STRIVING FOR BETTER DAYS

IMPROVING THE LIVES OF INTERNALLY DISPLACED PEOPLE IN COLOMBIA
ACKNOWLEDGEMENTS

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ABOUT REFUGEES INTERNATIONAL

Refugees International generates lifesaving humanitarian assistance and protection for displaced people around the world and works to end the conditions that create displacement. Based on our on-the-ground knowledge of key humanitarian emergencies, Refugees International successfully pressures governments, international agencies and nongovernmental organizations to improve conditions for displaced people.

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EXECUTIVE SUMMARY

Being forcibly displaced because of violence and conflict is an experience that millions of Colombians have lived through for over four decades. While all Colombian society is permeated by this traumatic reality, displacement is mainly hitting those living in rural areas with devastating impact on the lives of campesino, indigenous and Afro-Colombian communities. Towns and cities are often the final destinations of the displaced in search of safety through anonymity, facing the grim prospect of being unemployed and becoming dependents on outside assistance. The future is often destitution.

The government of Colombia has progressively responded to the humanitarian and protection needs of the Colombians displaced. It has developed a comprehensive legal framework and has recently shown greater financial commitment to assist them. But too many shortcomings remain, as indicated by several recent pronouncements by the Constitutional Court. The implementation of the single registry, which determines eligibility for state provided services, is still faulty, leading to as many as 40 percent of genuine displaced being unregistered. Even when registered, access to basic services like education and health, decent housing and reliable job opportunities remains problematic. This is particularly true in areas where local authorities are less committed to helping the displaced and show unwelcoming attitudes and rejection.

Colombian civil society groups, like non-governmental organizations and church activists, are also highly involved in providing humanitarian help and psychological comfort, particularly in the first phases of displacement. The work of international groups, such as United Nations agencies and foreign non-governmental organizations, has also been essential. They have enhanced protection for displaced households by virtue of their presence.

The complementary role of civil society and international groups is indisputably important, but the primary responsibility for responding to the needs of the Colombian displaced remains with the Colombian government. Refugees International believes that in order to improve current policies and ultimately better serve the displaced some new steps should be taken.

First, the displaced beneficiaries of the projects must be placed at the center of programming. Their leaders must be protected. They must be meaningfully included in policy making and implementation.

But empowerment initiatives for the displaced are not enough. At the same time, existing mechanisms for accountability and sanctions for failure to protect the internally displaced should be reinforced. Despite training and sensitization of public administrators about their constitutionally mandated duty to care for displaced persons, sick displaced people are being turned away from medical facilities; displaced households are not receiving the promised amount of assistance; and returning communities are not receiving services and accompaniment by local authorities as they had committed officially to do. Therefore, the organs of the Public Ministry should be strengthened in order to apply a more aggressive enforcement of accountability procedures, which in turn may lead to sanctions against and ultimately dismissal of those officials who are supposed to provide services.

The accumulation of millions of displaced in urban settlements, where they live in sub-human conditions and are less capable than local resident poor people to restart their lives, requires policies oriented to providing displaced households a dignified living and access to sustainable
livelihoods. Some of the current handout and welfare-based programs carried out by the government are not financially sustainable and risk quashing the self-initiative of the displaced. The government of Colombia should redesign programs to focus assistance on housing construction and improvement projects, invest in income generating activities and vocational training courses to provide skills required by the urban labor market, and facilitate access to small credit. These projects should be tailored to respect the age, gender and ethnic origin of the participants, placing priority on households headed by women.

Policies will not have lasting and sustainable impact unless the government of Colombia addresses seriously the issue of land and properties lost by those being forcibly displaced. There remain too many ambiguities about the effectiveness of current mechanisms, including the work of the National Reconciliation and Reparation Commission, to ascertain who took advantage of abandoned lands and properties or purportedly forced original owners out. The government needs to identify proper means to provide effective and satisfactory reparations for the victims.

Finally, considering the magnitude of the challenge to help so many displaced, it is clear that the Colombian government requires the sustained commitment of international donors. Their financial efforts should be increased in order to make IDP leadership and communities play a pivotal role in analyzing their needs, identify adequate solutions and become actively involved in the implementation of assistance programs. Donors must evaluate current interventions in housing, skill training, income generation and other efforts to offer sustainable livelihoods for displaced households and expand and replicate those deemed successful in other areas. Resources are also necessary to help the government expand the capacity of the oversight offices within the Public Ministry.
INTRODUCTION

This report is intended to identify the current most pressing gaps in providing assistance and protection to internally displaced people in Colombia and to suggest adjustments of existing policies and improvements in their implementation, with the ultimate goal of attaining durable and sustainable living conditions for the displaced.

This report does not pretend to provide a comprehensive analysis of the complex situation of forced displacement in Colombia. It includes findings from previous Refugees International (RI) research on this phenomenon (available at: http://www.refugeesinternational.org/content/country/detail/2934/) and should be seen as a complementary tool to a number of already existing documents on this matter.

The analysis in this report is based on the perspective of men and women displaced by decades of internal armed conflict in Colombia and met by Refugees International teams during repeated visits to the country from January 2005 through March 2007. RI encountered displaced people and recipient communities in the Departments of Bolivar, Sucre, Cundinamarca, Córdoba, Chocó, Cauca, Valle del Cauca and Nariño. Teams also interviewed officials from local and central government institutions, humanitarian workers and human rights activists, church leaders and their collaborators, United Nations personnel and members of non-governmental groups, both international and national.

To guarantee the safety of those who have spoken with RI, names of individuals and reference to specific organizations are withheld.
BACKGROUND
More than 200,000 Colombians continue to flee their homes, villages and cities every year because of violence and conflict. Forced displacement in Colombia is a clear indicator of the most persistent and serious humanitarian crisis affecting the Western Hemisphere.

Communities of civilians are deliberately targeted, including through selective killing of their leaders, like indigenous groups in the Medio San Juan River in the Chocó department. Newly formed narco-paramilitary groups are entering farmers' lands and ordering people to leave. In addition to conflict due to resurgent paramilitary groups, in various regions fighting has intensified for control of strategic territory used for cultivating, harvesting, processing and transporting coca to international markets. For instance Samaniego, Nariño has been the theatre of fighting between two left-wing guerilla groups — the FARC (Revolutionary Armed Force of Colombia) and the ELN (National Liberation Army) — over drug resources. The Bajo Baudó region of Chocó is the scene of drug-related fighting between the FARC and the ERG (Guevarista Revolutionary Army). Fighting for similar reasons is also occurring between the FARC and paramilitary groups throughout Nariño, Chocó and other departments.

Combatants are driving entire indigenous and Afro-descendant communities out of contested areas, a tactic that leads to crowding in nearby villages and towns. In these contested areas used for growing coca, military operations of the national army and fumigation as part of its compulsory eradication program are forcing people to leave their spoiled lands as well. Death threats and intimidation are also common for displaced communities that carry on organized returns to their areas of origin still marred by insecurity and violence.
Registering the Forcibly Displaced

Establishing a definitive cumulative number of displaced Colombians remains a controversial issue, given its political implications. A pattern of decrease would indicate improvement in security and therefore success of government policies, while the contrary would question them. To date, different recording systems have been utilized by different institutions. The government of Colombia currently utilizes the Single Registry of the Displaced Population (RUPD), which, counting since 1995, indicates 2.213 million displaced as of mid-October 2007. The Consultoría para los Derechos Humanos y el Desplazamiento (CODHES) has a system that encompasses two decades and reports a total number of 3.832 million until June 2006. The Catholic Church Registry (RUT), which includes only households that received any kind of assistance by the church's structures, has a figure of just above 63,000 households within the 1995-2005 period. Differences in numbers are determined by the starting date of the counting and various criteria utilized to include individuals.

An accurate counting of the displaced people is relevant as long as it succeeds in including them in the official registry, which ultimately gives access to services and other opportunities offered by government institutions and major humanitarian agencies working in partnership with them. The current Single Registry is the most recent of a series of databases used and in the transition from one system to another many displaced households disappeared from the lists. The government is maintaining that the problems are technical ones, which they are working to overcome, but Refugees International (RI) has found that exclusion from the registry also resulted from a range of other major reasons, leading to significant under-registration of the displaced.

Thousands of Colombians are fearful to come forward and register because they expect some kind of retaliation once details regarding the causes of their flight are disclosed. Others present declarations while still suffering from the trauma of being forced to leave their homes or having witnessed violent acts. Failing to provide enough clear information is met with rejection of their declaration by the responsible authorities.

Further, local officials often utilize restrictive and formalistic interpretation of applicable regulations. This attitude contravenes basic legal principles such as substantive law taking precedent over formalities and presumption of good faith of the displaced population. For example, officials often reject declarations by peasants fleeing when aerial fumigation of crops is coupled with military operations or fleeing violent responses to peaceful protests. In Remolino, Valle del Cauca in May 2006 thousands of protesters were confronted with deliberate shooting, beating and forced displacement at the hands of state security special forces to the city of Pasto, Nariño, yet were not registered.

These elements have led to high rates of under registration, which in cases like the department of Nariño reaches 40%, and has the effect of excluding tens of thousands of displaced Colombians from the basic services required for their survival.
Many displaced Colombians, like this man, told Refugees International that they might not be registered as officially displaced by the Colombian government, because they were afraid to say who had forced them from their homes.

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Profile and Patterns of Displacement

Internal displacement in Colombia is a complex phenomenon. It is shaped by regional dynamics and its characteristics have been evolving over time. Nevertheless, studies have been able to shed some light on common trends and similarities among communities and their ways of coping with the forced uprooting.

Displaced households comprise an average of four to five individuals, evenly divided by gender. About half of the displaced are less than 15 years old. There is a high incidence of single parent households, with women head of households representing up to 48% of all households, higher than the 32% national average. Marital status varies by gender (55% of women did not have a partner versus 6% of men) and there is a high rate of widowhood. There are six times more widows than widowers, as men are particularly targeted by assassinations and other egregious human rights violations. On average, families headed by women have incomes 62% less than those headed by men. These data indicate how women are disproportionately affected by displacement and therefore have fewer means to address their vulnerability.

The majority of the displaced groups is from rural backgrounds and from the Pacific and Central regions. While big urban centers like Medellin, Cartagena and Bogotá, which itself has received around 20% of all displaced, are the privileged destinations, displacement...
waves have been recently contained within each department, between villages or from villages to minor towns. Most recent displacements happening in Nariño and Chocó departments have also shown the inclination for affected groups to stay close to areas that have geographic, cultural and emotional importance for them. This is particularly true for indigenous and Afro-Colombian communities as forced displacement has a profound impact on traditional social and economic aspects of their lives. Displacement is affecting indigenous and Afro-Colombians disproportionately in regards to other groups: 40% of Afro-Colombians which make up around 25% of the country’s population are displaced, while indigenous people, being 3% of the population, represent 8% of the IDPs.

In RI’s experience in almost all the cases the entire family is displaced. Most recently it appears that besides single household or individual displacements, which have been a long standing pattern, massive displacements, which in Colombia are defined as more than 50 people fleeing at once, are sharply on the rise. In April more than 7,000 peasants were displaced in El Charco and in September 1,200 indigenous people fled fighting in Tumaco, Nariño. Throughout this year several groups of hundreds of people have been displaced in the departments of Meta, Chocó and Norte de Santander. A serious humanitarian crisis is unfolding daily in several portions of the country.

Fighting between illegal armed groups in Nariño displaced 2,000 people in February 2007. One person told Refugees International, “This is the second time we have been displaced this year. People were terrorized by the fighting, and this time we sought sanctuary in a school building. But we are going back soon, as we have no means to support ourselves in the town besides begging. We realize that going back now is still dangerous, they also have planted mines in the fields.”

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### Needs of the Displaced

Fleeing abruptly in order to save one’s life means leaving behind almost all personal belongings and property. The sharp increase of vulnerability leads to a serious deterioration of human security. Statistics point to a drop in the average income of a family by more than half in comparison to pre-displacement status. Since almost two thirds of all displaced households are from rural backgrounds, the implications of displacement go well beyond loss of property and goods — it has a long lasting impact on subsistence systems, lifestyles and survival strategies of households and communities. The new urban environment creates huge challenges for the displaced to integrate as agricultural skills are not relevant for urban jobs, leading to unemployment rates much higher that those affecting the hosting poor population. Living habits in towns and cities are also very different and the community safety nets are often lacking in those new contexts. This is even more evident with indigenous and Afro-Colombian groups.

Displacement disrupts school attendance and pressing economic needs cause high drop out rates. Poverty and obstacles to accessing health assistance, which in some areas limit health coverage to less than 50%, have a negative impact on health conditions. Inadequate housing and poor hygiene are additional contributing factors.

While still displaced, leaders and representatives who advocate for their communities face threats to their physical safety and are forced to flee again to other more anonymous locations. Death threats are very effective and discrete actions which succeed in spreading panic and fear and disrupt the re-organization of broken communities. Selective assassinations of prominent leaders occur, such as the case of Ms. Yolanda Izquierdo, who was murdered in February of this year in Montería, Córdoba for being outspoken about the rights of the victims of the paramilitary groups, or Orlando Valencia, community leader from the Bajo Atrato river basin, Chocó, killed in mid-October of 2005.

Some displaced Colombians have tried to return home and set up “peace communities” like the one pictured here.

A leader of one of these communities told Refugees International, “[When we were displaced], many children and elderly were dying at the hospital. We had to do something, so we started to create a health committee and engage the authorities to assist us properly. Then, we decided to return home and set up a humanitarian zone. However, many promises made by the authorities — such as legal recognition of our land rights, community-based development projects, and moral reparation for those killed in the attack — never materialized.”

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Heavy rains wash the “temporary” homes that displaced families in Quibdó, Department of Chocó, have occupied for years.

LEGAL REGULATORY FRAMEWORK AND INSTITUTIONAL STRUCTURES

This year marks a decade after the introduction of specific provisions within Colombian legislation that recognize internal displacement as a consequence of the conflict in the country. Known as Law 387, it requires the Colombian state to take actions to prevent displacement, assist and protect those who flee, and guarantee lasting solutions and conditions through returns, resettlement or socio-economic re-establishment of the affected population, including specific protective provisions for property and land ownership. It defines who is a displaced person and his or her rights, outlines the responsibilities of the state through the National System of Comprehensive Assistance to the Displaced Population (SNAIPD), governed by a National Council, and creates Territorial Committees on Assistance to the Displaced Population and Assistance and Orientation Units (UAO) as the first point of contact for fleeing people.

Those bodies are tasked with completing and revising National Plans for the Assistance of the Displaced Population and the Single Comprehensive Plans (PIU) at local level, respectively. In 2000 the adoption of Decree 2569, which regulates Law 387, represented significant progress by detailing the content of the registry, emergency and long term assistance, planning and coordination mechanisms at local level.

The legislation incorporates the UN Guiding Principles on Internal Displacement, which in Colombia have constitutional status. Under Colombian criminal law forced displacement is a crime against humanity and a war crime.

This wealth of legal instruments meant very little to the displaced people. The gap between the laws and their implementation was so great that in early 2004 the Constitutional Court issued sentence T 025 which declared an “unconstitutional state of affairs” in the area of forced displacement. The egregious failure of the responsible authorities
to meet their obligation to guarantee basic constitutional rights of so many Colombians, including the failure to take the legislative, administrative and budgetary measures necessary to prevent or redress rights violations, created this situation. Ruling T 025 and subsequent rulings reiterated several government obligations, which range from meeting minimal levels of protection of the rights of the displaced (life, dignity, minimum levels of subsistence, health, education, etc) to allocating sufficient financial resources to address the humanitarian crisis to the definition of indicators of results, timeframes and evaluation mechanisms to monitor the success of programs and interventions.

The Court decisions showed how the use of existing legal tools and institutions in the Colombian system can provide greater recognition of the basic rights of internally displaced people. These rulings have been the product of thousands of what in Colombia is known as “Accion de Tutela” [request of legal action for the protection of human rights], denouncing the inaction by government authorities to protect the rights of the displaced.

The process through which the Court has formulated its decisions is also of extreme importance since besides government bodies, other state institutions like the Ombudsman’s Office and the Monitoring Congressional Commission (tasked to follow up the public policy to assist the displaced people), national social organizations and international agencies have contributed their own analyses and perspectives that led to the formulation of the Court’s decisions.

More importantly, the Court through its work has enabled responsible entities from the Public Ministry, in particular the Inspector General’s Office (Procuraduría General de la Nación), to better perform their role in demanding accountability from public officials so that they live up to their stated responsibilities and execute their functions in responding to the needs of displaced people.

The government of Colombia has started to respond to this progressive pressure and to address the shortcomings highlighted by the Court, mainly by earmarking greater amounts of financial resources and expanding the size of poverty alleviating programs in order to incorporate more displaced people as beneficiaries. According to data from the National Department of Planning (DNP) the central government budget has been increasing from $220 million in 2005 to $360 million in 2006. These amounts remain still well behind the needed levels and shortcomings have been identified not only by the Constitutional Court but by the very state institutions. The Department of Planning in early 2005 had estimated that for meeting minimum standards of protection for the displaced population registered by December 2004, the government had to allocate an additional 4.7 billion pesos.

The agency in charge of coordinating the government response to the humanitarian needs of the displaced population is the Presidential Agency for Social Action and International Cooperation (Acción Social). The Agency manages funds to implement specific programs though contractors, funding them fully or under co-financing mechanisms with international donors and institutions. Additionally, resources are allocated at central level to line ministries and complementary resources should be earmarked by local authorities in their regular budgets. The latter varies from department to department and municipality to municipality depending on the level of economic development of the areas. High levels of corruption and diversion of funds by local officials has also marred the process, in several cases leading to the bankruptcy of entire administrations. In such cases, no local funds were available for IDP programs and funds coming from the central government were severed, forcing non-governmental entities to step in and substitute for the state.
THE SUPPORTIVE ROLE OF NON-STATE INSTITUTIONS

Besides Colombian authorities, various non-governmental entities and United Nations agencies provide the Colombian displaced with important humanitarian assistance. Among them, Colombian church activists and non-profit organization members are at the forefront of the emergency response and are often the first approached by displaced people in need. The assistance includes food, household items, essential clothing, and emergency housing, as well as guidance on how to register for and access health and education services. Legal support and advice on suitable ways to find some form of livelihood while being displaced are also provided.

Accompaniment and counseling are also fundamental services that try to address the trauma provoked by forced displacement and disorientation created by living in an often unknown and hostile environment. In fact, despite public campaigns aimed at educating the public about the harsh living conditions faced by displaced groups and expected to stimulate attitudes of solidarity and welcoming, there remains a lot of stigmatization and ostracism in Colombian urban society. Displaced coming from rural areas are many times considered sympathizers of the FARC or are associated with groups alien to the host communities and therefore seen as a threat to the safety and wellbeing of residents.

An array of United Nations agencies, the International Committee of the Red Cross (ICRC), the International Organization of Migration (IOM) and a number of international non-governmental organizations do prominent work in many sectors addressing the needs of the displaced. In particular, the Office of the United Nations High Commissioner for Refugees (UNHCR) is the formal interlocutor with the government of Colombia in terms of internal displacement, playing a technical advisory role, doing protection work and having operations in eight locations countrywide. The ICRC is particularly focused on provision of emergency assistance for newly displaced after having conducted independent evaluation of those groups’ conditions, while IOM is mainly engaged in programming benefiting long-term displaced and other vulnerable groups.

Since the end of 2006, the international humanitarian community in Colombia has been implementing the Inter-Agency Standing Committee (IASC) coordination mechanism with the objective to improve the overall response to forced displacement in complementarity with the authorities’ interventions. The mechanism includes thematic working groups on protection, assistance and basic services and early recovery. To date, the protection working group has been the most active, performing field visits and assisting local structures to address protection gaps in those areas with increased insecurity and occurrences of massive forced displacement. The other two groups have been less effective and are taking too long to roll out properly.

PLACE INTERNALLY DISPLACED PEOPLE AT THE CENTER OF PROGRAMMING

In Colombia, civil society groups are very vocal, organized and committed. Among those, the leadership and action of courageous displaced individuals and those helping them have proved to be essential to secure improvements, such as in the case of the Constitutional Court rulings. The internally displaced persons themselves have organized to better defend their rights, voicing concerns with the responsible authorities. They have also set up organizations with the goal of providing members with the services and support that the government has failed to make available, particular in the critical immediate period following displacement.

But activists are enduring a lot of pressure by working in an unsafe environment and are being targeted by illegal armed groups because of their advocacy work. In addition, many of them struggle to fulfill their leadership role since the limited financial support they receive creates constraints
in meeting the basic needs of their family members.

IDP leaders have the opportunity to be a part of local committees which include local government authorities and humanitarian groups. Through this instrument they can participate in the policy making process, although there is evidence that the concerns presented and agreed solutions remain ignored as few of the committees’ resolutions are actually implemented.

An example of a remarkable initiative, considering the odds and minimal resources available, was the IDP profile making exercise which was conducted in Quibdò, Chocó by three organizations representing some 15,000 people displaced since the mid-1990s currently living in town. Assisted by the Ombudsman Office and UNHCR, the study detailed the most important needs perceived by the displaced households and put forward practical suggestions about how to meet them within the specific context of the city. But this information was disregarded in the needs assessment exercises and the development of response projects by the local authorities. Even partners of US-funded programs in the region fell back on studies by external advisors and were not aware of the existence of these data.

A displaced man told Refugees International: “We are tired of being given cheap charity and hand-outs. We were living well before being displaced. We had our house, land, crops and animals. We are not beggars and we want to work, to send our children to school, to live a normal life.”

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ACHIEVING DURABLE SOLUTIONS

A critical element to secure any durable solution for the millions of Colombian displaced, and which would determine stability for all of Colombia, is a set of political decisions to reach a negotiated political peace agreement between the fighting forces, but to suggest how to pursue this objective is a task that goes beyond the purpose of this report.

In the current context of ongoing internal conflict, however, the wealth of legal frameworks and structures has failed to prevent displacement. Further, it has to confront the fact that the priorities of the current Colombian administration are based on counterinsurgency and counter-narcotic strategies. An example of this is the early warning system, which requires security forces to respond in a timely and appropriate manner to anticipated conflict in a specific area. However, this system rarely functions, fails to prevent displacement and, therefore, makes legal provisions irrelevant.

Given the failure to date of Colombia’s impressive legal structures to make a real difference for the protection of the displaced, the following are recommended alternative strategies:

**Strengthen and Support Displaced Community Structures**

Throughout its visits Refugees International (RI) has encountered so many examples of how successful the work of strengthening and supporting community leadership could be. This should remain one of the overall aims of any program. In the context of communities living in areas where conflict is persistent and the territory is contested by illegal armed actors, helping communities to resist incipient displacements or giving assistance to create mechanisms to identify safer areas close to habitual areas of residence can be effective. This is the case of many indigenous and Afro-Colombian communities, which maintain a strong relationship with their land and have realized that once they are forced to flee far away from their territory, their land had been occupied and ultimately lost.

In these situations the government of Colombia should invest well beyond the presence of a police station in the center of hamlets or station temporary military units. In rural areas, basic services like primary health care, education and structures to expand poor local economies are desperately needed. A robust expansion of civilian state structures will contribute to reducing the likelihood of recurrent displacement and will make returns more sustainable.

Additionally, authorities should be better prepared to respond to upcoming displacement, drafting contingency plans and reserving resources to finance their implementation. This must be done in close collaboration with community leaders, providing guidance on how to promptly access state humanitarian assistance when the emergency arises.

The effort to strengthen community structures is a long process and needs to be continued well beyond the end of displacement. Several Colombian civil groups have been accompanying return initiatives to areas, like the Jiguamiandó and Curvadó river basins, which still remain insecure and face constant threats by armed groups and criminal gangs that operate nearby.

In the cases of communities at risk of displacement or returning to unsafe areas, the role of the Ombudsman Office is crucial. Its personnel accompany communities, advise people on human rights aspects, monitor the levels of security of the communities and forward context analysis to other responsible state authorities that are mandated to provide assistance and protection.

**Reinforce Existing Accountability and Sanction Mechanisms**

Displaced people in Colombia are often frustrated by the failure of the authorities to implement preventive measures and provide needed services. The bodies which can enforce those provisions are the departmental and regional offices of the Inspector General. They already possess the technical tools to follow up and evaluate the performance of
the SNAIPD and other institutions. A more vigorous investment aimed at strengthening their capacity and efficiency could prove critical to redress the public administrators’ negligence or lack of will in meeting their stated responsibilities. Fear of sanctions and ultimately dismissals may represent a convincing incentive for state officials and will make policy implementation more effective.

Of course, there are exceptions. In cases where people flee for brief periods, such as the most recent massive displacements that occurred in several locations in Nariño and Chocó departments, state agencies have provided emergency humanitarian assistance. Mass displacements attract international agencies and media attention. Within the first 72 hours local institutions have to respond and then Acción Social takes over the responsibility. Some better organized and equipped municipalities did their job and Acción Social intervened in a timely manner. In other cases, municipalities ignored the displaced, and church and humanitarian groups had to step in and provide assistance, while Acción Social packages arrived too late or were insufficient.

In the latter scenario, the Inspector General’s office can start disciplinary investigations once the internally displaced file petitions claiming denial of access to services and assistance. Long time displaced individual households often reported to RI that they are unable to access services because of rejection by providers, even if they were included in the registry.
Reshape Policies to Address Needs of Long-term Displaced People

The great majority of the displaced has been in this condition for many years, even decades. RI interviews indicate that socio-economic reestablishment in the current areas of residence and, for a smaller portion, relocation within or near their urban residence seem to be the best durable and achievable solutions for them. As mentioned above, to support this process the enforcement of the current legislation assured through the work of the institutions of the Public Ministry is fundamental, particularly in the health care and education sectors. Health coverage remains very low, although the central government has made some effort to expand it through subsidized access to the countrywide health system. Additional financial support remains inadequate, however, even when transferred to local administrations, which fail to fill in with their own resources for service providers. Greater support for schools can offer an opportunity to address historic deficiencies, such as illiteracy and low formal school attendance in rural areas, which are ultimately affecting the ability to accomplish socio-economic stabilization and re-establishment plans.

But even aid of this type is insufficient. Households interviewed expressed frustration with the fact that their initiatives were not trusted by the authorities. They felt that they had been the recipients of low-priced charity, which was instilling a sense of hopeless dependency. They were angry for being cheated when the provided support was so much less than that promised.

RI believes that the government of Colombia needs to begin addressing the long-term needs of the displaced, while simultaneously allowing existing control mechanisms, like the territorial committees for the displaced, to work better. In the last few years, state policy seems to have reinforced the perception that the needs and levels of vulnerability of displaced households are not higher than those of urban resident poor people. This is not true, as reported by important studies carried out by Colombian academic institutions. A report produced by the University of Los Andes, for example, indicated that displaced households face greater obstacles to access the labor market and social services. Even after years of refuge, they are far from being well integrated and continue to be much poorer than the resident poor. Displaced people lose their capacity to support themselves, working 40% less than before displacement, and after fleeing and living in urban areas, their unemployment rate is six percentage points higher than resident poor people. Housing conditions, low levels of hygiene and nutrition deficiency lead to new diseases in around 20% of the displaced families. And even when programs providing income generation activities have been implemented, beneficiaries were only lifted up from complete destitution to levels of poverty equal to those faced by resident poor people.

Additionally, since 2005 the Social Solidarity Network, the focus of which was mainly on internally displaced, was restructured into Acción Social, resulting in a significant expansion of its scope. The IDP group got diluted from a top priority category of beneficiaries to lower level, mixed with other social groups and agendas. New programming of Acción Social has focused heavily on short-term handouts and welfare-based initiatives, raising serious questions in terms of sustainability due to the number of the beneficiaries. These programs encourage dependency instead of promoting self-reliance and initiative.

The displaced continually articulated three priority needs to Refugees International: decent sanitation and housing, access to employment and credit and access to land. Existing programs to address these three priorities have been rarely successful. Housing subsidies are insufficient both in terms of number and earmarked amounts. Construction material handed over to families was of poor quality or contractors built units reduced in size and with substandard
conditions, lending credibility to allegations of corruption and diversion of public funds. Skills training is available for displaced households, but in many cases at the end of courses the skill acquired is not immediately marketable. There is a need to analyze the age element in family composition, identifying who is of school age and who of work age among the dependents, in order to tailor education and job training opportunities. Then, graduated students have no financial resources to start their own businesses.

Access to credit has proved impossible for most poor displaced households since applicants can’t qualify for loans, not having any collateral and fiduciary guarantors. Many also asked municipal authorities for parcels of land on the outskirts of towns to be made available for cultivation in order to meet the most pressing nutritional needs, but this option has rarely been offered.

The adoption of the Single Comprehensive Plans (PIU) by the territorial committees and their implementation should enable a coordinated integrated response, based on a human rights perspective, if effective participation of the displaced themselves is assured and public ministry institutions monitor the realization of agreed decisions and the commitments undertaken by the different local authorities.

**Reverse Land Reform: Impeding Durable Solutions**

The success of any policy for a sustainable solution for the displaced in Colombia depends on tackling one of the most serious causes of conflict in the country: control over land. In the context of forced displacement above, the report described how illegal acquisition of land represents one of the causes of displacement, how communities have been “resisting” seeking safety through displacement in order to stay close or within their land and how displaced communities have returned to their land while receiving no help by state authorities and challenging illegal groups still operating in those areas. One exemplary case is the situation in the Jiguamiändó and Curvaradó river basins, where large areas of unattended land owned by displaced people was unlawfully purchased or otherwise obtained. Over time that land has been converted into single crop cultivation, such as the African palm, or into vast allotments for cattle grazing, making a fortune for national and international agro-business conglomerates.

The demobilization process, which has been carried on through the Justice and Peace Law and involving mainly paramilitary groups, could have meant an opportunity for victims to recuperate or receive compensation for stolen land and properties. So far this has not happened. The National Commission for Reparation and Reconciliation has been ineffective in overcoming legal shortfalls and political resistance, making it unclear if the Commission will be a viable restitution mechanism for the displaced.

Another initiative which started a few years ago, under the technical leadership of the World Bank and subsequently led by Acción Social, is focused on securing property rights of communities at risk of potential displacement. This preventive measure has been very slow in its application, has very limited coverage and is being implemented away from the most strategic and valuable geographical areas. The Colombian agrarian reform institute (INCODER), which is supposed to perform countrywide mapping of land and process property titles, including protection of indigenous traditional ancestral land and collectively owned land of Afro-Colombian communities, is understaffed, underfunded and therefore ineffective.

All these elements give a clear indication that the current administration in Colombia does not have the political will to redress what has been called a “reverse land reform” in which rural peasant communities have been stripped of an estimated 4 to 7 million hectares in the last ten years, while displaced owners lost at least 1.2 million hectares countrywide, double the amount of land that has been redistributed within the framework of the agrarian reform between 1993 and 2000.
INTERNATIONAL SUPPORT FOR
COLOMBIAN POLICIES

The magnitude of the need of millions of displaced and the amount of resources required cannot be addressed by the government of Colombia alone. Displaced communities visited by Refugees International often admitted that both local authorities and Acción Social had not been able to supply sufficient and timely assistance, forcing non-governmental actors, including international agencies, to step in and fill the gap.

Effective coordination between state institutions and international groups has to be a priority and the United Nations Inter-Agency Standing Committee coordination mechanism mentioned above represents an opportunity to do so. Its members have been working to identify the major gaps in humanitarian assistance and access to basic services, protection and early recovery initiatives. Their analysis has been structured around a series of themes, such as coordination, information, planning and preparedness, necessary resources etc. This detailed needs assessment can be a useful instrument to both better coordinate actions among international actors and to engage with the government in an open dialogue aimed at redressing major policy pitfalls and obstacles affecting its implementation.

International agencies have also been instrumental in supporting displaced leaders and organizations, strengthening their participation in representation mechanisms and facilitating the use of legal mechanisms to redress human rights abuses. These activities should be expanded and will contribute to the empowerment of communities otherwise marginalized and weakened in their capacity to help their members cope with the trauma and difficulties associated with displacement.

Additionally, RI has observed that the presence of international agencies in programs funded by both Acción Social and foreign donors seems to guarantee a greater degree of transparency and accountability, reducing the risk that funds get diverted or misused during program implementation.

International organizations’ presence in and of itself has been critical not only in service provision and as a monitoring function but to promote greater level of protection of the affected population. Physical presence is often associated with interaction with local authorities and state security forces, thereby becoming an advocacy tool to promote better responses to the needs of the displaced. More coordinated and decisive advocacy needs to be done at the local level, including campaigning activities to sensitize host communities about the conditions of the displaced. This could ultimately foster an attitude of welcome and solidarity.

Considering the humanitarian emergency affecting hundreds of thousands of displaced, international donors should continue to keep humanitarian assistance for this group as a high priority on their agenda related to bilateral and multilateral cooperation with the Colombian government. International donors also could work more closely with local government structures, promote implementation through partnerships which include simultaneously national and international non-governmental agencies, while encouraging the inclusion of beneficiaries at all levels of programming of their sub-contractors.
CONCLUSION

Colombia remains the most serious humanitarian crisis in the Western Hemisphere and recent massive displacements confirm that the emergency is far from being over. Despite several steps aimed at bridging the gap between a sophisticated and comprehensive domestic legislation and the massive needs of millions of Colombians, the governmental response remains insufficient in resources made available and its interventions are frequently ineffective and unsustainable. Excessive reliance on subsidies and programming based on short-term commitments risk perpetuating dependency of beneficiaries and hinder the communities’ own initiatives. Serious gaps remain between the focus of policy making in the capital and limited enforcement and oversight at regional and departmental levels.

But things are progressing and it is necessary to build upon those achievements and continue to improve. Sanctions by the Public Ministry bodies and the work of the Constitutional Court can help fill the gaps in service provision, but they alone are insufficient to address the deepest flaws in the current system. Genuine political will of the government to respond seriously to the needs of millions of displaced Colombians should be translated into simultaneous implementation of existing provisions under the law and a critical revision of some aspects of the current policy.

The government should pursue a much wider expansion of the civilian presence of the state in rural areas and comply with commitments assumed by authorities with communities that are returning. It should overhaul the current socio-economic stabilization strategy for long-term displaced people, shifting to programs aimed at enhancing self-reliance and creating sustainable livelihood opportunities. And it should commence a serious process to address the land issue, possibly starting from the expansion of the existing preventive programs, securing recuperation of land for returning communities and reparation for displaced victims.

RECOMMENDATIONS

The government of Colombia, with the indispensable assistance of the international community, has the responsibility to respond to the needs of Colombians displaced by the internal conflict. So far, despite Colombia possessing the regulatory framework, institutions, and human resources, the response to internal displacement is still unsatisfactory, as repeatedly confirmed by the rulings from the Colombian Constitutional Court.

Significant progress in improving the conditions of the Colombian displaced people could be reached if current policies prioritized greater support for initiatives proposed and led by leaders and organizations of the internally displaced communities. National and local authorities need to make constitutionally guaranteed services accessible. They also must carry out appropriate sanctions by agencies of the Public Ministry and evaluate and redesign existing policies for long-term displaced communities in ways that assure the creation of durable and sustainable livelihoods.

For these purposes, Refugees International recommends the following:

1) Strengthen Community Leadership and Representation Structures

The government of Colombia

• Guarantee physical security for IDP leaders advocating for the rights of their communities, a provision also reiterated in the August 2007 ruling of the Constitutional Court;

• Work more closely with committee representatives of displaced communities to understand the needs of the displaced and to implement agreements for their welfare;

• Make sure that IDP leadership is consulted in policy making and program implementation in health, education, housing, skill training, job creation and income generation;
• Strengthen the human capital of rural IDP groups with specific training and skill upgrading of members in key social sectors like basic health and psychological care, water and sanitation and primary education;

• Increase resources for staffing and operations of the Ombudsman Office to guarantee the neutral and independent nature of its work and assure the permanent presence of its officials in communities at risk of displacement or upon return.

The donor community, in particular the government of the United States

• Increase assistance to strengthen organizations representing the internally displaced and support them in surveying their needs;

• Fund local groups that can provide IDP organizations with protection and human rights awareness training, which ultimately will allow access to existing legal mechanisms to redress abuses and rights violations;

• Make sure that partner agencies coordinate their interventions closely with representatives of the displaced communities and that training opportunities for writing project proposals are provided to applicants;

• Support the creation of safety networks for particularly vulnerable displaced households such as women-headed households, orphans and the elderly, including sustained psychological services.

2) Guarantee IDPs Access to Emergency Assistance, Post-Emergency Basic Services and Constitutionally Awarded Support

The government of Colombia

• Move towards a common integrated registration system accessible by service providers once displaced persons approach them for help;

• Monitor subcontractors and implementers providing emergency assistance, with particular attention to aid provision for most vulnerable groups such as women head of households, orphans, elderly and individuals needing special medical and psychological attention;

• Conduct an evaluation of the degree of vulnerability of households in the post-emergency assistance context and identify ways to link emergency to medium/long term assistance;

• Shape the current humanitarian response in ways that recognize the cultural and traditional specificities of indigenous and Afro-Colombian communities and use differentiated approaches to help displaced women, youngsters and the elderly;

• Implement the Constitutional Court’s recommendation to complete the definition of indicators of adequate levels of assistance and increase resources for providers, both centrally and locally, until agreed minimum standards are met;

• Set up a fund which would allow those displaced individuals who want to file claims with the Inspector General’s Office to receive timely and competent legal advice;

• Earmark greater resources for staffing and operations of the Inspector General Office at regional and departmental level in order to carry out investigative work arising from petitions by internally displaced claimants, including assuring implementation of territorial committee resolutions.

The donor community, in particular the government of the United States

• Support the expansion of the Office of the Inspector General and the Ombudsman Office in their specific work assisting communities at risk of displacement and displaced households.
3) Create Conditions for Dignified Lives and Sustainable Livelihoods for Internally Displaced Households

The government of Colombia

• Address urgently the status of thousands of unregistered displaced households in order to include them in programs offering opportunities for social and economic integration in urban areas;

• Recognize that current handout and welfare-based programs are not financially sustainable and enhance dependency in beneficiaries;

• Evaluate the ongoing socio-economic reestablishment policies in light of the greater vulnerability which affects the displaced population in comparison to poor host community households;

• Redesign those policies seeking greater inclusion of beneficiaries in priority setting and implementation mechanisms; create sustainable livelihood opportunities molded around a differential approach respecting age, gender and ethnic origin of beneficiaries;

• Devote greater resources to housing improvement projects, income generating activities, vocational training courses, appropriate job creation, while making credit more accessible and placing priority on households headed by women;

• Work with affected populations and civil society partners to ensure that returns are carried out in a voluntary manner, while ensuring the safety and dignity of those returning;

• Reestablish both physical and socio-economic security of the communities while respecting the civilian nature of the return process and monitor the work of return verification commission in order to assure fulfillment of committed agreements;

• Improve coordination between state central and local level institutions and seek greater coordination with the national and international humanitarian agencies in order to maximize efforts to properly address the needs of the displaced.

• Carry out a review of the land and property lost by the internally displaced, possibly starting from the most egregious cases and collectively owned lands of the indigenous and Afro-Colombian communities;

• Respond to the petitions of original owners whose lands have been occupied or stolen by illegal armed groups and ensure the land is returned with reparation of all damages and lost property.

The donor community, in particular the government of the United States

• Commission independent evaluations of the performance of grantees and their contractors to verify that set priorities guiding program implementation match the perceived priority needs of benefiting communities;

• Increase funding for projects assisting the socio-economic reestablishment of displaced households, prioritizing the most vulnerable groups;

• Increase support for those non–governmental groups, including churches, which are accompanying returning communities and are working with groups at risk of displacement.
REFERENCES


8. A number of documents have been consulted from the following web sites:

   http://www.red.gov.co/portal/default.aspx

   http://www.procuraduria.gov.co/

   http://www.defensoria.org.co/red/

   http://www.dnp.gov.co/

   http://www.codhes.org/

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