



Newsletter No. 2 - September 2014

30th ANNIVERSARY OF CARTAGENA DECLARATION ON REFUGEES

For the last 30 years, solidarity and regional cooperation, of which the Cartagena Declaration is good example, have proven effective in dealing with new and longstanding situations of forced displacement in the Americas. On the year 2004, for its 20th Anniversary, twenty Countries of Latin America and the Caribbean adopted the *Declaration and the Mexico Plan of Action to Reinforce International Protection for Refugees in Latin America*. During these last ten years, they have served as the common strategic framework for the governments of the region, UNHCR, civil society and the international community.

At the request of UNHCR, The Government of Brazil will be hosting the Ministerial Event in Brasilia on December 2nd and 3rd 2014, which will conclude the commemorative process. The Government of Brazil, along with UNHCR and the Norwegian Refugee Council (NRC), have extended an invitation to the Governments and civil society of Latin America and the Caribbean to once again put into practice the innovative and flexible framework of the Cartagena Declaration to face the challenges of the next decade and move forward strategically the work on behalf of people in need of international protection, including refugees and asylum seekers, and also displaced and stateless persons. For this purpose, four sub-regional Consultation Meetings have been held.

This process, known as Cartagena+30, is also an opportunity to reassert the commitment from the Region to international protection, to highlight the importance of regional instruments and their contribution to the universal asylum regime, and to reaffirm the core value of the 1951 Convention on Refugee Status in the Inter-American asylum system.

THE PROCESS CARTAGENA +30

“Cartagena +30” has provided a space of dialogue for Governments and UNHCR, along with other international organizations and civil society, to reflect on the progress achieved, the contemporary protection challenges in the continent, and the vacuums that may exist in the current regime of international protection and how to address them in a flexible, pragmatic and innovative way.

The discussions on the four Sub-Regional consultations have centered on issues like the quality of asylum systems, the complexity of mixed migration movements and the necessary identification of people that require protection, the protection of persons fleeing international organized crime, national security concerns from the States and their humanitarian and human rights obligations, the innovative initiatives for integrated solutions including the use of migration solutions like programs of labor mobility, statelessness, displacement caused by natural disasters, and the strengthening of regional and international cooperation and solidarity within mechanisms of regional integration, such as: CELAC, MERCOSUR, Pacto Andino, SICA and CARICOM.

The four sub-regional consultations have each produced a series of conclusions and recommendations which have been taken into account as essential elements of reference for preparing the Draft Declaration and Plan of Action. These draft documents will go through an additional process of consultations with all the participating states from Latin America and the Caribbean (GRULAC-UNHCR) in Geneva. It is expected that at the end of this process every participating country felt represented in the contents of the Brazil Declaration and the Plan of Action for its adoption, either unanimously or by acclamation at the final Ministerial Event in Brasilia.



MERCOSUR. Buenos Aires, March 18-19

The sub-regional **MERCOSUR** meeting counted with the participation of Government and civil society representatives from Member and Associate countries of MERCOSUR: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela. Costa Rica, acting as pro tempore president of CELAC, and Mexico, as the host country for the 20th anniversary commemorative process, participated both as observer countries. Representatives from the Governments of the United States of America, Norway and Sweden, as well as from the European Union, were also present as observers. The following organizations were also invited to participate: IOM, UNICEF, CEPAL, OHCHR and UNDP, along with the NRC and representatives of South American civil society organizations.

The first Sub-Regional Consultation reaffirmed the commitment of all countries of the region to international protection, the universal and regional principles of human rights and international refugee law, and the unequivocal will to promote the highest international standards. A spirit of cooperation and pragmatism prevailed over the whole meeting, highlighting the importance of responding to new challenges by seizing the vast possibilities that MERCOSUR provides for finding viable and effective solutions and in respect of the core principles of protection.

The participants produced a valuable document of Conclusions and Recommendations, such as the following, among others:

- Consolidate the CONAREs (National Refugee Committees) meetings as a forum of discussion of policies and exchange of good practices.
- Strengthen national asylum systems by implementing high standards of due process and of measures for improving management control and quality.

- Consider replicating in other countries the good practice developed in Argentina of a Protocol for the protection, assistance and durable solutions for children seeking asylum who are unaccompanied or separated from their families.
- Ensure the effective implementation of the Palermo Protocols to prevent, suppress and sanction human trafficking and the smuggling of migrants.
- Assess the components of Cities of Solidarity, Borders of Solidarity and Solidary Resettlement of the Mexico Plan of Action for its consolidation and integration in the forthcoming Plan of Action.
- Adopt public policies that promote the local integration of refugees, through effective access to their economic, social and cultural rights.
- Promote the development of alternative solutions, such as programs of work mobility in favor of refugees using existing regional processes of integration, accept the extraterritorial recognition of the refugee status and comply with the principle of non-refoulement.
- Promote the eradication of statelessness in line with the overall goal of eradication encouraged by UNHCR. Urge the accession and/or ratification of States to the International Conventions on Statelessness and to establish procedures to determine the condition of stateless persons.

ANDEAN. Quito, June 9-10

The sub-regional Andean meeting counted with the participation of the Plurinational State of Bolivia, Colombia, Ecuador, Peru and the Bolivarian Republic of Venezuela. The States of Argentina, Brazil, Chile, Nicaragua and Uruguay, Mexico and Costa Rica as pro tempore president of CELAC were also invited. As observer countries Canada, Sweden and the European Union, and the following International Organizations: OHCHR, CICR, the Inter American Court of Human Rights, UNDP and UNICEF were also present. The NRC and representatives of women, young refugees and civil society organizations of the Andean Region, also participated.

One of the main subjects deeply discussed at the Andean sub-regional consultation was the quest for durable solutions.

The Consultation round was opened by the Ecuadorian Minister of Foreign Affairs, Mr. Ricardo Patiño, UNHCR Director of the Americas Bureau, Mrs. Marta Juárez and the Colombian Vice Minister of External Relations, Mr. Carlos Arturo Morales. The meeting was chaired by the Vice Minister of Human Mobility of Ecuador, Mrs. María Landázuri. At the inaugural session Mr. Patiño noted “In our continent we are building a real integration today with hope and effort, solidly anchored in democracy as a method of bringing citizens together”. He also stated “In spite of the achievements we have made since the dawn of the Declaration of Cartagena as individual States and through the coordinated efforts of countries and regional organizations, we are still under the obligation of strengthening protection for refugees and internally displaced persons, to give them fair and durable solutions that preserve their will, dignity and security”.

The Colombian Vice Minister, Mr. Carlos Arturo Morales, also underlined the importance of international cooperation and solidarity for the international protection of refugees, and thanked the support given to Colombian refugees by countries in the region, especially to the government of Ecuador for their positive integration in the country. He also stated that the Colombian Government is making advances in the implementation of a voluntary repatriation plan for the refugee population.



The representative of the Brazilian Government, Mr. Virginius Franca, showed an interest of his Government in sharing good practices on issues of protection of refugees and stateless persons, solidary resettlement and the national system of asylum and protection of refugees, which can be used as reference for their implementation in other countries. He also noted that on the 20th anniversary of the Cartagena Declaration some responses were built on the base of regional solidarity and today, Cartagena + 30 is an opportunity to consolidate all the efforts made and a possibility to eradicate statelessness in a near future.

The States highlighted the need to consolidate the appropriate frameworks to facilitate work mobility of refugees, i.e. within the frameworks of MERCOSUR and the Andean Community.

In this context, the growing phenomenon of south-south and intra-regional migration was emphasized, which has components of border, work and displaced and refugee migration.

The States stressed the important advances of regional legal frameworks on migratory and refugee laws, which is leading to a change of paradigm in the region. There were conversations about the right to migrate, and it was observed that the specific situation of a person is ceasing to be determinant to opt for residence in other countries, and the preponderant factor on a regional level is starting to be their nationality.

MESOAMERICAN REGION. July 10-11, Managua

The sub-regional Mesoamerican meeting with the support of SICA (Central American Integration System), counted with the participation of the Governments of Belize, Costa Rica, El Salvador, Guatemala, Honduras, México, Nicaragua and Panamá; the Governments of Brazil, Cuba, Spain, The United States of America and the European Union were also present as observers. The following international organizations were invited to participate: UNFPA, OCHA, WFP, UNDP, UNICEF, IOM, SICA, ECHO, CICR, IFRC, the Inter American Court of Human Rights, the Central American Court of Justice and the Technical Secretariat of the Regional Conference on Migration (CRM). The ombudsmen of El Salvador, Guatemala, and Nicaragua were invited to participate as the National Commissioner for Human Rights of Honduras, the NRC and representatives of civil society organizations of the Mesoamerican region, including the Academia. The Vice Minister of External Relations of Nicaragua, Mr. Orlando Gómez, Mrs. Janet Lim, UNHCR Assistant High Commissioner, and Mr. Werner Vargas, Executive Director of SICA, opened the event. In their opening statements, the high representatives referred to the important contribution of the region to the development of international refugee laws, and the new challenges the region encounters, underscoring forced displacement due to the violence of trans-national criminal groups, which causes the fleeing of thousands of men, women and unaccompanied children.

The need and will to strengthen regional cooperation and joint efforts between Governments, SICA, UNHCR, civil society and other organizations was brought underscored. The Consultation made some of the following recommendations in response to the new challenges.

- Note that displacement caused by criminal groups in the Mesoamerican region is a complex subject that has to be addressed within a frame of human rights, shared responsibility and solidarity. This applies in cases of people being internally displaced or people crossing borders.



- Promote a permanent regional forum of refugee commissions for the exchange of good practices within the framework of SICA, and join efforts with the Regional Conference on Migration (CRM), the Central American Court of Justice and similar organizations in other regions of Latin America.
- Respond to the humanitarian crisis of unaccompanied children and adolescents, bearing in mind the shared experience of Guatemala in applying means of preliminary detection and evaluation at the borders of the United States and Mexico, the strengthening and training of border officials to identify the needs of protection and the implementation of community alternatives to administrative detention, all tending to the child's best interests.
- Strengthen all differentiated and quality procedures for the determination of the refugee status and take into account their particular needs of protection and the respect of due processes.

His Excellency, Mr. Franz Manderson, Vice Governor of the Cayman Islands as host of the Consultation made the opening statement, in which he recalled the technical support provided by UNHCR in 1994. Mr. Manderson prompted the participants to propose innovative recommendations. The Honorable Mr. Alden McLaughlin, Prime Minister of the Cayman reminded the participants of the importance of achieving a balance between migration, national security and the protection of asylum seekers, refugees and stateless persons.

The States acknowledged the need to identify refugees and other persons with specific needs among irregular mixed migration movements, for that purpose, the importance of sensible and differentiated entry procedures and protection was emphasized.

The delegates underlined the importance of a closer cooperation between the countries of the sub-region to effectively manage the mixed migration movements. As part of a shared responsibility regional mechanism, the delegates recommended the development of a regional consultation process on matters of refugees, stateless people and migration within the Caribbean countries.

Due to the tragic loss of lives at sea, the importance of raising awareness campaigns on the risks of irregular migration was emphasized. It was recommended that the approach of the Caribbean to mixed migration issues be incorporated into the new plan.

It was noted that the gradual approach adopted by Trinidad and Tobago was a valuable regional practice to assist in the development of asylum systems in other countries and territories, taking into account the differences and realities of other Caribbean States.

The representatives discussed the benefits of establishing a central transference mechanism where refugees in need of resettlement can be interviewed and processed. This would accelerate the process and the access to resettlement as a durable solution and contribute to the diversification of hosting countries.



CARIBBEAN REGION. Grand Cayman, September 10-11

The sub-regional meeting of the Caribbean, which took place in the Cayman Islands counted with the presence of the Bahamas, Belize, The Cayman Islands, Cuba, Curacao, Haiti, Jamaica, Saint Lucia, Suriname, Trinidad and Tobago, and the Turks and Caicos islands. Brazil, the European Union, Mexico, the United Kingdom and the United States of America attended as observers. Representatives of the International Maritime Organization (IMO), IOM, NRC, civil society and regional organizations and the Academia were also present.