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Ecuadoran President Rafael Correa Pulls Back Welcome Mat for Refugees

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Traditionally, Latin American countries have shown great openness to receiving political exiles and those in need of international protection. Ecuador has been the best example of implementing very advanced policies to protect refugees and grant them refugee status. But this stance is changing with the present government to the point that some new guidelines, published in May, aim to eliminate most mechanisms that allow people to apply for refugee status in order to settle in the country.

A tradition of welcome and protection

Since the mid-20th century, Latin American countries have opened their borders to persons fleeing armed conflicts. Chile and Argentina received those who left Europe during World War I and World War II; Ecuador, Brazil, and the Central American countries did the same for those who were displaced by the Spanish Civil War and the political repression in Portugal.

Nevertheless, it was the rise of the Southern Cone dictatorships and the political–military conflicts in Central America that led Latin American countries to consider a legal response to the protection needs of those abandoning these countries or displaced from their homes, either by internal wars or by highly repressive governments.

In November 1984 in Cartagena, Colombia, the Latin American countries agreed to enact the Cartagena Declaration on Refugees, a regional document that guides policies on refugees and displacement that these countries needed to adopt. While it was based on UN documents such as the 1951 Convention on the Status of Refugees, the American Convention on Human Rights (San José Pact), the doctrine of the Inter-American Commission on Human Rights (IACHR), and the Convention Governing Specific Aspects of Refugee Problems adopted by the Organization of African Unity (OAU) in 1969, it makes significant progress in defining who is a refugee, since it includes persons who have fled their country "because their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances which have seriously disturbed public order."


The UN High Commissioner for Refugees (UNHCR) says that, since 2000, Ecuador has had the largest refugee population, currently 55,092 persons, 98% of them Colombian (NotiSur, June 27, 2008). Costa Rica is second, with 12,571, followed by Chile, Panama, and Brazil. All refugees in Latin American countries have fled internal conflicts and generalized violence, especially in Colombia.
The security agenda

In 2008, following intensive political lobbying by organizations that work on immigration and refugee issues, Ecuador's Asamblea Constituyente integrated into the new Constitution a chapter on human mobility. Among other things, it incorporates the principle of "universal citizenship" as a new paradigm for free human mobility, without borders, where no one can be considered illegal because of his/her migratory status. Based on this constitutional principle, the government eliminated the visa requirement for entering Ecuador and began a process of registering Colombians, especially in the northern border area, who had not regularized their immigration status. This process, known as extended registration (registro ampliado), allowed some 27,000 Colombians to obtain refugee status.

Rightest politicians and various media linked this open-door policy with an increase in crime. The government could not counter these opinions, even though President Rafael Correa, in his April 14, 2012, annual report, gave a long refutation of the assertions, presenting a series of statistics showing that higher crime rates were not related to refugees or to the elimination of visa requirements for the majority of foreigners. "To consider all refugees criminals is outrageous," said Correa at the time.

Despite Correa's statements and the praise that Ecuador's refugee policy received during the country's Universal Periodic Review (UPR) at the UN on May 21, 2012, on May 30 the president issued Decree 1182, which regulates the application for refugee status in Ecuador and makes the security discourse outlined by the right a primary consideration.

New law's limitations

In explaining the scope of the decree, President Correa said that other alternatives are being sought for regularizing the immigration status of Colombians who enter Ecuador or who have lived in the country for some time. This regularization will be through work visas or dependent visas for those who have an Ecuadoran spouse or children.

The presidential offer responds to the security agenda of Colombia and the US, as one of their objectives is to conceal the consequences of the internal Colombian conflict and, consequently, the indices of forced displacement and the number of refugees, since, if the number is low, it can be argued that an armed internal conflict does not exist in Colombia. With similar objectives, Decree 1182 speaks of supporting the actions of Colombians who want to go back to their country, thus reducing the number of refugees.

Nevertheless, what most affects the rights of persons needing international protection is the decree's elimination of any mention of the Cartagena Declaration, meaning that people can no longer invoke the declaration's broad reasons and can only apply using traditional justifications, like individual, duly proven political persecution, as established by the 1951 Convention on Refugees.

The decree also establishes a series of requirements and a very short time period for filing applications. Displaced persons will be unable to fulfill the requirements since the armed groups only give them a few hours to abandon their land, making it impossible for them to provide the documentation needed to register as refugees in Ecuador. Similarly, these people will not go directly to the offices of the Ministerio de Relaciones Exteriores or its provincial consulates to apply for refugee status, either because they do not know it is required or because the capitals in the
border provinces are difficult to reach, so most of them will be unable to apply for refugee status in the time periods stipulated by the decree.

Besides being a step backward in solidarity with refugees, the decree is also a reversal of Ecuadoran legislation protecting human rights, which is expressly prohibited in the Constitution. Article 11, subparagraph 8 reads, "Any regressive action or omission that unjustifiably diminishes, is detrimental to, or annuls the exercise of the rights will be unconstitutional." Human rights and refugee organizations are preparing to challenge the constitutionality of this decree.

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