

NEW ISSUES IN REFUGEE RESEARCH

Research Paper No. 256

Sovereignty and irregular migration: the dynamics of irregular movement through Colombia and Ecuador

Ursula B. Wagner

Email: ursula.wagner@gmail.com

July 2013



UNHCR

The UN Refugee Agency

Policy Development and Evaluation Service

**Policy Development and Evaluation Service
United Nations High Commissioner for Refugees
P.O. Box 2500, 1211 Geneva 2
Switzerland**

**E-mail: hqpd00@unhcr.org
Web Site: www.unhcr.org**

These papers provide a means for UNHCR staff, consultants, interns and associates, as well as external researchers, to publish the preliminary results of their research on refugee-related issues. The papers do not represent the official views of UNHCR. They are also available online under 'publications' at <www.unhcr.org>.

ISSN 1020-7473

Introduction

Scholars generally agree that irregular migration is the direct consequence of the restrictionist and containment policies that have been used by states to keep immigrants outside their borders (Brolan 2003; Feller 2006; Jordan and Düvell 2002). This creates a dynamic that has three significant parts. First, restrictive border policies and practises drive refugees, asylum-seekers and other migrants to resort to the use of irregular migration to reach their destinations. Second, the use of this type of migration, in particular the use of human smugglers, criminalizes and delegitimizes refugees and asylum-seekers; this in turn continues to legitimize restrictionist practices (Brolan 2003; Feller 2006; Gibney 2010).

This paper argues that the dynamic described above is either: (a) facilitated by media discourses and constructed to portray irregular migrants as a social and economic threat; or (b) challenged by media discourses portraying irregular migrants as helpless victims. In the first case, what is most interesting is that the cycle takes place even in countries that have a constitutional commitment to human mobility, and which have opened their borders, such as Ecuador. An anomaly arises when Colombia is analysed, as in its case, refugee law was updated and the refugee definition expanded to create more asylum space in what appears to be a reaction to Ecuador's open borders policy. The reason for this is Colombia's desire to maintain its image as a liberal democratic state, which respects and protects human rights. This is due to its history of internal violence which has resulted in high levels of forced migration, both in the form of internal displacement within its borders and refugee flows to neighbouring countries, particularly Ecuador. A critical discourse analysis of 98 Colombian and Ecuadorian media articles revealed that the media negotiates the relationship between national, regional and global politics of governance, as well as the relation between the government and the public. The ideology of sovereignty and its different practices in the United States, Colombia and Ecuador are presented and represented in media discourses.

Accordingly, this paper aims to answer the following questions: (a) what discourses are created around irregular migration in Ecuador and Colombia? And (b) what is the relationship between those discourses and migration policies and politics? These questions were contextualised and embedded in the case studies presented here, keeping in mind the rise in irregular migration through Latin America as a consequence of Ecuador's 2008 Constitution, which enshrined the right to human mobility and which resulted in Ecuador's open border policy.

The aim of this thesis, then, is not to explain migratory processes or its causes, but rather to understand its impact by exploring the relationships between local and regional policies and the ways which they influence one another. As an example, the Colombian government has had a great deal of experience in dealing with internal displacement. Colombian IDP law is among the most developed in the world, and is often cited as an exemplary case of the incorporation of the *Guiding Principles on Internal Displacement* into national law (Carr 2009; Orchard 2010). However, the government had never previously had to manage the level of extra-state and intercontinental irregular migration that it experienced after 2008.

To deal with this new level of migration, the Colombian government chose to update its asylum law to extend protection to a larger group of people, thereby adding aspects from the *Cartagena*

Declaration (Americas-Miscellaneous 1984), particularly the recognition of refugees fleeing persecution from situations of generalized violence and grave disturbances of public order (Ministerio de Relaciones Exteriores 2009). This update complemented the definition contained in the 1951 *Convention Relating to the Status of Refugees* (UNGA 1951), as amended by its 1967 *Protocol* (UNGA 1967). In this paper, I argue that this is one example of a national policy (Ecuador's open borders) directly affecting another country's policies (Colombia's update of its refugee law).

Sovereignty and irregular migration

Irregular migration accounts for about 10-15 per cent of all worldwide migration (IOM 2008:1). This form of movement is called *irregular* because persons lack the required documentation to travel legally from one place to another, and because it often employs human smugglers and traffickers. Although it is very difficult to calculate the magnitude of human smuggling worldwide given its clandestine nature (Kyle and Koslowski 2001), sources consider the worldwide number of irregular migrants to be over 40 million (Düvell 2011).

Few political issues are as inextricably linked to sovereignty as migration. The state's right to decide who can enter and remain on its territory is often taken for granted. Therefore, states have created a series of policies to keep undesired migrants out in response to pressure by their citizens who feel that irregular migration is a direct threat to their sovereignty (Bernstein and Weiner 1999). Policies can be used by states as instruments of power by giving the impression of being impartial yet, policies express the interests of the state:

Policies are most obviously political phenomena, yet it is a feature of policies that their political nature is disguised by the objective, neutral, legal-rational idioms in which they are portrayed. In this guise, policies appear mere instruments for promoting efficiency and effectiveness. This masking of the political under the cloak of neutrality is a key feature of modern power (Shore and Wright 1997:7).

Therefore, policies are one way in which states exercise sovereignty and pursue their interests. Policies regulate what happens within their borders as well as their relations to other states. Externally, however, the creation of international organizations like the UN and the signing of treaties and conventions, such as the 1951 Convention, are said to undermine sovereignty given that they take power away from the state by regulating state practices at the international level.

In Europe, for example, the fact that states are willing to relinquish their sovereignty in order to address irregular migration says a great deal about the importance that they place on this issue:

The desire to tackle irregular migration is so strong that in Europe, states were even prepared to enter into supranational arrangements that would compromise their sovereignty. Indeed, concerns over irregular migration appear to be the strongest motivation behind the emergence of regional and global governance of migration (Düvell 2011:99).

It is important to note that while states, at times, relinquish part of their sovereignty this does not mean a change in the power of the nation-state “the decline in sovereignty of nation-states, however, does not mean that sovereignty as such has declined” (Hardt and Negri 2000).

Robert C. Smith argues that deterrence policies in the United States have had quite the reverse effect of the one intended. Although they are implemented to stop illegal entry, such policies cause migrants to attempt repeated crossings until they succeed and compel them to stay even longer: “that the law has these particular unintended consequences reflects the reality of the inter-American migration system” (Smith 2001:149). Smith further points to the serious increase in deaths of border-crossers at the United States-Mexico border. It is difficult to claim that migration can ever be fully controlled, especially when the evidence shows that more regulation creates more illegal migration. Therefore, “more mobility plus more restrictions equals more breaches of migration law” (Jordan and Düvell 2002:3).

This paper seeks to illustrate the difficult political dynamic created as a result of irregular migration by exploring the impact of Ecuador’s changing visa policies on the inflow of irregular migrants through Colombia and the media discourse surrounding these issues. Colombian-Ecuadorian migration patterns are but one example of the flexibility of transit movements, which “constantly change paths, points of departure and arrival” (Düvell 2010:8). Once Ecuador opened its borders, smuggling networks adjusted their routes in order to take advantage of this new development. The removal of visa requirements in Ecuador meant that people could enter South America legally, as the previous obstacles of having to arrive irregularly were eliminated.

The governance of irregular migration has not yet been framed by international norms or provided an institutional framework, and remains mostly regional rather than global. Nevertheless, scholars have recognized a trend towards its expansion (Düvell 2011:79). Some examples of these in Latin America are: the Mexico Plan of Action, the 10-Point Plan of Action, the Regional Conference on Migration (Puebla Process), the South American Conference on Migration (Lima Process), and the Protocol Against the Smuggling of Migrants by Land, Air, and Sea. Other documents have also addressed irregular migration, including the Cartagena Declaration on Refugees and Convention Plus, by seeking to provide protection for irregular migrants. One of the ongoing problems is when there are gaps between international policy and field operations. The protection documents mentioned above, were not discussed by the media or in the interviews. It is possible they are either not broadly known, or locally used outside international organizations that facilitated their creation such as UNHCR.

It has been well documented that containment and restrictionist immigration and asylum policies in industrialized countries have a great impact on the incidence of irregular migration. The lack of regular channels of migration compels refugees, asylum-seekers, and other migrants to turn to irregular migration in their search for safety (Betts 2006; Brolan 2003; Gibney 2010; Feller 2006; Miller 2001; Troeller 2008; UNHCR 2000; Zetter 1999). This explains the irregular flows of migrants, particularly of refugees and asylum-seekers through South America in their attempt to seek protection in the United States.

As noted above, irregular migration is often characterized by its use of human smugglers. People smuggling, which is most likely to be used by refugees, is the “illegal facilitation of border crossings, but does not as clearly carry implications of abuse and exploitation as does

trafficking” (Brolan 2003:578-579). A more precise definition of people smuggling can be found in Article 3(a) of the *Protocol Against the Smuggling of Migrants by Land, Air and Sea* (which supplements the *Convention Against Transnational Organized Crime*, and was adopted by the United Nations in 2000). The Protocol states that the smuggling of migrants is:

The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. (UNGA 2000)

However, this definition lacks any description of the protection challenges associated with it. It also seems to lean heavily on a legal orientation, as it permits a swift enforcement of the law, clearly pointing out the illegality of the movement, without acknowledging its causes. Therefore, it fails to make the governments of industrialized countries accountable for their restrictionist policies, only criminalizing people smugglers without addressing the legal and political ambiguity in which irregular migrants find themselves.

The migration-asylum nexus

Another reason why refugees and asylum-seekers resort to the use of irregular migration is because international law recognizes the right to seek asylum in Article 14 of the *Universal Declaration of Human Rights* (UNGA 1948), yet it fails to provide for such a right to be granted. Similarly, the 1951 Convention’s definition of persecution is narrow, leaving out other groups, including economic migrants. Further, Suhrke argues that since the 1990s the institution of asylum itself seems in danger due to high levels of restrictionism (Suhrke 1998). This dynamic is further complicated because mixed flows are made up of “different persons with different protection needs yet often using the same means of transport and the same service of smugglers” (van der Klaauw 2010:59), which leads to a large protection gap, as refugees and asylum-seekers are merged together with other migrants, who may not necessarily be in need of international protection.

The dynamic presented above creates a difficulty in differentiating refugees from other migrants. The migration-asylum nexus, as the overlap between forced and voluntary migration is also known, makes it particularly difficult to “distinguish between asylum and other forms of trans-border movement ... globalization and the impact it has had on the ability to motivate to move across borders has created a blurring of the boundaries between these two areas” (Betts 2009:160). Thus, although distinct labels have been created to differentiate between migrants, it has become increasingly harder to divide migrants into separate categories, given that the root causes of displacement are often interrelated.

According to Zolberg (1989), the reason is that international borders maintain global inequality. Further:

It is important to realize that all the movements have common roots, and that they are closely interrelated ... the upsurge in migration is due to rapid processes of economic, demographic, social, political, cultural

and environmental change, which arise from decolonization, modernization and uneven development (Castles and Miller 2003:152).

Similarly, “public debate on this issue, often premised on the false assumption that such a clear-cut division actually exists, aggravates the situation” (Brolan 2003:567). Furthermore, the term *migrant* encompasses a very diverse group of people, including permanent emigrants, settlers, temporary workers, professional, trader or business migrants, students, refugees, asylum-seekers, and cross-border commuters, these labels are not static, as “people often shift between these categories” (Van Hear 1998:41). The implication is that “the line between ‘migrant’ and ‘refugee’ progressively blurs” (Feller 2006:515). This is also the case in Latin America. Increasing flows from Asia, Africa, and the Middle East, contain both refugees and asylum-seekers. However, because they travel with other migrants, it has become more difficult to ascertain who is and who is not in need of international protection.

Labelling and categorization of migrants

As pointed out above, some scholars argue that the categorization and labelling of migrants is not useful as the root causes of migration tend to be interrelated. The concept of labelling has been well developed in refugee studies particularly in the work of Roger Zetter (1991; 2007) who argues that the refugee label has been transformed in order to manage migration and:

Can help to shape an understanding of the public policy responses to the globalization of the refugee phenomenon, and the instrumentality of the refugee regime in the contemporary world (Zetter 2007:175).

Scholars and the international refugee regime tend to label different groups of migrants, sometimes conceptually, and at other times legally. For example, the 1951 Convention and its 1967 Protocol legally define refugees while the 1997 Guiding Principles defines IDPs conceptually (UNHCR 1998). However, this can be problematic when labels are further fragmented to categorize those who either do not fit a label, or who for different reasons are excluded from it, as this can create serious protection gaps.

Nevertheless, refugees do differ from other migrants, as they have a whole international regime charged to protect and assist them. Refugees are in need of, and have a legal claim to, international protection. They are legally defined in the 1951 Convention and although the original definition was expanded in the 1967 Protocol:

Regardless of the gravity of the reasons an asylum seeker may invoke, he or she is not recognized as a refugee and given Convention status unless the motivating circumstances of his or her request can be linked to the specific criteria of the definition (Brolan 2003:565).

Therefore, some scholars agree that asylum space has continued to shrink, as states decline to receive asylum-seekers compelling them to search for alternative options of migration.

Transit migration

Transit migration is most often mentioned in relation to irregular migration. The concept of transit denotes suspension and impermanence and is associated with something temporary. Further, “suspension” generally means a “temporary debarment from or cessation of a privilege”, thus a transit country becomes a “zone of indistinction” where “people find themselves suspended from their juridico-political existence” (Oelgemöller 2011:419). Therefore, the implication of this concept, when applied to persons who are migrating from one place to another irregularly, is that their rights are also suspended as they become individuals who cannot be empirically identified, therefore losing juridico-political recognition, rendering them invisible (ibid).

For the purposes of this paper, I use Papadopoulou’s definition of transit migration, which describes it as:

The situation of indeterminate residence of migrants, legal or illegal, in a receiving country, that may or may not develop in further emigration according to a combination of structural and individual factors, such as the policy framework of the receiving country and the role of social/family networks in directing the movement of migrants (Papadopoulou 2005:4).

This definition is adequate because it addresses some of the possible causes of transit migration. In addition, it explains that although at times transit migration does lead to onward movement, in fact, it may become permanent. Further, the definition quoted above tries to decriminalize transit migrants by not categorizing them as mostly illegal. However, this definition fails to mention that transit migrants of this kind lack protection.

The concept of transit migration can be inconsistent and therefore interpreted in different ways. Scholars argue that this concept is also highly politicised, because it is “closely related to political motivations” (Düvell 2010:2). Since transit migration affects the countries of transit and of destination, the two have a great interest in tackling it by means of policy, particularly in trying to curtail migratory flows through their territory (as in the case of Ecuador presented in Chapter 3), or in attempting to expand protection (as the case of Colombia presented in Chapter 4).

Düvell notes that transit countries experience tremendous amounts of pressure from destination countries. He shows how the measures taken by European Union (EU) member countries “represent cornerstones of a policy of containing migration flows”, and further explains that “as a consequence, responsibility for preventing migrants unwanted in the EU from entering its territory has been shifted towards non-EU countries” (Düvell 2010:6). He argues that all these initiatives and the many actors involved in combating transit migration in Europe are evidence that it has become a top policy objective. This is not the case in Latin America at this point in time but an increasing trend in international interest suggests that this process is well underway. One such example is the International Meeting on Refugee Protection, Statelessness and Mixed Migration Movements in the Americas held by UNHCR in Brazil in November 2010, in which 18 Latin American nations (including Ecuador and Colombia) adopted the *Brasilia Declaration*

on the Protection of Refugees and Stateless Persons in the Americas (Americas-Miscellaneous 2010). The document was hailed as setting a “valuable international precedent” by High Commissioner Guterres, as he encouraged governments in other regions to “take note of the pioneering leadership that has been shown by Latin America” in issuing this Declaration.¹

As for the causes and patterns of transit migration, “‘porous borders,’ lax entry controls and liberal visa regulations and ‘geographic position’ at the crossroads between east and west” are, according to Düvell, the “most frequently cited” (Düvell 2010:8). This is well illustrated by the case of transit migration through Colombia caused by the lifting of Ecuador’s visa requirements for tourists. As evidence suggests that restrictionist policies encourage migrants to use irregular migration in order to reach their destinations, the implication is that the policies of destination countries contribute to transit migration “thus, transit migration is a strategic response to the constantly changing control regime and part of the complex interaction between migrant’s autonomy and states sovereignty” (ibid).

This could be interpreted as a tension between the migrant as a subject or as an object. The transit migrant can either be seen as an agent who has made a deliberate choice to move in this way, or as someone who has become the victim of smugglers:

Whilst preventing and combating irregular migration are the dominant themes in global governance, ‘shocking images of migrants in distress’ have also triggered growing international concern with the human rights of irregular immigrants (Düvell 2010:97).

This exposes a tension between these two manners of viewing irregular migrants, each of which has an effect on the discourses created by the media, the perceptions of the public, and the policies created and implemented by states, as will be demonstrated in the case studies.

Secondary movement, criminalization, and delegitimization

Given this growing concern, some countries have attempted to be better prepared to deal with irregular migrants, particularly acknowledging that these flows contain refugees and asylum-seekers in need of international protection. For instance in Colombia, some irregular migrants claim and are granted asylum, thereby becoming recognized refugees. According to UNHCR officials in Colombia, there are currently about 300 refugees in the country (Corrigan 2011). Government officials believe African migrants in particular use asylum as a tool to receive a *salvoconducto* (pass) that allows them to travel freely within the state, thus enabling them to gain access to border areas and subsequently cross them (DAS 2011). This illustrates the problem of irregular secondary movement, which is described as:

The movement of a refugee, whether formally identified as such or not, from a first asylum country to a self-selected second asylum country without the requisite authorization documents for entry (Feller 2006:530).

¹ For further information please see: <http://www.unhcr.org/4cdd4dc09.html>

Even UNHCR points to the dangers posed by such secondary movements:

As with any irregular movements, secondary movements can raise the spectre of transnational criminal and terrorist networks. States have expressed concern that secondary movements of refugees feed the human smuggling and trafficking industries, and make it much more difficult to manage their asylum systems. These movements have led states to adopt mechanisms such as increased border controls, prolonged detention, deportation and *refoulement* (UNHCR 2009:143).

Secondary movement is perceived to be a problem by Colombian authorities, who believe that if someone claims asylum in their territory but later moves to a different destination as a bogus asylum-seeker abusing the asylum system. Yet, it must be noted that local conditions also contribute to onward migration (Düvel 2010). Research suggests that onward movement is also caused by a lack of social, economic, and legal opportunities in the Country of First Arrival (Jordan and Düvell 2002). Colombia's social and security problems, particularly the high number of IDPs, might have an influence in migrants' desire to continue their journey North.

This type of movement is a source of increasing concern to the international community, as it shows the shortcomings of the refugee regime and the inadequacy of the protection available to forced migrants. Further,

Irregular secondary movements of people feed the smuggling industry, contribute to a growth in illegal or irregular entry, encourage ever tighter border control mechanisms and can lead, as a result, to diminished possibilities for refugees to find adequate protection (Feller 2006:531).

Therefore, irregular migration more generally uncovers and confirms the shortcomings of the global migration system. Additionally, secondary movements and the use of irregular migration have the effect of criminalizing and delegitimizing the plight of migrants. It has been argued that refugees are increasingly seen as illegal immigrants who are perceived "as someone who has turned to criminals for help and hence a law and order problem" (Feller 2006:519). This creates mistrust and leads to the fear of unscrupulous persons abusing the asylum system. This growing concern among states that irregular migrants are taking advantage of the asylum system allows them to legitimize their restrictionist policies by claiming that there is "wide abuse of the asylum system" (Gibney, 2010:51). The media, as will be demonstrated in the case study chapters, often fuels this mistrust by creating certain discourses around irregular migration.

UNHCR has also pointed to this phenomenon of criminalization:

With regular arrival routes closed, many refugees are turning to smugglers to reach safety ... asylum seekers who resort to human smugglers seriously compromise their claims in the eyes of many states. When combined with the increased tendency of states to detain asylum seekers, the effect is to stigmatize further asylum seekers in the public mind as criminals (UNHCR 2000:155-156).

Thus, human smuggling arouses suspicions criminalizing and delegitimizing irregular migrants' claims. Brolan explains why states create and implement highly restrictive policies:

States justify investing in measures to prevent 'improperly documented arrivals' by identifying such arrivals as a threat to their stability. Yet, in doing so, states build somewhat perverse barriers: barriers that are ill-defined and that do not distinguish between those seeking economic betterment and those in genuine need of asylum, although ... modern migratory patterns do make it increasingly difficult to distinguish between the various groups on the move (Brolan 2003:574).

Despite the intensive efforts undertaken by states to control migration, the public perceives migration as being out of control (Castles 2004). The case studies in later chapters present the argument that the media facilitates this perception, by engaging in a broad-base analysis of media representations of irregular migrants in Colombia and Ecuador.

The case of South America

Irregular migration flows have been extensively researched particularly from northern Africa to Europe and from Mexico to the United States. The case of South America has been generally neglected despite the increase in these flows, especially those originating in Africa, the Middle East and Asia, particularly China, with a few exceptions mentioning flows through Colombia and Ecuador (Chin 1999).

UNHCR started acknowledging this new migration dynamic through the region in 2010:

The region is receiving an increasing number of asylum-seekers, often mixed with economic migrants, particularly from the Horn of Africa and the Middle East, which is posing new challenges to already fragile asylum systems (UNHCR 2011)

Both, Colombia and Ecuador are parties to the 1951 Convention and "have also included in their internal regulations, the regional refugee definition proposed by the 1984 Cartagena Declaration" (ibid).

Irregular and forced migration are not new phenomena in Latin America. For decades Colombians, Ecuadorians and other Latin Americans alike have used what is locally known as *el hueco* or 'the hole.' *El hueco* is the term used when referring to the irregular crossing of the Mexico-United States border. Forced migration is also endemic in Colombia, as it currently holds the second largest population of IDPs in the world, surpassed only by Sudan (UNHCR 2010). Ecuador also has a long history of migration given that it lost an estimated 25 per cent of its citizens after an unprecedented financial crisis hit the nation in 1998 and many chose to migrate to the U.S. and Europe.

I chose the two case studies due the link they share. In its new 2008 Constitution Ecuador established a right to human mobility. Article 40 of the Constitution states "it is recognized that people have a right to migrate. No human being will be identified or considered as illegal due to

their migratory condition” (República del Ecuador 2008). As a result, in June 2008, Ecuador eliminated visa requirements for citizens of all nations who wished to stay in Ecuador for up to 90 days. As a consequence, thousands of persons arrived in Ecuador legally, but were then aided by smuggling rings to cross the border into neighbouring countries, particularly Colombia, with the intention to continue North to the United States.

Ecuador’s history has been characterized by high levels of political instability, particularly in the post-1997 period when then president Abdala Bucaram was removed from office due to corruption charges. Between 1997 and 2007 Ecuador had 11 presidents, which, coupled with a deep financial crisis, drove the country into great economic and political uncertainty. In January 2007, President Rafael Correa took office, and his socialist government currently maintains close ties with Venezuela’s Hugo Chavez and Bolivia’s Evo Morales. Correa promoted the creation of Ecuador’s 2008 constitution; the 20th such constitution in the country’s history, and one of the longest constitutions in the world (Jordan-Tobar and Panchana-Macay 2009).

In an interview with the author, the Consul of Ecuador in London, Fidel Narváez, stated that the new constitution is at the “cutting edge” in terms of migration, as it responds to a necessity that has important consequences for the country (Narváez 2011). At the end of the 1990s and early 2000s, and as a direct cause of the severe economic crisis, there was an unprecedented migratory exodus from Ecuador to other countries, particularly to the United States and Europe, especially Spain (Jokish and Pribilsky 2002). The total number of people who left Ecuador during the years following the crisis is contested: In an interview with the author, Narváez stated that during a period of approximately ten years, between 20 and 25 per cent of Ecuador’s population emigrated to Europe and the United States; Hall estimates the number to be 15 per cent or about two million of its citizens in 2005 (Hall 2005); and the World Bank estimates that in 2010 the stock of emigrants as percentage of population to be about 8 per cent (World Bank 2011).

However, one thing is certain: This emigration had important social consequences, including the rupture of families, as well as economic consequences, such as remittances becoming the second largest source of income for the country after oil (Hall 2005; Calero et al. 2008). According to Narváez, there is hardly an Ecuadorian who does not have a friend or family member that lives in another country (Narváez 2011). This fact might account for the media’s keen interest in reporting on migration issues, from cases of irregular migrants found at sea or in national territory, to reports on general migration trends affecting not just Latin America, but also the rest of the world.

Although this out-migration inspired the inclusion of the right to migrate in the 2008 constitution, a right to human mobility also espouses cosmopolitan ideals of universal citizenship. Thus, even though the right was meant as a political statement to countries with high numbers of Ecuadorians, its implications went beyond the country’s borders and affected migration patterns in the region. Article 40 of this constitution states, “No human being will be considered illegal due to their migratory condition” (República del Ecuador 2008). This addition to the constitution is an expression of Ecuador’s views on migration. Given that the country had been so hard-hit by this emigration, it looked to be as inclusive possible with its citizens abroad seeking to use the principle of reciprocity to benefit Ecuadorian citizens residing irregularly overseas. Nevertheless, due to the implications of this right, particularly the opening of Ecuador’s borders, Narváez acknowledged that embracing this universal value created

“controversy and complications” (Narváez 2011), due to the increase of irregular migration through the region.

This issue became so important that in September 2010, Ecuador changed its immigration policy and re-introduced visa requirements for citizens of countries with a high incidence of irregular migration through the region, namely: Afghanistan, Bangladesh, China, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia (Narváez 2011). The reasons for this will be further explored in Chapter 3.

The financial crisis also brought about a considerable loss of confidence in the media, as some media outlets were owned by failed bankers that had failed to alert the population about the crisis. Furthermore, Correa’s government established an important state presence in the media sector. Despite all this, media scholars acknowledge that newspapers in Ecuador currently have the largest influence on public opinion (Jordan-Tobar and Panchana-Macay 2009), which demonstrates the relevance of discourse analysis in examining public perceptions on this topic.

The intersection between media and politics is relevant given the discourse analysis offered in the next chapters. The extent to which the media influences politics is still contested between those who argue for the media’s power to “move and shake governments” (Cohen 1994:9), and those who maintain that the media has very little effect on policy (Bennett 1990; Hallin 1986). The case studies will maintain a middle-ground, as it is more appropriate to analyse the cases of Ecuador and Colombia using the framework of “mediatisation”, which explains how political institutions are increasingly dependent on and shaped by mass media, while still controlling its own political processes and functions (Mazzoleni and Schultz 1999).

Opening the borders in Ecuador did not just have an impact on migration to Ecuador, but also had a tremendous impact on its neighbouring country, Colombia. The exact scale of the upsurge remains unknown, as irregular migration is, in itself, difficult to measure due to the fact that it is meant to occur undetected. The UNHCR in Colombia claims not to have any official statistics on irregular migration flows through the country but acknowledges noticing an increasing trend in irregular migration and said that between 2005 and early 2008 they dealt with about 70-80 cases per year, but that during the second half of 2008, the rate increased to about 300 per year (Corrigan 2011).

The table overleaf shows Colombian government figures on the number of asylum claims received between 2003 and 2010, as well as a spike in 2009:

Table 1: Number of asylum applications in Colombia from 2003 to 2010:

Year	Number of Applications
2003	13
2004	32
2005	55
2006	64
2007	127
2008	73
2009	334
2010	131

Although the numbers seem to be low in comparison to other cases of refugee-receiving countries, for a country like Colombia with an estimated number of IDPs of between 3 and 5 million, this creates a further burden that other countries may not experience.

The Foreign Ministry (*Cancillería*) also acknowledged that it is highly probable that mixed migratory flows through Colombian territory contain refugees and asylum-seekers. On account of this new migration through Colombia, the government decided to update its refugee law on 19 November 2009. The new law, Decree 4503, not only replaced the previous law, but also expanded its refugee definition by taking into account the Cartagena Declaration and including generalized violence, foreign aggression, internal conflict, massive violations of human rights, as well as disturbing the public order. This provides evidence of the direct link between Ecuador's open borders and the increase in migration flows through Colombia.

Colombia's decision to update its refugee law is difficult to explain, given that most countries might do the opposite and implement more restrictionist policies in an effort to curtail irregular migration flows through their territory. Colombia's response might be explained in two ways: Firstly, Colombia has the second largest IDP population in the world (UNHCR 2010). This fact might arguably have an effect on the way in which the government deals with other forced migrants, i.e. it demonstrates its pro-activity in situations of forced migration. Secondly, Colombia is itself a "producer" of refugees, as IDPs increasingly try to flee the country by crossing the border into neighbouring countries, particularly Ecuador (Ceballos Medina 2010). Therefore, this might be Colombia's manner of instituting a type of regional burden-sharing in which it acknowledges its position as a "producer" of forced migrants and therefore, as it has no valid claim to close its borders but instead chooses to expand its protection framework.

Colombia's legal response to internal displacement has very often been hailed as an example. Colombian IDP law, Law 387, "has one of the most encompassing legal frameworks for IDP protection" (Orchard 2010:296), "not only does the law provide comprehensive cover for most if not all the principles, it also provides extensive provisions for the development of governmental entities responsible for its implementation" (Carr 2009:38). Further, Colombia allows and promotes the participation of IDP communities and organizations through PIUs –*Plan Integrado Unico de Atención a la Población Desplazada*— or Unique Integrated Plan of Attention to the Displaced Population, which aim to be "participatory mechanisms by bringing together all the

key players, government and non-government, local and international and, most importantly, the displaced population to make assistance to the displaced more efficient, integral, coordinated, and effective” (Wagner 2010:56).

Colombia has created a very extensive IDP law (Carr 2009; Orchard 2010) and participatory mechanisms of implementation, and has been confronted with irregular migration flows starting in Ecuador. However, the state, instead of creating restrictionist policies to prevent them, updated its refugee law in order to attempt to provide better protection and to portray a certain image to the outside world that will legitimize it as a liberal democratic state, which goes to great lengths to protect and respect human rights. This is particularly important because of Colombia’s image as a violence-torn country and its history of internal conflict.

This does not mean that all irregular migrants are welcome in Colombia. As was pointed to in the previous chapter onward secondary movement presents a problem as it delegitimizes refugees and asylum-seekers’ rightful claims. Some irregular migrants who request and are granted asylum in Colombia decide to move onward irregularly to reach the United States, and are therefore believed to be bogus asylum-seekers, thus arousing suspicion on those that follow in their footsteps, which in turn creates a large protection gap. An interview with a DAS² official revealed that DAS officers feel frustrated and “impotent” as they feel that many migrants are criminals because they broke Colombia’s immigration law by arriving illegally in the country. Also the interviewed DAS officer argued that many irregular migrants who pass through Colombia have experienced “judicial problems”, meaning they have a criminal past. This coupled with onward movement creates a general sense of mistrust. Further, tensions exist between DAS and UNHCR, given that once UNHCR steps in to assist migrants, DAS loses all jurisdiction: “*ACNUR no permite la involucración del DAS*” (UNHCR does not allow the involvement of DAS) (DAS 2011).

This tension might be explained by the migration-asylum nexus, which makes it very difficult to know with certainty who is in need of international protection under refugee law and who is not. In light of the fact that irregular migrants are part of mixed flows containing refugees, asylum-seekers, economic migrants, and others, it is hard for Colombian officials and UNHCR to know under whose jurisdiction they fall, which might explain the tensions between the two entities.

This tension is highly counterproductive and creates a large protection gap. DAS officials believe that irregular migrants are trained to ask for UNHCR as soon as they are discovered, because according to them, this is the only way to avoid detention and ultimately deportation (DAS 2011).

This example provides a gateway to understanding the role of UNHCR in irregular and mixed migration flows. UNHCR has expressed an increasing interest in this issue, especially since High Commissioner Guterres has tried to expand the persons of concern to include the broad category of “people on the move.” In November 2010, UNHCR’s Director of International Protection, Volker Türk, made the introductory remarks at the International Meeting on Refugee Protection,

² The DAS (*Departamento Administrativo de Seguridad*) is Colombia’s intelligence agency, which is also charged with migration control.

Statelessness and Mixed Migration Movements in the Americas, expressing his concern about the illegitimate use of the asylum system:

A particular manifestation of the mixed migration issue is the use of asylum systems by migrants and the arrival of asylum-seekers and refugees from outside the continent – so-called ‘extra-continental’ or ‘extra-regional’ movers. The issue has also been recognized, among others, by the OAS and the Puebla Process. One way to address concerns regarding the integrity of the asylum process in light of such movements has been the setting up of a profiling and referral mechanism to discourage manifestly unfounded asylum applications, without prejudice to the individual’s protection needs or the principle of confidentiality (Türk 2010).

This statement shows that even UNHCR has fallen victim to the migration-asylum nexus and is seeking to protect the refugee regime against “unfounded asylum applications.”

In 2006, UNHCR introduced a 10-Point Plan on Refugee Protection and Mixed Migration to protect irregular migrants. The plan’s collaborative approach has been essential (van der Klaauw 2010), given that irregular migration affects different countries within its travel routes, including countries of origin, transit and destination.

The plan is a step in the right direction to ensure the protection of refugees within mixed migration flows, and it helps to develop institutional and legislative frameworks in countries that deal with these movements (van der Klaauw). However, it is mostly geared toward assistance and protection instead of prevention, rendering it insufficient. Failing to address the underlying root causes of irregular movement, including restrictionist policies, relieves industrialized states of their share of responsibility. The emphasis on state sovereignty is put in direct tension with global responsibilities. According to van der Klaauw, state efforts to reduce irregular movements have created restrictions on access to asylum and to their territory. He further explains that the tension between regional and global responsibilities shows that:

The development of the EU asylum instruments is an example of how, in a context of increasing migration pressures, a certain erosion of international standards on refugee protection has taken place (van der Klaauw 2010:63).

Case study: Ecuador

The importance of discourse lies in the fact that “how we perceive and understand an issue affects how we act on it” (Hammerstad 2011:240). Therefore, the following two chapters will provide a critical discourse analysis (CDA) of news articles mostly from the Colombian and Ecuadorian media.

The theory behind CDA posits that discourses are shaped by society, while at the same time discourses shape society. Taking into account this dynamic relationship, it is important to try to understand how persons, events and phenomena are named and referred to linguistically. What

characteristics, qualities and features are attributed to social actors, phenomena and processes? And what arguments are employed in the discourse in question? (Khosraviniq 2009).

As stated in Chapter 1, this thesis argues that media discourses have a role in legitimizing the use of restrictive policies in order to strengthen the state's claims of sovereignty by exercising its right to decide who to allow into its territory, even when that state provides a constitutional right to migration, and has an active desire to keep its border open, as in the case of Ecuador.

This chapter will provide an analysis of discursive trends that emerge from media articles dealing with migration issues, with an emphasis on reports related to Ecuador's open border policy, and United States-Ecuador tensions stemming from migration issues. The analysis is based on a total of 66 newspaper articles, 40 of them published during the time of open borders and reinstatement of visas for citizens of Afghanistan, Bangladesh, China, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia, between the years of 2008 and 2011, and 26 articles published between 2002 and 2007.

All articles were published by *El Universo* (www.eluniverso.com), Ecuador's second highest national circulation newspaper. The reason for choosing this publication rather than the most widely read Ecuadorian newspaper, *Extra*, is because it focuses on murder, eroticism and sports and has a highly sensationalist approach on various issues. Due to the fact that the Colombian newspapers used in the second case study are more traditional and mostly focus on news, I chose to use a similar newspaper with similar readerships in order to carry out a more adequate, balanced and relevant comparison.

Although most of the analysis bases itself on the articles published between 2008 and 2011, other articles published between 2002 and 2007 serve to provide context to the later ones. During the early years, *El Universo*'s coverage of migration issues focused mainly on individual cases of irregular migrants and the dynamics of Coyotismo, as human smuggling is often referred to. The paper also focused on structural and political aspects of migration, for instance the fact that a report showed an increase in inter-American migration flows (EU0603)³, and covering a story demonstrating that clandestine immigrants had reached over three per cent of the population of the United States (EU0104).

An analysis of the articles revealed that the Ecuadorian media has given broad coverage to immigration issues. This can be explained by Ecuador's immigration history, which was likely to spark the local population's interest in migration issues, even before the government opened its borders to foreigners on 20 June 2008. However, a spike in the number of articles published in 2010 suggests that the issue of open borders was nonetheless controversial. Although Ecuador lifted visa requirements for all those wishing to travel to Ecuador and stays of up to 90 days in 2008, media coverage of this issue did significantly increase.

By far the highest number of articles, doubling the previous highest numbers of reports in 2008, were published in 2010, the year in which Ecuador reinstated visas for ten countries deemed to be the countries of origin of most irregular migrants passing through the region on their way to the United States. This indicates that the Ecuadorian media was keen on presenting its views to

³ The first two letters refer to the source: EU-*El Universo*. The four numbers stand for the month and year of publication, June 2003.

the public during that period of transition and policy changes. Therefore, analysing the media coverage during this particularly important time of immigration policy changes helps us to understand how these changes were portrayed in the national media and perceived by the public. Largely, the articles focus on general migration trends, isolated incidents of irregular migrants who were discovered by local authorities, as well as stories about irregular migrants breaking the law, more specifically Africans who were in one way or another involved with drug trafficking and sales.

During the years of policy change the paper maintained a keen interest in reporting on irregular migrants found by authorities, as well as on the dynamics of irregular migration, citing trends, costs and generally framing it as a problem. The reports are broad given that they tend to focus on all of Latin America, and not merely on Ecuador. Reports include stories of irregular migrants found in Costa Rica (EU0609), El Salvador (EU0909), Colombia (EU1109), Mexico (EU0610), and Central America in general (EU0408).

The analysis of the articles revealed that there is a generalized notion that the final destination for all migrants was the United States. Although sources are not often cited, when they are, the information is credited to the migrants themselves.

The discourse analysis points to the fact that this migration discourse criminalizes two particular groups of migrants: The Chinese in particular and Africans in general. Reports discussing Chinese migrants highlighted the fact that they did not want to stay in Ecuador but rather to continue to the United States; that they are not there as mere tourists or to conduct business but that there were criminals among their ranks. With regard to African migrants, most articles reporting on them accused them as being “mules”, drug traffickers and bringing crime to Ecuador.

The changing nature of Ecuador’s visa policies is well reported by El Universo. In February 2004 the newspaper alerted readers to the fact that since 2001 Ecuador required visas for 27 countries. Concerning the visa policy changes of 2008, the paper reported that the rationale behind the changes was to “put into practice the principle of free movement of people” (EU0608) and that its aim was to strengthen relations between Ecuador and other nations of the world, as well as to promote tourism. In an interview with the author, the Ecuadorian Consul in London explained that although the visa system is customarily established by the principle of reciprocity, meaning that countries only ask visas from the citizens of countries that require visas for their own citizens, opening the borders was not intended to promote tourism, and in fact according to him, it did not lead to a rise in tourism.

An analysis of the first article does not suggest that the language used is meant as anything more than to provide information. However, the second article published 11 days later, takes a slightly different tone as it addresses concerns of abuse of the new measures by drug and human traffickers. The article cites the Minister of Tourism, Verónica Sión, as not concerned about abuses linked with “illicit ends” (EU0608). The article suggests that future data might lead to changes in the policy: “The institutions involved with migration policies will follow-up and evaluate the situation before establishing new controls” (*ibid*).

Within the same thread of articles discussing this topic, an article published in October 2008 reassures readers that Ecuador will control the entrance of foreigners through a hi-tech finger printing system: “the fingerprints will be compared with international databases in such a way that a suspect can be detained or subjected to surveillance during his/her stay in Ecuador” (EU1008). This shows an increased concern with the possibility that open borders might attract criminals. The implication is that every migrant is a potential criminal who should be under suspicion in order to prevent crime from occurring in Ecuador.

An additional article in this thread regarding visa changes published in November 2008 reports on the unhappiness of the Chinese community in Ecuador, who demand the re-establishment of visas for their fellow Chinese citizens. The news piece alerts to the fact that from January to September of the same year 10,563 Chinese entered the country but only 4,829 returned to China. Media like to use large numbers which tend to suggest a large problem (Best 2001). The article cites the Chinese Ambassador to Ecuador as calling for a re-instatement of the visas for his compatriots given that “not all those who come are tourists, merchants, business people or investors” (EU1108). This reflects an increasing trend in a sense of alarm being progressively built into the reporting about the open borders policy in Ecuador.

Another example of this alarmist trend is an article published on the same day as the previous one, which dealt with Chinese migrants. The paper informs readers that the percentage of arrivals of Chinese citizens to Ecuador had increased by 500 per cent due to the elimination of the visa requirement for foreigners. The article also states that an average of 16 Chinese entered the country per day but argues that this number increased to 78 per day. The newspaper cites a Judicial Police Investigator as stating that the main objective of the migrants is to reach the United States and not to visit Ecuador. The article further states that the country is an ‘open door’ for human smuggling and mentions that keeping open borders allows the entry of “all kinds of Chinese, even delinquents” (EU1108). The use of the word ‘delinquent’ is a clear example of the kinds of criminalization Chinese and African migrants are subject to in the media discourse.

The media’s involvement in immigration matters, particularly in the criminalization of foreigners seems to have had an impact on the opinion of the public, but limiting the argument to just that would be to simplify it. There is a much more dynamic relationship taking place, in which media immigration discourse and society shape each other and thus put pressure on the government to change its policies. This is not meant to be a deterministic argument, as outside, as well as inside, pressures drove Ecuador to reinstate visas for citizens of countries deemed to have a high number of migrants using Ecuador as a “spring board” to reach the United States irregularly. This criminalization of migrants serves to legitimize restrictionist policies.

Once visas were reinstated for 10 countries in 2010, the media reported that the reason for doing so was to “stop the illegal entry of persons to Ecuador to prevent it from becoming a transit country for international networks of people trafficking and smuggling” (EU0910). Just four days after this article, another one was published quoting Chancellor Kintto Lucas as saying:

Somehow it was detected that those countries were smuggling through Ecuador. Human trafficking is one of the things that we are not going to allow, beyond the fact that we allow human mobility” (EU0910).

The same article quotes an ‘internationalist’ as saying that opening the border was the “worst error committed in the migration policy implemented in recent years.”

Beside these internal pressures, Ecuadorian media also reported on external pressures, particularly on the part of the United States. In December 2010, *El Universo* published an article about the Wikileaks scandal, reporting that the United States was unhappy with Ecuador’s open border policies. The article also states that one particular cable discussed a conversation by then U.S. Ambassador to Ecuador, Linda Jewel, expressing her concern about the impact of Ecuador’s open border policy on her country (EU1210).

This analytical thread of United States pressure on Ecuador’s migration policies and their representations in the media goes back to 2003, when an article outlining a cooperation agreement signed by the United States and Ecuador. Ecuador is said to have received US\$15,752,000 to combat drug trafficking and human smuggling under this agreement: “including migratory controls is an initiative of both governments, which can be explained by the high indicators of illegal migration that are registered from and to Ecuador” (EU1003). This is interesting given that it presents an example of Brolan’s argument that transit countries are known to receive:

Financial and other assistance from prospective destination countries in order to enable them to detect, detain, and remove persons suspected of having the intention to enter the country of destination in an irregular manner (Brolan 2003:575).

During the following year, the press picked up on more tensions on immigration issues between Ecuador and the United States. One article describes American threats to withdraw USAID support if Ecuador did not create a plan to combat human trafficking and smuggling within 60 days. The article states that Ecuador was classified as a country of origin, transit and destination, while being “one of the countries in the world that do not meet the minimum norms for the elimination of human smuggling” (EU0604). Two months later, an article was published under the title: “Ecuador seeks to stop human trafficking/smuggling and please the U.S.” (EU0804). The title is telling because the use of the word *complacer* or ‘to please’ can be interpreted as a manifestation of Ecuador’s subservience toward the United States. The article states the country’s plans to combat human trafficking and smuggling through its territory, including a modernization of the legal framework.

According to later articles, Ecuador’s attempts to “please” the United States were unsuccessful, *El Universo* reported that Washington gave Ecuador another warning involving the creation of sanctions in non-humanitarian and non-commercial aid due to its “insufficient participation in the international campaign against human trafficking and smuggling” (EU0605).

Finally, in 2010 after reports of an agreement between IOM and Ecuador to combat human trafficking and smuggling (EU0909), an article published in 2010 indicates that Ecuador had demonstrated “significant efforts” in combating irregular migration, although it had not entirely complied with the “fight against human trafficking/smuggling” (EU0610).

What this analysis shows are some of the practical implications of opening borders and its relation to the politics of border management at the regional level. After 11 September 2001, the

European Union, and particularly the United States, started to secure their borders at an unprecedented level (Jordan and Düvell 2002). Therefore, its involvement in Ecuadorian immigration policies and practices can be explained given that immigration is a matter of national security as far as the United States was concerned.

Case Study: Colombia

Research and fieldwork for this paper revealed that although irregular migration is not a much-talked-about issue in Colombia, and most people were unaware of it, the Colombian media has picked up on it, and reported incidents in which irregular migrants were found in lorries, boats and in hotels in different parts of the country. In contrast, Ecuadorian newspaper analysed a wide variety of migration issues. The media's interest in this topic is of great importance in this context as there is no existing academic literature that directly deals with this particular topic.

The Colombian case study is based on the discourse analysis of 23 newspaper articles published between 1993 and 2010. The articles were obtained from three main sources, namely: *El Colombiano* (EC), *El Espectador* (EE) and *El Tiempo* (ET). These sources were combined given the small number of reports on irregular migration.

Each publication was chosen for a specific reason. *El Tiempo* has the largest circulation of any newspaper in the country, with a readership of 1,098,000. It is also the owner of the most visited Colombian Internet website, www.eltiempo.com.co. *El Espectador* is one of the oldest newspapers in Colombia and has the second largest readership with 687,000 readers. Finally, *El Colombiano*, with an audience of 323,000 readers, was selected due to the fact that it is the regional newspaper of Antioquia's capital Medellín but is circulated nationwide (Arango Forero, et al 2009). Antioquia is important because most irregular migrants use it to continue onwards to Central America as it borders Panama and provides easy access to both the Atlantic and Pacific oceans.

Before delving into the discourse analysis it is important to address the Colombian context and history, in order to better understand the interactions between the media, politics, and their discourses of irregular migration.

Colombia's history has been characterized by periods of violence, despite having the longest-standing and most stable democracy in the region. Colombia's politics have been dominated by the two main parties, *Conservadores* and *Liberales*. The period known as *La Violencia*, which took place between 1946 and 1957 was characterized by political partisanship and was fuelled by the assassination of Jorge Eliécer Gaitán (a key Liberal leader). This period ended when both parties agreed to share power in 1957, but 200,000 people had been killed by that time (Bushnell 1993). This agreement excluded left-wing parties which then decided to take up arms. In order to finance their insurgency, the excluded groups turned to the international drug trade. Arnson and Whitfield argue "the sources of intractability that have caused the conflict to continue and grow have superseded the issues that spurred the conflict in the first place" (Arnson and Whitfield 2005:239). They believe that one of the most important sources of intractability is "the transformation of illegal armed actors, both guerrillas and paramilitaries, by the abundance of

resources available to them, principally but not exclusively as a result of the illegal trade in narcotics” (Arnson and Whitfield 2005:242).

This internal conflict has created a serious problem of forced migration in Colombia, which now hosts the second largest IDP population in the world after Sudan (UNHCR 2010). Although the number of IDPs in Colombia is contested, it is estimated that 3 to 5 million Colombians are internally displaced.⁴

In Chapter 2, I argued that the ways in which Colombia deals with problems stemming from the inside (internal displacement and refugee flows) frames how it deals with problems coming from the outside (irregular migration flows from Ecuador). The fact that Colombia reacted to irregular migration flows from Ecuador by updating its refugee law, instead of creating restrictionist policies, can be explained by its experience with forced migration, particularly its IDP law and participatory mechanisms of implementation, which allows it to foster an international image that is consistent with liberal democratic values and politics.

There are several differences between the journalistic treatment of migration issues in Ecuador and Colombia. For instance, Ecuador’s media reported much more often and on a wider range of migration issues, therefore it was possible to distinguish trends and threads through time. The Colombian media, on the other hand, does not report on migration nearly as often as Ecuador’s and its scope is much narrower, focusing almost exclusively on individual cases of persons found migrating irregularly through the Colombian territory.

The earliest article dates back to February 1993, and reports on the dismantling of an “intricate network of immigrants who used Colombia as a transit location to the United States” (ET0293). The article reveals that human smuggling to the United States was not a new phenomenon and that smuggling rings already had well-established connections and routes through Colombia. A decade later, an editorial piece surfaced stating that the irregular Chinese migrants are “not delinquents, and they cannot be treated as such.” Furthermore, the writer argues that illegal immigrants should “move” us (*conmovernos*), while crediting this type of migration to global inequalities. This tone of sympathy is recurrent in the articles analysed, which refer to irregular migrants as “humble youth who long for the American dream” (ET0505), and “victims of smuggling networks” (EE0708). Over 30 per cent of articles used language that elicited sympathy for smuggled migrants.

The description of migrants is characterized by the repeated use of the word “illegal,” which is generally accompanied by the nationality of the irregular migrant and the number of migrants involved. This use of language is hardly new, as previous research in the European context shows that “one of the most common ways of describing refugees in the News Corpus is by providing a pre-modifying quantification” (Baker and McEnery 2005:202).

⁴ For exact numbers please see http://www.codhes.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=50 and <http://www.accionsocial.gov.co/Estadisticas/publicacion%20diciembre%20de%202009.htm>

In anthropology, a 'fetish' is an object believed to have spiritual power. Thus, 'fetishisation' is treating something as if it were a fetish, however, for the purposes of understanding the treatment of numbers in Colombian news stories about irregular migrants, I will use the term as it is also often used "to describe a process by which a culture or a social group irrationally overrates something", in this sense the object does not have to be material but can also be an idea (Barnard and Spencer 2002:905).

Numbers play a central role in the reporting of irregular migration through Colombia. Every analysed article provided an exact number of migrants who were either found transiting the country irregularly or of those who were deported. Some articles even specify the number of women and the number of men, as well as the number of individuals from a particular country.

One possible reason for emphasizing the numbers could be linked to the press wishing to demonstrate that escalating numbers show that irregular migration is becoming a serious concern for Colombians as empirical research has provided evidence that newspapers selectively use quantitative data to emphasize worsening trends (Maier 2002). Considering that the reports do not provide negative comments about the possible implications of irregular migration through the country, or that they fail to follow any increasing trends this is not likely. Possibly, the emphasis on the use of numbers springs from a desire of legitimacy as the provision of exact numbers gives the impression of truthfulness: "the media like to report statistics because numbers seem to be factual, little nuggets of truth ... the public tends to agree; we usually treat statistics as facts" (Best 2001:19).

The emphasis on numbers, when taken in conjunction with the tone of the articles, appears to be aimed at expressing concern of the numbers, not as a threat to Colombia, as it appears to point to people who are victims. The evidence that supports this claim springs from the analysis of articles, which pointed to the fact the language used tended to portray irregular migrants as victims of poverty, violence, and smuggling rings.

Colombian newspapers do not merely enumerate the numbers of people but also very often mention the cost of being smuggled. Furthermore, the articles provide evidence of the consequences of smuggling humans through Colombia, particularly incarceration, creating a discourse of victimized migrants.

Experience in the field and discourse analysis indicates that the public's perception of African countries (and at times China) in Colombia, as in most other countries in the world, is one that these are countries mired by poverty, violence, oppression, underdevelopment and disease. The images associated with countries like Somalia and Eritrea are malnourished bodies due to famines and children with bloated stomachs along with other images of victimhood driven by underdevelopment and violence. This discourse has been attributed to development NGOs and aid organizations that have created a certain image of Africa in order to raise funds for their various causes (Lamers 2005). This is intensified when discussing refugees:

Massive displacements of people due to political violence and the sight –on television and in newspapers– of refugees as a miserable "sea of humanity" have come to see more and more common (Malkki 1996:377).

Coupling this perceptions with the high costs of being smuggled arguably leads readers to conclude that people must be very desperate to pay such large amounts of money, especially for people coming from impoverished areas. Therefore, the connection between place of origin and smuggling cost can lead to the reader to feel sympathetic toward irregular migrants.

This austere image of Africa coupled with: (a) Colombians' own experience of intractable conflict and violence; (b) the local protracted IDP situation; and (c) their experience with (or as) irregular migrants (Alcalá et al 2008; Guarnizo and Diaz 1999) might help to explain the sympathetic media discourse around irregular migrants. Perhaps these three characteristics in the Colombian context make it easier for Colombians to empathize with irregular migrants from countries perceived to be in some ways, similar to theirs.

In-depth journalism stories are another tool to create a discourse of victimhood around irregular migrants, as they provide a context by focusing on the hardships that drove people to Colombia. One story in particular earned its writer, José Guarnizo Alvarez, the journalism prize *Rey the España* in 2011. The article was published by *El Colombiano* in June 2010 and is entitled *Urabá, otro 'huevo' entre Colombia y la USA* (Urabá, another 'hole' between Colombia and the United States).

Guarnizo's article focuses on the struggles faced by a group consisting of three Bhutanese men "whose journey has lasted 670 days", as well as three young men from Somalia (aged fourteen, seventeen and twenty) who "would rather die [in Colombia] than in Mogadishu" (EC0610). Throughout the text, the article uses words to convey sympathy and presents facts that elicit pity and compassion.

The article humanizes irregular migrants by contextualising them, providing their names, ages and histories. These examples afford evidence of the ways in which irregular migrants are portrayed as victims in order to elicit compassion, tolerance, and understanding among the Colombian public.

Another in-depth report featured in *El Espectador* in January 2010 and entitled "The Long Journey to Colombia", tells the story of a married couple from Eritrea and Ethiopia who fled from political unrest and arrived in South Africa, only to become victims of the 2008 xenophobic attacks, which ultimately drove them to South America. The woman was the first to arrive and claim asylum in Colombia. After it was granted, the family reunification process began and her husband was permitted to join her in Colombia.

The analysis of Colombian newspaper articles has shown the ways in which cultural and social perceptions have been consistent with media discourses and government responses to irregular migration flows through the region. The last chapter will attempt to provide a conclusion, bringing together the issues and arguments presented in the four previous chapters.

Conclusion

The data and analysis in this paper have demonstrated that irregular migration has profound political implications for transit countries. Powerful countries such as the United States foster, create, and implement policies of containment, restrictionism and deterrence, directly impacting

irregular migration flows. The implication is that transit countries have to deal with the burden created by those policies, even while they are struggling with issues, such as poverty, violence, and forced migration of their own, as in the case of Colombia and Ecuador.

This demonstrates an interconnection between different countries struggling to maintain their own sovereignty. The word “sovereignty” is often used to ascertain the power of the state over its territory and people, however, as this paper has shown, what the state can do with that power is limited by variables, such as outside pressures and policies, as well as inside pressures, such as media discourses.

Media discourses relating to political issues such as irregular migration do create inside pressure, as more and more politics have become “mediatized”:

Mediatized politics are politics that have lost their autonomy, and have become dependent on its central functions on mass media, and are continuously shaped by interactions with mass media (Mazzoleni and Schultz 1999:250).

An example of this mediatization is illustrated by this paper in the critical discourse analysis of Ecuadorian and Colombian articles relating to irregular migration, as the research revealed a correlation between the discourses of the media and the reactions of the two countries and the ways in which they reacted to, and governed, the increase in irregular migration flows through their territory.

According to Düvell the governance of irregular migration involves two issues: (a) the control, prevention and combating of irregular migration; and (b) the protection of irregular migrants. Düvell argues that efforts have been concentrated on the first, while protection remains much less developed. The implication is that the primary concern of states is the protection of their territory, citizens and national systems and not the protection of the rights of irregular migrants” (Düvell 2011:101).

This means that when confronted with irregular migration flows containing high levels of refugees and asylum-seekers, states find themselves in a conundrum. They can bolster their borders by implementing highly restrictionist policies, as is most often the case, or they can attempt to provide protection by opening up the asylum space. The latter is highly atypical, yet this paper contains evidence of such a case. However, Colombia’s reaction to irregular migration flows cannot be simplified in this manner without providing the reasons behind its actions. The country has experienced a high level of violence over the past five decades and this has led to massive internal displacement as well as refugee flows into neighbouring countries. Colombia wishes to challenge its image as a country characterized by a lack of respect for human rights. Rather, it would benefit from portraying an image that allows it to demonstrate a commitment to universal values.

Such a commitment to universal rights, particularly the right to human mobility espoused by Ecuador shows the practical and political difficulties that can arise when implementing universal values in national policies and laws. Although Ecuador had its own citizens abroad in mind when including the right to human mobility in its 2008 Constitution, opening its borders in the hope that other countries would respond in the same manner toward their own citizens had an impact

not just on Ecuador, but also on the policies and practices of its neighbour, Colombia. Media discourses negotiate between those government policies and practises and the public. Discourses portraying irregular migrants as victims or as criminals shape and are shaped by public opinion.

REFERENCES

- ALCALA, P. et al., (2008) *Forced Migration of Colombians: Colombia, Ecuador, Canada,* Medellín, Corporación Region.
- AMERICAS-MISCELLANEOUS (1984) *Cartagena Declaration on Refugees*, 22 November 1984, available online at <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>
(2010) *Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas*, 11 November 2010, available online at <http://www.unhcr.org/refworld/docid/4cdd44582.html>
- ARANGO FORERO, G. et al. (2009) 'The Media in Colombia' in Albarran, A., (ed.) *The Handbook of Spanish Language Media.* New York, Routledge.
- ARNSON, C.J. and WHITFIELD, T. (2005) 'Third Parties and Intractable Conflict: The Case of Colombia' In Crocker, C., et al., (eds.) *Grasping the Nettle: Analyzing Cases of Intractable Conflict.* Washington D.C., United States Institute of Peace.
- BAKER, P. and MCENERY, T. (2005) 'A Corpus-Based Approach to Discourses of Refugees and Asylum Seekers in UN and Newspaper Texts.' *Journal of Language and Politics* 4(2): 197-226.
- BARNARD, A. and SPENCE, J. (eds.), (2002) *Encyclopedia of Social and Cultural Anthropology.* London, Routledge.
- BENNET, L. W. (1990) 'Towards a Theory of Press-State Relations in the United States.' *Journal of Communication* 40(2): 103-125.
- BERNSTEIN, A. and WEINER, M. (eds.) (1999) *Migration and Asylum: An Overview.* London, Pinter.
- BEST, J. (2001) *Damn Lies and Statistics: Untangling Numbers from the Media, Politicians and Activists.* Berkeley, University of California Press.
- BETTS, A. (2006) 'Towards a Mediterranean Solution? Implication for the Region of Origin.' *International Journal of Refugee Studies* 3: 652-676.
(2009) *Forced Migration and Global Politics.* Oxford, Wiley-Blackwell.
- BROLAN, C. (2003) 'An Analysis of the Human Smuggling Trade and *the Protocol Against the Smuggling of Migrants by Land, Air and Sea (2000)* From a Refugee Protection Perspective.' *International Journal of Refugee Law* 14(4): 563-596.
- BUSHNELL, D. (1993) *The Making of Modern Colombia: A Nation in Spite of Itself.* Berkeley, University of California Press.
- CALERO, C. et al. (2008) 'Remittances, Liquidity Constraints and Human Capital Investments in Ecuador.' *World Development* 37(6): 1143-1154.
- CARR, S. (2009) 'From Theory to Practice: National and Regional Application of the Guiding Principles.' *International Journal of Refugee Law* 21(1): 34-47.

- CASTLES, S. (2004) 'The Factors that Make and Unmake Migration Policies' *International Migration Review* 38(3): 852-884
- CASTLES, S. and MILLER, M. (2003) *The Age of Migration: International Population Movements in the Modern World*. Hampshire, Palgrave Macmillan
- CEBALLOS MEDINA, M. (2010) *Impacto de las Migraciones Forzadas de Colombianos a Ecuador en las Relaciones Interestatales, 1996-2006*. Medellín, La Carreta Editores.
- CHIN, K. L. (1999). *Smuggled Chinese: Clandestine Immigration to the United States*. Philadelphia, Temple University Press.
- COHEN, B. (1994) 'The View From the Academy' in Bennett W. L. and Paletz D.L. (eds.) *Taken by Storm: The Media, Public Opinion and US Foreign Policy in the Gulf War*. Chicago: University of Chicago Press.
- CORRIGAN, K. (2011) Interview with the author May 2011.
- DAS (2011) Anonymous interview with the author, May 2011.ro
- DüVELL, F. (2005) 'Globalization of Migration Control: A Tug-of-War Between Restrictionists and Human Agency?' in Helke, H. *Crossing Over: Comparing Recent Migration in the United States and Europe* Lanham, Lexington Books.
- (2010) 'Transit Migration: A Blurred and Politicized Concept.' *Population Space and Place*. 17: 631-643.
- (2011) 'Irregular Migration' in Betts, A., (ed.) *Global Migration Governance*. Oxford, Oxford University Press.
- FELLER, E. (2006) 'Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come.' *International Journal of Refugee Law*. 18(3-4): 509-536.
- GIBNEY, M. (2004) *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge, Cambridge University Press.
- GIBNEY, M. (2010) *Global Refugee Crisis* Santa Barbara, ABC-CLIO, LLC
- GUARNIZO, L. E. and DIAZ, L. M. (1999) 'Transnational Migration: A View From Colombia,' *Ethnic and Racial Studies* 22(2):397-421.
- HALLIN, D. (1986) *The Uncensored War*. Berkeley: University of California Press.
- HALL, A. (2005) 'Globalized Livelihoods. International Migration and Challenges for Social Policy: The Case of Ecuador.' Paper delivered at the conference *New Frontiers of Social Policy*, Arusha, Tanzania, 12-15 December 2005.
- HAMMERSTAD, A. (2011) 'UNHCR and the Securitization of Forced Migration' In Betts, A., and Loescher, G., *Refugees in International Relations* Oxford, Oxford University Press.
- HARDT, M., and NEGRI, A. (2000) *Empire*. Cambridge, Harvard University Press.

- IOM (2008) *Challenges of Irregular Migration: Addressing Mixed Migration Flows*. International Dialogue on Migration Discussion Note
- JOKISH, B. and PRIBILSKY, J. (2002) 'The Panic to Leave: Economic Crisis and the "New Emigration" from Ecuador.' *International Migration* 40(4): 75-101.
- JORDAN, B. and DÜVELL, F. *Irregular Migration: The Dilemmas of Transnational Mobility*. Cheltenham, Edward Edgar
- JORDAN TOBAR, R. and PANCHANA MACAY, A. (2009) 'The Media in Ecuador In Albarran, A., (ed.) *The Handbook of Spanish Language Media*. New York, Routledge
- KHOSRAVINIK, M. (2009) 'The Representation of Refugees, Asylum Seekers and Immigrants in British Newspapers During the Balkan Conflict (1999) and the British General Election (2005).' *Discourse and Society* 20: 477-498.
- KYLE, D. and KOSŁOWSKI, R. (eds.) (2001) *Global Human Smuggling: Comparative Perspectives*. Baltimore, The Johns Hopkins University Press.
- LAMERS, M. (2005) 'Representing Poverty, Impoverishing Representations? A Discursive Analysis of a NGOs Fundraising Posters' *Graduate Journal of Social Science* 2(1):37-74.
- NARVAEZ, F. (2011) Interview with the author, May 2011.
- MALKKI, L. (1996) 'Speechless Emissaries: Refugees, Humanitarianism, and Dehistoricization,' *Cultural Anthropology* 11(3):377-404.
- MAIER, S. (2002) 'Numbers in the News: A Mathematics Audit of a Daily Newspaper.' *Journalism Studies* 3(4): 507-519.
- MAZZOLENI, G. and SCHULTZ, W. (1999) '“Mediatization” of Politics: A Challenge for Democracy?' *Political Communication* 16(3): 247-261.
- MILLER, M. (2001) 'The Sanctioning of Unauthorized Migration and Alien Unemployment.' in Kyle, D and Koslowski, R (eds.) *Global Human Smuggling: Comparative Perspectives* Baltimore, Johns Hopkins
- MINISTERIO DE RELACIONES EXTERIORES (2009) *Decreto Número 4503*, 19 Noviembre 2009.
- OELGEMOELLER, C. (2011) '“Transit” and “Suspension”: Migration Management or the Metamorphosis of Asylum Seekers into “Illegal” Immigrants.' *Journal of Ethnic and Migration Studies* 37(3): 407-424.
- ORCHARD, P. (2010) 'Protection of Internally Displaced Persons: Soft Law as a Norm-Generating Mechanism.' *Review of International Studies* 36: 281-303.
- PAPADOPOULOU, A. (2005) 'Exploring the Asylum-Migration Nexus: A Case Study Of Transit Migrants in Europe.' *Global Migration Perspectives no. 23*.

- REPUBLICA DEL ECUADOR (2008) *Constitución De La República de Ecuador* 20 October 2008.
- SHORE, C. and WRIGHT, S. (1997) *Anthropology of Policy: Critical Perspectives On Governance and Power*. London, Routledge.
- SUHRKE, A. (1998) 'Burden-Sharing During Refugee Emergencies: The Logic of Collective versus National Action.' *Journal of Refugee Studies* 11(4): 396-415.
- SMITH, R. (2001) "Current Dilemmas and Future Prospects of the Inter-American Migration System." in Zolberg, A. and Benda, P. *Global Migrants, Global Refugees: Problems and Solutions* Oxford, Berghahn Books.
- TROELLER, G. (2008) *Asylum Trends in Industrialized countries and their Impact On Protracted Refugee Situations* Tokyo, United Nations University Press
- TÜRK, V. (2010) Introductory Remarks 'International Meeting on Refugee Protection, Statelessness and Mixed Migration Movements in the Americas' Brasilia, Brazil, 11 November 2010.
- UNGA (1948) *Universal Declaration of Human Rights*, 10 December 1948 available online at <http://www.unhcr.org/refworld/docid/3ae6b3712c.html>
 (1951) *Convention Relating to the Status of Refugees*, 28 July 1951 available online at <http://www.unhcr.org/refworld/docid/3be01b964.html>
 (1967) *Protocol Relating to the Status of Refugees*, 31 January 1967, available online at <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>
 (2000) *Protocol Against the Smuggling of Migrants by Land, Air and Sea, Supplementing the United Nations Convention Against Transnational Organized Crime*, 15 November 2000 available online at <http://www.unhcr.org/refworld/docid/479dee062.html>
- UNHCR (1998) *Guiding Principles on Internal Displacement*, 22 July 1998 available online at <http://www.unhcr.org/refworld/docid/3c3da07f7.html>
 (2000) *The State of the World's Refugees: Fifty Years of Humanitarian Action* Oxford, Oxford University Press
 (2009) *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*. Available online at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=4d52864b9&query=10-point%20plan>
 (2010) *Africans and Asians attracted to Latin America as a Migration Route*. <http://www.unhcr.org/4cdacd4c6.html> 10 November 2010.
 (2010) *Colombia Situation: Colombia, Ecuador, Panama and Venezuela. Priorities in 2010*.
 (2011) *Colombia Situation: Regional Overview (Colombia, Ecuador, Panama, and Venezuela)*.
- VAN HEAR, N. (1998) *New Diasporas: the Mass Exodus, Dispersal and Regrouping of Migrant Communities*. London, UCL Press.
- VAN DER KLAUW, J. (2010) 'Refugee Rights in Times of Mixed Migration: Evolving Status and Protection Issues.' *Refugee Survey Quarterly* 28(4): 59-86.
- WAGNER, U. (2010) 'Challenging Subaltern Identities: The Collective Construction Of Citizenship Among Internally Displaced Persons in Medellín, Colombia', Thesis for BA in Anthropology, Department of Anthropology, University of

California at Berkeley.

WODAK, R. and MEYER, M. (eds.) (2001) *Methods of Critical Discourse Analysis* London, Sage.

WODAK, R. (2001) 'The Discourse-Historical Approach' in Wodak, R., and Meyer, M., (eds.) *Methods of Critical Discourse Analysis*. London, Sage.

WORLD BANK (2011) *The Migration and Remittances Factbook: Ecuador*. Available Online at <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Ecuador.pdf>

ZETTER, R. (1991) 'Labelling Refugees: Forming and Transforming a Bureaucratic Identity.' *Journal of Refugee Studies* 4(1): 39-62.
(1999) 'International Perspectives on Refugee Assistance' in Ager, A., (ed.) *Refugees: Perspectives on the Experience of Forced Migration* London, Continuum.
(2007) 'More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization.' *Journal of Refugee Studies* 20(2): 172-192.

ZOLBERG, A. (1989) The Next Waves: Migration Theory for a Changing World in *International Migration Review* 23(3): 403-430

ZOLBERG, A and BENDA, P., (eds.) (2001) *Global Migrants, Global Refugees: Problems and Solutions*. Oxford, Berghahn Books