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## **Enhanced refugee registration and human security in northern Ecuador**

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## Introduction

Ecuador currently hosts the largest refugee population in South America, more than 135,000 people, some 98 per cent of them Colombians who fled from their country of origin within the last decade. Most have settled in the northern province of Sucumbíos.<sup>1</sup> Recognizing the severity of the humanitarian and security situation in Sucumbíos, the government of Ecuador and UNHCR jointly undertook an ‘enhanced registration’ exercise which regularized the status of refugees in remote and isolated regions of the country.

The project began in March 2009 and was carried out a year in every province along the northern Ecuadorian border. Using a mobile team of 50 civil servants from Ecuador’s Government Directorate for Refugees (GDR) supported by UNHCR, the project registered and provided refugee documents to previously unregistered asylum seekers. UNHCR provided some 80 per cent of the \$2 million cost of the exercise, as well as a great deal of logistical and material support in the form of computers, generators, vehicles and visibility materials.

The Enhanced Registered project is considered unprecedented for a variety of reasons. Firstly, the project was entirely transparent and had the Government of Ecuador’s support of at all levels. Secondly, the project highlighted best-practices for developing more rigorous and structured ways to identify specific needs within regular asylum processes, reinforcing mechanisms for physical protection and identifying durable solutions for large caseloads. Finally, the project registered over 26,000 refugees and created an “entry point” into a system of human rights guarantees and legal protections for a highly vulnerable and marginalized population.

Despite the granting of legal and political rights in Ecuador, the human security of registered Colombian refugees in Ecuador continues to be threatened. As refugee protection has been narrowly construed as the enjoyment of legal rights, much of the analysis of Colombian refugees in Ecuador has ignored the wide range of conditions outside of the legal and political spheres which permit the enjoyment of these rights.

This narrow construction can be partially explained by the state-centric focus of the international refugee regime. As states are the main actors in determining refugees, refugee protection has generally served political interests. A human security paradigm broadens this analysis by moving the referent object of security from the level of the nation to the individual.

In placing the focus of security discourse on the potential threats to individuals, as opposed to threats to the security of the nation and its identity, this framework presents a greater emphasis on individual human rights protections and consideration of the differing impacts of policies on particular social groups.

Given the many different ways in which human security has been conceptualized, providing a precise definition has been theoretically and practically troublesome. While there is general consensus that the protection of central values and basic means

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<sup>1</sup> UNHCR, *Global Needs Assessment: Ecuador*, Retrieved 8 December 2010 from <<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e492b66>>.

of survival are at the core of human security, there is much less consensus concerning the breadth and depth of the concept.

A broad definition creates conceptual difficulties and practical limitations for its enforceability in law, but when applied as a framework for analysis it allows a fulsome consideration of the inter-sectionality of threats. Properly identifying the various drivers of refugee insecurity makes a more accurate assessment of threats to insecurity and the development of appropriate responses possible. Furthermore, applying a broad definition of human security eliminates the separation of material and non-material dimensions of insecurity, permitting a deeper analysis of the various security concerns of minority groups.

This study will examine the impact of access to legal rights on the human security of Colombian refugees in Sucumbíos province. In developing the study, it was hypothesized that registered Colombian refugees would experience strengthened political, personal, health, community, economic, environmental and food security. It was also hypothesized that registration would lead to a decreased dependence on negative coping mechanisms by refugees through increased access to positive income generating activities.

Through interviews of key governmental, non-governmental and international non-governmental organization officials over the course of a month in Ecuador and Colombia, it was found that while registered refugees did experience some strengthened human security, their dependence on negative coping mechanisms did not decrease significantly.

This paper will proceed by discussing the impacts that registration has had on the various elements of human security, with particular attention to the impacts on women, children, indigenous and Afro-Colombian persons. Following this, outstanding challenges for humanitarian actors in the region will be identified and considerations on the role of legal status on human security will be offered.

## **Sucumbíos Province**

The northern border region of Ecuador has long suffered from a lack of government presence. Despite its wealth of natural resources it was largely abandoned in the 1980s and 1990s by the Ecuadorian military in order to fight a war with Peru on its southern border. The ensuing security vacuum allowed narco-criminals, smugglers and Irregular Armed Groups (IAGs) to solidify their social and military positions within the northern border region. Currently, IAG control of the region on both sides of the border is undisputed.

In 2008, the Colombian military only had two posts along the entire length of the 585 kilometres of common border with Ecuador, compared to eight posts of the FARC (Fuerzas Armadas Revolucionarias de Colombia) and ELN (Ejército de Liberación Nacional).<sup>2</sup> As both governments accused each other of not controlling their side of the frontier, international relations between Colombia and Ecuador deteriorated. Apart

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<sup>2</sup> Gerard Coffey, *Colombia's War in the Andes*, London, Red Pepper Magazine, April 2008, Retrieved 1 December, 2010 from <<http://www.redpepper.org.uk/Colombia-s-war-in-the-Andes/>>.

from the difficulty of patrolling the entire border across large swaths of dense jungle, the task was complicated by the fact that IAGs, not the government, formed the main political presence on either side.

By 2010, the Ecuadorian army significantly increased its presence along the border and cooperation between both countries improved after a long negotiation process. Even with increased state presence, the impact of IAGs in the region remains an important issue.

Despite its security and development challenges, Ecuador is often viewed as a model of refugee integration because of its open borders, generous rights entitlements and lack of encampment policies.<sup>3</sup> However, the Government of Ecuador has historically lacked the resources needed to adequately address the overwhelming number of legal, political, economic and social issues associated with refugee arrivals.

In the past, the United States has been the largest international donor and has offered millions of dollars in assistance to Ecuador for development initiatives related to security, economic and social concerns. Given the extreme poverty, the scarcity of refugee populations and limited mobility within the region, humanitarian and development assistance has been provided to all persons in the region in order to benefit the refugees within the population. By providing badly needed services to the local population, UNHCR's strategy of 'social integration' benefitted both the community and the refugees within it.

In April 2007, the Government of Ecuador began increasing its presence in the northern border region. Initially defined as a humanitarian response to the negative impacts of Plan Colombia, "Plan Ecuador" sought to strengthen human security in the northern border regions through increased interagency coordination, improved border security and development projects.<sup>4</sup> At the inception of Plan Ecuador, the Ecuadorian military rarely came within twenty kilometres of the border. Several Colombian military incursions on Ecuadorian territory eventually pushed Ecuador to increase its military presence.<sup>5</sup>

Lago Agrio is the largest city in Sucumbíos and is located approximately 20 kilometres from the border within a heavily-used border-crossing zone. IAGs have used the area for supply procurement and recuperation since the mid 1990s, perhaps longer. Similar to the rest of the province, Lago Agrio suffers from startling income disparity.

Despite widespread extreme poverty, the presence of the oil industry in Lago Agrio has brought increased wealth to the entire country and currently comprises around 27 per cent of Ecuador's Gross Domestic Product (GDP).<sup>6</sup> Once the Ecuadorian government modified the legal framework, oil industry revenues began to benefit

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<sup>3</sup> Marie-Hélène Verney, 'Unmet Refugee Needs: Colombian Refugees in Ecuador', *Forced Migration Review*, No. 32 Spring 2009, p60.

<sup>4</sup> Secretaria Técnica Plan Ecuador, *Plan Ecuador*, Retrieved 1 December 2010 from <[http://www.planecuador.gob.ec/index.php?option=com\\_content&view=article&id=87&Itemid=55](http://www.planecuador.gob.ec/index.php?option=com_content&view=article&id=87&Itemid=55)>.

<sup>5</sup> Author Unknown, 'Ecuador Destroys Guerrilla Camp', BBC, 2 February 2006, Retrieved 10 December 2010 from <<http://news.bbc.co.uk/2/hi/americas/4672922.stm>>.

<sup>6</sup> US Department of State, *Background Note: Ecuador*, 2010, Retrieved 14 December 2010 from <<http://www.state.gov/r/pa/ei/bgn/35761.htm>>, Economy.

provincial government budgets. Despite these budget increases, there has been a general lack of support for refugee integration.

Historical underdevelopment, a lack of data and the overwhelming size of the refugee population in Sucumbíos has resulted in a lack of interest by state institutions to strengthen settlement supports. At the time of writing, the last official census was implemented in 2001. This census captured the major influxes of Colombian refugees beginning in 1999-2000 but there has been no follow-up on more recent refugee movements. It is estimated that refugees currently comprise 23 per cent of the population in Lago Agrio and 65 per cent of Sucumbíos' population in border communities.

Despite the lack of data, the number of refugees arriving from Colombia imposes needs beyond available resources. While there are some basic social services available in Lago Agrio, access to basic services in remote and isolated border communities is virtually zero. Despite the need for support, the remoteness of these communities and lack of serviceable roads makes traveling to Lago Agrio cost prohibitive. As is clear, Sucumbíos faces a number of security and development related challenges. Despite this, many refugees choose to remain in Sucumbíos because of its relatively low cost of living, rural environment and proximity to social networks in Colombia.

### **Applying a human security framework**

As mentioned, there is a large ongoing normative debate concerning the concept of human security. As a point of departure, this paper will rely on the United Nations Development Program (UNDP) definition of human security and analyze the impact of the Enhanced Registration project against its key elements.

The UNDP definition of human security can be simplified as “freedom from fear and freedom from want.”<sup>7</sup> The list of potential threats to human security is long, but the 1994 UNDP report identified seven key elements:

- political security: enjoyment of basic human rights;
- personal security: protection from physical violence, whether from the state or external states, from violent individuals and sub-state actors, from domestic abuse, or from predatory adults;
- health security: minimum protection from diseases and unhealthy lifestyles;
- community security: protection from the loss of traditional relationships and values and from sectarian and ethnic violence;
- economic security: assured basic income for individuals, usually from productive and

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<sup>7</sup> United Nations Development Program, ‘Human Development Report 1994’, UNDP, Geneva, 1994, p22.

remunerative work or, as a last resort, from a publicly financed safety net;

- environmental security: protection from the short and long-term ravages of nature, man-made threats in nature, and deterioration of the natural environment; and,
- food security: all people at all times have both physical and economic access to basic food.<sup>8</sup>

The subsequent sections of this paper will analyze the impact that the enhanced registration project has had on these seven elements of human security and identify any outstanding threats.

### **Political security**

Living in a society which honours basic human rights is crucial for human security. Ecuador's constitution offers legal protections for all basic human rights and allows for free political expression. A 1992 Presidential Decree implemented the 1951 Refugee Convention and its 1967 Protocol using the 1984 Cartagena Declaration definition, providing a broader refugee definition which includes persons fleeing conflict and generalized violence.

The Decree granted refugees the same Constitutional rights applied to foreigners in general and prohibited *refoulement*, prescribed an asylum process, authorized an Eligibility Commission to decide claims with UNHCR's non-voting participation, provided a right of appeal and the right to remain in Ecuador while a decision is pending.<sup>9</sup>

The asylum process in Ecuador requires the registration of asylum seekers in Ecuador and the issuance of a "carne de solicitante", or asylum seeker card. The asylum seeker card is valid for three months and is renewable if a decision has not been rendered on the claim within that time. Interviews at the application stage tend to be short, personal information gathering affairs. Due to a general lack of awareness of the process, many asylum seekers do not seem to know that the information gathered at this interview will be later used in their refugee status determination (RSD) interview.<sup>10</sup>

At the time of issuance, a date for an RSD interview before a public servant is provided. Depending on where the application is made, the time before an interview can vary. Applications made in Quito tend to wait three to six months before an interview, while applications from Sucumbíos tend to receive an interview in about eight months. Not including appeals, the current processing time for cases originating in Sucumbíos averages 18 months.

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<sup>8</sup> Ibid, pp 27-33.

<sup>9</sup> Government of Ecuador, *Decreto N° 3.301 - Reglamento para la aplicación en el Ecuador de las normas contenidas en la Convención de Ginebra sobre el Estatuto de los Refugiados de 1951 y el Protocolo de 1967*, 3.301,6 May 1992, Retrieved 2 December 2010 from <<http://www.unhcr.org/refworld/docid/3dbd64192.html>>.

<sup>10</sup> Asylum Access, interview by author, 27 October 2010.

Much of this delay can be explained by the high volumes of claims received. The Government Directorate for Refugees (GDR) office in Lago Agrio receives around 330 new asylum claims each month, or about 14 per day. Despite the high volumes, the recognition rate in Lago Agrio in 2008 was 66 per cent, much higher than the national average of 53 per cent.<sup>11</sup> All recommendations from Sub-Offices (such as the one in Lago Agrio) are sent to Quito for decision by a Regional Commission composed of officials from the Ministries of Home Affairs and Foreign Affairs.<sup>12</sup> Applicants who receive a positive decision on their asylum claims receive a “refugee visa” which is valid for 12 months and is renewable.

The process of refugee registration has been imperative for the enjoyment of legal rights in Ecuador. Without the identification issued as part of the registration process, asylum seekers have been vulnerable to abuse, indefinite detention and unable to report criminal activity.<sup>13</sup> A population survey sponsored by UNHCR in 2007 showed that indigenous and Afro-Colombian persons were the most likely social groups to lack documentation.<sup>14</sup> This lack of registration has meant limited mobility for many refugees. Mobility in border regions has been a major challenge for unregistered refugees as the military forbids people from passing check-points without proper identification.

This barrier to free movement has prevented people from gaining access to health services and asylum procedures. The inability to access health services and primary education is a violation of Article 9 of the 2008 Constitution which guarantees every foreigner access to these services.<sup>15</sup>

In particular, many Afro-Colombian and indigenous persons in need of international protection do not approach the asylum system in Ecuador due to a lack of knowledge about the asylum system, fear of becoming visible to government institutions and/or living in isolated areas of the country without registration services. In short, Colombian refugees cannot enjoy any legal or political rights without having first been registered by the Government.

It is necessary to draw a distinction between the types of protection granted to refugees in Ecuador. As opposed to being granted refugee status, the GDR grants a refugee visa. The primary difference between the two types of status is that the refugee visa can be terminated at any time. The GDR very rarely undertakes removals back to Colombia or terminates refugee visas but the nature of the visa creates a precarious legal and political situation for refugees. Often described as ‘legal limbo’, persons without permanent status in Ecuador are unable to completely settle and must be prepared to return on short notice should their claim be rejected.

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<sup>11</sup> UNHCR, *Global Needs Assessment: Ecuador*, Retrieved 8 December 2010 from <<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e492b666>>.

<sup>12</sup> Note: At the time of writing, last Commission for Sucumbíos held in February 2010.

<sup>13</sup> Note: While Sucumbíos province no longer places undocumented persons in detention, this remains a common practice in Orellana province.

<sup>14</sup> UNHCR, *GNA Ecuador Project Package: Global Appeal*, 1 March 2009, Retrieved 2 December 2010 from <<http://www.unhcr.org/49c8b0f11.html>>.

<sup>15</sup> National Assembly- Republic of Ecuador, *Constitution of 2008*, 2008, Retrieved 13 October 2010 from <<http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html>>, Art 9 (translated from Spanish).

The requirement that asylum seeker cards and refugee visas be renewed on a yearly basis has generated tremendous costs for both refugees and the GDR. The requirement to renew their visa every 12 months creates a significant cost burden for refugees residing in isolated and remote communities. Limited roads and mobility along the border in Ecuador can often cost refugees as much as \$30 per trip to Lago Agrio in order to renew their visa. When the average monthly salary is less than \$50, renewal of the visa becomes cost prohibitive.

The short lifespan of refugee visas also creates substantial costs for the GDR as the bulk of their administrative paperwork is spent renewing old visas as opposed to issuing new ones. As the number of new visas issued increases over time, it is expected that the volume of this paperwork will continue to grow and further stretch the limited resources of an already strained asylum system.

Finally, the biggest challenge to political security posed by the refugee visa is the form of the identification card itself. The asylum seeker card and the refugee visa both clearly state that the holder of the card is an asylum seeker or a refugee. Colombians face severe discrimination and stereotyping in Ecuador. As it is well known that most refugees are Colombian, the issuance of these types of identity documents has led to abuse and discrimination from public and private institutions.

For example, many refugees with identification cards are reluctant to approach police for fear of harassment or extortion. Refugees who present refugee documents at banks have been denied accounts or loans as many institutions consider such services as bearing too great a financial risk or to be providing support for criminal activity. If granted loans, refugees often pay higher interest rates due to the perceived financial risks.

Demonstrating great ingenuity in the face of this problem, many Colombian refugees have begun renouncing their refugee status and applying for a more flexible “Visa de Amparo”. The Visa de Amparo is a migratory visa intended for non-Ecuadorian citizens with family in Ecuador who would like to immigrate. The cost of the visa differs according to the immediacy of the family relation and is valid for 5 years.

Unlike the refugee visa, the Visa de Amparo does not impose travel restrictions and allows persons to return home. Most importantly, the Visa de Amparo is an identity card and does not have a photo or personal information. As such, it is identical to other Ecuadorian identity documents and is accepted by all public and private institutions.

With its apparent advantages, it is not surprising that a study conducted by the Fundación Esperanza found that nearly 80 per cent of persons living in refugee-like situations in Ecuador have a Visa de Amparo.<sup>16</sup> It is anticipated that this number will continue to climb as more people renounce their refugee visas claiming to have been misinformed during the Enhanced Registration process.

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<sup>16</sup> Dr. Oscar Gomez Diez, Presentation at Latin American Forced Migration Network conference, 17 November 2010.

## Personal security

No aspect of human security is as vital as security from physical violence. Threats to life can take a variety of forms and nearly all forms of violence have affected Colombian refugees in northern Ecuador. The greatest threat to human security in Sucumbíos is violent crime, where disturbing trends in its escalation and relative impunity of its perpetrators are well documented.

The UN Special Rapporteur on Extrajudicial Executions reported in July 2010 that “citizen insecurity is increasing, the homicide rate is growing, and impunity for killings has reached astonishing levels.”<sup>17</sup> He found that the homicide rate in Ecuador had doubled in the last 20 years, from 10.3 killings per 100,000 inhabitants in 1990 to 20 killings per 100,000 inhabitants in 2010. The murder rate in Lago Agrio at times has exceeded 100 killings per 100,000 inhabitants.

Despite the large increase in the number of killings, the conviction rate is around one per cent of all killings reported to police.<sup>18</sup> As police reports in Sucumbíos only acknowledge one in four murders and most killings go unreported due to a fear of reprisals, it is suspected that the percentage of reported killings is an underestimate.<sup>19</sup>

IAGs continue to enter Ecuador to obtain food, goods and health services; to traffic drugs and weapons; to conduct combat training; and to escape the conflict in Colombia.<sup>20</sup> Civilian populations in rural Ecuador are harassed and intimidated into supporting IAGs, often being extorted to pay ‘taxes’, have their minors forcibly recruited, and their women kidnapped and trafficked into prostitution.

Women are particularly vulnerable within Sucumbíos. The Women’s Federation of Sucumbíos, a local NGO, estimates that 80 per cent of women in Sucumbíos have suffered some form of sexual and gender-based violence (SGBV).<sup>21</sup> Prostitution is legal in Ecuador and many women have turned to selling themselves as a negative coping mechanism. For example, there are 85 brothels in Lago Agrio, a town of 50,000 people.<sup>22</sup>

Engagement in prostitution has benefited some women as they can afford to sustain themselves. Given the high level of labour exploitation experienced by refugees, prostitution is often the only economic option for self-sufficiency. However, engaging in prostitution has had serious negative non-material impacts on women in Sucumbíos as they are often stigmatized by their communities and families.

Despite its small population, the US State Department found that Ecuador has become a major source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labour. The

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<sup>17</sup> Center for Human Rights and Global Justice, ‘Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions,’ New York University Law School: New York, July 2010, p 1.

<sup>18</sup> Ibid., p3.

<sup>19</sup> Sonia Aguilar, Associate Public Information Officer/ External Relations -UNHCR Sub-Office Lago Agrio, interview by author, 14 December 2010.

<sup>20</sup> Ibid., pp 2-3.

<sup>21</sup> Celine Furi, Associate Protection Officer-UNHCR Sub-Office Lago Agrio, data cited in interview by author, 3 November 2010.

<sup>22</sup> Ibid.

2009 Trafficking in Persons Report states, “The majority of trafficking victims are believed to be children trafficked within the country from border and central highland areas to urban centers for commercial sexual exploitation as well as for domestic servitude, forced begging, and forced labour in mines and other hazardous work.”<sup>23</sup> The Government of Ecuador has recently undertaken a public awareness campaign to prevent SGBV but human rights defenders who speak out against sexual abuse are often assassinated.<sup>24</sup> Compounding the problem of SGBV has been that only one per cent of reported cases result in prosecution.<sup>25</sup> Arguably, the impunity of perpetrators of SGBV is a cause of further internal displacement.

Interviews with UNHCR Sub-Office in Lago Agrio raised urgent protection concerns as many women have approached the office seeking protection. Many of these women, fleeing IAGs and traffickers, often have less than a day to gain protection or face very dire consequences.<sup>26</sup>

Recognizing that some groups of refugees, such as women and Afro-Colombians, will never be safe in Ecuador because of continued persecution from Colombian IAGs operating there, the United States and Canada have begun resettling refugees out of Ecuador. Under the Mexico Plan of Action, Latin American countries such as Chile, Argentina and Brazil have also started resettlement programs, however, the effectiveness of these programs is hampered by policy, logistical and security problems.

Firstly, resettlement space globally is extremely limited and only around one per cent of refugees benefit from this form of protection. Secondly, domestic anti-terrorism legislation has further limited available resettlement space. For example, the “material support” bars in Canada and the United States have drastically limited the number of persons eligible for resettlement. The US bar was enacted as part of anti-terrorism legislation and denies refugee or asylum protection to any individual who provides material support to a terrorist organization.

Under the law, the terms “material support” and “terrorist organization” have few limiting principles and virtually any interaction, even those conducted under duress, with an IAG can be construed as material support.<sup>27</sup> While legislation to amend these problems was proposed in US Congress in 2008, they have not yet been enacted. Finally, despite having a more relaxed bar against material support in Canada, other resettlement programs are hampered by logistical challenges.

For example, even though Canada resettles the most refugees from Ecuador of any country at 450 each year, it is unable to provide protection in urgent cases. Given the security situation in northern Ecuador, conducting refugee selection in the region is a

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<sup>23</sup> US Department of State, ‘Trafficking in Persons Report 2009’, Department of State: Washington DC, 2009, Ecuador.

<sup>24</sup> Mennonite Central Committee Quito, interview by author, 26 October 2010.

<sup>25</sup> Celine Furi, Associate Protection Officer-UNHCR Sub-Office in Lago Agrio, interview by author, 3 November 2010.

<sup>26</sup> Xavier Creach, Head of Mission- UNHCR Sub-Office in Lago Agrio, interview by author, 4 November 2010.

<sup>27</sup> GULC Human Rights Institute, *Unintended Consequences: Refugee Victims of the War on Terror*, May 2006,

Retrieved 8 December 2010 from <<http://www.law.georgetown.edu/news/releases/documents/UnintendedConsequences-RefugeeVictimsoftheWaronTerror.pdf>>.

costly and dangerous endeavour. For this reason, all Canadian refugee processing in Ecuador is managed out of its mission in Bogota, Colombia. UNHCR faces a difficult situation as they receive many cases in need of urgent protection, particularly women fleeing traffickers and IAGs, which are ineligible for resettlement to the US and unable to receive timely protection from other countries. This protection gap has resulted in extreme vulnerability.

Many critics of the Enhanced Registration project argue that the project itself created a security risk as it was undertaken quickly and without sufficient security screenings to ensure that members of IAGs and criminal organizations did not gain legal status in Ecuador. UNHCR officials involved in the Enhanced Registration project agree that the pace of the Enhanced Registration project presented some national security risks.

Citing these weaknesses, Ecuadorian politicians have used the project as a scapegoat for the extreme security conditions in the northern border regions. However, there is little evidence to support the claim that persons who would be excluded for protection in accordance with Articles 1(f)(a) and 1(f)(c) of the 1951 Refugee Convention (crimes against peace, war crimes, crimes against humanity or acts contrary to the purposes and principles of the United Nations) gained legal status in this manner.<sup>28</sup>

Even with their willingness to comply fully with any and all legal proceedings for removal of persons ineligible for protection, UNHCR has yet to receive any notification from the Government of Ecuador that persons ineligible for protection under these sections of the Convention received refugee visas.<sup>29</sup>

Article 1(f)(b) states that serious non-political crimes committed outside the country of refuge also render persons ineligible for protection. Determining ineligibility under this section of the Convention is much more difficult as the definition of “serious non-political crimes” can be broadly interpreted.<sup>30</sup>

High levels of police corruption in Colombia and a lack of prosecution for criminal activity in the region complicates these ineligibility determinations. In cases where legal status contrary to Article 1(f)(b) was granted by GDR, UNHCR has acted quickly and in full compliance to cooperate with all relevant legal proceedings. To date, the number of cases with Article 1(f)(b) concerns presented to UNHCR have been few.

Criticisms that IAGs and criminals have systematically abused the Enhanced Registration project overstate the risk. From a practical standpoint, members of criminal organizations have little incentive to apply for refugee visas. Most of these groups have operated clandestinely in the region for nearly 40 years. IAGs, narco-criminals and traffickers have not required any public services as there are a variety of private clinics and services in Lago Agrio known to cater to this clientele.

Furthermore, endemic corruption in the region has enabled these groups to purchase fraudulent documents or to bribe officials. All the same, the GDR undertook several

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<sup>28</sup> UNHCR, *1951 Convention Relating to the Status of Refugees*, 1951, Retrieved 3 December 2010 from <<http://www.unhcr.org/3b66c2aa10.html>>.

<sup>29</sup> UNHCR Sub-Office in Lago Agrio, interview by author, 4 November 2010.

<sup>30</sup> UNHCR, *1951 Convention Relating to the Status of Refugees*, 1951, Retrieved 3 December 2010 from <<http://www.unhcr.org/3b66c2aa10.html>>, Art 1(f)(b).

precautionary measures to mitigate the risk of registering persons who should be excluded from protection.

For example, the Eligibility Commission routinely directed any Article 1(f) exclusionary cases to the regular asylum process. The Government's primary concerns related to persons entering Ecuador shortly before the registration process in order to register and return to Colombia shortly thereafter.

As UNHCR provided technical and financial support to the GDR during implementation, this risk was mitigated by the fact that UNHCR was the only humanitarian actor in the region a year and a half prior to the Enhanced Registration project. Thanks to their sustained presence in the region, UNHCR was familiar with the residents of communities in Sucumbíos and referred any cases where identity could not be confirmed to the GDR for processing through the regular asylum process.

### **Health security**

Health security is most often defined as minimum protection from diseases and unhealthy lifestyles. The Pan-American Health Organization reports that acute respiratory diseases are the most common cause of death in Ecuador, followed by food-borne illnesses (diarrheic diseases) and vector-borne diseases (mainly malaria and dengue fever).<sup>31</sup>

The threats to health security are usually the greatest for the poorest segments of the population which are generally located in rural areas and comprise members of indigenous and Afro-Colombian groups, women and children. Access to health care in Ecuador is universal but is in limited supply. Humanitarian aid has helped to fill these service gaps, particularly benefiting refugees and asylum seekers.

While statistical data on health conditions in Ecuador also has many gaps, there are indicators available which suggest that the public health care system in Ecuador is poor. In comparison to industrial countries on average which have 1 doctor for every 400 people, Ecuador has 1 doctor for every 666 people.<sup>32</sup> Despite lacking government statistics, it is expected that these physicians are concentrated in urban areas and that there are far fewer physicians in rural areas.

The disparity in women's health security is also acute. A recent IOM study undertaken in neighbouring Esmeraldas province revealed a high prevalence of sexually transmitted infections among female asylum seekers. The study found that an early start of sexual activity and low levels of sexual education in these communities have contributed to a high prevalence of sexually transmitted infections.<sup>33</sup> Given the similarity in living conditions and an increased number of asylum seekers residing in

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<sup>31</sup> PAHO, *PAHO Basic Health Indicator Database- Ecuador*, 2010, Retrieved 6 October 2010 from <[http://www.paho.org/english/dd/ais/cp\\_218.htm#problemas](http://www.paho.org/english/dd/ais/cp_218.htm#problemas)>

<sup>32</sup> WHO, *Globalis- Ecuador: Physicians*, 2000, Retrieved 6 October 2010 from <[http://globalis.gvu.unu.edu/indicator\\_detail.cfm?Country=EC&IndicatorID+37](http://globalis.gvu.unu.edu/indicator_detail.cfm?Country=EC&IndicatorID+37)>.

<sup>33</sup> IOM, *IOM Study Finds High Prevalence of Sexually Transmitted Infections among Ecuador's Vulnerable Northern Border Community*, 29 November 2010, Retrieved 7 December 2010 from <<http://www.iom.int/jahia/Jahia/media/press-briefing-notes/pbnAM/cache/offonce?entryId=28760>>.

Sucumbíos province, it can reasonably be expected that the results in Sucumbíos would be similar to those of Esmeraldas.

During the Enhanced Registration process there were high expectations amongst Colombian refugees that they would receive health care in Ecuador as every foreigner is guaranteed access. These heightened expectations are believed to be the result of fast processing, limited time for explanation during the Enhanced Registration process and misinformation in Colombia.

Given the high numbers of refugees entering the northern border regions and the fact that Ecuador's public health system is already under severe stress, the Government of Ecuador executed a contingency plan to provide care to this population. In partnership with UNHCR and PAHO/WHO, the Public Health Ministry of Ecuador has provided care to refugees through the "Health Sector Strengthening Project".<sup>34</sup>

The project was intended to strengthen the operative capabilities of the border provinces confronted with emergencies and the capacity for providing health care to the incoming refugee population. As a public health measure, the Public Health Ministry modified its registration system to include health information on Colombian asylum seekers in Ecuador.

Despite the Health Sector Strengthening Project, interviews with the Red Cross in Lago Agrio reveal that severe challenges related to health care service delivery still exist.<sup>35</sup> The Government set out to provide increased health services in the northern border region but many local communities continue to lack these services.

Similarly, there continues to be a lack of coordination in the provision of services amongst actors. In an effort to improve this coordination, humanitarian actors working in the northern border regions meet once a month to update each other on what is being delivered and by whom. While these meetings have increased coordination amongst civil society actors, coordination with public services is still weak.

Much of the failure to provide and coordinate adequate health services for refugees results from the widely held perception that protection is separate from integration. For example, the government generally signs 3 month agreements with service provider organizations to provide humanitarian assistance to refugees consistent with the estimated average waiting period for refugee status determinations.

Even when the asylum seeker card is renewed for an additional 3 months, service providers do not receive funding to provide services beyond the initial 3 month period. In reality, the timelines for receiving a decision on an asylum claim are much longer. Even if the eligibility for humanitarian aid was extended, there would simply not be enough resources for all refugees.

A final challenge to health security in the region is that many communities are located in remote and isolated regions of Sucumbíos. As mentioned, most of these communities lack any form of access to health care and the costs of travel to Lago

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<sup>34</sup> PAHO/WHO, *Ecuador- Health Situation Analysis and Trends Summary*, 2010, Retrieved 3 December 2010 from <[http://www.paho.org/english/dd/ais/cp\\_218.htm](http://www.paho.org/english/dd/ais/cp_218.htm)>.

<sup>35</sup> Asdrual Albuja- Administrative Director for Ecuador Red Cross in Sucumbíos, interview with author, 5 November 2010.

Agrio for health services are prohibitive. In order to compensate for the inability of refugees to travel long distances within Sucumbíos, UNHCR has developed a humanitarian assistance project, implemented by the Red Cross of Ecuador, to provide emergency first-aid.

Through the use of house visits, the Red Cross follows-up initial asylum interviews to ensure that asylum seekers are not in any immediate danger, to verify their living conditions and to provide assistance in accessing a public health centre. Due to the relatively high costs of healthcare and the fact that most parents are un- or under-employed, parents cannot afford to leave work and bring their children to health clinics for routine check-ups. The Red Cross finds these house visits have been crucial to effective health care delivery and have particularly benefitted youth in Lago Agrio.

The findings of these house visits are compiled and evaluated by a Durable Solutions Committee comprised of UNHCR and implementing partners. The Committee process is then used to determine the types of aid that could be delivered to the family. Given the overwhelming health needs of the refugee population, this approach allows for an effective targeting of services with limited resources.

The health security of indigenous and Afro-Colombian communities is often at greater risk than the rest of the population. Lacking education or awareness of health concerns and preventive practices, these communities are far more likely to apply cultural health practices and be unreceptive to medical assistance. With respect to indigenous and Afro-Colombian communities residing along the Ecuador-Colombia border, many have been subjected to the ongoing aerial fumigation in Colombia. This fumigation has led to a number of health complications which have been well documented.<sup>36</sup>

### **Community security**

A potential source of human security can be derived from membership in a particular social group. The composition of these groups can range from family, community, and organizations to racial and ethnic groups. A sense of community provides a cultural identity and a reassuring set of values with practical supports. Community security can also contribute to the protection and support of society's weaker members.

Perhaps one of the greatest positive impacts on human security resulting from the Enhanced Registration project has been an increased recognition of communities. The registration of refugees in isolated and remote communities has forced the Government of Ecuador to recognize that some of its citizens live within its border regions in contravention to Article 39 of the Ley de Seguridad Publica y Del Estado,

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<sup>36</sup> Morgan Landel, 'Do Aerial Fumigations Violate International Law?,' *Transitional Law and Contemporary Problems*, 19:491, Spring 2010, pp501-502. And, Washington Office on Latin America, *Chemical Reactions- Fumigation: Spreading Coca and Threatening Colombia's Ecological and Cultural Diversity*, February 2008, Retrieved 3 December 2010 from <<http://www.wola.org/media/WOLA%20Chemical%20Reactions%20February%202008.pdf>>, pp9-11.

which prohibits the possession of land by foreigners within 20kms of the border with Colombia.<sup>37</sup>

The implication of this law for refugees in border regions is still under discussion as the law prohibits possession but not residence. If construed as prohibiting residence, it could be problematic for many well-established communities in the border regions. For example, having already been displaced several times due to violence, persecution, aerial fumigation and development projects, the Afro-Colombian community of Providencia has been in their current location for 17 years. Even without land title, the Enhanced Registration project has provided the legal status necessary for these communities to settle in their current locations and prevent their further displacement.

Building on the results of the Enhanced Registration project, UNHCR funded the participation of a UN volunteer to support the Municipality of Lago Agrio in developing its first municipal development plan. Recognizing the growing refugee population currently residing in Lago Agrio, the Municipal Government collaborated with UNHCR to develop an “integrated approach” to budgeting and planning within the county.

Unable to respond to an overwhelming number of concerns with its limited tax revenues, the Municipality must seek increased funding from the Federal Government and INGOs. As a prerequisite, all levels of government are required to demonstrate accountability and transparency in their programming through the establishment of a plan.<sup>38</sup>

Recognizing that refugees comprise a significant part of their community, the Municipality has gone to great lengths to ensure that everyone benefits from the planning process through extensive consultations. The consultative process in Lago Agrio incorporated the identified needs and requested services of all 7 parishes within the county over a period of four years.

Arguably, this integrated approach to community building is a model for humanitarian cooperation. By incorporating refugee concerns into the community planning process, budgeting resources to meet their integration needs, and providing benefits to the broader community, the Municipality of Lago Agrio is building an environment which will contribute to strengthened community security in the region and prevent public backlash against any perceived favouritism of refugees.

The Enhanced Registration project has also benefitted many remote and isolated indigenous and Afro-Colombian communities. Prior to their registration, these communities were effectively ‘invisible’ as they received no services or protection despite having been present in the region for decades. These communities were largely ignored by the Government and their traditional territory was constantly encroached by development projects and refugee arrivals.

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<sup>37</sup> National Assembly- Republic of Ecuador, *Public Security and State Law*, July 2009, Retrieved 7 December 2010 from <<http://www.lexis.com.ec/lexis/archivosNoticiasHome/LEY%20DE%20SEGURIDAD%20PUBLICA%20Y%20DEL%20ESTADO.pdf>>, Article 39 (translated from Spanish).

<sup>38</sup> Municipality of Lago Agrio Planning Department, interview by author, 5 November 2010.

Through the registration process, indigenous and Afro-Colombian communities residing along the border with Colombia have benefitted from an increased government presence. In 2009, community leaders in Barranca Bermeja and San Miguel were assassinated less than 24 hours apart, in the same manner, when they voiced their desire for an increased government presence in their communities.<sup>39</sup> Through registration, community leaders have not needed to request increased government presence as the state has recognized the needs of its citizens.

For example, Providencia had been totally dependent on UNHCR for assistance prior to the Enhanced Registration project. UNHCR built its schools and provided start-up capital to begin agricultural projects. Once the members of the community received refugee visas, they began the process of their community's legal recognition. Currently, the process is stuck and the community's existence has not yet been officially recognized. Despite early challenges, refugee registration began a process to increase community security within the northern border regions of Ecuador.

### **Economic security**

According to World Bank statistics, Ecuador's unemployment rate has been trending downward since 2000.<sup>40</sup> Much of this decrease is attributed to diversification of Ecuador's economy. With increased economic stability, Ecuador's economy has moved away from many of its non-traditional exports, such as agriculture, and has moved towards petroleum.

Increased prices, foreign investment and emigration have made Ecuador substantially dependent on its petroleum resources and remittances for public revenue. Oil production now accounts for more than half of the country's export earnings and one-fourth of its public sector revenues.<sup>41</sup> Most of Ecuador's oil wealth is concentrated in Sucumbíos.

Despite the growth in its Gross Domestic Product (GDP) during 2002-2008, the northern border regions of Ecuador still experienced extreme poverty. In fact, the UNDP classified between 50-60 per cent of residents in Ecuador's rural northern border regions as "extremely poor".<sup>42</sup> When poverty within these regions was broken down by social group, 39 per cent of persons who self-identified as indigenous were considered "extremely poor."<sup>43</sup>

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<sup>39</sup> Refugees International, *Ecuadorian Leaders' Assassination Shows Spillover of Colombian Conflict*, 19 October 2009, Retrieved 7 December 2010 from <<http://www.refugeesinternational.org/press-room/press-release/ecuadorian-leaders-assassination-shows-spillover>>. And, CIPCOL, *Murders on the Colombia-Ecuador border*, 9 October 2009, Retrieved 7 December 2010 from <<http://www.cipcol.org/?cat=74>>.

<sup>40</sup> World Bank, *Ecuador- Data and Statistics*, 2010, Retrieved 6 October 2010 from <<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/ECUADOREXTN/0,,menuPK:325142~pagePK:141132~piPK:141109~theSitePK:325116,00.html>>.

<sup>41</sup> Central Intelligence Agency, *CIA Factbook- Ecuador*, 2010, Retrieved 6 October 2010 from <<https://www.cia.gov/library/publications/the-world-factbook/geos/ec.html>>.

<sup>42</sup> United Nations Development Program, *National Report of the Millennium Development Goals*, 2007, Retrieved 6 October 2010 from <[http://www.undp.org.ec/odm/II\\_informe\\_nacional.pdf](http://www.undp.org.ec/odm/II_informe_nacional.pdf)>, p46.

<sup>43</sup> *Ibid.*, 47.

In considering the gender breakdown, women have been marginalized in Ecuador's economy. Women represent 40 per cent of the working population, but experience unemployment rates on average 2-3 times higher than men. As for the type of work 95 per cent of women work in the domestic sector and 41 per cent work informally. On average, women in Ecuador earn 14 per cent less than men.<sup>44</sup>

The Enhanced Registration project provided access to legal work but still there are very few economic opportunities in Sucumbíos. The issuance of identity documents has raised the visibility of the refugee situation as Colombians are now viewed as refugees, whereas they were previously viewed as illegal migrants.

Despite their increased rights guarantees, most of the work available to refugees is of a temporary and informal nature. The underemployment of refugees can be partially explained by discrimination, the inability to acquire start-up capital and lack of property rights. The World Bank's 2004 Development Policy Review found that most firms in Ecuador are deterred from hiring permanent workers by high firing and non-wage related costs such as benefits.<sup>45</sup>

In order to remain competitive on the global market, the Ecuadorian labour market has opted for a more flexible and temporary workforce. While positive for economic growth, this model has had negative impacts on individual economic stability and has limited social benefits. Costly and scarce credit, poor infrastructure and an uncertain economic environment have further hampered the economic security of Colombian refugees in Ecuador.

The general lack of data concerning the economic output of Colombian refugees in Ecuador compliments the knowledge gap on the underground economy. From the interview data collected, it is reasonably assumed that much of the economy generated comes as a result of the region's proximity to Colombia and the porous nature of the border.

For example, the price differential in gas between Ecuador and Colombia (e.g. \$2 per gallon in Ecuador vs. \$16 per gallon in Colombia) creates a strong economic incentive to engage in smuggling. Smuggling of goods is common in nearly every aspect of the economy in Sucumbíos. The ability to purchase goods cheaper on one side of the border and to sell them for a profit on the other is a major driver of the economy in the region.

In many remote and isolated communities in Sucumbíos, the limited economy that could be generated through agriculture is undercut by the lack of a commercial chain. The lack of municipal infrastructure (such as roads and bridges) in the northern border regions of Ecuador and the costs of transporting goods to market shrink potential profit margins. Similarly, the reliance of most communities in Sucumbíos on 'middle men' to bring their goods to market also greatly reduces profits.

The limited, unstable and temporary nature of economic activity in Sucumbios offers little economic security for Colombian refugees. Refugees are entitled to many economic and social rights but the overwhelming needs of the native population in

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<sup>44</sup> World Bank, 'En Breve: Poverty in Ecuador', 71, Washington DC, The World Bank, 2005, pp2-4.

<sup>45</sup> World Bank. 'Ecuador Development Policy Review', Washington, DC, The World Bank, 2004.

Sucumbíos have drastically reduced the capacity of the Government to provide for everyone. In municipalities with adequate social services, the economic contribution of Colombian refugees has been substantial. For example, a large proportion of Colombian refugees who leave Sucumbios settle in Ibarra. Colombian refugees in Ibarra have benefitted the local economy through a process of economic and social transformation.

The presence Colombian refugees in Ibarra have transformed forms of production, economy, culture and employment. Along with their reputation as hard workers willing to do dangerous and uncompensated work, Colombian refugees have also brought along acquired business savvy and investment capital which has benefitted the broader community through diversification of economic opportunities in Ibarra.<sup>46</sup>

### **Environmental security**

All humans are dependent upon a healthy physical environment for survival. The impacts of rapid population growth and industrialization have had severe consequences for local and global ecosystems in northern Ecuador. Access to clean drinking water is crucial for human survival and 62 per cent of all rural Ecuadorians do not have access to adequate amounts of safe drinking water located within a convenient distance to the user's dwelling.<sup>47</sup>

Much of this contamination is linked to oil exploitation in the Amazon rainforest which has had devastating impacts on the physical environment. Water within Lago Agrio is known to be contaminated by the oil extraction nearby and has created many health problems within the community. As an alternative, most communities in Sucumbíos rely on the collection of rain water as their primary source of potable water.

Recognizing the high risk of waterborne disease presented by these techniques, the IOM and UNHCR have developed potable water systems and administered awareness raising campaigns targeting women in several border communities. The modest costs (an average of \$5 per family per month) for maintaining these water systems are borne by the communities and can make the introduction of potable water systems cost prohibitive.

Awareness raising campaigns on water borne diseases have specifically targeted women because of their traditional roles as caregivers in the household. Environmental contamination has put women and children at the highest risk as many women are forced to choose between providing their children with contaminated water or no water at all. UNICEF estimates that approximately half of the 30,000 people exposed to oil contamination through air, water and land in the provinces of

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<sup>46</sup> Dr. Mauricio Montenegro- Director del Instituto de Postgrado de la Universidad Técnica del Norte, interview by author, 29 October 2010.

<sup>47</sup> United Nations Population Fund, 'State of the World's Population 2003', Washington DC, UNFPA, 2003.

Sucumbíos and Orellana are children. This contamination has been linked to cancer, miscarriages, skin disorders and respiratory illnesses.<sup>48</sup>

Protection of the environment and indigenous culture has long been viewed as vitally important and the “right of nature” was included in Ecuador’s 2008 Constitution. This revolutionary approach to environmental protection is seen as both experimental and radical. Under the new Constitution, “nature, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.”<sup>49</sup>

With these new measures, the State is also tasked with motivating “natural and juridical persons as well as collectives to protect nature.”<sup>50</sup> Essentially, citizens are now able to privately enforce nature rights. Unfamiliar to Western legal and political traditions, these protections are increasingly important in light of recent events in Ecuador.

The Government of Ecuador and members of its indigenous communities are currently involved in litigation against ChevronTexaco stemming from the alleged dumping of billions of gallons of toxic waste into Amazon waters.<sup>51</sup> These new constitutional reforms help to ensure greater protection of indigenous populations against similar future environmental crises and to safeguard their traditional territories.

Deforestation is also a major environmental problem facing Ecuador. It is estimated that between 1986-1996, the average annual deforestation rate was 2.5 per cent and that the rate has decreased between 1996-2002 to 1.8 per cent per year.<sup>52</sup> Despite decreasing, such a high rate of deforestation has put significant pressure on the land and threatened the vast biodiversity of the region.

Insecurity from deforestation has been most acute for indigenous communities whose traditional territories are located in the rainforests of Sucumbios. Having lived there for centuries, indigenous societies in the region have deep spiritual and cultural connections with their natural environment. Such a high rate of deforestation threatens indigenous cultural practices and increases the likelihood of internal displacement.

As mentioned, aerial fumigation as part of ‘Plan Colombia’ has had major health and environmental impacts on refugee communities residing along the border. In an intense effort to eradicate southern Colombia’s abundant coca crops, the Government of Colombia has undertaken a process of aerial fumigation.

In the process of eradicating illegal crops, the aerial fumigation has also caused human and animal illness, destroyed legal alternative crops, poisoned water supplies

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<sup>48</sup> UNICEF, *UNICEF National Ambassador Trudie Styler brings clean water project to Ecuador*, 2009, Retrieved 12 October 2010 from <[http://www.unicef.org/infobycountry/ecuador\\_49994.html](http://www.unicef.org/infobycountry/ecuador_49994.html)>.

<sup>49</sup> National Assembly- Republic of Ecuador, *Constitution of 2008*, 2008, Retrieved 13 October 2010 from <<http://pdba.georgetown.edu/Constitutions/Ecuador/ecuador08.html>> (translated from Spanish).

<sup>50</sup> Ibid.

<sup>51</sup> Judith Kimerling, ‘Indigenous Peoples and the Oil Frontier in Amazonia: The Case of Ecuador, ChevronTexaco, and *Aguinda v. Texaco*’, *International Law and Politics*, 13:26, 2006, pp 414-417.

<sup>52</sup> CF Mena, ‘Socioeconomic Drivers of Deforestation in the Northern Ecuadorian Amazon’, *Environmental Management*, 37:6, 2006, pp. 802-815.

and done irreparable harm to the Amazonian rainforest.<sup>53</sup> A recent visit to the Shuar indigenous community near the border revealed that despite having moved 4km away from the banks of the San Miguel River because of aerial fumigation, many of the same health conditions and crop failures continue to occur.

## **Food security**

The UNDP definition of food security is that all people at all times have physical and economic access to basic food. Access to basic food can be achieved through growing, buying or receiving publicly distributed food. The issue of food security has a strong relationship with stable employment and assured income. Although Ecuador has experienced economic growth as a result of increased oil exports, inequity in the country's resources have led to high levels of food insecurity within particular segments of Ecuadorian society.

The Food and Agricultural Organization (FAO) reports that the average food supply for human consumption in Ecuador has increased every year between 1990 and 2006. Based on an accepted minimum standard of 2,300 calories a day for a dietary energy supply, Ecuador actually produced enough food to supply every citizen with 2,340 calories per day.<sup>54</sup> While this represents a decrease in the number and proportion of undernourished overall, there is still a great disparity in the undernourishment of persons in rural areas, such as the northern border region.

The nutritional status of Ecuadorian children under age five reflects the inequity in Ecuador's food distribution. For example, as a result of malnutrition in early childhood, the World Food Program (WFP) reports that 26 per cent of all children under the age of five in Ecuador have stunted growth; in rural areas, the figure is 31 per cent, and in indigenous communities it reaches as high as 47 per cent.<sup>55</sup>

The Enhanced Registration project has alleviated many of the issues related to food security for Colombian refugees. As a result of their registration, Colombian refugees are legally entitled to gain stable employment, are eligible for public food distribution programs, and to own property on which to grow their own food. Here again, human rights guarantees and their enjoyment are distinct. Refugees have not benefitted from most public relief programs as Ecuadorian nationality is often a prerequisite. Thus, humanitarian assistance has been necessary to ensure the food security of refugees.

Unable to work legally due to a lack of permits and having been exposed to violent conflict and extreme poverty, the WFP in Sucumbíos has provided humanitarian aid to refugees and communities hosting refugees in border areas. These operations have

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<sup>53</sup> Zachary Mugge, 'Plan Colombia: The Environmental Effects and Social Costs of the United States' Failing War on Drugs', *Colorado Journal of International Environmental Law and Policy* 15, 2004, pp319-332.

<sup>54</sup> Food and Agriculture Organization, *FAO Country Profiles- Ecuador*, 2009, Retrieved 6 October 2010 from [http://www.fao.org/fileadmin/templates/ess/documents/food\\_security\\_statistics/country\\_profiles/eng/Ecuador\\_E.pdf](http://www.fao.org/fileadmin/templates/ess/documents/food_security_statistics/country_profiles/eng/Ecuador_E.pdf).

<sup>55</sup> World Food Programme, *Country Profile- Ecuador*, 2010, Retrieved 6 October 2010 from <http://www.wfp.org/countries/ecuador>.

included the provision of food assistance to refugees and ensuring that they receive at least one meal a day.<sup>56</sup>

In general, WFP educational programs for refugees about nutrition and cooking with local produce have suffered from a lack of sustained presence. Like many humanitarian actors in the region, WFP has had a minimal sustained presence in Lago Agrio due to the heightened risk to personal safety.<sup>57</sup> This minimal presence has inhibited the delivery of food relief and undermined the WFPs credibility within the local population.

As the UNDP states, “the availability of food is a necessary condition of security, but not a sufficient one. People can still starve even when enough food is available...”<sup>58</sup> The lack of food security in Ecuador is reflective of its socio-economic reality. Despite its strong production potential, Ecuador suffers from a limited capacity to transport and commercialize foods that satisfy the nutritional requirements at all population levels.

While governments and international agencies have tried many different ways to increase food security, these schemes have had a limited impact to date. Access to food is strongly linked to assured incomes, access to assets and employment. Unless the question of assets, employment and income security are addressed upstream, state interventions will do little to ensure food security downstream.

## **Conclusion**

As has been shown, the practical application of a human security framework permits a closer look at the interdependence of factors which impede effective refugee protection by moving the referent object of analysis to the individual level. In so doing, a better understanding of the various impacts of policies and processes on particular social groups and demographics is gleaned.

This framework has introduced unconventional fields of study into the search for effective refugee protection and demonstrates the need for the increased involvement of development actors in responding to and preventing refugee movements. Of the many outstanding human security challenges in Sucumbíos, there are three in particular that will be highlighted.

First, the refugee process in Ecuador must be reformed. Struggling to keep pace with the demand for new refugee visas, Ecuador’s asylum system is overloaded by the renewal of old visas. The issuance of a refugee identification document has also been a double-edged sword. Refugee documents have had a positive impact in opening up access to social services but they have also clearly identified people as refugees, leaving them vulnerable to broad discrimination.

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<sup>56</sup> Michelle Fried- Public Health Nutritionist, interview by author, 2 November 2010.

<sup>57</sup> Note: At time of writing, there has been one UN Volunteer staff working for WFP in Lago Agrio since 2009.

<sup>58</sup> United Nations Development Program, ‘Human Development Report 1994’, Geneva, UNDP, 1994, p27.

Undermining the value of the refugee visa is the Visa de Amparo which, while more expensive, imposes fewer restrictions on travel and does not identify the person as a refugee. As a result, the GDR is now facing a situation where refugees are renouncing their refugee visas and opting for the visas reserved for family members.

This has had the effect of downplaying both the severity of the refugee situation and the number of persons in refugee-like situations residing in Ecuador. Moreover, despite a constant influx of refugees in the region, the Eligibility Commission only met once in 2010 to finalize cases from Sucumbíos.

Faced with a rapidly growing backlog, only 52 decisions were rendered from an inventory of 3,500 claims as of November 2010.<sup>59</sup> There is no question that the GDR in Lago Agrio is short-staffed and overworked, however, much of this administrative burden could be eased through some of the policy and program changes outlined above.

Secondly, the Government of Ecuador does not have sufficient capacity and resources to support the large numbers of refugees arriving daily in Ecuador. For this reason, the support of the international community is more urgently needed than ever before. The only humanitarian actor with a sustained presence, UNHCR, is similarly under-resourced to provide many of the badly needed social supports in the region.

Development assistance in Sucumbíos to date has focused on building local infrastructure, economic growth and border security. With 42 per cent of the population in Sucumbíos under the age of 19 and a scarcity of secondary schools located within a manageable distance of border communities, the area is at risk of becoming a potential breeding ground for IAG recruitment, prostitution and illegal cross-border activity.<sup>60</sup> Indeed, forced recruitment is consistently identified as a major concern for communities in Sucumbíos.

The relatively high cost and limited availability of secondary education in Sucumbíos, combined with the limited economic opportunities, provides little alternative for youth who complete their primary education. Without continuing education as an option it is predicted that most will turn to illegal activity as a negative coping strategy.

Finally, corruption in all levels of government in Sucumbíos has created a culture of impunity. There are very few cases of politicians or community leaders facing charges for misappropriating funds despite the fact that much of the development assistance intended to benefit the region rarely reaches its intended target. IOM officials find that the levels of corruption are much higher in areas with an abundance of oil extraction.<sup>61</sup>

In the highly indigenous communities of Ibarra and Otavalo where there is no oil extraction, local governments have adopted long-term development approaches resulting in sustainable projects and greater wealth. As community leaders take

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<sup>59</sup> Sonia Aguilar, Associate Public Information Officer/ External Relations -UNHCR Sub-Office Lago Agrio, interview by author, 14 December 2010.

<sup>60</sup> Government of Sucumbios, 'Population Projections for Counties and Parishes, by Programmatic Groupings', Government of Sucumbíos: Lago Agrio, 2010, p81 (translated from Spanish).

<sup>61</sup> Alejandro Guidi- Deputy Chief of Mission IOM Colombia, interview with author, 18 November 2010.

greater ownership of these development projects they are found to have a greater likelihood of success.

In contrast, Sucumbíos is a relatively new province which has developed from a process of colonization and oil extraction. Government presence in Sucumbíos has always been limited and dependent on oil revenues for its budgets. As a result, government in Sucumbíos has tended to espouse an ideology of short-term wealth and profits. With little vested interest in the welfare of their community, they have been less concerned by the misappropriation of public funds. The heightened risk to personal security in the region also forces many politicians and government officials to comply with the demands of criminal groups. Given a lack of criminal prosecution and weak police presence in Sucumbíos, they may have no choice but to comply with the demands of criminal groups.

It is clear that effective access to rights and human security remain far from being achieved in Sucumbíos. Analyzing challenges to refugee protection solely from the perspective of access to legal rights omits many of the challenges which must be addressed before human rights guarantees can be realized.

Through an examination of non-traditional fields of insecurity and using an interdisciplinary framework it is possible to identify the various threats to insecurity and develop appropriate responses. After all, refugee protection, like human life, is complicated and requires a framework which examines threats to protection beyond access to legal rights.

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