

**COMMEMORATIVE PROCESS OF THE 30th ANNIVERSARY
OF THE CARTAGENA DECLARATION ON REFUGEES
“CARTAGENA +30”**

ANDEAN SUB-REGIONAL THEMATIC CONSULTATION

“International protection, durable solutions and international cooperation”

Quito, June 9 and 10, 2014

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

I. Introduction

The second sub-regional consultation of the commemorative process of the 30th Anniversary of the Cartagena Declaration was carried out in the city of Quito, Ecuador, on June 9 and 10, 2014.

The sub-regional consultation for Andean countries, “International protection, durable solutions and international cooperation,” was organized by the Government of Ecuador and UNHCR, and featured the participation of Bolivia, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela, together with Argentina, Brazil, Chile, Nicaragua and Uruguay. The delegation of Costa Rica also attended in its capacity as *pro tempore* Presidency of CELAC, and Mexico as a former host of the commemorative process. Canada, Sweden and the European Union also participated as observer countries along with the following international organizations: OHCHR, ICRC, Inter-American Court of Human Rights, UNDP and UNICEF. The Norwegian Refugee Council and representatives of civil society organizations from the Andean region, as well as representatives of women and young refugees, also attended.

Foreign Minister Ricardo Patiño highlighted on the opening session that “Today, we build real regional integration through hope and effort throughout our continent, firmly anchored in democracy as a way of bringing citizens together and shielding people against the scourge of authoritarianism and State crimes. Today, Latin America is a region where peace and an effective guarantee of rights are the norm and not the exception.” He also stated: “Despite the achievements made since the inception of the Cartagena Declaration, both at a State level, and through the coordinated efforts of countries and agencies in the region, we still have an obligation to strengthen the protection of refugees and IDPs, to provide fair and durable solutions, which safeguard their will, dignity and security.”

Additionally, the Director of the UNHCR Office of the Americas, Mrs. Marta Juárez, stated that the Cartagena +30 process is a unique opportunity to discuss the challenges of international protection of refugees, displaced and stateless persons, and that the sub-regional consultation would focus on the issue of durable solutions for the next 10 years, taking into account new developments and scenarios. She also stressed how important was to have input from both refugee women and young refugees in this Andean sub-regional consultation.

The Colombian Deputy Minister of Foreign Affairs, Ambassador Carlos Arturo Morales, also noted the importance of international cooperation and solidarity for the international protection of refugees, thanking the countries of the region for the support provided to Colombian refugees, in particular to the Government of Ecuador for the positive inclusion of its citizens in his country, and indicated that the Colombian Government is advancing in the implementation of a voluntary repatriation plan for the refugee population.

The representative of the Government of Brazil, Mr. Virginius Franca, expressed the interest of his Government in sharing good practices in the protection of refugees and stateless persons, solidarity resettlement, and the national asylum and refugee protection system, which may be used as reference to other countries. He stressed that at the 20th anniversary of the Cartagena Declaration it was possible to generate answers based on regional solidarity. Today, he said, Cartagena +30 is an opportunity to consolidate the achievements while it also offers the chance to eradicate statelessness in the near future. He mentioned that Brazil has promoted a great social dialogue and consultation with refugees, which may be a reference for other countries in the region.

Afterwards, the advances of the commemorative process across the continent were presented and the delegates shared the main conclusions and recommendations of the first sub-regional consultation held in Buenos Aires, Argentina, on March 18 and 19, 2014. This clear and concrete summary provided the context to the Quito consultation sessions. One of the thematic issues discussed in Argentina was the search for durable solutions, which should be the main theme for an in depth discussion in the Andean sub-regional consultation.

The following conclusions and recommendations, agreed upon by the participants, will contribute to the formulation and subsequent adoption of a regional Plan of Action for the period 2015-2024.

THEME 1. REGIONAL PERSPECTIVE ON INTEGRATION IN THE CONTEXT OF DURABLE SOLUTIONS

As part of the presentations and discussions in relation to the local integration of refugees in the region and other durable solutions, the participants recommended to:

1. Have regulatory and institutional frameworks that ensure international protection and local integration of refugees.
2. Coordinate joint actions among public actors, host communities and refugees when developing public policies. In this regard, the experiences of Brazil and Ecuador in the formulation of public policies for the local integration of refugees, elaborated with wide participation of refugees, were highlighted as good regional practices.
3. Strengthen the coordination of institutions responsible for local integration in order to improve refugee access to “solidarity public services” and learn from established best practices on access to rights that have already instituted in some countries in the region.
4. Create spaces for dialogue and cooperation in the framework of the principle of international solidarity for the formulation of other durable solutions, such as social and economic integration and for refugees to exercise their rights under the same conditions as the nationals of the country where they are located.
5. Build policies and a regional legal framework that respond to the challenges faced by bi-national families regarding the international protection of refugees, local integration and voluntary repatriation.

6. Design policies and programmes to promote the intercultural integration of refugees and host communities at a local level, giving priority to raising awareness within society, authorities and the media about the positive contribution of refugees to host communities.
7. Based on the States sovereignty, transparency and the good practices of international protection in Latin America, coordinate efforts to achieve a regional harmonization of procedures for the refugee status determination.
8. Strengthen regional cooperation mechanisms in the field of international protection, local integration of refugees and protection of victims of trafficking and smuggling of migrants.
9. Develop a firm commitment to eradicate statelessness within the timeframe of the future Declaration and Plan of Action (2015-2024) in South America.
10. Reinforce international cooperation in the search for regional durable solutions, prioritizing tripartite mechanisms for voluntary repatriation and initiatives for local integration of refugees, taking into consideration the new migratory opportunities provided by the South American region.
11. Underline as good practice, the concept of human mobility used in Ecuador's migration policy, as a way to combine various forms of protection and solutions — in particular with regards to local integration — which should guarantee coherence between the constitutional provisions, domestic legislation, national planning and institutional practices.
12. Highlight the experience of the Colombian Government on its adoption of public policies to respond to forced displacement, both through the creation of the bi-national commission with Ecuador, and particularly through the adoption of the Victims and Land Restitution Law, which will also benefit victims living abroad. Recognize that those initiatives are important achievements towards durable solutions in a country of origin of refugees and displaced persons.
13. Emphasize that much has been achieved regionally on legal frameworks for the recognition of equal rights between foreigners and nationals, but that we should aspire to effective equality.
14. Promote local integration of refugees through the following:
 - Raise awareness within host communities and authorities,
 - Highlight the relevance of personal documentation, cost-free and expeditious issuance and renewal, without mention or reference to the person's refugee status,
 - Promote the involvement of refugees and civil society organizations in public decision-making,
 - Strengthen access to work and all public services: health, education and employment.
15. Take note of the proposal brought forward by two delegations to consider using the term "return" to refer to voluntary repatriation, because the concept of "return" has a more positive connotation among communities. The Mexican delegation indicated that the international community uses the term "voluntary repatriation" since the adoption of the 1950 UNHCR Statute, while the concept of "return" is used in migration processes. UNHCR clarified that the term "voluntary repatriation" is used in international refugee law since the creation of the Agency by the General Assembly of the United Nations, while "return" refers to one of the solutions for the internally displaced and the term is often used in migratory contexts as a synonym for deportation.

16. Highlight how important is for voluntary repatriation to be the refugees' free, individual and informed decision that should take place under conditions of safety and dignity, as part of a comprehensive strategy of durable solutions.
17. Stress that voluntary repatriation to the country of origin and local integration in the country of asylum are not excluding durable solutions for refugees, they complement a comprehensive strategy of durable solutions.
18. Highlight Mexico's experience in the area of voluntary repatriation as a good regional practice through the establishment of a quadripartite commission for coordination between the countries of origin and asylum, UNHCR and the refugees' representatives themselves.
19. Emphasize that to ensure the voluntary nature of repatriation is necessary to have objective and updated country of origin information, verified with other sources of the civil society.
20. Avoid discrimination and prevent social disintegration through activities with local governments and direct work with host communities.
21. Highlight the positive contribution that refugees can bring to their countries of origin, by the experience and knowledge acquired in the country that has granted them protection, by becoming promoters of local development and contributing to host communities.
22. Promote refugees' naturalization as part of a comprehensive durable solutions strategy.

THEME 2. RESETTLEMENT CHALLENGES AS AN EXPRESSION OF INTERNATIONAL SOLIDARITY

Regarding resettlement as an expression of international solidarity the States recommended:

23. For resettlement to be strengthened within the region as an effective tool of protection and responsibility sharing.
24. Encourage the promotion of resettlement, its consolidation and sustainability and other durable solutions, with the contribution of national and regional resources. Regarding the proposal for the establishment of a regional fund with the support of the international community, in order to consider its suitability on the basis of a structured model, the need to have sufficient information on its nature, integration, administration, etc., was underlined.
25. Improve the resettlement procedure between countries, taking into account the evaluation of the existing programmes in the region, as recommended in the previous consultation made in March 2014 in Buenos Aires, also through a greater discussion and coordination in order to prevent desertion and new transfers, thus promoting a better adaptation of the refugees to the new country.
26. Based on the shared experience of Brazil and Chile in the field of solidarity resettlement, develop public policies build on research and the particular needs of resettled refugees, highlighting the importance of training host communities about an effective and full integration.
27. Reinforce the principle of the extraterritorial recognition of refugee status for the purpose of *non-refoulement* and assess the impact of the regional policy framework regarding the movement of refugees, who are nationals from countries within the region.

28. Strengthen cooperation and the exchange of regional information in the context of mixed migratory movements, to prevent trafficking and migrant smuggling in order to protect these persons while preserving the refugee status for those in need of international protection.
29. Invite other countries in the region to join the solidarity resettlement programme under the principle of responsibility sharing in the interest of providing refugees with durable solutions and to harmonize regional actions and responses, while considering that our region offers the best conditions for a peaceful and sustainable integration.

THEME 3. CHALLENGES OF FORCED DISPLACEMENT AND SOLUTIONS FROM THE PERSPECTIVE OF REFUGEES AND CIVIL SOCIETY

Participating States highlighted the attendance and the significant contributions of young refugees and women refugees, as well as civil society organizations, and agreed to strongly support efforts aimed at a long-sought lasting peace in the region. In addition, the States underlined the need to consider the dual vulnerability of young refugees, particularly for young mothers, and to foster greater respect for their working rights.

The young and refugee women made the following recommendations to ensure effective refugee integration:

30. Develop public policies that facilitate the incorporation of young refugees in educational systems within their own communities without discrimination, and for the educational systems to be flexible enough to ensure that young people can continue supporting their families through income generation activities.
31. Establish adequate and effective mechanisms for the recognition of qualifications and approval of studies made abroad, based on existing regional frameworks.
32. Include refugees in social programmes for access to work and work protection, as well as to programmes to eradicate or fight poverty.
33. Timely and prompt issuance and renewal of refugee's personal documentation to promote local integration and effective exercise of their rights.
34. Encourage livelihoods or income-generating projects, as well as vocational and professional training programmes that consider the different protection needs of women, boys, girls and adolescent refugees.

Civil society organizations also made the following recommendations on durable solutions:

35. Recognize that local integration requires the participation of the refugee population, civil society and host communities.
36. Review the vulnerability criteria established for the resettlement of refugee population in need of this durable solution.
37. Highlight the challenges of a new protection agenda in the Americas, related to the disproportionate impact of internal displacement on women, children, Afro-descendants, indigenous peoples and LGBTI persons.
38. Recognize that migration alternatives may be an option for people who have not had access to international protection, at the same time always maintaining the right to apply for international

protection as refugees. This requires reliable information about other existing options in the country, including information on the procedure for refugee status determination.

39. Continue promoting the borders of solidarity programme, guaranteeing the respect of human rights in border areas, including the prosecution of rights, increasing the presence of State institutions, respect of due process guarantees in all procedures for refugee status determination, strengthening CONARE's technical and financial capacities in border areas, and highlighting awareness on the invisibility of the trafficking in persons and migrant's smuggling and their need for special attention.
40. Include mechanisms of accompaniment and follow-up with the participation of civil society, as well as States and UNHCR in the new Plan of Action.

TOPIC 4. INTERNATIONAL PROTECTION AND MIGRATION ALTERNATIVES WITHIN NATIONAL AND REGIONAL REGULATORY FRAMEWORKS

As part of a comprehensive strategy of durable solutions which includes other alternatives, States discussed the possibility of a fourth option in South America, so refugees and applicants for refugee status may benefit from existing migration options within national and regional policy frameworks.

Within MERCOSUR and the Andean Community, States noted the need to deepen the appropriate frameworks to facilitate human mobility. In this context, it was stressed that the growing phenomenon of south-south and intraregional migration has components of border migration, labor migration, refugees and displaced persons.

States highlighted the significant progress made in regional legal frameworks that increasingly influence immigration and refugee laws, which is leading to a paradigm shift in the region. Thus, it was noted that the right to migrate is now part of the dialogue within the region, and that at the regional level a person's specific circumstances are ceasing to be the decisive issue to qualify for residency in another country, whilst nationality is becoming the dominating factor.

States noted that the difference in the field of rights and obligations between migrants and refugees is decreasing, both mostly originating from each country in the region, limited in many cases to the principle of *non-refoulement* of refugees.

States indicated the need to set up protection safeguards through a regional framework that guarantees the extraterritorial recognition of refugee status and the unrestricted respect for the principle of *non-refoulement* in order to promote regional migration alternatives.

The Ecuadorean delegation proposed to reevaluate the refugee concept enshrined in the 1951 Convention and the Cartagena Declaration to include emerging situations of human mobility, as well as the importance of removing obstacles to access the procedures for refugee status determination. Additionally, they recommended improving and harmonizing admissibility procedures, not only from the State's perspective but also from that of people in situation of human mobility, and the need to advance towards hospitality policies to persons in situation of human mobility. The Ecuadorean delegation also noted the desirability of having legislation for the protection of migrants abroad, to facilitate a return that guarantees full reintegration to the country, as well as the admission of populations affected by climate change, all from the perspective of human mobility as an integrating concept.

The participating States recommended:

41. Consider the option of separating, within the legal framework, refugee status from the migratory category assigned to refugees for their residence in the countries of the region, as is already done in different Latin American countries, by ensuring their stay in the territory.

42. Encourage local integration of refugees through the change of their migratory status to permanent residence, without losing their refugee status, as well as ensure the right to naturalization to those who wish to do so, through streamlined and accessible procedures, taking into consideration the practices that are already in place in various Latin American countries.

43. Consider adopting alternative complementary mechanisms of humanitarian protection to guarantee that those who have crossed an international border for reasons unforeseen in the 1951 Convention, and who require international protection for different motives, may also access such protection, considering, for example, the experience of Brazil welcoming Haitian nationals since 2010 and issuing them humanitarian visas. Regarding this issue, it was noted that humanitarian visas represent an important protection instrument for the situation described above and are regulated in different Latin American countries.