

# NRC REPORTS

Colombia

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## FEW REASONS FOR OPTIMISM



**NRC**  
NORWEGIAN  
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## Few reasons for optimism

The conflict in Colombia is extremely complex and its roots go far back in history. Banishment and violence against civilians has been a general feature of the current conflict which has lasted over 40 years. More than four million people have been displaced, and the humanitarian crisis has become one of the largest in the world.

Breaches of human rights and international humanitarian law are a part of everyday life in Colombia. The level of assaults and the willingness to commit them are among the most striking features of the Colombian conflict, and this goes for paramilitary groups, the FARC and ELN guerrilla movements, and the Colombian army.

It is the Colombian authorities that are responsible for the protection and security of their own population. They also have the main responsibility for creating a democratic space for political work, and for addressing the underlying social and economic causes of the conflict itself.

Although Colombia is very progressive in terms of its legislation on internally displaced persons, its own Constitutional Court concluded that the Colombian authorities have followed this up far too little in practice. The UN Representative on the human rights of internally displaced

persons, Walter Kälin, has pointed out that one of the main problems is lack of implementation of national legislation at the local level.

There is every reason for concern as the number of internally displaced persons continues to rise. It shows that the conflict and the attacks on the civilian population are continuing, and that the government's military strategy, which was intended to be preventive, is instead resulting in an increased displacement of people.

The armed conflict particularly impacts on the poorest section of the population, including minority groups, indigenous people and Afro-Colombians, who are significant groups.

The widespread violence against women is another brutal feature of the Colombian conflict. Violence against women and young girls has long been a conscious strategy of war by the armed groups, while women are also the sole carers for half of all displaced families in Colombia. Women are therefore victims, but they also represent an important resource.

The NRC's most important role in Colombia is to provide help and protection to those who have been forced to flee their homes, and to defend and promote their rights. There is no doubt that the international presence there has saved many lives, but at the same time many needs are not being met,

and it is important to increase both financial aid and protection of internally displaced people.

Pressure must be increased on all the armed actors to respect human rights and international humanitarian law. The guerrillas must stop the kidnappings, the use of land mines and child soldiers. The government must cease to pursue a military strategy that creates great suffering and increases displacement of people.

It is essential that the authorities come to a real settlement with the paramilitaries and dissolve their structures. There may be a hope that the new US administration will place greater emphasis than the previous administration on the human rights situation in Colombia when evaluating their support to the country.

Ingrid Betancourt, who was held captive for six years by FARC guerrillas, visited Norway in November. She expressed the view that she saw Norway as an ally in terms of peace building and emphasised dialogue as the most important tool in achieving this.

The NRC supports the view that the way out of the Colombian conflict is via the negotiating table. However, the conflict is deeply rooted and a real peace process must involve Colombian civil society. Only by creating a more inclusive society can true peace be built.

# The key lies hidden in history

*Internally displaced persons are carrying with them their dearest belongings after being thrown out of the houses they have built on public land in Medellín.*



Photo: Jesus Abad

There are complex political, economic and social causes underlying the prolonged humanitarian crisis in Colombia. It is the only country in the western hemisphere where millions of people are driven from their homes, terrorised or killed as a result of armed conflict.

In spite of the serious humanitarian and political consequences, for a long time the conflict was little known or talked about. Most people assume the armed conflict started with the creation of the FARC guerrilla movement in 1964, and of the ELN a year later, but violence and conflict have roots that go much further back in Colombia's history.

Simon Bolivar became the first President of Gran Colombia (consisting of present-day Venezuela, Ecuador, Panama and Colombia) in 1821 after the defeat of the Spaniards. However, his vision of creating a federal Latin America quickly fell apart. After Bolivar's death in 1830, Gran Colombia disintegrated and Colombia fell into the hands of warring landowners and traders. A distinctive feature of Colombian historical development was already in place, namely the

regional apportioning of power through local elites and weak state institutions. This would prove to be a very unfortunate combination for the country's further development. Colombia remained in a permanent state of war for the rest of the 1800s. The war of independence (1810-1816) was followed by eight civil wars, 14 local wars, innumerable smaller uprisings, two wars with Ecuador and three coups d'état.

The Conservative and Liberal parties that have dominated Colombian politics up until today were created as early as the late 1840s. In the first few years the Liberals stood for greater federalism, and the Conservatives for greater centralism. Another important distinction between the parties was their relationship to the Catholic Church. For the Liberals, who wanted to modernise the state, the Church was a bastion of



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privilege, while for the Conservatives it was a guarantor of the status quo and the social order. It is worth noting that Colombia had national political parties long before a national economy or national culture had developed.

**THE FIGHT FOR LAND** In 1850 publicly owned land made up 75% of the total land area. By the end of the century, much of it had fallen into the hands of large landowners, often through corruption and the use of violence. This helped to increase the dominance of the local power elite. In 1875 laws were passed that were supposed to protect the peasant farmers, but these were largely ignored by the landowners who organised armed groups to terrorise and frighten away the peasant farmers. The bloody battle over land in Colombia had begun.

Colombia had few exports and failed to develop a resource base large enough to create a real nation. The country remained an economic backwater. In addition, its particular topography makes conditions almost ideal for federalism. While by the end of the 19th century most of the other Latin American countries had built up their state apparatus and implemented liberal economic and political reforms, the big landowners of Colombia strove to preserve the old, traditional hierarchic values.

**WAR AND ECONOMIC CHAOS** It was not until 1886 that Colombia acquired a constitution

which emphasised the fortifying of the central power apparatus. The power of the president was strengthened and a standing army established. This was a first attempt by some of the elite to implement a national political project. However, dark clouds were looming, and when coffee prices collapsed in the 1890s and members of the Liberal Party were excluded from important positions, the ground was laid for renewed conflict.

The Thousand Day War (1899-1902) resulted in large-scale destruction and economic chaos, in which 100,000 people lost their lives. The government was powerless when Panama seceded, a move encouraged by the USA. But while the Thousand Day War was the last major conflict of the 19th century, it was just a foretaste of what would happen in the 20th.

Colombia entered the 20th century with one of the least developed economies in Latin America. However, the rise in coffee prices in the first three decades of the 1900s created an economic basis on which to shape a nation from a fragmented republic. A certain level of modernisation and increased international investment had social consequences which created new tensions in society. Early signs appeared of an active workers' movement, and there was a renewed fight for land among the peasants. But in Colombia the growth of the export industry and modernisation did not take a toll on the traditional elite. Society was still based on authoritarianism and on the existing social

and economic order, which were represented first and foremost by the army and the Church. The elite factions had no formal connections to the state, so although the state apparatus was somewhat strengthened, it still lacked resources.

**LA VIOLENCIA** In the period after 1930, limited attempts were made to create a state more actively involved in social issues. An eight-hour workday was introduced in 1934, and the right to organise became part of the Constitution in 1936. Nevertheless, trade unions remained weak, particularly in the private sector. In 1931 the peasants were given the right to organise, but their struggle was rarely if ever linked to that of the urban workers. In Colombia, the well-known slogan from Norwegian history – “city and country hand in hand” – never gained a foothold. The peasants were also divided among themselves because the landowners often had ties of loyalty with the small farmers, something which transcended class differences.

The polarisation of society increased in the late 1930s and early 1940s, and extreme paramilitary groups appeared. The liberal presidential candidate Jorge Eliécer Gaitan's electoral platform featured greater social equality, development of a more participatory democracy and a national vision that transcended sectoral interests. In February 1948 he addressed a crowd of 100,000 people who were protesting against paramilitary

violence. Two months later he was assassinated, and his alternative politics died with him. Colombia had started on its catastrophic path to “La Violencia” (1948-58). The murder of Gaitan caused spontaneous uprisings, particularly in Bogota, as well as in many rural areas. There was an explosion of violence and terrible attacks occurred. The situation was extremely polarised; conservative and liberal supporters came to blows, village against village, peasant guerrilla (liberal) against army. Paramilitary groups, protected by powerful friends and often with the help of the police, carried out massacres that were retaliated with counter-violence by guerrilla groups which were under liberal, and later also communist influence. The darkest chapters in Colombia's history were being written. La Violencia cost over 200,000 lives and at least a million people were driven from their homes.

The agreement signed between the conservatives and liberals in 1958 ensured that the same elite factions that had held power before La Violencia maintained full control. The grass roots movements that had begun to emerge during Gaitan's ascendancy were crushed. The two dominant parties would change power every four years, and all important official posts were shared between them. No latitude was given for social protest outside of the two parties. The army was significantly strengthened thanks to extensive support from the USA, which paid the Colombian state for its loyal anti-communist stance and active participation on the US-American side during the Korean War.

In the 1960s Colombia again experienced economic growth, but was no better prepared for its social consequences. Many people migrated to the cities where the informal economy became the last resort of the poorest of the poor. But here too, the state took little responsibility for its own citizens' needs and rights. Colombia's formal economy developed, to all intents and purposes, along the same lines as the formal political order; its exclusivity reflected the extreme concentration of power and wealth in society. The private sector was very strong, and the state by and large acted as its enabler.

**GUERRILLAS, PARAMILITARIES AND DRUG CARTELS** The absence of a state presence led to the guerrilla movements quickly gaining ground in large parts of the rural areas from

the late 1960s. Cocaine trafficking boomed in the 1980s, and the alliance between the drug cartels and paramilitary groups became increasingly visible. The government had no overall strategy to fight the cartels; however as the drug barons moved ever closer to the centre of political and economic power, a confrontation with the traditional elite became unavoidable. In 1991 Pablo Escobar, head of the notorious Medellin cartel, was arrested. Two years later he was killed and his criminal empire crumbled.

A number of guerrilla groups initiated a ceasefire in the early 1980s. In 1984, FARC entered into a peace agreement with the government, but this was soon broken. However, previous FARC members and sympathizers formed the Unión Patriótica (UP) party in 1985 in the hope of riding on the wave of the popular protest movements that arose in the 1980s. But in the course of just a few years, three to four thousand UP members were killed, including their candidate for the presidential election in 1990.

Even in the 1980s, known as the decade of the drug cartels, politically motivated killings were far more numerous than drug-related ones. The state still had problems dealing with the social changes taking place: there was very little room for democracy, the social polarisation continued in rural areas and the number of poor in the cities rose. Just as in earlier periods of Colombian history, the political order was still not modernised in tandem with economic development. Instead of more and more people being integrated into society, increasing numbers were excluded, both politically and socially. The various armed groups, both paramilitaries and guerrillas, saw early on the enormous profits to be made from drug trafficking, and through into the 1990s they acquired an important role in both production of and dealing in cocaine.

In the 1990s the Colombian government finally admitted to the immense humanitarian challenges posed by the armed conflict. Between 1994 and 2004 the number of displaced persons increased from 300,000 to over three million. The humanitarian crisis was now of such magnitude that it could no longer be kept secret. In the late 1990s several UN agencies, including the UN High Commissioner for Refugees, established offices in Colombia.

## FACTS ABOUT COLOMBIA

- Area: 1,138,910 km<sup>2</sup>
- Capital: Bogotá
- Population: 45.0 million
- Language: Spanish
- Government type: Republic
- Literacy: 92.8%
- Religion: Roman Catholics 90%
- Life expectancy: 72.5 years
- Infant mortality: 2.0%
- Largest ethnic groups: mestizo 58%, white 20%, mulatto 14%, black 4%, mixed black-Amerindian 3%, Amerindian 1%
- Economy: Major exports commodities: petroleum, coffee, coal, apparel, emeralds, nickel, bananas, cut flowers
- 1.4% of landowners hold 65% of total land area, while 94% of landowners hold 19%
- Refugees in other countries: 551,740
- Internally displaced persons: 2,390,000 – 4,000,000
- 7000-10,000 children are victims of forced recruitment
- Illegal armed groups:
  - FARC (Fuerzas Armadas Revolucionarias de Colombia) leftist guerrilla group
  - ELN (Ejército de Liberación Nacional) leftist guerrilla group
  - AUC (Autodefensas Unidas de Colombia) rightist paramilitary group

Source: Flyktningregnskapet 2008, IDMC and CIA World Factbook



Photo: Sady González

*The liberal presidential candidate, Jorge Eliécer Gaitan, attracted large crowds in 1948 who shared his dream of greater social equality and a more participatory democracy, but the dream vanished with the assassination of Gaitan that same year.*



# The conflict continues

In 2002 Álvaro Uribe, the first independent candidate in Colombia's recent history, was elected president. New electoral rules meant that he was also the first president to be able to stand for re-election in 2006 – an election which he won with a clear margin.

The explanation for the decline of the liberal and conservative parties was that the patience of the urban middle class in particular had finally run out. Corruption, lack of security, the collapse of the negotiations with the FARC in February 2002 and the ever-increasing politically motivated violence against the civilian population were factors that contributed substantially to the increasing frustration. In the 2002 election year, guerrillas controlled nearly 40 per cent of the entire country. They had also gained a foothold in several important urban areas and represented a threat to the whole state apparatus.

After Álvaro Uribe came to power on 7 August 2002, the military confrontation greatly intensified, with dramatic humanitarian consequences. In 2002 there were reported to be over 400,000 new internally displaced persons, and almost 30,000 political killings, the highest numbers since systematic registration of the victims of conflict began. In addition, tens of thousands were kidnapped or subjected to violence, intimidation and extortion.

The conflict spread to every corner of Colombia and increasingly affected indigenous groups and Afro-Colombians. Fighting over land and control of important smuggling routes in the border areas meant that these minority groups were caught in the crossfire between the military, guerrillas and paramilitary groups. In many areas the state task of fighting the guerrillas was increasing-

ly taken over by the paramilitary forces that had obtained substantial resources from drug trafficking, illegal acquisition of land and other criminal activity.

**NEW LIGHT ON AN OLD CONFLICT** The conflict took place not only in the mountains and jungle, but also in newspapers and at conferences. Language and law were central to these latter forums. Language is power and determines how a conflict is described. While the number of internally displaced and refugees from violence and assault was increasing dramatically, the Colombian government tried to convince the international community that no armed conflict was taking place in Colombia.

An armed confrontation of more than 40 years' duration, with four million people driven from their homes and at least 70,000 killed in just the last 20 years, was dressed up in "modern" language and described as a fight against terror. In the past few years hundreds of thousands of Colombians have also fled to neighbouring countries, especially Venezuela and Ecuador, and regional tension is rising. This has led to a worsening security situation throughout the entire region.

All the parties involved in the Colombian conflict violate human rights and international law. The losers are the civilian population which finds itself caught in the middle. While the paramilitaries and their accomplices in the military are responsible for a



*The civilian population, and not least the indigenous inhabitants, often find themselves caught in the middle of the conflict between the paramilitaries and the guerrillas.*

Photo: Jesus Abad

majority of the killings and disappearances, the guerrillas are responsible for most of the kidnappings.

The policy of President Uribe's has undoubtedly weakened the FARC which today has roughly eight to nine thousand

soldiers, compared to double this number five years ago. Security has improved, especially around the larger cities, and the number of kidnappings has decreased. However, the conflict is no closer to a political solution and the methods that have been

used by the Colombian government have drawn the civilian population directly into the conflict. The use of paid civilian informers and the establishment of a peasant militia are examples of this.

**THE ATTACKS CONTINUE** A pillar of the Uribe government's policy has been the demobilisation of over 30,000 paramilitary soldiers. This process officially ended in August 2006. The other main pillar has been Plan Colombia, a US-supported programme to reduce cocaine production. However, both have been severely criticised for failing to achieve the goals that were set.

Despite the evident improvements in security, the armed conflict is far from over, and there is doubt about the consequences of the official demobilisation of the paramilitary forces. There are those who even claim that demobilisation has largely helped to realise the economic goals of the paramilitary, and that groups that have sprung directly from their ranks are still exercising the same violent control over the civilian population as they did before demobilisation.<sup>1</sup>

The Colombian ombudsman reports that ten new groups originating from the paramilitary forces operate in the capital of Bogotá.<sup>2</sup> Another bad sign is that both the toll of killings and the number of internally displaced persons and refugees is on the increase. Moreover there is no sign that the official demobilisation has helped to reduce organised crime centred around drug production and trafficking. Therefore there is little indication that the demobilisation of the paramilitary will have any lasting effect.

For the victims of the conflict it is nonetheless positive that the demobilisation process has helped reveal the truth about the violent attacks, including the alliances with the politically and economically well-established elite. In 2008, for example, over 60 Congress and Senate members were either arrested or under investigation for their links with the paramilitary forces. The scandals arising from the close links between politicians and paramilitary groups have both helped improve the victims' chances for compensation and undermined the legitimacy of the democratic institutions.

In terms of the fight against drug production, there is little to indicate that the methods, which have focused on spraying

the coca crops from the air, have worked as planned. The UN agency for monitoring drug production in Colombia has documented that the area under cultivation increased in 2007 despite intensive spraying.<sup>3</sup> Other organisations have documented how spraying not only destroys legally grown crops and biodiversity, but also drives poor coca farmers from their homes without offering them alternatives and without any obvious impact on the price of cocaine or its availability in the USA.<sup>4</sup>

The conflict in Colombia has its roots far back in the country's history. The government can only negotiate on the basis of the established order, even though it is precisely this order that the guerrillas have been fighting against for over 40 years. The guerrillas' original point of departure in the 1960s consisted of three main demands: land reform,



*The victims' graves bear witness to the grotesque attacks to which many civilians have been exposed.*

state administration of national resources and social reforms, but because they have employed methods such as kidnapping, recruitment of child soldiers and use of landmines<sup>5</sup>, they have largely undermined their own political legitimacy and credibility.

The result is four million people driven from their homes and in great need of assistance and protection. Few people believe in any sudden breakthrough in the attempts to establish peace, but the hope is that the parties will realise that the problems can be gradually solved so that the results will be sustainable. There is no alternative.

Photo: Jesus Abad



# Caught in the middle

For decades the civilian population in Colombia has been the defenceless victims of extreme violence and expulsion from their land and homes. In the 1960s, 70s and 80s few knew of them and even fewer provided any form of help or protection. It was not until 1992 that the Colombian government acknowledged the existence in the country of a large number of internally displaced persons.

Photo: Espen Rasmussen



*Over 30,000 internally displaced people live on the outskirts of Quibdo, in western Colombia. Increasing numbers seek refuge in and around the large cities where the living conditions and sanitation are appalling.*

For a long time Colombia was a relatively isolated country and the government hesitated to make the humanitarian situation known to the outside world, but in the 1990s the problems became so serious that a different attitude was forced to emerge and the government signed an agreement with the UN High Commissioner for Refugees in 1998. The agreement states that the High Commissioner shall support and strengthen the ability of the Colombian state to deal with the situation for internally displaced persons. Even though other UN agencies entered into the picture during these years, the humanitarian crisis continued to grow.

Ever since independence, conflicts over land have played a key role in the Colombian conflict. Up to 80 per cent of internally displaced persons have fled from rural areas. Seventy per cent owned land before they fled, but many have had their farms and land stolen from them by the warring parties.<sup>6</sup> Another indication of the central role still played by the fight for land is the fact that those provinces with the highest concentration of agricultural land are also those with the highest level of conflict and the largest percentage of internally displaced persons. Examples of this are the provinces of Antioquia, Bolívar and Magdalena.<sup>7</sup>

Almost all the country's 33 provinces have, however, had dealings with internally displaced persons over the last decades, either by receiving them, or as their place of origin, or both. In contrast with conflicts on other continents, the internally displaced of Colombia do not generally constitute an ethnically or politically homogenous group. There are, however, certain socio-economic features that characterize the majority of them. As in most other conflicts, men are more frequently victims of conflict- >>>



## Colombia > Four million displaced

related killings than women, and more of them are recruited into armed groups. The remaining women who are left alive therefore generally become the sole providers of children under extremely difficult circumstances. The majority of the women have a low level of education and live in rural areas.

**PRECARIOUS CONDITIONS FOR IDPS** Attacks and threats mean that many people are forced to seek shelter in slum areas in and around the large cities. Most flee under dramatic circumstances after being subjected to rape, torture and murder of close family members. Often they have no opportunity to take anything with them except their children and the clothes they are wearing. The expulsion and experiences of rape lead to a loss of self respect, chronic poverty, trauma, problems in coping, break-up of families and social ties, and recruitment of youth to armed groups. Almost 40 per cent of internally displaced persons have been witnesses to the killing of their parents, children or siblings.

Despite the Colombian state having set in motion a number of measures to support internally displaced persons with emergency aid, access to schools and healthcare, the situation for very many is a precarious one. In Colombia over 50 per cent of the population lives below the poverty level. Most internally displaced persons have fled from an existence where they already had barely enough. Internally displaced persons have far less access to schools, healthcare and the labour market compared to the national average, according to a detailed study published in early 2008.<sup>8</sup>

The ongoing armed conflict in Colombia makes it very hard to establish independent documentation and statistics on the extent of the humanitarian crisis. The authorities operate on a basis of 2.7 million registered internally displaced persons, while CODHES, a recognised Colombian human rights organisation, claims that the number exceeds four million. CODHES also claims that the number of internally displaced persons has increased dramatically over the last two years, while the government says that the number is stable or has reduced compared to previous years.

An important factor which contributes to the difference in numbers is that many internally displaced persons fail to register for

fear of being stigmatised by permanent residents and local authorities, who may suspect the displaced of sympathising with one of the armed groups. The internally displaced are almost powerless in the face of such accusations and this fear means that many omit to register despite the fact that their rights to food, shelter, health, education and work are thereby undermined.

**PROBLEMS DESPITE DEMOBILISATION** The warring parties in Colombia exercise a large degree of social control over the civilian population, including in those places to which they flee. There is little to indicate that this control has decreased as a result of the demobilisation process. On the contrary, numerous credible sources claim that demobilised groups continue to indulge in the same criminal activities, such as extortion, threats and occupation of land, that they carried out before demobilisation. One result of this is that an increased number of internally displaced persons have been forced to flee several times, also within urban areas.

The paramilitary groups, in cooperation with the drugs mafia, are responsible for the lion's share of the illegal occupation of between two and six million hectares of



Demobilisation of the paramilitary group Bloque Catatumbo, which is a part of the AUC.

land, and for gross contraventions of human rights in the period from 1996 to 2006. However, a controversial amnesty law adopted in 2005 makes it possible for paramilitary leaders to have their sentences commuted in exchange for the truth about their attacks and the handing back of stolen goods, including stolen land, to the victims. As part of this process, internally displaced persons have the opportunity to seek compensation from the perpetrators along the same lines as other victims. However, in 2008 less than 15,000 victims of forced expulsion had regis-

tered in the national "victim register" which the prosecuting authority is responsible for, and extremely few legal owners have had their land or possessions restored to them or received any compensation.

While the demobilisation and arrest of paramilitary leaders has undoubtedly helped to reveal the extent of human rights abuses and their links to the political establishment, the process has done little to help compensate the victims. A significant obstacle to this has been the lack of title deeds that document ownership. Another and perhaps more important factor is presumably the victims' fear of reprisals by their attackers or their allies who continue to pursue the paramilitary groups' criminal activities and network. It is important to underscore that the demobilisation processes is not a peace process with an armed group which is hostile to the state; on the contrary, defence of the state was one of the paramilitary's explicit goals.

The FARC guerrillas are openly bent on continuing the armed conflict despite a number of military and organisational setbacks in recent years.<sup>9</sup> Continued conflict means there will be few opportunities for the displaced to return home and therefore little hope of fair compensation or return of their land.

**CONFLICT ACROSS BORDERS** The Colombian conflict has also forced hundreds of thousands to flee the country, either as a direct result of violence and intimidation by the armed groups, or because of the loss of land and property. Nevertheless, the number of internationally recognised refugees is low compared to the number of internally displaced persons. "Only" a little over 70,000 Colombians are registered as refugees, the majority in the USA and Spain, while almost 600,000 are in neighbouring countries without being registered as refugees or having sought asylum. Of these, 450,000 have crossed the border to Venezuela and Ecuador.

Even though very few have sought asylum, the UN High Commissioner for Refugees calculates that most need help obtaining identity papers to give them access to work and social services. To redress the situation for these Colombians, the UNHCR has therefore initiated a large-scale ID project for thousands of Colombians in Ecuador, in addition to a number of smaller projects in Brazil, Panama, Venezuela and Peru.

In one week in 2001, 5000 people, or 77 per cent of the entire population, were forced to flee by paramilitaries in Peque in Antioquia. Many of the displaced were farmers who had to abandon their crops. The authorities did nothing to prevent the attacks.



Photo: Jesus Abad



# Displaced women and children

Out of four million internally displaced persons in Colombia, almost 80 per cent are women and children. Their situation has steadily worsened because of the armed conflict. Attacks on women and young girls have long been a conscious strategy of war among the armed groups.

As the conflict has spread to all corners of the country, women from indigenous groups and the Afro-Colombian communities have been among those worst affected. These groups make up a relatively high proportion of the displaced.

In a situation of displacement, people are often particularly vulnerable to violent attack. Almost half of women internally displaced have been subjected to violence by their partners. More than a third have been sexually abused.<sup>10</sup> Moreover the true figures can be reckoned as being even higher. Statistical weaknesses include under-reporting from an official standpoint and the fact that women do not dare to talk about what they have been subjected to, or find it humiliating.

Children and youth, especially those from poor areas, are highly vulnerable to violence.

The conflict does not make their situation any easier. Children and young women are often forcibly recruited by the armed groups to do service as informers, messengers, cooks, sex slaves, or as soldiers.

**NEED FOR SPECIAL PROTECTION** UN Security Council Resolution 1325 of year 2000 is meant to safeguard women's human rights as displaced, in situations of war and conflict. All parties involved are called upon to take special measures to protect women and girls against gender-based violence, particularly rape and other forms of sexual abuse. In 2008 the Constitutional Court of Colombia recognised that women, children and indigenous people are especially subject to expulsion and human rights breaches, and determined that general guidelines should be tailored to the needs of these groups.



*Young women on the outskirts of the jungle town of Quibdo tell of harassment and killings, and fear of attack from both guerrilla and paramilitary groups.*

The extent of gender-based violence and the warring parties' systematic abuse of women are now starting to be recognised, but practice has not yet changed substantially.

Security Council Resolution 1325 also emphasises women as a resource. Conflict and forced displacement result in the break-

up of families, and in roles changing. In Colombia, women are the sole providers for half of all families forced to flee. They represent continuity, and are the glue which holds families together. Resolution 1325 confirms the importance of their role in preventing and resolving conflict and emphasises that

they must participate more in decision-making processes. The women's movement in Colombia is living proof that they are not merely victims of gross human rights violations, but also constitute a vital resource that must form part of building peace and a more inclusive society. Today women stand

together to reveal the truth of what has happened and to receive guarantees that it will not happen again.



# Minorities need protection

The conflict in Colombia impacts particularly hard on the poorest section of the population, and of this the Afro-Colombians (descendants of African slaves) and indigenous people make up a significant group.



Indigenous peoples live scattered over the whole territory, but about half live in jungle areas that are difficult to access. Here Nukak Maku Indians who have been displaced by armed groups.

Afro-Colombians make up about 22.5 per cent of this group, while they constitute about 12 per cent of the total population.<sup>11</sup> The national register of internally displaced persons has only registered about 7 per cent of Afro-Colombians.<sup>12</sup> However, almost 75 per cent of registered persons have failed to give their ethnic identity, so that the figures are very dubious. Organisations not bound by the official registration system, however, employ methods which enable them to cast light on these dubious official figures. In the past six years the number of internally displaced Afro-Colombians has risen dramatically to over one million, or 25 per cent of all those forcibly driven from their homes, according to AFRODES.<sup>13</sup>

According to the 1993 census, the total number of Afro-Colombians was about 10 million.<sup>14</sup> However, according to the last census in 2005, there are fewer than 3.5 million Afro-Colombians, while the figures from the National Bureau of Planning some years earlier show that between 8 and 11 million inhabitants belong to this ethnic group.<sup>15</sup>

The indigenous peoples, a collective term to describe over 80 ethnic groups, make up roughly one million of Colombia's 44 million inhabitants. Figures from ONIC, a national organisation for the promotion of the rights of indigenous peoples, show that between 10,000 and 20,000 people from different indigenous groups are driven from their homes every year by the armed groups, but fewer than 60,000 have been registered since systematic registration began in 1999.<sup>16</sup> The official figures for internally displaced persons therefore give no indication that this group is more severely affected than others.

**MARGINALISED GROUPS** The figures say little or nothing about the conditions which dictate whether a person can apply to be registered with the authorities as an internally displaced person. First and foremost, physical access to responsible authorities is necessary, but many indigenous people do not meet these conditions. In many cases the armed groups imprison indigenous people within their territories. The blockades usually involve controls and restrictions on the movement of all goods and on transport to and from the territories, with intimidation and violence as the means and poverty and misery as the result. On the other hand, the indigenous peoples' collective sense of identity is generally stronger than that of other groups and hence also their power to withstand pressure from the armed groups.

In line with the situation for internally displaced persons in general, the forcible expulsion of Afro-Colombians and indigenous peoples is linked with land and the fight over land. Formally, indigenous peoples have the right to about a third of the total land area, or about 36 million hectares of land on 536 reservations. On the other hand, in 2006 Afro-Colombians formally controlled over five million hectares of land organised into 1,458 collectives.<sup>17</sup>

From a historical point of view these areas of land have been of marginal interest to society as a whole and there has been little or no state presence there. Most Afro-Colombians have settled along the Pacific and Atlantic coasts. These are areas that have always been neglected and are also often

conflict-ridden. The minority groups score lowest on all social and economic indicators such as access to schools, health and the labour market.<sup>18</sup>

A primary motive for the increased state presence in these areas has been to fight the guerrillas who for decades have lived in the same areas as the minority groups. State neglect has created fertile conditions for illegal groups, both criminal and political, and today the battle against coca crops and smuggling routes has reached several of these areas in a major way. Pressure from society in general and not least the armed conflict have increased considerably in the last decades, and ever more frequently the minority groups have been caught in the crossfire between the military, paramilitaries and guerrillas.

Legislation to protect these territories is essentially strong, but seldom respected. It is assumed that a large part of the 2.5-6 million hectares of land illegally occupied by the armed groups belongs to the Afro-Colombian community and the indigenous peoples. For example, over 60 per cent or about 190,000 of over 318,000 inhabitants of the Afro-Colombian territories were forcibly driven from their homes in the period 1995-2005.<sup>19</sup>

**VICTIMS OF BIOENERGY PRODUCTION** Paradoxically enough, the state has contributed to the illegal occupation of land and, in the worst case, the forced expulsion of its own citizens. On several occasions it has supported the establishment of commercial enterprises in areas belonging to Afro-Colombians and

indigenous peoples despite strong local protest. In a number of well documented cases, publicly supported palm oil plantations for biodiesel production have been established in the wake of massive violence.

In Choco, on the border of Panama, the local ombudsman documented that investors had established palm oil plantations on Afro-Colombian land. He also documented the close cooperation between investors, the local military unit, the police and paramilitary forces.<sup>20</sup> The paramilitary forces are accused of massacres, murders, torture and forced expulsions from land where the plantations were later established.<sup>21</sup> Interviews carried out by the NRC with Afro-Colombians and indigenous peoples driven from their homes have confirmed the ombudsman's findings. The state's participation in the establishment of these plantations is channelled through state lending institutions in line with a large-scale national programme to increase palm oil production in Colombia.<sup>22</sup>

Despite a court ruling ordering plantation owners to return the land to its rightful owners, the Ministry of Agriculture, which represents the national lending institution, was not inclined to remove the plantations. In a meeting with the NRC, the ministry pointed out that removal of the plantations would entail disproportionately large financial losses.<sup>23</sup>

Similar conflicts are widespread in Colombia. In October 2008 a conflict broke out in the south of the country to which land and access to land are central. The conflict has its origin in a government promise to hand over 15,000 hectares of land as compensation for a massacre of indigenous people committed by the army in 1991.<sup>24</sup> The government's breach of promise resulted in mass demonstrations and acts of solidarity by civil servants. One explanation for the government's failure to keep its promise is that the land the indigenous people are demanding is taken up with sugar plantations that produce biofuel. Through its programmes the NRC helps to moderate the effects of these types of conflicts by documenting violent attacks and initiating training and legal assistance for the victims.

*In many places along the Pacific coast, such as here in Choco on the border with Panama, Afro-Colombians make up the majority of the population.*





# Colombia and the world

The growth of the cocaine cartels and their escalation of the armed conflict in the 1980s drew increased international attention to Colombia, but the country's relative isolation continued until the mid-1990s when the humanitarian situation forced a greater international presence, especially by the UN.

Colombia's strategic location and great economic potential have long attracted international interest, but lack of security and predictability has been an obvious hindrance to greater involvement. At the same time the armed conflict and the flood of refugees to neighbouring countries have led to increased regional tension and instability.

One of Colombia's many paradoxes is that the country is making economic progress despite being in the midst of armed conflict. High commodity prices and better security for investors enabled economic growth to reach 7.5 per cent in 2007. This is the continuation of a trend over the past few years in which the formal sector of the economy has experienced steady growth and modernisation. But the main challenge is that the greater part of the population works in the informal sector of the economy and lives in poverty, insecurity and violence. Distribution of resources and land is among the most uneven in Latin America and the armed conflict, which is largely about securing control of land, serves to increase this inequality.

Security has improved, especially in central areas and in and around the big cities. The death toll has fallen by over 40 per cent and the number of kidnappings by almost 80 per cent since 2002. A doubling of the defence budget has made it possible to secure infrastructure such as roads and municipal centres and has ensured a state presence in ever more districts.

**INCREASED REGIONAL TENSION** However, the armed conflict continues in rural areas and has escalated in the areas bordering Ecuador

and Venezuela. Places of refuge over the border and control of the lucrative smuggling routes for weapons and cocaine mean that these areas are very important to the armed groups. Colombia's border with all its neighbouring countries is over 6,000 km long and is in practice impossible to control. This is yet another example of the lack of a one-sided military solution to the Colombian conflict.

In the past few years political upheaval has occurred in many Latin American countries, bringing left wing parties, both moderate and radical, to power. Many of the new governments, not least in Ecuador and Venezuela, have been eager to demonstrate their independence from the US. Nevertheless there is little to indicate that the borders between Colombia and Venezuela and Ecuador are becoming "ideological" borders, as the economic ties between the countries are too strong. What could change this deep-rooted pragmatic attitude is if the armed conflict in Colombia spreads to neighbouring territories.

A warning of this was received on 1 March 2008 when the Colombian army crossed the border into Ecuador to attack a guerrilla camp where FARC's deputy leader and "foreign minister" Raul Reyes and 24 other guerrilla soldiers were situated. The attack provoked the Venezuelan president Hugo Chavez to order the dispatch of nine battalions to the border with Colombia. There are several reasons for Chavez's strong reaction. The regional ramifications of the conflict in Colombia have resulted in tens of thousands of Colombian refugees now living on Vene-

zuelan territory. A confrontation with the US's closest ally in the region, Colombia, would put Chavez's paramount political project, the Bolivarian revolution, under additional pressure. For him to appear as a broker for dialogue between the warring parties in Colombia would be judged as great statesmanship. If there is one thing Chavez needs it is regional and international recognition. The hope of arranging an exchange of prisoners between the Colombian government and the FARC fell apart after the incursion into Ecuador – as did Chavez's hope of a diplomatic feather in his cap.

The dispute was finally resolved by the Organization of American States (OAS) which also mediates inter-state disputes. The Colombian government was reprimanded for failing to respect Ecuador's international borders, while the Ecuadorian government and especially President Chavez were asked to do whatever is possible to persuade the FARC to release its over 700 hostages.

**RELATIONS WITH THE USA** The overall strategy for US engagement, known as Plan Colombia, was adopted by the American Congress in 2000. Since then, the USA has supplied Colombia with advanced technology, military expertise and personnel to a value of NOK 35 billion, which puts Colombia on par with important American allies in the Middle East and Central Asia. A particular feature of US support is the use of private contractors, which entails less of a political risk since the USA is not directly responsible for them. The three American contractors who were recently released after





several years of imprisonment by the FARC attracted significantly less attention than captured members of the American military would have done. Despite the close links between paramilitary groups, state institutions and leading politicians, US support has not been affected to any degree worth mentioning; however, the free trade agreement between the USA and Colombia has been postponed following opposition, particularly by Democrat representatives in Congress. The reason is that Colombia still has the world's highest number of trade union members who are murdered – a tragic reminder of the marginalisation of civil society in Colombia.

Relations with the US administration have been strengthened in the past few years through close ties between Presidents Bush

and Uribe. The presidential candidate for the Republican Party, John McCain, also made a trip to Colombia before the presidential campaign started its final sprint, which again shows the increasing importance of Colombia in American foreign policy. It is expected that Obama and the Democrats will switch Plan Colombia support from "hard" to "softer", i.e. support to civil society will increase. It is to be hoped that the Democrats will also make the fate of the Free Trade Agreement contingent on the Colombian government taking new initiatives to support human rights. The possibility of influencing American policy towards Colombia is therefore greater than it has been for a very long time.

**THE EU AND NORWAY** In its approach to the Colombian conflict, the EU has tried to

maintain a certain distance from the "anti-terror rhetoric" which has dominated much of the debate in the last few years. Its strategy is that in the short term, solutions must be found to the humanitarian crisis, while at the same time not losing sight of the underlying reasons for the prolonged conflict. The wish to help find a political solution is reflected in the fact that the EU invests much of its development assistance in reconciliation programmes. However, it is also evident that disagreement among EU member states makes it difficult to have a coordinated policy on Colombia. The EU therefore plays a relatively modest role politically, but its significant humanitarian budgets are an important contribution to civil society in Colombia.

Some European countries were also part

of the "Group of Friends for Peace in Colombia" who wanted to assist the parties in the conflict to move towards a negotiated solution. The Norwegian Embassy in Bogotá opened in 2001 as Norway was invited to be part of the Group of Friends in the ELN peace process and later also the peace process with the FARC. The latter process collapsed in February 2002. The Group of Friends changed its nature over the years, and it no longer exists as a formal entity. However, Norway has been one of three "companion" countries, along with Switzerland and Spain, which have tried to pave the way for dialogue between the Colombian government and the ELN. There has been little tangible progress, but the process has not formally ceased.

Given that Colombia is not a priority

development assistance country for Norway, the Norwegian aid of NOK 70 million per year is significant, and the humanitarian assistance mainly goes to internally displaced persons and human rights work.

**THE UN** The United Nations Children's Fund (UNICEF) was the first UN agency to establish itself in Colombia in the 1950s, but it was not until 40 years later that the worldwide organisation really made its presence felt there. The NRC established itself in Colombia in 1996, in the same year as the UN High Commissioner for Human Rights and two years before the UN High Commissioner for Refugees.

The 1990s brought great optimism that was linked to the situation in Central America. The peace processes there blossomed and the armed conflicts in Nicaragua, El Salvador and Guatemala were resolved one by one. But this had no ripple effect on Colombia where the violence escalated and the number of refugees and internally displaced persons grew dramatically. There was therefore a great need for the type of assistance offered by the UN and NGOs such as the NRC.

The UN was invited by the Colombian government and has always worked hard to play as constructive a role as possible in a very complex conflict. The Colombian government, however, has not always been as willing to listen to the advice of the international community. When the Director of the UN High Commissioner's Office of Human Rights in Colombia, Michael Frühling, stated in August 2005 that President Uribe should make the release of guerrillas' prisoners a first priority, his statement made little impression on the Colombian government. It was clear that the UN had little room for negotiation, and the same was indicated by Uribe's demand in 2005 that James Lemoyne, the UN Secretary General's Special Adviser in Colombia, be recalled. Lemoyne spent much of his time trying to get the parties in the conflict to come to the negotiating table in a period when the Colombian government was staking everything on

crushing the guerrillas by military means. The UN Diplomatic Envoy encountered such great obstacles that the Secretary General ended his mandate in April 2005.

As of today, the UN has no political mandate in Colombia, but their humanitarian presence is very important. Colombia needs greater international attention, and it is important that the UN and also the international community both contribute actively to improve the human rights situation in the country, and increase aid to and protection of internally displaced persons.

The NRC and the UN High Commissioner for Refugees have worked together to give internally displaced persons and Colombian refugees in neighbouring countries access to schools, healthcare and shelter. The work has been demanding and difficult, but above all important. Every year many hundreds of thousands of new internally displaced persons have flooded in to the largest cities in search of safety. The cities are growing uncontrollably, and new neighbourhoods appear every year. In these areas school, healthcare and other basic services are often absent and at best inadequate. In addition, armed groups are often present in many slum districts, and violence and harassment are part of everyday life.

Another important area of work has been to see that internally displaced persons get official approval of ownership of their new houses and plots of land around the cities, no matter how small. Without people receiving help with this, neither the government nor private investors would provide electricity or roads to the poorest neighbourhoods, and neither would it be possible for people to receive state support to pay their rent.

Prevention is also important. In several areas the NRC and the UN work with local leaders and teachers to develop security plans in case a community is attacked. This deals with everything from where to seek shelter, to whom one should escape with, and how girls and women can be protected from attack.

The UN Special Representatives for women, children, indigenous peoples and internally displaced persons visit Colombia at regular intervals to investigate whether the Colombian government is meeting its obligations to its own people. The NRC also meets with these experts to give advice and relevant information.

Photo: P. Smith/UNHCR



*A mobile registration team from the UN High Commissioner for Refugees visits settlements for internally displaced persons and offers help with applications for proof of identity.*



# Rights and realities

Colombia's 40 year conflict is characterised by gross violations of international law and justice, and the government's military strategy has led to an increase in displacement.

Colombia has a comprehensive legislative framework for the protection of internally displaced persons, but legislation and courts are still a long way from implementation and practice.

**LACK OF IMPLEMENTATION** Colombia by all appearance has the most progressive laws in the world for internally displaced persons. The UN Guidelines on Internal Displacement have largely been incorporated into national legislation.<sup>25</sup> The Constitutional Court of Colombia moreover plays a very active role in their protection. In 2004, the court concluded that the inhuman living conditions of the internally displaced was in violation of the Constitution.<sup>26</sup> The government was asked to address the structural causes of this, including inadequate budgets, lack of institutional capacity, bureaucratic barriers to services and subsidies, the low priority given to the rights of internally displaced persons by government ministries and others, and the limited opportunities for participation and representation of the internally displaced. As a result of this court decision, the protection of internally displaced persons was put higher up the government agenda, budget allocations were increased, and evaluation mechanisms were established.

In 2006, however, the court concluded that the government's follow-up and reporting back on the implementation of the 2004 decision had been inadequate.<sup>27</sup> Specific results indicators were then developed by the court. Walter Kälin, the UN Representative on the human rights of internally displaced persons has pointed out that a main problem is lack of implementation of national laws and policy at the local level.<sup>28</sup> In the

2007 report by the Representative, challenges related to specific actions and rights are also mentioned, such as weaknesses in the system of registration. .

Eighty per cent of internally displaced persons in Colombia are women and children, and a disproportionately high number are indigenous peoples and Afro-Colombians. Moreover the minority groups have the worst access to schools, healthcare and work.<sup>29</sup> Security Council Resolution 1325 has as its overriding objective to increase women's participation and influence in the work of preventing, dealing with and resolving conflicts, and to help safeguard women's human rights when fleeing their homes, in war and conflict. Principle 4 of the UN Guidelines on Internal Displacement moreover provides a basis for differentiation in the treatment of different groups. The Constitutional Court of Colombia has recognised that women, children and indigenous peoples are especially vulnerable to expulsion and infringements of their rights, and has determined that general guidelines must be tailored to meet the needs of these groups.<sup>30</sup>

**MILITARY LANGUAGE AND STRATEGY** The right of all Colombians not to be driven from their homes is enshrined in national legislation.<sup>31</sup> In addition to some systemic weaknesses and defects such as that the ombudsman and the internally displaced themselves may not participate in certain processes and meetings, the failure in preventing displacement is perhaps mainly due to the government's military approach. The violence of the non-state actors is considered the reason for the displacement problem, and the government's preventive measures are largely

based on military strategy. The government never regards its own armed forces as the source of the problem. Often they cause rather than prevent displacement. The most dramatic worsening of the security situation has been in the traditional Afro-Colombian and indigenous peoples' regions.

None of the armed parties in Colombia respect their obligations under international humanitarian law, including the principle of distinction whereby civilian persons and installations may not be attacked or exploited for military purposes. Organised non-state violence is characterised as terrorism by the government. By using this kind of rhetoric they attempt to define the conflict as being outside the remit of international humanitarian law. It is supposedly "a war on terror" rather than an armed conflict with laws and rules which all parties must adhere to. The term "terrorism" is a rhetorical tool which communicates a strong moral judgment and redefines the discourse. Security and the status quo become more important than individual rights and progress. The government does not want to regard terrorists as armed parties with rights and duties. However, international law sets out certain rights and duties for all, regardless of their status and actions.

**PEACE AND JUSTICE FOR WHOM?** Voluntary, informed, safe and dignified return is regarded as the preferred, durable solution to displacement. The right to return is also written in to national legislation.<sup>32</sup> Unsolved questions and disputes connected to land and property can be a reason both for driving people from their homes and for the lack of durable solutions. Obstacles to the return





of displaced persons and to durable solutions in Colombia include the widespread lack of title deeds documenting ownership of land and property, and victims' fear of reprisals by their attackers or their allies. Displaced persons' land and property are often taken by other parties, including companies harvesting palm oil for biodiesel, and there have been many infringements of indigenous peoples' rights to land and property.<sup>33</sup>

With the Justice and Peace Law of 2005, a demobilisation process was established

which was mainly aimed at the paramilitary groups.<sup>34</sup> Far-reaching freedom from prosecution is an element of this process. The Representative on the human rights of internally displaced persons recalled in his report that there is a clear link between reintegration of the demobilised, their freedom from prosecution, and the low rate of return of internally displaced persons. These latter are, obviously, often unwilling to return to areas where those who drove them out have established themselves. The demobilised have often even been allocated land that was ille-

gally taken from the displaced persons. According to the decision of the Constitutional Court in 2006 concerning the Justice and Peace Law, in order to benefit from penalty reduction or freedom from prosecution, those concerned must tell the whole truth, including about participation in forced expulsions and about property that was taken and whom this was given over to.<sup>35</sup> Thus it also becomes easier to establish who are the rightful owners, increasing the possibility of return as a solution – provided that the decision is followed through, of which there has so far been little sign.

According to international law, the victims of human rights offences and other serious violations of international humanitarian law and human rights have the right to the truth, and crimes must be investigated, prosecuted and sanctioned.<sup>36</sup> Following Colombia's ratification of the Rome Statute, the International Criminal Court in The Hague (ICC) has jurisdiction over crimes against humanity committed in Colombia or by Colombians since November 2002. According to the statute, national legal process is the preferred solution, but a national process must comply with certain standards set by the statute, and by international law and

*Thousands of people demonstrated in March 2008 in the Colombian capital of Bogotá, for truth, justice and reparations for victims of paramilitary attacks.*



Photo: Jesus Abad

practice, including that the investigation and prosecution are credible, impartial and independent, that the legal procedure is just, and that the punishment reflects the severity of the crime. The question is whether cases concerning crimes by the paramilitary always comply with these standards.

The paramilitary who are extradited to the USA for drugs crimes may also be prosecuted according to US law for a number of serious violations of international law, such as torture.<sup>37</sup> Although there are still weaknesses in the Justice and Peace Law, it can, as interpreted by the Constitutional Court, work as

a tool to promote the rights of victims to truth and compensation. However, this depends to a great degree on implementation and on government support. There is still a long way to go before the displaced persons feel there is any peace and justice.

**FOTNOTER**

- 1 <http://www.nuevoarcoiris.org.co/sac/?q=node/174>
- 2 <http://www.caracol.com.co/nota.aspx?id=618398>
- 5 <ftp://190.144.33.2/UNODC/wdr2008web.pdf>
- 4 WOLA, April 2008.
- 5 Columbia has more victims of anti-personnel landmines than any other country in the world, and is the only country in the western hemisphere where new mines are being planted, according to Handicap International.
- 6 Comisión de la Sociedad Civil para el Seguimiento
- 7 Accion Social, Oktober 2008
- 8 Proceso nacional de verificación de los derechos de la población desplazada, January 2008.
- 9 FARC webpage, October 2008
- 10 Ministerio de Protección Social. Política Nacional de Salud Sexual y Reproductiva, 2003
- 11 Encuesta Nacional de Verificación (ENV), 2008
- 12 <http://www.accionsocial.gov.co/Estadisticas/publicacion%20sept%2030%20de%202008.htm>
- 13 Afrodes, 2005, .
- 14 The term was long controversial among the indigenous peoples' own ranks since it conceals a rich diversity: the term covers 84 ethnic groups with their own cultures and languages.
- 15 One of the authoritative Afro-Colombian organisations, AFRODES, claims that the explanation for the great discrepancy between the 1993 and 2005 censuses is mainly because the first census allowed those interviewed to decide their ethnicity themselves, while in 2005 this central question was left to the interviewers to answer.
- 16 ONIC, Oktober 2008.
- 17 Afrodes, 2006, s. 5
- 18 [http://www.etniasdecolombia.org/grupos\\_resguardos.htm](http://www.etniasdecolombia.org/grupos_resguardos.htm)
- 19 Ibid s 8.

- 20 Resolucion defensorial 2 Juni, 2005
- 21 Tramoya 2003
- 22 <http://www.proexport.com.co/vbecontent/library/documents/DocNewsNo5709DocumentNo6982.PDF>
- 23 Interview, Bogota, February 2008
- 24 <http://www.semana.com/noticias-problemas-sociales/encrucijada-indigenas/116875.aspx>
- 25 Colombia is in an exceptional position internationally with its Statute No. 387 of 1997 and Decree No. 250 of 2005.
- 26 T-025/04
- 27 Auto No. 218 av 2006.
- 28 Report by the Representative on the human rights of internally displaced persons, Human Rights Council, A/HRC/4/38/Add.3, 24 January 2007.
- 29 Ibid.
- 30 Auto No. 092 of 2008 relates to women. The situation of indigenous women and Afro-Colombian women and their needs for protection are emphasised. In October 2008 there was a legal hearing with children.
- 31 Article 2.7 of Statute No. 387
- 32 Article 2.5 of Statute No. 387
- 33 Resisting Displacement by Combatants and Developers: Humanitarian Zones in North-west Colombia, the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC), 2007.
- 34 La Ley de Justicia y Paz of 25 July 2005
- 35 C-370/2006
- 36 See e.g. the Human Rights Committee's General Comment No.31 on the International Covenant on Civil and Political Rights (U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004)), the Rome Statute of the International Criminal Court ( U.N. Doc. A/CONF.183/9, July 17, 1998), the UN Principles to Combat Impunity (E/CN.4/2005/102/Add.1), the American Convention on Human Rights and other judgments by the Inter-American Court of Human Rights, e.g. the Mapiripán case of 15.09.2005 (Ser.C) No.134 (2005) and the Velasquez-Rodriguez case of 29.07.1988 (Ser. C), No.4 (1988).
- 37 18 USC section 2340A

**THE NRC'S RECOMMENDATIONS:**

All actors in the Colombian conflict, including the guerrillas and the paramilitaries, must:

- Respect their obligations according to international humanitarian law, including the principle of distinction which implies that civilians and civilian installations may not be attacked or exploited for military purposes.

The Colombian government must:

- Ensure effective implementation of national IDP laws and policies at local level.
- Actively support and implement the Justice and Peace Law as interpreted by the Constitutional Court.
- Comply with the standards set by the statute for the International Criminal Court (the Rome Statute), by international law

and through practice in national trials concerning crimes included in the Rome Statute.

- Ensure that trials involving paramilitaries and politicians take place under the jurisdiction of the Supreme Court and are not delegated to local courts.
- Guarantee in particular that land rights and the special rights and needs of women, children, indigenous peoples and Afro-Colombians are recognised and met in relation to decisions made by the Constitutional Court.
- Ensure a rights-based approach to the prevention of and adaptation to climate change, including ensuring that biodiesel companies do not infringe the rights of those inhabiting and/or owning areas of land.

The USA must:

- Hold extradited paramilitaries to account and extract from them information not only about drugs crimes but also infringements of international human rights law in Colombia, and share this information with Colombian legal institutions.
- Set as a condition of its support to Colombia that international law must be complied with and that rights should be a reality for the population.
- Increase the humanitarian portion of its aid to Colombia.

The international community, especially the UN and the EU, must:

- Support in word and deed Colombia's legal institutions so that they can continue to demand protection for the

displaced, and investigate and prosecute the paramilitaries.

- Monitor the implementation of the Justice and Peace Law and the prosecution of the paramilitaries extradited to the US to ensure that they are held responsible for infringements of international law.
- Increase its humanitarian support and other measures for the protection of internally displaced persons and refugees.
- Influence the Colombian authorities to ensure a rights-based approach to the prevention of and adaptation to climate change, including ensuring that biodiesel companies do not infringe on the rights of those inhabiting and/or owning areas of land.



Photo: Jesus Abad





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