Colombia: A case study in the role of the affected state in humanitarian action

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Contents

Acronyms

AUC	*Autodefensas Unidas de Colombia*
CDAIPD	Departmental Committee for Integrated Response to IDPs (*Comité Departamental de Atención Integral a la Población Desplazada*)
CIAT	Committee for Early Warning *(Comité Interministerial para la Alerta Temprana)*
CLAIPD	Local Committee for Integrated Response to IDPs *(Comité Local de Atención Integral a la Población Desplazada)*
CODHES	Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*)
CRC	Colombian Red Cross *(Cruz Roja Colombiana)*
DPAD	Directorate for Risk Mitigation and Disaster Preparedness *(Dirección de Prevención y Atención de Desastres)*
ELN	People's Liberation Army (*Ejército de Liberación Nacional*)
FARC	Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*)
GoC	Government of Colombia
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	Internally displaced person
IOM	International Organisation for Migration
NGOs	Non-governmental organisations
OCHA	UN Office for the Coordination of Humanitarian Affairs
PAHO/WHO	Pan-American Health Organisation/World Health Organisation
PIU	Single Comprehensive Plan (*Plan Integral Único*)
RUPD	Single Registry of the Displaced Population (*Registro Único de Población Desplazada*)
SAT	Early Warning System *(Sistema de Alerta Temprana)*
SNAIPD	National System for Integrated Response to IDPs *(Sistema Nacional de Atención Integral a los Desplazados)*
SNAPD	National System for Risk Mitigation and Disaster Preparedness *(Sistema Nacional para la Prevención y Atención de Desastres)*
UAO	Assistance and Orientation Units *(Unidades de Atención y Orientación)*
UN	United Nations
UNHCR	UN High Commissioner for Refugees
US	United States

1. Introduction

This case study forms part of a broader research project on the role of the affected state in humanitarian action. It contributes to a comparative study of how a wide range of governments respond to humanitarian crises. In particular, it focuses on the relationship between the state and domestic non-governmental actors and the international community. The overarching research question for the project is: what would good humanitarian governance look like?

Colombia offers an interesting case for the project because, while it has middle-income country status, it has been plagued by a decades-long conflict which has caused a large-scale humanitarian crisis that requires international assistance. Fighting between different armed groups has forced millions to flee their homes, and all areas of the country are affected by the conflict – some as violent conflict zones, and others as recipients of internally displaced persons (IDPs). With over 2 million IDPs, Colombia is host to the world's second largest population of displaced persons, who need basic food and health provisions as well as longer-term livelihood and stabilisation assistance. Besides displacement, Colombia also suffers from regular natural disasters, which affect thousands of people each year.

In making decisions about how to appropriately respond to the humanitarian crisis, the international community must consider the fact that Colombia has well-functioning state institutions and its own response mechanisms, but at the same time the conflict has caused corruption and weakened the state in many parts of the country. This calls for an approach different from the standard humanitarian package provided to victims of complex emergencies in fragile states such as Sudan or Congo. In addition, the government plays a part in the conflict, which raises questions about how non-state actors can uphold the principle of neutrality while working with it. This has made the humanitarian response a highly sensitive issue with international actors anxious to maintain diplomatic relationships with Colombia.

This case study focuses primarily on the humanitarian response to forced displacement in Colombia, but touches briefly on how this intersects with responses to natural disasters. Within the humanitarian response, the paper concentrates on evaluating emergency assistance, with some discussion of how emergency relief links with protection, prevention, stabilisation and resettlement. This case study consisted of a literature review supplemented by email surveys and telephone interviews conducted in January 2008. Interviews were conducted with officials from 12 different institutions, including government agencies, national NGOs, international humanitarian agencies, UN agencies, donors and research organisations. In order to respect the confidentiality of the people interviewed, names have been withheld and specific references to some organisations have been avoided.

The paper examines the capacity of the Government of Colombia (GoC) to respond to humanitarian crises and the interaction between GoC and non-state actors in their responses. The next section provides a political, economic and social background of Colombia. Section 3 outlines the institutional and legislative framework of Colombia's humanitarian response, and section 4 describes the role of NGOs and international actors in that response. In section 5, the paper analyses the strengths and weaknesses of the humanitarian response by GoC, and section 6 concludes the paper.

2. Context of humanitarian crisis

In order to analyse the challenges in responding to humanitarian emergencies in Colombia, we must consider the dynamics of its historical development. In this section, we provide a brief description of Colombia's political and socio-economic background, the conflict, the displacement crisis and natural disasters.

2.1 Political and socio-economic environment

Colombia is one of the oldest democracies in Latin America with many functioning central institutions and government services. Home to a population of 46 million people, it has a diversified economy with a natural resource base and an educated workforce. Per capita income in Colombia is $7,304, which gives it its middle-income country status, but like many other Latin American countries Colombia scores high in the Gini Index of inequality (UNDP 2007). This is illustrated by the fact that 1.1% of landowners control more than 55% of exploitable land (Rocha and Gómez 2007). Furthermore, the development of the state has been characterised by high levels of regionalism, resulting in a political system that continues to be dominated by powerful regional elites that control dense networks of patronage and clientelism. Thus, the fault-lines within Columbian society have tended to be very deep, with strong regional and party cleavages, rather than ethnic or religious divisions (Ibid.).

Since the 1980s, Colombia has undergone a decentralisation process, providing regional and local governments with more budgetary autonomy and political power. The country is divided into 32 departments headed by governors, encompassing over a thousand municipalities. Almost three-quarters of Colombia's population lives in urban areas where most economic activity and government institutions are concentrated. Therefore, government institutions at the national level tend to function well, while institutions at the regional and local levels of government vary in terms of effectiveness. Usually, the farther they are from the main urban areas, the more poorly they perform and the more clientelistic they are. In addition, many official institutions are underrepresented in many parts of the countryside and the urban periphery, which has contributed to the governance and corruption challenges the country faces (Ibid). The rural poor, as well as the guerrillas and paramilitaries, tend to be concentrated in these marginalised areas. This

makes them highly vulnerable to the violence and displacement caused by fighting between the armed groups, and has also led to deep social exclusion and inequality.

2.2 Conflict

The roots of the conflict can be traced in part to the lack of serious agrarian reform and in part to the absence of a political outlet for marginalised groups. These unresolved issues laid fertile ground for guerrilla groups to form, and subsequently for the paramilitary and government responses. Exacerbated by the drug trade in the 1980s, the conflict developed into a violent struggle for economic and territorial control.

2.2.1 The guerrillas

Frustrated and excluded by elites and the government, several guerrilla groups began to emerge in the 1960s. While many groups have formed and disbanded in Colombia over the years, two remain dominant: the People's Liberation Army (*Ejército de Liberación Nacional* – ELN) and the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* – FARC). Originally, they shared a revolutionary political agenda based on agrarian reform and economic and political change for the benefit of the poor and marginal sectors of the population. However, they have evolved into military groups engaged in criminal activity, using force to gain territory and political power, often against the very populations in whose name they have fought (Fagen 2003). Their tactics, including the massacre of civilians, kidnapping, illegal detention, torture, extortion and forced recruitment, have had catastrophic consequences for the civilian population. Today, neither the FARC nor the ELN commands significant popular support; there is a widespread belief that economic interests have overtaken political ones, and that the guerrillas constitute no more than a large-scale criminal enterprise (Bonwick 2006).

2.2.2 The paramilitaries

The inadequate state response to growing guerrilla violence led to the emergence of right-wing paramilitaries in the 1970s and 1980s. Landowners and business elites whose interests were threatened by guerrilla activity and peasant protests organised their own civilian self-defence

groups (Fagen 2003). The national army helped to train, coordinate and equip these informal armed groups to fight the guerrillas as part of GoC's counter-insurgency strategy. Many of these groups joined forces to form a loose and divided federation, called the *Autodefensas Unidas de Colombia* (AUC). Like the guerrillas, the paramilitaries evolved into a military group that sought political and economic power, attacking and forcibly displacing civilians in the process. They have been responsible for some of the worst massacres Colombia has seen over the past two decades (Rocha and Gómez 2007).

2.2.3 The government response

The government had limited capacity to respond to the growing violence, and in many ways exacerbated the conflict. First, it encouraged the establishment of private armies that quickly exceeded the control of the state. Furthermore, the weakness of the government in urban peripheries and rural areas enabled paramilitaries and guerillas to become the de facto authorities in some areas, with their own violent systems of control. The military also used vicious counter-insurgency campaigns against non-state armed groups, including murders, massacres and disappearances, often carried out with impunity (Bonwick 2006).

In the 1990s, GoC sought to negotiate a peace process with the FARC, but this ended in failure. Since 2002, the current administration under President Alvaro Uribe has engaged in a 'democratic security' policy that focuses on combating the insurgency with military force. Uribe's strategies emphasise strengthening the military, a military offensive against the FARC and a negotiated agreement with the paramilitaries. In 2005, GoC enacted the Justice and Peace Law, which encouraged members of paramilitary groups to give up their weapons and rejoin society with negligible accountability for the abuses they committed as paramilitaries. This was later declared unconstitutional because it gave amnesty to paramilitary leaders responsible for human rights violations.

Today, Uribe remains popular and the general sentiment amongst Colombians is that security has improved. However, the overall government response to the conflict has not succeeded in ending the violence or protecting civilians from displacement. Despite demobilisation initiatives, the power structures of the paramilitaries remain intact in many communities, and armed groups have simply re-formed under a different guise. Moreover, civilians in conflict areas do not trust the government since some military tactics continue to instigate violence and cause displacement.

2.2.4 The conflict today

The explosive growth of the drug industry from the 1980s onwards changed the magnitude of the armed conflict as drugs became a significant source of resources for illegal groups on all sides. Trafficking has allowed armed groups to develop a sophisticated capacity to control and fight over territories, and to elude state authorities and maintain their independence. Subsequently, narco-trafficking has received the most attention from international donors, in particular the United States, which have made it a priority to combat illicit activities.

Decentralisation has also had a substantial impact on the conflict. As political power and budgetary resources have become more local, guerilla and paramilitary groups have had greater incentive to exercise local control through the intimidation and bribery of local officials. Decentralisation has therefore encouraged the capture of resources and public goods, and has provided an opportunity for illegal groups to widen their political influence and enhance their sources of financing (Rocha and Gómez 2007). To address this, Uribe has made a concerted effort to centralise power and authority within the executive by creating presidential agencies to manage his main initiatives, instead of delegating responsibility to independent government ministries. However, the creation of these 'superministries' increases weaknesses at local levels (Ibid).

Violence continues throughout the country. The roots of the conflict are expanding, and represent more than simply a battle between government forces and rebel groups. In addition to conflict due to resurgent paramilitary groups, fighting has intensified for control of strategic territory used for cultivating, harvesting, processing and transporting coca to international markets. The 'democratic security' policy of GoC places the military in local communities, sometimes resulting in conflict. As a result, civilians are being caught between quickly changing actors – and are being put at increasing risk as different armed groups enter and leave their communities (Garcia and Lari 2007a). All of these factors contribute to the challenges in responding to the humanitarian crisis.

2.3 Displacement

The conflict has affected ordinary citizens throughout Colombia as they become targets in homicides, massacres, kidnappings and forced displacement, among other human rights violations. By far, forced displacement is the biggest humanitarian problem in Colombia. Forced displacement is a deliberate tactic used by paramilitary groups and guerrillas to drive entire communities from their land in order to use their areas for coca growing. In addition, the military operations of the national army and fumigation as part of the illicit-crop eradication programme are forcing people to leave their lands (Lari 2007). Besides forced displacement, people also abandon their homes for fear of getting caught in the crossfire, a desire to escape being blackmailed or kidnapped (including forced recruitment), frustration with a lack of opportunities or desertion from an irregular armed group. There are also a growing number of secondary displacements from one town or city to another (Springer 2006).

After peaking in 2002, the number of newly displaced persons has generally declined over the past few years. Even so, more than 200,000 Colombians continue to flee their homes, villages and cities every year because of violence and conflict (UNHCR 2007). In total, the number of IDPs in Colombia varies between 2 and 4 million people depending on the source of information. GoC defines a displaced person as someone who has been 'displaced because of violence or the threat of violence due to internal conflict, generalized violence, massive violations of human rights, or violations of International Humanitarian Law'. According to this definition, its Single Registry of the Displaced Population (*Registro Único de Población Desplazada* – RUPD) recorded 2.4 million displaced at the end of 2007 (Acción Social 2008).

However, some argue that the number is much higher because the IDP definition used by GoC is too narrow (Lari 2007). People displaced by anti-narcotic fumigations, not registered after the first year of displacement or unwilling to identify perpetrators in registration forms are not included in the RUPD. The leading displacement monitoring organisation in Colombia, the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* – CODHES), reports a total of 3.8 million IDPs up to June 2006. An accurate count of the displaced is important because inclusion in the RUPD gives IDPs access to services and other opportunities offered by government institutions and major humanitarian agencies working in partnership with them (Ibid.).

2.3.1 Profile of the displaced

The majority of the displaced migrate from rural to urban areas, with long-lasting implications for the subsistence systems, lifestyles and survival strategies of households and communities. Their agricultural skills are rendered useless in urban settings, making it difficult for them to find jobs. Many IDPs are victims of or witnesses to violence and suffer psychological trauma, further hindering their ability to assimilate into their new surroundings and seek work. Moreover, displacement is affecting indigenous people and Afro-Colombians disproportionately more than other groups. These populations tend to stay close to areas that have geographic, cultural and emotional importance for them (unfortunately concentrated in conflict zones), which makes them vulnerable to attack and repeated displacement.

Displacement occurs in two ways: the massive displacement of entire communities, which often takes place in remote parts of the country with difficult access, and a slow stream of individuals and families into the larger urban areas, which has been the long-standing pattern (Springer 2006). The former gets much more attention from the media as well as the international community, resulting in a more concerted response by GoC and humanitarian agencies. Individuals are typically left to their own devices, often finding it difficult to access government services and assert their rights in unfamiliar surroundings.

The majority of displacement occurs in ten departments concentrated in the Pacific and Central regions, with 16 departments receiving 80% of all IDPs (UNHCR 2007; Acción Social 2008). While recent IDP movements have been contained within each department, between villages or from villages to minor towns, large urban centres such as Medellin, Cartagena and Bogotá have received around 20% of all IDPs (Lari 2007). Most recently it appears that, besides single household or individual displacements, massive displacements, which in Colombia are defined as more than 50 people fleeing at once, are sharply on the rise (Lari 2007 and personal interview).

The influx of IDPs can overwhelm local government capacities in the areas in which they arrive, and also create problems with integration into newly

settled areas. Despite campaigns aimed at educating the public about the harsh living conditions faced by displaced groups, stigma and ostracism of IDPs in Colombian urban society persist. Displaced people from rural areas are often considered sympathisers of the FARC and therefore seen as a threat to residents (Lari 2007). Furthermore, IDPs often do not trust the government since the military has been an active party in the conflict and has caused displacement in the past. Combined with the fear of retaliation by armed groups, these factors are barriers to IDPs receiving services since they do not want to identify themselves as displaced or formally reach out to the government. A great majority of IDPs have been in this condition for many years, even decades, with little opportunity to improve their situation.

2.4 Natural disasters

Besides humanitarian problems associated with displacement, Colombia is also vulnerable to natural disasters such as earthquakes, hurricanes, floods, landslides, avalanches and volcanic eruptions. While it has not experienced any major disaster since an earthquake in 1999, in the past few years the country has been plagued by floods and volcanic eruptions. For example, as a consequence of heavy rains during the 2007 winter season, increasing water levels along the main rivers of the country caused major flooding and landslides, affecting 233 municipalities in 28 out of Colombia's 32 departments (OCHA 2007). According to the Colombian Red Cross (*Cruz Roja Colombiana* – CRC), 14 million people are at permanent risk of flooding, and almost 4 million were affected by floods between 2000 and 2006 alone (2005; 2007).

It is important to note that many of the recent floods have occurred in areas of displacement. The Director of CRC estimated that over 50% of disaster victims are also IDPs (personal interview). The figure below shows the concentrations of internal displacement and flooding in 2007. These maps show that there is significant overlap between areas of natural disaster and areas of displacement. Thus, Colombia's humanitarian crisis of displacement is compounded by natural disaster emergencies. Currently, Colombia has two separate response systems that deal with natural disasters and IDPs. These are discussed in the next section.

Figure 2.1: Comparison of Concentrations of Displaced People and Flood Areas

Areas of Flooding

Areas of Flooding
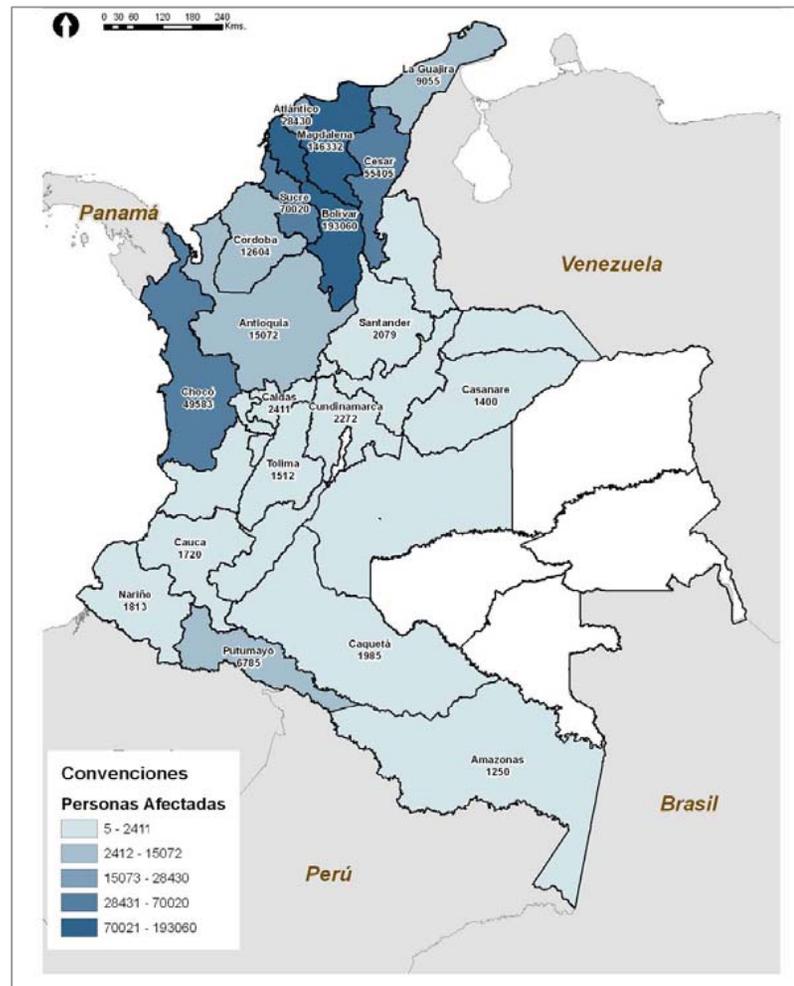
Source: IDMC, November 2005: Internal Displacement in Colombia and OCHA, December 2007: Colombia Floods – Second Rainy Season

3. Structure of humanitarian response by Colombian government

Colombia has some of the most comprehensive and advanced IDP legislation in the world. A legal framework made up of laws, presidential decrees, government policy documents and court decisions regulates the protection, assistance and resettlement of people who are internally displaced. This framework also sets up coordinating structures and defines concrete responsibilities for each government institution (IDMC 2007). This section outlines the legislative instruments and response architecture for humanitarian response in Colombia.

3.1 Legislation for IDPs

A movement to address IDPs grew in the 1990s among academics, legal experts, NGOs, government agencies and international organisations in Colombia, eventually leading to a pioneering piece of legislation in 1997 that anticipated many of the measures in the Guiding Principles on Internal Displacement put forth by UNHCR the following year (Fagen 2003). In 2001, a presidential directive placed the Principles on the same level as the national constitution (Neussl 2005). Measures were adopted in the following years to improve the legal instruments supporting the application of this law, creating one of the most progressive and sophisticated legal systems to address IDPs.

The centrepiece of Colombia's legal framework is Law 387 of 1997, which established the basis for a national plan to address displaced persons. The law officially recognises IDPs as a special population and states that the government is responsible for preventing forced displacement, protecting and assisting persons displaced by violence and searching for durable solutions. Subsequent decrees have detailed the functions of the different government agencies involved in providing assistance to IDPs. Despite having constitutional importance, Law 387 does not define IDPs according to the Guiding Principles on Internal Displacement[1] and leaves out important

groups. Box 3.1 provides a timeline of legal enactments that address IDPs.

In addition, GoC has been made accountable through the courts. In a landmark ruling in 2004 under sentence T-025, the Constitutional Court concluded that the state was not in compliance with Law 387 and had violated the rights of IDPs. Based on a large number of complaints brought by NGOs and community leaders, the Court cited a long list of failings. These included insufficient budgetary resources, lack of institutional capacity, bureaucratic barriers to services and subsidies, low priority assigned by ministries and other entities to the rights of the internally displaced and minimal opportunities for effective participation by the organisations that represent the internally displaced. The Court ordered GoC to reformulate its public policy, assign adequate resources, take concrete action to prevent forced displacement and guarantee protection of the rights of IDPs (IDMC 2007). The government was also required to provide regular updates on the measures being taken to remedy this situation.

In direct response, GoC committed more than $2 billion for the protection and assistance of IDPs for the period 2005–2010. A number of agencies and ministries have submitted their progress reports to the Court, but these were deemed insufficient in 2006. The Court ordered GoC to produce more comprehensive and analytical feedback on the extent of its implementation of T-025, specifically by elaborating result indicators (UN 2007). GoC has submitted additional reports to the Court and adopted a set of indicators to measure progress.

3.2 Agencies involved in humanitarian response to IDPs

Through its myriad legislation, Colombia has created a complex system of government institutions to address the needs of displaced people at the national, regional and local levels. The governance system also includes institutions that help to monitor the effectiveness of government action. The following describes each of the institutions that play a role in the humanitarian response to IDPs.

3.2.1 National level

The agency in charge of coordinating GoC's response to the humanitarian needs of the displaced population is the Presidential Agency for

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[1] According to the Guiding Principles, IDPs are persons 'who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border'.

Box 3.1: Timeline of key legal enactments that address IDPs

- 1997 – Law 387: Defines IDPs and outlines responsibilities of state for prevention, protection and assistance to persons displaced by violence.

- 1998 – Decree 173: Adopts national plan for integrated response to IDPs.

- 1998 – Decree 501: Establishes the National Fund for Integrated Attention to IDPs.

- 1999 – Decree 489: Assigns the function of managing IDPs to *Red de Solidaridad Social* (RSS).

- 1999 – Decree 1547: Transfers responsibility of National Fund to RSS.

- 2000 – Decree 2569: Details the content of emergency and long-term assistance as well as planning and coordination mechanisms at local level.

- 2004 – Sentence T-25: Constitutional Court declares state actions unconstitutional.

- 2005 – Decree 250: A new national plan is launched that outlines in greater detail government strategies to prevent displacement and to improve assistance to IDPs as a response to Sentence T-025.

- 2005 – Justice and Peace Law: Uribe enacts the controversial legislation that encourages demobilisation of the paramilitary and offers impunity to many paramilitary leaders.

- 2005 – Decree 2467: Establishment of the Presidential Agency *Acción Social*, which combines functions of the RSS and the International Cooperation Agency.

- 2006 – Auto 218: Constitutional Court determines that the government's reports are insufficient.

- 2006 – Agreement 7: Creation of permanent inter-institutional body, SNAIPD.

- 2007 – Agreement 8: Adopts measures that prove that government is addressing the gap between public policy and implementation of activities for IDPs.

- 2007 – Auto 109: Adoption of results indicators to measure progress of in implementation of policies for IDPs.

Box 3.2: Current members of SNAIPD

- Acción Social

- High Commission for Peace

- Agrarian Bank

- Foreign Trade Bank of Colombia (BANCOLDEX)

- National Department of Planning

- Colombian Institute of Rural Development (INCODER)

- Colombian Institute of Family Welfare (ICBF)

- Ministry of Agriculture and Rural Development

- Ministry of Environment, Livelihoods and Territorial Development

- Ministry of Industry, Commerce and Tourism

- Ministry of National Defense

- Ministry of Education

- Ministry of Housing and Public Credit

- Ministry of Interior and Justice

- Ministry of Social Protection

- Presidential Program for Promotion, Respect and Guarantee of Human Rights and Application of International Humanitarian Law

- National Service for Learning (SENA)

Social Action and International Cooperation (*Acción Social*). Formerly called the RSS, it was combined with the International Cooperation office in 2005 and reports directly to the President of the Republic and the Vice-President. *Acción Social* coordinates and oversees assistance to IDPs and those at risk of displacement, plans and delivers services to officially registered IDPs and manages the National System for Integrated Response to IDPs (SNAIPD – *Sistema nacional de atención integral a los desplazados*). As a coordinating body, it has little operational capacity but can draw on larger government welfare programmes to supplement efforts to meet the humanitarian needs of IDPs.

SNAIPD is a permanent governmental body that serves as a focal point for delivering integrated services from a variety of public and private organisations. It is responsible for formulating policy, developing a national plan, ensuring implementation of policies and presenting reports on activities taken by its members. SNAIPD consists of 17 members from government ministries, private companies, community organisations and research institutes. Box 3.2 lists the current members of SNAIPD. Services are delivered through the members, but SNAIPD does not have the authority to require action on their part (Fagen 2003). In addition, while SNAIPD operates with a centralised decision-making apparatus, the actual execution of programmes is decentralised at the municipal and departmental levels.

3.2.2 Departmental and municipal levels

Law 387 devolves the main responsibility for preventing and responding to forced displacement to the municipalities. SNAIPD is reflected at both the departmental and municipal levels through committees called *Comité Departamental de Atención Integral a la Población Desplazada* (CDAIPD) and *Comité Local de Atención Integral a la Población Desplazada* (CLAIPD). These coordinate activities at the regional and local levels as well as liaising with SNAIPD to contribute to policy development at the national level. Besides holding regular meetings, they are required to convene in situations of massive displacement or when the threat of displacement is detected. An important function is allocating budgetary resources at this level. To improve response time and establish a uniform interface mechanism, GoC has created Assistance and Orientation Units (*Unidades de Atención y Orientación* – UAOs) in different municipalities.

Each departmental office selects a local NGO as the UAO to serve as the first point of contact for fleeing people. Currently, there are 35 UAOs across 22 departments.

Since 2002, CLAIPDs and CDAIPDs in several departments have been working together with the support of UNHCR to develop Single Comprehensive Plans (*Plan Integral Único* – PIU) that reflect the dynamic characteristics, needs and specific priorities of each department. While it does have some weaknesses, the PIU is one of the most principled and successful IDP programmes in Colombia (Zapater 2007). Notably, IDP and local community participation is a key component of the planning process. Additionally, it has provided a mechanism to mobilise municipal resources, and to request additional funds from the international community and central government. The PIU has become the cornerstone of an effective alliance at the local level between GoC, the private sector, communities, NGOs and international actors.

3.2.3 Other state institutions

In addition to the government agencies that deliver services to IDPs, several other institutions independent of the administration play key roles in holding the state accountable for its policies and defending the rights of IDPs.

The *Defensoría del Pueblo* is the state's Human Rights Ombudsman office. It has representatives in all departments, including a network of 21 local representatives who are present in communities at risk. They are specifically mandated to assist IDPs and protect their legal rights. Often, they are the first point of state contact for IDPs besides the UAOs. This programme is currently not funded through the regular governmental budget, as the rest of the Ombudsman's Office is, but is mainly financed by donors (UN 2007).

The *Defensoría* also runs a central early warning system, the *Sistema de Alerta Temprana* (SAT). The SAT was created in 2001 to collate and verify the information, alerts and warnings emanating from civil society organisations across the country. Staff closely monitor the situation of civilians in five key areas in Colombia and establish reports analysing the risks that civilians may encounter in the face of military movements, possible armed hostilities and other factors. When the situation is grave, a standardised risk assessment along with recommended actions is presented by the *Defensoría* to the Committee for Early Warning (*Comité interministerial para la alerta temprana* –

CIAT). The CIAT is comprised of the responsible line ministries as well as *Acción Social*, the army, the police and the secret services. Based on reports and other information available to it, CIAT decides to issue an early warning, thus freeing up budgetary and other resources in order to respond to specific threats. The measures taken can range from the distribution of cell phones to threatened community leaders to the deployment of troops to protect national assets (UN 2007).

The SAT has been important in systematically gathering and rationalising information about people in conflict zones. However, it has not been successfully integrated into the work of the various institutions involved in the humanitarian response, and risk assessment reports have not always led to action by national authorities. Critics cite several flaws. First, it is slow: the CIAT has 20 days to consider the information presented. Second, most of the risk assessments are not accepted (in 2006 only 36 of the 144 assessments presented became alerts). Third, even if the risk assessment is accepted the ministries involved have no obligation to follow its recommendations, or even to transmit them to the field. Instead, each agency decides individually on its course of action (Bonwick 2006; UNHCR 2007). Furthermore, despite playing an important role at the local level, the ability of the *Defensoría* to influence GoC is extremely limited. With credible risk assessments and first-hand knowledge of IDP experiences, it lacks the leverage it needs to see its recommendations through (Bonwick 2006).

The Inspector-General (*Procuraduría General*) also has an oversight function that is relevant for IDPs, especially with regards to the manner in which civil servants assist IDPs. They have generated several reports that highlight the inefficiencies in implementation of programmes for IDPs, which contributed to court action to compel government agencies to live up to their stated responsibilities. For example, in a report published by the *Procuraduría* in June 2006 about the reinsertion and demobilisation of members of paramilitary groups and the effects on IDPs, it was found that resources available for demobilised persons and their families exceeded those provided to IDPs by a factor of ten (UN 2007). This contributed to the re-evaluation of resources directed to IDPs.

As mentioned earlier, the Constitutional Court also plays an important role in holding GoC accountable to its stated policies for IDPs. Besides the T-025 ruling, the Court continues to monitor GoC's fulfillment of Law 387 through additional

declarations requiring specific activities by the different agencies involved in providing services to IDPs. Colombian law also allows for cases to be submitted to the Inter-American Commission on Human Rights. Cases have successfully been brought to demand interim protection measures for threatened individuals and communities, and also to establish government responsibility, for example for massacres (Bonwick 2006).

Another actor at the national level is the military, which has an important role in protecting IDPs under Uribe's 'democratic security' policy. Measures vary from providing specialist communications equipment to the provision of armed escorts in high-risk areas. However, GoC's policy of protecting civilians through the use of force is limited by the breadth of the territory that needs to be covered and the lack of trust in the military (Bonwick 2006). Moreover, the use of the military remains controversial since members of the national army have been accused of causing displacement and violence. While behaviour in the military has improved with training on human rights, the army's relationship with illegal paramilitaries is still a source of mistrust for many.

3.3 Process of emergency assistance to IDPs

Emergency assistance to IDPs in Colombia focuses on meeting basic needs relating to food, personal hygiene, supplies management, cooking utensils, medical and psychological care, emergency transportation and temporary housing. This assistance is provided for the first 90 days of displacement, and can be extended in cases of extreme need for an additional 90 days.

In order to receive assistance, IDPs must first sign up through the local *Defensoría*, UAO or *Procuraduría* to be included in the Single Registry (RUPD). Once people are forcibly displaced they must declare what happened to one of these agencies, which then remits the declarations to *Acción Social* for verification. At this point UAOs also inform IDPs of their rights and provide information on the government services available to them. Registration can be rejected if they do not meet GoC's definition of an IDP under Law 387, or if the declaration is made more than one year after displacement. The RUPD is used as the definitive list of people eligible for government services. Thus, failure to be included on the RUPD denies the displaced a long list of services, including access to emergency assistance immediately after displacement and other forms of social support later on.

Acción Social has slightly different policies for dealing with massive displacements (groups of more than 50 people or ten families) and individual displacements. In cases of individual displacement, the responsibility of registering with RUPD falls upon the displaced person or family, and they must register within a year of being displaced. Legally, the government can spend up to 15 business days completing the registration process, during which the IDPs should be provided with basic needs,[2] but in some cases they are left without any assistance for several weeks or sometimes even months (IDMC 2005). Once officially registered, local authorities are required to provide individual IDPs with emergency assistance for two weeks. Then *Acción Social* takes over, using a series of contractors and sub-contractors to provide emergency services. Reports from IDP communities reveal that implementation by these entities varies in both quality and efficiency (Garcia and Lari 2007a).

In cases of massive displacement, local authorities are required to register the displaced persons with RUDP and provide them with emergency assistance for three days. Then responsibility is transferred to *Acción Social*, which has a Memorandum of Understanding (MoU) with the International Committee of the Red Cross (ICRC), which uses its own funds to provide emergency services for massive displacements. Overall, assistance provided by ICRC is uniformly good and it has achieved almost 100% coverage of IDPs during massive displacements.

After emergency assistance, the law requires GoC to provide income generation projects, access to rural development and agrarian reform projects, microenterprise opportunities, health, education and housing access, and employment projects for IDPs, with the aim of integrating people who choose not to return to their communities of origin into their current communities of residence. For example, under the state programme *Familias en Acción*, *Acción Social* offers subsidies to families for nutrition and education for children. However, IDPs often fail to receive this longer-term socio-economic assistance, and when such services are provided, they are often of poor quality (Ibid.)

3.4 Public finance for IDP humanitarian response

Law 387 created a National Fund to finance all government programmes and activities for IDPs.

Originally, the disbursement of funds was governed by the national annual budget controlled by the Ministry of Finance, and depended on the actual availability of treasury funds and on the Government's macroeconomic policy determinations (UNHCR 2002). After the T-025 sentencing, GoC committed a specific amount each year and significantly increased the amount allocated to IDP services. In 2007 alone, GoC committed $520 million to IDP programmes (Acción Social 2007). However, many argue that significant elements of IDP assistance still remain well below the needed levels (personal interviews), in particular, resources to protect the human rights of IDPs, prevent further displacements and ensure longer-term stabilisation activities such as income generation and employment training programmes.

Today, *Acción Social* manages the National Fund to implement specific programmes though contractors (both international and national NGOs), funding them fully or under co-financing mechanisms with international donors and institutions. Additionally, resources are allocated at central level to line ministries, and then to departments and municipalities at the beginning of each budget year, according to population estimates. Complementary resources should also be earmarked by local authorities in their regular budgets. This varies from department to department and municipality to municipality depending on the level of economic development of the areas concerned.

In order to receive additional funding during the year, local authorities must submit project requests to *Acción Social* with reports on services administered to IDPs. Thus, if the IDP population is not accurately counted at the beginning of the budget year, or if the municipal and departmental leaders do not submit requests, they receive no funding, and can claim that they cannot pay for the additional services that IDPs require (Fagen 2003; personal interviews). High levels of corruption and diversion of funds by local officials have also marred the process, in several cases leading to the bankruptcy of entire administrations. In such cases, no local funds were available for IDP programmes, and funds coming from the central government were cut off, forcing non-state actors to step in and substitute for the state (Lari 2007).

3.5 Intersection between IDP and natural disaster responses

Colombia has a separate government response system to attend to natural disasters. As in the

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[2] According to Decree 250 of 2005.

case of IDPs, it has a complex legal framework but it has an even longer history of development, which has created a well-documented and well-functioning response system. After the *Nevado del Ruiz e*ruption and the destruction of *Armero* in 1985, Colombia created the National System for Risk Mitigation and Disaster Preparedness (*Sistema Nacional para la Prevención y Atención de Desastres* – SNPAD), led by the President (Freeman 2003). To coordinate a network of scientific, planning, education, and emergency response institutions from both the private and public sectors, GoC established the Directorate for Risk Mitigation and Disaster Preparedness (*Dirección de Prevención y Atención de Desastres* – DPAD) within the Ministry of Interior and Justice. It not only coordinates emergency responses, but also helps determine policy with regard to preventive and mitigation measures, as well as managing the National Fund for Calamities.

The national architecture is reflected at the departmental and municipal levels through the Regional Committees and Local Committees. Participation by the private sector and the local community in responding to disasters is much greater than in the IDP response system. In addition, besides national, local and sectoral emergency plans, DPAD has created detailed action plans for all the different actors involved in emergency response, including the President, ministries, the military and fiscal offices. These plans describe the chain of command and hierarchy of responsibility, from declaration of the disaster to requesting assistance from national and international actors to the provision of services. [3] Significantly fewer resources are allocated to SNPAD than *Acción Social*; in 2007, the National Calamity Fund amounted to $35.7 million (DPAD 2008).

Most people interviewed agreed that SNPAD was an efficient system for responding to small and medium-sized disasters. In addition, DPAD coordinates the variety of local and international actors very well, given the clearly defined and articulated lines of responsibility. However, some argue that the complexity of the bureaucracy can sometimes slow down the response, leaving NGOs to respond first (personal interview). Also, for larger disasters, Colombia still lacks sufficient resources.

In the case of a natural disaster occurring in areas with large populations of displaced people, there is no formal protocol to handle the situation any differently. DPAD has the responsibility to respond, but if local authorities identify displaced persons in the affected area, they can request assistance from several national government entities, including *Acción Social*. It is important to note that the services provided by *Acción Social* normally do not cover persons displaced as a result of natural disaster. Thus, any emergency assistance provide by *Acción Social* during a disaster emergency must be to persons already registered as IDPs, or in the process of registration.

Furthermore, with an increase in the number of actors responding from both DPAD and SNAIPD, coordination obviously becomes much more difficult, but there have been no systematic evaluations of how the two response systems work together. NGOs and international actors tend to work with the government agencies that they have prior agreements with separately. This can be problematic since some NGOs providing emergency assistance may not be familiar with the special needs of IDPs. Organisations such as the CRC, which have agreements to work with both *Acción Social* and DPAD, often choose components from each government system and combine them in order to deliver better services to victims in emergencies. Some organisations mentioned that the DPAD is more efficient in responding because it has a longer history of emergency assistance and a broader network of actors with which it engages, in particular the private sector. In addition, it can be easier for organisations to assist victims through the DPAD system because people may not want to be recognised as IDPs, or are unwilling to divulge information about displacement (personal interviews). *Acción Social* has indicated that it is working on an initiative with DPAD to define coordinating responsibilities and mechanisms in such cases.

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[3] For more information about these plans, see the SNPAD website:
http://www.sigpad.gov.co/paginas_detalle.aspx?idp=9 1

4. Humanitarian response by non-state institutions

Besides the authorities, an array of non-governmental entities and international actors provide IDPs with humanitarian assistance. In this section, we discuss the different institutions and the roles they play in humanitarian assistance.

4.1 National and local institutions

Colombia has a strong tradition of civil society, with diverse institutions which are very vocal, organised and committed to the issue of displacement. Many groups that have long defended human rights have taken on internal displacement as a priority concern. In fact, civil society was key in bringing the attention of the international community and the Colombian government to recognise internal displacement as a major humanitarian problem in Colombia.

Most national and local NGOs focus their efforts on three kinds of tasks: collection and dissemination of information about displacement; representation of IDP rights and interests before local and national authorities; and advocacy on behalf of threatened communities (Fagen 2003). Internally displaced persons themselves have also organised to better defend their rights and provide the services and support that GoC has failed to make available. All of these organisations have made consistent use of national and international legal instruments to restore the rights of victims and to hold the state accountable for its legal commitments towards IDPs. These organisations have prepared petitions to the Colombian Constitutional Court and the Inter-American Human Rights Court, accusing the state of not honouring its responsibility to assist and protect IDPs in compliance with national and international standards. This is exemplified by the Constitutional Court ruling in 2004. Additionally, they typically collaborate closely with the government's human rights mechanisms, such as the *Defensoría*, and with international NGOs and UN agencies.

Church activists and NGOs are often the first to be approached by displaced people in need in urban areas. The CRC has a formal agreement with *Acción Social* and provides coverage to many remote areas, and this has been rated highly by local communities and international partners (personal interviews). The Catholic Church has also played a particularly important role in addressing the needs of IDPs by establishing its

own registry and even facilitating discussions between guerrilla groups and GoC. Thus, many Church entities have gained the trust of IDPs, and at the same time maintain a good relationship with the government. However, the significant amount of resources being directed to IDP services has attracted many smaller sub-contractors that have little or no experience in the field. This has led to delayed or incomplete services to newly displaced persons and has damaged the reputation of legitimate NGOs (Fagen 2003; Lari 2007).

Because of their role as advocates for victims and their critical stance towards GoC regarding human rights, the relationship between the government and NGOs has been strained. With the exception of large, national NGOs such as the CRC, GoC does not actively seek local NGO input into policies and strategies (IDMC 2007; personal interviews). In some areas, dialogue between the government and NGOs does not exist at all. While things have improved in recent years, active participation is still lacking (personal interview). Thus, coordination mechanisms set up by international agencies are sometimes the only way for NGOs to engage with the government.

Moreover, the private sector has begun to play a role in contributing to response to natural disasters. These activities have mainly been initiated from the private sector side as part of corporate social responsibility measures (personal interview). For example, during the March–May 2006 floods, private companies such as Kellogs, Transgraneles S.A, Fundación Saldarriaga Concha, BBVA, Conexión Colombia, Canal RCN and Ericsson donated food items, communications equipment, volunteers and money to assist the government and CRC in providing emergency assistance. However, because this is a new relationship for the government, the responsibilities of the private sector are often not well defined and the relationship is often neglected after initial contact. On the IDP side, there has been very little private sector involvement because of security issues and the protracted nature of the crisis, which does not lend itself to standard emergency relief packages.

4.2 International institutions

The conflict and humanitarian crisis in Colombia have attracted a wide range of international actors, from donors to humanitarian organisations. There

are 21 UN agencies represented in Colombia alone, not to mention a multitude of donors and international NGOs. The international community faces distinct challenges in establishing an effective relationship with the affected state when a humanitarian crisis occurs in a middle-income country like Colombia. On the one hand, traditional packages of humanitarian assistance that substitute for the government are not applicable in Colombia because it has both operational central institutions and resources to deliver assistance. On the other hand, the magnitude of the IDP problem in Colombia requires international support. Moreover, the fact that the government is a party to the conflict necessitates the presence of independent and neutral humanitarian actors.

Faced with this dilemma, the international community has responded mainly from a human rights and advocacy angle. This has been vital not only in service provision, but also as a monitoring function and to promote greater levels of protection for the affected population. Even so, this human rights focus has sometimes strained the relationship between GoC and international actors and detracted attention from addressing the underlying issues that contributed to the humanitarian crisis in the first place.

4.2.1 Donors

International donors do not consider Colombia a fragile state and therefore aim to work with existing government institutions in delivering aid. Still, they must perform a careful balancing act: putting enough pressure on the Colombian government to adequately respond to human rights abuses, while also allowing GoC to make its own decisions on how to solve its problems. In general, donors in Colombia have leaned towards the latter, insisting that the primary responsibility for responding to IDPs belongs with GoC, with international initiatives being supplemental and complementary to government action (Fagen 2003). This has influenced where aid is directed and the level of criticism of GoC that donors engage in. Donors have tended to avoid direct criticism of the government due to concerns for wider political, security or strategic objectives in their bilateral relations.

Because of its status as a middle-income country, Colombia does not receive or depend on high levels of international aid. Still, it does receive considerable financial and military support from the US, which has afforded Washington significant influence on Colombia's internal policies. US policies have focused mainly on strengthening the central government's military in combating narco-trafficking and 'terrorism'. Accordingly, GoC views security as a prerequisite to development: 'without security there is no democracy, no growth and no equity' (DFID 2004). As a result, international donor funding is directed either to security issues (including tackling narco-trafficking problems) or shorter-term humanitarian issues.

Planning horizons among donors in Colombia also tend to focus on the short term. For example, international donors have avoided funding activities such as resettlement and return to communities, which are vital components of long-term solutions, even when these activities are funded in other countries with IDPs (Personal interview). Instead, donors tend to prefer supporting projects aimed at reconciliation, conflict resolution and early warning (Fagen 2003). Donors still fund many projects outside of government programmes as well. All of these factors have led to a disconnected approach to the IDP problem, which focuses on short-term humanitarian needs and neglects the longer-term livelihood needs of IDPs.

4.2.2 Humanitarian organisations

A variety of United Nations agencies and a number of international NGOs do prominent work in many sectors addressing the needs of the displaced. The main players working closely with GoC in emergency assistance are the Office of the United Nations High Commissioner for Refugees (UNHCR), the ICRC, the International Organisation for Migration (IOM), the World Food Programme (WFP) and OCHA. Their roles are briefly described below.

UNHCR is the formal interlocutor with GoC in terms of internal displacement, playing a technical advisory role, doing protection work and running operations in eight locations countrywide (Lari 2007). UNHCR has a substantial presence in Colombia. It devotes its activities to promoting protection in the framework of the Guiding Principles on Internal Displacement, and gives considerable attention to prevention efforts. It combines support, including material support, for national agencies that defend IDPs and IDP rights, and strengthening of national, departmental and local institutions that serve IDPs.
ICRC is the principal international organisation providing emergency assistance through an MoU with *Acción Social*. The ICRC has the largest presence in the country of any international

organisation, with over 200 staff and 17 field offices. This allows for a rapid emergency response and results in nearly 100% coverage to victims in massive displacements (Garcia and Lari 2007; UNHCR 2002). Partnering with CRC, ICRC plays a significant role in assisting IDPs in parts of the country where GoC is not present. It has a policy to respond to emergency needs in those areas where government assistance is not available in order to avoid duplicating government relief programmes – which are concentrated primarily in urban areas – or taking over activities that GoC should be managing (Fagen 2003). It also maintains regular contacts and a confidential dialogue with all parties to the conflict, including with the FARC, to gain access to remote areas. ICRC probably reaches the largest number of IDPs, thanks to its activities in conflict zones, as well as in the previously guerrilla-controlled demilitarised zones. In the past few years, it has also increased the assistance it provides to individual displacements and provided capacity-building support to local UAOs.

OCHA functions as the secretariat and chief adviser to the UN Humanitarian Coordinator (HC) for Colombia. As a coordinating body free from day-to-day operational challenges, OCHA focuses on the full spectrum of issues associated with humanitarian assistance. This includes anticipating changes in operational environments and supporting the HC and setting the agenda for common humanitarian action in Colombia. The WFP carries out a Protracted Relief and Recovery Operation aimed at finding lasting solutions to the food problems of displaced populations, the prevention of future displacement and the continuation of the basic education of pre-school and school-age boys and girls. All WFP projects are co-financed by GoC or an international agency.

IOM is mainly engaged in programming benefiting long-term displaced and other vulnerable groups (Lari 2007). This orientation reflects the orientation of USAID, which has provided a major portion of the funds to IOM's IDP programme. IOM's activity in IDP-receiving communities is based on the premise that the Colombian government's weak response to IDPs is due in large part to the inadequacies of its institutions at the local level. Acknowledging that municipal authorities are often unwilling to formulate and request projects on behalf of IDPs, IOM has initiated projects that provide both incentives and technical assistance for municipal offices. For example, IOM has trained municipal hospital administrators on the bureaucratic procedures for

obtaining subsidies from the national health system, which has a budget line for IDPs (Fagen 2003).

Other international NGOs devote their efforts to advocacy, including international advocacy, building local capacities, increasing participation by working with local churches and other organisations and, generally, promoting solutions for problems related to displacement. However, international programmes for the displaced in Colombia have a limited reach both geographically and in time. Even in the regions where displaced persons are concentrated and where there are many programmes for them, it is difficult to reach more than a small proportion of the population due to the conflict. The absence of security in many areas is a serious impediment for international agencies seeking to increase their presence in remote areas (Brookings 2004; personal interviews).

Furthermore, under international humanitarian principles, humanitarian agencies must maintain neutrality and independence, so they are often critical of all parties in the conflict, including the government. However, they have been careful to limit their criticism since some organisations have been threatened with expulsion or revocation of their mandates by the government. For example, the mandate of the UN Secretary-General's Special Envoy, James Lemoyne, was not renewed in 2005 after he criticised the government's security policy (IDMC 2007). Thus, in order to maintain their ability to provide services, humanitarian agencies have focused on advocacy efforts for IDP rights and avoided direct confrontation with the government.

4.2.3 Coordination and relationship with the government

Over the years, the international community has had a mixed relationship with GoC. Because of their focus on human rights issues, many international agencies have been critical of GoC for its response to IDPs and security problems. Still, the criticisms from the international community have never been as loud as those coming from civil society within Colombia because of the reasons outlined above. Some NGOs have accused the Colombian government of manipulating the international community and avoiding a productive discourse regarding the conflict (personal interviews). For example, GoC has sought to control the language used by international agencies and foreign diplomats by

sending guidelines to foreign ambassadors and representatives of international agencies discouraging the use of terms such as 'armed conflict' or 'humanitarian space'. The government also discouraged international agencies from undertaking 'so-called "humanitarian activities"' (IDMC 2007). Many international reports have toned down their language in order to avoid being rebuffed by GoC. At the same time, GoC acknowledges that they need international resources in order to address their large-scale problems, and so has maintained an active dialogue with the international community.

In terms of coordination, the UN agencies involved in working on displacement came together in 1999 to form the Thematic Group on Displacement, led by UNHCR. Many deemed these initial attempts at unifying humanitarian efforts as ineffective and non-inclusive (personal interview). Later in 2006, it was expanded to involve the broader international humanitarian community through the cluster system, with the objective of improving the overall response to forced displacement and complementing the authorities' interventions. Led by OCHA, the mechanism includes thematic working groups on the protection of IDPs under the leadership of UNHCR, assistance and basic services under the joint leadership of UNICEF, WFP and the Pan-American Health Organisation/World Health Organisation (PAHO/WHO) and early recovery under the leadership of UNDP and IOM.

These coordination mechanisms have mainly focused on harmonising efforts by UN agencies and other international NGOs, and have not brought GoC and local NGOs to the table regularly. They have been criticised for creating a parallel structure that does not interface with the government (personal interview). According to *Acción Social*, there has been low level of coordination by international actors, and if coordination exists, it is intended for a specific local project and is not permanent.

Sectoral committees such as the National Committee of Humanitarian Health have been more successful in involving GoC and local NGOs. The Committee holds monthly meetings hosted by the Ministry of Social Protection and PAHO/WHO and addresses the coordination of services as well as identifying gaps in services. More importantly, at the local levels the Committee coordinates directly in affected areas. IASC has also launched a more effective Rapid Response Mechanism that holds monthly meetings at the local level to share information. When an emergency arises, a meeting is convened with the local authorities to coordinate resources.

5. Analysis of humanitarian response in Colombia

The humanitarian crisis in Colombia is unique in many ways and would pose many challenges for any state. With millions of IDPs and thousands more being newly displaced every year, the sheer magnitude of the problem would overwhelm the response capacities of even a developed country, let along, a state plagued by ongoing conflict and with little presence in many parts of the country. This is further complicated by the presence of a large number of international actors, domestic NGOs and other entities involved with the humanitarian response. The GoC must not only manage its own complex state structures, but it must also coordinate the activities of a wide range of actors, often with conflicting objectives.

A key challenge in dealing with IDPs in Colombia is the protracted nature of displacement, in which individuals or single families slowly surface in neighbouring towns or at the peripheries of urban centres over time. This 'drop-by-drop' phenomenon fails to attract the attention of the media and international community in the same way as massive displacements, but represents the bulk of the IDPs that need the most assistance. Some IDPs are also difficult to distinguish from other homeless or landless populations and even from economic migrants in urban settings. However, the specific needs of IDPs set them apart from the urban poor, in particular land compensation or restitution, the desire to return home and psychological trauma from their displacement (Brookings 2004).

A related challenge is that many IDPs have been displaced for decades or displaced multiple times. This raises questions as to when an IDP stops being an IDP. Officially, Article 18 of Law 387 acknowledges, in accordance with the Guiding Principles, that IDP status is no longer granted once 'successful consolidation and socio-economic stabilization' has been achieved in the area of return or of local integration (UNHCR 2007). However, it is unclear how many IDPs have actually transcended this status. So far most of the discourse around IDPs in Colombia, including debates around the numbers of IDPs, has not distinguished between newly displaced persons and displaced persons still trying to return or resettle after several years. These two groups have different needs, with implications for the timeframe and types of assistance offered.

Finally, GoC has been the primary provider of humanitarian assistance to IDPs, but the nature of displacement creates difficulties in connecting with victims effectively. Often, IDPs do not want to approach the government for assistance because they are afraid of retaliation by armed groups who may deem them as subversives or of social stigmatisation. IDPs do not trust the government because the military and police have caused displacement, and local officials have sometimes been linked to paramilitaries. This general sense of distrust also affects how humanitarian organisations provide assistance. Many NGOs working with IDPs do not share their lists with governmental or other organisations, in order to maintain a position of neutrality. This compounds the coordination problem, making it difficult to hold NGOs accountable and creating duplication and overlap in the response system.

5.1 Strengths of the Colombian government response

Despite these challenges, the Colombian government has made significant progress in addressing the IDP situation. First, Colombia has put in place an intricate system of actors involved in humanitarian response to IDPs, reinforced by a comprehensive legal framework that incorporates the international Guiding Principles on Internal Displacement. Most impressive are the legal mechanisms that hold GoC accountable for addressing human rights and executing its policies. The Constitutional Court rulings have forced GoC to move beyond rhetoric to deliver adequate responses to IDPs and have provided greater recognition for the basic rights of IDPs. The process through which the Court has formulated its decisions is also of extreme importance: besides government bodies, other state institutions like the *Defensoría* and *Procuradoría* have contributed their own analyses and perspectives, leading to the formulation of the Court's decisions (Lari 2007).

Coordination between GoC, international actors and NGOs is also improving. Positive developments in coordination include the establishment of the PIU, which has incorporated IDP participation and enhanced coordination at the local level. For instance, the planning process for the PIU in 2005 in the department of Santander involved over 200 representatives from departmental and municipal agencies, UN

organisations, local and national NGOs and IDP organisations (UNHCR 2006). The PIU led to the establishment of a technical committee in which IDP representatives were directly involved in prioritising strategies for assistance programmes with government officials. Importantly, the Santander PIU has strengthened relationships between all parties, and a new PIU will be developed in 2008.

A key factor contributing to the improvement of the response by GoC is the additional funding that has been poured into *Acción Social* programmes for IDPs. In the three years after the T-025 ruling, GoC allocated four times more money to the National Fund than in the three-year period before the ruling (UNHCR 2007). The case of Medellín highlights the positive outcomes of targeting additional resources towards IDPs. Medellín has directed significant municipal resources to address IDP needs and developed a successful integrated model of service delivery. Representatives from a wide range of municipal and national agencies are located within the UAO, so that when IDPs go to make their declaration, they are matched directly with relevant service providers on their first visit. The UAO also has mobile teams that go into the community to register individuals who would otherwise not visit the UAO's headquarters (Garcia and Lari 2008).

Another asset in Colombia's humanitarian response is its strong civil society. Besides providing essential services to the IDP community, NGOs, community organisations and churches offer another means of ensuring that the government upholds the rights of its citizens and that its activities are consistent with its policies. The Constitutional Court verdict of May 2006, which declared the Justice and Peace Law unconstitutional, is a direct result of concerted efforts by Colombian NGOs. More than 30 social and human rights organisations and 73 individuals were behind the petition (IDMC 2007).

Finally, it is recognised that the initial humanitarian response to massive displacement works generally well (UN 2007). This can be attributed partly to the partnership with ICRC, but also because it is logistically easier to respond to larger groups of people at the same time in the same location, versus individual victims being helped over a longer period of time spread throughout a municipality or department. In addition, massive displacements attract more media attention, which can bring additional international resources and can also serve as an

accountability mechanism for the government to respond more effectively.

5.2 Limitations of Colombia government response

> *Colombia is a country with commendable legislation and a far-reaching policy framework on internal displacement… However, there is a clear gap affecting the human rights of many among the up to 3 million displaced persons between what the law says and what is implemented at the regional and local level.*
>
> – Dr. Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, 2006

In theory, the Colombian government has had a system in place for over a decade that operates on the national and local levels to meet the needs of IDPs in all phases of the crisis. In practice, the actual implementation of national policies in some parts of the country remains inefficient and inadequate at the departmental and municipal levels. In particular, in cases of individual displacement it is much more difficult for IDPs to receive assistance and protection. There are serious problems with contractors of *Acción Social* in some municipalities where IDPs receive incomplete or no service at all (personal interview). UNHCR has reported that coverage is barely 33% in some areas (2002). Subsequently, the Constitutional Court and the *Procuradoría* have continued to monitor the progress of GoC in fulfilling its duties and to cite its failings through the rulings and reports they issue.

Many international and national agencies have also reported problems with the humanitarian response from GoC, beginning with registration and extending to post-emergency stabilisation programmes. First, GoC systematically undercounts the number of IDPs through the RUPD, and thereby denies services to thousands of vulnerable people (Lari 2007). Many people are rejected because they do not fit the GoC's narrow definition of IDPs, or because they do not register properly. In addition, during the transition from one database system to another many displaced households disappeared from the RUPD (Ibid.).

Even if a person is eligible to register in the RUPD, often they do not receive government assistance in

the hours and days immediately after displacement, while waiting for the official declaration from *Acción Social*. Reports from several departments indicate that IDP projects suffer from mismanagement, misuse of funds and corruption (Garcia and Lari 2008). *Acción Social* has no authority over the municipalities; it only has a coordination role, so weak municipalities are not punished for inadequate or non-existent responses. Because of a lack of accountability mechanisms at the local level, some IDPs do not receive emergency assistance from sub-contractors for months after officially receiving declaration. In other cases, IDPs are excluded from healthcare and other social support after emergency assistance (Garcia and Lari 2007b).

Some municipalities blame the lack of resources for the failure to provide adequate services to IDPs. However, many people argue that financial resources should no longer be an issue because of the significant budget increases in recent years. The problem lies in the system of transferring resources between central and local government, and allocated money does not always reach the intended recipients. Municipalities must request funding for IDP services upfront, based on population estimates, so poor planning or failure to anticipate new populations by local authorities means that not enough resources are available to attend to new IDPs. Subsequent funding is not released until reporting requirements are met, and weaker municipalities with incomplete data do not receive the additional funding they need.

Another impediment is the weakness of municipal institutions. Many local authorities lack the technical capacity to navigate the complex system of financial requests, and some local offices are understaffed. Municipal and departmental authorities may also lack motivation to address the needs of IDPs under their jurisdiction for fear that incorporating them in the social and economic fabric of a community would attract even more arrivals (Fagen 2003). Corruption compounds these problems since many government officials are closely tied to paramilitary operations, and drugs as well (Rocha and Gómez 2007). For example, Tumaco in the department of Nariño suffers from one of the highest murder rates in Colombia due to armed conflict. It has a growing population of IDPs, but the mayor has repeatedly made public statements that there is no displacement problem in the city. He regards the displaced people fleeing violence as economic migrants looking for jobs. As a result, Tumaco does not receive significant funding for IDPs and immediate emergency assistance is not provided (Garcia and Lari 2008).

In addition, there is limited government presence in the more remote areas of the country where illegal armed groups are concentrated. A lack of security also deters international and national NGOs. The Director of CRC estimates that 30% of the affected population does not receive coverage because of security and logistics problems (personal interview). The case of Tumaco again illustrates the point. It still does not have a functioning UAO where IDPs can officially register, and *Acción Social* only has one full-time staff person based in Tumaco, who must cover not only Tumaco, but all ten municipalities in Nariño. IDPs report being treated badly or being denied services outright by *Acción Social*. Only one staff person from an international organisation has a permanent presence in Tumaco and few others have plans to position themselves there. Additionally, the closest distribution centre for emergency supplies to Tumaco is in Cali – over 500 kilometres away over bad roads. Food and other emergency supplies often arrive late, and there have been multiple reports of food spoiling before it can be distributed (Garcia and Lari 2008).

It is important to note that the ineffectiveness of local authorities cannot be taken as a blanket statement that applies throughout the country. Colombia has 32 departments that vary widely in their competencies, understanding of laws, transparency levels and implementation of policies. Some municipalities such as Medellín and Cali are functioning very well, and IDPs have universal health coverage and the local authorities are efficient at responding. However, the more effective departments tend to be the wealthier ones located near urban centres. The municipalities further away from these centres, such as Tumaco and Quibdo, have fewer resources and IDPs are not receiving the services they need.

6. Conclusions

6.1 Implications for the international community

Many international actors in Colombia are still struggling to find the appropriate approach to engage with GoC. While they have taken a more passive stance on many issues in order to respect Colombia's independence in governance, they have at the same time delivered standard humanitarian assistance packages intended for fragile states, often circumventing the government system and creating parallel structures. Furthermore, the international community has put pressure on GoC to address human rights violations, but it has not applied the same weight to poverty issues and the underlying causes of the conflict, such as land reform.

The uneven utilisation of a 'laissez-faire' approach by the international community has not yielded the best results since many gaps in the humanitarian response still exist. Even though GoC has ultimate responsibility for the humanitarian response, the international community has the opportunity to introduce assistance at appropriate points to facilitate the sustainability of government action. In the case of Colombia, good humanitarian governance requires a sustained and concerted response by both the Colombian government and international humanitarian actors. The following are some areas in which the international community can play a more productive role in facilitating the efforts of the government to effectively respond to the needs of IDPs.

6.1.1 Improving humanitarian response to individual displacement

Most of the government failings reported by international and domestic institutions relate to responses to individual displacement. Given that that this represents the majority of displacement in Colombia, the international community has a humanitarian obligation to find better solutions to addressing these needs. To begin with, humanitarian actors should re-evaluate the types of emergency assistance provided. Standard emergency kits containing bulky items such as mattresses and cooking utensils are much easier to distribute to a large group at one time, but harder to manage over a long period of time. Cash-based assistance might be more appropriate for individual displacement and might prove more

sustainable. ICRC has recently begun to distribute vouchers instead of standard food parcels in Bogotá, to be redeemed at specific supermarkets and shops, and this has proved successful. The vouchers allow IDPs to enrich their diets with fresh vegetables and meat, which were not included in the standard food parcel. In addition, exchanging the vouchers in shops near where people were living reduced travel costs (ICRC 2006). This has the potential to be extended on a nationwide basis, with the support of the international community.

Second, NGOs are an important part of the political process and provide a sustainable way to improve the Colombian humanitarian response system. *Acción Social* has demonstrated that it is unable to adequately monitor the numerous contractors and subcontractors providing emergency services to IDPs. A review of existing contracts for quality assurance and a consolidation of contractors could improve the ability of *Acción Social* to manage the system. The international community can support GoC evaluation efforts, build the capacity of approved national and local NGOs so that they have the ability expand coverage and facilitate dialogue between GoC and NGOs.

Further research should also explore tools that affected states can use to officially request international assistance during protracted complex emergencies. In traditional humanitarian crises during national disasters, a protocol exists because a critical mass is reached in one instance. With a 'drop by drop' situation like Colombia, a formal mechanism that the affected state can utilize to call for assistance would allow the country to receive the resource it needs from donors, while mitigating fears that unwanted economic or political sanctions will be attached to the assistance. The international community can utilise the SAT early warning system as a basis to explore appropriate triggers, but it should ensure such a system be fully integrated into the Colombian response framework.

6.1.2 Strengthening regional and local government capacity

Since many of the problems that GoC faces are systemic and not IDP-specific, the international community should build the capacity of GoC at the departmental and municipal levels to improve the transfer of resources and the technical abilities of

staff. Training at the department level instead of in Bogotá could allow more people to participate and avoid wasted time and resources in travelling to the centre (personal interview). In 2004, PAHO/WHO began working with some municipalities to improve the quality of IDP databases for funds transfers which has allowed more IDPs to access social services, but it has only been implemented in a limited number of municipalities. IOM projects that assist in building institutional capacity at the local level are another good example, but they cannot reach the required scale without additional support.

Furthermore, the international community can help to strengthen operational accountability mechanisms at the local level. This includes improving transparency to curb corruption and to ensure that adequate monitoring and evaluation systems are in place for contractors and subcontractors. The GoC has proven that it responds positively to institutions such as the Constitutional Court at the central level, so expanding the capacity of the *Procuraduría* and *Defensoría* at the departmental and municipal levels in order to carry out investigative work arising from petitions by internally displaced claimants could assure implementation of territorial committee resolutions (Lari 2007).

6.1.3 Focus on long-term solutions

Most organisations interviewed agree that the emergency assistance provided meets the basic needs of IDPs (personal interviews). The next logical step is to develop a more comprehensive approach that looks beyond emergency assistance. Instead of focusing on short-term humanitarian responses, the international community should steer GoC towards longer-term socio-economic stabilisation solutions as well as poverty-reduction and land reform programmes. This could mean developing a two-pronged strategy for IDPs: one for the recently displaced and another for IDPs who are waiting to return or trying to resettle. This type of strategy can assist in appropriately directing resources to the needs of different groups and provide alternative timeframes for assistance. For example, the international community can support GoC at both national and local levels to prepare mid- and long-term development plans that include specific provisions to improve the social and economic conditions of displaced groups, and ultimately plan for their successful integration in host communities (Garcia and Lari 2008).

Inefficiencies in the government response also reflect the broader underlying problems of governance and conflict in Colombia. Unless the international community can compel GoC to address the root causes of these issues, displacement problems will continue. This may involve broadening development programmes to include not only IDPs, but also other vulnerable groups such as poor people and ethnic minorities. Most importantly, the international community can continue to put political pressure on GoC to work towards a peace process that upholds the security and human rights of all its citizens.

6.2 Lessons learned

The case of Colombia offers several lessons for other affected states. The T-025 ruling has made the Court the most important and authoritative supervisor of GoC's compliance with its own policies and laws, and may be used as an example for other countries (IDMC 2007). Colombia's civil society has also demonstrated that it is capable of substituting for the state when necessary and holding the government accountable for its actions. In addition, the PIU has allowed IDPs to actively participate in the development of the response system. All of these institutions and mechanisms are vital for enhancing humanitarian response in a complex emergency, and should be replicated in other situations as much as possible.

This report has also highlighted the complexity of the humanitarian crisis in Colombia and the challenges GoC faces. Many Colombian government officials recognise the shortcomings within the system and have the political will to effect positive change. Despite progress, the governmental response remains insufficient and unsatisfactory in many parts of the country, and Colombia continues to host one of the largest displaced populations in the world.

After decades of conflict, an end to the humanitarian crisis in Colombia does not seem near. This raises the question: to what extent should the international community maintain its position of neutrality and non-interference versus pursuing a solution to the humanitarian crisis? On the one hand, donors should respect the sovereignty of GoC, and neutrality is important for humanitarian agencies such as ICRC, to maintain dialogue with armed groups and to access conflict zones in order to provide emergency assistance. However, the international community's human rights approach has led to a focus on short-term programming to meet the

needs of IDPs, which reduces the sustainability of government efforts to address the crisis. The fact also remains that the military has contributed to the continuation of the humanitarian crisis and donors have avoided confronting this issue directly.

Should more efforts be directed to solving conflict as part of the humanitarian response? There are no easy answers to this question, but Colombia may benefit from increased international political intervention in the humanitarian space.

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Appendix 1: List of organisations contacted

Acción Social

British Embassy

Christian Aid

Colombian Red Cross Society

Conexión Colombia

Institute for the Study of International Migration

International Organisation on Migration

Norwegian Refugee Council

UN Office for the Coordination of Humanitarian Affairs

Office of UN Representative of Secretary-General on Human Rights of Internally Displaced

Pan-American Health Organisation/WHO

Refugees International

UN High Commissioner for Refugees