Ecuador’s Frontiers:  
Recommendations for Border Management  
Within a Human Rights Framework

A Report Prepared for  
The International Organization for Migration – Ecuador

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EXECUTIVE SUMMARY

POLICY QUESTION

How can Ecuador effectively control their terrestrial borders in accordance with the human rights framework defined by their 2008 Constitution?

RECOMMENDATION (Pg. 8)

I recommend that the Ecuadorian government:

1) Gather detailed information in preparation for increasing the number of official terrestrial border posts along the northern border.

2) Continue to prioritize and increase coordination with Colombia in regards to border management.

3) Train, and provide ongoing training for, a civil corps of immigration and customs officials responsible for border management.

BACKGROUND AND CHALLENGES (Pg. 1)

In 2008, under the leadership of sitting president, Rafael Correa, Ecuador adopted a new constitution. The constitution gave official, domestic legal standing to numerous human rights, including civil, political, economic, social and cultural rights. Additionally, the constitution emphasized the sovereignty of Ecuador while establishing the principle of universal citizenship and freedom of movement for all people. Within this context, Ecuador’s claims to sovereignty can be interpreted as the responsibility to protect both citizens and territorial inhabitants, and therefore Ecuador’s legitimacy depends on its ability to develop border management and migration policies that promote human rights which recognize the right to movement; guarantee a safe and secure place to live and work; and use consistent and established legal channels to address violations in accordance to international standards.

The migration situation of Ecuador is rather unique in the Latin American context. The immigrant population is primarily composed of Colombians and Peruvians with migration incentives varying between the two groups. Peruvians largely migrate for increased economic opportunities, while the Colombians face a “push” factor, due to increased armed conflict since 2002 and destruction of coca crops along the southern Colombian border. Ecuador has the largest number of refugees of any country in Latin America. In 2012, there were approximately 123,436 refugees and 21,558 asylum seekers residing in Ecuador, 98% of whom are Colombian. That represents about 1% of the total population.
However, political and geographic realities present a significant challenge in maintaining a safe and secure place for residents and asylum-seekers. Ecuador prioritized security on their border with Peru for most of the 20th century, paying little political or military attention to the northern border. Thus, Ecuador’s traditional and current border policy lacks the ability to prevent spillover violence and crime from Colombia. While the geography of the region makes it unlikely that Ecuador could ever completely eliminate unregulated migration, there are steps to be taken to reduce the spillover and use of Ecuador as a sanctuary and training ground for insurgents.

Ecuador’s official international entry points include four seaports (Guayaquil, Manta, Esmeraldas and Puerto Bolivar), two airports (Quito and Guayaquil), and five terrestrial entry points. Ecuador currently recognizes an Integration Zone around the border with Colombia and Peru. This zone permits the free movement of goods and people within the designated area as well as supports binational development project, primarily through international funding.

Latin America has, historically, been strong proponents for human rights—rights that extend beyond nationality, religion or language. Noting the link between the lack of human rights, including food and economic security, and vulnerability to threats to sovereignty, Ecuador adopted Plan Ecuador in early 2008, attempting to increase development along the northern border. There is significant concern within the Ecuadorian army that the increased presence of insurgents in Ecuador contribute to instability but a more aggressive border defense policy would likely lead to combat and possibly war with the Colombian guerrilla fighters. Ecuador is also acutely aware that the presence of insurgents place additional strain on Ecuador’s diplomatic relations with Colombia.

Given these competing and conflicting priorities along its border with Columbia, Ecuador faces significant challenges in maintaining national security and protecting citizens and refugees. Especially challenging is the task of monitoring entry points from Columbia to Ecuador, notably land-crossings. Much of the border cuts through thick tropical forests and sparsely populated areas. The northern border is especially vulnerable to human trafficking, contraband, and spillover violence from paramilitaries and rebel groups due to the political situation in Colombia paired with widespread poverty, dense jungles, limited infrastructure, and a historic absence of state presence on both sides of the border. While there are only three official entry points on the Colombian-Ecuadorian border, there are numerous “unofficial” entry points between the two countries, which are used by locals and insurgents.

Many security experts and Ecuadorian army officials believe that Ecuador lacks the resources, personnel, and training to effectively prevent insurgents from entering their territory. While the northern border was largely neglected for many years, the current administration has placed increasing emphasis and increasing military troops on the northern border. Currently, the primary duties of both border security and policing operations fall under the purview of the Army.
CRITERIA (Pg. 8)

In determining policy recommendations to strengthen Ecuador’s border management system within a framework of human rights, I evaluated best-practices and proposed solutions according to the following criteria:

- Promote a safe and secure place to live and work;
- Recognize and support the freedom of movement for political, social, and economic reasons; and
- Be feasible with given resources, terrain and political will.
Ecuador’s Frontiers: Recommendations for Border Management within a Human Rights Framework

POLICY QUESTION

How can Ecuador effectively control their terrestrial borders in accordance with the human rights framework defined by their 2008 Constitution?

BACKGROUND

I. Constitutional Framework

In 2008, under the leadership of sitting president, Rafael Correa, Ecuador adopted a new constitution. In the September referendum, 6.4 million citizens voted in favor of the document which stated that the government’s “primary obligation is the direct and immediate protection and guarantee of human rights” (UPR 2012). Additionally, the constitution recognizes the principal of ‘universal citizenship,’ which holds that everyone within a country should enjoy the same rights as citizens and promotes the free movement of people, unhindered by borders. In support of this principle, President Correa announced that he wished to “dismantle those twentieth century inventions, passports and visas” (Ortiz 2011). The constitution explicitly asserts Ecuador’s commitment to Latin American integration while maintaining Ecuador’s national sovereignty. Ecuador’s sovereignty stems from its ability to protect the lives and rights of its inhabitants.

As Krasner (2004; 1077) notes, “the meaning of sovereignty and the actions that can be undertaken or directed by a sovereign state are, and have always been, both contested and ambiguous.” However, he outlines three traditional elements of sovereignty: 1) International legal sovereignty – it is acknowledged by other states that it is an independent territory; 2) Westphalian sovereignty – other states accept the principle of non-intervention in internal affairs; and 3) Domestic sovereignty – the state is recognized as legitimate, by its citizens, because the internal institutions and policies provide “security, prosperity, and justice for the inhabitants of the state.”

Sovereignty in the Ecuadorian context remains complex. Like many Latin American countries, Ecuador is acutely aware of the role of the United States in influencing political and economic systems in the hemisphere. The U.S. has a long and sordid history of intervening, both militarily and surreptitiously, in Latin American politics and policies. With this historical perspective, Ecuador’s concept of sovereignty extends beyond a monopoly on violence to include self-determination. At the same time, Ecuador has begun to hesitantly embrace the European concept of “pooled sovereignty,” in which a state has the authority to enter into or dissolve multi-national agreements to better meet the needs of their citizens (Clavier 2008; Serbin and Rodrigues 2011).

According to Serbin and Rodrigues (2011), beginning in the 1990s, the international community began to adopt the responsibility to protect (RtoP) as a key tenet to sovereignty. In
2001, the International Commission on Intervention and State Sovereignty (ICISS) produced the first document to layout the RtoP principle, framing territorial and Westphalian sovereignty as only legitimate if the political authority protects the inhabitants of the state. In extreme cases, the international community has used the RtoP framework to justify violations of the non-intervention principle and use external force to control internal violence.

Ecuador’s goal of regional integration without borders while maintaining national sovereignty is challenged by the political realities of the region. With significant violence and crime spillover from the conflict in Colombia, an open or minimally patrolled border threatens the safety and livelihoods of inhabitants, as guaranteed by the new constitution. This further erodes Ecuador’s ability to protect its inhabitants, which inherently questions the legitimacy of the sovereignty of the government. Ecuador’s ability to protect its inhabitants and promote the human rights guaranteed by the constitution are essential to Ecuador’s claims to national sovereignty. Therefore, Ecuador’s legitimacy depends on its ability to develop border management and migration policies that promote human rights that recognize the right to movement; guarantee a safe and secure place to live and work; and use consistent and established legal channels to address violations in accordance to international standards. The expansion of Ecuador’s capacity to secure the human rights of all its residents and the migrants who cross its borders would also constitute and reflect improved sovereign authority.

II. Migration

The migration situation of Ecuador is rather unique in the Latin American context. As both a sending and receiving country, they face significant challenges to the development of their migration policy. While 10-15% of Ecuadorians live abroad in primarily Spain or the United States, the last five years have seen a significant increase in immigrants. According to the World DataBank, the immigrant population in Ecuador grew from 123,627 people in 2005 to 393,641 people in 2010, making up about 2.5% of the total population.

The immigrant population is primarily composed of Colombians and Peruvians with migration incentives varying between the two groups. Peruvians largely migrate for increased economic opportunities, while the Colombians face a “push” factor, due to increased armed conflict since 2002 and destruction of coca crops along the southern Colombian border (Jokisch 2007). In 2010, the Ecuadorian government reported 47,467 Colombians and 6,745 Peruvians living in Ecuador. However, these numbers are significantly low estimates due to the fact that the majority are without legal documentation and the borders are extremely porous.

Article 40 of the Ecuadorian Constitution states that “the right to migrate of persons is recognized. No human being shall be identified or considered as illegal because of his/her migratory status.” In practice, Ecuador requires entry visas for immigrants from nine countries and recently instituted a new policy requiring letters of invitation for Cuban immigrants. Figure 1 shows the numbers of exclusions, deportations and detentions of immigrants from 2005 to 2011. After a sharp rise in 2006, there has been a downward trend in exclusions and deportations of immigrants in the past five years. However, the number of exclusions significantly increased in the past year. Detentions also rose sharply from 2009 to 2010.
III. The Borders

The current Ecuador-Peru border was officially established by the Rio Protocol in 1942, when Peru was granted significant territory previously claimed by Ecuador. The historical border dispute erupted into violence as recently as 1995 before the two governments reached a peace agreement in 1997. Approximately 100-300 people were killed in first five weeks of the conflict, after Ecuador deployed military troops into the contested territory.\textsuperscript{3}

Subía Contento (2010) states that with the southern border dispute as a priority for most of the 20\textsuperscript{th} century, little political or military attention was given to the northern border. In the last ten years, with support from the United States, Colombia has, at times, violated the demarcation of the border. On several occasions, Colombia has entered Ecuadorian territory and airspace in pursuit of insurgents. However, the physical location of the border remains uncontested between the two countries.

IV. Current Border Management

Ecuador’s official international entry points include four seaports (Guayaquil, Manta, Esmeraldas and Puerto Bolivar), two airports (quito and Guayaquil), and five terrestrial entry points (General Farfan, north-western border with Colombia; Rumichaca, northern border with Colombia; Puerto El Carmen, north-eastern border with Colombia; Huaquillas, southern border with Peru; and Macará, southern border with Peru).

Ecuador’s border management systems are widely considered inefficient, which inhibits the freedom of movement. According to the International Organization for Migration (IOM), a strong border management system should “facilitate movement of legitimate people and goods while maintaining secure borders”. In 2011, the World Bank’s indicator for the efficiency of the

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Figure 1. Exclusions, deportations and detentions of Immigrants, 2005-2011

Source: IOM, \textit{Perfil Migratorio de Ecuador 2011}. 

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current border management system gave Ecuador 3.5 out of 7 on the burden of their customs procedure (1=extremely inefficient to 7=extremely efficient). Similarly, Ecuador received 2.3 out of 5 on the logistics performance index, measuring the efficiency of the customs clearance process, and 3.8 out of 7 for the quality of the port infrastructure. All of these scores have increased in the last five years. However, the average time to clear exports through customs has increased from 7 days in 2006 to 18 days in 2010.

Efficiency is important when discussing border management within a human rights framework. It gives a clear idea of whether people enjoy the freedom of movement and can promote economic and physical security. As Lieutenant General Elchin Guliyev, the commander-in-chief of the Azeri Border Service in Azerbaijan stated, “We are faced with numerous threats such as terrorism, illegal migration, and international organized crime. A better and more efficient border management will lead to a more secure environment in the whole region” (Immigration and Border Management 2012).

Ecuador currently recognizes an Integration Zone around the border with Colombia and Peru (see Figure 2 for delineation of the zone). The zones were established in 2001, in accordance with Decision 501, Article 1, of the Community of Andean Nations, which states:

For purposes of this Decision, "Border Integration Zones" (BIZs) are territorial areas located on the borders of adjacent Andean Community Member Countries, for which policies shall be adopted and plans, programs, and projects shall be executed jointly and coordinately to boost sustainable development and border integration for their mutual benefit in accordance with the characteristics of each of them.

Figure 2. Map of Integration Zones between Ecuador, Colombia and Peru

Source: Comunidad Andina, Zonas de Integración Fronteriza de los Países Miembros de la Comunidad Andina.

This zone permits the free movement of goods and people within the designated area as well as supports binational development project, primarily through international funding. However, tense political and diplomatic relations between Ecuador and Colombia delayed the
integration of projects and systems for most of the 2000s. There has been a recent effort to revitalize the various binational agreements. The last two years have seen a significant increase in cooperation between the two governments and in December 2012, the two governments signed eight bilateral agreements.

The Ecuadorian military, primarily the army, is responsible for patrolling the border.

V. Human Rights

Latin America has, historically, been strong proponents for human rights—rights that extend beyond nationality, religion or language (Obregon 2009; Normand and Zaidi 2008). Ecuador, specifically, has supported efforts to recognize universal rights; it is a party to most international treaties and covenants establishing those rights (UDHR). In the 1990s, Ecuador began to make human rights a priority and asserted the state’s responsibility to protect the civil, political, economic, social and cultural rights of inhabitants in the 1996 constitution (Jochnick 1999). While the government has long established de jure rights, the de facto rights are more limited. In recent years, Ecuador has been criticized for numerous violations of human rights including limiting freedom of the press, excessive force by public security forces, and widespread corruption particularly in the judicial sector (U.S. Department of State 2011). However, Ecuador continues to be regarded as a peaceful nation and has constructed a national narrative as a “peace-loving nation that has been under constant threat from external aggressors” (Viatori 2013).

Noting the link between the lack of human rights, including food and economic security, and vulnerability to threats to sovereignty, Ecuador adopted Plan Ecuador in early 2008. The plan, which considers border security through a human rights perspective, has brought significant government resources and development projects to the northern border in an effort to promote national security. Plan Ecuador is provided for in the 2008 Constitution, under article 249:

_Cantons whose territories are wholly or partially within a forty-kilometer border belt shall receive preferential attention for consolidating a culture of peace and socio-economic development, through integrated policies safeguarding sovereignty, natural biodiversity and interculturalism._

However, Ecuador’s current border management policies, within the context of the constitutional framework, migration patterns, the history the border, and the status of rights in society, cannot overcome the significant challenges to securing the border. As Ecuador implements new policies, it is essential to consider the threats to safety and security, geographic and infrastructure challenges, and capacity challenges.
CHALLENGES

I. Threats & Risks

Ecuador’s border history provides significant challenges to protecting Ecuadorian inhabitants. While memory of the Peruvian conflict lingers, the security priority has shifted to the northern border with Colombia. Toward the end of the 20th century, the intrastate conflict in Colombia began to directly affect Ecuador. In 1999 Colombian guerrillas attacked and destroyed several Ecuadorian cargo transport vehicles. In that same year, UNHCR entered into an agreement with the Ecuadorian chancellery to assist with the high number of requests for political asylum. Additionally, Plan Colombia, a U.S.-Colombia offensive launched in 2000, has intensified the strain as the guerrillas have been pushed further south, effectively increasing the insurgent presence in Ecuador (Jankoski 2012).

There is significant concern within the Ecuadorian army that the increased presence of insurgents in Ecuador contribute to instability but a more aggressive border defense policy would likely lead to combat and possibly war with the Colombian guerrilla fighters (Jankoski 2012). The insurgents are considered to be better resourced and more connected to local communities than the Ecuadorian army; both facts would favor the guerrilla fighters in the event of conflict. This tension leads to inconsistencies with border patrol policies and expectations. Troops are frequently tasked with securing the border while avoiding conflict with insurgents.

Ecuador is also acutely aware that the presence of insurgents place additional strain on Ecuador’s diplomatic relations with Colombia. Notably, in March 2008, a Colombian military air raid targeting the FARC guerrilla crossed into Ecuadorian territory and killed 25 people. As a result, Ecuador broke diplomatic relations with Colombia until November 2010. While the prevailing discourse in Ecuador continues to emphasize non-interference in the internal affairs of other countries, there is growing concern regarding the impact on the lives and livelihoods of Ecuadorian citizens and residents due to the ongoing conflict in Colombia.

II. Geographic and Infrastructure Challenges

In maintaining national security and protecting citizens and refugees, Ecuador faces significant challenges in monitoring their entry points, notably land-crossings. Much of the border cuts through thick tropical forests and sparsely populated areas. Crossing three distinct climates, the border with Colombia stretches from the coast to the highlands and to the rainforest. The border through the coastal and the Amazon regions is largely defined by rivers of various widths, which do not effectively provide natural barriers to entrance.

The northern border in particular is especially vulnerable to human trafficking, contraband, and spill-over violence from paramilitaries and rebel groups due to the political situation in Colombia paired with widespread poverty, dense jungles, limited infrastructure, and a historic absence of state presence on both sides of the border (Walcott 2008). César Montúfar (2005; 21) noted that on both sides of the border, social indicators are “consistently low compared to the rest of their respective countries. Judicial and security institutions do not occupy
the entire territory of either country.” As noted, Ecuador enacted Plan Ecuador as a way to promote human rights and therefore increase security along the northern border.

To date, Plan Ecuador has led to significantly improved infrastructure for transportation, health, and education in the three provinces along the northern border (Secretaria Tecnica de Plan Ecuador 2013). However, on the Colombian side, the situation has continued to deteriorate. Although the Colombian government initiated peace talks with the FARC in August 2012, attacks in the region have continued. UNICEF estimates that in 2012 alone, approximately 35,000 people have been displaced due to the conflict (UNICEF 2013).

While there are only three official entry points on the Colombian-Ecuadorian border, there are numerous “unofficial” entry points between the two countries. Judith Walcott (2008) contests that “many portions of the Colombian-Ecuadorian border are controlled by paramilitaries and guerrilla groups, and the region is full of clandestine roads and border gates facilitating drug, precursor chemical, arms, and explosives trafficking.” In June of 2011, the Ecuadorian government reported 26 unsanctioned border entry points, primarily located in the provinces of Carchi and Sucumbios. While the entry points are regularly used by insurgents seeking rest and supplies, they are also commonly used by farmers and business owners in the region, rather than the two official entrances for convenience reasons (Kane 2012).

III. Capacity Challenges

Many security experts and Ecuadorian army officials believe that Ecuador lacks the resources, personnel, and training to effectively prevent insurgents from entering their territory. Ecuador spends over $2.3 billion on their military, which is about 3.6% of their GDP. In 2008, there were 37,448 members of the armed forces, 24,135 of which were in the army (Donadio and de la Paz Tibiletti 2008, 48). Military presence on the northern border increased significantly from 700 in 2000 to 7,000 in 2008. President Correa, in November of 2008, reported that it costs over $100 million and 11 percent of their military and policy personnel to patrol the northern border (Hodges 2008). In 2008, new course using simulated FARC bases was launched at the Army's jungle training school. However, troops lack counterinsurgency training and logistical capacity to carry out effective operations (Jankoski 2012; Marcella 2008).

While the northern border was largely neglected for many years, the current administration has placed increasing emphasis on security on the northern border. The primary duties of both border security and policing operations fall under the purview of the Army. According to Jankoski (2012; 132), the police have not conducted border patrols since 1993, as “the military, and chiefly the army, is the only state institution equipped to operate in the dense jungle covering much of the Ecuador-Colombia border.” However, the dual roles spread time, personnel, and resources. The army has frequently prioritized policing, seizing contraband, and inland security detail for regional plantation owners over border patrol and defense against insurgents.
CRITERIA

In determining policy recommendations to strengthen Ecuador’s border management system within a framework of human rights, I evaluated best-practices and proposed solutions according to the following criteria:

- Promote a safe and secure place to live and work.

   Ecuador faces significant internal and external security threats stemming from the use of illegal border entry points by insurgents and traffickers of goods and people. This spillover violence has compromised the safety and security of asylum seekers, Ecuadorians, and foreign travelers. These are the human rights most threatened by Ecuador’s current border management. This is a threshold criterion; all recommended policy solutions must satisfy this criterion.

- Recognize and support the freedom of movement for political, social, and economic reasons.

   This criterion recognizes Ecuador’s commitment to promoting open borders to facilitate economic and social well-being. Within this context, a successful border management system provides for quick and efficient processes for the crossing of legitimate people and goods. With an already low ranking of border efficiency, a successful alternative should increase the ease of legitimate bi-national crossings of goods and people.

- Be feasible with given resources, terrain and political will.

   Ecuador is a developing country with finite resources and personnel; the geography of the terrain is a limiting factor to the effectiveness of any border management strategy; and any change to current border management strategies requires the support of the Ecuadorian government. This criterion assesses the practicality of the recommendations, which is necessary when crafting policy within a human rights framework. Policies that promote or protect rights must also be feasible or they are irrelevant and fuel divisions between de jure rights and de facto rights.

POLICY RECOMMENDATIONS

1. Gather detailed information in preparation for increasing the number of official terrestrial border posts along the northern border.

   This recommendation ultimately implies expanding the official number of terrestrial border posts as a way to separate legitimate from illegitimate border crossings. To determine the number and location of border posts, this alternative advocates for an in-depth analysis of border
traffic patterns as well as a cost-benefit analysis. The in-depth analysis of border traffic patterns should identify the frequency and type of crossings at each location. The cost-benefit analysis should develop models to estimate and monetize the benefits for each additional border post.

2. Continue to prioritize and increase coordination with Colombia in regards to border management.

   This recommendation calls for a continuation in the recent trend of increasing formalized coordination between Ecuador and Colombia, including revitalizing and strengthening existing agreements like the Border Integration Zones and the Ecuador Colombia Neighborhood Commission. This recommendation spurs from one aspect of the Integrated Border Management (IBM) system developed by the European Union (for a more complete history on IBM, see Appendix A on page 14) This recommendation emphasizes depoliticizing the agreements and creating mechanisms to protect the agreements in the event of a change in government. It is important to note that Plan Ecuador stipulates that Ecuador will not participate in “combined, coordinated or joint military operations with Colombia” (Donadio and de la Paz Tibilleti 2008, 54). Therefore, coordination efforts should be administrative, training, information sharing, and with civil and development organizations. This recommendation does not call for combined military strategies as that would be a violation of the constitution.

3. Train, and provide ongoing training for, a civil corps of immigration and customs officials responsible for border management.

   This recommendation specifically calls for a demilitarization of Ecuador’s border management system. The International Organization for Migration currently offers guidance, expertise, and training for governments wishing to improve and integrate their border management systems for increased efficiency. Training topics include communication, document fraud recognition, passport examination, counter-trafficking, respecting human rights, interviewing techniques, and intelligence analysis (The IOM and Training for Border and Migration Management Officials 2011). Under this recommendation, the training includes a unit on counterinsurgency and a clear, articulated strategy for gathering and utilizing intelligence on insurgents. Officers would continue to receive in-service training annually.

ANALYSIS

Recommendation 1: Gather detailed information in preparation for increasing the number of official terrestrial border posts along the northern border.

   Safety and Security. Opening additional legal channels and increasing the convenience for travelers will reduce the use of unofficial entry points and ultimately lead to a safer and more secure region. This recommendation meets this criterion in two ways: 1) It is a signal to the international community and may prevent insurgents from crossing the border, and 2) it potentially funnels welcomed traffic to legal posts, leaving border patrol to more easily identify unwelcomed traffic. An in-depth diagnostic of border crossings solidifies Ecuador’s role in monitoring its borders. It signals to the international community Ecuador’s commitment to the
region by increasing its border presence and providing increased oversight to border activities. It emphasizes that reducing illegal crossings is a priority for the administration.

There have been very few studies on the impact of increasing border posts. In 2012, United States Customs and Border Protection analyzed the impact of opening an additional legal entry facility. They stated that, “the site will enhance security in the area by providing a way for legitimate travelers to identify themselves to CBP and comply with U.S. regulations...[and] that the enhanced security focus at the border crossing will discourage illegal activity in the vicinity of the Boquillas border crossing” (“Opening of Boquillas Border Crossing and Update to the Class B Port of Entry Description” 2012).

However, prior Ecuadorian governments reduced the number of official border posts to two as a way to restrict entrances (Walcott 2008). There is also significant concern by civilians and army officers that an increase in military presence, even under the auspices of border posts, may instigate conflict as insurgents feel threatened and perceive Ecuador as an enemy (Jankoski 2012).

**Freedom of Movement.** Theoretically, creating additional border posts could facilitate trade and migration by reducing the burden on current posts. Many states and government officials across the world have suggested opening additional border posts as a way to boost trade in a given region. However, there is little empirical evidence supporting the intuition that more official entrances will protect the right to movement. Movements toward opening more border posts could also serve as a gesture toward increased integration between Ecuador and Colombia.

**Feasibility.** Conducting an in-depth analysis is well within the confines and resources of the Ecuadorian government. This essential first step will delve into a deeper feasibility. Some of the posts would need significant infrastructure to accommodate vehicles and establish legitimate border posts. The U.S. budgeted $3.7 million to construct the Boquillas border post with Mexico and estimated an additional $217,800 in yearly operating and maintenance costs (“Opening...” 2012). It is likely that the Ecuadorian estimates would be much lower.

*Recommendation 2: Continue to prioritize and increase coordination with Colombia in regard to border management.*

**Safety and Security.** While there are no rigorous studies proving causal effects of coordination and bi-national agreements, it is widely accepted that increased coordination enhances a state’s ability to secure its borders. By entering into collaborative agreements, Ecuador will be more effective at managing their border and preventing insurgents from using Ecuador territory to resupply, rest, and train. Ecuador’s coordination with Colombia should include information and data sharing; joint intelligence assessments; joint border management training that includes research, best practices, and law enforcement tools; and standardized requirements and procedures for screening goods and people.5

**Freedom of Movement.** The IOM strongly believes that increased border cooperation facilitates the movement of people and goods. This theory is widely embraced by the international community. Zambia, for example, has explored integration options, citing
increasing trade with neighboring states as a primary motivation (Coordinated Border Management Progresses at Zambian Borders 2012). South Africa, Zimbabwe and Botswana have also considered increasing coordination at the border to facilitate movement (Report of the Workshop on Integrated Border Management 2010). Marenin (2010, 17) asserts that in addition to organizational and operational cooperation, a deeply coordinated border management system requires “the harmonisation [sic] of laws and policies to ensure that controls are executed in a similar manner anywhere along [both sides of] the borders and cooperation in collateral functions which support the effective management of border controls, such as intelligence sharing, basic and advanced training or border police, common visa and asylum policies, and the extraction of lessons learned”. Examples of increased coordination between Ecuador and Colombia that would likely support the freedom of movement would be to establish One Stop Border Post processes, adopt adequate technology, develop Risk Management techniques, and improve communication between internal and external departments (IOM IBM Fact Sheet).

However, some research suggests that working agreements with other countries can actually prevent asylum-seekers and legitimate migrants from leaving countries of origin, which violates the rights of refugees, according to the Constitution (Fischer-Lescano and Löhr). Feller (2006) notes that refugees are often among those targeted as states seek to prevent terrorist attacks. This is a significant concern that must be addressed while moving forward with coordination, particularly because Ecuador receives such a large number of Colombian refugees each year.

**Feasibility.** The current Ecuadorian and Colombian administrations have expressed a desire to increase cooperation and coordination between the two governments, and they have begun to move forward on this front. As previously noted, the governments have already revitalized existing agreements and entered into eight more in December 2012. The current political will between the two countries is the best it has been in more than a decade. This is certainly the most opportune time to deepen the collaboration on border management. This recommendation is also economically feasible. The international community has provided funds for cooperative management strategies in other parts of the world and an integrated border management policy will streamline the migration and customs procedures, which should decrease costs.

*Recommendation 3: Train, and provide ongoing training for, a civil corps of immigration and customs officials responsible for border management.*

**Safety and Security.** Demilitarizing border management is largely viewed as a way to solidify democracy and reduce the likelihood of a military coup. While Ecuador is not at risk for a military coup, this reorganization asserts the strength of the state and the legitimacy of the administration. Pion-Berlin and Trinkunas (2005, 9) note that while militaries generally perform internal operations to compensate for a weak state, “in the long term, democracies are almost always better off if they can build civil agencies to address social crises. In the short term, cash-strapped governments often lack the resources to invest in these agencies.” Non-military controlled border management systems typically have a stronger human rights record, when compared to border militarization. Civil agencies are more likely to consider national laws and the incorporation of the national judicial system. Dunn (2001, 8) notes that “police authorities
must be nominally concerned with civil rights and due process, while military troops are not. Instead, they are oriented toward the ‘neutralization’ or elimination of hostile threats or enemies.”

Furthermore, a non-military agency responsible for border management would reduce the likelihood of conflict between Ecuador and the insurgents. Army officers and local residents express concern that military presence increases the likelihood of combat (Jankoski 2012). By transferring border management responsibilities to a civil corps, the Ecuadorian government is clearly signifying that they are not at war with unofficial border crossers; this makes it unlikely that the insurgents will begin coordinating attacks against Ecuadorian authorities.

**Freedom of Movement.** Ecuador recognizes migration as a largely positive process; a civil agency will reinforce the idea that migration management is also about human development, not just security. When migration is seen primarily as a security threat, human rights violations become justified. Moving border management to under civil authority effectively places it in a broader context than just security, which more accurately reflects Ecuador’s attitude toward borders and migration.

**Feasibility.** In a 2007 report by the United States Government Accountability Office, border patrol training costs just over $14,000 per trainee; this is likely an overestimate of the costs to Ecuador. The study found this number to be comparable to police training. According to the World Bank, Ecuador spends about 3.8% of their Gross Domestic Product on the military; about half of which is just for the Army. While training will have high costs, some of that can be offset by reductions in military spending.

However, this is potentially difficult politically. Jaskoski (2012, 129) suggests that there are two primary motivations for military decisions: 1) officers want to maintain their status as “professional war fighters;” and 2) military officers are bureaucrats and are “motivated by an interest in securing a large defense budget.” Both of these motivations would lead military officials to pushback against any decisions that would reduce their role on the northern border and reduce their overall budget. However, there is strong support in the current administration and from the IOM to develop a civil corps of border management officials.

**CONCLUSION**

As Ecuador strives to align its rights-centered constitution with practices to reduce threats to security and domestic sovereignty, I recommend that the Ecuadorian government move forward with all three policy recommendations. While each recommendation could stand alone, they will, in effect, be stronger if enacted jointly. One concern with increasing border posts was that an increase in military could instigate violence with insurgents and compromise the safety of local residents. However, that risk is mitigated if the additional border posts are staffed by a civil corps. Additionally, the border posts and the civil corps will be more effective in protecting the rights, safety, and security of inhabitants and facilitating legitimate movement if they are accompanied by increased cooperation with Colombia.
However, these recommendations are compromised because Ecuador continues to deal with challenges of corruption. According to Transparency International, there is a high perception of corruption in Ecuador, which ranked 118th out of 176 countries. With a score of 32 on the Corruption Perceptions Index, Ecuador has some of the highest corruption in the region, only doing better than Nicaragua, Honduras, and Haiti. Regardless of the proven efficacy of the policy recommendations, high rates of corruption could compromise the ability of any border management system to protect the rights of Ecuadorians, refugees, and other foreigners within the territory.

Ecuador’s challenges in managing a porous border are central to Ecuador’s internal and external legitimacy. It is ultimately in the interest of Ecuadorian sovereign power to take significant steps to expand its capacity to regulate the flow of people and goods across its northern border, while working closely with the Colombian government but without provoking Colombian insurgents.

Endnotes

1 Krasner (2004) emphasizes that many countries lack domestic sovereignty and that it is perhaps more of an ideal than a standard component of sovereignty.


3 Citation NEEDED

4 Other alternative recommendations were considered. Suggested alternatives came from informal conversations with IOM staff and Duke faculty as well as common practices identified in the literature.

APPENDIX A: History of Integrated Border Management

Integrated Border Management was the term used by the IOM during initial conversations regarding this project. To fully understand the policy question I first explore the origin, mutation, and expansion of the term and then examine it through a human rights perspective.

Definition and History

Sprung from a desire to assist trade, various institutions began to develop concepts of coordinated border management systems in the mid-1990s. By 2001, the European Union had coined the term Integrated Border Management (IBM) at the Laeken European Council, at which point it quickly became a catch-phrase for border management reforms that promoted cooperation among agencies to improve efficiency and efficacy, balancing border security and trade facilitation (Hobbing 2005). The term garnered political power in the Hague Programme in 2004, when it became a rallying point for FRONTEX, the European Agency for the Management of Operational Cooperation at the External Borders. The European Commission (EC) Guidelines for Integrated Border Management for the Western Balkans define IBM as “national and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management in order to reach the objective of open, but well controlled and secure borders” (Polner 2011, 52). In 2007, that definition was revised to omit “national and international” and change “coordinated border management” to “integrated border management systems” (Guidelines 2007, 13). The International Organization for Migration interpret this ideal cooperation to be intra-service, inter-agency, and international (IOM IBM Factsheet).

Recognizing political resistance against integration, often interpreted as conceding power or sovereignty, various international players have embraced other terms for a similar concept. While the different phrases all refer to systems that improve communication and cooperation between all agencies involved in border management (i.e. border guards, customs, police, national security, etc.), they diverge in the depth of those relationships between agencies. The World Customs Organization prefers Coordinated Border Management “as it gives prominence to the principle of coordination of policies, programs and delivery outcomes whilst avoiding any perception of favouring [sic] a single solution” (Aniszewski 2009, 6). The World Bank chooses Collaborative Border Management “to denote more than mere coordination, while avoiding the more threatening connotations of organizational integration” (World Bank 2011, 14). And the Organization for Security and Cooperation in Europe uses Comprehensive Border Management because, like the World Bank, the OSCE “does not embrace the totalities of either Integrated Border Management or Coordinated Border Management” (OSCE 2012, 33).

Marenin (2010) asserts that in addition to organizational and operational cooperation, IBM requires “the harmonisation [sic] of laws and policies to ensure that controls are executed in a similar manner anywhere along the borders and cooperation in collateral functions which support the effective management of border controls, such as intelligence sharing, basic and advanced training or border police, common visa and asylum policies, and the extraction of lessons learned” (17).
The EU Schengen Catalogue: External borders control, published by the CEU in 2003 and revised in 2009, describes the four-tiers of IBM as conducting measures in third countries; cooperating with security actors in other states; border control; and control within the territory, including return (EC 2009, 7). These are recommended guidelines, not hard and fast rules; many current IBM systems do not fulfill all four goals. In this document, the EU highlights the importance of IBM for state security regarding the migration of people. It is important to note that in this 70 page document outlining Integrated Border Management and recommendations for its use within the European Union, the phrase “Human Right” appears seven times, in reference to: detention and return of undocumented migrants and treatment of asylum-seekers. The 29th of 34 recommendation states that “removal operations should be carried out with due regard for human rights and human dignity” (EC 2009, 60).

Locations and Priorities

Currently, countries all over the world use IBM as a model for border reform; aspects of the IBM framework are being implemented in Azerbaijan, Iraq, Kyrgyzstan, Serbia, Turkey, Mexico, Pakistan, and Zambia, and countless others throughout the world. Typically, countries adopt the IBM framework due to either donor pressure or political pressure, and sometimes both. I use “donor pressure” to encompass any donor-driven reform that is at least partially funded and initiated by a non-governmental party who has limited explicit power to force adoption. Common organizations include the IOM, the UNDP, or other government aid programs. “Political pressure” refers to models that are adopted as a requirement for joining or maintaining membership in a supranational organization, like the EU or CAN. Serbia, Kyrgyzstan, Turkey and the Western Balkans are examples of states who have adopted the system to align, at least in part, with the standards and protocols of the EU. Several of these countries are also receiving funds from the EU and/or other international organizations to assist in the adoption.

Azerbaijan and Iraq are two examples of projects that were donor-driven by the IOM and are outside of the EU context. In Azerbaijan, the goals of facilitating trade while maintaining a secure border remain a fundamental aspect of their interpretation of IBM. They seek to do this through trainings and workshops for Inter-Agency Working Groups, providing pathways for knowledge transfers, and obtaining equipment and IT systems. The project was implemented and funded by the UNDP, in collaboration with the government of Azerbaijan and the EU (UNDP Project Document). The project concluded in 2009. There appear to be no comprehensive reviews or evaluations of the project. In Iraq, the IOM concluded a project in 2010 aimed to build capacity in IBM at the southern borders of Iraq. This project focused on establishing One Stop Border Post processes, providing adequate technology, learning Risk Management techniques, and improving communication between departments (IOM IBM Fact Sheet). Like Azerbaijan, there are no comprehensive reviews or evaluations of this project.
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World Development Indicators(WDI) and Global Development Finance(GDF). (2012). [Ecuador].