similar conditions, striving to contribute to the development of the community in general.

These challenges arise from the stipulations of the National Development Plan (2007-2010), Foreign Policy Chapter, as part of policy 2 ("Supporting the validity of international law, particularly in human rights and environmental issues").

This Plan provides, inter alia, the following actions:

- 1) Promoting the legalization of persons eligible for international protection with the status of refugee in Ecuador;
- 2) Executing a policy to guarantee the rights of refugees;
- 3) Strengthening the institutional capacity of the Ministry of Foreign Affairs, Trade and Integration in refugee issues;
- 4) Fostering the social insertion of refugees in conditions of dignity and solidarity;
- 5) Harmonizing the national refugee legislation with international law and formulating a public policy on this issue.

6 Issues identified in the current system of asylum in Ecuador

Nowadays, most refugees in Ecuador lack the official and legal acknowledgement of their situation, not only in the region of the Northern Border, but throughout the national territory. This fact leads the refugee population to a situation of extreme vulnerability.

The current system of acknowledgement of refugee status in Ecuador, based on individual interviews of each case in particular and on a decision of eligibility as refugee, also individual, cannot cope with such a large number of persons that need international protection.

This situation is worsened by the fact that the thousands of persons that are not accepted¹ as refugees continue to live in the country, presumably under an irregular immigration status.

In the Ecuadorian society in general, and in public institutions in particular, there is not much information about the situation of refugees in the country, or about the commitments assumed regarding compliance with International Humanitarian Law by the State of Ecuador.

The media do not always help the population in general to adopt a supportive attitude towards refugees; on the contrary, not much difference is made

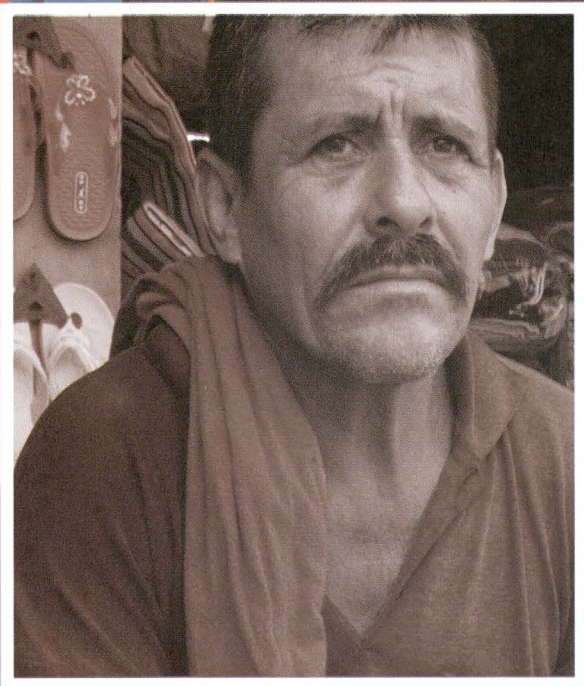
between Colombian citizens in general and refugees in particular. This confusion fosters expressions of xenophobia registered by some authorities in the Northern Border.

These facts do not contribute to overcome the fear of many refugees to expose themselves to the official powers of any country. This lack of trust is worsened by the widespread lack of information among refugee and resident population in Ecuadorian receiving communities regarding their rights as persons in need of international protection and regarding the procedures they must follow to legalize their situation.

In consequence, most of the refugee population in Ecuador lives in conditions of invisibility, which makes their access to basic services, such as education and health, more difficult, and makes it very hard for them to find work. This has meant that some refugees have been arrested and deported, which is a violation of the principle of no return to their country of origin, one of the fundamental aspects of International Humanitarian Law.

Throughout history, the presence of the State in the northern border, including the institutions of the asylum system, has been weak. The General Office

¹ According to DGR data, of the total number of applications between 2000 and end 2007, 29.5 % (16,407) was accepted and 35.75% (19,908) were rejected.



for Refugees (DGR) of the Foreign Ministry, as well as the Commission of Eligibility⁽²⁾, are concentrated in Quito⁽³⁾. With the exception of the brigades that the DGR organizes in the provinces of the northern border⁽⁴⁾, all refugee applicants have to come to the office of the DGR in Quito, in general on three occasions until they obtain the refugee card. This procedure implies too many expenses for many persons in need of protection.

The main cause of the problems identified must be sought without a doubt in the dynamic of the severe internal conflict in Colombia, especially after the year 2002. No agreements have been reached between the States of Colombia and of Ecuador regarding the magnitude of the problem of the massive presence of population of Colombian nationality in need of international protection to establish shared responsibility between both countries and the international community.^[5]

In Ecuador, compliance of international commitments assumed by the State, mainly those contained in the Declaration and in the Plan of Action of Mexico of 2004, has not been a governmental priority until now, and this has translated into a lack of national policies in this sense, as reflected in the execution of a few isolated actions, with limited budget, regarding persons in need of international protection.

Lack of knowledge of the rights and obligations of refugees has worsened with the objective and evident confusion existing between the commitments of protection and international solidarity with the immigration issue in Ecuador and national security interests. Segments of the Ecuadorian population know little and are not sensitive to the humanitarian tragedy of refugees, in contrast with the values of solidarity and respect for human rights that govern the actions of the State of Ecuador.

2. The Eligibility Commission, which meets on average twice a month, consists in two officials of the Foreign Ministry and one official of the Ministry of Government.

3. Since the year 2006, the DGR also has an office in Cuenca, for the registration and interview of applicants. With their suggestions, cases are submitted to the Eligibility Commission in Quito.

4. Each brigade lasts one week and analyzes about 100 cases; however, the time the brigade takes to come back to the same location is approximately 2 months. Obviously, this is not enough if one takes into account that only the office of the UNHCR in Lago Agrio receives some 400 applications per month.

[5] This shared responsibility cannot, under any pretext, violate the rights of Colombian refugees in Ecuador.



7

New opportunities

"There are no illegal human beings", said the President of the Republic in the act to launch Plan Ecuador, in April 2007. He added, "we cannot have the double standard to demand fair treatment for our fellow countrymen and to forget the refugees of other nations".

Today, more than ever, the Government of Economist Rafael Correa has the express intention to observe Human Rights, particularly regarding the situation of people in need of international protection. Plan Ecuador, one of the axis of which focuses on the issue of the respect for Human Rights, guaranteeing access to justice and expressing concern for the issue of refugees, is a demonstration of the political will, just like the inclusion of these issues in the National Development Plan, under a fundamental legal perspective, and in the National Foreign Policy Plan of Ecuador.

Also, the new juridical-administrative structure of the State, expressed through the creation of Ministries of Coordination in the political, economic and security areas, as well as the establishment of new State entities, as the Ministry of Justice and Human Rights, facilitate the implementation of these commitments.

Pursuant to express provisions and instructions issued by the current Administration, the coordinated

work executed by several Ministries-Secretariats of State (Ministry of Foreign Affairs, Trade and Integration; Ministry of Coordination of Internal and External Security; Ministry of Government; Ministry of Defense; Ministry of Justice, and the Technical Secretariat of Plan Ecuador, in close alliance and coordination with the UNHCR, in the production of this proposal) verifies the will towards change.

At present, the country has broader and more accurate information about the situation of persons in need of international protection, at least in the northern border region. Institutional commitments in this sense have been strengthened, as shown by the opening of an office in the city of Lago Agrio, canton New Loja, province of Sucumbios, by the Ministry of Foreign Affairs, Trade and Integration - General Office for Refugees.

Also among the civilian society, there are key actors with broad working experience in the issue who are willing to work in closer coordination with State institutions. Some promoters of civilian society in this field now hold key positions in the Government.

One of the pillars of the opportunities currently existing to guarantee an effective and comprehensive protection of refugees is the significant presence of the UNHCR in the country, with its commitment

to support the State and the Ecuadorian society to execute the commitments assumed regarding International Humanitarian Law.

With respect to the international community, there is greater visibility of the importance and magnitude of the issue of refugees in Ecuador, as confirmed by then Director for America of the Office of the UN High Commissioner for Refugees (UNHCR), Philippe Lavanchy, after his official working visit to Ecuador in 2007.

Against the development of Plan Colombia and the “self-defense” strategy wielded by the Colombian Government to face with force the groups raised in arms in that neighbor country, the Government of Ecuador deems that it is more necessary and more urgent to implement these political guidelines aimed at protecting the human rights of our refugee neighbors. The application of International Humanitarian Law has priority and is above the current conflict between both States.

The necessary increase of concerns of Ecuador regarding national security matters has not changed the humanitarian approach given by the Government of Ecuador to the treatment of population in need of international protection. In addition, the institutions committed with the international protection of refugees have the conviction that the public opinion of Ecuador clearly shares this position.





8

Principles that govern Ecuador's refugee policy

The State of Ecuador undertakes to comply, as allowed by its possibilities and with a shared responsibility and solidarity approach, both with the State of Colombia and with the international community, the commitments assumed in the 1951 Geneva Convention on the Status of Refugees, its Protocol of 1967, the Declaration of Cartagena of 1984 and the Declaration and Plan of Action of Mexico of 2004.

Within this framework, Ecuador explicitly reaffirms the principles expressed in the Declaration of Mexico and assures that its legitimate security interests and the guarantee of its national sovereignty and territorial integrity are framed within the unwavering respect for human rights, International Humanitarian Law and compliance with the provisions contained in international instruments for the protection of refugees and of Human Rights in general, that are part of the internal legislation of our country.

Humanism and solidarity are the fundamental principles that guide the Ecuadorian refugee policy, acknowledging that the possibility to seek and obtain

asylum or refuge in another State is a fundamental right of all persons.

The State of Ecuador expresses its decision to respect the principle of non-discrimination and to adopt measures to prevent, combat and eliminate all forms of discrimination and xenophobia.

Ecuador could not be contented, and therefore could not be satisfied, if it did not guarantee the exercise of fundamental human rights by refugees and if it did not find lasting solutions to the humanitarian problems of the population in need of international protection, within or outside its territory.

The immigration phenomenon is considered, in the scope of these political guidelines, from a comprehensive perspective that articulates the actions of various state agents working on issues related to immigration, in order to harmonize and coordinate measures with greater and better social impact. The issues of immigration, emigration, refuge and displacement will always be addressed from the principles of defense and respect for human rights.

9 Programs planned by the State of Ecuador

While the Government of Ecuador conceptualizes the phenomenon of migration as a whole, it seeks to build and consolidate political and programmatic coherence among the elements of Ecuadorian emigration abroad, and immigration and refuge of citizens from other countries in Ecuadorian territory. The new Political Constitution of the Republic of Ecuador expresses this fundamental principle.

Competent institutions of the National Government are aware of the limitations that our state policy has faced until now regarding this issue. For the thousands of refuge applicants whose applications have been rejected by the Eligibility Commission[6], the State of Ecuador undertakes to find a short-term solution and this will be included in the working agenda that the National Government undertakes to promote.

Following the logic of the National Development Plan and of the goals established in the chapter Foreign Policy, the Government of Ecuador will foster several programs regarding the protection of refugees:

9.1. Goal 2.10: Promoting the legalization or regularization of persons eligible for international protection under refugee status in Ecuador

9.1.1. Program 1:

Identifying persons eligible for refugee status and dissemination of procedure to be acknowledged as such

To comply with this program, the UNHCR – at the request of the Ecuadorian Government – has asked the Center for the Study of Population and Social Development (CEPAR) to conduct a survey by sampling to determine, in a serious and objective way, the real magnitude of the presence in the northern border of Ecuador – Provinces of Esmeraldas, Carchi, Imbabura, Sucumbios and Orellana, of Colombian citizens in need of international protection.

According to the first studies made, the total projected Colombian population for the northern border is 84,494. Of these, 70% (58,838 people) declare that they are in need of international protection (NIP); that is, they are persons who left Colombia for reasons related to the situation of internal violence in their country of origin and/or violations of human rights that have occurred in Colombia.

This investigation has allowed us to verify the phenomenon of the 'invisibility' of refugees: a very high number of Colombian citizens – 35,029 – in the northern border region are in need of international

[6] 19,908 refugee applications in Ecuador have been rejected by late 2007, according to the General Office for Refugees.



protection, but they have not been able to access the asylum system of Ecuador. These *de facto* refugees account for almost 60% of persons that should have access to the Ecuadorian asylum system.

Invisible/ <i>de facto</i> Refugees present in Northern Border	35,029
Registered / Regularized present in Northern Border	23,809
<hr/>	
In need of Protection present in Northern Border	58,838

The distribution of these 35,029 *de facto* refugees per province is the following: Sucumbios and Orellana (48%), Carchi (24%), Esmeraldas (18%) and Imbabura (10%).

It is mostly a young population (50% are boys, girls and adolescents, and almost 40% are in working age), that has moved to Ecuador for reasons related to the internal conflict in Colombia. Seventy two percent of these persons come from the neighboring Colombian departments of Nariño (37.3%) and Putumayo (35%).

Ninety five percent of these *de facto* refugees arrived in Ecuador after the year 2000, until mid 2007 (date of reference of this investigation).

Sixty seven percent of this population belongs to white and/or mixed ethnic groups, 18% are of Afro-American origin, and 15% belong to different indigenous ethnicities. Peculiar distributions according to provinces of origin have been detected.

These *de facto* refugees have not accessed the asylum procedure in Ecuador, mostly because they are not aware of their rights and obligations and due to the limited possibilities of access to official instances, in view of the money needed to do so or because these offices are far removed from the communities where they live.

This investigation has revealed both the needs of protection of *de facto* refugees in the northern border, as well as the fact that, in that region, there is a considerable number of persons that are formally excluded from participating in the life of their communities and to achieve an authentic local integration, with effective access to their fundamental rights.

This study is only the beginning of the achievement of the important goal established, as we still need to design and execute the second part of the study, which cover the entire country, an activity planned for execution during the second half of 2008.

9.1.2. Program 2:

Design of policy to guarantee the rights and legalize refugees

The Ecuadorian policy to guarantee the rights of persons in need of international protection consists in the strong commitment of the State of Ecuador to implement an agenda emerging from the Declaration and the Plan of Action of Mexico, assumed by almost all the countries of Latin America and the Caribbean in 2004.

Explicitly, the State of Ecuador adopts the principles of protection expressed in each of the chapters of the Declaration of Mexico. At the level of the Plan of Action of Mexico, the State of Ecuador also undertakes to execute, as allowed by its possibilities, the proposed programs regarding international protection of refugees, lasting solutions for the situation of refugees and the formulation of regional initiatives, in close coordination with the United Nations System.

The Ecuadorian policy of guarantee of human rights in general and of the rights of refugees in particular - in a broad sense of political, economic, social and cultural rights-, intends to set up a triangle with doctrine, strategies and programs on one side, and institutions and funding on the other side.

This policy includes the necessary definition and implementation of procedures to acknowledge citizens as refugees, and the mechanisms for their legalization, as a priority.

The Government of Ecuador has decided to adopt a "mixed model" for the procedures and mechanisms of acknowledgement of the status of refugee, consisting in the following actions:

1. Enhanced Registration of persons in need of international protection found in the country who have not been acknowledged;
2. Strengthening of current system, based on individual interviews; and,
3. Registration in groups for possible massive flows of refugees.

The implementation of the three models will be made in parallel, insisting on the Enhanced Registration as the first priority in the short term, without neglecting the other modalities.

9.1.3. Milestone for the country:

Enhanced Registration of refugees and of refugee applicants

The Enhanced Registration is a practical tool, based on the group determination of the status of refugees, which has several precedents worldwide. The large number of refugees resulting from armed conflicts or State policies that violate human rights, has led to the development of innovative ways to speed up the determination of the refugee status.

These new procedures have been applied in contexts where the information of the country of origin contributed sufficient data to establish the presumption of need of international protection, which allowed to assume the causal linkages demanded by the definition of refugee. These linkages were replaced by the determination of the area of origin of beneficiary persons. To this end, questions have been included in the registration forms to help determine the objective elements in an easy and smooth way (geographical zones or ethnic origin).

The most recent experiences of the UNHCR with the Enhanced Registration are Malaysia and the 'Iraq' situation (Jordan, Syria and Lebanon), arising from the United States invasion to Iraq and the military occupation of that Asian country in 2003.

In the specific context of Ecuador, the implementation of the Enhanced Registration would not only satisfy the need of protection of the Colombian population present in its territory, but it would also significantly contribute to reducing pending cases in the individual asylum system and would favor the local integration of those persons in need of international protection settled in the national territory for some time already.

Through the successful application of this modality, Ecuador would be a pioneer and a regional benchmark for the implementation of the Plan of Action of Mexico.

More to the point, through the Enhanced Registration, the Government of Ecuador intends to acknowledge more than 50,000 persons in need of international protection in the northern border region until June 2009.

The Government of Ecuador is aware that the issue of the massive presence of refugees is not an exclusive phenomenon of the northern border. Nowadays, the issue of refuge has a national dimension and has to be addressed as such.

The Enhanced Registration in the northern border would only be a first, but fundamental step that will be extended to other regions of the country, as we advance in the understanding of how refugees are distributed, taking advantage of the experiences of the initial phase in the northern border. At the same time, the lessons learned in the zone will be included in the current procedure for the determination of the refugee status in view of the new applications that

will be presented, with the goal of having a more agile and efficient national system.

An Operating Plan, a timetable and a budget for the Enhanced Registration have already been devised.

9.2. Goal 2.11:

Executing a policy for the rights of refugees

9.2.1. Program:

Promoting the rights of refugees

The implementation of this program implies, at the same time, the modality of the Enhanced Registration, the strengthening and speeding up of the current procedure to determine the status of refugee, based on individual interviews. The Enhanced Registration modality refers to population in need of international protection already settled in the country that has not been able to legalize its status, while individual determination applies to refuge applicants that continue to flow into the country due to the internal armed conflict of Colombia.

This program will guarantee the efficient operation of the individual determination modality, facilitating easy access for applicants to the asylum system to efficiently respond to the flow of refugees, and it is adapted to the profiles of vulnerability of persons in need of protection.

To achieve these goals, it is essential to regularize refugees in the shortest term possible and to reduce to the minimum possible the current number of pending applications.

At the same time, the institutions that regulate the asylum system in Ecuador will implement a broad information and training campaign on the commitments and actions of the Government and the State of Ecuador regarding International Humanitarian Law issues, addressed both to the population in need of protection regarding their rights and guarantees and the mechanisms to access them, as well as to national and local public institutions, and instances of civilian society that work with refugees. These campaigns will be evaluated from time to time by independent agencies of the national Government.

9.3. Goal 2.12:

Strengthening the institutional capacity of Ministry of Foreign Affairs, Trade and Integration on refugee-related issues

9.3.1. Program:

Institutional development for processing of refugee applications

The institutional architecture of the refuge system has to match the political goals approved, and it is governed by principles of flexibility and humanitarian



and supportive treatment of persons entitled to request asylum in our country.

In order to give agile and timely responses to persons seeking refuge in Ecuador, the application of the criteria of eligibility of the status of refugee will always favor persons in need of protection, thus complying with International Humanitarian Law and with a high spirit of humanism. The Government of the Citizen Revolution undertakes to apply these criteria in the selection of officials in public institutions in charge of the refuge system.

An essential requirement for the implementation of the policy of the rights of refugees is strengthening the institutions of the refuge system in Ecuador, with the General Office for Refugees of the Ministry of Foreign Affairs, Trade and Integration (MRECI), at the core.

The strengthening of the General Office for Refugees (DGR) implies the commitment of the State of Ecuador of furnishing, within 2 years at the latest, at least 50% of the budget required for operating expenses, including human, material and logistic resources, as well as the participation of at least 30 officials of the Foreign Service of Ecuador in the DGR. The Ecuadorian Government, through the MRECI, is committed to guarantee minimum stability for the personnel and reasonable changes in the DGR, in order to strengthen the continuity of the work of this Unit.

The information system of the DGR deserves special attention in the strengthening of the institutions, as it includes both aspects related with the information on

the country of origin of persons in need of protection, as well as of the applications for refugee status and the situation of refugees accepted by the State of Ecuador.

Likewise, the Eligibility Commission, made up of two officials of the Ministry of Foreign Affairs, Trade and Integration and one official from the Ministry of Government, will seek adequate and necessary mechanisms to guarantee the respect for due process of persons in need of protection, the adoption of decisions within a reasonable time and the simplification of procedures, as provided by the Plan of Action of Mexico.

The Ecuadorian refuge system cannot guarantee effective protection and seek lasting solutions for uprooted populations exclusively through the MRECI. For this reason, it will foster inter-institutional coordination and with other actors of society.

At Government level, the working group made up of the Ministry of Coordination of Internal and External Security, the Ministry of Foreign Affairs, Trade and Integration, the Ministry of Government, the Ministry of Justice, the Ministry of Defense and the Technical Secretariat of Plan Ecuador, which will be extended to include the National Secretariat for Migrant Affairs (SENAMI) and the Ecuadorian International Cooperation Agency (AGECI), has become a Promoting Group, with the explicit mandate of guaranteeing the implementation of these political guidelines. This Promoting Group will be coordinated by the General Office for Refugees and backed by an Inter-ministerial Agreement.

The Promoting Group also has the explicit mandate of defining the essential coordination with the governments, both in the northern border as in other provinces and regions of the country.

An integral part of the Ecuadorian refuge system is the actors of civilian society involved in the issue. Acknowledging their key role in this work, the Promoting Group will define the forms of coordination between the State and civilian society, concerning policies, criteria of legalization and activities of inclusion of population in need of protection.

To that end, national networks existing in the country will be strengthened, with the goal of securing – with a complementarity approach between the State, civilian society and the UNHCR – efficient legal counseling for persons in need of protection, effective assistance to these persons, systematization and dissemination of best practices and successful experiences of Ecuador in the protection of refugees.

Once a year, this Promoting Group will submit a public report regarding the progress of the implementation of the national refugee policy.

An important part of the process will be the boost to establish a citizen watchdog service to supply information and act as an entity of control and social participation.

An integral part of the institutional strengthening strategy of the Ecuadorian refuge system is the close alliance with the UNHCR and the search for technical and financial backing from the international community.

9.4. Goal 2.13:

Fostering social insertion of refugees in conditions of dignity and solidarity

9.4.1. Program:

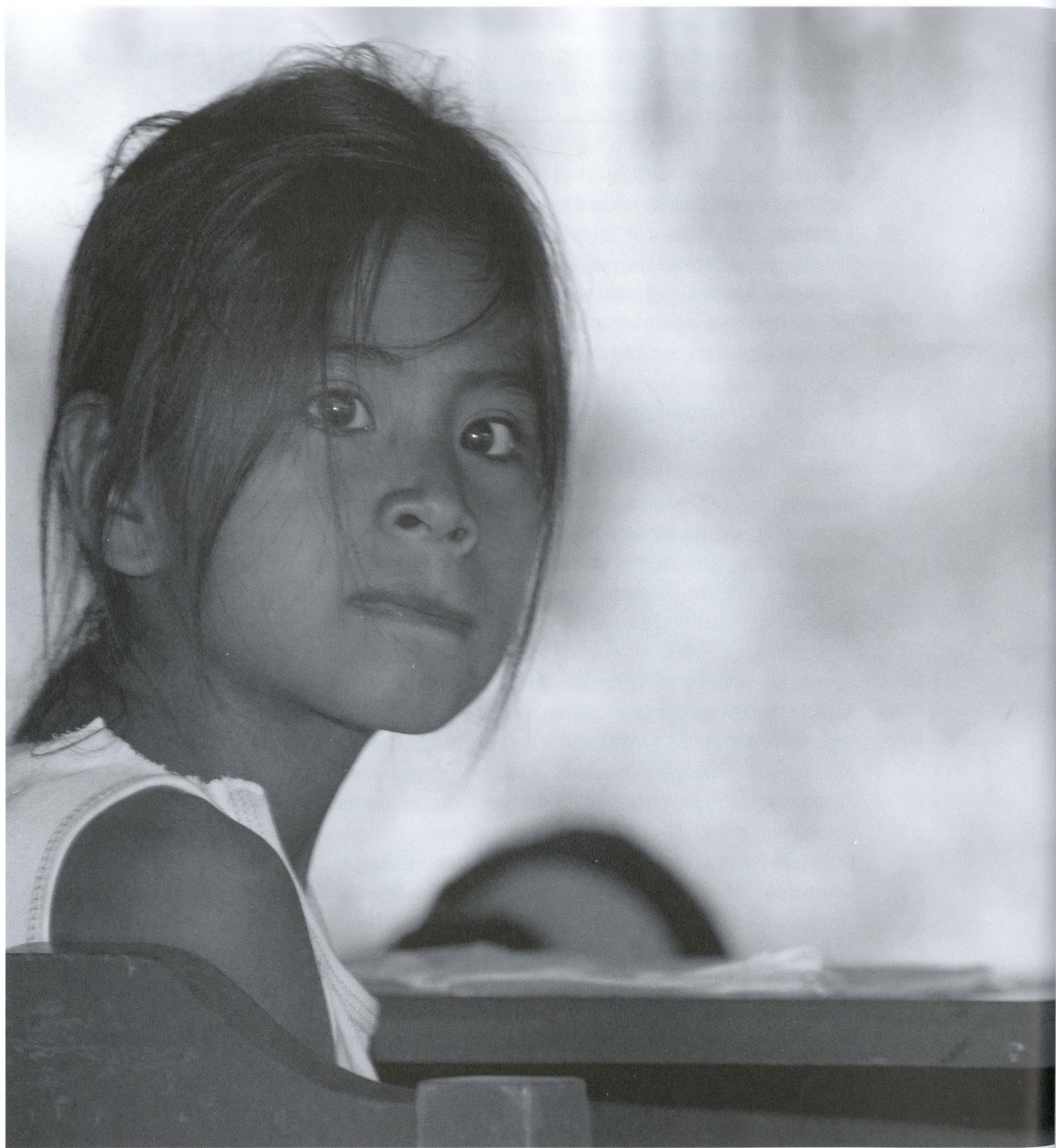
Public policies for the social insertion of refugee population

It has been recognized that the best solution for refugees is voluntary repatriation, in conditions of security and dignity. This option will be part of the political agenda of the Government of Ecuador with the Government of Colombia.

Taking into account the history of the internal conflict of Colombia and the remote possibilities of finding a solution to it, all analyses show that this option –within a reasonable term– would not be viable for most persons in need of international protection found on Ecuadorian territory.

For this reason, the State of Ecuador assumes the challenge and the commitment of seeking, in an innovative way, self-sufficiency and local integration of all persons in need of international protection.

In order to define viable policies and strategies of inclusion, it is essential to have reliable information about the magnitude of the issue, in the region and in Ecuador. We thank the UNHCR for its support to have for the first time real data regarding the situation of refugees in the northern border region of Ecuador, and we highlight the relevance of this work for the rest of the country.



In view of the objective fact that an important number of urban residents are among the refugee population in Ecuador seeking asylum in urban centers of Ecuador, including Quito, Cuenca, Ibarra or Santo Domingo de los Tsachilas, the Government of Ecuador assumes the commitment of implementing the **Solidarity Cities Program**, proposed by the Plan of Action of Mexico.

To this end, the Promoting Group of the national refugee policy will define the guidelines of the Solidarity Cities Program and will seek agreements as required with the respective local autonomous governments and civilian society.

For the population in need of international protection, the Plan of Action of Mexico proposes the **Solidarity Border Program**, the key elements of which –in the case of Ecuador– are included in Plan Ecuador.

Three relevant elements and commitments are worth noting within the framework of the Solidarity Border Program and Plan Ecuador:

- Adequate institutional mechanisms for the protection of the population affected and for the determination of the refugee status, with the main modality of the Enhanced Registration;
- Awareness-raising campaign of local population and national and local institutions involved in the issue; and,
- Regional strategic plan for the building of a peace and development zone, through Plan Ecuador, with the basic principle of territorial and social, economic, political and cultural inclusion approach, differentiated by criteria of vulnerability of the population, whether they are Colombian refugees or Ecuadorian citizens.

In the framework of the policy of Plan Ecuador, the solidarity border is understood as a proposal that promotes the development of receiving communities and their territories, generalizing access to political, social, economic and cultural rights.

Solidarity borders must:

- Acknowledge admitted refugees and receiving communities in vulnerable situation with special emphasis on women, young people and indigenous and Afro-American population living in the border zone.
- Promote public social policies of access to development opportunities for the displaced population in the territory, without generating conflicts among the receiving population, guaranteeing also peaceful coexistence and good standards of living of all the population.
- Promote socio-economic integration of refugees through the generation of income and micro-credit.

In the framework of the Promoting Group for the implementation of the national refugee policy, the Technical Secretariat of Plan Ecuador is in charge of leading the implementation of the Solidarity Border Program.

In this challenge, having the support of the United Nations System as a whole, and of the UNHCR in particular, is especially important, as well as having the political support and the technical and financial contributions of the international community. The State of Ecuador cannot assume on its own the huge costs implied by the search for a lasting solution to the situation of such a significant number of refugees, without the manifest shared responsibility both of the

State of Colombia as of the international community in general.

9.5. Goal 2.14:

Harmonizing national refugee legislation with international law, and formulating public policies on this issue

9.5.1. Program:

Development of regulations and public policies for the benefit of refugees in Ecuador

The procedure of acknowledgement of the status of refugee by the Government of Ecuador is based on Executive Order N° 3301, of March 6, 1992. This body of laws acknowledges the definitions of refugee contained in the 1951 Convention and in the Declaration of Cartagena of 1984.

The definition of refugee contained in the Convention of 1951, reproduced in Article 1 of Executive Order N° 3301, is considered as the traditional definition. This international instrument lists the basic constitutive elements a person must meet to be considered a refugee. In this sense, a refugee is a person *“that, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

In the Declaration of Cartagena of 1984, Latin American countries broadened the definition of

refugee to “persons that have fled their country because their lives, security or freedom have been threatened by widespread violence, foreign aggression, internal conflicts, massive violation of human rights and other circumstances that have seriously altered public order”. This definition is acknowledged in Article 2 of Executive Order 3301.

Currently, the procedure starts with an individual analysis of the merits of the applications. The recommendations made based on this analysis are submitted to the Commission in charge of determining the status of refugees, which will adopt a final decision. Generally speaking, the legal basis most often used to determine the status of refugee is the definition contained in Article 1 of Order 3301.

This procedure, efficient for a limited number of applicants and within a specific geographical territory, has not been able to meet the current needs of a very large number of persons in need of international protection that are in the country and who the State of Ecuador, until now, has not acknowledged as refugees, although they presumably meet all the requirements established in Article 2 of Executive Order 3301.

For the purposes of the Enhanced Registration, an interpretation of eligibility criteria and their congruence with national legislation has been prepared, based on the stipulations of the Declaration of Cartagena.

The application of the Enhanced Registration implies mobilizing registration brigades and the Eligibility Commission (MIGOB and MRECI) towards the communities of residence of persons in need of



protection and making appropriate decisions in the field, substantially reducing the time currently required by the process.

In parallel, the goal of the registration and legalization process is to have the national population, Ecuadorian institutions and the international community become aware of the real situation of the issue of asylum in the country and the efforts made by the Government to guarantee effective protection, through the systematization and dissemination of good practices of this form of registration.

The information generated by this work will be used as input by the Technical Secretariat of Plan Ecuador to produce development and social inclusion strategies, policies and programs.

The Government of Ecuador will seek to issue a specific law on the issue of refugees, in line with the legislation reform regarding migration in general,

which will be summarized in a Human Mobility Code. The Promoting Group will be in charge of preparing a bill of law, in consensus with the main Ministries, Human Rights agencies and actors of civilian society, framed within the regulations of International Humanitarian Law.

In cooperation with academic institutions, we expect to enhance juridical research on the international protection of refugees. At the same time, the Promoting Group will present, in the shortest time possible, a "Manual on Procedures and Criteria for the Application of the Definition of Refugee of the Declaration of Cartagena", as well as a glossary on concepts and legal terms regarding the right of the population in need of international protection, reinforcing the principles that govern this policy. These instruments will also serve to carry out training processes addressed to all persons involved in the issue.

10 Regional and International Agenda

As the issue of persons massively seeking international protection is a specific phenomenon of the Andean region that directly involves, besides Colombia, Ecuador, Venezuela, Costa Rica and Panama, it is important to formulate several elements of a regional agenda related with the commitments of the Plan of Action of Mexico.

The Government of Ecuador promotes, jointly with the UNHCR, the creation of an Andean Committee of Authorities Responsible for Refugees, with the goal of defining concrete and operating mechanisms of shared responsibility among States in the region, the United Nations System and the international community as a whole. At the same time, this Committee should be a forum to analyze the issue, the systematization of national processes and existing best practices of protection and inclusion. This Committee should also be a space to examine the implementation of the Plan of Action of Mexico in the region on a periodical basis.

Likewise, the Government of Ecuador guarantees its support, its active participation and its presence

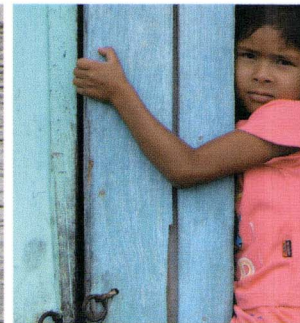
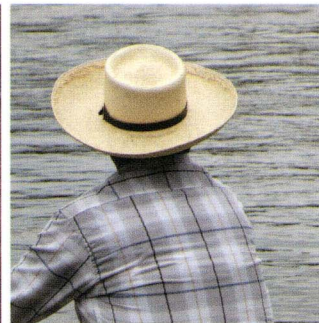
—together with the Ecuadorian civilian society—in the preparation and the development of the annual meeting in the framework of the Executive Committee of UNHCR, with donor countries and financial institutions, to submit proposals of projects and programs and to report on the progress made in the implementation and the impact of this policy.

International cooperation deserves special attention in the refuge field. The protection and the search for a lasting solution to the thousands of refuge applicants in Ecuador is only feasible with a shared responsibility approach among the United Nations System, the Regional Integration System, and above all the OAS, multinational entities and bilateral cooperation, both official and from civilian society, with the efforts the State of Ecuador has undertaken to make.

The issue of migration and refuge must be part of the agenda of cooperation for development promoted by Ecuador in all international and regional forums, but also with international aid workers present in the country.



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Ministerio de Relaciones Exteriores,
Comercio e Integración
Dirección General de Refugiados
Av. 10 de Agosto y Carrión, Edificio Solís, cuarto Piso
Telf: (02) 222 7650 / Fax: (02) 250 1247



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