Enhancing International Refugee Protection in Latin America:
The Mexico Plan of Action

March 2005
I. Background

November 2004 marked the 20th anniversary of the Cartagena Declaration on Refugees, which was adopted in 1984 by a group of government experts and eminent jurists from Belize, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panamá and Venezuela. The Cartagena Declaration is an instrument which contains a number of important recommendations for the humanitarian treatment of, and attainment of durable solutions for, those in need of protection. More significantly, however, the Declaration broadens the definition of a “refugee”, set out in the 1951 Convention relating to the Status of Refugees, to include those 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.

A commemorative event co-organized by the Norwegian Refugee Council and UNHCR, and co-sponsored by Mexico, the host Government, together with the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights and the Inter-American Institute of Human Rights, took place in Mexico D.F. on 15 and 16 November 2004. More than just a commemoration of the Cartagena Declaration, four preparatory sub-regional meetings were held during the period of mid-August to early October in Brazil, Colombia and Costa Rica with the participation of 18 Latin American States (governments and Ombudsmen), experts and over 100 NGOs and/or representatives of the civil society to yield consensus on the main challenges confronting refugee protection in Latin America and on the humanitarian responses to the effects of the situation in Colombia on neighbouring and other countries. The meetings provided useful suggestions on how to improve refugee protection in Latin America and forge creative and pragmatic solutions with States, international organizations and civil society, with the support of donors, as reflected in the Declaration and the Mexico Plan of Action adopted at the commemorative event.

II. The Mexico Plan of Action

The 20th anniversary offered an opportunity to reaffirm the relevance, endurance and validity of the Cartagena Declaration on Refugees as a Latin American instrument of international standing, and to launch a process aimed at implementing the Agenda for Protection and Convention Plus initiatives in Latin America. Based on the conclusions and recommendations of the subregional preparatory meetings, the Declaration and the Mexico Plan of Action aims to:

- recognize Latin America’s contribution, including through the Cartagena Declaration, to further developing and consolidating international refugee law, emphasizing the link between refugee protection and human rights;
- identify activities to improve the ability of States to provide more effective protection – within the framework of international refugee law, international human rights law and international humanitarian law – to asylum-seekers, refugees, IDPs and others in need of protection;
- encourage closer cooperation among States and political willingness in the region to respond more effectively to the Colombian refugee crisis in the “spirit of Cartagena”;
- encourage closer cooperation among States in finding durable solutions for refugee problems confronting the region, such as refugees’ self-sufficiency, local integration and resettlement. To address this problem, a regional approach will be adopted, premised on a south-south cooperation, with the acknowledgement that, in the case of Colombia, the underlying causes of forced displacement have yet to be resolved;
- increase the participation of civil society actors in refugee protection in Latin America;
launch a process, through the adopted plan of action, which encourages States in the region to quantify the financial and technical requirements needed to achieve the previously mentioned goals; and

increase the awareness of the humanitarian and development aid community to the main challenges confronting refugee protection in Latin America and the effects of the situation in Colombia on neighbouring and other countries.

The Mexico Plan of Action comprises activities at the country or regional level which promote international protection and durable solutions in the region.

III. Activities for 2005 (Please see details in Annex I)

Protection

UNHCR will aim to ensure refugees’ right to seek and enjoy protection, by building the capacity of Latin American refugee decision makers, judges, Ombudsmen, NGOs and refugees themselves through the following activities:

I. Research and Doctrinal Development

- Legal Research Series on International Refugee Protection in Latin America;
- Handbook on Procedures and Criteria for Determining Refugee Status under the Cartagena Refugee Definition; and

II. Training and Institutional Building

- Latin-American Training Programme on International Refugee Protection;
- Programme for Enhancing the Capacity of National Refugee Commissions; and
- Programme for Reinforcing National and Regional Protection Networks.

Durable Solutions

Durable solutions need to be found for an increasing number of refugees trying to achieve self-sufficiency in main urban centers such as Bogotá, Buenos Aires, Mexico D.F, Panama City, Quito, Rio de Janeiro, San Jose, Santiago and Sao Paulo, and for a large number of Colombians who remain invisible in the border areas of Ecuador, Panamá and Venezuela, and who are in need of protection through the following activities:

I. Self-Sufficiency and Local Integration “Ciudades Solidarias”

Scope: Pilot projects in selected urban centers of Latin America.

Target population: Primarily refugee women heads of household.

Objective: Achieve self-sufficiency for a number of refugees within a set time frame, through local integration activities, and exchanges of experiences between cities hosting refugees.

Main Activities: Vocational training, micro-credit, access to basic services provided by local authorities, counseling and support provided by local protection networks.

Criteria: Refugees, asylum-seekers and local host communities.
International Cooperation: Primarily financial contributions, but also technical cooperation (twinning projects and other types of arrangements).

II. Comprehensive Programme “Fronteras Solidarias”

Scope: Border areas of Colombia, Ecuador, Panamá and Venezuela.

Target Population: Colombians in need of international protection and humanitarian assistance, as well as host communities.

Objective: Provide Colombians in border areas with documentation and access to basic assistance and services, and use UNHCR’s catalytic role to bring development cooperation to these destitute areas.

Main activities: Implement a community-based approach in projects, registration, documentation projects, quick impact projects, and collaboration with a range of actors, including development agencies.

Criteria: People determined to be in need of and deserving protection, and local communities hosting significant numbers of Colombian refugees

International Cooperation: Financial contributions and cooperation schemes with development partners, authorities and civil society.

III. Regional Programme “Reasentatmiento Solidario”

Scope: Resettlement programme for Latin American refugees. It will include the participation of the current emerging resettlement countries in the region (Brazil and Chile), and will be open for the involvement of new resettlement countries from Latin America.

Target population: Priority will be given to Colombian refugees (both Convention and Cartagena) in countries of first asylum of Latin America, such as Costa Rica, Ecuador, Panamá and Venezuela.

Objective: Under the principles of regional solidarity and responsibility-sharing, the programme will ease the burden on those Latin American countries receiving large number of refugees.

Main activities: In light of the circumstances surrounding Latin America, this resettlement programme cannot be organized in the same manner as resettlement programmes in traditional resettlement countries. Refugees selected for resettlement should to the extent possible receive the same benefits as spontaneous arrivals in countries of resettlement, to avoid double standards between refugees, as well as to avoid any tensions arising between nationals and refugees, from refugees receiving assistance which is not available for nationals.

Criteria: Clear criteria for the selection of beneficiaries, under the principle of voluntariness. This should include, among others, family links and protection reasons.

International Cooperation: Primarily financial contributions, but also technical cooperation (twinning projects and other types of arrangements).

IV. Financial Requirements (USD) – Please see Annex I for details.

Total: 18,642,100
## Mexico Plan of Action

<table>
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<tr>
<th>Country</th>
<th>Objectives related to Mexico Action Plan</th>
<th>Annual Programme Budget Activities</th>
<th>2005 Total Revised AB Budget (in USD)</th>
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| Argentina| Research and Doctrinal Development       | -Further assist refugees in understanding better their rights in the country through information booklets, videos and posters on rights and obligations for asylum-seekers and refugees.  
-Further undertake public information and public awareness activities to support the protection and the integration of refugees in Southern South America, as well as for World Refugee Day.  
-Strengthen National Refugee Commissions in the region by providing them with technical advice and financial resources which will enhance the RSD process.  
-In the context of Mercosur, harmonize legal frameworks and implement refugee policies in line with international refugee law.  
-Train border officials on RSD and eligibility mechanisms in coordination with local implementing partners in Argentina, Bolivia, Chile, and Uruguay to further strengthen the protection networks.  
-Organize/coordinate regional trainings on refugee issues with the Regional Legal Unit in Costa Rica.  
-Increase local integration opportunities for refugees through micro-credit activities and job placement schemes.  
-In 2005, support will be given to the possible resettlement of 100 persons in Chile.  
-Create a video for future pilot resettlement in Argentina which will orient future candidates for resettlement on the cultural, political, economical, social, and geographical aspects of the country. | 799,114                               |
| Brazil   | Research and Doctrinal Development       | -Produce publications with local partners on refugee issues in Brazil.  
-Translate international instruments on protection, Guidelines for RSD, and other relevant documents in Portuguese.                                                                                                                                                                                                                                                                         | 1,342,025                              |
## Annex I

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<tr>
<th>Country</th>
<th>Training and Institutional Building</th>
<th>Activities</th>
<th>Cost</th>
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| **Colombia** | **Ciudades Solidarias** | -Promote research on refugee protection issues through the Sergio Vieira de Melo Chair.  
-Enhance border monitoring in Brazil through seminars on refugee law for border officials.  
-Support micro-credit initiatives with solidarity municipalities, solidarity citizens, schools, universities, journalists, companies, and public personalities.  
-Undertake resettlement, including 50 women-at-risk.  
-Provide similar assistance to resettled refugees as other refugees in the country.  
-Support civil society initiatives to promote IDPs’ access/rights to housing.  
-Enhance the national network of Legal Aid Centers which will provide IDPs with legal assistance in violation of human, civil, political and economic rights, and claims of properties, private matters and family law.  
-Train migration officials on refugee law.  
-Revise legislation on refugees.  
-Open a UN house in Altos de Cazucá to strengthen national protection mechanisms, increase coordination with civil society and the UN system, promote durable solutions for IDPs in urban areas, and increase visibility on the humanitarian crisis in the country.  
-Monitor/evaluate IDP policy, including return, IDP protection, documentation, and land and property rights. | 7,131,687 |
| **Costa Rica** | **Ciudades Solidarias** | -Increase public awareness on refugee issues through information campaigns.  
-Further assist refugees in understanding better their rights in the country through refugee rights pamphlets.  
-Enhance the institutional planning of the Refugee Department, in regards to refugee protection and their socio-economic needs.  
-Contribute to the UN common system efforts to facilitate a more cohesive national policy on immigration, which will result in better protection for refugees.  
-Assist in the self-sufficiency of refugees by enhancing employment and income-generating opportunities. Staff and material resources will be needed for the Ministry of Labour/Labour Insertion Unit in order to provide the attention needed to refugee job seekers and prospective employers. Micro credits will also be established for selected projects.  
-Activities including child care, house repair, community transport, and parks, will be | 1,648,163 |
### Annex I

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<thead>
<tr>
<th>Country</th>
<th>Program Area</th>
<th>Activities</th>
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<tr>
<td><strong>Ecuador</strong></td>
<td>Reasentamiento Solidario</td>
<td>initiated in two to three principal urban centers to promote refugee self-reliance. -Technical and vocational training will be provided to refugees in order to prepare them for the local labour market. -Ensure the physical, legal and socio-economic protection of urgent resettlement cases (women-at-risk, survivors of torture etc) through pre-departure support.</td>
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<td>Research and Doctrinal Development Training and Institutional Building</td>
<td>Ciudades Solidarias</td>
<td>-In order to enhance the access of persons in need of international protection to asylum, improve the refugee database at the Ministry of Foreign Affairs. -Train local authorities on refugee law. -Strengthen Ministry of Foreign Affairs presence in Cuenca, and UNHCR presence in Sucumbios and Ibarra in order to increase and improve the access of persons in need of international protection to the territory and to RSD procedures. -For vulnerable women and unaccompanied minors in Lago Agrio and Quito, UNHCR will provide legal protection, shelter, education and vocational training and engage the women in productive activities. -To further the local integration and self reliance of people of concern, UNHCR will establish micro-credit schemes and quick impact projects in health, education, community services sectors etc, and provide information to refugees on job opportunities, as well as facilitate their access to employment in major urban centers. -Undertake an awareness campaign in the border provinces, Cuenca and Quito to increase public awareness on refugee issues. -Assess the situation of asylum-seekers and recognized refugees in border provinces, Cuenca, Quito and Santo Domingo de los Colorados, in order to better meet their needs (gender and age, health, education, labour and income). -Ensure the physical, legal and socio-economic protection of urgent resettlement cases (women-at-risk, survivors of torture etc) through pre-departure support.</td>
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<td>Fronteras Solidarias</td>
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<td><strong>Mexico</strong></td>
<td>Training and Institutional Building</td>
<td>-Undertake an in-depth study of current protection networks in the subregion (composition of networks, modalities of cooperation, contact with/impact on persons of concern to UNHCR, best and worst practices, resource constraints, training needs etc) in order to address weaknesses. -The Colegio Norte will carry out a study on the impact of migration control measures on undocumented asylum-seekers to reinforce the protection networks in the northern and southern borders of Mexico.</td>
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### Annex I

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<th>Region</th>
<th>Activity</th>
<th>Budget</th>
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| Ciudades Solidarias | - The Colegio de la Frontera Sur will carry out a study on the trafficking of persons in the southern border to obtain a better knowledge of the impact of restrictive migration measures on asylum-seekers at the northern and southern border of Mexico.  
- Conduct a diagnostic assessment of current RSD practices in the region covered by the UNHCR office in Mexico, in order to determine the functioning level of each system, the practices of each RSD committee or of the adjudicator’s official, and to identify areas where there is a need for technical and/or financial support to allow for the proper functioning of the procedure.  
- Develop the role of the Comisión Mexicana de Ayuda a Refugiados (COMAR) as a regional resource on RSD. UNHCR will support COMAR to provide technical assistance on RSD to government officials from the region, or in other countries in Latin America.  
- To further the local integration and self reliance of people of concern, UNHCR will establish micro-credit schemes for beneficiaries. | 721,777      |
| Panamá | Training migration, police officers, la Oficina Nacional para la Atención a los Refugiados (ONPAR), and the National Refugee Commission on refugee law.  
- To further the local integration and self reliance of newly arrived refugees in Panama city, UNHCR will support micro-credit schemes, vocational training and provide information to refugees on job opportunities.  
- To increase the self-sufficiency of refugees in border communities, as well as provide further support to refugee hosting communities, UNHCR will implement quick impact projects on health, sanitation and education, micro-credit schemes and improve the community-based infrastructure in refugee hosting communities.  
- Regularize the status of individuals under Temporary Humanitarian Protection, in order to facilitate their integration in the receiving communities. | 721,777      |
| Regional Legal Unit | To reinforce the legal framework for refugee protection in Latin America, publish the English memoir of the commemoration of the 20th anniversary of the Cartagena Declaration on Refugees (1000 copies).  
- Hire three consultants to draft the Handbook on Procedures and Criteria for the Application of the Cartagena refugee definition, as well as the glossary on the concepts and legal terminology of international refugee law.  
- Upgrade the Spanish website in order to increase visibility on refugee issues, and to | 130,000      |
| Training and Institutional Building | further disseminate international refugee law in the Americas.  
- Enhance refugee protection through advocacy and legal support to the political and human rights organs of the Inter-American system (IAS). Mainstream refugee issues into all the reporting mechanisms of these organs.  
- Provide training on international refugee law and human rights to the organs in the IAS in San José, Costa Rica.  
- Provide legal support to The Center for Justice & International Law (CEJIL) in documenting and referring cases related to asylum and refugee issues before the human rights organ of the IAS.  
- Provide training on refugee law to respective eligibility commissions |  
| **Venezuela** | - Set up micro-credit schemes and income-generating projects in education, agriculture, and health for refugees and asylum seekers in Caracas.  
- Strengthen the registration system in health centres and hospitals in Apure, Tachira and Zulia in order to ensure that all children born in Venezuela have received the Venezuelan nationality.  
- Coordinate with UNICEF to expand its registration programme for children, and help the agency set up six registration units in Tachira (Tachira child protection system).  
- Work in coordination with UNICEF on its awareness campaign on children and adolescent rights. | 1,655,449 |
| **TOTAL** | | 18,642,100 |

1 This amount includes staff and administrative costs, a re-alignment of the approved budget and an additional allocation of USD 1 m. from OR I. In addition to the above, there will also be additional activities in line with the Mexico Plan of Action. Details will be shared in due course.