



# **COUNTRY OPERATIONS PLAN**

**Executive Committee Summary**

**Country: Panama**

**Planning Year: 2005**

# PANAMA

## 2005 Country Operations Plan

### Part 1: Executive Summary

#### (a) Overall Context and background

**2003:** Panama continues to be increasingly concerned about the possible spillover of the Colombian conflict into its territory. A major incursion across the border by an armed group, drug trafficking and a general sense of insecurity dominated the situation in the region of the Darién and Kuna Yala. Moreover, there was a steady influx of small groups/individuals from Colombia during the reporting period. This and other events meant that 2003 was a critical year in Panama for UNHCR and for the protection of refugees, asylum seekers and other persons of concern in the country.

In January 2003 a paramilitary incursion took place in the border villages of Púculo and Paya, where four indigenous leaders were killed. This resulted in a national drama and, most importantly for UNHCR, the activation by the Government of an even more security-focused approach at the Panamanian-Colombian border in Darién province, making access to international protection more difficult for Colombians in Panama. Moreover, following the Púculo and Paya killings, bilateral efforts by President Moscoso of Panama and President Uribe of Colombia to tighten their common border and prevent Panamanian soil from being used as a rear base by the guerrillas, increased significantly. This did not only lead to a militarization of the border region but also to initiatives to “remove” from the Darién Colombian population groups that could, in the eyes of both Governments, potentially expose themselves to manipulation by the Colombian guerrillas.

In April 2003, the Panamanian security forces forcibly deported a group of 109 Colombians from the border community of Punusa, in the Darién back to Colombia. UNHCR was given no prior notice of this action and within 48 hours issued a press release criticizing the deportation. Immediately afterwards a group of Colombian and Panamanian NGOs requested, and were granted, precautionary measures from the Inter-American Commission of Human Rights in an attempt to prevent further deportations. The UNHCR press release consequently provoked a very serious deterioration in relations between the two parties, precisely at the time when UNHCR was intending to establish a permanent presence, both in the capital and in the field (Darién province). In practice this meant that the scheduled date for the establishment of a UNHCR office, planned for April 2003, was delayed until October 2003. In October 2003, the Government of Panama invited UNHCR, after protracted negotiations, to establish an initial, temporary presence of six months, until the end of March 2004. During this period UNHCR has been discussing the signature of an *Accord de Siège* that would allow a more permanent presence. A significant amount of UNHCR’s time and energy during this long period has been devoted to repairing relations with the Government, which were significantly improved towards the end of 2003. In the meantime, UNHCR deployed international staff, namely a Representative

(from October 2003), a Field Officer (from November 2003) and a Surge Protection Officer (from January 2004), and worked on the establishment of a Field Office in Yaviza, Darién.

The increased emphasis on bilateral efforts and initiatives between the Governments of Panama and Colombia was not limited to border security, but also to activating a voluntary repatriation process. To this effect, the UNHCR office, invited as an observer of this bilateral process, maintained very close coordination with BO Bogotá with regard to specific Country of Origin information, security conditions in areas of return, material needs of the returnees, etc.

**2004:** At the time of writing this report some progress has been achieved in Panama in terms of opening up more political and operational space for UNHCR in the country, including in its ability to influence Government policy on the refugee issue. However, the overall attitude of the Government in terms of reception of refugees, asylum-seekers and persons requiring temporary protection remained rather rigid, and therefore many challenges persist. The following is a short summary of positive developments and remaining challenges:

(i) Positive Developments: An accord de Siège between the Government and UNHCR was signed on 1 April 2004, thereby paving the way for a permanent presence. As the relationship between the two has improved, the Government has increasingly sought UNHCR's involvement in sensitive areas such as voluntary repatriation to Colombia. The effort made by the Panamanian Government to be largely in line with established international principles when conducting repatriations in November 2003 and February 2004 is worthy of note. In 2004, the Government started to assume in a more substantial way its protection responsibilities, strongly encouraged by UNHCR. This was reflected by the fact that in the first quarter of 2004 the National Refugee Office (ONPAR) established, for the first time, a presence in the border region, financed by UNHCR. This should enable it to undertake key functions such as reception, registration, documentation, etc., more effectively.

(ii) Major remaining challenges: The overall situation of asylum in Panama remains poor and Panama continues to be extremely concerned about security. The national refugee legislation is below international standards and the refugee definition too restrictive. Equally as serious, the temporary protection regime developed in this legislation is deficient. The National Refugee Commission was suspended for about 15 months with no asylum applications being processed during this time. The Commission finally met again in March 2004 and the challenge will be that it continues meeting regularly during the year. Access to RSD procedures, particularly for Colombians entering at border points, remains very difficult. The hand-over process of refugee registration to ONPAR has encountered some delays, due in part to the delay in issuing the contracts for the new Darién positions and the still rather ineffective ONPAR structure at the Panama City level.

Finally, the legal and material situation of Colombians living in the border region, mostly under Temporary Protection, remains very difficult. They arrived in batches since 1997 and are basically in a state of legal limbo; particularly in Jaqué, where their freedom of movement is also seriously restricted, as is their ability to work.

**(b) Beneficiary Population**

The majority of Colombians in need of protection in border provinces are women and children from rural backgrounds, with basic education levels and in a vulnerable situation due to the lack of documentation and insufficient civil rights guarantees. Most of them are of Afro-Colombian origin, although, equally, the percentage of Indigenous of Colombian origin affected by conflict and in need of international protection (Emberá and Kuna ethnic groups) is growing.

Historical, economic and cultural links facilitate the integration of the majority of persons of concern to UNHCR in Panama, in spite of the fact that many of them lack a defined and even semi-permanent legal status. The majority of the young adult generation have Panamanian spouses and young children born in Panama.

The majority of urban refugees are from Colombia and, to a lesser extent, from Africa, the Caribbean, the Middle East and Eastern Europe. The UNHCR programme in its different components (including legal assistance) also benefits individual cases from Central America who arrived as far back as the 1980s. During 2003 some 750 refugees in Panama City and other urban areas were assisted by UNHCR

#### **(c) UNHCR's strategy in 2005 and beyond**

The overall assumption for 2005 is that, although Panama's overall asylum policy and practice will likely remain restrictive, as UNHCR continues to strengthen its position and role in the country, it will slowly obtain more co-operation from the authorities and thereby consolidate the progress achieved in 2004. It is foreseen that the joint UNHCR-ONPAR presence at the border will ensure better access by potential asylum-seekers from Colombia to RSD procedures and a decrease in the number of deportations. Likewise, the hope is that the National Refugee Commission will continue to meet regularly and that UNHCR will be increasingly involved in the examination and presentation of the individual asylum applications. Thus, there should also be an increase in the recognition rate. A major challenge will be to improve the legal and material situation of those 700-800 Colombians currently under, or requiring, Temporary Protection at the border. Much effort will be placed on trying to achieve durable solutions for these individuals, many of whom have been in Panama since 1997. For the majority a migratory solution will be sought, on the grounds that they have developed strong links with Panama (i.e. have Panamanian spouses and children born there). For a much smaller number, voluntary repatriation, a formal extension of the Temporary Protection regime, and resettlement will be pursued.

While the security situation in many areas inside Colombia has slowly improved as the State regains control of, or consolidates, its presence there, the possibility that fighting between the armed forces of Colombia and the guerrillas or paramilitaries will continue can evidently not be ignored. Therefore, it is most likely that we will simply continue to see the same pattern as in 2002, namely the arrival of individual persons across the border; UNHCR will nevertheless in 2005 maintain a contingency plan in case of larger-scale influxes.

The three main goals for 2005 will be as follows:

1. To enhance the protection regime and its application in Panama, mainly through the revision of Executive Decree No. 23, improving attention and protection for asylum-seekers at the border and in urban areas, and ensuring the effective functioning of the National Refugee Commission;
2. To promote durable solutions for refugees, asylum-seekers and other persons of concern to UNHCR, namely integration opportunities for the long-term urban refugee caseload, better legal and material stability for Colombians at the border, resettlement mechanisms for a small number of asylum-seekers and refugees, and voluntary repatriation conducted according to international standards;
3. To promote increased levels of self-sufficiency among urban refugees and Colombians of concern to UNHCR in border areas by ensuring greater access by refugees in urban areas to adequately paid job opportunities and implementing an even greater number of Quick Impact Projects (QIPs) for refugees at the border, while gradually decreasing the levels of humanitarian aid (i.e. food rations).

#### (d) Selected Programme Goals and Objectives

Name of <b>beneficiary population</b> : Refugees, asylum-seekers and persons of concern in Panama	
<b>Main Goal:</b> To enhance protection mechanisms for Colombians in refugee-like situations and consolidate durable solutions for refugees and other persons of concern to UNHCR.	
<b>Principal objectives</b>	<b>Related outputs</b>
<ul style="list-style-type: none"> <li>• Enhance the protection regime and its application in Panama.</li> <li>• Revision of the restrictive Decree 23, in accordance with internationally recognized standards.</li> <li>• Smooth functioning of the National Refugee Commission (frequency of meetings in accordance with number of asylum requests).</li> <li>• Refugee and others of concern are provided with humanitarian assistance according to their needs and established assistance criteria.</li> <li>• Protection networks strengthened.</li> <li>• Legal stability ensured for Colombians of interest of UNHCR.</li> <li>• Solutions and integration for long-term urban caseload.</li> <li>• Refugees in urban area have increased access to adequately paid</li> </ul>	<ul style="list-style-type: none"> <li>• Individual cases with access to or being admitted to RSD procedures.</li> <li>• Provision of technical support for revision of Decree 23.</li> <li>• Asylum seekers and Colombians under Temporary Humanitarian Protection Status (THP) at the border enjoy more effective protection and fulfilment of their human rights.</li> <li>• The National Commission maintains a regular schedule and meets every three months.</li> <li>• Basic humanitarian assistance timely distributed for newly recognized refugees and asylum seekers for a limited period.</li> <li>• Joint plan of action developed and implemented to support activities in border areas (state entities, NGO's, UN system and others).</li> <li>• A fully operational ONPAR presence is ensured in border areas and operates in close coordination with the UNHCR office.</li> <li>• Documentation and regularization implemented for persons under THP.</li> <li>• Colombians at the border with strong family links to Panamanians are granted migratory status by the government.</li> <li>• Residence Permits issued by Government to long term urban caseload.</li> <li>• Network with local business community established.</li> <li>• Skills profile of refugee population</li> </ul>

<p>job opportunities.</p> <ul style="list-style-type: none"><li>• QIPs implemented in border areas and refugee-hosting communities consolidated.</li></ul>	<p>developed and regularly updated.</p> <ul style="list-style-type: none"><li>• Capacity-building and training programmes continue.</li><li>• Credit and rotating funds mechanisms implemented.</li><li>• Refugees fully manage and operate the income-generating projects</li><li>• Living conditions of persons of concern and of host-communities improved.</li></ul>
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