

10 October 2009

## Briefing Paper:

---

# Conflict Beyond Borders: Humanitarian Impact of the Colombian Conflict in Ecuador

In March, 2008, the Colombian armed forces attacked a FARC camp located in the Ecuadorian province of Sucumbíos. This attack resulted in the death of FARC's second in command, Raúl Reyes. This event, which turned around relations between the two countries, which to date continue severed, and received copious international attention, including a condemning resolution from the Organization of American States,<sup>1</sup> merely evidenced what for years had been known to the people living near the Ecuador-Colombia border: that for many years, the Colombian conflict has been spilling over to Ecuador, and that in everyday life and for everyone all the same—armed actors, civilian population, and even government forces—the 600-kilometer border is not much more than an abstract political fiction.

While for tens of thousands of Colombians Ecuador offers a much safer environment than the border departments of Nariño and Putumayo, the extensive presence of illegal armed groups and high levels of insecurity increasingly threaten the stability of the Ecuadorian border provinces, especially Esmeraldas, Carchi, and Sucumbíos. In addition to the well-documented flow of Colombian asylum seekers, recent reports signal that internal displacement of Ecuadorians may be a growing phenomenon. Humanitarian aid on the Ecuadorian side is limited and the response from the Ecuadorian government, even though highly superior comparatively to Venezuela's and Panamá's, is still insufficient.

Further, with the exception of UNHCR and a handful of INGOs, international relief agencies continue to focus the bulk of their assistance on the Colombian departments of Nariño and Putumayo, with only minor presence in the Ecuadorian departments of Esmeraldas and Sucumbíos. The scale of the situation and needs, however, are not exceedingly disparate: the number of IDPs to date is 125,235 in Putumayo and 120,216 in

---

<sup>1</sup> Text of the OAS Resolution available at <http://www.oas.org/consejo/sp/resoluciones/resoluciones.asp>. (last visited 4/28/09).

Nariño,<sup>2</sup> while the number of refugees and people in need of international protection in Ecuador is estimated at 130,000. However, Nariño alone received for 2008 a total of \$40,484,069<sup>3</sup> in international aid (both development and humanitarian), while the total amount of international aid destined to the Ecuadorian border provinces combined was significantly lower.

## **I. Nariño and Putumayo's, Epicenters of Conflict in the South.**<sup>4</sup>

Putumayo and Nariño have historically had a strong guerrilla presence (both FARC and ELN), in addition to coca plantations and trade, and more recently, paramilitary crime. FARC have been present in Putumayo for over 30 years, and today they have eight fronts across the border area. Since 2000, Putumayo had around 41% of the total surface of coca plantations in the country. Hence the drug business in Putumayo has always been fundamental for the FARC.<sup>5</sup> FARC have for years established their presence through attacks to the local population and public facilities.<sup>6</sup>

In response, within the framework of President Uribe's Democratic Security Policy, and with financing from the United States within Plan Colombia, the Government of Colombia stepped up its military presence in the region since 2000. Plan Patriota, a Colombian military operation aimed at weakening the FARC and reclaiming the departments of Meta and Huila from FARC control, resulted in a southbound movement of FARC towards Putumayo and Nariño. Likewise, aerial fumigations of coca crops, also a key element of Plan Colombia, drove coca growers to find new land on the other side of the border. This context has driven thousands out of Nariño and Putumayo towards other departments in Colombia, and also south towards Ecuador. The following sections examine the effects of the Colombian conflict in the Ecuadorian northern departments of Esmeraldas, Carchi, and Sucumbíos; Ecuadorian policy in relation to the issue; and the international response.

---

<sup>2</sup> Data from Agencia para la Acción Social y la Cooperación Internacional, updated to March 31, 2009, available at <http://www.accionsocial.gov.co/contenido/contenido.aspx?catID=383&conID=556> (last visited 4/29/09).

<sup>3</sup> Data from Agencia para la Acción Social y la Cooperación Internacional, available at [http://www.accionsocial.gov.co/acci/web\\_acci/nuevomapa/main.asp](http://www.accionsocial.gov.co/acci/web_acci/nuevomapa/main.asp) (last visited 4/29/09).

<sup>4</sup> Neither this section nor this report as a whole aim at evaluating the situation in Nariño and Putumayo in depth. Rather, they see the conflict in these departments as the point of departure (and root cause) of the situation in neighboring Ecuador, and thus offer a brief description. For detailed reports on the human rights situation in Putumayo, see Minga et. al. "Informe de Misión de Observación a la Situación de Derechos Humanos en el Bajo Putumayo." and CODHES, forthcoming.

<sup>5</sup> Codhes, *En los Límites del Plan Ecuador*, December, 2007, pp. 11

<sup>6</sup> *Ibid* pp. 12.

## II. Conflict Spillover: Armed Actors and Violence in Ecuador's Border Provinces.

Three main conditions explain the spillover of the Colombian conflict into neighboring Ecuador.<sup>7</sup> Firstly, Colombian illegal armed groups have for years been able to easily cross over to Ecuador because the 600 km-long border runs through dense Amazon jungle (Sucumbíos) or thick tropical forests (Esmeraldas). This makes the border next to impossible to patrol.

Secondly, while Plan Colombia and Plan Patriota have, as described above, pushed the FARC down towards Nariño and Putumayo, the area has for years been largely neglected by the Ecuadorian government. In 2004, the Ecuadorian Minister of Defense Nelson Herrera asserted bluntly, while talking about insecurity and FARC presence on Ecuadorian territory, that “I can guarantee that in our country there is no problem.”<sup>8</sup> In other words, until recently, Quito's security response to the presence of illegal armed groups was one of negligent disregard. Until 2007, Ecuador had a total of 7,000 troops deployed in the border. This amount went up to 10,000 after the March, 2008 Colombian raid, as did the total budget allocated to military operations, from \$167,221,542 in 2007 to \$463,091,956 in 2008, plus an emergency plan for the northern border with a \$388 million price tag.<sup>9</sup>

Thirdly, the northern provinces, especially Sucumbíos and Esmeraldas, have for decades had very little State services, which only enhanced vulnerabilities caused by underdevelopment. More than half of the population lives on less than two dollars per day in the border provinces. Access to education is well below the national median, availability of hospital beds is half than the national average, and child mortality is the highest in the country.<sup>10</sup> The province also has a 69,4% poverty level (defined as consumption poverty, i.e., income below the minimum required to purchase basic goods and services) with some of its remote locations—the ones more affected by insecurity—reaching 96%.<sup>11</sup>

Additional variables contributing to the creation of a very vulnerable setting are high density of natural resources and untitled or irregularly-tenured land. The Ecuadorian border region is home to large oil reserves: Sucumbíos alone provides most of the

---

<sup>7</sup> The Colombian conflict in the Colombian departments of Arauca and Norte de Santander has also spilled over to Venezuela with strong presence and confrontation between FARC and ELN, in addition to paramilitary presence; the situation is equally precarious on that border. *See*, for example, *Los Límites de la Guerra*, Codhes, April, 2008.

<sup>8</sup> *El Comercio*, September 9, 2004, cited in ‘Colombia’s Borders,’ International Crisis Group, 2004.

<sup>9</sup> *El Comercio*, ‘Los GIAC (Grupos Ilegales Armados de Colombia), la nueva amenaza a las FF.AA.’ March 1, 2009.

<sup>10</sup> *La Frontera Norte en el Ecuador: Evaluación y Recomendaciones de la Misión Inter-Agencial del Sistema de Naciones Unidas en el Ecuador*, 2004, using data from the Sistema Integrado de Indicadores Sociales del Ecuador (Integrated System of Ecuador’s Social Indicators), <http://www.siise.gov.ec/Indicadores.htm> (last visited April 21, 2009).

<sup>11</sup> Sistema Integrado de Indicadores Sociales del Ecuador (Integrated System of Ecuador’s Social Indicators), <http://www.siise.gov.ec/Indicadores.htm> (last visited April 21, 2009).

country's oil. However, as the social indicators cited in the preceding paragraph demonstrate, Sucumbíos or the neighboring border provinces have not seen oil returns translate into development for their population. The same phenomenon is mirrored across the border in Colombia's oil-rich Putumayo department, where, according to a recent report, 79% of the population lives with unmet basic needs, including potable water, education, and roads.<sup>12</sup>

This environment has proven quite convenient for the reconfiguring of the FARC and other Colombian illegal armed groups: little control gives them freedom to move about and perpetrate abuses,<sup>13</sup> while extreme poverty makes the illegal actors very tempting business partners, clients, or employers for the local population. Much of the commercial activity near the border, legal or otherwise, is linked to the illegal armed groups.<sup>14</sup>

FARC have crossed over to Ecuador soil to rest, replenish, and buy supplies for over 15 or 20 years.<sup>15</sup> Nevertheless, in latter years, this presence has increased, and its nature has changed: the group now has a more permanent presence, and, in the absence of State presence, vies with other armed groups to control territory and share power.<sup>16</sup> In 2008, after the Colombian raid brought home to the Ecuadorian government that there was a FARC presence on the border, the Ecuadorian army found more FARC camps on Ecuadorian territory than in the three preceding years put together: 179.

In addition to FARC, there are other armed actors in the region: it has been reported that the ELN, the smaller Colombian rebel group, also operates in Ecuador, while the presence of paramilitary and new paramilitary groups, including the powerful Rastrojos and Aguilas Negras, is well known.<sup>17</sup> In Esmeraldas, the security situation is currently the most precarious and closely resembles the one on the Colombian side: armed groups have near-absolute control; people are forcefully recruited; civilians are confined and scared; and illegal trade thrives.

Criminal activity and human rights violations are widespread. They include *sicariato* (hired assassins—an assassination costs \$40), trafficking of weapons, drugs, and the chemicals and materials needed to process cocaine; appropriation and illegal trade of

---

<sup>12</sup> *Supra* note 4, pp. 20.

<sup>13</sup> For example, Ecuadorians have been forced by the FARC to hide weapons for them. In one such case, the Colombian army, having been informed, confiscated the weapons. The family had to flee to avoid FARC retaliation. After spending some time in Colombia, they returned to Ecuador, and ended up in Quito. IDMC interview with Patricio Benalcázar, Ombudsman's Secretary for Human Mobility, Quito, March 27, 2009.

<sup>14</sup> *Revista Vanguardia*, Ecuador Pierde el Norte, March 9, 2009.

<sup>15</sup> *Ibid.*

<sup>16</sup> IDMC interview with Franklin Yacelga, Consultant for the Programa de Desarrollo y Paz en la Frontera Norte, UNDP. Quito, March 16, 2009.

<sup>17</sup> Political Analysis Unit of the Presidency of Ecuador, "Informe sobre Los Cantones Fronterizos en la Provincia de Esmeraldas," cited in *Revista Vanguardia*, *supra* note 14; *El Comercio*, "Defensa denuncia una incursión de 'paras', 5 de Noviembre de 2008. *El Comercio*, "La frontera se acoraza con 15 bases," March 7, 2009.

land; sexual exploitation; and trafficking of women.<sup>18</sup> Homicide rates in the border provinces are twice as high as in the rest of the country (30 per 100,000).<sup>19</sup> All groups are involved in these illegal activities and abuses, and there seems to be a tacit agreement allowing all groups to process and take out their drugs via the Pacific Ocean. In the last three years, more than 12 tons of cocaine have been seized in Esmeraldas, and the biggest coca-processing laboratory in South America has been found.<sup>20</sup> The civilian population lives in constant peril because of paramilitary presence in the area, armed clashes between the illegal groups, and between the groups and the military forces.<sup>21</sup>

Finally, incursions by the Colombian military into Ecuadorian territory further complicate the context of insecurity. 33, 14, and 8 incursions have been reported in Sucumbíos, Carchi, and Esmeraldas, respectively.<sup>22</sup> Some of these have been military operations against the armed groups, while other have been aerial fumigation of coca plantations.

### **III. Ensuing Humanitarian Situation**

It is in this context of conflict, crime, and rights abuses that the arrival of tens of thousands of Colombians who come fleeing intense conflict in Nariño and Putumayo has to be interpreted and evaluated. It is also this context that is increasingly driving many Ecuadorians that live near the border away from their homes.

#### **a) Colombian Refugees and Asylum Seekers**

Historically, Ecuador has had an open policy towards Colombians entering Ecuador as a result of the conflict in Nariño and Putumayo. This policy may not be the result of a conscious choice but rather the result of passive neglect, and it has had both positive and negative effects on the Colombian population. On the upside, they have been able to find their own space for integration and to search for livelihood opportunities, which has made them significantly better off than if they would have been set up in camps. On the downside, it has resulted in lack of attention, ranging from limited refugee registration to lack of access to services.

Ecuador has the largest refugee population in Latin America. There are about 20,000 Colombians registered as refugees in Ecuador, but a recent needs assessment conducted by UNHCR as part of its Global Needs Assessments put the number of Colombians in

---

<sup>18</sup> IDMC interviews with Franklin Yacelga, *supra* note 16, and Patricia Salazar, Under-Secretary for Human Rights, Ministry of Justice and Human Rights, Quito, March 26, 2009. The Under-Secretariat for Human Rights has investigated complaints of trafficking of Colombian women for prostitution in Ecuador.

<sup>19</sup> Fernando Carrión, Professor, Flacso. Statement published in [http://confirmado.net/index.php?option=com\\_content&task=view&id=3618&Itemid=38](http://confirmado.net/index.php?option=com_content&task=view&id=3618&Itemid=38) (last visited 4/28/09)

<sup>20</sup> El Comercio, “El narcotráfico crece en Esmeraldas,” March 8, 2009.

<sup>21</sup> El Comercio, “Tensión en la frontera con Colombia,” September 23, 2008; “Las Huellas de Angostura,” 26 de Febrero de 2009.

<sup>22</sup> Fundación Regional de Asesoría en Derechos Humanos INREDH, ‘Fronteras en el Limbo,’ 2008, pp. 106, 182, and 205.

need of international protection at 130,000.<sup>23</sup> About half of the asylum seekers is located in cities, while the other half is in rural areas, especially in the northernmost provinces of Esmeraldas and Sucumbíos. UNHCR's assessment also showed that lack of documentation was the most widespread protection gap amongst Colombians.<sup>24</sup> Given that only a small fraction (about 1/6) of Colombians in Ecuador have refugee status, and many of them have not filed a request for refuge, they remain illegal and therefore can not move freely in Ecuador, nor access credit to start productive activities.<sup>25</sup>

Furthermore, undocumented Colombians are harassed by military and police.<sup>26</sup> Complicating the matter is the fact that the overall number of Colombians in Ecuador is unknown. Many Colombians go to Ecuador as economic migrants seeking opportunity, lured by the national currency, the U.S. Dollar. It has been estimated that there are 600,000 Colombians in Ecuador. This setting complicates the refugee status determination procedures, as it makes authorities weary of a growing burden in hosting refugee Colombian population.<sup>27</sup> (Currently, the ratio of refugees to GDP per capita is 36,6).<sup>28</sup> It must be noted that much of the arriving population is comprised by already vulnerable people, including women, children, youth, and indigenous and afro-Colombians.

The flow of Colombian refugees has had significant change in demographics, and is allegedly in itself a cause of the displacement of Ecuadorians, analyzed below. Out of 48 communities near the border included in a survey, the entire population is now made up of Colombians, while in about 16, Colombians comprise more than half of the population.<sup>29</sup> Beyond these numbers, comprehensive data on demographic changes in the border provinces do not exist given the high population mobility and remoteness of many locations. Also, the latest census was conducted in 2001.<sup>30</sup> In some localities near the border, the Colombian Peso is used more than the Ecuadorian currency, the US dollar.<sup>31</sup>

The reaction by the Ecuadorian population to the wave of Colombian asylum seekers is mixed. While communities, families and individuals have been very supportive—lending

<sup>23</sup> See <http://www.unhcr.org/cgi-bin/texis/vtx/GNA?page=home> (last visited April 17, 2009).

<sup>24</sup> See <http://www.unhcr.org/cgi-bin/texis/vtx/GNA?page=ecu> (last visited April 17, 2009).

<sup>25</sup> In a workshop organized by the Asamblea Permanente de Derechos Humanos in 5 de Mayo, a small settlement near the border in Sucumbíos, most of the Colombian population present said that they can not start any productive activity because banks won't lend them money. IDMC, March 24, 2009.

<sup>26</sup> It has been reported that they have had to pay them to be left alone. IDMC interview with Gardenia Chávez, Professor, Universidad Andina Simón Bolívar, Quito, March 19, 2008.

<sup>27</sup> *Ibid.*

<sup>28</sup> UNHCR Statistical Yearbook, 2007. Available at <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?id=4981c3dc2&tbi=STATISTICS> (last visited 4/30/09).

<sup>29</sup> 'Mapeo de Necesidades en Comunidades de Frontera, UNHCR, 2009.' Courtesy of Xavier Creach, UNHCR head of field office, Lago Agrio.

<sup>30</sup> Instituto Nacional de Estadísticas y Censos, [http://www.inec.gov.ec/web/guest/ecu\\_est/est\\_soc/cen\\_pob\\_viv](http://www.inec.gov.ec/web/guest/ecu_est/est_soc/cen_pob_viv)

<sup>31</sup> Diario El Comercio, July 1, 2008, 'Tobar Donoso vive bajo tensión'; December 9, 2008, 'Puerto Nuevo Vive en Zozobra.'

money, a place to stay, and even land<sup>32</sup>—there is also a generalized xenophobic attitude against the Colombian population. These feelings are fueled by the impression that Colombians compete for job opportunities and burden already scarce social services.<sup>33</sup>

Finally, it is regrettable that the situation of Colombian refugees in Ecuador is largely invisible or ignored by Bogotá.<sup>34</sup> Colombians, especially those who have not acquired legal status in Ecuador, still harbor the hope that Colombian social services will be provided to them once in Ecuador.<sup>35</sup>

## **b) Ecuadorian IDPs**

The concoction of armed illegal actors, drug trade, aerial fumigations, and insecure land tenure has begun to drive Ecuadorians near the border away from their homes. Nevertheless, the displacement of Ecuadorians is still only marginally documented and data are scarce, relying mostly on anecdotal evidence, and, even though government officials have acknowledged that displacement is happening,<sup>36</sup> the issue is not being discussed in policy and government circles.<sup>37</sup> The United Nations system in Ecuador is aware of this, but has not thus far prioritized further evaluation of internal displacement.

A recent report on the displacement of Ecuadorians near the border, conducted by an Ecuadorian NGO, INREDH with support from the Norwegian Refugee Council, mentions a total figure of 4,000 Ecuadorian IDPs, although this number only justifies 2164 displaced in Sucumbíos and the data are from 2005; for the neighboring provinces, which account for the difference, the figure is mostly educated guesswork. There seem to exist three patterns of displacement in the area: a) Displacements of entire communities and/or villages, both indigenous and peasant, in Sucumbíos and Esmeraldas b) Short term displacements of peasants: people who keep their parcel near the border but move their home further south, also in Sucumbíos and Esmeraldas; and, c) Possible displacement of immigrants who are returning to their place of origin (only in Sucumbíos).

Pertaining the first type of displacement, in Sucumbíos there have been four cases of small indigenous settlements near the San Miguel river that have had to leave because of harassment by paramilitaries, threats, and armed confrontations between government forces and the FARC, and aerial fumigations. These are the communities of Sumac Pamba (Kichwas), Santa Carolina (Shuar), Charip (Shuar), and Nankay.<sup>38</sup> The

---

<sup>32</sup> IDMC interview with the Catholic Church's Pastoral Social of Sucumbíos (ISAMIS), Lago Agrio, March 25, 2009.

<sup>33</sup> <http://www.uasb.edu.ec/padh/revista12/migracion/conclusiones/voces.htm> (last visited 4/21/09).

<sup>34</sup> IDMC interview with Lina Peña, Pastoral Social Colombia, Bogotá, March 31, 2009.

<sup>35</sup> IDMC interview with a Colombian asylum seeker, 5 de Mayo settlement, March 24, 2009.

<sup>36</sup> Statement by Minister of International Relations, Fander Falconí, March, 2009. Available at [http://confirmado.net/index.php?option=com\\_content&task=view&id=3618&Itemid=38](http://confirmado.net/index.php?option=com_content&task=view&id=3618&Itemid=38) (last visited 4/28/09).

<sup>37</sup> IDMC interview with Patricio Benalcázar, Ombudsman's Secretary for Human Mobility, Quito, March 27, 2009. Mr. Benalcázar's office plans on issuing an opinion on the matter to place it on the agenda.

<sup>38</sup> INREDH, *supra* note 22.



community of Santa Carolina did not return and their land was sold. The community of Charip left its territory and came back four times, and now resettled 10 kilometers south.

In Esmeraldas, where the security situation is now the most precarious, there are villages where population numbers have declined radically. For example, El Pichangal, which used to have an estimated 400 people, now has an estimated 30.<sup>39</sup> It is in this province that the second pattern, whereby people move south but maintain their farm land close to the border, has also been reportedly observed, with peasants and indigenous in both Sucumbíos and Esmeraldas moving south to larger towns while keeping their farmlands and returning to exploit them on a daily basis.

The third pattern, present only in Sucumbíos, is less documented and causality is not evident. The province of Sucumbíos was populated by migrants who came from the Southern province of Nueva Loja in the 1960s. Many of those families who came to Sucumbíos many years ago may be now returning to their provinces of origin. There is anecdotal evidence that they are leaving because of insecurity in Sucumbíos. However, the cause of movement and its nature (forced or voluntary) has thus far not been ascertained.

No displacement of Ecuadorians is reported for Carchi, except for the movement of the indigenous bi-national Awá, who live in both Colombia and Ecuador and move back and forth across the border. The dominant pattern is Awás in the Colombian department of Nariño coming to Ecuador fleeing violence, of which they have repeatedly and historically been victims because armed groups vie to control their territories. In the last massacre which took place on August 26 2009, 12 Awás were assassinated while they were sleeping in their homes, and several hundred members of the group were displaced for fear of more attacks. With this last massacre, 38 Awás have been killed this year in organized attacks.<sup>40</sup>

## **IV. National and International Response**

### **a) National Policy**

After the March 1, 2008 raid, Correa's government changed its rhetoric and tone towards Colombia: he broke relations with Colombia, expelling its Ambassador from Quito and subsequently made good on a threat to bring a complaint before the International Court of Justice for the aerial fumigations.<sup>41</sup> Nevertheless, a parallel outcome of the 2008 event was that the border region was placed, once and for all, high on the policy agenda in Quito. This has, in turn, impacted the situation of the population in the northern provinces and Colombian asylum seekers in various ways.

---

<sup>39</sup> IDMC interview with Mauricio Gallardo, Asamblea Permanente de Derechos Humanos, Quito, March 18, 2009.

<sup>40</sup> Organización Nacional Indígena de Colombia, 'A raíz de la masacre del pasado 26 de agosto se desplazan masivamente comunidades Awá,' September 8, 2009, available at <http://www.onic.org.co/actualidad.shtml?x=36236> (last visited 29/9/09).

<sup>41</sup> César Montúfar, 'Rafael Correa's Political Project,' Andean Working Paper, Inter-American Dialogue.



After March, 2008, Quito modified its security policy for the border provinces to tackle illegal armed groups. Funds and presence of troops were upgraded; planes and helicopters have been bought that will be destined to the border region.<sup>42</sup> A prohibition to carry small weapons was also enacted.<sup>43</sup>

The impact of the modified security policy on the enjoyment of rights of the local population and Colombian refugees alike is ambiguous. On the one hand, there is no denying that troops are needed to stop the illegal armed groups crimes and abuses in the area. For example, in the location of Palma Real in Esmeraldas, military presence in has deterred paramilitary abuses, thus improving safety for the population.<sup>44</sup>

However, the presence of troops brings harassment and violations of rights. Indeed, the inhabitants of the area have mixed feelings about the increased military presence: they feel somewhat protected by their presence, but they also complain of being harassed by the military.<sup>45</sup> It has been reported that military forces assume that the local population cooperates with the FARC, making them *a priori* criminal suspects and using this as justification to search their homes and detain them if they can not produce documentation,<sup>46</sup> much like the Colombian army has done for years in Colombia. Also, the setting up of migratory check points along the border by the Armed Forces instead of the police is problematic.<sup>47</sup>

In parallel to this security upgrade, Ecuador launched a process, called the ‘enhanced registration process,’ aimed at closing the gap between unregistered Colombians in need of international protection and registered refugees. Partly with UNHCR’s support, the plan began in March 24, 2009, aiming to register, in its first phase during 2009, fifty thousand Colombians in need of international protection.<sup>48</sup> This program is an excellent first step towards providing protection to Colombian asylum seekers, and has rightly earned Ecuador much international credit, including from the Organization of American States.<sup>49</sup>

A setback to this outstanding program was a decree requiring criminal record for Colombians entering the country, a measure that had been originally adopted in 2004 but subsequently repealed. Beyond being unconstitutional—article 11 of the new

---

<sup>42</sup> El Comercio, *supra* note 21.

<sup>43</sup> El Comercio, “Hoy empiezan los controles de armas” March 9, 2009.

<sup>44</sup> IDMC interview with Mauricio Gallardo, Asamblea Permanente de Derechos Humanos, Quito, March 18, 2009.

<sup>45</sup> There have been many complaints of abuses by the Ecuadorian military. In one case, a group of people wanted to go back to their land to work, but the army stopped them, beat them, and took their chainsaw. IDMC interview *supra* note 16.

<sup>46</sup> IDMC interview with Paco Chuji, Kicwha indigenous Leader, Lago Agrio, March 23, 2009.

<sup>47</sup> IDMC interview with Under-Secretary for Human Rights, Ministry of Justice and Human Rights, Quito, March 26, 2009.

<sup>48</sup> Diario Hoy, ‘Campaña de Registro Ampliado de Refugio,’ March 23, 2009.

<sup>49</sup> See

<http://www.elfinanciero.com.mx/ElFinanciero/Portal/cfpages/contentmgr.cfm?docId=179215&docTipo=1&orderby=docid&sortby=ASC>.

Constitution declares that people shall not be discriminated against on the basis of their criminal past<sup>50</sup>—it is simply impossible to fulfill for many Colombian refugees entering the country, who often leave suddenly and are unable to go through the cumbersome bureaucratic procedure needed to obtain the criminal record.

### **Plan Ecuador**

The last year has also seen newly-energized attempts to re-launch Plan Ecuador. An ad-hoc relief and development plan, Plan Ecuador was created on August 2007 via Presidential Decree as an “alternative for peace, human and sustainable development in the Northern Border in response to the effects of Plan Colombia”<sup>51</sup> and is geared for the border provinces of Esmeraldas, Carchi, Sucumbíos, Imbabura, and Orellana). The well-designed plan includes peace building and humanitarian components, and adopts a human security approach—following Article 393 of the newly passed Constitution—to dealing with the situation in the northern provinces of Ecuador. The plan was intended as a conceptual and coordination tool between various ministries and agencies within the Ecuadorian government, and between the national and local levels.

After being adopted, the Plan has not been able to fully take off, for various reasons. The years that followed the inception of the Plan were marked by high turnover within government civil servants and a regime focused squarely on the political process that led to the Constitutional Assembly. Thus, the Plan lacked steady leadership and commitment, and has been unable to mobilize various state ministries, agencies, and local authorities to establish presence and render services on the border provinces. Another challenge has been underfunding in the early steps of the Plan.

Currently, there are expectations on the future development of this plan, as it is an important step towards addressing the complex situation on the border region. The success of this plan is central to the effective attention to Colombian refugees and asylum seekers, and to the local population. Consequently, focus should be maintained in assuring that Plan Ecuador can be effectively carried out in months and years to come.

### **b) International Response**

The current situation in the Ecuadorian Northern provinces, described in Sections II and III, calls for a response combining conflict prevention (operational and structural), peace building, and humanitarian assistance. The UN system’s presence on the border aims at merging a prevention, peace building and humanitarian response. To this end, a Thematic Workgroup for the northern border has been set up whose fundamental goal is to enhance coordination between humanitarian and development work amongst the 12 UN agencies present in Ecuador. INGOs including NRC have been invited to participate in this coordination forum.

---

<sup>50</sup> The Ombudsman’s Secretary for Human Mobility has issued an opinion on the matter. IDMC interview *supra* note 13.

<sup>51</sup> Seguridad y Plan Ecuador, Agenda Nacional de Seguridad Interna y Externa, Ministerio Coordinador de Seguridad Interna y Externa, Gobierno del Ecuador, 2008.

UNHCR setup an office in Quito in 2000 and later in the year one in Lago Agrio, Sucumbíos. Since then, UNHCR has been providing humanitarian relief on the ground to the population in need of protection. In 2008, UNHCR's operation in Ecuador had a budget of \$4,874.506. It increased progressively for about one million each year since 2004.<sup>52</sup> WFP works in collaboration with UNHCR for food delivery. UNICEF, with funding from Japan and in collaboration with UNHCR, implements a protection program for the population affected by the Colombian conflict. UNOCHA has almost no capacity with very few staff located only in Quito.

Currently, UNHCR, in addition to supporting the enhanced registration process, provides access to basic education and health, especially by providing educational materials and running a 'floating clinic' along the Putumayo and San Miguel rivers.<sup>53</sup> ICRC does not have permanent representation in Ecuador, operating through the Ecuadorian Red Cross. Humanitarian needs currently exceed the capacity of UNHCR on the ground.

Other providers of humanitarian aid in the border provinces working in coordination with UNHCR are the Catholic Church through its Social Action program, especially in Sucumbíos, and Comité Pro Refugiados. This assistance offers information and legal support to the arriving population. Additionally, INGOs Jesuit Refugee Services, Catholic Relief Services, PCS (Project Councelling Service), and the Norwegian Refugee Council provide aid. Since 2004, NRC, as part of its regional program, has been supporting protection to the displaced population through local organizations, particularly focusing on legal advice and education. Two other agencies, COOPI (Cooperazione Internazionale), and HIAS (Hebrew Immigrant Aid Society), operate as UNHCR's implementing partners. The Ecuadorian Red Cross also operates as UNHCR's implementing partner.

Development, peace building, and conflict prevention efforts, for their part, have aimed at providing social services; strengthening the justice system and governance; environmental protection, and have been implemented by various UN agencies. A cross-cutting program led by UNDP to link humanitarian, development and human rights (Peace and Development Program in the Northern Border, PDP-NB) has also been implemented together with another existing UNDP Framework program (ART). These programs aim at mainstreaming conflict prevention into inter-agency programming, and promote access to justice, governance capacities at the local level, and local development projects, but would also benefit from more presence on the ground.

Despite this efforts by the UN system and NGOs, much more remains to be done on the ground. Greater humanitarian presence is needed on the border to meet needs. Efforts by these agencies to upgrade their programs in the region should be supported and prioritized.

---

<sup>52</sup> 'Datos básicos sobre la operación del ACNUR en Ecuador,' available at <http://www.acnur.org/biblioteca/pdf/6923.pdf> (last visited 4/29/2009)

<sup>53</sup> Marie-Hélène Verney, 'Unmet refugee needs: Colombian refugees in Ecuador,' Forced Migration Review 32, April, 2009.

## **V. Recommendations**

### **a) To donor countries:**

- Begin and/or maintain political dialogue with the Ecuadorian government with an emphasis on implementing Plan Ecuador, and with a focus on joint actions with UN agencies, international NGOs, civil society and local authorities in the border area.
- Continue and increase funding for the Enhanced Registration Process recently launched by the Ecuadorian government.
- Maintain and increase funding for humanitarian assistance and protection to Colombian refugees fleeing to Ecuador through Ecuadorian Government, UN agencies and international NGOs.
- Continue to fund programs for peace building and conflict prevention along the border area (PDP-NB, ART, and international NGOs)
- Fund civil society organizations working on advocacy on public policies, prevention measures and protection of the affected population in border area.
- Fund bi-national and cross-border programs; establish new administrative mechanisms to manage bi-national and cross-border programs.
- Support a right-based approach with emphasis on the following population: Afro descendants, indigenous peoples, women, children and youth.

### **b) To the United Nations system**

- Strengthen inter-agency coordination of UN agencies working in border area (prevention, humanitarian assistance and development programs).
- Scale up relief aid to Colombian refugees and asylum seekers in Ecuador to close existing gaps in humanitarian relief support.
- Strengthen the protection role of UNHCR in Ecuador.
- Strengthen the UN coordination with international NGOs presence in the border area in a joint effort to increase local capacity among local authorities in border area.
- Support the Ecuadorian government's efforts to implement and coordinate Plan Ecuador through programs on strengthening of state institutions and local authorities' capacities in the border area.
- Support the Ombudsman's institutional capacity for monitoring in the border area and for attention to affected people (asylum seekers, refugees, and displaced persons).
- Evaluate and document the existence and current conditions of Ecuadorian IDPs to determine whether a targeted response is needed.
- Provide more support to UNDP-led programs (ART and PDP-NB) to allow them to have further impact on the ground.

### **c) To the Ecuadorian Government:**

- Increase efforts to implement Plan Ecuador's strategy and public policies at the local level by increasing participation of local population, national organizations and INGOs working in the border area.

- Assure that the recently-launched Enhanced Registration Process to close the enormous gap between asylum seekers and registered refugees does not slow down after the first phase, and that regular Refugee Status Determination procedures under the 1951 Convention are expedited as a standard practice.
- Include national NGOs and INGOs in the implementation of the enhanced registration process, assuring a participatory process.
- Implement campaigns against xenophobia and to help better integration through civil society organizations such as the national NGOs and INGOs, the Church, schools and community associations.
- Improve data on demographics on the border region through an updated census of the area.
- Repeal the decree requiring criminal record for Colombian citizens.
- Disseminate information about the rights, entitlements, and obligations of asylum seekers and refugees through existing channels.
- Launch a profiling exercise to determine the numbers of internally displaced persons, their needs, and the patterns of displacement. For this purpose follow international guidance and benchmarks such as the OCHA-IDMC 'Guidance on Profiling Internally Displaced Persons.'
- Develop national legislation for the protection of IDPs based on international law as re-stated on the Guiding Principles on Internal Displacement.

## About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at [www.internal-displacement.org](http://www.internal-displacement.org).

Contact:

**Kate Halff**

Head of IDMC

Tel.: +41 (0)22 799 07 03

Email: [kate.halff@nrc.ch](mailto:kate.halff@nrc.ch)

**Sebastián Albuja**

Country Analyst

Tel.: +41 22 799 07 08

Email: [sebastian.albuja@nrc.ch](mailto:sebastian.albuja@nrc.ch)

### **IDMC**

Norwegian Refugee Council

Chemin de Balexert 7-9

1219 Geneva, Switzerland

[www.internal-displacement.org](http://www.internal-displacement.org)

Tel: +41 22 799 0700

Fax: +41 22 799 0701