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**The Spirit of Cartagena:  
Ecuadorian Immigration and Asylum Policy under Rafael Correa,  
2007-2017**

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## **Abstract**

This thesis focuses on the immigration and asylum policies of Ecuador during the presidency of Rafael Correa 2007-2017. Latin America has been neglected in the field of migration studies but the ongoing mass migration on the continent means that it warrants further study. Using official statements and press releases from the Ecuadorian Ministry of External Relations and Human Mobility, it applies two strands of neo-institutionalist theory, rational choice institutionalism and international institutionalism, to understand and account for the instability of immigration and asylum policymaking during this period. Considering international and domestic institutions and their impact on immigration and asylum policymaking during Correa's presidency, this thesis argues that international institutions were too weak to determine national immigration and asylum policy. Instead, the structure of domestic institutions ensured that power was contained within the executive branch which implemented policies based on the principle of reciprocity and bilateral relations with migrant producing and receiving states.

Keywords: asylum, immigration, migration, Ecuador, institutionalism



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# Table of Contents

<b>Abstract</b> .....	<b>i</b>
<b>Acknowledgements</b> .....	<b>iii</b>
<b>List of Abbreviations</b> .....	<b>vi</b>
<b>Introduction</b> .....	<b>1</b>
a. Scope and Research Objective.....	5
b. Historiography .....	6
c. Theoretical Framework .....	10
d. Methodology.....	12
e. Structural Overview .....	15
<b>Chapter 1. Ecuador as a Case Study</b> .....	<b>16</b>
a. El Correísmo .....	17
b. Ecuadorian Emigration .....	18
c. Regional Institutions .....	19
d. Conclusions .....	20
<b>Chapter 2. International and Regional Institutions</b> .....	<b>22</b>
a. Cooperation in Anarchy? .....	22
b. The Importance of Migration within Regional Institutions .....	23
c. The Institutional Weaknesses of Regional Organisations .....	25
d. The Organisation of American States .....	28
e. Conclusions .....	30
<b>Chapter 3. Domestic Institutions</b> .....	<b>32</b>
a. The Delegative Democracy of Rafael Correa .....	32
b. The Montecristi Constitution of 2008 .....	34
c. Bilateral Relations with Colombia .....	36
d. The Principle of Reciprocity .....	40
e. Conclusions .....	42
<b>Conclusion</b> .....	<b>44</b>
<b>Bibliography</b> .....	<b>47</b>
a. Published Primary Sources .....	47
b. Ministry of External Relations and Human Mobility .....	47
c. Laws, Decrees and International Agreements .....	49
d. Election Results .....	50
e. Newspaper Sources .....	50
f. Secondary Literature .....	52

## List of Abbreviations

<b>ALBA</b>	Bolivarian Alliance for the Peoples of Our America	<i>Alianza Bolivariana para los Pueblos de Nuestra América</i>
<b>Alianza PAÍS</b>	Proud and Sovereign Fatherland Alliance	<i>Patria Altiva i Soberana</i>
<b>CELAC</b>	Community of Latin American and Caribbean States	<i>Comunidad de Estados Latinoamericanos y Caribeños</i>
<b>CC</b>	Constitutional Court	
<b>FARC</b>	Revolutionary Armed Forces of Colombia	<i>Fuerzas Armadas Revolucionarias de Colombia</i>
<b>IACHR</b>	Inter-American Commission of Human Rights	
<b>IADB</b>	Inter-American Development Bank	
<b>IOM</b>	International Organization for Migration	
<b>MERCOSUR</b>	Southern Common Market	<i>Mercado Común del Sur</i>
<b>MREMH</b>	Ministry of External Relations and Human Mobility	<i>Ministro de Relaciones Exteriores y Movilidad Humana</i>
<b>NGO</b>	Non-Governmental Organisation	
<b>OAS</b>	Organization of American States	
<b>OECD</b>	Organisation for Economic Cooperation and Development	
<b>SENAMI</b>	National Secretariat of the Migrant	<i>Secretaría Nacional del Migrante</i>
<b>UNASUR</b>	Union of South American Nations	<i>Unión de Naciones Suramericanas</i>
<b>UNHCR</b>	United Nations High Commissioner for Refugees	
<b>U.S.</b>	United States of America	





## Introduction

Speaking at the 57<sup>th</sup> Lecture of the Americas in 2015 at the end of his term as United Nations High Commissioner for Refugees (UNHCR), Portuguese politician and diplomat António Guterres lavished praise on the member states of the Organization of American States (OAS), a majority of which are Latin American. He said that “the Latin American region is an example for the rest of the world in the solidarity it shows with people fleeing violence and persecution” and cited some members as having “the best, most progressive asylum systems in the world, and a strong tradition of protection that has few parallels elsewhere.”<sup>1</sup> His speech celebrated the Cartagena Declaration on Refugees of 1984, a landmark declaration adopted in the wake of the Central American refugee crisis. Guterres claimed that it “pioneered a holistic view of refugee, human rights and humanitarian protection combined, underscoring the critical importance of regional cooperation among governments, international organizations, and civil society.”<sup>2</sup> It expanded the definition of ‘refugee’ contained within the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees to include ‘persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.’<sup>3</sup> Although Guterres ended his speech by proclaiming that the ‘Cartagena spirit’, as we have seen over these past 30 years, is growing stronger with every anniversary”, scholars have been quick to point out that the Cartagena Declaration has ‘greater existence in rhetoric than in practice.’<sup>4</sup>

The adopting and abandoning of the tenets of the Cartagena Declaration is a pattern that can be seen all over Latin America. For example, Colombia stripped the Cartagena

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<sup>1</sup> António Guterres, "57th Lecture of the Americas: "From the Cartagena Declaration to the Brazil Plan of Action: The New Frontiers of Protection in the Americas", *UNHCR*, Washington, D.C., 22 April 2015," accessed February 22, 2019, <https://www.unhcr.org/admin/hcspeeches/553a475c9/57th-lecture-americas-cartagena-declaration-brazil-plan-action-new-frontiers.html>.

<sup>2</sup> *Ibid.*

<sup>3</sup> ‘Organization of American States, "Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama," November 22, 1984, accessed February 19, 2019, [https://www.oas.org/dil/1984\\_cartagena\\_declaration\\_on\\_refugees.pdf](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf). The 1951 Refugee Convention defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.” See United Nations, "What Is a Refugee?" *UNHCR*, accessed March 24, 2019, <https://www.unhcr.org/what-is-a-refugee.html>.

<sup>4</sup> Michael Reed-Hurtado, "The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America," *Legal and Protection Policy Research Series*, June 2013, accessed February 16, 2019, <https://www.refworld.org/pdfid/51c801934.pdf>, 32.

definition of refugee from its national legislation in 2002, not reinstating it until 2009.<sup>5</sup> In Ecuador, the protection proffered by the Cartagena Declaration was revoked again on 16<sup>th</sup> August 2018, under the new President Lenín Moreno, when the Minister of the Interior, Maria Paula Roma, announced that Venezuelans were required to have a valid passport in order to enter, an impossible task for many.<sup>6</sup> Although this policy only lasted a few weeks before it was overturned on the 4<sup>th</sup> September, it demonstrates that adherence to the tenets of the Cartagena Declaration, designed to protect those displaced in the region, continues to be unstable.<sup>7</sup> The study of Ecuadorian immigration and asylum policies could help explain why so many regional migrants remain in an irregular situation.<sup>8</sup> Ecuador, as the Latin American state hosting the greatest number of refugees, will therefore be the country of analysis in this thesis.<sup>9</sup>

Since 1992, the broader definition of refugee contained within the 1984 Cartagena Declaration has been incorporated into Ecuadorian domestic law.<sup>10</sup> Although the ‘Cartagena definition’ was included in the 2008 Constitution, on 30<sup>th</sup> May 2012, Executive Decree 1182 removed this broader definition, and also required migrants to apply for asylum within 15 days of arriving, making asylum a distant reality for many Colombians.<sup>11</sup> This decree was deemed

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<sup>5</sup> Marissa Esthimer, "Protecting the Forcibly Displaced: Latin America's Evolving Refugee and Asylum Framework," *Migration Information Source*, April 13, 2017, accessed February 16, 2019, <https://www.migrationpolicy.org/article/protecting-forcibly-displaced-latin-america's-evolving-refugee-and-asylum-framework>.

<sup>6</sup> ‘Comunicado Oficial’, Ministerio de Relaciones Exteriores y Movilidad Humana, 16<sup>th</sup> August 2018, accessed June 7, 2019, <https://www.cancilleria.gob.ec/comunicado-oficial-35>.

<sup>7</sup> ‘Declaración de Quito sobre Movilidad Humana de ciudadanos venezolanos en la Región’, Ministerio de Relaciones Exteriores y Movilidad Humana, September 4, 2018, accessed June 6, 2019, <https://www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region>.

<sup>8</sup> Reliable statistics of irregular migration are generally not available. See Migration Data Portal, "Irregular Migration," *Migration Data Portal*, July 01, 2019, accessed July 03, 2019, <https://migrationdataportal.org/themes/irregular-migration>. The definition of a migrant in an ‘irregular situation’ is contested, especially in national policy debates. Some bodies, including the European Commission, consider it synonymous with an illegal immigrant. See "Irregular Migration," *European Commission*, accessed March 23, 2019, [https://ec.europa.eu/home-affairs/content/irregular-migration-0\\_en](https://ec.europa.eu/home-affairs/content/irregular-migration-0_en). However, this thesis will use the definition of the International Organization of Migration: ‘Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.’ "Key Migration Terms," International Organization for Migration, June 28, 2019, accessed July 04, 2019, <https://www.iom.int/key-migration-terms>.

<sup>9</sup> "Our Programs: Ecuador," *Asylum Access*, accessed July 13, 2019, <https://asylumaccess.org/program/ecuador/>.

<sup>10</sup> Decreto N. 3301, “Reglamento para la Aplicación en El Ecuador de Las Normas Contenidas en la Convención de Ginebra De 1951 Sobre el Estatuto de los Refugiados y en su Protocolo De 1967”, *Republica de Ecuador*, May 6, 1992, accessed February 22, 2019, <https://www.acnur.org/fileadmin/Documentos/BDL/2001/0067.pdf>.

<sup>11</sup> Decreto Ejecutivo Nro. 1182, Republica de Ecuador, May 30, 2012, accessed June 7, 2019, <https://www.acnur.org/fileadmin/Documentos/BDL/2012/8604.pdf>. Decree 1182 states that the broader definition of refugee contained within the Cartagena Declaration (and the 2008 Ecuadorian Constitution) does not apply to asylum seekers in Ecuador. Moreover, it places stricter time and admissibility requirements in the Refugee Status Determination process. See Tristan Harley, "Regional Cooperation and Refugee Protection in Latin America: A South-South Approach," *International Journal of Refugee Law* 26, no. 1 (2014): 38.

unconstitutional on 12th September 2014, and refugee rights were further protected with the introduction of the Organic Law of Human Mobility in February 2017.<sup>12</sup> The potential for the removal of this definition poses a threat to the rights and safety of fleeing Colombians and Venezuelans, many of whom would not be considered a refugee under the 1951 Convention definition but would be under the Cartagena definition.

Moreover, looking beyond the adherence to the Cartagena Declaration, Ecuador's adherence to the migratory principles contained within the 2008 Constitution have been unstable, with drastic changes to immigration policy regarding migrants from sub-Saharan Africa, the Caribbean and Asia. The nexus between refugee flows and wider migratory movements are inextricably linked and it is becoming increasingly difficult to consider one without the other.<sup>13</sup>

This topic has largely been approached from a legal and operational perspective, with the blame placed on the underdeveloped guidance on its interpretation and the poorly regulated and overburdened national legal systems.<sup>14</sup> However, as one legal scholar concludes, 'protection [of refugees] is above all a mind-set and a reflection of political will.'<sup>15</sup> This thesis argues that legal and operational perspectives tend to not consider sufficiently the complex relationship between how a state governs and how the state responds to migration and refugee flows, instead leaning towards an analysis resting upon the assumption that states respond to migration based on what they are *able* to do, determined by either resources or law, and not what they *want* to do. In this way, legal and operational analyses negate the importance of actors within political institutions, and consider the policy outcomes predetermined by factors unrelated to individuals.

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<sup>12</sup> "Organic Law on Human Mobility," UNHCR, February 06, 2017, accessed June 21, 2019, <https://www.refworld.org/pdfid/5bc70a384.pdf>.

<sup>13</sup> David James Cantor et al, 'Introduction: A paradigm shift in Latin American immigration and asylum law and policy?', in David James Cantor et al., *A Liberal Tide?: Immigration and Asylum Law and Policy in Latin America* (London: Institute of Latin American Studies, School of Advanced Study, University of London, 2015), 3. Mixed Migration can be defined as a 'complex population movements of persons with different profiles (economic migrants, asylum seekers and refugees, unaccompanied and separated children and trafficking victims) who have different motivations, characteristics and needs, but often travel irregularly along similar routes and using similar means of transit'. See Diana Trimiño Mora, 'Mixed migration: regional context and trends' in David James Cantor et al., *A Liberal Tide?: Immigration and Asylum Law and Policy in Latin America* (London: Institute of Latin American Studies, School of Advanced Study, University of London, 2015), 105.

<sup>14</sup> Reed-Hurtado, 'The Cartagena Declaration on Refugees', 18. See also Andrew Selee et al., "Creativity amid Crisis: Legal Pathways for Venezuelan Migrants in Latin America," *Migration Policy*, May 10, 2019, accessed February 21, 2019, <https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america>.

<sup>15</sup> Reed-Hurtado, 'The Cartagena Declaration on Refugees' 32.

Although broader comparisons are still needed in the field of Latin American migratory studies, the real deficiency is in close analyses of individual states. An in-depth analysis of one country under one president facilitates a greater understanding of the complex relationship between the specifics of a political regime and immigration and asylum policymaking and explains the manifold factors that might lead to inconsistent policymaking even under one leader. For this reason, this thesis will focus on the case of Ecuador during the presidency of Rafael Correa Delgado (2007-2017).

Correa led the political party Alianza PAÍS (Proud and Sovereign Fatherland), founded in 2006 and was President of Ecuador between 15<sup>th</sup> January 2007 and 24<sup>th</sup> May 2017. The party facilitated the ‘Citizen Revolution’ which was aligned with the movements of 21<sup>st</sup> Century Socialism and Bolivarianism, which sought to transform Ecuador into a socialist society. A charismatic leader, he maintained high popularity ratings for the majority of his presidency. During his ten-year presidency, Correa was elected three times, in 2006, 2009 and 2013.<sup>16</sup> Moreover, he won three nationwide referendums and from 2013 onwards governed with a legislative ‘supermajority’.<sup>17</sup> Although this may appear to be a form of democracy with a very high rate of citizen participation, it is not all as it seems, as the relationship between Correa and his citizens was very top-down; the citizens were ‘reduced to passive actors to endorse or reject the president’, rather than bring about policy change.<sup>18</sup> As this thesis will explore in greater detail, Ecuador under Correa constituted a form of authoritarian democracy.

A consideration of the relationship between authoritarian democracies and migration policy has never been more necessary. The United Nations (UN) agency, the International Organization for Migration (IOM) reported a rise in the global level of migration, with an estimated 244 million migrants in 2015, an increase of 89 million since 2000.<sup>19</sup> Meanwhile, a wave of populism is currently sweeping Europe, with populists from across the political spectrum winning 29 percent of seats in the most recent European elections in May 2019.<sup>20</sup> Furthermore, the left-leaning British political website ‘openDemocracy’ noted in 2014 that

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<sup>16</sup> Beat Müller, "Ecuador, 28. September 2008: Verfassung", *Database and Search Engine for Direct Democracy*, accessed April 05, 2019, <https://www.sudd.ch/event.php?lang=en&id=ec012008>.

<sup>17</sup> John Polga-Hecimovich, "Ecuador: Institutional Stability and the Consolidation of Power of Rafael Correa," *Revista De Ciencia Política* 33, no. 1 (2013), 136.

<sup>18</sup> Orçun Selçuk, "Strong Presidents and Weak Institutions: Populism in Turkey, Venezuela and Ecuador," *Southeast European and Black Sea Studies* 16, no. 4 (2016) 582.

<sup>19</sup> "World Migration Report 2018," *International Organization for Migration*, 2017, accessed July 11, 2019, [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf), 13.

<sup>20</sup> Jennifer Rankin, "Why Populists Could Struggle to Capitalise on EU Elections Success," *The Guardian*, May 28, 2019, accessed July 11, 2019, <https://www.theguardian.com/politics/2019/may/28/why-populists-could-struggle-to-capitalise-on-eu-elections-success>.

anti-democratic trends are growing within Europe, citing the examples of increased surveillance and the reduction in the right to public protest.<sup>21</sup> Therefore, although this thesis will consider the case of Ecuador, the findings will be valid for the consideration of immigration and asylum policymaking beyond Ecuador and Latin America.

## Scope and Research Objective

As demonstrated above, protection of immigrants and asylum seekers in Ecuador has been inconsistent, and the ramifications this has on the migrants who enter Colombia should not be underestimated. Although various non-governmental organisations (NGOs) have expressed concern and criticism of Ecuadorian policies, so far there has been a limited effort to understand why the protection of migrants has not been guaranteed. My research question will therefore ask: *Why was Ecuador's immigration and asylum policy unstable during the presidency of Rafael Correa (2007-2017)?*

There are multiple reasons for limiting the scope of the thesis to Ecuador during the presidency of Correa. Firstly, the author is proficient in Spanish, but not in Portuguese, and so although Brazil would be an important subject of analysis in the region, linguistic abilities have restricted the choice to Spanish-speaking countries. Secondly, in order to answer a research question fully and well in the available time, the thesis requires a narrow scope. There has been some fantastic comparative scholarship on Latin America, and more countries could be included, however this thesis will leave comparative works as an area for further research. Although the immigration and asylum policies of Ecuador have a broader reach than just Latin America, for the same reasons, immigration from outside the region will only be explored as a factor in influencing immigration and asylum policymaking within Ecuador, and not as a focus of analysis. Finally, Ecuador provides a necessary case study in and of itself. Ecuador has a long tradition of hosting refugees, asylum seekers and migrants, largely due to its close proximity to the refugee-producing states of Colombia, Peru and Venezuela. In 2002, the Ecuadorian Migratory Police estimated that 210,000 Colombians had come to Ecuador and not returned home, due to the violence and conflict with the *Fuerzas Armadas Revolucionarias de Colombia* [Revolutionary Armed Forces of Colombia] (FARC).<sup>22</sup> Since Colombian migration to Ecuador has slowed since the signing of a peace agreement by the FARC in September 2016,

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<sup>21</sup> John Weeks, "A Rising Authoritarian Wave," OpenDemocracy, February 3, 2014, accessed July 11, 2019, <https://www.opendemocracy.net/en/can-europe-make-it/rising-authoritarian-wave/>.

<sup>22</sup> Juan Forero, "Colombians, Fleeing War, Make a Slice of Ecuador Their Own," *UNHCR*, October 17, 2002, accessed February 25, 2019, <https://www.unhcr.org/afr/news/latest/2002/10/3deb75cb4/colombians-fleeing-war-slice-ecuador-own.html>.

Venezuelan migration has increased as the humanitarian crisis under the Maduro government worsens; 547,000 Venezuelans have entered Ecuador from Colombia between January and August 2018.<sup>23</sup> Unfortunately, the following literature review will demonstrate that this small country on the Pacific coast has often been undervalued in migration scholarship.

## Historiography

The understanding of Ecuadorian, and more broadly Latin American, immigration and asylum policy has been hindered by the prevailing assumptions that exist in the field of migration studies, which are preventing in-depth analyses of the phenomenon of migration in Latin America. In her survey of immigration policy theory, Katharina Natter uses a study of the migration policies of Tunisia and Morocco to criticise the way that the focus on ‘Western liberal democracies’ has overlooked most countries in the world, including some with the highest level of immigration.<sup>24</sup> She relates this to two assumptions that are prevalent in the field of migration studies. First, the ‘tendency to split the world into migrant destinations situated in the ‘Global North’ and migrant origins situated in the ‘Global South.’<sup>25</sup> Existing scholarship on Latin American migration patterns further reifies these binaries, with the majority concerning the South-North migration corridor through Central America and Mexico to the United States (U.S.).<sup>26</sup> Second, that destinations in the ‘Global North’ are depicted as liberal democracies, receiving migrants from the ‘Global South’, cast as autocracies or malfunctioning democracies.<sup>27</sup>

The reliance on binary regime distinctions, rather than the complexities within regimes, is limited in its offering to the study of policymaking. Not only does it neglect the fact that many autocratic states receive high numbers of migrants, but it also neglects the autocratic histories of many democratic states today, such as the military dictatorships in Latin America during the 1970s and 1980s, and their legacy on immigration and asylum policymaking.<sup>28</sup> Furthermore, most regimes contain elements of autocracy and democracy; ‘looking for ideal-

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<sup>23</sup> William Spindler, "UNHCR Ramps up Response as Ecuador Declares Emergency," *UNHCR*, August 10, 2018, accessed February 25, 2019, <https://www.unhcr.org/news/briefing/2018/8/5b6d4f554/unhcr-ramps-response-ecuador-declares-emergency.html>.

<sup>24</sup> Katharina Natter, "Rethinking Immigration Policy Theory beyond ‘Western Liberal Democracies’," *Comparative Migration Studies* 6, no. 4 (2018), 5.

<sup>25</sup> The Global North/South divide is more socio-economic and political than it is geographical. This thesis defines the ‘Global North’ as including but not limited to Europe, the U.S., Canada, Japan, South Korea, Australia and New Zealand. The ‘Global South’ includes Latin America, Africa, South and Southeastern Asia and the Middle East.

<sup>26</sup> David James Cantor et al, ‘Introduction’, 2.

<sup>27</sup> Natter, "Rethinking Immigration Policy, 5.

<sup>28</sup> *Ibid.*, 5.

typical democratic or autocratic immigration policy processes is a fundamentally flawed exercise.<sup>29</sup> Exploring migration through binary categories such as North/South, Western/non-Western or democratic/autocratic is unhelpful in many cases mass migration, including in Ecuador. This thesis will leave these dichotomous categories behind, and explore in depth how the complexities within Ecuador's institutions, both domestic and international, shape immigration policymaking and allow us to understand the instability of Ecuador's immigration policies.

Immigration literature is weakened not only by its habit of subscribing to the dichotomies above and its primary focus on the Global North, but also by its insistence on testability and power to predict future policy. This forms one of the main problems facing immigration policy scholars: a divide between those who 'emphasize the uniqueness of conditions in a given nation and those who assert the scientific nature of the social sciences and tend to and synthesize across national boundaries.'<sup>30</sup> It is as though research and analysis is not considered empirically valid unless it produces a model which can be applied across time and space to help us understand immigration policy. Christina Boswell has called this the 'trade-off between theoretical neatness and complexity of explanation of social phenomena.'<sup>31</sup> Although writing about 'liberal' states situated in the Global North, she summarises a major weakness in the field of immigration literature: analysis of the immigration policies of individual states are compromised by a need to produce work which is theoretically robust in an effort to make it appear more valid, especially in the already underexplored region of Latin America. As Boswell writes, 'proper' science demands that 'we break down our explanation into observable (and if possible measurable) variables which conform to generalizable laws.'<sup>32</sup>

The celebrated political scientist and institutionalist Fritz W. Scharpf that this is almost unobtainable in the study of policymaking: 'policy is produced by human actors who are not merely driven by natural impulses or by the compulsion of external factors.'<sup>33</sup> Instead, he argues the reasons behind policymaking are so complex that to demand the formulation of rules and laws to explain policies is nonsensical.

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<sup>29</sup> Natter, "Rethinking Immigration Policy", 6.

<sup>30</sup> Steve Ellner, "The Distinguishing Features of Latin America's New Left in Power," *Latin American Perspectives* 39, no. 1 (2011), 111.

<sup>31</sup> Christina Boswell, "Theorizing Migration Policy: Is There a Third Way?" *International Migration Review* 41, no. 1 (2007), 76.

<sup>32</sup> *Ibid.*, 76.

<sup>33</sup> Fritz Wilhelm Scharpf, *Games Real Actors Play: Actor-centered Institutionalism in Policy Research* (Boulder, Co: Westview Press, 1997), 19.



The thesis will conduct a cohesive analysis upheld by empirical evidence, however the stress will be placed less on conforming to ‘generalizable laws’ of immigration studies, and instead grant Ecuador the same luxury afforded to the ‘Western liberal democratic’ states such as the U.S., United Kingdom and Australia: a close analysis of a single-state in order to understand Ecuador’s immigration and asylum policy, with the hope that the findings will be useful in understanding the reasons behind immigration policymaking.

The literature on Ecuadorian immigration and asylum policy is sparse in comparison to the scholarship available on some other states. That being said, there have been some vital contributions to the field, especially since 2010 when the gravity of Colombian migration became more apparent. *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America*, a 2015 volume edited by David James Cantor, Luisa Feline Freier, Jean-Pierre Gauci and Pablo Ceriani Cernadas, all of whom are political scientists or experts in international human rights law, is the most comprehensive and relevant survey of Latin American asylum policy. It specifically investigates the apparently liberal asylum policies which have emerged in Latin America in the last 15 years.

Cantor’s final chapter, titled ‘Bucking the Trend? Liberalism and Illiberalism in Latin American Refugee Law and Policy’ is particularly salient in the way it challenges the assumption that these liberal asylum policies are as they seem and shows examples of increasingly illiberal policies in many Latin American states, including Ecuador. Despite the fact that Cantor seems to present the balanced view that ‘it is important to acknowledge each state as an independent actor with its own political forum [...] facing simultaneously inwards to domestic concerns and outwards to foreign objectives’, he continues to argue that it is possible to explain illiberal policymaking in Ecuador, Colombia and Venezuela with the consideration of broad cross-cutting factors.<sup>34</sup> This approach somewhat neglects the complexities of immigration and asylum policy on a domestic level, however his objection to the realisation of many liberal asylum policies highlights the discrepancies in policymaking and provokes a deeper analysis.

Diego Acosta Arcarazo and Luisa Feline Freier, both migration scholars with a focus on South-South migration flows, also challenge the integrity of liberal asylum policies. They analyse the immigration policies of Argentina, Brazil and Ecuador to show that immigration

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<sup>34</sup> David James Cantor, "Bucking the Trend? Liberalism and Illiberalism in Latin American Refugee Law and Policy," in *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America*, ed. David James Cantor, Luisa Feline Freier, and Jean-Pierre Gauci (London: Institute of Latin American Studies, School of Advanced Study, University of London, 2015), 204.

policies are much more restrictive than the rhetoric they employ, especially for South-South immigration.<sup>35</sup> They acknowledge the long-noted paradox in Western liberal states that has come to dominate the study of immigration policy: for nearly 30 years, the discourses of Western governments has become more restrictive, however significant numbers of migrants are still accepted into the state and many stay without authorisation.<sup>36</sup> On the contrary, Latin America represents a ‘reverse immigration policy paradox of officially welcoming but covertly rejecting irregular migrants.’<sup>37</sup> In so doing, they challenge the applicability of the immigration paradox which has been theorised from a Eurocentric perspective.<sup>38</sup>

The literature on Ecuador’s immigration and asylum policymaking specifically is lacking, however the most notable contributions have been those that challenge the limitations presented by binary categories above in order to understand domestic policymaking. John Polga-Hecimovich, an American political scientist with a focus on executive branches of government, explores the type of regime that Correa consolidated and how these internal institutions determined policy. Although not focused on migration, his 2013 article titled ‘Ecuador: institutional stability and the consolidation of power of Rafael Correa’, he demonstrates many areas of government in Ecuador were controlled by Correa, and provides a thorough analysis of lawmaking and policymaking in Ecuador which will be explored in Chapter 3.<sup>39</sup> Similarly, Carlos de la Torre and Andrés Ortiz Lemos consider how the strong populist government of Correa and weak internal opposition jeopardise democracy in Ecuador, allowing Correa to yield more power over policymaking.<sup>40</sup>

Fortunately, the literature on regional institutions in Latin America is more plentiful than that of just Ecuador. Australian lawyer Tristan Harley contributes to the literature of immigration of the Global South with his 2015 article ‘Regional Cooperation and Refugee Protection in Latin America: A South-South Approach.’ He challenges the domination of the Global North in immigration and asylum scholarship, and provides an extensive analysis of the benefits of regional integration in Latin America, while also showing its shortcomings through

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<sup>35</sup> Acosta Arcarazo and Freier define South-South migration as migrants who come to South America from Africa, Asia, and the Caribbean. See Diego Acosta Arcarazo and Luisa Feline Freier, "Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America," *International Migration Review* 49, no. 3 (2015), 659.

<sup>36</sup> Diego Acosta Arcarazo and Luisa Feline Freier, "Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America," *International Migration Review* 49, no. 3 (2015), 660.

<sup>37</sup> *Ibid.*, 659.

<sup>38</sup> *Ibid.*, 662.

<sup>39</sup> Polga-Hecimovich, ‘Ecuador: Institutional Stability’ 135-60.

<sup>40</sup> Carlos De La Torre and Andrés Ortiz Lemos, "Populist Polarization and the Slow Death of Democracy in Ecuador," *Democratization* 23, no. 2 (2015), 221-41.

the increasingly restrictive policies emerging in some states.<sup>41</sup> This thesis emulates Harley's study on a single-state scale, challenging regional solidarity and its effect on immigration and asylum policymaking. In order to understand the importance of both regional and domestic factors, institutional theory will be used as a lens to understand immigration and asylum policymaking under Correa.

## **Theoretical Framework**

At its core, institutional theory tries to understand 'the elaboration of rules and requirements to which organizations must conform if they are to receive support and legitimacy.'<sup>42</sup> Institutionalism arguing that the 'same people make different choices depending on the nature of the institution within which they were operating at the time.'<sup>43</sup> B. Guy Peters, a professor of Comparative Politics with a particular focus on U.S. government, uses the example of someone who 'might behave in a utility maximizing manner while at work during the week, but behave in a more altruistic manner while at church or synagogue on the weekend' and then asks whether it is the individual, or the setting, which determines his actions?<sup>44</sup> The new institutionalism, which has existed since the 1980s, uses many of the tenets of the old institutionalism, which argued more simply that different types of governmental systems are based upon different formal structures and rules, and will therefore yield different results. Neo-institutionalism builds on this and asks what difference does it make for the performance and output of these governmental systems.<sup>45</sup>

Within neo-institutionalism, this thesis will focus on rational choice institutionalism, which argues that institutions are frameworks used by actors to maximise their own utility, and also international institutionalism, which argues that the behaviour of states and individuals is determined by international structures.<sup>46</sup>

The approach begins with the assumption that 'social phenomena are to be explained as the outcome of interactions among international actors – individual, collective, or corporate actors, that is – but that these interactions are structured, and the outcomes shaped, by the

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<sup>41</sup> Tristan Harley, "Regional Cooperation and Refugee Protection in Latin America: A South-South Approach," *International Journal of Refugee Law* 26, no. 1 (2014), 22-47.

<sup>42</sup> John W. Meyer, *Organizational Environments: Ritual and Rationality* (Newbury Park, CA: Sage, 1993). 140.

<sup>43</sup> B. Guy. Peters, *Institutional Theory in Political Science: The New Institutionalism*, 3rd ed. (London: Bloomsbury, 2011), 14.

<sup>44</sup> *Ibid.*, 14.

<sup>45</sup> *Ibid.*, 1-2.

<sup>46</sup> *Ibid.*, 20-21.

characteristics of the institutional settings within which they occur.<sup>47</sup> The framework requires identifying the set of interactions that produces policy outcomes, and then necessitates ascertaining the actors, individual (e.g. one president) and composite (e.g. a judiciary which is united in a common goal), that are involved in the policy-making process.

George Tsebelis, an American political scientist best known for his theory of ‘veto players’, in which he goes beyond the traditional differences within governmental organisation such as presidential/parliamentary, and bicameral/unicameral to ascertain how government structure influences policymaking. He justifies this approach by demonstrating that ‘it is possible that two countries are different in all traditional variables (regimes, party systems, electoral systems, type of legislature, kinds of parties) and still have the same or similar constellations of veto players,’ dismantling the binary regime-based approach allowing for a more nuanced understanding of policy-making.<sup>48</sup> From Tsebelis we also take another key term, that of ‘policy stability’, which he defines as the ‘impossibility of significant change of the status quo.’<sup>49</sup> By viewing Ecuador’s immigration and asylum policies as the product of key actors, or singular or collective veto player(s) within an institutional structure, and taking the status quo as the migratory principles enshrined in the 2008 Constitution, we can assess the stability of these policies during Correa’s presidency and account for potential instability.

In a similar way, international institutionalism, also known as regime theory, considers the role of actors within institutions, but instead focuses on international ‘regimes’ and asks how they can influence the actions of states. Stephen D. Krasner provides the most accepted definition of an international regime as ‘principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area’ and asks ‘what is the relationship between regimes and related outcomes and behavior?’<sup>50</sup> While realists contend that conflict is the norm, proponents of this theory, which is derived from the liberal tradition, argue that international institutions can have a considerable impact on states, even within an anarchic system. This thesis will consider the regional institutions as regimes, and apply this theory to assess their success in converging opinion on the issue of immigration and asylum.

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<sup>47</sup> Fritz Wilhelm Scharpf, *Games Real Actors Play: Actor-centered Institutionalism in Policy Research* (Boulder, Co: Westview Press, 1997), 1.

<sup>48</sup> George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton: Princeton University Press, 2002), 22. Veto players can be defined as individual or collective actors who are necessary to implement change. They can be a court of law, or a foreign minister, the President or a civil society organisation, for example.

<sup>49</sup> *Ibid.*, 164.

<sup>50</sup> Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," *International Organization* 6, no. 2 (1982), 185.

The international institutions which will be considered are contained within the methodology, and expanded upon in Chapter 1.

Institutionalism is not without its analytical and theoretical limitations. The main criticism is that in order to reduce the number of variables and construct a model, the approach leads to an oversimplification of the institutions and the finer detail is lost.<sup>51</sup> Furthermore, it is difficult to use actor-centred approaches for predictions of policy making in other institutions exogenous to the analysis. The preferences or aims of actors are multifaceted, and cannot be absolutely contained within institutions, even if they do play a very dominant role in some cases. While normative and old institutionalism place more importance on the institutions themselves and therefore have a more controlled model for analysis, George Tsebelis notes that for actor-centred institutionalism, the institutions are like shells, constraining what is inside of them, and that only the occupants of the shells will allow for predictions of the outcomes.<sup>52</sup> This is slightly reduced in the case of international institutions, as these institutions have norms and values which tend to be more long-lasting, though these norms and values are ultimately dependent on the members and international climate, which is not a constant. Therefore, the utility of the actor-centred approach for generating reliable comparisons is less than other theoretical frameworks.

Nonetheless, Tsebelis continues to argue that there are ‘important results that can be drawn even if one ignores the specific choices of the different actors involved’ including policy stability and also the effect of policy stability on government stability and the independence of the judiciary.<sup>53</sup> Both international and rational choice institutional theories have made many contributions to political science, offering another perspective often overlooked by other theories of the realist tradition, and will therefore provide an analytical lens through which immigration policy in Ecuador will be explored.<sup>54</sup>

## **Methodology**

This thesis will take a retrospective approach to policy analysis, which seeks to explain existing or past policies and their development. Official statements and press releases from the Ecuadorian Ministry of External Relations and Human Mobility (MREMH) between 15<sup>th</sup> January 2007 and 24<sup>th</sup> May 2017, when Correa was president, will be used to ascertain policy

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<sup>51</sup> Peters, *Institutional Theory in Political Science*, 69.

<sup>52</sup> Tsebelis, *Veto Players*, 35

<sup>53</sup> *Ibid.*, 35.

<sup>54</sup> Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (1996), 951.

announcements and amendments. These sources have been selected because of their abundance, relevance and level of detail. In the duration of Correa's Presidency, the MREMH released 7,350 publications. Of course, not all were related to human mobility, and the MREMH is by no means the only ministry to have published information pertaining to immigration and asylum.<sup>55</sup> Although a discourse analysis of newspaper articles, for example, would yield relevant results for analysis, this thesis is concerned with policymaking, and less so policy implementation and therefore the most direct source of information is the MREMH as the ministry accountable for publishing these policies and related information. These official statements and press releases will be supplemented with the relevant laws and decrees and international frameworks referenced in the policy announcements and amendments or relevant to the analysis. In addition, newspaper articles from across the political spectrum in Ecuador have been provided for a more contextual understanding of the policy announcements and amendments.

Using the above sources, the theoretical framework of neo-institutionalism, and Tsebelis' concept of policy stability, this thesis will demonstrate how and why Ecuador's immigration and asylum policy deviated from the status quo contained within the Constitution. Moreover, the thesis will argue that the constellation of veto players was small, allowing for an unstable policy. The veto players which shall be examined are the Constitution, The Constitutional Court (CC), international norms propagated by the international institutions under consideration, and the MREMH. Ultimately, it will be shown that the entire constellation of veto players was subject to the main veto player, the executive branch.

The institutions that will be considered in this thesis are both domestic and international, as both have an effect on Ecuadorian policymaking. During the presidency of Rafael Correa, many ministries were created and adapted. The MREMH is the current ministry that deals with all matters of migration, and is the only place to source government publications on this topic. However, between 2007 and 2015, it was called the Ministry of External Relations, Commerce and Integration, all part of the Coordinating Ministry of Security, and still led by the 'Canciller' or foreign secretary. Furthermore, the National Secretariat of the

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<sup>55</sup> For example, the Ministry of Public Health (Ministerio de Salud Pública) has published information about the efforts of Ecuador and Colombia to 'strengthen and organize the provision of health services in the Colombo-Ecuadorian border for migrants.' "Ecuador y Colombia contarán con un registro compartido de atenciones en salud", Ministerio de Salud Pública, 8th August 2014, accessed July 12th, 2019, <https://www.salud.gob.ec/ecuador-y-colombia-contaran-con-un-registro-compartido-de-atenciones-en-salud/>.

Migrant (SENAMI) was absorbed into the MREMH in 2017.<sup>56</sup> Therefore, many of the institutional bodies which were responsible for migration at various points throughout the presidency of Rafael Correa no longer exist, or have changed form. This is a limit of my sources, as I am aware that the available publications by the MREMH, although covering the entire scope of this thesis, may not represent the total output of immigration policy publications by the Ecuadorian government. Moreover, although the Ecuadorian government states an emphasis on transparency, that which is published online is ultimately at the discretion of the government, and interviews with Correa and his government officials would yield a more developed and complete analysis. Unfortunately, multiple requests for interviews with Correa and Ricardo Patiño, Foreign Minister 2010-2016, went unanswered.

It is important to pay particular attention to the role played by transnational institutions in the creation of immigration policy in Ecuador.<sup>57</sup> Ecuador had a variety of relationships with international institutions, and an institutional theoretical framework allows us to explore the impact they had in informing Ecuadorian asylum policy without impeding the single-state analysis. The Southern Common Market (Mercado Común del Sur or MERCOSUR) is a trade bloc agreement created in 1991 to promote the free movement of people, goods and currency. The OAS is also an important institution to consider, especially in the context of the refugee and asylum policy. Although not confined to Latin America, the majority of OAS members are Latin American states. Furthermore, it is within the OAS that the Cartagena Declaration and subsequent agreements on refugee protection were created and ratified. Correa has openly criticised the OAS, preferring instead the Community of Latin American and Caribbean States (CELAC). Created in 2011 in Venezuela, it has often been seen as an alternative to the OAS. Two more institutions will be considered: The Bolivarian Alliance for the Peoples of Our America, (ALBA), which was founded by Hugo Chávez of Venezuela and of which Ecuador was a member between 2009 and 2018; and the Union of South American Nations (UNASUR). UNASUR was created in 2008 and headquartered in Quito until 2019, when Ecuador under President Lenín Moreno left the organisation. The number of institutions to consider is almost endless: UNHCR, The International Monetary Fund (IMF), the Inter-American Development Bank (IADB), the UN, The Latin American Integration Association, the Andean Community and the Pacific Alliance are all institutions which yield power over Ecuador. Nonetheless, this

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<sup>56</sup> 'Decreto Ejecutivo Nro. 20, Republica de Ecuador, June 10, 2013, accessed June 7, 2019, <https://www.cancilleria.gob.ec/wp-content/uploads/2015/04/DECRETO-EJECUTIVO-NO.-20-DE-10-DE-JUNIO-DE-2013.pdf>.

<sup>57</sup> David James Cantor et al, 'Introduction', 4.

thesis will only analyse the OAS, MERCOSUR, UNASUR, ALBA and CELAC, all of which will be expanded upon in Chapters 1 and 2, as the relationship that Correa had with these institutions, as well as their specific frameworks which govern migration, make these the most relevant institutions to consider.

## **Structural Overview**

The thesis proceeds as follows. Chapter 1 introduces the case country Ecuador and the context relevant to the scope of this thesis. The literature review has demonstrated the overemphasis on regional frameworks on immigration and asylum policy, and therefore Chapter 2 will consider the role of these international institutions, engaging with the theory of international institutionalism to demonstrate why this emphasis is misplaced by answering the following questions: *In what ways do international institutions attempt to deal with asylum in the region and how successful are they in this endeavour? And Why, in this climate of regional integration, would Correa restrict access to asylum for regional asylum seekers in 2012?* This chapter argues that the regional institutions were too weak to bring about effective change in domestic immigration and asylum policy. Having established that the research question cannot be sufficiently answered through an analysis of regional institutions alone, Chapter 3 will explore the often underestimated role of domestic institutions in Ecuador and how they influenced immigration and asylum policymaking by asking: *How did bilateral relations with Colombia relate to immigration and asylum policies of Ecuador?* and *What effect did the principle of reciprocity have on Ecuadorian immigration and asylum?* My analysis will show that the structure of domestic institutions ensured that power was contained within the executive branch which implemented immigration and asylum policies based on the principle of reciprocity and bilateral relations with migrant producing and receiving states. The conclusion will also specify implications for immigration policy analysis of the Global South, particularly in Latin America and avenues for further research.



## Chapter 1.

### Introducing Ecuador as a Case Study

Due to the underdeveloped scholarship of South-South migration, it is essential that Ecuador is formally introduced in order to understand the analysis which follows. Between 1997 and 2000, Ecuador had five governments, and a further three between 2000 and 2006.<sup>58</sup> The decade of political instability was brought to an end by Correa, who was inaugurated in January 2007 and remained president until 2017. Correa himself was born to a lower-middle class family in Guayaquil and was educated in Ecuador, Belgium, and the U.S., where he received his doctorate in Economics in 2001.<sup>59</sup> Before his election as president, he was Economy Minister of Ecuador, and has always maintained that some of the debt incurred by Ecuador during previous governments is illegitimate and prevents money from being used on social spending.<sup>60</sup> It is important to understand Correa within the context of the 'Pink Tide' in Latin America, the wave of left-wing governments who came to power since 2000.<sup>61</sup> His election was partly due to his rejection of the neo-liberalism that preceded him, but also to his adoption of the tenets of twenty-first century socialism, much like Hugo Chávez of Venezuela and Evo Morales of Bolivia. This form of socialism emphasises the importance of participatory democracy, seen with the inclusion of referendums within the constitutions of all three states. Indeed, five referendums were held in Ecuador during Correa's presidency, including the 2008 constitutional referendum on 30<sup>th</sup> September 2008. His defining policies and beliefs are known in Ecuador as 'el Correísmo.'

The 2008 Montecristi Constitution, which was approved with a majority of 63.9 percent, changed the domestic frameworks surrounding immigration and asylum.<sup>62</sup> Ramírez Gallegos argues that the constitution 'establishes the basis for a new model of the nation-state,

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<sup>58</sup> Jacques Paul Ramirez Gallegos, "Migration Policy in the New Ecuadorean Constitution," *Latin American Perspectives* 43, no. 1 (2015), 177.

<sup>59</sup> "Factbox-Some Facts about Ecuador President Correa," *Reuters*, December 14, 2008, accessed April 12, 2019, <https://www.reuters.com/article/ecuador-correa-idUSN1126436920091214>.

<sup>60</sup> "Ecuador's Correa: Probe Shows Illegitimate Debt," *Reuters*, February 23, 2008, accessed April 12, 2019, <https://www.reuters.com/article/us-ecuador-debt/ecuadors-correa-probe-shows-illegitimate-debt-idUSN2362703520080223>.

<sup>61</sup> In the late 20th and early 21st Centuries, Latin American states shifted further towards the left. Hugo Chávez is credited as leading the Pink Tide with his inauguration in 1999, and was followed by many Latin American states, including Argentina, Brazil, Bolivia, Ecuador, Nicaragua, Paraguay, Peru and Uruguay. The Pink Tide peaked in 2011 and preceded a more conservative turn. The term is criticised by some political scientists who believe that the term overlooks the complexities in political ideology in Latin America, for example, between those against neoliberalism (Bolivia and Venezuela) to those reforming it (Brazil). See Katherine Isbester, *The Paradox of Democracy in Latin America: Ten Country Studies of Division and Resilience* (Toronto: University of Toronto Press, 2011). 68.

<sup>62</sup> Ramírez Gallegos, "Migration Policy in the New Ecuadorean Constitution," 178.

characterized as progressively transnational’ because it ‘advocates universal citizenship, the free movement of all inhabitants of the planet, and the eventual end of the status of foreigner as an element of the transformation of unequal relations between countries.’<sup>63</sup> Article 40 of the Constitution of Ecuador states “The right for persons to migrate is recognized. No human being will be identified or considered illegal for his migration status.”<sup>64</sup> This article is a manifestation of the concept of universal citizenship propagated by Correa. Universal citizenship can be defined as a system in which ‘migrants are provided a basis to claim protection and a say in the decisions that affect them by virtue of their humanity, rather than by virtue of their physical presence or legal status in their country of origin or destination.’<sup>65</sup> In order to understand why these Constitutional rights were not consistently protected, it is important to understand the type of regime in Ecuador under Correa.

## **El Correísmo**

Although there are certainly traits in Correa’s rule which would fit the definition of an authoritarian democracy, and in terms of applying the following analysis to other authoritarian regimes this classification still stands, this thesis argues that Ecuador more precisely fits the definition of a ‘delegative democracy’, a term coined by Guillermo O’Donnell, a leading Argentine political scientist on democracy and authoritarianism in Latin America.<sup>66</sup> He characterises a delegative democracy as one in which ‘whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office.’ German political scientist Aurel Croissant goes further to define it as ‘a polyarchy which violates the rules and norms that secure the checks on the effective political power of democratically elected presidents at the horizontal level of the relations of the executive, legislature and judiciary.’<sup>67</sup> Furthermore, he argues that delegative democracy is the interaction of two variables: ‘the strength and types of president’s legislative powers and the configuration of institutional and partisan veto

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<sup>63</sup> Ramirez Gallegos, "Migration Policy in the New Ecuadorean Constitution," 175.

<sup>64</sup> *Ibid.*, 175. See "Constitucion Politica del Ecuador," Republica De Ecuador, October 20, 2008, accessed April 16, 2019, [https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion\\_2008.pdf](https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion_2008.pdf).

<sup>65</sup> Jeffrey D. Pugh, "Negotiating Identity and Belonging through the Invisibility Bargain," *International Migration Review* 52, no. 4 (2018), 986.

<sup>66</sup> Guillermo A. O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (1994), 59.

<sup>67</sup> Aurel Croissant, "Legislative Powers, Veto Players, and the Emergence of Delegative Democracy: A Comparison of Presidentialism in the Philippines and South Korea," *Democratization* 10, no. 3 (2003), 68. Polyarchy ‘ruled my many’ was coined by American political scientist Robert Dahl to characterise political systems that are competitive and open that fulfil a certain criteria of democratic institutions. See Robert Alan Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale Univ. Press, 2007).

players', whereby proactive, strong legislative powers and a weak constellation of veto players increases the emergence of a delegative democracy.<sup>68</sup> They hold meaningful elections, but the president retains power in the executive so as to bypass many of the institutions designed to maintain checks and balances to ensure democracy, such as political parties and the judiciary.<sup>69</sup> Finally, whereas liberal democracies contain the executive powers through the constitution and law, in a delegative democracy these norms and principles are ignored, rendering horizontal accountability very limited.<sup>70</sup> This has important consequences for Ecuador, as it results in the blending of boundaries between the three levels of government. However, the consequences of this went beyond the borders of Ecuador.

### **Ecuadorian Emigration**

Despite the fact that Ecuador is the largest recipient of refugees and asylum seekers in Latin America, the decision of Correa to employ the concept of universal citizenship in his election campaign and into his presidency was not limited to immigration, but emigration too. In the 1980s, and then again in the late 1990s, a collapse in the price of oil and worsening socio-economic conditions in Ecuador triggered two waves of emigration. The majority of the first wave of emigrants moved to the U.S., and was largely made up of subsistence farmers. The second wave included a broader spectrum of people from every province that tended to have a higher level of education than those who left in the first wave. The majority of these migrants chose to go to Spain because it was possible to enter Spain only with a tourist visa until 2003. Correa had these 1.5-2 million Ecuadorians who had moved abroad in mind when campaigning for the presidency.<sup>71</sup> In 2002 the National Congress of Ecuador passed Law 81 to allow Ecuadorians abroad to vote, but it was not until the 2006 presidential election that this law was exercised.<sup>72</sup> More than 84,000 Ecuadorians living in 42 countries voted in the election. Although most Ecuadorians in Europe voted for Correa's opponent Alvaro Noboa, the wealthiest man in Ecuador, Correa won the majority of votes from Ecuadorians in the U.S.<sup>73</sup> It is easy to see Ecuador solely as a state which hosts refugees, however the situation is much

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<sup>68</sup> Croissant, "Legislative Powers", 68.

<sup>69</sup> *Ibid.*, 69. See also: Guillermo A. O'Donnell, "Delegative Democracy," *Journal of Democracy* 5, no. 1 (1994), 55-69.

<sup>70</sup> *Ibid.*, 55-69.

<sup>71</sup> Brad Jokisch, "Ecuador: Diversity in Migration," *Migration Policy*, February 01, 2007, accessed April 10, 2019, <https://www.migrationpolicy.org/article/ecuador-diversity-migration>.

<sup>72</sup> Republica De Ecuador, "Ley para el Sufragio de Ecuatorianos en el Exterior," Organization of American States, September 27, 2002, accessed April 10, 2019, [http://www.oas.org/es/sap/deco/moe/ecuador2007/docs/marco legal/Ecuador-Ley de voto en el exterior.pdf](http://www.oas.org/es/sap/deco/moe/ecuador2007/docs/marco%20legal/Ecuador-Ley%20de%20voto%20en%20el%20exterior.pdf).

<sup>73</sup> Jokisch, "Ecuador: Diversity in Migration".

more complex. Migration, both into and out of the country, is a defining feature of Ecuador. This notion of reciprocity will be explored in Chapter 3.

## Regional Institutions

However, it is not just the domestic frameworks which inform Ecuador's immigration and asylum policies. It is also important to expand on the international institutional frameworks that were alluded to in the introduction. There are of course many international institutions which could be considered in this analysis. However, this thesis will limit the scope of the institutions to allow for an in-depth and relevant analysis. One of the most significant regional institutions is the OAS. Founded in 1948 and headquartered in Washington, Correa had a strained relation with this institution, saying in 2012 that the organisation needed to "disappear or revolutionise" and three years later, said it was "insurmountable" and "totally influenced by the power of the hegemonic countries."<sup>74</sup> However, the OAS contains some of the most important regional frameworks for migration, including the 1984 Cartagena Declaration and the subsequent decennial agreements to reaffirm and expand upon the original declaration, designed to protect refugees and asylum seekers in the Americas. Furthermore, the Inter-American Commission on Human Rights, something that Correa fought to change throughout his presidency, is also part of the OAS. That Correa has a terse relationship with the organisation, mostly due to its close relationship with the U.S., is an important aspect to consider when analysing factors that influence Ecuadorian immigration and asylum policy.

Moreover, Ecuador's role within MERCOSUR is essential to understanding migration in Ecuador. It was created through the 1991 Treaty of Asunción and the 1994 Protocol of Ouro Preto and seeks to create a customs union in South America. Although Ecuador is only an associate member, the 2010 MERCOSUR Citizenship Statute applies to full and associate members and grants MERCOSUR citizens the right to free movement, employment and residence throughout the bloc.<sup>75</sup> Despite its creation in 2010, Ecuador took nearly five years to implement the residence agreement, finally doing so in 2014.<sup>76</sup> Correa has expressed

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<sup>74</sup> Mabel Azcui, "El Presidente Correa Dice Que La OEA Debe "revolucionarse O Desaparecer"," *El País*, June 04, 2012, accessed April 16, 2019, [https://elpais.com/internacional/2012/06/05/actualidad/1338851707\\_700894.html](https://elpais.com/internacional/2012/06/05/actualidad/1338851707_700894.html) and "La OEA Es "insalvable" Dice El Presidente Rafael Correa," *El Universo*, May 25, 2015, accessed April 16, 2019, <https://www.eluniverso.com/noticias/2015/05/13/nota/4869571/oea-es-insalvable-dice-presidente-rafael-correa>.

<sup>75</sup> Mercosur, "Estatuto De La Ciudadanía Del MERCOSUR," *Mercosur*, December 16, 2010, accessed April 16, 2019, [http://gd.mercosur.int/SAM%5CGestDoc%5Cpubweb.nsf/0EE58286D60DD5170325842E00450E4C/\\$File/DE\\_C\\_064-2010\\_ES\\_Estatuto%20de%20Ciudadania.pdf](http://gd.mercosur.int/SAM%5CGestDoc%5Cpubweb.nsf/0EE58286D60DD5170325842E00450E4C/$File/DE_C_064-2010_ES_Estatuto%20de%20Ciudadania.pdf)

<sup>76</sup> Acosta Arcarazo and Feline Freier, "Turning the Immigration Policy Paradox Upside Down?", 679.

reservations about becoming a full member of MERCOSUR, instead remaining closer to UNASUR, another regional organisation that was founded in 2008 in Brazil. It was created at the peak of the Pink Tide in Latin America, however, many members have left after concerns about the allegiance of the organisation with Venezuela. Lenín Moreno left UNASUR on 13<sup>th</sup> March 2019, a move criticised by Correa.<sup>77</sup>

On 23<sup>rd</sup> January 2017, UNASUR General Secretary and former President of Colombia Ernesto Samper Pizano thanked Correa for “the unending support provided by President Correa and his government in the fulfilment of my task as UNASUR secretary general.”<sup>78</sup> Although UNASUR approved the idea of a South American citizenship and accompanying passport, the organisation did not create binding agreements like MERCOSUR.<sup>79</sup> In a similar way, Correa saw CELAC, another regional bloc created in December 2011 in Caracas, as an alternative to the OAS. It was created to foster Latin American integration amid growing concerns over the influence of the U.S. in the OAS. In June 2011, as plans for CELAC were being drafted, Correa expressed his desire for CELAC to “definitively replace” the OAS asking “what is the point of an organisation for political leaders among Latin American countries that is based in Washington?”<sup>80</sup> In this way, CELAC was to serve a similar purpose to Correa and his fellow leftist leaders Chávez and Morales as UNASUR: as a way to reduce U.S. influence in the region.

## Conclusions

It is hoped that this chapter has provided a background and contextual understanding in which the following analysis is located. It is vital to appreciate the complexities of the regime of delegative democracy under Correa in order to understand the policymaking process. The repercussions of this regime on immigration and asylum policymaking will be explored in detail in Chapter 3. Furthermore, these institutional frameworks also had an influence over Ecuador’s immigration and asylum policies. Although this thesis will argue that this influence

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<sup>77</sup> Sara España, "Ecuador Se Retira De Unasur Y Abre La Puerta a Nuevas Iniciativas De Integración," *El País*, March 14, 2019, accessed April 16, 2019,

[https://elpais.com/internacional/2019/03/14/america/1552524533\\_446745.html](https://elpais.com/internacional/2019/03/14/america/1552524533_446745.html).

<sup>78</sup> Ernesto Samper Pizano, "Comunicado de la Secretaría General de Unasur," *UNASUR*, January 23, 2017, accessed April 16, 2019, <http://www.unasur.org/es/node/1058>.

<sup>79</sup> "Unasur Aprobó Concepto De Ciudadanía Suramericana," *TeleSUR*, December 11, 2014, accessed April 16, 2019, <https://www.telesurtv.net/news/Unasur-aprobo-concepto-de-ciudadania-suramericana-20141211-0037.html>.

<sup>80</sup> "Correa Confía En Que La Futura Celac Reemplace Definitivamente a La OEA," *El Tiempo*, June 29, 2011, accessed April 16, 2019, <https://www.eltiempo.com.ec/noticias/ecuador/4/correa-confia-en-que-la-futura-celac-reemplace-definitivamente-a-la-oea>.

was limited, it is imperative to appreciate the complex relationships that existed between Ecuador and these institutions during Correa's presidency

## Chapter 2. International and Regional Institutions

The dream of an integrated Latin America is not a new one. Simón Bolívar (1783-1830), the military and political leader who liberated much of the Andean region of South America from the Spanish Empire, had a vision of a ‘league of American republics’ which became the first of many attempts of multilateralism in the region.<sup>81</sup> Ricardo Patiño, minister for External Relations and Human Mobility between 2010 and 2016 employed the shared history of Bolívar on 11<sup>th</sup> March 2015, as Venezuela sunk deeper into a socioeconomic and political crisis: “Venezuela, the birthplace of Simón Bolívar, is not alone, you have the help of all the Latin American and Caribbean countries, we will not tolerate a country like the U.S. saying that Venezuela is a security threat”.<sup>82</sup> This chapter will seek to understand *In what ways do international institutions attempt to deal with asylum in the region and how successful are they in this endeavour? And Why, in this climate of regional integration, would Correa restrict access to asylum for regional asylum seekers in 2012?*

### Cooperation in Anarchy?

This strong rhetoric from Ricardo Patiño suggests that regional cooperation is possible, even at the expense of a lack of cooperation with the U.S. Many regime theorists of believe that cooperation is possible despite anarchy. For cooperation to happen, there needs to be an incentive. Tristan Harley argues that states should be compelled to cooperate on refugee policy for three reasons: ‘The belief that regions working together are more able to effectively manage the protection needs of refugees’; ‘the greater possibility of uniform agreement between nation states in the region’; and finally ‘the pursuit of regional stability.’<sup>83</sup> This chapter will demonstrate that the first reason was not of sufficient importance to the regional institutions in Latin America, and that the pursuit of regional stability (through increased regional integration and institutionalisation) had an inverse effect on the probability of uniform agreement between nation states in the region.

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<sup>81</sup> Denis Kennedy and Brian Beaton, "Two Steps Forward? Assessing Latin American Regionalism Through CELAC," *Latin American Policy* 7, no. 1 (2016), 52.

<sup>82</sup> “Venezuela no está sola”, asegura Canciller Ricardo Patiño’, Ministerio de Relaciones Exteriores y Movilidad Humana, 11th March 2015, accessed May 12<sup>th</sup>, 2019, <https://www.cancilleria.gob.ec/venezuela-no-esta-sola-asegura-canciller-ricardo-patino/>.

<sup>83</sup> Harley, "Regional Cooperation" 29-30.

My analysis shows that the ‘Cartagena spirit’, as propagated by Guterres, was not strong enough to ensure that human mobility and asylum was at the core of Latin American regional integration, and when it was a consideration it was more motivated by economic and political interests than human rights. The institutions themselves were weak and unable to bring about change on many levels, including to migration and asylum, exacerbated by the conflicting desires for U.S. involvement in the region.

### **The Importance of Migration within Regional Institutions**

One reason that the international institutions of MERCOSUR, UNASUR and ALBA were limited in their ability to change domestic asylum and immigration policies of their members is because these institutions were far more focused on economics and politics than they are on human rights, despite much secondary literature which seems to be convinced otherwise. Cantor, Freier, Gauci and Cernadas call this a ‘philosophical paradigm shift’, because there appeared to be a new outlook, through regional institutions, on migration, ‘that brings the individual migrant and human rights into the centre of policymaking.’<sup>84</sup> This thesis argues that this was just an apparition that rarely materialised. For example, within UNASUR, on the 3<sup>rd</sup> and 4<sup>th</sup> May 2012, members met in Cartagena, Colombia, to discuss transnational organised crime, but only from a security perspective, not considering the thousands of people displaced internationally by this crime especially in Colombia.<sup>85</sup>

In a similar way, two years later on 12<sup>th</sup> March 2014, the member states met again to discuss the deteriorating situation in Venezuela. The MREMH published a statement saying that ‘The concern of UNASUR with regards to this issue stems from the protests by opposition groups that, in some cases, have become violent and are putting at risk peace, democracy and institutionalism.’<sup>86</sup> Nowhere in their ‘concern’ was there a consideration or plan of action for those displaced internationally as a result of the violence and potential breakdown in democracy. Although this lack of forward planning has since become a major issue in the regional solutions to the Venezuelan refugee crisis, it also demonstrates that UNASUR was simply not a place for the consideration of asylum seekers and refugees, but more a place for

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<sup>84</sup> David James Cantor et al, ‘Introduction’, 27-28.

<sup>85</sup> ‘Ministros de UNASUR se reunirán en Cartagena’, Ministerio de Relaciones Exteriores y Movilidad Humana, 26th April 2012, accessed May 24, 2019, <https://www.cancilleria.gob.ec/ministros-de-unasur-se-reuniran-en-cartagena/>.

<sup>86</sup> ‘Cancilleres de UNASUR se reúnen para analizar la situación en Venezuela’, Ministerio de Relaciones Exteriores y Movilidad Humana, 12th March 2014, accessed May 18, 2019, <https://www.cancilleria.gob.ec/cancilleres-de-unasur-se-reunen-para-analizar-la-situacion-de-venezuela/>.



maintaining political stability in its most literal sense. It was not simply that UNASUR was incapable of creating a regional immigration policy, but more that this was simply beyond its remit. Although the constitutional objectives of UNASUR in 2008 included South American citizenship and the free circulation of people, this was not achieved during Correa's presidency.<sup>87</sup>

MERCOSUR appears to be an institution with more of a focus on regional migration due to the MERCOSUR citizenship, whereby citizens of member states and associate member states are able to apply for a two-year residency and work permit in another member or associate member state. On the 10<sup>th</sup> April 2015, Ecuador announced that in the first trimester of the year, it's first since ratifying the 2010 MERCOSUR Citizenship Statute, it granted 4,293 MERCOSUR visas.<sup>88</sup> It cannot be denied that the MERCOSUR citizenship influenced the process of regularisation for many migrants and also asylum seekers in Ecuador. Brazilian scholar Jacques Paul Ramirez Gallegos conducted interviews with immigration officials in Ecuador to understand the effect that MERCOSUR visas had on Ecuadorian immigration and asylum policy. In an interview with Angelica, an employee of the MREMH in Lago Agrio, she stated that "even those who come for the first time to apply for refugee status opt for MERCOSUR because they also want to work", enthusiastically saying "Everyone already has the visa they want!"<sup>89</sup>

However this interpretation of the MERCOSUR visa is simplistic, and neglects the fact that in Ecuador, receiving the visa is dependent upon the fulfilment of multiple conditions, including a valid passport and a certificate of judicial, criminal or police background from the country where the applicant has resided for the last five years, two things which are much harder for asylum seekers to obtain.<sup>90</sup> Furthermore, it does not provide international protection like refugee status. The MERCOSUR migration policy is 'based on the needs of the labour markets and not migrations themselves', as it requires the migrant to 'justify their right to remain on the basis of demonstrating their economic usefulness in relation to their 'adequate' insertion in these markets.'<sup>91</sup> For this reason, the MERCOSUR agreement cannot be said to be rights based. Although it changed Ecuador's immigration and asylum policy, with 80.71

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<sup>87</sup> David James Cantor et al, 'Introduction', 27.

<sup>88</sup> 'Ecuador otorgó 4293 visas MERCOSUR en el primer trimestre de 2015', Ministerio de Relaciones Exteriores y Movilidad Humana, 10th April 2015, accessed March 29, 2019, <https://www.cancilleria.gob.ec/ecuador-otorgo-4293-visas-mercosur-en-el-primer-trimestre-de-2015/>.

<sup>89</sup> Jacques Paul Ramirez Gallegos, "Etnografía Del Estado: 'visa Mercosur', Prácticas Burocráticas Y Estatus Migratorio En Ecuador," *Etnografías Contemporáneas* 3, no. 5 (2017), 193.

<sup>90</sup> *Ibid.*, 194.

<sup>91</sup> María Gabriela Rho, "Visiones Políticas Y Perspectivas De Mercosur, CAN Y Unasur En La Construcción De Una Ciudadanía Regional (2002-2016)," *Estudios Fronterizos* 19, no. 15 (2018), 17.

percent of MERCOSUR visas obtained by Colombians, it was not an option to the many asylum seekers unable to prove their economic usefulness through documentation.<sup>92</sup> The fact is that increased integration and even increased human mobility does not necessarily equal increased mobility and protection for asylum seekers and refugees.

### **The Institutional Weaknesses of Regional Organisations**

A second reason why these international organisations are unable to properly influence Ecuadorian immigration and asylum policy is their institutional weakness. Despite the internationally recognised importance of cooperation in the protection of refugees, no signatories of the 1951 Refugee Convention or the 1967 Protocol, or the UNHCR themselves, have been able to establish a guide as to how states should cooperate with each other with regards to refugees and asylum seekers.<sup>93</sup>

The OAS and its relationship to the U.S. in the context of Ecuador will be explored below, however the relationship sought by other regional institutions to the U.S. provides an insight into the institutional weakness of Latin American regionalism. It varies from a ‘mildly competitive relationship’ through MERCOSUR, to an ‘inconsistent and elusive’ one through UNASUR, to an ‘ideologically confrontational’ one through ALBA.<sup>94</sup> Even from an economic perspective, MERCOSUR promotes free trade while ALBA rejects free trade in preference of compensation and barter.<sup>95</sup> Within UNASUR, members have very different economic priorities (Chile and Ecuador) and political alliances (Colombia and Venezuela) and this limits the organisation’s ability to act on regional concerns.<sup>96</sup> At the inauguration of CELAC on 1<sup>st</sup> December 2011, Daniel Ortega, president of Nicaragua said “It’s a death sentence for the Monroe Doctrine”, while his Colombian counterpart, Juan Manuel Santos, said “CELAC isn’t being born to be against anyone.”<sup>97</sup> Ricardo Patiño said on the same day that “An organisation is born without the presence of the U.S., but it does so with force and the important thing is not to remain tied to the paradigms of the past.”<sup>98</sup> These ideational differences, even at the creation

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<sup>92</sup> Ramirez Gallegos, "Etnografía Del Estado", 191-192.

<sup>93</sup> Harley, "Regional Cooperation", 27.

<sup>94</sup> Andrés Malamud and Gian Luca Gardini, "Has Regionalism Peaked? The Latin American Quagmire and Its Lessons," *The International Spectator* 47, no. 1 (2012), 123.

<sup>95</sup> *Ibid.*, 123.

<sup>96</sup> *Ibid.*, 124.

<sup>97</sup> Kennedy and Beaton, "Two Steps Forward?", 53.

<sup>98</sup> 'La CELAC avanza en la agenda de Caracas', Ministerio de Relaciones Exteriores y Movilidad Humana, December 1, 2011, accessed March 19, 2019, <https://www.cancilleria.gob.ec/la-celac-avanza-en-la-agenda-de-caracas/>. In 2011, Ecuadorian national newspaper *El Comercio* expressed a similar view to Patiño on 30<sup>th</sup> November 2011: “CELAC, which will be founded by its leaders this Friday and Saturday in Caracas, is the last step in the process of nearly 30 years searching for an autonomous Latin American diplomatic coordination,

of CELAC, show that the institution will represent different things to different states: for Colombia, an opportunity not to be missed to integrate regionally, to Nicaragua and Ecuador, a tool to oppose U.S. regional hegemony.

Every time a new regional institution is born, it excludes states by ‘intentionally differentiating itself from other (sub)regional organisations.’<sup>99</sup> The sheer variety and oversaturation of regional integration schemes means that it is not possible to have a common denominator.<sup>100</sup> This means for the states that are a member of multiple institutions, their regional policy is constantly conflicted. In CELAC, it is hard for countries such as Brazil, Mexico, Peru, Chile, Costa Rica, Colombia and Panama to participate alongside those who want to use it as a place to eschew the U.S. when they have signed free trade agreements with Washington.<sup>101</sup> It is impossible for Ecuador to maintain its allegiances to CELAC, UNASUR, ALBA and MERCOSUR, and yet it attempts to do so based on the questionable belief that many of the obstacles preventing greater regional integration would be eliminated with greater political and ideological harmony through membership of regional blocs.<sup>102</sup>

However, being a member of multiple regional institutions causes disharmony between members, not unity as regionalism supposedly seeks.<sup>103</sup> Correa was aware of this as he deliberated making Ecuador a full member of MERCOSUR. On the 20<sup>th</sup> December 2011, the MREMH published that Correa ‘pointed out that MERCOSUR is a space destined to expand in the context of UNASUR and CELAC. He stressed that South American integration must be done through the convergence of the intra-regional blocks of the CAN and MERCOSUR and UNASUR’, quoting the President as saying that “We do not see MERCOSUR as an exclusive and separate block of South America, but on the contrary, as part of a process of maturation of South American integration,” continuing to say that he hoped for “the integration of more countries into MERCOSUR to finally merge into UNASUR.”<sup>104</sup> Furthermore, Ricardo Patiño

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without the U.S.” “De La Isla De Contadora a La CELAC, 30 Años Buscando La Autonomía De EE.UU.,” *El Comercio*, November 30, 2011, accessed June 07, 2019, <https://www.elcomercio.com/actualidad/mundo/de-isla-de-contadora-a.html>.

<sup>99</sup> Malamud and Gardini, "Has Regionalism Peaked?", 121.

<sup>100</sup> *Ibid.*, 123.

<sup>101</sup> Daniela Segovia, "Latin America and the Caribbean: Between the OAS and CELAC," *European Review of Latin American and Caribbean Studies | Revista Europea De Estudios Latinoamericanos Y Del Caribe*, no. 95 (2013), 105.

<sup>102</sup> Carlos Malamud and Carola García-Calvo, "Ecuador's Foreign Policy: Presidential Interests and Ideology," *Elcano Royal Institute ARI 61* (2009): , [http://www.realinstitutoelcano.org/wps/wcm/connect/cbdc99804f018bacbc18fc3170baead1/ARI61-2009\\_Malamud\\_Garcia-Calvo\\_Ecuador\\_Foreign\\_Policy.pdf?MOD=AJPERES&CACHEID=cbdc99804f018bacbc18fc3170baead1](http://www.realinstitutoelcano.org/wps/wcm/connect/cbdc99804f018bacbc18fc3170baead1/ARI61-2009_Malamud_Garcia-Calvo_Ecuador_Foreign_Policy.pdf?MOD=AJPERES&CACHEID=cbdc99804f018bacbc18fc3170baead1), 2.

<sup>103</sup> Malamud and Gardini, "Has Regionalism Peaked?", 123.

<sup>104</sup> ‘Ecuador Rumbo al MERCOSUR’, Ministerio de Relaciones Exteriores y Movilidad Humana, December 20, 2011, accessed 20 March, 2019, <https://www.cancilleria.gob.ec/ecuador-rumbo-al-mercosur/>.

addressed these multiple memberships and the problems they pose for regional integration on 5<sup>th</sup> February 2012, after the ALBA summit: “We know it is difficult because the economic, commercial, and political relations we have with countries sometimes creates situations of dependency, but we think that if we are revolutionising our own countries, we also have to revolutionise international relations.”<sup>105</sup> International institutionalists such as Krasner would agree that these regional institutions have been weakened by the lack of consensus on their purpose: ‘If the principles, norms, rules, and decision-making procedures of a regime become less coherent, or if actual practice is increasingly inconsistent with principles, norms, rules, and procedures, then a regime has weakened.’<sup>106</sup> My analysis shows that each regional institution in Latin America was burdened by the existence of other regional institutions with slightly varying objectives and allegiances, resulting in policies inconsistent with their aims.

A further institutional weakness that affects the ability of these regional institutions to influence domestic policy is their intergovernmental, as opposed to a supranational, structure. As a result of this, they are very dependent on national agendas. On the 4<sup>th</sup> March 2014, a colloquium was held in Bern, Switzerland, on the role of Hugo Chávez on regional integration in Latin America. The MREMH cited ALBA embassies in Switzerland as stating the role played by Chávez in strengthening the region, ‘through the promotion of organisations such as UNASUR, ALBA and in recent years CELAC.’<sup>107</sup> The reliance of Latin American regionalism on inter-presidential dynamics meant that the death of Chávez and the subsequent decline of Venezuela as a regional power was part of the reason that Ecuador was aligned with other regional states through UNASUR and MERCOSUR, despite the fact that some of their relationships to the U.S. posed a real problem, ideationally, to Correa. Ultimately, the strength of the institutions was depended on the political situations of the members. None of the institutional frameworks on migration were able to transcend national frameworks; due to the intergovernmental structure, asylum law was still at the discretion of the state. Regional migrants were and still are subject to domestic laws.<sup>108</sup> Much of Latin America was dedicated to the ‘spirit and tenor of regionalism’, but ultimately unwilling to cede any form of sovereignty, which Kennedy and Beaton argue is in fact ‘the essence of integration.’<sup>109</sup>

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<sup>105</sup> ‘La ALBA crece y fortalece’, Ministerio de Relaciones Exteriores y Movilidad Humana, February 5, 2012, accessed March 24, 2019, <https://www.cancilleria.gob.ec/el-alba-crece-y-se-fortalece>.

<sup>106</sup> Krasner, “Structural Causes and Regime Consequences”, 189.

<sup>107</sup> ‘En Berna se realiza coloquio sobre la influencia de Hugo Chávez en la integración latinoamericana’, March 6, 2014, accessed May 5, 2019, <https://www.cancilleria.gob.ec/en-berna-se-realiza-coloquio-sobre-la-influencia-de-hugo-Chávez-en-la-integracion-latinoamericana>.

<sup>108</sup> Rho, “Visiones Políticas Y Perspectivas De Mercosur”, 18.

<sup>109</sup> Kennedy and Beaton, “Two Steps Forward?”, 63-64.

## The Organisation of American States

The limits presented by the intergovernmental system is felt most acutely in the case of the OAS. The regional frameworks provided by the OAS, including the 1984 Cartagena Declaration, are not legally binding until it has been incorporated into the domestic law of a member state. As stated in the introduction, the definition of refugee as granted by the Cartagena Declaration can be revoked and reinstated by domestic states, as Ecuador did in 2012 with Decree 1182.<sup>110</sup>

This leads us to our second sub question: *Why, in this climate of regional integration, would Correa restrict access to asylum for regional asylum seekers in 2012?* It has been demonstrated above that Latin America was saturated with regional institutions. From the end of 2011 to the beginning of 2012, official statements and press releases from the MREMH cited above demonstrate, Ecuador was debating becoming a full member of MERCOSUR, praising the creation of CELAC and strengthening its relationship with ALBA. In fact, the first summit for the members of CELAC in December 2011 was used as an opportunity to conduct meetings between UNASUR and MERCOSUR, too.<sup>111</sup> This thesis argues that this question, as well as the instability of Ecuador's asylum and immigration policy more generally, can be best answered through a study of domestic institutions. As this chapter has demonstrated so far, the regional international institutions were lacking in their ability to achieve change on a domestic level. However, a study of Ecuador's relationship with the OAS does provide a partial answer.

The challenges for the OAS to achieve regional integration and bring about policy change are different to the other regional groups analysed in this chapter, because the region that the OAS encompasses goes beyond Latin America to include the U.S. and Canada. Many Latin American states, including Ecuador, viewed the OAS as a tool used by the U.S. to exert power over the region. Daniela Segovia, former employee of the Venezuelan Ministry of Foreign Affairs, argues that in order for the OAS to have a 'significant and decisive participation in the democratic processes of the region and to regain credibility, it must rid itself of this label as an agent for U.S interests', perhaps an unsurprising opinion from someone who worked in the Venezuelan government.<sup>112</sup> Although Correa's Ecuador was also very opposed to the OAS, this position was not entirely unwarranted. From a historical perspective,

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<sup>110</sup> Decreto Ejecutivo Nro. 1182, Republica de Ecuador, May 30, 2012, accessed June 7, 2019, <https://www.acnur.org/fileadmin/Documentos/BDL/2012/8604.pdf>.

<sup>111</sup> "Unasur Realizará Reunión Especial En Caracas," El Comercio, November 29, 2011, accessed June 07, 2019, <https://www.elcomercio.com/actualidad/mundo/unasur-realizara-reunion-especial-caracas.html>.

<sup>112</sup> Segovia, "Latin America and the Caribbean", 105.

the OAS, which seeks to uphold democracy, ‘warmly welcomed’ many dictatorial governments in Latin America for over 40 years that were ‘mostly right-wing authoritarian regimes and the unconditional allies of the U.S.’<sup>113</sup>

It is with this in mind that we understand Rafael Correa when, speaking at the inauguration of CELAC in December 2011, he said that the OAS “has been historically trapped by the interests and visions of the U.S.; and its accumulated bias and atavisms render said organisation inefficient and unreliable for this new era our America is going through.”<sup>114</sup> Correa’s government also employed this fierce rhetoric against the OAS to the sub-organisations of the OAS, such as the Inter-American Commission on Human Rights (IACHR). At the inauguration of CELAC, the MREMH published that Correa mentioned the contradiction that ‘the countries of Latin America have to go to the U.S., where the commission is based, to defend themselves against accusations of violations of fundamental rights with the U.S. itself does not recognise that organisation, but funds it.’<sup>115</sup>

Two days after Decree 1182 was signed by Correa, the MREMH published the outcome of a meeting held between Correa, Patiño and Secretary General of the OAS José Miguel Insulza, where Ecuador reaffirmed the need to reform both the OAS and the IACHR. In response to the question of CELAC as an alternative to the OAS, Insulza replied “Today there are no alternatives to the OAS, for example, on the issue of human rights, the electoral observation system, citizen safety matters. So to speak, we are the depositaries of all inter-American treaties.”<sup>116</sup> This statement from the OAS demonstrates the power that the OAS has over the Americas, if only because its longevity means that it predates other regional organisations. The fact that Correa’s government remained accountable to the IACHR shows that the OAS in fact yielded the biggest influence over Ecuadorian asylum policymaking, and may help account for the instability of that policy. On the 8<sup>th</sup> November 2012, just weeks before Decree 1182, Ecuador appeared at a hearing at the IACHR to clarify the situation of refugees

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<sup>113</sup> Segovia, “Latin America and the Caribbean”, 98.

<sup>114</sup> *Ibid.*, 97.

<sup>115</sup> ‘Presidente de Ecuador asiste al nacimiento de la CELAC’, Ministerio de Relaciones Exteriores y Movilidad Humana, December 2, 2011, accessed April 19, 2019, <https://www.cancilleria.gob.ec/presidente-de-ecuador-asiste-al-nacimiento-de-la-celac>. *El Comercio* newspaper also published the views of Correa on the IACHR: “Correa Busca La Creación De Un Sistema Latinoamericano De Naciones,” *El Comercio*, November 29, 2011, accessed June 07, 2019, <https://www.elcomercio.com/actualidad/politica/correa-busca-creacion-de-sistema.html>. Also, “Rafael Correa Quiere Que La CELAC Reemplace a OEA, a La Que Acusa De Parcial,” *El Comercio*, November 22, 2011, accessed June 07, 2019, <https://www.elcomercio.com/actualidad/politica/rafael-correa-quiere-que-celac.html>.

<sup>116</sup> ‘Ecuador ratifica necesidad de reformar OEA y CIDH’, Ministerio de Relaciones Exteriores y Movilidad Humana, November 28, 2012, accessed May 8, 2019, <https://www.cancilleria.gob.ec/ecuador-ratifica-necesidad-de-reformar-oea-y-cidh>.

and asylum seekers after San Francisco University claimed that Ecuador's policy was harmful.<sup>117</sup> Despite the fact that Insulza said that a meeting in March in Washington with Patiño on the topic of IACHR reform "went very well", the decision to invoke Decree 1182 came at a time of heightened resentment by Ecuador of the values of the OAS, and at a time where the refugee policies of Ecuador were already being called into question at an international level.<sup>118</sup> Ecuador would certainly not have been the first Latin American state to revoke the Cartagena definition and other refugee protection schemes upheld by OAS institutional framework. Viewed in this context, Decree 1182 can partially be seen as a rejection of the OAS and its associated institutions, as an attempt to reclaim an element of 'sovereignty' from an institution by which it did not feel represented.

## Conclusions

My analysis has shown that CELAC, ALBA, MERCOSUR and UNASUR did not prioritise a rights-based approach to migration or asylum, and were therefore limited in their ability to influence domestic asylum policy. Moreover, the inherent weaknesses, both within and between the institutions, largely caused by the lack of consensus on political and economic policies, severely limited the adoption of a coordinated regional asylum policy. Furthermore, Ecuador's membership to so many regional institutions with such contrasting aims and expectations rendered it impossible to adopt the policy of just one institution. It is argued that the fundamental lack of cooperation by Correa with the OAS was part of the reason Decree 1182 was adopted.

However, this analysis of international institutions only goes so far in accounting for the instability of Ecuador's immigration and asylum policy. International institutionalism is useful for helping us to understand the very complex organisation of this region. Krasner states that the purpose of a regime in an anarchic system of sovereign states 'is to coordinate state behavior to achieve desired outcomes in particular issue-areas.'<sup>119</sup> This analysis has shown that these regional institutions largely failed in this endeavour. However, a framework of

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<sup>117</sup> 'Ecuador desaca logros en materia de refugio en el marco de la Comisión Interamericana de Derechos Humanos', Ministerio de Relaciones Exteriores y Movilidad Humana, November 8, 2012, accessed June 7, 2019, <https://www.cancilleria.gob.ec/cancilleria-crea-dos-dependencias-a-favor-de-la-proteccion-a-los-migrantes/>.

<sup>118</sup> 'Canciller Ecuatoriano y José Miguel Insulza Dialogan Sobre la OEA y sus Instituciones', Ministerio de Relaciones Exteriores y Movilidad Humana, March 30, 2012, accessed April 14, 2019, <https://www.cancilleria.gob.ec/canciller-ecuatoriano-y-jose-miguel-insulza-dialogan-sobre-la-oea-y-sus-instituciones>.

<sup>119</sup> Krasner, "Structural Causes and Regime Consequences", 191.

international institutionalism cannot explain why Ecuador chose to undermine its own sovereignty by passing a decree which directly violated its own Constitution. It does not allow for the exploration of the roles of ideas and identity, both of which form an important part of Latin American regional alliance and would be better facilitated through a constructivist approach. The analysis presented in this chapter is a very partial answer to the research question, and an analysis of the role of domestic issues in the following chapter intends to offer a more complete explanation of the instability of immigration and asylum policy under Correa.



## **Chapter 3.**

### **Domestic Institutions**

The predominance of regional and comparative approaches in Latin American migration scholarship has resulted in the subordination of country-specific domestic factors. Although Latin American regional institutions were intrinsically limited, as Chapter 2 demonstrated, a further reason for their lack of influence was the way in which the veto player constellation within Ecuador concentrated immigration and asylum policymaking power into the executive branch. This chapter will therefore explore the neglected role of domestic institutions through the lens of rational choice institutionalism. It is separated into two main parts. The first part is a contextual and theoretical analysis of domestic politics in Ecuador and the type of regime that Correa constructed, a delegative democracy. The first part concludes by considering one of the most significant institutions in Ecuador during Correa's presidency: The Montecristi Constitution of 2008, and asks *How does a constitution which promises to protect migrants fail in this endeavour?* The second part of the chapter will analyse specific immigration policy changes, using Tsebelis' definition of policy stability as 'impossibility of significant change of the status quo'<sup>120</sup>, and ask *How were bilateral relations with Colombia related to immigration and asylum policies of Ecuador? And What effect did the principle of reciprocity have on Ecuadorian immigration and asylum?*

#### **The Delegative Democracy of Rafael Correa**

As demonstrated in Chapter 1, Correa's government formed a delegative democracy, appearing to include a high rate of citizen participation but in fact containing power within the executive branch. This has particular importance on immigration and asylum policymaking when considering how these policies were created. David Cantor argues that the 'level of legality' can vary considerably in Latin America', with some states consecrating refugee policies 'through 'Law' adopted by the legislature', while others 'leave it to 'Decrees' enacted under devolved powers by a public authority such as the president.'<sup>121</sup> In the case of Ecuador, Correa severely undermined the autonomous power of the legislature in this way. In 2012, five out of the 119 bills put before the Assembly were approved, with one having originated from the Assembly and the other four from the President.<sup>122</sup> Furthermore, Correa issued 400 Executive

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<sup>120</sup> Tsebelis, *Veto Players*, 164.

<sup>121</sup> Cantor, "Bucking the Trend?", 187-188.

<sup>122</sup> Polga-Hecimovich, "Ecuador: Institutional Stability", 150.

Decreets in 2012, only slightly more than 391 in 2011, demonstrating the relative weakness of the Assembly.<sup>123</sup> Polga-Hecimovich shows that added to the ‘lack of provincial autonomy, it is clear that everything flows through Carondelet.’<sup>124</sup> Tsebelis’ veto players theory within rational choice institutionalism allows us to identify Correa as the ‘agenda setter’: ‘agenda setters have to make proposals acceptable to the other veto players (otherwise, the proposals will be rejected and the status quo will be preserved).’<sup>125</sup> Tsebelis continues to argue that ‘agenda-setting powers are inversely related to policy stability: the higher policy stability (meaning the smaller the set of outcomes that can replace the status quo), the smaller the role of agenda setting.’<sup>126</sup> This thesis argues that Ecuador’s immigration and asylum policy was unstable, and Correa, as the agenda setter, therefore had a greater role.

Correa was successful in his role as an agenda setter as he ensured that veto players were his supporters who often found his proposals acceptable. For example, he appointed Gustavo Jalkh as the president of the Council of Judiciary, the institution which assigned judges throughout the state. Jalkh was his former personal secretary.<sup>127</sup> This severely limited the autonomy of all courts, including the CC, the court created to uphold the values of the 2008 Montecristi Constitution. The Constitution actually granted more powers and functions to the CC. Iván Castro Patiño, a leading Ecuadorian legal scholar said “there has never been a court as powerful [as the CC] in the history of Ecuador.”<sup>128</sup> However, Correa’s control over the legislature in Ecuador, as well as fundamental flaws within the Constitution, limited the ability of the Constitution to protect the rights of migrants and asylum seekers as enshrined in Article 40 and 41.<sup>129</sup>

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<sup>123</sup> Polga-Hecimovich, "Ecuador: Institutional Stability", 151.

<sup>124</sup> *Ibid.*, 152. Palacio de Carondelet is the seat of government and is located in Quito, the Ecuadorian capital.

<sup>125</sup> Tsebelis, *Veto Players*, 20.

<sup>126</sup> *Ibid.*, 20

<sup>127</sup> Polga-Hecimovich, "Ecuador: Institutional Stability", 152-153.

<sup>128</sup> “El Oficialismo Se Filtra En Corte Constitucional, El Más Poderoso Ente De Ecuador,” *El Universo*, November 11, 2012, accessed June 16, 2019, <https://www.eluniverso.com/2012/11/11/1/1355/oficialismo-filtramas-poderoso-ente-pais.html>. See also Omar Sanchez-Sibony, "Competitive Authoritarianism in Ecuador under Correa," *Taiwan Journal of Democracy* 14, no. 2, 79. Ivan Castro Patino was Dean of the Faculty of Jurisprudence and Social and Political Sciences of the Catholic University of Santiago de Guayaquil and Vice President of the Ecuadorian Association of Faculties of Jurisprudence of Ecuador between 2003 to 2011. See "Iván Castro Patiño," Castro Benites, accessed June 18, 2019, <http://www.castrobenites.com/?service=ivan-castro-patino>.

<sup>129</sup> "Constitucion Politica del Ecuador," Republica De Ecuador, October 20, 2008, accessed April 16, 2019, [https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion\\_2008.pdf](https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion_2008.pdf).

## The Montecristi Constitution of 2008

The above argument, that Correa created a regime of delegative democracy, cannot be understood without a more comprehensive analysis of the Constitution, something often overlooked by regional and comparative approaches to policymaking analysis. The Constitution appears to establish ‘the basis for a new model of the nation-state, characterized as progressively transnational, that attempts to protect both Ecuadoreans living abroad and foreigners residing in the country,’<sup>130</sup> and indeed, through Article 40 it promotes universal citizenship and through Article 41 the right to asylum.<sup>131</sup> In this way, the Constitution invokes the ‘Cartagena spirit.’ However, despite these articles, the right to asylum was severely limited in 2012 through Executive Decree 1182. In an open letter to Correa in June 2013, Human Rights Watch stated that the Decree violated not only the Constitution, but ‘basic rights of refugees provided for by international law.’<sup>132</sup> Furthermore, in July 2016, 149 Cubans were detained and 75 were sent back to Cuba without due process.<sup>133</sup> This is a clear violation of Article 40 in which ‘no human being will be identified or considered illegal for his migration status.’<sup>134</sup> Throughout Correa’s presidency, the rights enshrined to immigrants in the Constitution were not delivered. This chapter seeks to answer why the Constitution failed to such an extent.

The main criticism levelled against the Constitution is its role in facilitating a hyper-presidential regime.<sup>135</sup> Rubén Martínez Dalmau, a professor of constitutional law who was involved in the drafting of the Ecuadorian Constitution, argues in an article published in 2016 that the criticism that the Constitution increased the power of the president at the expense of

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<sup>130</sup> Ramirez Gallegos, "Migration Policy", 175.

<sup>131</sup> Article 41 of the Constitution reads: ‘Their rights to asylum and sanctuary are recognized, in accordance with the law and international human rights instruments. Persons who have been granted asylum or sanctuary shall benefit from special protection guaranteeing the full exercise of their rights. The State shall respect and guarantee the principle of non-return, in addition to humanitarian and legal emergency assistance. Persons requesting asylum or sanctuary shall not be penalized or prosecuted for having entered the country or for remaining in a situation of irregularity. The State, in exceptional cases and when the circumstances justify it, shall recognize the refugee status of a collective group, in accordance with the law.’ "Constitucion Politica del Ecuador," Republica De Ecuador, October 20, 2008, accessed April 16, 2019, [https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion\\_2008.pdf](https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion_2008.pdf).

<sup>132</sup> "Letter to President Correa on Refugee Rights," *Human Rights Watch*, June 20, 2013, accessed July 03, 2019, [https://www.hrw.org/news/2013/06/20/letter-president-correa-refugee-rights#\\_ftn1](https://www.hrw.org/news/2013/06/20/letter-president-correa-refugee-rights#_ftn1).

<sup>133</sup> José Miguel Vivanco, "Expulsión Masiva De Cubanos De Ecuador," *El Pais*, July 14, 2016, accessed June 19, 2019, [https://elpais.com/internacional/2016/07/15/america/1468542277\\_859159.html](https://elpais.com/internacional/2016/07/15/america/1468542277_859159.html).

<sup>134</sup> Article 40, "Constitucion Politica del Ecuador," Republica De Ecuador, October 20, 2008, accessed April 16, 2019, [https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion\\_2008.pdf](https://www.cancilleria.gob.ec/wpcontent/uploads/2013/06/constitucion_2008.pdf).

<sup>135</sup> Hyper-presidentialism can be defined as a system with limited checks and balances on the influence of the President. See Susan Rose-Ackerman, Diane A. Desierto, and Natalia Volosin, "Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines," *Berkeley Journal of International Law* 29, no. 1 (2011), 246-333.

other institutions is ‘difficult to sustain.’<sup>136</sup> He states that the hyper-presidentialist aspect ignores three circumstances: that many of the duties of the president in the Constitution are typical to executives; the Constitution includes mechanisms to control all operations that were not contained within the previous Constitution; and finally, that the ‘creation of the Office of Transparency and Social Control to control all the activities of the state and promote participation is designed to establish a greater base of social legitimacy in public decision making and to maintain constant citizen monitoring of all government activity.’<sup>137</sup> This thesis argues that this argument is deeply flawed, as it does not include evidence from the way in which the articles in the Constitution have been applied since its consecration until the time of publication. Moreover, a justification based on comparison to ‘various systems’ does not demonstrate that the Constitution does not facilitate hyper-presidentialism, only that it does not do so more than other constitutions.

The Constitution was hyper-presidentialist in the way that it ‘strengthened the executive branch, allowed for presidential re-election for another term of four years and subjugated the legislative branch placing restrictions on its oversight powers.’<sup>138</sup> Article 138 accorded the executive branch ‘with the prerogative to wield a total or partial veto on legislation approved by the Assembly, as well as the power to modify approved legislation.’<sup>139</sup> Although Martínez Dalmau concedes that there existed a ‘distance between enforcement of the Constitution and its original spirit’,<sup>140</sup> the hyper-presidentialism facilitated by the Constitution fundamentally affected immigration and asylum policymaking.

One of these problems is the ‘lack of comprehensive reform on a legislative level.’ Up until the last weeks of Correa’s presidency, migration law was governed by an outdated law from 1971, when Ecuador was ruled by the military dictatorship of José María Velasco Ibarra.<sup>141</sup> The law criminalised migrants in an irregular situation and provided no regulation mechanisms, meaning that the ‘populist liberal migration rhetoric’ of the 2008 Constitution was hindered by the outdated migration framework which governed it.<sup>142</sup> In 2013, there were an estimated 90,000 Colombians residing in Ecuador with rejected asylum applications, and

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<sup>136</sup> Rubén Martínez Dalmau, "Democratic Constitutionalism and Constitutional Innovation in Ecuador," *Latin American Perspectives* 43, no. 1 (2015), 167.

<sup>137</sup> *Ibid.*, 167.

<sup>138</sup> De La Torre and Ortiz Lemos, "Populist Polarization", 225.

<sup>139</sup> Sanchez-Sibony, "Competitive Authoritarianism", 68.

<sup>140</sup> Dalmau, "Democratic Constitutionalism", 163.

<sup>141</sup> Luisa Feline Freier, "Open Doors (for Almost All): Visa Policies and Ethnic Selectivity in Ecuador," *Center for Comparative Immigration Studies*, no. 188 (May 2013), 7.

<sup>142</sup> Acosta Arcarazo and Luisa Feline Freier, "Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America," *International Migration Review* 49, no. 3 (2015), 677-680.

therefore in an irregular situation, and this law rendered Article 40 futile because despite the Constitution, migrants in an irregular situation continued to be criminalised.<sup>143</sup> The gap between Correa's migration rhetoric and the actual immigration policymaking was described by a member of an Ecuadorian NGO as 'schizophrenia' in that the Constitution is progressive in its recognition of the rights of the migrant, however 'these very elevated constitutional parameters [...] were never processed at the government level.'<sup>144</sup>

The Constitution 'enhanced the constitutional powers of the executive branch vis-à-vis the legislative branch.'<sup>145</sup> This allowed Correa to 'restructure the Supreme Court in 2009 and again in 2011' and pack 'all institutions of control and accountability with people loyal to himself.'<sup>146</sup> Correa submitted 'virtually the entire justice system (alongside other institutions of horizontal accountability) to the writ of the executive.'<sup>147</sup> In 2017 Freedom House, an NGO that promotes democracy, ranked Ecuador in the top 20 countries where civil and political liberties had declined the most since 2007.<sup>148</sup> This thesis therefore disagrees with the argument of Rubén Martínez Dalmau, as the Constitution was in fact institutionally weak by design, making it easy for Correa as agenda setter to overrule. The constant elections maintained a façade of participatory democracy, however the migratory values in Article 40 and 41 were not enforced. This can most clearly be seen through the issue of executive Decree 1182, which dramatically restricted access to asylum in Ecuador.<sup>149</sup>

## **Bilateral Relations with Colombia**

In 2013, the MREMH announced that 98 percent of refugees in Ecuador were Colombian.<sup>150</sup> The relations between Ecuador and Colombia will be analysed to show the relationship between bilateral relations and immigration and asylum policymaking. Rebecca Hamlin, an American scholar of law and immigration policy, considered bilateral relations in her study of

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<sup>143</sup> Acosta Arcarazo and Feline Freier, "Turning the Immigration Policy Paradox Upside Down?", 677.

<sup>144</sup> Feline Freier, "Open Doors (for Almost All)", 7.

<sup>145</sup> De La Torre and Ortiz Lemos, "Populist Polarization", 225-226.

<sup>146</sup> Sanchez-Sibony, "Competitive Authoritarianism", 66.

<sup>147</sup> *Ibid.*, 77.

<sup>148</sup> *Ibid.*, 82. Arch Puddington and Tyler Roylance, "Freedom in the World 2017: Populists and Autocrats: The Dual Threat to Global Democracy," *Freedom House*, 2017, accessed June 20, 2019, [https://freedomhouse.org/sites/default/files/FH\\_FIW\\_2017\\_Report\\_Final.pdf](https://freedomhouse.org/sites/default/files/FH_FIW_2017_Report_Final.pdf). 10.

<sup>149</sup> It is beyond the scope of this thesis to consider the opposition to policies including Executive Decree 1182, but the main opposition came from Human Rights Watch and Asylum Access Ecuador: "Ecuador: Amicus Brief Challenges Refugee Decree," *Human Rights Watch*, April 16, 2014, accessed June 16, 2019, <https://www.hrw.org/news/2014/06/16/ecuador-amicus-brief-challenges-refugee-decree>.

<sup>150</sup> 'Colombia recone públicamente apoyo de Ecuador a refugiados colombianos', Ministerio de Relaciones Exteriores y Movilidad Humana, June 27, 2013, accessed June 19, 2019, <https://www.cancilleria.gob.ec/colombia-reconoce-publicamente-apoyo-de-ecuador-a-refugiados-colombianos/>.

American asylum policy. She highlights the link between the end of the Cold War and the relaxing of American asylum policy as anti-communism became less important, fundamentally changing the U.S. policy towards Cuban asylum seekers. Despite this consideration of bilateral relations, Hamlin contends that this change in U.S. asylum policy can be understood with only a consideration of domestic factors that do not include bilateral relations because that anti-asylum sentiment had been brewing in the U.S. before the end of the Cold War. This thesis argues that a consideration of bilateral relations is essential in explaining immigration and asylum policy, and although this was not the argument sustained by Hamlin, her example of U.S. asylum policy towards Cubans is useful for understanding the case of Ecuador with regards to Colombian asylum seekers.<sup>151</sup> Throughout the three decades preceding the collapse of the Soviet Union and the end of the Cold War, thousands of Cubans had attempted to flee their country by crossing to Florida in boats and rafts. While Haitians had always been turned away, consecutive presidents had used their executive powers to permit Cuban asylum-seekers to enter the country, and by doing so sent a ‘clear message of condemnation to the Cuban leader Fidel Castro.’<sup>152</sup> But the policy changed in 1994, and instead of welcoming the Cubans, Clinton utilised the U.S. Coast Guard.<sup>153</sup> The threat of Communism had diminished, and so asylum was no longer needed as a tool to send a political message.

In the case of Ecuador, Correa’s relations with Colombia had a very precarious beginning. On 1<sup>st</sup> March 2008, acting on intelligence that the FARC was operating on the Colombia-Ecuador border, the Colombian army launched ‘Operation Phoenix’ in Angostura, Ecuador. The raid killed Raul Reyes, second-in-command of the FARC, as well as 20 other members.<sup>154</sup> Relations between Correa and Colombian president Álvaro Uribe deteriorated; Correa broke diplomatic relations with Bogotá and when the two leaders met at the Rio Summit held in Santa Domingo, Dominican Republic on the 7<sup>th</sup> March, it was a tense meeting. Correa warned Dominicans to be careful because if “Uribe believes that there is another Raul Reyes in the Dominican Republic, he will come with bombs.” Although Uribe acknowledged that the bombing took place in Ecuador, he claimed that the bombs came from Colombian airspace and aircraft could have been detected by Ecuador. Despite acknowledging this violation of

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<sup>151</sup> Rebecca Hamlin, "Illegal Refugees: Competing Policy Ideas and the Rise of the Regime of Deterrence in American Asylum Politics," *Refugee Survey Quarterly* 31, no. 2 (2012), 33.

<sup>152</sup> *Ibid.*, 33.

<sup>153</sup> *Ibid.*, 33.

<sup>154</sup> ‘Patrick Markey, "Colombia Says Top FARC Commander Killed in Combat," *Reuters*, March 01, 2008, accessed June 20, 2019, <http://www.reuters.com/article/us-colombia-rebel/colombia-says-top-farc-commander-killed-in-combat-idUSN0122624520080301>.

sovereignty, he stated that Colombian sovereignty was being breached by the FARC targeting Colombian citizens from another country.<sup>155</sup> The following year, in April 2009, having hinted multiple times, Uribe accused Correa of lacking the will to normalise bilateral relations and also, that Correa was responsible for interfering in operations against the FARC.<sup>156</sup>

Using the idea expressed by Hamlin above, that bilateral relations have a direct impact on asylum policies of receiving countries because asylum can be used as political tool to send a message of contempt to an administration or regime. David Cantor notes that Ecuador hosted many Colombians fleeing the armed conflict in the 1990s and 2000s without employing stringent asylum laws and policies. He argues that ‘Colombian refugees in Ecuador and Venezuela were received with an effectively ‘open door’ policy due to the tense relations between those two states and Colombia on the international stage.’<sup>157</sup> Cantor links the ‘improved bilateral relationship between Colombia and Ecuador’ since 2008 with the increasing reluctance of the Ecuadorian executive to remain ‘willing to ignore growing official unease and public ill-will towards Colombian refugees, and thus to enact increasingly illiberal laws to send a message of deterrence,’<sup>158</sup> However, this thesis only agrees partially with Cantor’s argument, as it has been demonstrated that bilateral relations between Ecuador and Colombia in 2008 were in fact very strained after Operation Phoenix. Furthermore, the delegative democracy that Correa constructed rendered both internal political discord and popular opinion not unimportant, but certainly less significant than in other regime types. Ecuador was indeed restricting its asylum policy towards Colombians based on changing bilateral relations, but it was not due to a consideration of public will, or dissenting opinions within the government, but a reaction to the changing relationship between the two neighbouring countries.

Although Colombia and Ecuador took steps to improve their bilateral relations in October 2009 after the fallout generated by Operation Phoenix, it was not until the end of 2011 that the two countries formally strengthened their bilateral relations, this time with Juan Manuel Santos as Colombian president, and acknowledged the strained relationship that had followed

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<sup>155</sup> “Uribe Y Correa Se Cruzan Graves Acusaciones Tras Un Tenso Debate En La Cumbre Del Grupo De Río,” *La Vanguardia*, March 07, 2008, accessed June 20, 2019, <https://www.lavanguardia.com/internacional/20080307/53442844671/uribe-y-correa-se-cruzan-graves-acusaciones-tras-un-tenso-debate-en-la-cumbre-del-grupo-de-rio.html>.

<sup>156</sup> Malamud and García-Calvo, “Ecuador’s Foreign Policy”, 3.

<sup>157</sup> Cantor, “Bucking the Trend?”, 205.

<sup>158</sup> *Ibid.*, 205.

the bombing.<sup>159</sup> In December 2011, Correa stated that “there was never a distancing between the two peoples, brothers with a common past and future. Not only are bilateral relations fully strengthened, but this is their best moment.” In December 2011, the two leaders signed a ‘Joint Declaration on security, migration, transportation, energy, refuge, border integration and trade issues.’<sup>160</sup> Only five months after this promise to strengthen bilateral relations, on 30<sup>th</sup> May 2012, Correa issued Executive Decree 1182. Ricardo Patiño announced on 6<sup>th</sup> January 2012 that on in May of that year Ecuador and Colombia would meet for the first binational cabinet meeting “to discuss progress on different issues such as the road axes, the geothermal project, the binational border centres, the fight against integral mining, the attention to Colombians refugees, among others.”<sup>161</sup> As the relations between Ecuador and Colombia improved, access to asylum became increasingly restricted

There are more reasons beyond just the improvement of bilateral relations. There was genuine concern in the MREMH that there were too many asylum applications. At the end of 2012, despite the introduction of Executive Decree 1182, the MREMH announced that 12,000 people, 98.5 percent of them Colombian, had applied for asylum during 2012. It states that approximately 162,000 people have applied for asylum in the last decade, and that around 35 percent of this population has received refugee status, going on to define refugee with the definition from the 1951 Convention and 1967 Protocol, and not the expanded definition of refugee that was removed through the Decree. The statement concludes with the request for ‘greater cooperation from the international community to assist refugees in its territory, under the principle of ‘shared responsibility’<sup>162</sup> Although Ecuador does indeed host the greatest number of refugees in Latin America, it did not regularise the MERCOSUR residence agreement until April 2014, which provided a regional mechanism to share the responsibility of regional migration. It is notable that despite the regional institutions designed to foster increased regional integration, the breakdown of the relationship between Ecuador and

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<sup>159</sup> ‘Las comisiones para el diálogo entre Ecuador y Colombia se establecieron’, Ministerio de Relaciones Exteriores y Movilidad Humana, October 9, 2009, accessed June 19, 2019, <https://www.cancilleria.gob.ec/las-comisiones-para-el-dialogo-entre-ecuador-y-colombia-se-establecieron/>. And “Colombia Y Ecuador Sostendrán Primer Gabinete Binacional Para Tratar Frontera,” *El Comercio*, December 10, 2012, accessed June 18, 2019, <https://www.elcomercio.com/actualidad/politica/colombia-y-ecuador-sostendran-primer.html>.

<sup>160</sup> ‘Ecuador y Colombia se comprometen a fortalecer la agenda bilateral’, 19th December 2011, MREMH, <https://www.cancilleria.gob.ec/ecuador-y-colombia-se-comprometen-a-fortalecer-la-agenda-bilateral/> (accessed 20/06/19).

<sup>161</sup> ‘Ecuador y Colombia realizarán gabinete binacional en mayo’, Ministerio de Relaciones Exteriores y Movilidad Humana, January 6, 2012, accessed June 19, 2019, <https://www.cancilleria.gob.ec/ecuador-y-colombia-realizaran-gabinete-binacional-en-mayo/>.

<sup>162</sup> ‘12.000 personas solicitaron refugio en Ecuador en el 2012’, Ministerio de Relaciones Exteriores y Movilidad Humana, December 28, 2012, accessed June 20, 2019, <https://www.cancilleria.gob.ec/12-000-personas-solicitaron-refugio-en-ecuador-en-el-2012/>.



Colombia, as well as its recovery, happened on a bilateral basis. The limitations of regional institutions presented in Chapter 2 are reinforced by the fact that no regional institution was able to overcome the strength of Correa's will to implement immigration and asylum policies for the 1.5-2 million Ecuadorians who had moved abroad, as those votes were essential to his re-election.<sup>163</sup>

### **The Principle of Reciprocity**

The greatest incentive for Correa to include such a focus on migratory rights in the Constitution was the large proportion of Ecuadorians who had moved abroad during two separate waves of economic crisis. The first wave was in the early 1980s when oil prices collapsed and Ecuador, like many other countries, experienced a debt crisis. The second wave departed at the end 1990s/early 2000s and was caused by a collapse in the price of oil, heavy flooding and fiscal mismanagement. These migrants went to Spain, the U.S. and Italy, further undermining the importance of regional institutions in policymaking.<sup>164</sup> These episodes of mass migration had a profound effect on Ecuador: remittances became one of the largest source of income, second only to oil.<sup>165</sup> Almost all Ecuadorians have a family member or friend who has moved abroad.<sup>166</sup> Correa appealed heavily to Ecuadorians living abroad during his election campaigns. In 2008, the Ecuadorian Foreign Ministry published a letter, signed by Correa, inviting Ecuadorian migrants to return home. In the same letter, he expressed sorrow for the policies of his predecessors which forced them to leave, and also criticised the immigration policies of 'northern receiving countries.' He used the letter to boast his own immigration policies, declaring that as Ecuador 'demands rights for its citizens abroad', it 'promotes these same rights for immigrants in Ecuador.'<sup>167</sup> In this way, Correa showed that he claimed to follow the principle of reciprocity with regards to immigration policy. The problem was that his fellow world leaders were not prepared to follow suit, and nor was he prepared to honour this commitment at home.

Ecuadorians abroad participated in voting in elections and referendums from their host countries. In 2007, Consulates around the world prepared for Ecuadorian emigrants to vote in

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<sup>163</sup> Jokisch, "Ecuador: Diversity in Migration".

<sup>164</sup> *Ibid.*

<sup>165</sup> Ursula B. Wagner, "Sovereignty and Irregular Migration: The Dynamics of Irregular Movement through Colombia and Ecuador," *New Issues in Refugee Research: Research Paper*, no. 256 (July 2013): <https://www.unhcr.org/research/working/51efd7909/sovereignty-irregular-migration-dynamics-irregular-movement-colombia-ecuador.html>, 10.

<sup>166</sup> *Ibid.*, 10.

<sup>167</sup> Acosta Arcarazo and Feline Freier, "Turning the Immigration Policy Paradox Upside Down?", 670.

the elections for the members of the Constitutional Assembly who were then to draft the Ecuadorian Constitution.<sup>168</sup> Once again, in 2013, the MREMH announced that more than 280,000 Ecuadorians had registered to vote abroad for the elections of the president and Vice-President.<sup>169</sup> When Correa was re-elected on 17<sup>th</sup> February 2013, the MREMH noted the ‘high participation of migrants’ who voted, and the following day Ricardo Patiño proclaimed that this high participation of migrants was a reflection of the attention that the Ecuadorian government had given them.<sup>170</sup> In the U.S., out of 67,563 voters, 65.7 percent voted for Alianza PAÍS. In Spain, support for Correa was even more potent, with Alianza PAÍS receiving 84.8 percent of the vote from 136,079 voters.<sup>171</sup>

Although the official reason from the Ecuadorian Foreign Ministry behind the implementation of universal visa freedom to Ecuador was to apply the principle of universal citizenship as contained within the Constitution, as well as boost tourism, Feline Freier argues that both of these justifications are doubtful.<sup>172</sup> Ecuador already had visa waivers in place for almost all Organisation for Economic Cooperation and Development (OECD) countries, most European countries and all South American countries, where almost all tourism came from.<sup>173</sup> It is unlikely that the Ecuadorian government expected a considerable amount of tourism to stem from the citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan and Somalia, who were required in 2010 to have a visa to enter Ecuador.<sup>174</sup> Freier argues that ultimately the implementation of visa free travel to Ecuador was not related to economic considerations linked to tourism and only loosely connected to the ideal of universal citizenship as part of the Constitution. ‘The policy was a single-handed, spontaneous decision by Correa in the context of the populist utilisation of the topic of international migration in his

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<sup>168</sup> ‘Cancillería informa que consulados Ecuatorianos se encuentran preparados para asumir el proceso del voto en el exterior’, Ministerio de Relaciones Exteriores y Movilidad Humana, September 19, 2007, accessed June 19, 2019, <https://www.cancilleria.gob.ec/cancilleria-informa-que-consulados-ecuatorianos-se-encuentran-preparados-para-asumir-el-proceso-del-voto-en-el-externo-2/>.

<sup>169</sup> ‘Mas de 280 mil ecuatorianos se registraron para sufragar en el exterior’, Ministerio de Relaciones Exteriores y Movilidad Humana, February 14, 2013, accessed June 19, 2019, <https://www.cancilleria.gob.ec/mas-de-280-mil-ecuadorianos-se-registraron-para-sufragar-en-el-externo/>.

<sup>170</sup> “‘El Voto y la participación de los migrantes es una muestra de respaldo al trabajo de la Revolución Ciudadana’: Canciller Ricardo Patiño”, Ministerio de Relaciones Exteriores y Movilidad Humana, February 18, 2013, accessed June 19, 2019, <https://www.cancilleria.gob.ec/el-voto-y-la-participacion-de-los-migrantes-es-una-muestra-de-respaldo-al-trabajo-de-la-revolucion-ciudadana-canciller-ricardo-patino/>.

<sup>171</sup> “Resultados Electorales,” Consejo Nacional Electoral, accessed July 07, 2019, [https://app03.cne.gob.ec/EstadisticaCNE/Ambito/Resultados/Resultado\\_Electoral.aspx](https://app03.cne.gob.ec/EstadisticaCNE/Ambito/Resultados/Resultado_Electoral.aspx).

<sup>172</sup> Feline Freier, “Open Doors (for Almost All)”, 6.

<sup>173</sup> *Ibid.*, 6.

<sup>174</sup> Acosta Arcarazo and Feline Freier, “Turning the Immigration Policy Paradox Upside Down?”, 683. And Feline Freier, “Open Doors (for Almost All)”, 6.

presidential campaign.<sup>175</sup> This thesis agrees that the rights of migrants became a ‘topic of economic and electoral importance’ because of the estimated ten to fifteen percent of the Ecuadorian population who had themselves migrated since 1980.<sup>176</sup>

Similarly, in the U.S. the MREMH published a form of ‘plea’ to the U.S. while the new Immigration Reform was being debated in July 2013. The MREMH cited Article 40 of the Constitution, stating that Ecuador does not ‘identify or consider any human being as illegal because of his/her migratory status, and it stipulates the development of actions for the exercise of the rights of Ecuadorians abroad, regardless of their immigration status.’ It concluded by stating that Ecuador ‘has an enormous commitment to the migrant community, and for this reason it carries out the International Campaign ‘We Are All Migrants’, which promotes respect for the rights of people in human mobility.’<sup>177</sup> However, it appeared that protection of migrants’ rights was maintained only outside the territorial boundary of Ecuador. When the MREMH published this in July 2013, citing Article 40 of the Constitution, Executive Decree 1182 had not yet been ruled partially unconstitutional, and many Colombians and Peruvians were forced into an irregular situation by the way in which this Decree compromised Article 40.<sup>178</sup> Therefore, my analysis shows that emigration greatly encouraged the inclusion of the right to migrate in the Constitution, but this right was maintained more in rhetoric than in practice within Ecuador’s borders. The rights contained within the Constitution were included in the hope that Ecuadorians abroad would benefit from them through the principle of reciprocity, and in turn vote for Correa.

## Conclusions

This thesis has argued that the regime of delegative democracy pursued by Correa harnessed enough power in the executive to warrant Correa’s presidency ‘hyper-presidential.’ He was the agenda setter of the Ecuadorian executive, surrounded by his supporters, resulting in a weak constellation of veto players with no opposition that posed a real threat to his leadership. Immigration and asylum policy was ultimately determined by the executive branch on a bilateral basis, not through regional and international institutions as Chapter 3 demonstrated.

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<sup>175</sup> Feline Freier, "Open Doors (for Almost All)", 6

<sup>176</sup> Feline Freier, "Open Doors (for Almost All)", 6. And Jokisch, "Ecuador: Diversity in Migration".

<sup>177</sup> ‘Ecuador apoya una regularización amplia y justa de millones de migrantes en Estados Unidos’, Ministerio de Relaciones Exteriores y Movilidad Humana, July 15, 2013, accessed June 19, 2019, <https://www.cancilleria.gob.ec/ecuador-apoya-una-regularizacion-amplia-y-justa-de-millones-de-migrantes-en-estados-unidos/>.

<sup>178</sup> "Landmark Victory for Refugee Rights in Ecuador," *Asylum Access*, May 5, 2015, accessed July 07, 2019, <https://asylumaccess.org/landmark-victory-for-refugee-rights-in-ecuador/>.

Ultimately, the progressive protection offered to migrants in the Constitution was invoked only for the millions of Ecuadorians living abroad in the hope that the principle of reciprocity would result in the better treatment of emigrants. Moreover, Rafael Correa would benefit from this protection extended to Ecuadorians outside the country because they could vote, and therefore helped him maintain the presidency. The fact that protection for immigrants entering Ecuador was constantly undermined throughout his presidency, including to asylum seekers, shows that Article 40 and 41 were never intended to protect migrants entering Ecuador: the reintroduction of visas in 2010 directly violating the concept of universal citizenship, Executive Decree 1182, and the forced expulsion of Cubans in 2016 without allowing them access to even the process of applying for a regular status are just some examples of this.

Although the lack of development on a legal level through the pervasiveness of the 1971 immigration law was a factor in immigration and asylum policymaking, ‘protection [of refugees] is above all a mind-set and a reflection of political will.’<sup>179</sup> Had Correa wanted to introduce the 2017 Organic Law of Human Mobility sooner, he could have. This chapter has shown that as the agenda setter, his bills were passed at much higher rate than applicants from other areas of government and society.<sup>180</sup> Improved bilateral relations with Colombia reduced Correa’s inclination to accept Colombian migrants and resulted in increasingly restrictive and unconstitutional immigration and asylum policies. The discursive gap that can be seen between what was written in the Constitution, as well as what was said by Correa and Patiño as his Foreign Minister, and the policies that were created can be understood better by acknowledging that Correa’s focus ultimately lay with not with the immigrants, but the emigrants.

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<sup>179</sup> Reed-Hurtado, "The Cartagena Declaration on Refugees", 32.

<sup>180</sup> "Organic Law on Human Mobility," UNHCR, February 06, 2017, accessed June 21, 2019, <https://www.refworld.org/pdfid/5bc70a384.pdf>.

## Conclusion

This thesis has analysed various international and domestic institutions to ascertain why Ecuador's immigration and asylum policy was unstable during the presidency of Rafael Correa between 2007 and 2017. Using official statements and press releases published by the MREMH throughout Correa's ten-year presidency, it has employed a neo-institutional theoretical framework to consider the increased regional integration that can be seen in Latin America since the beginning of the 21st century, and the complex relationship that Correa had with many of these regional institutions, as well as the structure of Ecuadorian domestic institutions and their influence on immigration and asylum policymaking.

The climate of regionalism extended well into Correa's presidency and was part of the reason that the regional institutions were unable to either implement a regional migration policy or influence national immigration and asylum policymaking. Latin America was so saturated with regional organisations with conflicting aims and allegiances that it was impossible to adopt the migration policy of just one. Furthermore, none of the regional institutions considered by this thesis appeared to consider the movement of people a priority; instead they were more concerned with political and economic policies. The conflicting allegiances of the members to the U.S. further limited these institutions. The greatest influence yielded by a regional institution on Ecuadorian immigration and asylum policymaking was the OAS, as the fundamental lack of cooperation between the two entities helped encourage a divergence in policy and the abandonment of the principles of the Cartagena Declaration in 2012 through Executive Decree 1182.

Instead, my analysis has shown that despite the climate of regionalism in Latin America, immigration and asylum policy in Ecuador was conducted by the executive branch on a bilateral basis. Motivated by the voting power of emigrant Ecuadorians, Correa included the concept of Universal Citizenship in the 2008 Constitution. Correa was able to pick and choose who benefitted from Articles 40 and 41 because power was harnessed in the executive branch. Added to this, improved bilateral relations with Colombia, the country sending the largest number of migrants, asylum seekers and refugees to Ecuador, resulted in increasingly restrictive and unconstitutional immigration and asylum policies.

The sources considered in this thesis only refer to one part of the Ecuadorian government: the MREMH. The rapid institutionalisation of the Ecuadorian government under Correa has complicated the effort to ensure that all relevant publications are considered, as this ministry had various names and divisions throughout his presidency. Furthermore, despite the

assurances of transparency from the Ecuadorian government, all sources published online are ultimately at the discretion of the government itself, limiting the reliability of the source analysis. Without conducting interviews with officials in the government at the time, it is impossible to confirm that these sources represent the entire situation. Unfortunately, all requests by the author for interviews with Correa and Patiño were unanswered.

Furthermore, beyond a brief consideration of the voting patterns of Ecuadorians abroad the sources do not allow for an analysis of public opinion in Ecuador. This is not to say that public opinion yielded no influence on immigration and asylum policymaking, and it is not forgotten that this electorate voted for Correa three times. However, it is hoped that the consideration of the type of regime that Correa created, in which power was concentrated in the executive, has justified this approach as the most compelling way to answer this question. The executive branch of the Ecuadorian government today is of course very different; Lenín Moreno Garcés has been President of Ecuador since May 2017, having been nominated by Rafael Correa as the candidate for Alianza PAÍS in October 2016.

Neo-institutionalist approaches such as international institutionalism and rational choice institutionalism are often criticised ‘precisely for its lack of testability or predictive power.’ Boswell argues that ‘it is a pattern theory, which can at best help us to delineate the structures that shaped policy outcomes in past instances; we must abandon expectations of a predictive model based on generalized laws about human behaviour.’<sup>181</sup> This thesis agrees that other theoretical frameworks, such as neo-realism, would most likely yield more testable results.

However, the arguments presented in this thesis are useful for further research on immigration and asylum policymaking. The relationship between increased multilateralism and immigration and asylum policies is a global issue, and the institutional approach taken in this thesis could easily be applied to other regions with an ever growing number of regional institutions. Moreover, the principle of reciprocity and the role of bilateral relations present a model which should be tested as a factor in other analyses of immigration and asylum policymaking. Although it is true that the exact circumstances analysed in this thesis are very specific to Ecuador during the presidency of Correa, the ‘trade-off between theoretical neatness and complexity of explanation of social phenomena’ should not stand in the way of a much

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<sup>181</sup> Boswell, "Theorizing Migration Policy", 76.

needed analysis of the state hosting the greatest number of refugees in Latin America, which has so far been lacking.<sup>182</sup>

In this way, this thesis has demonstrated the importance of studying immigration and asylum policymaking under the rule of one leader, showing the instability of policies even without the variable of leadership change, facilitating a closer analysis of factors that inform policymaking. Other states that would benefit from an in-depth single-country analysis are Venezuela during the Presidency of Hugo Chávez 1999-2013, Evo Morales, President of Bolivia 2006-present, and Álvaro Uribe Vélez and Juan Manuel Santos Calderón of Colombia, 2002-2010 and 2010-2018 respectively.

Furthermore, the regional mass migration in Latin America shows no sign of abating. A new regional emergency in the form of a socio-economic and political crisis in Venezuela has generated the mass migration of millions of Venezuelans and reiterates the need for further study of immigration and asylum policy in the region, including in Ecuador under Lenín Moreno. The end of the Pink Tide in Latin America and the increased move to the right has undoubtedly changed the landscape of Latin American immigration and asylum policy.<sup>183</sup> A temporal comparison of these states under the previous more left-wing governments and these new governments would be an important study of the effect of political ideology and immigration and asylum policymaking, a subject well explored in the U.S and Europe, but not in Latin America.

This thesis has demonstrated that the ‘Cartagena spirit’ as proclaimed by António Guterres certainly had ‘greater existence in rhetoric than in practice’ in the case of Ecuador.<sup>184</sup> The weakness of regional institutions, combined with Correa’s ability to overrule the protection promised to migrants in the Constitution, resulted in an unstable immigration and asylum policy. Protection of migrants is indeed ‘above all a mind-set and a reflection of political will.’<sup>185</sup> Unfortunately, this was not a mind-set always possessed by Rafael Correa during his Presidency.

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<sup>182</sup> Boswell, "Theorizing Migration Policy", 76.

<sup>183</sup> The ‘Conservative Wave’ is the phenomenon in which an increasing number of Latin American countries elected right-wing leaders since 2010 seen in the election of Mauricio Macri in Argentina in 2015, Michel Temer in Brazil in 2016, Pedro Pablo Kuczynski in 2016 in Peru, Otto Pérez Molina in 2012 in Guatemala and Porfirio Lobo Sosa in 2010 in Honduras to name just a few. The ‘Conservative Wave’ followed the Pink Tide.

<sup>184</sup> Reed-Hurtado, "The Cartagena Declaration on Refugees", 32.

<sup>185</sup> *Ibid.*, 32.

## Bibliography

### Published Primary Sources

"Landmark Victory for Refugee Rights in Ecuador." *Asylum Access*. May 5, 2015. Accessed July 07, 2019. <https://asylumaccess.org/landmark-victory-for-refugee-rights-in-ecuador/>.

"El Universo Verdict Bad Precedent for Free Press in Americas." *Committee to Protect Journalists*. February 16, 2012. Accessed June 19, 2019. <https://cpj.org/2012/02/el-universo-sentence-a-dark-precedent-for-free-pre.php>.

Guterres, António. "57th Lecture of the Americas: "From the Cartagena Declaration to the Brazil Plan of Action: The New Frontiers of Protection in the Americas", António Guterres, *UNHCR*, Washington, D.C., 22 April 2015." UNHCR. April 22, 2015. Accessed February 22, 2019. <https://www.unhcr.org/admin/hcspeeches/553a475c9/57th-lecture-americas-cartagena-declaration-brazil-plan-action-new-frontiers.html>.

"Letter to President Correa on Refugee Rights." *Human Rights Watch*. June 20, 2013. Accessed July 03, 2019. [https://www.hrw.org/news/2013/06/20/letter-president-correa-refugee-rights#\\_ftn1](https://www.hrw.org/news/2013/06/20/letter-president-correa-refugee-rights#_ftn1).

Spindler, William. "UNHCR Ramps up Response as Ecuador Declares Emergency." *UNHCR*. August 10, 2018. Accessed February 25, 2019. <https://www.unhcr.org/news/briefing/2018/8/5b6d4f554/unhcr-ramps-response-ecuador-declares-emergency.html>.

### Publications of the Ecuadorian Ministry of External Relations and Human Mobility

‘Cancillería informa que consulados Ecuatorianos se encuentran preparados para asumir el proceso del voto en el exterior’. Ministerio de Relaciones Exteriores y Movilidad Humana. September 19, 2007. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/cancilleria-informa-que-consulados-ecuatorianos-se-encuentran-preparados-para-asumir-el-proceso-del-voto-en-el-exterior-2/>

‘Las comisiones para el diálogo entre Ecuador y Colombia se establecieron’. Ministerio de Relaciones Exteriores y Movilidad Humana. October 9, 2009. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/las-comisiones-para-el-dialogo-entre-ecuador-y-colombia-se-establecieron/>.

Migrantes Ecuatorianos en España podrán beneficiarse de las prestaciones sociales del país Europeo’. Ministerio de Relaciones Exteriores y Movilidad Humana. December 4, 2009. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/migrantes-ecuatorianos-en-espana-podran-beneficiarse-de-las-prestaciones-sociales-del-pais-europeo/>.

‘Presidente de Ecuador asiste al nacimiento de la CELAC’. Ministerio de Relaciones Exteriores y Movilidad Humana. December 2, 2011. Accessed April 19, 2019. <https://www.cancilleria.gob.ec/presidente-de-ecuador-asiste-al-nacimiento-de-la-celac>.



- ‘Ecuador Rumbo al MERCOSUR’. Ministerio de Relaciones Exteriores y Movilidad Humana. December 20, 2011. Accessed 20 March, 2019. <https://www.cancilleria.gob.ec/ecuador-rumbo-al-mercosur/>.
- Ecuador y Colombia realizarán gabinete binacional en mayo’. Ministerio de Relaciones Exteriores y Movilidad Humana. January 6, 2012. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/ecuador-y-colombia-realizaran-gabinete-binacional-en-mayo/>.
- ‘La ALBA crece y fortalece’. Ministerio de Relaciones Exteriores y Movilidad Humana. February 5, 2012. Accessed March 24, 2019. <https://www.cancilleria.gob.ec/el-alba-crece-y-se-fortalece>.
- ‘Canciller Ecuatoriano y José Miguel Insulza Dialogan Sobre la OEA y sus Instituciones’. Ministerio de Relaciones Exteriores y Movilidad Humana. March 30, 2012. Accessed April 14, 2019. <https://www.cancilleria.gob.ec/canciller-ecuatoriano-y-jose-miguel-insulza-dialogan-sobre-la-oea-y-sus-instituciones>.
- ‘Ecuador desaca logros en materia de refugio en el marco de la Comisión Interamericana de Derechos Humanos’. Ministerio de Relaciones Exteriores y Movilidad Humana. November 8, 2012. Accessed June 7, 2019. <https://www.cancilleria.gob.ec/cancilleria-crea-dos-dependencias-a-favor-de-la-proteccion-a-los-migrantes/>.
- Ecuador ratifica necesidad de reformar OEA y CIDH’. Ministerio de Relaciones Exteriores y Movilidad Humana. November 28, 2012. Accessed May 8, 2019. <https://www.cancilleria.gob.ec/ecuador-ratifica-necesidad-de-reformar-oea-y-cidh>.
- 12.000 personas solicitaron refugio en Ecuador en el 2012’. Ministerio de Relaciones Exteriores y Movilidad Humana. December 28, 2012. Accessed June 20, 2019. <https://www.cancilleria.gob.ec/12-000-personas-solicitaron-refugio-en-ecuador-en-el-2012/>.
- ‘Mas de 280 mil ecuatorianos se registraron para sufragar en el exterior’. Ministerio de Relaciones Exteriores y Movilidad Humana. February 14, 2013. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/mas-de-280-mil-ecuadorianos-se-registraron-para-sufragar-en-el-externo/>.
- “‘El Voto y la participación de los migrantes es una muestra de respaldo al trabajo de la Revolución Ciudadana’: Canciller Ricardo Patiño’. Ministerio de Relaciones Exteriores y Movilidad Humana. February 18, 2013. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/el-voto-y-la-participacion-de-los-migrantes-es-una-muestra-de-respaldo-al-trabajo-de-la-revolucion-ciudadana-canciller-ricardo-patino/>.
- ‘Colombia recone públicamente apoyo de Ecuador a refugiados colombianos’. Ministerio de Relaciones Exteriores y Movilidad Humana. June 27, 2013. accessed June 19, 2019. <https://www.cancilleria.gob.ec/colombia-reconoce-publicamente-apoyo-de-ecuador-a-refugiados-colombianos/>.

‘Ecuador apoya una regularización amplia y justa de millones de migrantes en Estados Unidos’. Ministerio de Relaciones Exteriores y Movilidad Humana. July 15, 2013. Accessed June 19, 2019. <https://www.cancilleria.gob.ec/ecuador-apoya-una-regularizacion-amplia-y-justa-de-millones-de-migrantes-en-estados-unidos/>.

‘En Berna se realiza coloquio sobre la influencia de Hugo Chávez en la integración latinoamericana’. March 6, 2014. Accessed May 5, 2019. <https://www.cancilleria.gob.ec/en-berna-se-realiza-coloquio-sobre-la-influencia-de-hugo-chavez-en-la-integracion-latinoamericana>.

‘Ecuador y Colombia contarán con un registro compartido de atenciones en salud’. Ministerio de Salud Pública. 8th August 2014. Accessed July 12th, 2019. <https://www.salud.gob.ec/ecuador-y-colombia-contaran-con-un-registro-compartido-de-atenciones-en-salud/>.

‘Venezuela no está sola’, asegura Canciller Ricardo Patiño’. Ministerio de Relaciones Exteriores y Movilidad Humana. 11th March 2015. accessed May 12th, 2019. <https://www.cancilleria.gob.ec/venezuela-no-esta-sola-asegura-canciller-ricardo-patino/>.

‘Comunicado Oficial’. Ministerio de Relaciones Exteriores y Movilidad Humana. 16th August 2018. Accessed June 7, 2019. <https://www.cancilleria.gob.ec/comunicado-oficial-35>.

‘Declaración de Quito sobre Movilidad Humana de ciudadanos venezolanos en la Región’. Ministerio de Relaciones Exteriores y Movilidad Humana. September 4, 2018. Accessed June 6, 2019. <https://www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region>.

## **Laws, Decrees and International Agreements**

Organization of American States. "Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama." November 22, 1984. Accessed February 19, 2019. [https://www.oas.org/dil/1984\\_cartagena\\_declaration\\_on\\_refugees.pdf](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf).

Decreto N. 3301. “Reglamento para la Aplicación en El Ecuador de Las Normas Contenidas en la Convención de Ginebra De 1951 Sobre el Estatuto de los Refugiados y en su Protocolo De 1967”. Republica de Ecuador. May 6th 1992. Accessed February 22, 2019.

Regional Refugee Instruments & Related. "San José Declaration on Refugees and Displaced Persons." December 07, 1994. Accessed March 24, 2019. <https://www.refworld.org/docid/4a54bc3fd.html>.

Republica De Ecuador. "Ley para el Sufragio de Ecuatorianos en el Exterior." Organization of American States. September 27, 2002. Accessed April 10, 2019. [http://www.oas.org/es/sap/deco/moe/ecuador2007/docs/marco legal/Ecuador-Ley de voto en el exterior.pdf](http://www.oas.org/es/sap/deco/moe/ecuador2007/docs/marco%20legal/Ecuador-Ley%20de%20voto%20en%20el%20exterior.pdf).

Organization of American States. "Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America." November 16, 2004. Accessed March 15, 2019.

[https://www.oas.org/dil/mexico\\_declaration\\_plan\\_of\\_action\\_16nov2004.pdf](https://www.oas.org/dil/mexico_declaration_plan_of_action_16nov2004.pdf).

‘Real Decreto 2393/2004, de 30 de diciembre, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social’. *Kingdom of Spain*. July 2, 2005. Accessed June 20, 2019.

<https://www.boe.es/buscar/act.php?id=BOE-A-2005-323>.

"Constitucion Politica del Ecuador." Republica de Ecuador. October 20, 2008. Accessed April 16, 2019. [https://www.cancilleria.gob.ec/wp-content/uploads/2013/06/constitucion\\_2008.pdf](https://www.cancilleria.gob.ec/wp-content/uploads/2013/06/constitucion_2008.pdf).

"Estatuto De La Ciudadanía Del MERCOSUR." Mercosur. December 16, 2010. Accessed April 16, 2019.

[http://gd.mercosur.int/SAM%5CGestDoc%5Cpubweb.nsf/0EE58286D60DD5170325842E00450E4C/\\$File/DEC\\_064-2010\\_ES\\_Estatuto%20de%20Ciudadania.pdf](http://gd.mercosur.int/SAM%5CGestDoc%5Cpubweb.nsf/0EE58286D60DD5170325842E00450E4C/$File/DEC_064-2010_ES_Estatuto%20de%20Ciudadania.pdf).

Organization of American States. "Brazil Declaration “A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean”." December 03, 2014. Accessed March 23, 2019. <https://www.acnur.org/fileadmin/Documentos/BDL/2014/9865.pdf>.

Samper Pizano, Ernesto. "Comunicado De La Secretaría General de UNASUR." *UNASUR*. January 23, 2017. Accessed April 16, 2019. <http://www.unasursg.org/es/node/1058>.

"Organic Law on Human Mobility." *UNHCR*. February 06, 2017. Accessed June 21, 2019. <https://www.refworld.org/pdfid/5bc70a384.pdf>.

## **Election Results**

"Resultados Electorales." *Consejo Nacional Electoral*. Accessed July 07, 2019.

[https://app03.cne.gob.ec/EstadisticaCNE/Ambito/Resultados/Resultado\\_Electoral.aspx](https://app03.cne.gob.ec/EstadisticaCNE/Ambito/Resultados/Resultado_Electoral.aspx).

Müller, Beat. "Ecuador, 28. September 2008 : Verfassung." *Database and Search Engine for Direct Democracy*. Accessed April 05, 2019.

<https://www.sudd.ch/event.php?lang=en&id=ec012008>.

## **Newspaper Sources**

"Ecuador's Correa: Probe Shows Illegitimate Debt." *Reuters*. February 23, 2008. Accessed April 12, 2019. <https://www.reuters.com/article/us-ecuador-debt/ecuadors-correa-probe-shows-illegitimate-debt-idUSN2362703520080223>.

Markey, Patrick. "Colombia Says Top FARC Commander Killed in Combat." *Reuters*. March 1, 2008. Accessed June 20, 2019. <http://www.reuters.com/article/us-colombia-rebel/colombia-says-top-farc-commander-killed-in-combat-idUSN0122624520080301>.

- "Uribe Y Correa Se Cruzan Graves Acusaciones Tras Un Tenso Debate En La Cumbre Del Grupo De Río." *La Vanguardia*. March 07, 2008. Accessed June 20, 2019. <https://www.lavanguardia.com/internacional/20080307/53442844671/uribe-y-correa-se-cruzan-graves-acusaciones-tras-un-tenso-debate-en-la-cumbre-del-grupo-de-rio.html>.
- Correa Confía En Que La Futura Celac Reemplace Definitivamente a La OEA." *El Tiempo*. June 29, 2011. Accessed April 16, 2019. <https://www.eltiempo.com.ec/noticias/ecuador/4/correa-confia-en-que-la-futura-celac-reemplace-definitivamente-a-la-oea>.
- El Oficialismo Se Filtra En Corte Constitucional, El Más Poderoso Ente De Ecuador." *El Universo*. November 11, 2012. Accessed June 16, 2019. <https://www.eluniverso.com/2012/11/11/1/1355/oficialismo-filtra-mas-poderoso-ente-pais.html>.
- "Rafael Correa Quiere Que La CELAC Reemplace a OEA, a La Que Acusa De Parcial." *El Comercio*. November 22, 2011. Accessed June 07, 2019. <https://www.elcomercio.com/actualidad/politica/rafael-correa-quiere-que-celac.html>.
- "Unasur Realizará Reunión Especial En Caracas." *El Comercio*. November 29, 2011. Accessed June 07, 2019. <https://www.elcomercio.com/actualidad/mundo/unasur-realizara-reunion-especial-caracas.html>.
- Azcui, Mabel. "El Presidente Correa Dice Que La OEA Debe "revolucionarse O Desaparecer"." *El País*. June 04, 2012. Accessed April 16, 2019. [https://elpais.com/internacional/2012/06/05/actualidad/1338851707\\_700894.html](https://elpais.com/internacional/2012/06/05/actualidad/1338851707_700894.html).
- Correa Busca La Creación De Un Sistema Latinoamericano De Naciones." *El Comercio*. November 29, 2011. Accessed June 07, 2019. <https://www.elcomercio.com/actualidad/politica/correa-busca-creacion-de-sistema.html>.
- "De La Isla De Contadora a La CELAC, 30 Años Buscando La Autonomía De EE.UU." *El Comercio*. November 30, 2011. Accessed June 07, 2019. <https://www.elcomercio.com/actualidad/mundo/de-isla-de-contadora-a.html>.
- "Colombia Y Ecuador Sostendrán Primer Gabinete Binacional Para Tratar Frontera." *El Comercio*. December 10, 2012. Accessed June 18, 2019. <https://www.elcomercio.com/actualidad/politica/colombia-y-ecuador-sostendran-primer.html>.
- "Unasur Aprobó Concepto De Ciudadanía Suramericana." *TeleSUR*. December 11, 2014. Accessed April 16, 2019. <https://www.telesurtv.net/news/Unasur-aprobo-concepto-de-ciudadania-suramericana-20141211-0037.html>.
- "La OEA Es "insalvable" Dice El Presidente Rafael Correa." *El Universo*. May 25, 2015. Accessed April 16, 2019. <https://www.eluniverso.com/noticias/2015/05/13/nota/4869571/oea-es-insalvable-dice-presidente-rafael-correa>.

Vivanco, José Miguel. "Expulsión Masiva De Cubanos De Ecuador." *El País*. July 14, 2016. Accessed June 19, 2019. [https://elpais.com/internacional/2016/07/15/america/1468542277\\_859159.html](https://elpais.com/internacional/2016/07/15/america/1468542277_859159.html).

España, Sara. "Ecuador Se Retira De Unasur Y Abre La Puerta a Nuevas Iniciativas De Integración." *El País*. March 14, 2019. Accessed April 16, 2019. [https://elpais.com/internacional/2019/03/14/america/1552524533\\_446745.html](https://elpais.com/internacional/2019/03/14/america/1552524533_446745.html).

Rankin, Jennifer. "Why Populists Could Struggle to Capitalise on EU Elections Success." *The Guardian*. May 28, 2019. Accessed July 11, 2019. <https://www.theguardian.com/politics/2019/may/28/why-populists-could-struggle-to-capitalise-on-eu-elections-success>.

## Secondary Literature

Arcarazo, Diego Acosta, and Andrew Geddes. "Transnational Diffusion or Different Models? Regional Approaches to Migration Governance in the European Union and Mercosur." *European Journal of Migration and Law* 16, no. 1 (2014): 19-44.

Bernal-Meza, Raúl. "Modelos O Esquemas De Integración Y Cooperación En Curso En América Latina (UNASUR, Alianza Del Pacífico, ALBA, CELAC): Una Mirada Panorámica'." *Ibero-Online.de* 12, no. 6 (2013): 1-22. Accessed May 17, 2019. <https://core.ac.uk/download/pdf/79476813.pdf>.

Boswell, Christina. "Theorizing Migration Policy: Is There a Third Way?" *International Migration Review* 41, no. 1 (2007): 75-100.

Cantor, David James, Luisa Feline Freier, Jean-Pierre Gauci, and Pablo Ceriani Cernadas. (eds) *A Liberal Tide?: Immigration and Asylum Law and Policy in Latin America*. London: Institute of Latin American Studies, School of Advanced Study, University of London, 2015.

Cardesa Salzmann, Antonio. "El Desarrollo De Una Libre Circulación De Personas En El Mercosur: Balance Y Perspectivas." *Seminar La Libre Circulación De Personas En Los Sistemas De Integración Económica: Modelos Comparados*, September 28-29, 2011.

Ceriani Cernadas, Pablo. "Ciudadanía, Migraciones Y Libre Circulación En El Mercosur: ¿hacia Un Paradigma Basado En Los Derechos Humanos O La Réplica Del Modelo Excluyente De La Unión Europea?" *Revista De Derecho Migratorio Y Extranjería*, no. 30 (2012): 259-87.

Croissant, Aurel. "Legislative Powers, Veto Players, and the Emergence of Delegative Democracy: A Comparison of Presidentialism in the Philippines and South Korea." *Democratization* 10, no. 3 (2003): 68-98.

Dahl, Robert Alan. *Polyarchy: Participation and Opposition*. New Haven: Yale Univ. Press, 2007.

- Dalmau, Rubén Martínez. "Democratic Constitutionalism and Constitutional Innovation in Ecuador." *Latin American Perspectives* 43, no. 1 (2015): 158-74.
- "Ecuador: Amicus Brief Challenges Refugee Decree." *Human Rights Watch*. April 16, 2014. Accessed June 16, 2019. <https://www.hrw.org/news/2014/06/16/ecuador-amicus-brief-challenges-refugee-decree>.
- Ellner, Steve. "The Distinguishing Features of Latin America's New Left in Power." *Latin American Perspectives* 39, no. 1 (2011): 96-114.
- Esthimer, Marissa. "Protecting the Forcibly Displaced: Latin America's Evolving Refugee and Asylum Framework." *Migration Information Source*. April 13, 2017. Accessed February 16, 2019. [www.migrationpolicy.org/article/protecting-forcibly-displaced-latin-america's-evolving-refugee-and-asylum-framework](http://www.migrationpolicy.org/article/protecting-forcibly-displaced-latin-america's-evolving-refugee-and-asylum-framework).
- "Factbox-Some Facts about Ecuador President Correa." *Reuters*. December 14, 2008. Accessed April 12, 2019. <https://www.reuters.com/article/ecuador-correa-idUSN1126436920091214>.
- Forero, Juan. "Colombians, Fleeing War, Make a Slice of Ecuador Their Own." *UNHCR*. October 17, 2002. Accessed February 25, 2019. <https://www.unhcr.org/afr/news/latest/2002/10/3deb75cb4/colombians-fleeing-war-slice-ecuador-own.html>.
- Freier, Luisa Feline. "Open Doors (for Almost All): Visa Policies and Ethnic Selectivity in Ecuador." *Center for Comparative Immigration Studies*, no. 188 (May 2013): 1-23.
- Hall, Peter A., and Rosemary C. R. Taylor. "Political Science and the Three New Institutionalisms." *Political Studies* 44, no. 5 (December 1996): 936-57.
- Hamlin, Rebecca. "Illegal Refugees: Competing Policy Ideas and the Rise of the Regime of Deterrence in American Asylum Politics." *Refugee Survey Quarterly* 31, no. 2 (2012): 33-53.
- Harley, Tristan. "Regional Cooperation and Refugee Protection in Latin America: A South-South Approach." *International Journal of Refugee Law* 26, no. 1 (2014): 22-47.
- Huang, Cindy, and Kate Gough. "An Escalating Crisis in Venezuela: What Does a Regional Response Look Like, and How Can We Best Support It?" *Center For Global Development*. August 06, 2018. Accessed January 19, 2019. <https://www.cgdev.org/blog/escalating-crisis-venezuela-what-does-regional-response-look-like-how-can-we-best-support-it>.
- "Irregular Migration." *European Commission*. Accessed March 23, 2019. [https://ec.europa.eu/home-affairs/content/irregular-migration-0\\_en](https://ec.europa.eu/home-affairs/content/irregular-migration-0_en).
- Isbester, Katherine. *The Paradox of Democracy in Latin America: Ten Country Studies of Division and Resilience*. Toronto: University of Toronto Press, 2011.

- "Iván Castro Patiño." *Castro Benites*. Accessed June 18, 2019. <http://www.castrobenites.com/?service=ivan-castro-patino>.
- Janetsky, Megan. "Here's Why Colombia Opened Its Arms to Venezuelan Migrants-Until Now." *Foreign Policy*. January 14, 2019. Accessed July 03, 2019. <https://foreignpolicy.com/2019/01/14/heres-why-colombia-opened-its-arms-to-venezuelan-migrants-until-now/>.
- Jokisch, Brad. "Ecuador: Diversity in Migration." *Migration Policy*. February 01, 2007. Accessed April 10, 2019. <https://www.migrationpolicy.org/article/ecuador-diversity-migration>.
- Kennedy, Denis, and Brian Beaton. "Two Steps Forward? Assessing Latin American Regionalism Through CELAC." *Latin American Policy* 7, no. 1 (2016): 52-79.
- "Key Migration Terms." *International Organization for Migration*. June 28, 2019. Accessed July 04, 2019. <https://www.iom.int/key-migration-terms>.
- Krasner, Stephen D. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 6, no. 2 (1982): 185-205.
- Malamud, Andrés, and Gian Luca Gardini. "Has Regionalism Peaked? The Latin American Quagmire and Its Lessons." *The International Spectator* 47, no. 1 (2012): 116-33.
- Malamud, Carlos, and Carola García-Calvo. "Ecuador's Foreign Policy: Presidential Interests and Ideology." *Elcano Royal Institute ARI* 61 (2009): 1-8. [http://www.realinstitutoelcano.org/wps/wcm/connect/cbdc99804f018bacbc18fc3170baead1/ARI61-2009\\_Malamud\\_Garcia-Calvo\\_Ecuador\\_Foreign\\_Policy.pdf?MOD=AJPERES&CACHEID=cbdc99804f018bacbc18fc3170baead1](http://www.realinstitutoelcano.org/wps/wcm/connect/cbdc99804f018bacbc18fc3170baead1/ARI61-2009_Malamud_Garcia-Calvo_Ecuador_Foreign_Policy.pdf?MOD=AJPERES&CACHEID=cbdc99804f018bacbc18fc3170baead1).
- Meyer, John W. *Organizational Environments: Ritual and Rationality*. Newbury Park, CA: Sage, 1993.
- Migration Data Portal. "Irregular Migration." July 01, 2019. Accessed July 03, 2019. <https://migrationdataportal.org/themes/irregular-migration>.
- Modolo, Vanina. "Regional Migratory Policy. The Case of the MERCOSUR Residence (2002-2011)." *Revista Aportes Para La Integración Latinoamericana* 26 (2012): 40-58.
- Natter, Katharina. "Rethinking Immigration Policy Theory beyond 'Western Liberal Democracies'." *Comparative Migration Studies* 6, no. 1 (2018): 1-22.
- O'Donnell, Guillermo A. "Delegative Democracy." *Journal of Democracy* 5, no. 1 (1994): 55-69.
- Orcés, Diana M. "Democratic Values and Public Opinion Toward Immigrants: The Case of Ecuador." *Latin American Politics and Society* 51, no. 4 (2009), 131-55.

- Ortiz Lemos, Andres. "Taking Control of the Public Sphere by Manipulating Civil Society: The Citizen Revolution in Ecuador." *European Review of Latin American and Caribbean Studies | Revista Europea De Estudios Latinoamericanos Y Del Caribe* 98 (2015): 29-48.
- "Our Programs: Ecuador." *Asylum Access*. Accessed July 13, 2019. <https://asylumaccess.org/program/ecuador/>.
- Peters, B. Guy. *Institutional Theory in Political Science: The New Institutionalism*. 3rd ed. London: Bloomsbury, 2011.
- Polga-Hecimovich, John. "Ecuador: Institutional Stability and the Consolidation of Power of Rafael Correa." *Revista De Ciencia Política* 33, no. 1 (2013): 135-60.
- Puddington, Arch, and Tyler Roylance. "Freedom in The World 2017: Populists and Autocrats: The Dual Threat to Global Democracy." *Freedom House*. 2017. Accessed June 20, 2019. [https://freedomhouse.org/sites/default/files/FH\\_FIW\\_2017\\_Report\\_Final.pdf](https://freedomhouse.org/sites/default/files/FH_FIW_2017_Report_Final.pdf).
- Pugh, Jeffrey D. "Negotiating Identity and Belonging through the Invisibility Bargain." *International Migration Review* 52, no. 4 (2018), 978-1010.
- Ramirez Gallegos, Jacques Paul. "Etnografía Del Estado: 'visa Mercosur', Prácticas Burocráticas Y Estatus Migratorio En Ecuador." *Etnografías Contemporáneas* 3, no. 5 (2017): 182-212.
- Ramirez Gallegos, Jacques Paul. "Migration Policy in the New Ecuadorean Constitution." *Latin American Perspectives* 43, no. 1 (2015): 175-86.
- Reed-Hurtado, Michael. "The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America." *Legal and Protection Policy Research Series*. June 2013. Accessed February 16, 2019. <https://www.refworld.org/pdffid/51c801934.pdf>.
- Rho, María Gabriela. "Visiones Políticas Y Perspectivas De Mercosur, CAN Y Unasur En La Construcción De Una Ciudadanía Regional (2002-2016)." *Estudios Fronterizos* 19, no. 15 (2018): 1-21.
- Rose-Ackerman, Susan, Diane A. Desierto, and Natalia Volosin. "Hyper-Presidentialism: Separation of Powers without Checks and Balances in Argentina and the Philippines." *Berkeley Journal of International Law* 29, no. 1 (2011): 246-333.
- Sanchez-Sibony, Omar. "Competitive Authoritarianism in Ecuador under Correa." *Taiwan Journal of Democracy* 14, no. 2, 61-84.
- Scharpf, Fritz Wilhelm. *Games Real Actors Play: Actor-centered Institutionalism in Policy Research*. Boulder, Co: Westview Press, 1997.
- Segovia, Daniela. "Latin America and the Caribbean: Between the OAS and CELAC." *European Review of Latin American and Caribbean Studies | Revista Europea De Estudios Latinoamericanos Y Del Caribe*, no. 95 (2013): 97-107.



- Selçuk, Orçun. "Strong Presidents and Weak Institutions: Populism in Turkey, Venezuela and Ecuador." *Southeast European and Black Sea Studies* 16, no. 4 (2016): 571-89.
- Selee, Andrew, Jessica Bolter, Betilde Muñoz-Pogossian, and Miryam Hazán. "Creativity amid Crisis: Legal Pathways for Venezuelan Migrants in Latin America." *Migration Policy*. May 10, 2019. Accessed February 21, 2019.  
<https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america>.
- "The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis." *Human Rights Watch*. 2018. Accessed January 20, 2019.  
[https://www.hrw.org/sites/default/files/report\\_pdf/venezuela0918\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/venezuela0918_web.pdf).
- Torre, Carlos De La, and Andrés Ortiz Lemos. "Populist Polarization and the Slow Death of Democracy in Ecuador." *Democratization* 23, no. 2 (2015): 221-41.
- Tsebelis, George. *Veto Players: How Political Institutions Work*. Princeton: Princeton University Press, 2002.
- United Nations. "What Is a Refugee?" UNHCR. Accessed March 24, 2019.  
<https://www.unhcr.org/what-is-a-refugee.html>.
- Vásquez, Daniela Ubidia. "La Inconstitucionalidad Parcial Del Decreto 1182 Sobre El Derecho a Solicitar Refugio En El Ecuador: Análisis Y Efectos." *USFQ Law Review* 2, no. 1 (2015): 145-72.
- Wagner, Ursula B. "Sovereignty and Irregular Migration: The Dynamics of Irregular Movement through Colombia and Ecuador." *New Issues in Refugee Research Research Paper*. no. 256 (July 2013)  
<https://www.unhcr.org/research/working/51efd7909/sovereignty-irregular-migration-dynamics-irregular-movement-colombia-ecuador.html>, 1-29.