

FRONTIERS OF IDENTITY: TRANSNATIONAL DISPLACEMENT,  
CLANDESTINITY AND CONFLICT IN THE ECUADORIAN-COLOMBIAN  
BORDERLANDS AND INNER CITIES IN ECUADOR

by

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of  
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Frontiers of Identity: Transnational Displacement, Clandestinity and Conflict in the  
Ecuadorian-Colombian Borderlands and Inner Cities in Ecuador

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## **DEDICATION**

To refugees around the world, whose journeys of courage and resistance stand as examples of hope and resilience for the whole of humanity. May this research serve, even in small measure, to pave your way towards achieving justice, reconciliation and peace in your lives and communities. I hope I have done justice to your voices

And

To my incredible family, who stand by my side in every moment of my life. To my loving husband Mac, for his care, patience, solidarity and love throughout the years and to my lovely daughter Nina Rafaella, who was born almost at the same time that this research began. Without your help my angel, I would probably have finished this dissertation two years ago... yet the path would not have been as enjoyable as it was!

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from their views, efforts and commitment to advancing the field of Conflict Analysis and Resolution in the Latin American Region. Chris, it has been really an honor and privilege to work with and learn from you.

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To my family in Ecuador and in the United States, but especially to my parents Manuel and Ruth who always stood by my side unconditionally in all the projects and decisions in my life. This is also your achievement and a testament to all the hard work and efforts that you devoted to me.

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To my dearest friends, Ana Maria Vicuña, Harbey Peña and Upulee Dasanayake, it was a truly a blessing to count with your support during the different stages of this process. To my dear friends and colleagues Maneshka Eliatamby and Yves-Renée Jennings, who besides continuously encouraging me during this whole research, also set the bar very high with their own academic achievements. Now we share the “academic sisterhood” besides that of being women dedicated to achieving social justice and peace around the world.

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like yours and mine. It is only if these stories are told and kept in our collective memory, that perhaps they will be valued and transformed into the seeds of a more just world.

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## LIST OF ABBREVIATIONS

Association of Colombian Entrepreneurs Residing Abroad .....	ACEREX
Association of Colombian Refugees in Ecuador .....	ARCOE
Association of Colombian Refugees .....	ASOREC
Association of Colombian Refugees Abroad.....	ASOREX
Conflict Analysis and Resolution .....	CAR
Center of Studies of Population and Social Development.....	CEPAR
Center of Social Research of the Millennium .....	CISMIL
Consultancy for Human Rights and Displacement .....	CODHES
National Liberation Army (Colombia) .....	ELN
Revolutionary Armed Forces of Colombia – People’s Army.....	FARC-EP
Environment and Society Foundation.....	FAS
National Federation of Organizations of Colombian Refugees in Ecuador .....	FENARE
Ecuadorian Populorum Progressio Fund .....	FEPP
Latin American Faculty of Social Sciences .....	FLACSO
Gross Domestic Product .....	GDP
General Directorate of Refugees (Ecuador) .....	GDR
George Mason University .....	GMU
Hebrew Immigrant Aid Society .....	HIAS
International Displacement Monitory Center .....	IDMC
Internally Displaced Person .....	IDP
Ecuadorian Social Security Institute .....	IESS
International Organization for Migration.....	IOM
Jesuit Refugee Service .....	JRS
Movement of Victims of State Crime (Colombia) .....	MOVICE
Non-Governmental Organization.....	NGO
Organization of American States .....	OAS
Office of the High Commissioner for Human Rights .....	OHCHR
International Observatory for Peace .....	OIPAZ
National Development Plan (Colombia).....	PDN
National Territorial Consolidation Plan (Colombia) .....	PNCT
School for Conflict Analysis and Resolution.....	SCAR
Sexual and Gender Based Violence .....	SGBV
Integrated System of Social Indicators of Ecuador.....	SIISE
United Nations .....	UN
Union of South American Nations.....	UNASUR
United Nations Children’s Fund .....	UNICEF

United Nations High Commission for Refugees .....	UNHCR
United States .....	US
US Dollar .....	USD
United States Institute of Peace .....	USIP

## **ABSTRACT**

### **FRONTIERS OF IDENTITY: TRANSNATIONAL DISPLACEMENT, CLANDESTINITY AND CONFLICT IN THE ECUADORIAN-COLOMBIAN BORDELANDS AND INNER CITIES IN ECUADOR**

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Dissertation Director: Dr. Mark Goodale

The arrival of approximately 300,000 thousand Colombian refugees in Ecuador during the last two decades has introduced several changes in the country's economic, political, social and cultural landscape. Displaced by the magnitude and ferocity of the Colombian conflict, refugees encounter a multiplicity of challenges upon their arrival in the country, from deep suspicion to fierce discrimination and xenophobia, and they struggle to reconstruct their lives in the middle of adversity. In this context, strategies to integrate refugees into local communities (sponsored mainly by the Ecuadorian government and the United Nations High Commissioner for Refugees – UNHCR) have encountered several challenges, since the majority of the population fear that the massive violence present in Colombia can be imported into their communities via the presence of refugees.

With an in-depth approach grounded in rigorous field work, this dissertation presents the different paths that refugees undertake in their journey for survival and in their attempts to reinvent and reinsert themselves in their host communities. It explores the question of how “forced migration” due to violent conflict shapes the construction of identities of Colombian refugees living in Ecuador, as well as how these processes are affected by the particular relationships that Colombian refugees establish with the members of their host communities, with the Ecuadorian state and with the international relief organizations in charge of their protection. In this sense, a critical exploration of the unequal, differential and contesting processes in which refugees are immersed, or by which refugees come to challenge many of the State’s and society’s exclusionary practices, constitutes a central part of this research.

Nevertheless, this research is above all an attempt to understand the situation of Colombian refugees in Ecuador from the refugees’ perspectives. Their lives, touched by long-lasting violence and displacement, have led me to explore the diverse and complex interactions and the diverse processes of shaping and re-shaping of their identities, as strategies adopted to respond to structural violence, discrimination and conflict. In this context, particular attention should be paid to the relationship established between refugees and the State and its regulations on refuge. Refugee Law and its application have led to the creation of a complex taxonomy of refugees (“solicitant”, “denied” and “appellant”, among others) that, instead of providing relief from their many tribulations, has ended up invisibilizing the majority of refugees, thereby contributing to deepening their initial vulnerability even further.

The challenges faced by refugees do not end with the “recognition” of their status as refugees. On the contrary, this is the beginning of a long-term journey to reach economic security, social integration with local communities, the fulfillment of their rights and eventually, political recognition as a contesting strategy to fight back marginality and exclusion.



## CHAPTER ONE: INTRODUCTION

When I met Teresa (one of the few survivors of one of the worst paramilitary massacres of El Aro, Antioquia at the end of the 90s), she had already being displaced twice. After wandering from place to place in Colombia, she had finally settled down in Ecuador 10 years ago. She had decided to leave her home town after witnessing the assassination of her husband and brother, in order to “*delete everybody and everything from her life,*” because she wanted “*a life with no memory.*”<sup>1</sup> She had come to Ecuador to seek a new beginning in a place where nobody knew about what had happened, a place without friends or family or neighbors, a place without a past. In her words: “*I want to be re-born in a place that I choose as my home, where I can pretend to be who I am not...*” (Interview # AS02)

This story is emblematic of thousands of stories told by refugees fleeing the raw violence imposed on civilians by “legal and illegal armed groups” in Colombia. Nevertheless, what captured my attention was the pragmatism with which Teresa

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<sup>1</sup> All the extracts of interviews and testimonies presented in this research were gathered in Spanish during my field work in different parts of Ecuador and Colombia. Due to the sensitivity of the information provided and to protect the identity of my interlocutors, I chose to translate them into English by myself, without help of any translator services. In this sense, I assumed completely my responsibility for any imperfection in the text. In addition, pseudonyms are used throughout these pages to protect the identity of my interlocutors.

interpreted her past and her understanding of her reality in Ecuador. When she arrived in the country, she considered applying for a refugee visa, however her remembrances of the terror and atrocity she had lived through, combined with the impunity of the judiciary system, led her to opt for living in the “safe space” of clandestinity. In this sense, Teresa’s existence, just like that of many Colombian refugees that I met in the course of this research, could also be understood as non-existence, a sort of generalized invisibility to the system (of international rights that are supposed to protect them) and to the nation state. This non-existence is mediated through minimum contact with Ecuadorian neighbors, and living without identification documents, with minimum rights and duties, with no sense of community or belonging, and with no possibility of receiving any type of reparations (not even those that Teresa’s old neighbors from El Aro received under the 2005 Peace and Justice Law). Informality marks their way of living in many ways, from the limited range of economic activities they can engage in to survive every day, to the restricted social networks they form, to the dearth of political and practical rights and representation that they can claim. The informality turns people like Teresa into social chameleons, living as invisibly as possible to prevent a new victimization.

As Luis, a communal leader in his native Colombia who fled the violence in his country in 2002, states:

*“I have experienced displacement first-hand, that pain of abandoning forever everything that one has built; that fear that at any time those who threatened you... find you and kill you; that anguish of not knowing where one is going... I have always thought that being a refugee is like being dead while alive”*

(Interview # AS03).

Therefore, this research is about deepening the understanding on how forced displacement due to violent conflict contributes to shaping and re-shaping people's identities, in this particular case those of Colombian refugees living in Ecuador. In order to achieve this goal, I chose to develop an ethnographic approach to the relationships and processes undergone by Colombian refugees, their encounters with the nation-state, with international organizations (such as UNHCR, IOM and HIAS, among others) and with members of host communities with whom they interact and negotiate in their everyday life.

This introductory chapter presents a general overview of the geographic areas visited during the course of my research (borderlands and inner cities within Ecuador), as well as a brief description of the historical, social and economic aspects that converge in these areas and the social actors and the type of relationships that they established. It also examines the main causes of forced displacement (violence, public policies, legal and illegal armed actors, etc.) and introduces the reader to the refugee phenomenon in Ecuadorian territory (who they are, what they do, where they are).

### **General Overview of the Area**

The 685 kilometers of the Colombian-Ecuadorian border considered one of the most troubled frontiers in Latin America, has experienced multiple transformations during the last two decades. My first memories of the border come from a short visit with my family to Rumichaca (the main crossing-point between Colombia and Ecuador) more

than 25 years ago. We came across the typical Andean landscape of adobe homes, peasants trading their cattle and crops, informal sellers trying to take advantage of currency exchanges, and an old police post in charge of registering visitors. The only document that we needed to present in order to cross the border was our national ID card; no visa or passport was required.

The situation is very different today. Although intense commerce across the border still constitutes a major source of economic income for the region, it has been subjected to numerous regulations and restrictions due to the intensification in the trafficking of illegal products (such as arms and drugs) that have motivated the development of alternative routes for smuggling<sup>2</sup>. Farmers and peasants are moreover more cautious about trading their products in the border areas because of the fear of being spotted by illegal actors and therefore, being subjected to extortion<sup>3</sup>. The old police post has been replaced by a concrete structure that houses military, police and customs personnel. Although a passport and visa are not yet required, there have been periods during which the Ecuadorian Government has required all Colombians entering into Ecuador to present a legalized police record, clearly violating the Andean Community of Nations' regulations on free human mobility for the inhabitants of the country members within the region. This is just one of several security measures taken by the Ecuadorian

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<sup>2</sup> A remarkable example is the case of natural gas tanks that receive the subsidy by the Ecuadorian government and that are smuggled into Colombia and sold for 4 times their price.

<sup>3</sup> The so called “*vacunas*” or “revolutionary taxes” constitute illegal forms of taxation imposed to farm owners, businessmen, and peasants by armed actors in exchange for protection of their families and goods. For more detailed information on how *vacunas* work, please refer to: Peñuela, María and Olga Fuentes. 2007. *Guerra y Desplazamiento en las Fronteras: Estudios de Caso*. Bogota: CODHES.

government over the years to “secure” the border. Other measures include militarization of border towns, closing of main cross points at night (for vehicles and pedestrians) and the tightening of the requirements to be considered as a refugee by the Ecuadorian state, among others.

But how feasible is it to “secure” a border that crosses hundreds of miles of jungles and forests in at least three different geographic zones? The Pacific Ocean on the West marks the beginning of the borderline that separates the Colombian department of Nariño from the Ecuadorian provinces of Esmeraldas (in the Coastal region) and Carchi (in the Andean Region). The borderline continues through the Andes and descends into the Amazon, between the Ecuadorian province of Sucumbíos and the Colombian department of Putumayo.

The extremely challenging border terrain, especially in areas such as Esmeraldas and Sucumbíos (mostly covered by rainforest), makes the task of “securing” the border a nightmare for the Ecuadorian government. Along the borderline, there are two main crossing-points that link the two countries: the international bridge of Rumichaca that connects Carchi and Nariño and the international bridge over the San Miguel River, connecting Sucumbíos with Putumayo. Nevertheless, there are hundreds of illegal routes across the border that are used by locals and visitors to evade the authorities and to transport goods and people to the other side. Among the main products that are smuggled into Colombia are natural gas (which prize is subsidized by the Ecuadorian government for local consumption), some chemical substances used for processing of cocaine (such as gasoline, kerosene, ammonia, sulfuric acid, etc.) and arms and munitions used by

guerrilla groups (Bonilla and Moreano, 2010). In addition, networks for human trafficking (especially of women) have multiplied their presence during the last decade (Rivera and Pontón, 2011).

In terms of armed actors in the region, Ecuador has deployed approximately 8000 troops and 3500 policemen while Colombia has 2700 troops and has indicated that it intends to double this number by 2013. The difference in the number of troops deployed by each government will be further analyzed since it is one of the sources of conflict between the two countries. In addition, there are two guerrilla fronts of the *Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP)* operating in the borderlands (*Front 48* in Putumayo and *Front 29* in Nariño) as well as smaller factions of the *National Liberation Army (ELN)* and new illegal armed groups formed by demobilized paramilitaries (such as the *Aguilas Negras*), especially in Nariño.<sup>4</sup> Besides the presence of armed actors in both sides of the border, the implementation of Plan Patriota since 2004 in Southern Colombia also brought not only the militarization of these areas traditionally under guerrilla control but also ended up pressing the combatants towards the borderline obliging the Ecuadorian government to increase the number of troops on its territory to prevent spillovers of violence. A detailed map of borderlands and actors can be found in Annex II.

The Ecuadorian side of the border is populated mainly by “mestizo” communities that settled in these isolated territories in the 1970s as the result of an agrarian reform that

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<sup>4</sup> Please see: Ministry of Security, Ecuador. 2009. *Report on the Northern Border*. Quito. Accessed September 19, 2012 <http://www.seguridad.gob.ec/>

promoted the redistribution of land in the country. In addition, various indigenous nationalities such as the Cofán, Siona, Secoya and Awa, live in ancestral territories that extend across the borderline. Moreover, there are Afro-descendant communities in the coastal province of Esmeraldas that are mainly dedicated to small-scale farming, hunting, fishing, mining and trade. The Colombian side of the border has a similar ethnic composition with mestizo communities populating border towns and indigenous groups (such as Awa, Bora, Cofán and Siona) and afro-descendants mainly in the Tumaco and Putumayo areas. However, the dynamics of war and violence played on the Colombian side of the border forced these groups into crude violence, persecution, displacement and loss of their ancestral lands to the hands of the legal and illegal armed groups<sup>5</sup>.

All of the above are key elements of the severe transformation that has taken place in the Ecuadorian borderlands, which are now deeply marked by a strong militarization; by huge flows of money coming from underground economies linked to arms and drug trafficking and to the re-supplying of illegal armed groups on the Colombian side; by an increase in kidnappings and other human rights violations, and by an increase in the patterns of transnational displacement as a result of the conflict in Colombia. This chaotic context is where local communities and refugees engage in their daily lives, often negotiating their national, ethnic and individual identities in a complex network of interconnectedness with authorities, community members and NGOs

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<sup>5</sup> In February 2009, 17 Awá were killed when an armed group attacked civilians following the arrival of Colombian army troops in Telembi Tortugaña, one of the most isolated and conflict-ridden parts of the country. Please refer to: “La batalla del pueblo Awa” in *El Espectador*, Bogota. Accessed December 8, 2012 <http://www.elespectador.com/impreso/politica/articulo-333985-batalla-del-pueblo-awa>

personnel.

### **Border Dynamics: Sovereign Policies, the Absence of the State, and Vulnerability in Borderlands**

Borderlands have usually been considered peripheral spaces in which the presence of the State is almost inexistent. This was essentially true for a long time in the case of the Colombian-Ecuadorian border, until the Uribe Administration (2002-2010), in its quest to end illegal armed groups operating in Colombia (and their links to drug trafficking), consolidated a bi-national initiative known as *Plan Colombia*, drawing on U.S. support for “Democracy, Peace and Economic Prosperity in Colombia”<sup>6</sup>. The plan essentially provided military aid to the Colombian Government for the stated purpose of developing the country through the fight against drug trafficking<sup>7</sup>. There were three main components in the plan: social and economic revitalization, ending the armed conflict and developing an anti-drug strategy. This last component was perhaps the most controversial one, since it included aerial fumigation to eradicate coca crops in different parts of Colombia, including its borderlands. While the Colombian Government had previously emphasized manual techniques to eradicate coca crops, with soldiers slashing and burning cultivations, during the Uribe Administration it came to rely heavily on aerial fumigations using a cocktail of pesticides which are widely recognized to exceed

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<sup>6</sup> The full text of the agreement, which started in 2000, is available at the website of the United States Institute of Peace (USIP). Accessed July 01, 2012  
[http://www.usip.org/files/plan\\_colombia\\_101999.pdf](http://www.usip.org/files/plan_colombia_101999.pdf)

<sup>7</sup> To date, the U.S government has spent more than US\$5 billion on the plan during the last decade, with mixed findings regarding its success and efficiency. Marsh (2004) and Edwards (2004) present partial evaluations of the activities carried out by the Plan Colombia and its effectiveness as an anti-drug strategy.



international standards for toxicity<sup>8</sup>.

The implementation of *Plan Colombia* and later *Plan Patriota*<sup>9</sup> had a significant impact on the patterns of displacement and refuge in the region, since the aerial fumigation was combined with an increased militarization of borderlands that led to human rights abuses and violence in historically and culturally interconnected borderland communities.

It is relevant to highlight that the forces that impelled forced displacement and refuge in this region not only emerged as inevitable consequences of the internal conflict in Colombia (with its massacres, forced recruitments, death threats, kidnappings and torture) but also, from sovereign policies and decisions that relegated and abandoned these communities for decades (leading to generalized poverty, human rights abuses and deep mistrust of others)<sup>10</sup>. This is a very important point that will be addressed in Chapter

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<sup>8</sup> According to Marsh (2004, 12), “the US Environmental Protection Agency has clearly stated that use of the herbicide formulation in Colombia is inconsistent with use of such herbicides in the United States”, especially because of the concentration (four times the recommended standard and 26 times the normal levels applied in US farming) and the way in which it is applied to the coca crops through aerial fumigation. See also: Comisión Científica Ecuatoriana. 2007. *El Sistema de Aspersiones Aéreas del Plan Colombia y sus Impactos sobre el Ecosistema y la Salud en la Frontera Ecuatoriana*. Quito, Ecuador. Accessed September 25, 2012 [http://www.accionecologica.org/index.php?option=com\\_content&task=view&id=800&Itemid=1](http://www.accionecologica.org/index.php?option=com_content&task=view&id=800&Itemid=1)

<sup>9</sup> Plan Patriota is usually considered the military branch of Plan Colombia launched by the Uribe’s Administration as a military campaign that covered the most remote geographic areas in Colombia. More than 700 million dollars have been spend by the US government to consolidate this military strategy which main purpose was to destroy the guerrilla forces and assert control over vast part of territory (especially in the South and East parts of the country) being under FARC control for several decades.

<sup>10</sup> Half of the population in borderland communities, especially in the Ecuadorian provinces of Esmeraldas and Sucumbíos, live with less than 2 dollars a day, their access to education is substantially less than the national average, the availability of beds at

5 when I discuss the issue of structural violence and its impact on the lives of thousands of refugees even before abandoning their lands, right up to the present moment, in which they are trying to reconstruct their lives in Ecuador.

The electoral victory of President Santos in Colombia in 2010 introduced some variations in terms of policy towards the border areas, compared to his predecessor. One of his main proposals for border areas is centered on building cooperation and respect with neighboring countries and on using the National Development Plan to reduce the development gap between the center of the country and peripheral borderland communities.<sup>11</sup> In addition, President Santos has boosted the implementation of the National Territorial Consolidation Plan (PNCT), designed to gain military control over conflict areas and install civilian capabilities for governance and the delivery of public services. These plans have not yet been fully implemented in the Colombian borderlands, not only because the military capacity of the Colombian government in these areas is reduced, but also because the decentralization of funds to redress regional inequality within Colombia via the redistribution of mining and oil royalties requires a constitutional reform that has still not been approved.

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public hospitals correspond to half of that presented by the national average and the rate of infant mortality is the highest in the country. The poverty rate reaches 68.4% (defined by consumption) and in remote areas affected by insecurity, poverty reaches 96%. For more information please refer to: Sistema Integrado de Indicadores Sociales del Ecuador – SIISE. 2005. Online Database. Quito. Accessed on December 12, 2012 <http://www.siise.gob.ec/siiseweb/>

<sup>11</sup> This Plan was approved by the Colombian Congress on June 2011 and outlines a policy framework specifically aimed at closing the gap between the center and the periphery. It comprehends three main areas of interests for borderlands communities: 1) border development, 2) border integration and 3) border security. See: Dirección Nacional de Planificación. 2010. *Plan Nacional De Desarrollo 2010-2014*. Retrieved October 20, 2012 from: <http://www.dnp.gov.co/PND/PND20102014.aspx>.

Thus, borderland communities have switched from being part of an “unruly periphery” marked by state absence for many decades (which allowed FARC and ELN troops to control several municipalities along the border) to becoming the focus of political, military and economic attention from the two national governments and areas of engagement for international actors (such as NGOs, international organizations, the US Government, etc.)<sup>12</sup>.

On the Ecuadorian side, in an effort to contain the negative effects of Plan Colombia in the borderland regions, President Correa launched “Plan Ecuador” in 2007. Its objective is to promote the economic and social development of Ecuadorian borderland communities located in the provinces of Esmeraldas, Carchi and Sucumbíos, as well as to provide assistance to the refugee population that crosses the border<sup>13</sup>.

All these policy frameworks stress the need to consolidate state presence and sovereignty in areas that have been historically marginalized. However, they seem to be

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<sup>12</sup> The Agenda of Plan Ecuador is available at: [www.planecuador.gob.ec](http://www.planecuador.gob.ec) (Accessed October 20, 2012).

<sup>13</sup> Plan Ecuador conceives human security as the result of peace and development. It is based on a platform of action for the Northern border that retains the principle of non-intervention and is aimed, among other things, to strengthen the economy of the border provinces, to improve the quality of life of the population and to address the problems of displacement caused by the Colombian conflict. It also states that due to increased insecurity in the border region, it is necessary to strengthen the Ecuadorian-Colombian Neighborhood and Integration Commission, and adopt measures to eradicate all forms of exclusion, xenophobia and discrimination. Plan Ecuador also highlights the importance of environmental sustainability and the needs and problems of indigenous peoples and Afro descendants in the border provinces (Plan Ecuador 2007, 3). It is worth mentioning that the plan also states the inclusion of human rights and humanitarian assistance and refuge as well as the protection of the national sovereignty and the integrity of the state as one of its main axes. It also guarantees protection against all forms of discrimination and states explicitly that it will refrain from participating in any combined or joint military action with the Colombian government (Plan Ecuador 2007, 13).

insufficient in dealing with transnational actors and dynamics (such as drugs and arms trafficking) that have had partial control of these territories for decades. Weak public institutions, indiscriminate violence against civilians, allegations of corruption, lack of transparency and infiltration of illegal groups in some Colombian municipalities, money laundering and extreme poverty are key components of the local political scenario that has been partially responsible for the displacement of thousands of people inside Colombia and crossing over into Ecuador.

### **Historical Background on Human Mobility**

Colombians have been crossing the border into Ecuador for several decades.

Initially, their visits were business-driven and short-term, motivated by the trade of goods and services that became favorable due to changes in currency exchange rates and competitive advantages (better technology, cheaper labor, subsidies on one side vs. the other, etc.) Over the years, these commercial links were also strengthened by social, cultural and kinship relationships, especially between mestizo members of borderland communities on both sides (close cross-border relations had of course long existed among indigenous peoples whose ancestral lands spanned across the national borderline).

In the mid-90s, violence within Colombia started to intensify in rural areas and the periphery of the country as a result of the significant effort by the Colombian government to secure urban centers. By the early 2000s, the conflict with guerrilla groups had moved mainly into the mountains and far from the cities, towards areas that had been under FARC control for several decades (such as Putumayo, Caquetá, Vaupes and

Guaviare, among others). This change in the scenario of the conflict revealed the presence of multiple associations between drug lords, local politicians and illegal armed groups that kept entire rural populations under their control.

There are numerous drivers behind forced displacement within Colombia and into Ecuador<sup>14</sup>. These include the heavy militarization of certain geographic areas and public policies (such as Plan Colombia); fumigations; the forced recruitment of youth by guerrillas; paramilitaries groups taking control of huge extensions of land; violence against women, kidnappings and extortion by various illegal armed groups; death threats and assassinations based on accusations of collaboration with one of the parties in conflict or on family members belonging to the military or to a rival armed group, or failure to comply with requests from armed actors; and the sheer inability to trade, move or live securely in combat areas.

The majority of refugees that arrive in Ecuador are marked by one of these experiences and their stories reflect their struggle with one or several of the armed actors. This is the case for example of poor peasants living in the margins of the state, who with no alternative source of income started cultivating coca as their main way of subsistence. However, even in those cases in which it was not imposed by armed groups and drug

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<sup>14</sup> The last estimates from the Consultancy for Human Rights and Displacement (CODHES) indicate that there are 5.5 million of displaced people in Colombia by 2011 contrasting this number with the 3.7 million pointed by the Colombian government. As the reader will notice in Chapter 3, the number of refugees in Ecuador is also highly controversial since no agency (governmental or non-governmental) has been able to get complete and reliable information about Colombian refugees living in Ecuador (who they are, what they do, where are they established, etc.). The nature of their displacement and the current circumstances that they face in Ecuador have caused that many of them prefer the safe space of clandestinity as a strategy for survival.

lords, it made the peasants more vulnerable to these illegal actors who enforced their rule, taking control over the peasants' lands and violating many of their rights. Many peasants were forced to abandon their farms and cross the border for extended periods of time in search of a safe haven, although many of them returned to their communities once confrontations ended in order to reclaim their lands. This was the case of many of Colombians arriving during the 90s and early 2000s, especially to the region of Sucumbíos (Ahumada et al. 2004, 59).

In addition, a significant number<sup>15</sup> of urban refugees have fled from cities like Bogotá, Cali, Buenaventura, and Medellín, among others, crossing into Ecuador beyond the borderlands to relocate in inner cities such as Quito, Cuenca, Ibarra, Guayaquil and Santo Domingo. Their forced displacement is typically driven by egregious acts of violence perpetrated by the different armed actors (mainly paramilitaries, gangs, guerrilla, police and army), who have forced people to migrate to other parts of Colombia in the first place, and later (since their persecution continued) into Ecuador.

The number of refugees has increased significantly since 2000 due to different factors, reaching an estimate of 500.000 Colombians<sup>16</sup> living in the country. The

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<sup>15</sup> Please refer to Ortega and Ospina (2012, 13) who study the case of Colombian refugees in Quito and Guayaquil. These authors refer that at least 34% of urban refugees are located in Quito and most of them arrived from the Colombian departments of Cundinamarca, Valle del Cauca and Antioquia. For more details, please see Chart 1.4 from the same study.

<sup>16</sup> As the reader will find in Chapter 4, the exact number of Colombian refugees in Ecuador is very difficult to establish. The conditions that motivated their initial displacement as well as the different realities that they encountered once they crossed the border, turn very difficult to track who they are, where they are and what they do for living. UNHCR (2012) points that more than 500,000 Colombians have entered the

implementation of *Plan Colombia* and *Plan Patriota* and their different components, which intensified violence all over the country, could be considered the most prominent one. Many Colombians who arrived in Ecuador were displaced by the aerial fumigation of coca crops which began in early 2000 and affected thousands of hectares of land along the border and that impoverished hundreds of thousands of peasants even more (since it destroyed indiscriminately not only their coca crops but also coffee, banana and cassava plantations and left their families and animals with health disorders). This could be considered a key factor in promoting the first massive arrival of refugees into Ecuador. Left alone with no economic income and immersed in economic debts with the guerrillas and moneylenders, thousands of farmers had to escape money collectors and violence, deal with health problems due to the use of the aerielly fumigated pesticides and avoid the army, which in many cases accused them of being guerrilla collaborators.

Another factor that greatly increased the number of refugees after the mid-90s was the strong presence of paramilitary groups<sup>17</sup> that set out to secure huge extensions of

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country in the last decade and that remain in Ecuador today under different circumstances.

<sup>17</sup> Paramilitary groups could be considered a byproduct of right wing politicians, landowners and wealthy people in the country who wanted to protect themselves and content the threat of kidnapping, extortion (*vacunas*) and revenge represented by the guerrillas (FARC and ELN). They also became private armies for drug lords in their territorial disputes with the FARC. Their modus operandi focused on persecution of civilians, massacring entire populations and displacing thousands of people accusing them of being guerrilla collaborators. Although 29,000 of them demobilized in 2005 under Uribe's government (through the 975 Peace and Justice Law), there are many still operating and with close links to the narco-traffic that continue to control big extensions of land and manage their criminal network from jail. Many of them have been extradited to the United States; however, there is a sense of impunity for all the atrocities committed for which they have not been held accountable (Human Rights Watch, 2010). In

territory for mining and oil extraction. Lands were also cleared by the paramilitaries to establish large palm, coffee and banana plantations under the control of a few wealthy people (*hacendados*).

The exact number of refugees and “people in need of protection<sup>18</sup>” is unknown. Questions abound with regard to who they are, where they are and what they do. Different institutions refer to different numbers since accurate statistical data about the displaced population are very difficult to construct. The very nature of the refugee experience (surrounded by clandestinity, fear and persecution), added to the complex dynamics of the Colombian conflict (where close links have been exposed between government officials and irregular armed groups, i.e. *la parapolitica*), make it a very challenging task to obtain even the most basic information about the refugee population. Ecuador’s *Dirección General de Refugiados – DGR* (General Directorate of Refugees) mentions a total of 55,639 recognized refugees (98.4 % are Colombians) and 160,252 solicitants as of September 2012<sup>19</sup>. However, other estimates refer to at least 300,000 thousand Colombians living all over the Ecuadorian territory in “*a refugee like situation*”<sup>20</sup>. This is the estimate that I will use in this research, even though the number

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addition, a complete analysis of the consequences of the demobilization from the victim’s perspective could be found at MOVICE (2009).

<sup>18</sup> This is a term that UNHCR in Quito uses to refer to the population of unregistered refugees who have opted not to file for recognition and that remain invisible to the system in a sort of legal limbo.

<sup>19</sup> These are the estimates presented by the Ministry of External Relations, Commerce and Integration of Ecuador (2012) Accessed October 25, 2012

<http://www.mmrree.gob.ec/refugiados/estadisticas/indice.html>

<sup>20</sup> UNHCR Online Database, Accessed July/12/2012 (<http://www.unhcr.org/cgi-bin/texis/vtx/search?page=49e492b66&coi=ECU&scid=49aea93a73&keywords=operations>) See also, Center for International Policy (2009).



of refugees according to some authorities<sup>21</sup> has reached half a million.

As mentioned earlier, most refugees have chosen to remain in clandestinity and have not sought asylum status for fear of being denied refuge (and therefore being expelled from the country), or out of ignorance of their rights or fear of being subjected to persecution by their victimizers who have allegedly also crossed the border. In this sense their vulnerability, which started when they became trapped in conflict in their own country, persists even when they have traveled hundreds of kilometers away from the area in which they were first victimized. Chapter 5 will provide a more detail analysis of the sources of their vulnerability, the challenges they face, their interrelations with host communities, as well as their understanding of reality and how they make sense of the world that surrounds them.

### **Key Terminology**

At this point, it is relevant to mention the parameters that are used to consider a person as refugee according to International Law, which are the same as those that are followed by the Ecuadorian Government to grant or to deny asylum. According to “The 1951 United Nations Convention Relating to the Status of Refugees” commonly known as the Geneva Convention and the subsequent 1967 Protocol, a refugee is:

*“A person who owing to a well-founded fear of being persecuted for reasons of*

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<sup>21</sup> See declarations of the former Ministry of Interior, Gustavo Larrea Albo in February 8, 2007 announcing the initiative to legalize half a million of Colombians living in Ecuador. Accessed November 1, 2012  
<http://www.eluniverso.com/2007/02/09/0001/8/0B5FB4DEF9BA45088C043D17E51D1F15.html>

*race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it..”<sup>22</sup>.*

Therefore, a refugee according to Humanitarian Law is a person who leaves his own country fearing for his life and crosses an international border in search of protection. In the case of Colombia and Ecuador, both countries are signatories of the Geneva Convention as well as other regional mechanisms (such as the 1984 Declaration of Cartagena<sup>23</sup>) that bind them to protect refugees once they enter their territory. It is important to highlight the main (artificial) difference that has been established between a refugee and a person who has been internally displaced (IDP). An IDP, since he has not left his country of origin (basically he has not crossed an international border), is not under international protection and is probably at the mercy of his own state or of

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<sup>22</sup> The 1951 United Nations Convention Relating to the Status of Refugees (July 28, 1951), United Nations Treaty, vol. 189, no. 2545, p. 137 This text was initially meant to protect European refugees after World War II, however, the 1967 Protocol revised the limitations in terms of geographic references and extended the definition so that it became applicable to the whole human population. The full text of the Convention is available at : <http://www2.ohchr.org/english/law/refugees.htm>

<sup>23</sup> The Declaration of Cartagena intended to cover Central America refugees who did not match exactly the definition stated by the Convention and instead, included “*people who fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggressions, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order*” (Declaration of Cartagena, 1984) Accessed October 20, 2012 <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>

armed groups within it who have violated his rights. This distinction between refugees and IDPs is critical to understanding the role of the nation state in the dynamics of inclusion/exclusion that affect these two populations. Many of the Colombians arriving into Ecuador are or have been both, since many of them were already displaced several times within Colombia before arriving into Ecuador (Rivera *et al.* 2007, 73).

Another distinction that is important to highlight is the conceptual difference in concept between refugees and economic migrants. In a strict sense, refugees flee to save their lives while economic migrants do so to improve their economic prospects (Loescher 1991, 6), however, to establish such a clear distinction can be problematic in practice since poverty and violence are often consequences of the political system (structural violence). Marmora (1990) also mentions the importance of the “context” in the expulsion and in the reception of migrants. In the case of forced migration, the generalized violence, fear and insecurity are key elements that intervene in the decision to migrate (“expel context”) while in the case of economic migration, the “context of reception” and its multiple opportunities is what attracts people to migrate.

This taxonomy of migrant people (refugee, IDP, economic migrant) brushes aside the subtleties in their exodus decisions and focuses on creating artificial barriers that often do not help to address the initial vulnerability that forced them to migrate in first place (a critical point that will be explored in Chapter 7).

In this study, I make use of a broader definition of refugee based on the vulnerability that surrounds their life experience rather than based only on the requirements established by the 1951 Convention for the process of granting refugee

status. Refugees in this research include people who have been forced to migrate due to persecution and fear for their lives, whether or not the State grants or denies them asylum. This will include the majority of the refugee population in Ecuador that has not applied for official recognition by the Government as a refugee, as well as those whose applications have been denied. Despite their legal status and as victims of “forced migration”, these are people that are bond by their shared vulnerability independently of having gone through a legal process to prove their status.

### **General Description of the Research**

This research focuses on the processes of identity configuration and re-configuration by Colombian refugees settled in Ecuador and the relationships they establish with local communities, the Ecuadorian State and international organizations working on their protection. The refugees’ arrival into the country has been marked by multiple and diverse reactions to their presence (at the borderlands as well as in inner cities such as Quito and Cuenca), reactions that range from different forms of cooperation and collaboration to violent expressions of discrimination and xenophobia.

Refugees have traditionally been seen as inevitable consequences of conflict, an undesirable burden for many countries that already have to deal with economic, social and political difficulties. This research tries to distance itself from these conceptions and to present a more humanistic approach to the lives of refugees located at the margins of the state and the international system. It focuses on their daily experiences, practices and discourses to present their ideas, their understanding of their current situation and how

they envision an in many ways uncertain future.

Digging deeper into these conceptions implies focusing on the daily encounters between refugees and local actors to acquire a deeper understanding of their challenges as well as of the different possibilities for transforming the way in which they are seen, perceived and treated by members of the host communities, by the Ecuadorian state and, by the international organizations that are responsible for their protection.

Based on the above, the research objectives of this study are threefold: 1) to gain a better understanding of the refugee situation in Ecuador, not only through a description of who they are, what they do and where they are located, but also, getting to know them in their everyday lives and in their interactions with others (at the institutional as well as the personal level); 2) to make their vulnerability more visible to the actors that in many ways contribute to increasing it (i.e. the media, public servants, members of the police, among others); 3) to contribute information that can inspire different actors to consider the formulation of alternatives for integrating refugees into the host communities in peaceful ways

In order to achieve these objectives, this research draws on both theoretical and empirical research to provide insights into ways of dealing with emerging conflict involving locals and foreigners on the basis of their identities. Such a study does not yet exist in the scholarly research and literature in the field of Conflict Resolution, at least for the Latin America region. In addition, this analysis also sheds light on refugee situations in other parts of the world, where gaining a deeper understanding of the refugees' everyday life could be crucial in order to improve their insertion in host contexts,

enhance social inclusion and reduce their vulnerability.

Finally, the implications of this type of study at the national level are significant, since it can inform policy makers and community leaders of the risks and opportunities that they face when dealing with transnational dynamics (such as human mobility) that affect their daily coexistence.

### **Organization of this Research**

This research starts with a general description of the geographic areas, historical context and main factors that cause the displacement of people from Colombia into different places in Ecuador. It also provides the reader with an overview of the main factors that increase the vulnerability of borderland areas and that are also being translated into inner cities within the country. Chapter 2 provides a delineation of the main theoretical paths that have contributed to developing my own understanding of the refugee phenomenon and chapter 3 details the methodology and the field work that are at the core of this research. The presentation of the rationale of the study, the methods for data collection and analysis as well as the ethical considerations that emerged and my own positioning as researcher are further key elements of this chapter.

Once the theoretical and methodological tools are delineated, Chapter 4 (“Land of Refugees”) illustrates the journey of refugees in borderland communities in Ecuador, a paradoxical journey often marked by clandestinity, conflict and discrimination, as well as by cooperation, commercial exchange and solidarity between neighbors. Through this chapter, the reader will be able to understand and compare the refugee dynamics in

border areas and how these differ or resemble what is going on in urban centers within the country. The chapter also analyzes key public policies and international laws on managing the presence of refugees in the country and the role of the State in the exclusion of thousands of refugees from international protection via the denial of refugee status.

Chapter 5, entitled “Ethnographies of Transition”, introduces the reader to the new forms of conflict resulting from the presence of numerous Colombian refugees all over the country. Through the use of Conflict and Political theories, this chapter analyses the “security paradigm” which has served as the main interpretative approach to frame the matter of refuge in Ecuador, as well as the main discourses on violence and discrimination that surround the presence of Colombians in Ecuador and the perceptions of local community members about the refugees’ presences in their neighborhoods and communities. The repercussions in legal, social, economic and individual terms are also presented as are the refugees’ contesting actions.

Chapter 6 explores what I have called the “Pragmatism of Identity”, where the analysis of inter-subjective encounters between refugees, public officials, members of host communities, NGOs’ staff, law enforcers, politicians, journalists, etc. have produced a wide range of strategies and mechanisms that lead to the configuration or re-configuration of refugees’ identities in several ways.

The examination of the international framework of protection and their role in assisting refugees receives an important treatment on chapter 7. It introduces a critical overview of the main international and national organizations that work with refugees and the

rationale behind their interventions and discourses. In addition, this chapter also analyses local efforts (both institutional and non-institutional) to reduce the vulnerability of refugees in Ecuador.

Chapter 8 reports the implications of my findings for the fields of theory and practice, with considerations for international organizations, the Ecuadorian state, host communities and refugees. The chapter closes out this dissertation exploring future lines of research and action that are outlined and presented for future consideration.



## **CHAPTER TWO: THEORETICAL FRAMEWORK**

This chapter presents a general description of the research (its relevance, main goals and objectives) but also concentrates in exposing the process of conceiving this study (where do I stand in terms of an academic discussion on the issue of refuge) as well as the conceptual frameworks used in crafting my own interpretation. An exploration of the research questions as well as a definition of terms and the limitations and the delimitations of this research are also exposed towards the end of this chapter.

### **Conceiving this Study**

This research was conceived as a result of a combination of my academic understanding about refuge and conflict and my empirical experiences in Ecuador with this phenomenon. After my course work was completed, I gathered an important theoretical base to approach conflict from different angles and through several trips to Ecuador I gained a direct exposure to the refugee situation in different places within the country. I developed a particular interest in the path of Colombian refugees crossing the border and settling down in different places within Ecuador, since their experiences reveal interesting contrasts between urban versus rural scenarios.

When I started to examine what, where and why to study Colombian refugees in Ecuador, I found a vast literature and numerous studies on this issue. Some of them

described refugees in quantitative terms (how many, when they arrived, what they do, their age, gender, etc.),<sup>24</sup> while others, focused on issues of protection, legality and the economic impact on the bi-national relationships<sup>25</sup>. However, I could not find reports on the refugees' daily lives, their understanding of their current situation, how they see themselves and the others and how they make sense of the world and the relationships that they establish in their new environment. What does it really mean to live at the border (geographically and symbolically)? How do refugees cope with daily life when they had to flee their homes in the middle of the night and arrive in a place they have never been to? What does clandestinity means for them? What is their relationship with the State and the international community? It became clear for me that in order to answer such questions, a constructivist perspective would be the most suitable approach due to the nature of these inquiries. Such a view places emphasis on multiple components, some of them clearly connected with the core of this research, i.e. the processes of interaction between individuals (inter-subjective encounters), the connection between knowledge

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<sup>24</sup> Please refer to the studies by Rivera et al (2007), FLACSO (2002), Centro de Documentación en Derechos Humanos (2004), Lo (2005) Bilsborrow and CEPAR (2006), among others.

<sup>25</sup> For more information on this point please see: Centro de Documentación en Derechos Humanos (2004) and Servicio Jesuita para Refugiados (2006). In addition, there are numerous studies by Colombian and Ecuadorian academics that analyze the presence of Colombian refugees and immigrants in Ecuador. Rivera et al (2007) and Balda (2008) study the consequences of forced migration of Colombians and their relationship with public policies and social representations. Ramírez (2006), Ahumada *et al.* (2004), Moreano (2005) and Montúfar (2005) have analyzed the effects of the refugee situation on the bilateral relations between Ecuador and Colombia. The international context and legal implications of the refugee situation in Ecuador have been explored by De la Torre (2009), Werner and Cassel (2002), Molina (1995), Villa and Riaño (2008) and Ceballos (2001) who points to the need for a new humanitarian model based on her approach to the Colombian-Ecuadorian case.

and power, the specificity and importance of context and history, among others.

In addition, Malkki (1995) warns us about considering the study of refugees as an absolute category or a well-delimited field of knowledge. Instead, research on forced migration and therefore refugee studies should focus on linking the refugee situation to wider social and cultural practices and processes such as nationalism, human rights, citizenship, configuration of cultural identities, etc. In this sense, my research connects transnational displacement with the configuration and re-configuration of refugees' identities and with processes of development, state making and humanitarianism, so as to gain a deeper understanding of the processes, symbols and practices that surround the presence of refugees in Ecuador.

Taking into account Malkki's insights and the relational perspective mentioned above, I wanted to distance myself from traditional studies of refugees that see them as the inevitable, although, uncomfortable consequences of violent conflict that several countries and the international system have to deal with. The field of International Relations has been a particular niche for the development of such studies. The Realist and Neo Realist perspectives have traditionally seen refugees as one of the drivers of conflict between states. They have often treated refugees as byproducts of inter-state conflict that usually come to distort the relationships between countries, bringing negative consequences to host countries and representing a burden to the international community<sup>26</sup>. This conception of refugees neglects the multiple and diverse facets that the presence of refugees introduces into a country, denying refugees the capacity of

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<sup>26</sup> See the works by Morgenthau (1951), Niebuhr (2002), Walt (1987) and Christensen (1996), among others.

political representation (in formal and informal ways), the construction of alternative forms of citizenship and representation, and the capacity to fight for the recognition of their rights.

In this sense, when analyzing the national scenario, I should recognize that the postulates of constructivist authors (Wendt, 2005 and Kennedy-Pipe, 2000) and critical theorists (such as Cox, 1987) were very helpful in understanding the refugee situation in Ecuador, since they added a social conception to the understanding of the state, one that is based on individuals' ideas and their capacity to interact with the state through different forms, such as social movements, alternative groups, civil society organizations, associations, etc. Instead of focusing only on the states and their struggles for power (as Realists do), these theorists present a conception of the state marked by contradictions and paradoxes between its different components (state institutions and functionaries) that fits better with what I have seen in the relationship between the Ecuadorian state and Colombian refugees.

This research represents a conversation between political theories (Foucault's biopolitics and Agamben's thoughts on the *Homo Sacer*), sociological and anthropological theories (Blumer 1981 and Goffman 1979 and 1990 on inter-subjective encounters and Das and Poole's 2004 understanding of margins), and conflict theories (Galtung's structural violence) on the one hand and experiences gathered in the field through empirical, critical and reflective analysis on the other. In addition, each chapter in this dissertation provides its own review of relevant literature on the issues of: 1) Conflict and Global Ethnography 2) Borders and Borderlands 3) Identity Theories 4)

Refugees and Internationalism. In this sense, my research has been in permanent conversation with these existing dialogues that have informed as well as challenged my assumptions during the course of the research and field work. Nevertheless, the overarching theoretical frameworks mentioned above (Biopolitics and the *Homo Sacer*, Symbolic Interactionism and Structural Violence) connected them and helped me to understand and interpret the shaping and re-shaping of identities among Colombian refugees in Ecuador.

The inclusion of Foucault's biopolitics (1980, 139-143) and his conception of "biopower" (as the capacity of the state to control and also determine the life and death of people) were critical to achieve a comprehensive vision of the nation-state and the multiple ways that it uses to classify, control and regulate populations. For instance, as chapter 4 on borders details, the state's mechanisms to achieve control over the population may be much more evident in border areas, where the presence of checkpoints and cross points, and of military, customs and police personnel is crucial for control, exclusion and maintenance of sovereignty over the country's territory. The same does happen, but in more subtle ways, in inner cities within the country through the establishment of immigration offices and institutions that regulate who can stay and who should leave the Ecuadorian territory (such as the General Directorate of Refugees), and practices such as police raids in public spaces mainly in the capital Quito. It also proved helpful to contrast the biopolitical paradigm with the disciplinary model of governance established by the Ecuadorian government with respect to refugees based on inclusion/exclusion categories strengthened by the idea of a "unified nation-state". These

ideas are explored further in chapter 7 when I refer to the need for a more inclusive framework that integrates all social actors into the political arena and in social life.

My reading of the relationships between Colombian refugees and the Ecuadorian State (and their implications in terms of their identities) is influenced by Das and Poole's ideas on margins (2004). According to these authors, thinking from the margins, not only refers to geographical frontiers (in this case, the Ecuadorian Northern border with Colombia), but also suggests locating ourselves in the practices and discourses that emerge at the margins of the State and that contribute to questioning it in many different ways. How do Colombian refugees perceive and experience the State in their everyday lives, through the legibility/illegibility of the state's practices? How do these encounters shape or reshape their identities? In chapter 6 on "The Pragmatism of Identity", I explain how refugees' encounters with public officials (police, immigration officials, members of the army, judges, etc.) in formal and informal settings are marked by the constant scrutiny of documents (passports, ID cards, refugee card, etc.), endless paperwork and bureaucratic interviewing that lead us to think not only of the biopolitical use of these mechanisms by the state to control the population and its territory, but also Das and Pool (2004) mentioned, of the illegibility of these state practices to the refugee population and the interpretation and practices born out of it.

The addition of Agamben's (1998) thoughts into my text in a certain way radicalizes the reading of refugees in this dissertation by deepening my understanding of the state's power of exclusion linked to the exercise of its sovereignty. Agamben's use of the ancient roman figure of the *Homo Sacer* (sacred man) refers to the idea of a category

of people that (because they are judged to have committed a certain crime) can be killed without the killer being held accountable. Thus, Agamben quoting the words of Pompeius Festus says:

*The sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that "if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide." This is why it is customary for a bad or impure man to be called sacred (1998, 71).*

This idea of people who exist physically but not politically, whose existence is purposely reduced to what Agamben refers to as “bare life”, i.e. an invisible life without rights and political participation, resembles the situation of thousands of undocumented refugees or migrants whose applications for refuge have been denied. They become invisible to the state and the international community, are denied any political participation, exist without rights, and live at the margins of the state and the society. As the laws on the protection of refugees state, refugees are entitled to protection and the exercise of certain rights (such as access to education, health services and jobs, among others), due to the exceptional circumstances that motivate their displacement. However, what happens with those refugees who have been denied asylum or those who prefer not to apply due to fear or lack of awareness of their rights? Their existence is reduced to a bare life, to survival outside of any social contract, to complete vulnerability and invisibility, and to full exposure to any abuse or discrimination.

The power of exception linked to the state's sovereignty works in favor of those recognized refugees but at the same time, it ignores those who did not access to the system of protection in the first place (negative exception). The repercussions of this situation in terms of identity are manifold, as presented in chapter 6.

The second body of theoretical concepts that oriented my research (although not new but still very relevant for our topic) covers refugees encounters with host communities (i.e. not only with the state and international organizations), and addresses the different ways in which these social actors interact. In this sense, I decided to work with the symbolic interactionism conceived by authors such as Blumer (1986) and Goffman (1963 and 1990), who highlight the capacity of social actors to interpret their own social reality and produce meanings out of it, independently of the constraints imposed by social structures. This point is very important since it brings to the table a series of ontological as well as epistemological considerations that have guided my research and that are presented in chapter 3 on Methodology.

Blumer (1986) examines the processes through which social actors attribute meaning to the forces that act upon them and that try to regulate their conduct. In this sense, the production of meaning depends on social interactions and the capacity of individuals to interpret their own reality. It is important to highlight Blumer's ideas in my reading of Colombian refugees, since these ideas prompted me to search beyond structural factors in arriving at an understanding of their current situation in Ecuador, and to take into account refugees' needs, desires, sentiments, objectives, their means of obtaining them and their own images and representations of others, among other elements



that are likely to influence their future lines of action. To understand the path of Colombian refugees one must resort to documenting fragmented scenes of their everyday life, pay attention to their capacity to interpret their encounters with others (thought), examine their adscription of meanings to these interactions, look to the use of symbols (and language) and consider the practices and discourses that emerge in order to make sense of their current situation (1986, 2-45).

Meanwhile, Goffman's (1990) use of a dramaturgical metaphor to analyze everyday life and inter-subjective encounters (as performing acts) proved useful in deepening my understanding of interactions between Colombian refugees and other social actors such as members of host communities, state officials, law enforcers and NGO personnel. Goffman places emphasis on communicative interactions between subjects that are charged with the willingness to model the relationships and to shape their immediate context (1990). This is a critical point that is developed further in chapter 3 on Methodology, where I indicate that I recognized in my interlocutors not only their willingness to model their interactions, but also, their capacity for interpretation of and self-reflection on their everyday experiences.

In addition, Goffman's research on stigma (1963) was also very helpful to understand the way in which Colombian refugees become stigmatized, even though no significant ethnic or physical differences can be seen immediately when compared with Ecuadorians. Both countries have *mestizo* populations who share a common language, religion and colonial history and who have many other elements in common. Nevertheless, Colombian refugees are subject to discrimination not only because of their

position of vulnerability, which is caused by the displacement itself, but also, as Goffman (1963, 2) mentions, because of the clash between their virtual social identities (our assumptions as to what the individuals before us ought to be) and their actual social identities (the category and attributes they could in fact be proved to possess). As Sandra (a Colombian refugee and mother of three children, who arrived in Cuenca seven years ago after two failed attempts at resettling along the border) recounts, she and her three children learned to speak (Spanish) “*the Ecuadorian way*” in order to avoid discrimination, e.g. at school by their peers and by authorities, as well as to gain the approval of neighbors and of the landlord who rented them the small apartment where they currently live. Language or in this case, the way it is spoken (accent and vocabulary), has become a prominent element in the discrimination, targeting, exclusion and violence that Colombians face when they enter into Ecuador.

Finally, Galtung’s conception of structural violence (1969) is useful to frame the problem of refugees at the national and international levels. It refers to systematic ways in which social structures harm or disadvantage individuals, a practice that is usually invisible and effected in subtle and indirect ways. In this research, structural violence is considered as a contextual framework that increases the refugees’ vulnerability. This vulnerability starts with the displacement itself and only increases when refugees cross the international border between Colombia and Ecuador, due to the many challenges in terms of “legalization”, survival and coexistence.

Farmer (2005, 40) further explores the issue of structural violence, asserting that this is not “*only the result of an accident or a force majeure; it is the consequence, direct*

*or indirect, of human agency*". In the end, according to this author, human agency also impregnates the structures that reproduce inequalities through power and exclusion. Thus, the discrimination of Colombians in Ecuador can be understood through two different (although complementary) lenses: one vision focuses on psychological attitudes towards the other (stigma), while a second vision privileges social and economic inequalities as factors determining exclusion. Throughout this research, I present several examples of how structural violence works in the specific context of refuge in Ecuador. To cite just a couple of examples at this point, the definition established by the 1951 United Nations Convention Relating to the Status of Refugees of who can be considered a refugee does not take into account new realities prevailing in the world today, for example refugees who flee after natural disasters (e.g. Haitians fleeing their country after the 2010 earthquake) or the case of Colombians displaced by the application of a sovereign policy (such as the aerial eradication of coca crops). Furthermore, the violence that prevails through a legalist application of the international framework of protection leaves countless Colombian refugees at the mercy of their victimizers (especially paramilitaries). Since their demobilization in 2005, paramilitaries are not considered armed actors and therefore, not an integral part of the conflict, although their presence continues to be strong in many geographic regions in Colombia<sup>27</sup>.

Finally, this research not only gathers insights from the theoretical frameworks

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<sup>27</sup> For more information about the emergence of new "illegal armed groups" born of many demobilized paramilitaries, the reader can check the International Crisis Group report on "Dismantling Colombia's New Armed Groups: Lesson from a Surrender". Latin American Report No. 41, 8 June 2012.

mentioned above but also contributes with a critical reading of their postulates and provides various elements that are not present in these theories. Moreover, this study combines these elements to present a comprehensive panorama of the complex dynamics surrounding Colombian refugees in Ecuador.

Above all, it is important to highlight that all the conceptual approaches and my own epistemology went hand in hand with the use of the ethnographic method. This research is underpinned by a constant dialogue between these dimensions (conceptual and practical), repeatedly questioning the epistemological assumptions as well as highlighting the legitimacy of the social actors as producers of knowledge, capable of interpreting their own reality and to a certain extent, acting as agents of social transformation. In this sense, through the use of theoretical tools and research methods, this research aims to translate the social processes and make them intelligible to others, without completely nullifying the social actors' voices. This point is presented more fully in chapter 3 on Methodology.

### **Significance of the Study**

By studying the different dynamics emerging from the presence of Colombian refugees in Ecuadorian communities, this research covers several important points: First, it contributes insights to the academic discussion on the new challenges that globalization and transnational dynamics (such as immigration, violent conflict and humanitarianism) present to the nation-state and local communities (Friedman, 2008 and Ong, 2005).

Second, the study provides a deeper understanding of how social identities are

constructed and re-constructed in contexts of forced displacement and provides insights to conflict theorists and practitioners on the type of strategies that might be implemented to achieve conflict transformation. These strategies must be inclusive enough to understand the complexities of the space, place and particular history of these local communities and not yield to the temptation of externally conceived and imposed solutions. It is in these inter-subjective encounters that the seeds of tolerance and cooperation can emerge.

Third, this research informs policy makers about the risks of leaving discriminatory discourses and practices unattended, as discriminatory discourses often precede and lead to violent practices. During the past two years, Ecuador has lived through episodes of violence and xenophobia against Colombians that must be addressed by the authorities at the national as well as at the communal level in an urgent way to avoid further escalation. A better understanding of the different interconnections (where these groups converge or diverge) can provide insights on how to reduce tensions and raise the level of tolerance among these groups.

Fourth, the significance of this research lies beyond this particular case study of Colombian refugees in Ecuador, since it provides insights to scholars and policy makers beyond Ecuador who have to deal with similar issues related to the presence of dispersed refugees (rather than refugee camps) in other countries around the world.

Finally, by making the problem of Colombian refugees visible to policy makers, media, governments and international community, I reaffirm my personal commitment to social justice and emancipation for the refugees who have been affected by different

forms of violence, (from the structural level to the personal level).

### **Statement of the Problem**

This research is an attempt to understand how refugees' identities overlap, transform and reinvent themselves in their everyday life, in their encounter with others (State and citizens), in their struggles for survival, and in their efforts to achieve recognition and inclusion by the State and by the international community. I focus on the daily discourses, testimonies, symbols and practices that emerge from inter-subjective encounters between refugees, government officials, journalists, academics, and local actors.

There are two main purposes that guide this research: First, to achieve a better understanding of the different global dynamics (transnational immigration, conflict and humanitarianism) that converge in Ecuador (at the border and inner cities). This transnationalism has clearly influenced the way of living of border people and communities shaped by the increased flows of Colombians into Ecuador. One of its manifestations is the process of identity reconfiguration in borderland and local communities affected by different sources of violence (from the structural level to inter-subjective encounters). The exploration and "thick" description<sup>28</sup> of how these different subjectivities overlap, transform and reinvent themselves through daily discourses, symbols and practices is essential to increase awareness of the forced logics of

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<sup>28</sup> Clifford Geertz (1973, 7) refers to the thick description of a social phenomenon as revealing "the stratified hierarchy of meaningful structures" that are produced, perceived and interpreted by different actors and their actions.

displacement and discrimination which these communities are dragged into.

The second purpose of this study is to make the refugees' stories visible to local and national authorities, international officials, academics and general audiences; to communicate the situation of vulnerability in which they are immersed, and to contribute information that can to a certain extent inspire actors to consider the formulation of alternatives for integrating refugees into the host communities in peaceful ways.

### **Exploring the Research Questions**

The first research question that inspired the development of this study was related to how social and individual identities become politically, spatially and collectively constructed and redefined based on the interaction of refugees with other members of the host communities, the Ecuadorian State and the international organizations mandated to protect them.

In addition, the second research question linked to the first one described above refers to what is the role played by institutional actors (such as relief agencies, the IOM, the UNHCR, local NGOs, advocacy groups and the Ecuadorian Government) as participants in the process of transformation of these identities (mainly through the concept of 'legalization')? This research explored the role they currently play and the complex set of connections that develops based on the relationships established with refugees.

In summary, this research investigates the question of how forced migration due to violent conflict shapes the construction of identities at different levels (collectively and

individually), as well as how this process is affected by the role that is played by the State and international relief organizations.

### **Delimitations and Limitations of this Research**

This research is a qualitative study. It uses quantitative data gathered in different studies on the presence of refugees in Ecuadorian communities to contextualize their situation. Nevertheless, the core of this study lies in the refugees' interpretation of their own experiences, as well as in my own understanding of their situation as forged in the course of my field work, which was carried out during several months in the Ecuadorian-Colombian borderlands and in inner cities within Ecuador. In this sense, the reader will not find first-hand quantitative research in these pages on the issue of refuge in the country, since many studies along these lines already exist and have contributed significant information about the refugee situation and its composition. And yet as mentioned earlier, there is still a significant debate in Ecuador about the exact number of Colombians refugees (who they are, where they come from, where they live, their level of education, occupation, gender, etc.), and due to the nature of their displacement, this debate will probably not be clarified until the Colombian conflict reaches an end. Nonetheless, I make use of many of these sources to complement and contextualize my qualitative analysis.

Another important consideration is that this study focuses exclusively on Colombian refugees established in Ecuador and therefore, leaves outside its reach the problem of millions of internally displaced people (IDPs) within Colombia, as well as of



those migrants who consider themselves to be economic migrants and who travel for specific periods of time to Ecuador (especially to border areas) to trade goods or offer services.

Regarding the limitations of this research, there were constraints in terms of the time dedicated to gathering the information in my field work, since during the development of this research, I was living in the United States and the organization of my trips to Ecuador depended on harmonizing professional and family commitments. As noted in the Methodology chapter, I was able to travel four times to Ecuador and Colombia within a period of two years (beginning in September 2010 and ending in February 2012), dedicating approximately 30 weeks to the development of my field work. These trips allowed me not only to gather information directly (through observing and interviewing my interlocutors), but also to provide continuity to the relationship established with several of them through emails and phone conversations when I was not present in Ecuador.

Another important consideration in the development of this study was to count with enough financial resources to be able to spend more time in Ecuador. I did not receive any financial support from any organization in the United States, Ecuador or Colombia to perform my research plan, which actually worked in my favor in that it allowed me to keep my independence from any of their research agendas. However, this dissertation was completed thanks to a Dissertation Completion Grant from the George Mason University Provost Office, which allowed me to concentrate in the analysis and writing of these pages. In addition, I benefited from profound conversations with several

of my research colleagues in the United States as well as in the Ecuadorian and Colombian academia, who generously provided me with insights, contacts, references and office space to carry out this study.

Finally, the fact of who I am as a researcher (a young woman educated in Ecuador and the US, with dual citizenship, etc.) has also impacted on and limited the development of this investigation not only through the positioning of myself as researcher, but also in terms of influencing the way I had to approach my interlocutors, the level of access that I had in certain areas (mainly in border towns) and the relationships that I established with state actors, members of host communities and refugees. For a more detailed discussion on these issues, please refer to the chapter on Methodology.

## CHAPTER THREE: METHODOLOGY AND FIELD WORK

### **Why a Qualitative Study?**

When I started my research in Ecuador in the summer of 2010, a key entry point to the topic of refugees were the numerous and well researched papers and reports on the number of refugees in the country, produced by academic institutions, NGOs and international organizations. They all concentrated on describing the profile, composition and socio-economic conditions of refugees from a quantitative perspective. Although a well-established statistical database on refuge in Ecuador is vital for the formulation of public policies and the provision of services, there are still many aspects of what being a refugee really means that cannot necessarily be answered through the use of quantitative lenses. As a result, I could clearly see the need for a more qualitative approach to the analysis of the refugee situation, a “thick” description *à la Geertz* that provides a more interpretive vision of how refugees and local populations live together, the main challenges they face in their daily coexistence and how these actors manage to respond to them and make sense of their world through discourses, symbols and practices.

In this sense, conducting an ethnographic study on these realities was the most suitable approach to acquire this deep understanding of a specific social context and the actors involved in its dynamics. However, I should warn the reader that he may not find in this work a “pure” ethnography per se, since I have incorporated features from other methodological approaches such as narrative analysis and a call for participatory action

towards the end of this research. Nevertheless, the basic premise of the ethnographic method prevails and constitutes the core of this analysis: the encounter with “the others” as a fundamental tool for acquiring knowledge. This encounter has not escape the ethical and political considerations that are at the center of postmodern debates regarding the positioning of the researcher, his political stand and the use of his research by different actors and institutions. This aspect will be further discussed when I analyzed my role as researcher and the values that guide my work.

### **Considerations that Informed my Field Work**

I would like to highlight the importance that field work has had for this research, not only in situating the scope, locus and timing for this study, but also in providing the scenario for analyzing the encounter of multiple subjectivities (including my own). For me, field work does not only refer to the geographic or social space where we collect our data. Rather, it is a delimited portion of reality that is constructed in the interaction of different actors (the researcher and the interlocutors) that is invested with meanings and expressed through multiple discourses, practices and representations. These are the main elements that I attempted to capture while conducting my research and that hopefully will be translated into this text.

Deriving from the previous point, there is an important consideration when approaching field work from this starting point, namely the way we see the “subjects of research”. Traditionally in many Social Sciences, social actors have been named as research objects, informants, or research subjects, among other categories that silence the actors’ capacity to produce meaning and knowledge. Their subjectivity has typically

been denied by the expert approach that has usually deprived them of their expression or ability to teach the researcher and has generally left the researcher as the only capable interpreter of reality.

Thus, this research presents a polyphonic text<sup>29</sup>, one that attempts to incorporate the multiple perspectives gathered on the field work as well as my own voice. Beyond that, this research recognizes the “others” not only as providers of information but as legitimate interlocutors, capable of producing knowledge and meaningful interpretations of their own realities. In this sense, it is in this respectful exchange of perspectives and permanent dialogue that knowledge is produced.

### **Research Locations**

An ethnographic approach is comparative *per se*, since it looks to establish connections, similarities and differences between groups. Therefore, I conducted multi-sited field research in Ecuadorian communities living in close proximity to the border with Colombia as well as communities of refugees in the Ecuadorian cities of Quito and Cuenca. This approach helped me to provide a detailed account of their realities in different contexts, as well as capture a wider picture of what the presence of Colombians means for Ecuadorian communities, and draw some important implications for the study of the refugee phenomenon in urban and rural areas.

I chose to focus this analysis on three geographic areas in Ecuador with occasional and brief visits to the Colombian towns of Ipiales (Nariño) and Santa Rosa

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<sup>29</sup> A complete discussion on how polyphony is incorporated in my text has been included in the section on Data Analysis.

(Putumayo). First, Ecuador has 24 municipalities in the three provinces (Esmeraldas, Carchi and Sucumbíos) that border the Colombian departments of Nariño and Putumayo. Of these, I selected the border towns of Baranca Bermeja and San Miguel in the Amazon province of Sucumbíos and the towns of Tulcán, and Juncal in the Andean province of Carchi. As I explained in the introductory part of this study, the dynamics of the refugee situation have changed during the last five years; however, these areas continue to receive hundreds of Colombian refugees escaping violence caused on a regular basis by illegal and legal armed groups.

The presence of the Ecuadorian government is fairly limited in the Amazon province of Sucumbíos and in certain places almost non-existent, which contributes to the emergence of conflicts in this area. Contrasting with this remote context in Sucumbíos, the main international transit route (the Pan-American Highway) that connects both countries is located in the province of Carchi. The international bridge of Rumichaca over the Carchi River facilitates an intense commerce and exchange of goods and services (both legal and illegal) between the two countries and is considered an official port of entry into Ecuador. Highly militarized, this port of entry has not escaped the smuggling and corruption dynamics that accompany most of the clandestine ports of entries along the border.

Second, this study has also included Quito, which is the country's capital, center of its political life and the city where the main international and non-governmental organizations have their offices. Since Quito is the center of political power and a media hub, what is said in the capital has big repercussions in other parts of the country.

Therefore, it was important to take a closer look at how radical discourses on discrimination against the presence of foreigners in Ecuadorian territory have emerged here and the political responses to this phenomenon.

Third, the city of Cuenca (Ecuador's third largest city) located approximately 700 km away from the Northern border hosts one of the most significant populations of refugees and immigrants in the country<sup>30</sup>. The rationale behind including a city like Cuenca in this study is that it allows me to compare the dynamics that the presence of refugees generates in the immediate borderlands with the dynamics that prevail in other points of concentration of refugees well beyond the immediate borderlands. Detailed maps of these research locations can be found in Annex II and Annex III.

**Table 1 Breakdown of Research Locations**

<b>Interviews with:</b>	<b>Location</b>	<b>Number</b>
Colombian refugees	Carchi (Tulcán, Juncal,), Sucumbíos (Barranca Bermeja, San Miguel), Quito and Cuenca	26
Members of Host Communities	Tulcán, San Miguel, Quito and Cuenca	16
Government Officers	Tulcán, Quito and Cuenca	8
UNHCR and other organizations	Quito and Cuenca	8
Journalists	Quito	2

### **The Process of Data Collection**

For the formulation and defense of my research proposal in April 2010, I started a careful review of bibliographic information, academic journals, and policy reports as well

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<sup>30</sup> Please refer to: United Nations High Commissioner for Refugees. 2007. *Country Operations Plan 2008-2009*. Quito, Ecuador: UNHCR

as Colombian and Ecuadorian articles and newspapers on the presence of Colombians in Ecuador. All this background material helped me in conceptualizing this study and formulating my research questions, and later informed my field work.

The field work was undertaken in four trips to the three research locations in Ecuador, beginning in September 2010. The first trip (for a six-week period) helped me to establish initial contacts with government officials, several NGOs that work in the area of protection of refugees, the United Nation High Commissioner for Refugees (UNHCR) representatives in different parts of the country as well as academics and research institutions working on the issue of refuge. My first encounter with several refugees also took place during this trip, as a result of the connections and referrals provided by these institutions, especially by the Jesuit Refugee Service, the Hebrew Immigrant Aid Society (HIAS) and UNHCR. This trip was essentially a mapping exercise of actors, sources of information, resources and possibilities to be explored in a future visit. Nevertheless, it was also the beginning of one of the most important challenges faced in this research, namely the development of a trust building process that is indispensable in order to approach the refugee situation in Ecuador.

Having had this primary exposure and with a more completed panorama in my head of what to look for, where to look for it and how to approach to the issues in question, my second trip was carried out in May 2011 (over an eight-week period), this time to cover the borderlands and the capital Quito, followed by a third trip later that year at the end of September 2011 (for eight weeks) to Quito and Cuenca. My main goal to



accomplish in this period was to deepen my familiarity with and understanding of the refugees as well as of the political, media and other institutional actors in the field.

During my second trip, I encountered many of the refugees that I had met in my previous visit and tried to establish a closer relationship with them. This was not an easy task, since many of them were reluctant to open up their lives to a stranger like me. Certainly, the tension and violence that accompanied their displacement marks the type of relationships that they build with their host communities, among themselves and, of course, with strangers. Due to the danger that exists in openly sharing their stories in light of the alleged presence of many of their victimizers in Ecuador, or due to the fear of being subjected again to persecution and displacement, some of the refugees that I met declined to be interviewed. This was an understandable response for people living in a context of permanent fear, suspicion and violence, and it reminded me above all of the deep commitment that carrying out ethnographic work implies. What was at play was much more than my academic research; it was the relevance and pertinence of my presence in the field that had been questioned, and even more so in a field in which my research, if not carefully handled, could seriously affect their lives. Sometimes, academics (including myself) have believed that theory and methodology are the sources of our legitimacy on the field, and that these “tool kits” make us social and culturally competent to listen to and understand the “others” better than others can. These refugees taught me a lesson that hopefully is translated along these pages: the importance of acquiring a reflective perspective regarding my own work and my position as researcher, including my academic and more personal assumptions.

As a result of the above experience, I developed a strategy to overcome the issue of unfamiliarity and lack of trust surrounding my relationship with some of the refugees that I carried out during my third trip. I decided to attend regularly the training events and workshops provided by UNHCR and HIAS in Quito and in Cuenca on issues of protection, legalization, capacity building, and microenterprise development, among others. In addition, I was able to contact some of the members of the Association of Colombian Refugees in Ecuador (ARCOE) as well as the National Federation of Organizations of Colombian Refugees in Ecuador (FENARE) that meets regularly in Quito. These meetings provided entry points for me to overcome the perception of unfamiliarity and allowed me to become more acquainted with some of the refugees (especially women). It worked well, to the point that they started referring me to new people in similar situations with whom I was able to have profound and enriched conversations. In addition, during my second and third trips, I was also able to meet and interview members of the host communities and some of the local authorities that live and interact with refugees on a daily basis.

The situation was somewhat different in the borderlands. The constant suspicion that surrounds the presence of outsiders made it very difficult for me to access refugees in communities in Sucumbíos and even in some of the towns in Carchi. In order to overcome this situation, I looked for support from my Colombian colleague, Claudia Gomez, who has been working as a consultant for NGOs in these areas for several years. We had met at the Andean University Simon Bolivar several years ago while studying for our Master's Degree, and had exchanged views on the Colombian conflict and its effects

in the region throughout these years. Her support was vital for my research in San Miguel and Barranca Bermeja (Sucumbíos) and in Tulcán and Juncal (Carchi), since her knowledge of the areas and local contacts made it possible to gather valuable information from these locations. In carrying out research in these locations, there were also considerations of time and resources that influenced my ability to conduct long-term research in these provinces.

My fourth trip to Ecuador was in January 2012 for approximately eight weeks. This was a journey that helped me to revisit several places and assumptions and to follow up with many of my interviewees (some of them had already applied for regularization while others decided to remain in the “safe space” of clandestinity). This was a trip that caused me again to question my own assumptions, as well as the final aim of this research and what else could lie beyond it. Although my relationship with several of the actors mentioned above was fractured by my trips back to the United States, correspondence with several of them was possible through email and occasional phone conversations with some of the refugees who are located in urban areas.

## **Methods of Data Collection**

The methodological tools that I used to gather information comprised ethnographic observation of public meetings<sup>31</sup> and daily interactions, semi-structured

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<sup>31</sup> I proposed to observe public meetings to obtain a sense of a representative public opinion about certain issues or topics. Public meetings can provide a broader cultural and social understanding of the context through the participants’ inputs, and can also supply new ideas, questions and lines of research. In Quito and Cuenca, different churches (such as the Catholic and Mennonite Church) organize public meetings to discuss the issue of refuge with their constituencies as well as to raise the level of tolerance between neighbors. In Nueva Loja (Sucumbíos) several public assemblies were carried out on

interviews, as well as a qualitative mapping of the conflicts in these provinces.

Participatory observation of the daily interactions took place during the time of field work. The analysis draws on content analysis of available information and data produced at different levels on the presence of Colombian refugees and immigrants in the country, as well as on academic sources such as books and academic journals, as well as on non-academic sources (local and national government data sources, IOM data, media accounts, policy reports, journal reports, etc.).

**Interviews:** A total of 60 semi-structured interviews were held with different social actors: refugees; members of host communities; representatives of the Ecuadorian government, especially those working in the General Directorate of Refugees (*Dirección General de Refugiados*), a department of the Ecuadorian Ministry of Foreign Affairs), but also in municipal governments; and representatives of local and international organizations such as UNHCR, NGOs and the media. These interviews were conducted with key stakeholders who act as community representatives, as well as with other members of the community and of international and national organizations who represent different perspectives on the issue of refuge in Ecuador. The main reason for using interviews as my main tool for data collection is that they allowed me to come up with a

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issues of oil and timber extraction affecting local communities and many refugees also participated in these meetings. In Sucumbíos, Carchi and Quito, a series of public conversations were carried out to discuss the issue of aerial eradication of coca crops with glyphosate along the border. These were often attended by local authorities as well as several members of the population affected by the fumigations (including refugees). Several of the inputs gathered in these meetings are exposed in the following chapters of this dissertation.

negotiated text<sup>32</sup>, a text that is open to the multiple voices that intervene in the process (researcher and interlocutors). What I drew from them was a better understanding of the frameworks that guide and inform the actors' interactions, their identities, their mutual representations and perceptions, and the motivations that drive them to engage in different forms of collaboration or conflict.

There were two key considerations that drove the selection of a representative set of interlocutors. The first one was inclusiveness, i.e. to attempt to identify individuals from the grassroots who rarely have the possibility to express themselves at public meetings, and thereby to include new voices and perspectives on the presence of Colombians in Ecuadorian communities. The second consideration was leadership, i.e. the selection of local leaders such as the presidents of community associations, representatives of local businesses, religious leaders, and government authorities, among others. A total of 60 interviewees from different municipalities in Sucumbíos and Carchi (as borderlands) and Quito and Cuenca were selected based on the criteria of inclusiveness and leadership to ensure representativeness. In addition, other criteria for the selection of participants included gender, age and ethnicity. The data obtained with the interviews provided me with insights into how these actors think, perceive and engage in the context of transnational processes (such as forced displacement, conflict and humanitarianism) and how their interactions influence their identities.

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<sup>32</sup> Fontana and Frey (2000, 663) refer to the importance of recognizing interviews “as negotiated accomplishments of both interviewers and respondents that are shaped by the contexts and situations in which they take place”.

In addition to the challenges already exposed in the previous section about carrying out interviews in contexts of high vulnerability (such as the situation of refugees in Ecuador), special mention is required of the fact that many of my interlocutors, as victims of extreme violence, refused to be recorded to avoid any possibility of being identified and therefore of being persecuted and victimized again. Although, I offered them the possibility of using a pseudonym, many of them asked me to take notes rather than tape their voices. Ultimately, this also helped them to feel more confident in telling their stories anonymously, without the fear of being scrutinized or of sounding inconsistent, which is an important consideration in light of the interview approach used by public officials who screen asylum seekers based in large measure on the consistency of their stories.

I conducted the interviews in an open way, both in terms of the topics covered and in terms of the formulation of questions (i.e. a predominance of open questions rather than yes/no questions). Even though I kept the main research concepts in mind to guide the conversation, I left space for their narratives to emerge. Above all, I wanted to distance myself from the type of interviews run by public officials who grant refugee status, who pose a list of questions in an attempt to reconfigure a painful past, looking for any inconsistencies or imprecision to deny applicants the right of refuge. I purposely informed my interlocutors that the main concern in my research was not to learn about the conditions of their displacement (their roles as perpetrators or victims, their motives, the context they lived in, etc.), but rather to gain a deeper understanding of their current situation in Ecuador.

I should also mention the enormous diversity present within the groups of refugees that I encountered. A total of 26 interviews were carried out in a highly diverse population of refugees. Some of them had already arrived many years ago and had relocated within Ecuador a couple of times, whereas others had only arrived quite recently. In terms of gender, according to the study done by FLACSO (2011, 53), 65% of the refugee population in Ecuador is formed by women and children. This fact is also reflected in my research, where approximately 60% of my interviewees were women from rural and urban areas. The interviewed refugees were also ethnically diverse: some of them are mestizos, afro-Colombians and indigenous people coming from different geographic areas within Colombia (such as the Cauca Valley, El Chocó, Tumaco, Putumayo and Caquetá, among others), and belonging to different age groups. Their degree of education also varied, and their professions in Colombia ranged from peasants and farmers to service providers, artisans and public servants.

This overview of the interviewed refugees is just to highlight the complex and diverse composition of the refugee population in Ecuador and therefore the difficulty in coming up with any generalization that pretends to speak for the Colombian refugees as a homogenous whole. In this sense, the opinions gathered in my study should be understood within the specific context in which they emerged and as part of the specific historicity of my interlocutors.

In addition, I interviewed eight government officials from the General Directorate of Refugees (GDR), the department within the Ministry of Foreign Affairs in charge of assigning or denying the refugee status. These conversations were held in Quito, Cuenca

and Nueva Loja (Sucumbíos' capital) and the main goal was to understand the institutional point of view on the issue of refugees from a State-actor perspective. Informal conversations were also undertaken with police officers, immigration officials and military personnel especially in the border areas.

Moreover, a total of eight interviews were carried out with actors representing international organizations (UNHCR and IOM) as well as non-governmental organizations that work on the issue of protection of refugees (including the Jesuit Refugee Service, the Hebrew Immigrant Aid Society, the Mennonite Church and the Catholic Church through the Pastoral Social), in order to gain a deeper understanding of their work and the type of relationship they have established with the refugees. Also, two interviews were conducted with journalists who cover the issue of refuge for the main newspaper in the country. They were very useful since these conversations helped to complement the reading of a wide range of Colombian and Ecuadorian media articles performed throughout the entire research process.

Additionally, my research would not have been complete without gathering local perspectives on the issue of refugees from members of the host communities in the borderlands as well as in Quito and Cuenca. A total of sixteen interviews were held to account for the views and perceptions that local residents and municipal officials have with regard to the presence of refugees in their communities. In the case of the urban areas such as Quito and Cuenca, many of the refugees live in the urban periphery, where public services are scarce, and in colonial houses known as "*conventillos*" in the



downtown areas<sup>33</sup>. The situation is similar in the border towns, where the lack of services (such as drinking water, sanitation, public health, education and now security) is at the center of their concerns. The interpretations and concepts that emerged from these encounters are at the heart of this research.

**Participatory Observation:** During my four trips to Ecuador, I was based in and traveling throughout the three main geographic areas of this study (the Sucumbíos and Carchi borderlands, Quito and Cuenca), where the presence of refugees living side by side with the local communities has influenced the (re)configuration of their identities (for locals as well as for refugees). It is through the daily engagement with these populations that I gained a better understanding of how their identities (national, individual, gender, racial and ethnic) are being redefined and reconstructed based on their daily interactions. Many of the observations were recorded in a field journal on a daily basis, which details the dates, locations and particularities observed during the field work. This allowed me to reflect later on the main issues and events of the day and to plan and design alternatives or strategies.

**Secondary Sources:** The analysis of secondary sources included a thorough review of relevant information produced at different levels on the presence of Colombian refugees in Ecuador. For instance, several non-governmental organizations and charity groups produce annual reports that assess the socio-economic conditions of the refugee population as well as their host towns. In addition, a careful review of relevant academic

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<sup>33</sup> These are old houses divided in multiple rooms, each one housing an entire family that share kitchen, bathroom and laundry areas with several families living in overcrowding spaces.

journals, articles and audiovisual materials, among other sources on this research topic (from Ecuador as well as Colombia) were carried out to capture the way in which sources of public opinion present and analyze questions related to seeking refuge and to interactions between refuge seekers and host communities. In this sense, special attention was warranted for the role of public media in the construction and shaping of perceptions regarding the issue of refugees in Ecuador. For the last two years, I have reviewed the main newspapers and online reports from Colombia and Ecuador. The rationale behind this, apart from supporting my research with field evidence about specific events or circumstances, was to track the discourse on refugees in the media, as well as to be able to establish links and connections between powerful groups (that usually own the media), government officials and the audiences that they intend to inform.

In addition, I would also like to mention the thorough conversations and correspondence maintained with many of my academic colleagues in Ecuador and Colombia that have studied and are studying the issues of refuge and internal displacement. They undoubtedly contributed to my understanding of the current situation, challenging my ideas and guiding me at the different stages of this research (contacts, next steps, resources, etc.).

Finally, I cannot close this section without addressing the relationships of symbolic power referred to by Bourdieu (1999) that were present in all my interviews and conversations with the different interlocutors involved in this research, as well as in the many public events that I attended. For instance, speaking to people who have suddenly lost everything and asking them to share their stories and time with an Ecuadorian

researcher, whom they do not know well, demanded that they partially overcome their main fears, reveal their vulnerability, and open up their lives. Although, our conversations were always conducted in a respectful, casual and confidential way, my presence among them was certainly questioned in positive and negative ways. Some of them could not understand how a young and educated woman could travel from the United States to learn more about their situation. Others clearly took a more suspicious stance regarding my presence and the research itself. In any case, power relations and perceptions of inequality were unavoidable and will be analyzed in more detail in the section below that addresses my own positioning as a researcher.

### **Methods for Data Analysis**

The interpretative task required several steps, beginning with the preparation of a thorough description (report) of key events, places and circumstances that are part of this research. An important next step was to personally transcribe all the interviews gathered through the field work. Although this turned out to be a long and at some point exhausting process, the nature of the information and the safety of my interviewees were key considerations in adopting this decision. This also allowed me to sort, highlight and arrange the information in different categories that I included later in the organization of each chapter. I searched for patterns in the more than three hundred pages of transcripts and created taxonomies for analysis as part of this research. Another step was to organize all my field notes and observations into these same categories. A careful review of all the obtained information provided me with a deep understanding of the refugee situation in Ecuador and underpinned my reflections on its overall meaning in relation to the two

research questions. In reflecting upon the wealth of information, I tried to maintain a permanent dialogue between the information gathered in the field work and the earlier conversations and theories that informed my previous understanding of the issues of refugees, conflict, violence and identity, among other critical topics for this research.

This led me to the fourth main step of the interpretative process, namely the creation of a “negotiated text” that is capable of translating the different perspectives of the interviewees as well as my own perspective. Contemporary debates on writing qualitative studies highlight the importance of multi-vocal texts, as an emancipatory strategy to incorporate the voices and perspectives of actors that are often silenced by the researcher’s voice. Although this research recognizes the importance of incorporating these multiple voices into the text, it cannot be considered a multi-vocal text *per se*, since I contributed with my reading of what I heard, saw and read during my field work. I take responsibility for sorting through the data and recognize that this process is marked by my own theoretical perspectives, values and personal history.

As an alternative to multi-vocality, I have decided to provide the reader with my own understanding of reality, which has been shaped: (a) by the permanent dialogue between my concepts and those of the actors involved; (b) by the tacit recognition of the many inequalities surrounding the encounter between the researcher and interlocutors (different lived experiences, knowledge, gender, education, resources, etc.) and (c) by the acknowledgment of the relationships of symbolic and implicit power that surround the encounter with others.

The polyphony in this text is made explicitly recognizable in different ways, beginning with the inclusion of sometimes large quotes or extracts from the interviews in the different chapters. I believe that it is important to create a space for refugees' voices (a space other than the appendix, to which voices of participants are often relegated) within the main text to communicate their views and ideas regarding their current situation in Ecuador. I am aware that as the interviewer and researcher, I retain certain degree of control over these interview excerpts, having selected them from among many hundreds of pages of interview transcripts. Another way in which the polyphony is expressed in these pages is via the incorporation of emails and extracts of correspondence maintained with different actors in the field. These communications present discussions and feedback received from some of the interviewees regarding issues of relevance to this research. Some important concepts emerged from these exchanges that are also included in the text. Another form of polyphony reflected in the text is the media accounts about specific events that helped me to forge my own understanding and interpretation of reality.

In summary, I constructed a text on refugees without denying the others' capacity of interpreting their own realities, but also not diluting my responsibility in the formulation of the object of this research as well as in the interpretation of information and in the formulation of findings. This text is the result of a permanent dialogue with my interlocutors, a type of knowledge that results from the genuine articulation between the academic theory and practice and the local theory and practice (represented by my interlocutors). In this sense, it is a "negotiated text".

Finally, it is important to recognize that the process of interpreting data and comprehending a social reality includes a strong component of self-reflection. In my case, this process of reflection included looking at my own theoretical and methodological assumptions that informed my research and recognizing the implications of the features of my own subjectivity (gender, age, political choices, sentiments, etc.) in encountering other subjectivities.

### **Positioning as a Researcher**

At this point, I may need to warn the reader about the nature of this work that reflects my own grounding as a researcher. When people ask me what I do for living, I usually answer that I am a “hybrid” researcher. Someone who has spent a significant part of her life in university classrooms, corridors and libraries in Ecuador and the United States, and who has transitioned between different disciplines, from Cultural Anthropology to Cultural Studies, and from International Relations and to Conflict Analysis and Resolution. This particular combination of disciplines informs my own understanding of the world, i.e. how I conceive knowledge, the type of relationship I establish with “that” being researched, the core values that guide my research as well as my methodology for approaching reality. Each one of these aspects will easily be recognized in these pages.

It is also important to indicate how the process of data collection and analysis were influenced by the fact of who I am as a researcher. This led to some advantages and challenges in the data collection process. For example, one of the advantages of being an Ecuadorian researcher was having a certain cultural understanding of the country as well

as being fluent in Spanish (my native language) which facilitated the daily interactions with the participants as well as the analysis of information. My nationality also played an important role in opening spaces such as public institutions and organizations in the country that work on the issue of refuge. In addition, my Ecuadorian nationality also shaped the way in which my interlocutors saw me and the information I was able to collect, especially among Colombian refugees.

On the other hand, my gender did also affected the data collection since there were places where I had limited access based on security concerns or on the social understanding of a woman's proper place in society. Security concerns were at play since certain areas of the borderlands between Colombia and Ecuador are vulnerable to daily episodes of kidnapping, robbery and extortion. In this sense, my presence in these areas was affected by these considerations and, based on my prior experience in Sucumbíos, was only possible in certain areas through the collaboration of NGOs and colleagues working in the area.

Finally, it is important for me to state that the main aim of this research (besides advancing my own academic knowledge and philosophical reflections on the issue of refuge) is the ethical and political commitment that prevails throughout these pages: to make the refugees' stories visible to local and national authorities, international officials, academics and general audiences; to communicate the situation of vulnerability in which they are immersed, and to contribute information that can to a certain extent, inspire actors to consider the formulation of alternatives for integrating refugees into the host communities in peaceful ways.

### **Ethical Considerations for the Research**

Since a significant numbers of my interlocutors were in Ecuador in conditions of 'illegality', their names and location were strictly protected to avoid any possible persecution from the government agencies that enforce immigration laws, or from any potential victimizers in their home country or host communities. This consideration was also applied to those individuals that had achieved the status of refugee and therefore are under the international mandate's protection. A coding system was created to protect their identities and in many cases, pseudonyms were used at the participants' request. In addition, the back-up of the information obtained, the journal and interview transcripts are only accessible to me, in an effort to ensure the confidentiality of my interlocutors.



## **CHAPTER FOUR: LAND OF REFUGEES**

This chapter examines the journey of thousands of Colombian refugees crossing into Ecuador. Their narratives reflect stories of people living at the margins of the state (geographically and symbolically), first in their own country and later in Ecuador, when their journey to escape violence takes them. Their crossing of the borderline and the series of encounters with immigration officials, authorities and with members of the host communities clearly have an impact on them and on the decision to settle down in different parts of Ecuador. It is a paradoxical journey marked by clandestinity, fear, and discrimination but also by cooperation, creativity and hope.

In the pages of this chapter, the reader will also find an analysis of the hybrid nature of border spaces in the contemporary world, entailing diverse interactions and multiple challenges for political and social actors. The complex nature of border spaces implies a potential for conflict, since there is a disconnect between states' capacity to regulate and control these territories and the multiple, transnational interactions (e.g. economic, political, social and cultural exchanges) that contribute to redefining and in several cases to resetting the traditional relationship between the center and the periphery.

In addition, the chapter presents a comparison between the experiences of Colombian refugees in borderlands with those of refugees living in different places within Ecuador (particularly Quito and Cuenca). This respond to the need to achieve a

better understanding of the new contexts (besides borderlands) and the new challenges that Colombian refugees (a population who has not been concentrated in refugee camps) face when trying to insert themselves in new social contexts.

Finally, this chapter provides a description of the main public policies in Ecuador on the issue of refuge, and analyses the main encounters between the State and refugees, as mediated through the application of law and its preponderant role in “securing” identities. Consequently, a typology of refugees is presented towards the end of the chapter, a taxonomy that marks the lives of Colombian refugees in the country as well as their strategies for survival and recognition.

### **Post-Modern Nomads**

When we think about refugees, a familiar image comes to the mind: hundreds of blue tents located in remote areas with scarce services and numerous international staff (mostly UN or Red Cross) in charge of their protection. This imaginary clearly contrasts with the situation faced by hundreds of thousands of Colombian refugees in Ecuador these days, since no refugee camps exist in the country and refugees live side by side with Ecuadorians in urban and rural areas. They are nomads in a marginal post-modernity, where any change in the correlation of forces (between the guerrilla, the army or the new paramilitary forces) or in the mechanisms of protection implies a new exodus. This is one of the reasons why it is so hard to track the exact number of refugees, where they are and what they do for a living.

There is no consensus about the exact number of Colombian refugees in Ecuador. What is clear is that Ecuador is widely recognized as the Latin American country with the

largest number of refugees (those who have been officially recognized and those who prefer the safe space of clandestinity). Although several studies<sup>34</sup> have tried to quantify the number of refugees in the country, as well as characterize the economic and social conditions in which they live, the task still remains inconclusive.

The government agencies (such as the General Directorate of Refugees and the Immigration Police), the international organizations (UNHCR and IOM) and the NGOs that work on refugee issues manage different numbers regarding the presence of refugees in the country. According to the General Directorate of Refugees (the governmental agency in charge of registering refugees and granting them “legal status”) cites a total of 55.480 registered refugees (98.5 % of them are Colombians) and 162.686 solicitants of refuge as of December 2012<sup>35</sup>.

Meanwhile, UNHCR (2012) mentions that as of January 2012, the “total population of concern” reached 144,994 individuals (including in this category, those individuals who have been recognized by the Ecuadorian government as refugees and those whose status has not yet been verified), and those whose applications are still pending (21,558).<sup>36</sup> However, this organization also acknowledges that there is a much large number of non-registered refugees in Ecuador than stated by the government. In this sense, UNHCR (2012, 19), quoting the Directorate of Migration of Ecuador, refers that

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<sup>34</sup> See FLACSO (2011), Rivera *et al.* (2007), Ortega and Ospina (2012), UNHCR-CEPAR-CISMIL (2009).

<sup>35</sup> See the statistics presented by the General Directorate for Refugees - Online Database, accessed January 12, 2013 <http://www.mmrree.gob.ec/refugiados/estadisticas/indice.html>

<sup>36</sup> These numbers were taken from the UNHCR Country Operations Profile – Ecuador, accessed December 12, 2012. <http://www.unhcr.org/pages/49e492b66.html#>

more than 600 thousand Colombians have entered Ecuador since year 2000<sup>37</sup> and remain in the country under different circumstances.

There are several reasons that help to explain why such a large number of “un-recognized” refugees still exists in spite of the efforts made by the government, UNHCR and NGOs to facilitate their registration. First, there is a permanent fear among refugees that the situation of persecution and violence that motivated their displacement in the first place can be reproduced and continued in Ecuador, due to the proximity to the Colombian conflict. More importantly, there is the fear that their application for refuge could be rejected by the Ecuadorian state and that they could be forced to return to their country in a matter of days. This last point will be analyzed further when I refer to the issue of public policies and the mechanisms designed by the Ecuadorian Government to deal with refugees.

Another factor that contributes to the “under-registration” of refugees is the lack of knowledge of their rights and of the protection that are they entitled to under the Geneva Convention. Many of the refugees with whom I talked, mentioned that they learnt about the UNHCR’s work only after being in Ecuador for several weeks and even months, from new friends or relatives.

A third factor is related to the logistical and economic challenges that limit the refugees’ capacity to travel and register at the General Directorate of Refugees (GDR) offices located in the main cities in Ecuador. Although the process of application for

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<sup>37</sup> UNHCR has referred to this number in many reports, the most recent one produced with its local partners Fundación Labaka and Comité de Derechos Humanos de Orellana (2012, 19).

refuge is free of charge for them, the costs for the majority of the refugee population (mainly farmers, peasants and middle-low income people who left their homes with almost nothing) is supremely high when one considers that they have to spend their minimal savings to get to the GDR and to file for a legal status that they are not sure they will be granted. Colombians with higher incomes are a minority and they have the means to obtain a work permit (for US\$ 1,000), thereby avoiding the uncertainty, suspicion and struggles involved in the process of applying for refugee status (Lo 2005, 54).

During my field work, I was able to meet many refugees coming from different parts of Colombia and with different stories to tell about the reasons that motivated their journey. Although it is very difficult to speak of them as a homogenous group, since their level of education, gender, social class, ethnic group and their particular relationship with the Colombian conflict vary significantly, all of them (including those recognized as refugees by the Ecuadorian state and those that remain invisible) share a common element of vulnerability produced by their displacement and by the multiple obstacles that they encounter in their process of insertion in Ecuador.

Several studies such as FLACSO (2011), Rivera *et al.* (2007), Ortega and Ospina (2012), UNHCR-CEPAR-CISMIL (2009), Celi *et al.* (2009) and Villa and Riaño (2007) among others, have tried to create a profile of the refugee population in the borderlands as well as in the cities of Quito and Guayaquil. The most recent study by Ortega and Ospina (2012, 39-43), who analyze the case of urban refugees in Quito and Guayaquil, finds that the majority of refugees who arrived to these locations had previous experiences of displacement to urban centers in Colombia. The gender composition is

rather balanced with 53% men and 47% women. Most were single however 77% of them stated they were heads of households.

The majority of refugees interviewed by this study defined themselves as *mestizo* (47%) and white (35%) however, there were also afro-descendants (7%) and indigenous (5%), mainly in the capital. The level of education in urban refugees is relative high (with 76% who attended high school) than that of refugees in borderlands (where most of them only attended elementary school), and the number of professionals very scarce (only 8%). They came mainly from Valle del Cauca, Antioquia and Cundinamarca where large cities (such as Cali, Medellin and Bogota) are located. Meanwhile, in borderlands, Ortega and Ospina (2012) mention that the majority of the refugee population arrived from the Colombian borderland departments of Nariño (37%) and Putumayo (33%), that these refugees are mostly single males with low levels of education and that they were displaced mainly as a result of the effects of Plan Colombia since 2000.

Many of the characteristics mentioned above are reflected in the population interviewed in my study. Several of my interlocutors in borderlands as well as in the inner cities of Ecuador share many of the features described in the studies<sup>38</sup> referred to above. In the cities of Quito and Cuenca, I was able to meet mostly women (heads of household<sup>39</sup>) whose average age was around 45 years.

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<sup>38</sup> In Chapter 3, I present a complete description of the process of Data Collection as well as more details regarding the nature of my interlocutors.

<sup>39</sup> Later, I realized that finding women alone as heads of households was not a coincidence. This fact responded to the dynamics of conflict where one of their male relatives (husband, brother, son or father) were killed, kidnapped, disappeared or assassinated by armed actors in Colombia, leaving them the responsibility to support their families.

In borderlands, my interlocutors were mostly peasants (from Putumayo and Nariño) and miners (mainly from the Tumaco area). Their ages ranged between 21 and 55 and their ethnic composition was mainly self-described as *mestizo* although one of my interlocutors in Sucumbíos identified himself as indigenous (*Cofán*) and three refugees I interviewed in the proximities of Tulcán were afro-descendants. The level of education among my interlocutors was low: many of them had not finished elementary school, others had attended training programs to become seamstresses, mechanics, hairdressers, etc. and only seven of them had completed high school. This skills mix will be reflected in the type of jobs that they have once they settle in Ecuador. Most of the interviewed refugees in Quito and Cuenca were working as informal sellers on streets and buses, which has changed the usual landscape of these cities, as it is now very common to find *arepas* (traditional Colombian patties) and the aromatic smell of coffee at street corners and in public squares. In the borderlands, the interviewed refugees were working with local farmers on their crops, as maids working in homes and in some informal commercial activities on buses and in public places.

When my interlocutors talked about the reasons for their displacement, all of them mentioned the violence generated by armed groups (guerrilla, paramilitaries and army) that occupied their home towns and lands and with whom they were forced to interact. Just having a relative belonging to one of these groups or having any type of relationship (commercial, friendship, kinship, ethnic, etc.) with these armed actors (legal or illegal) was enough to be considered an informant or collaborator and therefore, a subject of suspicion, threats and ultimately, persecution and displacement.

Another motive that contributed to the massive arrival of refugees in Ecuador was forced recruitment of youth, not only in rural areas (by the guerrilla and paramilitaries) but also in urban centers (by gangs and urban militias associated with paramilitaries and drug lords). In addition, many of my interlocutors in borderlands mentioned the eradication of illegal crops (mainly coca) as the main cause of their displacement, since the aerial aspersion of chemicals and pesticides not only affected the coca plants but also all other crops (such as coffee, bananas, cassava, etc.) and livestock. Some of them also mentioned severe skin and gastro intestinal illnesses associated with the fumigations that had affected their families<sup>40</sup> and forced them to leave their lands.

This brief description of who they are and what they do serves to highlight the complexity involved in attempting to create a profile of Colombian refugees in Ecuador. Their huge diversity, the lack of information, their high degree of mobility within the country and the clandestinity that surrounds their presence in Ecuador demands different angles of analysis. Increasing public awareness and understanding of their realities, their living conditions and their struggles in Ecuador should not only draw attention to their challenges but also lead to the design of public policies that are more inclusive and focused on the reduction of their vulnerability and the restoration of their rights.

### **Borderlands: Encounters with the State**

It is difficult to imagine a place beyond the Ecuadorian borderlands (and the borderline itself) where the presence of the State could be so manifest and at the same

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<sup>40</sup> For more information on the impact of aerial fumigations of coca crops in Colombia, the reader can refer to Perez, 2003; Laverde and Tapia, 2009 and Comisión Científica Ecuatoriana (2007).



time, so blurred; a place where State institutions (army, customs, police, etc.) and their personnel become both enforcers of immigration law and transgressors of human rights; a place where the practice of law and the hierarchical and administrative practices associated with it end up leaving thousands of Colombians at the mercy of their victimizers.

All these paradoxes associated with the State (represented by concrete institutions and the officers that work in them) manifest the fragmented, chaotic and sometimes inconsistent nature of the State in borderlands. This incoherence permeates the different actions and relationships established between the State, the local communities and the refugees. This view of the State implies distancing myself from a functionalist approach that sees the State as coherent, representative and functional for everybody<sup>41</sup> and focusing on its disarticulated and sometimes contradictory nature as reflected in the design of policies for refuge, the application of refugee law and the implications in practice and for the lives of thousands of refugees.

It is therefore important to explore the different approaches to borders as the geographic and political settings where the relationship between the State and refugees takes place. Borders have traditionally been considered demarcation lines between states,

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<sup>41</sup> Renowned authors of this current of thought (such as Durkheim, Parsons, Spencer and Merton, among others) have approached the study of society and social institutions from an organic perspective, where every component has a specific function and cannot be separated from the whole. In this view, social institutions are collective mechanisms developed to accomplish different necessities. They are defined by their social function rather than by the historical circumstances that motivated their emergence. The concept of “social cohesion” is one of their main conceptual pillars since it is the interconnectedness between the different parts that allows the society to function as an integrated whole.

designed to clarify territorial sovereignty. States need to create safe spaces for their citizens within which they exercise their sovereignty. This *realpolitik* perspective stresses the geo-political dimensions of the boundary and positions states as the central political actors in the international arena (Keohane, 1986). On the other hand, even if borders are considered intrinsic elements in the configuration of states, their existence has been increasingly challenged by globalization and the flows of people, capital, goods and information across state boundaries, and the need for increasing harmonization of state policies in light of these flows.

Recently, authors such as Hubbard (2005) and Low (2003) have adopted a more flexible and comprehensive vision of borders, which considers not only their physical dimension (linearity) but also develops an understanding of borders from the perception of the people who live near, interact across and transform them on a daily bases (zoning). In this sense, borders contain two different dimensions, a “borderline” that separates one state from another, and a “border space” that is configured through a process of expansion of social, economic and cultural practices.

In the same vein, Donnan and Wilson (1999) present a definition of border that comprises three elements: first, the jurisdictional borderline that separates two states; second, the agents and institutions that demarcate and sustain the border, and third, “*frontiers, territorial zones of varying width which stretch across and away from state borders, within which people negotiate a variety of behaviors and meanings associated with membership in their nations and states*” (1999, 15).

Authors such as Anzaldúa 1999; Rosaldo 1988; Bhabba 1989, Ghosh 1989, Alvarez 1995, and Ferguson and Gupta 1992, have studied the hybridization of border identities in post-colonial contexts where different global phenomena converge in an interstitial zone of displacement and de-territorialization. The Ecuadorian-Colombian border is a good example of these dynamics, where the emergence of social interactions (kinship networks, trans-boundary ethnic groups and social alliances), political actors (local authorities, military groups and other armed groups), economic activities (trade, smuggling, drugs trafficking) and humanitarian flows (of both refugees and displaced populations) have transcended the geographic and political frontiers, demonstrating the hybrid nature of these border spaces. These phenomena have created an unstable environment, challenging the capacity of national governments and local authorities to exercise control in these areas and creating a new context of meaning for the inhabitants of these areas, as well as for refugees and for the population in other parts of the country.

It is precisely the hybridization of borderlands that creates the need for a different understanding of the State and the different actors and their interactions. In this particular case, it is important to understand how the State relates with Colombian refugees but also how Colombian refugees understand, interact and engage with State's institutions and practices. In order to deepen our understanding of this relationship, it was important to consider a theory of margins that connects the institutional side of the State with the actions and discourses of the refugees. In this context, a relevant approach is Das and Poole's (2004, 30-31) conception of margins not only as peripheral spaces where State sovereignty becomes manifest but also, as spaces where the conceptual

boundaries of the State become re-read, remade and transformed by the individuals in their everyday practices and discourses, in securing their survival and in their quest for justice. The following section on integration of communities at borderlands presents several examples of how this reading of the State by refugees and local communities is translated into the everyday life of the border towns.

Besides the hybridization of border areas described above, borders have been also analyzed as spaces where the practices of inclusion and exclusion by the State become explicit. Giorgio Agamben (1998) already explored the idea of the “power of exception” linked to the State’s sovereignty and there is no place such as borderlands where the State’s power of inclusion and exclusion is so manifest. The determination of what lies within its borders and who is allowed in and out is a right that is exclusively attributed to the “sovereign power”, a power that is by definition beyond the law, because as Carl Schmitt (1985) states: “*the ultimately sovereignty is about the power to suspend the (ordinary) rule of law*”. Agamben’s notion of the *homo sacer* who lives a “bare life”, which was explored in the introduction to this research, presents a notion of “exception” that goes well beyond a category opposed to “normal”, as it includes the capacity of the State to exercise its sovereignty not only over territories, but over life and death. This resonates in many ways with Foucault’s biopolitical ideas (1994) about how natural life comes to be treated as an object of politics.

In the geographic context of borders, refugees’ identities are basically constructed through the adscription to a political community or nationality (i.e. Colombians in Ecuador) which is enacted the moment they cross the borderline. Once Colombians enter

Ecuadorian territory, a whole set of interactions, institutions and practices are deployed by the State to classify the newcomers into different categories (such as refugee, migrant, asylum seeker, undocumented, tourist, suspect, etc.), which in practice, will reflect the adscription of certain rights and responsibilities towards the State and the host society. It is through the use of these documents that the State makes a particular population “legible” to itself. As Trouillot (2001, 126) suggests, “*The legibility effect is the production of both a language and a body of governance and of theoretical and empirical tools that classify and regulate collectivities*”. This idea was also explored by Foucault (1980) when he argued that modern States, as a regulatory and governing apparatus, make use of biopolitics to bring the maximum number of people under its control. In the case of refugees, the State, through the registration process, makes the refugee population legible to itself (at least the one formed by formal recognized refugees), but at the same time, invisibilizes those refugees whose applications have been denied, reducing their lives to “bare lives” (Agamben 1998), simple human beings excluded from any political community.

Therefore, identities in borderlands are mediated by law (mainly through the adscription of citizenship, the issuing of passports, visas, immigration cards, etc.), which clearly delineates rights and responsibilities, access to resources and membership or affiliation to political and social communities. As Das and Pool (2004) mentions, “*these are documents through which the State claims to secure identities, since they are issued by governments and supposed to act as guarantees of belongingness*”. Thus, the “legalization” of identities (through the use of passports, ID cards, police records, birth

and death certificates, among others) must be understood as an effort to control the social life of the inhabitants, as Foucault (1980, 1994) adverted. However, it is important also to focus attention on how these documents become embedded in the everyday life of people, to the extent that a series of ideas, languages, practices and ultimately identities develop in association with them, contributing to shaping the refugees' experiences of the biopolitical state.

### **Borderlands: Integration, Vallenato<sup>42</sup> and Guns**

In the previous section, we saw how the State makes specific populations “legible” to itself through the use of documentation (Foucault 1994) and generates images of subjects that become embodied in the everyday life (through the adscription and self-adscription of identities). In this section, my goal is to present how the desires, hopes and fears of the “managed” subjects (refugees as well as members of local communities) help to shape the experience of the biopolitical State in different ways. This is the marginal space described by Das and Pool (2004) that allows for the emergence of alternative visions and practices associated with different readings of the State from the margins.

Since the application of the law, especially in the context of borderlands, is not always absolute, many inhabitants of borderlands have adapted to live “at the margins of

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<sup>42</sup> In a country where most of the public and private life is permeated by music, Vallenato is one of the most popular rhythms in Colombia. The main topics covered by this genre relate to everyday life, friendship, partying, women and land. It is becoming more popular in Ecuador especially in border towns and cities with a significant population of Colombians (such as Quito, Cuenca, Guayaquil, Santo Domingo, Esmeraldas and Nueva Loja, among others).

the State” adopting various subtle and pragmatic approaches to understand and deal with the State and its machinery in different ways. This is more the result of several decades of State’s abandonment rather than a conscious decision of challenging the State authority.

The Ecuadorian town of Juncal (in Carchi) was unusually colored with posters and ribbons announcing the celebrations of Carnival, a festivity that people from both sides of the border commemorate on the banks of the Carchi River every year. The sound of *vallenatos* and *sanjuanitos* (indigenous music) played by orchestras and troupes served to brighten the spirits of the many people who were soaking their neighbors from the other side in a playful way in the river, while others enjoyed traditional dishes, drank alcohol and played football with “bi-national teams”. It is during this celebration once a year that the border limitations seem to evaporate: there were no geographic or political boundaries, restrictions and controls, no uniforms or guns, and no identification documents or visas were required to cross over to join the Ecuadorian neighbors across the river for the celebrations.

The accounts of everyday life that I encountered in Juncal show the multiple ways in which integration happens between community members on both sides of the border (including Colombian refugees on the Ecuadorian side), often setting aside the presence of the State and its regulations. An extended network of roads and trails to cross to the other side are one of the main scenarios that community members and refugees use to establish and nourish relationships (economic, social and even kinship) with the other side. While people who cross the border using the international bridge of Rumichaca

have to pass through military and customs check points, in these peripheral roads, there are no security checks or dogs trained to detect narcotics, no requisitions or questions about what it is brought or what it is taken. These roads, which go beyond smuggling routes for goods, services and people, are also the main way in which locals connect to their past and to modernity (through economic and social activities). As Don Manuel, a native of Juncal explained:

*“The people from the government, from Quito, do not understand what is going on here... From time to time they come here and want to close the roads; saying that the roads are the cause for the smuggling of gas to Colombia, that closing the roads will end the arms and drugs trafficking into Colombia... What they do not understand is that people from both sides... we have a common past, when we were the Pasto nation before Ecuador or Colombia even exist. We speak the same language, we have the same last names and traditions... we look alike, we eat the same food... When they came to close the roads they brought soldiers but we all protested, raised our voices and let them know that even if they get to close these roads, we will open new ones because our existence is closely connected, our needs and hopes for a better future are built here not with false promises from the government... We need to survive and help our neighbors to survive too. We are “ciudadanos de frontera” [borderlands citizens], we made of these lands our home, we trade, we cultivate the land, we cross over to sell our products, we need to help each other to satisfy the many needs that the State has not been able to fulfill for many years”. (Interview # AS06)*



Meanwhile for refugees, these roads allow them to engage with their past, with what they have left behind, and with the opportunity to return to their lands and relatives without overtly violating the regulations imposed by the State that apply to recognized refugees. Pedro, a Colombian farmer who works in Juncal since 2007 (when guerrilla members took away his land) decided to cross the border because of the familiarity he found in the landscape and people:

*“here is like being in Colombia but without guns...that is why I decided to come and make my life here... but I do not forget what I have there, my finca, my little animals... from time to time I returned to my town, but I cannot go back to my land”* (Interview # AS07).

Another example of integration and of re-interpreting the presence of the State in everyday life became manifest during a visit to one of the schools in town. Its principal mentioned that there were 140 Colombian children attending school every day. When I asked him if they are considered refugees, he replied that:

*“to say that they are Colombians is just to add a label to people, no matter what label you put on them... they are just common people like us...Here the education is free; they even receive their daily breakfast, school supplies and the uniforms... These kids learn to love Ecuador. They do not know anything about Colombia and this leads to a cultural uprooting; a sense of abandonment by their own country.”* (Interview # AS51).

Through the permissiveness inherent in these practices, which ignores most of the State regulations that are imposed in borderlands, local communities not only promote social integration with communities on the other side, but also engage in different readings of State institutions and practices (which are subtly ignored, at least during the Carnival celebrations and at everyday life). The flexibility that surrounds the enforcement of law in these communities also benefits refugees who cross the border to find a relative tolerant and familiar place where they can start stabilizing their lives and try to fulfill some of their basic needs.

A last point that is important to notice as an element that favors the integration of people (refugees and local community members) at borderlands (besides trade, social and kinship connections), constitutes the emergence of a political discourse within the members of borderland communities in the Carchi region to promote new ways of political representation that will help them “*to adapt themselves to the arbitrariness of the State and its regulations*” (Das and Pool, 2004). The term “*ciudadanos de frontera*” or borderland’s citizens mentioned by Don Manuel in his account above (and shared by many members of these communities), appeals to the borderland communities’ common past and to the imaginary of the Pasto nation (a pre-independency region located in Northern Ecuador and Southern Colombia), in order to highlight the many commonalities shared by people on both sides and the lack of connection that exists between these communities and their own States. The “*disarticulation between the State and the society as a whole*” mentioned by Azar (1990, 7) is clearly manifested in these borderland communities, where their members advocate in a certain way for a more

inclusive non-state citizenship, one that they know as more effective since they exercised in their everyday lives.

In the case of the borderland communities that were visited, to live at the margins of the State not only imply the abandonment and lack of public services, nor the lack of governance attributed to an unruly periphery commonly described in security accounts of the border. It also implies the possibility of experiencing the State in different ways, through the recreation of State concepts and practices from informality that could be more legitimate, inclusive and democratic than the ones that the State has imposed on them.

After conducting my field work, I realized that these borderlands are not only marked by violence and poverty; they are also a place where local communities on both sides and refugees create links based on brotherhood, smuggling, fears and popular celebrations that are essential to keep their everyday life going in the middle of violence. They have created mechanisms beyond the public, the legal and the political to coexist with violence and displacement in a way that allows them to survive and continue with their everyday life.

### **Contrasting Rural and Urban Refuge**

Contrasting rural and urban refugees in this chapter is useful to highlight the different ways in which Colombian refugees engage with the State and with members of host communities. In the case of my interlocutors interviewed in border areas, all of them were peasants arriving from areas such as Putumayo, Nariño, Caquetá, Valle del Cauca and Cauca. They mentioned two reasons basically for seeking refuge on the Ecuadorian

side of the border: first, violence and persecution by armed actors, and second, poverty and health issues related with fumigations of their crops in borderlands. This situation contrasts with urban refugees interviewed in Quito and Cuenca who came from different regions in Colombia such as Cali, Bogotá, Buenaventura, Neiva and Medellín, among others). They are mainly informal workers and service providers (such as hairdressers, waiters, seamstresses, bakers, etc.) who had already been displaced several times within Colombia (mainly towards urban centers) before moving definitively to Ecuador. What they all have in common is that the main cause for their displacement is directly or indirectly related primarily to the armed conflict in Colombia and less related with economic motivations.

The proximity to the border (and therefore, to the violence they left behind) seems to play an important role in the decision made by many of my interlocutors about relocating to inner cities within Ecuador. This however does not apply to many of the refugees interviewed in borderlands, who maintain close links with their relatives on the other side and often cross the border to check on their lands and belongings, risking their lives and, in the case of “recognized refugees”, breaking the commitment not to return to their native country while holding their “refugee status”. Nevertheless, for many of the Colombian refugees interviewed in Quito and Cuenca, the distance from the border is important for them to maintain their sense of safety and stability. Many of them mentioned having chosen Quito to settle down since

*“it [Quito] is big enough to go unnoticed... at least at the beginning...it is close but at the same time, not so close to the border, so it is convenient if one has to*

*return*”. (Interview # AS09)

This view however was not shared by other refugees that I interviewed, as in the case of Clara, whose levels of anxiety, suffering and fear led her to escape by bus from her town with her two daughters and not stop until she reached Cuenca (approximately 700 kilometers from the borderline).

*“We left in the middle of night and walked and walked...we arrived in ... where we took the first bus heading south towards Ipiales. Once in Ipiales, I did not want to leave the bus terminal, I immediately bought tickets to continue our journey, I did not know where we were going... each time I entered the bus with my kids I would say to the driver that he can take us to the other side of the world... I just wanted to escape...”* (Interview # AS16)

Among the interviewed women, gender-based violence was one of the main motivations for fleeing their homes; however this condition did not necessary improved with their arrival in Ecuador, where many of them continue to experience gender-based violence and abuses associated with their status as women refugees. A brief comparison chart between rural and urban refuge could be found in the following section:

RURAL REFUGEES	URBAN REFUGEES
<ul style="list-style-type: none"> <li>• Mostly peasants from borderlands</li> </ul>	<ul style="list-style-type: none"> <li>• Majority of them were IDPs</li> <li>• Few peasants</li> </ul>
<ul style="list-style-type: none"> <li>• Attended elementary school</li> </ul>	<ul style="list-style-type: none"> <li>• Attended high school</li> </ul>
<ul style="list-style-type: none"> <li>• Agricultural activities (palm oil and banana plantations, oil industry)</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers: hairdresser, tailors, waiters, bakers, etc.</li> <li>• Only a few professionals</li> </ul>
<ul style="list-style-type: none"> <li>• Arrived from rural areas in Valle del Cauca, Putumayo, Nariño, Caquetá</li> </ul>	<ul style="list-style-type: none"> <li>• Arrived from major cities: Cali, Bogota, Medellin, Buenaventura</li> </ul>
<ul style="list-style-type: none"> <li>• Men (30-60 years old). Usually they move first before moving their families.</li> </ul>	<ul style="list-style-type: none"> <li>• More than half are women (20-50 years old), working as head of household.</li> </ul>
<ul style="list-style-type: none"> <li>• Violence and persecution by armed actors</li> <li>• Poverty and health issues due to (fumigations)</li> <li>• GBSV</li> </ul>	<ul style="list-style-type: none"> <li>• Armed conflict (accusations of collaboration, espionage, etc.)</li> <li>• Extortion</li> <li>• GBSV</li> </ul>

### Refugees without Refuge: Public Policies, Vulnerability and Exclusion

Ecuador has been receiving refugees from Colombia since the 60s as a consequence of the earlier stages of the internal conflict in Colombia that started with the assassination of the Liberal leader Jorge Eliécer Gaitan in 1948. Nevertheless, the flows of Colombians crossing into Ecuador to escape violence have increased significantly in the last two decades, to the point that, according to UNHCR (2011), an estimated 1,500 Colombians arrive every month in Ecuador seeking for refuge.

According to Ortega and Ospina (2012, 37), there are three causes that

contributed to the increased flow of Colombians into Ecuador: 1) the implementation of Plan Colombia and later Plan Patriota led to the intense militarization of the Colombian territory (a key component of this Plan) that not only sought the elimination of guerrilla groups, but also resulted in widespread human rights violations, losses of lands and waves of internal displacement<sup>43</sup>. 2) The fumigations of coca crops along the border line also led to farmers abandoning their lands and crossing into Ecuador. 3) The establishment of social networks with relatives and friends who had moved to Ecuador earlier and who facilitated the arrival of new refugees.

In order to have an idea of the magnitude of this phenomenon today, in the year 2000, a total of 700 applications were received at the General Directorate of Refugees (GDR), while in 2009, a total of 61,000 applicants filed for recognition of their status at the GDR<sup>44</sup>. This new reality went unnoticed by several governments in Ecuador until social tensions started to emerge as a result of the increased number of Colombians especially in urban areas of the country and not only in the borderlands. The media and certain politicians started to associate the presence of foreigners with an increase in which crime and insecurity, contributed to shaping public perceptions regarding the arrival of refugees in Ecuador<sup>45</sup>.

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<sup>43</sup> Humans Right Watch, together with more than 20 NGOs in Colombia, wrote a letter to former President Uribe asking him to investigate such violations committed by armed actors during his government. Accessed January 5, 2012

<http://www.hrw.org/news/2008/03/25/letter-president-lvaro-uribe>

<sup>44</sup> Please refer to Ortega and Ospina (2012) and the statistics of the GDR available online at: <http://www.mmrree.gob.ec/refugiados/indice.asp>

<sup>45</sup> This point will be further discussed in Chapter 5 where I detail the emergence of new conflicts and the different discourses on crime and violence that accompany the presence of Colombians in Ecuador.

Although Ecuador is a signatory of the 1951 Geneva Convention and the 1967 Protocol, the 1984 Declaration of Cartagena and the 2004 Declaration of Mexico, the country had never faced a massive arrival of refugees to its territory prior to 2002, it had only seen the occasional arrival of Europeans fleeing World War II and of individuals escaping dictatorships, especially in Argentina and Chile. There was no public policy regarding the issue of refuge until 2008, when the Ecuadorian Ministry of Foreign Affairs launched “*Ecuador’s Policy in the Matter of Refuge*” in an attempt to offer a framework for protecting the thousands of Colombian refugees already present in the country.

Many of my interlocutors mentioned that, once they had crossed the border line mainly on local buses or via clandestine routes, they were confused and disoriented about what to do in order to “legalize” their presence in Ecuador. Some of them thought that the *Tarjeta Andina de Migración* (Andean Migration Card<sup>46</sup>) was the only requirement to access the country and that they could remain in Ecuador for a long period of time. Once they started experiencing the difficulties of not having access to public services (health, education, and social security), jobs and housing, they realized that the lack of documentation was a huge obstacle to their survival and a threat to their permanence in Ecuador.

The process of application for refuge in Ecuador starts when the “solicitant” arrives at the offices of the General Directorate of Refugees (GDR) in Quito, Guayaquil,

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<sup>46</sup> The Andean Migration Card was created by the Andean Community of Nations (Colombia, Ecuador, Peru and Bolivia) to allow citizens from these countries free mobility in their territories when traveling as tourists (Andean Community of Nations - Decision 503, 22 June 2001). The Andean Migration Card must be accompanied by the national identification card and allows visitors to remain up to a total of 90 days within the country.



Cuenca, and Santo Domingo or in any of the border cities such as Tulcán, Esmeraldas or Nueva Loja within the first 15 days of his or her arrival in Ecuador<sup>47</sup>. After a series of questions and fills out all the paperwork, it is the GDR's officials who decide if the story they are told is marked by any inconsistencies and whether or not there is insufficient evidence or documentation to justify the approval of the applicant's refuge in Ecuador<sup>48</sup>. If the GDR official finds enough merit in the application, he will send the application to the Eligibility Commission for their consideration and a final interview of the applicant. This commission is formed by representatives of the Ministries of Foreign Relations, Interior and Justice and has a maximum of four months to reach a decision for each application. In the meantime, the applicant receives a "Provisional Certificate as Solicitant of Refuge" that will allow him to remain in the country for a maximum of 90 days, guaranteeing that he or she will not be deported, expelled, extradited under the principle of non-refoulement<sup>49</sup> and the right to move and to work freely within the

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<sup>47</sup> This new term (15 days) which I considered completely unreal due to the nature of the refugee phenomenon (marked by sudden abandonment, fear, persecution, disorientation, etc.) was introduced via Presidential Decree # 1182 in May 2012, probably as a result of political pressures to decrease the presence of Colombian refugees in the country in an electoral year, where the government party wanted to assure the majority of votes for its re-election.

<sup>48</sup> Talal Asad (2004) presents a vibrant analysis on how suspicion comes to occupy the space between law and its application. In the same vein, Schussler (2009) presents a compelling case on how suspicion is used by the State as the main tool to deny refugee status to the thousands of Colombians that continued living in Ecuador, even though their applications were denied by the State.

<sup>49</sup> The principle of Non-refoulement is a rule of international customary law that guarantees the no devolution of refugees and asylum seekers to their native countries where their lives, safety or freedom are being threatened by adverse circumstances (see Article 33 of the 1951 Convention of Refugees). It is a way to prevent that the host State oblige a person to return to a territory where he or she may be exposed to persecution and maybe death. Since the purpose of the principle is to ensure that refugees are protected

country while his or her situation is being resolved.

If the petition is accepted by the Commission, refugee status is granted. A visa (12-IV) and an ID card are issued for a period of two years, after which, the petition will need to be renewed. Once an individual is recognized by the State as a refugee, he/she is entitled to certain rights (including not being deported in line of the principle of Non-refoulement, access to public services, the right to work and the right to move freely within the country, among others). However, refugees also acquire several obligations to the State such as *“to respect the Constitution and laws of the country and to not interfere in political matters that may compromise the national security or Ecuadorian internal or external interests”* (Presidential Decree 1182, Article 28). The decision to grant refugee status is exclusively that of the Ecuadorian government, therefore neither the UNHCR nor any of its local partners have any say in the process. A UNHCR representative is invited to attend the Commission’s meetings to provide advice; however, he or she cannot vote or intervene in the work of the Commission.

If the GDR’s official considers the petition to be inconsistent (as happens in the majority of cases) the petition is rejected and is not directed to the Eligibility Commission for further consideration. The solicitant is notified about this decision and he/she has the

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against such forcible return, it applies both to persons within a State's territory (to prevent their return, expulsion or extradition) and also to those refugees at the border to prevent their rejection. Exceptions to the principle of non-refoulement constitute individuals considered by the governments as threats to the national security or that have committed crimes against humanity.

For more information please refer to UNHCR refworld center:

[http://www.refworld.org/cgi-](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement)

[bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement)

right to appeal, or to try to regularize his migratory conditions by other means or to abandon the country within the next 3 days (Presidential Decree 1182, Art. 33).

There is a high degree of discretionality in this decision-making process, which is basically guided by a legalistic approach to the practice of law rather than by the humanitarian vision stated in the Geneva Convention and other international mechanism for refugee protection. Contrary to their good disposition to process the biggest number of applications with celerity and the scarce resources that the GDR has, the rigid application of law and regulations does not allow the GDR officials to examine the more subtle aspects that accompany the forced displacement of refugees. For example, as Jairo, a union leader from Putumayo who was forced to flee by members of the new paramilitary groups that were formed after the demobilization process and who arrived in Ecuador in 2011, mentioned:

*“I learned about the registration of Colombians through the news and went to the offices to present my case... I just wanted to let them know that we are poor, that we are peasants, but that we also have dignity... that was the reason why I had to leave, because I wanted to defend our land... do you understand?... The person in charge was looking at me with suspicion as if I were a criminal and sometimes he would asked me the same questions over and over again to find out if I was lying... he asked me for my ID, my certificate of affiliation to the union, many papers that I did not have...I did not have any documentation, no evidence of my situation... I only explained to him that I had to leave... that they had killed two of my fellow union members and that I would be next... I had to leave when*

*the invitation to my own funeral arrived... Mister such and such... has passed away... his relatives such and such thank his friends...*” (Interview # AS21).

Jairo’s testimony points to some of the subtleties involved in the process of granting “refugee status”. For example, since paramilitary gangs had been demobilized under the Uribe’s administration in 2005, technically, they were no longer considered “armed actors” in the Colombian conflict. Therefore, it is difficult to prove their responsibility for the continuing persecution or massacres of civilians, which can easily be attributed to guerrilla groups or common criminals. According to Jairo, the GDR staff who interviewed him did not believe that neo-paramilitary gangs were a real and present threat to people in Putumayo. This belief can be a consequence of a lack of knowledge and of the absence of communications with the Colombian authorities, which has been highlighted by many refugees as crucial in order to verify the information that they provide. Another element that Jairo mentioned as relevant in the decision to deny him refugee status was the lack of documentation, which affects the majority of refugees, since most of them, abandon their homes in a matter of hours, leaving social, material and political resources behind. Although the Regulations on Refuge mention that not presenting documents is not a reason for the application to be deemed inadmissible, in practice, many of the interviewed refugees mentioned that without any “proof” of their persecution, their application would most likely be rejected.

Despite the inconsistencies and difficulties experienced by refugees in the process of applying for refuge, Ecuador’s humanitarian approach to the problematic of thousands of refugees has been internationally recognized, especially since it has promoted the

massive “regularization” of refugees through the use of innovative mechanism such as the “Enhanced Registry Project”.

The massive arrival of Colombians intensified significantly after 2000 (especially of farmers crossing into borderlands), leading President Correa to launch a pioneer project in 2007 designed to register thousands of refugees living in the northern border. The “Enhanced Registration project”, as it was called, consisted in registering and providing protection to Colombians living in borderlands who have fled massive violence or persecution in their home country. The legal basis for the development of this mechanism was the 1984 Declaration of Cartagena, which broadens the notion of a refugee to include individuals who had 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 *"and not only a person who owing to a well-founded fear of being persecuted...is unwilling to return to it"* as is stated by the Geneva Convention<sup>50</sup>. This differentiation is critical since it evinces the political will behind the Declaration of Cartagena to include and protect thousands of people who are not direct victims of political or ethnic persecution, but whose lives were affected by generalized armed conflict and human rights’ abuses.

The registration under the project was carried out by mobile brigades from the General Directorate of Refugees (with UNHCR support) that visited remote border

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<sup>50</sup> This last point is extremely relevant and will be further analyzed in Chapter 5, when I present the main conflicts that emerge from the application of a more restricted and legalist vision about conceding refuge based only on the 1951 Geneva Convention.

towns, interviewing people and making a decision on their status on the same day, making this process of registration unique around the world<sup>51</sup>. This meant that refugees did not have to travel long distances to the capital or spend up to 6 months waiting to receive a decision on their application. According to Ortega and Ospina (2012, 28), 35,000 refugees were recognized through this mechanism in a one year period (from March 2009 to March 2010).

Despite the project's results, the "Enhanced Registry Project" lasted only for a year and was not applied to refugees located in inner cities or in areas far from the borderline, so these refugees did not have the same opportunity to register and acquire "legal" status in a matter of 24 hours as their fellows living in borderlands enjoyed. Social and political pressures, in addition to strong criticism of the mechanism by the media and certain politicians, who linked the increased and now "legal" presence of Colombian refugees to an increase in crime and violence in Ecuador, ruled out completely the application of the "Enhance Registration Project" in other areas of the country.

### **The Inconsistencies of a Disarticulated State**

The encounters between refugees and the different State institutions described above clearly reveal the existence of a contradictory State. The fragmented and sometimes chaotic nature of the Ecuadorian State (reflected in the lack of consistent

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<sup>51</sup> Depending on the country in which refugees apply for recognition, the process can last several months (in Australia it takes 6-12 months) or several years (as in the US and Canada).

public policies, the legalistic more than humanistic actions of its officials, and the absence of cooperation between its different agencies and of communication with Colombian authorities) increases the vulnerability of Colombian refugees in many ways. An example of this contradictory state came to light in 2009, when the declarations of the Ministries of the Interior and Foreign Relations regarding the political will to proceed with a massive legalization of 500,000 Colombians unleashed a wave of confusion and panic among the officials of the General Directorate of Refugees and the Immigration Police. Other examples of lack of cooperation and communication among agencies are manifest in the multiple legal traps that “recognized” refugees face when trying to open a bank account, access the social security system or get a job permit.

Another example of the lack of continuity in terms of policies on the matter of refuge was the tightening of regulations for the admissibility process and reduction in the time for registration of an application or appealing a verdict. This policy change was effected through Presidential Decree 1182 at the end of May, 2012 that marked an important milestone in Ecuadorian policies on the matter of refuge and reversed the more humanitarian vision that had prevailed in the concession of refugee status during the previous decade.

No matter how much time President Correa spent in his weekly media interventions<sup>52</sup> defending his policy of “open doors” related to the entry of foreigners and in trying to destroy the myth linking the presence of Colombians to the increase in crime and insecurity in the country, he could not convince many Ecuadorians, and in the end,

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<sup>52</sup> Please refer to President Correa’s public speech at Enlace Ciudadano # 267 of 14 April, 2012. Accessed on January 30, 2013 <http://www.youtube.com/watch?v=Eq2TXcA--9Q>

his government (through Presidential Decree #1182) gave a huge setback to the application of a more humanitarian approach to the concession of refuge. Ecuador's policy of solidarity with the victims of the Colombian conflict (that led to a massive registration of refugees in a record time) was converted overnight into an exclusionist policy based entirely on the capacity of judgment of a State official to discern, on the basis of incomplete information, who is a refugee and who is not, and this in a context of growing public discontent with the arrival of more Colombians.

These are the inconsistencies of a weakly articulated state, which are present not only in the formulation and implementation of public policies without any continuity, but also, in its actions and omissions, including the lack of coordination and cooperation between its own ministries that ends up increasing the vulnerability of refugees, perpetuating their invisibility and trapping them in a network of clandestinity, violence and poverty.

The effects of public policies on the lives of refugees and the huge gap between what is stated in the law and what happens in practice constitutes the core of the next chapter, which presents the emergence of new conflicts derived from the application and interpretation of law, the discourses on crime and discrimination and the contesting narratives that emerge regarding the presence of Colombian refugees in the country.

### **Typology of Refugees**

Beyond the application of these policies and their impact on the lives of thousands of Colombian refugees in the country, an informal/formal typology of refugees has emerged as a result of the practice of law and therefore, new identities or forms of self-



definition and qualification of others have been created. Thus, terms such as “denied”, “applicant”, “non-applicant”, “invisible”, “appellant” and “undocumented”, among others, form part of the refugees’ and public officials’ discourses. On the one hand, depending on which part of the “regularization process” they are at, refugees define themselves and their relationship with the state institutions and with other members of the communities based on self-adscription to these categories. On the other hand, it is the State (through its institutions and officials) that creates this categorization of refugees through the application of law.

According to the place that refugees occupy in the “regularization process”, a specific set of rights and obligations emerges for each situation. These are some of the categories that were most commonly referred to in interviews, conversations, and in media and public and technical documents:

**Invisibles:** As the numbers quoted above show, the majority of Colombian refugees in Ecuador do not apply for refugee status in Ecuador. For different reasons and circumstances, almost 300,000 Colombians remain in clandestinity and can be subjected to deportation at any time. Since they work informally and their access to basic rights (health care, education, and housing) is very precarious, UNHCR considers them to be “*population of concern*” and tries to include them in their support programs. Many of the refugees that I interviewed for this research fall into this category, since they said they did not want to take the risk of their applications being rejected and therefore, being obliged to leave the country in a matter of days. If they remained “unregistered”, they could still plead they were refugees and start the process of application if confronted by

the authority. This situation has changed with the application of the Presidential Decree 1182, which requires refugees to register within two weeks of arriving in Ecuador.

**Solicitant:** A refugee who decides to apply for recognition is referred to as a “solicitant” and as such, he has the right to remain in Ecuador “legally” for a maximum of 90 days. He or she also has the right to travel within the country and to work while a decision regarding his or her application is being made by the Eligibility Commission. The “solicitant” also has access to the supporting programs of UNHCR and its partner organizations such as the Hebrew Immigrant Aid Society (HIAS), Jesuit Refugee Service (JRS) and other agencies, until his or her case is resolved.

**Denied:** Once a refugee’s petition has been denied by the Eligibility Commission, the refugee loses immediately his or her condition as “solicitant” and, unless he or she starts an appeal process in the next 5 days, he or she will have no State protection and no support from UNHCR. He will also not qualify to receive any help from the UNHCR programs. Basically, his or her situation may be the same as it was before applying for refuge (lack of protection, support and access to public services, etc.) however, he or she now has the obligation to return to Colombia or face the possibility of being deported at any time. This is a critical point in order to understand why the majority of Colombian refugees in the country opt not to register.

**Recognized:** Refugees who are granted “legal status” fall into this category. Their condition of vulnerability has been officially recognized by the State and they have full access to UNHCR programs. The GDR will issue the refugee ID cards for the refugee and his or her dependents (children under 18 years), which allows them to work, to move

freely inside the country, to have access to public health, education, etc. for a period of two years, when their application needs to be reviewed. The official recognition of a person as a refugee by the State also implies the loss of any possibility of returning to Colombia, at least while the conflict lasts or else he or she can lose their refugee status. This fact inspires different reactions among refugees especially in borderlands, who still maintain strong links with their lands and relatives and who maintain the hope of returning to Colombia in the near future. Many of my interlocutors in the borderlands mentioned that the condition of not returning to their home country once refugee status is granted discourages the registration of refugees in borderlands who want “*to keep an eye*” on their *fincas* (farms) although, these are in their view temporarily occupied by armed actors.

**Appellant:** If a petition has been qualified as “inadmissible” by the GDR, the petitioner has the right to appeal this decision within the next 5 days (Presidential Decree 1182, Art. 48), or to try to regularize his situation through other channels (for example by obtaining a working visa). If the petition was qualified as admissible but the Eligibility Commission denied the application, the solicitant has 5 days to appeal this decision (Presidential Decree 1182, Art. 48). If the petition then is rejected for a second time, the petitioner will have to leave the country in the next two weeks. Before the introduction of Decree 1182, the process of appeal and resolution used to last several months, allowing refugees to buy some time before being deported to Colombia. However, the changes introduced in these administrative procedures reveal the tightening of refugee regulations and policies leaving thousands of Colombian refugees with little hope of

regularizing their situation in Ecuador.

**Others:** In light of the increase in the number of refugee petitions that have been denied in the last few years, refugees have opted to apply for other types of visas to ensure their permanence in the country. Those who can afford the costs get a work visa for approximately US\$1,000 dollars that allows them to work and to move freely within Ecuador. Others prefer to apply for a “*visa de amparo*”. This is a sort of “protection visa” granted to a foreigner who is under a relation of dependency with Ecuadorian relatives and whose relative will be economically responsible for his or her support. The cost of obtaining this visa is close to US\$600 dollars and it is valid while the relationship lasts. This type of visa is popular among refugees whose petitions have been denied even after appeal, who to a certain extent, are therefore forced to give up their condition as refugee in order to remain “legally” in the country.

When choosing one of these options (working visa or *visa de amparo*), these refugees immediately fall outside the UNHCR mandate and do not qualify for any type of protection by the State, since they renounced their condition as refugees and are considered to be more like economic migrants.<sup>53</sup>

It is important to highlight the implications in terms of reparations that accompany each of these categories. For recognized refugees, non-solicitants, solicitants, denied refugees and appellants, the possibility of receiving any type of reparation (in moral and economic terms) from the Colombian government once the conflict ends still

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<sup>53</sup> According to the Jesuit Refugee Service (2006, 53), of the 46% of refugees in Quito whose applications were “denied”, a 36% of them applied for a “*visa de amparo*” while a 24% tried to obtain a working visa. Only a small fraction (12%) pursued an investor visa.

remains as a possibility. Nevertheless, for those refugees who have opted to apply for a working visa or a protection visa, this option disappears. In this case, the loss of their identity as refugees also implies the loss of any possibility of making their story known, of accessing to justice, and of being part of any comprehensive reparation program.

As we have seen, the creation of this taxonomy of refugees by the State through the application of the refugee law and the administrative process of asylum granting contributes to the “legalization of identities” of Colombian refugees. The role of law in the configuration of these multiple identities and how refugees react to regulations imposed on them will be analyzed further in Chapter 6 “The Pragmatism of Identity”.

## **CHAPTER FIVE: ETHNOGRAPHIES OF TRANSITION: THE EMERGENCE OF NEW FORMS OF CONFLICT IN ECUADOR**

Once Colombians refugees enter into Ecuador, a series of challenges and opportunities arise as they try to insert themselves in new social contexts. This chapter analyzes the emergence of new forms of conflict associated with the presence of Colombian refugees in Ecuador. It starts with a presentation of the main paradigm through which the State and other public actors (such as the media, NGOs and politicians) understand the presence of the refugees in the country. It is through this paradigm that the formulation of policies, the institutionalization of practices and the emergence of different discourses regarding the presences of refugees take place.

In addition, this chapter presents the main narratives and practices that foster discrimination and exclusion in different ways, from the official discourses that attempt to regulate the presence of refugees in the country to the media discourses and the everyday conceptions, reflected in the interviews conducted as part of my field work, that translate into the main perceptions of Ecuadorians about Colombian refugees, which includes stereotypes, ideas and values regarding their presence in the country.

Finally, this chapter includes the contesting voices of refugees who have organized themselves in associations and alliances (sometimes with local organizations) to claim the fulfillment of their rights by the State, to reduce their lack of visibility, to raise the

level of tolerance among the communities that host them and to resist any attempt by police or other public forces to send them back to Colombia before peace has been achieved completely in their country.

### **The Securitization of Refuge in Ecuador**

In order to analyze the dynamics that prevail in borderlands and inner cities with regard to security and to the different discourses related to this concept, I resorted again to the constructivist perspective exposed by authors such as Waever (1998) and Buzan *et al.* (1998), so as to gain a better understanding of how ideas about “security” are crafted and how these conceptions are articulated in society in ways that help social actors to make sense of their realities.

According to Waever (1998, 6) the “securitization” of an issue (commonly defined as a threat) happens when a particular actor transforms the issue into a matter of security and persuades a specific audience to accept it as a security threat. Securitization in this context is basically an inter-subjective and socially constructed process that seeks to inform and guide public policies and the shaping of perceptions regarding the need to implement different measures, e.g. to convert Ecuador’s Northern border areas abutting Colombia into a safer space.

The “securitization” of the border areas can be considered the dominant paradigm regarding the Colombian conflict among state and non-state actors in Ecuador for the last decade. This conception highlights the importance of protecting the border in order to avoid being dragged into the violence that prevails in the neighboring country and to avoid being contaminated by the dynamics of drugs and arms trafficking and their

underground economies.

There are three elements that have been critical in influencing the “securitization” of the border: a) the proximity to the internal conflict in which the neighboring country has been immersed for more than 50 years, b) the dynamics of drugs and arms trafficking which have established Ecuador as a transit route and c) the increase in civil insecurity throughout Ecuador, a phenomenon that some right wing politicians and certain media blame on “the massive arrival of Colombians to the country”<sup>54</sup>.

Several actors have contributed to the development of a securitizing discourse: from state actors such as the military and police forces to non-state groups such as civil society organizations, human rights NGOs, the Catholic Church, the media and certain politicians who have embraced this type of discourse to advance their own agendas. These discourses will be further analyzed in the following section on “Discourses on Crime and Discrimination”.

In this context, in which hegemonic groups have conceived their ideas of security, the arrival of Colombian refugees is mainly understood as a risk to national security and is treated under the lens of suspicion and mistrust by several of the actors mentioned above. Although the 1951 Convention does not oblige signatory states to provide housing, jobs or public services to refugees, but rather to offer them the same treatment as nationals (with certain rights and responsibilities), a massive arrival of refugees is seen

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<sup>54</sup> Please refer to the article in: Diario El Universo, “Delincuentes se mimetizan entre los Miles de Refugiados”. December 12, 2010 Accessed on April 1, 2013 <http://www.eluniverso.com/2010/12/19/1/1447/delincuentes-mimetizan-miles-refugiados.html>



as a destabilizing force that menaces the cohesiveness and unity of the nation-state.

Anderson's conception of nation (2006, 6) as "an imagined political community – and imagined as both inherently limited and sovereign", or a symbolic construct of the collective imaginary, that is, a system of cultural signification that communities can use strategically to shape their own identities and rhetoric, becomes very useful to understand not only how ideas about refugees are constructed in the securitization discourses but also the practical consequences of their broaden diffusion among Ecuadorian communities.

In this sense, the securitizing actors (such as state institutions and officials, military and police forces, media, politicians, etc.) become the main architects in the "making and unmaking" of the imaginary of the nation, where refugees as foreigners do not share in the supposed cohesive essence of the nation, since they do not have a common history and destiny. They break the cohesiveness that prevails in the image of the nation as an imagined community (Anderson 2006), competing with locals for the already scarce resources, and demanding participation and even representation in a country to which they do not belong.

More radicalized discourses have also emerged regarding refugees, in which they are labeled as common enemies who need to be sent back to their country, and in the rhetoric of certain politicians, treated as scapegoats who are to blame for the many socio-economic challenges faced by Ecuadorians. The security concerns driven by a discourse that criminalizes Colombians reached one of its highest points in September 2002, when the former governor of Carchi, René Yandún, ordered the nightly closing of the international bridge of Rumichaca (on the Ecuadorian side of the border) by hanging a

heavy chain from one side of the bridge to the other from 10 pm to 6 am. The rationale behind this act was to “secure” the Ecuadorian side of the border by preventing “Colombian criminals” from taking advantage of the night to cross over to engage in criminal activities<sup>55</sup>. This very polemic measure calmed the mood of many people in Carchi and resonated all over Ecuador as a precautionary measure that would decrease the rate of crime and violence in the country. However, for the people of Nariño (on the Colombian side), this regulation was rejected since it prevented them from trading overnight and from moving freely in the region.

With the arrival of President Correa to power in 2007, a more balanced rhetoric than the securitizing paradigm emerged regarding the presence of Colombian refugees. The issue went from being considered exclusively as a matter of national security to also being treated as a humanitarian issue that deserved urgent attention nationally and internationally. This shift represented a rupture in the widely mooted equation that having fewer refugees would bring more security into the country.

The controversial ritual of hanging the chain over the Rumichaca bridge was repeated night after night for nearly a decade, until President Correa visited the region in February 2012 and ordered the opening of the border 24 hours a day, to achieve a “*truly regional integration between Ecuador and the neighboring countries*”<sup>56</sup>. Paradoxically, the government official who hung the chain in first place (former Carchi governor René

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<sup>55</sup> Please refer to: Diario El Hoy. “Especial Frontera Norte” Accessed on April 17, 2013 [http://www.hoy.com.ec/temas/especial\\_frontera\\_norte/tercera1.htm](http://www.hoy.com.ec/temas/especial_frontera_norte/tercera1.htm)

<sup>56</sup> Statement by Ecuadorian President Correa about border integration that appears in: Diario El Universo. “Prefecto Yandún critica que se abra Puente las 24 horas”. Retrieved April 15, 2013 from: <http://www.eluniverso.com/2012/03/02/1/1447/prefecto-yandun-critica-abra-puente-24-horas.html>

Yandún) was the same official who had to remove the chain under the Presidential order.

In addition, other measures were taken in an attempt to “de-securitize” the presence of refugees in the country. For example, Ecuador’s Constituent Assembly, in charge of re-writing the Constitution in 2008, included a new chapter on human mobility and incorporated the principle of “universal citizenship”, a new paradigm for free human mobility without borders, where no one can be considered “illegal” regardless of his/her migratory status. This change in immigration policies led to the registration of refugees through the Enhanced Registration Project<sup>57</sup> in the Northern border areas and the elimination of visa requirements such as the *Pasado Judicial* (a sort of police record that was a requirement for Colombians who wanted to enter Ecuador until June 2008).

Although these measures confirm the political will to support refugees, the securitizing paradigm still prevails when deciding the fate of thousands of refugee applicants in Ecuador. As one of the GDR officials interviewed acknowledged:

*“Here at the GDR, we try to communicate better with the members of the Commission about the nature of refuge. Some of them come from Ministries which are not familiar with the topic. Of course, there are some security concerns involved that are exposed by the media, in the newspapers...”*

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<sup>57</sup> The Enhanced Registry Project, a joint effort between the General Directorate for Refugees and the UNHCR office in the country, supported the “regularization” of 27,000 refugees living in the Ecuadorian border provinces of Esmeraldas, Carchi and Sucumbíos. For more information about this program, please refer to: Molina, Camilo. 2010. “El Registro Ampliado: implicaciones solidarias y oportunidades de refugio en Ecuador”. Boletín de Coyuntura del Sistema de Información sobre Migraciones Andinas. Quito: FLACSO.

*everyday...but we cannot treat an issue that is mainly humanitarian with the same criteria that is used to judge criminals, that is used to identify threats or as a risk to the State's security. For us, we try to ensure that the other members of the Commission understand the human drama that accompany these people...but it is very hard to convince the representatives of the Ministry of Security or the Immigration Police to change their vision about the refugees... their military background frames everything as a matter of national security, which, to a certain extent, is convenient for them... it helps them to preserve their own jobs, their own institutions...everyone tries to channel the water to their own mill".*

(Interview # AS27)

In the political arena, the implementation of policies to “de-securitize” the situation of thousands of Colombian refugees and to frame it more as a humanitarian crisis that affects the country and the region came with high political costs for Correa’s regime. The political opposition and mass media blamed President Correa’s “open doors policy” for the increase in violent crimes and insecurity associated with drugs and arms trafficking<sup>58</sup>. As René Yandún, former governor of Carchi mentioned:

*“Every day there are more Colombians who arrive with the idea of getting a job and replacing national workers. We do not know if they are noble citizens,*

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<sup>58</sup> President Correa’s government could not counter these opinions, even though he presented a long series of statistics to refute the association between an increase in violent crimes in the country and the presence of refugees or the elimination of visa requirements for the majority of foreigners. Please refer to Enlace Ciudadano # 267 of April 14, 2012. Accessed on March 10, 2012 <http://www.youtube.com/watch?v=Eq2TXcA--9Q>

*guerrilla members or what their condition may be*".<sup>59</sup>

Beside the political opposition to Correa's policies on immigration and refuge, other events hindered the process of "de-securitizing" the presence of refugees in Ecuador. For example, Colombia's bombing of a FARC camp within Ecuadorian territory in March 2008 generated a new wave of nationalism in the country and a rupture in the relationship between the governments of Colombia (under Uribe's administration) and Ecuador. The restoration of the bi-lateral relations took almost two years and gained strength when the new Colombian President, Juan Manuel Santos, took office in 2010 and started to recognize the responsibility of the Colombian State in producing hundreds of thousands of IDPs and refugees who flee the country.

A series of efforts by President Correa's government led to the recognition of 55,000 refugees by 2012, to the formulation of policies on refuge that did not exist in the past and to the greater visibility of the refugee problem at the national and international levels. Nevertheless, the lack of consistency in implementing policies and regulations on the matter of refuge, the role played by the media and political opposition in a key electoral year for President Correa and the fear of triggering a massive arrival of refugees eventually led to a radicalization<sup>60</sup> of the requirements for applying for refuge, as is

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<sup>59</sup> Please refer to: Diario El Hoy. "Special Edition about the Northern Border", Quito. Accessed March 13, 2012:

[http://www.hoy.com.ec/temas/especial\\_frontera\\_norte/inicio.htm](http://www.hoy.com.ec/temas/especial_frontera_norte/inicio.htm)

<sup>60</sup> This radicalization can be seen in the language used in the mentioned Decree that resorted again to the securitization paradigm to legitimize the introduction of tougher regulations for refugees. For instance, Section II of the Decree, entitled "Of the Manifestly Unfounded, Abusive and Illegitimate Applications", places the burden of proof on the applicant and adopts a posture of suspicion in discerning whether he or she is asking for shelter for personal or third party benefits.

manifest in the formulation of Presidential Decree # 1182 in June 2012.

The securitization of refuge has had significant consequences for the lives of thousands of refugees, whose vulnerability has not diminished with their arrival in Ecuador. On the contrary, their legal situation and the lack of economic resources and rupture of social networks that accompany their displacement have increased their vulnerability and impeded their chances of getting a better future.

### **Structural Violence: from Refugees to Deportees**

Structural violence, as defined by Galtung (1969), seems to be a constant component in the everyday lives of refugees and plays an important role in perpetuating their lack of opportunities and social exclusion. Galtung defines structural violence (1969, 169) as *“the avoidable impairment of fundamental human needs, or, to put it in more general terms, the impairment of human life, which lowers the actual degree to which someone is able to meet their needs below that which would otherwise be possible”*. According to this author, when the potential to fulfill these needs is higher than the actual fulfillment, it is by definition avoidable and when it is avoidable, then structural violence is present (1969, 168).

From the moment that the refugees' journeys start up to the present day challenges they experience in their daily lives in Ecuador, refugees experience the consequences of an unequal distribution of power (mainly manifested in economic, social and political terms), that will constrain their agency to the point that it is very challenging for them to fulfill their basic human needs and exercise their most basic human rights.

In Ecuador, refugees are not the only silent victims of structural inequalities,

however their situation of “irregularity” before the law, their condition as foreigners rather than citizens and their lack of economic and social resources to integrate more readily into society, further deepen the gap between the potential for refugees to exercise their rights under the law and their ability to exercise these rights in practice.

By and large, everyday forms of symbolic violence are hidden in what people consider “normal” social practices. As Scheper-Hughes and Bourgois (2004, 4) indicate, “*structural violence is generally invisible because it is part of the routine grounds of everyday life*”, where many inequalities are naturalized into discourses that legitimize domination. Therefore, social structures have institutionalized structural violence in many subtle ways, which became evident to me when I visited the naturalization office of the Ministry of Foreign Affairs in Cuenca, when trying to nationalize my 1 year-old daughter, who was born in the US, as an Ecuadorian national.

Entering in a government office in Ecuador is an experience that takes a lot of time, patience and a pragmatic vision to overcome the many steps/obstacles that the bureaucratic practice imposes. The gray corridors and offices illuminated by dim lights were filled with *tramitadores*, offering to deal with any obstacle and to do the paperwork faster than usual for the right price. When I entered the naturalization office there were at least 20 people ahead of me, so I prepared myself to spend the next couple of hours reading magazines and newspapers until my turn arrived. Suddenly, I could hear a person calling my name in the speakerphone asking me to proceed to the window at which a ministry official would examine my daughter’s case. I could not avoid noticing the comments and the looks of the other people at the room staring at me and wondering

who I was to have received such a privileged treatment, a privilege that I was not aware of at that time. When I inquired the official at the window why he called my name so quickly, he replied that as an Ecuadorian, as a “national”, I deserved a sort of “priority treatment” and that the rest of the people in the room were “*just another group of Colombians, of refugees who want to legalize their situation here*”. What struck me was not the inherent nationalism in his words, nor the fact that these people go through innumerable challenges to achieve their “regularization” (economic, geographic, psychological to cite the most obvious ones), but the “naturalization” of the image of Colombian refugees as part of the daily landscape of any immigration office in the country, a naturalization that comes with the dehumanization of their needs and claims, as we will see in the following section on discrimination.

As I went back to my seat to process what had just happened, a couple of retired Americans walked in trying to obtain their residence permit.<sup>61</sup> They received the same treatment that I did, leaving the room shortly after they were interviewed by the government official. At that moment, it became clear to me that - at least for bureaucratic officials who hold their share of power in their ministerial offices- there are “privileged foreigners” and “privileged nationals” and that Colombians refugees do not belong to

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<sup>61</sup> Since the American magazine “International Living” named Cuenca as one of the top 5 retirement destinations in the last five years, large numbers of Americans retirees have settled in Cuenca, changing the social and economic landscape of the city. Although there are no official data on the number of Americans living in the city, there is an estimate of 5,000 Americans living in the city since 2008, when the global economic crisis hit the US economy. See also, BBC News. 2012. “Cuenca: The Promised Land for Americans” Accessed on April 14, 2013 at: [http://www.bbc.co.uk/mundo/noticias/2012/12/121226\\_cuenca\\_ciudad\\_para\\_estadounidenses\\_en\\_ecuador\\_mz.shtml](http://www.bbc.co.uk/mundo/noticias/2012/12/121226_cuenca_ciudad_para_estadounidenses_en_ecuador_mz.shtml)



either of these categories. This experience was a subtle reminder of the way structural violence works to silence certain voices that are considered irrelevant, uncomfortable or less adequate for the establishment. As Luisa, a Colombian single mother who was sitting next to me in the room and who agreed to share her views with me in an interview, mentioned:

*“I do not understand these people [public officials]... the way they treat us... we are not here because we want to be. We just need a place to live, to raise our children... but if you see the way they treat those gringos [Americans], yes sir... no sir... whatever they want, they receive... those people [public officials] do not realize how badly those gringos treat Ecuadorians in their country, when they go searching for a job... most of them are sent back and... here, they are well received, they are granted the residence without a but... this situation is too ironic for me to understand, too unfair”* (Interview # AS11)

In this context, it is relevant to examine the role played by public policies and institutions in both States (Colombia and Ecuador) in perpetuating the cycle of structural violence that affects refugees. The criminalization of refugees starts with their initial displacement within Colombia and with the lack of economic and social opportunities to support their re-insertion in Colombian society. During the last decade, the constant denial by the Uribe Administration (2002-2010) of the existence of an armed conflict in Colombia (referring instead to attacks by terrorists and illegal armed groups) affected thousands of displaced people within the country, who were mostly labeled by authorities

as guerrilla collaborators, accomplices, informants and other categories that criminalized civilians and denied them access to any national or international protection system.

Once these Colombians crossed into Ecuador, the lack of responsibility of the Colombian Government in recognizing its share of responsibility in generating “refugees” continued to the point that this was one of the main sources of friction with the Government of Ecuador (Jaramillo 2009), at least until President Santos took office in 2010.<sup>62</sup> Another shortcoming in terms of bi-lateral collaboration that affected thousands of refugees and that evidenced the existence of structural violence was the lack of cooperation of Colombian government officials in documenting the Colombians who arrived in Ecuador, in order to provide them with the basic documentation needed to apply for refuge. As one of the GDR officials recognized:

*“Many of the people who apply for refuge are farmers and peasants who did not even have their ID cards as Colombian nationals when they were living there... when we asked them to provide any proof of identity, they have nothing to show...the Colombian consulates in the borderlands do not even bother with them, they send them back alleging a failure in the computer system or the lack of information and celerity from their offices in Bogota...”* (Interview # AS30).

When I analyze the situation of structural exclusion from the point of view of the

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<sup>62</sup> According to UNHCR representative Luis Varese, Ecuador invests 42.3 million dollars in supporting the 53,000 registered refugees and it was only in December 2011 that the Colombian Government donated 500,000 dollars to support refugees in Ecuador. Please refer to: Diario El Hoy. 2010. “Ecuador invierte \$42 millones al año para atender a refugiados colombianos”. Accessed on April 1, 2013 <http://www.explored.com.ec/noticias-ecuador/ecuador-invierte-42-millones-al-ano-para-atender-a-refugiados-colombianos-445364.html>

Ecuadorian State, it is important to take stock of several factors that contribute to perpetuating the situation of structural violence in which thousands of refugees are immersed. In the course of interviews for this research, GDR officials manifested their willingness to help refugees, however the lack of funding to finance their operations, the scarce communication with their peers in Colombia and the legalist perspective that prevails in the process of determining refugee status, end up harming refugees and impairing their rights in several ways. For instance, the lack of communication and coordination with the Colombian government during the Uribe administration hampered the concession of refugee status.

Moreover, a lack of coordination was also evident inside the Ecuadorian State, where several of the ministries that deal with refuge issues (such as Labor, Social Welfare, Public Health, Housing and Foreign Affairs, among others) were not coordinating or ensuring the application of refugee rights in practice. For example, some of the recognized refugees who were interviewed for this research referred to the difficulties experiences when trying to open a bank account. Although they had a valid *carnet de refugio* (refugee card) and as such a right to open a bank account, many financial institutions could not open an account in their electronic system since the number of digits on their ID cards was less than the 10 digits on the cards for nationals. The same thing happened to refugees who tried to access the social security system to gain access to public health hospitals and services.

What might be interpreted as small failings by the State in taking care of the “operational details” regarding the implementation of refugee rights in practice points to

the structural violence that prevails in the State's practices and discourses. Another example of this type of violence is manifest in the lack of transparency and accountability that surrounds the process of granting refuge. In addition to being a process that depends on the discretion of individual public officials in discerning who is telling the truth and who is not, once an application has been denied, the solicitant does not receive any explanation for the denial of his/her petition, there is no accountability by the public officials to any entity regarding the process whereby they determine refugee status, and this lack of transparency is further shrouded by a veil of confidentiality.

Above all, there has not been a serious effort by the State (except for President Correa's allocution on June 2012<sup>63</sup>) to inform Ecuadorian society about who the refugees are and why they are in the country so as to counter the stereotyping and xenophobia linked to the presence of Colombians in Ecuador. The local UNCHR office and its partner organizations have conducted communications campaigns to raise awareness and tolerance among the population. However, these efforts are overshadowed by the more aggressive information displayed by the media, which often links the increase in insecurity and violent crimes to the presence of Colombians in the country.

Yet, structural exclusion is not limited to State institutions. International organizations such as UNHCR and NGOs (such as Fundación Esperanza, HIAS, Jesuit Refugee Service and Fundación Ambiente y Sociedad, among others) that work on issues of refuge, besides working within an obsolete international protection framework (which will be analyzed in detail in Chapter 7), also reproduce many of the inequities that affect

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<sup>63</sup> See Enlace Ciudadano # 267 of April 14, 2012. Accessed on March 10, 2012 <http://www.youtube.com/watch?v=Eq2TXcA--9Q>

refugees in their discourses and practices.

Although several of their efforts try to reduce the refugees' vulnerability (i.e. training of police and government officials on immigration issues or massive communication campaigns), when some of these organizations talk about refugees, they refer exclusively to the 55,000 recognized refugees, thereby silencing the voices of the vastly superior number (250,000) of "undocumented" refugees that live, according to them, in "a refugee-like situation".

The use of certain terminology clearly encompasses a form of structural violence that, because it appears in multiple reports as well as in media interventions, is not being questioned. Terms such as "population of concern" (to refer to the minority of refugees who are officially considered as such), "eligibility" (the principle applied to define who can be considered a refugee and who cannot), individuals "who fall outside the mandate" (referring to individuals who cannot receive UNHCR support and protection such as denied refugees), or "invisible population" (to refer to the vast majority of refugees who are living in clandestinity) contribute to forming a language based on exclusion. Furthermore, this type of language is also embedded in the legal system, where the law and its practice perpetuates a particular situation of structural violence, one that reproduces and legitimizes inequalities through the creation of different categories of people from "recognized refugee" to people who can be "deported".

The case of "undocumented" and "denied" refugees (whose rights are almost non-existent in Ecuador) is even more striking since they suffer a more crude form of structural violence that condemns them to live in clandestinity, denying them any

possibility of “legalizing” their situation, of accessing services and, most importantly, of achieving a process of social integration that offers them hope and the possibility to imagine a better future, and ultimately, the chance of accessing any type of reparation by the Colombian government once the conflict is over.

Finally, the interiorization of structural violence touches the hearts and minds of many Colombians, whose testimonies struck me due to the sincerity of their words and their self-consciousness regarding their condition as refugees and Colombian nationals. Many of the testimonies gathered in my field-work speak about this self-recognition and in some cases self-identification with certain categories imposed by the law (such as “denied”, “undocumented”, “registered”, etc.) and those stereotypes that appear in their everyday lives and discourses. As Magda, a Colombian refugee who arrived in Quito six years ago, stated:

*“When I arrived to this country... I did not know anybody, I came only with my sister and her son... the guerrillas had killed my brother-in-law and started to threaten us... asking my sister to give them the kid to go with them... We decided to escape... to see if we could provide the kid with a better chance in life. When we arrived in Quito, we got a small room in La Colmena, in an old and dirty house with a lot of families... at least forty people lived in the same house. We had to share the bathroom in the corridor and the patio. We did not have a kitchen, just a small burner that we used to prepare el tintico (coffee). One day, there was a robbery on one of the floors: someone stole a television from one of the top rooms... and I knew... that because we were the only Colombians living*

*there, we would be accused of it... people came to scream at us angrily and we fought back... telling them that we did not do anything...that even with the biggest needs we are honest people, nice people...you see... That is the mark that all of us Colombians carried in our face... it is like having a sign that says “delinquents”... After a lot of discussion and false accusations, the owner of the house came into our room and checked that the television was not there and let us stay in the place...” (Interview # AS08)*

Or as Juan Carlos, a Colombian student who had a very pragmatic approach for dealing with discrimination by the other students in a high school in Quito, reflected:

*“I like to say to the girls that I meet at school that I am Colombian... because girls love danger, the bad habits... they like them and they flirt with them...and we, the Colombians, are dangerous. At the beginning it was a little difficult to understand why people think that we are the worst of the worst... but later...I decided to take advantage of the fame as a villain to get what I wanted...”*

(Interview #AS05)

The diverse forms in which structural violence is embedded in the institutions, discourses and practices of everyday life have an impact on the lives of refugees as well as on the configuration of specific images about Colombians that will definitely mark their access to resources, their capacity to exercise basic rights and above all, their perceptions and self-perceptions regarding their presence in Ecuador. In the following section, I analyze

the emergence of new forms of conflicts emanating from the forced co-existence between Colombian refugees and host communities in Ecuadorian towns, cities and rural areas.

### **The Emergence of New Forms of Conflict in Ecuador**

As we have seen in the previous sections, an umbrella of securitization and structural violence covers the refuge situation in Ecuador. Besides resulting in the emergence of discourses and perceptions about Colombians, it has also brought about internal conflicts in communities in the borderlands as well as in urban areas far from the border, where the presence of Colombians seems to trigger tensions.

**Internal Displacement of Ecuadorians:** One of the emerging sources of conflict that has recently appeared is the issue of internal displacement. The increased number of armed actors (legal and illegal), the drugs and arms trafficking and the lack of a well-functioning system for land registration in borderland areas have resulted in the displacement of Ecuadorian communities that used to live closer to the borderline.

According to the International Displacement Monitoring Centre and Norwegian Refugee Council (2009), two patterns of internal displacement have been detected. The first one corresponds to several indigenous groups such as the Awa in the Western zone of Esmeraldas, who have been displaced by paramilitaries that have taken over their lands and established palm oil plantations. Similarly, Quichua, Cofán and Secoya groups living in the Amazon province of Sucumbíos have been intimidated by guerrilla groups crossing the border.

The second modality of displacement involves local farmers and peasants who moved south, out of the border areas, only returning for short visits to check on their



lands and crops. Although, there are no official numbers on internal displacements in Ecuador and government authorities have denied the existence of these tensions,<sup>64</sup> the report by IDMC and the Norwegian Refugee Council (2009, 8) refers to a total of 4,000 cases as of 2005. The development of a more comprehensive study on the effects and impact of refugees in poorer host communities (a sort of “hidden losers” as Chambers, 1986 mentions) is indispensable to foresee the emergence of future conflicts in the country due to land disputes, resources’ competition and forced displacement.<sup>65</sup>

**Discourses on Crime and Practices of Discrimination:** The term “refugee” currently forms part of the everyday vocabulary of common people in Ecuador. Although, its definition and implications are not fully understood in practice, it is now associated with the massive arrival of Colombians since 2000, which has been portrayed by the media as an “invasion”, a sort of predatory force that will not only exploit the material resources of the country but also will wipe out “Ecuadorian traditions and culture” and, above all, will

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<sup>64</sup> Please refer to the declarations of the former Ministry of Foreign Relations, Commerce and Integration, Fander Falconi that appear at: Diario El Hoy. 2009. “*Los desplazados nacionales no tienen donde pedir ayuda.*” Retrieved March 3, 2013 from: <http://www.hoy.com.ec/noticias-ecuador/los-desplazados-nacionales-no-tienen-donde-pedir-ayuda-354570.html>

<sup>65</sup> Robert Chambers (1986) provides an interesting analysis on the effects of rural refugees and refugee programs on host communities that are already vulnerable. The refugees’ impact has been usually neglected to the country’s economy, government and provision of services. Nevertheless, refugees as well as their usually impoverished hosts, engage in a competition for food, jobs, wages, services and land which highlights the importance of handling humanitarian aid and interventions carefully, not to create rivalries and new conflicts but to further strengthen the case for more cooperation and join initiatives of development that benefit refugees and host communities in areas of refugee settlements (such as borderlands).

put an end to the mythical idea of the country as an “island of peace”<sup>66</sup> nestling among two troubled neighbors.

There are two main sources that feed the imaginary about Colombian refugees: One is represented by official discourses that criminalize them. The other is a more informal form of discourse represented by the media and political discourses that feed the people’s perceptions about Colombians. I have identified three crucial actors (although there are more) involved in shaping perceptions about refugees:

**- Ecuador’s Armed Forces:** Military forces are the main actors in charge of “securing” the border, since the multiple confrontations between Colombian army groups and rebel groups usually happen in borderlands. The role of the Ecuadorian army in the national context and its institutional budget were drastically reduced after the country signed the peace agreement with Peru in 1998.<sup>67</sup> The peace with Peru led the Armed Forces to switch their focus of attention towards the Northern border with Colombia. The *frontera Norte* was then identified as the new “threat” in terms of national security due to the permeability of its geography, which makes patrolling it an extremely difficult task, plus

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<sup>66</sup> The myth of Ecuador as an “*island of peace*” emerged during the 1980s, based on the belief that the crime rates and violence in the country were not as significant as those affecting its neighbors: Peru, which at that time was involved in a fight between the State and a Maoist Guerrilla group known as the Shining Path, while Colombia was experiencing a protracted internal conflict involving paramilitaries, guerrilla groups and the national army.

<sup>67</sup> For more information on this issue, please refer to the *Acta de Brasilia* signed between the Ecuadorian President Jamil Mahuad and Peruvian President Alberto Fujimori in October, 1998. Accessed on May 03, 2013 at: [http://www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/ep\\_brasilial0261998.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/ep_brasilial0261998.pdf)

the multiple “illegal” activities (smuggling of legal and illegal products) that take place in the Northern borderlands and which, according to military reports, are clearly connected with Colombian nationals (not necessary Colombian refugees). Although Ecuador’s military discourse regarding Colombians refers mainly to the multiple confrontations between Colombian “irregular armed forces” (guerrillas and the new criminal gangs formed by demobilized paramilitaries) and the military patrols in borderlands, these narratives indirectly affect refugees since many of them are labeled as collaborators or informants.

A key factor that restored the protagonist role of the army was the Colombian incursion into the Ecuadorian province of Sucumbíos in order to kill a FARC guerrilla leader, Raul Reyes, in March 2008. This incident, besides creating a diplomatic impasse in the region, increased the role of the military, as well as its budget, which was expanded from the defense of the country’s sovereignty and territory to include combating drugs trafficking and organized crime (tasks that were previously the responsibility of police forces).<sup>68</sup>

In addition, Ecuador’s police also contribute to consolidating specific images

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<sup>68</sup> The investment on military equipment and defense has soared since 2008, following the Angostura attack, when the Government created the “Strengthening Budget” and assigned an additional USD 388 million to the USD 1 023 million military budget for the fiscal year. That economic boost and annual adjustments to the defense budget since then have turned Ecuador into the country that spends the largest percentage of Gross Domestic Product (GDP) on military spending in the region: Ecuador’s 2.74% in 2010 compares with 1.89% for Colombia, while Brazil allocated 0.77%. For more information on this topic, please refer to: Registro Sudamericano de Gasto de Defensa, issued by the Defense Council of the Union of South American Nations (UNASUR). Accessed on April 20, 2013, at: <http://www.unasursg.org/inicio/documentos/consejos/consejo-de-defensa-suramericano>

about Colombians, who are associated with illegal activities in the country. For example, police reports about crimes in the country highlight the presence of Colombians as leaders of criminal organizations connected to bank robberies, drugs trafficking and money laundering.

- **Media:** Over a period of more than two years I have collected more than 200 news articles regarding refugees that have appeared in the main newspapers and magazines in the country.<sup>69</sup> My intention was to learn as much as possible about the perceptions that the media forms about Colombian refugees and how these perceptions contribute to feeding an imaginary about Colombians that is “naturalized” and appropriated by many Ecuadorians and that guides their interactions. Without attempting an exhaustive analysis of their narratives, (which offer a rich and interesting avenue for

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<sup>69</sup> The newspapers reviewed on a daily basis include “El Comercio”, which is the biggest in the country with a circulation of more than 100.000 copies daily. This newspaper clearly establishes the link between refugees and security issues, since all the news concerning refugees are published in the section on “Security”, where news on crime and violence are reported daily. Another newspaper that I have tracked on a daily basis is “El Universo”, the most important newspaper published in Guayaquil (the largest city in the country). In addition, I have also reviewed several Ecuadorian magazines (such as Revista Vistazo and Terra, as well as Colombian magazines and daily news publications (such as Revista Semana, Diario el Espectador and Diario El Tiempo from Bogota). Three patterns have excelled in the articles read during these years: first, one that links refugees with several criminal acts (kidnapping, robberies, assassinations, etc.) committed in different regions in the country. Second, one that focus on the rupture/re-establishment of the bilateral relations with Colombia, especially after the Angostura attack, which led to the death of FARC leader Raul Reyes in Ecuadorian territory, and third, the coverage of the enhanced registration project for refugees who live in borderlands. It goes well beyond the limits of this research to present a deeper content analysis of these publications. Nevertheless, the review of these articles serves the purpose of demarcating the context in which refugees are immersed and that frames their daily interactions with State institutions and officers as well as with members of host communities.

ample future research), I was able to identify two main angles through which Colombian refugees are portrayed in Ecuadorian media.

In the first news trend, which is promoted by the vast majority of the media news, the story is that Ecuador now experiences the reproduction of the Colombian conflict within the country, especially in border areas where the presence of armed actors (new paramilitary gangs, uncovered guerrilla members and regular criminals) and the practices that surround them (such as the collection of “informal taxes” or *vacunas* and kidnapping) have changed the social and economic dynamics of borderlands, impregnating them with violence, fear and abandonment. In urban areas to the south of the borderlands, the media points to an increase in violent crimes, highlighting the role of Colombian nationals as leaders of criminal gangs that are mostly associated with bank robberies, drug trafficking, revenge and paid assassinations (*sicarios*). The second news trend portrays Colombian refugees as competitors for the already scarce resources that Ecuadorians aspire to and frequently lack, such as access to health care, public education and jobs. This point will be analyzed further in the next section, which presents the perceptions of members of host communities regarding refugees.

Finally, it is important to highlight the role played by Colombian mini-series and soap operas that are shown on national television, which not only vividly portray the conflicts prevailing in Colombia but also reproduce many of the stereotypes that Colombian refugees have to confront in their daily lives. These TV series are very popular among the population and tell the stories of drug dealers who are famous for their extravagance and virtually unlimited capacity to confront power and use any means to

achieve what they want, as well as portraying the weakness of the State in facing the challenges imposed by drug trafficking and corruption. The production of these TV series reflects how certain sectors of the Colombian society think and see themselves and their social and political realities, creating an imaginary about Colombians that has been successfully exported (through these mini-series) to several countries around the world. Unfortunately, these representations (be they fair or not) cast a shadow on the lives of thousands of Colombian refugees in Ecuador.

- **Political Class:** Politicians have both echoed and inspired security claims made by the media that link Colombians to criminal acts. Their interests lie in achieving higher levels of popularity among voters, shaping their discourses and pointing to the “other” (i.e. the foreigner) to blame them for the lack of resources, jobs and services that affect the population. As Gustavo Larrea, the former Minister of Security in 2008, suggested: *“Ecuador does not have a tradition in crimes such as assassinations or drugs trafficking... these are crimes that came from outside few years back.”*<sup>70</sup> Similarly, former President Lucio Gutierrez stated: *“We will not allow that Colombians and Peruvians to come and take away jobs from Ecuadorians” or “Colombian violence*

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<sup>70</sup> The declarations made by the former Ministry of Security of Ecuador, Gustavo Larrea, refer to the increased presence of Colombians in Ecuador, which has been linked to an increase in criminal activities along the Northern border. In this area, the presence of violence associated with the Aguilas Negras, a new paramilitary group formed by demobilized paramilitaries, reached its highest point in 2008 with the displacement of more than 200 indigenous Awa and local farmers who had to cross over from Colombia to San Lorenzo, Esmeraldas, in order to save their lives. Please refer to: [http://www.soitu.es/soitu/2008/11/19/info/1227058791\\_761199.html](http://www.soitu.es/soitu/2008/11/19/info/1227058791_761199.html). Retrieved May 11, 2013 from:

*brings us crime into the country”.*<sup>71</sup>

These statements, besides concealing the idea that the root causes of poverty and violence in the country lie primarily with bad and corrupt governments, social inequalities and strong economic interests that have kidnapped the Ecuadorian State for several decades, lay the blame for these problems on the massive arrival of Colombians. The rhetoric adopted by many politicians in the country has found a useful tool in the presence of Colombian refugees to appeal to the fantasy of a unified Ecuadorian nation. As Das and Pool (2004, 91) mentioned: *“refugees confront citizens with the limits of their own rights, and sometimes become catalysts for processes of nation building among their hosts”*.

All the elements mentioned above have contributed to the creation of an imaginary about Colombians that is closely linked with drugs and violence, spreading a complete set of stereotypes that link Colombian men with criminals, guerrilla members or drug dealers and Colombian women with prostitutes. Many of these images are already part of the discourses of many Ecuadorians that were interviewed for this research and that will be presented in the following section.

### **Mistrusting Refugees: Perspectives of Host Communities on the Issue of Refuge**

*“I decided to adapt myself to the circumstances... one must survive...Now that I live in Quito, I have changed my accent, now I speak like an esmeraldeño [native*

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<sup>71</sup> Please refer to: Ecuador Inmediato. 2012. “Presidente Correa critica propuesta de reeditar los visados.” Accessed on May 20, 2013 at: [http://www.ecuadorinmediato.com/index.php?module=Noticias&func=news\\_user\\_view&id=18758&umt=presidente\\_correa\\_critica\\_propuesta\\_reeditar\\_visados](http://www.ecuadorinmediato.com/index.php?module=Noticias&func=news_user_view&id=18758&umt=presidente_correa_critica_propuesta_reeditar_visados)

of Ecuadorian province of Esmeraldas]. *I arrived through San Lorenzo in 2009 and spent a couple of months there, I felt better there because a negro among negroes goes unnoticed... Here in Quito....I feel more discriminated... not only because of my accent but also for being negro, you see... When I walk on a sidewalk, women always change sidewalks... or the moment they see me coming, they hold their bags tightly.... Because of that, I decided to leave behind my Colombian accent... otherwise there would be three discriminations: Colombian, negro and refugee...*” (Interview # AS10)

Oscar’s testimony illustrates the several types of discrimination (by gender, nationality, ethnic origin and condition as a refugee) that many Colombians living in Ecuador face on a daily basis. In order to understand the drivers of discriminatory discourses and practices against refugees, we also need to review the historical context as well as the social, economic and cultural elements that contribute to these practices. Through several conversations and interviews with members of communities that host refugees (in rural and urban areas) as well as media accounts, I was able to identify at least three trends that emerge when people refer to Colombians: First, Colombians are seen as competitors for resources, who come to the country to take advantage of public funds and services (such as public health, education and access to justice, among others) that otherwise could be used to cover many of the unmet basic needs of Ecuadorians. Second, the inflammatory discourses by the media and politicians combined with the widespread ignorance about the nature of the Colombian conflict (which is often associated only with drug trafficking), have served to generate an imaginary about



“Colombians” that is mostly linked to crime and violence. Third, the appearance of a more empathetic vision with the human drama experienced by many of the refugees; as one of my interlocutors said: *“we should put on the refugees’ shoes”* (Interview # AS 57).

During the late 1990s, Ecuador experienced one of the worst economic crises in its republican life, which led to the abandonment of its currency (Sucre) in favor of the US Dollar. This crisis left a large majority of the population with no savings, and with no jobs to be found in the country, many had no other alternative than to migrate to the United States, Spain and Italy. In this context, the massive arrival of Colombians in Ecuador added more pressure to the already critical economic situation in the country. As Juan Villalobos, adjunct director of the Jesuit Refugee Service mentions:

*“Ecuador has a closer relationship with the concept of economic migrant than with that of refugee. People often forget that refugees come because of a conflict... Their situation is very different from a migrant who chooses to work outside and can return to his country. The refugee does not decide and cannot return. Discrimination in this context emerges, since people put in foreigners all the negative elements that cannot be accepted in their own culture... Even if this means to forget that there are also compatriots [Ecuadorians] migrating to other countries...”* (Interview # AS36)

A similar vision is shared by Sabrina Lustgarden, Executive Director of the Hebrew Immigrant Aid Society (HIAS) in Ecuador:

*“When people understand that they [refugees] are forced to move to this country,*

*there will be less discrimination...If Ecuadorians are going to Spain, to another country, in search for a job, and it hurts the way they are being treated... how can we mistreat people who come here because their lives are in danger?" (Interview # AS35)*

In spite of the many efforts to decrease stereotyping and discrimination, (which include communication campaigns at public spaces and schools, training for journalists and for public officials, especially police, as well as government statements on equality), many Colombian refugees are still victims of segregationist discourses and practices in public spaces and in their everyday lives.

Many Ecuadorian interlocutors still emphasized that the government should prioritize the needs of their own people rather than taking care of the needs of foreigners, putting more emphasis on job creation and eradication of crime. The majority of them could not avoid falling into the double discourse of legitimizing Ecuadorian migrants abroad while condemning Colombians in their communities. Thus, as different interviewees stated:

*"The displaced people must return to their country. This is not our problem... Our problem is poverty, unemployment, insecurity, killings, organized crime, corruption..." (Interview # AS44)*

*"The government should allocate those 42 million dollars [the annual amount assigned to support refugees] to Ecuadorians who live in extreme poverty. That would be more consistent with good government... not letting our own people go*

*in search of a better future while hosting foreigners who come here with their problems and vices.” (Interview # AS46)*

*“How it is possible that the government cheerfully spent 42 million dollars to support foreigners with the yarn that they are refugees... What they do is to export insecurity, crime, violence and poverty to our people... They do not contribute anything to this country, besides more crime and insecurity...”*  
(Interview # AS53)

*“Refugees are the trash of society. They bring their tricks... crime and drug... Usually, Colombians detained in criminal acts have refugees cards ... the refugee laws are very fragile, added to the incompetent authorities that cannot differentiate between refugees, drug dealers or guerrillas. If you see Ecuadorians around the world, we go to work not to inflate the percentages of criminals as in Ecuador. Our people are humble and simple as opposed to these imported criminals... as a result of socialist laws. It is because of them that Ecuador is full of sicarios [assassins], because they are the masters of crime and recruit our youth for their criminal gangs... If you read the newspapers, in every criminal gang there is a Colombian who is the leader... How do they expect us to see them well? ... And the women... they take advantage of men to steal all their money.”*  
(Interview # AS57)

All these perceptions about Colombians underline the “other” as different and dangerous. Only a few of my interlocutors showed some sort of empathy with their vulnerable situation, as in Carmela’s account about her Colombians neighbors:

*“Poor people... it has to be horrible to leave everything behind, your family, your house, everything, even your deaths... I do not think all Colombians are bad but they have their fame... They have caused a lot of trouble here but not all of them are the same... I know two Colombian ladies in my neighborhood; they arrived without anything... One day I told one of them to come and help me do the laundry, she was very good and since then I trust her... I never asked her why she is here; I can see that she has suffered a lot. Sometimes she cries in front of me but I do not ask why...”* (Interview # AS43)

As we have seen, the social representations about refugees range from the image of “refugees as criminals” (who come to take advantage of the country and its people) to that of “refugees as victims” (who are subject of empathy, charity and solidarity). These categories already appeared in Naranjo’s study (2001, 19) about forced displacement in Colombia. This author suggests that:

*“The representation of displaced people as delinquents has its origins in the conventional and common place idea that if someone is threatened and must leave everything behind it is because something must have happened, some debt must be paid. The displaced are seen then, not as victims of war but as actors of the armed conflict who are involved with either side. It generalizes the idea that they are people who cannot be trusted, they are associated with criminals and their*

*arrival to the neighborhood is perceived as a source of insecurity.”*

This association between Colombians refugees and violence constitutes one of the main reasons why their presence causes xenophobic reactions among different sectors of the Ecuadorian population. This vision is constantly fed by the media and politicians, who underline that the refugees bring problems and will probably, plant the seed of violence that they bring into the country.

Among Colombian refugees, women are one of the most vulnerable groups in terms of discrimination, abuse and violence, not only for their disenfranchised condition as refugees but also because of their gender, ethnic origin and nationality. Besides facing the same type of challenges encountered by other refugees (discrimination and a lack of opportunities, jobs and housing, among others) they are more susceptible to labor exploitation and sexual harassment.

Maria, a Colombian refugee living in Quito, mentioned how after having worked the whole month as a secretary in a local company, the owner fired her two days before pay day, alleging that some important documents were missing and that she was responsible for the loss. This type of story is shared by many women working as housemaids, who constantly denounce being overloaded with work, subjected to grueling working hours, receiving no payment or benefits and being harassed by their employers.<sup>72</sup>

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<sup>72</sup> According to Juan Villalobos, adjunct director at the Jesuit Refugee Services, his office receives between 15 and 20 denunciations daily by refugees who report having been subjected to xenophobic treatment, abuses by the authorities and gender based violence. (Interview # AS36) In addition, Camacho (2005) presents several cases that refer to sexual exploitation, harassment and abuses suffered by Colombian women in their working places, public transportation or at home.

Moreover, sexual violence constitutes one of the most important factors affecting Colombian refugees and the images that people create about them. According to the International Crisis Group (2011, 13), human trafficking is one of the most profitable activities that Colombians women are dragged into, especially in the Ecuadorian borderlands. Many undocumented Colombian women are forced to work in the many brothels in these areas in slave-like conditions, a situation that purposely goes unnoticed, due to the complicity between the owners of these places and the local authorities.

Many of these women bear the consequences of physical and psychological violence experienced in Colombia and have learned to live with the memory of these traumatic experiences and the stigma associated with their condition as women, Colombian, refugee, indigenous or afro descendant, poor and victim of war.

Many of them were turned into head of households in a matter of hours with no preparation for it and probably against their will. Having their family structure devastated by the war, they had to support their families, becoming single mothers and assuming responsibilities that they were not prepared to assume. As in Jazmin's account:

*"I did not decide to leave... they [her victimizers] decided for me. First, I lost my husband and the alternative that was given to me to save myself and my two daughters... was to flee in two hours ... Because one in Colombia goes to bed with the sound of the bullets, that is like the music there... Instead, here, I sleep calmly, I hear nothing... Here, I found peace, although it was very hard for me to find a job... I was selling candies on the streets while my daughters were alone in the little room we got... Here we are discriminated but compared to what we lived in*

*my country... this is better... I know how to handle comments and gossips and I have taught my girls the same... whatever people say is just that... words, we do not pay attention to that...*” (Interview # AS20)

Nevertheless, many of my interlocutors also mentioned having established networks of solidarity among them or having resorted to informal agreements with some of their neighbors in order to share some expenses or to take care of the kids while they are working. This form of mutual support also carries its risks in terms of the physical and emotional integrity of women and their children, since at least two of my interlocutors reported being involved in episodes of domestic violence.

As we have seen, Colombian refugees face a dual situation in Ecuador. On the one hand, the stigmatization makes them visible (through the multiple social images that represent them as criminals, violent people, prostitutes, drug dealers, etc.) and on the other hand, the structural and social conditions entail a huge majority of refugees remaining invisible without having access to the social and protection programs run by the State and international organizations.

### **Contesting Narratives and Scenarios of Transition**

For the majority of refugees, what they left behind were not only the material and economic conditions that enabled them to survive in Colombia but also the social networks and political resources that allowed them to exercise their rights and political participation. As Arendt (1973, 293) mentions *“the first loss which the right-less suffered was the loss of their homes, and this meant the loss of the entire social texture into which they were born and in which they established for themselves a distinct place in*

*the world”.*

Colombian refugees have been disenfranchised by their own state, which has denied them protection, voice and representation and which sees them as the inevitable consequences of its internal conflict. That vulnerability was not left behind with their arrival to Ecuador; on the contrary, it is intensified (even for recognized refugees) since the challenges of starting a new life in Ecuador just begin with their initial recognition.

As we have seen in the previous section, structural violence at different levels plays a fundamental role in curtailing the rights of refugees, not only basic rights such as the right to receive education, health care, access to justice or to move freely in the country, but also, to have a voice and to exist politically. Their forced displacement implies the loss of effective citizenship (represented by their capacity to opine, to participate in elections, to vote and to have a political representation, among others) and the entering into a state of exception in which their “rights” have been re-defined by international conventions. Arendt (1973, 296) summarizes in an insightful way the implications in terms of basic needs and rights that are not always taken into account when dealing with refugees:

*“The fundamental deprivation of human rights is manifested first and above all in the deprivation of a place in the world which makes opinions significant and actions effective. Something much more fundamental than freedom and justice, which are rights of citizens, is at stake when belonging to the community into which one is born is no longer a matter of course and not belonging no longer a matter of choice, or when one is placed in a situation where, unless he commits a*



*crime, his treatment by others does not depend on what he does or does not do.*

*This extremity, and nothing else, is the situation of people deprived of human rights. They are deprived, not of the right of freedom, but of the right of action; not of the right to think whatever they please, but of the right to opinion.*

*Privileges in some cases, injustices in most, blessings and doom are meted out to them according to accident and without any relation whatsoever to what they do, did, or may do.”*

Even though the structural denial of basic freedoms and rights that many times results in the constraining of human agency, new forms of representation and new discourses have emerged from some of the Colombian refugees in Ecuador. They have opted to organize themselves into small associations to alter and transform the many manifestations of structural violence that affect them. Colombian refugees have organized under associations of refugees that basically pursue three main objectives: 1) to offer help and information to Colombians applying for refugee status or to those who have been denied refugee status, 2) to advocate for political voice, participation and the realization of their rights in practice, and 3) to gain access to justice, truth and reparations from the Colombian government that will allow them a safe return to their country once the conflict is over. Some of these associations are based in Quito, such as the *Asociación de Refugiados Colombianos en Ecuador (ARCOE)*, which is one of the most representative associations, as well as the *Asociación de Colombianos Refugiados (ASOREC)*. Both organizations work mainly in the area of political advocacy with the Ecuadorian government and internationally. There are also the *Asociación de*

*Colombianos Emprendedores Residentes en el Exterior (ACEREX)* and *Contigo Ecuador*, which are basically refugees' associations of Colombian-run businesses with the goal of promoting legal and social rights among refugees in the country, regardless of their migratory status. At the national level, the *Federación Nacional de Organizaciones de Refugiados Colombianos en el Ecuador (FENARE)*, created in July 2010, represents the interests of 32 grass-roots organizations of refugees in 11 provinces of the country and coordinates their actions in terms of advocacy, social integration and institutional strengthening.

Many of the refugees that were interviewed for this research belong to ARCOE and ASOREC and pointed to the deep gap that exists between what is stated in the Law as “refugee rights” and what happens with their applications in practice as the main challenge that they face in their everyday lives. As Ana’s testimony brings to light:

*“One thing is what is written on paper and another very different thing is what is going on in reality. The refugee card [carnet de refugiado] helps you to move inside the country, however it does not guarantee that people will offer you a job, or that they would not discriminate against you and your children because you are Colombians, neither does it help you to find a place to live...what use is it to have the refugee card if I do not have a place to collapse dead?”* (Interview # AS13)

Such dysfunctionality has led to the emergence of contesting narratives to demand respect for their basic rights. In associations such as ARCOE and ASOREC, refugees have found the empowerment needed to claim the fulfillment of their rights in practice.

Orlando Valencia, President of the National Federation of Organizations of Colombian Refugees summarizes the position of many of these organizations:

*“The lack of political rights and the non-applicability of the rights in practice have left many Colombians invisible to the system, with no incentive to regularize their situation and to formally contribute to this country. We are looking for the Government to recognize our rights... to go beyond the legal process instituted by the General Directorate for Refugees and to guarantee that the rights that are granted through the recognition of our status can be fulfilled in reality. For example... when you meet the police on the street, the first thing that they will ask for is money... even when you have your refugee ID... or when you apply for a job... first, the company wants to see your papers in order... Once you get the job, people do not want to pay you a fair salary or do not pay you on time... we receive complaints every day about these types of abuses... However, over time, we have been able to help to correct some of these things because we are united... such as the access to the IESS [Ecuador’s social security system]... or the possibility for refugee applicants to work legally while their application is under review... all these achievements have been good for the organizations but there is still much to be done... we need to promote an open dialogue with the State here and in Colombia, here to achieve regularization and there... to get justice and reparations for all the damages caused by the conflict.” (Interview # AS26)*

The contesting discourses of organized Colombians attempt to resist the various

manifestations of structural violence that affect them, as well as the practices and actions that contribute to excluding them from the political community that denies them a voice and that confines them in the grey zone of clandestinity. Facing a situation in which they cannot stay or leave, “undocumented” as well as “denied” refugees recreate new ways of surviving. They create bonds of solidarity among each other and with local human rights NGOs that have echoed many of their denunciations about abusive treatment by the authorities.

Scott (1985) warns (in his study of agrarian communities in Indonesia) that social change happens in a gradual but permanent process that undermines the legitimacy of oppressive social structures and contributes to the creation of the cleavages that end up weakening the oppressors. In the case of the organizations of Colombian refugees in Ecuador, their intention is to decrease their vulnerability (not only the one produced by their displacement, but the vulnerability associated with their “irregular” presence in the country), as well as to conquer political spaces, achieve the recognition of their rights by the State and enhance the possibility of future reparations by the Colombian government. In order to achieve these objectives, they take advantage of the small interstices present in the state fragmented institutions and practices to position themselves in. Their discourses and practices can be read as daily forms of resistance that avoid direct confrontation with the authority, basically because of the refugees’ fear of repression (a form of what Scott (1998) named as ‘the art of symbolic resistance through everyday practices’). Peaceful manifestations of refugees in front of the General Directorate of Refugees since 2007 and active participation in the dialogue tables set up by the

Municipality of Quito and civil society organizations are some of the ways in which Colombians refugees fight for recognition without challenging or delegitimizing the national authorities.

However, refugees' organizations also use their partial inclusion in an attempt to secure the full inclusion of all their members ("recognized", "denied" and "undocumented" refugees), trying to achieve recognition of their rights through the alternative and contesting spaces that they have gained in society. Although their agency is partially constrained by the social structures in which they live (as Giddens 1986 warns<sup>73</sup>), organized refugees have learned to use specific spaces to advance their political agency, using their economic and social resources and establishing alliances with local organizations to turn the marginality in which they live into creative and contesting spaces to demand recognition from the State as "subjects with rights".

There is still a long way to go for the organizations of Colombian refugees in Ecuador, since their capacity to influence the policy level as well as the everyday interactions between refugees and members of the host communities is still limited by the material, legal and political resources and the social alliances with which they count. However, their advocacy efforts, discourses and actions have contributed to increased

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<sup>73</sup> The starting point in Giddens' Structuration Theory is the relationship established between structures and practices, in a clear attempt to reconcile structural determinism with the possibility of individual agency. Giddens does not assume an ontological separation between structure and agency. On the contrary, he presents a dynamic process that involves the agent and the social structure in a relationship of mutual interdependence in a concrete space and time. He refers to "the duality of the structure," noting that "the set of rules and resources drawn upon in the production and reproduction of social action are at the same time the means of reproduction" (Giddens 1986, 19). Thus the 'duality of the structure' constrains the agent through rules, and at the same time it enables his actions through the use of resources.

awareness about the situation of thousands of their compatriots among the authorities, civil society organizations and the Ecuadorian population.

Shifting from the securitization paradigm to a more humanistic approach is critical for refugees in order to increase their chances of survival, the fulfillment of their basic rights (such as the non-refoulement principle regardless of their official status) and better social integration into the communities in which they live (through less discrimination). Shifting from discriminatory discourses to a more balanced rhetoric about refugees will decrease the discriminatory practices that have already been reported in the Ecuadorian communities as a result of their presence.

## **CHAPTER SIX: THE PRAGMATISM OF IDENTITY**

Having addressed the main moments and challenges that refugees go through in their odyssey for survival, and the types of relationships that they establish with the different actors that they meet in their everyday lives, this chapter focuses on the transformations in their identities and the tactics they use to fulfill their needs (as their short-term goal), integrate better with their hosts in Ecuador (as their medium-term goal) and ultimately, gain fair access to reparations and justice in Colombia (as their long-term goal).

This chapter begins with a brief overview of the main authors on, and theories developed for, the study of identity. It underscores the need for a trans-disciplinary approach that deals with the complexities involved in the study of identity issues. Besides articulating key principles for the understanding of identities in this research and the specific temporality (current refuge situation in Ecuador) and spatiality (the public and private spaces of everyday life) in which interactions affecting notions of identity occur, this chapter presents a set of tactics devised by refugees to address their everyday challenges. The objective is to improve our understanding of the many ways in which individuals shape and construct their own identities and others' identities as a result of mutual interactions. In this task, it is crucial to pay attention to the refugees' actions and discourses, since both are charged with meanings and symbols, which are understood

here not only as simple metaphoric constructs of reality but also as conferring meaning to their social and political actions.

### **Identity as a Trans-disciplinary Axis**

Individuals establish relationships in their daily lives with others that help them to interiorize and appropriate social and cultural frameworks (such as language, shared representations, symbols, affections and meanings) to make sense of their realities and of their own existence. These interactions are not one-way processes, nor are they purely mechanic or cognitive; rather, they are characterized by the very creative and personal forms in which individuals engage with the environment and the others. In this sense, it is easy to recognize, as Castells (1998) does, that individuals' identities are constructed; however, the key underlying challenge is to understand how, from where, by whom and with what purpose this is done.

Several authors have tried to develop an answer to this and many other questions regarding identity formation. Thus, the vast literature related to the study of identity can be located in several different fields of knowledge. Identity has been a trans-disciplinary topic within the social sciences, with analyses ranging from the field of psychology to the fields of sociology, anthropology and conflict theory. When the study of identity emerged more than a century ago in the field of psychology, it focused primarily on the study of individual identities, however, more social understandings of identity emerged with the strong interest shown in this area of research by social psychologists, sociologists and anthropologists, who were attempting to understand the complexity involved in inter-personal and inter-group encounters. Finally, group-based identity came to be studied



within the field of conflict studies as an integral element in the analysis of the sources of conflict.

As representative of these tendencies, the works of Eric Erickson (1979 and 1994) speak about the earlier interest (after Second World War) in identity issues from a sociological perspective. In this vein, the works by Goffman (1990, 1963) and Blumer (1986) define identity based on socialization with others. Other authors, such as Rogers (1961), refer to identity as the need to know ourselves and to be recognized by others, while Kelman (1983) emphasizes the need for self-determination, protection and dignity as critical components of the individuals' identity.

Many authors have underscored the psychological and relational dimensions of individual and social identity and their relation to the emergence of conflicts and their continuity over time, drawing mainly on socio-psychological theories to understand this phenomenon. In terms of social identity, theorists such as Turner and Tajfel (1979, 2010) developed what has come to be known as "Social Identity Theory", which states that group membership creates in-group self-categorization and enhancement in ways that favor the in-group at the expense of the out-group. In particular, Tajfel and Turner (1979) point to the innate tendency for individuals to categorize themselves into one or more in-groups, building a part of their identity on the basis of membership of that group and enforcing boundaries with other groups.

Other theorists, such as Kriesberg (2003), have tried to identify the reasons for inter-group discrimination that could lead to the emergence of violent conflicts. According to Kriesberg (2003, 2) "*for an inter-group (e.g. racial, ethnic, or religious)*

*conflict to occur, the opponents must have a sense of collective identity about themselves and about their adversary, each side believing the fight is between 'us' and 'them'."*

According to Kriesberg, social identities are therefore based on categories of inclusion and exclusion that serve to demarcate the inter-groups boundaries.

In the field of Conflict Resolution, identity has often been defined as part of the Burtonian conceptualization of "basic human needs" (Burton, 1990). This approach implies that "basic human needs" (which include "identity") are innate, universally applicable and an essential requirement for individual development. In this perspective, society is understood as the sum of individuals looking for the fulfillment of their basic needs. However, the basic human needs approach was not very successful in explaining the formation and recreation of social identities and their links to other key elements such as power, ethnicity, culture or class.

Several theorists of Positioning Theory (such as Rom Harré and Fathali Moghaddam, 2003) have tried to fill this gap, assigning a central role to the individual's tendency to establish various types of relationships with "others" (cooperation, participation, competition, categorization, etc.) and developing an understanding of the multiple influences and dialogues that engage the "self" with "others". In this sense, authors in the field of social psychology and conflict analysis have focused their attention on group formation and differentiation as the underlying causes of many identity conflicts in the present.

Beyond the inclusion/exclusion categories involved in the categorization of the self and of others, identities are being shaped by everyday encounters and by the social

context that provides these interactions with meaning. In this sense, the postulates of symbolic interactionists such as Blumer (1986) and Goffman (1990, 1963), among others, have contributed important insights to the understanding of how identities are constructed and re-formatted by social interactions. For these authors, people learn meanings and symbols through their interaction with others and are capable of modifying these meanings by interpreting the situations in which they are engaged in. Therefore, socialization is one way in which individuals learn to think, interact and make sense of their realities.

In the case of Goffman (1990), social life is seen as a series of dramatic performances where the social actors carry out specific “roles” and deploy a series of “*impression management techniques*”, which are understood as particular tools that social actors use to maintain their image of themselves “safe” when they encounter difficulties in their interactions with others. This author considers the person as a product of the ‘roles’ that he/she plays in specific social settings.

Several criticisms emerged of Goffman’s Theory of Role as being a rigid and static tool for understanding social interactions. Turner (1974) was one of the main opponents to what he considered “*the deterministic approach of the Role Theory*”, since it did not provide individuals with enough room for action. This criticism was later elaborated further by the main theorists of Positioning Theory and by Giddens in his ideas on human agency.

Giddens (1986) is opposed to a conception of agency as equivalent to fixed ‘roles’ that people play in determined social settings. On the contrary, Giddens (1986, 83)

emphasizes the character of social systems as “organized and regularized social practices, sustained in encounters dispersed across time-space”. In this context, individuals are ‘positioned’ in two different senses: first, in a specific space and time, and second, through the “*very term that social position suggests*” (relationally). For this reason, the position of an individual in the society

*“can be regarded as a social identity that carries with it a certain range (however diffusely specified) of prerogatives and obligations that an actor who is accorded that identity (or is an “incumbent” of that position) may activate or carry out: these prerogatives and obligations constitute the role-prescriptions associated with that position” (Giddens 1986, 84)*

Social positions in this context are “*constituted structurally as specific intersections of signification, domination and legitimation*”<sup>74</sup>. Giddens (1986) argues against what he considers the ‘given’ character of roles, that is, definite and immutable settings of interactions or expected modes of conduct displayed in social episodes considered as “structures of social encounters” with others. In particular, Giddens argues that Goffman’s vision of social roles does not account for the motivations that lead individuals to interact in specific ways in given social contexts.

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<sup>74</sup> Signification, domination, and legitimation represent structural properties or dimensions of the process of structuration (Giddens 1984, 30). The dimension of signification refers to symbolic orders (discourse, language, and communicative processes in interaction) in a society. Domination is the dimension whose domain includes resource authorization and allocation in a social system. Domination tends to manifest itself in a society’s political and economic institutions. The third dimension, legitimation, refers to a society’s systems of normative regulation, as reflected in its legal institutions (Giddens 1984, 28–34).

Although Giddens is supportive of a hermeneutic starting point in order to study human acts within the context in which they are born, his approach does not present a comprehensive study of the discursive, interpretative and psychological dimensions presented in different encounters between identity groups.

Other authors such as Henriksen (2007) and Bourdieu (1992) argue for a more integrative vision of social interactions, a combination of the two perspectives described above. Here an understanding of how rules and structures are embedded in and influence social interactions is as relevant as the way in which individuals process, appropriate and recreate these norms in different ways through practice.

In addition, another branch of researchers of identity theory originated from traditional Symbolic Interactionism but with a clear structural emphasis. Thus, McGall and Simmons (1978) highlight the interactional dimension of identities in an organized and patterned society, while Burke's "*perception control emphasis*" (1980) focuses on the inner dynamics of the self that influence behavior, and Stryker (1980) underscores the hierarchical arrangement of identities and how they are tied to social structures.

In the ethnographic arena, there are also several publications examining the relationship between identities, territoriality and nation, presenting the notions of sedentarism, exile, displacement and emplacement, mostly in the context of refugee camps (Malkki, 1995; Turner, 2010; Peteet, 2005; Bisharat, 1997; among others). In addition, there are also several studies on de-territorialization (Kibreab, 1999) and exile (Stolen, 2007) that connect the concept of identity with a lack of territory. In particular, Stolen's study (2007) presents the experiences in exile of Guatemalan refugees who saw

their exile not necessary as a victimizing process but rather as opportunity for recognition and empowerment. Other authors such as Jansen and Lofving (2009) highlight the idea of identity closely connected to homeland, exploring the different notions that refugees have about “home”.

Finally, in the context of Latin America, several authors have studied identity issues especially as they relate to colonialism and the conflicts that emerged from the relationships between colonizer-colonized (Todorov, 1984), as well as concepts of national and ethnic identities and multiculturalism (Stavenhagen, 2000; Garcia Canclini, 2003). Other thinkers, such as Martin Barbero (2001), conceptualize identity as the formation of new hermeneutic communities of individuals with the capacity to amalgamate within themselves features that come from different conceptual universes (hybridity), while Perez Ruiz (1992) focuses his attention on the individual and social need to find continuity between past, present and future. In addition, Manuel Castells (2005) speaks of identity as a meaning making process that allows individuals and groups to make sense of their realities and to locate themselves and others within a determinate social context.

Notwithstanding the important contributions made by the authors mentioned above (which constitute an important point of reference for this research), the study of social identity still remains as an inconclusive task. My own understanding of identity embraces several of these ideas, without pretending to provide the readers with a final or categorical characterization of identity formation. It is rather tainted by the many contradictions and the chaotic nature of the social encounters among refugees and other

social actors that I had the privilege to observe.

### **Understanding Identity**

My understanding of identity has basically been shaped by the ideas of authors such as Goffman (1990, 1963), Blumer (1986), Barth (1969), Friedman (1994), Bourdieu (1992), Jenkins (1996), Todorov (1984, 2010), and influenced by Giddens (1986) with respect to reflexivity and human agency. Therefore, this research highlights different aspects that are present in these conceptions since they are useful to understand the complexity involved in the study of identities.

In the context of this research, identity will be understood mostly as a process under construction rather than as a final product owned by individuals and cultures. In this sense, identities are being negotiated, shaped and reconfigured in daily life through encounters with others and relationships established with institutions and the environment. The concept of “*alterity*” proposed by Todorov (1984) is fundamental in my understanding of identity issues, since the system of relations and of representations that we have of ourselves and of others (as manifested through our social interactions), determines our systems of preferences, differences and the practices of exclusion and inclusion that govern us. In this conception, it is relevant to underscore the situational nature of identities as they cannot be separated from the historical circumstances and socio-cultural context from which they emerge.

I prefer to speak of “identities” (in plural) rather than merely of “identity” to avoid falling in the various essentialisms that have characterized many of the developments in this topic in social theory, where identity has been frequently studied as

a permanent, delimited and stable object of analysis that can be apprehended through a positivist approach, using models of simulation, and studying patterns of behavior.

Identities are therefore not to be found in fixed projects but in the moving discourses of people's lives and their social and cultural interactions and representations. It is important to understand that identities are formed in a dialectic way, since it is only through the dialogue with the other (alterity) that our own identities are formed and we can reflect on our own existence (Todorov, 2010). Recognition of similarities and differentiation are key considerations in the process of identity formation.

Recognizing the complexity involved in the study of identities can also lead us to overcome the gap that exists between the study of individual identity and social identity. This is a distinction that might have been useful for analytical purposes, but that is difficult to sustain when analyzing the diverse ways in which identities work in practice. Individual identities cannot be isolated from the social matrix from which they emerge, in the same way that social identities cannot be understood without paying attention to the individuals who embody these identities, represent themselves, negotiate with others and understand the world through them. As Jenkins (1996, 27) mentions “*individual and social identities are implicated in each other.*”

In the same vein, identity processes are constituted in different dimensions such as public/private, individual/social, objective/subjective, conscious/unconscious, and time (such as past/present/future), as well as in the cognitive, the affective and the behavioral spheres that serve to highlight their complex nature and the need to think about all these dimensions in a non-linear way. Thanks to these multiple dimensions, different identities



intersect one another becoming more salient according to the individuals' choices and ascriptions in everyday life. Following a suggestion by French philosopher Morin (1994), we should study the dialectic, trans-disciplinary and complex way in which identity processes are conceived.

Additionally, it is important to highlight the reflective nature of identities, which is closely related with our sense of belonging/differentiation to certain groups. This aspect was explored by Tajfel (2010) in his studies of social identity as membership in groups and of the emotional meanings related to it. In the presence of significant "others" and of new circumstances, we become more aware of our own identities especially when what seemed natural and stable becomes cracked, violated, repressed or invaded by human, technological or symbolic factors that are alien and incongruous to us. However, reflexivity in a broader sense also refers to the capacity to look at past experiences and to organize the present according to them, and to modify the past (or our narrative about it) according to our valuation of the present.

Finally, it is important to highlight Blumer's ideas (1986) in my reading of Colombian refugees, since these ideas prompted me to search beyond structural factors in arriving at an understanding of the current situation of refugees in Ecuador, and to take into account refugees' needs, desires, sentiments, objectives, their means of obtaining them and their own images and representations of others and themselves, among other elements that are likely to influence their future lines of action.

In order to understand the path of Colombian refugees in Ecuador, one must resort to documenting fragmented scenes of their everyday life, pay attention to their capacity to

interpret their encounters with others (reflection), examine their ascription of meanings to these interactions, look to the use of symbols (and language) and consider the practices and discourses that emerge in order to make sense of their current situation.

### **Dimensions of Identities in Everyday Life: Explorations of Memory, Space and Power**

Malkki's observations (1998, 12) regarding the discursive constitutions and representations of refugees by the media, governments, NGOs and international organizations as "pure" victims of war or as "bare humanity" have helped me to be aware of one of the greatest risks that the study of refugees' identities faces. This is the peril of reducing the relationship with the "others" to its discursive expression, and thus of focusing on the study of identity as an ahistorical and de-contextualized confrontation between the self and the others, or between us and them, regardless of the historical, social, emotional and power (hierarchical) dimensions implicit in the majority of these relations.

The historical dimension is vital for refugees and is intrinsically linked to the social processes that they are part of. In this sense, the social constructions of memory and oblivion by refugees influence aspects of their identities that they may want to highlight or hide depending on the circumstances. It is their current situation in Ecuador that determines how their past is recreated and their future envisioned. In this sense, the Colombian refugees that I interviewed constantly rebuild their past in their discourses and practices and model it according to their current circumstances, through the memories that they decide to keep alive and those that they prefer to forget, shaping their subjectivities and actions. As Jenkins (1996, 28) mentions "*the past is an important*

*resource upon which to draw in interpreting the here-and-now and in forecasting the future. Individually the 'past' is memory; collectively, it is history".*

Another important dimension to consider in the study of refugees' identities is that of the public/private spaces in which they relate with other Colombians and with Ecuadorians. Everyday life is the main scenario wherein social encounters between refugees and members of host communities, humanitarian workers and the State occur. Therefore, places such as governmental offices, streets, parks, schools, markets, neighborhoods and public transportation provide the main settings for these interactions.

Nevertheless, many of my interlocutors also highlighted the image of "home" as an important reference point in the construction of their identities. On one hand, for some of my interlocutors, "home" still refers to what they had in Colombia before being expelled. Not only the physical space (usually a small *finca* (farm) for peasants or a small apartment in the case of urban refugees), but also, the social networks in which they socialized and the social, economic, political and cultural conditions in which they lived that helped them to make sense of their world. Paradoxically, although several of these refugees and their families were direct victims of armed groups and violence, the image of "home" as an ideal place continues to prevail and nourishes the myth of the "eternal return", regardless of the fact that their material and security conditions have improved significantly since settling down in Ecuador (Ortega and Ospina, 2012). The idealization of their past and the notion that they were better off in Colombia, even when their lives were in danger, constitute important obstacles that need to be addressed by organizations working on strategies for their social integration. On the other hand, other refugees that I

approached saw “home” as whatever they have in their present in Ecuador that allows them “to feel at home”. For them, “home” is located in the routine practices and in the repetition of habitual social interactions and in the rebuilding of social networks that help them to reconstruct their everyday life, to earn material means and to cope with the challenges inherent in their daily ritual of surviving.<sup>75</sup>

*“Every morning I wake up and thank God for being in this country. Here one can breathe calmly ... not like in Colombia where one sleeps with the sound of bullets and is thrown out of bed by shots. Here I get up and go out to seek life... it is not easy but at least I have several acquaintances who have already gone through what I went through and they have helped me to settle down here. They taught me what to do, what to say and what not to say, who is bad and who is good...I will not go back to my town even if they [Colombian Government] pay me. There are still a lot of bad people wandering around there and I do not want to take any chance, I do not want to be on the list of victims, because no law will return my tranquility. I just want to keep my life going on in peace.” (Interview #AS01)*

Another aspect that is essential to mention is power. Relationships of power are at the core of the configuration and re-configuration of refugees’ identities and they become manifest in discourses and are performed in the practices of everyday life. As Todorov

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<sup>75</sup> Ortega, Santacruz and Vallejo (2010, 61) mention that 84% of Colombian refugees living in cities such as Quito and Guayaquil would not considered going back to Colombia even if the conflict reaches an end. In fact, many of the refugees with whom I talked, prefer to give up the possibility of receiving any reparation (such as the ones contemplated in the 2011 Victims’ Law), not to recall the experiences of their painful past, even though these reparations in many cases would imply the restitution of land and property, the recognition of their violated rights and moral and economic reparations.

(1984) mentioned, our vision of others is not only a discursive tactic but also a strategy that relates every discourse about others with the dynamics of power and with praxis. Moreover, these relationships of power become more visible in certain spaces where refugees face state officers or other actors, especially in public places such as schools, parks and markets. For instance, there is a profound symbolic interaction in the refugee interview process conducted by GDR officers to grant refugee status. This encounter, besides being performed in a government building (which already displays the security and administrative apparatus owned by the State to enforce law and the hierarchy that accompanies state practices), convenes the different dimensions that were mentioned above. It implies that refugees, while being interviewed, must carefully revive the facts that motivated their displacement (memories that combine historical and biographic elements), as well as experience the powerlessness of their present situation as impoverished “undocumented” foreigners who are in many cases victims of violence. This situation is especially traumatic for victims of sexual and gender based violence (mostly women), who need to recount these painful experiences to a complete stranger that inquires about the motivation of their displacement.

In light of my approach to identity processes from a historical and cultural understanding, I believe that human interactions cannot be addressed without regard to language, the historical and geographical context, and the influence that power relations have in the configuration and reconfiguration of identities. All these aspects will be reflected in one way or another in the different mechanisms adopted by refugees that are touched on in the following section. As we will see, many of the negotiations and

relationships that refugees establish in their daily lives encompass issues of power, hierarchy, differential access, etc. that contribute to the process of identity formation and re-configuration.

### **Fragmented Identities: Refugees' Responses to Everyday Challenges**

I have already mentioned in chapter 4 how difficult and problematic it would be to develop a study about Colombian refugees in Ecuador that considers them as a homogenous group. Their origins, gender, education, ethnic group, age and even the type of relationship established with the Colombian conflict are highly diverse, and indeed the only common denominator (besides their nationality) lies in their forced displacement and later refuge, which immersed them in a dynamic of vulnerability and violence that does not necessarily end with their arrival in Ecuador.

Therefore, in order to make use of the set of theories I have in mind to help me understand what is happening to the identities of such diverse group of refugees (and to find examples to prove them or disprove them), I have decided to present some of their histories and look for conceptual ways to account for them. Following Geertz's approach (1973, 33), which "*substitutes complex pictures for simple ones while striving somehow to retain the persuasive clarity that went with the simple ones*", I have decided to prioritize the complexity and richness involved in the experiential history of refugees, disentangling their different (and sometimes contradictory) responses. These experiences and responses may reveal new approaches and connections in the (re)configuration of identities in their everyday life.

In accomplishing this task, Pierre Bourdieu's theory of practice (1992) was

extremely useful to understand the interplay between interiorized structures and the practices in the ongoing conduct of everyday life. He conceptualizes “*habitus*” (1992, 53) as:

*“...systems of durable, transposable dispositions, structured structures predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them”*

This has provided me with guidelines to comprehend the refugees’ strategies and responses that emerge when enacting symbolic orders (through the embodiment of social structures). Upon their arrival in the country, Colombian refugees (even though they are perceived, as Malkki (1995, 11) alerts us, as “*a tabula rasa*”, or as a symbol of elementary humanity) carry with them a pre-determined understanding of the world, which predisposes them to act in certain ways in a context of social possibilities (*field*), and to interact based on a set of internalized dispositions (*habitus*) and beliefs (*doxa*), in order to build upon their positions within the social structure.

Although the interplay between these different elements serves to explain the reproduction of social structures and practices, Bourdieu (1992) also shows that social agents develop strategies that are adapted to their needs and to those of the social worlds that they inhabit. These strategies are unconscious and act at the level of a “*bodily logic*” (working in a deeper, practical and often pre-reflective way), however, they are neither fully fixed nor immutable. They are being negotiated in the daily encounters between

refugees and the national authorities, humanitarian workers, and members of host communities. This last point is extremely relevant since it not only recognizes the refugees' capacity to produce knowledge through the interpretation of their own realities, but also, exposes the multiple interstices that exist in the relationship between social structures and agents.

Hence, refugees bring with them their biography and history (Mills, 2000), which are marked by the socio-cultural characteristics of their community of origin, their social positions and their cultural and social skills. They also bring with them the stories of violence and the marks inflicted by the actors and the motives that provoked their exodus. It is all this baggage that influences refugees in the construction of their social relations and it will definitely mark the way they coexist in and inhabit their new communities.

Various and diverse responses have emerged from Colombian refugees who attempt to make sense of their current situation in Ecuador. These tactics, which are used to escape violence and poverty, to think about themselves and others, to fight back the dispossession of their rights and to achieve social integration, constitute mobilizing platforms to negotiate different forms of belonging and permanence with the State's institutions, humanitarian organizations, local NGOs and other members of host communities. The ones presented here are not intended to be an exhaustive and complete categorization of the different ways in which Colombian refugees negotiate their presence in a determined community in Ecuador, nor a fixed recipe about their tactics (in



the sense mentioned by De Certeau, 1984)<sup>76</sup> to achieve a better integration and social acceptance. They are presented here not only because they were recurrent in the discourses of my interlocutors, but also because they represent some of the ways in which their identities are performed in everyday life.

### **- Clandestine Identities**

The clandestinity that surrounds hundreds of thousands of Colombian refugees living in a legal limbo in Ecuador is not exclusively linked to the structural conditionality imposed by the Law and the State that regulates their presence in the country. It is also linked to the lack of trust and to the fear of themselves (other Colombians) and strangers, a fear that was born in their past, in the experiences that motivated their displacement and that limits their possibilities for a better integration in Ecuador.

*“When I left running in the middle of the night, I did not know where to go... a neighbor of mine told me that I should ask the priest of the town for help, that he would hide me and that is what happened. The priest hid me for a few weeks until the brawl was over and when I left the church... I left as a prey going out of its burrow... with the fear of being attacked at any time, without trusting anyone, looking everywhere, I moved at night and hid by day... I felt death hot on my heels. As people say: ‘When fear enters covered in blood, it does not leave bent over’. Fear comes to stay, to live there. People no longer look at the eyes, do not*

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<sup>76</sup> Michel De Certeau in his book *The Practice of Everyday Life* (1994) mentions the subtle tactics of resistance and private practices that make living a subversive art to refer to the multiple ways in which people re-appropriate relationships, language, power, etc. in everyday situations and turn them into strategies and tactics to oppose the hegemonic power.

*lift their faces... people forget names and acquaintances, forget everything.*

*People are killed so they forget and their deaths are forgotten ... that happened to me... I do not want to remember.”* (Interview # AS19)

As in the testimony above, there are several sources of fear that were pointed out by my interlocutors during the course of this research. The first one relates to the proximity to the borders, especially for refugees who settled down in cities located in the northern part of Ecuador, where a 5 hours’ drive from Quito puts them back in Colombia, or those refugees who settled down in borderlands, where the immediacy of the conflict marks their everyday lives.

Additionally, the porosity of the border is another source of apprehension for refugees, since they know that in addition to the official routes of transit (controlled by the army and immigration police), there are hundreds of clandestine roads and paths that cross the border that can take them to the other side in a matter of hours, and that can facilitate the passage of their victimizers into Ecuador. For instance, in areas such as Nueva Loja (formerly known as Lago Agrio in the Amazon province of Sucumbíos) and San Lorenzo (in the Coastal province of Esmeraldas), there have been reports by military intelligence service of the presence of unarmed guerrilla members dressed like civilians, who have been identified by refugees as perpetrators of violence in Colombia. The same is true for members of the “demobilized” paramilitary forces who have been spotted in places such as Quito and the border areas (especially Borbón and Lago Agrio).

Another source of concern for the Colombian refugees interviewed was the ever-growing presence of Colombian nationals in Ecuador (whether refugees or not), which

leads refugees to avoid public spaces or neighborhoods where their co-nationals gather. It is the fear of meeting their victimizers in these areas that leads many refugees to remain clandestine. Rivera et al. (2007, 83) refer to this quandary:

*“The idea that they are living in another city of Colombia’ is very much present in many refugees, above all due to the matters of insecurity related to the conflict in that country and because of the massive presence of Colombians... This massive presence of Colombians is not valued as something positive, something that could generate a community of Colombians; it is rather viewed from the distrust that this could generate a loss of anonymity”.*

Therefore, many of my interlocutors did not see the presence of their co-nationals as something constructive that could generate networks of support or a sense of community that they could rely on. It was rather interpreted as a factor of mistrust and suspicion that could intensify their chances of meeting with their perpetrators. Many of the refugees that I spoke to were not willing to trust other people beyond their immediate family members, and even that became difficult in certain cases, where their forced displacement and escape from Colombia was actually due to a relative’s relationship with one of the armed groups (whether the army, the guerrilla or a paramilitary group). They prefer the safe space of clandestinity, where they can build the routines of everyday life with relative tranquility.

*“My brother was killed by the guerrilla who accused him of being an informant [sapo]. We were a family of five and used to live in a small town close to xxx near the river. My dad left when I was seven, leaving my mom with the three of us to*

*raise and a small farm to take care of. When I turned seventeen, my youngest brother got very sick and my mom was so desperate she did not know what to do. A friend told her to send my oldest brother to work in la vereda “el Paraiso” where some men had arrived recently offering money and jobs to young people to work for them... so my brother went and my mom got the money to take care of my little brother... the hospital and the medicines. Later on, my mom learned that they were from the FARC. My brother was with them for several years... sometimes he was allowed to come back to see us, but the last time we saw him, he told us that he did not want to go back, that he was saving some money for us to leave to another place far away. The next thing we heard was that he was killed for having ratted on the guerrilla to the army, so we knew that we would be next and decided to leave in a couple of days. We left everything behind: farm, animals, everything... we just carried some clothes and went to my aunt’s farm close to the border. There, we spent a couple of weeks with her but ‘guests, like deaths, start smelling bad on the third day’. My aunt was giving us a bad look, saying that we are troublemakers so we decided to leave, to cross the border into Ecuador. That night, we managed to pay a boatman to help us cross the river and arrived in Lago [Lago Agrio] the following day... that was almost 8 years ago. Here, things are different, the food, the people, how they treat us... so we learnt to be invisible, to tone our voices, to look down, to act like anybody would do here. We have been able to settle down here taking care of a finca [farm] nearby. The owner is Ecuadorian and he lets us raise some chicken to sell at the market... but*

*I avoid meeting other Colombians. I do not want to see anybody from my town or be seen by the people who killed my brother, who know me, who know who I am. In this place, we have been able to recover our lives back from them, but they say that they never forget... they do not leave pending tasks and probably, God forbid it, they may find us” (Interview # AS22)*

*“Ecuadorians say that Colombians are happy people but loud people... with an aggressive attitude and I can understand why. If I want to go to work in peace, I do not open my mouth when I am in the bus... I just pretend that I do not exist, do you understand? But sometimes people start talking to me and I just smile and pretend to be tired or asleep... I don’t want the other passengers to find out that I am Colombian... because that is synonymous with death. Also, when the guys who sell candies come into the bus, people mistreat them for their accent, their manners... others laugh at them, but I pretend not to see and get off of the bus to work. In my neighborhood things are more difficult because everybody knows everybody there, Colombians and Ecuadorians, they know when you leave, when you arrive, with whom you go out and they know me... they know that I arrived three years ago” (Interview # AS24)*

*“I greet people and that is it... I prefer not to establish a relation with anybody here since a fellow Colombian woman told me that she saw some paracos [paramilitaries] hanging around outside the office of the Directorate of Refugees.*

*So I do not even want to show my face there, even if I need the refugee card, I cannot take risks and have to flee again. I have my job, I sell arepas [patties] every day to students outside the university and this helps us to survive, to make a new way of living in this country” (Interview # AS18)*

The difficulties experienced by some of the Colombian refugees in relating with their co-nationals has also been mentioned by UNHCR *et al.* (2012, 30), who stated that one of the lessons learned in the execution of projects in different areas of the country was that “*the individualism and lack of trust among Colombians limits the possibilities of carrying out joint projects*”.

Moreover, the lack of trust and security that surrounds the presence of Colombian refugees in Ecuador was also referred to by a UNHCR staff as “*one of the main obstacles why UNHCR and the Ecuadorian government are reluctant to set up refugee camps in different parts of the country*” (Interview # AS37). This is an important issue that will be analyzed further in the following chapter on internationalism.

The fear of becoming more visible (to their victimizers) has made certain refugees more invisible, whether to the system of protection or in blending more effectively into the communities in which they live. As we have seen in the several testimonies received, they prefer to go unnoticed and to avoid public spaces where their co-nationals socialize and where cultural manifestations become visible, such as the sale of traditional Colombian food, music festivals, football championships, etc. According to Juan Villalobos from the Jesuit Service:

*“We constantly received requests from refugees for protection. There have been cases of attacks, life threats by perpetrators who followed them from Colombia... which basically frightens refugees and leads them to avoid certain places. This is partially motivated by the considerable increase of Colombians arriving into Ecuador since 2005. The refugees think that they will meet someone from their past, someone who knows them and who motivated their displacement”*

(Interview # AS36).

Another source of fear manifested by some of my interlocutors was the fear of being deported, which made them vulnerable to abuses from authorities and other people (such as employers, landlords, etc.). Additionally, some refugees reported avoiding certain institutions and places that “criminalize refugees” such as police stations, even if they have to denounce abuses or any other problems that they face in their lives. Half of the refugees interviewed for this research mentioned having been subjected to abuse by members of the police, especially refugees with informal jobs like selling goods on streets and on public transportation:

*“The pacos [police] do not let us work freely...they say that there are no jobs for Colombians here... many times they steal our merchandise or ask for money to let us go... Once I was at the bus station selling my stuff and two policemen came and I pretended to be Ecuadorian but they did not buy it, so they started asking me questions about Ecuadorian history, asking me to sing the national anthem... I could not trick them so they hit me so badly that I could not move... they left me on the sidewalk and stole all my money”* (Interview # AS15)

*"The moment that your accent is heard, the police stick to you"* (Interview # AS14)

As we have seen, fear is an important element that structures the personal experiences and the ways in which certain refugees relate with other people and their immediate surroundings. As a Colombian colleague from the University of Nariño told me:

*"Colombians... we do not usually talk about ourselves, it is a survival mechanism. This is a culture that reveals nothing, that seeks anonymity... Colombians do not talk about personal issues, which deeply hinders the building of relationships. After 50 years of conflict, we are always on the defensive. You cannot ask difficult questions to Colombians; this is not done even in Colombia or between Colombians..."*<sup>77</sup>

In summary, some of the Colombian refugees who were interviewed redefined their identities based on fear, with Colombians avoiding Colombians due to the logic of persecution. This makes the process of their integration in Ecuador even more difficult since they prefer to isolate themselves, to blend with locals and to avoid certain places and institutions as mechanisms to secure their survival. The fear of themselves and others puts them in a social void, a space where they cannot even recognize themselves in others who may share the same vulnerabilities.

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<sup>77</sup> Email message to author. Received January 9, 2012.



### **- Contesting Identities**

Despite their vulnerability and fear, which definitely marks their level of visibility and exposure in public spaces, as well as their degree of organization and political participation, not all Colombian refugees that were interviewed prefer to go unnoticed. As was mentioned in the previous chapter, there are several organizations of Colombian refugees who, agglutinated under different umbrellas, have decided to interact with the authorities, to attend public meetings, to go to the media and to create a social agenda as mechanisms for making different statements about their presence in the country.

The need to break out from the legal limbo, in which hundreds of thousands of “undocumented” and “denied” refugees live, has motivated many of the “regularized” refugees to organize under grass-roots organizations, such as ASOREC, ASOREX and FENARE, to claim the fulfillment of their refugee rights from the State in practice, as well as to improve their living conditions in Ecuador. They have taken advantage of their partial inclusion within the political communities in the country to attempt to secure the full inclusion of all their members, including those whose presence has been ignored or has not been legitimized by the State and its institutions.

It is relevant to note that among the participants of these organizations, their common identification does not depend on who their persecutors were (i.e. if they were victims of the guerrilla groups, paramilitary groups or the Colombian army) nor their “legal” status under Ecuadorian law. It is rather their shared vulnerability as refugees that they decide to highlight as the common element around which they build their identities, discourses and political actions.

These organizations have also been successful in building alliances with other

non-governmental organizations, especially in the legal and human rights areas. For instance, the Jesuit Refuge Service (JRS) has trained several members of these organizations in human rights and political rights so that they can transfer this knowledge to their members in different cities in the country. At the institutional level, the organizations of Colombian refugees also participate actively in the “Round Tables on Human Mobility”, which are networks of organizations in different cities in Ecuador, whose main objectives are: 1) the improvement of the living conditions of Colombian refugees, 2) the sharing of knowledge on the issue of refuge, and 3) the management of a political mechanism to advocate among authorities for the fulfillment of refugees’ rights and in the formulation of public policies affecting refugees.

What the organizations of Colombian refugees aim for (through these multiple strategies and in different fora), is basically to show their active agency and their political potential, which emerges from their everyday discourses and experiences. Their objectives, as Orlando Valencia from FENARE stated, are:

*“We are here not to oppose the Ecuadorian State... which has hosted us in the worst moments of our lives... We rather want to work together with the authorities to make sure that they see us as ‘subjects of right’... because we, as refugees, have rights, even though the State and the society do not recognize those rights for all of us. They say that we are ‘illegal’, ‘outlaws’, who have come to steal jobs, to rob, etc. However, the moment that the State and the different social groups see us as citizens of this country, with rights but also responsibilities to fulfill, as active promoters of its development, only then will our fight for*

*recognition have reached its end. In the meantime, we need to make sure that the hundreds of thousands of refugees, who wander in the fields and cities in Ecuador, are considered as people with their rights recognized and respected in practice...” (Interview # AS26)*

The fight for their rights that Orlando referred was also addressed by a leader of ASOREC, who mentioned the lack of transparency and accountability that surrounds the process of granting refuge:

*“Only if the procedures [used by the Eligibility Commission to determine refuge] are clear enough and open to everybody, then the discretionality and lack of accountability from State authorities will diminish. Thousands of refugees who have been denied the status will be able to understand what to do with their applications, how to appeal the decision and what measures they need to take to stay in the country. The problem here is that the authorities believe that we cannot ask them for any explanation since we are not citizens of this country... Then I say to my fellows: let’s start conquering that citizenship, let’s start forging our rights from below, rights that ... we need to secure” (Interview # AS 25)*

In addition, other members of these organizations also explained their motivations to join them and their vision of their presence in Ecuador in relationship to the State:

*“I was not born as a refugee woman and I do not want to end my days like one. This is the reason why I decided to join the association, to try to get a better future for myself and for my children. We [Colombian refugees] need to be united; we need to overcome whatever happened and stick together to preserve our*

*rights. We do not ask the government for a house, a car or money, we just ask the government to let us earn our living, to recognize our right to work in a decent way” (Interview # AS17)*

These testimonies point towards a configuration of the refugees’ identities around the concept of citizenship, where refugees see themselves as “subjects of rights” and demand the same treatment from the State’s institutions that nationals receive. This is clearly a rupture with the ideas and representations of refugees as a sort of contemporary “*homo sacers*” (Agamben, 1998), who are in a state of bare humanity stripped of any social, political or cultural affiliation with their past. On the contrary, although the State labels refugees as “illegal” or “undocumented”, they still see themselves as having some fundamental rights which are inalienable and that go beyond any immigration law.

The formation of refugee organizations as political platforms to challenge State policies and social exclusion can be understood using Giddens’ (1986) and Bourdieu’s (1992) ideas on human agency, where organized refugees as “*knowledgeable agents*” draw upon their “*depths of experience*” or “*stocks of knowledge*” in their social practices and in their discursive interpretations to forge their political agendas. In spite of the vulnerability of their presence in Ecuador, refugees gathered in these organizations have the capacity to perform social practices, to negotiate different forms of inclusion and recognition with State representatives and to convene a diverse population of Colombians refugees under the same political umbrella: their fight for recognition and citizenship.

In their quest for recognition from informality, Colombian refugees organized in these associations demonstrate their capacity to acquire and produce knowledge

(cognitivity) and therefore, their ability to design strategies to promote change through their discursive interpretations and social and political practices. These refugees demonstrate that it is possible to conceive the idea of citizenship among people who do not have a formal legal status and that they can use their social capital (through alliances with different NGOs and civil society groups) to gain political capital and to eventually formalize their presence in the country through citizenship.

### **- Legalized Identities**

In his political writings, Michel Foucault mentions the different mechanisms developed by the State to control populations and to enable the delivering of services. In particular, Foucault (1994, 67-71) refers to the biopolitical management of inhabitants that helps the State to produce a social body for counting, tracking and identifying individuals through the use of documents (such as the census, birth, death and marriage records). Refugees, in addition to being subject to these controls in their own country, also fall into these dynamics as soon as they cross an international border. Once refugees encounter a border check point and meet immigration officers, they are classified into different categories of people (i.e. “refugee”, “migrant”, “asylum seeker”, “undocumented”, “tourist”, “terrorist” and “suspect”, among others), that will certainly mark their rights and responsibilities, access to resources and membership or affiliation to political and social communities.

As we have seen in chapter 4, a typology of refugees (“recognized”, “unrecognized”, “denied”, “solicitant”, “appellant”, “asylum seeker” and “undocumented”, among others) originates from the application of immigration law,

evidencing how refugees' identities become mediated by law (mainly through the adscription of status and citizenship, the issuing of passports, visas, refugee cards and residence permits, among others). Once a refugee receives an answer from the General Directorate of Refugees (GDR) to his/her refugee petition, a whole gear of tools and tactics is put in motion depending on the positive or negative answer that he/she receives.

*I obtained my carnet [refugee ID card] during the enhanced registration program. At that time, I was living close to Tulcán so it was easier for me to apply and obtain the permit for staying here legally. I was like that for the next two years, when I had to go back to the Directorate of Refugees' office to renew my permit. They started asking me again for all sorts of documents and questions... why, how, trying to trip me up, but since I do not have anything to hide... I told them exactly what happened and why I had to leave my town. This time, the officer who questioned me did not believe me and refused to extend my permanence in Ecuador and to give me a new card [refuge ID card]. He said that they have been inquiring about my case with their peers in Colombia and that, at that point, there was no reason for me to stay in Ecuador, that I could go back to my town, since the bad men [demobilized paramilitaries] who forced me to leave were no longer in my town, nor in the region. I tried to explain to him that my kids were already attending the local school, that I have a job in a cheese factory and that I will be dead in a matter of days if I go back. He could not care less; he rejected my application and advised me to leave before getting in trouble with the police. That is how I arrived in Quito, I had some acquaintances here who helped me and my*

*kids to settle down but my kids cannot go back to school yet, nor do I have a permanent job as I used to... but that is how it is when you are poor and are abandoned to your own luck. When one thinks that one is safe and ready to start a new life even though one has to face many challenges, the same people who helped you in the first place now are sending you back. Being a refugee with documents gave me the peace of mind that I needed to continue with my life, but now I have to hide from police and from others who may know me, begging on the streets for people to buy my patties. Not even ACNUR [UNCHR] can help us now since they say that they cannot work with people who have been denied. It is hard, way too hard to live like that” (Interview AS# 23)*

Maria’s account about her arrival in Ecuador in 2008, leaving paramilitary territory behind, shows how the application of law in practice can contribute to shaping certain aspects of the refugees’ identities. First, the vulnerability of the refugees in spite of the international protection framework (Geneva Convention and others) serves to confirm Foucault’s point (1994) that law constitutes a tool of power. As in Maria’s case, the law does not only classify and regulate the presence of refugees in the country, but also contributes to perpetuating their vulnerability (whether unintentionally or otherwise). Through the use of certain mechanisms (such as the use of suspicion, interrogations and the denial of their right to the doubt when there is not enough information available), government officers not only contribute to creating an artificial taxonomy of refugees, but also create a category of people referred to as “undocumented individuals” or “denied” refugees (a sort of contemporary *homo sacers*), whose lives are invisible to the

majority, and who are pushed to the zones where their lives become endangered (for example, through deportations).

Second, certain refugees (such as Maria) interiorize their disenfranchised condition to the point that not only is their present situation determined by the “label” that the State has assigned to them (with clear practical consequences such as lack of access to education, health or justice services), but also their possibilities of envisioning a future that is different from what they have had. Foucault (1994) goes even further when he argues that the State’s capacity to produce “biopolitical regimes” to control populations in increasingly intimate spheres of their lives produces new forms of subjectivity. Maria’s testimony evidences the thin line that separates “legality” from “illegality”, communicating that hopeless and clandestine voice, where the denial of refugee status also removes other possibilities of identification in others spheres of life (for example, denying her a formal way of political engagement and social participation).

Nevertheless, the role of law in the configuration and re-configuration of identities not only works through the imposition and classification of refugees, but also through the self-adscription to these categories by refugees. This is the case of the associations of organized Colombian refugees that were mentioned in the previous section or of some of my interlocutors who used the term “refugee” as their primary form of identification:

*“Despite the discomfort in which I live... not for all the gold in this world would I return to my country. To go back to Colombia would be to seek death. My house was located in an area of conflict and one night an armed group came and told*



*me to leave or they would kill me. Later I learned that they were looking for my brother. They took my family and my animals and since 7 years ago, I do not know anything about them. It was hard at the beginning; no friends, no job, nothing. Yet, when I received my refugee card four years ago, things started to change. Ecuadorians are good people but sometimes they discriminate without even knowing what we [refugees] have gone through, why we are here. I have learned to live as a refugee and I am not ashamed of it. I have not done anything bad and I know that God is watching over me” (Interview # AS12)*

Although the “Law of Victims and Restitution of Lands” approved by the Colombian Congress in 2011 does not yet apply to refugees in Ecuador or in other parts of the world, it is worth mentioning how this legal mechanism constructs the category of “victim of conflict” in order to provide economic and moral reparations to the people affected over the more than 60 years that the conflict has lasted. It is well beyond the scope established in this research to provide a comprehensive analysis of this law and its repercussions; however, it would be an important task to examine in depth the implications of its application to refugees who decide to go back to Colombia to become eligible to receive these compensations.

Finally, a third way in which law contributes to shaping identities can be found in the case of indigenous groups living in borderlands, whose territories have turned into key scenarios of combats between different armed groups in Colombia. As a consequence of the installation of armed conflict in their territories, many indigenous groups suffer confinement in remote geographic areas (due to the mining of their lands and forced

recruitment) or displacement to different regions and to Ecuador. One of the most illustrative cases is represented by the Awa people. After several episodes of violence and close to 10% of their already reduced population being murdered,<sup>78</sup> indigenous Awas located in the Colombian department of Nariño (bordering the Ecuadorian provinces of Esmeraldas and Carchi) decided to appeal to international conventions and institutions (such as the Inter-American Court of Human Rights), basing their claims for security and protection on their ethnic identities rather than on their national identification as Colombian citizens. The Awas' pragmatic approach to defending their people suggests how certain laws (convention on indigenous rights) serve to underline particular aspects of their identities that other laws do not consider.

### **- Victimized Identities**

When I started this research about Colombian refugees and how they configure and reconfigure their identities, I was faced with images of refugees wandering in the desert, crossing borders, mothers with kids and elders bereft of almost everything except their humanity. These representations of refugees found in many humanitarian discourses, aid reports and public campaigns have served to communicate an image of refugees closely connected to "bare humanity". As Malkki (1998, 11) pointed out, these discursive constitutions are based on "*the common assumption that 'the refugee' – apparently stripped of the specificity of culture, place, and history- is human in the most basic, elementary sense.*"

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<sup>78</sup> For more detailed information about the adoption of precautionary measures to protect the Awa people  
<http://www.corteconstitucional.gov.co/relatoria/autos/2011/a174-11.htm>

Nevertheless, the power of these representations combined with the genuine experiences of pain and displacement that accompany several of the Colombian refugees in Ecuador, have contributed to reinforcing their image of victims of structural and direct violence and to developing an imaginary about them that has served to fulfill several purposes (fundraising campaigns, the allocation of resources, rights' advocacy, design of policies, etc.).

As a result, there is a re-victimization of refugees that comes from different fronts: from NGOs and other organizations (that work on issues of protection, social assistance and rights which raise funds for their programs using victimizing discourses) to government officers (that use refugees to negotiate bilateral relations and political gains), to refugees themselves (who use this re-victimization strategically to achieve certain objectives).

In several of my encounters with NGOs' workers and UNHCR officers, the topic of paternalism was raised several times as something that each one of these agencies tries to avoid. However, many of their public discourses, official documents and communication and fundraising campaigns highlight the image of refugees as by-products of wars who are dispossessed, poor, abandoned and dependent people in need of their help to survive. While it is true that many of these organizations depend on the successful communication of these representations to obtain economic support for their programs, what they also do is to perpetuate the cycle of victimization in which refugees become trapped between the stereotypes created to communicate their situation and the "give away" logic under which many NGOs operate. As a director of an important NGO

who works on refugees' protection stated:

*“The groups re-victimize themselves constantly. They [refugees] tell you that here nobody watches over their rights. It is not like that: their rights are guaranteed, Should there be an external agent to constantly ensure their rights? What counts is also their possibility of demanding and exercising their rights. When something happens to them, they [refugees] do a tour of the organizations that work on refuge issues. In this logic of identification, the refugees also contribute to their re-victimization and they [refugees] are also constantly re-victimizing themselves. In their discourses, there are things like... they do not say any longer: ‘I cannot afford something to eat’; instead they say ‘Can you give me something to eat?’ It is there, the logic of asking, of paternalism, the greater the paternalism, the more the re-victimization. They bring it from there [Colombia], since many of them [refugees] were IDPs first and spent years on the journey of conflict. Here there are also logics of paternalism, therefore it is very important to give responsibility back to people; they should own their realities” (Interview AS#36)*

Furthermore, the re-victimization of refugees (whether by organizations or by refugees themselves) through the adoption of discourses and representations partially secures their access to assistance, public services and to greater visibility. It has also been used as a political platform to achieve more recognition and political participation (as in the case of the organizations of Colombians refugees presented above). This situation clearly contrasts with Paul Farmer's arguments about human suffering.

According to Farmer (2003, 40) “*suffering is structured by historically given (and often economically driven) processes and forces that conspire –whether through routine, ritual, or, as is more commonly the case, the hard surfaces of life – to constrain agency*”. However, what some of the Colombian refugees, who choose to re-victimize themselves through the use of their past and present suffering (to mobilize different resources), show is that even in the most constraining environments, their faint agency attempts to fight back their structural exclusion.

Another theoretical trend that may help us to understand the issue of re-victimization of refugees can be the idea of “chosen trauma” (as defined by Volkan, 2006). Perhaps it is premature to speak about a “chosen trauma” among certain groups of refugees who arrived in the country a few decades ago and built their lives around narratives of victimhood and displacement. Nevertheless, what I did encounter in several of my conversations was the continuous references to their past (considered as an idyllic vision of their life before becoming “victims”) and the reproduction of these stories to their (sometimes Ecuadorian) children almost in a mythical way, conforming with what Malkki (1995, 52) denominates a “mythico-historical” remaking of the world. It will be interesting to explore the refugees’ vision some years from now and see how their imaginary about themselves has been shaped by different elements and experiences as a refugee.

A final way in which certain refugees use their identities to respond to the everyday challenges of living in a foreign country is manifested in the use of their Colombian nationality to perform tasks that require some sort of intimidation, i.e. debt

collectors or bodyguards. The deliberate use of the imaginary about Colombians as “dangerous people” (which is fed by the news and political discourses on a daily basis) reflects a pragmatic approach to the issue of identity that it is worth exploring further. As in my conversation with one of officers from the General Directorate of Refugees,

*“There is not much trust in them partially because the media play a huge role in stereotyping them; however refugees have sometimes been involved in criminal activities too. Look at Cuenca; this is a very traditional and peaceful area that has been rocked by events in which Colombians were involved. Forty to fifty Colombians are in the business of usury... exceeding the legal interest rates and using threats to collect. Some of them were detained but not condemned. It was highly publicized by the press; there were registered refugees, solicitants, etc. involved. The police thought this was a fiction but collectors were there to collect a debt no matter how... that was their business. They [certain refugees] also sell things in bulk and give credit and then they use their figure as Colombians to instill fear and get the money back. Their status of refugee was removed for some of them who had to face a trial, incarceration and ultimately, deportation”*

(Interview # AS60)

Another account about the utilization of the image of Colombians as “dangerous people” can be found in Roberto’s story about his displacement and current job in Quito:

*“I arrived in Ecuador because ‘I got tired of buying life from the guerrilla’. They threatened everybody in my town. One day, my friends and I decided to confront them...one of my friends refused to pay them and told them that he was tired of*

*them, that if they want, they could kill him and so that happened. We all saw what happened: with those people you do not rebel, you do not tease... That was when I decided to flee. After months of selling car accessories on the streets, a friend of mine told me that I should look for a job in a security company as a guard; that those people were looking for Colombians with certain skills... you know. I was able to get my police record cleaned through a girlfriend from my town and that is how I got to where I am” (Interview # AS19)*

As we have seen, identities (as the products of ambivalent and multiple inputs) are situational and respond to contradictory processes that model their existence. What I have presented in this chapter are the stories of my interlocutors that should be understood in the specific space and time in which they were gathered. They present a partial view of the multiple ways in which identities are played and negotiated among individuals and therefore, I am far from claiming that they account for a generalized framework for the understanding of refugees’ identities around the world. On the contrary, the marginality of these stories reveals a de-centered perspective that sheds light on some of the particularities, patterns and connections that emerged in the study of the identities of Colombian refugees living in Ecuador. This is an account that is closely connected with historical and contextual specificities and that relates to the diverse and complex ways in which the process of formation and reconfiguration of identities can occur.

The refugees’ responses to identification processes that have been presented in this research can be read from a pragmatic individualistic perspective, in which we all

have (to some extent) engaged in our relationships with others. Nonetheless, the refugees' pragmatic vision, reflected in many of their responses, also conveys a deep understanding of the larger historical context and of the social and cultural dynamics at play in the place that for now they call "home".



## **CHAPTER SEVEN: THE GLOBALIZATION OF THE PERIPHERY: GLOBAL RIGHTS, LOCAL REALITIES**

This chapter begins with a presentation and analysis of the main international legal agreements and mechanisms to protect refugees and of the main actors and agencies in charge of implementing these accords in the field. Besides providing a panorama of agencies and aid resources, this chapter presents the main challenges related to the applicability of these mechanisms in local settings.

This chapter moreover examines the political and financial implications of how aid is allocated to refugees and the rationale behind the distribution of resources to different “refugee crises” worldwide, which leads in turn to an exploration of the need to reformulate many of the postulates that have guided refugee assistance over the past decades.

In particular, this section immerses the reader in the specifics related to applying international law on refugees in Ecuador, as well as delving into UNHCR’s work and the role played by its different partner organizations in charge of implementing different humanitarian programs in the country.

Finally, the model for integrating Colombian refugees into local communities in Ecuador (sponsored by UNHCR and the Ecuadorian government) is also explored, and feedback from refugees is brought to bear as well, so as to derive a different approach to the refugee phenomenon, in which a call for a more humanistic vision on the refugee

situation prevails over a more legalistic attachment to implementing international conventions.

### **An International Framework for the Protection of Refugees**

There are several global and regional mechanisms to protect people fleeing from violent conflicts. Undoubtedly, the 1951 International Convention for the Protection of Refugees (commonly known as the Geneva Convention), constitutes the most important instrument that has been applied world-wide since the middle of the twentieth century to take care of refugees fleeing their countries in search of safe haven.

The origins of the 1951 Convention can be traced to the Universal Declaration of Human Rights (1948), which in its 14 article states that: *“Everyone has the right to seek and to enjoy in other countries asylum from persecution”*.<sup>79</sup> Thus, the UN General Assembly created an operational body to implement this principle (the United Nations High Commission for Refugees) and endorsed the wording of the text of the Convention in 1951.<sup>80</sup> It is important to highlight that the original text of the Convention was inspired by the critical situation faced by thousands of refugees in Europe following the end of World War II, and that it made specific references to their situation in the text.

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<sup>79</sup> This point evidences the particular and close relationship between the international law on refugees and the international law on human rights, a relationship that has been seen as problematic (Warner 1998) but that, for this research, is critical in order to understand how the rights of the refugees cannot be divorced in practice from their basic human rights. This point will be explored further in the following sections.

<sup>80</sup> The definition of “refugee” that appears in the 1951 Convention (Article 1) is the following: refugee is a person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”*

Therefore, the 1967 Protocol was added to turn the text of the Convention into a more generic formulation (without the earlier historical and geographic restrictions) that could address other refugee situations around the world.

In the Latin American context, the 1984 Declaration of Cartagena<sup>81</sup> is a regional mechanism adopted by several Latin American governments to respond to new challenges that emerging conflicts in the region posed to the Convention on refugees. During the 70s and the 80s, many countries in the region experienced large inflows of exiles, especially persons fleeing from the harsh dictatorships of the Southern Cone (Chile and Argentina), as well as several refugees escaping from civil wars and internal conflicts in El Salvador, Guatemala and Nicaragua. The political response to these facts was the revision and expansion of the definition of “refuge” to cover not only a particular type of persecution as the main motivation for human displacement but also, generalized violence, foreign invasion and massive violation of human rights as additional causes for displacement.

This distinction is particularly important in the Colombian case, where a significant number of the refugees flee their country because their lives, safety or freedom have been threatened by generalized violence, massive human rights violations, structural violence and other circumstances that have altered the public order. As we have seen in previous chapters, the polemic Decree #1182 of May 2012 signed by Ecuadorian President Rafael Correa set aside the wider definition of refugees considered

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<sup>81</sup> The entire text of the Declaration of Cartagena can be found at: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/BDL/2001/0008>

in the Declaration of Cartagena and adopted in the Decree # 3301 of May 1992, and went back to the original definition of refugee in the 1951 Convention. This clearly reduces the chances of legalizing the status of thousands of Colombian refugees living in Ecuador, who, even though they can be considered victims of massive violence and human rights violations, will not necessarily be able to prove to an Eligibility Commission that they have been persecuted due to their race, nationality or their political or religious ideas.

Other international instruments that constitute important reference points in the matter of refuge in the region are: the 1939 Montevideo Treaty on Asylum and Political Refuge, designed to protect European refugees arriving to different countries in South America after World War II; the 1969 American Convention on Human Rights (known as the “Pact of San Jose, Costa Rica”); the Declaration of Tlatelolco, Mexico in 1999, which states that the definition of refugee in the Declaration of Cartagena reflects the juridical and historical realities of the region and urges the countries in the region to adopt it, and finally, the 2004 Declaration and Mexico Plan of Action, which were created to strengthen the international protection of refugees in the Latin American region through the creation of the program of “Supportive Cities and Borders” (“*Ciudades y Fronteras Solidarias*”).<sup>82</sup>

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<sup>82</sup> These programs highlight the need to include host communities as partners of the development aid agencies, and to recognize and address their often poor socio-economic conditions, which can otherwise worsen with the massive arrival of refugees. For more information on this topic, please refer to: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/3285> (Accessed on 01/05/2014)

In 2010, the “Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas” was subscribed by different governments in the region to recognized the character of “mixed migrations” (due to economic or other motivations) that has affected the region and to highlight the need to consolidate the program of “*Ciudades Solidarias*”, which counts with the presence of 22 participating cities from the region through partnerships between the local governments and UNHCR regional offices.

All these legal instruments applicable in Latin America constitute an effort by the governments in the region to adjust their legislation to the new challenges on refugee protection that are not covered by the 1951 Convention. Among them, one of the most remarkable policy shifts, towards achieving a more humanistic approach towards human mobility (not only for refugee flows), constitutes the adoption of the principle of “universal citizenship” by the Ecuadorian government in 1998.

Universal citizenship can be considered a utopian concept promoted by people who believe that free mobility (across borders) should reach not only goods and capitals but also people. Nevertheless, this concept constitutes one of the *avant-garde* principles of the 2008 Ecuadorian Constitution on its Title VIII on International Relations, Article 416:

*“It [the Constitution] advocates the principle of universal citizenship, the free movement of all inhabitants of the planet, and the progressive extinction of the status of alien or foreigner as an element to transform the unequal relations between countries, especially those between North and South.”*

Based on this principle, the government of Ecuador eliminated any visa requirements for entering the country to all foreigners (including Colombians refugees, who otherwise would have been considered “illegal” because of their migratory status). Yet, this new paradigm to address migratory issues found quickly detractors, and even though, the principle is still enshrined in the Constitution, several political forces and public opinion actors pushed for its regulation. Consequently, the Presidential Decree #1182 (discussed in depth in chapter 4) was created as a response to the scale of the inflows of Colombian refugees in the country.<sup>83</sup>

In addition to reviewing the international legal mechanisms designed to protect refugees in the region, it is important to highlight the numerous studies by academics (in both countries, Ecuador and Colombia) that analyze the international context and the legal implications for the refugee situation in Ecuador, such as De la Torre (2009), Werner and Cassel (2002), Molina (1995), Riaño et al. (2008) and Avila (2007). Most of them coincide in the need to support a better and more inclusive regime for refugee protection, broadening the terms and approaches for the “regularization” of refugees. In addition, Ramírez (2006), Ahumada et al. (2004), Moreano (2005) and Montúfar (2005) have also analyzed the effects of the refugee situation on the bilateral relations between

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<sup>83</sup> The difficulty with the 1182 Decree is not only that was conceived under a securitization paradigm (which links the so called “government’s open-door policy” with an increased in violence and crime in the country), not the lack of consistency with several of the government’s actions and predicaments, but also, that contradicts the spirit of solidarity, egalitarianism and social justice contemplated in the text of the Ecuadorian Constitution, exposing a crude reality for thousands of Colombian refugees in the country: that the law is not enough guarantee for their rights.

Ecuador and Colombia from a socio-economic perspective, especially since the implementation of the Plan Colombian in the early 2000.

Finally, numerous economic and social diagnostics have been produced by research institutes and NGOs working in the border areas, such as the Jesuit Refugee Service (JRS), the Segundo Montes Documentation Centre, the Consultancy on Human Rights and Displacement in Colombia (CODHES) and the International Observatory for Peace (OIPAZ), as well as the UNHCR regional office, UNWOMEN, UNICEF and the International Organization for Migration (IOM). Besides presenting important data regarding the presence of refugees in the country, the presence of these international organizations also adds complexity to the social dynamics surrounding the arrival and permanence of Colombian refugees in Ecuador.

### **UNHCR and the Politics of Intervention**

The United Nations High Commissioner for Refugees, established in December 1950, is probably the most important institution in the humanitarian field for operationalizing these international instruments. Founded under the United Nations mandate, this agency has intervened in almost every humanitarian crisis involving refugees around the world in the past 64 years. The original mandate for this agency was to protect and support refugees at the request of a government or of the UN itself, and to assist in their voluntary repatriation, local integration or resettlement to a third country. Over the years, this mandate has experienced few modifications; the most important one

relates to the partial (although informal) inclusion of internally displaced populations (and not only of refugees) in their programs.<sup>84</sup>

Notwithstanding the importance of its mission and work, 64 years after its establishment UNHCR faces multiple challenges, ranging from severe budget limitations and restrictions to criticisms of its “apolitical” nature and its lack of capacity to proactively engage and compromise with governments and other actors in the protection of refugees.

The issue of funding clearly represents one of the agency’s biggest challenges, since resource allocation is directly connected to donors’ priorities (earmarking) and their political agendas. According to Vayrynen (2001, 160), UNHCR’s budget in 1999 consisted of: a 17% of general funds (meaning that they could be spent according to the agency’s judgment and priorities), an additional 3% of funds corresponded to private donations, mainly from Italy, the United States and Japan. The remaining funds (80%) were constituted by “voluntary contributions” by rich countries such as the United States, Japan, Sweden, the Netherlands and Denmark, as well as other European donors that they earmark for specific projects.

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<sup>84</sup> UNHCR’s involvement with IDPs goes back to the early 70s where hundreds of thousands of IDPs were included in the agency’s programs in major crises such as South Sudan, Angola, Vietnam and Mozambique. They coexisted with returning refugees for several years, sharing space and resources. In Colombia, UNHCR’s involvement with IDPs began fairly late with the establishment of a Liaison Office in Bogota in 1999, which later became more involved in supporting IDPs in the mid-2000s when the numbers of IDPs started to gain recognition globally as one of the worst IDP crises around the world. For more information on this topic, please refer to: Mattar, Vanessa and Paul White. 2005. “Consistent and Predictable responses to IDPs: A review of UNHCR’s decision-making processes”. Geneva, Switzerland: UNHCR – Evaluation and Policy Analysis.



As of 2013, the agency's funding depended almost completely (98%) on voluntary contributions (mainly from the governments of rich countries, other international organizations and private donors from rich countries). The remaining 2% involved assessed contributions from the UN's regular budget.<sup>85</sup> This means that most of the agency's programs depend on the good will of rich governments to disburse funds, which also leads us to consider the underlying interests behind many humanitarian causes.<sup>86</sup> This is an issue that will be analyzed further in this chapter when discussing how the role of the major humanitarian agencies is not immune from falling into the quicksand of politics.

The lack of political engagement and the claimed neutrality that surrounds UNHCR's humanitarian interventions are not reflected within this institution, since there is a veiled side to many of the humanitarian interventions worldwide, a sort of unseen agenda in which one of the main components is to keep refugees and other migrants outside the borders of wealthy nations. Former United Nations Secretary General Kofi Annan's words to the Executive Committee of the High Commissioner for Refugees could not have been more eloquent in tracing the links between humanitarian efforts and political interests:

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<sup>85</sup> Please refer to the report "UNHCR's Budget process and prioritization" by Matsuura-Mueller and Ryan, presented on April 2013. Accessed 11/1/13 at: <http://www.unhcr.org/5165588e9.html>

<sup>86</sup> For instance, according to Vayrynen (2001), UNHCR's program to support refugees from Kosovo in 1999 captured huge international attention (mainly due to its proximity to Europe), which resulted in massive financial contributions that funded the program before the end of the year. This unprecedented situation contrasts with the struggles faced by this agency to fund many other ongoing crises, especially in Africa.

*“Too often, when donor governments decide which of your activities to fund, there is a flagrant political arrière-pensée. Your humanitarian work is used, or rather abused, as a substitute for political action to address the root causes of mass displacement. You have become part of a "containment strategy", by which this world's more fortunate and powerful countries seek to keep the problems of the poorer at arm's length. How else can one explain the disparity between the relatively generous funding for relief efforts in countries close to the frontiers of the prosperous world, and the much more parsimonious effort made for those who suffer in remote parts of the world such as Asia or Africa? And how else can one explain the contrast between the generosity which poor countries are expected to show, when hundreds of thousands of refugees pour across their frontiers, and the precautions taken to ensure that as few asylum seekers as possible ever reach the shores of rich countries?”<sup>87</sup>*

Hence, humanitarian interventions border on policing, since there seems to be “*no care without control*”, bringing to life Foucault’s ideas (1980, 1994) on biopower and biopolitical regimes (previously discussed in this research). Humanitarian interventions have been deeply marked not only by their financial constraints, but above all, by the political and strategic interests that look first and foremost to close the gates of the

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<sup>87</sup> Former United Nations Secretary General Kofi Annan’s speech delivered to the fifty-first session of the Executive Committee of the High Commissioner for Refugees (UNIS/SG.2678), held at the Palais des Nations on October 2, 2000. Retrieved 11/11/2014 from: <http://www.unis.unvienna.org/unis/en/pressrels/2000/sg2678.html>

developed world to many of the most impoverished individuals on the planet.<sup>88</sup> These factors have clearly undermined UNHCR mandate and presence in the field since they reveal the economic and political interests behind the provision of funding and the decisions on where and when the agency has to intervene.<sup>89</sup>

In the particular case of Colombian refugees in Ecuador, these factors are reflected in UNHCR's increased budget in the last few years,<sup>90</sup> the type of organizations that are chosen to work with UNHCR funds, the initiatives that are funded and the lack of accountability related to their role and presence in the country. This last point will be

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<sup>88</sup> In the realm of politics, while UNHCR still speaks the language of refugee protection, many countries in Europe and in North America (UNHCR's main donors) have changed this premise to protect their states from the burden represented by refugees' inflows. This can be seen in the several measures taken in terms of fixing quotas for asylum seekers and refugees, the setting up of targets to reduce the number of claims and to increase removals of "denied" applicants, among others. Under the security paradigm that informs many of the immigration policies in Western countries, security means also "security from refugees". In the same vein, Moorehead (2009) underscores how the images of refugees have been shaped by public discourses about them. For instance, the images of "good refugees" at the end of the Cold War fleeing communism and oppression was suddenly replaced by that of the "bad refugees" invading and threatening civilization (Europe) in the early 90s.

<sup>89</sup> One of the most illustrative cases of how funding and political interests contributed to shape public perceptions and humanitarian interventions was given by former UNHCR Commissioner Ogata (2005, 24) when she referred to the diverse responses by the United States government to different humanitarian issues in the Caribbean region: *"For several decades, the interdiction of Haitians at sea has been a source of grave contention between the U.S. government and UNHCR, humanitarian organizations, and advocacy groups. Haitians were viewed as economic migrants fleeing a harsh but non-Communist government in contrast with Cubans, who were recognized as refugees under persecution"*.

<sup>90</sup> For fiscal year 2013, UNHCR's budget in Ecuador was 20 million dollars, registering an increased of 50% compared to 2009. For more information, please refer to UNHCR Annual Appeal for 2013. Retrieved 01/04/2014 from: <http://www.unhcr.org/528a0a370.html>

further analyzed in the following section that reviews the role of UNHCR and its allied organizations in the country.

In supporting the vast majority of humanitarian crises around the globe, UNHCR officially considers three “solutions” to the “problem” of refugees: 1) voluntary repatriation (not considered as an option in the Colombian conflict), 2) integration in the host country and 3) resettlement in a third country (i.e. neither the country of origin nor the place of reception). Clearly, in the case of Colombian refugees living in Ecuador, the option of local integration has been prioritized by UNHCR and the Ecuadorian government as a way to deal with the massive arrival of refugees in the country. The rationale behind this decision is based on the use of a common language (Spanish) and the existence of cultural and social ties (especially at borderlands) between refugees and members of the host communities that, according to UNHCR and the Ecuadorian authorities, contribute to facilitate a better integration of refugees.

Nevertheless, authors such as Agier (2011) add a fourth strategy, applied mainly in African countries, that he has called “encampment”.<sup>91</sup> The nonexistence of refugee camps in Ecuador or in other South American nations confronts hosts communities with the massive arrival of refugees and prompts a variety of reactions under a logic of “forced integration”. When I questioned several UNHCR officers about who decided not to set

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<sup>91</sup> Michel Agier (2011), in his study on refugee camps in Sierra Leone, Kenya, Liberia, Zambia and Guinea, analyzes the technologies used to control and police extra-territorial spaces and populations, by what he refers to as a “*Humanitarian Government*”. In this context, the strategy of “encampment of the undesirables” seeks to prevent poor refugees from reaching “*the safer and healthier part of the world*” represented by Europe and the US. Thus, Agier (2011, 5) asserts that there is a functional solidarity “*between the humanitarian world (the hand that cares) and the police and military ordering (the hand that strikes)*”.

up these camps in Ecuador (Was it the government? or UNHCR? or both?) and the rationale for this decision, the presence of state institutions and the many similarities in terms of language, culture and the difficulty to discern who is who in the Colombian conflict, seem to play a crucial role in this choice:

*“Contrary to other countries in Africa and even Asia, where the presence of weak institutions cannot guarantee the protection of refugees, in Ecuador, it is not necessary to work under that scheme [camp model]. In many places in Africa, there are no means for refugees’ survival and many countries do not even have a refugee recognition system. Refugees get to the point they can and the UN comes to help them. The agency identifies people for resettlement within the camps or they need to wait until the conflict is over, but they cannot leave the camp. In Latin America, we look for local integration, since both countries [Ecuador and Colombia] have the same social policies and access to work” (Interview # AS27).*

*“First, the porous logic of the border where people have networks in the places they plan to settle down influences the massive arrival of refugees. We cannot compare the situation here with what is going on in Africa, where the majority of states are ‘weak states’. Here, the refugee situation is a matter of sovereignty and there are many reservations with the work carried out by international organizations. In Africa, the refugees become refugees under UNHCR’s mandate, yet here is different. It is the national government, the host state that*

*provides recognition. Ecuador, the United States, Chile, Brazil are examples of states that grant refuge, not UNHCR” (Interview # AS31).*

According to a UNHCR staff (Interview #AS29), close to 1600 Colombian refugees living in Ecuador have been resettled in third countries, since their lives in Ecuador were still in danger or they became victims of economic or sexual exploitation. Many of them were located (under the UNHCR’s “Resettlement Program”) in other South American countries, such as Brazil, Chile, Argentina, Uruguay and Bolivia, to facilitate their integration with host communities. The rationale behind UNHCR’s selection of these countries is that local integration would be easier in countries in which the social and cultural contexts are similar to those present in the refugees’ native Colombia. Nevertheless, several Colombian refugees have been also relocated in places such as Canada, the Netherlands, Sweden and Finland.

### **The Ambiguity of Humanitarianism**

The United Nations Convention on Refugees (1951) and the subsequent Protocol (1967) are no doubt the most known and widely applicable legal instruments to protect refugees fleeing violent conflicts all around the world, nevertheless, their scope and effectiveness have been severely undermined by several factors that deserve our attention.

Beyond the anachronism reflected in the text of the Convention, which was written more than 60 years ago (and does not reflect the current realities that refugees face) and the question of its applicability to different local settings, the political and

moral dimensions embedded in the protection mandate and their implications in practice (for the international regime, governments and peoples) are among the most important challenges that humanitarian organizations, especially UNHCR, face when dealing with refugee crises around the world.

First, when analyzing the definition of who is a “refugee” according to the 1951 Convention, one can notice a clear demarcation line between those who are forced to migrate because of “*a well-founded fear of persecution ...*” and those who migrate based on socio-economic motivations. The definition itself hides a liberal prejudice, since it assumes that it is possible, desirable and legitimate to separate these different dimensions (social, psychological, economic, political, cultural, ethical, etc.) that are present in the human condition, in order to account for specific movements of people. Thus, it is common to read and encounter references in the literature about, as well as distinctions in practice between, “forced migration” and “economic migration”. This is a simplistic dichotomy that in practice entails very different political treatment, and very different preferences in the allocation of funds, in many of the world’s biggest movements of people.

The “involuntary nature” of “forced migrations” seems to be the main criterion that UNHCR uses to assess who is in need of protection and who is not. However, this feature becomes blurred when applied to subjects who have suffered decades of government abandonment, who are trapped in the middle of ongoing conflicts and whose rights as humans have been persistently and often structurally violated by institutional and non-institutional actors. For instance, one of the main causes of displacement for

small farmers in Southern Colombia, who after decades of government abandonment and harassment by the FARC and paramilitaries, found that their only alternative for survival was to grow coca crops, is the fumigation of both their “legal” and their “illegal” crops by the same government that had abandoned them. Escaping poverty but also oppression and violence by different armed groups, these peasants can be seen as economic migrants crossing into Ecuador to work on oil palm plantations, or they can be seen as refugees fleeing persecution and violence (and they often happen to end up working “legally or illegally” in the agricultural sector, given their skills). Another example that challenges the illusory distinction between economic and forced migration can be seen in the case of Haitians fleeing their country after the massive earthquake that hit *Hispaniola* in 2010. Fleeing hunger, illnesses and despair, thousands of Haitians crossed into the Dominican Republic looking to fulfill their basic human needs. However, beyond the humanitarian and economic dimensions, these Haitians are also leaving behind decades of structural violence that has condemned them to poverty and limited their agency, only to enter a country where they may be used as cheap labor, but are not welcomed, and again experience hostility and discrimination.

Both cases highlight the complex nature of contemporary migratory phenomena through these types of “mixed flows” of people. This underscores the importance and urgency of revising the text of the 1951 Convention, as well as the need for more thorough research about refugees and displaced people. As Malkki (1995) already pointed out, there is a need for more research to examine and contextualize these flows of



people within bigger social, political and cultural practices and processes, such as nationalism, citizenship, human rights and identity, among others.

A second aspect that deserves our attention is the “non-political” character of UNHCR when dealing with refugee crises and with governments (that are often responsible for them). When UNHCR opens a country office, it is based on the consent of the host state and the agency’s commitment not to intervene in internal issues or have any political involvement in the country’s affairs. Its presence is strictly linked to humanitarian efforts (meaning helping people who have been displaced for different reasons to fulfill their basic and immediate needs, such as shelter, food, legal and psychological counseling, etc.).

Nevertheless, the agency’s neutrality and lack of political involvement, which had been seen as UNHCR’s main strengths for many years, constitutes one of its biggest liabilities nowadays, since its “neutrality” and its fear of becoming too political have undermined its credibility and tied its hands, even when the agency has witnessed major atrocities. This in turn has undermined the fulfillment of its mission: the protection of refugees and their rights. As was noticed by former UNHCR Commissioner Ogata (1997, 135):

*“the non-political and humanitarian nature of UNHCR’s work was seen as requiring the Office to concern itself with the immediate needs of the refugees and not why they were forced to flee. The focus of refugee law was on the refugees after they crossed their national borders. The role and responsibility of the*

*country of origin in the prevention of refugee problems or in creating conditions to promote return was ignored”.*

As a consequence of this lack of political engagement to deal with the root causes of massive displacement, UNHCR's presence in many countries has been reduced, as Malkki (1995) notices, to delivering instant aid to refugees, thereby removing any political connotations from the massive displacements. Notwithstanding the more inclusive approach adopted under Commissioner Ogata's administration, which included a focus on “*preventive protection*” and “*voluntary return*”, the agency cannot claim that it has gone beyond its direct engagement through immediate relief efforts and a narrow approach to refugee assistance.

In addition, authors such as Warner (1998) have underscored the troubled relationship implicit in the treatment of refugees' rights under the umbrella of human rights. In fact, this ongoing debate has been raging for several years within the two main UN agencies in charge of human rights (the Office of the United Nations High Commissioner for Human Rights - OHCHR) and of refugee rights (the United Nations High Commissioner for Refugees - UNHCR). According to Warner (1998), UNHCR will lose its effectiveness if it becomes involved in human rights issues, since this agency was designed “*to deal with a special category of people within a special regime, not the special situation itself*”. This means that refugees are seen as a special category within the human rights regime, and certainly the human rights regime should apply to them. However, according to this author, the problem with incorporating refugees too closely in

the human rights regime is that, politically, it will weaken UNHCR's presence in different countries and its ability to protect refugees.

This entire research has presented the many ways in which Colombian refugees and their rights have been affected by different actors and circumstances since their arrival in Ecuador. The relationship that exists between UNHCR and the Ecuadorian State has been marked by cooperation (in economic and legal terms)<sup>92</sup>, respect for "sovereign" decisions and avoidance of political involvement by UNHCR. Nevertheless, the agency has been also accused by local human rights organizations of remaining silent when deportations of Colombians have occurred (violating the basic principle of non-refoulement).<sup>93</sup> As one UNHCR official interviewed for this research admitted:

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<sup>92</sup> It is important to underscore that the biggest portion of the budget of the General Directorate for Refugees is funded by UNHCR with few resources coming from the Ecuadorian Government through the Ministry of Foreign Relations and Human Mobility. For instance, in 2013, UNHCR's contribution to this office was US\$550,000 compared to the government's contribution of US\$105,000. Please refer to: Ministry of Foreign Relations and Human Mobility's Budget for 2013, retrieved 01/07/14 from: <http://cancilleria.gob.ec/wp-content/uploads/downloads/2014/01/3.3-PAI-2013-SOLICITADO-VS-ASIGNADO-ACTUALIZADO-A-DICIEMBRE-2013.pdf> The predominant role that UNHCR has in the GDR (as donor as well as an observer on the Eligibility Committee) has contributed to improving the amount of time and the use of resources by the GDR in reviewing hundreds of thousands of refugees' applications. Nevertheless, its presence has also been criticized by various local organizations and academics as a way to intervene in internal politics to promote UNHCR's agenda, as well as for creating a relationship of programmatic dependency on the GDR (Rivera and Larreategui, 2007, 42).

<sup>93</sup> There are few sources of information about the deportation of foreigners (especially refugees) in Ecuador. Nevertheless, Benavides (2007, 4) in her analysis of police records in Quito during the period 2006-2007 mentions that of 231 cases of people who were deported during this period, 2.1 % corresponded to "solicitors" of refuge (of Colombian nationality) and 0,8 % corresponded to refugees whose applications had been denied. Even though these numbers reflect a small fraction of the entire population of Colombians living in Ecuador, in practice, illegal detentions of refugees (especially "solicitors") is a common practice. They become an easy target for extortion and

*“our organization cannot confront the government in these issues [refugees’ protection]; we participate as a guest on the Committee but we have no vote in deciding who deserves the status and who does not. We try to advocate in cases where there has been violence and persecution involved to promote among the committees’ members the need for protection of a particular individual. We cannot directly confront the Ministry of Foreign Affairs or the Migratory Police on their decisions regarding immigration policies. We are not a human rights NGO or an advocacy group from civil society; we provide legal advice for refugees but we cannot get involved in any type of formal advocacy” (Interview # AS32).*

In addition, in several of my conversations with refugees, the ambiguity of UNHCR’s role in dealing with a variety of situations faced by refugees exposes many of its weaknesses in practice:

*“The first time we arrived in Ecuador was 9 years ago, fleeing the violence that spread throughout our region in Valle del Cauca, over there by Jamundi, San Miguel, el Juncal.... We [Ana and her daughter] were among the few who were able to leave the town before the paras [paramilitaries] arrived and finished with everything. They had already killed one of the community leaders and were*

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blackmailing by police officers, neighbors, employers, etc. (International Crisis Group, Latin American Report no. 40, 2011). Three of my interviewees mentioned having being stopped and detained in the streets of Quito by police officers who asked them for their documentation. In two cases, they were freed after the police verified the authenticity of their ID cards, and in the third case, the police started the deportation process in clear violation of the principle of non-refoulement. At the end, the pressure on the police from a local human rights organization managed to free the third person.

*coming back for more of us, to chase us like animals, accusing us of helping the guerrilla with medicine and food. My husband had a brother living in Mocoa so he arranged for us to leave in two days and that he would join us later. We left but my husband could not escape on time; he wanted to stay to take care of the little things that we had and later I learnt that our house was burned and he disappeared. Even now, I do not have any news from him. At my brother-in-law's house, we spent a couple of weeks but I did not feel well; I was afraid of him and one night he was drunk and wanted to abuse me so I hit him with a bottle and ran... and that is how our journey to the South started. We headed towards Pasto and towards the border... we met a lady in the bus who told us that in Ecuador, we will receive some help. When we crossed the border, it was getting dark, we took advantage that the police officers were watching a football game, so they did not pay attention to us. We arrived in Tulcán and went straight to the church to ask for help. It was horrible to find myself with my 8-year-old daughter wandering on the streets. I think that was the coldest night we have ever spent in our lives. The priest put us in touch with ACNUR [UNHCR] and they helped us, giving us food and shelter for a couple of months. It was a relief to have them since we did not know anything about this country, we did not know anybody here, but when the time passed, we were told by the ACNUR [UNHCR] officer that we should leave the shelter by early May, that they cannot continue helping us and that they have gotten me a temporary job in a hair salon. At the beginning it was really tough, with no money and no friends. Nobody wanted to rent us a*

room. At the salon, I worked more than 8 hours a day, but I did not care; the payment helped me to buy some food and pay for the room. My daughter started attending school in the afternoons. One night after work I went home and found a note under the door. It was a threat saying that they know who I am and that they know where my daughter goes to school, that I should take care of ourselves and that I need to pay money if we want to live. That night my panic came back, I could not close my eyes, I just cried and cried. The next day, I went back to ACNUR [UNHCR] office and showed them the note; they took us again to the shelter while they were investigating what to do. Finally, they decided to send us to Holland. They explained to us that very often, the paras [paramilitaries] cross into Ecuador searching for witnesses to eliminate them. I was so scared and terrified that I accepted what seemed to be my only option at that moment. A month later, we were on the plane to Amsterdam. Everything there was so different to what we had: the food, the people, the language... We did not know anything about that place and there, we were trying to rebuild our lives. My daughter got sick and at the shelter they had a doctor who helped us, but I did not know how to communicate with him, I did not know even how to greet people... we felt more lonely than ever. There was a Mexican lady who volunteered at the shelter twice a week. She was our only link with that world but after four months in that place, she came to tell us again that soon we will need to leave, that they were trying to get me a job but because I did not speak their language it would be difficult... at the end that did not work. They [UNHCR officers] ended up sending

*us back to Colombia, and the same day... we went back to Ecuador. I could not take chances in Colombia, our decision was between life and death, and so I went back to Ecuador to apply for a refugee visa. Our application was denied but still we decided to stay here. It is better to live here as nobody that being in Colombia but three meters underground...”* (Interview # AS13)

Ana’s testimony brings to the table several critical issues regarding the oppressive and violent nature of an outdated refugee regime. The first point to highlight is that of legal entrapment, which does not allow UNHCR officials to assist refugees in the many nuances that each of their situations present.

The analysis of “cases”, as UNHCR officers mentioned (Interviews # AS37 and # AS38), carefully follows the criteria established by the “Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol”. This document of January 1992, (which specifies the characteristics, conditions and prerogatives of refugee protection under the UN mandate), is taken as the golden rule by Ecuadorian authorities to judge the pertinence of any refugee application, although, its text does not reflect the current realities and challenges that Colombian refugees face in Ecuador. It is a useful tool to provide guidelines on refugee protection however, its legalistic application (linked to the homogenization of the process which does not consider the enormous variety of refugees’ experiences) and the restrictive approach and security concerns that guide their application can lead to further undermining of the rights of refugees (as happened to Ana and her daughter, who were

returned to Colombia by the Netherlands' government (in violation of the non-refoulement principle which was originally recognized when they entered Ecuador).

It is difficult to determine the detailed circumstances that accompanied Ana's and her daughter's repatriation to Colombia, nevertheless, it is clear that under the current refugee protection framework, there is no mechanism (in international or national law) that can make any government or UNHCR accountable for their decisions. The following paragraph by UNHCR acknowledges this situation:

*“Eligibility practices, instead of being firmly based on refugee law standards, often depend on the personalities of the members of the Eligibility Commission or political criteria. On many occasions, members of the Eligibility Commission have resorted to national security to deny asylum to refugee claimants rather than applying appropriate legal criteria”. (UNHCR 2008, 15)*

Second, the lack of sustainability in the support that UNHCR provides to refugees is also a critical factor to be evaluated. Many of my interlocutors, although valuing enormously the initial contributions received from UNHCR for their settlement (usually the first three months after their arrival in Ecuador), also referred to the lack of sustainability in the agency's support as one of the main obstacles that caused them to enter the world of “illegality”. Many of them mentioned being advised by UNHCR staff to search for support in other institutions (mainly UNHCR's local partners such as HIAS, FAS, and the JRS, among others) to ensure protection, legal advice and the coverage of immediate needs such as health care, housing and education, since the agency would not be able to support them beyond the initial settlement period (due mainly to the restrictive



nature of UNHCR's mandate which frames the organization as a "humanitarian agency" and not as a development aid institution).

A third aspect to be considered is that UNHCR's moral commitment and responsibility to protect refugees is undermined by the fact that the agency participates in the meetings of the Eligibility Committee as an observer without a vote. Even though its presence can help to ensure oversight of the process of refugee recognition, when the Eligibility Committee denies the status of thousands of refugees (based on suspicion and denying them the right of doubt) as has happened in recent years, UNHCR ends up endorsing these decisions without any public refutation or mediation in favor of the refugees. Moreover, there is no explanation provided to refugees, neither by the State nor by UNHCR, about the reasons for the acceptance or denial of their applications. The moral imperative to protect refugees is called into question as a result of the agency's maintenance of neutrality. In many cases, the moral commitment has been overlooked using different justifications: from budget constraints to legal entrapments in the refugee recognition process.

While it is important to be aware of the valuable role played by UNHCR and other humanitarian agencies in favor of millions of refugees around the world, the agency could benefit from more accountability and transparency in its finances and its decision-making processes, as well as a revision on the type of relationship that it establishes with different governments (those who donate funds for their programs and those with whom the agency collaborates on refugee protection). This will certainly contribute to a more

effective completion of its mission in the field as well as legitimize its presence and actions worldwide.

In Ecuador, in addition to the relationship established between UNHCR and the government agencies that deal with refugees (mainly at the General Directorate of Refugees, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labor and the Ombudsman's Office), local organizations have become critical actors in implementing UNHCR policies in the country. These organizations work mainly in the areas of legal counseling, refugee protection and psychological and economic assistance using UNHCR funds, which in practice has positioned UNHCR as the major donor agency for refugee issues in the country.<sup>94</sup> Some of its most important local partners are: The Hebrew Immigrant Aid Society (HIAS), the Jesuit Refugee Service (JRS), Fundación Ambiente y Sociedad (FAS) and on a smaller scale the Fondo Ecuatoriano Populorum Progressio (FEPP), the Corporación Mujer a Mujer and the Misión Scalabriniana. Rivera (2007) has analyzed the role and work done by these organizations in support of Colombian refugees, cautioning about the re-victimization of refugees as a fundraising strategy, an observation that could be equally applicable to UNHCR on a broader scale with their urgent and permanent call to support refugees worldwide. As Agier (2011, 79) suggests when reviewing the efficacy of humanitarian aid,

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<sup>94</sup> The International Organization for Migration (IOM) has a small program on "forced migration" which covers the "Refugee Resettlement Program" in coordination with UNHCR Ecuador. According to this agency, a total of 1710 refugees were relocated from Ecuador to 11 different countries where their lives and rights are guaranteed by the host country. For more detailed information on this topic, please refer to: [http://www.oim.org.ec/portal/index.php?option=com\\_content&view=article&id=84&Itemid=65&lang=es](http://www.oim.org.ec/portal/index.php?option=com_content&view=article&id=84&Itemid=65&lang=es) (Retrieved 01/04/2014).

*“humanitarian actions [not only UNHCR actions] implement a state of perpetual emergency which does not deliver a radical change”.*

There are several challenges that these organizations face. The lack of cooperation and coordination among them, added to competition for the resources that UNHCR provides (as their main benefactor), weakens these local organizations and hinders the fulfillment of their objectives through the overlapping of tasks and fights over resource allocations. Many of these organizations focus only on the delivery of basic first-hand support for refugees (reproducing in many cases a paternalistic model of aid) without paying attention to the root causes of refugees’ vulnerability, not questioning governmental decisions regarding refugee policies (such as the Presidential Decree # 1182), or questioning UNHCR’s involvement and role in the Eligibility Committee. In this sense, they constitute, as Rivera and Larreategui (2007) mention, *“mere intermediaries of humanitarian law”*.

During my field-work in different regions in Ecuador, I was able to observe the work of these agencies and their interactions and involvement with refugees and with members of local communities in rural and urban areas. One of the main observations that emerged from my conversations with refugees about the support received from UNHCR and its partners, is that their help was critical in the processes of adaptation and settling down in the country, as well as in advising them about legal, social, economic and psychological issues.

When I spoke with members of host communities regarding the presence and scope of action of UNHCR and its partner organizations, it was notorious the lack of

support and sympathy towards their programs. In a country where a significant part of these communities (especially at borderlands) have suffered under decades of government abandonment, the presence of funding to support refugees create friction, resentment and discomfort among the host population (especially with those organizations that provide direct aid such as food, funds or goods such as school supplies).

Yet, other organizations have been able to exploit the existence of shared characteristics (such as language, customs and cultural features) between refugees and members of host communities to facilitate diverse partnerships that have helped many of the refugees to settle down more easily in Ecuador, as well as to bring some sort of benefit to the communities that host refugees. One organization that has developed tighter collaboration between these groups is the Ecuadorian Populorum Progressio Fund (FEPP), an established NGO that provides microcredit loans for small entrepreneurs. This institution set up a small loan system to finance mixed associations to develop micro-enterprises (such as bakery shops, sewing ateliers, small restaurants, etc.). The major requirement to access these loans is that these associations have to be formed by Colombians and Ecuadorians in an effort to consolidate a supportive social fabric within the communities where these programs are implemented. This model became successful and other organizations, such as the Jesuit Refugee Service (JRS), decided to create a similar loan system to support microenterprises in urban and rural areas. These are examples of how refugees have been able to establish links with the members of host communities to create opportunities for both. Nevertheless, their lack of “legal” status

contributes to perpetuating their vulnerability, since refugees need to “establish” their “legal” condition in order to access some of these funds.

Other initiatives in the field of integration are the communication campaigns sponsored by UNHCR and other organizations to raise the level of tolerance and acceptance among the Ecuadorian population regarding the presence of Colombian refugees. Radio and television spots, as well as ads in the main newspapers, are among the main tools used to promote the hospitality of local communities in hosting refugees. The most widespread campaigns were: “*Ecuador: Conviviendo en solidaridad*” (Ecuador: living in solidarity) launched in 2011 and “*Gracias Ecuador*” launched in 2012. It is beyond the scope of this research to analyze and evaluate the efficacy of these communication strategies, but it is important to mention them as they constitute important referrals that contribute to shape public opinion and could be useful as reference points for the development of future studies on refugees, xenophobia and discrimination.

Although the several strategies mentioned above, the model of local integration sponsored by the Ecuadorian government and UNHCR has encountered several setbacks, nonetheless, one of the most harmful for the refugees is the fact that the materialization of refugee laws and regulations in practice falls far behind of what authorities and UNHCR officers are willing to recognize.

For many of the refugees with whom I talked, the existence of a law to protect them is not enough, nor is the regularization of their status as refugee enough. They need to be able to enjoy their rights in practice, rights that allow them to build their everyday

lives and to integrate better with their neighbors. To speak about refugee rights or even human rights without any government or international agency to guarantee their applicability in practice, compromises the welfare of thousands of refugees who are left alone in their quest for survival. As one Colombian refugee who was interviewed for this research mentioned:

*“The rights written on paper do not help us to feed our families, to survive in this country; we need to have those rights accomplished in practice, we need that when the government tells us that we have the right to work... that we can find a job... that if the law says that our children can attend schools, they can actually have access to this education without discrimination, that if the law says that we can go to a public hospital seeking attention, the doctors do not ask for our IDs”*  
(Interview # AS14)

Therefore, the main challenge seems to be how to make international legislation to protect refugees applicable in local settings, since as we have seen, the global rights contemplated in the 1951 Convention without the necessary guarantees to achieve their application in practice, contribute to making hundreds of thousands of refugees invisible and to deepening their vulnerability in practice. If UNHCR is not allowed (nor willing) to assume such a commitment, my question is: *who is the guarantor of the refugees’ rights?*

In addition, humanitarian aid that is indispensable for refugees upon arrival must become more sustainable over time, in order to create the conditions for refugees to rebuild their lives. They also need much more support than is foreseen in existing

international laws and institutions to achieve justice and to have access to economic and moral reparations in the long run. The failure of the international mandate to protect refugees is exposed clearly when the cycle of displacement, poverty and violence does not necessarily end when refugees cross an international border. On the contrary, it is often reproduced no matter where they are, since they continue being subjected to violence (structural, physical, psychological) and disenfranchised in practice.

A model of protection that acknowledges the presence of refugees yet at the same time contributes to their invisibility (through the lack of responsibility for, and moral commitment to, guaranteeing their local integration and the accomplishment of their rights in practice) is deeply ambiguous and contradictory. This must change in order to ensure not only that the basic human needs of the refugees (such as shelter or food) are being covered, but also, to provide them with equal opportunities and rights to develop their capacities and potential to contribute to the country in different ways, and hopefully, gain access to the possibility of receiving moral and economic reparations in the future.

## **CHAPTER EIGHT: MAIN FINDINGS AND CONCLUSIONS**

The exploration and “thick” analysis of how and why the identities of refugees are shaped by their displacement has led us to explore the multiple relationships and interactions that refugees establish on their journey to a new life in Ecuador. Encounters with the Ecuadorian State (through several actors such as immigration officers, police officers and bureaucrats in various ministries), humanitarian workers (including UNHCR staff and those of other agencies) and members of host communities (including neighbors, politicians and the media) have contributed to shaping the way they see themselves and the way they are perceived by others. We have found that, in the course of these everyday encounters, several discourses, symbols and practices emerge, ranging from xenophobia and criminalization, to the navigation of the intricacies of the law to “regularize” them, towards more moderate narratives and practices that “humanize” them in different ways.

This chapter draws together the main implications of my findings for the different actors involved in the refuge dynamics, as well as for the domains of theory and practice in Conflict Analysis and Resolution. Several reflections and recommendations are presented below with regard to refugees, host communities, the State, international organizations (especially UNHCR), local NGOs and grassroots organizations, and CAR theorists and practitioners who would like to delve further in the intricate paths of human



mobility. Moreover, I present an exploration of potential future lines of research and action.

My reflections on the contributions and main findings of this research draw upon the many points already documented in the reviewed literature, however they are also grounded in the many insights that originated from my field-work (including several conversations and encounters) and my own reflection on this topic. In this sense, I cannot claim that all of the findings that follow are fully innovative, however, their added value derives from the fact that they draw upon, re-state and tie together the everyday life and practices of many Colombian refugees in Ecuador, and that the refugees' voices are the primary source for and permeate this analysis.

### **Implications for Colombian Refugees**

Several pages on this dissertation have been dedicated to presenting the vulnerability, instability and structural violence that Colombian refugees are exposed to in their everyday lives in Ecuador. For the majority of Colombian refugees who have witnessed the assassination of their relatives and have been stripped of almost every material possession and social relation, it is extremely challenging to rebuild a "new life" within a social fabric that is foreign to them and with no economic means. They have lost what Giddens (1986, 90) refers to as "a sense of ontological security", a sort of faith in the "*continuity of their identity and in the means of social and material actions*" which is normally achieved in the routines of everyday life, an everyday life that is broken by their displacement.

In my conversations with several refugees, I was able to identify various elements

that need to come together in order to restore this sense of certainty to refugees in the medium term and ultimately for them to achieve social integration:

- *Resilience*: This is commonly understood as the human capacity to recover after struggles, to bounce back to a point of balance after experiencing adversity. For several of the Colombian refugees that I met, achieving resilience was an ongoing process, enacted in their everyday practices and interactions with others (government authorities, humanitarian staff, other Colombians and Ecuadorians). Developing this capacity enables them to settle down and to establish more or less stable social relations that give them the sense of having gotten their lives back. The refugees' everyday lives are generally characterized by a high degree of resilience, and are, in this new context, also transformative.

- *Securing basic resources*: This refers to securing the material conditions (through jobs, shelter, food) and access to public services (education, public health, justice) that help refugees to acquire the basic stability needed to start reconstructing their lives, create meaningful links with others and recover the capacity of envisioning a future.

- *Recovering the 'right to have rights'*: Over the last few years, the organizational processes of refugees have become a reality, through the consolidation of organizations like FENARE and ASOREC. Nonetheless, there is still a long way to go in terms of raising awareness among refugees about recognizing themselves

as subjects of rights. The refugees' presence and voice should be strengthened, so they can begin to consolidate their social and political organizations, leaving behind the realm of political informality.

- *Dealing with emotions*: Refugees' identities are also charged with emotions such as pride, fear, honor, shame, humor, solidarity and wrath to name but a few, which are expressed in their accounts of their lives. In the diverse burden of emotions that refugees carry along, fear is one of the most prevalent among them. Fear permeates the everyday lives of refugees, from the painful memories of their past that in many cases are enacted in their present, to their responses and expectations for the future. In this sense, for several refugees who were interviewed, the past is not something prior to the present, but rather an inner dimension of the present; it is not behind, but within. Fear also structures many of the refugees' daily tactics (e.g. to escape, hide, fight, blend) and determines the norm for their behaviors and relations. Moreover, fear is part of their constitution as refugees *per law*, since 'fear of being persecuted' is the main component in the definition of their condition. Fear as an individual and social condition imbues the lives of Colombian refugees and marks each of their steps. Therefore, it is indispensable that refugees find spaces (institutionalized such as the organizations of Colombian refugees or more informal ones) where their voices can be heard and these emotions can be discharged. Trauma healing and reconciliation processes are key components to achieve social integration, as Lederach (2011,

204) mentions, *“healing represents the journeys to touch, reclaim, name and project voice”, hence “finding one's voice and meaningfully projecting voice are keys to change”*. These spaces should recognize the diversity within the refugees' population, between those refugees who are more active and visible and those who prefer to remain in clandestinity. Even from the remote spaces of their marginality, these refugees should have the possibility of raising their voices and of engaging (directly or indirectly) in the debates and processes that can generate social change.

- *Building relationships*: This is probably one of the most challenging tasks due to the nature of the refugees' displacement, the discriminatory discourses and the economic, social and psychological instability that affects refugees. Once they have been able to find an entry point in the community (through informal sales of products or provision of services), refugees start building their social fabric, engaging in meaningful relations with other members of their communities and networks of reciprocity, which allow them to give some sort of continuity to their existence. Trust especially is critical for refugees since enable them to overcome fear (of deportation, of being targeted by their victimizers and of rejection and discrimination) and achieve some level of stability and the possibility of envisioning a future having confidence that life will follow a relatively “normal” course, without any abrupt and traumatic disruptions. Binding and bonding social

capital among refugees and members of host communities constitute a key element to secure their social integration.

Any strategy to integrate refugees into local contexts and therefore to restore their sense of “ontological security” should consider at least the four elements mentioned above. Hannah Arendt (1973, 296) already mentioned the importance of finding “*a distinct place in the world which makes opinions significant and actions effective*”, a place that brings meaning to our lives. For many Colombian refugees with whom I talked, this search is still an incomplete journey due to the many tribulations faced in their displacement, which have in many cases led them to settle and resettle several times. For others who have been able to overcome multiple obstacles, the establishment of bonding ties provided them with a sense of community, of relevance in their existences, and of that special space that Arendt refers to. Some examples that this is possible can be found in the existence of mixed families, in alliances that have been set up to build small community infrastructure, as well as in small businesses that combine refugees with locals.

### **Implications for Strategies of Local Integration**

An important reflection in this regard points towards the idea of regularization of Colombian refugees as a long-term strategy that Ecuador should implement. According to FLACSO (2011), 84% of Colombian refugees in Quito and Guayaquil will not go back to Colombia even if the conflict reaches an end in the coming years. This presents the Ecuadorian government with the challenge of achieving effective social integration of refugees in host communities and raises the question of granting them access to political

rights and participation. In this context, the recognition of their legal status as refugees constitutes only the first step towards achieving local integration.

When we analyzed the efforts undertaken to integrate refugees into the communities that host them, other than some joint small enterprises between Colombians and Ecuadorians sponsored by UNHCR and local NGOs, the most significant experiences that I encountered came from the individual efforts by refugees not to become isolated. One example is that of Martha, a Colombian refugee who continued greeting her neighbors for almost a year before being reciprocated and accepted within the community of families that inhabit the small rooms of the same tenement. She persisted in fighting back suspicion, gossiping and uncomfortable looks from her neighbors when they heard her Colombian accent, and was able to build trust while removing the negative connotations attached to her image in her daily coexistence. Martha's courage demonstrates that the seeds of change and transformation lie within the individual.

A change in the ways in which Colombian refugees are perceived in many host communities in Ecuador is urgently needed, in order to decrease tensions and pave the way for establishing successful long-term strategies of inclusion. The generation of new narratives of tolerance and coexistence by the media, community leaders and the government itself is a key component in breaking down the cycle of vulnerability that refugees experience even before their arrival in the country. The strategies for inclusion should foster the emergence of more inclusive and flexible narratives and practices that link that which has separated these actors in the past with that which could unify them in future. It is not about denying the existence of these divergent discourses, but rather about

providing some space for them to coexist, so that the redefinition of substantive issues will become possible. Undoubtedly, this is a new and challenging path for conflict analysts and practitioners to explore.

Local integration may be easier to achieve in borderlands, due to the existence of historical, economic, and social transnational links between populations on both sides of the border. The strong networks of commerce as well as the social and cultural aspects of life, as well as the joint celebrations of Carnival in border towns, constitute a good example of how these inhabitants are tied together by kinship, commercial and friendship bonds that contribute to shaping the experience of the biopolitical State (Foucault, 1979) from the margins. The choice of these communities to join together in their shared marginality, to build up close cooperation and linkages beyond what the law states and what the State establishes as “legal”, reveals how much we still need to learn about everyday practices and how they can contribute to shape the State’s policies.

Another remarkable example of how local integration is being sought from below (at the individual or community level) is the work done by FENARE and by the different organizations of Colombian refugees in Ecuador, such as ASOREC. From the marginality of their positioning in the political arena, Colombian refugees struggle to make their challenges visible to the State and to the rest of the population, to achieve public representation in national and international fora on refuge and to be recognized as legitimate interlocutors on the rights of the refugees. They do not intend to remedy structural failures through the use of force or adversarial tactics as traditional revolutionaries would do. On the contrary, they take advantage of the small interstices of

power that exist to demand the recognition of their rights from the State and from international organizations, rights that are at times stated in the law but are not achieved in practice.

In summary, the construction of relationships of trust and cooperation in small everyday spaces (such as the school, neighborhood or work-place) by stubborn refugees (who refuse to be isolated by the system or the people that surround them) represent remarkable efforts to overcome discrimination and invisibility, to achieve recognition of their basic rights and to fight back adversity. International organizations, as well as national institutions and the State, should join these refugees' initiatives to make changes in three major areas that are essential for achieving local integration: First, in the way in which the host communities perceive refugees, since this will decrease discrimination and marginalization. This could be achieved through a sustained program of information about refuge to combat discrimination. Second, in the policies that regulate their presence, whose design should be nurtured by the everyday experiences of refugees and of members of host communities (in issues as health, housing, education and food security). Third, in the opening of spaces for organized refugees to interact, discuss and contribute to the formulation of other policies and strategies that affect refugees. In a near future, the government will need to implement policies on naturalization and residency for those refugees who definitely wish to settle down in Ecuador.

Finally, it is important to recognize that, in spite of the considerable efforts made by the government and UNHCR in the implementation of their strategy for integrating Colombian refugees into host communities, their model of integration has experienced



several shortcomings. The materialization of rights established in refugee laws and regulations falls far short of what Ecuadorian authorities and UNHCR officers are willing to recognize. These range from such basic deficiencies as the number of digits that the refugee ID card must have in order to allow the refugees access to the social security system or to open a bank account, to the fact that several government offices continue to spread discriminatory discourses and practices. The correction of these errors will certainly contribute to closing the gap between the refugees' rights as established by law and their realization in practice.

### **Implications for Host Communities**

At the community level, the issue of changing the nature of social relations (and therefore, perceptions) between refugees and members of host communities is at the core of any attempt to achieve social integration. In this sense, community-driven models that prioritize initiatives in favor of host communities as well as refugees can be the entry point for a more comprehensive strategy for social integration. This strategy will have to include at least three different, albeit interconnected, components: 1) the issue of perceptions, 2) the issue of relations and 3) the issue of human security.

Several mechanisms can be useful in dismantling negative perceptions about Colombian refugees in host communities.

- 1) Education on issues of refuge and human rights in communities is a critical area that has been minimized in the agenda of humanitarian and development agencies as well as in the national curriculum. The exploration of vehicles such as education in tolerance, innovative cooperative networks and promotion of inter-

culturality can be useful in charting a path towards less discrimination and, ultimately, local integration.

2) Shared learning and deeper knowledge of issues of human mobility can help to dismantle the myth that refugees come as an invasive force to grab resources and services from host communities and can contribute to humanizing the refugees.

3) Balancing the discriminatory discourses in the media about the presence of Colombians in the country can be achieved through the launching of a communications campaigns targeted at host communities that favors reconciliation and peaceful coexistence. In a country such as Ecuador, where approximately 10 percent of the population has migrated during the past decade to Spain, Italy and the United States in search of better economic conditions, there is strong awareness of discrimination and criminalization of foreigners as a common issue faced by many families' relatives abroad. In this sense, there is a clear entry point for sensitizing a population that is already experiencing some sort of discrimination.

In terms of social relationships, projects that prioritize cross-cutting ties that connect refugees and members of host communities through the promotion and strengthening of social bonds in local spaces (such as neighborhood associations, sport committees, women organizations, faith groups and community centers, among others) can help to strengthen social bonds weakened by political and discriminatory discourses.

On the issue of human security, there are incipient efforts in communities living in the borderlands and in some peripheral areas of Quito and Cuenca to address the

economic needs of refugees and locals together, in an attempt to build “social capital”. I already referred to some initiatives carried out by local NGOs to support shared enterprises between refugees and host community members via access to microcredit. Some of the grass-roots organizations that have benefitted from these initiatives are: the Colombian - Ecuadorian Association of Shoemakers, the Association of Women without Borders and the Colombian - Ecuadorian Association of Small Retail Merchants. The State can also make use of its biopolitical optic in a more inclusive way. While it is true that the arrival of thousands of refugees into Ecuador has confronted the State with a huge humanitarian challenge, its policies should be inclusive enough not only to support the immediate needs of the refugees but also the fulfillment of the social, economic and political needs of the local communities that host the refugees.

### **Implications for the Ecuadorian Government and its Policies on Refuge**

As we have seen in this research, the power to grant refugee status is carefully guarded by states as part of their sovereign policies and it is only in exceptional cases, when there is absence of the State, that UNHCR goes beyond its protection mandate and starts functioning as the guarantor of the refugees’ rights. In Ecuador, the conceptualization of refuge as well as the recognition process faces several challenges. Beginning with an unduly restrictive and legalistic orientation of what refuge means (one that responds more to security than to humanitarian concerns), to the many shortcomings that characterize its application in practice.

- The Ecuadorian state is a classical resemblance of Max Weber’s conceptualization of the state (2004) as a political body that holds the monopoly

of the legitimate use of violence to impose order within the limits of its territory. Its efforts to exercise control over populations and geographic areas are disrupted by the presence of hundreds of thousands of refugees who cross its borders. The legitimacy and power of the State are put into question especially in borderlands, as the arrival of refugees to these already ambiguous territories challenges the State's supposed cohesiveness. This is particularly important to consider since it constitutes the basis for the State's apprehensiveness regarding the massive arrival of refugees.

- There is clearly a lack of consistency between what the government proclaims as a universal right enshrined in the 1998 Ecuadorian Constitution (universal citizenship) and what its officers (at the GDR and immigration police) do when they follow regulations that contradict this principle and limit the rights of refugees. Consistency in its policies would help the Ecuadorian government to secure the rights of the population (nationals and foreigners), while complying with its international obligations as a signatory of the 1951 Convention (especially with the principle of non-refoulement) and other international legal instruments.

- In the Ecuadorian political context, which is marked by claims of sovereignty, autonomy and anti-neoliberal political discourses, the individual's emplacement on one side or the other of the border determines his/her right to inclusion in the

political community. Thus, the foundations of national institutions rest upon the formulation of a rule of exclusion, of visible and invisible borders that are established in laws and practices. Hanna Arendt (1973) envisioned this situation more than 50 years ago when she mentioned that: “*people’s right to have rights*” is determined by their status as nationals or foreigners of a state. In the case of Colombian refugees, they lose this right when their capacity to denounce its violation has been lost for the non permanence to any political community. “Denied” refugees and non-solicitors have lost access to this overarching right since the State has labeled them as “illegal”, denying them protection, locating them in a legal limbo where access to justice and future reparations becomes inaccessible.

- The current situation experienced by many refugees in Ecuador shows a contradictory state filled with institutional failures, contradictory policies, abuse of power and the non-compliance of laws in practice. Through the implementation of exclusionary policies (as the denial of refuge to the majority of applicants) and discriminatory practices (by several of its officers), the Ecuadorian State has failed to promote an effective strategy for local integration and democratic engagement of minority groups, and among them, of refugees.

- It is through a reading from the state’s margins (both geographic and symbolic as suggested by Das and Poole, 2004) that the fragmented and exclusionary nature

of this State is manifested. When Colombian refugees are routinely denied refuge, this action exposes the cruelty of a system that turns them invisible, intensifying the already precarious conditions in which they arrived. Refugees who are granted refuge are “legal exceptions” under Ecuadorian law and have access to certain rights as Ecuadorians do. Nevertheless, for those refugees whose petitions are denied, although they live within the borders of the same sovereign state and have several obligations to fulfill, the exercise of their rights (to have a voice, to have access to participation and to achieve a better integration) is rejected. They are turned into contemporary *homo sacers* whose *bare lives* (Agamben, 1998) are not considered in the policies of assistance and inclusion by the State and the humanitarian organizations.

- The Ecuadorian State makes use of its “power of exception” (Agamben, 1998) in its formulation of policies and in the decision-making processes of granting refuge. Nonetheless, through my conversations with government officers as well as with refugees, I could see that there is a veiled management of this exceptionality. On the one hand, there is a positive exception that empowers refugees (through the recognition that they deserve special treatment because their own state cannot protect them or infringes on their rights). Yet, on the other hand, the negative exception is manifested in the “suspicion” that is used as a tool for exclusion by the GDR’s officers in questioning refugees and denying them refuge. Talal Asad (2004, 285) has already mentioned how suspicion comes to occupy the

space between the law and its application. This is what is happening to Colombian refugees who are denied the “right of doubt” based on the government’s fear that massive waves of refugees (a destabilizing force) would invade the Ecuadorian territory.

- As a result, Colombian refugees who have been “denied” refuge in the country face a type of “legitimate” structural violence that stratifies the access to resources and public services and the exercise of basic rights based on nationality and legal status. Because the government cannot return refugees once they cross the border (since this would represent a violation of the 1951 Convention, which Ecuador has ratified), it prefers to use discretionality and suspicion to deny to the majority of refugees their right to be recognized, perpetuating their vulnerability in this way.

- I cannot maintain that this was the spirit that inspired pioneer efforts undertaken by the Ecuadorian government to regularize Colombian refugees in the past. Some of these efforts included the Enhanced Registry process carried out by the government in 2007-2008 that recognized the rights of approximately 27,000 Colombian refugees in a record time (Ortega and Ospina, 2012). Nevertheless, the government can no longer claim that its policies on refugee protection are revolutionary for the region, nor that it has made significant efforts to improve the conditions of refugees in the country. The many restrictions in terms of time for

applying for refugee recognition, as well as the spirit in which the Presidential Decree # 1182 was written, are a clear example of policy reversals in this area. In addition, the Ecuadorian government should implement several steps to make the process of granting refugee more reliable and fair. A narrow focus on the legal aspects that involve the presence of refugees in the country downplays the humanitarian component that prevails in the refugees' displacement.

- Finally, an approximation to the costs of refugee in Ecuador shows the lack of commitment (in financial or moral terms) from the Colombian government towards supporting the refugee population. The Ecuadorian government asserts that it invest approximately US\$60 million annually to assist refugees, especially through the regularization process and in the delivery of public services (Interview #AS28). This is a significant contribution if we consider the size of the country's economy, the many needs that its own population faces and the fact that long-lasting solutions to the refugees' situation are not even a leading priority in the political agenda in Ecuador (nor in Colombia). Apart from the few contributions it has received from governments in the region (such as Brazil, which donated US\$500,000 through UNHCR-Ecuador) and Spain (which donated US\$400,000 through the World Food Program), Ecuador has had to face most of the costs of supporting refugees on its own. The contributions received are clearly ephemeral and insufficient to cover the many needs that refugees face. Moreover, the Colombian government, besides pronouncing some few statements



acknowledging the presence of its nationals in different countries in the region, has eluded its responsibility in their displacement and has not shown any clear strategy to support refugees while they are away.

In terms of implications for the refugee recognition process itself, there is no doubt that the determination of the refugees' status, as carried out in Ecuador, responds to the government's economic and security concerns, political ideas, traditions and biases. In this sense, the decision to grant or deny refuge is fundamentally intertwined with a political decision (by the GDR officers) and as a result it is vested with some level of arbitrariness. This political character that permeates the refugee protection regime opens the door to different possibilities: 1) it can serve as a restrictive shield to deny refugee status to the majority of the refugees under the umbrella of the "legality", as has happened during the last few years, or 2) it can, through conceptual enhancements and political struggles, be used to expand the meaning and applicability of refugee status. Some recommendations on this matter can help to improve the refugee recognition process:

a) In order to maintain the process of granting refuge open and transparent, there must be clear access by refugees to their petitions and more accountability regarding the process of granting refuge. Transparency in the procedures as well as the inclusion of an oversight mechanism by civil society organizations can help to guarantee that refugees are receiving a fair treatment from state officers. Above all, there is a need to overcome

the policies of entrapment (document requirements) that tie refugees to structural violence, facilitating their integration in local contexts.

b) When a refugee leaves his or her life behind, it often happens that, due to the urgency of his/her escape, no documents (identity cards, passports, birth certificates, school records, etc.) are taken along, or they are lost in transit before even reaching the border. Therefore, it is the government's responsibility to develop an optimal mechanism (in coordination with its Colombian counterparts) to investigate the particular circumstances under which refugees were forced to flee, and to decide whose petitions should be accepted based on this information.

c) Access to information should be assured to refugees at all stages of the recognition process. Solicitants should have the right to know the reason why their applications are being granted or denied in order to have the possibility of appealing a negative decision. Discretionality is reduced when the procedures are clear and transparent.

d) The establishment of a training program for government officers (especially in the police, GDR and in the ministries of the Interior, Labor and Justice) on the humanitarian, political and socio-economic implications of displacement/refuge will help to de-securitize and add a more humanitarian element to the vision of refuge that prevails in these institutions.

e) Public policies should respond to the needs of the people and should also be formulated in a participatory way, since they contribute to shaping, as Tilly (2005) has mentioned, the construction of social boundaries ("us" and "them"). Therefore, a

participatory mechanism that convenes key actors (such as refugees, members of host communities, academics, humanitarian agencies, grassroots organizations and government officers) should be put in place as a platform for dialogue and for the formulation of policies that will have an impact on refugees as well as in the communities that host them. This tool should also serve to bridge the gap in terms of spaces to discuss bi-national cooperation and to implement a participatory planning process to provide with insights for the formulation of national policies.

f) The Eligibility Commission should include also key actors such as the public ombudsman, a representative from the Ministry of Economic and Social Inclusion, as well as some civil society groups that work on issues of refuge. The diversification in terms of perspectives will contribute to enhance the process and to address any possible discretionality involved in the review of applications and in the granting of refuge.

### **Implications for the Colombian Government**

It is very important that the Colombian government assume its responsibility for producing a massive exodus of people in the region. The persistent denial by the former Uribe administration of the existence of a protracted and intense conflict in Colombia contributed to the government's dismissal of the humanitarian crisis that has affected more than one country in the region.

- Hundreds of thousands of Colombian refugees now live in neighboring countries or have been relocated to Canada and Europe. They are not taken into consideration in the new policies put in place to compensate the victims of the conflict. In particular, the Law of Victims (2012) constitutes an important effort to ensure the restitution of rights

and property for the victims of the internal conflict; however, it only applies to Colombians living within the national territory. The Colombian government should provide access to truth, justice and reparations for all victims of the Colombian conflict, including those victims that were displaced beyond the limits of its territory.

- In addition, the Colombian government should design a strategy to support refugees living in neighboring countries to ensure that their basic human needs are covered (food, shelter, security, etc.). This could include a close mechanism of collaboration and dialogue with other governments in the region to support the refugees, as well as the implementation of regulations and mechanisms to ensure the safe return of those refugees who decide to go back to Colombia.

- Finally, it is important for the Colombian government to engage in a bi-national dialogue with the Ecuadorian authorities with regard to the situation of Colombian refugees in Ecuador, as well as to ensure prompt access to information that can contribute to a fairer and better informed review of applications for refuge in Ecuador.

### **Implications for the International System of Refugee Protection**

The erosion of the international framework to protect refugees worldwide demands the urgent completion of several changes in the legal framework as well as in the implementing agencies (such as UNHCR). Some of these changes include:

- A review of the 1951 Convention and other international mechanism to reflect the current realities of hundreds of thousands of refugees who not only flee persecution but also generalized conflict, structural violence, massive human

rights violations, climate change and environmental catastrophes. Along the pages of this dissertation, I have identified several cases of people who do not quite fit the definition of “refugee” stated in the 1951 Convention, but whose lives are at risk and who clearly need protection and access to the rights and protection that derive from their recognition as “refugee”.

- A reformulation of the protection regime for refugees needs to downplay the securitizing paradigm that portrays refugees as an unnecessary burden on a country’s economy and social services or as possible risks to a country’s security (especially since the 9/11 attacks).

- On the contrary, the protection regime for refugees should be based on the recognition of refugees as agents who are constructing lasting relations with the members of host communities, humanitarian agencies and the State, and who are interacting, learning, contributing and interpreting the local contexts to adapt and transform themselves and their realities. Security concerns should not be the primary criteria that inform the notion of who is or is not a refugee, or the policies of intervention that deal with refugee flows. The State must rather refine their mechanisms of examination to prevent victimizers who have committed crimes against humanity from gaining access to refuge.

- In addition, the review of the protection regime should incorporate a vision of

refugees as subjects of rights rather than seeing them only as restricted subjects or subjects of exceptionality (as seen through the lens of state's sovereignty). The exceptional character that accompanies "recognized" refugees is based on the fact that they are foreigners entitled to protection by the host country (since their own government cannot guarantee their lives) and therefore, they have access to certain rights that nationals do. Nevertheless, for "denied" refugees, even though they face the same risks and apprehensions that "recognized" refugees do, the rejection of their applications multiplies their vulnerability, turning them into a form of contemporary '*homo sacer*' (Agamben, 1998), stripped of any possibility to claim their rights and denied the chance of any political participation or agency.

- The process of reviewing the refugee protection regime should also contemplate the creation of mechanisms to ensure more accountability for UNHCR and other humanitarian agencies (in terms of decision-making processes, use of funding and programs). These mechanisms should also hold the governments who are signatories of the Convention responsible for their commitments and for dealing with massive refugee flows in their territories. This will ensure a real assurance from governments to support and implement the Convention/Protocol on refugee protection and will contribute to preventing human rights violations and forced deportations. In the majority of cases, UNHCR has no means to enforce the fulfillment of the international legislation regarding refuge protection. In addition, an early warning system should be in place to trigger international

commitment to support refugees' crises once they reach to a certain threshold.

This dissertation has made the case that the implementation of policies regarding refuge under the current regime has contributed to making hundreds of thousands of refugees, whose basic human rights have been violated, invisible. In the particular case of Colombian refugees in Ecuador, several factors have contributed to this situation:

1) The application of refugee law by the General Directorate of Refugees in Ecuador (following the 1951 Convention that inspired the elaboration of the Presidential Decree # 1182) to grant refugee status to Colombians arriving in the country has several shortcomings. These include: the shortage of funding for this office, the deficient coordination with other government offices (such as the immigration police or the Ministry of Labor) to urge compliance with refugees' rights, the discretionality in the process of granting refuge and the lack of accountability for GDR for its actions. Moreover, some of the GDR officers (responsible for the different stages of the refuge recognition process) have echoed media reports and political narratives that criminalize Colombians. They have made use of "suspicion" as a tool to analyze refugee applications and to deny them the benefit of the doubt (contravening the rights stipulated by the Handbook of Procedures and Criteria for Determining Refuge), resulting in the rejection of the majority of the applications.

2) In order to reduce the discretionality involved in the process of granting refuge

(since GDR officers have no obligation to reveal their criteria to grant or deny refugee status), added to the lack of information made available to refugees in order to appeal any decision, a review panel (with external participants from civil society organizations) and training programs to GDR's officers can be used as mechanisms to tackle this arbitrary practices.

3) The process of granting refuge has also created a taxonomy of refugee people ("recognized", "denied", "solicitant", "appellant", etc.) that brushes aside the subtleties in their exodus decisions and focuses on creating artificial barriers that do not help to address the initial vulnerability that forced refugees to migrate in first place. It does not take into account the vulnerability of the refugees as criteria for offering them certain rights and protection, but rather, emphasizes the requirement to provide a credible story, precise facts and proofs (mainly documentation) for them to gain access to the state's protection. Moreover, this taxonomy of refugees and its implications marked the way refugees' identities are performed in everyday life, unchaining a series of tactics and reactions to their presence.

Therefore, in order to speak about effective protection of refugees, it is important to delink the idea of legal status as a requirement for the recognition of their basic rights and to count with the suitable mechanisms (in terms of transparency and accountability) to ensure them the protection and sustainability in the long run. Human rights do not depend on the migratory condition of an individual nor do their applicability depend on



his/her place of residence. If they are inalienable, as the Universal Declaration of Human Rights states, these rights should be enforced and defended by the government authorities, UNHCR and other humanitarian agencies tasked to protect refugees. For Colombian refugees, harassment by the police, abuses of power, illegal detentions, extortions and the constant fear of being deported constitute evidence that their basic human rights are not being respected and that there is no government or non-government agency in place that can serve as a guarantor of their rights in practice.

- The fragility that exists in terms of human rights reveals a national and international system of protection that excludes certain categories of refugees from the ambit of its protection. The system of protection ignores “denied” refugees or “non-solicitants”, pushing them into the grey zone of clandestinity. In this informality, Colombian refugees become subject to abuses, discrimination and, most notably, they do not have any possibility of achieving “regularization”, of having a voice, of exercising participation or of having access to future reparations.

- In the particular case of “recognized” refugees, their situation in terms of human rights does not improve significantly with the recognition of their status, since they continue to be subject to exclusion, discrimination, sexual harassment and police abuses in their everyday lives. Moreover, even gaining access to certain rights to which they are entitled by virtue of their recognition as refugees (such as

public health, education for their children, housing benefits and access to credit, among others) represents a real challenge, since their rights in paper are not matched by what goes on in their realities.

In summary, a new conceptualization of refuge should go beyond the legal and political exceptionality implicit in the figures of refugees (as the 1951 Convention presents them) and point towards a more holistic vision of their lives. Lives that are resilient and constructed in the everyday encounters and relationships with members of host communities, state officers and aid providers. This approach will help to overrule the pitiful image of refugees as beggars and will emphasize more in their agency and possible contributions to host communities.

### **Implications for UNHCR and other Humanitarian Organizations**

Many of the suggestions mentioned above related to the need for changing the international legal system to protect refugees will have a clear impact on the role and relevance that UNHCR can play in the field. As we have seen, humanitarian interventions by UNHCR are highly politicized and respond to the needs and political will of its major donors (United States, Japan, Sweden and the Netherlands, among others). This fact has restricted the agency's performance and has precluded any possibility of action beyond an established agenda. These types of interventionism as well as other factors (such as lack of funding, political commitments, conflict of interests, etc.) have clearly undermined this agency's mandate and presence in the field.

- UNHCR should rethink its role and means so as to become more effective and

relevant in accomplishing its mission, while keeping a genuine commitment with the principles and ethics of refugee protection. Former UNHCR Commissioner Sadako Ogata (2005, 25) recognized that too often the agency has focused on refugees only when they arrive in a particular country, without deploying any preventive strategy. In this sense, a more proactive, coordinated and preventive role for this agency in foreseeing refugee flows should involve developing contact with those governments that are partially responsible for human displacement, and involve building alliances and support within the United Nations system and externally. If we analyze what happened in Colombia and its ongoing conflict, UNHCR arrived almost 50 years after the conflict emerged and the first flows of internally displaced populations started to reach the main urban areas in the country, such as Bogota, Medellin, Cali and Barranquilla, among others.

- UNHCR's fear of losing its neutrality and becoming too political if the agency embraces a human rights discourse has contributed to deepening the gap that exists in practice between human rights and the rights of refugees (rights that are granted by the exceptionality of their condition). This is a gap that should never exist. Therefore, the prevalence of claimed neutrality in many of the agency's interventions needs to be reviewed especially in situations of massive human rights violations.

- UNHCR should not remain a-political when entire populations in Colombia's

rural areas have been displaced due to massive public executions, abuses and generalized violence. As Ogata (2005, 25) mentioned “*there are no humanitarian solutions to humanitarian problems... humanitarian action may create space for political action but on its own can never substitute for it*”. It is clear from this perspective that the problems of refugees worldwide require more than humanitarian aid and in particular that they require political actions and solutions.

- In the same vein, UNHCR officers (due to their lack of political involvement) have not played a more proactive role on behalf of refugees to advocate for the achievement of their rights in practice. In the case of Colombian refugees, who currently do not have the possibility of knowing why their applications are being accepted or rejected by the GDR, the agency prefers not to advocate on their behalf even though it sits (with a voice but no vote) on the Eligibility Commission. Moreover, UNHCR turns a blind eye to this situation by excluding “denied” refugees from its protection mandate, meaning that these refugees (according to UNHCR’s mandate) are not officially considered “people in need of protection”, even though their basic human rights are being violated.

- UNHCR’s commitment to refugees could benefit from the agency holding its programs accountable to refugees, governments and civil society organizations. A participatory mechanism for evaluating its effectiveness would contribute to strengthening the agency’s performance in the field.

- The agency's approach of immediately delivering aid to refugees in critical circumstances should be followed by a strategy for the disengagement of funding and for strengthening refugees' skills and means to rebuild their lives in their new environments. Humanitarian aid, which is indispensable when refugees arrive in the country, should be given in a focused, timely and technical way in order to not harm refugees and to avoid perpetuating aid dependency.

Finally, UNHCR can become the guarantor of refugees' rights in practice only if it assumes a more proactive and engaged role with regard to their needs. More and more refugees claim that the regularization process is not enough. It constitutes only the beginning of their path towards the recognition and restitution of rights that were taken away by the Colombian conflict. To fill the gap that exists between what is stated in the law and what actually happens in everyday life demands, among other things, greater flexibility, coordination, compromise and legitimacy from the agency that was created with the moral imperative to protect them.

### **Implications for Non-governmental Organizations**

It is clear that UNHCR alone cannot implement all the reforms needed to improve the refugee protection system. In order to succeed in the task of protecting refugees there is a need to build meaningful public policies on refugee protection and to accompany these policies with actions in the field to guarantee that what is written in the law becomes a reality in practice. This complex task requires the close collaboration of many of

UNHCR local partners (such as HIAS, JRS and FAS) and grassroots organizations that can play a critical role (besides providing urgently needed humanitarian aid to refugees). These partners can also communicate and advocate for local priorities to be considered on the national and international agendas, monitor policy implementation, promote tolerance and participation, and report abuses by authorities, public servants and others who may disregard the refugees' rights.

When we analyze what happened with the implementation of Presidential Decree # 1182 (that significantly decreased the chances of being recognized as a refugee for hundreds of thousands of Colombian refugees who arrived after June 2012), we find that none of these organizations, or UNHCR, appeared as an effective advocate of refugees' rights. Beyond public statements on their positions regarding the Decree, they did not open spaces of dialogue with the government to review the Decree or sensitize public opinion in international or national fora about the many inconsistencies inherent in this regulation. The lack of flexibility in their agendas (which does not leave enough room for such actions), the existence of priorities that are funding-driven and the lack of communication channels with the government are some of the factors that limit these organizations' performance in favor of the refugees.

Moreover, the frequent and urgent calls by these organizations to support refugees usually contribute to the re-victimization of refugees. The use of images that enforce common stereotypes of helpless refugees are frequently part of their fund-raising campaigns and strategies to position themselves in the local and national contexts and in front of their donor (Rivera, 2007). The lack of coordination and cooperation among

them is another fault that these organizations face, resulting in the overlapping of their agendas, duplication of tasks and diminishing their effectiveness in protecting refugees. Struggles and competition among them for resources also weakens the fulfillment of their objectives.

One area in which the role of these organizations can be critical is that of shifting common misperceptions about refugees at different levels, from structural to situational as well as in the media and public spaces (government offices that deal with refugees). Local and grassroots organizations can be very helpful in affecting what Bourdieu (1999) called the “*structuring structures*” that are present in every society and that are strictly connected to perceptions, actions and behaviors. Through the questioning of discriminatory discourses and practices and the generation of new discourses about tolerance and nonviolent coexistence, these organizations can help to de-construct schemes of perceptions that shape the way refugees are perceived in everyday life.

### **Implications for the Conflict Analysis and Resolution Field and Future Lines of Research and Action**

The study of refugee flows in a context of generalized violence brings several considerations to the Conflict Analysis and Resolution field, especially as there have been very few studies in the area of transnational identity formation that have dealt critically with the role that violent conflict plays in this process. In this dissertation, I have identified several theoretical, methodological and practical aspects that it will be critical to understand and include as valid perspectives/tools in the field of Conflict Analysis and Resolution. These are summarized below:

- **Implications for Conflict Analysis and Resolution Theory**

I have decided to divide this section in two main components: First, I will refer to the various contributions in terms of theories that this dissertation has brought up for discussion and second, I will concentrate on the identification of theoretical areas that the theorists and practitioners of the CAR field would need to consider if they engage in the analysis and transformation of conflicts that give rise to issues of human mobility.

- HUMAN MOBILITY: The first important contribution of this research is related to the need to de-securitize human refuge in the analysis and formulation of theory and public policies. A reading that prioritizes the many political, cultural, social, economic and psychological factors involved in a refugee's decision to flee will definitely help to achieve a more human vision of what human displacement is about and have an impact on the policies and strategies that seek to integrate refugees in host communities. A de-securitized vision of refuge will also have an impact on the perceptions, discourses and practices that, in this case, criminalize Colombians and discriminate against people based on their origin. It will also serve to counteract the emergence of nationalist ideas.

- A THEORY OF RIGHTS: This dissertation also outlines some principles of what could be considered a theory of the assertion of the rights of the individual. In the complex scenario of human mobility, refugees are readily seen through the exclusionary lens of nationalist theories (realpolitik, functionalism, etc.). Nevertheless, this analysis has underscored the need to see beyond national labels and to maintain that the individual is entitled to some basic human rights wherever he/she is. A refugee is above all a human being and he/she merits the recognition of basic rights independently of his/her



migratory status. It is essential to set aside the idea of “legality” as a requirement for the recognition of these basic rights.

- LAW: Another important element that this dissertation brings for discussion in terms of theory is the need to understand the disparity that is often present between refugee law and its application in practice. I cannot claim that this is an innovative finding; nevertheless, it is relevant in the context of analyzing the international legal framework on protection of refugees, which frequently disregards the many subtleties that exist in the processes of its application in local settings. This gap between the law and its practice should be further explored in light of the importance of defending a historical and reflective perspective to gain access to the many insights about the refugees’ experiences that certainly are not contemplated by the law.

- IDENTITIES: In order to deepen the study of identities in the context of transnational displacement, a theoretical perspective that prioritizes inter-subjective encounters is needed as the basis for building knowledge on this matter. The study of identities as something contingent, circumstantial, unfixed or modeled opens up new possibilities for acquiring knowledge of the many ways in which refugees engage in interactions based on their identities (clandestine, legalized, contesting, victimized, etc.). Some of the ways in which refugees’ identities are performed in everyday life warrant further theoretical exploration:

- \* This is the case of what I named the “clandestine identities” of refugees, which are basically redefined based on fear. Two factors here play a crucial role in these dynamics: 1) the fear of becoming more visible (to their

victimizers and to immigration officers), which in turn has made certain refugees invisible (to the system of protection or for local integration). 2) The physical proximity to the Colombian conflict (less than six hours drive to the border) plays a critical role in the refugees' decision to hide.

\* The various ways in which the law contributes to shaping the identities of refugees through the creation of a typology of refugees ("denied", "solicitant", "recognized", "appellant", among others) is an important insight for the theories of identity. Through categorization and sometimes through the self-adscription of refugees to these categories, the law contributes to creating discourses, practices and representations about refugees that shape the way they are perceived by other actors as well as the refugees' perceptions of the world and themselves. In the same vein, it is important to pay attention to the role that certain laws can play in underlining certain aspects of the refugees' identities (such as ethnicity through the Convention on Indigenous Rights) that other laws do not consider.

\* Contesting identities among refugees point to the need to expand key notions rooted in political theory, such as the notion of citizenship. Colombian refugees organized in associations have formed a political platform to demand recognition and political participation from the State. Their claims have contributed in particular to widening the notion of citizenship, which is generally linked exclusively to "legal" status. These refugees demonstrate that it is possible to conceptualize citizenship among

people who do not have a formal “legal status”, by building on notions of social capital (via alliances with local organizations) to gain political capital (to interact with the State) and ultimately, to achieve formal citizenship.

\* The processes of configuration and reconfiguration of refugees’ identities lead me to face the cycle of re-victimization of refugees (whether by the organizations looking for funding or by refugees themselves). This process of re-victimization fulfills several purposes: from securing funds or providing minimum resources, to the formation of political platforms to achieve participation. In addition, what I concluded is that the re-victimization of refugees (by themselves), even in the most constraining environments, can be considered a strategy that builds on their faint agency in order to fight back structural exclusion.

- MARGINS: Following Das and Pool (2004) in their study of the margins of the State, this dissertation elaborates on the importance of acquiring a de-centered perspective in the study of human mobility (and in particular the flow of refugees). This dissertation has privileged the refugees’ stories and ways to contest the State, the international and humanitarian organizations and the members of communities that host them, exposing their situation of vulnerability, which is often accentuated with their arrival in Ecuador. Traditionally, the study of refuge has centered on the way in which the international framework for protection and the nation States work to implement “*solutions for the problem of refugees*”. This dissertation has distanced itself from this perspective and has instead questioned the State’s practices from the “marginal” stand-point of the refugees, a

position that takes into account their marginality more than their “legal status”. My understanding of the State (with its functions, power, officers, etc.) was also enriched by the ways in which refugees perceive and experience the State. This is an important insight for theory, since the examination of refugees’ practices (such as their demands for voice, non-discrimination, political participation and, ultimately, citizenship) has also contributed to shaping the arbitrariness of the state itself, giving way to the emergence of alternative subjectivities and options for citizenship. In this point, the “marginality” of refugees relative to the centered State represents a space in which to defeat power and a creative locus for transformation.

**- Implications in terms of Methodology**

In methodological terms, I believe that my findings make a case for why it is critical to carry out this type of ethnographic, multi-vocal and reflective research for the type of issues (sensitive, violent, etc.) that the CAR field usually faces.

a) In a multi-disciplinary environment such as the one in which conflict analysts and practitioners meet, it is important to acquire an in-depth understanding of the root causes and motivations that lead to the explosion of violent conflicts. This thorough approach usually meets with very conflictive and sensitive issues that cannot be studied through the exclusive use of quantitative methodology, nor through the use of theory *per se*. It needs to be informed by a qualitative component that contributes to a better understanding of the rationalities behind the actors in a conflict, their worldviews and their ways of experiencing and interpreting their realities.

In this sense, the use of the ethnographic method allowed me to obtain meaningful

interpretations of what it means to be a refugee in Ecuador and the challenges that they face in their everyday lives. For the majority of refugees that gave me their time and opened up their mostly painful stories, it would have been very difficult to engage in meaningful conversations or even to develop some basic trust with a researcher with a survey in his/her hand. With this comment I do not want to diminish the quantitative efforts to approach refugee issues that have been carried out effectively by national and international institutions (such as FLACSO) and by renowned academics. However, when one studies situations of human drama, an approach that prioritizes the profound and everyday experiences of refugees and how they interpret and transform their realities constitutes a way of connecting to their humanity. The ethnographic work profoundly transforms at least the researcher, who will never be the same after the research experience!

b) Regarding the importance of multi-vocal texts as a more democratic tool for producing knowledge and in the formulation of policies, I believe that the CAR field could benefit from listening to the diverse voices that dwell in conflicts, voices that often fall silent due to the prevalence of the researcher's perspective. Many academics and theorists in Social Sciences (including myself) are used to thinking that a set of theories and methodologies are the sources of their legitimacy in the field. The development of these "tool kits" makes us socially and culturally competent to listen to and understand the others, better than others can do. This was another lesson that this research had thought me: a little bit of academic humbleness! The exploration and production of multi-vocal texts within the CAR field may help to fulfill three fundamental purposes:

1) It will break the monologue in which only the researcher's voice has the hegemony over interpretation, where his/her text is a mere representation of the views of others. This does not dilute the researcher's responsibility to provide his/her own reading.

2) It will help to expose the power relationships that are implicit in the relationship between the researcher and the "research subjects". Although I was aware of the subtle relationships of power that were embedded in my presence in the multiple conversations held with refugees (as a woman researcher with an education - a privilege that the majority of my interlocutors did not have) and with others with whom I met, I managed to establish horizontal relations with my interlocutors. For many of my interlocutors in international organizations as well as in government offices, I was considered a sort of "disturbing observer" who, in a way, upset the normal flow of their everyday routines. Reactivity, awareness of being tested and some discomfort were some of the most common and shared reactions (mine and theirs).

3) When dealing with victims of massive violence and atrocities, the CAR theorist and practitioner has to be especially sensitive to these peoples' stories and the enormous effort implicit in opening up their lives. Providing the space in the text for them to reveal what they consider relevant in a way implies recognizing their

agency, their capacity to question the forces that cause their displacement, and their desire to be heard by people and in spaces that otherwise would have been inaccessible to them. It will humanize our interlocutors since they are recognized as legitimate interlocutors of their realities (not only as data in technical reports and academic journals).

Finally, a multi-vocal perspective brings to the table an issue that has been banished by the solemnity of scientific work, namely that of subjectivity. The challenge that lies ahead for any CAR theorist and practitioner who ventures down this path is therefore how to translate inter-subjective encounters into academic knowledge.

c) On the reflectivity side, as conflict theorists and practitioners, we are exposed in our work to the many cruelties that war and devastation bring to people, and on more than one occasion, we have trouble desensitizing ourselves or trying to disengage from the human drama that we witness. This whole dissertation has been a tough reminder of how difficult this task is, since subjectivities and emotions are part of the complex dialectic exercise that implies speaking to others, listening to their elucidations (that respond to the specificity of the historical moment), the sharing of views and my own readings and reflections about what I had witnessed.

This process of dialogue between the researcher and his/her interlocutors not only provided me with a better understanding of the particular realities and the unique stories told by Colombian refugees in Ecuador, but also allowed me to reflect on the nature of knowledge and of the interventions designed based on this knowledge. It is in a

permanent dialogue between our conceptual frameworks and those of our interlocutors that we come closer to achieving a more comprehensive vision about conflict, and this positions us a step closer to comprehending how social change happens under specific circumstances.

The challenge ahead for me, as well as for many conflict analysts and practitioners, then lies in focusing on reflective theory and practice to acquire a comprehensive vision of what we are studying, as well as becoming conscious about our own assumptions and practices on the field. We cannot forget that the production of academic knowledge is usually born from the struggle between the several theories that help us to understand social realities on the one hand and on the other hand, the realities and voices that inhabit them that often overcome our well-founded theories. It is important then for CAR theorists and practitioners to be open to creativity and wonder, to understand that the social phenomena often surpass our own capacity of apprehension. It is only in the process of questioning our own assumptions as researchers that we will understand the complexity of conflicts and will be able to return to the field and to our interlocutors with an enriching perspective that will contribute to achieving social transformation. After all, this is where the *raison d'être* of conflict resolution field lies.

- **Implications for the Conflict Analysis and Resolution Practice:  
Initial thoughts for Intervention**

In terms of practice, although the nature of this research does not contemplate the design and implementation of an intervention and I am conscious that this effort surpasses the limits of this research, I would like to delineate only briefly here how I would envision an intervention to address common misperceptions about refugees in their



host communities. This succinct exercise is based on the various inputs received from different actors in the course of my field work, as well as my own understanding of what are the main challenges faced by refugees.

This endeavor resonates with the ethical and political commitment that has prevailed throughout the pages of this dissertation: to make the refugees' stories visible to local and national authorities, international officials, academics and general audiences; to communicate the situation of vulnerability in which they are immersed, and to contribute information that can, to a certain extent, inspire actors to consider the formulation of alternatives for integrating refugees into the host communities in peaceful ways.

John Paul Lederach (1998) proposes the implementation of an "elicitive approach" as a framework for guiding interventions. Based on this idea, and on the data produced through this analysis, my expectations are that the main actors involved in the formulation of refuge policies as well as in the shaping of public perceptions about refuge (media and politicians) will view the mechanism of 'sustained dialogue' as a suitable tool to promote a better understanding of the refuge situation. My assumption reflects the idea of a dialogue as a process of double loop learning, where participants can revisit their main assumptions about the presence of Colombian refugees in their communities and obtain a better understanding of the needs and assumptions of the others.

In this context, a series of sustained dialogues between community actors could promote a better understanding and learning framework through which daily social interactions and narratives can be processed. I believe that social change could happen in this context through shared learning processes, where the capacity for self-reflection

encourages people to imagine possible solutions that could lead to conflict transformation (Lederach, 2005).

The creation of a public space for deliberation within the communities as a mechanism to transform conflict is based on the idea that the existent discourses about Colombians lead to the stigmatization of this population and therefore to increased violence against them. If we can break this cycle or at least review the process of negative stereotyping and stigmatization through dialogue, we are opening spaces for the emergence of new and more inclusive narratives. Our focus in this process does not mean that there are no grievances between these groups that need to be addressed, however, a change in discourses is an important beginning to generate changes in practices and representations.

This process should be born locally and therefore it is important to pay attention to who is convening the process. My expectations are that local organizations linked to academic centers, such as the Andean Program on Human Rights or the Observatory for Migration can be the conveners for such a process, since they have gained considerable legitimacy among refugees, government officers and locals.

The design of the dialogues could follow the five stages proposed by Saunders (2011), namely “Deciding to engage”; “Mapping and naming”; “Probing problems and relationships”; “Scenario building”, and “Acting together”. It is based on the assumption that talking to someone else (through sustained dialogue) forces the individual to re-think their initial assumptions and thereby opens different avenues for the emergence of new narratives, practices and representations.

The composition of the dialogues could be based on Lederach's assumption (1998) that Track II mechanisms can be more effective since they can reach decision-makers (Track I) and also the grass-roots level (Track III). Dialogues that are designed in this way could lead to collective learning over time that can shape social institutions (formal and informal). This consideration is especially important since it sheds light on the nature of processes that could influence a positive transformation of conflicts (through a change in the relationships that are at the core of every conflict). It is clear that the implementation of sustained dialogues could be an expensive and long-term process that needs to be supported by international cooperation as well as by government and non-government organizations.

Other strategies besides dialogue come to my mind (bi-national fora, workshops, inter-group encounters, etc.) that would help to address the refugee situation in the country as well as increase the awareness of their existence at local, national and the international spheres. In this task, it is important to work at least at two different levels:

- 1) with the government of Colombia and Ecuador in the establishment of a bi-national mechanism for cooperation and dialogue, a strategy that has been partially implemented through the realization of a Bi-national Cabinet that brings together ministers from both nations twice a year. Their main focus is to address the main challenges present in the borderlands: such as trafficking, human mobility and local development.

- 2) The identification of alternative and multiple fora to convey parallel and often subaltern actors (for example, dialogues between academics in both countries, faith

organizations and youth associations) to uncover those social networks that exist outside the State, and that can help to formulate innovative proposals to assist in the refugees' social integration.

### **Future Lines of Research**

In terms of the development of theory and future lines of research, this research has identified six theoretical paths that have not yet been sufficiently explored from a CAR perspective:

- Human mobility (whether “forced” or “voluntary” as per international argot) is one of them. Large movements of people have usually been seen as inevitable consequences of indiscriminate violence and conflict. Nevertheless, these massive migratory trends also constitute a source of friction and conflict in and of themselves: between countries, communities and individuals. My immersion in this topic has led me to understand how little has been done in terms of theory and interventions in this area at the structural, community or individual level, despite the magnitude and prevalence of human displacements world-wide. The majority of academic work in this area has been produced in the fields of Refugee Studies and Migration Studies, which are not necessarily concerned with finding the root causes that provoke human displacement (from a structural, communitarian and individual point of view), nor the possible resolution to many of these human flows. The CAR field can incorporate important insights especially in the understanding of processes, such as structural violence, integration of refugees and migrants, reconciliation between communities, peacebuilding and restorative

justice.

- Another area that the CAR field can venture further is the study of everyday lives as the locus where individuals' relations and interactions happen, where the creation of meaningful interpretations of conflict and of peace emerge. Everyday lives are usually the space/place where the interstices of power and structural failures are revealed, showing alternative interpretations, discourses and practices that attempt to balance or overcome the dominant side. A deeper understanding of these spaces will certainly enrich the CAR field in its exploration of how societies/individuals can produce positive social change without recurring to violence.

- In addition to the study of everyday life, it is important to dedicate more attention to the analysis of power relationships between groups, communities, the State and the international organizations that come to play a critical role in contexts of conflict and human displacement. Power, as Foucault (1979, 194) states, "*produces reality, it produces domains of knowledge*" which are quickly turned into "*rituals of truth*" and therefore, it is equally important not only to study the production of these discourses, symbols and practices but also to consider the different ways in which power is contested by different subaltern and informal actors, such as refugees, from the remote place of their marginality. Moreover, it is important to understand how the power relationships between different groups can become fixtures of the basic structure of a society (the "structuring structures" that Bourdieu, 1999 refers to) that evolve only gradually

over time.

- Traditionally, the study of borders has been conducted mostly from the geopolitical and human security perspectives. Nevertheless, (geographic and symbolic) borders can also be understood as marginal and socially constructed spaces where the authority of the State is diluted (Das and Pool, 2004) but at the same time, become the meeting point where several actors (international, national, communal and individual) converge. Therefore, and from a CAR perspective, it is important to deepen our knowledge of these parallel encounters/spaces that defy the institutionality of the State and its power in many ways (through solidarity networks, social bonds, notions of borderland citizenship and economic interdependency, among others). Borderlands are hybrid spaces where human creativity is manifested in alternative discourses and practices that may provide insights for conflict transformation.

- A crucial topic in which this dissertation falls short is the issue of sexual and gender based violence. This is an issue that unfortunately affects many of the Colombian refugees even after they arrive in Ecuador. I have to recognize my lack of awareness of this matter before traveling to the field and encountering heart-breaking stories about refugee women who were displaced because of SGBV in their native Colombia. Once in Ecuador, they had to face similar challenges, compounded by the fact that their vulnerability was intensified by their condition as women, Colombians, refugees, “illegal”, in some cases afro-descendants, heads of household and poor, which made them easy targets for human traffickers and prostitution networks. Sexual and gender

based violence has been studied by CAR theorists and practitioners as a strategy in war, however we certainly need to deepen our understanding of how it works, its motivations, rationale, actors, etc. in contexts marked by human displacement. This is a challenge that I will reserve for my future research.

- Finally, a comprehensive study of the (economic and moral) reparation and restitution processes for the victims of conflict in Colombia and the implications for Colombian refugees is extremely important. The current Law on Victims and Restitution of Lands (approved in 2011) excludes Colombians living abroad (including refugees) from receiving any form of reparation, alleging that in the particular case of refugees, they are no longer under the “protection” of the Colombian State. This demonstrates once again that refugees continue to be subjects of “exceptionality”, trapped between the interstices of sovereign laws, international regimes and everyday life.

### **Reflections from the Margins**

I cannot conclude this dissertation without reflecting on the nature of the knowledge that I have gathered in attempting to understand the process of identity reconfiguration of Colombian refugees within a context of conflict and complex global dynamics. My efforts to bring visibility to their stories, as an inspiration for the formulation of alternatives for peaceful integration, have led me to appreciate profoundly that knowledge is neither abstract nor without roots (Mignolo, 2002). It responds to the historical, social, political, economic and cultural context in which it is developed and leads to the construction of differentiated understandings, discourses and concrete practices.

The context-based knowledge that has emerged in the dialogue with refugees and other actors throughout this research is rooted in the margins in more than one sense. First, the knowledge has partially emerged from the fluid context of the borderlands, where it challenges national policy makers to view their State as beginning and not as ending at the borders and to reformulate their policy priorities accordingly. Second, it has arisen from the economic and political margins of Ecuadorian society, calling upon local, national and global actors to reshape the prevailing discourses to achieve greater social integration. Third, it has originated from the legal margins of society, among refugees within the taxonomy of regularization that does not afford them the essential protection they seek from their victimizers and drives them into clandestinity. The knowledge that is born of this legal limbo challenges national and international actors to develop a more humanitarian and less legalistic, security-driven framework for refugee protection and social insertion. Thus, from the interstices of power, refugees create alternative readings of the biopolitical state's capacity to regulate, exclude and determine the lives of the population. Therefore, the relevance of this dissertation lies in its intent to bring the voices from the margins to the center of policy, so as to inspire a more just and inclusive society.



## **APPENDIX I: GLOSSARY**

### **REFUGEE**

In International Law, a refugee is defined as a person who “*owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it*” (1951 Convention , Article I).

In the context of this dissertation, refugee encompasses a wider definition, which does not consider the formal recognition of this condition by the State as the only criterion to determine this category. On the contrary, the use of the term “refugee” refers to those individuals who have been granted refuge, to the solicitants of refuge (who have applied to the recognition process), to those individuals who have decided to remain in clandestinity as well as to those individuals whose applications have been denied, nevertheless they may be in equal need of protection. This definition is centered in the vulnerability experienced by these individuals instead of restricting its coverage to those recognized by law.

### **INTERNAL DISPLACED PERSON (IDPs)**

Unlike refugees, internally displaced persons even though experiencing the same type of tribulations that refugees do in violent and protracted conflicts, they are forced to flee their homes but remain within the geographic borders of their own country. They continue to be under the protection of their State and are not protected by international law or eligible to receive many types of aid. (UNOCHA, 2001)

### **ECONOMIC MIGRANT**

The Cambridge Dictionary defines an economic migrant as “*a person who leaves their home country to live in another country with better work or living conditions*”. (<http://dictionary.cambridge.org/dictionary/british/economic-migrant>)

In addition, UNHCR defines an economic migrant as *“a person who normally leaves a country voluntarily to seek a better life. Should he or she decide to return home, they would continue to receive the protection of his or her government. Refugees flee because of the threat of persecution and cannot return safely to their homes.”*

For more information please refer to:

([http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What\\_is\\_a\\_refugee.htm](http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm))

## **STATELESS**

A stateless person is someone who is not a citizen of any country. Citizenship is the legal bond between a government and an individual, and allows for certain political, economic, social and other rights of the individual, as well as the responsibilities of both government and citizen. A person can become stateless due to a variety of reasons, including sovereign, legal, technical or administrative decisions or oversights. The Universal Declaration of Human Rights underlines that “Everyone has the right to a nationality.” For more information please refer to:

([http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What\\_is\\_a\\_refugee.htm](http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm))

## **ASYLUM-SEEKER**

When people flee their own country and seek sanctuary in another country, they apply for asylum – the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country is well-founded. For more information please refer to:

([http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What\\_is\\_a\\_refugee.htm](http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm))

## **RETURNEE**

A returnee is a refugee who has returned to his or her home country. The majority of refugees prefer to return home as soon as it is safe to do so, after a conflict and the country is being rebuilt. The UN High Commissioner for Refugees (UNHCR) encourages voluntary repatriation, or return, as the best solution for displaced people. The agency often provides transportation and other assistance, such as money, tools and seeds. Occasionally, UNHCR helps rebuild homes, schools and roads. For more information please refer to:

([http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What\\_is\\_a\\_refugee.htm](http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950731/k.A894/What_is_a_refugee.htm))

## **PRINCIPLE OF NON-REFOULEMENT**

The principle of Non-refoulement is a rule of international customary law that guarantees the no devolution of refugees and asylum seekers to their native countries where their lives, safety or freedom are being threatened by adverse circumstances (see Article 33 of the 1951 Convention of Refugees). It is a way to prevent that the host State oblige a person to return to a territory where he or she may be exposed to persecution and maybe death. Since the purpose of the principle is to ensure that refugees are protected against such forcible return, it applies both to persons within a State's territory (to prevent their return, expulsion or extradition) and also to those refugees at the border to prevent their rejection. Exceptions to the principle of non-refoulement constitute individuals considered by the governments as threats to the national security or that have committed crimes against humanity.

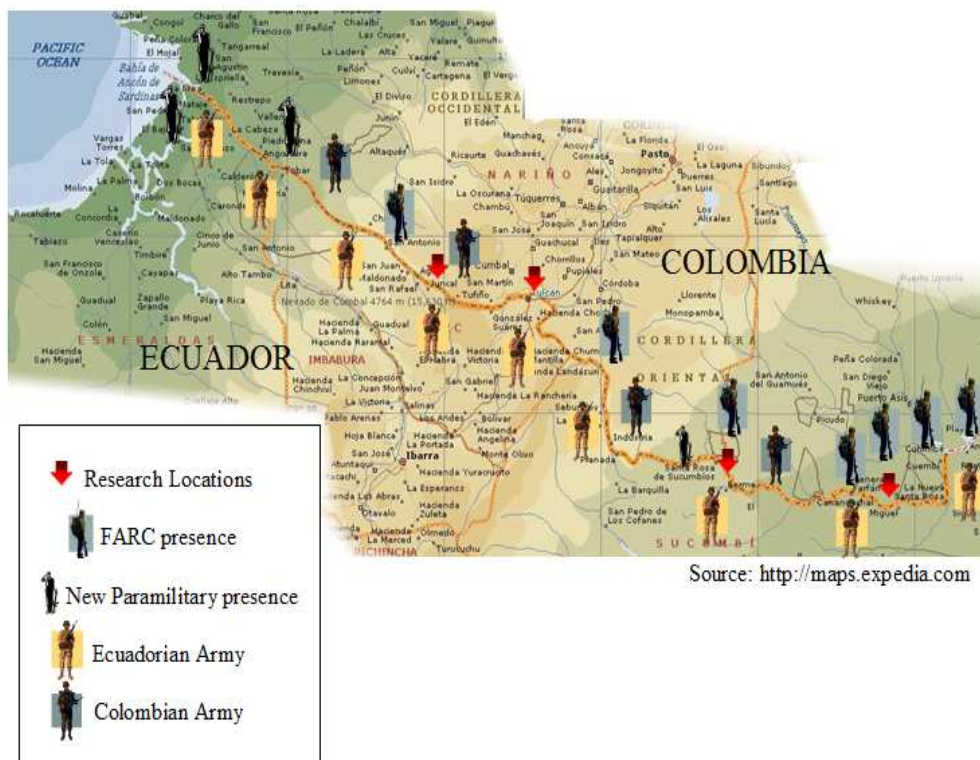
For more information please refer to UNHCR- refworld center:

[http://www.refworld.org/cgi-](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement)

[bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=437b6db64&skip=0&query=non-refoulement)

## APPENDIX II: MAP OF RESEARCH LOCATIONS AT THE COLOMBIAN – ECUADORIAN BORDERLANDS

Map of Research Locations at the Colombian – Ecuadorian Borderlands



## APPENDIX III: MAP OF RESEARCH LOCATIONS IN INNER CITIES IN ECUADOR

Map of Research Locations - Inner Cities in Ecuador



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