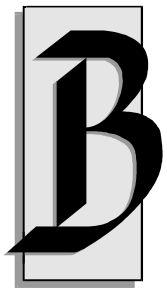

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Internal Displacement in the Americas:

Some Distinctive Features

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Some Distinctive Features

by

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FOREWORD

This timely article deals with a region that has serious problems of internal displacement but also, in many ways, presents a model of response to this global crisis. As the article explains, the Americas account for a relatively small portion of the world's 20 to 25 million internally displaced persons, about ten percent or so, and although the region has witnessed some of the worst cases of displacement, it has also experienced some of the most innovative efforts to address the crisis at both the national and the regional levels.

Since my appointment as Representative of the Secretary-General on Internally Displaced Persons in 1992, I have paid four missions to the region, to El Salvador, Colombia (twice) and Peru. What I found striking on these missions was that, both as a result of internal developments and because of the consciousness-raising associated with the missions, the governments admitted the problem and the need for international cooperation in addressing it. Indeed, the Americas is a region that has been responsive to the visits, dialogue and overall role of my mandate and supportive of the United Nations Guiding Principles on Internal Displacement. At the same time, national efforts have not been sufficient to address the problem. The peace agreement in El Salvador did seek to address the root causes of displacement and the displaced were able to return and be reintegrated. In Colombia, the government acknowledges the ongoing challenge of displacement and seeks cooperation with the international community to address it, but it will take far more will and resources from the government and international community to remedy the situation. Heartening has been the active and constructive role played by NGOs and also by displaced communities in the Americas. Furthermore, the Americas is a region in which the OAS Inter-American Commission on Human Rights is playing an exemplary role in response to internal displacement and therefore sets a positive example for other regional organizations.

By documenting the distinctive features of the experience in the Americas, the authors have not only provided instructive information about a vitally important region, but have also identified the grave problems affecting the displaced as well as the steps taken worthy of emulation by other regions. As someone who has devoted most of the last decade to the global crisis of internal displacement, I call attention to this well documented and insightful article.

Francis M. Deng
Representative of the U.N. Secretary-General
on Internally Displaced Persons

Introduction

The Americas today account for only some ten percent of the world's internally displaced persons – two to two and one half million of a total of twenty to twenty-five million – yet the continent has experienced some of the worst cases of displacement as well as some of the most successful remedial efforts.

As in Europe, Asia and Africa, civil war has been the preeminent cause of internal displacement in the Americas. In the 1980s civil wars in Central America displaced more than a million people in Guatemala, El Salvador, Nicaragua and Honduras,[1] and in Peru, a virulent Maoist insurgency and government counter-insurgency displaced some 600,000 people.[2] In Haiti political turmoil in the late 1980s and early 1990s uprooted some 250,000.[3] By the end of the 1990s, however, these figures had fallen dramatically. In Peru, since the end of the Shining Path insurgency, the number of internally displaced has declined to some 70,000.[4] With the reestablishment of peace in Central America, no more than a few thousand remain displaced there. Even in Haiti, despite continuing deep poverty and political uncertainty, internal displacement is no longer a problem. And the Chiapas region of Mexico counts some 16,000 displaced.[5]

Today it is Colombia that is the focus of the problem in the Americas, and there it is virulent. Colombia now counts an estimated 1.8 million internally displaced persons, making it the country with the third largest displaced population in the world after the Sudan and Angola.[6] Each day, the numbers grow, with more and more people forced from their homes as paramilitary groups, government troops and guerrilla forces battle for control of the country.

But whether in Central America or Peru in the 1980s and early 1990s, or today in Colombia, internal displacement in the Americas has pronounced features that distinguish it from other parts of the world. A look at these, and at the at times innovative solutions devised by the peoples and governments of the region, may be helpful not just to those working on problems of forced displacement in the Americas but also in other parts of the world.

The Internally Displaced in the Americas – Often Poor, Rural and Indigenous

Those who have worked with the internally displaced in Europe, Asia and Africa often find that they are members of ethnic, religious, tribal or linguistic minorities pitted against ethnic majorities, for example the Kurds of Turkey and Iraq, the Chechens in the Russian Federation, the Kosovar Albanians in the former Yugoslavia, the Tamils of Sri Lanka, the Karen and Karenni in Burma, and the Christian and animist southerners in the Sudan. These ethnic minorities seek autonomy or independence from governments that serve the interests of the more dominant ethnic group.

In the civil wars in the Americas, however, the internally displaced are not ethnic minorities seeking independence. Rather they are mainly from the rural poor majority, as was the case in El Salvador and Honduras and is now the case in Colombia. Large numbers are also of indigenous background as in Guatemala in the 1980s and in Peru where 70 percent of the internally displaced were reported to belong to indigenous and native communities.[7] In Mexico too, the displaced are mainly indigenous. In Colombia, Francis Deng, Representative of the Secretary-General on Internally Displaced Persons, found that the displaced also include members of the indigenous and black populations.[8] In the Choco region, one of the most impoverished and neglected areas of Colombia, the indigenous and black populations were reported to be "especially vulnerable to forced displacement."[9] Given the large gaps between rich and poor landholders in many Latin American countries and the historic discrimination against persons of indigenous and African ancestry, it is not surprising that the more marginalized are disproportionately affected by conflict and displacement.

Indeed, an ethnic component is evident in some of the conflicts leading to displacement in the Americas. In Mexico, displaced children are said to be "the targets of discrimination and abuse, not only because of their poverty and their vulnerability but because of their indigenous race."[10] In Guatemala, "racism" has been described as an "important factor in the brutality of the massacres of civilian indigenous populations by the army" during the 1980s and 1990s.[11]

Once displaced, poor peasants and indigenous people, who largely flee to urban centers, find the discrimination especially intense. In Peru, the *campesinos* who took refuge in the cities found the environment alien and the Spanish language spoken not one in which they could converse. As a result, they suffered "even greater prejudice and social marginalization."[12] In Colombia, displaced families from indigenous or poor rural areas have been harassed or accosted by authorities in urban areas. Sometimes the authorities blame the increase in crime or unemployment in their cities on their arrival and see them as "prostitutes, thieves and coca farmers."[13]

Indeed, the "prejudice of the communities that surround them" make many of the displaced outcasts.[14] In Barrio Nelson Mandela outside of Cartagena, in Colombia, home to almost 50,000 displaced persons, many of African descent, there are no basic services such as plumbing, electricity and sewage. When the people apply for jobs outside the barrio, "they are often turned away." The local government "has turned its back on the barrio," found one report.[15] And according to one Afro-Colombian child who was turned away from a school, "What is happening here is that people look at you bad for being poor, for being black and worse still if you are a displaced person."[16]

Because the majority of the displaced are women and children, not only do the women who come from indigenous and black communities face class and racial discrimination but also the gender inequality that displaced and poor women experience in urban areas. Mostly uneducated and illiterate, many are widows or single mothers who now have to sustain their families. Sometimes they "arrive with five, six children, all traumatized and hungry, and with not a peso on them," according to one community

leader.[17] Forced to work long hours as maids with few or no social benefits and very low wages, many suffer sexual abuse, and some become prostitutes.[18]

To its credit, Colombia's 1991 constitution vests indigenous communities with legal, political and resource-management authority over certain areas of the country. However, indigenous peoples continue to find themselves to be victimized by the armed forces, the paramilitaries and the guerrillas. Moreover, they also are subjected to relocations due to industrial development, and the slash and burn farming techniques used by the *colonos* (colonizers) have forced considerable numbers to move farther into the mountains. As a result of such relocations, many find themselves in areas of guerrilla presence where they are "victimized both by the armed forces and by the guerrillas."[19] Mexican President Vicente Fox, who came into office at the end of 2000, introduced a new approach to the problems confronting indigenous populations, numbering about 10 million. He acknowledged that these populations and the insurgencies representing them have legitimate demands, namely equal treatment under the law, better schools, health care and job opportunities, the return of expropriated land and a measure of self government.[20]

In the Americas the Displaced are Labeled Subversive

Internally displaced persons in the Americas are not only drawn disproportionately from the more marginalized sectors of the society but must also shoulder the dangers of being labeled politically "subversive." In Central America, although many were simply caught in the midst of politically polarized struggles, government forces and paramilitaries regularly labeled the displaced "subversive" or "left wing." In the battles in Guatemala, in which impoverished Mayan peasants fought against large landholders and government security forces, anyone uprooted was suspected of supporting the uprising and politically demonized. The army forced displaced persons either to live in "model villages" and join defense patrols against insurgent groups or be considered "subversive" and subject to attack.[21] In El Salvador, where the ideological polarities were particularly bitter, those displaced by the civil war were frequently called "fellow travelers," even "criminals,"[22] and made targets of indiscriminate military attack.[23] Conversely in Nicaragua, the forcibly displaced Miskito Indians were branded "counterrevolutionary" for being traitors to the Sandinista cause.[24]

Political labeling has extended to other parts of the Americas as well. In Mexico, the displaced in Chiapas are generally viewed as supporters of the Zapatista Army of National Liberation (Ejercito Zapatista de Liberacion Nacional – EZLN), which in 1994 began a violent struggle to achieve equal political and economic rights for the Indian population. And in Peru, persons displaced by the brutal Sendero Luminoso (Shining Path) were often denounced as supporters of this self-described "Maoist" insurgency and faced the threat of *requisicion* or arrest for suspected terrorist ties. Some displaced persons, to be sure, voluntarily joined Sendero and took part in their attacks, but many were forced to do so. The Ashaninkas of the Amazonia, for example, in the mid-1980s were forced by Shining Path guerrillas to join them or be killed. Thousands as a result fled the area, abandoning their farms, but many still faced summary trials and prison

terms for suspected terrorist ties.[25] Unless the displaced from these areas joined government defense patrols against the insurgency, they would be treated as subversive by the army.

In Colombia, by far the most complicated civil war in the Americas, paramilitary forces -- under the umbrella of the United Self-Defense Units of Colombia (AUC) -- regularly label displaced persons "guerrilla sympathizers." Often they denounce peasants in this way because they covet their land. They then uproot them to enhance the holdings of large landholders for whom they work or for their own criminal and drug-related activities.[26] Responsible for most of the displacement in Colombia, they also uproot peasants to rout guerrilla forces, namely the Revolutionary Armed Forces of Colombia (FARC) or the National Liberation Army (ELN). These insurgencies control large swaths of land in Colombia, benefit from drug trafficking, and engage in hostage taking, forced conscription and other criminal activities, from which peasants also flee.

Whether uprooted by AUC and government counterinsurgency drives or by the guerrilla groups, displaced persons remain politically suspect even *after* they have abandoned their homes and communities. The very fact that they have fled areas of fighting provokes suspicion of them as people with an allegiance to a particular armed actor. And in their new places of "refuge," many continue to fear for their lives and for that reason, try to blend into communities of urban poor to reduce the risk of being targeted.[27] Nonetheless, because they are stereotyped as guerrillas or as their relatives, "people won't rent rooms to the displaced, and the press describes IDPs in ways which support this impression."[28]

Among those particularly targeted in their areas of origin are leaders of political movements, social advocates (such as members of teachers' and peasant unions), community leaders, mayors and town council members, and judges and prosecutors. The Representative of the U.N. Secretary-General on Internally Displaced Persons describes their displacement and harassment as a form of "political cleansing," in contrast to the phenomenon of "ethnic cleansing" that goes on in other parts of the world.[29] In the latter case, governments uproot or wage wars against groups on the basis of their ethnic identity whereas in Colombia, persons are uprooted because of their association or perceived association with political insurgencies.

While visiting Colombia in 1999, the Representative called for a national public awareness campaign to help alter society's perception of the displaced so that they are seen as "fellow citizens in need of protection and assistance."[30] He pointed out that throughout his mission, people commented on the generous outpouring of sympathy and support by the government and nation as a whole for the victims of the January 1999 earthquake. However, when it came to those displaced by conflict and human rights violations, they were viewed "with suspicion and stigmatization." A public awareness campaign would entail training the police and the military "not to view all of those who are poor, underprivileged, ethnically different, and/or active in their communities as guerrillas or guerrilla supporters."[31] It would seek to foster a sense of solidarity with the

displaced and facilitate the work of the government and other organizations that assist them.

The Documentation Gap

Because of the political stigma associated with displacement in the Americas, internally displaced persons sometimes destroy their documents to protect themselves and their families from being targeted as leftist guerrilla sympathizers. In the course of flight, others lose their documents. Or armed forces or paramilitaries may confiscate their documents to impede their return, prevent them from regaining their property, or to intimidate them. Of course, many displaced persons from rural areas had no documents to begin with but find that they must acquire them in their new areas of residence. Without documents, the internally displaced can exercise few of their rights and are ineligible for the basic services they need. Nonetheless, many do not apply for documents in order not to call attention to their displaced status. Or they may be discouraged by the cumbersome bureaucratic procedures needed to obtain documentation.

In Peru, especially in the mid 1990s, many displaced persons did not have basic documents, in particular birth certificates, the *libreta electoral* to record participation in elections or the *libreta military*, a military registration card. Without these, they could not legally hold jobs, conduct bank transactions, or even in some cases register their children in school. Nor could they prove their title to land or property. And they risked arbitrary detention, false charges and conscription by the armed forces.[32]

In Mexico, internally displaced persons without personal documentation have been excluded from governmental support programs as well as commercial bank loans.[33] Children of undocumented internally displaced persons have difficulty being accepted in the public school system. In some communities, they "don't go to school because they must have a birth certificate to enroll, and they either never had one or it was lost or burned when they fled their communities."[34] In Guatemala, displaced persons without their identification cards (*cedulas)* during the 1980s were unable to vote, attend public schools, or conduct business with government agencies.[35]

In Colombia, lack of documentation has become an acute problem for hundreds of thousands of people. To receive emergency help from the government, "certification" is necessary but to be certified, the displaced must present personal identity documents. Since many do not have these documents, they are put in the position of having to return to unsafe home areas to obtain them. Many as a result do not apply. Others do not apply for fear of being targeted or having to provide witnesses whom they fear could put their friends or families in jeopardy.[36] Very few municipalities in Colombia have made efforts to resolve the problem with the result that only a minority of the displaced receives emergency assistance.[37]

Without the basic documents they need -- the *cedula de ciudadania* (citizenship card), the *registro civil* (civil registration card), and the *certificacion de desplazado*

(certification of displacement card) – displaced persons in Colombia have no proof of land or property ownership, are unable to vote, drive, work in the formal sector, move from region to region, leave the country, or in many cases send their children to public schools. Many are also turned away from health clinics and hospitals.

Internally displaced women face special problems. In Colombia, by the end of 1999, only 18 percent had some kind of personal documentation, compared with 60 percent of the men.[38] A combination of social and cultural traditions, illiteracy and lack of resources all have dictated against women's obtaining personal documentation. Yet the need for it is critical since many displaced women are now heads of household.[39]

The Guiding Principles on Internal Displacement, presented to the United Nations in 1998 by the Representative of the Secretary-General on Internally Displaced Persons, specifically address the documentation problem.[40] According to the Principles, the authorities must issue documents to internally displaced persons, whether passports, personal identification documents, birth certificates or marriage certificates, so that they can enjoy their right to recognition before the law. They must also "facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents."[41] Further, the Principles affirm that women have equal rights to obtain needed documents and the right "to have such documentation issued in their own names."[42]

Documentation has proven such an urgent problem in the Americas that organizations like UNHCR, UNICEF and the International Organization for Migration have become directly involved with national authorities in helping to register displaced persons. In Guatemala, in 1996, documentation became part of the implementation of the peace agreements, and $11 million dollars was allocated to provide the displaced and others with identification papers.[43] In Peru, in 1999, the government with prodding from international organizations and NGOs provided *provisional* identity documents to more than 356,000 people, many of whom were displaced. However, only 21,000 of those then applied for and received *permanent* documents. One reason was that a large number of displaced men had not completed their mandatory military service and without proof of having performed this service, could not apply for permanent documents.[44] Another reason was the continuing fear and distrust of the displaced by government officials. Here, NGOs could help mitigate the problem since they have regular direct contact with the displaced and could encourage them to apply. Their inclusion in the implementation of the program would doubtless increase the numbers of displaced with permanent documents.

Although in Colombia, presidential decrees have been enacted to regulate the registration of displaced persons, the process is restrictive. Some government officials defend it on the grounds that if benefits were easier to obtain, people would claim to be displaced in order to access the system. Others cite resource constraints to subsidize "the cost of photos and to find out blood types"[45] and the inability to travel to dangerous outlying villages to obtain needed documents.[46] In a speech in Bogota in 2000, the

Representative of the Secretary-General called upon the Colombian authorities "to issue to the internally displaced all documents necessary for the enjoyment and exercise of their legal rights without imposing unreasonable conditions." He also called upon the government "to ensure that internally displaced persons are informed about how to obtain needed assistance." And he commended the Ministry of Health and the Pan American Health Organization (PAHO) for working on a pocket pamphlet for the displaced to explain their basic rights and the services to which they are entitled.[47]

In the Americas, the Displaced Organize

One of the striking characteristics of displacement in the Americas is the degree to which the displaced have organized to help themselves. Displaced persons' associations have sprung up in all the affected countries. Significant numbers of displaced persons have joined these groups and have become active in speaking out for their rights. Local NGOs are exceedingly active on their behalf as well. Indeed, this activism largely sets the Americas apart from other regions of the world, where there may be little or no tradition for non-governmental organizations or where the displaced do not engage in vigorous advocacy on their own behalf or form self-help groups.

The National Council of the Displaced in Guatemala (CONDEG), for example, was formed in 1989 to represent the displaced and also help them recover their lost identification documents. Other groupings, such as the Communities of Population in Resistance (CPRs) of the Sierra and Ixcan regions, demanded government recognition as civilian, not military, groups and sought the help of international NGOs and the Catholic Church in obtaining humanitarian assistance. In addition, NGOs such as the Center for Human Rights Legal Action (CHRLA) represented internally displaced persons with land claims, both in Guatemalan courts and before the Inter-American Commission on Human Rights of the Organization of American States, while the Center of Christian Services (CEDESCRI) helped accompany the returns of displaced populations.[48]

These activities of displaced persons' organizations and NGOs did eventually win the displaced governmental recognition in Guatemala. The peace accords of 1996 specifically provided for the formation of a national commission composed of government representatives and uprooted persons to design projects to assist the displaced return home.[49] In mid-1997, the government signed an accord with representatives of displaced persons organizations that required the government to provide land and other services to the displaced. Indeed, more than a thousand displaced persons staged a protest in June 1998 in Guatemala City when the government failed to implement its promises.[50]

In Mexico, displaced persons have regularly organized, demonstrated and staged marches to demand the necessary conditions for return to their home areas. One organization, Las Abejas, made up of 30 displaced communities, organized a demonstration in August 2000 calling for government action against the violence of paramilitary groups as well as compensation for lost land and property. And in October

indigenous groups from all over the Chiapas region organized a pilgrimage to Mexico City to call attention to their plight.[51] Both President Fox and the new governor of Chiapas, Pablo Salazar, have shown themselves ready to hear the concerns of the displaced.

In Peru, although initially cautious, beginning in the early 1990s the displaced formed associations and in 1996, established a national coordinating body for these associations that boasted a membership of some 9,000 families, or about 45,000 people.[52] According to both the Representative of the Secretary-General and the U.S. Committee for Refugees, the displaced of Peru organized to a degree not witnessed in any other country of the world.[53] Organizations were formed at the local, regional and national levels. Among the largest displaced persons' associations are the Asociacion Interprovincial de Desplazados (ASFADEL) in Ayacucho, and the Junin-based Regional Association of the Displaced of Central Peru counting 15,000 members.[54] There are also organizations that help with returns or resettlement. The Asociacion de Reconstruccion y Desarrollo de las Comunidades Altoandinas de Huanta, 'Llaqtanchikta Qatarichisun,' for example, was set up in 1996 to help Andean peasant communities recover land and property and improve their families' living conditions. It represents 51 communities affected by political violence and comprises 2,278 families or 8,469 people.[55]

Displaced persons organizations are nonetheless poorly funded. Donors have been more willing to channel funds for organizations of displaced persons through established NGOs than to support these organizations directly. Tensions as a result have arisen. Some officials of displaced persons organizations have found NGO support "paternalistic and self-serving" and would prefer "that help from international organizations not come through intermediaries…since we already know that when international aid is given, it does not reach us." Others have complained about the "political agendas" of some NGOs and their efforts to fit the displaced persons organizations into those agendas.[56]

These tensions notwithstanding, it is clear that displaced persons organizations have developed a voice and some influence. Indeed, after initially ignoring these organizations, the government has felt compelled to engage in communication with them. Of course, the government has sought to focus these discussions on the return of displaced persons to their places of origin rather than discuss their resettlement in urban centers, with which the displaced also need help.[57]

In Colombia for a long time the displaced basically hid to preserve their anonymity, but by the mid 1990s they began to seek safety in solidarity both at the local and national levels. Today, there are 60 to 70 organizations of displaced persons in Colombia. In Cartagena, for instance, an association of displaced persons has been organized by area from which the displaced originate to help the newly displaced register and find places to live.[58] At the national level, the Coordinacion Nacional de Desplazados brings together displaced persons organizations from 17 departments and seeks direct dialogue with the government on solutions for the displaced. This national umbrella group has already held two national assemblies, one in Medellin in March 2000

and the other in Miel Ibague in July 2000, and has called upon the government to integrate the displacement issue into the peace process and to form a Mesa Nacional on internal displacement.[59]

As in Peru, Colombia's displaced persons organizations are not as well established or funded as the NGOs which work with the displaced. The Grupo de Apoyo a Organizaciones de Desplazados (GAD), an umbrella group which includes 13 NGOs, is particularly well known. It advocates for the displaced, holds meetings to raise public awareness to their plight, and has clearly influenced public policy on this issue. The Bogota-based research center, Consultoria Para Los Derechos Humanos y el Desplazamiento (CODHES), composed of academics and researchers, is internationally known for its statistics about internally displaced persons and its analysis and documentation of their conditions. The Dialogo Inter-Agencial (DIAL), which came into being at the initiative of agencies such as Save the Children, Oxfam, and Project Counselling Service, promotes sustainable development projects for displaced communities.

In the view of some NGOs, displaced persons organizations are too political and more apt, for example, to endorse political platforms or support particular political leaders. There are also differences in tactics and strategies. Displaced persons seem to favor marches, strikes and occupation of public buildings to draw attention to their plight. The overrunning of the UNHCR office in Bogota in 1999 and the occupation since November 1999 of the International Committee of the Red Cross (ICRC) premises are not the kinds of initiatives NGOs have generally endorsed. Nonetheless, some do support "social protest," especially when the authorities fail to implement promised measures. The Mennonite Development Foundation (Mencoldes) and Action by Churches Together (ACT) in 2000 stood with a group of 143 displaced families who, growing tired of broken government promises, seized a government agency and took over some land outside Neiva, capital of the southern province of Huila.[60]

Displaced persons organizations and NGOs also compete over resources, as in Peru. Donors generally prefer to give their funds to NGOs with established administrative and accounting procedures than directly to displaced persons organizations with less fiscal experience. Nonetheless, funds are increasingly beginning to be channeled to displaced persons groups. Their important role in articulating the needs of the displaced and negotiating with the state is increasingly being recognized as a significant aspect of resolving the problem.

Most of the organizations championing the rights of the displaced are male-dominated and do not always effectively represent the concerns of women and children who comprise the vast majority of the displaced. Consequently, women have begun to form their own organizations to raise awareness of their rights and focus on their needs. In Peru, the Asociacion de Mujeres Altoandinas de Huanta was established to reduce the marginalization of displaced women by public and private institutions in the Huanta area.[61] In Ayacucho, an estimated 80,000 women are participating in women's organizations,[62] and in 1998, displaced women from all over Peru held a national

conference to focus on women affected by the conflict, which drew 2,700 participants.[63] In Colombia as well, in 1999, displaced women from different parts of the country met, albeit privately, to form their own national organization. And the peasant women's association, Anmucic, counts among its members many women who are displaced. For women who rarely participated in the public life of their communities before displacement, women's groups offer an important means of empowerment and a vehicle for asserting their rights to basic services, which is critical now that so many have become responsible for the survival of their families.

But at Serious Risk to Themselves and Their Leaders

If internally displaced persons in the Americas are better organized than in other places, they pay for this distinction in high personal cost. Leaders of displaced persons organizations and of local NGOs have been regularly threatened, targeted and in many cases killed. There is a deep suspicion of the watchdog role independent organizations try to play in the countries affected by internal displacement. When such groups criticize the government and its policies, they are branded as "traitors" by paramilitary forces and government security forces and accused of protecting rebel groups or being sympathetic to their cause. Meanwhile, rebel groups also denounce NGOs for exposing the human rights abuses their forces commit, thereby contributing to the atmosphere of intolerance that endangers those who work for the displaced.

Colombia is probably the world's most dangerous country for leaders of displaced persons organizations and for the local NGOs that help them. In his second visit to Colombia in 1999, the Representative of the Secretary-General reported being "informed of numerous cases of serious human rights violations, including killings, suffered by individuals working with the displaced."[64] The report identified 127 leaders of displaced indigenous communities who had been assassinated in 1998 and 1999.[65] The Inter-American Commission on Human Rights of the Organization of American States also found that "human rights activists working with the displaced, connected to government institutions or otherwise, whose activity involves providing legal protection or humanitarian assistance for displaced persons, have been the target of serious human rights violations."[66] Similarly, the UN Office of the High Commissioner for Human Rights has received a large amount of evidence of threats and attacks against displaced communities and their leaders.[67] In 1999 and 2000, UN agencies reported an increase in threats and assassinations against those working with the displaced, especially in the regions of Magdalena Medio, Uraba and Choco.[68]

Nor are officials of the Colombian government immune from attack. Paramilitaries have targeted the local representatives of the Defensoria del Pueblo (Ombudsman's Office), who register human rights complaints, and the staff of the Ministry of the Interior, who administer social welfare programs for the displaced. Those who work locally for the Red de Solidaridad Social, the principal government agency for the displaced, are threatened as well.[69] In 1999, paramilitary groups kidnapped the President of the Senate Human Rights Commission, an outspoken advocate for the rights of the displaced, who fled the country upon her release.[70]

Most of these attacks come from the paramilitaries, but their connections to members of the Colombian military guarantee their immunity from arrest for criminal acts.[71] Indeed, some of the statements of government and military officials have actually encouraged members of paramilitary and military forces to target activists for the displaced. In 1998 and 1999, an estimated 80 human rights defenders fled the country and a number of human rights NGOs closed their offices in fear.[72]

In September 1999, President Andres Pastrana took the important step of issuing a Presidential Directive that condemns threats and assaults against NGOs and human rights groups and condemns statements that discredit or harass such organizations.[73] It makes the "protection of human rights defenders" a government "priority" and requests the Ministry of the Interior to take effective protection measures on their behalf, including by supplying them with radios, bulletproof glass, bulletproof vests and police protection.[74] Unfortunately, implementation has been slow, and even when materials are provided, human rights defenders continue to be threatened and murdered.[75] Moreover, it is not clear whether government protection programs extend to displaced persons organizations and the NGOs that work for the displaced. A number have reportedly been denied access to the protection program on the grounds that they do not fit the definition of human rights defender.[76]

It is critical that those working on behalf of the displaced be included in the government protection program, since they are defending the human rights of those displaced. An effective government protection program would also bring to justice those who commit crimes against such persons, and take steps to eliminate the collaboration between the Colombian military forces and the paramilitaries. Although the attorney general did issue arrest warrants for paramilitaries in 1998 and 1999, the military did not effectively enforce them.[77] The government protection program should also include a public information campaign aimed at altering the distorted public perception of the displaced fueled by paramilitary leader Carlos Castano. Repeatedly accusing NGOs and human rights defenders of being "paraguerrillas," Castano has depicted the AUC as the defender or "fighting arm" of the middle class.[78] He has even announced publicly that in retaliation for group kidnappings by guerrilla forces, the AUC would abduct members of NGOs, trade unionists, social researchers and other persons whom it considered to be agents of the insurgency.[79] The Presidential Directive should make it incumbent on the government to challenge such statements and announce that if any evidence of links between human rights defenders and insurgent forces are found, the information will be presented to the appropriate judicial authorities and investigated accordingly.[80]

In Peru, government members have also issued statements implying that human rights activists, academics, NGOs, and political and social leaders are implicated with "terrorists," thereby increasing the chances that they will be persecuted or prosecuted unfairly.[81] And as in Colombia, insurgent forces like the Shining Path have condemned human rights activists as being "reactionary" and "bourgeois" parts of the establishment. They have also killed members of church organizations helping the internally displaced.[82]

In 1996, the Shining Path is reported to have assassinated 124 persons, including community leaders in areas of returning refugees and internally displaced persons.[83]

In Guatemala during the 1990s, members of displaced persons organizations often reported surveillance and threats against their staff.[84] The case of anthropologist Myrna Mack Chang in particular captured international attention. Chang researched and wrote on the plight of internally displaced persons and co-founded the Guatemalan Association for the Advancement of Social Sciences (AVANCSO). In September 1990, two days after Georgetown University published her report, *Assistance and Control: Policies Toward Internally Displaced Populations in Guatemala*, Chang was brutally stabbed to death in the street.[85] Not surprisingly, the chief police investigator looking into the case was also murdered after reporting that the case was politically motivated and that one of the killers was a former soldier in the intelligence branch of the Presidential High Command. Following a tortuous legal process in which judges and courts, fearing for their physical safety, kept transferring the case to other judges and courts, the former soldier identified by the police investigator was convicted and sentenced in 1993. However, the high-ranking military officers who ordered the killing still remain at large although they were charged in 1996 with being the authors of the crime.[86] The Mack case put a chill on academic inquiry into displacement in Guatemala, but commentators concluded that if Mack's assassination "was an effort by the army to silence her political views, it has backfired."[87] The case brought the long ignored plight of the displaced to public attention.

In Mexico, former President Ernesto Zedillo also reflected his government's suspicion toward those helping the displaced when he publicly stated in January 2000: "We do not need the self-nominated representatives of civil society, now called NGOs, to speak in the name of the poor in the developing countries."[88] Not surprisingly, human rights workers and clergy working with the displaced in Chiapas reported receiving death threats, and international NGOs seeking to visit Chiapas were harassed and dozens expelled in 1999.[89] However, a change in attitude is currently taking place with President Fox, who has pledged to make human rights a priority and to resolve the conflict in Chiapas.[90]

Innovative Institutional Solutions in the Americas

Displacement issues have met with particularly innovative institutional responses in the Americas. The 1989 International Conference on Central American Refugees (CIREFCA), convened by UNHCR and the governments of Central America, is one of the more well known ones. It put into place mechanisms at the international, regional and national levels for the design and implementation of reintegration programs for returning refugees and internally displaced persons. Under its Plan of Action, Central American governments and international donors committed themselves to far-reaching humanitarian and development programs for uprooted peoples, and many of these programs were effectively carried out.[91] In addition, the UN Development Program for Displaced Persons, Refugees, and Returnees in Central America (PRODERE) successfully brought together relief and development agencies over a five-year period to

facilitate the reintegration of more than two million uprooted persons. Carried out between 1989 and 1995, PRODERE supported the restoration of infrastructure and community-based and development projects and assisted displaced persons in securing legal documents and legal aid.[92]

While studies have found that internally displaced persons could have received more attention under both programs,[93] CIREFCA and PRODERE are generally regarded as being among the most successful regional approaches to the reintegration of uprooted populations. Regional processes introduced into other parts of the world, such as in the Commonwealth of Independent States and the Great Lakes region of Africa, have suffered from lack of follow up, insufficient resources, continuing conflict and the absence of an NGO tradition. Indeed, Central America has been considered the most effective "laboratory" for attempts to address post-war situations involving uprooted populations.[94]

The Americas' region-wide political institution, the Organization of American States (OAS) has also come up with innovative solutions for dealing with internal displacement. Indeed, the OAS is the first and as yet only regional organization in the world to create a position exclusively devoted to the problem of internal displacement. In 1996, its Inter-American Commission on Human Rights appointed a special rapporteur for internally displaced persons "in recognition of the grave situation of internally displaced persons in several countries of the Hemisphere."[95] The rapporteur selected, Robert Kogod Goldman, was a principal drafter of the Guiding Principles on Internal Displacement. Since his appointment, he has been monitoring situations of internal displacement in the Americas, and the Commission's 1999 report on the human rights situation in Colombia contains a lengthy chapter on internal displacement, with recommendations addressed to both the government and insurgent groups.[96] The Commission's forthcoming report on Guatemala, scheduled for publication in 2001, will also focus on internal displacement.

Even before the appointment of the rapporteur, the Commission had begun to report on the situation of internally displaced persons in Haiti and Guatemala, and in the case of Nicaragua it took a seminal decision. As early as 1984, it ruled that compensation should be awarded to the Miskito Indians for the damage done to their property during displacement.[97] This decision helped guide future approaches to returns of internally displaced persons and influenced the development of the Guiding Principles on this point.[98]

Some have proposed that the Commission take additional steps, in particular that it make known to displaced populations how to bring individual complaints before the Commission. To date, neither NGOs nor individuals representing the displaced have come before the Commission with violations of their rights. It has also been suggested that the Commission engage in preventive measures and in fact the Commission has initiated such measures in regard to threats faced by internally displaced communities in Colombia.[99]

The Commission has been constrained from becoming more active on the question of internal displacement by its enormous workload of individual human rights cases and by its limited resources. It receives less than 2 percent of the OAS overall budget (of more than $100 million) even though human rights and democracy are considered major OAS objectives.[100] However, the Commission has made a commitment through creating the first institutional position at the regional level to deal with internal displacement and is making an important effort to include the protection of the internally displaced within its mandate.

Outside the OAS structure is yet another innovative hemispheric initiative, the Permanent Consultation on Internal Displacement in the Americas (CPDIA). Created in 1992 by the Inter-American Institute of Human Rights, it is composed of representatives of intergovernmental organizations, the Inter-American Commission on Human Rights, NGOs and independent experts. CPDIA serves as a clearinghouse of information on internally displaced persons, provides technical assistance to governments and organizations working with the displaced, and organizes meetings, forums, and educational and training programs for the displaced. To date, CPDIA has drafted a body of legal principles that proved valuable in the formulation of the Guiding Principles on Internal Displacement; has undertaken on-site missions to Colombia, Guatemala and Peru and presented confidential recommendations to these governments; and has provided support for grass roots projects for displaced persons.[101] Currently, CPDIA is seeking to establish an Institute for Advanced Planning, Specialized Research, Information and Training on Prevention and Treatment of Sudden Migrations in the Americas that would consolidate all relevant bibliographic information and documentation in the region and undertake training programs of government and intergovernmental personnel and NGOs.[102]

Although CPDIA faces resource constraints as well as the organizational difficulties inherent in bringing together disparate groups with different agendas, it stands out as a unique example of an institutional innovation at the regional level that could be replicated in other parts of the world. It would benefit from stronger institutional links with the Representative of the UN Secretary-General on Internally Displaced Persons and with the Special Rapporteur of the Inter-American Commission on Human Rights.

Use of the Guiding Principles on Internal Displacement

The Inter-American Commission on Human Rights was the first regional body to endorse and systematically apply the Guiding Principles on Internal Displacement to its work. As noted earlier, the Principles are the first international standards developed for internally displaced persons, and they set forth the rights of the internally displaced and the obligations of governments and insurgent groups toward these populations. In its 1998 visit to Colombia, the Commission used the Principles as a yardstick to monitor conditions, and affirmed that it considers the Principles "the most comprehensive restatement of norms applicable to the internally displaced" and that they provide "authoritative guidance to the Commission on how the law should be interpreted and applied."[103] Its acceptance and use of the Principles have encouraged governments and

non-governmental groups to base their policies and programs on the provisions in the Principles as well.

Indeed, a leading NGO representative in Colombia affirmed that the "general acceptance of the Guiding Principles by a wide range of institutional and social agents is a fact."[104] On his 1999 visit to Colombia, the Representative of the Secretary-General found that government officials accepted the Principles as a basis for dialogue. Indeed, a number of officials prepared advance analyses of displacement in Colombia on the basis of the Principles.[105] Colombia's Ambassador to the United Nations told the Economic and Social Council in July 2000 that the Colombian Government has "found these principles to be a useful guide" for its work.[106] And the Office of the Defensoria del Pueblo included the Principles in its public awareness campaign on internal displacement while the Red de Solidaridad Social included the Principles in its compendium, *Attention to the Population Displaced by the Armed Conflict*. Colombia's Constitutional Court also cited the Principles in a recent decision, arguing that they "should be used as parameters for the creation of rules and for the interpretation of laws regarding forced displacement."[107]

Colombian NGOs have been widely disseminating and applying the Guiding Principles. In May 1999, the GAD, in cooperation with the U.S. Committee for Refugees and the Brookings Institution Project on Internal Displacement organized a workshop in Bogota on implementing the Principles in Colombia. The workshop brought together government officials, local NGOs, international NGOs and agencies and representatives of internally displaced communities for the purpose of analyzing the situation of internal displacement in Colombia on the basis of the Principles and discussing strategies for enhancing their application. A final declaration stressed the importance of putting the Principles into practice in Colombia. Currently, the GAD and the Pan-American Health Organization (PAHO) are translating into Spanish a *Handbook for Applying the Guiding Principles on Internal Displacement* to assist NGO and international field staff to apply the Principles on the ground.[108]

The Colombian Episcopal Conference has also been using the Guiding Principles as a platform for its parishes around the country. Indeed, it has designed a program, which utilizes the Guiding Principles to explain, promote and evaluate the issue of internal displacement in its 70 dioceses.[109] Other organizations, such as DIAL and CODHES, have published the Guiding Principles as well.[110]

In Peru, NGOs also have begun to disseminate and apply the Guiding Principles as benchmarks against which to monitor and evaluate national policies and law and to promote and strengthen dialogue with the government on the rights of internally displaced persons. The National Committee on Displacement, an umbrella organization composed of 50 organizations**,** held a national seminar in 2000 on "Public Social Policies and Formation of Citizenship in Areas Affected by Political Violence," which set forth proposals for assisting the displaced population within the framework of the Guiding Principles. A second seminar is planned for 2001 to target areas, in particular in the eastern region where access is limited.[111]

Displaced persons organizations, however, have not yet used the Guiding Principles in the Americas as widely as NGOs and international organizations. Part of the problem is language and also literacy. In Colombia, an NGO campaign is to be undertaken to popularize the Principles and make them more accessible to displaced communities. If successful, the Principles could prove a valuable tool in helping to empower displaced communities. Moreover, their continued application in the Americas will serve to enhance their international standing and the possibility of their becoming in future a part of customary international law.

Conclusion

Internal displacement in the Americas has largely been the result of violent internal conflicts connected to poor governance, the exclusion of indigenous and other impoverished classes from the political and economic life of the country, inequitable land distribution, the absence of effective judicial recourse, and in the case of Colombia, systematized and rampant violence. Although political solutions would undoubtedly be the most effective response to such underlying problems, heavy reliance on military and paramilitary forces has been the dominant response in the Americas. This was particularly true during the Cold War period, when displaced populations, predominantly drawn from the poor rural and indigenous underclass, were branded as "leftists" and made military targets. But it is also true today. The continuing political and economic polarization in many Latin American countries makes the displaced, their leaders and the non-governmental groups that help them suspect to charges of subversion and vulnerable to military or paramilitary attack. Indeed, threats and assassinations against leaders of displaced persons associations and NGOs in Colombia are the most virulent in the world.

Although President Fox in Mexico and President Pastrana in Colombia have come out strongly in favor of political solutions, in the case of Colombia, this commitment has not yet resulted in improved protection for those who are displaced or are at risk of displacement. Indeed, the Colombian military's continued close links with paramilitary forces jeopardizes the very political solutions the government espouses, fosters distrust of the displaced and the institutions of civil society that could protect them, and enables paramilitaries to uproot and kill with impunity.

Efforts by local non-governmental organizations to help the internally displaced are among the more promising signs at the national level in the Americas. Compared to some other regions of the world, where there may be little or no tradition of NGOs, their efforts and advocacy activities have been noteworthy in raising national and international visibility to the problem of displacement in their countries. But even more unique have been the efforts of the displaced themselves to set up self-help groups and organizations to defend their rights. Indeed, the high degree of organization found among the displaced merits study, especially with a view to seeing how such groups could be strengthened and whether such institutional arrangements could be replicated in other parts of the world.

Regional efforts in the Americas are also instructive. The CIREFCA process that helped reintegrate displaced persons, the appointment of a rapporteur on internally displaced persons within the OAS framework, the reports and recommendations on internal displacement published by the Inter-American Commission on Human Rights, and the creation of the Permanent Consultation on Internal Displacement in the Americas are all innovative initiatives that could serve as valuable models for other regions.

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