

**UNHCR REGIONAL OFFICE FOR
NORTHERN SOUTH AMERICA AND
PANAMA**

2003

**EXECUTIVE COMMITTEE SUMMARY 2003 (REGIONAL
OVERVIEW)**

UNHCR's work in the Andean region focuses on a regional situation approach to the Colombian conflict. The Regional Office in Venezuela (ROVEN), which covers four of the countries bordering Colombia (Venezuela, Ecuador, Peru and Panama), along with Suriname and Guyana, operates in close co-ordination with the Branch Office in Bogota (COLBO) in formulating joint strategies for the treatment of internal and external displacement. UNHCR's policies in the Colombian conflict reflect the fact that the problem of forced displacement of victims of the conflict, whether internally or into neighbouring countries, stems from the same root causes.

As the levels of displacement of Colombians into neighbouring countries have risen during recent years, ROVEN has activated emergency preparedness plans. At the same time, ROVEN is reinforcing the legal and institutional framework for refugee protection, particularly in border regions. Likewise, the establishment of adequate conditions for asylum through the adoption and implementation of liberal asylum policies and refugee assistance will continue to be pursued. Until all countries under ROVEN's purview have adopted and implemented adequate legal frameworks, lobbying and training efforts on the part of UNHCR will be ongoing.

I. UNHCR's Beneficiaries

The dramatic widening and worsening of Colombia's conflict over the past 2 years has affected particularly Colombia's border departments with Ecuador, Panama, Venezuela and Peru. Human rights violations and generalised conflict have caused forced displacement on a larger scale of individual cases and groups to border areas of neighbouring countries, often within traditional population movements across permeable borders, where they mingle with local population. Likewise, the number of individual cases from Colombia arriving in larger urban centres has considerably increased, albeit on a smaller scale than the caseload in border areas.

The number of Colombian refugees and asylum-seekers in Ecuador increased from 4,517 at the end of 2001 by 2,211 during the first semester of 2002, of whom 876 obtained refugee status. If the trend continues, the number of refugees and asylum seekers could reach 8,900 by the end of 2002, about 4,400 more than in 2001. In Panama, 89 new asylum applications from mainly Colombians were recorded, although this does not reflect the actual number of asylum-seekers entering remote border areas to which UNHCR does not have access. In Venezuela, some 440 Colombian asylum-seekers approached UNHCR or its implementing partners for protection or assistance during the first half of 2002. However, many more Colombians settled in need of protection in remote areas or smaller urban centres without filing applications for refugee status, given the fact that the Government still has to establish RSD procedures.

Most of the victims of Colombia's conflict seeking protection in border areas of neighbouring countries fulfil the elements of the refugee definition of the 1951 Convention or the 1984 Cartagena Declaration. In practice, they cross into remote border areas where security conditions are precarious and where border officials focus on migration and national security procedures (e.g. deportation of undocumented Colombians or Colombians suspected of collaborating with the guerrilla) rather than registering/documenting asylum-seekers and referring asylum-applications to eligibility commissions or to UNHCR. Groups and individual cases thus hide within local societies in border areas or shanty towns of smaller urban centres close to the border, in

constant fear of being returned to Colombia or traced by armed groups from the Colombian side of the border. The rapid growth of local slums at the borders since 1997 illustrates this tendency. If there were appropriate RSD procedures in place, i.e. if neighbouring countries of asylum offered meaningful protection against deportation and cross-border persecution by guerrillas and paramilitaries, the hitherto mostly invisible victims of the conflict would be more inclined to apply for refugee status.

Against that complex background the presence of UNHCR at key entry points at the border is indispensable to protect the civilian victims of Colombia's conflict by ensuring registration, separation from combatants, documentation, non-refoulement and access to RSD procedures.

The vast majority of Colombians in need of protection in border areas are women and children from rural areas, of mestizo or African descent with only very basic education. Equally, indigenous groups (Baris in Venezuela, Kichwas and Kofanes in Ecuador and Emberas and Kunas in Panama) constitute a significant part of the rural caseload of UNHCR concern and their social characteristics add to the complexity of the overall caseload. In most of the cases death threats, targeted persecution and/or indiscriminate massacres by guerrilla groups or paramilitaries cause the forced displacement.

The urban refugee caseload is mostly composed of educated persons who belong to Colombia's middle-class with a more stable economic background and who arrive on an individual basis. Most of the cases have strong elements of individual persecution by one of Colombia's armed groups. Some of them experience security problems in the capitals and will be in need of resettlement.

The further deterioration of the conflict in Colombia is coupled with the fact that there are virtually no internal flight alternatives left for victims of individual persecution and generalised violence. Larger groups in need of protection which float between Colombia and neighbouring countries are likely to split into smaller units and hide under an irregular migration status in remote border areas and urban centres. The overall caseload is thus unlikely to diminish in the absence of conditions conducive to return.

II. Security Situation

The already fragile security situation in regions which border Colombia of Ecuador, Panama, Venezuela and Peru will continue to be affected by the worsening of the Colombian conflict and the presence of Colombian armed groups operating in regions near the borders. In fact, in recent months reports have increased that the Colombian armed groups are present in all four of the countries covered by ROVEN and the problem will likely expand as armed groups seek out resting places in neighbouring countries. The delicate security situation of these regions will continue to hinder the proper provision of protection to Colombian asylum seekers and refugees and the implementation of projects.

Most Colombian refugees and persons of concern to UNHCR are located in unsafe regions such as Darien (Panama), Sucumbios, Carchi and Esmeraldas (Ecuador) and some parts of the Venezuelan states of Zulia, Tachira, Apure and Amazonas. The contingency plans foresee the establishment of refugee camps located away from the border in the interest of maintaining persons of concern in an environment of relative

safety. Ensuring the safety of individual cases and small groups is more difficult given that they tend to settle in communities close to the border.

The security of UNHCR and NGO staff present in the border regions is also of concern and investments in terms of equipment, vehicles and training to ensure that staff are granted the highest levels of security possible are of utmost importance.

III. Protection Issues

The Regional Office will focus its attention in 2003 on protection issues at the borders as well as on improving the legal framework for refugee protection. Concerns include registration and documentation in border areas.

In Ecuador, mechanisms to deal with these issues have been established by the Government in conjunction with UNHCR and improvements will continue to be made to adequately deal with the increasing caseload. UNHCR will continue to support the Government's efforts to adjust refugee status determination procedures to respond to the ever increasing caseload.

In Panama, registration is done by the National Refugee Office, ONPAR, but in the absence of UNHCR's presence many irregularities have been reported. In the case of Panama, the Regional Office will continue to promote the importance of national legislation and policies maintaining harmony with international principles of refugee protection. At present, there are worrying indications that Panama wishes to further restrict the provisions laid out in Decree 23. During the current year, a revision of the Decree by the Government is expected and UNHCR will advocate for a liberal rewriting of the Decree, taking into consideration Panama's valid national security concerns.

In Venezuela, UNHCR is one of the organisations receiving asylum requests, but to date there are no refugee status determination procedures in place. In terms of the legal framework, the implementation of the Organic Law on Refugees and Asylees, passed by the National Assembly in 2001, is expected to have the support of a rules of procedure and functioning eligibility commission during the current year. Provision of technical advice to the Commission and authorities carrying out eligibility, as well as training to central and regional civilian and military authorities, will be important activities of the Regional Office in 2003.

In Peru, ROVEN has received reports of arrivals and departures of groups who could qualify as persons of concern. However, due to lack of staff, which impeded the regular and frequent deployment of missions, the Regional Office was unable to adequately monitor these movements, although it hopes to put into effect mechanisms for refugee protection at the border. A revision of Decree 001/85 is expected to take place and take effect during the current year. The revision will focus on ensuring that the Decree is in accordance with international refugee law. It will also move the Presidency of the Eligibility Commission from the Consular section of the MFA to the Department of Human Rights and Social Affairs. UNHCR will promote the passing of a national refugee law, which would have more weight than a presidential decree.

Training activities with military and civilian authorities and NGOs will be ongoing in all countries covered by ROVEN, especially in border areas, with a view to promote

principles of refugee law, provide technical advice and contribute to the proper functioning of mechanisms for the protection of refugees and asylum seekers.

Tripartite mechanisms will continue to form an important aspect of UNHCR's work in the region. This mechanism has shown positive results in the case of Ecuador (Ecu/Col/UNHCR) and to a lesser extent in Panama. UNHCR will encourage the creation of a tripartite mechanism with Venezuela during the current year. However, in countries like Venezuela and Panama, where there is not a fully implemented RSD procedure, UNHCR needs to ensure that the mechanism is not used exclusively for repatriations or as a scapegoat technique by the Governments to avoid other responsibilities related to the granting of asylum.

IV. Solutions

Repatriations, carried out within tripartite mechanisms, will be carried out throughout the process according to requests and ensuring adequate security conditions. Resettlement will be carried out on an exceptional basis, regionally and extra-regionally. Local integration projects will target host communities along the borders and support will be provided to strengthen social services such as education, health and sanitation.

IV. Advocacy and Dissemination

UNHCR's challenges in the area of public information and public awareness are considerable, given national security concerns, misunderstanding of the profile of UNHCR's beneficiaries and the lack of clarity with regards to the legal framework for refugee protection. Nevertheless, the image and profile of UNHCR has been enhanced in all asylum countries and mass media campaigns will be implemented in 2003 in order to highlight the plight of civilian victims and the humanitarian consequences of the conflict. Public information activities and refugee law dissemination activities, focussing on gender related issues, as well as media programs emphasising the rights of refugees and asylum-seekers, will continue to be given priority by the Regional Office and its field offices. Co-ordination mechanisms will be reinforced with the Office in Colombia order to voice a common message.

VI. Coordination and Partnership

During 2002, co-operation agreements have been signed and new implementing partners identified in border regions. All of these new partners require further support in capacity building to be fully operational and the Regional Office will accordingly place emphasis on their strengthening. This challenge is coupled with the fact that the international community (international NGOs and UN agencies) has virtually no presence in border zones, except in the case of Ecuador and to a smaller extent in Panama.