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## CHANGING TIMES: THE INTERNATIONAL RESPONSE TO INTERNAL DISPLACEMENT IN COLOMBIA

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Front Cover Photograph: A Colombian internally displaced child (Save the Children, November 30, 2012).

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## ACRONYMS

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<b>AFRODES</b>	<i>Asociación Nacional de Afrocolombianos Desplazados</i> (National Association of Displaced Afro-Colombians)
<b>AUC</b>	<i>Autodefensas Unidas de Colombia</i> (United Self-Defense Forces of Colombia)
<b>BACRIM</b>	<i>“Bandas Criminales”</i> or “criminal bands”
<b>CERF</b>	Central Emergency Response Fund
<b>CODHES</b>	<i>Consultoría para los Derechos Humanos y el Desplazamiento</i> (Consultancy for Human Rights and Displacement)
<b>CONPES</b>	<i>Consejo Nacional de Política Económica y Social</i> (National Council for the Political and Social Economy)
<b>COP</b>	Colombian Peso
<b>DANE</b>	<i>Departamento Administrativo Nacional de Estadísticas</i> (National Administrative Department of Statistics)
<b>DRC</b>	Democratic Republic of Congo
<b>ELN</b>	<i>Ejército de Liberación Nacional</i> (National Liberation Army)
<b>ERF</b>	Emergency Response Fund
<b>FAO</b>	Food and Agriculture Organization
<b>FARC</b>	Fuerzas Armadas Revolucionarias de Colombia
<b>HCT</b>	Humanitarian Country Team
<b>IASC</b>	Inter-Agency Standing Committee
<b>ICG</b>	International Crisis Group
<b>ICRC</b>	International Committee of the Red Cross
<b>ICTJ</b>	International Center for Transitional Justice
<b>IDMC</b>	Internal Displacement Monitoring Center

<b>IDPs</b>	Internally Displaced Persons
<b>INGOs</b>	International Non-Governmental Organizations
<b>IOM</b>	International Organization for Migration
<b>IRD</b>	International Relief and Development
<b>LSE</b>	London School Economics
<b>MPP</b>	<i>Marco Programático de Paris</i>
<b>MSF</b>	<i>Médecins Sans Frontières</i> (Doctors Without Borders)
<b>NGOs</b>	Non-Governmental Organizations
<b>NIAGs</b>	New Illegal Armed Groups
<b>NRC</b>	Norwegian Refugee Council
<b>OCHA/UNOCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>PAHO</b>	Pan American Health Organization
<b>SAIS</b>	Paul H. Nitze School of Advanced International Studies
<b>SNAIPD</b>	<i>Sistema Nacional de Atención Integral a la Población Desplazada por la Violencia</i> (National System of Integrated Attention to People Displaced by Violence)
<b>SNARIV</b>	<i>Sistema Nacional de Atención y Reparación Integral a las Víctimas</i> (National System for Integrated Assistance and Reparation for Victims)
<b>U.S.</b>	United States
<b>UAO</b>	<i>Unidades de Atención y Orientación a la Población Desplazada</i> (Assistance and Orientation Unit for the Displaced Population)
<b>UARIV</b>	<i>Unidad para la Atención y Reparación Integral a las Víctimas</i> (Unit for the Assistance and Comprehensive Reparations to Victims)

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<b>UN</b>	United Nations
<b>UNDP</b>	UN Development Program
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children’s Fund
<b>USD/US\$</b>	United States Dollar
<b>WFP</b>	World Food Program
<b>WHO</b>	World Health Organization

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## INTRODUCTION

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Colombia is a country of paradoxes. With 5.7 million internally displaced persons (IDPs), it is currently second only to Syria in terms of the total number of IDPs—although Colombia’s displacement occurred over decades while Syrians were displaced over only three years. Although the Santos government is two years into peace negotiations with the Fuerzas Armadas Revolucionarias de Colombia (FARC) and has demonstrated serious commitment to ending displacement, people are still being displaced—by the tens of thousands. The government has developed the world’s most comprehensive legal system for IDPs, the constitutional court has played an impressively assertive role in protecting IDPs and civil society organizations in Colombia are among the world’s strongest. However, there are parts of the country, including parts of major urban centers, that are inaccessible to humanitarian actors and to the state. Criminal gangs, paramilitaries, *narcotráfico* groups, cartels, guerrillas and other non-state actors are all still active in spite of massive investments in anti-narcotics policy and the peace process. It is a paradox to see a state with a strong political system, competent institutions and a commitment to human rights struggling against a complex assortment of gangs operating outside the law.

The specific context in Colombia presents a paradox for the international community as well. International humanitarian agencies have been present in Colombia for decades where they have ambitious programs and deploy hundreds of staff. But, unlike other cases of massive displacement where the role of the international community is to provide assistance to IDPs – and often to substitute for the state – in Colombia, its role is to support the state in its efforts to protect and assist IDPs. There is no other displacement situation in the world where international actors have played this ‘supporting a strong state’ role for so long.

As such, Colombia provides a striking contrast to Somalia and the Democratic Republic of Congo (DRC)—the two other field case studies conducted as part of this research initiative. While displacement in all three countries is both protracted and dynamic and while international humanitarian agencies have been engaged for decades with IDPs in all three countries, the role played by the international community is fundamentally different in Colombia. There are no IDP camps in Colombia. Except for the World Food Program and small-scale humanitarian assistance by International Committee of the Red Cross (ICRC), intergovernmental organizations do not provide material aid to IDPs in Colombia. Indeed, the Colombian government’s programs for IDPs for the past few years are budgeted at around USD 1 billion per year. If there are no camps to manage and no aid to distribute, what does it mean to coordinate international humanitarian response? More generally, what role should international humanitarian actors play in a country such as Colombia?

This case study is part of a larger research project to address the question: are IDPs better off than they were a decade ago? It has now been ten years since humanitarian reform was introduced – nine years since the first UN clusters were rolled out – as a concerted effort to ensure a more predictable, consistent and accountable response to crises.<sup>1</sup> This study seeks to

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<sup>1</sup> This study is also intended to look back at the 2004 study by Simon Bagshaw and Diane Paul, *Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons*, carried out by Brookings-SAIS Project on Internal Displacement and OCHA, [http://www.brookings.edu/fp/projects/idp/protection\\_survey.pdf](http://www.brookings.edu/fp/projects/idp/protection_survey.pdf).

address the question: has humanitarian reform resulted in improvements in the lives of IDPs? As noted in the introduction to this study, while the question is important in keeping the focus on IDPs themselves, fundamentally it is impossible to answer with any certainty given the lack of baseline data and systematic tools for comparative analysis. (Neither the international humanitarian community nor academic researchers have ever been very good at longitudinal analysis, although efforts to develop indicators may enable such comparisons in the future.)<sup>2</sup> It is also impossible because there are many other factors which affect the well-being of IDPs, particularly changes in the nature and dynamics of conflicts which displace people and governmental responses to internal displacement.<sup>3</sup> This is particularly apparent in the case of Colombia where the causes of displacement have become much more convoluted and where most of the positive changes for IDPs have resulted from actions by the government. In fact, for most Colombian IDPs and for Colombians working with them, 2004 marks a turning point for IDPs not because of humanitarian reform but because of a major constitutional court decision, Sentencia T-025, which compelled the government to undertake fundamental changes in its approach to IDPs.

Are Colombian IDPs better off than they were ten years ago? This study suggests that the answer is a qualified yes. The systems to respond to the immediate needs of IDPs and the quality of assistance have certainly improved. And yet, almost 200,000 Colombians were internally displaced in 2013; in 2014 over 1,000 Colombians continued to seek protection every month in Ecuador.<sup>4</sup> In terms of preventing displacement, the situation has arguably become more difficult over the past decade because of the proliferation of armed actors. Perhaps more than any other government, Colombia has prioritized finding solutions for displacement. And yet, given the complexities inherent in protracted displacement on such a massive scale, it is hard to be optimistic about the possibility that most of Colombia's 5.7 million IDPs will find an end to displacement in the immediate future.

This case study is based on a comprehensive desk review, a three-week field mission to Colombia, key informant interviews (in Spanish) with representatives of the United Nations and other international agencies, international NGOs, civil society organizations, government ministries and offices, donor governments and IDPs themselves.<sup>5</sup> Although those interviewed spoke candidly and sometimes at great length, many of those contacted did not respond to

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<sup>2</sup> For development of protection indicators, see Hugo Slim and Andrew Bonwick's *Protection: An ALNAP guide for humanitarian agencies*, Overseas Development Initiative, 2005, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2346.pdf>. Also see Louise Searle and Kate Sutton, "Standards to incorporate protection into humanitarian response: do they work?" *Humanitarian Exchange Magazine*, issue 46, March 2010, <http://www.odihpn.org/humanitarian-exchange-magazine/issue-46/standards-to-incorporate-protection-into-humanitarian-response-do-they-work>.

<sup>3</sup> Note that this study focuses exclusively on internal displacement resulting from conflict and human rights violations. The issue of those displaced by disasters is a fascinating one but is beyond the scope of this study. See Alice Thomas, *Surviving Alone: Improving Assistance to Colombia's Flood Victims*, Refugees International, May 2011, [http://www.refintl.org/sites/default/files/Surviving\\_Alone\\_FINAL2.pdf](http://www.refintl.org/sites/default/files/Surviving_Alone_FINAL2.pdf) and Alice Thomas, *Rising Waters, Broken Lives: Experience from Pakistan and Colombia floods suggests new approaches are needed*, in Susan F. Martin et al (eds.), *Migration and Humanitarian Crisis: Causes, Consequences, and Responses*, (Routledge, 2014).

<sup>4</sup> UNCHR, *2014 UNHCR country operations profile-Ecuador*, <http://www.unhcr.org/pages/49e492b66.html>.

<sup>5</sup> Although IDP focus groups were not held, perhaps more than other countries, there have been extensive processes of consultation with IDPs over the years through governmental channels and most recently through a consultative process with victims organized by the National University and the UNDP.

requests for an interview and, as is always the case, those who were interviewed may not be representative of all those working with IDPs in Colombia. Thus the quotations which are sprinkled throughout the text are anecdotal rather than representative in nature.

The study begins with an overview of the conflict – or conflicts – in Colombia.

## CONFLICT IN COLOMBIA: A COMPLEX INTERACTION OF GUERRILLAS, DRUGS, PARAMILITARIES AND CRIMINAL GANGS

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For over 50 years, Colombia has experienced conflict—conflict which has mutated in form and spawned a complex array of non-state armed actors.<sup>6</sup> Hundreds of thousands of people have been killed, human rights violations have been massive and millions of people have been forced to leave their communities. Most observers of Colombia trace the conflict's origins to a ten year period (1948-58) known as La Violencia in which 200,000 people lost their lives. While La Violencia ended with a power-sharing agreement between the Liberal and Conservative party, neither party was responsive to calls for a more inclusive political process nor to demands for the poor and rural populations for socioeconomic change. In 1964, inspired by the Cuban revolution, the Ejército de Liberación Nacional (ELN) and the FARC were created, based in some of the rural self-defense forces formed during La Violencia. Although various other guerrilla groups developed over the years, by 2014 only the ELN and the FARC remained as major players. For over four decades, the guerrillas committed large-scale human rights abuses, including forcible recruitment of children, extortion, and kidnappings. When kidnapping became more difficult due to a state and paramilitary crackdown in the early and mid-2000s, the guerrillas became increasingly involved in the drug trade, as the lucrative cocaine business proved to be an even better source of income.<sup>7</sup> In spite of several rounds of peace negotiations between 1998 and 2000, the Colombian state effectively lost control over large parts of its territory by the early 2000s. Alvaro Uribe was elected President in 2002 on a promise of improved security and a hardline military policy toward the FARC. While the military campaign weakened the FARC, the violence and displacement continued. In 2010, Juan Manuel Santos was elected president and two years later, initiated peace negotiations with the FARC. However, a ceasefire was not part of the agreement to begin negotiations, and the guerrilla forces have continued to control territory, to clash with the military and to work with a shifting array of other armed actors.

The peace negotiations have been slow as they work through a six-point agenda (which includes land reform, political participation, drug trafficking, rights of victims, disarmament of rebels, and the implementation of the peace deal). Agreements have been reached on political participation, land reform, a plan for dealing with drug trade, a truth commission and opportunities to hear the demands of victims during the negotiations. Santos was re-elected in June 2014, in a surprisingly close race, on a platform of continuing the negotiations.<sup>8</sup> Most of those interviewed for this

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<sup>6</sup> While there are many descriptions of the violence in Colombia, this section draws heavily on Maria Derks' summary in Maria Derks-Normandin's study, *Building Peace in the Midst of Violence: Improving Security and Finding Durable Solutions to Displacement in Colombia*, September 16, 2014, <http://www.brookings.edu/research/papers/2014/09/16-colombia-peacebuilding-displacement-derks>. Also see: Insight on Conflict, *Colombia: Conflict Timeline*, <http://www.insightonconflict.org/conflicts/colombia/conflict-profile/conflict-timeline/>; Human Rights Watch, *World Report 2014: Colombia*, <http://www.hrw.org/world-report/2014/country-chapters/colombia>; and Washington Office on Latin America; *Ending 50 Years of Conflict in Colombia*, April 14, 2014, [http://www.wola.org/publications/ending\\_50\\_years\\_of\\_conflict](http://www.wola.org/publications/ending_50_years_of_conflict).

<sup>7</sup> For an estimate of the income produced by the drug trade, see Dirks-Normandin, above, n. 6, p. 3.

<sup>8</sup> So far, the peace negotiations have not included the ELN, nor has there been a parallel process. President Santos has said that his government has had preliminary talks with the ELN on such a process though few details have been provided. See: "Santos wins," *The Economist*, June 16, 2014, <http://www.economist.com/blogs/americasview/2014/06/colombias-election>. See also: ICG (2014). *Left in the Cold:*

study—both Colombian and international respondents—are cautiously optimistic that a peace agreement will be signed in late 2014 or early 2015,<sup>9</sup> but few expect the agreement to bring about an end to the violence.

Over the years, the guerrilla insurgency has been a major cause of displacement but certainly not the only one. The military's campaigns against the guerrilla groups were accompanied by human rights abuses by the armed forces<sup>10</sup> and displacement—a fact the government was loath to accept.<sup>11</sup> With substantial support from the US government through Plan Colombia beginning in 2000, the government's war on drugs led to widespread fumigation of coca fields, also causing displacement.<sup>12</sup> In addition, beginning in the 1980s, paramilitary right wing groups – driven by large landowners, business interests, as well as drug cartels – joined the state in its fight against the guerrillas.<sup>13</sup> In particular, the paramilitaries targeted civilians seen as supporting the guerrillas, attacked community leaders and terrorized communities that were deemed guerrilla supporters through extreme methods such as public executions, disappearances, sexual violence,<sup>14</sup> massacres, torture and intimidation. Like the guerrillas, they forcibly recruited people, including children. The paramilitaries had strong connections to the drug trade and many in fact served as private armies of particular drug cartels. Initially, the paramilitaries existed as independent actors, but in 1995, they united under the umbrella of the Autodefensas Unidas de Colombia (AUC – United Self-defense forces of Colombia), leading to a surge in violence, particularly between 2000 and 2002. In an effort to stem violence and improve security in the country, the Uribe Government convinced the AUC to agree to a demobilization, disarmament and reintegration process in 2003, through which nearly 32,000 paramilitaries collectively demobilized. After this, paramilitary activity was substantially reduced—at least temporarily. However, the paramilitaries were by no means permanently neutralized, and in fact many resurfaced in a diverse group of non-state actors with different structures, methods and interests which are called *bandas criminales* or “BACRIM” by the government.<sup>15</sup>

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*The ELN and Colombia's Peace Talks*. Latin America Report No. 51, February 28, 2014, <http://www.crisisgroup.org/~media/Files/latin-america/colombia/051-left-in-the-cold-the-eln-and-colombia-s-peace-talks.pdf>.

<sup>9</sup> There is some concern, however, that support for the peace process is far from universal and fears that if submitted to a public referendum, a peace agreement negotiated by the government and the FARC might not receive the necessary approval.

<sup>10</sup> For example, there are reported cases of *falsos positivos* where civilians were killed by the military who dressed them in FARC uniforms to meet ‘kill-targets’ of guerrilla members. See, for example, OHCHR, *Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions*, June 8-18, 2009, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9219&LangID=E>.

<sup>11</sup> IDMC, *Displacement continues despite hopes for peace*, January 14, 2014, <http://www.internal-displacement.org/americas/colombia/2014/displacement-continues-despite-hopes-for-peace/>.

<sup>12</sup> Human Rights Watch, *Human Rights and Drug Policy: Crop Eradication*, [http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IHRA\\_Colombia44.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IHRA_Colombia44.pdf).

<sup>13</sup> Markus Koth, *To End a War: Demobilization and Reintegration of Paramilitaries in Colombia*. Bonn: Bonn International Center for Conversion, 2005, <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?ots591=0c54e3b3-1e9c-be1e-2c24-a6a8c7060233&lng=en&id=10864>. p. 15.

<sup>14</sup> See for example: Donny Meertens (2012). *Forced Displacement and Gender Justice in Colombia. Between Disproportional Effects of Violence and Historical Injustice*, <http://ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Gender-Colombia-CaseStudy-2012-English.pdf>, pp. 9-10.

<sup>15</sup> As Dirks-Normandin, above, n. 6 points out, these groups are referred to under different names by different actors. For example, International Crisis Group (ICG) refers to them as *New Illegal Armed Groups* (NIAGs) (See: ICG (2007). *Colombia's New Armed Groups*. Crisis Group Latin America Report No. 20, May 10, 2007) to signify their link to the former paramilitaries as parties to the conflict; whereas CODHES (Consultoría para los Derechos

Even as peace negotiations with the guerrillas are taking place, violence from BACRIM is on the rise and was recognized by the Colombian government as the principal threat to security in the country in 2011.<sup>16</sup> The BACRIM include some of the demobilized paramilitaries and are heavily involved in criminal activities such as the violent rivalry over the control of territory, the lucrative drug trade and other illicit activities. They use many of the same structures and people as the former paramilitaries, in particular former AUC mid-level commanders, re-recruiting – forcibly in many cases – demobilized ex-combatants. They also employ many of the same tactics as the former paramilitaries to terrorize the population, engaging in torture, extortion, intimidation, sexual violence, killings and disappearances.<sup>17</sup>

Presently, there are some 40 groups operating within the country, with the most powerful being “Los Rastrojos,” the “Urabeños,” the “Paisas,” the “Águilas Negras” and the “Erpac.”<sup>18</sup> As shown in the map below, the BACRIM established a presence in almost every department in the country (30 out of 32) and in 406 municipalities, covering almost 40 percent of the entire national territory including Bogotá.<sup>19</sup>

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Humanos y el Desplazamiento—Consultancy for Human Rights and Displacement) is even more direct in linking these criminal groups to the past paramilitaries by calling them *grupos posdesmovilización* (post-demobilization groups) (CODHES, 2013). *Grupos Posdesmovilización y Desplazamiento Forzado en Colombia: Una Aproximación Cuantitativa*, <http://www.codhes.org/index.php/14-articulos-de-opinion/122-grupos-posdesmovilizacion-y-desplazamiento-forzado-en-colombia-una-aproximacion-cuantitativa?templateStyle=8>. The term BACRIM is used in this paper, following the official government terminology.

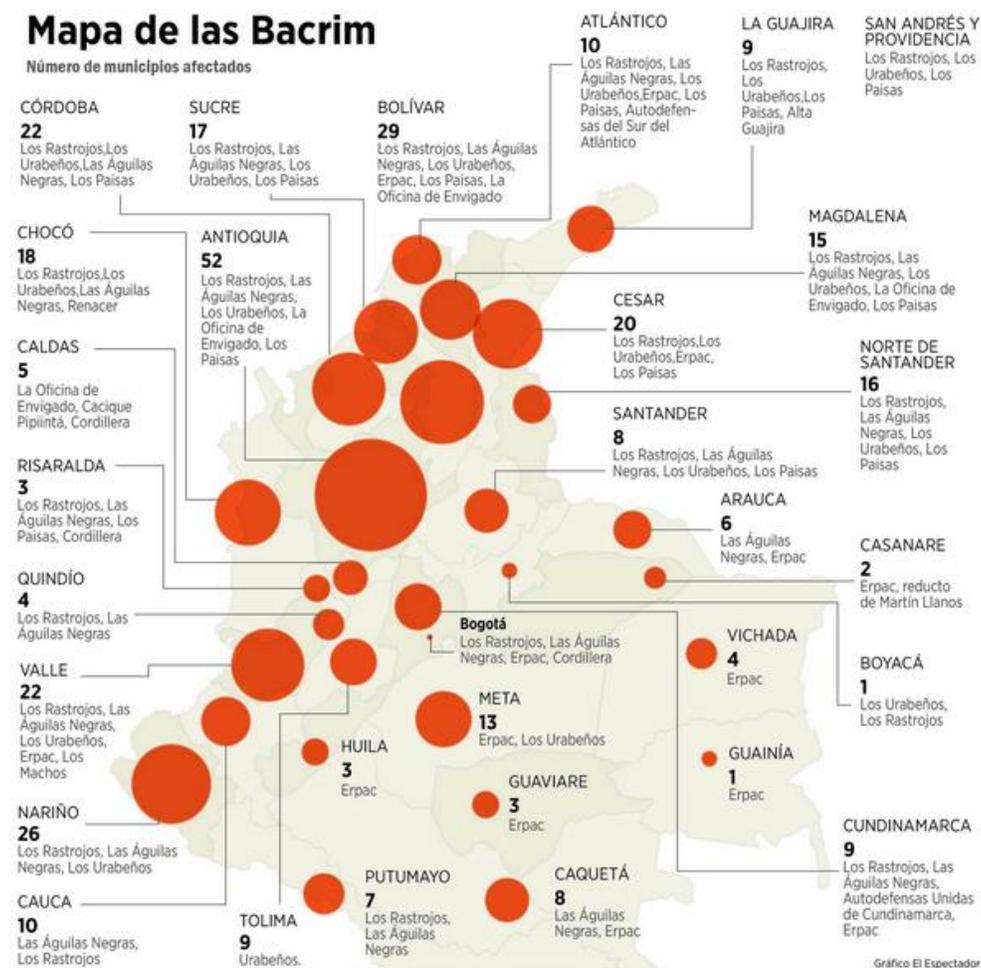
<sup>16</sup> Internal Displacement Monitoring Centre, *Displacement Continues Despite Hopes for Peace*, 2013, <http://www.internal-displacement.org/assets/library/Americas/Colombia/pdf/201401-am-colombia-overview-en.pdf>, p. 6.

<sup>17</sup> See: Pacho Escobar, *Los Carteles Neoparamilitares que Mandan en Colombia*. Corporación Nuevo Arco Iris, 2013, <http://www.arcoiris.com.co/2013/03/los-carteles-neoparamilitares-que-mandan-en-colombia/>; and Human Rights Watch, *The Crisis in Buenaventura. Disappearances, Dismemberment, and Displacement in Colombia's Main Pacific Port*, 2014, <http://www.hrw.org/reports/2014/03/20/crisis-buenaventura>. For a very detailed characterization of the BACRIM, see: Jeremy McDermott, *The BACRIM and Their Position in Colombia's Underworld*. InSight Crime. Organized crime in the Americas, 2014, <http://www.insightcrime.org/investigations/bacrim-and-their-position-in-colombia-underworld>.

<sup>18</sup> El Espectador, “Las bacrim crecen en todo el país,” February 19, 2012, [www.elespectador.com/noticias/judicial/bacrim-crecen-todo-el-pais-articulo-327595](http://www.elespectador.com/noticias/judicial/bacrim-crecen-todo-el-pais-articulo-327595).

<sup>19</sup> According to El Espectador, 2012 and CODHES, *La Crisis Humanitaria en Colombia Persiste*, 2013, available at: [http://www.abcolombia.org.uk/downloads/Informe\\_Desplazamiento\\_2012\\_La\\_Crisis\\_Humanitaria\\_.pdf](http://www.abcolombia.org.uk/downloads/Informe_Desplazamiento_2012_La_Crisis_Humanitaria_.pdf), the departments of Cesar and Córdoba have been the most affected by the narco-paramilitary groups; as recently as 2012 groups were present in 85 percent of the municipalities in Cesar and in 92 percent of the municipalities in Córdoba.

**Image 1: Map of Bandas Criminales (BACRIM) operating in each department and number of affected municipalities per department.**



Source: “Bandas criminales operan en 347 municipios,” *El Espectador*. November 17, 2011, <http://www.elespectador.com/noticias/temadeldia/bandas-criminales-operan-347-municipios-articulo-311652>.

The Colombian government is unwilling to deal with the BACRIM as parties to the conflict, but rather has designated them as criminal actors to be dealt with through the criminal justice system. Thus, BACRIM members have less incentive to demobilize than the paramilitaries as they would face criminal charges.

Given the growth in BACRIM, it is therefore unlikely that the peace negotiations with the guerrillas will lead to an end to violence. In fact, most of those interviewed in July 2014 felt that violence was likely to increase – at least in the short term – following a peace agreement. As FARC (and eventually ELN) struggle to maintain control of territories, new alliances are being formed with various BACRIM groups and of continuing rivalries between BACRIM. Into this volatile mix is the fear that demobilization of the guerrilla forces will lead to a growth in BACRIM.

This plays out in the humanitarian and human rights communities over what to call the situation after a peace agreement is in place: will Colombia then be in a ‘post-conflict’ situation’ or simply in a ‘post-agreement’ phase? This is a politically sensitive issue as the Santos government, which

has staked its political future on the peace agreement, clearly sees the situation as a post-conflict one while UN human rights and humanitarian actors and the Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) characterize the future situation as a ‘post-agreement’ phase. The differing use of these two terms is actually about much more than choice of words, but reflects different approaches to what it means to work with – and support – governments. While there were differences in the way in which those interviewed for this study characterized the post-peace agreement situation, there was universal support for the peace process and appreciation for the Santos government in pursuing these negotiations. Some representatives of international organizations said that their criticisms of the government were somewhat muted during the close electoral race out of concern that such criticisms could give ammunition to Santos’ opponents. We will return to this question of how international support for a particular government plays out in a later section. But before doing so, we turn to an examination of trends and patterns in displacement in Colombia.

## DISPLACEMENT IN COLOMBIA

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According to estimates from the Unidad para la Atención y Reparación Integral a las Víctimas (UARIV-Unit for the Assistance and Comprehensive Reparations to Victims) over 6 million people have been registered as internally displaced in Colombia as a result of the internal conflict—a figure amounting to over twelve percent of the country’s population.<sup>20</sup>

Patterns of displacement have corresponded to the shifting nature of the conflict and the emergence of new armed groups. Between 2000 and 2002, Colombia experienced a surge in the number of IDPs due to the proliferation of paramilitary organizations and the disintegration of peace talks between the government and the FARC.<sup>21</sup> Since 2004, the number of new IDPs has been steadily decreasing—although it is important to emphasize that displacement is ongoing. Indeed, the Internal Displacement Monitoring Centre (IDMC) estimated that 300,000 people have been newly displaced every year since 2000.<sup>22</sup> Estimating the number of IDPs in Colombia has always been a contentious issue, with major differences in numbers (and methodologies) used by the government and by human rights groups such as CODHES. In part these differences are due to differences in the ‘starting date’ of displacement and the way in which multiple displacements are handled.<sup>23</sup>

Displacement has taken different forms. In some cases (known as mass displacements), whole communities have been displaced. In other cases, individuals or families have been displaced (often referred to as *gota-a-gota*—drop by drop). In the past, much of the displacement was from rural areas to small towns or cities as guerrillas sought control of territory and government forces sought to dislodge them from territories. And it is important to note that more “traditional” trends of rural to urban displacement continue.<sup>24</sup> But as the BACRIM have increased their violent activities in urban areas, there are also patterns of urban-rural displacement, displacement between cities and increasingly, displacement within cities.

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<sup>20</sup> The official number of registered internally displaced persons in Colombia since 1985, as recorded by the National Victims Unit, was 6,044,000 as of November 1, 2014 – a figure which is constantly updated on the unit’s website <http://www.unidadvictimas.gov.co/index.php/en/home-english>. Perhaps because of the difference in reporting period, this figure is higher than the estimates of the Internal Displacement Monitoring Centre. *Global Overview 2014: People Internally Displaced by Violence*, May 2014, [www.internal-displacement.org/assets/publications/2014/201405-global-overview-2014-en.pdf](http://www.internal-displacement.org/assets/publications/2014/201405-global-overview-2014-en.pdf).

<sup>21</sup> Rodríguez Garavito, César and Diana Rodríguez Franco. “El Contexto: El desplazamiento forzado y la intervención de la Corte Constitucional (1995-2009,)” *Más allá del desplazamiento: Políticas, derechos y superación de desplazamiento forzado en Colombia*, César Rodríguez Garavito (ed.), Bogotá: Universidad de Los Andes, Facultad de Derecho, January 2010, <http://alfresco.uclouvain.be/alfresco/d/d/workspace/SpacesStore/ea84a64-11a6-45b0-86b5-42d7fd4b75ef/CIJUS%20Uniandes%20-%20mas%20alla%20del%20desplazamiento%202010.pdf>.

<sup>22</sup> IDMC, *Colombia: Displacement continues despite hopes for peace*, January 16, 2014, <http://www.rcusa.org/uploads/pdfs/201401-am-colombia-overview-en.pdf>. The government reported around 222,000 through September 14, 2013.

<sup>23</sup> For a more in-depth explanation of how the Colombian government’s and CODHES’ methodologies differ, see: IDMC, *Colombia: Property restitution in sight but integration still distant*, December 29, 2011, <http://www.rcusa.org/uploads/pdfs/Colombia+-December+2011.pdf>.

<sup>24</sup> According to a study by CODHES, the following municipalities are the largest recipients of IDPs in the country: Medellín, Bogotá D.C., Amalfí (Antioquia), Anoqí (Antioquia) and Tumaco (Nariño). CODHES. *Desplazamiento Forzado Intraurbano y Soluciones Duraderas*, Bogotá, 2013, [www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2013/9156](http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2013/9156)

Recent displacement has been concentrated in a handful of departments. Nearly half of all displaced persons (48.1 percent) in 2013 originated from departments in the Pacific Coast.<sup>25</sup> On a more localized level, the city of Buenaventura in Valle de Cauca was the leading municipality producing new IDPs in 2011, 2012 and 2013.<sup>26</sup> However, these figures refer only to those IDPs who are registered and historically there has been significant under-registration of IDPs.<sup>27</sup>

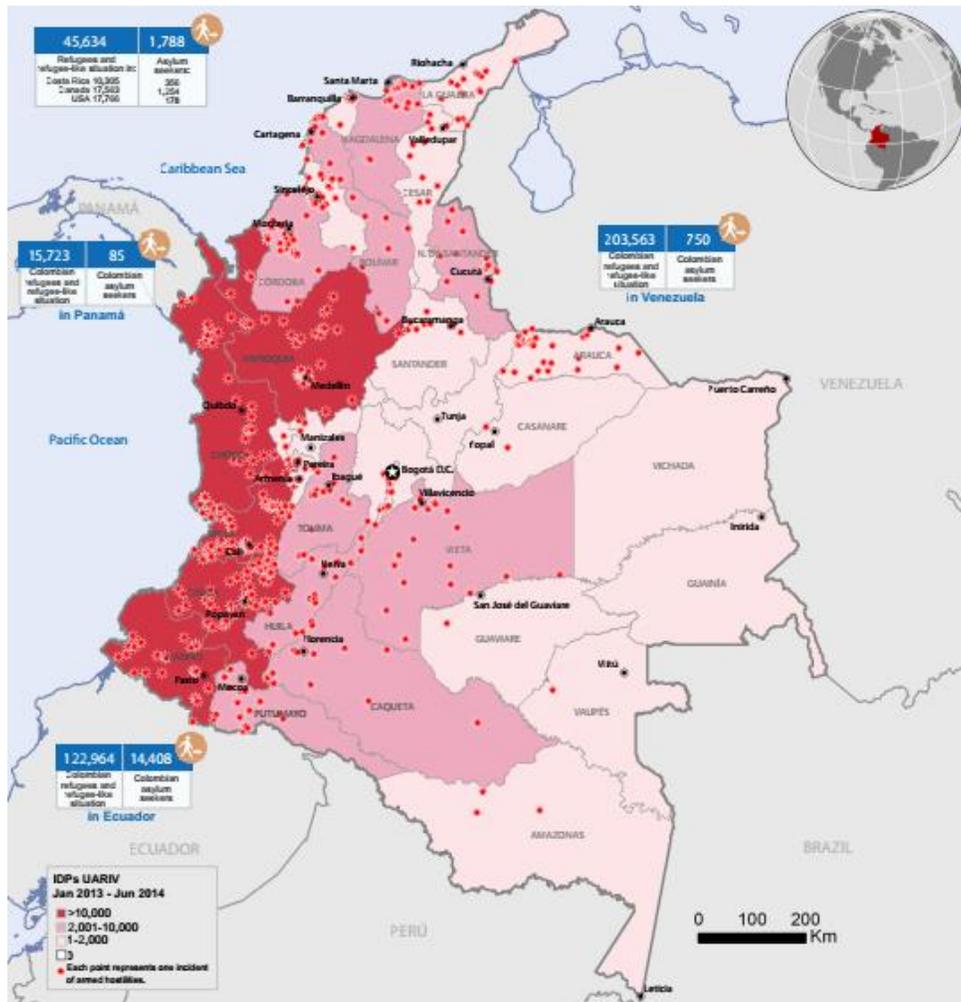
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<sup>25</sup> In Nariño, 18,167 people have been displaced; in Valle de Cauca, 17,468; in Cauca, 12,156; and in Chocó, 7,736 according to El País, “Mayoría de desplazados en Colombia son del Pacífico, denuncia Defensoría,” May 21, 2014, [www.elpais.com.co/elpais/judicial/noticias/mayoria-desplazados-colombia-proviene-pacifico-denuncia-defensoria](http://www.elpais.com.co/elpais/judicial/noticias/mayoria-desplazados-colombia-proviene-pacifico-denuncia-defensoria)

<sup>26</sup> Human Rights Watch. *The Crisis in Buenaventura: Disappearances, Dismembering, and Displacement in Colombia’s Main Pacific Coast*, March 20, 2014, [www.hrw.org/news/2014/03/20/colombia-disappearances-plague-major-port](http://www.hrw.org/news/2014/03/20/colombia-disappearances-plague-major-port).

<sup>27</sup> CODHES, *Numero de personas desplazadas por municipio y año*, 2012, [www.codhes.org/index.php?option=com\\_si&type=1](http://www.codhes.org/index.php?option=com_si&type=1).

Image 2: Colombia Humanitarian Snapshot (June 2014)



Source: [http://www.salahumanitaria.co/sites/www.salahumanitaria.co/files/SnapshotConflict0\\_Junio2014.pdf](http://www.salahumanitaria.co/sites/www.salahumanitaria.co/files/SnapshotConflict0_Junio2014.pdf)

Displacement also disproportionately affects women, children and particular ethnic groups. Nearly 80 percent of all Colombian IDPs are women or children under the age of 18 and 49 percent of displaced households are women headed compared to the national average of 23 percent.<sup>28</sup> In 2013, 47.7 percent of all newly displaced persons were of Afro-Colombian descent and 23.9 percent belonged to indigenous communities, while these populations respectively compose 10.6 and 3.4 percent of the national population.<sup>29</sup>

<sup>28</sup> See Mónica M Alzate, "The Sexual and Reproductive Rights of Internally Displaced Women: The Embodiment of Colombia's Crisis", *Disasters*, Volume 32, issue 1, 2008, and UNHCR. "Desplazamiento Interno de Colombia", *Situación Colombia*, 2012, [www.acnur.org/t3/operaciones/situacion-colombia/desplazamiento-interno-en-colombia/](http://www.acnur.org/t3/operaciones/situacion-colombia/desplazamiento-interno-en-colombia/).

<sup>29</sup> El País 2014. Departamento Administrativo Nacional de Estadísticas (DANE). *La visibilización estadística de los grupos étnicos colombianos*, Republica de Colombia, 2005, [www.dane.gov.co/files/censo2005/etnia/sys/visibilidad\\_estadistica\\_etnicos.pdf](http://www.dane.gov.co/files/censo2005/etnia/sys/visibilidad_estadistica_etnicos.pdf). Note that the UN Special Rapporteur for Minorities Ms. Gay McDougall pointed out during her trip in February 2010 that the Afro-Colombian population actually amounts to 25 percent of the population. Still, the most recent figure presented by the Colombian Government remains 10.6 percent. See the Global Protection Cluster's *Inter-Cluster Support Mission to*

**Table 1: Estimated number of new and registered IDPs 2004-2014**

Year	Number of new IDPs (per CODHES estimates) <sup>30</sup>	Number of new IDPs (per Government registry)	Number of declarations for displacement (in the Government registry) <sup>31</sup>
<b>2004</b>	287,581	334,917	224,079
<b>2005</b>	310,237	380,286	298,981
<b>2006</b>	221,187	385,284	358,157
<b>2007</b>	305,966	421,520	439,582
<b>2008</b>	380,863	382,565	487,377
<b>2009</b>	286,389	217,463	398,965
<b>2010</b>	280,041	177,208	359,482
<b>2011</b>	259,146	229,725	453,867
<b>2012</b>	261,050	214,502	496,262
<b>2013</b>	Not available <sup>32</sup>	180,213	667,725
<b>2014 (as of mid-year)</b>	Not available	13,887	64,519
<b>Total (2004-2014)</b>	2,592,460	2,937,570	3,795,583
<b>Total</b>	5,200,000	5,632,063 (Between 1985- 2014)	5,966,529 (Between 1985-2014)

Until a Constitutional Court ruling (T-06) in 2013, those displaced by the BACRIM were considered only victims of “common crime” and not victims of an armed conflict, thus excluding them from the IDP register and from state humanitarian assistance, reparations and protection.<sup>33</sup> One of the recent disturbing trends has been growing intra-urban displacement which occurs when IDPs displaced to cities are forced to move again, usually because of threats and violence

*Colombia Report* 2010 for more information:

[www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Colombia/files/Colombia\\_Intercluster\\_Mission\\_Report\\_2010\\_EN.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Colombia/files/Colombia_Intercluster_Mission_Report_2010_EN.pdf).

<sup>30</sup> CODHES. *Numero de personas desplazadas por municipio y año, 2012*, [www.codhes.org/index.php?option=com\\_si&type=1](http://www.codhes.org/index.php?option=com_si&type=1).

<sup>31</sup> Red Nacional de Información, <http://rni.unidadVictimas.gov.co/?q=v-reportes>.

<sup>32</sup> NOTE: no CODHES estimates have been published for either 2013 or 2014. The total number of estimated IDPs per CODHES between 2004-2014 thus excludes those years.

<sup>33</sup> For more information on the Constitutional Court Award 119 of 2013, see section on laws, policies, and constitutional court rulings on internal displacement and table 4 in Annex A. See also: McCleskey, Claire O'Neill, “Víctimas Desplazadas por BACRIM Ganan Reconocimiento Legal en Colombia,” *In Sight Crime*, July 4, 2013, <http://es.insightcrime.org/noticias-del-dia/Victimas-desplazadas-por-bacrim-ganan-reconocimiento-legal-en-colombia>.

by criminal groups.<sup>34</sup> The municipalities with the highest level of intra-urban displacement include, in descending order: Buenaventura, Medellín, Tumaco, Segovia and Soacha.<sup>35</sup> Intra-urban displacement is probably not officially captured in the official statistics on IDPs, in part because of fear and reluctance on the part of IDPs to identify themselves.<sup>36</sup> Even when intra-urban IDPs do declare their situation to government authorities, they are often not recognized, as displacement within urban centers goes against the prevailing concept of displacement as being mostly rural to urban and requiring migration across long distances. According to the Instituto Popular de Capacitación, “sub registration is one of the phenomena that most obscures the issue of intra-urban displacement caused by narco-trafficking.”<sup>37</sup> Several of those interviewed for this study remarked on the particular vulnerability of those displaced within cities. As one respondent noted, ‘a whole community is affected when criminal groups are fighting each other for control of a particular neighborhood. But it’s particularly dangerous for newly-arrived IDPs who don’t know the invisible boundaries (*fronteras invisibles*) and find that even crossing the street can make them a target.’

Adding to the complexity of understanding patterns of displacement in Colombia is the role of economic interests and land-grabbing as causes of displacement, particularly in rural areas. Even though the proximate cause of displacement may be the activities of armed groups (or in some cases government efforts to combat them) the conflict stems from efforts by economic interests, both legitimate and illicit economic interests—to displace people so that the land can be used for extractive industries such as mining or new agro-industrial projects included in Colombia’s development plans.<sup>38</sup>

### ***Are IDPs more disadvantaged than other Colombians?***

In comparison with those who have not been displaced, IDPs have lower standards of living. The Comisión de Seguimiento, a monitoring institution mandated by the Constitutional Court to assess governmental policies to comply with the Court’s decision to devote more resources to IDPs, issued a series of reports documenting the particular vulnerabilities of IDPs.<sup>39</sup> People interviewed for this study cited different figures. One respondent said that 92 percent of IDPs were under the poverty line—a much higher figure than the 26 percent of the total population. The Unidad de Víctimas shared the general sense that IDPs are worse off than those who have not been displaced but noted the lack of reliable data and is presently working to develop indicators of vulnerability which will stand up to rigorous analysis. One of the difficulties in answering what appears to be a straightforward question is the fact that Afro-Colombians and indigenous groups – traditionally poorer and more marginalized – are so over-represented in the

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<sup>34</sup> CODHES. *Desplazamiento Forzado Intraurbano y Soluciones Duraderas*, Bogotá, 2013, [www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2013/9156](http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/Publicaciones/2013/9156). Also see: Hernández Cifuentes, Yhoban Camilo. *Desplazamiento Intraurbano en Medellín: cíclico e invisible*, Instituto Popular de Capacitación, December 10, 2013, <http://reliefweb.int/report/colombia/desplazamiento-intraurbano-en-medell-n-c-clico-e-invisible>.

<sup>35</sup> CODHES, 2013, n 34.

<sup>36</sup> Hernández Cifuentes and Yhoban Camilo, above, n.34.

<sup>37</sup> Hernández Cifuentes and Yhoban Camilo, above, n. 34.

<sup>38</sup> See for example, U.S. Office on Colombia, *Large-scale mining in Colombia: human rights violations, past, present and future*, May 2013. <http://reliefweb.int/sites/reliefweb.int/files/resources/large-scale-mining-full-report.pdf>.

<sup>39</sup> [http://www.codhes.org/index.php?option=com\\_seg&templateStyle=9](http://www.codhes.org/index.php?option=com_seg&templateStyle=9).

displaced population. As several respondents remarked: “there’s no (longer) discrimination against IDPs, but there is a lot of discrimination against Afro-Colombians.”

Some statistics suggest that IDPs do indeed have specific vulnerabilities, particularly relating to health. A study in 2008 found that 38 percent of Colombian IDPs are not registered with the public health system and only 22 percent enjoy regular access to services.<sup>40</sup> Another study, published in 2013 found higher incidence of domestic and community violence among displaced women than women who had not been displaced.<sup>41</sup> There are particular disparities on issues related to sexual and reproductive health. Displaced women on average bear 5.8 children compared with an average of 3.1 among non-displaced women of the same age group.<sup>42</sup> The rate of unintentional pregnancy is 40 percent higher among IDPs than for the country as a whole and one third of displaced adolescents are pregnant or parenting compared to 20 percent of non-displaced citizens—figures that suggest lower access to family planning among IDPs or higher rates of sexual violence.<sup>43</sup> Since these studies were carried out, however, there have been improvements in IDPs’ access to public health services.

National authorities are responsible for protecting and assisting IDPs and we turn now to a discussion of the Colombian government’s policies and programs on internal displacement. Certainly more than most countries with large numbers of IDPs, Colombian policies on displacement have been extensively reported and analyzed. The following section is a summary of a much more extensive body of literature.

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<sup>40</sup> Alzate, above, n. 28.

<sup>41</sup> Instituto Colombiano de Bienestar Familiar y Organización Internacional para las Migraciones, *Violencia intrafamiliar, Sexual y Comunitaria en el Contexto del Desplazamiento Forzado*, Bogotá: Instituto Colombiano de Bienestar Familiar, 2013.

<sup>42</sup> Andrés Quintero and Tegan A. Culler. *IDP Health in Colombia: Needs and Challenges*. Forced Migration Review, issue 33: Reproductive Health Access, Information and Services in Emergencies, September 2009, <http://www.fmreview.org/FMRpdfs/FMR33/70-71.pdf>.

<sup>43</sup> Quintero et al. 2009, above, n. 42. Also see: Mogollón Pérez, Amparo Susana, and María Luisa Vázquez Navarrete. “Opinión De Las Mujeres Desplazadas Sobre La Repercusión En Su Salud Del Desplazamiento Forzado,” *Gaceta Sanitaria*, Volume 20, issue 4, 2006.

## LAWS, POLICIES AND CONSTITUTIONAL COURT RULINGS ON INTERNAL DISPLACEMENT

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Since the mid-1990s, Colombia has adopted laws and policies with respect to internal displacement and over the years has developed a rich body of jurisprudence. Its first law on internal displacement was adopted in 1997, even before the *Guiding Principles on Internal Displacement* were finalized. To a much greater extent than the cases of Somalia and the DRC, the Colombian government has taken steps to respond to IDPs within a dynamic judicial process. Some of the important legal mechanisms developed to protect IDPs are no longer applied, either because they have been overturned or have been replaced by newer laws. This overview focuses on the policies, laws and court rulings produced throughout the past decade, between 2004-2014.

The year 2004 marked an important shift in legal frameworks for IDPs in Colombia. After seven years of implementing Law 387—the first policy to provide a framework for addressing displacement—the Constitutional Court reviewed over 100 *acciones de tutelas* submitted by IDPs. In these legal documents, IDPs claimed that they were not receiving services or protection as guaranteed in Law 387 and were thus seeking judicial action through the courts.<sup>44</sup> The Constitutional Court passed decision T-025 in response to these *tutelas*, declaring that “the fundamental human rights of the country’s internally displaced persons were being disregarded in such a massive, protracted, and reiterated manner that an ‘unconstitutional state of affairs’ had arisen.”<sup>45</sup> After declaring the unconstitutional state of affairs in 2004, the Court issued follow-up orders (*autos*) requiring institutions to provide evidence that they were taking steps to ensure the adequate allocation of resources and timely institutional restructuring to guarantee that adequate services were provided to IDPs, as outlined by law. “Between February 2004 and December 2009, the Court issued 84 *autos* with the intention of continuing to give orders regarding the sentence, solicit reports and concrete actions, conduct punctual follow-up, as well as establish indicators of evaluation in realizing the rights of displaced persons.”<sup>46</sup> T-025 also established a permanent monitoring group, the Comisión de Seguimiento, to oversee progress in the realization of the rights of the displaced.

Since the T-025 decision, the Colombian Constitutional Court has continued to be instrumental in pressing governmental institutions at national and local levels to comply with legislation aimed at protecting and assisting IDPs and in challenging governmental implementation of policy. Several Presidential Decrees and legislative revisions have also resulted as a consequence

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<sup>44</sup> According to a 2011 report by the Brookings-Bern Project on Internal Displacement, judicial tools—particularly the *acción de tutela*—are particularly important for displaced Colombians, as “IDPs often resort to judicial defense mechanisms... in order to obtain state response to their problems.”

<sup>45</sup> Arango Rivadeneira, Rodolfo (ed.). *Judicial Protection of Internally Displaced Persons: The Colombian Experience*, Washington DC: The Brookings-Bern Project on Internal Displacement, November 2009, [www.brookings.edu/research/papers/2009/11/judicial-protection-arango](http://www.brookings.edu/research/papers/2009/11/judicial-protection-arango).

<sup>46</sup> Rodríguez Garavito, César and Diana Rodríguez Franco. “El Contexto: El desplazamiento forzado y la intervención de la Corte Constitucional (1995-2009),” in *Más allá del desplazamiento: Políticas, derechos y superación de desplazamiento forzado en Colombia*, César Rodríguez Garavito (ed.), Bogotá: Universidad de Los Andes, Facultad de Derecho, January 2010, <http://alfresco.uclouvain.be/alfresco/d/d/workspace/SpacesStore/eea84a64-11a6-45b0-86b5-42d7fd4b75ef/CIJUS%20Uniandes%20-%20mas%20alla%20del%20desplazamiento%202010.pdf>.

of Constitutional Court rulings in an attempt to operationalize legal frameworks and solutions for internal displacement, for instance, Presidential Decree 250 of 2005.

More recently, a significant shift has occurred as IDPs have been recognized, together with other groups, as victims of the armed conflict. Law 975 – the “Law of Justice and Peace” – was passed during the Uribe administration in 2005 to facilitate the individual and collective reincorporation of members of armed groups into civil society, and to guarantee the rights of victims (including many IDPs) to truth, justice and reparations. The legal framework established by Law 975 allowed those members of armed groups operating outside the law to receive reduced prison sentences and reintegration assistance in exchange for “truth telling” and demobilization.<sup>47</sup> Victims were defined as persons that individually or collectively have suffered direct harm, either temporary or permanent, that have caused some kind of physical, psychological or sensorial disability; emotional suffering; financial loss; or reduction of fundamental rights.<sup>48</sup> While not explicitly referring to IDPs, almost all displaced persons have experienced such harm and were thus eligible for reparations under this law.

In critical response to the Law of Justice and Peace, politicians and human rights lawyers advocated for provisions that would make the suffering of victims visible.<sup>49</sup> The Presidential Decree 1290 of 2008 responded to this demand, creating the Program of Individual Reparations by Administrative Means for Victims of Armed Groups Organized at the Margin of the Law. A constitutional court ruling declared that the “perpetrators are to be the primary persons responsible for providing reparations to victims” (Sentence C-370 of 2006); when perpetrators are unable to do so, the state should exercise this responsibility. The purpose of the regulatory decree 1290 was to create an administrative system for ensuring that reparations were carried out in accordance with Law 975 of 2005. Specifically the decree established an amount for compensation (to 27 times the minimum monthly salary) and created a National Victims Reparation Fund. Despite intentions to ensure that Law 975 provided concrete benefits to victims, many local and international human rights advocates considered the Law of Justice and Peace as a “law for the perpetrators,” as the rights of victims took a second place to the demobilization of armed groups.

Law 1448, the Ley de Víctimas y Restitución de Tierras (the Victims and Land Restitution Law) was approved during the administration of Juan Manuel Santos in July 2011. The “Victims Law,” as it is colloquially called, recognizes for the first time in Colombian history the presence of an internal armed conflict and attempts to provide reparations for its victims—including IDPs.

In addition to the major laws, decrees and court rulings which have strengthened protection and assistance for IDPs, an accumulation of less well-known legal measures have also contributed to the national framework.<sup>50</sup>

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<sup>47</sup> See Constitutional Court ruling C-370 2006 in Table 4, Annex A.

<sup>48</sup> See article 5 of Law 975 of 2005.

<sup>49</sup> For further analysis of the law see Alejandro Castillejo-Cuéllar, *Tras los Rastros del Cuerpo: Instantáneas Del Proceso de Justicia y Paz en Colombia* (Universidad de Los Andes, 2010). For a political perspective on how the Law of Justice and Peace relates to the Law of Victims, see Juan Fernando Cristo, *La Guerra por Las Víctimas: Lo que nunca se supo de la ley* (Bogotá, 2012), p. 3.

<sup>50</sup> A summary of these laws is available from the researcher.

## PROTECTION AND ASSISTANCE

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Colombia's institutional response to IDPs has been both comprehensive and complicated. Until the passage of Law 1448, IDPs registered with the government in a National Registry of the Displaced Population (Registro Unico de la Población Desplazada) and registered IDPs were eligible for a range of services, beginning with three months of humanitarian assistance (which could be extended if needed). After that time, IDPs could receive what was called stabilization assistance to support their transition to self-reliance through ensuring access to public services such as education as well as training and support for finding stable employment. The process of coordinating assistance to IDPs was led by the National System of Integrated Attention to People Displaced by Violence (SNAIPD from its Spanish acronym) which mandated action by different ministries at the national level and implementation at the local level. A presidential agency, Acción Social, was established in 2005 as the coordinating entity of SNAIPD and the Ministry of the Interior and Justice and was charged with coordinating the efforts between the national and local levels of government.

The system was a comprehensive and complex effort to coordinate the efforts of many governmental agencies, operating on different levels.<sup>51</sup> For example, the Unidades de Atención y Orientación a la Población Desplazada were intended to bring together the relevant agencies under one roof so that IDPs would be able to access services as 'one stop shopping.' As the scale and duration of displacement grew, there were court challenges by IDPs due to the inadequacy of assistance. Municipal authorities came under particular pressure as they often did not have the resources necessary to implement assistance programs or to provide services to IDPs.<sup>52</sup> There were other difficulties with the assistance programs: IDPs who were not registered were not eligible for assistance even though under-registration was widely recognized as a problem.<sup>53</sup> There were cases where poor people claimed to be IDPs as a way of accessing assistance. There were major problems with stabilization programs, particularly with equipping rural IDPs with tools and skills to compete in an urban labor market. As one of the key informants explained, "as agencies implementing stabilization programs were under pressure to show results, they tended to select participants in training programs who already had skills rather than to train those who would face more difficulties finding employment." One of the biggest problems for governments, particularly at the municipal level, was finding the balance between singling out IDPs for assistance and supporting general assistance programs to the poor.<sup>54</sup>

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<sup>51</sup> For an overview of the system of assistance to IDPs, see Ana María Ibáñez and Andrea Velásquez, *Public Policies to Assist Internally Displaced Persons: The Role of Municipal Authorities*, Brookings-Bern Project on Internal Displacement, December 2008, [http://www.brookings.edu/~media/research/files/reports/2008/12/03%20colombia%20ibanez/1203\\_colombia\\_ibanez.pdf](http://www.brookings.edu/~media/research/files/reports/2008/12/03%20colombia%20ibanez/1203_colombia_ibanez.pdf), pp. 8-10.

<sup>52</sup> Ana María Ibáñez and Andrea Velásquez, above, n. 51 and Roberto Carlos Vidal López et al., *The Effects of Internal Displacement on Host Communities*, Brookings-LSE Project on Internal Displacement, October, 2011, <http://www.brookings.edu/~media/research/files/reports/2011/10/host%20communities%20colombia%20idp/host%20communities%20colombia%20english>.

<sup>53</sup> Patricia White Fagen, *Uprooted and unrestored: A comparative review of durable solutions for people displaced by conflict in Colombia and Liberia*, Policy Development and Evaluation Service Report, August 2011, <http://www.unhcr.org/4e576a739.html>, p. 24.

<sup>54</sup> For a discussion of some of these problems, see, Angela Consuelo Carillo, *Internal displacement in Colombia: humanitarian, economic and social consequences in urban settings and current challenges*, International Review of

In any event, the passage of the Ley de Víctimas in 2011 led to the creation of a new institutional system for responding to the victims of Colombia's internal conflict. Victims, including IDPs, now register with the Central Registry of Victims (Registro Unico de Víctimas.) SNAIPD has been replaced by SNARIV (The National System of Comprehensive Attention and Reparation of Victims.) Acción Social was disbanded and replaced by the Unidad para la Atención y Reparación Integral de Víctimas (UARIV). UARIV is responsible for coordinating, advising and developing the public policy to assist and provide reparations to the victims.

At the present time, there are 6.8 million registered victims with the central registry of whom over six million are displaced—a figure which is constantly updated on the Unidad's website.<sup>55</sup> Presently there are some 52 national governmental entities who are involved in the process of assistance, attention, protection and reparations to the displaced. In addition, the SNARIV also includes 10 technical subcommittees, all the territorial entities, 1132 Committees of Transitional Justice (municipal and departmental) and more than 2,000 organizations of victims and defenders of their rights. The range of measures on which the Unidad is working include humanitarian assistance, compensation, support for return or resettlement, land restitution, rural and urban employment, credits and liabilities, psycho-social assistance, as well as protection and prevention. For example, under the prevention and protection aspect of Unidad's program, comprehensive plans have been developed for all 32 departments, 320 contingency plans are in the process of being developed, and priority areas have been identified where further work is needed. The Unidad has established 99 service points and 20 territorial headquarters in the places with large numbers of victims. Emphasis is placed on the differentiated approach in which targeted assistance is provided to particular groups of victims, such as women, children and youth, the elderly, people with disabilities, ethnic communities and indigenous groups. In addition, roundtables have been set up at the municipal and national levels to provide forums for victims to be consulted about the process.<sup>56</sup>

The institutional system to respond to the needs and uphold the rights of victims is an impressive undertaking. Paula Gaviria, the head of the unit, has a strong human rights background and a great deal of credibility within Colombia. The Unidad de Víctimas has 4,500 staff, 2,500 of whom work outside of Bogotá.<sup>57</sup> The program of work is ambitious, time-bound with a clear (although probably impossible) goal of achieving reparations by 2021, and based on the development of rigorous criteria. It is clear that the government is making a huge commitment to addressing the needs and upholding the rights of the victims of the conflict. As noted in the next section, this commitment includes the provision of financial resources to carry out this work. At the same time, the challenges the Colombian government faces are immense, particularly as this process of reparations is taking place at a time when the conflict is ongoing (unlike other cases where reparations are part of the post-conflict process.)

Some of those interviewed argued that the dissolution of Acción Social and the creation of a completely new entity to oversee the assistance programs was necessary for the Santos

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the Red Cross, vol. 91, no. 875, September 2009, <https://www.icrc.org/eng/assets/files/other/irrc-875-carrillo.pdf>, pp. 539- 543.

<sup>55</sup> Unidad para la Atención y Reparación a las Víctimas, <http://www.unidadVictimas.gov.co/index.php/en/home-english>.

<sup>56</sup> All of these figures come from the website where much more detailed information is available (in both Spanish and English) on all of these programs.

<sup>57</sup> Key informant interview.

administration to demonstrate its intention to create an entirely new system. A few lamented the loss of expertise and capacity when Acción Social was dissolved, noting that in spite of its shortcomings, staff had valuable experience which should have been preserved. Everyone interviewed—including representatives of the Colombian government, human rights groups, international organization staff, donor governments—recognized that the process of developing the institutional structure meant that services to the displaced/victims were put on hold for over a year as the new institution was built. A few informants expressed concerns that although the Unidad is a strong and credible institution, the line ministries – with whom it must work – are stronger and more politically powerful. If, as is likely, implementation of the Victims’ Law challenges business interests or calls into questions development policy, political commitment to the process may waver.

In addition to the actions of the government, Colombia has a strong and vibrant tradition of human rights institutions, including the Defensoría del Pueblo (or human rights ombudsman within the government) and strong non-governmental human rights institutions such as the CODHES, and the Asociación Nacional de Afrocolombianos Desplazados, and hundreds of associations of IDPs/victims. Perhaps one of the most impressive aspects of Colombia’s current peace process is that it includes a strong and dynamic process of consultation with the victims.

## A WORD ABOUT FUNDING FOR IDPS IN COLOMBIA

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Although an official policy for IDPs has been in place since 1997, the operationalization of legal frameworks has often been limited by the lack of funding, as pointed out by the Constitutional Court ruling T-025 in 2004.<sup>58</sup> However, with the implementation of the Victims Law, the national government appears to be demonstrating its commitment through assuring adequate financing. Article 19 of the Victims Law calls upon the National Council for the Political and Social Economy (CONPES) to create a National Financing Plan to ensure the law's sustainability.<sup>59</sup> The National Development Plan for 2010-2014 similarly requires funding to be allocated for transitional justice, thus incorporating the Victims Law into the national development plan. The United States government has committed USD 50 million for implementation of the Victims Law—funding to be provided through the United States Agency for International Development that will focus on “the strengthening of key institutions for the application of the law, such as the Victims Unit, the Center for Historical Memory, the Minister of Health, and the departmental and municipal governments of specific areas.”<sup>60</sup> The National Financing Plan put forward by CONPES bases the projected cost of implementing all aspects of the Victims Law according to past spending and estimated numbers of total victims per “victim event” (*hecho victimizante*.) The figures cited are for around USD \$30 billion over a 10 year period although most of those interviewed referred to government expenditures of around USD 1 billion per year.<sup>61</sup>

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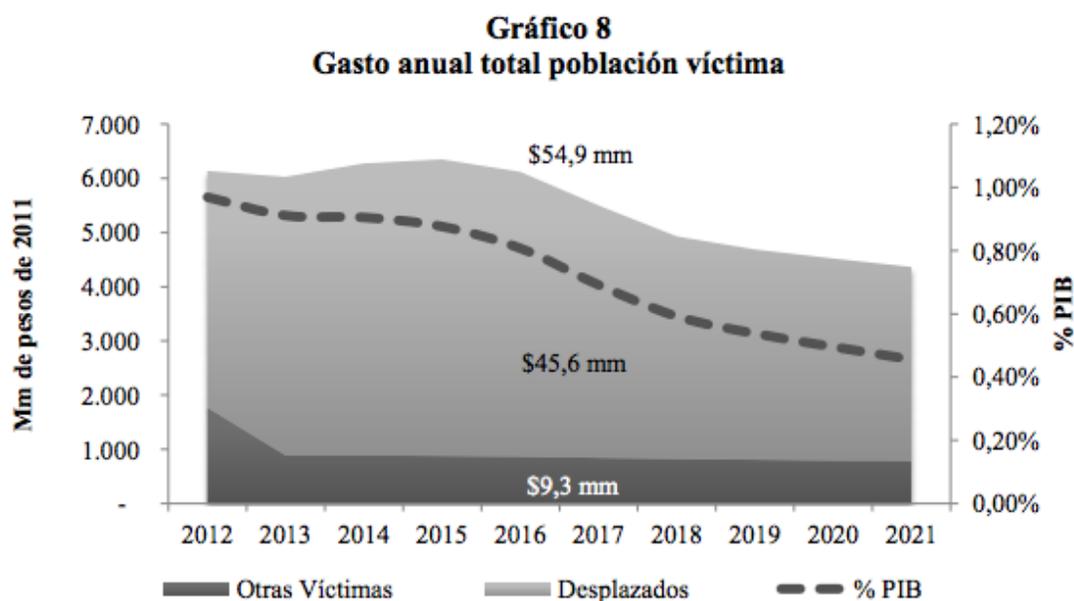
<sup>58</sup> For further details on local government spending for IDPs before 2011 see Ana María Ibáñez and Andrea Velásquez, *La política pública para atender a la población desplazada: ¿Cuáles deben ser las funciones de las autoridades locales?* [www.brookings.edu/es/research/reports/2008/12/03-colombia-ibanez](http://www.brookings.edu/es/research/reports/2008/12/03-colombia-ibanez)

<sup>59</sup> Consejo Nacional de Política Económica y Social (CONPES), *Plan de financiación para la sostenibilidad de la Ley 1448 de 2011*, República de Colombia, December 1, 2011, [www.dnp.gov.co/LinkClick.aspx?fileticket=IvwupUNoxX4%3D&tabid=1260](http://www.dnp.gov.co/LinkClick.aspx?fileticket=IvwupUNoxX4%3D&tabid=1260) although in August 2014, this link was broken. See <http://ictj.org/ictj/docs/Ley1448/Conpes-3712-ley-de-victimas.pdf>

<sup>60</sup> El Tiempo. “EE.UU dará US \$50 millones para Víctimas del conflicto,” August 1, 2012, [www.eltiempo.com/archivo/documento/CMS-12084272](http://www.eltiempo.com/archivo/documento/CMS-12084272)

<sup>61</sup> The researcher (and 2 research assistants) spent considerable time working with figures provided by CONPES (such as: <http://ictj.org/ictj/docs/Ley1448/Conpes-3712-ley-de-victimas.pdf>) which are frequently cited by researchers and advocates (see for example: [http://www.abcolombia.org.uk/downloads/ABColumbia\\_land\\_report\\_-\\_Colombia\\_the\\_Current\\_Panorama.pdf](http://www.abcolombia.org.uk/downloads/ABColumbia_land_report_-_Colombia_the_Current_Panorama.pdf)) trying unsuccessfully to get a clear breakdown of specific budgets for IDPs, eventually deciding that the details of the budgets were less important for this study than the overall finding that the Colombian government has made a tremendous financial commitment to implementation of the Victims' law.

Image 3: Projected annual spending for the total population of victims from 2012-2021



Source: CONPES, Plan de financiación para la sostenibilidad de la Ley 1448 de 2011

The graph above illustrates that expenditures on IDPs (COP 45.6 billion) represents the lion's share of total spending (COP 54.9 billion) for all victims, reflecting the overwhelming number of IDPs among those registered as victims. According to the Registro Unico de Víctimas, there are currently 6,864,934 registered victims, of whom 5,964,405 are registered as displaced.

## Colombian laws and institutions

Colombian laws and policies have been the main driving force in efforts to prevent displacement, protect, and assist those who are displaced and find solutions for IDPs. In particular, the Constitutional Court decision, Sentencia T-025 in 2004 forced the government to develop policies, establish institutions and commit resources to the millions displaced by conflict. This decision had much more impact on the lives of the displaced than actions by international actors or humanitarian reform.

But even with the commitment of billions of pesos and far-reaching legal and policy developments, people are still being displaced. Moreover, even with the strong political commitment of the government, a strong legal structure, and an engaged civil society, solutions remain distant for most of Colombia's IDPs. A report in April 2014 by the Medellín-based Shaping the Future Foundation indicated that out of the 54,000 applications for land restitution that have been submitted since the implementation of the Victims and Land Restitution Act, only 964 – 1.7 percent – had received a ruling.<sup>62</sup> As one government official remarked, “the best case scenario is that it will take a hundred years to settle these land claims and provide reparations to all of those who have registered.” The sheer scale of the number of IDPs and the complexity of

<sup>62</sup> Acuna, Philip. “Vast majority of land restitution requests in Colombia have been denied: NGO,” Colombia Reports. April 8, 2014: <http://colombiareports.co/1-7-land-restitution-requests-failed-according-ngo>.

land restitution, particularly when IDPs have been displaced for decades, mean that the process will inevitably be a slow one (while the expectations of victims have been raised).

For example, land may have changed hands several times and investments made to improve the property which complicates return. In some cases, individuals have received compensation for land (rather than restitution), but there are concerns about whether the compensation will be used for activities other than providing a durable solution to displacement.<sup>63</sup> There is a move to organize collective, rather than individual reparations, but these have also proven to be difficult to implement. Moreover, the fact that violence continues in many of the communities of origin for the displaced means that even when all the legal processes have been followed and the IDPs return to their lands (even accompanied by the police), to take possession of their restituted land, they often face threats and violence by armed actors who effectively control the land. Representatives of victims groups, particularly leaders of indigenous and Afro-Colombian groups, have been targeted for violence.<sup>64</sup> After six years of implementation of the transitional justice process, more than 362,000 victims have reported to the Attorney General's Office crimes committed against them by illegal armed groups, including forced disappearance, terrorism, sexual violence and kidnapping.<sup>65</sup>

### ***Victims or IDPs or both?***

IDPs are now considered victims of Colombia's decades of civil conflict. On the one hand this has been a very positive development; IDPs indicated that they feel that their suffering as a consequence of the war has been recognized by the government. As one IDP explained, "we used to be seen as somehow 'dirty,' that we had somehow brought this displacement on ourselves. We faced stigma and rejection. But now we can hold our heads up high because we are recognized as victims."

Conversely, there are also concerns that internal displacement has lost visibility as IDPs are now considered as one of many victims' groups.<sup>66</sup> As one key informant said "with the new Victims' law, we're beginning to forget about IDPs." Or as another noted, "IDPs are now recognized under the Victims' law, but they're not on top of anyone's priorities."

The original law recognizing internal displacement, Law 387 of 1997, presents a much broader definition of internal displacement than that contained in Law 1448: "disturbances and internal tensions, generalized violence, massive violations of human rights, infringements on international humanitarian law, or other circumstances deriving from the aforementioned situations that altercate the public order."<sup>67</sup> In explicitly excluding victims of "common crime," Law 1448 was criticized for denying rights to intra-urban IDPs and to those who were forcibly displaced by the BACRIM. However, the Constitutional Court ruled in Award 119 of 2013 that IDPs from BACRIM should be included in the Victims' Registry and counted as victims. The

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<sup>63</sup> The Unidad de Víctimas recognizes that this is a problem and has developed orientation workshops with suggestions on how to manage these funds before disbursing payments.

<sup>64</sup> Washington Office on Latin America, *May Afro-Colombian Update*, May 20, 2014, [http://www.wola.org/commentary/may\\_afro\\_colombian\\_update](http://www.wola.org/commentary/may_afro_colombian_update).

<sup>65</sup> IOM Activities in Colombia: <https://www.iom.int/cms/render/live/en/sites/iom/home/where-we-work/americas/south-america/colombia.html>

<sup>66</sup> CODHES, 2012 n. 27.

<sup>67</sup> See article 1 of Law 387 of 1997.

law also imposes a temporal restriction on displacement by only offering land restitution to those displaced after 1991—which some see as an arbitrary date that further denies rights to IDPs. This has not yet been addressed by the Constitutional Court.

There seems to be some uncertainty about the status of the IDP legislation now that the Victims' Law is being applied to them. As one key informant observed, “no one talks about it, but I have the impression that neither Law 387 or T-025 are applicable now that IDPs are recognized as victims.”

The language in the Victims Law refers to ending the condition of vulnerability (art. 67) rather than ending displacement. Although restitution of land is central to the Victims' law and is closely tied to the ability of IDPs to return, ending vulnerability is different than ending displacement. Someone who has been displaced may be living with an adequate standard of living, have access to public services, but still be in limbo. As one respondent noted, “one of the problems is that victims are not necessarily poor. Aiding the poor and the vulnerable is not the same as aiding IDPs. Reparations are not just for the vulnerable.”<sup>68</sup> However, given the fact that IDPs tend to be poorer and more vulnerable, this may be more an issue of semantics than anything.

With decreased visibility for IDPs, some IDP associations have morphed into victims associations. At the same time, there seems to be growing concern with people who have been ‘confined’ or unable to leave their communities. “For example,” one key informant recounted, “there are some indigenous groups that have been displaced 4, 5 or 6 times and are now saying ‘no more’ (*ya no*) that they don't want to move. No one is paying attention to these groups.”<sup>69</sup>

Finally, one of the most impressive features of the Colombian peace process has been the creation of mechanisms to enable the participation of victims in the peace negotiations taking place in Havana, including through an online platform for individuals and organizations to submit proposals to the negotiators on the six points included in the peace negotiations.<sup>70</sup> In June 2014, the Colombian government and FARC agreed on a visionary statement on victims including a commitment to addressing the victims' rights to truth, justice, reparations and non-repetition and inviting representatives of victims' groups to Havana. Several rounds of consultations for victims were organized in mid-2014, including three regional forums in mid-July 2014 with around 400 participants each and culminating in a national forum with 1,200 participants in early August. These forums each produced synthesis reports which were consolidated and formed the basis for presentations in Havana by five delegations of up to 12 people each.<sup>71</sup> As might be imagined, the process of organizing the forums and roundtables and of identifying which victims to include was a complex one. The process was overseen by the UN (under the leadership of UNDP) and the National University of Colombia.<sup>72</sup>

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<sup>68</sup> Key informant interview. However, note that T-06 of 2013 explicitly references Law 387 in deciding that those displaced by criminal violence should be allowed to register as victims under the Victims Law.

<sup>69</sup> Key informant interview.

<sup>70</sup> Mesa de Conversaciones, <https://www.mesadeconversaciones.com.co/>

<sup>71</sup> For more on the engagement of victims' groups in the peace process, see Virginia M. Bouvier, *Mediation Perspectives: Innovative Approaches in the Colombian Peace Process*, The International Relations and Security Network, August 27, 2014, <http://isnblog.ethz.ch/security/mediation-perspectives-innovative-approaches-in-the-colombian-peace-process>.

<sup>72</sup> To see some of the statements by victims groups, see: <http://colombiapeace.org/>.

Against this backdrop of a robust governmental response to upholding the rights of victims, we turn now to an assessment of international involvement with IDPs in Colombia.

## AN OVERVIEW OF UNITED NATIONS AND INTERNATIONAL INVOLVEMENT

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The international community has long been active in Colombia and maintains a robust presence as evidenced in the chart below.

UN Agencies	Locations	Operational Budget	Staff
<b>UNHCR</b> <sup>73</sup>	Bogotá, Apartadó, Arauca, Medellín, Quibdó, Buenaventura, Villavicencio, Neiva, Mocoa, Pasto, Cucuta	\$30.5 million (2014)	171 (2014)
<b>OCHA</b> <sup>74</sup>	Bogotá Arauca, Norte Santander, Cordoba Antioquia, Coco, Valle del Cauca, Cauca, Nariño, Putumayo, Meta	\$5 million (2013)	47 (2013)
<b>UNDP</b> <sup>75</sup>	Bogotá, Cartagena, Manizales	\$73 million (2013)	423 (2014)
<b>UNICEF</b> <sup>76</sup>	Bogotá	\$5 million (2014)	?
<b>WFP</b> <sup>77</sup>		\$62 million (2012-2014)	?
<b>UNHCHR</b>	Bogotá, Pasto, Villavicencio, Neiva, Quibdo, Cali, Cartagena	?	?
<b>WHO/PAHO</b> <sup>78</sup>	Bogotá, Arauca, Valle del Cauca, Córdoba, Nariño, Puerto Asis, , Santander	?	?
<b>FAO</b> <sup>79</sup>	Bogotá, Medellín, Pasto, Pretoria, Puerto Asis, Monteria	\$16 million <sup>80</sup>	179 (2014)
<b>UNFPA</b> <sup>81</sup>		\$2.6 million	?

<sup>73</sup> UNHCR, Colombia 2014-2015 Global Appeal, <http://www.unhcr.org/528a0a367.html>.

<sup>74</sup> OCHA, <http://www.unocha.org/ochain/2014-15/colombia>.

<sup>75</sup> UNDP Colombia, [http://www.co.undp.org/content/colombia/es/home/operations/about\\_undp/](http://www.co.undp.org/content/colombia/es/home/operations/about_undp/).

<sup>76</sup> UNICEF, <http://www.unicef.org/appeals/colombia.html>.

<sup>77</sup> WFP, <http://www.wfp.org/countries/colombia/operations/current-operations>.

<sup>78</sup> WHO/PAHO, [http://www.paho.org/col/index.php?option=com\\_content&view=article&id=24&Itemid=122](http://www.paho.org/col/index.php?option=com_content&view=article&id=24&Itemid=122).

<sup>79</sup> FAO Colombia, <http://www.fao.org/colombia/fao-en-colombia/nuestro-equipo/en/>.

<sup>80</sup> FAO Colombia, Marco Programático de País (MPP) 2012 – 2014, [http://www.fao.org/fileadmin/user\\_upload/faoweb/colombia/docs/CPF.pdf](http://www.fao.org/fileadmin/user_upload/faoweb/colombia/docs/CPF.pdf).

<sup>81</sup> UNFPA, <https://data.unfpa.org/Apps/IATI/IATIAction.unfpa?method=retrieve>.

Other Int'l Organizations	Locations	Operational Budget	Staff
<b>IOM</b> <sup>82</sup>	Bogotá, Quibdó, Medellín, Cartagena, Santa Marta, Villavicencio, Bucaramanga, Sincelejo, Riohacha	?	269 (2013)
<b>ICRC</b> <sup>83</sup>	Bogotá, Medellín, Montería, Quibdó, Bucaramanga, Saravena, Cali, Pasto, Florencia, Puerto Asis, San José del Guaviare	\$34 million	353 (2013)
<b>Save the Children</b> <sup>84</sup>	Bogotá, Antioquia, Nariño, Valle del Cauca, Eje Cafetero, Antioquia, Cundinamarca, Cartagena, Soacha. Buenaventura, Valle	?	28 (2013)
<b>NRC</b> <sup>85</sup>	Bogotá, Cúcuta, Guapi Ocaña, Santa Marta, Pasto, Tumaco, Popayán	\$9,1 million (2013)	90 (2013)
<b>World Vision International</b> <sup>86</sup>	Armenia, Barranquilla, Bogotá, Bello, Bucaramanga, Cali, Ibagué, Medellín, Montería, Cauca	\$16,5 million	?
<b>Mercy Corps</b> <sup>87</sup>		?	60
<b>IRD</b> <sup>88</sup>	Antioquia, Cauca, Caquetá, Córdoba, Nariño, Valle del Cauca	?	?

One of the main problems facing international organizations is the lack of access to certain areas due to security concerns. One observer noted that international presence had actually decreased in some parts of the country, for example in Putumayo. The exception is ICRC which is widely appreciated for the fact that it is able to access parts of the country that other international – and national – actors cannot.

Without exception, every international representative interviewed saw the role of their organization as supporting the Colombian state in its efforts to protect and assist IDPs. Many referred to the catalytic role that international actors, such as UNHCR and the Representative of the UN Secretary General on IDPs, had played in encouraging the government to develop policies and programs to support IDPs. Today this international support takes different forms

<sup>82</sup> OIM Colombia, <http://www.oim.org.co/quienes-somos/oim-en-colombia/hechos-y-cifras.html>.

<sup>83</sup> ICRC Colombia, <http://www.icrc.org/eng/assets/files/annual-report/current/icrc-annual-report-colombia.pdf> and <http://www.icrc.org/eng/assets/files/2014/colombia-annual-report-2013-eng-.pdf>.

<sup>84</sup> Save the Children Colombia, <http://www.savethechildren.org.co/nuestro-equipo> and <http://resourcecentre.savethechildren.se/sites/default/files/documents/7247.pdf>.

<sup>85</sup> NRC, <http://www.nrc.no/?aid=9147684>.

<sup>86</sup> Visión Mundial Colombia, <https://www.visionmundial.org.co/home/Qui%C3%A9nessomos.aspx> and <https://www.visionmundial.org.co/home/Portals/0/informedegestion.pdf>.

<sup>87</sup> Mercy Corps, [http://www.mercycorps.org/sites/default/files/MercyCorps\\_ColombiaFactSheet.pdf](http://www.mercycorps.org/sites/default/files/MercyCorps_ColombiaFactSheet.pdf).

<sup>88</sup> International Relief and Development, <http://www.ird.org/our-work/by-region/the-americas/colombia>.

ranging from, for example, coordination and data analysis (OCHA) to legal advice on policy issues and direct work with local and national level communities and authorities (UNHCR), to supporting the peace process and working with municipal authorities (UNDP).<sup>89</sup> Several international informants indicated that they were in daily contact with the government.

It is, however, difficult to assess the impact of this work on Colombian government policies toward IDPs in the current context. Several Colombian government officials acknowledged the importance of international support during previous administrations, citing, for example, the work of OHCHR in highlighting human rights violations or of UNHCR in supporting efforts of the constitutional court to strengthen Colombian policies toward IDPs. But the government officials – all of whom were representatives of the Santos administration – seemed to feel that they were on top of things now and that the international actors were largely irrelevant. When asked, for example, ‘what role does the international community play in responding to IDPs?’ the initial responses tended to be ‘nothing,’ ‘irrelevant,’ ‘passive.’ One government representative said ‘UN staff spend all their time collecting statistics. We don’t need statistics. If there’s one thing we’re good at, it’s collecting statistics.’ At the same time, the task facing the government in implementing the Victims law is a monumental – some would say impossible – one and it seems likely that the government will require the concerted support of the international community if it is to come close to meeting its 2021 deadline for implementation.

On a conceptual level, the relationship between international actors and a strong state is difficult. While weaker governments need the resources brought by international actors, it is the state which allows the international actors to operate in the country. If the government is not happy with the internationals, it can ask them to leave, or change the terms of their memorandum of agreement or restrict their activities. So, at one level, international actors need to keep the government happy. One international informant said only half-jokingly, “the main thing motivating the UN is not to get kicked out of the country.” Another international humanitarian respondent said, ‘the clusters have had less impact on our work than the Paris principles. Work with IDPs – now victims – is driven by the government and we follow the government’s lead.’ Others maintained that humanitarian principles were the driving force in international engagement with IDPs, particularly at the field level. Yet another stressed that international actors had more freedom of action under the present administration than the Uribe administration.

A second area of difficulty lies in the fact that the state is not the government – governments come and go – but the state is an enduring organized political entity. One long-time international staff member said that ‘back in the mid-1990s the UN played an absolutely critical role in upholding IDP issues, particularly OHCHR and UNHCR.’ And many attributed the development of Colombia’s first IDP law (387) to support from international actors, and particularly UNHCR and the Representative of the Secretary-General on IDPs, Francis Deng, who first visited the country in 1994. Several government representatives expressed appreciation for international criticism of policies of the Uribe government in the past but were more critical of international criticism of ‘their’ policies. This suggests that the role of the international community in supporting a government carrying out ‘good’ policies must be just as sensitively managed as with a government with less capacity and commitment. This also suggests that perhaps it is

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<sup>89</sup>These are only indications of the type of work carried out by international organizations, all of which have many programs.

important for the international community to maintain an active presence even when a given government doesn't need much support in order to be able to respond more assertively if a future government moves in a less positive direction. Some international representatives further argue that the Colombian government has a strong focus on assistance rather than a human rights-based approach and that one of the functions of the international community is to provide a needed focus on protection.

A third complexity is that there are different actors within the state with which the international community must relate. 'The Uribe government,' one international informant said, 'didn't like us advising the constitutional court which was challenging the government's policies on IDPs at every turn. We were supposed to be supporting the government.' Yet at least some IDPs saw UNHCR's role as critical to the process of the court's decision. By playing a neutral role, it served as a 'validator of policies.'<sup>90</sup>

There is also an inherent tension between supporting the government and carrying out independent humanitarian work. This is of course, a tension that is played out in many different settings – from Sri Lanka to Sudan – but has a different character when the government is strong and seems to be committed to upholding the rights of IDPs/victims. Are assessments by international humanitarian actors qualitatively different than those carried out by Colombian officials?

Yet another complexity is that governments, including the Colombian government, appreciate the financial support extended by donors. Much of Colombia's strong human rights work was developed with international donor support, some of which was channeled through multilateral bodies. For example, the Defensoría del Pueblo was set up in 1994 with international funding and human rights organizations, such as CODHES, were able to be so active in large part because of international support. Presently, as discussed further below, there is concern that these funds will dry up once a peace agreement is signed.

## ***Humanitarian Reform in Colombia***

As spelled out in the introduction to this study, humanitarian reform included three principal elements: strengthening of the role of the Humanitarian Coordinator, the development of streamlined funding mechanisms, and the introduction of the cluster system to enhance coordination and accountability.

As is true in most countries, the Resident Coordinator also serves as Humanitarian Coordinator.<sup>91</sup> It is difficult to synthesize the comments by others about the role he plays in coordinating work with IDPs; most felt that he has a strong personality, is committed to IDPs, and is playing a very positive role in supporting the participation of victims in the peace process. Others were more critical of his role, seeing it as independent of the existing coordination structures, such as clusters. Most observers felt that humanitarian coordination had improved under the leadership of the current Humanitarian Coordinator.

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<sup>90</sup> Key informant interview.

<sup>91</sup> Unfortunately the researcher was not able to talk directly with the Humanitarian Coordinator who was traveling outside the country for the three weeks she was in Bogota and several scheduled telephone conversations were cancelled due to other commitments.

In October 2013, the Humanitarian Country team developed a Humanitarian Strategy which provides a short diagnostic of the humanitarian situation in the country, an assessment of local and national capacity to respond and an interesting assessment of the particular contributions which international partners can make, including field presence (particularly in areas of weak state presence), international experience and standards which could be used to strengthen national capacity, coordinated multisectoral responses which take into account the different needs of specific population groups, needs assessment and data management tools and mechanisms to mobilize emergency funds (CERF and ERF). According to information collected by OCHA in 2013, the Humanitarian Country team had implemented USD 84 million in projects which benefited around 1.8 million people while CERF had provided USD 3.5 million enabling the HCT to assist 59,000 people in difficult to access departments. The team identified 4 priority regions for action in 2014, made up of 13 departments and representing 42 percent of Colombia's population. Overall, the Strategy provides a comprehensive roadmap for international action to support and complement the government's efforts.<sup>92</sup>

One of the findings of the 2004 Brookings-OCHA study<sup>93</sup> was that in most of the nine countries analyzed the UN failed to speak with one voice. Unlike the cases of Somalia and the DRC, where integrated missions have provided more coherence in the UN's approach, Colombia does not have a Special Representative of the Secretary-General nor any engagement of peacekeeping forces. Rather it is the Resident/Humanitarian coordinator, together with the UN Country Team, the Humanitarian Country team, and the clusters which serve as coordinating mechanisms. While several international respondents felt that there was more coherence in the UN's role – as manifest particularly by the development of a humanitarian strategy and a shared commitment to supporting the peace process – others cited examples where 'we all still issue our own press releases.' Several mentioned that for most Colombians, the face of the UN in Colombia was OHCHR which was not an active participant in the Protection Cluster and tended to operate on its own. Colombian governmental representatives interviewed also felt that the UN did not act with a single voice although several mentioned the particularly helpful role played by OHCHR in the past.

With respect to IDPs in particular, and in spite of the clusters, there are still tensions over mandates and a growing number of international actors involved with their protection. While UNHCR is clearly responsible for refugees in Colombia and the World Food Program for food, when it comes to protection of IDPs, there is the Protection Cluster, co-led by UNHCR and NRC which is charged with bringing together key protection actors. But many actors are concerned with protection of IDPs, including UNHCR, ICRC, IOM (which now has a protection policy), OHCHR, OCHA (which now has a protection framework), a number of international NGOs who are engaged in protection work, as well as the Colombian government and civil society organizations. Moreover, protection of IDPs requires the contributions of clusters beyond the Protection Cluster and especially development actors.<sup>94</sup>

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<sup>92</sup> OCHA 2014 *Estrategía Humanitaria, Borrador, Preparado por OCHA en nombre del Equipo Humanitario de Pais*, October 2013,

<http://www.salahumanitaria.co/es/system/files/documents/files/20140423%20SRP%202014%20short.pdf>

<sup>93</sup> Brookings-SAIS Project on Internal Displacement, above, n. 1.

<sup>94</sup> Unfortunately due to limitations of time, this study focused primarily on the work of the protection cluster rather than the extent to which other clusters had effectively mainstreamed protection.

## International funding

International Humanitarian Funding in Colombia, 2004 – 2014, in USD			
	Total Funds	CERF	ERF
2004	24,999,270	n/a	n/a
2005	41,807,677	n/a	n/a
2006	37,651,570	2,220,939	n/a
2007	50,251,120	4,091,377	n/a
2008	41,717,534	3,135,341	n/a
2009	58,472,436	5,392,047	n/a
2010	75,562,159	6,607,366	1,822,402
2011	64,148,819	5,927,391	1,560,166
2012	56,148,419	4,084,143	1,196,598
2013	58,610,312	3,493,954	2,215,176
2014	58,956,292	4,505,909	n/a

Source: Total Funds and CERF retrieved from: UNOCHA, Financial Tracking Service, 2004-2014: <http://fts.unocha.org/pageloader.aspx?page=emerg-emergencyCountryDetails&cc=col&yr=2014>. UN Emergency Response Funds, Colombia, 2010-2013: <http://www.unocha.org/what-we-do/humanitarian-financing/emergency-response-funds-erf>.

Colombia has received substantial funds from these central humanitarian funding mechanisms. They have enabled a rapid and timely response in a more flexible manner (though they still require months to access.) But even in terms of funding, humanitarian reform had less impact on funds going to IDPs than the Constitutional Court's 2004 T-025 decision. Before the decision, the government provided between USD 80 and USD 150 million per year for IDPs; now, as noted above, it is providing USD 1 billion.<sup>95</sup>

## Clusters

Clusters were rolled out in 2006 and six are currently active as outlined in the table below. Discussion of clusters generated a strong response from both international representatives as well as Colombian government informants. Several international representatives said that strong sectoral coordination mechanisms already were in place in 2006 and clusters were not needed.

<sup>95</sup> Key informant interview. Note that the USD 1 billion figure applies to victims which includes IDPs.

Operational Clusters <sup>96</sup>	National-level Cluster Lead/Co-Lead Agency	Activation
<b>Food Security</b>	WFP/UNICEF	2006
<b>Education<sup>97</sup></b>	UNICEF/NRC	2006
<b>Health</b>	WHO	2006
<b>Protection</b>	UNHCR/NRC	2006
<b>Shelter</b>	IOM	2006
<b>WASH</b>	UNICEF/Oxfam	2006

### ***Inter-Cluster Support Mission: The Protection Cluster***

In 2010, four years after clusters were introduced, an inter-cluster support mission reviewed the cluster approach to humanitarian response in the country. According to the report, in 2006, it was understood that, “the challenges posed by Colombia’s humanitarian situation require...greater cohesion amongst members of the international humanitarian community to ensure the credibility and effectiveness of the overall response...the apparent difficulties of UN agencies in the past to develop a common vision on humanitarian, human rights, and development issues has also weakened the UN’s capacity to respond effectively.”<sup>98</sup> The specific reforms recommended by the IASC support mission in 2006 included:

“a) consolidate the IASC country team as the main coordination mechanism; b) ensure a coherent approach to humanitarian action and a common vision; c) coordinate with national authorities, State institutions and civil society; d) develop an IASC Country Team strategy and annual work plan; e) establish three IASC thematic groups to promote common approaches; f) reinforce the humanitarian presence in the field; g) promote area- and community-specific approaches; h) reinforce local institutions; and i) improve information management on the humanitarian situation and response.”<sup>99</sup>

The report from the follow-up 2010 IASC support mission reviews the progress of these recommendations, provides insight on “strengths and gaps in the implementation of reform,” and provides recommendations for further improvement.<sup>100</sup> The following paragraphs offer a brief summary of the report, as it is one of the only documents produced on the changes brought about by humanitarian reform as it relates to the Colombian IDP population. The report builds on the IASC Colombia National Workshop, also held in 2010. Notable points from the report include:

<sup>96</sup> OCHA, *Cluster Configuration for Colombia 2013*,

[https://www.humanitarianresponse.info/system/files/documents/files/cluster\\_configuration-colombia-2013-1.pdf](https://www.humanitarianresponse.info/system/files/documents/files/cluster_configuration-colombia-2013-1.pdf)

<sup>97</sup> Note that in the 2014 Humanitarian Strategy, work on education was intended to be carried out through an autonomous working group in coordination with the national government.

<sup>98</sup> Global Protection Cluster. *Inter-Cluster Support Mission to Colombia Report*, June 2010,

[www.globalprotectioncluster.org/\\_assets/files/field\\_protection\\_clusters/Colombia/files/Colombia\\_Intercluster\\_Mission\\_Report\\_2010\\_EN.pdf](http://www.globalprotectioncluster.org/_assets/files/field_protection_clusters/Colombia/files/Colombia_Intercluster_Mission_Report_2010_EN.pdf).

<sup>99</sup> Global Protection Cluster 2010.

<sup>100</sup> Global Protection Cluster 2010.

- Since the 2006 support mission, there continues to be no vision or mechanism for prioritization, collective decision-making and accountability.
- The mission’s findings were summarized in the following eight recommendations<sup>101</sup>:
  - A. A common humanitarian framework should be developed which reflects the HCT collective understanding of needs and priorities in the context of Colombia.
  - B. A comprehensive multi-sectoral evidence-based needs assessment mapping out vulnerabilities and risk response plans is suggested.
  - C. A shared advocacy strategy toward the government should be articulated to address areas of contention in relation to humanitarian response.
  - D. Clarity is needed on the role and scope of clusters in supporting joint humanitarian action in Colombia, along with their relationship to the HCT.
  - E. Current humanitarian architecture should be revised to streamline coordination and ensure predictable leadership across all cluster and cross cutting themes.
  - F. A higher degree of inter-cluster and cross-sectoral coordination should be established.
  - G. Efforts should be made to minimize obstacles to coordination created by tensions between the humanitarian agenda and the Government of Colombia’s stabilization agenda.
  - H. Actively identify areas for constructive collaboration with the Government of Colombia in regards to humanitarian action.

The purpose of this study was not to evaluate the cluster system but rather to ask to what extent has humanitarian reform improved the well-being of IDPs, but the researcher couldn’t help but notice that the cluster system does not seem to be adding much value, at least in the areas of protection and early recovery.<sup>102</sup> Colombian government representatives did not seem to understand why clusters were needed and did not understand why they were not included in the clusters since they were providing almost all of the resources for IDPs. Were the clusters intended to be a way of improving accountability and response to IDPs or a forum for the internationals to develop their strategies vis-à-vis the government? This is particularly an issue for the protection cluster where in other settings clusters have enabled more effective and united international advocacy on human rights issues.<sup>103</sup>

At the same time, there seemed to be a feeling that the clusters were parallel processes set up to deal with issues of concern to the international community. One international participant was particularly blunt, saying that “the clusters are headquarters-driven” while another justified the clusters by saying “we have to have clusters so that we’re taken seriously by our headquarters,” and still another said “the clusters are to show donors that we’re doing this.”

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<sup>101</sup> NOTE: The findings as presented here are taken directly from the 2010 report.

<sup>102</sup> Note that some UNHCR staff maintain that the protection cluster has had an impact through its advocacy, interventions in different coordination for a (e.g. humanitarian country team, inter-cluster coordination system, information management system, local humanitarian teams, local protection clusters, etc.) and capacity-building efforts.

<sup>103</sup> Key informant interview, Pakistan.

Even within the international community, there were questions about participation of various international actors in clusters. As one participant in the Protection Cluster said, “UNHCR has become the actor of first and last resort. Other agencies send junior staff to cluster meetings, but they don’t report back and don’t get guidance from their agencies before coming. Even staff of our own agency don’t know about the Protection Cluster or understand why we’re supporting it.” INGOs have also had difficulty and in 2012 sent a letter to Valerie Amos insisting that NGOs play a more active role in humanitarian leadership which yielded some positive results. Médecins Sans Frontières (MSF) and ICRC are important actors with IDPs but, as in other settings, don’t participate in the Protection Cluster while OHCHR’s participation is inconsistent. Similarly, churches play a key role and have their own information networks, but are largely outside the cluster system. Several indicated that the clusters are more effective at the field level.

The Early Recovery Cluster is apparently not operational, but is now supposed to be a cross-cutting theme and the CERF is supposed to devote 10 percent of its grants to early recovery. No one interviewed seemed to have an indication of how useful it is. One government official said in frustration: “this is the one area where we see a value in a cluster approach and it’s not working at all.”

A theme that emerged in discussions with various international informants is that the humanitarian architecture was designed for weak governments—cases where international actors basically substitutes for the government. But as noted throughout this report, the Colombian government is strong and has impressive capacity—although there are many parts of the country where victims of the conflict have had no contact with any state representatives for years. In fact, while the national government is strong, particularly in its legal, policy and programmatic capacity, there are many areas where state capacity remains weak and cases where municipal authorities are in collusion with non-state actors. In this context, international actors are well-positioned to raise human rights concerns affecting the lives of IDPs, particularly when IDPs do not perceive that the state is protecting their rights. International agencies have worked closely with the ministries, the Victims Unit, the Defensoría, the mayors and with local governmental entities. The Humanitarian Strategy does a good job of spelling out the ways that international actors can complement the efforts of the government but it is less clear how the clusters are providing this complementarity of effort. As one respondent observed, “while our mandate is to strengthen the government, our humanitarian architecture is not set up to build capacity, but rather focuses on projects.”

## CHALLENGES AND OBSERVATIONS

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This study began with the question: are IDPs in Colombia better off now than they were ten years ago? Has humanitarian reform translated into concrete improvement in the lives of IDPs?

1. Overall IDPs are better off in Colombia than they were ten years ago. Laws and policies have been adopted. Strong governmental institutions have been developed at the national level. The Colombian government has increased its spending on IDPs by ten-fold over the past decade. Most of these changes are due to the Colombian Constitutional Court which through a series of over 200 decisions has consistently pushed the government to do more. Not only has the court pushed the government to do more, but set up monitoring mechanisms, such as the Comisión de Seguimiento, to hold the government accountable. In comparison with other countries having large numbers of IDPs, Colombia has a strong and vibrant civil society, impressive academic institutions and a strong body of research and analysis of displacement.
2. IDPs are now formally recognized as victims under the law and entitled to reparations. This is a positive development in that the state has formally acknowledged that IDPs have been victims of the conflict and human rights violations. Even though the process is bound to be lengthy and difficult, reparations and land restitution are now available to IDPs and both of these can play a central role in supporting solutions to displacement. It seems likely that the transitional justice mechanisms which emerge will apply to IDPs as well as to other victims of the conflict which has rarely been the case in other post-conflict situations.<sup>104</sup> However, in their transition from IDPs to victims, the phenomenon of *displacement* – with the particular needs associated with being forced from one’s home – has become less visible. The specific guarantees given to IDPs by the Constitutional Court have been subsumed in larger victims’ legislation. Although by far the largest group of victims, the distinctiveness of displacement is being lost as IDPs are now considered together with those who have faced other types of violence during the conflict (kidnapped, families of disappeared, tortured, victims of FARC, victims of paramilitaries, etc.). An analogy might be if a decision was made that we’ll no longer talk about the needs of children because they are now considered part of a larger category of ‘vulnerable groups’—together with people with disabilities or undocumented migrants. The government talks of ending vulnerability rather than of finding durable solutions for displacement, but a displaced person can have an adequate standard of living and still have needs associated with his or her displacement. This may be a moot point in that displacement seems to have increased vulnerability and that addressing that vulnerability – particularly poverty – may be what IDPs need most. The IASC’s *Framework for Durable Solutions* states that a durable solution exists when “IDPs no longer have specific assistance and protection needs that are linked to their displacement and such

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<sup>104</sup> International Center for Transitional Justice (ICTJ) and Brookings-LSE Project on Internal Displacement, *Transitional Justice and Displacement: Challenges and Recommendations*, June 2012, <http://ictj.org/sites/default/files/ICTJ%20and%20Brookings-LSE%20Transitional%20Justice%20and%20Displacement%20Report.pdf>.

persons can enjoy their human rights without discrimination resulting from their displacement.”<sup>105</sup> Reparations are not the same as durable solutions although they can play an important role in solutions—if, for example, they facilitate the integration of IDPs elsewhere in the country.

3. While international actors have supported these changes, they have not been the principal drivers of the improved response system to IDPs. Rather it has been the Constitutional Court and the Santos administration that have been the proponents of most of the changes that have taken place since 2004. That being said, international actors have worked hard to support the government in making these changes, offering valuable advice and technical assistance. Humanitarian reform and clusters may have improved coordination by international actors in some areas (although even that’s doubtful as existing sectoral coordination generally functioned well back in 2004). Except for the work of international NGOs, the World Food Program and a fairly limited ICRC assistance program, international humanitarian agencies do not provide direct assistance to IDPs. Rather their focus is on ‘institutional strengthening’—as spelled out in the Humanitarian Strategy. This raises questions about how close international organizations should be to governments and about how to balance supporting governments with an independent monitoring role. This also has consequences for the way clusters are organized: are they forums for international actors to formulate their policies/strategies vis-à-vis the government (in which case governmental participation is not needed) or to provide operational coordination (in which case governmental participation is essential)? Presently clusters work with governments, inviting them to participate on some occasions and on others, restricting participation to non-governmental actors.
4. While IDPs are better off in terms of assistance, there are still major shortcomings in prevention, protection and solutions (which were probably the same gaps as in 2004). On the occasion of the tenth anniversary of T-025, a number of displaced groups issued statements referring to the anniversary as a bittersweet occasion; in spite of clear advances, they noted, “it is still shameful that 15 percent of Colombia’s population is displaced.”<sup>106</sup> While there are more sophisticated tools for early warning, displacement continues and seems to have become more complex over the last decade with the proliferation of criminal groups: narcotráfico groups, gangs, economic interests, illegal/informal extractive industries, agroindustry, and paramilitaries, most with varying degrees of interactions with both guerrilla groups and state forces. These are the main causes of displacement today. While the violent conflict with the FARC (and the displacement it causes) can be brought to an end through a peace process, it is more difficult to prevent displacement caused by criminal groups. (Do you negotiate with gangs, paramilitaries and narcotraficantes?) How do can people be protected when a municipal authority is working hand-in-hand with the local paramilitary? How can people

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<sup>105</sup> Brookings-Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, April 2010,

<https://docs.unocha.org/sites/dms/Documents/IASC%20Framework%20DS%20for%20IDPs.pdf>.

<sup>106</sup> “Diez años de la sentencia T-025 de 20014, un cumpleaños agridulce,” *El Espectador*, July 29, 2014, <http://www.elespectador.com/noticias/judicial/diez-anos-de-sentencia-t-025-de-2004-un-cumpleanos-agri-articulo-507181>.

be protected from recruitment by criminal groups or from fighting between gangs in urban areas? And there is the larger question of what role, if any, should humanitarian actors play in preventing displacement?

5. The issue of solutions for displacement is shaped by the nature of the conflicts and the control by armed groups of areas where IDPs are living or to which they seek to return. Even when long processes of land restitution have been completed and police have accompanied returning IDPs, the durability of that return depends on security in areas which have been under the *de facto* control of other armed groups.<sup>107</sup> According to a Human Rights Watch report on the risk of return facing IDPs, “If Colombia does not take further action to stop the abuses, the problem is likely to get much worse... The level of threats and violence will almost certainly increase as the thousands of pending land claims progress, families start returning home, and those intent on keeping wrongfully acquired land see their interests more directly affected.” In total, it is estimated that IDPs have been collectively dispossessed of over 6 million hectares of land, much of which armed groups still control.<sup>108</sup> Land issues in Colombia – as is the case almost everywhere – are key to finding durable solutions for IDPs. And land issues in Colombia – as is also the case almost everywhere – are highly political issues in which major economic interests are at stake.
6. While national laws, policies and institutions are well-developed, there is a universally-acknowledged gap at the municipal/provincial level where lack of political will, financial resources, management capacity and, in some cases, corruption, limit the implementation of these laws and policies. Although there are some good examples of programs for IDPs/victims in cities such as Bogotá and Medellín, many of the country’s IDPs live in some of the weakest municipalities, including many where the central government has basically taken control of their finances. Municipalities are also likely to be the focus of post-conflict political maneuvering as former guerrilla groups position themselves to control some local governments (and the resources they have for education/health).
7. Solutions are always difficult, particularly in long-standing displacement situations such as Colombia. While individual reparations are time-consuming and collective reparations seems to be the way forward, this is turning out to be complicated for many reasons, including the fact that communities not only want their land returned, but also need schools, hospitals, roads, and of course, security. This needs to be part of a comprehensive development plan—far beyond a plan for reparations. At the same time, surveys indicate that most IDPs do not plan to return to their communities of origin, but rather want to remain where they are or move elsewhere.<sup>109</sup> Finding durable solutions for IDPs living mainly in urban areas is also complicated; for example, giving IDPs title to land they now occupy would help them achieve a solution, but is politically difficult as it means legalizing title for people who have occupied land illegally. It should also be noted

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<sup>107</sup> See for instance: Human Rights Watch. *The Risk of Returning Home: Violence and Threats against Displaced People Reclaiming Land in Colombia*, December 2013, [www.hrw.org/sites/default/files/reports/colombia0913webwcover.pdf](http://www.hrw.org/sites/default/files/reports/colombia0913webwcover.pdf).

<sup>108</sup> Human Rights Watch, 2013.

<sup>109</sup> See for example, Patricia Weiss Fagen, who reported in 2012 that only 3 percent of IDPs intend to return to their homes.

that Colombia is a unique case in that its Constitutional Court has guidelines as to when the unconstitutional state of affairs may be lifted which in essence would be when displacement has ended.<sup>110</sup>

8. All attention – by government, international actors, civil society, IDPs/victims – is now focused on the peace process, but sometimes there is tension between the agenda for peace and humanitarian principles. While the Santos administration has staked its future on the peace process, human rights violations have continued<sup>111</sup> and 200,000 people were displaced in 2013.<sup>112</sup> And there is resistance by some Colombians, including government officials, to UN staff pointing out violations of human rights in which they are implicated.<sup>113</sup> In other countries, there has been resistance from the humanitarian community to working in integrated missions (as is the case in Somalia and Democratic Republic of Congo) because humanitarian principles of independence, impartiality and neutrality are threatened when aid is used to support political processes. This will play out differently in Colombia, but it is likely that in the post-acuerdo/conflict era, there will be pressure to use humanitarian assistance to support the consolidation of peace. There are also likely to be new operational needs, for example, de-mining in areas formerly inaccessible because of the conflict.<sup>114</sup>

While many expect the violence to increase – at least in the short term – after the signing of the peace agreement, at the same time there are real fears about declining international support. Given the large number of major humanitarian crises in the world, will donors reduce their funding for a middle-income post-conflict country like Colombia? Funding for civil society organizations has already decreased and some NGOs have reduced their programs and/or are working more as government contractors. There will also be pressure within international humanitarian agencies to shift funds away from Colombia to other emergencies. As one of the international representatives interviewed said, “my biggest headache is convincing headquarters in Geneva why it’s still important for us to be working in Colombia.”

9. The Colombian government understandably wants to close the displacement file and is committing significant resources to support victims, including IDPs, to find solutions. The government wants to move forward as a post-conflict country focused on issues of economic development and prosperity and to move away from its image as a land of conflict and cocaine. Ending displacement takes time, but as the record shows, finding

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<sup>110</sup> Sebastian Albuja, “Judicial Oversight and the End of Displacement in Colombia,” Terra Nullis, January 12, 2012, <http://terra0nullius.wordpress.com/2012/01/12/judicial-oversight-and-the-end-of-displacement-in-colombia/>

<sup>111</sup> See for example, Human Rights Watch, “Colombia” World Human Rights Report, 2014, <http://www.hrw.org/world-report/2014/country-chapters/colombia>.

<sup>112</sup> Note that it may be, as UARIV argues, that the number of IDPs increased in part because more long-time IDPs were registering with the government.

<sup>113</sup> See for example, Todd Howland, “DDHH: el fin y el medio para alcanzar una mejor sociedad,” *Semana*, April 24, 2014, <http://www.hchr.org.co/publico/oacnudhenlosmedios/2014/semana24abril2014.pdf>.

<sup>114</sup> Colombia now ranks second in the world in terms of number of landmines, with an estimated 70,000 landmines affecting 22 percent of the country’s territory.

[http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/RefugiadosAmericas/Colombia/2013/ColombiaSituation\\_Fact-Sheet\\_dic2013\\_EN](http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/fileadmin/Documentos/RefugiadosAmericas/Colombia/2013/ColombiaSituation_Fact-Sheet_dic2013_EN).

solutions for IDPs is key to consolidating peace. The international humanitarian community played an important role in previous times in Colombia by drawing attention to human rights violations, speaking out on issues of impunity and by supporting and empowering local communities at risk. When a peace agreement is reached, will the international humanitarian community continue to focus on the victims, including the 5.9 million IDPs, even when to do so may mean adopting an uncomfortable role vis-a-vis a government that wants to move on?

## RECOMMENDATIONS

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The Colombian government has put into place an impressive system of response to IDPs/victims. While there are some difficulties with the way the assistance programs are run (e.g. dependency, ‘false victims,’ inconsistency in application at the municipal level, etc.) the main challenges facing the Colombian government and the international humanitarian community with respect to IDPs are two-fold:

- **Preventing future displacement:** The government has taken the bold step of working towards this goal through the peace process with FARC but the task of confronting broader criminal violence remains. While international humanitarian actors can play a role in early warning and advocacy, preventing displacement is not primarily a task for humanitarian actors. They do, however, need to understand the humanitarian needs of those displaced by gangs and paramilitaries.
- **Finding durable solutions for those displaced:** The Colombian government has made its decision to treat IDPs as part of a larger process of assistance, reparations and reconciliation of victims and has set in motion a comprehensive plan to do so. In this regard, several issues stand out as needing further attention.

1. Given the fact that security is key to both prevention and solutions, much more work is needed to understand the relationship between issues such as security sector reform and displacement and to ensure that actions taken to improve security further long-term solutions for IDPs. Traditionally decisions about the military/police and humanitarian action have been made by different actors in different forums. But since humanitarian actors are unable to provide the physical security needed to prevent or resolve displacement, it is time for more intentional engagement between humanitarians and the military.<sup>115</sup> (It’s not a coincidence that the agency with the greatest access to IDPs – ICRC – is also the one with the best working relationships with armed actors.)

**Recommendation:** International and Colombian humanitarian and development actors should engage more intentionally with the military/police and broader issues of security sector reform to ensure that such efforts support solutions to displacement.

2. As everyone interviewed for this study recognized, the role of municipal authorities is crucial in finding solutions and there have already been significant pilot projects, such as the Transitional Solutions Initiative, to engage municipalities in supporting solutions to displacement. Further work is needed to engage municipal authorities in supporting durable solutions; this could include more dynamic involvement of mayors in the national planning processes, delegation of more financial resources to the municipalities, providing assistance to municipal authorities to prepare proposals to access funds, or doing more to build

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<sup>115</sup> See Maria Derks-Normandin, 2014, n. 6. <http://www.brookings.edu/research/papers/2014/09/16-colombia-peacebuilding-displacement-derks>. Also see Marina Caparini, “Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement,” in *Transitional Justice and Displacement*, ed. By Roger Duthie. Social Science Research Council, 2012

capacities of municipal authorities. A great deal has already been done to work with the municipalities – from deployment of UARIV staff to development of contingency plans to establishment of victims’ roundtables – but it is clear that more work is needed at the municipal level in order to find long-term solutions for IDPs.

**Recommendation:** Both international and Colombian humanitarian and development actors should prioritize engagement with municipal authorities in supporting solutions to displacement and consider solutions other than return.

3. Internal displacement in Colombia illustrates some of the particular consequences of protracted displacement. Everyone recognizes that when people are displaced for decades because of intractable or frozen conflicts, return becomes more complicated. While return continues to be affirmed as not only the preferred but also the just solution, this becomes increasingly out of synch with the way people live their lives. The reality is that most IDPs in Colombia will never return to their communities of origin and while from a justice and human rights perspective, the importance of the right to return needs to be affirmed, pragmatic alternatives need to be explored. After 10 or 15 years of living in an informal urban settlement, support for secure livelihoods and secure housing in the areas where IDPs live may be more affirmative of their human rights than the right to lodge a claim that will likely be decided twenty or thirty years hence. IDPs have a right to be involved in the decisions about their future, but also have a right to solutions – even less than ideal solutions – within their lifetimes.

**Recommendation:** The Unidad de Víctimas should take the lead in organizing a process to incorporate the guidance from the Constitutional Court and the *Framework for Durable Solutions* into supporting solutions for IDPs, with a particular view of identifying concrete tasks and indicators for supporting IDPs to integrate locally.

4. In Colombia, issues of vulnerability, victims, displacement, reparations and solutions seem somehow to have merged in both conceptual and practical understandings. But these are distinct concepts with real-life consequences for IDPs. Is a victim who is now eligible for reparations any closer to a solution than an IDP before 2011? A modest proposal would be for the Unidad de Víctimas (or an international agency) to commission some research or organize a roundtable on the relationships between these concepts. In particular, how does the IASC *Framework on Durable Solutions* mesh with current efforts to bring an end to victimhood through reparations? Can an IDP who receives reparations or compensation be considered to have found a solution to internal displacement? How do you know? Are victims all vulnerable? More broadly, how do these concepts play out in indigenous and AfroColombian communities? How does receiving reparations for displacement relate to finding solutions? This researcher was struck by the informal and preliminary findings of a PhD student doing research on the concepts of ‘belonging’ and ‘home’ among IDPs in several places in Colombia. He recounted several cases of individuals who had chosen the option of being ‘closer to home’ over other more financially comfortable alternatives (as in the case of a recognized refugee in Spain who after some years, returned to Colombia, saying “I’d rather be poor and closer to home.”) Do any of our carefully-constructed concepts acknowledge the yearning for ‘home’ and need to belong?

**Recommendation:** The government's Unidad de Víctimas (perhaps in association with an international agency) should devote attention to assessing the relationship between victimhood, displacement, and vulnerability to ensure that programs established to assist victims address the particular needs of displaced and other vulnerable groups.

5. The protracted nature of Colombian displacement also inevitably leads to the question of the extent to which internal displacement is incorporated in development plans and programs at the national and international levels. The Colombian government has included an entire chapter on displacement in its four-year development plan<sup>116</sup> and has developed specific indicators and timelines for finding solutions. International development actors, such as UNDP, are supporting programs which should facilitate solutions to IDPs. But it seems that much more attention is focused on planning for the post-conflict/agreement phase by both Colombian and international actors, with multiple strategies and plans.<sup>117</sup> It would be helpful to review these strategies and plans through a 'displacement lens'—do they address the complexities of finding solutions for 6 million displaced Colombians? Or do they assume that displacement will somehow disappear when the conflict ends, rule of law is established, demobilized combatants are reintegrated and transitional justice mechanisms are implemented? Experiences from situations as diverse as Bosnia and Sri Lanka suggest that even when conflicts come to an end, finding solutions for displacement requires attention and resources.

**Recommendation:** Both international and Colombian development agencies should review current development plans, policies and strategies not only through a 'post-conflict' lens but also from the perspective of their ability to support solutions to displacement.

### **For the international humanitarian community:**

This study has highlighted some of the particular challenges for international actors in a situation where the government has strong capacity, particularly in striking the right balance between supporting the government and maintaining an independent approach. As the discussions triggered by the UN's performance in Sri Lanka indicate,<sup>118</sup> it is a fine line between supporting the government (which is, after all, responsible for IDPs) and being coopted by that government. The Humanitarian Country team has developed a Humanitarian Strategy for 2014 which serves as a basis for its engagement with the government, but it doesn't seem to acknowledge some of the tensions inherent in working closely with the government.

International agencies have been working in Colombia for decades and have developed rather entrenched ways of working. The researcher was amazed to find in a setting as sophisticated as Colombia and ten years of humanitarian reform, that it is still not clear where international responsibility for IDPs lies. Who in the international community is responsible for IDPs? Is it the

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<sup>116</sup> <https://sinergia.dnp.gov.co/SISMEG/Archivos/PND2010-2014%20Tomo%20I%20CD.pdf>.

<sup>117</sup> [http://www.wola.org/commentary/is\\_the\\_international\\_community\\_ready\\_for\\_post\\_conflict\\_colombia](http://www.wola.org/commentary/is_the_international_community_ready_for_post_conflict_colombia).

<sup>118</sup> Report of the UN Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka, November 2012, [http://www.un.org/News/dh/infocus/Sri\\_Lanka/The\\_Internal\\_Review\\_Panel\\_report\\_on\\_Sri\\_Lanka.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf).

Protection cluster? UNHCR? OCHA? ICRC? The Humanitarian Coordinator? It was also sad to see that so much time and energy is still being devoted to defending the mandates of individual agencies.

The UN is well-known in Colombia, and individual agencies are doing good work, but it does not speak with a common voice. The Protection cluster has not resulted in a more coordinated advocacy strategy on important IDP issues nor has the Early Recovery cluster/cross-cutting issue been effective in supporting solutions to internal displacement. It is not clear what additional value they bring beyond that offered by other coordination mechanisms such as the Humanitarian Country Team. Perhaps it would be worthwhile to consider whether these are still needed.

**Recommendation:** The international community should review the present weaknesses in the protection cluster and early recovery issue and, if they are found not to add value to existing coordination mechanisms, consider closing them down.

**Recommendation:** The international community should use existing strategic planning processes to discuss the role of international actors in both supporting and maintaining an independent critical perspective vis a vis the government.

## FINAL THOUGHTS

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In comparison with other IDP situations, Colombia has many, many advantages. It has a strong government and at the end of the day it is governments which make the critical difference in the lives of IDPs. It has a vibrant civil society and a strong tradition of research and analysis on internal displacement. In a sense, the support – over decades – of the international community in pushing the government to exercise its responsibilities toward IDPs, building strong human rights organizations, and supporting IDP associations have paid off. And yet the process of consolidating the peace and finding solutions for 6 million IDPs is a daunting task and international agencies should be re-thinking their role to meet the challenges of today. “We don’t need the international community to set up a small assistance program for 100 IDPs in Nariño,” one government official said, “but we do need to learn from them about reconciliation programs that have worked elsewhere and pitfalls to avoid in a post-conflict world.” In Central America, international agencies are struggling together to figure out how to deal with displacement caused by criminal violence and finding that traditional mechanisms (such as registration) simply do not work for those fleeing *maras* or *narcos*. Even though criminal violence is causing most displacement in Colombia, the researcher did not hear anyone questioning whether the current systems are best-suited for dealing with this type of violence. International agencies bring a wealth of experience which could be helpful to Colombia in responding to displacement. But new and creative ways of working will be necessary which will be difficult with the present structures and ways of working.



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