

THE  
CARTER CENTER



---

Andean – U.S. Dialogue Forum

Country Visit

Ecuador

July 19 – 21, 2010

---



## Documents and Articles

- I. Bilateral Relations (General)
  - a. Feinberg, Richard. "Hillary Clinton's Quito Address: Now Comes the Hard Part." Council of the Americas. 10 June 2010.  
<http://www.as-coa.org/article.php?id=2447>
  - b. U.S. Secretary of State Hillary Rodham Clinton Policy Address on Opportunity in the Americas in Quito, Ecuador. 8 June 2010.  
[http://ecuador.usembassy.gov/embassynews/pr\\_06090110.html](http://ecuador.usembassy.gov/embassynews/pr_06090110.html)
  - c. Shifter, Michael and Adam Siegel. "Colombia and Ecuador in 2009: The Rocky Road to Restoring Relations." Inter-American Dialogue. 23 March 2010.  
<http://www.thedialogue.org/page.cfm?pageID=32&pubID=2321>
  - d. "After Manta, relations with US are on the mend." Latin American Newsletters. Latin America Weekly Report, page 6. 11 March 2010.
  - e. Britto, Lina. "Colombia and Ecuador: A Clash of Two Plans." *NACLA Report on the Americas* 42:4, pages 35-39. Jul/Aug 2009. PRISMA [database online], accessed 6 April 2010.
- II. Democracy
  - a. "Country Report: Ecuador (2009)." Freedom House. 2009.  
<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7600>
  - b. Bonilla, Adrián and César Montúfar. "Two Perspectives on Ecuador: Rafael Correa's Political Project." Inter-American Dialogue. 29 August 2008.  
<http://www.thedialogue.org/page.cfm?pageID=32&pubID=1575>
  - c. Dudenhofer, David. "For Ecuador's indigenous nations: A new constitution and familiar problems." *Indian Country Today*, Vol. 12, Issue 12; pages 1-2. 26 August 2009.
- III. Drugs and Security
  - a. Excerpt from "International Narcotics Control Strategy Report, Volume 1." U.S. Department of State. 2010. <http://www.state.gov/documents/organization/137411.pdf>
  - b. Youngers, Coletta. "Ecuador's New Drug Law." Washington Office on Latin America. 6 January 2010. <http://www.wola.org/media/Ecuador/Op-ed%20Coletta%20Youngers%20Ecuador%20English%20FINAL.pdf>
- IV. Media
  - a. "Attacks on the Press 2009: Ecuador." Committee to Protect Journalists. 16 February 2010. <http://cpj.org/2010/02/attacks-on-the-press-2009-ecuador.php>
  - b. "Ecuador Country Report." Inter American Press Association. 2010.  
[http://www.sipiapa.com/v4/index.php?page=det\\_informe&asamblea=25&infoid=399&idioma=us](http://www.sipiapa.com/v4/index.php?page=det_informe&asamblea=25&infoid=399&idioma=us)
- V. Human Rights
  - a. "2009 Human Rights Report: Ecuador." U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 11 March 2010.  
<http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136111.htm>
- VI. Immigration
  - a. Jokisch, Brad. "Country Profile - Ecuador: Diversity in Migration." Migration Policy Institute. February 2007.  
<http://www.migrationinformation.org/USfocus/display.cfm?ID=575>

VII. Environment and Energy Issues

- a. Dosh, Paul. "Correa vs. Social Movements: Showdown in Ecuador." *NACLA Report on the Americas* 42:5 (Sep/Oct 2009), pages 21-24. PRISMA [database online], accessed 2 April 2010.

[http://gateway.proquest.com.proxy.library.vanderbilt.edu/openurl?url\\_ver=Z39.88-2004&res\\_dat=xri:prisma&rft\\_val\\_fmt=info:ofi/fmt:kev:mtx:article&rft\\_dat=xri:prisma:fulltext:1880621491](http://gateway.proquest.com.proxy.library.vanderbilt.edu/openurl?url_ver=Z39.88-2004&res_dat=xri:prisma&rft_val_fmt=info:ofi/fmt:kev:mtx:article&rft_dat=xri:prisma:fulltext:1880621491)

## **“Hillary Clinton’s Quito Address: Now Comes the Hard Part”**

By Richard Feinberg

The Council of the Americas

10 June 2010

Hillary Clinton responded to the drumbeat of demands for a major administration policy speech on Latin America this week during her stopover in Quito, Ecuador. The U.S. secretary of state was working her way back home—due to also visit Colombia and Barbados—after attending the annual Organization of American States (OAS) General Assembly in Lima, Peru. Her speech—strategic, specific and at times personal and emotional—did not disappoint.

Clinton mapped out a vision of inter-American relations well grounded in the conceptual convergence between the social democrats that occupy the broad center of Latin American opinion and the worldview of mainstream U.S. Democrats like Clinton herself. The secretary is most effective and genuine when she projects her personal policy preferences—acted upon over a lifetime—toward a hemisphere that is well poised to warmly receive them.

Clinton made triple use of the “opportunity” concept: opportunity for Latin America to build on its progress toward democratic governance and macroeconomic stability and address its deep social deficits; opportunity for the region to knock down barriers blocking social mobility, especially for women; and opportunity for the United States and Latin America to cooperate in tackling common problems.

Compared to the anxieties and manias gripping the United States and Europe, Latin America is suddenly looking pretty sane and smart. And Clinton didn’t hesitate to praise the region for its superior economic performance. She also recognized an impressive list of specific Latin American social innovations that have attracted few headlines but are making a measurable difference in people’s lives. The earlier generation of Latin American macroeconomists—whose much-maligned Washington Consensus reforms laid the foundations for today’s success stories—is now being supplemented with sharp, young technocrats making use of fiscal fine-tuning and micro-incentives to channel resources toward the underprivileged, encouraging the poor to do the right thing: keep their kids in school, access basic health care and become risk-taking micro-entrepreneurs.

Unusual for a U.S. official, Clinton took aim at the Latin American private sector, infamous for its resistance to social change. She had kind words for firms practicing social responsibility, but she blasted the wealthy for failing to pay their share of taxes, for taking a “short-sighted, winner-takes-all approach.” It will be interesting to watch whether she instructs U.S. embassies to advise investors to alter their attitudes and act on her “win-win” vision.

Building on the social inclusion theme, Clinton sought to articulate a broad strategic vision for hemispheric relations in the twenty-first century. In a region largely devoid of traditional security threats, inter-American relations must be based primarily not on fear of a dangerous “other” but rather on some common values and goals. Clinton found these commonalities in social and economic development. Only with widespread economic prosperity is democracy secure. And only with sustainable economic growth and rising labor productivity can the Western Hemisphere find its collective future in the competitive global economy.

The speech was strategic in another sense: by laying out a positive social democratic path toward prosperity, the Obama administration is implicitly responding to the challenge of authoritarian populism and its putative chieftain, Venezuelan president Hugo Chávez. Not to be lightly dismissed,

Chávez advances an ideology deeply rooted in Latin America that today poses the main alternative to the Obama-Clinton opportunity vision. By articulating a progressive social agenda, Clinton not only resonates with reigning social democrats in like-minded countries such as Peru, Uruguay and Costa Rica, but she also seeks to draw in populist-leaning, opportunistic leaders, such as Ecuadorian President Rafael Correa, who flirt with Chávez.

But will Clinton's "opportunity" agenda take hold? Since the Spring 2009 Summit of the Americas in Trinidad and Tobago, Washington has initiated several inter-American forums on energy, social innovations and women's networks, and has pegged a social inclusion theme onto the Bush administration's Pathways to Prosperity. The Obama-Clinton institutional strategy—label it flexible functionalism or pragmatic multilateralism—calls for the participation of civil society networks and interested governments (Brazil is welcome if it wishes, Venezuela less so).

Can the administration empower these forums to go beyond small-scale demonstration projects? Can the United States engage the World Bank and Inter-American Development Bank, with their many billions of dollars, to fully back its "opportunity" agenda? Can the administration pull in U.S. and Latin American businesses to engineer the public-private partnerships that will give depth to its vision? Will the administration establish the internal coordinating mechanisms required to accumulate resources and maintain bureaucratic focus?

Most importantly, now that the United States has embraced the development-with-equity agenda that mainstream Latin America has advocated for so long, do the region's leaders possess the historic courage and political imagination to seize the moment and partner in the three-tier opportunity strategy?

## **Secretary of State Hillary Rodham Clinton Policy Address on Opportunity In The Americas**

El Centro Cultural Metropolitano

Quito, Ecuador

June 8, 2010

SECRETARY CLINTON: Thank you very much, Mayor. Thank you for that introduction and for the great honor that this venerable city has given me today. It is such a personal pleasure for me to be here with all of you in a city that has been named by UNESCO as one of the cultural wonders of our world, and in such a beautiful country. President Correa told me four or five times that this is the most diverse small country in the world. And I am looking forward to returning in the future to see more of it for myself.

I am very grateful to the mayor and to all of you for joining me here today to discuss our vision of a shared partnership among our countries and the peoples of the Americas. Last April at the Summit of the Americas, President Obama pledged that the United States seeks an equal partnership with engagement based on mutual respect and common interests and shared values. Since then, we have been working to foster a truer community of the Americas, a community that truly does recognize that whether one lives in Quito or Los Angeles, in Ottawa or Buenos Aires, in many ways, we seek the same future for ourselves and our children.

Now, we have had – the United States and Latin America – at times a contentious history. I would never deny that. There have been real and perceived problems that have sometimes interfered with our working together. But I am here with a very clear message: That the United States, the Obama Administration, President Obama and I personally are committed to a community focused on improving the material conditions of people's lives, a community that recognizes and lifts up the diversity that we enjoy here in the Americas and translates it into a force for progress, because our hemisphere's potential is vast.

We've seen democratic governance become the norm and citizens have shown their commitment to democracy even when the process of building it has gone too slowly. Peoples and societies have embraced the values of tolerance and openness. The region's economies have stabilized and grown, and poverty has fallen.

If I told you 10 years ago that the leaders in the United States and Europe would be taking some well-deserved advice on economic management from some of our Latin American counterparts, many people would not have believed me. But today, many of this region's governments have navigated steadily and responsibly through the global economic crisis and are on their way to recovery.

So this is more than, at any time, a moment of opportunity for the Americas. But it is up to us to decide whether this moment will be seized or allowed to disappear. We have this moment of opportunity to consolidate democracy and economic growth, to play a role in solving regional and even global problems together, to deepen our progress and enhance our values, and to recognize we are interdependent and to use that interdependence to improve the future for our peoples. We want to elevate what is best about our shared past and rise above the acrimony that too often has interfered, even prevented us from moving forward.

So the promise is clear, but it is far from fulfilled. So although this may be a moment of opportunity, it is also one of paradox. Economies are growing, but still prosperity reaches too few. Trade is flourishing, but still extreme inequality persists. War, thankfully, is rare but some neighborhoods are as dangerous as a combat zone. Democracy is taking hold, but still delivers too little for too many.

Yesterday at the OAS General Assembly in Lima, I had the chance to discuss one of the four pillars of our vision for the Americas – effective and accountable institutions of democratic governance. In two days, in Barbados with our Caribbean neighbors, I will discuss another of the pillars – physical security for our citizens. And two months ago at a meeting of the Energy and Climate Partnership of the Americas in Washington, I discussed how we can cooperate to move toward that future of clean, renewable energy, be better stewards of the earth as we continue to extract the fossil fuels that we still need, and tackle the climate change and environmental threats we face.

Today, I want to speak about the fourth pillar of our vision, and that is, as Simon Bolivar said, the fundamental basis of our political system hinges directly and exclusively upon the establishment and practice of equality. We are celebrating this year the bicentennial of the hemisphere’s independence movements. That message has deep resonance because the independence may be 200 years old, but deep social and economic inequality is still too pervasive.

When I think about what I hope for my own daughter, it is what I hope for every child – the opportunity to fulfill his or her God-given potential. And that can only come when societies support the efforts of families and faith communities to create a structure of opportunity. That structure of opportunity must be at the core of a common vision that we work to achieve together, because we all share responsibility for advancing this vision. It is not only a moral imperative; it is also a strategic one. We cannot become productive and competitive economies without harnessing the potential of all of our people. We cannot eradicate violence if we do not build strong, inclusive communities. We cannot strengthen and sustain democracy when too many people face limited opportunities for themselves and their children.

In short, the Americas today have a historic, unprecedented chance to consolidate progress as never before. But we have to make it a shared commitment – not just a speech or not just a plank in a campaign platform, but a day by day work that involves not just governments, but the private sector, the not-for-profit sector, the university and academic community, the faith communities of our societies.

President Obama and I share a strategic vision for our engagement in the hemisphere. We are working to build a network of partnerships for expanding opportunity and increasing social mobility. Now, we could endlessly debate the root causes of the lack of equality, but the way forward lies not in re-litigating the past, but in recognizing what works today to ameliorate inequality, to provide a model of what we can do that will give people not just hope, but the reality of a better life.

We’ve learned what works. Sound economic management is such an important part of this. The positive impact of macroeconomic and monetary stability is clear. Expanding the pie, not just cutting it up into smaller slices, should be our goal. If hyperinflation wipes out salaries or social safety nets, our efforts are wasted. In studying what Brazil did to tame hyperinflation in their own country, I remember reading what one Brazilian leader said, which was so true: “Inflation is a tax on the poor, who always end up suffering the most.” That’s why sound economic management has to provide a starting point.

There are also important models about how to attack the lack of opportunity directly. Conditional cash transfer programs in countries around the hemisphere have used welfare payments to advance health, education, and other development goals. Mexico and Brazil have both brought about significant reductions in poverty while raising school enrollment and improving health practices. Colombia has raised immunization rates and even increased the size of the average one-year-old in beneficiary households. And these programs are now being adapted for use in other countries,

including my own, which has learned from the Brazilian, the Mexican, the Chilean, the Colombian experiences.

Governments have also begun to improve their tax and budget practices. In Chile, money from the country's copper fund has helped to pay for scholarships for children from the lower and middle classes. Peru has increased tax revenues to spend more on social programs and public goods like roads and schools. Brazil has one of the highest tax-to-GDP ratios in the world today, but the results speak for themselves. Brazil is an economy and a country on the move.

Progress depends on actions beyond government, of course. Microfinance organizations have helped expand access to credit for small businesses and aspiring entrepreneurs, particularly women and those without formal assets to use as collateral for credit. Here in Ecuador, the NGO Partners of the Americas is sending student leaders from low-income families on exchange visits to the United States to explore how to build social projects in their own communities.

And among private companies, corporate social responsibility is taking hold, in many cases thanks to innovative partnerships between the public and the private sectors. Costa Rica has promoted responsibility with its Certificate for Sustainable Tourism, which rewards companies that promote the country of Costa Rica in a way that is good for the environment. And these businesses proudly display these certificates to attract socially conscious consumers and tourists. Uruguay has just created a National Corporate Social Responsibility Council that will coordinate policies and best practices. In Brazil, there's a partnership between the United States and over 100 U.S. companies that operate in Brazil, to promote and advance worthy projects as part of corporate social responsibility.

These public and private efforts deserve credit for some gains against poverty that we have seen in recent years. But we all know that fundamental obstacles to opportunity and inclusion remain everywhere. And the first step in being able to address those obstacles begins with truly empowering people to take responsibility for their own lives and to be given the tools to do so. Uruguay's newly inaugurated President Mujica put it well in his recent inaugural address. "Allow me to emphasize," he said, "education, education, education. And again, education."

Now, economists would second that. Giving every child access to high-quality education that prepares him or her to chart a life filled with productivity and success must be the foundation of our efforts to narrow the prosperity gap. For ultimately, education, education, education is all about jobs, jobs, and jobs. Today more than ever, access to employment that can support a family in today's globalized economy depends on access to schooling. Too many children are denied are still denied access to even primary education. Now maybe on paper, they haven't. But in reality, the schools are substandard, the teachers are too few, the equipment and the materials are lacking. According to the World Bank, at the current rate, it will take an entire generation – a quarter century – to achieve universal basic education. That puts our region at a competitive disadvantage globally. Asia, the big engines of economic growth like China, like Vietnam, have made education a very high priority. We need to do the same.

Second, we also know that despite progress in some places, tax and budget systems are ineffective and inefficient in much of the hemisphere. This is partly due to how taxes are structured, with the burden falling too heavily on the lower classes and often hurting productivity. But in many places, including often in my own country, the simple fact is that the wealthy do not pay their fair share. We cannot mince words about this. Levels of tax evasion are unacceptably high, as much or more than 50 percent in some of this region's economies when it comes to personal income tax.

Now, why does it matter? We have a long tradition in the United States of trying to make sure that you don't have to pay one more penny in taxes than necessary. But it matters because without a sufficient tax base, there are simply not enough revenues for the public sector to offer the services and

the infrastructure needed to support social mobility and competitive economies – roads, power plants, airports, health systems, schools. Those economies that are investing today in those services and that infrastructure are preparing themselves for the future. And the real irony of this is that those kinds of investments traditionally help make the rich richer but at the same time build a middle class and lift more people out of poverty.

Acknowledging this is not class warfare. It is not even us-versus-them rhetoric. It is a matter of recognizing that this cannot be a zero-sum-game. We cannot have a winner-takes-all approach to our economic future that is shortsighted and obsolete. More inclusive growth will make our entire economies stronger and more competitive over the long run, which will benefit us all. We simply cannot support policies that reduce poverty and spread prosperity if the wealthiest among us are not doing our part. The same is true if governments allow corruption to flourish and do not work to guarantee the effectiveness of institutions, or if leaders treat the state as a private resource to benefit themselves and their supporters.

The third key is empowering women and girls. It is both the right and the smart thing to do. We have reams of evidence from many research projects around the world. And Jose Marti recognized this ahead of his time. He said, “The struggles waged by nations are weak when they lack support in the hearts of their women.” Well, unfortunately, in too many places in our hemisphere, women are denied their rights and opportunities. Now, they may have them on the law books. They may be legally entitled, but they are not actually being able to access them. A growing proportion of the poor is made up of women and their children. And as long half the population is left behind, our hemisphere will be left behind too.

One of the best investments a government, a business, or a not-for-profit can make is in giving women access to credit. I have seen it in Nicaragua, I have seen it in Chile, I have seen it all over the world. Because when a woman is given the chance to make a little more money – maybe she’s given access to livestock that not only will help to feed her children but then she can take the excess to market, or she’s enabled to buy a sewing machine so she can take her talents as a seamstress into the marketplace. When women are given that opportunity, they reinvest in their families. All of the sudden, the children don’t have to go out to work and drop out of school. All of the sudden, they can invest and build a better home for their family. It is a story that is being told over and over again. And it’s a story that we need to amplify here in this region.

Fourth, we need to ensure that more workers and businesses have access to jobs in the formal economy, reversing a steady increase in informality. In some places, it’s more than 50 percent. Now, informality means that workers remain isolated from credit and services. They often don’t pay taxes, and on average, they earn less. Businesses remain outside of regulatory structures and the tax system. The burden for correcting this falls on both the public and the private sectors. The private sector cannot continue to keep employees outside the formal workforce. But governments must also make it easier for individuals to start and grow businesses. The red tape needs to be cut. The bureaucracy needs to be decreased. We cannot be stifling independent entrepreneurial energy by outdated bureaucratic controls.

Many of you have traveled throughout this region and elsewhere in the world. And it is amazing how hard people work. But often times, that work keeps them not in the economy but actually on the outside of the economy. And the society as a whole loses the benefits of that productivity. Fifth, the private sector has to help us do more to overcome our hemisphere’s legacy of conflict and mistrust. Corporate social responsibility can refer to many things – sound labor practices, environmental stewardship, community engagement. But at bottom, it is about the private sector accepting responsibility to help grow the pot for everyone – more mutual responsibility that will in the

long run benefit sustainable enterprises. Because when we see what can be done for the entire economy, it really depends on a partnership. If you pit the government against the private sector, that's a lose-lose proposition.

My father was a small businessman, extremely independent, and very conservative. But he also understood that his business benefited from the roads he traveled on, from the utilities he had access to, from the labor that was educated. And we have to take a look at what we're doing now that undermines the win-win approach to growing our economic opportunities.

We also need to be sure that we protect basic rights of workers. Development, democracy, and human rights are inextricably linked. This hemisphere has made more than any other part of the world but for Europe and the United States and Canada, a historic bet on democracy. No other region facing the kind of social agenda we face has so completely committed itself to democracy. But democracy without results becomes self-defeating. We have to demonstrate that democratic governance delivers for people. The economies that are leading us into that future have to demonstrate that growth and reducing inequality are mutually reinforcing.

Now, there are no magic solutions. There are no silver bullets or this would be very easy for all of us to do. But in fact, we can build the foundation of that sustainable opportunity structure, step by step. And we can make this journey together. As President Correa said recently in a speech he delivered at his alma mater, the University of Illinois, "In order to resolve our problems, we have to accept that the principal, although not the only, responsibility lies with ourselves." I appreciated President Correa's analysis of what he learned while in our country, how so often in the United States Americans are willing to accept responsibility because we are such a future-oriented society. And individuals often blame themselves for circumstances beyond their control as they try to figure out what to do to improve their lives. And President Correa said, "You know, we need in Latin America the same attitude. We are not victims; we are survivors. We are people who have within us the potential to chart our own destiny."

Governments need to put opportunity at the top of the agenda. And the United States will do its part. Traditional aid and assistance programs remains one part of our approach. We will continue to deliver almost \$2 billion in assistance to some of the most impoverished places in our hemisphere. We will continue our focus through the Millennium Challenge compacts with developing countries. But we will also work to enhance trade. Trade between the United States and our partners reached more than \$600 billion a year. And we have to continue to reduce barriers to commerce. Annual U.S. investment has reached \$60 billion a year. And our contributions to multilateral institutions like the World Bank and the Inter-American Development Bank also invest billions more in the region. And workers in the United States send more than \$50 billion a year back to the region in the form of remittances.

So how can we build on those facts? Well, we're looking at ways that we can use the leverage from remittances to help countries like Ecuador improve infrastructure and services. Now, on an individual level, remittances are sons and daughters that help mothers and fathers, the parents who sacrifice for their children. But taken together, that is a huge resource for a country. And so we're looking at how we can develop new ways to enhance that money coming back, to give small businesses and communities a chance to prosper. We're building new ways to leverage remittances to expand credit for development and infrastructure projects without taking anything from the hard-earned dollars being sent back to the families.

We want to promote financial inclusion, and that's why we're using microfinance. We've seen microfinance not go just only to an individual but to provide innovative banking services in poor

neighborhoods in Peru and providing health insurance and housing loans in Central America. Last year, President Obama announced a new Microfinance Growth Fund, which has committed more than \$100 million to provide credit to individuals and small businesses, especially women. And the U.S. Government has worked closely with multilateral institutions to expand financing for the small and medium-sized enterprises. But we also call upon the existing financial institutions – the banks, the credit unions – to do more to be creative about expanding credit to small and medium-sized businesses.

We're also working on reforms with the OAS to update what is called the "secured transactions law." Now put simply, that is to allow small businesses and entrepreneurs to use assets like refrigerators or sewing machines as collateral for loans. Many of these businesses could grow and employ more people, but they don't own the property that they work in or the home that they live in. But they have a refrigerator or a sewing machine, and we want to change the laws so that that can serve as collateral.

Credit bureaus can become more efficient and accessible, and we're partnering with the private sector to refine regulations for mobile banking, which allows people even in the most remote areas to join the formal economic system.

Our initiative called Pathways to Prosperity has already been working to help people in historically marginalized, indigenous, and Afro-Caribbean communities. And we're sharing information so that we can learn from each other. The Inter-American Social Protection Network that we launched last year is convening leaders to learn about innovative social protection programs. And we are starting in the United States something called the E-Mentor Corps so that small businesses who want advice can go online and get it from comparable businesses in the United States.

We have devoted more funding to education and investment that President Obama believes is an investment in our own future. We're increasing support for what we call the U.S. Bi-National Centers, which give children and adults the resources to study English. And we're launching a program that gives scientists around the hemisphere the opportunity to work in U.S. labs. And we're developing new science centers to help spur science education and provide a venue for interaction among innovators.

I happen to believe that talent is universal, but opportunity is not. There are many people in this country, like any country, who are innovative, entrepreneurial. They're solving problems every single day. And we want to give them more support to think even bigger. We're devoting \$25 million to gender-related programs to help enhance opportunity for women. And we're initiating a high-level policy dialogue among the hemisphere's governments on how to reach full economic participation of women. I can think of no better way to mark the Inter-American Year of Women. Now, all of these are part of the shared responsibility that we feel is at the root of our new partnership. This is not about patronage; this is about partnership.

Next year, we will celebrate the 50th anniversary of the Alliance for Progress. And in the past five decades, we have advanced together in some ways that I think even President Kennedy would have been surprised by – the spread of democracy, the growth of institutions like the OAS and the Inter-American Development Bank, the increase in trade, commerce and remittances, in cultural ties and family relationships. So we have a lot to show for the last 50 years, but that should be a spur to do even more, not an excuse for resting on our laurels.

We have seen just this past year in Haiti how strong we are when we come together. Every single country in this hemisphere contributed something to the relief effort after the devastation in Haiti. When I visited after the earthquake, I watched as people from all over our hemisphere – indeed, all

over the world, not just governments, but church groups and NGOs and so many others – came to give help to people in need. There was no talk of ideology or division. There was no arguments about the history or on the past. There was just pragmatism and unity around a shared purpose.

A crisis like Haiti instills an urgency in all of us that perhaps makes it easier for us to overcome the legacy of the past. But we need that same urgency to plan for and seize the future. So let us use this moment to meet the promise that is palpable around us. Let us work to tear down barriers to opportunity, to create more inclusion, more justice, more democracy that really delivers results for people who historically have been left on the margins of society. And this concept of shared responsibility means that the United States will do our part.

I'm well aware of the fact that President Obama and I come with this offer of partnership against a backdrop that goes way into the past, decade after decade after decade. I cannot change that and neither can President Obama. Sometimes, we in America are accused of not paying enough attention to our history. But the obverse can also be true. Sometimes people are captives of their history.

So let us resolve to meet in the present, to think about what we can do to understand one another better, to be more transparent to one another, to have candid, open exchanges of different points of view. As President Correa said in the press event we just did, he believes that if President Obama or I had inherited the issues that he did as president, we would be doing what he did. We can't answer that question, but what we can say is let us work together, let us resolve that we can make that better future a reality. And let us look at every child whom we know and especially whom we love and think about what the world will be, because in this interconnected world, every child is going to have to play his or her part in ensuring that humanity continues to progress. Otherwise, we don't know what the future holds.

So this is indeed a moment of opportunity and a moment of paradox. I'm betting that we choose the route of opportunity. And the United States stands ready to work with you and to take those steps down that path toward the kind of future that would do justice and be worthy of our children. Thank you all very much.

### **“Colombia and Ecuador in 2009: The Rocky Road to Restoring Relations”**

By Michael Shifter and Adam Siegel

Inter-American Dialogue

23 March 2010

The isolated and sparsely populated border region between Colombia and Ecuador has long been notable for its underdevelopment, poverty, high degree of lawlessness, and little access to important government services. Yet on March 1, 2008, all of South America (and indeed, much of the world) turned its attention to this relatively obscure region as it became the staging ground for a deadly Colombian military raid that crossed borders and ignited an extraordinary diplomatic crisis. The tense dispute led to a severing of diplomatic relations between Colombia and Ecuador, putting an abrupt halt

to a relationship that had intermittently grown strained as a result of persistent disagreements on fundamental policies.

This article explores the stormy state of Colombia-Ecuador relations in the past year, but suggests that the many problems between the two countries are longstanding and stem from diverging interests that began years before the March 2008 crisis. The standoff derives from many causes, including the negative and unintended consequences of Plan Colombia; the role of Colombia's armed insurgents in Ecuador; and the divergent national interests being pursued by each country's leaders, all of which have made a productive relationship difficult throughout the past decade. As of this writing in late October, Colombia and Ecuador appear to be moving slowly towards a rapprochement, jointly engaging tentative steps that will likely evolve into a significant diplomatic process. Understanding how ties between these neighboring countries deteriorated will be crucial for pursuing a peaceful and more stable relationship in the coming years.

The Colombia-Ecuador relationship, after all, has been marked by rapidly changing ups and downs, influenced by a degree of mutual dependence and shared culture but ultimately driven by each country's sovereignty, security, and national interest. The key clashes of the past decade have been centered on these three themes—Colombia, determined to protect its citizens and prepared to apply military force to do so, and Ecuador, equally determined to prevent Colombia's internal disputes from spilling over their shared border and putting its security at risk. A major reevaluation of this interaction—properly focused on mutual respect and an appropriate balance between security and sovereignty—is crucial as both countries inch towards improving upon their rocky relations of the past years.

#### An International Controversy: Colombia Raids Ecuador

Colombians live in the midst of a four-decade long war that mainly involves the country's chief guerilla organization Fuerzas Armadas Revolucionarias de Colombia (FARC), Colombian security forces, and right-wing paramilitary groups. This armed internal conflict has substantially shaped both Colombian priorities and the country's interactions with its neighbors, particularly Venezuela to the east and Ecuador to the south. These relationships were significantly altered, however, just after midnight on March 1, 2008, when the Colombian military raided a FARC camp two miles into Ecuadoran territory, in the densely forested region of Sucumbíos. Colombia's incursion into Ecuador was a breach of sovereignty, criticized as such by the Organization of American States (OAS) and for which Colombian President Alvaro Uribe publicly apologized.

Colombian officials authorized the raid to assassinate one of the highest-ranking members of the FARC, Raúl Reyes (ne Luis Edgar Devia Silva), who was a member of the Central High Command and often acted as the organization's official spokesman. Reyes was tracked to a FARC encampment purposefully situated within what was assumed to be the safer confines of Ecuador's border. The FARC had long been known to operate from within Ecuador, where they used the sanctuary provided by the border to train and regroup. It was not exceptional for Colombian troops to pursue the FARC across the border—during one period between November 2005 and March 2006, for example, Colombian forces breached Ecuadoran territory in pursuit of the FARC four times—but there was no precedent for such a large-scale military operation aimed specifically at one individual.

In the months prior to the raid, Colombian intelligence officials had identified what they believed were over 30 separate FARC camps operating freely in Ecuador and within miles of the Colombian border, but no military action was authorized until credible intelligence verified Reyes' presence in one of the camps. Reyes was most likely located when he briefly used a satellite phone that the Colombian government had been tracking with the help of American intelligence. The Uribe administration was

no doubt aware that any use of military force within Ecuador would arouse condemnation and anger from its neighbor, but Reyes—often referred to unofficially as FARC’s second-in-command—was an alluring target due to his stature and prominence in the FARC leadership.

The Colombian operation, which involved both air and ground forces, proved efficient and deadly. Twenty-three people at the camp in addition to Reyes were killed, including one Ecuadoran citizen. The forces seized laptop computers from the campsite, which contained explosive but disputed evidence of FARC collaboration with Ecuador. Among the documents later presented by Colombia was a letter from Reyes to other FARC leaders about a meeting he had with Ecuador’s Security Minister Gustavo Larrea. The notes detailed ways in which Ecuador’s government was prepared to assist the FARC. Though Larrea admitted to the meeting, he called the allegations “false,” insisting instead that he had met with the FARC to negotiate the release of hostages. The Correa administration later charged that despite being close to an agreement on the hostages following this meeting, the raid had ruined chances of a resolution.

Yet while Colombia succeeded in killing Reyes (a tactical and morale loss for the group), the border-crossing raid also simultaneously generated a new set of diplomatic challenges that could not be solved with military might. Uribe called Ecuadoran President Rafael Correa in the early morning following the raid to inform him of what had transpired, but this gesture only underscored that Colombia had acted unilaterally and had not trusted the Correa administration enough to alert them or ask permission. Uribe initially explained the raid as stemming from the Colombian army’s pursuit of FARC rebels who fled into Ecuador, even though the Ecuadoran army arrived at the campsite to find that many of the dead had probably been asleep when the attack began. This prompted Correa to question whether Uribe had been honest in their phone call, stating that the Colombian president was “either was poorly informed or brazenly lied” during the conversation.

Explaining Colombia’s actions in the days following this breach of sovereignty, Uribe argued that “terror has no borders.” This echoed the ideology driving the concurrent “War on Terror” being waged by the United States, Colombia’s strong ally. Uribe had staked out this justification before; in an October 2006 interview in Colombia’s *El Tiempo*, he said that “[t]errorism does not respect borders.” Correa has always been skeptical and concerned about this premise, and he rejected the “no borders” explanation following the raid, instead labeling it an “aggression.” To demonstrate his extreme displeasure, Correa recalled Ecuador’s ambassador, expelled Colombia’s from Quito, and ordered troops to the border region where the raid occurred. He then embarked on a regional tour to unite other countries in their support for Ecuador and for an OAS resolution rejecting Colombia’s actions. In his visits Correa managed to secure public condemnations of the raid from a variety of the region’s leaders.

Colombia’s operation hit a nerve in Latin America. The final OAS resolution, accepted by Colombia, stated that never again “under any circumstances” would Colombia deploy its military outside of its borders in preemptive attacks. Nevertheless, this public veneer of diplomacy and contrition barely hid the intensely negative feelings between Colombia and Ecuador that had manifested after the raid.

Diplomatic relations between Colombia and Ecuador have remained suspended since March 2008, and although low-level contacts were restored by June of 2008, signs pointing to a thaw have been mixed and often contradictory. Feelings of antipathy and great mistrust continued to predominate throughout much of 2009, and there have been many disputes as each country postures politically and domestically. Colombia seized and then released eleven Ecuadoran troops who strayed over the border in August; Uribe and Correa have engaged in an often harsh war of words conducted in the media and at regional meetings; punitive and criminal claims have been filed with the International Court of Justice and Interpol, with Ecuador suing over Colombia’s coca eradication policy and

petitioning for the arrest of two former Colombian Defense Ministers involved with the raid; and most recently, a flare in tensions erupted over a U.S.-Colombian base deal.

Yet, despite these and other continuing conflicts, the Foreign Ministers of both countries began a series of meetings on the sidelines of the United Nations General Assembly meeting in September 2009 to explore restoring full diplomatic ties. This manner of engagement, alternating between confrontational and more accommodating gestures, is emblematic of the uneven relationship that has characterized Colombia-Ecuador relations for much of the last decade.

#### Cracks in the Relationship: Unintended Consequences Cause Resentment

Ties between Colombia and Ecuador have traditionally been strong and normalized. Colombians and Ecuadorians have long shared cultural and familial bonds, and economic relations grew increasingly important after the construction of the Pan-American Highway, which facilitated lower costs of transportation between the two countries. Ecuador is Colombia's third most important export destination, and the business community in both countries has attempted to maintain a strong trade connection.

Colombia's principal exports to Ecuador have historically been industrial (such as furniture and medical goods, along with gasoline and rice), and the restrictions (both explicit and implicit) caused by the diplomatic rift have disproportionately hurt Colombia's important industrial production sectors, while Ecuador has had to rely on the European Union as Colombian imports dropped by over 40 percent in 2009. The connection between Colombian producers and Ecuador had become comfortably entrenched since the mid-twentieth century; over 1,000 Colombian businesses operate in Ecuador, and Colombian exports to Ecuador grew substantially even throughout Colombia's periods of elevated violence in the 1990's. These economic ties were crucial in balancing what was otherwise a shaky partnership between the neighbors over the last decade.

Correa was never a personal favorite of the Colombian business community, and the imposition of tariffs on Colombian exports to Ecuador that he announced in July of 2009 did not help the normally-stable economic climate between the two countries. In adding the tariffs on more than 1,300 Colombian products, the Correa administration maintained that the devaluation of the Colombian peso had cheapened imports and was also hurting Ecuadorian producers, but it was hard not to see post-raid political motives behind the move. This type of economic protectionism is one component of Correa's larger economic agenda, but given that many of the tariffs were later quietly withdrawn, they served mostly to spread feelings of antagonism into the economic sector.

By and large, however, the trade relationship between Ecuador and Colombia has managed to stay relatively routine given the abrupt break in diplomatic contact, which reflects a degree of pragmatism on the part of both countries and suggests that neither has planned for the stand-off to continue in the long term (something that would ultimately be damaging to the bottom line of each country). Still, the lack of formal diplomatic connections has brought collaboration on a number of important projects—such as border security and environmentally-safe anti-narcotics operations—to a standstill, since governors of border states on both sides have ended their previous cooperation with each other.

Perhaps the most critical strains on the relationship have been caused by the policies and unforeseen outcomes of Plan Colombia and the U.S.-backed "War on Drugs," which has made Colombia a central battleground in the past decade. The introduction of Plan Colombia (a joint effort between the United States and Colombia approved by the U.S. Congress in 2000) significantly elevated the drug war in Latin America, and also provided assistance to the Colombian government's related effort of controlling its internal armed conflict. One key aspect of Plan Colombia (as well as Uribe's domestic

Democratic Security framework) has been the vigorous pursuit of the FARC and other drug producers in southern Colombia, just above the shared border. This component of Colombia's anti-insurgency, anti-drug strategy has been a major point of contention particularly since 2000, and helps account for many of the tensions that developed along the border region, highlighting Colombia and Ecuador's divergent national interests throughout the last fifteen years.

The most salient example is Uribe's fight against the FARC once he took office in 2002, which engendered great praise in Colombia and strong resentment in Ecuador. The FARC are directly involved in the drug trade and commit terrorist actions targeted against the government and non-combatant citizens of Colombia. In Colombia, the Plan Colombia/Democratic Security strategy for controlling the group has been viewed as very successful, both politically and also demonstrably in terms of declining levels of violence. Recent statistics reflect a significant drop in overall murders, kidnappings, and terrorist attacks since Uribe started his presidency. For example, instances of terror attacks decreased 63 percent between 2002 and 2006. In addition, Colombia's cocaine production has also fallen to some of its lowest levels in a decade, although it is still a major producer of the cocaine and heroin that finds its way to the United States.

Nevertheless, these and other figures show that the operational ability of the FARC within Colombia has been weakened. For Uribe, these measures have been critical to maintaining his popularity and reducing the rampant violence that plagued Colombia for much of the past two decades, and that had reached a particularly alarming level in the late 1990's.

Indeed, the reduction in violence has been the key component to Uribe's significant political success as president. At the same time, Plan Colombia and the Uribe administration's overall security approach have resulted in two serious unintended consequences that directly affect Ecuador and have been a major contributor to the worsening of the Colombia-Ecuador relationship.

The first unintended consequence relates to the controversial component of Plan Colombia in which herbicides are sprayed from airplanes as means of eradicating large quantities of remotely located coca plants and opium poppy. Aerial spraying was a key aspect of the Colombian government's drug reduction strategy since its inception; Plan Colombia's original blueprint called for anti-drug battalions to be based near Colombia's Putumayo department (which borders Ecuador) in order to eradicate over 60,000 hectares of coca. Within a year of Plan Colombia's inception, however, Ecuador was already requesting that Colombia refrain from spraying near the border. Colombia curtailed sprayings within six miles of the border in 2006 after complaints from Ecuador, but they were resumed sporadically in 2007. Ecuador has maintained consistently that chemicals from the herbicides frequently drifted into its territory during periods of spraying near the border, adversely affecting non-coca crops, as well as human and animal health. For many years the Colombian government rejected this claim, which only increased feelings of resentment in Quito and the rest of the country.

Groups such as the Ecuadorian Interinstitutional Committee Against Fumigations (CIF), a coalition of eleven Ecuadorian non-governmental organizations (NGO's), have sought to demonstrate that the chemicals from the herbicides affect people and crops located near the border. Respiratory and digestive ailments, massive numbers of fish deaths, and high stress levels among border campesinos unsure of whether they can plant their crops have all been linked by these studies to the chemical sprayings. In 2003, the Ecuadorian government appointed a commission to examine studies undertaken by concerned NGOs in the region like the CIF, and found that the chemicals being sprayed in Colombia were in fact penetrating up to three miles into Ecuadoran territory. The commission also concluded that Ecuadoran border communities had experienced deaths "days after intense spraying had taken place in Colombia."

Others, like the Inter-American Drug Abuse Control Commission (CICAD), have come to different conclusions. CICAD, an entity affiliated with the OAS, disputed claims that the chemicals were harmful in a 2005 study, saying that those used by Colombia did not harm humans or the environment. While the conclusions of scientists on both sides of the issue have been questioned, the spraying has proven, at the very least, to be politically damaging to Plan Colombia's international stature, and the continuation or curtailing of spraying is a matter on which neither government wants to be seen as having capitulated. Domestic and international sensitivity towards this issue has increased in recent years, and Colombia has reduced instances of spraying near the border. Yet the process of each country producing competing studies, in which the independence and credibility of the others were called into question, only underscores the tense relationship that evolved as a result of this spraying policy.

The second unintended consequence of Plan Colombia for Ecuador has two facets: the forcing of terrorist and trafficking groups like the FARC towards the porous Colombia-Ecuador border, and the resulting displacement of many thousands of Colombian citizens fleeing their presence, as well as accompanying intimidation and violence. This trend is a major humanitarian concern, and has been one of the most troublesome outcomes of Uribe's military strategy against the FARC. Estimates of Colombians displaced internally due to the FARC's presence in these rural areas range from 2-4 million people, and of these millions, a portion has fled into Ecuador. The United Nations High Commissioner for Refugees (UNHCR) estimated that by 2009 130,000 to 140,000 Colombians had migrated to Ecuador, with as many as ten people per day seeking refuge across the border.

This forced exodus has occurred for over a decade, notably increasing tension between the Colombian and Ecuadoran governments. In this sense, Colombia's domestic "success" has been costly for Ecuador, which, according to the UNHCR, now has the largest refugee population in Latin America. Most of these refugees live under very difficult circumstances because their undocumented status means they have little recourse against mistreatment. Considering that almost all arrive without visas, the refugees often find it extremely hard to support themselves and their families. The resulting instances of crime and poverty have led to a certain degree of resentment among Ecuadorans living in these communities and Ecuadorans generally, where resources and jobs are already in short supply. A United Nations report from 2008 identified three quarters of the Colombians living in northern Ecuador as in need of protection and financial assistance, asserting that "many host communities are being overstretched by the arrivals."

This reality has led to mounting displeasure with Colombia's aggressive measures. Ecuadorans feel frustrated to see their country forced into Colombia's internal war, which has now become a regional issue as accusations of collaboration with the FARC have been publicly leveled at both the Ecuadoran and Venezuelan government by Uribe. In the most basic terms, Ecuadorans want to see the Colombians solve their own problems in a way that does not in turn lead to increased levels of violence, drug trafficking, and insecurity in their own country.

This has been a principal concern for years, and the message has been delivered publicly by many Ecuadoran government officials. For example, in February 2006 Foreign Minister Francisco Carrion told *El Comercio* that "[t]he Colombian government and its Armed Forces should be concerned about acting in their own country rather than doing nothing about their own citizens who are carrying out illicit activities in their own territory, in areas where regrettably the Colombian state's security forces do not have effective control." Prominent members of the Correa administration's foreign policy team have voiced similar reservations. Former Foreign Minister Maria Fernanda Espinosa stated directly that "Our country is an innocent victim of the Colombian conflict from several angles."

Uribe and Correa have been unable to satisfactorily address the difficulties that stem from this issue. The Ecuadoran government has not shunned the refugees or tried to minimize the problem, but it has few funds to fully tackle it. The Ecuadoran government has been good at acknowledging the untenable situation of the refugees—current Foreign Minister Fander Falconí recently asserted that “[f]or Ecuador, there are no illegal people”—but the sense of urgency from the Ecuadorans for Colombia to assume greater responsibility on this issue has not been consistently reciprocated in Bogotá. Carrion, one of Falconí’s predecessors, succinctly expressed this sentiment in a February 2006 interview with *El Comercio*, saying, “We are in solidarity with Colombia, and have demonstrated it: there are over 10,000 refugees, and more than 500,000 Colombians who have been received... No greater solidarity could be asked of us.”

The aerial fumigations and elevated refugee flows have crystallized the distinct impression in Ecuador that the country has become involved, however unwillingly, in Colombia’s problems. The U.S. use of the Manta Air Base in Ecuador from 1999 to 2009 to launch anti-drug operations was also a constant reminder of how Ecuador was specifically being incorporated into Colombia’s drug war. Although former Ecuadorean President Jamil Mahuad had agreed that the U.S. could use the base for ten years, this rent-free deal was widely resented and criticized in Ecuador. During this same time period, according to some analysts, Ecuadorans’ general perceptions of Colombians shifted somewhat, from the perspective that Colombians were “a naturally ingenious and hard-working people” to a perception more aligned with the “stereotype of dangerous individuals associated with illegal activities and a source of insecurity in [Ecuador].”

Correa’s forceful reaction to the raid was motivated by increasing discomfort with these realities of the past decade. While the intended target was not Ecuador itself, the literal extension of the battlefield into its territory raised the stakes to a higher degree than ever before. As a high-ranking Ecuadoran diplomat said to the Director of the U.S.’s Office of National Drug Control Policy Gil Kerlikowske during an exchange at a conference in Washington, D.C. in September 2009, Ecuador does not want to become the equivalent of “a Cambodia” in the drug war waged by its neighbors.

### Regional Grievances, Domestic Gains

Despite the rupture of diplomatic relations, public disagreements between the two administrations have continued as both Uribe and Correa use the impact of the raid as an impetus for increasing their domestic standing. This deliberate heightening of tensions in the domestic political arena predates the Colombian military operation, although it has escalated in the months since. There are political incentives for both leaders to perpetuate this antagonism despite the economic and diplomatic issues such a contentious relationship threatens to disrupt. Polling data following the raid showed that a vast majority of Colombians approved of their government’s actions and a majority of Ecuadorans disagreed with the raid, but in neither country did a majority of people support the idea of suspending relations.

Correa has expressed public dissatisfaction with specific aspects of Colombian policy since he was a presidential candidate in 2006, and he has consistently protested Colombia’s anti-narcotics strategy. Correa spoke forcefully against Plan Colombia and visited Ecuador’s South American neighbors Argentina, Chile, Brazil, Peru, and Venezuela after his election, though not Colombia. Sights like these didn’t help the growing tensions between the two countries, but played well for the Ecuadoran electorate because it seemed as if Correa would publicly confront the underlying issues that had made his compatriots increasingly upset over the years. Correa saw a surge in support even from the time he was elected to the day he took office—he won 56 percent of the vote, but enjoyed a 73 percent approval rating upon inauguration, reflecting increased confidence in his leadership abilities after a campaign in which the opposition attacked him as a “dangerous extremist” on issues relating to

foreign policy. This jump may not have been directly attributable to his positions on Plan Colombia, but it did show that Correa earned wider support after a period in which he sought to assert Ecuador's demands on the regional stage.

Despite Correa's displeasure with aspects of Plan Colombia, the period between the beginning of his presidency and the March 2008 raid was marked by signs of general cooperation. Uribe, in a show of respect, decided at the last minute to attend Correa's inauguration in January of 2007, which was an auspicious beginning given Correa's past slights. A year later, just months before the raid, both Colombian and U.S. officials would publicly praise Correa's efforts in cooperating with Colombia in the drug war. In fact, Colombia-Ecuador relations had been showing improvements leading up to, and during, Correa's administration after a rockier period at the beginning of the new millennium. In January of 2006, for example, Uribe and Ecuador's then-president Alfredo Palacio collaborated on a joint strategy to help free trade agreements with the United States. Ecuador's *El Comercio* newspaper reported that relations with Colombia were being restored to normal and respectful levels ("las relaciones con Colombia empiecen a recuperar la normalidad y el respeto").

Uribe and Correa maintained a cordial relationship overall, although even this wavered to some degree. Despite the praise he would eventually earn from Colombia for collaborating against drug trafficking, Correa still played to his domestic base after receiving a promise that fumigation planes operating under Plan Colombia would not enter Ecuadoran airspace, claiming that he ordered the Ecuadoran Air Force "to intercept any Colombian or U.S. plane that dares to sully the Ecuadoran airspace." The March raid only increased the rhetoric coming from Correa, who highlighted the death of the Ecuadoran citizen at the camp and promised swift action, noting that "nothing justifies the murder of an Ecuadoran on Ecuadoran soil." He declared that the transgression was so bad that "[Ecuador] would not forget this case," and he rejected some of Uribe's initial diplomatic overtures, asking publicly "How can we renew relations if they keep trying to link us to the FARC to justify their aggression?"

Uribe, for his part, apologized to Correa at a Rio Group Summit in the Dominican Republic on March 7. The Rio Summit was critical to defusing tensions between the countries, in part because it gave Uribe the platform to pledge that a similar type of raid would never be authorized again by Colombia. This public mending was an important step in the week following the operation, and was followed by a handshake between Uribe and Correa. This public showing led to a drop in the outward hostility that had quickly developed between the two countries, but it did not hide the personal animus between the two leaders. Correa's expression with Uribe was very stern, and the handshake was not exactly a heart-warming moment. Correa called Uribe's allegations that the FARC colluded with Ecuador "a pack of lies," and he was later interrupted by Uribe, who called him "cynical" and accused him of "communist trickery."

The Summit also helped tone down Venezuelan President Hugo Chavez's strong rhetoric; he had talked quite directly of war in the days following the raid. With the urging of Brazil, Chavez agreed to demobilize the troops he had promised to send to the border and he too shook hands with Uribe. A critical component of this public rapprochement, however, was the information on the computers seized by the Colombian military. The files, which were deemed authentic by Interpol, contained information about connections between FARC commanders and Chavez allies. The combination of this evidence and Chavez's declarations of possible war could have resulted in a much worse crisis had both presidents persisted in their attacks. But by backing off Chavez did not provoke Uribe into revealing the contents of the files—and Uribe did not have to escalate the situation even further.

Uribe did describe evidence from the Reyes' computers that allegedly showed Ecuadoran connections to the FARC, but he used it almost anecdotally. Referencing it at the summit put Correa on the

defensive, but more significantly for the long-term it served notice to the Latin American community that Colombia now possessed important and previously secret information that could potentially prove extensive links to the FARC. Even though Uribe left the Summit having had to apologize for the raid, in some ways the mere mention of the files allowed him to come away with leverage as well. Uribe's apology was soon overshadowed, however, as his administration continued to criticize Correa, with his press secretary referring to the Ecuadoran president as "contradictory" and saying he demonstrated a "lack of seriousness."

A contentious war of words continued between Colombia and Ecuador, with various levels of both administrations seeking to play to the domestic base and public opinion as much as possible during the conflict. It is clear that both governments and presidents were complicit in exploiting the worsening relationship for domestic political gain by rhetorically provoking nationalist sentiment towards the other.

### Evolving Political Perspectives in Colombia and Ecuador

The key issues driving the Colombia-Ecuador relationship show that the most critical differences have transcended Correa's presidency, and even Uribe's. So while it is tempting to interpret the fractured relationship as a product of ideological differences—the conservative Uribe versus the socialist Correa—in reality the conflicts began before the terms of either man. Some of their recent actions reveal, however, the ways in which these two presidents attempted to use the passions surrounding the Colombia-Ecuador conflict for their own political gains.

Uribe and Correa both appear to have benefited domestically from their handling of the crisis that followed the raid, producing a political disincentive to quickly repair relations. Correa assumed the presidency with an approval rating of 73 percent, but it fell closer to 50 percent in the months preceding the raid. The week following the raid, however, the Ecuadoran newspaper *El Universo* found that his approval had already risen significantly, to 66 percent. A Cedatos-Gallup poll also documented a rise in support, finding that Correa's approval rating rose to 62 percent in March from a low of 54 percent in February. Most analysis of these polls asserted that Correa's actions had, at the least, "helped rebound" his numbers after a disconcerting dip. By reacting strongly against the raid (Ecuador had tolerated more covertly executed incursions across the border by Colombian forces searching for the FARC in the past), Correa proved that he could directly challenge the Colombian policies that had upset many Ecuadorans for so long. Correa was ultimately re-elected in April 2009 with 54 percent of the vote, avoiding the need for a second round of elections.

Uribe similarly saw his approval ratings rise after the raid, from 80 percent to 84 percent, although given how high they were already, the change is not quite as dramatic as that of Correa. It is also likely that the political rewards were not equal for both presidents. Even throughout the tense first week of the crisis, almost equal attention in Colombia was paid to Chavez's provocations, and the Colombia-Venezuela relationship is of greater overall political concern for Uribe. Still, like Correa, Uribe had reason to use the Reyes killing as a catalyst for coalescing domestic support. He balanced his public apology with an insistence that the raid had been necessary for Colombia's self-defense. He also sent a clear—and domestically popular—message to the region that Colombia was not afraid to engage with the FARC and its alleged supporters throughout South America.

The resulting approval ratings underscore the divergent political outlooks that have come to define the Colombian and Ecuadoran populace in the decade since the implementation of Plan Colombia. The main points of contention were most recently highlighted in August 2009, during the uproar in South America over U.S. plans to lease Colombian military bases in order to launch anti-narcotics operations in Colombia. Although the initial objections revolved around the lack of transparency exhibited by the

U.S. and Colombia in making the deal, the crux of the issue soon became regional fears about the expansion of U.S. military capabilities and the possible threat to countries in South America not allied with the U.S. The controversy over the base deal was provoked by the same competing dichotomy of “sovereignty” and “security” that had divided Ecuador and Colombia following the raid. The issue of using the bases was especially relevant for Ecuador, since it is an unverifiable but commonly held belief among “a large proportion of senior officers” in Ecuador that “the United States was an accomplice in the attack.” Increased military collaboration between Colombia and the U.S., therefore, was seen as a possible future threat to Ecuador’s sovereignty; Correa commented that the regional implications of the deal “greatly worries me, and I can’t accept that a U.S. document [describing possible strategic uses of the base] treats us like a back porch.”

The issue of security is similarly paramount in Colombia. In the years directly preceding Plan Colombia’s implementation the internal armed conflict seriously threatened the country’s stability, and the violence severely tested the public’s resolve. Under Uribe’s security initiatives, and with the consistent urging of the military to maintain a strong offensive, a consensus ultimately emerged about the most effective way forward for challenging the FARC and other insurgent groups: strengthening the military and police force, modernizing the justice system, and focusing manpower on conflict-ridden urban areas while simultaneously seeking to disrupt drug production in those places. These security achievements are undercut, however, when the FARC receives support from sources outside of the country, so there is great hostility directed by Colombia towards any governments believed to be actively (or tacitly) supporting the group’s operations.

#### Pursuing Personal Political Strategies

Correa’s dismissal of high-ranking military officials in the aftermath of the raid provides one interesting and less well-known example of how the diplomatic crisis created openings for pursuing previously-sensitive policy changes. In the month following the raid, Correa took the bold steps of removing his defense minister, army chief of intelligence, and the commanders of the Army, Air Force, and Joint Chiefs. Correa accused these high-ranking officials of sharing intelligence with Colombia, and also charged that they had been complicit in allowing Ecuador’s intelligence network to become infiltrated by the CIA.

This accusation dovetailed convincingly with Ecuadoran concerns about sovereignty following the raid, as Correa insisted that his actions were necessary to ensure that Colombian and American intelligence interests in Ecuador received oversight—and not assistance—from the Ecuadoran chain of command. Citing the case of Franklin Aisalla, the Ecuadoran citizen killed during the raid, Correa expressed anger that information about his death was shared by military personnel with Colombian and American intelligence officials, yet never communicated to him. This oversight (whether purposeful or not) was an intelligence breakdown, but it also provided an opportune political justification for Correa to make changes at the highest levels of the powerful Ecuadoran army, which still retains a great degree of influence in the country and has major roles in education, medical care, customs, law enforcement, and telecommunications.

Uribe has also used the tenuous post-raid situation to advance political goals. In part due to his audacious strike at Reyes, Uribe has deftly cultivated the idea that he is the only one capable of sustaining the battle with the FARC and the foreign governments that protect its members. Uribe’s supporters have encouraged the perception that Uribe’s continued accusations of FARC collaboration with Ecuador represent bold, principled political leadership. Stopping these accusations is one of Ecuador’s conditions for starting negotiations, so the references to FARC and Ecuador have diminished. Still, as recently as July 2009, Uribe harshly accused Ecuador of being “abettors of a torturing, criminal, cynical and sadist group.”

In this same time period, Uribe was using his domestic clout and political alliances to pave the way for a constitutional referendum that could ultimately allow him to legally run for a third term as president. By September 2009, Colombia's Senate and lower House of Representatives had both approved a referendum on altering the constitution so presidents could serve three consecutive terms.

Pursuing difficult political goals—in these cases “aggressively confront[ing] Ecuador's military” and changing the Constitution in Colombia—partly within the context of the raid is a precarious strategy for both presidents, as it could impact the coming diplomatic maneuverings necessary for rebuilding trust, and eventually, the Colombia-Ecuador relationship. The latest round of meetings between the Foreign Ministers of Colombia and Ecuador were completed in September 2009, when the two countries announced that they would open direct talks and re-name diplomats at their respective embassies. This announcement shows that neither administration wants to perpetuate the diplomatic standoff indefinitely or be accused of overreaching with their policies following the raid; after all, a September 2009 poll in the Colombian magazine *Semana* found that only 5 percent of Colombians were principally preoccupied by the situation with Ecuador, while 31 percent were worried about relations with Venezuela (46 percent found both situations equally worrisome.)

This is specifically relevant to Uribe, who can see that the weight given to Ecuador by public opinion does not imply that he can expect to see long-term gains from sustaining the standoff as is. Even the fraught situation with Ecuador has a limit for how much political benefit Uribe can derive from keeping up hostility.

#### The Road Ahead: Restoring Relations

It is in both Colombia and Ecuador's advantage to eventually restore their relationship, and they have begun to move in that direction. Repairing the damage from the raid is only one consideration, and both administrations intend to bring a wide range of issues to the table before resuming relations. Colombian Foreign Minister Jaime Bermudez and his Ecuadoran counterpart Fander Falconi discussed a framework for beginning talks at the U.N. General Assembly meeting in New York, which was capped by the September 24 announcement that bi-lateral talks would begin. This was their third meeting since relations had been officially suspended, and another was scheduled for early November 2009.

As small steps toward normalization are taken, it is becoming clearer which issues will receive the most focus in any negotiations. Colombia comes into these meetings with less prior grievances but one major concern: the FARC, and specifically Ecuador's role—whether due to active support or turning a blind eye—in allowing the group to operate from within its borders. Colombia will look to Ecuador and the Correa administration for a full accounting of Ecuadoran contacts with the group, and will press the Correa government to uphold its promise to dislodge the FARC from within its borders. An Ecuadoran commitment to use its intelligence and resources to dismantle FARC encampments near the border will be a desired condition.

Ecuador too will focus on the FARC within their border, asking for an explicit guarantee that Colombia will “never again” undertake a unilateral and unapproved raid, even if other targets are identified in Ecuadoran territory. The issue of sovereignty is of utmost importance and for the Ecuadorans no talks can move to other underlying issues without this Colombian commitment. The Correa administration will look for a clear repudiation of the Colombian assertion that it had the right to bypass borders in an instance of extraordinary national security circumstances. Correa has also made public a series of conditions for restoring relations, most significantly that Colombia should open its files on the raid to public scrutiny (including releasing video of the raid), that copies of the

files recovered from Reyes' computer be given to Ecuadoran intelligence for analysis, that Uribe stop asserting that Correa and his administration are linked to the FARC, and that the major Colombian political parties disavow any doctrine supporting preventative strikes outside of Colombia to fight the FARC.

The Ecuadorans have emphasized that they want to see a greater degree of respect and responsibility from the Colombians on issues like refugees and border security, implying that such issues will likely be considered. In fact, the general attitude on the part of representatives from both countries appears to be that all major issues from the preceding decades are on the table for discussion. Both Ministers also emphasized their preference for proceeding cautiously until a greater measure of trust was established between the two parties.

Still, after a year and a half of rocky progress at best, Colombia and Ecuador are visibly moving—slowly—towards re-engagement. Given the increasingly-volatile nature of politics in Latin America, which experienced a military coup (Honduras) and a major crisis over U.S. involvement in the region (the base deal with Colombia) in the course of just a few months, the introduction of confidence building measures agreed upon by both countries will be necessary before any significant steps towards resuming relations can be taken. Nevertheless, Falconi and Bermudez may find that both sides desire to address a wide range of problems that can be worked on in a bilateral fashion, including improving living conditions in the border region, bilateral development plans, commerce, immigration control, and tourism.

It is also worth noting the influence that outside actors and forces have had, and will continue to have, as Colombia and Ecuador take the first steps towards renewing their relationship. The U.S.-based NGO known as the Carter Center and the OAS have helped facilitate discussions between the two countries. Their representatives were present in New York for the U.N. General Assembly in September 2009 when the foreign ministers met, and they have also been present at lower-level meetings. The Carter Center effort to increase productive dialogue between the two countries actually began before the raid, in 2007, and both OAS Secretary General José Miguel Insulza and director of the Carter Center's Americas Program Jennifer McCoy have attended meetings between Colombia and Ecuador in late 2009 to facilitate the discussion of sensitive issues.

Events of the summer and fall of 2009 have highlighted the tension in South America caused by Colombia's strong alliance with the U.S., and the repercussions of the base deal announced in the summer were especially pronounced in Ecuador. The U.S. government has not publicly taken an active role in mediating the problematic relationship, and it seems that its Colombia policies of the past and future presence in that country have mostly served to exacerbate anxiety and anger in Ecuador towards Colombia.

Brazil has been involved in mediating the conflict from the day of the raid, and has continually encouraged dialogue as a way to manage this dispute. As the days-old conflict was reaching a dangerous level of tension, foreign affairs advisor Marco Aurelio Garcia promised publicly that "all the forces of the Brazilian diplomacy" would be called upon to "find a long-lasting solution to the problem," and Brazilian president Luiz Inacio Lula da Silva visited Correa in Quito soon after the raid. He has also seemed to earn the trust of Uribe, who otherwise has not found extensive support from South American leaders since the raid. In general, Brazil has tried to play a moderating force throughout the conflict, and Lula has been clear in calling for peace in the face of Hugo Chavez's provocations.

The motivating factor for Brazil is maintaining regional stability, and calming the sometimes belligerent rhetoric that threatens the efficacy of cooperation among the South American countries.

This is especially true regarding the Union of South American Nations (UNASUR), an institution that was a Brazilian initiative. This is Brazil's favored forum for dealing with a regional agenda, and it would be greatly undermined should regional polarization increase in the coming years.

Venezuela and President Chavez have also asserted themselves in the aftermath of the raid and throughout the resulting diplomatic crisis. Chavez has been consistent in his support for Ecuador and criticism of Uribe's policies, although the degree of influence he has in Ecuador is hard to ascertain and likely varies depending on the situation (Ecuador did join the Chavez-backed Bolivarian Alliance for the Americas, known as ALBA, in 2009). Chavez immediately recalled his ambassador from Bogotá following the raid as a show of support for Ecuador, and threatened to amass troops at the Venezuela-Colombia border, which escalated the tense situation. Relations were reinstated between the two countries within a week, although their relationship has notably reached an incredibly low point in the year and half since the raid.

Other issues (such as Colombian allegations that Chavez provides logistical and material support for the FARC, and the sharp rhetoric between Chavez and Uribe over U.S. base deal) have come into play and make the Venezuelan actions specifically in response to the raid hard to differentiate from its overall antagonistic posture towards Colombia. Uribe and Chavez have met on a number of occasions to discuss the problems between their countries, and although agreements have been made between the two to pursue a better relationship, they still periodically clash over the FARC and U.S. involvement in the region. Chavez has recalled (and then re-instated) his ambassador to Colombia repeatedly since the March raid for various perceived offenses by the Uribe administration. A nuanced perspective shows the antagonistic relationship to be slightly contradictory; it is defined by mutual distrust but had been tempered by doses of economic pragmatism. Chavez is convinced of a pending attack from Colombia supported by U.S. military power, and Uribe is convinced that Chavez gives military and financial aid to the FARC. And trade between the countries, while at a record high in 2008, has now dropped precipitously after Chavez imposed restrictions as a punishment for the Colombian base deal with the United States. Most observers in both countries agree that relations between the two have overall reached historic lows in 2009.

## Conclusion

For a crisis that officially began with a military raid, it is revealing that a resolution will look to much more fundamental issues of sovereignty and security. The question of whether Colombia achieved its goals with the raid—whether the risk was worth it—is almost secondary. It is also hard to answer, because it is unknown to what extent Uribe was prepared to tolerate the anticipated backlash. By most accounts, this was a decision that Uribe would not take back. Reyes' death was important politically for Uribe, psychologically for the country, and tactically for the military; it was a major blow to the FARC. The raid also afforded Colombia some of its most important leverage in its war against the FARC—the computer and files said to belong to Reyes. Colombia has used the contents of this computer, whose authenticity was corroborated by Interpol, to press its case against the FARC and put other governments it suspects of collaboration on the defensive.

In this sense, both Reyes' death and the possession of the tapes have allowed Colombia to press ahead with its strategy. Plus, despite the vocal regional support for Correa following the raid, the evidence Colombia recovered at the FARC camp put a much brighter international spotlight on Ecuador's alleged relationship with the FARC and on the group's pervasive presence (politically, if not physically) throughout South America. At most, this neutralized some of the harsh criticism directed at Colombia for the raid and polished Uribe's image domestically. Still, in Ecuador there are practical reasons to ignore the FARC as well as political ones—a major confrontation could possibly provoke violent retribution from the group.

If Correa's principal objective following the raid was to ensure that his country's sovereignty was never again violated under the pretenses of Colombia's national security, he too has successfully moved towards this goal. For Ecuador, as we have seen, claims of sovereignty trump everything else. Correa's deft diplomatic maneuvering in the days after the raid demonstrated that there was clear regional support for his position. It also helped isolate Colombia politically from most of the other South American governments. Not only was he able to build support with natural allies like Chavez and Lula, but he was also successful in pushing the OAS towards official disapproval of the raid. The OAS, after 14 hours of deliberation, stated that they "reject" the raid, although the report did not go so far as to "condemn" Colombia's actions. At the same time, it is interesting to note that the costs of this censure and regional disapproval were not especially high for Colombia apart from the ruptured relationship with Ecuador.

Strengthening and building confidence in this pledge to never again conduct military operations in Ecuador remains a key component for creating a successful negotiating environment. Given the expectation that diplomatic relationships will eventually be restored, Correa's firm stance on the issue means he will probably be able to secure an agreement from Colombia that Ecuador was not previously in a position to obtain. This new willingness of Colombia to engage on such an issue has become increasingly apparent. At the August 2009 UNASUR meeting, Uribe asserted that Colombia had not sprayed within miles of the Ecuadoran border due to Ecuador's demands, and requested a future "dialogue" about resolving the core components of the long-standing issue ("Desde febrero, marzo de ese año, no hemos fumigado esos 10 kilómetros en territorio colombiano contados a partir de la línea de frontera. Usted nos demandó. Quisiéramos poder tener un diálogo para hablar de los pleitos").

One thorny issue likely to remain unsolved, even with the resumption of relations, is how to address the problem of the FARC. Colombia would of course like to see a full disclosure of any ties between Correa administration members and the FARC, and Uribe also wants a commitment from Correa to cooperate on actual operations that would attempt to push the FARC out of their sanctuaries near the border. This is consistent with the Uribe administration's larger strategy of trying to hold neighboring governments to strict account in their dealings with the FARC. These goals will prove to be more difficult to achieve. The truth of that matter is that several Latin American governments have maintained some level of contact with the FARC over the past decade, a reality of which the Colombian government is aware. The recovered files showed that the FARC was connected to communist parties in Brazil, Argentina, Mexico, Chile, and even Spain. Despite the FARC's recent losses, it still retains a strong military capacity and continues to be heavily involved in the drug trade.

A more likely compromise might involve displays of good faith on the part of Ecuador to challenge the FARC in their territory, by conducting targeted military operations in border areas known to be frequented by the FARC. Ecuador has been eager to invoke raids they have undertaken in the past, but these efforts have been sporadic and Colombia wants a more consistent commitment that the FARC will be pursued using all the capabilities of the Ecuadoran military and intelligence apparatus. As of this writing, Uribe has made claims of new FARC encampments discovered in Ecuador, and Correa has publicly responded by saying, "Let [Colombian intelligence] tell us where they are and we catch them." He also added, "We can work together like we always have." This type of public dialogue shows that while neither leader is afraid to challenge the other, they are also exploring ways to engage on the absolutely crucial issue of FARC presence in Ecuador in a respectful, deliberate manner.

Reconciliation between Colombia and Ecuador has reached an important stage, but it is unlikely to be a smooth path. In 2010, each country will have to make good-faith gestures and follow through on at

least some of the confidence-building mechanisms to show that it is serious about re-engaging with the other. The meetings between Falconi and Bermudez have been encouraging, as are the recent exchanges between Correa and Uribe about aerial spraying and FARC bases in Ecuador. On October 15, however, an Ecuadoran judge issued an arrest warrant stemming from the March raid for General Freddy Padilla de Leon, the commander of the Colombian armed forces. Although Colombia does not concur that the Ecuadoran justice system has jurisdiction to investigate Colombian officials, this type of diplomatic fighting is not conducive to continued reconciliation.

As of this writing, the issuing of the warrant caused a postponement of a planned meeting in Ecuador between Padilla and Ecuadoran General Fabian Varela. The small spat temporarily scuttled what could have been a productive meeting about how the two countries' militaries could cooperate in a new relationship, but it will not derail the reconciliation process. The judge who issued the warrant is independent of the government, and Falconi indicated that the warrant was not requested by the Correa administration. Nevertheless, this roadblock illustrates the difficulties and obstacles facing both countries as formal talks become more regular. The issuing of the arrest warrant also emphasizes that despite progress in the closing months of 2009, there is still a great deal of anger about the raid and other key issues of Ecuadoran sovereignty waiting to be worked out.

In 2010 it is important that Correa and Uribe maintain conciliatory gestures towards each other. It will be interesting to see the effect that Uribe's possible run for a third term as President will have on the progress between Colombia and Ecuador. Correa was re-elected to a four year term in April, which will also affect his conduct in this time period. Uribe's bid to extend term limits so that he can run again is viable partly because of his popularity from dealing with the FARC and Colombia's neighboring countries aggressively, but it is not likely that Uribe will ratchet up tensions again with Ecuador to gain domestic support. The public progress made to improve the relationship is already such that a worsening of ties would probably not help Uribe, nor would it resonate with the Colombian electorate. A level-headed, deliberate stance from Correa, currently the rotating-president of UNASUR, can also be expected.

Barring a major regional crisis, Colombia and Ecuador appear to be on the path to restoring relations. It is a positive sign that both countries seem serious about ensuring that future relations be contingent on a new paradigm of cooperation and understanding with regards to shared problems and grievances. It is wise for Colombia and Ecuador to move at a steady pace, because in reality, restoring relations is not about returning to the status quo prior to March 1, 2008. As we have seen, the problems in the Colombia-Ecuador relationship transcended the raid, and encompassed key issues for many neighboring countries: sovereignty, security, and mutual respect.

In a region of the world where there is still much polarization and disarray, it is important for Colombia and Ecuador to show that two neighbors, regardless of their ideological differences and admittedly divergent national interests, can build a working relationship to address the key problems facing their citizens. These differences will not disappear, but 2010 is the year in which they can start to be better understood and addressed without undue threats to peace and stability.

### **“After Manta, relations with US are on the mend”**

Latin American Newsletters – Latin America Weekly Report, page 6  
11 March 2010.

Relations between Ecuador and the US have been mending apace after the low point reached when President Rafael Correa refused to renew the base facilities enjoyed by Washington at Manta. The State Department’s annual report on cooperation in the antidrugs effort has applauded Ecuador’s efforts, and there has been an upturn in military cooperation, most recently with a donation of troop transports for use along the border with Colombia.

Still, Washington would like to be allowed to go on using Manta. The most visible sign that US attitudes had been changing came on 12 February when the US ambassador to Ecuador, Heather Hodges, described as impressive the reported seizure of 43.5 tonnes of cocaine by the Ecuadorean government in 2009 (almost twice as much as in 2008 and an all-time record).

She said this in response to journalists seeking her comments on an article published days earlier by the Miami-based newspaper *El Nuevo Herald* that had said, “Ecuador is emerging as a key meeting place for many transnational criminal and terrorist organisations, and an important part of the conduit which moves not only cocaine but people trafficking, arms, precursor chemicals and hundreds of millions of dollars a year.” Ambassador Hodges retorted that the data on drug seizures “are the figures we should be talking about; [the newspaper article] is not a report of the US government.”

This attitude was borne out by the INCSR 2010 report released by the State Department on 1 March, which commended Ecuador on its performance (while suggesting that things would be better if the US were still able to base maritime antidrugs surveillance on Ecuadorean airfields). This last appeal was reiterated on 8 March by Drew Schufletowski, head of the US embassy’s antidrugs office, who pointed to the “huge gap in the ocean” about which there is currently little information. This appears to be an indirect admission that the alternative base facilities to be provided by Colombia would not do the job as well.

Perhaps more eloquent was the 5 March delivery by the US embassy’s Milgroup of 15 HINO trucks to the Ecuadorean army. Valued at US\$783,000, they were handed over as a gift, to replace the aging vehicles currently in use to transport troops along Ecuador’s border with Colombia. This was the second donation of military equipment this year: on 19 February the Milgroup made delivery of 12 Musclejon tactical boats, 24 trailers and three motorcycles, also for use on the northern border — a package valued at US\$1m.

Earlier in the month the Milgroup inaugurated an infrastructure project valued at U\$950,000 in the northern border area, which included the construction of barracks, a generator, maintenance of the water system and pumps, the construction of an advance refuelling station for helicopters and boats, and the construction of a floating dock, a ramp, and hangar for the 55th Jungle Battalion ‘Putumayo’, engaged in antidrug operations. The increased activity by the Ecuadorean military appears to be having an effect on the other side of the border. Messages extracted from a computer seized from ‘Edgar Tovar’, commander of the Farc’s 48th ‘front’, the unit that collects the cocaine along Colombia’s borders with Ecuador and Peru. They are now shipping that cocaine overland, via Cauca and Chocó, then outward from Urabá.

The US State Department reckons that between 200 and 220 tonnes of cocaine a year were being funnelled from Colombia via Ecuador. Of this amount, about 60% is thought to be destined for the US, and the rest for Europe.

## **“Colombia and Ecuador: A Clash of Two Plans”**

Lina Britto

*NACLA Report on the Americas* 42:4, Jul/Aug 2009, pages 35-39

PRISMA

ARRIVING IN QUITO AFTER A DIRECT FLIGHT from Bogotá, one easily realizes that the "brotherhood of nations" rhetoric traditionally used by the Colombian and Ecuadoran governments is more than just talk. The temperate climate, thick mountain vegetation, modernist architecture, ubiquitous yellow, blue, and red flag, multicolored faces, and obvious poverty and inequality all come together to produce the sensation that if it weren't for the short flight, one had not crossed a border.

But if in the streets the brotherhood of nations seems concrete, it has been shattered in the political arena. On March 1, 2008, the Colombian military crossed the southern border into Sucumblos, a northeastern province of Ecuador, and bombed an encampment of the Revolutionary Armed Forces of Colombia (PARC), killing 26. The violation of Ecuador's territorial sovereignty triggered a diplomatic standoff that continues to this day, with formal relations still suspended and a growing mutual resentment in the popular culture of both countries.

While the attack precipitated the breakdown in relations, it was the Colombian government's decision almost a decade ago to "retake" its southern territory in the Amazonian basin, near the Ecuadoran border, that paved the way. The border area is one of the most valuable regional centers of petroleum extraction for Colombia and Ecuador, both of which are highly dependent on hydrocarbon revenues. And on the Colombian side, the southern department of Putumayo was in 2000 home to more coca production than any other department in the country, with wide swathes of its territory under FARC control.<sup>1</sup> Thus a key objective of Plan Colombia, the \$6 billion U.S. military aid program launched in 2000, focused on reconquering Putumayo.

Roughly the size of New Hampshire, Putumayo has seen its population steadily increase since the 1970s, as campesinos displaced by war or attracted by government-sponsored colonization plans migrated there. In the late 1970s, when coca is said to have first been planted in Putumayo for the purpose of producing cocaine, the PARC guerrillas began establishing a strong presence in the area; since then, they have regulated nearly all processes of internal colonization in the manner of a de facto state.

The region's first narco-bonanza came in the 1990s, thanks to the aerial fumigation of illicit crops in neighboring departments. By January 2001 the U.S. embassy said the area devoted to growing coca in Putumayo could be as high as 222,300 acres, about 13 times what it had been in 1996.<sup>2</sup> Meanwhile, Putumayo's once robust oil production - reaching a high of about 80,000 barrels a day in 1980 - declined as the civil conflict escalated during the 1990s, making the department's vast oil reserves inaccessible for the multinationals working with the state-run oil company (Ecopetrol).<sup>3</sup>

This delicate combination of petro- and narcoeconomies, together with the guerrillas' presence, turned Putumayo into the principal object of Plan Colombia's "push to the south." This strategy aimed to combine aerial fumigation, the deployment of anti-drug military battalions, and alternative-development schemes in an effort to secure PARC-held territory and disrupt the guerrilla cocaine business. By the end of Plan Colombia in 2004, United Nations surveys demonstrated that although the area devoted to illicit crops in Putumayo had decreased 45% between 2002 and 2003, coca cultivation in southern Colombia was far from eradicated.<sup>4</sup> Aerial fumigations and alternative-development schemes in Putumayo displaced production to neighboring Nariño department, also on the border with Ecuador, where coca had never previously been a cash crop.

Despite the evidence of Plan Colombia's failures, in 2004 Uribe gave the green light to Plan Patriota, the initiative's second phase. The only notable "progress" of the first phase was in dislodging the guerrillas, the main goal of Uribe's "democratic security." Although the FARC still controls the department's rural areas, it lost the major towns - not to the Colombian military, but to paramilitary groups united under the banner of the United Self-Defense Forces of Colombia (AUC). Replicating the model inaugurated in the north of Colombia, particularly in Magdalena Medio in the late 1980s and Urabá in the 1990s, the AUC conquered Putumayo through a combination of brutality that started with massacres, followed by selective killings and the "social cleansing" campaigns that continue today.<sup>5</sup>

Ecuador, in contrast, has preferred for many decades and multiple administrations to avoid using force on its northern border. Like the FARC in Putumayo, multinational oil companies, including Texaco and others, arrived in Sucumbios in the late 1960s and early 1970s. Save for a few skirmishes here and there, confrontations between the Ecuadoran military and Colombian guerrillas straying into Ecuadoran territory have been so rare that many in Ecuador speak of a "gentleman's pact." Indeed, the only Ecuadoran voices that call for a "frontal attack" on Colombia or anyone else are excited soccer commentators. Officially, Ecuador's policy had long been to remain uninvolved in the Colombian conflict and to keep a low profile in the border zone.

That changed after the inauguration of President Rafael Correa in 2007. In April of that year, Correa announced Plan Ecuador, a development initiative for the five provinces that compose the country's northern frontier. In contrast to Plan Colombia, for which structural problems and social development are tangential, Plan Ecuador aims "to replace war with peace" without changing the hands-off toward the Colombian conflict, by confronting the border area's historic poverty. Although short on specifics, Plan Ecuador stipulates that state interventions should aim to strengthen local institutions, provide basic services, and manage productive systems and natural resources, while attempting to uphold human rights and provide humanitarian assistance.<sup>6</sup>

Thus did the Colombian incursion take place in the context of a significant restructuring of Ecuadoran border policy, together with the popular approval of a new Ecuadoran constitution that enshrines national sovereignty. In contrast to Ecuador's prior governments, which preferred to sweep the impacts of the Colombian conflict under the rug to avoid scaring away oil investors, Correa responded by rejecting Colombia's "war on terror" justifications and called the attack an "aggression." He recalled his ambassador to Colombia, expelled the Colombian ambassador, and deployed the army to the border. He embarked on a regional tour to gather support and urged the Organization of American States to condemn the attack as a violation of Ecuador's territorial integrity, as it later did. While this vigorous response was costly in terms of Colombian relations, it earned Correa great credibility in the rest of the hemisphere.

To date, Correa has refused to consider the Colombian government's conditioning of renewed diplomatic relations on Ecuador's participation in joint military operations. In turn, Correa's government has made two basic demands: that the Colombian government hand over information on the incursion, including data extracted from guerrilla laptops that supposedly survived the bombardment, and that it increase aid to Colombian refugees in Ecuadoran territory. In May, Correa vowed to use "all judicial bodies that are within our reach so that this treacherous and devious bombing, this insult to national sovereignty, does not go unpunished."<sup>7</sup>

Colombia, in turn, has played a double game. On the one hand, the Uribe administration publicly accepted and pledged to respect the OAS resolution of March 18, 2008, which condemned the attack and ordered Colombia not to repeat anything like it "under any circumstances."<sup>8</sup> On the other hand, Colombia has rejected Ecuador's conditions and insinuated that Ecuador harbored and protected the

FARC, thereby justifying the attack as an act of "legitimate defense" (and implicitly likening the Correa government to the Taliban).

HOW SHOULD WE UNDERSTAND COLOMBIA'S DISASTROUS push to the south? One way would be to interpret the southern campaign as the centerpiece of a new era in Colombia, one that we could call the Uribista Regeneration. In the late 19th century, a profoundly Catholic and nationalist faction of Colombia's Conservative Party, encouraged by an unprecedented coffee boom, took power and established a new constitution that abolished the previously guaranteed civil liberties and state decentralization in what came to be known as the Regeneration. This era's centralist model of development, bolstered by a constitution that would remain in force until 1991, served as the framework for securing the internal agriculture frontier along the western Andes, the coffee-producing territory that would serve as Colombia's economic engine for the first half of the 20th century.

Like the administration of Rafael Núñez in the 1880s, Uribe's government pursues the interests of regional elites, in this case those who owe their meteoric rise to a combination of legal and illegal economic activities, including narco-trafficking, cattle raising, agro-industry, real estate, and tourism. Their success has given them the confidence to try to shut down openings in Colombia's political-economic system - in this case, the 1991 Constitution and the previous government's failed peace process with the FARC. On their behalf, Uribe's "democratic security" state both facilitates foreign investment in extractive industries and assumes the role of protecting private activities and profits, an activity branded as promoting "investor confidence."

This function of the state is understood as legitimate thanks to the historical roots of Uribe's mandate. According to the 19th-century Colombian myth of origins, Andean white/mestizo society serves as the country's vanguard of modernization, concentrating the profits of all important economic activities as it monopolizes institutions, bureaucracies, and resources. Although this conception of the national polity was common to all the Andean countries, only in Colombia has it been renewed and strengthened into the 21st century through boom-and-bust economies (legal and otherwise) and political violence. Uribe's public image rests on the idea that he is an accomplished representative of this ethos; thus his crusade to conquer the lowlands and subdue its peoples of color is celebrated ideologically

While turning Colombia's territory into an enclave for foreign investment, the Uribista Regeneration has practically eliminated national sovereignty, definitively putting Colombia on its knees before the United States. Sovereignty is also at stake on the Ecuadoran side of the border and is a deeply felt, lived political issue. Take, for example, Martha, a 42-year-old Colombian who was arrested with several members of her family, including the father of her three children, in 2007.

"What kind of sovereignty are we talking about," she said from her prison cell in Quito, where she is serving a sentence for money laundering, "when in my case it was the DEA that directly gave the order [to the Ecuadoran authorities] to arrest us?"

A similar question was put forward by Ecuador's Constituent Assembly in its report on the Colombian incursion, issued in April 2008. The assembly recommended that the Ecuador adopt its "own security and defense policies, because in the last decades our policies have followed the patterns fixed by the security and defense policy of the United States, which establishes its own priorities."<sup>9</sup> Like Martha in her prison cell, Roundtable 9 of the Constituent Assembly, on Sovereignty, International Relations, and Latin American Integration, understood that farther north of the menacing hypertrophy of the Colombian internal conflict lies a greater obstacle: the United States' "war on drugs."

Correa's decision to close the U.S. military base near the coastal city of Manta, frequently used for anti-drug operations, together with his vigorous response to the Colombian incursion, signals a new Ecuadoran disengagement from the lethal combination of the war on drugs and the war on terror. While Colombia's government claims the right to intervene in neighboring countries - -justified by a homegrown version of the already antiquated Bush doctrine of "preemptive strikes" - the political process under way in Ecuador, made possible by the country's powerful social movements, continues advancing toward a more participatory and sovereign democracy.

In any event, the future of Colombian-Ecuadoran relations is unclear. With a submitted budget of \$46 million, the government of Barack Obama is seeking to move the U.S. military base from Manta to Palenquero, near Bogotá.<sup>10</sup> In addition to gaining access arrangements for all kinds of military operations in Central and South America, the new base will transform the corrupt Colombian military forces into U.S. guard dogs on the continent.

Meanwhile, the war in Putumayo continues spreading illicit crops all over the southern departments despite the UN Illicit Crop Monitoring Programme's warning that since 2007 Nariflo has been "the department with the highest area with coca cultivation in the country" - with 21% of the national total.<sup>11</sup> As happened in Putumayo, the FARC's de facto authoritarian state has traveled with the coca fields. This time they have announced their presence by attacking indigenous resguardos (reservations). The last incursion took place in February, with the massacre of at least 20 Awá people and the forced displacement of the rest of the community.<sup>12</sup>

On the other hand, the recent discovery of a new oil well in the town of Orito, Putumayo, announced in April, guarantees the armed presence of the Colombian state in the area. Putumayo's oil reserves are key to the finances of the Colombian state as it would make possible its vital goal of increasing current oil national production from 588,000 barrels a day to 1 million by 2015.<sup>13</sup> Thus while guerrillas, paramilitaries, Colombia's U. S. -sponsored armed forces, U.S. mercenaries and secret agents, and oil companies continue waging war on the border, the "brotherhood of nations" will likely remain merely rhetorical.

It was the Colombian government's decision almost a decade ago to "retake" its southern territory that led to the incursion into Ecuador.

## “Country Report: Ecuador (2009)”

Freedom House  
2009

Freedom in the World - Ecuador (2009)  
Capital: Quito

Population: 13,800,000

Political Rights Score: 3 \*  
Civil Liberties Score: 3 \*  
Status: Partly Free

### Overview

In March 2008, Colombian forces carried out a cross-border bombing raid on rebels based in Ecuador, dramatically raising tensions between the two countries. In September, voters approved a new constitution that granted extensive powers to the executive branch.

-----  
Established in 1830 after achieving independence from Spain in 1822, the Republic of Ecuador has endured many interrupted presidencies and military governments. The last military regime gave way to civilian rule when a new constitution was approved by referendum in 1978.

In January 2000, President Jamil Mahuad was forced to step down after midlevel military officers led by Colonel Lucio Gutierrez joined large protests by indigenous groups. Congress then met in emergency session in the city of Guayaquil to ratify Vice President Gustavo Noboa, who did not belong to any political party, as the new constitutional president.

In October 2002 legislative elections, the Social Christian Party (PSC) secured the largest number of seats. Gutierrez won a surprise victory in that year’s presidential election, pledging to eliminate corruption and ease acute rural poverty. His January 2003 inauguration marked the first time that Ecuador’s head of state shared the ethnicity and humble background of the country’s large indigenous population.

By the end of 2003, the president had been weakened by conflicts within his leftist coalition and the immediate effects of his tough fiscal policies, which supporters said had curbed inflation and improved Ecuador’s balance of payments. The powerful Confederation of Indigenous Nationalities of Ecuador (CONAIE) movement soon withdrew support for Gutierrez, and dissent over fiscal and labor reforms spilled into the streets.

After a dismal showing by Gutierrez’s Patriotic Society Party (PSP) in the October 2004 regional and municipal elections, the opposition began to press for his removal. In December, Gutierrez dismissed the Supreme Court for political bias, replacing the panel with loyal judges who granted immunity to several exiled politicians facing corruption accusations. When one such leader, former president Abdala Bucaram, returned to Ecuador, middle-income groups in Quito joined the protest movement against Gutierrez. The president sought to placate protesters by dismissing the new Supreme Court in April 2005, but he was ousted that month on the spurious charge of “abandonment of post.”

Assuming the presidency, Vice President Alfredo Palacio initiated an elaborate factional balancing act and reversed his predecessor’s fiscal policies, diverting funds to social programs. In late 2005, in an

apparent attempt to bolster his waning popularity, Palacio demanded that contracts with foreign oil companies be renegotiated to meet terms more favorable to the state.

Demonstrations against foreign oil companies and a proposed free-trade agreement (FTA) with the United States dominated the first half of 2006, leading to emergency declarations in six provinces in February and March. In May, the government annulled the contract of U.S.-based Occidental Petroleum, accusing the company of violating its terms; the move prompted the United States to suspend FTA talks indefinitely. Meanwhile, relations with Colombia deteriorated as that country's military and guerrillas with the rebel Revolutionary Armed Forces of Colombia (FARC) crossed the border on several occasions.

Charismatic former finance minister Rafael Correa—who criticized free-market economic policies and pledged to renegotiate the country's foreign debt and end the FTA talks with the United States—finished second to banana magnate Alvaro Noboa in the first round of the presidential election in October 2006. Correa went on to win the runoff with 57 percent of the vote, but Noboa's Institutional Renewal Party of National Action (PRIAN) led congressional elections with 28 out of 100 seats. The PSP placed second with 24.

Correa soon began pressing Congress to authorize a referendum calling for a constituent assembly that would be empowered to write a new constitution. By the end of March 2007, the fight to determine the rules of the prospective assembly had led the congressional opposition to remove the head of the Supreme Electoral Tribunal (TSE). The tribunal subsequently dismissed 57 legislators, many of whom were replaced by alternates more sympathetic to the executive branch. When the Constitutional Court declared the dismissals illegal, the reshaped Congress removed all nine of its judges. According to Human Rights Watch, all of these decisions “were without any credible basis in law.”

In April 2007, some 82 percent of referendum voters approved the call for a constituent assembly with “full powers.” Correa and his Country Alliance Movement, taking advantage of the battered and fragmented opposition, captured 80 of the assembly's 130 seats in September delegate elections.

Work on the new charter was fitful during the first half of 2008. The most significant interruption came on March 2, when Colombian warplanes bombed a FARC camp on Ecuadorean territory. Ecuador angrily denounced the attack and recalled its ambassador from Bogota. Despite several attempts at reconciliation, the two countries remained at odds for the rest of the year.

In July 2008, the government confiscated the first of what would eventually be over 250 businesses owned by the Grupo Isaias conglomerate. The government said it would sell the seized assets to compensate citizens whose savings were lost in the 1998 crash of an Isaias-owned bank, but critics noted that the two television stations confiscated in the action would be useful to the government during the forthcoming constitutional referendum and subsequent elections.

Meanwhile, the constituent assembly finally approved a draft constitution, composed of 444 articles, in late July. Supporters said it would do away with Ecuador's ossified party system while guaranteeing an array of rights and services to all citizens. Critics of the document argued that it concentrated both political and economic power in the hands of the president and posited a long list of rights that the state would be hard pressed to uphold.

In a September referendum, the new constitution passed with approximately 64 percent of the vote. A subset of 76 of the 130 constituent assembly members were tasked with fulfilling legislative duties during the transition period, including enactment of an election law that would govern presidential and legislative elections scheduled for April 2009.

## Political Rights and Civil Liberties

Ecuador is an electoral democracy. However, it suffers from an unstable political system that has brought it eight presidents since 1996. The 2006 elections, while generally free and fair, were plagued by technical glitches. Elections to the constituent assembly in 2007 were deemed free and fair by the European Union, as was the September 2008 constitutional referendum.

The 2008 constitution provides for a president elected to a four-year term, with one possible reelection; in practice, this means that President Rafael Correa could serve until 2017. To win without a runoff, presidential candidates must garner 40 percent of the first-round votes and beat their closest rival by at least 10 percentage points. The unicameral National Assembly is elected via party-list proportional representation, with 124 seats up for election in 2009. The president has the authority to dissolve the legislature once in his term, which triggers new elections for both the assembly and the presidency; the assembly can likewise dismiss the president, though under more stringent rules.

For decades, Ecuador's parties have been largely personality-based, clientelist, and fragile. Correa's Country Alliance party, though not fully ideologically coherent, is currently dominant; its competitors include PRIAN, the PSP, the PSC, and the Ethics and Democracy Network (RED).

Politics are affected by regionalist tension between the coast, which is the base of both the economic elite and the Afro-Ecuadorian minority, and the interior (both the Andean mountain region and the Amazon River basin), where indigenous groups are centered. Despite Correa's roots in Guayaquil, the country's largest city and commercial center, opposition to his administration is concentrated there. Indigenous representation has increased greatly over the past 15 years; the CONAIE indigenous movement is one of the better-organized and more vocal social groups in the country.

Ecuador is racked by corruption. Numerous politicians and functionaries have been investigated for graft, and the public perceives corruption to be present in nearly every social sphere. In 2008, the sports minister was forced to resign when evidence of substantial graft within his ministry emerged. The country was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Constitutional guarantees of freedom of expression are generally observed, and the media, most of which are privately owned, are outspoken. However, relations between the press and Correa are poor. He has frequently accused the media of improper links with private interests and often refers to journalists as corrupt liars and feral beasts, among other slurs. In May 2007, Correa filed a defamation suit against the editor of the newspaper *La Hora* for an editorial that accused him of governing with "tumult, sticks and stones;" the case was closed in 2008. Separately, two reporters received jail sentences for defamation in 2008. The two television stations seized by the authorities in July as part of the Grupo Isaias case subsequently softened their editorial line toward the government. Separately, press watchdog groups warned that several vague articles in the new constitution opened the door to potentially abusive new forms of regulation. Internet access is unrestricted.

The constitution provides freedom of religion, and the authorities respect this right in practice, though tensions between the government and the Catholic Church increased during the run-up to the constitutional referendum. Academic freedom is not restricted.

The right to organize political parties, civic groups, and unions is upheld by the authorities. Ecuador has numerous human rights organizations, and despite occasional acts of intimidation, they report openly on arbitrary arrests and instances of police brutality and military misconduct. Human rights groups loudly protested repression by security forces and the large volume of arrests during protests related to the draft mining law being debated in late 2008. The country's labor unions have the right to

strike, though the labor code limits public-sector strikes. A mere 1 percent of the workforce, which is concentrated in the informal sector, is unionized.

The judiciary, broadly undermined by the corruption afflicting all government institutions, remained in a state of crisis following the political turmoil of 2005 and the struggle between the executive and legislative branches in 2007. The highest judicial bodies under the new constitution are the nine-member Constitutional Court and the 21-member National Court of Justice (CNJ). Following approval of the new charter, the majority of previous Supreme Court members selected to serve on the CNJ refused to take their seats. A standoff of several months ended with an agreement in which former alternate Supreme Court judges occupied a majority of the new court's positions.

A new criminal code in 2001 replaced the existing civil law-based, inquisitorial system with aspects of a common-law, adversarial system. However, judicial processes remain slow; many inmates reach the time limit for pretrial detention while their cases are still under investigation. The number of inmates in the country's overcrowded prisons is more than double the intended capacity, and torture and ill-treatment of detainees and prisoners remain widespread. In late 2008 the Ministry of Justice began to prepare an overhaul of the criminal justice system, including the drafting of a new criminal procedure code.

Civil-military tensions increased in 2008 following the cross-border raid by Colombian forces. After it emerged that military officials had provided information to their Colombian counterparts that had not been provided to Correa, Defense Minister Wellington Sandoval and several senior commanders were dismissed.

In 2007, Correa presented a plan to increase spending on services for the hundreds of thousands of Colombian refugees in Ecuador. The country continued efforts to grant residency status to the refugees in 2008.

Despite their significant political influence, indigenous people continue to suffer discrimination at many levels of society. In the Amazon region, indigenous groups have attempted to win a share of oil revenues and a voice in natural-resources and development decisions. Although the government tends to consult indigenous communities on natural-resources matters, their wishes are not always granted. Indigenous activists frequently report threats and violence against them by state and private security forces. In 2008, a new draft mining law led to conflict between the government and indigenous groups, including several violent protests. Debate on the law in the transitional assembly continued at year's end.

Women held 45 of 130 seats in the constituent assembly, and the new constitution calls for significant female presence throughout the public sphere. Violence against women is common, as is employment discrimination. Trafficking in persons, generally women and children, remains a problem.

-----  
\*Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. [Click here for a full explanation of Freedom in the World methodology.](#)

## **“Two Perspectives on Ecuador: Rafael Correa’s Political Project”**

By Adrián Bonilla and César Montúfar

Inter-American Dialogue

29 August 2008

### **MONTUFAR**

This article examines the context in which Rafael Correa became president, his initiatives, and his accomplishments, followed by a review of the type of constitution he seeks and likely scenarios following the constitutional referendum. Brief mention is also made of Correa’s foreign policy and the state of the economy.<sup>1</sup>

#### **How Did Rafael Correa Become President of Ecuador?**

Correa came to office in the wake of a crisis of governance set off after Vice President Alberto Dahik was removed from office in 1995. None of the seven presidents Ecuador had in the years that followed completed his term of office. Political stability seemed a distant dream.

In the ensuing turmoil, flouting the Constitution and the law to suit special interests became an everyday occurrence. The executive and legislative branches became mired in conflict, obstructionist tactics, and blackmail. Justice and oversight institutions became politicized and the armed forces were frequently called upon to arbitrate the constant squabbling.

The central government became weakened and unable to fulfill its role in the decentralization process. Key democratic institutions like Congress, the justice system and political parties lost face and credibility. Angry rejection of the political system became widespread. As parties became acutely fragmented, new local leaderships rose to fill the void.

<sup>1</sup> The author thanks Marco Romero for his comments.

That was the state of affairs in Ecuador when the presidential election of October 2006 was called. Rafael Correa, a former economy and finance minister under President Alfredo Palacio, ran on the Alianza País (AP) or National Alliance ticket. AP was an ad hoc movement bringing together elements of the established left, disaffected members of traditional parties, and a sprinkling of social movement figures. In addition, Correa received support from the Socialist Party in the first vote and from the Democratic Popular Movement in a subsequent runoff election. Indigenous representatives Pachakutik and CONAIE (Ecuadoran Confederation of Indigenous Nations) declined, leaving the movement out of the winning coalition.

In the first round, Correa took second place with 23 percent of the votes cast. Álvaro Noboa garnered 26 percent. Correa subsequently won the runoff election with 56 percent of the vote. In the first round, he had advanced a left-leaning platform denouncing “the long neoliberal night,” international financial institutions, a free trade agreement with the United States, and U.S. use of Ecuador’s Manta air force base. Most importantly, Correa ran on the need to convene a constituent assembly capable of “refounding” the country and ridding Ecuador of political party élites. AP declined to field candidates for Congress and emphasized that only a constituent assembly could really change Ecuador, and this strategic move paid off handsomely. From a dark horse who barely registered seven percent in initial voter surveys, in a matter of weeks he was leading the polls.

Correa then toned down his message. In the second round he emphasized redistribution of wealth, subsidies for the poor, holding the line on utility rates and reducing sales taxes. Correa benefitted greatly from his contender’s unpopularity, as many voted for him primarily to preclude a Noboa win.

In brief, Correa won because he appealed to a wider audience, addressed the demands of the needy, and stood as a viable option for anti-Noboa voters.

Rafael Correa, however, was a weak president the instant he acceded to power. His decision not to field congressional candidates meant he had no support in the legislature. State institutions were still controlled by the party establishment and his grassroots support was no greater than that of other new presidents. Just like other Ecuadoran presidents elected on the second ballot, Correa had won with the support of voters who could not tolerate his challenger. At that point, the stunning increase in support he would later enjoy was hard to envision.

However, Correa owes his phenomenal popularity to his use of every tool the state apparatus can offer. Rather than an outsiders' revolt that sets about transforming the state—as Correa's "Citizens' Revolution" campaign slogan would suggest—his project originates in the state and is being imposed on society from the top down.

### Correa's Initiatives and Accomplishments

Since his inauguration on January 15, 2007, Rafael Correa has used every political, legal, fiscal and public relations tool available to build his constituency. The government, for example, conducts systematic opinion polls as inputs for initiatives and messages which are then widely publicized. Correa has also succeeded in introducing the "permanent campaign" style of governing, based on maintaining high approval ratings.<sup>2</sup> Depending on the polling agency, his numbers in March 2008 ranged from 62 percent (Cedatos) to 80 percent (Pérez). Approval was greatest in Cuenca, slightly less in Quito, and somewhat lower in Guayaquil. Such levels of presidential approval are unprecedented for Ecuador, where most incumbents have governed with 40 percent support or less.

Correa's permanent campaign approach builds on the anti-political discourse of his candidacy and works by polarizing issues as a prelude to a confrontation with traditional power holders. A key component of this strategy is constant confrontation of political parties, local governments, private banks and corporations, the media, and multilateral lenders. From the government's perspective, political initiative is the sole prerogative of a president who must do battle against the "mafias" of the past. Correa sees himself as representing the public against the oligarchy, as the embodiment of a state which must be strengthened in order to defend the public against the criminals who plundered it from within.

Essential to building this new order is discrediting and supplanting the private news media. As it fills the airwaves and newspapers with a massive barrage of propaganda, the government is hard at work building a parallel print and broadcasting network. The intent is to lift the monopoly on shaping public opinion from private media hands and ensure that Correa's sense of urgency flows unimpeded to all citizens.

Using these tactics, Rafael Correa convoked a national constituent assembly, controlled<sup>2</sup> "The permanent campaign" strategy defined by Norman Ornstein and Thomas Mann is a form of governing in which acts of government and political marketing techniques are inextricably intertwined. In the permanent campaign, the line separating governmental processes and proselytizing begins to blur. See Norman Ornstein and Thomas Mann, "Conclusion: The Permanent Campaign and the Future of American Democracy", in Norman Ornstein and Thomas Mann, Eds., *The Permanent Campaign and Its Future*. Washington, D.C.: American Enterprise Institute Press, 2000. by an absolute government majority. This required unconstitutionally removing 57 legislators from office and shutting down Congress. Once in control of the assembly, the president ruled single-handedly on the contents of the new Constitution.

In addition, constitutional assembly Directive 001 stated that the Constitution remains in effect only insofar as it does not conflict with the decisions of the assembly. This peculiar interpretation is aligned with government requirements and gives the assembly a free hand in altering legal structures before the new Constitution takes effect.

Effectively doing away with the separation of powers, the assembly has directly or indirectly helped the government achieve unbridled influence on the judiciary, the Constitutional Court, and the elections agency, as well as the offices of the Comptroller General, Public Prosecutor, Solicitor General and the Ombudsman, not to mention the Central Bank and a majority of local governments.

The Correa government has also implemented a range of populist measures, including cash transfers, a “redistributionist” tax reform, revision of oil company contracts, and price controls. His expansive fiscal policy is designed to benefit the poor, the military, organized labor, and powerful unions, in exchange for support.

Correa has also created new sectoral and regional coordination ministries, plus a plethora of other cabinet posts. In so doing, he has issued emergency decrees exempting the administration from established procedure. For example, he has handed control of PetroEcuador, the state oil company, to the armed forces and given major road construction contracts to the Army Corps of Engineers.

In the elections of March and September 2007, Alianza País emerged as the indisputable new majority, shifting Ecuador from massive political fragmentation to tight concentration. With the probable exception of the mayor of Guayaquil, the government has managed to neutralize most national and local political opponents. Now the sole actor on the political and media scene, the president is overshadowed by no one, including his own supporters in the assembly. Political initiative is effectively a monopoly in presidential hands.

The new political and economic arrangement Correa and his supporters seek is a work in progress. So far, all we can say is that the permanent campaign style of governing has, in a very short time, allowed Correa to make fundamental changes in the way power is shared. Old parties have been destroyed, as have new political options, while state organs have been shut down or reorganized to conform to presidential wishes. An expansive fiscal policy establishes and reproduces clientelistic practices. To circumvent checks and balances on fiscal expansion, the role of the executive has been restructured. Ecuador is being offered a new state built exclusively around the presidential persona. The plan includes supplanting and discrediting all other intermediaries (i.e., democratic institutions, opposition parties, the news media, unions, business groups) and building a structure based on direct exchanges between the executive and society. All other intermediaries have been temporarily or permanently pushed aside by new institutions.

The unprecedented concentration of power in Correa’s hands has proceeded at the cost of breaking down or damaging the constitutional and legal order. In this regard, the government’s chief strategic achievement is to have secured control of the process of change. Government spokesmen argue that it was the only way the power elite, including the political and economic mafia that had commandeered the state, could be unseated. The government suggests that concentration of power was a tactic required by the need to transform old structures, and that the new Constitution will emphasize democracy and power-sharing. Can these assurances be believed? The answer lies in the draft Constitution.

The Proposed Constitution

By controlling a majority of the constituent assembly, the government had no need to negotiate the content of the Constitution with other groups. A reading of the constitutional text, presented on July 25, reflects this imposition:

- A Strong Presidential System: The proposed Constitution would permit reelection and expand presidential prerogatives. This power is manifest in the ability to dissolve Congress, presidential influence over constitutional oversight bodies, curbs on private media and expansion of government outlets, referendum democracy based on support for the president, an electoral system that concentrates representation, and the mobilization of client groups through direct democracy.
- A Centralist Territorial Arrangement: There would be a strong state, due to a recentralization of powers and resources as well as a government-controlled regionalization resulting in weaker local and autonomous governments.
- A State-Centric Economy: The new constitutional document includes strong central planning, a coercive tax system, an expanded economic role for the state and the armed forces, the transfer of strategic areas of the economy to government control, consolidation of a resource export economic model, curbs on both the domestic and international private sectors, and expanded partnerships with government-owned corporations in other countries.

“Political initiative is effectively a monopoly in presidential hands.”

#### 6 Two Perspectives on Ecuador

Rolling out these changes is likely to lead to conflict and erode government support, with a few likely flash points:

- The new territorial arrangement runs counter to the decentralization and autonomy efforts of the past 15 years. It should encounter strong opposition from local stakeholders and will likely be a key point of contention.
- The new economic model will hurt segments of the private sector, communities in and around resource-rich areas, and middle- and low-income groups hit by high taxes and economic decline.
- The new political system will weaken a liberal middle class that believes in democracy and rights. These sectors are key media influences and can sway public opinion.

The government proposal is likely to receive support from:

- Radicalized middle-class leftists who support state-centric, authoritarian positions;
- Beneficiaries of subsidies and cash transfers;
- The armed forces (although they are likely to keep their distance in order to retain room to maneuver); and
- Public service associations and powerful unions, including for teachers, healthcare, and oil workers.

The government’s constituency is a diverse mix of impoverished clients, radicalized leftists, public service and other unions, the armed forces, and elements of the indigenous movement. The government will likely remain flexible on some issues in order to negotiate support from additional sectors as required.

To bring its plans to fruition, the government must first win the constitutional referendum, which is contingent on consolidating its hold on the electorate and attaining a majority among local governments. Thus, 2008 is an exceedingly political year, with all government and assembly initiatives revolving around this objective. Crucially, assembly rules dictate that the draft Constitution requires the approval of 50 percent plus one of the electorate. It also requires a much higher voter turnout than in September 2007, when presidential popularity was at 80 percent and AP won 52 percent of votes cast to give it a strong majority of constituent assembly seats. In a scenario resembling conditions in September 2007, approval of the new Constitution would require 59.5 percent of votes cast. In the conditions of the March 2007 referendum, the figure would be 53.1 percent, and in the scenario of the general elections of October 2006, 76 percent.<sup>3</sup> Whatever the

circumstances, as in 2007, the government will surely not hesitate to use every available resource to secure victory at the polls.

While Correa's support makes approval highly likely, it is by no means a foregone conclusion. An economic downturn, the impact of severe flooding in coastal areas, or controversy over constitutional issues could yet prevent the government from obtaining the plurality it needs.

<sup>3</sup> As estimated by mathematician Germán Rojas of the National Polytechnic School. "Referendo es igual a plebiscito," *Revista Vanguardia*, Issue 125, 19-25 February 2008, p. 21.

In the aftermath of the referendum, the country may face the following scenarios:

**Scenario 1: Strong authoritarian institutions (Likelihood: medium to high)** If the draft Constitution passes by a wide or reasonably comfortable margin, the stage would be set for Alianza País to make a clean sweep at the subsequent local, presidential and congressional elections. The new Constitution would set the country on a period of political stability under an authoritarian and illiberal regime running a strong central state with control over economic and resource distribution matters.

**Scenario 2: Weaker authoritarian institutions (Likelihood: medium to high)** Should the draft Constitution pass by a narrow margin, the government could stumble at the polls or have trouble implementing the new Constitution. It may win reelection, but its position could be weakened as the opposition begins to regain strength. Depending on the balance of power, this scenario could morph into Scenario 1 or 3.

**Scenario 3: Return to political instability (Likelihood: low)** If the draft Constitution does not pass, the government may not be strong enough to win the next elections. This might bring back political instability and even lead to extremes, such as the resignation of President Correa or the rise of a destabilizing opposition. The laws and directives passed by the assembly would no longer be in effect, causing constitutional and legal chaos.

**Scenario 4: Return to democratic institutions (Likelihood: very low)** If the draft Constitution fails to pass and the president accepts the results, reformulates his objectives and agrees to leave office as mandated by the 1998 Constitution, assembly laws and directives would be set aside and the opposition could regain strength without recourse to conspiracies or destabilizing tactics. Regardless, there is no easy way out. Scenarios 1 to 3 would be particularly detrimental to Ecuador. Scenario 4 would be less traumatic but is also less likely.

#### Foreign Policy

The crisis following Colombia's March 1 incursion against a Revolutionary Armed Forces of Colombia (FARC) camp in Ecuadoran territory became a watershed moment for Correa's foreign policy. Prior to this, he had kept a low profile and focused mostly on relations with South America. Ecuador was an early supporter of the Bank of the South initiative; forged closer energy and political ties to Venezuela while keeping its distance from Hugo Chávez; and sought stronger ties with China, Indonesia, and Iran. Despite Ecuador's refusal to resume trade talks with the United States or renew the Manta agreement, bilateral relations remained fluid. The Ecuadoran government did not indulge in anti-U.S. rhetoric and continued to seek cooperation and understanding on specific issues.

Rafael Correa had come into office at the lowest point in bilateral relations with neighboring Colombia in recent history. In an effort to reverse the trend—during which his predecessor withdrew Ecuador's ambassador to Colombia for several months—Correa oversaw a notable improvement in political, trade, and diplomatic relations. Of course, aerial fumigation of suspected coca crops along

the border remained a source of friction. Faced with Colombia's refusal to put the spraying on hold, Ecuador had even threatened to take the matter to the International Court of Justice.

But the events of March 1 shook Ecuador's overall foreign policy. In addition to denouncing the incursion in the strongest terms, Correa made scathing remarks about Colombian security policy, branding it an instrument of U.S. interests in the region. He expelled the Colombian ambassador, broke off diplomatic ties and made good on his threat to take the fumigation issue to the World Court. A radicalized Correa went as far as charging Ecuadoran military intelligence with taking their marching orders from the U.S. Central Intelligence Agency.

The initial Ecuadoran strategy was closely aligned with Venezuela's. Although Presidents Chávez and Uribe later moved to defuse the situation, an uncompromising Correa persisted in blasting Colombia, even after the resolution passed by ministers of Foreign Affairs at the Organization of American States. Going forward, friction and mutual mistrust can be expected to continue, whether diplomatic ties are re-established or not. To Correa, standing up to Uribe pays high political dividends at home, especially when coupled with tough words about national sovereignty and intervention by "foreign powers," Correa's code for the United States. On the other hand, the international community will have to judge Colombian charges of links between the FARC and Ecuadoran officials. President Uribe himself has maintained that the FARC contributed to Correa's election campaign. While the Correa government has succeeded in convincing Ecuadorans that these allegations are part of a smear campaign, the issue may eventually undermine the support Correa has received from around Latin America.

#### Brief Overview of the Economy

Rafael Correa has had good news on the world economic front. World prices for crude oil and other key Ecuadoran exports are high, remittance flows are on the rise, and local exports are benefitting from a declining U.S. dollar. Yet, in spite of this bright outlook, economic performance in 2007 came up short. Ecuador's 1.9 percent gross domestic product (GDP) growth was among Latin America's lowest. Crude oil production fell and growth in other sectors of the economy was sluggish. As of March 2008, inflation had climbed to over five percent and job creation was down year-on-year. Foreign investment in 2007 was a low \$900 million, interest rates went up, and public spending increased exponentially. Cash transfers took a \$4 billion chunk out of the budget and public sector wages were raised by 23 percent for political and electoral reasons.

For 2008, prospects are more upbeat although not outstanding (the International Monetary Fund forecasts 2.9 percent GDP growth). While crude oil production is expected to increase in a context of high world prices, a global downturn could hurt Ecuadoran exports and drive inflation. These externalities may be compounded by current bad weather and by further fiscal expansion designed to help Ecuador emerge from what Correa terms "the long neoliberal night."

#### BONILLA

The most important characteristic of the Ecuadoran political process during the presidency of Rafael Correa is the concentration of power in the hands of the executive. This consolidation is the result of both the slow erosion of Ecuador's political institutions and Correa's strong personal popularity.

#### Institutional Breakdown

The Correa government is largely a reaction to the failures of past political regimes rife with nepotism, corruption, and patronage. The political system that began in 1979 was dominated by regional and local political parties that spent nearly two decades building networks beyond their electoral

strongholds. After the attempt to introduce liberal economic reforms and the disastrous policies of the Sixto Durán Ballén government in the mid-1990s, these parties retreated to their regional bases. As a result, the government began to fragment into competing factions while state institutions atrophied.

It is important to note that politics in Ecuador rarely correspond to the country's legal norms. Breaks from democratic norms have been frequent since 1979, the year in which the country passed from military to civilian rule. From 1984 to 1988 for example, Ecuador experienced a period of authoritarianism and frequent lapses in constitutional rule. The work of the Supreme Court was obstructed, sessions of Congress were violently suspended, suspected subversives were summarily executed, and the president was kidnapped. In short, the country was clearly not governed democratically.

From this vantage point, Correa's presidency can be seen as another episode within a long tradition of Ecuadoran politics dominated by individual leaders rather than stable or enduring institutions. The difference now is that no president in recent Ecuadoran history has enjoyed the popular support or total institutional control that Correa enjoys. Nor has any president faced such weak and divided opposition from the political class, general population or business interests. Beyond any specific reform or deliberate effort to weaken the state, the present concentration was enabled by the unpopularity and disintegration of the political system inaugurated in 1979.

### Popularity

What explains Correa's popularity? The first reason is the dismal reputation of the post-1979 political order, which was dominated by corrupt and exclusionary political parties. Correa is seen as completely outside of the Ecuadoran political class, due to his independence and lack of previous experience, but also to his relative youth and fiery anti-establishment rhetoric.

A second factor explaining Correa's popularity is his strategic management of his public image, both during electoral campaigns and while president. Correa governs as though he is on a permanent campaign and has benefited from excellent marketing, without hesitating to finance it with public resources. Part of the reason Correa has deliberately never ceased to be a candidate is that he has participated in four national elections: the first round of the presidential election, the presidential runoff, the referendum to convoke the constituent assembly, and the election of assembly delegates. In the past two years, Ecuador has never emerged from campaign mode and neither has Correa, the most important national political figure.

The public image that the president seeks to project is of an anti-system, patriotic reformer. He emphasizes the reemergence of the Ecuadoran national identity through the frequent invocation of the "patria" or homeland. Somehow the president and his publicity team have generated a collective identity that is exceptionally strong, particularly for Ecuador, which is usually united only by athletic triumphs or international military confrontations.

Third, the Correa government has retained popularity by avoiding the perception of significant or generalized corruption, particularly illicit personal enrichment. So far, at least, the figures surrounding the president—technocrats, academics, and leftist activists—have not provoked hostility among the electorate or evoked the negative stereotypes of traditional politicians.

Lastly, Correa's support is a product of the fact that Ecuadoran society is marked by inequality and exclusion. The collapse of the financial system and dollarization in the 1990s cost the country over \$4 billion, left millions destitute, and pushed ten percent of the population to leave the country. Special interests had captured the state, protecting some sectors and impoverishing others. Even after years of economic growth, the current poverty rate is 38 percent, with 11 percent of the population living in

extreme poverty. This history helps explain why the discourse of the current Ecuadoran government makes a clear break with past regimes and emphasizes equality and inclusion.

Given his widespread support, popular referenda have been the most powerful instruments for legitimizing Correa and his proposals for reform. The sudden blossoming of political change that had been germinating for more than a decade can only be explained by the sudden appearance of an extraordinarily popular political figure. Correa enjoys an exceptional electoral mandate, particularly by Ecuadoran standards, and uses it to apply pressure to the rest of the political system.

Correa's popularity has barely diminished despite several incidents during his administration. Just in the last few months, these include the confrontation with Colombia stemming from the bombing of a FARC encampment in Ecuadoran territory, the resignation of the president of the constituent assembly, and the confiscation of more than 160 subsidiaries of the Isaiás Group (the owners of banks that collapsed at the beginning of the decade), including two nationally broadcast television channels. While his popularity has dropped somewhat from earlier levels, he retains strong personal support.

### Old Politics

One question still to be answered is whether Correa's political project is another episode in Ecuador's history of political instability or a turning point toward greater institutionalization. Movimiento País or National Movement, the center-left coalition of powerful local leaders (caudillos), small social movements, and minority political parties, is the loose political coalition that backs the president. It professes the common goal of transforming the state, but the modus operandi of its members is nearly indistinguishable from that of the traditional political operatives. Clientelism and patronage, especially at the local government and corporate levels, continue to be standard practice.

In the era since 1979, the central laws governing Ecuador's political parties, elections, law enforcement agencies, and the judiciary have been repeatedly modified and revised to accommodate the immediate interests of sitting governments. The Correa government is no exception to this trend, and there is a high probability that the current draft constitution will fall victim to the same fate. While the political arena—particularly the media and elites—has undergone a social and generational evolution, the Correa administration has not yet demonstrated that it will break from Ecuador's questionable traditional political practices.

### The Rise of Correa

Three coups, six governments, three supreme courts, and two constituent assemblies over the last 13 years testify to Ecuador's political turmoil. The instability began in 1995 with the first interruption of a government mandate. Congress impeached then-vice president Alberto Dahik, marking the beginning of a decade in which no Ecuadoran president would manage to complete his term. Abdalá Bucaram was thrown out of office for "mental incompetence" barely six months after his term began, followed by Jamil Mahuad of the conservative wing of the Christian Democratic Party in 2000. Lucio Gutiérrez won the 2002 elections with leftist rhetoric and the support of the indigenous party, only to change his political orientation and expel his former allies from government six months into his term.

Small groups on the left, low-profile local caudillos, union leaders, intellectuals and academics initiated Correa's 2006 presidential campaign, which later garnered the support of other powerful social movements, including indigenous groups. The candidate's personal charisma and work ethic, coupled with a well-funded campaign, put him ahead in the polls during the last weeks before the election. Correa came in second in the first round of voting, six points behind the multimillionaire Álvaro Noboa, who combined populist pledges with devout Catholic rhetoric. Correa's campaign gained new life, however, when he decided not to support candidates for Congress, which leant

credibility to his proposal to convene a constituent assembly. Against all predictions, Correa won the second round runoff by an overwhelming 16 percent.

Upon assuming power, the constituent assembly plan became the main focus of the Correa administration. Not only was it a central campaign theme, it is his symbolic link to the renewal and change sought by the electorate. The assembly proposal distinguished and distanced Correa from the opposition, ensuring he had the popular support in each political battle.

Such clashes were numerous because Correa assumed control of the executive in a position of extreme political weakness. He was bombarded with attacks from the opposition, which controlled law enforcement agencies, the Constitutional Tribunal, the Electoral Tribunal, the Supreme Court, and most importantly, Congress. Facing this onslaught, Correa appeared headed for the same fate as past presidents: blackmailed by political parties and later unceremoniously thrown out of office.

While the congressional opposition attempted to stymie Correa by blocking the constituent assembly, its resistance was easily dissolved, overcome by overwhelming public support and an Electoral Tribunal ruling of dubious legality. This first confrontation with the Congress was decisive. Correa took advantage of the unpopularity of the legislature to overwhelm it. A majority of Congress opposed calling a referendum to decide whether or not to convoke the assembly, but the opposition became entangled in the legal wrangling over control of the Electoral Tribunal. At the same time, 58 opposition members of Congress were dismissed, accused of sabotaging the electoral process. When the Tribunal eventually dissolved the Congress, the media was virtually the only social or political force that came to its defense. A new Congress comprised of substitute deputies expressed their gratitude toward Correa by voting in favor of all of his proposals.

### The Constitutional Assembly

Ecuador has already undergone twenty constitutional experiments, and they have most often been used as a way out of an institutional crisis or period of instability, such as when it entered or emerged from dictatorships. The current Constitution is no different, offering a response to recent political turmoil by ushering in dramatic changes to presidential powers and electoral rules.

#### Government Control

Once the congressional opposition was neutralized, obstacles to convoking the constituent assembly were suddenly swept away. Correa quickly moved forward with his agenda, winning the referendum to convoke the constitutional assembly with more than 80 percent in favor. The subsequent vote to elect delegates had a low electoral threshold for representation, which benefited small parties and minority groups to an unprecedented degree. Once again, Correa achieved an overwhelming electoral victory, unmatched in Ecuadoran history. Movimiento País, the president's political coalition, won 86 out of 130 seats. The Partido Sociedad Patriótica or Patriotic Society Party, led by ex-president Lucio Gutiérrez, was the next runner up with just seven seats.

Such a resounding victory made the debate over the decision making powers of the assembly irrelevant. The opposition always maintained that the body's mandate extended no further than the drafting of a new Constitution, but the government majority argued it had the power to reorganize any institution. As such, the first action taken by the assembly was to effectively dissolve Congress by declaring it in recess, even though it had also served as just a rubber stamp for the president.

With its overwhelming majority, government allies can control the outcome of the process without having to compromise or respond to dissent. Politics has turned inwards, reflecting the priorities of the Movimiento País governing coalition without representing or including opposition interests. Because it

lacks input from large sectors of the population, the constitutional document approved at the end of July will not necessarily mark a point of unification for a new society.

### Internal Conflict

Acuerdo País, the political party that supports Correa and controlled the assembly, is hardly a homogenous group, and several points of ideological tension have emerged. All of these conflicts have been resolved by the omnipotent interventions of the president, who settles controversial issues according to political convenience or his own ideological values. This became especially evident when the president of the constituent assembly and a close ally of the president, Alberto Acosta, was obliged to resign.

Up until he stepped down, Acosta was the second most important political figure in Ecuador and a symbol of the movement that brought Correa to power. In some ways, he was an early mentor to the president, pushing him into public life through the study and debate groups that proliferated in the country after the banking crisis. An argument with the president about when the assembly should finish its work was the last episode in a series of disagreements over collective and individual rights, environmental protections, and indigenous issues. The dispute ended with the political bureau of Acuerdo País, a collective authority named by the President, asking Acosta to resign the presidency of the assembly. He complied, and the body finished drafting the Constitution under the watchful eye of the president's legal advisor. The dismissal of Acosta cemented Correa's personal control over the political movement and the government.

Correa defines himself as a politician of the left, but he does not govern in collaboration with any of Ecuador's traditional leftist social movements. Emblematic of this isolation is his rocky relationship with the Ecuadoran Confederation of Indigenous Nations or CONAIE. A key actor in Ecuadoran politics during the 1990s, CONAIE was damaged by its alliance with ex-president Lucio Gutiérrez and has been excluded from any participation in Correa's government. Its presidential candidate garnered barely two percent of the vote in the last elections, and various parts of the organization have been co-opted by the president's political project. Thus, CONAIE's opposition to some government policies has not hurt the government or Correa's popularity.

Environmental issues are among the most important and contentious internal conflicts. The president has little sympathy for ecology, as his background in development economics conflicts with the demands of environmental groups. This is the issue where the discord between the president and his former mentor Alberto Acosta was the most visible, but they also disagreed over the timeline for the assembly and the necessity of involving social movements.

Issues of individual rights have also provoked disagreement within the Alianza leadership. Correa is a devout and conservative, even recalcitrant, Catholic on these issues. Various members of the assembly, on the other hand, have lobbied for the legalization of homosexual marriage and abortion. This discrepancy has led to delays and tensions within the coalition, but the eventual compromise more closely reflected Correa's view.

While these conflicts have taken a toll on the governing coalition, the most important divisions will be those that emerge when the government is obliged to select candidates. If the draft constitution is passed, new elections will be called in which the government's chosen candidates stand a far better chance of victory. Thus, the hierarchy within Alianza País will be critical. While there are different political currents within the coalition, so far they have all been obscured by the overpowering presence of the president and his personalist style of government. All functionaries and activists now declare themselves correístas—Correa supporters—but the president clearly favors some friends over others.

## Opposition

The opposition was devastated during the first year of the Correa government. The business and political elites have been unable to organize themselves since they lost control of state institutions, which they had openly profited from for decades. Less than two years after winning the first round of presidential voting, Álvaro Noboa was forced to give up his seat in the assembly because he refused to make a full disclosure of his assets. Former president Lucio Gutiérrez has lost influence after he was implicated in various espionage scandals and his collaborators were named in bribery cases. This leaves the mayor of Guayaquil, Jaime Nebot, as the default opposition spokesman, but he has no intention of sacrificing his post to challenge Correa at the national level.

Regional tensions do persist in Ecuador, but not nearly at the level of conflict between the Santa Cruz economic elite and Evo Morales's supporters in Bolivia. In the last elections in Ecuador, in fact, government candidates won by a three-to-one margin in Guayaquil, which is both the center of opposition and the city where Correa was born.

## The Draft Constitution

The president's approval ratings will probably fall in the run-up to the referendum, but it is difficult to predict if they will descend to a level that would endanger his project. The government will likely win the referendum to approve the Constitution as well as the subsequent presidential elections, which are particularly significant given that the new Constitution would allow for reelection.

In general terms, the draft Constitution represents another step towards hyper-presidentialism. Not only are there fewer checks and balances on the executive, but the president would gain more prerogatives and powers. The provision allowing for immediate presidential reelection breaks with the tradition of alternation in power dating back to the return of civilian government. Beyond the nationalist rhetoric that flows through the document, at the crux are provisional regulations that guarantee presidential control over all state authorities and powers, including the Supreme Court and the Electoral Tribunal.

This concentration of power contrasts with the respect for civil liberties shown by the administration. For example, the confiscation of the media outlets of the Isaías brothers, the ex-bankers accused of not paying debts to their clients and the state, was carried out according to legal procedures and overwhelmingly supported by the public. The problem is that constitutional legality in Ecuador is the product of the political system and, as such, can be compromised at any moment.

## Ecuador in the Context of Andean Populism

The Andean region, with the probable exception of Peru, is characterized by the presence of extremely powerful executives, the lack of checks and balances on the powers of state, a weakly represented civil society, and collapsed political parties. These conditions have spawned a new form of politics, one that is replacing the old order with coalitions of social and regional caudillos united around the image of the president.

Ecuador, a part of this trend, is undergoing a transition to a new political framework, very different from the one adopted during the transfer from military to civilian rule. Like its Andean neighbors, the new system involves a powerful executive, few checks and balances, political symbolism, a malleable constitution, and legitimization through elections.<sup>1</sup>

A regime of this nature has been established fairly late in Ecuador, relative to other Andean societies. Fujimori began the series in Peru during the 1990s, but this model can also be seen in Venezuela under Hugo Chávez, Colombia under Álvaro Uribe, Bolivia under Evo Morales, and of course in Ecuador under Correa.

This political system has existed as much in governments of the left as those of the right. Personalist rule is not a product of a specific ideology, but rather of the inability of the liberal economic model to deal with the pressures of globalization. For this reason, it is necessary to differentiate between two phenomena occurring in the Andes and within Ecuador. The first is the development of a political regime that concentrates power in the hands of the executive, putting some civil liberties at risk. The other is the general tendency of Latin American voters to elect leftist governments. It would be a methodological and conceptual error to presume that ideology—in this case the left—causes or creates the political regime that many call populism, neo-populism, or radical populism.

In order to understand Ecuadoran democracy, one must ask whether the “populism” concept is useful in distinguishing among particular cases. To the contrary, populism is broad enough to describe nearly the full spectrum of political processes in the region. Rather than shedding light on the nature of emerging political practices, the term more often generalizes very distinct processes, thereby constructing stereotypes with little informative value.

#### External Influences

##### Venezuela

While the Ecuadoran government is frequently called “pro-Chávez,” this label is both vague and an oversimplification. Elements of Ecuador’s domestic politics and constituent assembly may evoke the Venezuelan experience, but it has staked out international, social, and economic policies that are distinct from Venezuela’s. For example, Quito has not accepted the invitation to become a member of Chávez’s Bolivarian Alternative trade arrangement, ALBA. In fact, the level of cooperation with Venezuela since Correa came to power has remained nearly unchanged. Rafael Correa is attempting to leave Ecuador’s discredited political model behind, but he is not merely duplicating another country’s approach.

Ecuador has attempted to diversify its foreign relations, moving away from a reliance on either the United States or Venezuela. In the area of defense, for example, Venezuela is hardly Ecuador’s principal partner. Chile and Brazil are the main sources of Ecuador’s weapon systems within the region, and traditional suppliers such as the United States, Israel, France and China continue to maintain normal flows. For ideological and practical security reasons, Ecuador and Venezuela both harbor a certain level of distrust towards the government of Colombia. This tension, however, has not necessarily hurt Ecuador’s relationship with other countries. For example, in spite of recent temptations presented by the border crisis with Colombia, the Correa government has largely avoided confrontational rhetoric with the United States.

##### United States

Andean countries are much more heterogeneous than even the rest of Latin America, particularly when it comes to their policies towards the United States. Venezuela strives to construct a counter-hegemonic bloc while Colombia tries to maintain a special alliance with the United States. Ecuador has distant but cordial relations with the superpower, without hostility or explicit membership in any regional alliance. Peru keeps up its independence and good bilateral relations while Bolivia joins Venezuela in its negative view of the United States.

The indifference of the United States towards changes in the region and its stubborn adherence to a uniform agenda for extremely heterogeneous countries help explain the tensions in the hemisphere. United States policy toward the Andean region is characterized by overemphasis on security, reliance on a Cold War era approach to the Colombian conflict, and unwillingness to adapt to political changes in the region.

The one-size-fits-all approach of the United States is especially ironic given its emphasis on bilateralism. Washington's preference for trade negotiations with individual countries reveals the limits of its influence beyond security issues. By decoupling historic economic relationships between neighboring countries, bilateralism has severely weakened the fragile institutions of the Andean Community of Nations (CAN), particularly Ecuador and Colombia.

### Multilateral Institutions

The consensus that emerged from the Summit of the Americas in Miami in 1994 ushered in years of cooperation on defense and democracy, but it has now disintegrated. This remarkable progress was undermined by the unilateral character of Washington's global initiatives and its focus on security.

Responsibility for the exclusive focus on security does not lie only with Washington. In the Andean region at least, several states followed and consolidated this trend based on their own national interests. Specifically, the Colombian effort to present its internal conflict as a regional issue provoked negative reactions among its neighbors, especially Ecuador. This tension prompted the militarization of borders, enunciation of separate and isolated conflict strategies, and "securitization" of Ecuador's relationship with Colombia. As a result, bilateral relations between Colombia and Ecuador deteriorated to an unprecedented degree.

The absence of democratic accountability on the hemispheric and regional level—the product of the weakening of multilateral institutions—has encouraged the tolerance of antidemocratic conduct. The most dramatic case in the Andean region remains the government of Alberto Fujimori in Peru in the 1990s. This lack of collective democratic standards allows for a variety of practices that contravene the rule of law, political tolerance, and free electoral competition.

### Conclusion

The political regime inaugurated in 1979 was unable to process the central tensions in Ecuadoran society and, as a result, collapsed with the election of Rafael Correa. In less than a single year, without widespread or lethal violence, all of Ecuador's political institutions fell under control of the executive. The opposition, which was never loyal to the concept of equality or representative democracy, has been decimated. In this power vacuum, Correa, seen as a reformist caudillo, has concentrated all the powers of government and representative functions in his own hands.

It is impossible to understand the domestic politics of Andean countries, and particularly the Ecuadoran case, if one does not reflect on the nature of US foreign policy over the last dozen years and its impact on the region. Bilateralism is the preferred form of relations, and security issues have dominated the agenda. Hemispheric and regional multilateral institutions have eroded, as evidenced by the absence of regional strategic blocs, and domestic political institutions are weakening as well.

### Inter-American Dialogue

□□ Working Paper 17

Working Paper Series

For other testimonies and articles on the Andean Region please visit the Dialogue's web site:

[www.thedialogue.org](http://www.thedialogue.org).

Inter-American Dialogue Publications on Colombia and the Andean Region

## **“For Ecuador’s indigenous nations: A new constitution and familiar problems”**

By David Dudenhoefer

*Indian Country Today*, Vol. 29, Issue 12, pages 1-2

26 August 2009

Decades of activism by Ecuador's indigenous peoples have earned them considerable political power, and last year the government approved a constitution that incorporates many of the rights and concepts they long demanded. Yet, some indigenous leaders complain that little has changed in practice and that their people face the same threats they did under previous governments.

Ecuador's current constitution, which was drafted by an assembly that included ample indigenous representation, was approved by popular vote in September 2008. It was a project of President Rafael Correa, a socialist allied with Venezuelan leader Hugo Chavez and whose Pais Party dominated the constitutional assembly that produced the document.

The new constitution strengthens government control of the economy, but also recognizes the rights of nature and states that Ecuador is a "pluri-national state" composed of various ethnic groups, which should open the door for greater indigenous participation.

But according to Luis Yampis, a Shuar Indian and one of the directors of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), the new constitution has done little to change the government's relationship with indigenous peoples. He complained that delegates from the Pais Party overruled most of CONAIE's proposals to the constitutional assembly and that the Correa administration has since approved oil and mining concessions on or near indigenous land without proper consultation.

"The government should consult with the leaders of our indigenous organizations, but instead they want to choose certain people with whom to negotiate," Yampis said. "We don't want the recognition of a pluri-national state to be nothing more than words on paper. We demand that the government fulfill that promise. We demand our right to prior consultation."

Ecuador, which comprises parts of South America's Pacific Coast, Andes Mountains and Amazon Rainforest, is home to more than a dozen indigenous nations that constitute between 20 and 40 percent of the country's population. Those ethnicities include a Kichwaspeaking majority, who are descendent of peoples who formed part of the Incan empire five centuries ago, the Awa and Chachi, who are related to tribes in Colombia's Pacific lowlands, and various Amazonian ethnicities related to the libaro and other peoples in Peru. The country's population of more than 14 million also includes a small Afro-Ecuadorian minority, the descendent of colonists from Spain and other European nations and a mestizo majority with a mix of indigenous and European heritage.

CONAIE, Ecuador's largest indigenous organization, has traditionally allied itself with unions, farmers groups and leftist parties to pressure the government to repeal laws it opposed, or to force unpopular presidents from power. In recent decades, CONAIE has led massive protests that shut down the Ecuadorian capital of Quito and forced three presidents to resign.

In 1996, CONAIE created the political party Pachakutik, which has won various mayoral and congressional races. But in recent years, many indigenous and labor leaders have joined Correa's Pais movement, which has diminished CONAIE's political power.

Yampis complained that while Correa celebrates Ecuador's ethnic diversity, his administration has weakened intercultural health and bilingual education programs that indigenous leaders spent years fighting for.

Dr. Rosa Alvarado, an Amazonian Kichwa and vice president of the international Coordinator of Indigenous Organizations of the Amazon Basin, noted that while the Correa administration has improved rural health care in much of the country, it has done a poor job in the Amazon region, where it abandoned an intercultural health program she helped create. Alvarado, a public health specialist, said the intercultural system combines Western and indigenous medicine, and uses local health promoters to provide care in remote communities.

"The current administration wants just one health system and one education system."

Yampis said Amazon indigenous communities are threatened by illegal logging, hydroelectric projects that could reduce the flow of the rivers they depend on, and exploitation of new oil concessions.

He said CONAIE opposes a new mining law and a proposed gold mine in the Cordillera del Condor, a mountain range along the border between Ecuador and Peru that holds the headwaters of rivers Shuar communities depend on.

According to Esperanza Martinez, Ecuador coordinator for the international environmental group Oil Watch, indigenous leaders have legitimate concerns. She said Correa is trying to move Ecuador away from its dependence on oil exports, which account for more than one-quarter of the country's gross domestic product, but in order to finance economic diversification, he wants to exploit new oil reserves. She said there are 20 oil concessions in the country's Amazon region, most of which overlap indigenous territories.

Yampis said one of CONAIE's priorities is the consolidation of indigenous territories, noting that the government has given title to colonists who invaded indigenous lands, but has resisted indigenous demands for collective title.

Ecuador's Amazonian indigenous groups won legal recognition of vast territories through a series of marches, road blockades and other protests in the 1980s and 1990s, but according to Yampis, much of their ancestral territory has yet to be titled.

"This government doesn't want to legalize our communal lands. We are demanding the legalization of indigenous territories, as is guaranteed by the constitution."

CONAIE is formulating a series of proposals for the government, including measures for autonomy of indigenous territories. Yampis said if the Correa administration doesn't respond, CONAIE may organize national protests.

Though Alvarado echoed Yampis' concerns, she expressed hope that the country's indigenous organizations can take advantage of the new constitution to lobby for laws and development models that respond to their needs. "The advantage of the new constitution is that it respects our rights and our cosmovision; so it can be seen as an opportunity to propose projects to the government."

Angel Medina, a Saraguro Kichwa leader Correa appointed executive secretary of the Development Council of the Nationalities and Peoples of Ecuador, said the constitution's recognition of a pluri-national state is a result of decades of organizing and protests. He said it opens the door for indigenous organizations to propose mechanisms to make the government more inclusive.

"We have won rights, but we haven't abandoned our struggle. We demanded the recognition of a pluri-national state, and it is now up to us to decide what needs to be done to make the pluri-national state a reality. We need to fight to make ourselves part of this state."

## **Excerpt from “International Narcotics Control Strategy Report, Volume 1”**

U.S. Department of State

2010

### **I. Summary**

Ecuador is a major transit country for illicit drugs trafficked from Colombia and Peru to the United States, as well as a source of chemical precursors diverted for illicit narcotics manufacturing. Large, sparsely populated border regions and difficult-to-monitor Pacific maritime routes are exploited by narcotics traffickers to move cocaine, heroin, and precursor chemicals on to the United States and other countries.

Ecuador remains vulnerable to organized crime due to historically weak public institutions and corruption. In 2009 the Government of Ecuador (GOE) continued to focus its counternarcotics efforts on cocaine interdiction and identifying and destroying large scale multi-ton cocaine laboratories. The GOE maintains a significant military presence near the Colombian border, which was stepped up following the March 1, 2008 bombing by the government of Colombia of a Revolutionary Armed Forces of Colombia (FARC) camp in Ecuador. This military presence counters persistent transnational narcotics activity by criminal elements operating in Ecuador’s porous northern border area. In 2009 the GOE reported significant increases in cocaine seizures, totaling 43.5 metric tons, including 10.6 metric tons of maritime seizures—a 98 percent increase over 2008 seizures. Ecuador is a party to the 1988 UN Drug Convention.

### **II. Status of Country**

Ecuador’s geographic location—bordering the Pacific Ocean on the west, and two of the largest coca cultivation source countries—Colombia to the north and Peru to the south—make it vulnerable to the ‘balloon effect’ that can follow successful counternarcotics efforts in neighboring countries, and to exploitation by international cartels. It is estimated that as much as 200 metric tons of cocaine is transited through Ecuador each year, with 60 percent of that cocaine estimated to transit toward the U.S., with most of the balance destined for Europe. Ecuador is also a major transit country for chemical precursors and for heroin destined for the U.S. Ecuador remains vulnerable to organized crime due to historically weak public institutions and corruption. Border controls remain weak and are frequently evaded, but are gradually improving. The Ecuadorian National Police (ENP), military forces, and the judiciary do not have sufficient personnel, equipment, or funding to meet all of the transnational criminal challenges they face.

In addition to significant increases in cocaine seizures, the GOE made encouraging strides in 2009 addressing financial crimes. The largest money laundering investigation in Ecuador’s history was completed in February, resulting in a \$30.4 million total asset seizure (the previous money laundering record seizure was \$6.5 million in 2006). Bulk cash seizures increased over 15 percent (\$2.6 million in fiscal year 2009, versus \$2.2 million in FY 2008).

### **III. Country Actions Against Drugs in 2009**

#### **Policy Initiatives.**

In 2009 President Rafael Correa and his administration continued to place a high priority on combating narcotics production and trafficking. Nevertheless, in February 2009 the Correa government declared two U.S. Embassy officials persona non grata following GOE claims that the USG had interfered with the work of specialized Ecuadorian police units. Several months of

negatively toned public statements regarding USG assistance to the Ecuadorian national police followed. In this tense period the GOE suspended or temporarily scaled back some police programs pending discussions to resolve the impasse between the GOE and the U.S. government.

In August, the GOE signed two bilateral memorandums of understanding (MOUs) related to U.S. and GOE cooperation with specialized Ecuadorian police units, along with an amendment to the 2002 bilateral letter of agreement on counternarcotics cooperation. With the signing of these agreements U.S. and Ecuador counternarcotics cooperation was restored.

The GOE continued to strengthen oversight and enforcement of financial crimes through the Financial Intelligence Unit (FIU), established earlier under anti-money laundering legislation. The FIU has cooperated closely with Ecuador's Attorney General, the Anti-Narcotics Police Directorate (DNA), the Superintendent of Banks, the courts, and the private banking association to identify suspicious transactions and develop information for the prosecution of cases. In 2009 the FIU focused on monitoring casinos for money laundering activities.

#### Accomplishments.

GOE seizures in 2009 totaled 43.5 metric tons of cocaine, including 32.9 metric tons in land-based seizures and 10.6 metric tons in maritime seizures, which was a 98 percent increase over 2008. The GOE also seized 148 kilograms of heroin, and 2.78 metric tons of cannabis. Seizures in 2008 totaled 22 metric tons of cocaine, 144 kilograms of heroin, and 1,980 kilograms of cannabis.

In November the DNA discovered a large-scale cocaine-processing laboratory in the Chiriboga area of Pichincha Province. The laboratory was well-outfitted with two generators, microwave ovens, and three (one) kilo presses. Along with confiscation of small amounts of drugs and chemicals, over \$1,800 in U.S. currency and two vehicles valued at \$26,722 were seized. Four of six related arrests were Colombian nationals.

During October Ecuadorian police, in one coordinated operation covering three provinces, made multiple seizures totaling 8.3 metric tons of cocaine worth an estimated street value of \$250 million dollars.

Seizures included eight properties, a cocaine processing laboratory, weapons, and currency. This operation titled "Aniversario," disrupted a drug trafficking organization directly linked to the 48th Front of the FARC, as well as purported trafficking links to Colombia, Mexico, Spain, and the United States.

Total U.S. currency seized equaled \$127,000, and arrests included an active duty Ecuadorian military intelligence officer. This cocaine seizure broke an earlier record set in August for the largest land seizure in Ecuador's history. In late October, another operation thwarted an attempt to ship cocaine inside pineapples via shipping containers to Europe. This seizure yielded 850 kilograms of cocaine and over \$7,000 in U.S. currency, and included the arrest of eight Colombian nationals.

In August an operation named "Victoria," took place near San Lorenzo, in the northern border province of Esmeraldas. The six metric tons cocaine seizure was discovered in 5,412 cocaine bricks and had an estimated street value of \$182 million.

In February the DNA, in coordination with their Colombian counterparts, finished a long-term money laundering investigation which resulted in the seizure of \$30.4 million in total assets and the arrest of seven persons in Ecuador. The previous record was for a case with asset seizures worth \$6.5 million.

The DNA continued to locate and seize large capacity cocaine production processing laboratories (cocaine base to cocaine hydrochloride); four such large capacity processing labs were seized during the year, as well as others of a smaller scale. On March 3, the Ecuadorian Navy seized an Ecuadorian-flagged vessel, the Maria Eulalia, containing 3.45 metric tons of cocaine. This was the largest maritime seizure by Ecuadorian forces in their history.

#### Law Enforcement Efforts.

In a coordinated effort the Ecuadorian police and military identified and destroyed large cocaine processing laboratories and some others of a more limited scale in 2009. The Ecuadorian military continued to sustain operations near the border with Colombia, leveling off from the stepped up tempo that was in play since March of 2008. This build-up was a response to persistent narcotics activity by transnational criminal elements that have rendered the northern border particularly vulnerable and dangerous, as well as to counter a perception that Ecuador was not shouldering its burden in fighting narcotics traffickers in the north.

In 2009 the Ecuadorian Coast Guard continued to enhance their command-and-control capacity, commissioning a main operations center in Guayaquil and a satellite office in the Galapagos. These operation centers will coordinate the Coast Guard's maritime monitoring and control capabilities to confront illicit activity in Ecuadorian waters. The Coast Guard also improved a satellite monitoring system for vessels 20 tons or larger that was first implemented in 2008. Ecuador's Coast Guard continues to seek improved biometric capabilities in order to quickly identify individuals on suspect vessels boarded in Ecuadorian waters.

The Navy procured six unmanned aerial vehicles (UAV) in 2009 to strengthen surveillance over Ecuadorian waters. The UAVs will work in coordination with six high-speed boats acquired in 2008 to improve the Coast Guard's ability to monitor and interdict. The GOE asserts UAVs will fill the gap in surveillance coverage of the Eastern Pacific resulting from the non-renewal of the Manta FOL lease and basing agreement, which expired in November. In 2009 Ecuador's Navy acquired boarding and drug detection equipment, along with training required for the equipment's use.

Ecuador's postal system authorities continued to improve counternarcotics controls, coordinating with the counternarcotics police (DNA) to ensure increased drug detection. Utilizing canine screening and USG-purchased screening equipment at international airport and other postal facilities, postal system seizures have doubled over those in 2008.

The DNA continued its "1-800-Drogas" nationwide hotline, which allows citizens to anonymously report illicit drug activity. Tips from the hotline resulted in numerous seizures of illicit narcotics and supported development of cases against other illegal activities such as weapons smuggling.

#### Corruption.

As a matter of policy, the GOE does not encourage or facilitate the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions. The 1990 drug law (Law 108) provides for prosecution of any government official who deliberately impedes prosecution of anyone charged under that law. Some other aspects of official corruption are criminalized in Ecuador, but there is no comprehensive anticorruption law.

President Correa's creation of an Anti-Corruption Secretariat in 2007, along with support of the FIU are helping to strengthen the government's ability to target corruption by gathering information on suspicious financial transactions to build cases against the individuals involved.

Overcrowding and corruption in prisons continues to be a serious problem; many drug traffickers are able to continue to conduct trafficking and other criminal operations from prison. President Correa's 2007 emergency decree to address prison overcrowding and to improve management of the institutions has had limited impact—primarily with respect to releasing some prisoners. In 2009 the Ministry of Justice released 850 prisoners; 250 were released without ever being sentenced, and 600 were released under an Ecuadorian amnesty provision for possession of less than 2 kilograms (4.4 pounds).

#### Agreements and Treaties.

The United States and Ecuador are parties to an extradition treaty which entered into force in 1873, and a supplement to that treaty which entered into force in 1941. Ecuador's Constitution prohibits the extradition of Ecuadorian citizens; however, the GOE does occasionally cooperate in the deportation of third country nationals. One pending U.S. extradition request has been awaiting final approval since 2003. Ecuador is a party to the 1961 UN Single Convention as amended by the 1972 Protocol, the 1971 UN Convention of Psychotropic Substances, and the 1988 UN Drug Convention. It is also a party to the 1992 Inter-American Convention on Mutual Assistance in Criminal Matters, the UN Convention against Corruption, and the UN Convention against Transnational Organized Crime and its protocols on trafficking in persons and migrant smuggling. The GOE has signed bilateral counternarcotics agreements with Colombia, Cuba, Argentina, and the United States, as well as the Summit of the Americas money laundering initiative, and the OAS/CICAD document on Anti-Drug Hemispheric Strategy. Ecuador and the United States have agreements on measures to prevent the diversion of chemical substances; on the sharing of information for currency transactions over \$10,000; and a Customs Mutual Assistance Agreement. The U.S. Coast Guard and Ecuadorian Navy have effective Operational Procedures to facilitate maritime counternarcotics cooperation. The GOE agreed in 1999 to permit the USG to operate for ten years a Forward Operating Location (FOL) at the Ecuadorian Air Force base in the coastal city of Manta for counternarcotics detection and monitoring operations. The FOL ceased all operations in September 2009, following the GOE announcement that it would not renew the agreement which expired November 11, 2009.

#### Cultivation/Production.

Ecuadorian police located and destroyed approximately six hectares of cultivated coca plants in scattered sites along the northern border, and 100,530 individual poppy plants, estimated to equate to less than one hectare of poppy production, at scattered sites located throughout Ecuador. No poppy plants were discovered in 2008. In September 2009, the United Nations Office of Drugs and Crime (UNODC) released results of a two-year coca cultivation survey; the survey confirmed that coca cultivation in Ecuador continues to be negligible.

#### Drug Flow/Transit.

Cocaine and heroin from Colombia, and cocaine from Peru, transit Ecuador by various routes for international distribution in shipments ranging from a few hundred grams to multi-ton loads. Shipment methods for illicit drugs and other contraband continued to diversify, including use of small fishing boats, self-propelled semi-submersibles (SPSS), high-speed go-fast boats, and containerized cargo. Another shift in tactics was reported in 2009—by shipping smaller quantities (200-300 kilograms) traffickers could secure illicit cargo on decks allowing speedy jettisoning of suspect cargo overboard at the first sign of detection. This approach diversifies risk and hinders confiscation of costly transport

vessels. Although seizures in postal facilities have increased significantly in recent years, traffickers continue to ship drugs via international mail and messenger services, with cocaine generally destined for European markets and heroin for the United States. Postal targets remain a prime target for increased interdictions. There has been a reported rise in the use of shipping containers, and traffickers continued to ship white gas and other precursor chemicals in large quantities from Ecuador to Colombia and Peru for cocaine processing.

#### Demand Reduction.

Coordination of abuse prevention programs is the responsibility of The National Council on Drugs and Illegal Substances (CONSEP), which leads a multi-agency national prevention campaign in schools. Ecuadorian officials have stated that CONSEP may be partially dismantled and brought under the control of the Ministry of Government and Police. All public institutions, including the armed forces, are required to have abuse prevention programs in the workplace. Funded by a U.S. government grant, the UNODC conducts demand reduction and drug prevention programs in Ecuador.

#### Regional Coordination.

Friction persists and diplomatic relations remain severed between Ecuador and Colombia following the March 1, 2008 Colombian attack on a FARC camp in Ecuador. The operation killed a FARC senior leader, Raul Reyes, along with 16 other FARC members. One Colombian military officer was killed while securing the FARC campsite after the operation. Ecuador and Colombia met in September to begin a process aimed at resumption of relations.

Senior GOE officials continued to allege that Colombian aerial eradication near the border harms humans, animals, and licit crops on the Ecuadorian side. Colombia ceased spraying near the Ecuadorian border in early 2007. However, the GOE has continued to pursue a lawsuit at the International Court of Justice in The Hague, alleging that Colombia's aerial eradication actions near Ecuador's border violated Ecuadorian sovereignty; despite results of a recent OAS/CICAD-commissioned study that concluded drift from aerial eradication is not likely to affect Ecuador under spraying procedures followed by aerial eradication aircraft. The suit seeks reparations from Colombia and the cessation of aerial spraying.

#### Alternative Development.

Ecuador's border region is mired in poverty. A paucity of licit employment opportunity, isolation, and proximity to FARC-held Colombian territory combine to make the region unstable. The U.S. Agency for International Development (USAID) continued to support GOE efforts to improve livelihoods and infrastructure, strengthen local government, and open opportunities to expand licit economic activity as part of its northern border development master plan.

### IV. U.S. Policy Initiatives and Programs

#### Policy Initiatives.

U.S. counternarcotics assistance is provided to improve the professional capabilities, equipment, and integrity of Ecuador's police, military, and judicial agencies to enable them to combat more effectively criminal organizations involved in narcotics trafficking and money laundering. A priority has been to support Ecuadorian police and military presence in the northern border region proximate to Colombia, and police presence in other strategically important locations throughout the country. USG supported programs also address increased awareness of the dangers of drug abuse.

## Bilateral Cooperation.

The DNA remains the primary recipient of U.S.-provided counternarcotics assistance, including vehicles, equipment, and training. The DNA which contributed significantly to the continued record level of land-based seizures includes special nation-wide units, such as the Mobile Anti- Narcotics Teams (GEMA) and a drug detection canine program. The U.S. also increased support to DNA's money laundering unit to combat money laundering organizations operating in Ecuador.

In 2009, the U.S. continued to provide support to the military to facilitate their mobility and communications during operations along the Northern Border, and to Ecuadorian Navy elements to better mobilize, equip, and train for narcotics interdiction activities.

In 2009 the U.S. Coast Guard, in cooperation with Ecuadorian authorities, removed over 7.8 metric tons of cocaine, seized two vessels, and detained 14 smugglers through the use of Maritime

## Operational Procedures.

Ecuador is an active participant in the Multilateral Counterdrug Summit, in which the U.S. participates, along with Panama, Colombia, and Mexico to facilitate regional counternarcotics interoperability.

Work on judicial sector reform continued in 2009 although changes to the structure of judicial institutions as required under the new Constitution, which went into effect in October 2008, created some uncertainty regarding the process of criminal cases. A major USG-funded training program continued to train prosecutors, judges, and judicial police throughout the country to more effectively investigate and prosecute criminal cases. In cooperation with the Judicial Council (formerly the National Judicial Council), the U.S. supported nationwide implementation of an automated database of all criminal cases.

However, in February implementation was suspended by a political decision of the Judicial Council, as supported by the Ministry of Justice. Once fully implemented this database would enhance management and transparency of the adjudication of criminal cases to address problems of delay and corruption.

The U.S. provided technical assistance to support continued implementation of the Financial Intelligence Unit and provided training and equipment to police investigative units. Training assistance programs encompassed anti-money laundering, financial crimes, and maritime law enforcement.

## The Road Ahead.

The USG supports Ecuador's efforts and encourages the GOE to continue to place a high priority on the interdiction of illicit drugs and chemicals, eradication of coca and poppy cultivation, and destruction of cocaine-producing labs. Increased GOE patrols near the Colombian border will enable Ecuador to better control Colombian-based drug cartels and destroy production sites. As traffickers shift tactics and make greater use of fast boats for smaller shipments along the coast, containers, and SPSS's, enhanced controls along Ecuador's maritime border, including improved port security, patrolling, and inspections, will be essential for controlling maritime trafficking. The U.S. encourages the GOE to permit U.S. maritime patrol aircraft use of Ecuadorian airports on a planned "gas-and-go" basis in support of extending maritime detection, monitoring, and surveillance capabilities to counter the threat posed by drug trafficking organizations. Strengthening coordination between military and

police forces will also facilitate GOE evidence gathering and prosecution of cases related to these activities. Additionally, we encourage the GOE to give high priority to prosecution of money laundering and official corruption—key to attacking the leadership of narcotics cartels.

## **“Ecuador’s New Drug Law”**

Coletta Youngers, Washington Office on Latin America

6 January 2010

El Comercio, Ecuador

December 19, 2009

An international delegation of drug policy experts, organized by the Washington Office on Latin America (WOLA) and the Transnational Institute (TNI), recently visited El Inca female prison, where 85% of the population is incarcerated on drug charges. Petty offenders, and even innocent people caught in a web of injustice, arbitrariness and corruption, cause the extreme overcrowding seen in Ecuador’s prisons.

The problem lies in the current drug law, which does not distinguish between consumers, carriers, small-scale traffickers and big criminals. Those in prison represent the lowest level of the drug trafficking pyramid: consumers, dealers, and ‘mules,’ in fact, it is difficult to find a major trafficker in an Ecuadorian prison. The few who can pay a lawyer face a system in which the vast majority of lawyers do not want to “damage” their career by defending an alleged drug trafficker. Because of this same stigma, judges fear absolving those accused of drug offenses. Therefore, people are left unprotected and are unlikely to be freed even when innocent.

Once sentenced, these people face some of the harshest sentences on the continent—between 12 and 25 years. These sentences are disproportionate to those for other crimes. For example, murder carries a maximum sentence of 16 years. As a result, a minor trafficker, who could have entered the illicit market to feed her children, can get a higher sentence than a murderer.

Socioeconomic factors force the poor, particularly women, to enter the micro-trade. In El Inca a woman told us, “I couldn’t get any work. I started to sell drugs to feed my children. I earned just three dollars a day.” After prison, her chances of getting a job will be even worse because of her criminal record.

To be more effective and humane, a serious drug law reform that reestablishes the proportionality of sentences and ensures access to an adequate legal defense is urgently needed. At the same time, providing employment and social services to those who otherwise might resort to the drug economy in desperation should be prioritized. Police should focus on the tip of the trafficking pyramid, instead of on the lower enclaves, because focusing on mules and small-scale traffickers does not decrease the availability of drugs; when a mule is arrested, the next day, the drug trafficking leader hires two more. We’ve been tough on drug trafficking without achieving anything. Now we need to be strategic.

## **“Attacks on the Press 2009: Ecuador”**

Committee to Protect Journalists

16 February 2010

### Top Developments

- Correa assails news media, and regulators target critical outlets.
- Media legislation could restrict freedom of expression.

### Key Statistic

3: Days that regulators ordered Teleamazonas off the air.

Re-elected by a landslide in April, President Rafael Correa intensified his attacks on critical news media, calling them ignorant and deceitful. As Correa used his weekly radio address to assail the press, his administration singled out critical outlets for regulatory action. Legislators were debating media legislation that would restrict freedom of expression, and two journalists were imprisoned during the year on defamation charges.

So focused was Correa on disagreements with the press that he added a segment, “Press Freedom Is Now for All,” to his Saturday morning address in order to air his disputes. Among the outlets most frequently targeted were the national dailies El Universo, La Hora, El Comercio, and El Expreso, and the television network Teleamazonas. The president described such news outlets as “a sewer,” “ignorant,” “trash talking,” “liars,” “unethical,” “mediocre,” and “political actors who are trying to oppose the revolutionary government.”

Teleamazonas, a Quito-based private broadcaster and harsh critic of the administration, became the focus of government regulators. In late December, regulators ordered Teleamazonas off the air for three days after finding the station had “incited public disorder” with a May story exploring the potential effect that natural gas exploration off southern Puná Island would have on the local fishing industry, according to news reports.

The National Council of Radio and Television (CONARTEL) had cited the network twice earlier in the year. After Teleamazonas aired a bullfighting commercial during an 8:30 p.m. slot in February, CONARTEL cited the station for violating a 6 a.m. to 9 p.m. ban on bullfight broadcasts, according to news accounts and CPJ interviews. When Teleamazonas aired a news story in May that questioned the legality of a vote-counting facility in the coastal city of Guayaquil, regulators said the station violated Article 58 of the Broadcasting Law, which prohibits airing “news based on unfounded allegations that could produce social unrest.” The station was fined only nominal amounts in the first two cases. But by building a record of supposed violations during the year, regulators were able to invoke the late-year suspension.

In his public comments, Correa had fanned the regulatory flames. In August, the president called for regulators to shutter Teleamazonas after the station aired an audio recording of a 2008 presidential palace discussion about constitutional changes, according to local news reports. César Ricaurte, executive director of the local press freedom group Fundamedios, said the president’s verbal assaults created a climate for physical attacks against the press. In May and December, unidentified individuals tossed homemade explosives outside the Quito offices of Teleamazonas, press reports said. No injuries were reported. In February, unidentified assailants in Guayaquil fired 12 gunshots at the offices of the weekly Mi Pueblo after the publication of a series of articles criticizing Correa’s administration.

In late year, a legislative committee drafted a repressive communications bill that would set educational requirements for journalists, stiffen criminal penalties for press offenses, and allow some government censorship. The bill drew strong public and news media opposition, prompting the National Assembly in December to postpone action and pledge revisions. The communications bill is among legislation intended to implement a new constitution adopted by voters in 2008. The constitution itself contains provisions troubling to press freedom advocates, including Article 19, which states that the government “will regulate the prevalence of informational, educational, and cultural content in the media’s programming and will promote the creation of spaces for national and independent producers.”

The regulatory system itself underwent an overhaul. In August, Correa signed a decree creating the Ministry of Telecommunications and Information, which, among other things, took over the regulatory activities of both CONARTEL and the National Council of Telecommunications.

The government retained control of two television stations, TC Televisión and Gamavisión, that it had confiscated in 2008. The government alleged that the stations’ owners had ties to a business conglomerate accused of causing the 1998 collapse of the Ecuadoran banking institution, Filibanco. The stations’ owners denied the accusations. The government placed two journalists with close ties to Correa in charge of the stations, and said it would auction them to recoup US\$661 million it said was owed to Filibanco’s investors. By late 2009, though, both stations remained under official control.

Violence and obstruction were reported in provincial areas. Several individuals burst into the offices shared by local TV station Telecosta and Radio Gaviota in the northern city of Esmeraldas in April and destroyed the outlets’ broadcasting equipment, Fundamedios reported. According to Telecosta’s president, the attack was likely retribution for stories criticizing local authorities. Later that month, a group of protesters in the southern province of El Oro besieged the offices of local radio station Onda Sur and warned the staff to stop reporting critically on a local mayor’s bid for re-election, the regional press freedom group Instituto Prensa y Sociedad (IPYS) said. In May, assailants believed to be from the same group broke the station’s windows, sprayed the building with gasoline, and lit it on fire, IPYS reported. The building sustained minor damage.

In the country’s interior, police routinely harassed and detained local journalists, press freedom advocates reported. Francisco Farinango, a reporter for the local Radio Intipacho in the northern Pichincha region, was briefly detained in January while reporting on a protest by the indigenous Tupigachi community against a law that allows for mineral extraction in their territory, according to local press freedom groups. That same month, Adolfo Caiminagua Herrera, a correspondent in the southern city of Machala for the national daily *Diario Opinión*, was arrested while photographing police at a local voting center. Israel Díaz, a cameraman for the local TV station Lago Sistema Televisión in the province of Sucumbíos, was beaten by police officers as he attempted to cover a routine police operation in April, the groups said. Díaz was not seriously hurt, but his colleague, Vicente Albán, a reporter for the same station, was detained for several hours.

In June, the Criminal Court of El Oro sentenced Milton Nelson Chacaguasay Flores, director of the weekly publication *La Verdad* in the city of Machala, to four months in prison on libel charges. The case stemmed from a 2007 story accusing Finance Minister Francisco Quevedo Madrid of having links to a man charged in a nationwide Ponzi scheme. Chacaguasay had barely been out of prison when the sentence was imposed. He had been freed in May after serving most of a 10-month prison sentence on separate libel charges.

A second journalist was jailed on defamation charges during the year. Freddy Aponte Aponte, a reporter for local radio station *Luz y Vida* in the southwestern city of Loja, was released in January after serving most of a six-month term. He had been convicted of defaming a former mayor.

## **“Ecuador Country Report”**

Inter American Press Association

2010

During the past three months the rejection has become more and more evident of official attempts to throttle freedom of expression, which has even been manifested in some momentary democratic victories. The answer of the government, however, far from accepting these pronouncements, has been to redouble its offensive, with new and more dangerous threats.

The attacks have appeared on three fronts:

First, the government party continued its attempts to achieve passage of its Communications Law. The differences among the majority legislative block and rejection by public opinion resulted in a debate that stalled for several weeks. In recent days, and in surprising manner, the majority lawmakers have proposed a new version of the law that includes important changes, such as that to require owners of media outlets to request formal authorization from the State to sell their shares to third parties.

Along this same line, President Rafael Correa is trying to take further advantage of the debate on the Organic Law on Citizen Participation through a partial veto, to include in that text the obligation of the media to give account to citizens at least once a year, supported for this purpose by the argument that the media provide a “public service.” It is necessary to have the vote of three fourths of the Assembly to override the veto.

Secondly, the Superintendency of Telecommunications closed down the Teleamazonas channel for three days, but in following days the Court of Pichincha, at the second level, found that this provision had violated the law and the Constitution, which opened the possibility that the media should demand economic reparations from the State. Thus, telecommunications authorities decided not to close down Radio Arutam. At any rate, the investigation continues against the managers of the radio station accused of promoting subversion.

Third, the government continues to create new communications media. A new official press agency was inaugurated and the design was begun for a new newspaper intended to reach a lower-class audience. This last move provoked public rejection, even from the directors of the government paper *El Telégrafo*, showing that there is no unanimity among officials.

With these two new media outlets, the regime would have control of three newspapers, seven radio stations, four topical magazines, a news agency, and six television channels (three have an open signal with national reach, two are pay channels, and one is UHF).

The insults and offenses of President Correa have continued, almost without changing tone, normally occupying the segment called “Freedom of Expression belongs to everyone” on his weekly program. The President has recognized that at a popular level that particular segment is beginning to be known as the “Saturday insults.”

Other events of note that have occurred during this period:

On October 28, Giancarlo Zunino and Felix Pilco, president and vice-president of the New Civic Board of Guayaquil, were arrested for placing banners saying “Guayaquil declares President Rafael Correa a persona non grata.” They were released a week later.

On December 3, the National Assembly passed a tax of 12% on newsprint and magazine paper. On that same day and for the second time this year, an explosive device detonated at the facilities of Teleamazonas.

On December 8, a national government network program attacked reporters Jorge Ortiz and Bernardo Abad, of Teleamazonas; Alfonso Espinoza of Monteros and Alfredo Pinoargote, of Ecuavisa; Emilio Palacio, of El Universo, and the former commentator Carlos Vera. In addition, the newspapers El Comercio, Extra and Hoy, of Ecuador were criticized, along with El Pais from Spain, Radio Caracol in Colombia, and the IAPA, at the same time disseminating propaganda in favor of the Communications Law bill.

On December 9, the Secretariat of Communications began to show a television commercial in which a snake that represents a news program attacks a citizen from the television set. An off-screen voice says “More respect. Freedom to slander, no! Freedom of expression, yes!”

On that same day there was a national government network broadcast of a program in which university students criticize newsman Jorge Ortiz of Teleamazonas.

On December 12, President Correa challenges Francisco Vivanco, director of the newspaper La Hora, to demonstrate that the government obliges the media to broadcast his weekly program, by distributing or taking away advertising, and threatening to sue him again.

On December 15, various leaders of blocks in the National Assembly of the majority and opposition parties come to an agreement concerning the Communications Law bill. Among their consensus is the idea that the law will allow the Board of Communications and Information to continue to exist, which may administratively suspend programs or messages that affect the reputation of others, national security, public order, or public health or morals.

That same day, the National Telecommunications Council (Conatel) cancelled the license for the frequency held by La Voz de Arutam, of Sucúa, Morona Santiago, with the argument that the outlet had incited violence during an indigenous strike.

On December 22, Supertel closed down Teleamazonas for 72 hours, for having transmitted a “news report based on suppositions” in reference to gas exploration on the island of Puna and which may have caused “public commotion.”

On January 9, President Correa called El Universo a “rag” for having questioned in an editorial the Committees of the Citizen Revolution (CRC). Minutes later a group of persons identified with such committees blocked entry to the offices of that newspaper in Guayaquil for several hours.

On the same day the police held Pedro Almeida, an ex-representative of the Patriotic Society Party (PSP) for almost seven hours for exhibiting a poster that read “I do not fear you... Braggart!” in the area near location of the president’s Saturday broadcast.

On January 15, reporter Peter Tavra Franco of El Universo was sentenced to six months in prison and a fine of \$ 3,000 in a slander suit which put him up against Monica Carrera (accused of human smuggling) who remains at large for the note titled “Coyote under arrest fled from a clinic.” The first-level judge had thrown out the suit and freed the reporter of liability.

On January 17, unknown persons entered the home of Alfredo Negrete in Quito, Executive Director of the Ecuadorian Association of Journalists (Aedep). The place was looked over carefully, but the only items missing were some objects of little value.

In his opinion column in Hoy, Osmar Ospina questioned the exaggerated coverage that the official media have given to the traffic accident in which the editor of that newspaper, Jaime Mantilla, was involved. According to Opsina, more than 60 segments on TV newscasts by government-controlled stations covered the incident.

On January 19, Carlos Rodriguez, a reporter for Diario Opinión, of the city of Machala, was verbally attacked by Antonio Jurado, Provincial Director of Health, and two guards from the place. A reporter from the local station channel Caravana TV, Maritza Castillo, complained about the permanent blockage of the press to that state office complex.

On January 26, Mauricio Rodas, director of the Ethos Foundation, reported that in 2009 Correa's government had the greatest number of national network hook-ups in Latin America with 233. The Chavez government is next with 142 and in third place is Ortega of Nicaragua, with fewer than 100 such broadcasts.

On that same day, the director of the official newspaper El Telégrafo, Rubén Montoya, expressed his rejection of an order issued by the President of the Republic that the newspaper collaborate in starting up a new sensationalist popular-type paper that would be a propaganda arm of the government.

On January 26, the National Telecommunications Council (Conatel) decided not to sanction the radio station La Voz de Arutam, owned by the Shuar-Achuar Federation. However, the investigation of four individuals will continue, including the president of the Federation, José Acacho, who are accused of promoting violence.

On January 27, President Correa berated citizen Carlos Julio Solano in Machala because he had supposedly made obscene gestures against the Chief of State. Then the police arrested him. Correa denied that he was the instigator of the arrest order.

On January 28, an official government network program was broadcast exclusively for the purpose of criticizing editorials in El Universo.

On February 1 the Court of Pichincha ordered the State to pay compensation to Teleamazonas for having suspended its operations illegally.

On February 2, a note titled "Board did not decide on the project of a popular newspaper" which should have been published on page 4 of the section "Latest News" of the government paper El Telégrafo, was cut at the last minute.

The director of the newspaper reported that he was unaware of who gave the order. The news item could be read on the Internet but the print version was replaced by newspaper publicity.

On February 11 the Civil Aviation Board prohibited all overflights by private planes and smaller aviation in Guayaquil, thus preventing the communications media from recording areal images of the march called by the mayor of that city, Jaime Nebot, who opposes the regime.

On February 12, the chair of the Communications Commission of the Assembly, Betty Carrillo (PAIS), asked for an extension of 45 days to present its report for a second debate on the Media Law; however, five days later the period was extended to 90 days.

On February 13 the leaders of the Barcelona Sporting Club prohibited Carlos Victor Morales from entering the Monumental Stadium of because of his criticism of the president of that club in various media outlets to which the reporter contributes.

On February 17, the Council of Judges (CJ) sanctioned with a fine of \$340 the judges of the First Criminal Court of Pichincha who had found in favor of Teleamazonas. For such purpose the Council reactivated an old lawsuit that weighed against the magistrates in a case of embezzlement that was about to expire. The organization could not remove the judges because they did not get the seven votes that the law requires.

On February 20 President Correa attacked the newspaper El Comercio for the editorial of that day which speaks of the inclusion of Ecuador on the list of “uncooperative jurisdictions” in the fight against laundering of assets. The head of state affirmed that the paper “makes me sick” and called it “unpatriotic.”

On March 8, 2010, President Correa partially vetoed the Organic Law on Citizen Participation. With the argument that the communications media provide a public service, the President asked for their inclusion in the accountability that citizens may request once a year. Even so, it would oblige the media to create spaces for citizen training.

Betty Carrillo, chair of the Communication Commission, proposed that the Communications Board under that law should be made up by a representative of the Ministry of Education and one from the Ministry of Culture, among others, under the argument that “it is not possible to generate public policy at the edge of a state structure,” a proposal that goes against the agreement reached among the heads of the legislative factions on December 17.

The Assembly members should send comments on the bill by April 5 so that they can be considered for the second and final debate, which still does not have a date set.

Also, on March 8, reporter Jorge Ortiz expressed his concern about the continued interruptions of programming on Teleamazonas on the part of the national government during the morning newscast, stating that there exists an abusive attitude in using the national television networks as political spaces and to denigrate people. The interruptions of Ortiz’s program total four so far this year.

On March 12, Minister of Coordination of Economic Policy, Diego Borja, spoke out against the newspaper El Comercio for an article concerning doubts in regard to figures on monetary reserves and the problems of securing credits and loans for the country. “This article should be called lies and ignorance of El Comercio... the person who wrote this is a complete ignoramus, or someone who wants to cause alarm.”

## **“2009 Human Rights Report: Ecuador”**

U.S. Department of State, Bureau of Democracy, Human Rights and Labor

11 March 2010

Ecuador is a constitutional republic with a population of approximately 14.6 million. In September 2008, voters approved a referendum on a new constitution, which became effective in October of that year, although many of its provisions were still being implemented during the year. On April 26, voters reelected Rafael Correa to a four-year presidential term in elections that were considered generally free and fair. Civilian authorities generally maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, there continued to be problems in the following areas: isolated unlawful killings and use of excessive force by security forces, sometimes with impunity; poor prison conditions; arbitrary arrest and detention; corruption and other abuses by security forces; a high number of pretrial detainees; and corruption and denial of due process within the judicial system. President Correa and his administration continued verbal and legal attacks against the independent media. Societal problems continued, including violence against women; discrimination against women, indigenous persons, Afro-Ecuadorians, and persons based on their sexual orientation; trafficking in persons and sexual exploitation of minors; and child labor; despite constitutional provisions and some positive governmental steps on these issues.

### **RESPECT FOR HUMAN RIGHTS**

#### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

Although the government or its agents did not commit any politically motivated killings, there continued to be credible reports that security forces used excessive force and committed isolated unlawful killings.

On April 25, police officers allegedly shot and killed Carlos Songs, Oswaldo Chavez, and Walter Avila Murillo, after following them from El Puente Night Club in Manabi Province. According to a fourth victim who escaped without injury, the group assumed the attackers were robbers; they never identified themselves as police officers. On November 16, the prosecutor decided that there was insufficient evidence against the police officers to bring the case to trial and requested that the case be dismissed.

In December 2008 the bodies of three men were found in a car in Manta. One of the victims was Yandry Velez, who had allegedly fled to Manta to hide from Diego Erazo, chief of the operational support unit of the Judicial Police in Pichincha Province. The family asserted that police killed Velez and his friends on orders from the mayor. At year's end an investigation into the killings continued.

Due to lack of evidence, a police court did not try the January 2008 case in which police allegedly shot and killed two men, one a fellow officer, without asking questions of the suspects.

In February the prosecutor in Esmeraldas released all three police officers involved in the May 2008 incident in which police arrested Klever Arce Toro, an off-duty military conscript, who was found dead three days later. The National Police's internal affairs unit found that the officers had no responsibility for Arce's death.

On December 8, the judge determined there was insufficient evidence to convict the defendants in the April 2008 mob lynching and burning alive of two Colombians who allegedly killed a local resident in an attempted robbery in San Vicente, Manabi Province, and the case was closed.

The presidential commission established in 2007 to investigate human rights violations committed under the government of Leon Febres Cordero (1984–88) and in other periods was expected to issue a final report in September, but had not done so by year's end. The press reported that a draft report leaked in early September stated that the commission found 87 cases of human rights violations among the 150 cases investigated.

The Ecumenical Human Rights Commission (CEDHU) reported that mob violence against suspected criminals continued at the level of the preceding year. Such violence occurred particularly in indigenous communities and poor neighborhoods of major cities, where there was little police presence. On October 30, a mob of indigenous women attacked the director of bilingual and intercultural education in Cayambe, Pichincha Province, and doused him with water from a hose and threw stinging nettles on him. The women allegedly shouted that they were "applying indigenous justice" because he was a member of "the government of Rafael Correa" and would not let them assemble in the local school after hours.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Criminal kidnapping for profit continued to be a problem in selected regions of the country. There also were reports of extortion and threats of kidnapping of ranchers, farmers, and businessmen along the Colombian border. During the year police reported 28 kidnappings and 347 "express kidnappings" (in which a person is driven around and forced to make automatic withdrawals of personal funds), compared with 354 kidnapping cases and 143 "express kidnappings" in 2008.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the constitution and laws prohibit torture and similar forms of intimidation and punishment, some police officers reportedly tortured and abused suspects and prisoners, often with impunity.

The new constitution makes "any form of torture" illegal; the criminal procedures code has a similar provision, and the criminal code punishes state authorities and members of the police or military who use torture to force confessions. The Attorney General's Office tracked information on alleged torturers being imprisoned, but classified these cases as "crimes against life" and not as "torture." Such persons often were fined rather than imprisoned.

In April prosecutors began an investigation of seven police officers who allegedly tortured three suspects in a shopping mall robbery that occurred in March 2008. All charges against both robbery suspects were dropped, and the investigation into the actions of the police officers continued at year's end.

Through December 18, CEDHU registered 66 cases of alleged "torture" or "unwarranted physical aggression" by police forces.

In June police jailed 18-year-old Jose Elias Barberan Queirolo for killing a fan after a Quito soccer game. After being arrested, he claimed that police took him to a room, blindfolded him, and forced him to kneel while they hit him on the neck and head. Barberan claimed the police wanted him to confess to a crime he did not commit. On July 10, the court released Barberan; no charges were filed against him.

In June two police officers approached five Salesian Polytechnic University students, including Paul Trujillo and Fernando Munoz, and tried to arrest them. The students resisted arrest, and the police requested reinforcements. The police used force to load the students into police vehicles, physically attacked the students, and released them after an hour. The students filed a complaint, but at year's end there had not been a response.

The prosecutor's office reportedly found little evidence in the January 2008 incident in which police officer Fernando Santiago Moreno Charro, accompanied by other officers, entered the Salesian University and allegedly injured student Nadia Cristina Traslavina Bossano because of her personal disagreements with Moreno's daughter. The statute of limitations in this case expired in January.

On April 1, the Pichincha Provincial Criminal Court ordered an investigation into the police involved in the March 2008 case of three men in Quito who claimed that police arrested them for attempted robbery, detained them on charges of illegal possession of arms, and tortured them to force confessions that they had taken part in the robbery. The authorities banned the police chief allegedly involved in the case from leaving the country. The court absolved the three men accused of the robbery of all charges against them.

A police judge reconsidered the case of a 2007 police beating of 16-year-old Victor Javier Tipan Caiza and dismissed the case on grounds of lack of merit after an internal police investigation of two officers.

#### Prison and Detention Center Conditions

Conditions in prisons and detention centers generally were poor and tended to be worse in the tropical coastal areas than in the temperate highlands.

Overcrowding continued to be a problem in most prison facilities, although the number of detainees dropped sharply due to a presidential pardon that released thousands of persons serving sentences for drug trafficking that involved less than two kilograms of narcotics, or if they had been jailed for more than 12 months without trial. The decrease also reflected the work of a temporary public defenders' unit that hired over 150 lawyers to defend poor prisoners, especially those awaiting sentencing. As of December the National Agency for Social Rehabilitation (DNRS) reported that 10,808 prisoners were being held in 45 facilities designed to hold 7,527 prisoners, a decline from a total of 17,201 in the previous year.

A number of prisons experienced serious outbreaks of disease, and often medical care was inadequate. The daily allocation for prison rations was one dollar per inmate (the U.S. dollar is the official currency); prisoners often supplemented these rations by buying their own food. The DNRS reported that six prisoners died during the year, a decrease from 21 deaths in 2008.

A court acquitted two police officers charged in the 2007 death of Juan Lorenzo Delgado Zambrano, who died in a hospital reportedly after fighting another detainee in the local precinct jail. Delgado's family could not afford an attorney and was forced to leave the investigation to the prosecutor's office.

Conditions were notably better in the Quito women's prison than in men's facilities. There were no adolescents or children over three years old living with their incarcerated mothers; for children younger than three--who could not be separated from their mothers--appropriate day-care facilities within detention centers were provided. Pretrial detainees were held with convicted prisoners. According to CEDHU, male guards were responsible for guarding female inmates, and female inmates reported being beaten by male guards who accused them of trying to escape.

Although in most instances the government permitted prison visits by independent human rights observers, authorities occasionally did not permit human rights observers to visit prisoners who had been placed in isolation cells after they allegedly had been beaten. DNRS stated that all properly identified officials and representatives from nongovernmental organizations (NGOs) were able to visit prisoners, yet many times observers and authorities were not able to find prisoners because of poor record keeping and corruption of prison officials.

#### d. Arbitrary Arrest or Detention

While both the previous and the new constitutions prohibit arbitrary arrest and detention, in 2006 the UN Working Group on Arbitrary Detention noted that provisions in the Criminal Procedures Code (CPC), the Penal Code, and some regulations adopted by central or provincial authorities "undermine the guarantees and protection offered." In 2007 Congress passed an interpretive law stating that detainees who purposely delayed the judicial process were not subject to a benefit from the constitutional limitation of the length of preventive detention. However, the criminal courts did not apply this interpretation evenly nationwide.

The law stipulates that pregnant women cannot be held in prison facilities during pretrial detention, although women who are pregnant or become pregnant after sentencing must remain incarcerated. However, according to reliable NGOs, police sources, and press reports, many pregnant women were jailed rather than being confined to their homes during pretrial detention.

#### Role of the Police and Security Apparatus

The National Police are under the authority of the Ministry of Government. National Police effectiveness was impaired by corruption, poor hiring procedures, and insufficient training, supervision, and resources. President Correa's October 2007 declaration of a state of emergency in several areas, which lasted six months, continued to result in a higher level of resources for the National Police. Police contacts said they had received an additional \$160 million as of August to combat crime and increase citizen security. On September 30, Correa declared a 60-day "state of exception" in the cities of Quito, Guayaquil, and Manta, permitting military forces to assist police in controlling crime. The Constitutional Court upheld the decree on October 2, and the government later extended it until the end of December.

Some municipalities, such as Quito and Guayaquil, have their own metropolitan police forces in addition to the National Police. Guayaquil also has a separate municipal transit police department. A police internal affairs office investigates complaints against police officers and can refer cases to the courts. According to reliable NGOs, members of the Quito and Guayaquil metropolitan police

occasionally used excessive force. Police corruption was sometimes a problem. The National Police contracted with NGOs to provide human rights training.

#### Arrest Procedures and Treatment While in Detention

The law requires authorities to issue specific written arrest orders prior to detention, and authorities must charge a suspect with a specific criminal offense within 24 hours of arrest. Within 24 hours of arrest, detained persons may challenge the legality of their detention through a habeas corpus petition to a judge in the locality where detention took place. The constitution provides that a prisoner may be released only by court order.

The prosecutor dropped the case of the 2007 arrest of Manuel Xavier Cornejo Delgado in Manta, who asserted that he was arrested and held incommunicado for two weeks, for lack of merit.

Bail is allowed only in the case of crimes punishable with jail terms of less than five years, and is prohibited for hate, sexual, and domestic violence crimes and those which, in the judge's opinion, may cause public alarm.

Although the law entitles detainees to prompt access to lawyers and family members, there were delays depending on the circumstances and officials' willingness to enforce the law; alleged narcotics traffickers commonly waited 24 to 48 hours for these visits. Detainees with sufficient resources bribed prison officials to facilitate access. CEDHU reported that an unknown number of prisoners were held in facilities that did not accommodate visits by family or counsel.

Although the law prohibits incommunicado detention, human rights organizations continued to report occasional violations. Authorities charged with determining the validity of detention often allowed frivolous charges to be brought, either because they were overworked or because the accuser bribed them. The system frequently was used as a means of harassment in civil cases in which one party sought to have the other arrested on criminal charges.

Investigative detention up to and including trial is legal if a judge determines that it is necessary, and if evidence that a crime has been committed is presented. The law limits immediate detention to 24 hours for in flagrante crimes or to allow investigative detention to begin. In most jurisdictions, the immediate detention is often considerably longer. If the investigation report is detrimental, the judge may order preventive detention, which is limited to six months for minor offenses and one year for major offenses.

The law limits the period prisoners may be held after indictments have been issued but before conviction or sentencing to six months in the case of less serious crimes (those punishable with "correctional imprisonment") and one year in the case of major crimes. However, authorities repeatedly circumvented this provision by filing new charges when the limit was about to expire. The majority of the accused remained in prison during the investigation phase. According to government data, as of December, approximately 52 percent of detainees had not been sentenced. Of those, 70 percent corresponded to cases filed in the previous six months.

#### e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, in practice the judiciary was at times susceptible to outside pressure and corruption. The media reported on the susceptibility of the judiciary to bribes for favorable decisions and resolution of legal cases and on judges parceling out

cases to outside lawyers who wrote judicial sentences on cases before the court and sent them back to the presiding judge for signature. Judges occasionally reached decisions based on media influence or political and economic pressures.

The judiciary consists of the National Court of Justice, provincial circuit courts, tribunals, and first instance tribunals. The new constitution created the Constitutional Court, in place of the former Constitutional Tribunal, to hear cases concerning constitutional matters. Citizens may file cases directly with the Constitutional Court. The Judicial Council has more ample powers under the new constitution to provide oversight not just of the judiciary, but also of prosecutors and private attorneys. The Prosecutor General's Office is part of the judicial branch.

The constitution provides for a unified judicial system, which abolished separate military and police judicial systems, although the National Assembly postponed the date of judicial unification. In October the National Court of Justice ordered ordinary courts to begin processing pending and new police and military cases. However, the Judiciary Council, which is responsible for the administration of the judicial system, postponed implementation of that order for 90 days, until specialized judges could be trained and the budget established.

In 2007 the Inter-American Commission on Human Rights ruled that the 2005 appeal by 27 justices of the Supreme Court, who had been replaced by Congress in 2004, was admissible. The case remained pending at year's end.

#### Trial Procedures

Despite efforts to modernize the court system, the judiciary continued to operate slowly and inconsistently. There were lengthy delays before most cases came to trial. Judges reportedly rendered decisions more quickly or more slowly as a result of political pressure or, in some cases, the payment of bribes. The failures of the justice system contributed to cases in which communities took the law into their own hands, such as mob violence against suspected criminals.

There are no juries in the justice system. Defendants are presumed innocent until proven guilty and have the right to a public trial, defense attorneys, and appeal. They may present evidence, refuse to testify against themselves, and confront and cross-examine witnesses. The law extends these rights to all citizens. Although a public defender system exists, in practice only 330 attorneys were available to defend the large number of impoverished defendants throughout the country. Of those public defenders, 150 were hired during the year.

Civil society groups, lawyers' associations, universities, and foreign donors supported vulnerable groups that did not have access to legal defense.

The regular court system tries most nonmilitary defendants, although some indigenous groups try members independently for violations of tribal rules. The new constitution mandates elimination of military courts and orders military courts to hand over their cases to the National Court of Justice. However, this court--established in December 2008--had not tried members of the military or police at year's end.

Although the law and the previous and new constitutions recognize indigenous communities' right to exercise their own systems of justice based on their traditions and customs, they do not specify how this right would be implemented. This parallel system raised questions of both jurisdiction and conformity to the right to a fair trial.

Reforms to the CPC effective March 24 distorted the criminal justice system by, for example, limiting the length of detention prior to conviction but allowing prosecutors to add new charges, which keep suspects in detention. In addition the new constitution places the prosecutor general within the judicial branch and under its supervision, giving the Judicial Council exclusive power to train, evaluate, and sanction prosecutors. This also threatened prosecutorial independence, since prosecutors are obligated to submit their discretionary decisions regarding the prosecution of a case for review by a magistrate at an adversarial, evidentiary hearing conducted during the investigative phase of the trial. Reforms aimed at providing criminal procedural protection created a more complex system, thus slowing the judicial process. The law increased the number of formal steps in the investigative cycle, with no fewer than 20 hearings needed before preparation for trial hearing (similar to a preliminary hearing), which also includes ruling on motions related to evidentiary matters.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

Civilian courts and the Administrative Conflicts Tribunal, generally considered independent and impartial, handle lawsuits seeking damages for, or cessation of, human rights violations. However, civilian lawsuits seeking damages for alleged wrongs by the state were rarely filed since such suits were time-consuming and difficult to prosecute, with judges taking up to a decade to rule on the merits.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and the government generally respected these prohibitions in practice.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government partially respected these rights in practice. Verbal and legal attacks against the press by President Correa and his government increased significantly during the year, causing relations between the press and the government to deteriorate and reports of indirect censorship and self-censorship to increase. Nonetheless the independent media remained active and expressed a wide variety of views, including those critical of the government.

On October 28, authorities arrested Giancarlo Zunino and Felix Pilco, members of activist group New Civic Union, and placed them in pretrial detention pending an investigation into charges of "separatism." The prosecutor ordered their arrest for hanging placards around Guayaquil saying "Guayaquil Declares President Rafael Correa Persona Non Grata." On November 6, a judge released them on a \$500 bond. Attorneys for the accused said they would bring a case against the prosecutor and judge to the Constitutional Court.

President Correa regularly used his weekly radio and television address and other public appearances to criticize the media and accuse it of bias, frequently naming specific reporters and outlets. Several

journalists and individuals involved in local press associations reported that Correa's "systematic" verbal attacks against the media created "a hostile environment for journalists." They also noted similar behavior exhibited by other high-level government officials.

On January 17, Correa criticized the Telemazonas channel for not paying taxes on a regular basis. On May 2, Correa stated that the press was "a grave political enemy [that] needs to be defeated." He listed what he considered the "worst" media outlets in terms of corruption. On July 18, Correa attacked the newspaper El Comercio for not verifying its sources when reporting a statement by the former governor of Azuay that he had warned President Correa about his brother's contracts with the government. During his August 10 inaugural speech, Correa stated that his "greatest adversary" throughout his previous term had been the press, asserting that it took on a political role even though it had "no democratic legitimacy" because it was not elected.

On July 18, Fernando Alvarado, Director of Public Relations and Communication for President Correa, said he would not communicate directly with the private press and would only make official announcements through state-owned media. On August 4, Alvarado submitted a formal complaint to the Inter American Press Association (IAPA) against Expreso general editor Juan Carlos Calderon and columnist Jorge Vivanco for exhibiting what he called "discriminatory" behavior against journalists from the state-run online newspaper El Ciudadano. According to Alvarado, both Calderon and Vivanco refused to be interviewed by the government paper regarding their articles criticizing the government.

In March the IAPA General Assembly asserted that the government continued to "systematically threaten and insult the press and journalists" and limit their access to information. Between January and August, there were more than 30 reported cases of harassment (threats, attacks, or arrests) against journalists or other representatives of the press and four break-ins or robberies of media outlets.

On February 11 in Quito, prosecutor Luis Ramiro Sanchez threatened Angelo Chamba, a photographer for the newspaper Hoy, and a police officer attacked Chamba while he was covering the arrest of another journalist accused of a crime. Two police officers put Chamba in a vehicle, threatened him, and took away his camera, radio, and cell phone. They held Chamba for 30 minutes and then released him. The following day he appeared in court to continue his coverage of the same story, and police confiscated his camera again and reviewed the photos on it.

On March 13, Emilio Palacios, editorial writer for the newspaper El Universo, received death threats via e-mail, which referenced his March 1 piece criticizing Correa for his weekly attacks on the media. At Palacio's request, the government agreed on March 19 to provide the journalist and his family protection.

On July 3, armed men broke into the offices of the magazine Vanguardia, threatened the employees, and raided their computers and files. On July 7, two armed men assaulted Jose Luis Estrada, the magazine's general manager, outside his office and stole his briefcase and personal computer; the two incidents were not proven to be connected.

There were several incidents of crowds or individuals within crowds assaulting and yelling insults at journalists covering a protest or event. There also were a few high-profile cases of indirect censorship of the media by the government.

On March 6, Jose Toledo, vice president of the news division of three television channels that the government had confiscated in July 2008, resigned less than a year after he was appointed to the position following the state takeover of the stations. In resigning he cited political pressure to favor

government candidates in coverage of the April elections. At year's end the government continued to control those three channels--Gamavision, TC Television, and a cable station, CN3 Cablenoticias.

There were also instances of the government utilizing legal mechanisms to restrict the media, including use of libel laws to suppress criticism.

On May 18, an audit commission created by the new constitution found over 700 irregularities in its examination of 1,637 radio and television frequency concessions, among them expired concessions, "clandestine frequencies," and monopolistic behavior. Due to the report's inconsistencies, however, in August the government created a new commission to analyze the report and provide recommendations for subsequent legal action. The report had not been released by year's end.

On June 3, the government's television and radio regulatory agency, the National Radio and Television Council (CONARTEL), issued its first sanction against an independent television station, Teleamazonas, for showing violent images of a bullfight during "family" hours, resulting in a \$20 fine imposed on the station. On June 25, CONARTEL sanctioned the station a second time with a \$40 fine for reporting on a "clandestine vote counting center," which CONARTEL decided was based on "rumors" instead of hard evidence. The government dissolved CONARTEL in July during a reorganization of the telecommunication sector that was previously announced in October 2008.

On August 29, President Correa demanded closure of Teleamazonas due to the station's alleged illegal airing of a clandestine audio tape on August 25 that purportedly captured the president and other government officials discussing how they altered language in the new constitution after it had already been approved by the National Assembly. President Correa accused the station of breaking the Broadcasting Law by reproducing covertly acquired recordings, "spying on the president," and "threatening national security." On September 2, a Correa government spokesperson retracted Correa's statement and asserted that the government would follow due process. A third government investigation of Teleamazonas concerned alleged misinformation about gas exploration on the island of Puna aired by the station, which ultimately led to a 72-hour suspension of programming, announced by the superintendant of telecommunications (SUPERTEL) on December 22.

Also on December 22, SUPERTEL announced that the radio station La Voz de Arutam, broadcasting in Morona Santiago Province to the Shuar indigenous community, would lose its frequency rights for inciting violence during indigenous protests in late September that led to the death of a Shuar protester. The station appealed the loss of frequency decision, allowing it to remain on the air, and the case was pending at year's end (see section 2.b.).

The new constitution declares the frequency spectrum a nonrenewable resource owned by the state and mandates that the state receive no less benefit than the company involved in the exploitation of that resource. It prohibits oligopolies or monopolies in the ownership of means of communications and in the use of frequencies and precludes financial groups, their legal representatives, stockholders, and board members from participating in the control of the "social means of communication" in terms of capital and investment. It also states that the social communication system will assure the exercise of the rights of communication, information, and freedom of expression.

The Correa administration enforced a provision in the Radio and Television Broadcasting Law that requires all stations to broadcast at no charge government programs on education and health issues for up to an hour per day (Mondays through Saturdays). This law also mandates the broadcast of messages and reports by the president and his cabinet free of charge. The new constitution maintains the previous constitutional provision stating the right of all persons to receive information that is true, verified, timely, contextualized, pluralistic, and without prior censorship. It also includes a provision

stating that the law will regulate the informational, educational, and cultural content of the programming of communication outlets.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available in larger cities, but access in the most remote locations was poor. In November the National Telecommunications Secretariat reported that there were 2,034,000 Internet users, approximately 14 percent of the population.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of peaceful assembly, and the government generally respected this right in practice. Security forces used force and tear gas to quell some violent demonstrations, resulting in several injuries. Public rallies require prior government permits, which generally were granted, although exceptions occurred.

In January several persons were injured when they blocked roads in the southern provinces of Azuay, Zamora Chinchipe, Loja, and Morona Santiago to protest the government's proposed law on mining. On January 5, residents of Pueblo Nuevo, Azuay Province, beat two police officers and held one of them prisoner for 36 hours. On January 7, altercations between the police and Pueblo Nuevo residents resulted in several injured, including schoolchildren who were affected by tear gas.

On September 29, Bosco Wisum was killed in Morona Santiago Province during a Shuar indigenous protest against a proposed water law and the extant law on mining. Preliminary reports noted that Wisum was likely killed accidentally by other protesters when police arrived to clear the barricaded road. At year's end, the government and the National Assembly were investigating the incident.

On April 9, a judge dismissed the case against six students prosecuted for having offended President Correa during the

August 2008 altercations between the police and university students during and after the president's radio and television address broadcast from the Catholic University of Guayaquil.

#### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The government requires religious groups to register.

## Societal Abuses and Discrimination

Muslim leaders reported that members of their community occasionally experienced discrimination when applying for work or housing. There was an isolated report of an anti-Semitic act of graffiti on a wall in Quito. There were no other reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

For a more detailed discussion, see the 2009 International Religious Freedom Report at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, such as the International Organization for Migration (IOM), in assisting refugees and asylum seekers.

The law prohibits forced exile, and the government did not use it.

### Protection of Refugees

The new constitution recognizes the rights of asylum and refuge, including "special protection in view of guaranteeing the full exercise of their rights." The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion and return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention or the 1967 protocol. This included providing services to the continuing flows of Colombians crossing the northern border throughout the year.

The government reported that during the year, it received 12,363 applications for regular refugee status and recognized 5,067 refugees. On March 23, the government fully implemented an "enhanced registration" program that improved the refugee registration process for Colombian asylum seekers so that those in need of international protection could be interviewed, assessed, and issued documentation on the same day. Previously, the refugee registration process could take one to two years to complete, and more than 30,000 cases were pending in the regular process at the beginning of the year. From March to December, the government recognized more than 21,000 refugees under the enhanced registration program. The program was expected to target up to 50,000 Colombian refugees for registration and documentation over a 12-month period in the northern border region. Applicants rejected in either the regular or the enhanced refugee process have a legal right to appeal; after appeals are exhausted, they have 30 days to leave the country. There were no reports of anyone without refugee status being expelled. While the UNHCR and the government reported difficulty dealing with the number of applicants and appeals, both the UNHCR and the IOM supported the government refugee office's efforts to streamline its decision-making and appeals processes and reduce its case backlog.

There were 45,820 recognized refugees in the country. The government and UNHCR estimated in 2008 that approximately 135,000 persons were in need of international protection, of whom approximately 68,000 were not registered in the asylum process at that time.

Colombians accounted for 90 percent of asylum seekers, and the rest originated from a wide variety of countries, including Cuba, Peru, Haiti, Nigeria, Pakistan, and Bangladesh. The law provides persons granted refugee status the right to work; however, this right is not extended to asylum seekers. The law provides recognized refugees and asylum seekers the same access to public health services as citizens. The presentation of any identity document is sufficient to ensure access to public educational institutions.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In accordance with the new constitution, elections for offices at all levels of government were held on April 26 and June 14. On April 26 voters reelected Rafael Correa to a four-year presidential term. In addition voters chose a vice president, provincial prefects and vice prefects, mayors, National Assembly members, and city councilors; a total of 1,969 offices. Election of five members to the Andean Parliament and 3,985 rural parish council members took place on June 14. Organization of American States and European Union observers concluded that the elections were generally free and fair, with local irregularities, and highlighted areas for further improvement in subsequent elections.

Although the international and domestic observation teams reported no major fraud, there were some reports of missing or marked ballots, counting and vote calculation irregularities, and incidents of violence.

In 2008 along with the new constitution, voters approved a "transition regime," which regulated the transition to the new institutional order. The interim Constitutional Court and National Court of Justice remained in place. An interim Citizen Participation and Social Control Council, an institution under the newly created Transparency and Social Control branch of government, was installed on January 26 and disbanded on September 9 when the law regulating the selection of the permanent council went into effect. On the basis of that law, the National Electoral Council began supervising the merit-based selection of members of the permanent Citizen Participation and Social Control Council. The Transparency and Social Control branch of the state is designed to promote citizen participation and prevent and combat corruption.

The constitution provides for state-promoted, gender-balanced representation in the public sector, including in decision-making positions, and mandates government adoption of affirmative action policies to promote the participation of affected groups. The new constitution grants suffrage to members of the armed forces and the police, and lowers the minimum voting age from 18 to 16.

The new constitution provides for gender balance in the lists of political parties' candidates for the National Assembly and other representative institutions. Voters elected 40 women to the 124-seat National Assembly, which was installed on July 31. As of December there were nine women in the 27-member cabinet and two female secretaries of state with the rank of minister.

There was one Asian-Ecuadorian but no Afro-Ecuadorians or indigenous persons in the cabinet.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a serious problem.

In June local media reported that businessman Fabricio Correa, the brother of President Rafael Correa, had signed public sector contracts worth over \$80 million during the Correa administration, raising public concerns of corruption. On September 5, in response to the allegations, President Correa announced he would nullify all government contracts connected to his brother. On September 9, Comptroller General Carlos Polit announced that his office's review of the public contracts in question yielded contracting "irregularities" including 31 instances of unfulfilled jobs or orders by Fabricio Correa's companies. According to the comptroller's report, the total amount in government contracts received by Correa's companies was \$167 million. In response to the nullification of his contracts, Fabricio Correa leveled his own accusations of corruption within his brother's administration and, in support of this, submitted alleged evidence against several of President Correa's cabinet members to the Prosecutor General's Office. The Prosecutor General's Office and the National Assembly both opened investigations into Fabricio Correa's accusations; the investigations continued at year's end.

In August a multinational oil company provided government authorities with clandestinely recorded videos that it alleged exposed a bribery scheme related to a multi-billion dollar environmental lawsuit pending against it in an Ecuadorian court. The judge who had been presiding over the case, as well of some members of President Correa's Proud and Sovereign Fatherland Movement, were shown on the recordings. The Prosecutor General's Office opened an investigation into the allegations, while plaintiffs in the lawsuit claimed the videos were fabricated.

The prosecutor's investigations continued into the July 2008 criminal investigation of former ombudsman Claudio Mueckay for alleged misuse of public funds and the August 2008 case of irregularities involving contracts and staff members advising the Constituent Assembly.

On January 7, authorities imprisoned former minister of sports Raul Carrion, who resigned in December 2008 after three of his advisors were placed under preventive detention during an investigation of their alleged illicit enrichment and asset laundering, among other charges. On April 27, a National Court of Justice criminal tribunal freed him, but reversed its decision on May 5 amidst widespread criticism, including by the Prosecutor General. Carrion was released from prison on December 22 after reaching the statutory limits on preventive detention. At the same time, the prosecutor dismissed the charges against him for asset laundering due to insufficient evidence. However, Carrion still had fraud charges pending, and the judicial proceedings continued at year's end.

In December 2008 President Correa created via presidential decree the National Secretariat for Management Transparency, tasked with investigating and reporting corruption cases and promoting transparent practices in the public administration.

The new constitution states that all persons have the right to access information gathered by public or private organizations receiving state funds. It further requires that the information be available in the native language of the citizen. The 2004 Law on Transparency and Access to Information defines these rights, and requires that government agencies make available to the public, free of charge, all

information gathered by organizations that receive public funds, including unions and NGOs. Personal information about individual citizens, and information regarding national security, are excluded. As a result, government agencies increasingly put budget information, functions, organizational information, lists of government officers, and all official notices on the Internet, in addition to responding to written requests.

An NGO's year-long study of this law's implementation found that while many agencies lagged in publishing the required information on the Internet, 97 percent of written requests for information were answered, and only one petition did not receive a response. Agencies responded to 63 percent of requests within the time limit established by law. In a few cases, the NGO noted that the specific information requested was not received, either because it did not exist or it was not accessible to the official searching. The report noted that many government agencies did not have the budgets required to fully implement the law, nor the technological systems to make information easily searchable. Other NGOs rated government compliance with publishing the required data on their Web pages at about 70 percent, although the data may not be complete or accurate.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials cooperated with the groups but often did not act on their recommendations.

An Ombudsman's Office focused on human rights problems. The new constitution describes the Ombudsman's Office as an independent part of the judiciary established to ensure equal access to justice and the protection of rights. The office has 50 members and regularly presents cases to the prosecutor's office, but with limited success. In July 2008 the Constituent Assembly appointed an interim ombudsman. As with many of the restructured or new institutions established by the new constitution, this organization was not yet in final form. Once the permanent Council for Citizen Participation and Social Control is established in mid-2010, it is expected to create a merit-based system for receiving nominations and selecting the ombudsman.

The Commission for Truth, created in 2007 to investigate alleged human rights violations (particularly during the 1984-88 period), investigated 150 cases of human rights violations but did not release its report by year's end (see section 1.a.).

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The new constitution prohibits discrimination based on race, gender, disability, language, or social status; however, women, persons with disabilities, indigenous persons, Afro-Ecuadorians, gays, lesbians, bisexual, and transgender persons continued to face discrimination.

##### Women

Although the law prohibits violence against women, including within marriage, abuses were widespread.

The law criminalizes rape and provides a penalty of up to 25 years in prison. The law does not criminalize spousal rape, although under family law spousal rape is considered a type of violence. The

penalty for rape where death occurred is from 16 to 25 years' imprisonment. As of October there were 3,547 reported rapes, 914 cases where charges were filed, and 294 cases prosecuted successfully. Many rapes were not reported due to the victim's reluctance to confront the perpetrator.

The most pervasive violations of women's rights involved domestic and sexual violence. Although prohibited by law, both were widespread and vastly underreported. The Ministry of Government's Office of Gender reported, based on preliminary and partial reports it had received as of October 31, 48,022 cases of sexual, psychological, or physical mistreatment of women and 7,040 cases involving male victims as of June. Police and judicial reluctance to act on domestic violence cases was an additional factor. Authorities referred many women who reported domestic abuse or sexual crimes to the judicial system, but gaps in this process contributed to dropping charges against the perpetrators.

While the new constitution eliminated the 34 special Police Stations for Women and Families, which formerly handled issues such as domestic violence, the government established new joint service centers to assist citizens. These centers provided assistance free of charge to victims of domestic and gender violence on legal issues, social and medical assistance, and police protection. The law provides penalties for domestic violence of a fine of up to \$28 or seven days in prison and gives family courts the power to remove an abusive spouse from the home if continued cohabitation creates a risk to the victim of abuse.

The new constitution provides for courts specializing in women and family issues, which are to be under the judicial branch and have the power to authorize restraining orders prohibiting the abusive spouse from approaching the victim or her place of employment or study; to prohibit the abusive spouse from persecuting or intimidating the victim or any member of her family; to reinsert the victim into the family home, if shared, while simultaneously removing the abusive spouse from the premises; and to order any treatment deemed beneficial to the affected family. In November the Constitutional Court established a Regional Observers Office for Judicial Decisions that would review court decisions from six Latin American countries to report whether those countries comply with international norms, including UN declarations, involving women's rights.

The new constitution affords women an array of benefits in the economic, political, and social areas. While women's organizations applauded these provisions, they noted that many legal and financial steps remained to implement the reforms. Meanwhile, a transitional council handled projects in all provinces, focusing primarily on equal opportunities, public policy programs toward women, and lines of credit for women's businesses. The law stipulates that the government should formulate and implement policies to achieve gender equality, incorporate a gender focus into plans and programs, and provide technical assistance to implement the law in the public sector.

Adoption of the new constitution restructured the former National Council on Women (CONAMU)-- whose main role was the enactment and enforcement of public policies for the advancement of women's issues and rights. The council became part of the Secretariat on Peoples, Social Movements, and Citizen Participation, a cabinet-level ministry charged with ensuring the participation of the citizenry in government decision making, especially among historically disadvantaged groups.

Prostitution is legal for persons over the age of 18 as long as the prostitution businesses are registered with the government and follow health regulations. Trafficking in persons for prostitution was a problem.

Despite the legal prohibition of sexual harassment, women's rights organizations described harassment in the workplace as common. CONAMU and subsequently the transitional council were charged with

designing public policies to promote women's human rights and equality in cases of sexual harassment.

The new constitution acknowledges sexual and reproductive rights. The Free Maternity Care Law protects the sexual and reproductive rights of women and calls for free prenatal care, family planning services, and cancer screening. According to statistics from the Population Reference Bureau, 69 percent of women had skilled attendants present during childbirth, and 99 percent had health care providers present during childbirth. A 2004 survey of demographic and maternal health care noted that over 70 percent of women used contraceptives, with a 5 percent "unmet need" for family planning. The gap between the rural and urban contraceptive prevalence rate was small, at 67 percent and 77 percent respectively. More than 36 percent of modern contraceptive method users received these services through government-sponsored programs. The government began implementing a national HIV/AIDS program to prevent mother-to-child transmission of the disease and provided free screening for all women. The law also promotes a greater role for men in care giving by providing paternity leave of up to 10 days.

Despite legal protection of women's rights in politics, the home, and employment, societal discrimination against women was pervasive, particularly with respect to educational and economic opportunities for older women and for those in the lower economic strata. Although women enjoyed the same legal status as men, women often did not receive equal rights in practice. According to the government, for example, women received approximately 65 percent of the pay received by men for equal work. Women's advocates alleged that culture and tradition inhibited achievement of full equality for women. There were fewer women than men employed in professional work and skilled trades. Little reliable data existed regarding the situation of women within the tightly knit indigenous communities.

The Ecuadorian Women's Permanent National Forum included more than 320 women's organizations and promoted social, economic, and cultural change, including increased political participation by women throughout the entire constitutional drafting process carried out in 2007-08 by the Constituent Assembly. According to the forum, participation by women was greater in the 2008 constitutional referendum than in previous elections.

## Children

Citizenship is acquired either through birth in the country or by birth to an Ecuadorian mother or father abroad (until the third generation). Since 2006 the government encouraged civil registration and made it easier for adults and children to register. The Ministry of Health implemented a program to register newborns at birth in hospitals and clinics, and mobile registration centers reached out to rural areas regularly. As a result, the number of unregistered citizens fell 40 percent, from 1.5 million to less than 900,000. Of those, 100,000 were indigenous persons and 300,000 were under 18.

Authorities did not use lack of documentation to deny access to education, therefore some parents reportedly did not understand the importance of registering their children. Other government services, however, including welfare payments and free primary health care, require some form of identification. The registration campaign was designed in part to teach adults about the benefits of registering themselves and their children, as well as their obligations as citizens.

The new constitution raised the minimum 10-year requirement of schooling to 15 years; however, due to shortages of schools, inadequate school funding, and the comparatively high cost of books and uniforms, the government rarely enforced either the old or new minimum requirement.

There was no societal pattern of abuse against children.

Commercial sexual exploitation of minors remained a problem; it was punishable with six to 16 years of imprisonment. The law prohibits child pornography, with penalties of six to 16 years' imprisonment. The law covers statutory rape; the age of consent is 14. The penalty for statutory rape is 16 to 25 years' imprisonment.

More than 20 NGOs promoted child welfare. The UN Children's Fund and several private organizations were active in programs to assist street children.

### Trafficking in Persons

The government recognized that trafficking in persons was a national problem, and the law prohibits such trafficking. Nonetheless, there were reports that women and children were trafficked within, to, from, and through the country. The country was both a source and a destination for trafficking.

The Child Welfare Police reported that the majority of identified trafficking victims were from the provinces of Pichincha, El Oro, and Orellana.

Traffickers were mainly criminal gang members specializing in movement of persons, proprietors of small businesses such as bars or brothels, and illicit employment brokers. Recruitment modalities varied depending on the type of exploitation. In the case of sexual exploitation, victims were lured romantically or with promises of legitimate employment and then forced into prostitution. Recruiters for forced labor offered parents education and work opportunities for their children.

The law criminalizes trafficking in persons and provides for prison terms of six to 35 years. The law also provides for penalties of six to 12 years in prison for promoting sexual tourism. From April through December, authorities opened 41 cases involving trafficking in persons, forced labor, or sexual exploitation; data on convictions were not available at year's end.

The government had a specialized antitrafficking Police Unit with 18 investigative agents and two intelligence analysts. During the year this unit received 46 reports of human trafficking, conducted 15 investigations or "sting" operations, detained 17 suspects, and rescued 44 trafficking victims, according to the National Judicial Council.

Numerous municipalities had antitrafficking action plans, prevention campaigns, and antitrafficking networks working in conjunction with the national government. The Trafficking in Persons and Sexual Crimes Unit of the Prosecutor's Office in the city of Cuenca reported four cases of trafficking in persons, which were related, respectively, to child pornography, labor exploitation, sexual exploitation, and forced begging. All of these cases remained under investigation at year's end. Other cases included kidnapping and selling newborn children, and children used to transport drugs and commit petty theft.

The government provided shelter and assistance to trafficking victims. In Pinchicha Province, for example, authorities provided direct assistance, including reintegration opportunities, to 71 trafficking victims during the year. In December a court in the province sentenced a trafficker arrested in 2006 to eight years' imprisonment for sexually exploiting an adolescent.

The Ministries of Government and Foreign Affairs, the National Child and Family Institute, and the National Secretariat for Migrants coordinated the return of five Ecuadorian victims of labor

exploitation from Colombia and Chile. The Ministry of Tourism launched a campaign in 24 provinces to prevent sexual exploitation of children and adolescents. In October an investigation led to the arrest of a woman traveling from Ecuador to Venezuela with six children and four adolescents. None of the children had documents permitting them to leave the country, and the prosecutors suspected the woman was part of a ring to exploit children as domestic laborers. At year's end, the case remained under investigation.

In July the government established a state-run integrated database system to collect important statistical information on trafficking. The IOM taught and provided technical assistance to different state officials, mainly at the Ministry of Justice, on the administration and use of this technical tool.

The State Department's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

The constitution prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The interagency National Council on Disabilities oversees government policies regarding persons with disabilities. Although the law mandates access to buildings for persons with disabilities, the government did not fully enforce it.

For the April 26 elections, the National Electoral Council (CNE) printed ballots in braille only for the presidential race. According to the CNE, due to the significant number of candidates running for office and the complex voting system--for entire lists or candidates among lists--the CNE did not print ballots in braille for the remaining offices at stake on April 26 or for the June 14 election. Instead, the CNE allowed blind individuals to have assistance from a relative while voting and provided training to CNE field coordinators, as well as police and military officials, to raise awareness on specific needs for voting by persons with disabilities. The CNE provided sign language translators and made efforts to ensure that voting precincts were fully accessible to persons with disabilities.

The new constitution extends benefits to persons with disabilities, particularly in the areas of education, employment, and access to social security. The law requires the hiring of persons with disabilities in all public and private enterprises with more than 25 employees. According to a radio address by Vice President Lenin Moreno on November 28, 92 percent of public and private companies complied with the law. Moreno said the remaining companies would be sanctioned, but did not specify how. An initiative, "Ecuador without Barriers," led by the vice president, helped create an unspecified number of jobs for persons with disabilities. In November the municipality of Guayaquil, the largest city in the country, opened debate on a regulation that would require all businesses and public institutions to improve access for the disabled and the elderly. The final regulation had not been issued as of year's end.

### National/Racial/Ethnic Minorities

Afro-Ecuadorian citizens, who account for about 3 percent of the population, suffered pervasive discrimination, particularly with regard to educational and economic opportunity.

The Afro-Ecuadorian Cultural Center estimated that 70 percent of Afro-Ecuadorians lived in poverty. Afro-Ecuadorian organizations noted that, despite the absence of official discrimination, societal discrimination, including stereotyping, continued to affect them. For example, they continued to assert that the police stopped Afro-Ecuadorians for document checks more frequently than they stopped other citizens and that employers often would not interview persons whose job applications carried

Afro-Ecuadorian photos. There were no special government efforts to address these problems, except for the Municipality of Quito, which in December 2008 prohibited private and public institutions in Quito from accepting curriculum vitae with pictures.

The Center for Racial Equity and Development reported increased violence by the public forces. According to the center, on January 10, members of the armed forces detained and reportedly tortured three young Afro-Ecuadorian men in the area of Carcelen, Quito. The ombudsman determined that the attack was based on racial discrimination and recommended that the officers be dismissed. The military court that heard the case imposed an administrative measure of two days' detention. The civilian prosecutor to whom the case was referred said that a criminal investigation in civilian courts could not proceed because the case had already been tried in military court and defendants cannot be prosecuted for the same offense twice. (Military courts were abolished later in the year.)

The new constitution declares the state to be plurinational, affirms the principle of nondiscrimination by recognizing the right of indigenous, Afro-Ecuadorian, and Montubio communities to restitution for acts of discrimination, and mandates affirmative action policies to ensure the representation of minorities. On October 13, the government published an Executive Decree with a National Pluricultural Plan to Eliminate Racial Discrimination. Among other provisions, it calls for all public sector bodies to ensure that "access to labor" reflects the percentage of the population of Afro-Ecuadorians, indigenous persons, and Montubios (a rural, farming population recognized as an independent ethnic group).

### Indigenous People

Estimates of those who maintained their indigenous cultural identity and lived in indigenous communities varied between 7 and 30 percent of the population. The vast majority of indigenous citizens resided in rural areas, including in the highlands and the Amazonian provinces. The literacy rate among the indigenous was approximately 72 percent. Despite their political influence and the advocacy efforts of grassroots community groups, indigenous persons continued to suffer discrimination at many levels of society and, with few exceptions, were at the bottom of the socioeconomic scale.

Arable land was scarce in the more heavily populated highland areas, where high infant mortality, malnutrition, and epidemic disease were common among the indigenous population. Electricity and potable water often were unavailable. Although the rural education system was seriously deficient, many indigenous groups participated with the Ministry of Education in the development of the bilingual education program used in rural public schools.

The new constitution strengthens rights of indigenous peoples; it declares the state plurinational, recognizing Kichwa and Shuar as "official languages of intercultural relations," and specifically recognizes indigenous justice. Existing law also recognizes the rights of indigenous communities to hold property communally, to administer traditional community justice in certain cases, and to be consulted before natural resources are exploited in community territories. Land in many cases is titled to the indigenous community, and some indigenous groups hoped to expand these areas. In other cases, indigenous groups managed a reserve that the government set aside for biodiversity protection. Indigenous persons also have the same civil and political rights as other citizens.

The former and new constitutions grant indigenous persons the right to participate in decisions about the exploitation of nonrenewable resources that are located in their lands and that could affect their culture or environment. The new constitution allows indigenous persons to participate in the benefits the projects may bring and to receive compensation for the damage that could result. It mandates, in

the case of environmental damage, immediate corrective government action and full restitution from the responsible company. However, some indigenous organizations asserted a lack of consultation and remedial action.

Indigenous groups lobbied the government, enlisted the help of foreign and domestic NGOs, and mounted protests in attempts to win a greater share of oil revenues and a greater voice in natural resource and development decisions. Settlers, drug traffickers, and loggers illegally encroached into indigenous territory. Corrupt local officials, a lack of political will, and divisions among and within indigenous communities undermined indigenous efforts to stop the flow of illegally harvested timber. Widespread environmental damage, in part due to deforestation and petroleum production, constituted another serious problem.

The Ombudsman's Office had representatives in indigenous communities throughout the country. These had responsibility for promoting human and indigenous rights among indigenous communities and providing specific advisory services to these groups.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The new constitution includes the principle of nondiscrimination and establishes choice of sexual orientation as a right. Homosexual acts are not criminalized. Transexuals have the right to identify themselves by their chosen gender on their national identification cards, according to a court case in Pichincha Province. Although the law prohibits discrimination based on sexual orientation, gays, lesbians, transgender persons, and transvestites continued to suffer discrimination from both public and private bodies. In September the National Electoral Council published rules governing the selection of the national prosecutor general, comptroller, members of the Council for Citizen Participation, and directors of certain regulatory bodies that gave lesbian, gay, bisexual, and transgender (LGBT) candidates for those positions two additional points on their applications. The measure was designed to help traditionally disadvantaged groups participate more effectively in government.

LGBT organizations existed and were not aware of incidents of violence perpetrated by the police or other government agents towards the establishment of these organizations. Such groups organized multiple Gay Pride marches in the last decade with the authorization of pertinent authorities and received police protection.

Despite the lack of official discrimination, societal discrimination was present. The NGO Kimirina advised that members of the LGBT community believed that their right of equal access to formal education and employment was frequently violated. The LGBT population involved in the sex industry reported abusive situations, extortion, and ill-treatment by security forces but did not file or press charges in the Office of the Public Prosecutor.

The April 2008 case in which a policeman reportedly pushed and punched a member of a sexual minority group remained under investigation at year's end.

#### Other Societal Violence or Discrimination

The new constitution specifically prohibits discrimination directed at persons with HIV/AIDS. There was no societal violence against persons with HIV/AIDS; however, NGOs reported that individuals with HIV/AIDS believed they were discriminated against, including on issues such as equal employment opportunities and access to appropriate health care.

## Section 7 Worker Rights

### a. The Right of Association

While the law provides most workers with the rights to form and join trade unions of their choice, legal protections of these rights were inadequate, sometimes failing to deter employers from retaliating against workers for organizing. In May an employer laid off 26 workers in a tuna factory in Manabi Province after they formed a union. In July managers fired 46 workers at a wood plantation and 15 workers at a hospital after forming unions. Members of the police, the military, and most public sector employees (those who fall under the civil service law) were not free to form trade unions. Approximately 1.2 to 3 percent of the workforce was organized.

While employees of state-owned organizations enjoyed rights similar to those in the private sector, the law prohibits the majority of public sector employees from joining unions or exercising collective bargaining rights. Under the law, employees that do not fall into the technical, administrative, or professional categories may join a union and bargain collectively. Public sector employees in strategic sectors, as designated in the new constitution, may not take any action that paralyzes those sectors, including striking. The constitution lists health; environmental sanitation; education; justice; the fire brigade; social security; electrical energy; drinking water and sewerage; hydrocarbon production; the processing, transport and distribution of fuel; public transport; and post and telecommunications as strategic sectors. Most public employees maintained membership in a labor sector association; such associations are not allowed to strike or bargain collectively.

Despite the law, however, teachers, state oil refinery workers, and workers in an electricity generating company held strikes during the year. The teachers union called for strikes intermittently through the year, most recently from September 15 to October 7. In November workers protested at an electricity generating company in Guayaquil during a surprise visit by President Correa. Correa told reporters that he would have the organizers investigated under the article in the penal code prohibiting interference in the provision of public services. By December, 22 employees had been summarily dismissed, with the approval of the Ministry of Labor, for interrupting services to the public and "insulting the majesty of the president." The director of the firm also asked the prosecutor to charge the employees with sabotage and terrorism. At year's end the workers had hired lawyers to challenge the decisions.

The new constitution, whose worker rights provisions require the adoption of implementing laws, terms worker rights "irrevocable"; provides for the right to unionize and to strike (except in instances which might cause "paralysis" in strategic sectors); and commits state support for democratic unions.

The labor code and the constitution require workers in state enterprises to be represented by a single labor union. The law does not require reinstatement of workers fired for union activity but does require compensation and fines. The new constitution prohibits the use of outsourcing and of discriminatory criteria in hiring. Outsourcing includes subcontracting, third party, and hourly contracts. The law prohibits these activities except in the areas of security, catering, message delivery services, and cleaning if those services are not an integral part of the company's productive processes. The law permits part-time contracts, but only with full-time employee benefits. Public sector enterprises may subcontract for certain technical workers with the Ministry of Labor's approval.

There were few restrictions on the right of private-sector workers to strike, although a 10-day period is required before a strike can be declared. The law allows solidarity strikes or boycotts of three days if the Ministry of Labor approves them. In some industries, during a legal strike, workers may take

possession of the factory or workplace (thus ending production at the site) and receive police protection during the takeover. However, in other industries, such as agriculture, the law requires a 20-day waiting period from the day the strike is called. During this time workers and employers must agree on how many workers are needed to ensure a minimum level of service, and at least 20 percent of the workforce must continue to work in order to provide essential services. The law provides that "the employer may contract substitute personnel" only when striking workers refuse to send the number of workers required to provide the minimum necessary services, although in practice this law was not enforced. The law protects strikers and their leaders from retaliation.

The law does not provide the majority of public workers with the right to strike, although they were able to organize and bargain collectively. Individual workers may take complaints against employers to the Labor Inspection office if they are still employed by the firm, or to courts charged with protecting labor rights if they are no longer employed by the organization. Unions may also take complaints to a tripartite (union, employer, government) arbitration board established to hear these complaints. In December the tripartite commission decided in favor of the union in the case of striking workers at a tire manufacturing company. The law includes a provision that striking public-sector workers are liable to between two and five years in prison.

Pursuant to a temporary law passed in 2008 calling for revision of all public-sector collective bargaining agreements to eliminate "excessive benefits" for workers, at year's end, 64 collective bargaining contracts had been reviewed, affecting approximately 46,000 workers. Excessive benefits include paid leave for professional training and union related/labor rights training; seniority bonuses; additional vacation (accrued due to seniority); the right to free or discounted public services; and the right to have a commissary, among other items.

A presidential decree signed on April 30 empowered SENRES (National Secretariat for the Development of Public Sector Human Resources and Remuneration) to evaluate the employment of workers in the public sector to establish which workers fall into the category of manual laborers and which are classified as technical or administrative workers. Workers who are classified as technical and administrative workers will be subject to the Civil Service and Administrative Career Law (LOSCA) and not the labor code. The LOSCA does not provide any assurances for the right to freedom of association or the right to bargain collectively. According to an NGO specializing in promoting worker rights, a likely result of this process is that 75 percent of union members in public sector enterprises will no longer be able to legally join a union or have a collective bargaining agreement. Those who work in strategic sectors already are not legally permitted to strike, although they may participate in collective bargaining negotiations.

In August the government officially incorporated SENRES into the Ministry of Labor Relations.

#### b. The Right to Organize and Bargain Collectively

The law requires all private employers with 30 or more workers belonging to a union to negotiate collectively when the union so requests. Collective bargaining agreements covered only 140,000 workers of the total workforce of 4.3 million. Most of the economically active population was employed in the agricultural sector or the urban informal sector; the vast majority of these workers were not organized. The law allows businesses to hire workers on individual contracts.

There is special legislation regulating labor in export processing zones. Most workers in export processing zones are hired on temporary contracts and as such do not appear to be protected by key elements of the labor code.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for the purpose of forced labor (see section 6). Forced labor for children and adolescents occurred most often when the children were trafficked as street vendors or domestic servants. Women were sometimes forced into domestic servitude by their traffickers.

### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits exploitation of children in the workplace and forced or compulsory labor; however, the government did not effectively enforce the law, and child labor remained a problem especially in informal sectors.

The labor code, the child and adolescent code, and the new constitution set the minimum working age for minors at 15 for all types of labor and the maximum hours a minor may work at six hours per day, five days per week. The law lists jobs that are not suitable for children and prohibits minors from working in hazardous conditions, including in agriculture, mines, domestic work, garbage dumps, slaughterhouses, or in jobs requiring exposure to toxic or dangerous substances or loud noises. The law requires employers to pay minors the same wages received by adults for the same type of employment. Penalties for violations of the child labor laws include fines of \$50 to \$300 for parents or guardians and fines of \$200 to \$1,000 for employers hiring children less than age 15. In cases of repeated infractions, the employer's business can be closed.

The Ministries of Labor and of Economic and Social Inclusion and the Minors' Tribunal were charged with enforcing child labor laws, but enforcement, while improving, was not fully effective due to lack of resources. The 2006 National Institute of Statistics and Census's Child Labor National Survey (the latest available information) found that 367,000 children between ages five and 14 were engaged in labor not permitted by law, primarily working in rural areas in the informal sector, compared with 550,000 in 2001. Children worked in the production of bananas, flower, broccoli, sugarcane, and strawberries. They were also involved in brick-making and small-scale gold mining. There were reports of Ecuadorian children working as coca pickers in Colombia.

The government's 29 child labor inspectors inspected workplace locations that specifically employed child labor; these inspectors had the authority to cite violations and sanction companies and employers found to have illegally hired child labor. In January the government began implementation of a second phase of its Child Labor Eradication Program, supporting initiatives to combat child labor in domestic work, garbage collection, mines, slaughterhouses, brick factories, and flower and banana plantations. The objective was to prevent children and adolescents in 60 cantons of 16 provinces from working in these areas. During the year the inspectors conducted 3,992 workplace inspections and removed 2,056 minors working in dangerous conditions in violation of labor laws.

While the Ministry of Labor's Social Service Directorate monitored child labor in businesses such as factories, enforcement in most sectors of the economy remained limited. In urban areas many children under age 15 worked in family-owned businesses in the informal sector, shining shoes, collecting and recycling garbage, or as street peddlers. Other children were employed in commerce, messenger services, domestic services, and begging. Children as young as five or six often sold newspapers or candy on the street to support themselves or augment family income.

The government supported the Program for the Schooling and Protection of Child Workers, which implemented a workshop program in indigenous communities in five provinces to work with families and schools on the problem of child labor.

The Observatory for the Rights of Children and Adolescents reported that the number of children and adolescents working under conditions of child labor in 2008 decreased to 7 percent and access to education increased to 78 percent.

e. Acceptable Conditions of Work

The new constitution mandates an annual revision of the minimum wage to match progressively the cost of a family's basic needs. The National Council on Salaries, a technical agency under the labor ministry, acts as the negotiating and arbitration arm. A trilateral body composed of representatives from the ministry, the private sector, and labor unions, performs the review each December and must be unanimous in its decision. The minimum wage was \$218 per month, plus mandated annual bonuses equivalent to two months' salary, which did not provide a decent standard of living for a worker and family. Most organized workers in state industries and formal-sector private enterprises earned substantially more than the minimum wage and also received other significant benefits through collective bargaining agreements. However, most workers worked in the large informal and rural sectors without obtaining the minimum wage or legally mandated benefits.

The law provides for a 40-hour workweek and two consecutive days of rest per week. If required to work beyond the standard workweek, workers must be paid overtime. A higher overtime rate is set for working at night. The maximum overtime was 12 hours per week, which generally was respected, except in subcontracting companies, where workers sometimes were required to work up to 28 hours of overtime per week, and in the case of some domestic employees. The Ministry of Labor did not deploy sufficient resources to enforce labor laws.

The Social Security Institute is responsible for enforcing health and safety standards and regulations. In the formal sector, occupational health and safety was not a significant problem. However, there were no specific regulations governing health and safety standards in the small-scale agricultural sector, which accounts for the majority of farms and workers. In practice, primarily due to the lack of labor inspectors, there was no enforcement of safety rules in the small mines that made up the vast majority of enterprises in the mining sector.

The new constitution protects self-employed workers who work in public areas and prohibits the confiscation of their products or work tools, a provision intended to benefit informal sector workers, such as street vendors.

The new constitution provides that workers have the right to a healthy and safe work environment. A worker may request that an inspector from the Ministry of Labor confirm a workplace hazard; that inspector then may close down the workplace. Response time for inspectors ranged from three days in major cities to much longer in the countryside. Workers do not have the legal right to remove themselves from danger prior to the inspection, unless the employer agrees.

## **Country Profile: Ecuador: Diversity in Migration**

By Brad Jokisch

Migration Policy Institute

February 2007

Ecuador's geographical variety is nearly matched by its diverse migration patterns. Although it is a small Andean country of approximately 13.3 million people, Ecuadorians are one of the largest immigrant groups in metro New York and the second largest immigrant group in Spain.

In the past 25 years, Ecuador has experienced two major waves of emigration, sending 10 to 15 percent of Ecuadorians overseas, mostly to Spain, the United States, Italy, Venezuela, with a small but growing number in Chile.

While the country continues to experience emigration, the number of immigrants, particularly Peruvians and Colombians, has increased in the last five years. Most Peruvians are economic migrants, and the majority of Colombians are refugees, escaping an escalation of armed conflict since 2002 and the hardships created by drug eradication programs (spraying coca crops) in southern Colombia.

The newly elected president, Rafael Correa, has reached out to Ecuadorian communities overseas and has promised to incorporate them into the economic and political life of Ecuador.

### **Historical Background**

The population of what is now Ecuador witnessed considerable disruption between 1470 and 1540. The Inca invaded from Peru during the later half of the 15th century, and Spanish conquerors arrived in 1534. Due to the introduction of disease, abuse, and enslavement, more than 70 percent of the indigenous population died by the end of the century.

Few Spaniards or other Europeans immigrated to Ecuador during the colonial era, which lasted until 1822. The arrival of a few English men, some Spanish traders, and a handful of other Europeans were exceptions.

In the mid-16th century, at least two slave ships from Panama bound for Peru wrecked on the shores of what is now Esmeraldas province. The African slaves established a maroon society (freed slaves), and maintained autonomy during much of the colonial era.

During the 16th and 17th centuries, colonial authorities in Quito arranged for the shipment of African slaves, who were put to work in Ibarra, Guayaquil, and the gold mines of modern-day Colombia (Popayán). A smaller number of slaves were imported to Quito, Cuenca, and other urban areas. The colonial district of Quito, which extended into southern Colombia, had a slave population of approximately 12,000, with an unknown population of slave descendants in Esmeraldas.

With the exception of Spaniards who became traders, Ecuador received very few of the Europeans who emigrated to Latin America during the 19th and early-20th centuries. An 1890 census of Guayaquil, Ecuador's largest city, recorded fewer than 5,000 immigrants, more than half of whom were from Peru.

During Ecuador's cocoa (chocolate) export boom of the late-19th and early-20th centuries, "Lebanese" began to immigrate to Guayaquil and quickly became merchants and traders. The term applies broadly

to Arab-speaking, predominantly Christian immigrants whose ancestry can be traced to Syria, Palestine, or Lebanon.

It is unknown how many "Lebanese" migrated to Ecuador, but their economic and political influence has been much greater than their numbers. For example, in 1991 approximately 1,500 Lebanese lived in Quito (out of more than 1.2 million), but two presidents in the 1990s were of Lebanese descent. Also, some of the most successful business families in Ecuador are "Lebanese."

Ecuadorian emigration prior to the 1960s was minimal. A small number of people migrated to Venezuela and by the 1940s to the United States. The US Office of Immigration Statistics (part of the Department of Homeland Security) reports that 11,025 Ecuadorians received

lawful permanent resident status from 1930 to 1959. By the 1960s, small communities of Ecuadorians could be found in Los Angeles, Chicago, and New York.

### **Ecuadorian Emigration since the 1960s**

The provinces of Azuay and Cañar, and Ecuador's third-largest city, Cuenca, formed the "core" migrant-sending zone in Ecuador in the 1970s and 1980s. In particular, the main sending communities in these areas practiced subsistence agriculture and had a tradition of women weaving Panama hats for export to New York and male seasonal migration to the coast.

When the Panama hat trade declined in the 1950s and 1960s, pioneer migrants, mainly young and male, used this trade connection to migrate to New York, most of them without legal documentation. Most worked in restaurants as busboys or dishwashers, and a smaller number worked in factories or construction.

Migration remained slow but persistent during the 1970s; migrants from numerous communities in Azuay and Cañar provinces joined the clandestine migration networks that led people through Central America and Mexico en route to the United States. A small number of Ecuadorians migrated to Venezuela, whose oil-led economy was strong through the 1970s. As oil prices fell in the 1980s, Ecuadorian migration to Venezuela appears to have diminished.

Like many countries in Latin America, Ecuador in the 1970s experienced economic growth and improved living conditions. But in the early 1980s, oil prices collapsed, causing a debt crisis, an increase in inflation, and a dramatic decrease in wages. The crisis, Ecuador's first since 1960, was particularly onerous on subsistence farmers, thousands of whom opted to emigrate as a result.

Most of these migrants paid intermediaries — coyotes or a document forger — for clandestine passage to the United States, overwhelmingly to metro New York, but also to Chicago, Miami, Los Angeles,

### **Spanish Policy and Ecuadorian Migrants**

Several Spanish immigration polices have had an important impact on Ecuadorian migrants. Spain's 2000 "Law on the rights and Freedoms of Foreigners in Spain and their Integration" (Ley Orgánica 4/2000) focused on stopping the flow of illegal immigrants but also on integrating immigrants who could prove, among other requirements, that they had been in Spain since at least June 1, 1999.

In January 2001, Ecuador and Spain signed a bilateral agreement that provided legal work visas for nearly 25,000 unauthorized Ecuadorians. The bilateral agreement was signed less than one month after 12 Ecuadorian workers were killed in a train-truck accident on their way to work in agricultural fields in southern Spain.

Spain began requiring Ecuadorians to obtain a visa in 2003, effectively ending surreptitious "tourism" trips.

In 2004, Spain passed a "regularization" law (Real Decreto 2393/2004) that granted legal status to more than 400,000 Ecuadorians.

and Minneapolis. Some migrants were able to borrow the money from relatives, especially a close relative living in the United States; others borrowed from informal economy money lenders.

Ecuadorian men commonly worked in restaurants, and many women worked in sweatshops or as cleaners in office buildings. The Immigration and Reform Control Act of 1986 granted legal permanent resident status to 16,292 Ecuadorians, many of whom have been able to use this legal status to sponsor family members.

Low oil prices and floods that damaged export crops, coupled with political instability and financial mismanagement, caused a second economic crisis in the late 1990s. The national currency, the sucre, lost more than two-thirds of its value, and the unemployment rate rose to 15 percent and the poverty rate to 56 percent.

The crisis was directly responsible for a second wave of emigration, which sent more than half a million Ecuadorians overseas from 1998 to 2004. In contrast to the previous wave, this one was broader. Emigrants came from every province, and they were more urban and somewhat better educated; they also came from various ethnic groups, including members of the Saraguro and Otavalo indigenous groups.

Instead of the United States, the vast majority of these migrants chose Spain, home to only a handful of Ecuadorians at the time. The main reason: an existing agreement allowed Ecuadorians to enter the country as tourists without visas (the law changed in 2003, see sidebar). Indeed, the majority of the first migrants in Spain were women who posed as tourists, often with the help of Ecuadorian travel agencies.

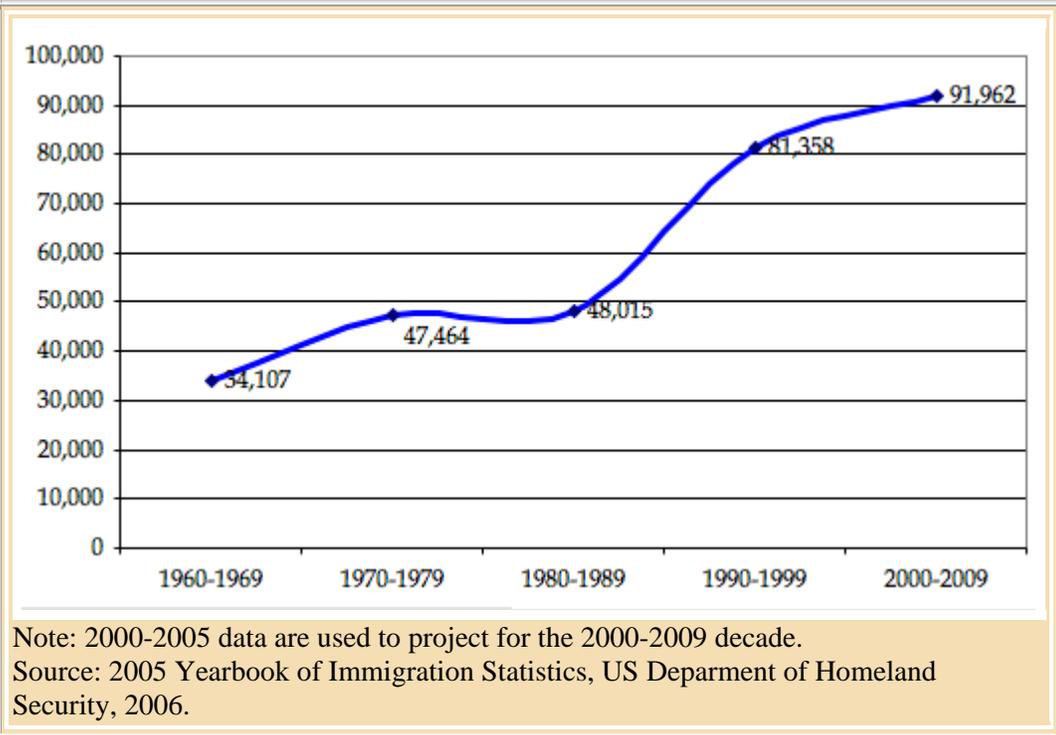
In addition, Spain offered plentiful, low-skilled work in the informal economy, and migrants did not have to worry about language differences. Most women work as domestics while men have found employment in the construction, agriculture, and service industries. By 2002, as many as 200,000 Ecuadorians were residing in Spain.

In addition to Spain, Ecuadorians also went to several other western European countries, most notably Italy, with smaller numbers to France, the Netherlands, Germany, and the United Kingdom.

Tightened borders in Central America and greater surveillance at the US-Mexico border made clandestine migration to the United States more expensive and dangerous than migration to Spain. Yet the United States has remained an important destination (see Figure 1). From 2000 to 2005, an average of 9,196 Ecuadorians per year obtained legal residency.

The number who have overstayed visas or entered without authorization is unknown, but thousands have tried. Since 1999, nearly 8,000 Ecuadorians have been detained by the United States Coast Guard in boats destined for intermediary countries such as Guatemala or Mexico. On average, between 1,000 and 2,000 Ecuadorians have been apprehended at the United States border each year in the past decade.

**Figure 1. Number of Ecuadorians who Received Lawful Permanent Resident Status in the United States per Decade, 1960 to Present**



### Counting Ecuadorians Abroad

Estimates of Ecuadorians living outside the country vary considerably. Adding up the official numbers from top destinations outside Latin America — the United States, Spain, and Italy — provides an estimate of about 986,000 (see Table 1).

In the 2001 Ecuadorian census, 377,908 people were reported to have emigrated in the previous five years (1996 to 2001). But Ecuadorian entrance and exit data suggest that since 1999, nearly a million Ecuadorians (net) left the country. Although Ecuadorian government officials have estimated that as many as 3 million Ecuadorian citizens live overseas, a recent study by the United Nations and an Ecuadorian graduate university (FLACSO) suggest that an estimate of 1.5 million is much more accurate than 3 million.

**Table 1. Number of Ecuadorians Overseas in Favored Destinations**

<b>Destination</b>	<b>Official figure</b>	<b>Estimated number</b>
United States	436,409 (2005)	550,000-600,000
Spain	487,239 (2005)	550,000
Italy	61,953 (2005)	120,000
Venezuela	28,625 (2000)	Unknown
Chile	9,762 (2002)	Unknown
Colombia	Not Available	Unknown
Peru	Not Available	Unknown

Sources (official figures only):  
 United States: American Community Survey, US Census Bureau  
 Spain: Instituto Nacional de Estadísticas, Municipality Survey  
 Italy: Istituto Nazionale di Statistica  
 Venezuela: 2000 Census  
 Chile: Instituto Nacional de Estadísticas

In 2005, Spain reported an Ecuadorian population of 487,239; the vast majority live in Madrid (35 percent), Barcelona (18 percent), and Valencia/Murcia (22.8 percent). Some analysts consider the official figure to be an undercount because not all Ecuadorians in Spain are registered. If that is the case, then the Ecuadorian population in Spain may be between 550,000 and 600,000.

Population estimates for the Ecuadorian population in Italy range as high as 120,000. Italian statistics on the other hand, recorded 61,953 Ecuadorian citizens in 2005, 62 percent of whom were women. Ecuadorians, who are concentrated in Genoa, Milan, and Rome, are the largest Latin American immigrant group in Italy and the 10th-largest national group overall.

Based on the 2005 American Community Survey, the United States Census Bureau estimates there are 436,409 Ecuadorians in the United States — far lower than the "more than one million" commonly reported in Ecuador. Of those Ecuadorians, 62 percent (269,139) reside in the New York-New Jersey metro area, 6 percent in Miami (25,332), and 4 percent in Chicago (18,810). Ecuadorians are the third-largest Latin American immigrant group in the New York-New Jersey metro area, behind Mexicans and Dominicans, and the eighth nationally.

Despite the high estimates common in Ecuador, the US Census Bureau figure is considered low compared with more conservative estimates published in the United States. For example, the Lewis

Mumford Institute at the State University of New York, Albany, estimated there were 396,400 Ecuadorians in the United States in 2000. Using this figure, and taking into account continued immigration, it is safe to estimate that the Ecuadorian population is between 550,000 and 600,000.

### **Remittances and Development Issues**

Similar to many Latin American countries, Ecuador depends on the funds its migrants send home. The Inter-American Development Bank estimated that Ecuador received \$2.0 billion in remittances in 2004, equivalent to 6.7 percent of its GDP and second only to oil exports; 14 percent of adults in Ecuador receive remittances regularly.

At least 75 percent of remittances are used first for basic household needs — education, food, medicine — and to cancel debts. In 2006, migrants had to pay coyotes or document forgers approximately \$12,500 each for clandestine travel to the United States. After basic needs are met and their debts paid off, thousands of Ecuadorians build new homes, replacing modest adobe structures.

In 2002, Ecuador passed a law called the "Program of Help, Savings and Investment for Ecuadorian Migrants and their Families" (Ejecutivo No. 2378-B), and soon thereafter the "Ecuadorian Living Abroad National Plan" was established.

These ambitious laws aim to alleviate migrant debt, create systems of financial intermediation to help with remittances, and establish a system of savings for productive investment and small business creation in the origin communities. Unfortunately, the government implemented little of this agenda until 2006, when the Central Bank of Ecuador reached an agreement with the Spanish bank Caixa for Ecuadorians in Spain to remit money from numerous financial institutions at lower costs.

In 2006, the federal government reported many other development-related achievements. It created a Working Table on Migrants for Employment, which involves multiple governmental and nongovernmental institutions. The group's goals, among others, are to help create public policy on migration and to defend migrant rights. The city of Murcia, Spain, and the province of Cañar, Ecuador, established a codevelopment program funded by the Spanish Agency of International Cooperation. Finally, then-President Alfredo Palacio approved a National Plan of Action to combat kidnapping, illegal migration, and sex trafficking.

Local governments and NGOs have been more active than the national government. For example, Migrant Attention Centers, which provide legal and psychological support for migrant families, have opened in four Ecuadorian cities. The city of Quito was instrumental in the creation of the city's Migrant House, while the Archdiocese of Cuenca (*Pastoral Social*) funded the center in Cuenca. The centers also oversee a variety of projects designed to help migrant families.

### **Contemporary Immigration**

The 2001 census recorded 104,130 foreign born, or less than 1 percent of Ecuador's population of 12.1 million. Almost half of the foreign born were from Colombia, with 51,556 residents (49.5 percent), followed by the United States (11,112 residents, 10.7 percent) and Peru (5,682 residents, 5.5 percent).

Since the Ecuadorian census recorded everyone who was in Ecuador on November 25, 2001, visitors from the United States were included in addition to the many Americans who work in Ecuador. Only a small part of this figure is attributable to US-born children of Ecuadorians who have returned to Ecuador.

Since 2001, however, thousands more Peruvians and Colombians have arrived. For Peruvians, Ecuador's decision in 2000 to switch its currency to the US dollar from the sucre (dollarization) has been the most important attraction; they also typically earn less than Ecuadorians.

Estimates vary, but it is likely that between 60,000 and 120,000 Peruvians now reside in Ecuador, most without legal permission. Cuenca, situated in the middle of the original "core" migrant-sending zone to the United States, is an especially popular destination for Peruvians because the US-bound migration has tightened the labor market and increased wages. Considering that Ecuador and Peru have been at war several times in the past, most recently in 1995, the arrival of such a large number of Peruvians has been striking.

Colombians are also attracted by dollarization, but more important is the "push" created by an escalation of armed conflict among the Colombian military, paramilitaries, and the rebel group FARC (Colombian Revolutionary Armed Forces) since the election of Colombian president Alvaro Uribe and the breakdown of peace talks in 2002.

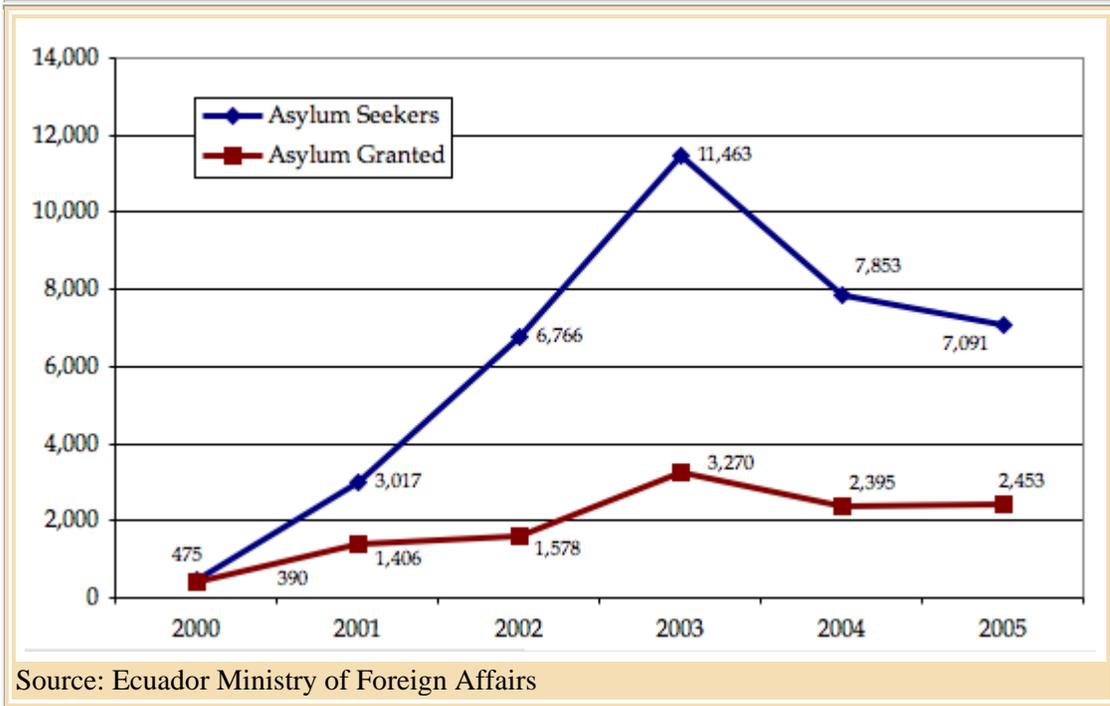
This violence, coupled with herbicide spraying programs to eradicate coca crops in southern Colombia, have displaced as many as 250,000 Colombians according to the United Nations High Commissioner for Refugees (UNHCR). The size of the Colombian population in Ecuador is not known, but if UNHCR's estimate is accurate, then a net average of 50,000 Colombians have come to Ecuador each year since 2001.

Determining the actual number of either Colombians or Peruvians in Ecuador is hindered by the fact that the border is porous. Using official migration figures is misleading because entrance and exit data suggest that from 2001 to 2004 nearly 388,000 Colombians should have settled in Ecuador, which is 52 percent higher than even UNHCR's estimate. Similarly, these data suggest that in the same time period a net number of 345,000 Peruvians entered Ecuador, nearly three times the accepted figure.

Although not all Colombians who come to Ecuador apply for asylum, they make up the overwhelming majority of people applying for and receiving asylum. According to Ecuador's Ministry of Foreign Affairs, between 2000 and 2005, 36,665 people applied for asylum, with the number of applications peaking in 2003 (see Figure 2). Ninety-seven percent of the applicants were Colombian. Of the total number of applications, 11,492 (31 percent) were granted refugee status, 98 percent of them Colombians.

Advocacy groups have been critical of the Ecuadorian government for denying nearly 70 percent of asylum applications, leaving thousands of families unable or unwilling to return to Colombia.

**Figure 2. Number of Asylum Seekers and Number Granted Asylum in Ecuador, 2000 to 2005**



Finally, a moderate number of Chinese and a smaller number of other Asians have immigrated legally to Ecuador very recently, also because of dollarization. The 2001 census recorded 1,214 Chinese, and migration figures since 2001 indicate that on average, a net number of 645 Chinese have arrived annually, although most Ecuadorians suspect the figure is much higher.

Despite their small numbers, the presence of Chinese immigrants is visible in the Chinese discount clothing stores that have appeared in nearly every Ecuadorian city.

### **Contemporary Migration Issues Facing Ecuador**

Ecuador is struggling with its role as an important host country for Peruvians and Colombians. Both groups have been met with suspicion and hostility. Colombians are commonly suspected to be FARC rebels, paramilitaries, drug runners, or other criminals. This suspicion was fueled when, in January 2004, a prominent Colombian rebel was captured in Quito.

Although Peruvians are generally not considered dangerous criminals, they face considerable discrimination, prejudice, and rumored exploitation. Many lead difficult lives and earn little money toiling in the least desirable jobs. Some Ecuadorians accuse Peruvians of stealing Ecuadorian jobs, lowering wages, and engaging in criminal activity, although there is little evidence to support the accusations.

The Ecuadorian government has not addressed the Colombian situation beyond granting asylum to about one-third of applicants, in part because the two countries have a tense relationship. Ecuador objects to Colombia spraying coca plantations so close to the Ecuadorian border and suspects that rebels and paramilitaries use Ecuadorian territory. Thus, many thousands of Colombians continue to live in Ecuador without protected or legal status.

The government has made better progress with Peru, announcing in December 2006 that the two countries are formalizing a bilateral agreement to grant legal status to thousands of Peruvians working in Ecuador. The details of the agreement and how it is carried out will depend on the new president, Rafael Correa, who assumed office in January 2007.

Also of concern to the Ecuadorian government are the dangers migrants face. In 2005, an overcrowded fishing trawler headed for Mexico with more than 100 Ecuadorians aboard sank in rough seas off the Colombian coast, leaving only a few survivors.

Recently, Ecuadorians have become alarmed at reports that young women are being sold into or trapped in sex- slave operations, especially in Europe. To combat the vulnerability of migrants, the Ecuadorian government has begun a campaign to caution would-be migrants to reconsider migrating without legal permission and to know their rights should they go.

In some parts of Azuay and Cañar provinces, entire communities have been transplanted to metro New York. Many of these migrants have built large, brick houses, which are overseen by nonmigrants but are essentially empty until the migrants return. In some communities, thieves have broken into such houses to steal electronic items, money, and other valuables. Communities have responded with neighborhood warning systems and vigilante protection.

The return of migrants from the United States has produced a cultural upheaval, making it difficult for returnees to reintegrate. Many of the migrants from Azuay and Cañar provinces were part of the rural peasantry or urban working poor, with last names that lacked status and were associated with indigenous (Indian) identity. The economic success of these previously marginalized families has caused resentment among some of the families that stayed.

Although most Ecuadorians with legal status in the United States remain there, the children of US residents are known derogatorily as *rezis* and commonly experience exclusion.

In the areas where much of the emigration has been via clandestine routes, thousands of children have been left behind with the remaining parent, or, in his/her absence, with other family members. A number of the children or adolescents suffer from depression, lack of interest in school, and, reportedly, a high rate of suicide.

### **Migration Politics and the New President**

Migration became a political issue in the 2006 presidential elections, when a 42-year-old economist, Rafael Correa, defeated the wealthiest man in the country, Alvaro Noboa.

Correa named his sister, Pierina Correa, coordinator of migration issues and posted a "Migration Policy" document on his website. In the document, Correa promised to create a "Virtual Consulate" so that migrants could obtain documents more easily, and to elevate the Office of Migration to a cabinet-level ministry. Most dramatically, he proposed changing the constitution to grant Ecuadorians living overseas proportional representation in Congress.

During the campaign, Correa, who had been economics minister in the previous administration, aggressively courted the votes of migrants in the United States and to a lesser extent, in Europe. In 2005, Ecuador passed legislation that allows Ecuadorians living overseas to vote in presidential elections.

In November 2006, 84,110 Ecuadorians living in 42 countries around the world voted in the presidential election. Migrants in Europe supported Correa's opponent, but Correa won the majority of votes in the United States.

Whether or not the Correa administration will be able to follow through on its promises to increase political involvement of migrants remains to be seen, but there is reason for optimism. No other president has paid nearly as much attention to migrants and their families, and it is likely that candidates in the next presidential election (2010) will campaign and raise money among Ecuadorian communities overseas.

## **“Correa vs. Social Movements: Showdown in Ecuador”**

By Paul Dosh

*NACLA Report on the Americas* 42:5 (Sep/Oct 2009), pages 21-24

ON SEPTEMBER 28, 2008, 64% OF VOTERS in Ecuador approved a progressive new constitution, launching a new political era in the country.<sup>1</sup> For more than a leading up to the vote, Ecuador had been with "constitution fever," as thousands of people lobbied the Constituent Assembly's 130 delegates, who were organized into 10 thematic roundtables. The resulting constitution consisted of 444 articles centered on reforming Ecuador's institutions, including several groundbreaking environmental measures touted as among the most progressive in Latin America.

Yet, although the passing of the new constitution represented a moment of unity between Ecuador's popular movements and the electoral left, these two entities have clashed recently over the question of environmental protection - showing that they are hardly synonymous and sometimes not even allies. After the Constitution was ratified, Ecuadoran president Rafael Correa, who was instrumental in establishing the Constitutional Assembly, began a public campaign to pass legislation that would expand the operations of gold-, silver-, and copper-mining corporations in the Amazon and the southern highlands around Cuenca, as well as initiate new mining sites in the northern highlands. Moving away from the firm anti-neoliberal rhetoric he used on the 2006 campaign trail, Correa described his vision of a socially responsible mining sector whose profits would be harnessed to break the country's dependence on extractive industry.

"[Passing the proposed Mining Law] is urgent, because this industry represents the country's future," Correa said in an October 2008 press conference. "But obviously, I'm talking about mining companies that pay taxes, respect the workers, and develop social and environmental responsibility projects."

He added: "Unfortunately, some people are 'childish' - in quotations - like the ones opposed to mining. But what country in the world has rejected mining? The dilemma is not 'no' or 'yes' to mining. It is well-developed mining. There is simply no dilemma. . . . [The childish environmentalists] believe that bringing an end to an extractive economy is to shut down the oil wells and close the mines. That is absurd. Getting out of that economy means using this sector surplus to revive other sectors of the economy: services, agriculture, industries, etc."<sup>2</sup>

While other Latin American countries, like Argentina, Peru, and Guatemala, have long been at the epicenter of the international mining industry, Ecuador was until recently more known for its (often disastrous) oil industry. Large-scale Ecuadoran mining did not begin until the early 1990s, after a mining law was passed in 1985 that encouraged foreign corporations to explore for minerals. Since then, Ecuador has increasingly attracted the attention of foreign mining corporations, sometimes provoking headline-making conflicts with affected communities.<sup>3</sup>

In January, the Ecuadoran congress approved Correa's plan, passing the Mining Law to allow Canadian mining corporations, including Kinross Gold, Iamgold, and Corriente Resources, to begin operations.<sup>4</sup> Specific articles in the Mining Law have come under intense scrutiny by the anti-mining opposition; for example, Article 2 ("Applications") mandates the participation of both private and public figures in policy discussions but does not include community members who will be affected by mining. Moreover, Article 15 ("Public Utility") declares mining a public activity, which some members of the opposition argue can be used to expropriate indigenous land for a supposed collective good. Article 16 ("State Dominion Over Mines and Oil Fields") allows the government alone to define "national

interest," which critics believe will focus solely on income. And Article 28 ("Prospecting Freedoms") allows any business to "liberally prospect for mineral substances" on community and indigenous land.<sup>5</sup>

After the Mining Law passed, social movements, led primarily by indigenous nationalities throughout the country, mobilized in response, claiming that the law violates the new Constitution's environmental provisions - especially those that declare access to clean drinking water and access to a healthy environment to be inviolable human rights, as well as those that ascribe to the environment itself the right to be respected, sustainably maintained, and regenerated. Critics further argue that the track record of Ecuadoran mining demonstrates that the industry's practices fundamentally conflict with these constitutionally protected rights.

While many Ecuadoran groups have worked for years at the local level either to oppose particular mining projects or to lobby for environmental improvements or cleanup of specific mining sites, a national opposition movement - including indigenous, urban, environmental, Afro-Ecuadoran, and humanitarian groups - with the more ambitious goal of banning large-scale metal mining was first built after Correa's election. The Mining Law thus provided a focal point around which this movement's nationwide efforts have coalesced.<sup>6</sup>

Several protests have demonstrated the cross-national and cross-organizational unity against the Mining Law and the Canada-based transnational mining corporations. On November 10, 2008, about 200 activists from throughout the country, including executive members of the Indigenous Nationalities of Ecuador (CONAIE), marched on the Canadian Embassy in Quito, where they declared Canadian miners "unwelcome" in Ecuador. A week later, thousands throughout Ecuador protested the Mining Law, then still pending, in marches led by the Unified Community Water Systems of Azuay (UNAGUAS) and the Federation of Campesino Organizations.<sup>7</sup>

It was not until the passage of the Mining Law, however, that protests and debate became widespread. January 12, the day the law was passed by Congress, was designated by the anti-mining movement as the Day of Mobilization for Life; thousands mobilized that day throughout Ecuador. About 4,000 indigenous people blockaded the Latacunga-Ambato highway in the south, and tens of thousands mobilized in Quito, Cuenca, the Amazon, and on the coast.<sup>8</sup> Some protest leaders were detained and charged with terrorism; one Amazonian leader disappeared only to reappear later with a gunshot wound in his head. Police officers were also wounded.<sup>9</sup>

In response, Correa again called those who oppose his mining law "childish," "nobodies," and "allies of the right."<sup>10</sup> "It is absurd that some want to force us to remain like beggars sitting atop a bag of gold," he said in a January 24 radio address, promising to move forward with the mining plan.<sup>11</sup>

These accusations deepened the rift between Correa and the social movements that supported the Ecuadoran constitution and are now increasingly disillusioned with the possibility that Correa represents a continuation of neoliberal policy. Humberto Cholango, the president of Ecuarrunari, an indigenous organization representing the Ecuadoran sierra, contended in a recent statement: "The president needs only to look to either side to see the right."<sup>12</sup>

ALREADY IN 2008, BEFORE THE CONSTITUTION WAS approved, the leaders of Women for Life, the Coalition in Defense of Water, and other popular movements in Quito made clear in interviews that their support for the Constitution should not be mistaken as support for Correa. Said Gonzalo Guzman, secretary for natural resources for Ecuarrunari: "[Our organization] will vote yes for the new Constitution, but we are voting for the Constitution, not for Correa." Luis Esparza, executive

council member of the Urban Forum coalition of popular groups, echoed this feeling: "We are not a Correa fan club. We are social organizations."

Such tensions were already evident in the deliberations that took place on the Constituent Assembly's Roundtable 5, which focused on natural resources and biodiversity. Composed of eight assembly members from Correa's party, Alianza País, along with two from the right-wing, militaristic Sociedad Patriótica, one from the right-wing Partido Renovador Institucional Acción Nacional, and one from the socialist Movimiento Popular Democrático, Roundtable 5 began by mapping out the use of natural resources and protection of Ecuador's biodiversity in an international, national, and local context. National meetings were held to garner public opinion on the issues involved, granting civilian groups the opportunity to submit proposals. Roundtable 5 ultimately approved 23 articles. Together with its comprehensive prohibition of water privatization, it also included a remarkable declaration that nature itself is entitled to legally enforceable rights.

Yet the issue of privatization divided the roundtable's Alianza País delegates, with some favoring leeway for privatization under certain circumstances. Although privatizing natural resources and water was ultimately prohibited, an exception was added to allow the president to ask Congress for permission to extract resources. Mónica Chuji, the chair of Roundtable 5 and former communications secretary for the Correa government, describes this as "one of biggest deceptions of the Constitution."

Another contested proposal, which was ultimately defeated, stated that the government must be given consent from indigenous people residing on land where natural resources are to be extracted. The final article states that indigenous groups must only be "consulted"; they do not give permission.

Although the Constitutional Assembly members drafted and approved the articles pertaining to natural resources, a long process of social-movement engagement led to their implementation. Since the 1980s, indigenous organizations like CONAIE and Ecuarrunari, as well as nonprofit organizations like Acción Ecológica, have fought the exploitation of oil, water, and precious metals, and they have protested pollution, deforestation, and the use of genetically modified organisms (GMOs). Moreover, fierce fights against the privatization of oil, electricity, and telecommunications have taken place, largely generated by popular mobilization in rural areas.

According to Ecuarrunari's Cholango, the result has been a shift in the culture toward respect for indigenous ancestral knowledge and the rights of land, and this is now reflected in the constitution: Chapter 2, Article 12, states that access to water is a fundamental human right. Article 13 asserts that the population has the right to live in a healthy and sustainable ecological environment abiding by *sumak kawsay*, a key indigenous principle meaning "living well," representing the need for people and the environment to coexist harmoniously. Article 15 declares that the state will promote clean technology and alternative, nonpolluting energy, and that energy sovereignty should not affect the population's right to water.

Chapter 7 outlines the specific rights of the environment. Article 71 states that the environment, or Pachamama, has the right to be respected and that its cycle structure, functions, and evolutionary processes should be maintained and regenerated. Every person, community, and nationality should enforce the rights of nature, the article maintains, while the state is to provide incentives to protect nature and promote its rights. Article 73 states that introducing organisms, i.e., GMOs, or organic and inorganic material that will change Ecuador's national genetic patrimony is prohibited. Article 74 describes the right of people, communities, and nationalities to benefit from the environment and natural riches that allow them to live well.

Yet the environmental movement is divided over whether the Constitution really does provide a sound legal basis for opposing Correa's mining plans. Ivonne Ramos, president of Acción Ecológica, argues that the Constitution does not fundamentally question the state's reliance on natural resources as its primary source of income. She adds that this is a particularly challenging reality when coupled with the ambitious social programs called for in the Constitution: How will Ecuador's government finance these programs without exploiting natural resources? Ramos argues that Correa, as a *capitalista popular* (people's capitalist), will be unable to deliver on the progressive promises of fully protecting natural resources.

"Correa has stated that his principal enemy are ecologists and thus politicized these problems," she says.

AFTER THE JANUARY PROTESTS, THE CORREA ADMINISTRATION moved to close down several organizations that helped lead the protests against the mining plan, including the Development Council of the Indigenous Nationalities and Peoples of Ecuador (CODENPE). Correa argued that CODENPE's executive secretary was misusing the organization's funds to favor her home province. In February, Correa placed the National Directorate of Intercultural Bilingual Education (DINEIB), which had supported the anti-mining movement, under control of the Ministry of Education, thus undermining its autonomy.

Then, in March, the government withdrew the legal status of Acción Ecológica via the Ministry of Health, through which Acción Ecológica had obtained its NGO charter. Health Minister Caroline Chang said the organization did not fulfill the objectives it was registered for, while the organization countered that the imposed legal complications were a form of censorship due to the group's activist opposition to the Mining Law.<sup>13</sup> Acción Ecológica received support both nationally and internationally, with author-activist Naomi Klein writing an open letter to Correa denouncing "something all too familiar: a state seemingly using its power to weaken dissent."<sup>14</sup>

In response to widespread criticism, the health minister released a statement claiming that the revocation was not politically motivated, but was rather an administrative decision - Acción Ecológica, Chang said, should be registered under the Ministry of the Environment, which did not exist when the group formed in 1986. Acción Ecológica's legal status was then temporarily reinstated, though a final legal decision was still pending in early August. Ramos, however, remains concerned about Correa's attempt to reorganize grassroots organizations and NGOs by placing them under the National Secretariat for Planning and Development, thereby co-opting their organizational objectives and work.<sup>15</sup>

Despite the growing animosity between social movements and the Correa government, Correa was re-elected to a second term as president on April 26, winning 52% of the vote and becoming the first Ecuadoran presidential candidate to win an election without a runoff in 30 years. Yet in interviews, social movement leaders continued their refrain: Support for the new Constitution is not necessarily support for Correa.

THE OFFICIAL NARRATIVE OF THE NEW CONSTITUTION centers on Correa's efforts to chart an alternative trajectory for Ecuador. But this narrative obscures the decades-long struggle of the country's social movements for radical change. Indigenous organizations like CONAIE and its partner political organization, Pachakutik, have worked since the early 1980s to fight for an Ecuador that, among other things, respects the plurinationality of the populace and opposes the privatization and exploitation of natural resources.

These decades of organizing have resulted in at least a partial shift toward reorganizing the state apparatus to show greater respect for natural resources. Correa has not been at the forefront of these movements, however, and natural resource protections granted in the Constitution stem more from the grassroots than from the National Palace. This tension is likely to foster continued conflict in the months and years ahead.

In August 2008, Shuar people (right) arrived in Quito from the Ecuadoran Amazon to protest President Rafael Correa's push to open mining operations in their ancestral lands. A mining supporter's T-shirt reads, "We are the responsible mining Industry."

Correa called the those who oppose his mining law "childish," and its members "nobodies" and "allies of the right."

In interviews, social movement leaders continued their refrain: Support for the new Constitution is not necessarily support for Correa.

Paul Dosh teaches political science at Macalester College, where Nicole Kligerman is majoring in Latin American studies.

Copyright North American Congress on Latin America Sep/Oct 2009