BUILDING PEACE IN THE MIDST OF CONFLICT: IMPROVING SECURITY AND FINDING DURABLE SOLUTIONS TO DISPLACEMENT IN COLOMBIA

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EXECUTIVE SUMMARY

Half a century of violence in Colombia has left hundreds of thousands of people dead and millions displaced. The complex conflict involves a complicated mix of political motivations, crime (especially drug-related), and economic activity, as guerrillas (the *Fuerzas Armadas Revolucionarias de Colombia – FARC* and the *Ejército de Liberación Nacional – ELN*), paramilitaries, state security forces, and criminal gangs (BACRIM as per the Spanish acronym) all use violence to reach their goals. Each of these groups has committed human rights abuses, some using this as a specific tactic in their operations, of which minority and vulnerable groups such as indigenous and Afrocolombian communities have borne the brunt. Though peace negotiations with the FARC are ongoing at the time of writing, it is unlikely that a peace agreement will end the cycle of violence, as such an agreement will not include all actors implicated in the violence, nor will it remove all the drivers of violence, such as drug-related crime. In fact, some expect the violence to get worse in the aftermath of a peace agreement with the FARC, as other actors will seek to fill the void left by the FARC.

An estimated 5.4 to 5.9 million people have been internally displaced because of the violence. Though most people fled because of guerrilla and paramilitary activity, in recent years BACRIM activity has become a main cause of displacement. Presently, displacement is also on the rise from land-grabbing for resource extraction and mass-scale agricultural projects. Most people flee from rural areas to cities, but recently intra-urban displacement (and secondary displacement) has increased. Only three percent of IDPs say they would like to return to their community of origin. Reparations and especially land restitution and compensation for lost property are primary concerns for durable solutions.

In spite of Colombia's well-developed support framework for internally displaced persons (IDPs), including laws and justice mechanisms, dedicated social services, substantial resource allocation, and a large international response, most displaced people find themselves in very vulnerable positions. Most live on the dangerous margins of cities in inadequate housing, far away from both income opportunities and basic services such as schools and health care. This gap between a well-thought out institutional framework and practice on the ground can be attributed to a top-down approach to planning that leaves local implementers and their concerns and needs out of the planning process. Weaknesses in local implementation are due to a lack of capacity and resources, sometimes further complicated by a lack of political will, resulting from cooptation or intimidation by violent actors.

Even amidst the ongoing violence, Colombia has made impressive efforts on peace and security. This has included a massive Disarmament, Demobilization and Reintegration (DDR) program; a military reform process to improve the military's capacity to combat guerrilla forces; police reform programs, including a focus on community policing to address ineffectiveness, corruption and police brutality; and a consolidation plan to bring security and state control to areas of the

country where this has been absent. Unfortunately, similar to the IDP policies and programs, implementation of such plans is often less than perfect due to shortfalls in local capacity, will and resources.

The Colombia case demonstrates that what happens – or what does not happen – in Security Sector Reform (SSR) impacts opportunities for durable solutions to displacement. In general, trust building elements of SSR, such as inclusiveness, representation, accountability measures and vetting, can assuage the mistrust IDPs feel of the security sector. By overcoming this mistrust, IDPs' sense of security can increase and thus their possibility of finding durable solutions. However, Colombia's SSR efforts have focused very much on effectiveness of the security sector to combat guerrillas and (to a lesser extent) criminal actors, at the expense of accountability, oversight and vetting. In fact, impunity is rampant and security actors are often seen as collaborating with criminal actors. Consequently trust in the security sector is low. In addition, the focus on effectiveness to end the conflict – through an attempt to bring peace in the long-term and thereby contribute to durable solutions – has increased insecurity and displacement in the short-term. As such, the Colombia case demonstrates the challenges of trying to ensure that SSR contributes to durable solutions for internal displacement in a context of ongoing violence.

At the same time, the Columbia case exemplifies some positive examples of how SSR can contribute to durable solutions. Efforts focused on building trust with communities – such as community-policing and working with local community security teams in unsafe neighborhoods to reintroduce police presence – have had some positive effects on building legitimacy of the security sector, including among IDPs. Moreover, Colombia's system of legal pluralism – by which certain groups, such as indigenous and Afrocolombian communities, are constitutionally allowed to run their own (parallel) administrations – allows for an alternative way of representation and inclusiveness, which could contribute to durable solutions. Such a system opens opportunities for building trustworthy security and justice services in communities that are particularly affected by violence and displacement. Colombia is also trying to address insecurity around economic activities, in particular extractive operations, as evidenced by the development of a policy (in 2014) to ensure that human rights are observed when protecting such operations. However, this policy, based on the *Voluntary Principles on Security and Human Rights*, is a recent development and it is too soon to tell what impact this will have on displacement and durable solutions.

Overall, the case of Colombia demonstrates that if SSR efforts are to reduce some of the negative impacts security forces and their activities have had on displacement and improve prospects for durable solutions, they need to address IDP security concerns specifically. Addressing impunity within the security sector itself is one important component of this. Another component is ensuring that local security needs are taken into account in security operations in order to limit further displacement. Including local voices – of those who implement SSR and IDP policies as well as of the communities that are supposed to benefit from them – is essential to ensuring that

national-level plans adequately address local issues, and have the appropriate resources, capacity and support to be effectively implemented. Finally, to ensure that programs and policies for SSR and durable solutions contribute to sustainable peace, actors working on these issues, both international and national, need to overcome their tendency to work in silos – and their mistrust of each other – to ensure effective coordination and collaboration.

A C R O N Y M S

ACR	*Alta Consejeria para la Reintegración / Agencia Colombiana para la Reintegración* (Colombian Agency for Reintegration)
AUC	*Autodefensas Unidas de Colombia* (United Self-Defense Forces of Colombia)
BACRIM	*"Bandas Criminales"* or "criminal bands"
CME	*Comité Minero Energético de Seguridad y Derechos Humanos* (Mining and Energy Committee for Security and Human Rights
CNRR	*Comisión Nacional de Reparación y Reconciliación* (National Commission for Reparation and Reconciliation)
CODHES	*Consultoría para los Derechos Humanos y el Desplazamiento* (Consultancy for Human Rights and Displacement)
DDR	Disarmament, Demobilization and Reintegration
ELN	*Ejército de Liberación Nacional* (National Liberation Army)
FARC	*Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia)
IDP	Internally Displaced Person
MAPP-OEA	*Misión al Apoyo del Proceso de Paz – Organización de Estados Americanos* (Mission to Support the Peace Process-Organization of American States)
NGO	Non-governmental Organization
PNC	*Policía Nacional de Colombia* (National Police of Colombia)
PNCRT	*Política Nacional de la Consolidación y Reconstrucción Territorial* (National Territorial Consolidation Policy)
PNVCC	*Plan Nacional de Vigilancia Comunitaria por Cuadrantes* (National Plan for Community Vigilance by Quadrant)

RUV	*Registro Único de Víctimas* (Unified Victims Registry)
SNARIV	*Sistema Nacional de Atención y Reparación Integral a las Víctimas*(National System for Integrated Assistance and Reparation for Victims)
SSR	Security Sector Reform
OHCHR	Office of the High Commissioner for Human Rights
UACT	*Unidad Adminstrativa Especial para la Consolidación Territorial* (Special Administrative Unit for Territorial Consolidation)
UNDP	United Nations Development Program
UNFPA	United Nations Populations Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
USAID	United States Agency for International Development
VPSHR	Voluntary Principles on Security and Human Rights
WFP	World Food Program

INTRODUCTION

Half a century of conflict in Colombia has caused one of the most intractable and largest humanitarian crises in the world. The violence has left hundreds of thousands of people dead and millions displaced, scarring the country and its *'tejido social'* (social fabric) by the wide scale human rights abuses against the civilian population, impunity, and highly violent (narco-)crime activities associated with the conflict. Finding durable solutions for displacement in this situation requires not only housing, health care and support for livelihoods, but also a solution to the persistent insecurity that Colombian communities face. This paper examines some of the ways in which initiatives in the security and justice field have contributed to durable solutions to displacement.

It needs to be emphasized however, that the violence is ongoing. Military activities to combat guerrillas and end the conflict, aided by the police, have caused more displacement, even though they aim to remove one of the sources of displacement – the armed conflict – in the long run.[1] Similarly, police activities (often assisted by the military) in the war on drugs combating illegal activity such as coca production, have caused displacement, though in the long run they aim to improve security. As such, long term efforts to improve security and remove the causes of displacement may actually increase insecurity and spur displacement in the short to intermediate term. The case of Colombia demonstrates the paradox of trying to build peace in the midst of an ongoing conflict.

Nevertheless, the Colombian case provides some interesting lessons-learned about the linkages between Security Sector Reform (SSR) and durable solutions. This paper – based on a desk-study reviewing academic and policy literature, as well as government documents, news articles and information from non-governmental organizations (NGOs) – will highlight those interrelationships and provide recommendations for policymakers and practitioners seeking to make programmatic linkages between the two. It does so by first looking at the history of the Colombian conflict and the patterns of displacement this has caused. It then discusses security-related peacebuilding efforts,[2] and subsequently explores the linkages between those and durable solutions for internally displaced persons (IDPs. The paper concludes with some recommendations that can be drawn from the Colombian case, as well as some suggested avenues for future research.

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[1] Patricia Fagen (2011). "Colombian IDPS in Protracted Displacement: Is Local Integration a Solution?" In: Elizabeth Ferris (ed.)(2011). *Resolving Internal Displacement: Prospects for Local Integration.* Available online: http://www.brookings.edu/~/media/research/files/reports/2011/6/01%20protracted%20displace%20local/resolving_id_prospects_for_local_integration_june2011.pdf p. 48-49.

[2] Given the limited length of this case-study, the paper does not aim to give an exhaustive overview of all SSR efforts, but focuses only on those efforts most relevant to durable solutions.

COLOMBIA'S LONG HISTORY OF VIOLENCE

The initiation of peace negotiations with one of Colombia's main guerrilla groups, the *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia, FARC) in October 2012, has spurred hope that the decades of armed conflict might come to an end, in a country where violence has been more the rule rather than the exception in the last 150 years.[3] The resulting persistent 'culture of violence' in Colombian society has proven hard to break in spite of many efforts to foment a 'culture of peace.' The current conflict is rooted in earlier episodes of violence, including *La Violencia* – a ten year period (1948-1958) of intense conflict between the Liberal and the Conservative Party in which extremely brutal violence left an estimated 200,000 people dead. Today's violent conflict involves a complex mix of left-wing guerrillas, state security forces, paramilitary groups, and criminal gangs (*Bandas Criminales* or BACRIM[4]), interacting in a fluid system of fuzzy boundaries, loose alliances and shifting fronts.[5] This section looks at the history of the current conflict[6] by discussing each of these actors in turn.

Guerrilla Warfare

The guerrilla conflict started in the 1960s. *La Violencia* ended with a power-sharing agreement between the Liberal and Conservative parties that included a rotation of the Presidency. This agreement was exclusionary because it did not allow for poor and rural populations to have political influence, and neither the Liberals nor the Conservatives were responsive to calls for socioeconomic change. As a result, guerrilla tactics and revolution proved attractive to many. In

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[3] Eric Scheye (2011). *Local Justice and Security Mechanisms in Selected Neighborhoods in Colombia.* The Hague: Clingendael Institute. p 7-11.

[4] These groups are referred to under different names by different actors. For example, International Crisis Group (ICG) refers to them as *New Illegal Armed Groups* (NIAGs) (See: ICG (2007). *Colombia's New Armed Groups*. Crisis Group Latin America Report No. 20, 10 May 2007) to signify their link to the former paramilitaries as parties to the conflict; whereas CODHES (Consultoría para los Derechos Humanos y el Desplazamiento – Consultancy for Human Rights and Displacement; a well-respected Colombian NGO) is even more direct in linking these criminal groups to the past paramilitaries by calling them *grupos posdesmovilización* (post-demobilization groups) (CODHES (2013). *Grupos Posdesmovilización y Desplazamiento Forzado en Colombia: Una Aproximación Cuantitativa.* http://www.codhes.org/index.php/14-articulos-de-opinion/122-grupos-posdesmovilizacion-y-desplazamiento-forzado-en-colombia-una-aproximacion-cuantitativa?templateStyle=8. INDEPAZ (*Instituto de Estudios para el Desarollo y la Paz* – a well-respected Colombian Peace research NGO) refers to them as narcoparamilitaries (*narcoparamilitares*) and finds an especially strong connection to the paramilitary groups demobilized under President Uribe, see: http://www.indepaz.org.co/. The term BACRIM is used in this paper, following the official government terminology.

[5] For example, guerrillas and paramilitaries have been both adversaries and allies in the drug trade, and the state has cooperated with paramilitaries and is combating them at the same time. See: International Crisis Group (2010). *Improving Security Policy in Colombia.* Crisis Group Latin America Briefing No.23, June 29, 2010. p. 9-10.

[6] The Colombian government does not recognize the existence of a conflict, but refers to it as violence. In this paper, the two terms will be used interchangeably.

1964, inspired by the Cuban revolution, the *Ejercitó de Liberación Nacional* (ELN) was established. Shortly after, in 1966, the Marxist FARC was founded, based on some of the rural self-defence forces formed during *La Violencia*. Multiple other left-wing guerrilla groups – including the urban based *Movimiento 19 de Abril* (M-19), which gained notoriety for its spectacular actions including the hostage taking of a number of diplomats at a reception at the Dominican embassy in 1980 and an attack on the palace of justice – joined the scene over the years, but have since disappeared, either through demobilization, transition to civilian political parties or by simply fading away. The ELN and FARC are the only remaining armed guerrilla groups in 2014.

The guerrilla movements' activities became increasingly intense over the years. For example, guerrillas targeted civilians via large scale human rights abuses to bring people and land under their control. They used terror tactics, killed and intimidated those whom they saw as collaborators with the state and forcibly recruited people, including children. Kidnappings as well as extortion (or taxation as the FARC calls it) became a common method of funding the revolution in the 1990s and early 2000s. When kidnapping became more difficult due to a state and paramilitary crackdown in the early and mid-2000s, the guerrillas became increasingly involved in the drug trade, as the lucrative cocaine business proved to be an even better source of income.[7] The guerrillas also extract rents from the mineral and agricultural wealth within the territories they control.

In spite of several attempts to negotiate peace (in 1984-1989; 1991-92 and 1998-2002) the Colombian state effectively lost control over large parts of its territory by the early 2000s. This came after the latest round of peace negotiations had allowed the FARC to have a 'safe-haven' the size of Switzerland, which it used to regroup and rearm. Following the breakdown of the peace negotiations, Alvaro Uribe was elected President, on a promise of improved security and a military crackdown on the FARC.

Uribe's military campaign against the FARC between 2002 and 2010 pushed the guerrilla movements out of many of the areas they had controlled and substantially weakened them. As a result, in 2012 the FARC agreed to peace negotiations and preliminary talks are currently being held with the ELN to start a parallel peace process. However, a ceasefire was not part of the agreement to negotiate, and the guerrillas at present continue to clash with state forces, collect rents from territories they control and participate in the drug trade.

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[7] Assessing the income this generates is not easy, but estimates for the FARC range from $200 million annually in earnings from the drug trade, to an alarmingly high estimate by the Colombian Defense Minister of $3.5billion annually in profits in 2012, though this higher estimate has been associated with creating bargaining power in the peace negotiations rather than being based in fact. See: Jeremy McDermott (2013). *Criminal Activities of the FARC and Rebel Earnings.* May 20, 2013: Insight Crime. Organized Crime in the Americas. http://www.insightcrime.org/farc-peace/farc-criminal-activities-income; Geoffrey Ramsey (2012). *FARC 'Earns $2.4 to 3.5 Billion' from Drugs: Govt.* October 24, 2012, Insight Crime. Organized Crime in the Americas. http://www.insightcrime.org/news-briefs/farc-earns-24-to-35-billion-drugs

Paramilitaries

Consistent with Colombia's history of violence, paramilitary right wing groups – driven in large part by large landowners, business leaders, as well as drug cartel chiefs – joined the state in its fight against the guerrillas as of the 1980s.[8] The paramilitaries did not believe fighting guerrillas directly would be effective – given the fact that state attempts at this had been largely ineffective. Instead, they decided to 'transform the society that supported the guerrilla'[9] by targeting civilians deemed to have a connection to the guerrillas. This led to an increasingly harsh campaign which targeted and killed members and leaders of civil society, social movements, and human rights activists, and terrorized communities that were deemed guerrilla supporters through extreme methods such as public executions, disappearances, sexual violence,[10] massacres, torture and intimidation. Like the guerrillas, they forcibly recruited people, including minors. The paramilitaries had strong connections to the drug trade, with many of them in fact being private armies associated with drug cartels.

Initially the paramilitaries existed as independent *bloques*, but in 1995 they united under the umbrella of the *Autodefensas Unidas de Colombia* (AUC – United Self-Defense Forces of Colombia), after which the violence they orchestrated surged, peaking in the years between 2000 and 2002. In an effort to stem violence and improve security in the country, the Uribe Government convinced the AUC to agree to a disarmament, demobilization and reintegration (DDR) process in 2003 through which nearly 32,000 paramilitaries collectively demobilized (discussed in more detail in section 3). After this process paramilitary activity was substantially reduced – at least temporarily – though the paramilitaries were by no means permanently neutralized, and they continued many of their activities in the form of BACRIM (see below).

State Actors

State actors have been part of the conflict since the beginning, engaging the guerrillas in combat, as well as trying to negotiate peace agreements in efforts to end the civil war. Recently, under President Uribe (2002 to 2010), the Colombian state efforts were defined by the Democratic Security (*Seguridad Democratica*) and Consolidation (*Consolidación*) policies – heavily supported by the United States and its War on Drugs. These policies sought to regain control over territories under guerrilla control through military efforts (supported by the police) and to bring an end to the cultivation of illegal crops (mostly through aerial fumigation). The idea was

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

[9] Koth " *To End a War,"* p. 15.

[10] Women and girls have been specifically targeted in the Colombian conflict. See for example: Donny Meertens (2012). *Forced Displacement and Gender Justice in Colombia. Between Disproportional Effects of Violence and Historical Injustice.* http://ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Gender-Colombia-CaseStudy-2012-English.pdf, p. 9-10.

that after military control had been achieved, civilian security and justice state structures would be established, followed by the (re)introduction of government structures offering public services such as education and health, support for income generation and economic development.[11] As part of the war against the guerrillas, the Colombian Armed Forces also tried to weaken them by convincing individual combatants to demobilize. Over 20,000 guerrilla combatants have demobilized under this program.[12]

After the election of President Juan Manuel Santos in 2010, the Colombian Government aimed for peace negotiations with the FARC. Mediated by Norway and held in Havana, Cuba, the negotiations started in October 2012. However, the government – keeping in mind that the FARC used ceasefires and safe zones to regroup, rearm and reinitiate the armed conflict in past rounds of peace negotiations—has refused to agree to a ceasefire. Negotiations have been extremely slow, and after nearly two years of discussing the 6 point agenda (which includes land reform, political participation, drug trafficking, rights of victims, disarmament of rebels and the implementation of the peace deal) agreements have only been reached on political participation, land reform, a plan for dealing with drug trade, a truth commission and opportunities to hear the demands of victims during the negotiations. Santos was re-elected in June 2014, on a platform of continuing the negotiations. Shortly before the elections, he announced the prospect of opening peace negotiations with the ELN as well. [13]

The activities of the state armed forces against the guerrillas has, in many cases, led to civilians being caught in the crossfire, livelihoods being destroyed by eradication of illegal crops (as well as legal crops accidentally being fumigated) as well as direct abuse against the civilian population. One of the most appalling examples are the *falsos positivos*: the extrajudicial killings of civilians by the military, dressing the corpses in FARC uniforms to meet 'kill-targets' of guerrilla members.

BACRIM

Even as peace negotiations with the guerrillas are taking place, violence from the BACRIM is on the rise. The Colombian government recognized them as the principal threat to security in the

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[11] These policies have been characterized as a typical counterinsurgency 'clear, hold and build' model. Patricia Fagen (2011). "Colombian IDPS in Protracted Displacement." p. 49. They are discussed in more detail in section 3.4 below.

[12] Agencia Colombiana para la Reintegración (2013). *La Reintegración en Colombia. Hechos & Datos.* http://www.reintegracion.gov.co/ACR/cifras/colombia.pdf.

[13] So far, the peace negotiations have not included the ELN, nor has there been a parallel process. President Santos has said that his government has had preliminary talks with the ELN on such a process though few details have been provided. See: The Economist (2014). *Santos Wins*. June 16, 2014. http://www.economist.com/blogs/americasview/2014/06/colombias-election. See also: ICG (2014). *Left in the Cold: The ELN and Colombia's Peace Talks.* Latin America Report No. 51, February 28, 2014.

country in 2011.[14] Widely acknowledged to be successors to the paramilitaries,[15] many of whom demobilized under the collective DDR program from 2003 to 2006, groups such as the *Urabeños*, *Rastrojos*, and *Paisas* are heavily involved in criminal activities and violent rivalry over the control of territory, the lucrative drug trade, and other illicit activities. They use many of the same structures and people as the former paramilitaries, in particular former AUC mid-level commanders, re-recruiting – forcibly in many cases – demobilized ex-combatants. They also employ many of the same tactics as the former paramilitaries to terrorize the population, engaging in torture, extortion, intimidation, sexual violence, killings and disappearances.[16]

Though they are successor groups to the paramilitaries, they are less (rhetorically) focused on fighting the guerrillas.[17] Accordingly, the Colombian government is unwilling to deal with them as parties to the conflict, but has designated them as criminal actors to be dealt with under the criminal justice system (as opposed to as within a peace process, which might involve transitional justice mechanisms and peacebuilding measures such as DDR). This has important implications, as it means that the responsibility to deal with BACRIM lies with the police rather than the military (though the armed forces support them in some cases[18]), and that BACRIM members have less incentives to demobilize than the paramilitaries, as they would face criminal charges, and would not receive any of the benefits that ex-combatants receive under a DDR program should they decide to surrender.[19]

With these developments in mind, it is therefore unlikely that the peace negotiations with the guerrillas will lead to a complete end to violence in the Colombian territory; while they may bring an end the formal conflict, it is unlikely that they will end the activities of the BACRIM. In fact, many actors on the ground expressed a concern that a peace agreement may – at least in the short-term – intensify violence by actors such as the BACRIM and perhaps demobilized guerrillas, aiming to fill the void.[20]

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[14] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* http://www.internal-displacement.org/assets/library/Americas/Colombia/pdf/201401-am-colombia-overview-en.pdf, p. 6.

[15] See: ICG (2007). *Colombia's New Armed Groups*; and INDEPAZ's research: http://www.indepaz.org.co/ and in particular: *Cuarto Informe Sobre Grupus Narcoparamilitares* http://www.indepaz.org.co/?p=1236.

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

[17] ICG (2007). *Colombia's New Armed Groups*; and ICG (2012). *Dismantling Colombia's New Illegal Armed Groups: Lessons from a Surrender.* Crisis Group Latin America Report No. 41, June 8, 2012.

[18] Human Rights Watch (2014). *Crisis in Buenaventura.*

[19] For more information on the implications of the designation of the BACRIM as criminal actors and a case study on the surrender of one illegal armed group, see ICG (2012). *Dismantling Colombia's New Illegal Armed Groups.*

[20] Author conversation with Brookings Institution Researcher, August 29, 2014.

PATTERNS OF DISPLACEMENT AND DURABLE SOLUTIONS

The wide scale human rights abuses committed by all parties in the Colombian conflict, as well as the violence and insecurity caused the war itself, have caused one of the largest humanitarian crises in the world. Some 5.5 million people have been driven from their homes. Colombia now harbours the second largest internally displaced population in the world, surpassed only by Syria. This section examines this displacement crisis in more detail, by looking at the numbers, patterns, characteristics of IDPs and the solutions to displacement.

Displacement in Numbers

Table 1 gives an overview of the different estimates of the total number of IDPs in Colombia.

Institution	Count	Date	Source
Official Government Count (Red Nacional de Información, Unidad de Victimas)	5,700,381[21]	July 1, 2014	Government registered IDPs in the Unified Victims Registry
CODHES – *Consultoría para los Derechos Humanos y el Desplazamiento)*[22]	5,921,924[23]	End of 2013 (start of count: 1985)	CODHES estimates from Sistema de Información sobre Derechos Humanos y Desplazamiento (SISDHES)[24]
UN Refugee Agency UNHCR	5,368,138 (Plus 396,635 Colombians who have fled to other countries) [25]	December 31, 2013	Count of IDPs (and refugees) needing UNHCR assistance

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[21] Red Nacional de Información (2014). *Reporte General.* http://rni.unidadvictimas.gov.co/?q=v-reportes.

[22] CODHES is a well-respected Colombian human rights NGO monitoring internal displacement.

[23] Carlos Enrique Núñez & Ingrid Paola Hurtado (s.d.). *El Desplazamiento Forzado en Colombia: La Huella del Conflicto.* www.codhes.org/images/Articulos/AnalisisSituacionalfinal.pdf p. 1. [N.B.: figures are preliminary and subject to change, as CODHES has not officially released its 2014 report yet and numbers are still being verified].

[24] SISDHES estimates and characterizes the displaced population based on 1) daily registration of printed and electronic communication; 2) direct information from IDP organizations, human rights NGOs, academic entities, government institutions, local and territorial authorities, and the Catholic Church; and 3) field research by CODHES researchers. See: CODHES (2009). *Víctimas emergentes. Desplazamiento, derechos humanos y conflicto armado en 2008.* Codhes Informa. Boletín informativo de la Consultoría para los Derechos Humanos y el Desplazamiento, No. 75. http://www.codhes.org/index.php?option=com_si&type=4 p. 1.

[25] UNHCR (2014). *2014 UNHCR Country Operations Profile – Colombia.* http://www.unhcr.org/pages/49e492ad6.html#.

Internal Displacement Monitoring Centre (IDMC)	At least 5,700,000[26]	December 31, 2013	Government figures and CODHES estimates

The table demonstrates that there are some differences in estimates. This stems from the fact that government statistics only count registered IDPs, UNHCR includes only those IDPs who benefit from its programs, whereas Consultoría para los Derechos (CODHES) includes those who have not been able to register or receive assistance (yet) – a process which may have significant delays.[27] Moreover, these numbers are cumulative, and do not take into account those who may have found a durable solution and no longer require assistance, or those who have died while displaced.[28]

According to CODHES, numbers of newly displaced have averaged around 200,000 per year since 1985,[29] with a peak between 2000 and 2002. After this time, the numbers of new displacement declined for a while, but increased again in 2007, peaking around 2008 with some 300,000 newly displaced.[30] CODHES estimates that in 2013 at least 203,976 people were forcibly displaced as a result of the armed conflict, much of which it links to BACRIM activity to control strategic corridors and territory, in both rural areas and urban neighbourhoods.[31] For example, such groups have been presumed responsible for the vast majority of displacements that occurred between January and November 2013.[32]

Finally, it is important to point out that although armed activities by BACRIM, guerrillas and the state are the reason for most of Colombia's internal displacement, forced displacement has also been linked to economic activities and associated land-grabbing, in particular for mining and resource extraction and mass scale oil palm cultivation and other agriculture activities.[33] People

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[26] Internal Displacement Monitoring Centre (2014). *Colombia* http://www.internal-displacement.org/americas/colombia/.

[27] Fagen, P. (2011) "Colombian IDPS in Protracted Displacement". p.43.

[28] Internal Displacement Monitoring Centre (2013). *Colombia: Internal Displacement in Brief.* http://www.internal-displacement.org/americas/colombia/summary/.

[29] Gabriel Rojas Andrade & Paola Hurtado (2014). *Grupos posdesmovilización y desplazamiento forzado en Colombia: una aproximación cuantitativa.* Available online: http://www.codhes.org/images/Articulos/GPD_y_desplazamiento_forzado_en_Colombia.pdf (Retrieved: August 4, 2014), p.1. [N.B.: Figures are preliminary and subject to change, as CODHES has not officially released its 2014 report yet and numbers are still being verified].

[30] See for a good graph of this development: Gabriel Rojas Andrade & Paola Hurtado (2014). *Grupos posdesmovilización y desplazamiento forzado en Colombia.* p. 2.

[31] Ibid. p. 12.

[32] Ibid. p. 5.

[33] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* p. 7. Also see for example: The U.S. Office on Colombia (2013). *Large-scale mining in Colombia: Human Rights Violations Past, Present and Future.* http://reliefweb.int/sites/reliefweb.int/files/resources/large-scale-mining-full-report.pdf El Universal (2011). *Minería y palmicultura, nuevas causas de desplazamiento en Colombia.* February 16, 2011. http://www.eluniversal.com.co/cartagena/nacional/mineria-y-palmicultura-nuevas-causas-de-desplazamiento-en-colombia-9783; Sibylla Brodzinsky (2007). *Mining giant accused of profiting from abuse by Colombian Army.* The Guardian, August 3, 2007. http://www.theguardian.com/business/2007/aug/03/colombia.internationalnews.

are driven from their land by those who wish to access the resource wealth that can be found there, including in some cases, international companies. While violence may be used to drive people off their land after which it is usurped, the mechanisms for displacement may be more insidious. For example, a legal cover can be created by causing so much insecurity that people are forced to leave and sell their land for a fraction of its real value.[34]

Overall, the actors and activities that cause displacement in Colombia are interrelated in complex, shifting and sometimes curious ways. For example, there are reports of BACRIM and the FARC negotiating about control for territory, and in some cases even forming alliances to protect narco-corridors, cultivation of illegal crops and other illicit activities.[35] Similarly, there are reports of local police collaborating with large land-owners engaged in land-grabbing. As such, the causes of displacement are extremely complex, and given the likelihood that violence will continue or intensify even in the event of a peace agreement with the FARC, it is unlikely that new displacement will be significantly reduced in the near future.

The Face of Displacement: Characteristics of the Displaced

The departments where most of the displacement occurs are primarily found on Colombia`s Pacific coast, as well as the *Eje Cafetero* and the country's north-east border area with Venezuela.[36] Large cities such as Bogotá and Cali are major destinations for the internally displaced, though smaller cities have also received large influxes – often in proportionally much higher quantities.[37] Though historically patterns of displacement have been primarily rural to urban and this remains the predominant pattern,[38] in recent years the level of intra-urban displacement has significantly increased.[39] CODHES has also noted an increase in intra-urban displacement as well as secondary displacement (renewed displacement of those who had been displaced before), concurrent with increasing BACRIM activity.[40] In other words, IDPs fleeing violence in their rural communities often are forced to flee again as a result of pressures and threats from criminal gangs, including extortion and forced recruitment.

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[34] Donny Meertens *Forced Displacement and Gender Justice in Colombia*. p. 15 For details on land-grabs and challenges those who try to return to their property face, see: Federico Andreu-Guzmán (2012). *Criminal Justice and Forced Displacement in Colombia.* http://www.brookings.edu/~/media/Projects/idp/tj%20case%20studies/AndreuGuzman%20Criminal%20Justice%20 Colombia.pdf.

[35] ICG (2007). *Colombia's New Armed Groups.*

[36] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace* p. 2.

[37] Fagen, "Colombian IDPS in Protracted Displacement: Is Local Integration a Solution?"

[38] Norwegian Refugee Council/Internal Displacement Monitoring Centre (2014). *Global Overview 2014. People Internally Displaced by Conflict and Violence. Colombia* www.internal-displacement.org/assets/publications/2014/201405-global-overview-2014-en.pdf p. 41-42.

[39] Ibid.

[40] Carlos Nuñéz & Ingrid Paola Hurtado (2014). *El desplazamiento Forzado en Colombia.* p. 3-4. For a map of where BACRIM have been most active, see for example: Carlos Andrés Prieto (2013). *Las Bacrim y el crimen organizado en Colombia.* Friedrich Ebert Stiftung: http://library.fes.de/pdf-files/bueros/la-seguridad/09714.pdf p. 5.

In spite of the well-developed Colombian regulatory and institutional framework that is supposed to ensure that the displaced are supported with short-term humanitarian relief and support for durable solutions, many IDPs end up with little humanitarian support. Resources fail to reach them and public and social services in the municipalities where they settle are overwhelmed by the additional demands placed on them amongst an already underserviced population.[41] IDPs live in dangerous shanty towns on the outskirts of cities, in inadequate housing without proper access to electricity or clean water and often have little access to social services such as schools, health care and other social services.[42] Insecurity persists, especially for many civil society leaders, IDP leaders and human rights activists, who continue to be targeted and stigmatized, even in displacement. They are un- or underemployed, with 94 percent finding themselves below the poverty line and 77 percent living in extreme poverty.[43] Displacement also has a gendered effect: "in 2008, the *Comisión de Seguimiento* (Monitoring Commission of the Public Policy on Internal Displacement) found that 43.4 percent of displaced households were headed by women, much higher than the 29.9 percent of female-headed households in the national population of Colombia, according to the 2005 national census."[44] Indigenous communities and Afro-Colombians are disproportionally affected by violence and displacement. For example, the two groups together constituted 44 percent of all new IDPs in 2012; indigenous people comprise 3.4 percent of the total population, but more than double that as a percentage of IDPs. Afro-Colombians form 10 percent of the total population, but make up over 20 percent of all IDPs in 2012 and 33 percent of IDPs in August 2013 (and they are historically under-registered, so this number is likely even higher).[45]

Durable Solutions

Achieving durable solutions for protracted displacement involves providing support to IDPs to create a situation where they no longer require special assistance as a result of their displacement, are not discriminated against based on their status as an IDP and can enjoy full human rights on a par with those who have not been displaced. There are three ways this can be achieved: by reintegration at the place of origin; by local integration at place of refuge; or by

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[41] Ibid.; Also see Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* p. 9.

[42] Fagen, P. (2011). "Colombian IDPS in Protracted Displacement: Is Local Integration a Solution?" p. 48. For a very detailed, albeit somewhat outdated, discussion of the social and economic demographics of the displaced as well as the effects of displacement, see: Ana María Ibáñez & Andrea Velásquez (2008). *El impacto del desplazamiento forzoso en Colombia: Condiciones Socioeconómicas de la Población desplazada, vinculación a los mercados laborales y políticas públicas* Santiago de Chile: CEPAL. http://www.cepal.org/publicaciones/xml/2/35022/sps145-Desplazamiento-Colombia.pdf.

[43] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* p. 9

[44] Donny Meertens (2012). *Forced Displacement and Gender Justice in Colombia. Between Disproportional Effects of Violence and Historical Injustice.* Available online: http://ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Gender-Colombia-CaseStudy-2012-English.pdf p. 6.

[45] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.*

integration in another part of the country. The IDPs themselves should be able to make a fully informed and voluntary choice regarding these solutions.[46]

In Colombia, by far the majority of IDPs reportedly prefers local integration as a solution to their displacement, with only three percent citing their intention to return.[47] This is an extremely low percentage which has been attributed both to concerns about conditions upon return, particularly security, and the protracted nature of displacement.[48] Nevertheless, reparations and especially land restitution or compensation for lost land and justice for other grievances (including truth telling[49]) are considered necessities for durable solutions.[50]

The Colombian state has one of the oldest and most sophisticated legal frameworks and institutional arrangements in the world to support the IDP population and victims of the armed conflict. Based on the *Guiding Principles for Durable Solutions,[51]* its legal framework encompasses

- Law 387 of 1997 which regulates prevention of displacement as well as protection of, assistance to, and justice for IDPs;
- Law 975 of 2005 (the Justice and Peace Law – *Ley Justicia y Paz*) which regulates the disarmament and justice mechanisms for the former paramilitaries as well as some other armed groups; and
- Law 1448 of 2011 (Victims and Land Restitution Law – *Ley de Víctimas y Restitución de Tierras*) which aims to compensate victims of the armed conflict, including land restitution.

As such, Colombian public policy on forced displacement focuses on prevention and protection; integrated assistance (humanitarian aid, health, education, food, replacement of identification documents, income generation, return and resettlement etc.); and truth, justice and reparations.[52]

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[46] See: OCHA (2004). *Guiding Principles on Internal Displacement.*
http://www.brookings.edu/~/media/Projects/idp/GPEnglish.pdf; The Brookings Institution/University of Bern Project on Internal Displacement (2010). *IASC Framework on Durable Solutions for Internally Displaced Persons.* http://www.brookings.edu/~/media/Research/Files/Reports/2010/4/durable%20solutions/04_durable_solutions.PDF.
[47] Patricia Fagen (2011) "Colombian IDPs in Protracted Displacement" p. 50.
[48] Ibid.
[49] Vidal-López, R. (2012). *Truth-Telling and Internal Displacement in Colombia.* International Center for Transitional Justice/ Brookings-LSE Project on Internal Displacement. http://www.ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Truth-Telling-Colombia-CaseStudy-2012-English.pdf.
[50] Patricia Fagen argues that reparations and restitution of land might also take away some of the deterrents of return, making return a more interesting option. Patricia Fagen (2011). "Colombian IDPs in Protracted Displacement", p. 50.
[51] OCHA (2004). *Guiding Principles on Internal Displacement.*
http://www.brookings.edu/~/media/Projects/idp/GPEnglish.pdf.
[52] Acción Social (2010). *Desplazamiento Forzado en Colombia.*
http://www.dps.gov.co/documentos/CIDH_Desplazamiento_Forzado_en_Colombia_Marzo_2010_para_Canciller%C3%ADa1.pdf.

To implement these laws, Colombia has seen several incarnations of institutional arrangements since the entry into force of law 387 in 1997. A major change was the recognition of IDPs as victims under Law 1448 of 2011[53] after which institutions and programs set up to serve IDPs were renamed or transformed into programs for victims. In 2014, these policies and programs include of a central registry for victims including IDPs (the *Registro Único de Víctimas* RUV – Unified Victims Registry)[54], and the Victims Unit[55] (*Unidad para la Atención y Reparación Integral a las Víctimas*). The Victims Unit manages the National System for Integrated Assistance and Reparation for Victims (*Sistema Nacional de Atención y Reparación Integral a las Víctimas* - SNARIV), consisting of all organizations that have been charged with working on victims issues[56] as well as the implementation of the Victims Law. Consistent with this integrated approach, Colombia`s work on IDPs is incorporated in many of its policies, as evidenced by the entire chapter dedicated to the displacement situation in its four year National Development Plan.[57] At the moment, the vast majority of registered victims in the RUV are IDPs.

The Colombian system has developed an impressive array of services for IDPs, including humanitarian assistance immediately after displacement, socio-economic assistance in the longer term, psycho-social support, and housing support. It also comprises justice mechanisms aiming to provide victims with remedies for the injustices they suffered, including compensation for, or restitution of, lost land and property as well as a `guarantee of no repetition.' Considerable resources have been devoted to IDP assistance, especially after a ruling by the Constitutional Court in 2004, which concluded that the Colombian state violated the Constitution by failing to provide adequate assistance.[58] Nevertheless, Colombia's efforts have been criticized as insufficient, in part because only registered IDPs and victims are eligible for assistance and registration requires meeting specific criteria;[59] registration can be difficult as it requires overcoming paperwork and other bureaucratic hurdles, and can be delayed as municipal authorities are overwhelmed by demand; the lack of sufficient resource allocation and the

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[53] The recognition of IDPs as victims of the conflict – just like those who were killed, or who disappeared – is important, yet at the same time, as a result of this step their particular needs as IDPs are at risk of becoming invisible.

[54] http://www.unidadvictimas.gov.co/index.php/en/ruv.

[55] http://www.unidadvictimas.gov.co/index.php/en/.

[56] http://www.unidadvictimas.gov.co/index.php/en/acerca-de-la-unidad/snariv.

[57] República de Colombia (2010). *Plan Nacional de Desarrollo 2010-2014. Más Empleo, Menos Pobreza y Más Seguridad.* https://sinergia.dnp.gov.co/SISMEG/Archivos/PND2010-2014%20Tomo%20I%20CD.pdf.

[58] Chloe Stirk (2013). *Colombia. Resources for Humanitarian Response and Poverty Reduction.* Global Humanitarian Assistance http://www.globalhumanitarianassistance.org/wp-content/uploads/2013/04/Colombia-final-draft.pdf p. 7. This paper provides an excellent overview of resources spend on humanitarian responses, including for IDPs.

[59] For example, up until an order by the Constitutional Court in 2013, those displaced as a result of BACRIM violence did not qualify for assistance under the Victims Law. Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* p. 10.

insufficient and in some cases inappropriate institutional setup;[60] inadequate and delayed provision of the mandated services; and slow judicial processes.[61]

International responses have included a long-term International Committee of the Red Cross (as the only international organization that is able to work in some of the most violent areas in the country, as it is able to negotiate with armed groups for access) presence that assists in emergency humanitarian relief, a strong United Nations presence (including UNOCHA, UNHCR, OHCHR, UNICEF, UNDP, UN Women, UNFPA, WFP and UN-Habitat), a large number of international NGOs, and support by the European Union, USAID and several bilateral donors (Spain chief among them). The Humanitarian Country Team in which 11 UN Agencies and 17 NGOs are represented, as well as the European Commission Humanitarian Office, MSF (Médecins sans Frontières) and the International Committee of the Red Cross as observers, focuses and coordinates efforts. Its Common Humanitarian Framework prioritizes support to remote, rural areas where there is little to no presence of national institutions, and to vulnerable populations such as indigenous and Afro-Colombian communities, women and children. UN agencies as well as other international actors have primarily focused on working with local organizations and NGOs.[62]

Overall, the response to the humanitarian crisis has been substantial. The Colombian Government spends over $1 billion a year, and the international community has a large presence in Colombia. Nevertheless, as a result of decisions on resource allocation, administrative hurdles and the ongoing conflict, the assistance does not always reach those most in need.

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[60] See: Patricia Fagen (2011). "Colombian IDPs in Protracted Displacement."
[61] Internal Displacement Monitoring Centre (2013). *Displacement Continues Despite Hopes for Peace.* p. 10.
[62] See: Chloe Stirk, *Colombia. Resources for Humanitarian Response and Poverty Reduction* p. 14-16.

EFFORTS TO BUILD PEACE AND SECURITY

Even though the Colombian conflict has not yet formally ended, efforts to build peace and improve the security situation for citizens have abounded amidst the ongoing violence. These have ranged from small scale, local initiatives to large scale national programs. For example, NGO efforts on community security have worked with indigenous authorities in Cauca to strengthen their community security and justice systems[63] and establish Community Security Teams in some of the most insecure and violent neighbourhoods in Colombia's cities.[64] At the regional level, programs such as the peace laboratories (supported by the European Union)[65] have focused on creating conditions for sustainable peace at the community regional level in very violent areas by fostering a culture of peace; promoting democratic governance, citizen participation and institutional strength; and sustainable economic development. Finally, national level programs have included programs such as the collective DDR program for the paramilitaries.

There have also been efforts to reform the security and justice sector – especially police and military reform – though these have focused primarily on improving their effectiveness in combating guerrillas and drug crime, and very little on their transparency, accountability and democratic oversight.[66] For that reason, some argue that they can hardly be called 'Security Sector Reform' (SSR), as they lack an essential component.[67]

The remainder of this section will examine in more detail some of the peacebuilding activities directly focused on improving security, especially those linked to SSR. Given the limited space in this paper, the section does not aim to be exhaustive, but rather focuses on those efforts that have an impact on displacement and durable solutions for IDPs: Disarmament, Demobilization

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[63] Author interview with IKV Pax Christi (Netherlands) staff both in The Netherlands and in Colombia, April and August 2010.

[64] Richard Hill, Jonathan Temin, and Lisa Pacholek (2007). "Building Security Where There is No Security". *Journal of Peacebuilding and Development,* Vol. 3. No.2, p. 38-51.

[65] Departamento Para la Prosperidad Social, República de Colombia. (s.d.) *Laboratorios de Paz.* http://www.dps.gov.co/Programas_Especiales/Convocatorias_LP.aspx.

[66] See Wolf Grabendorff (2009). 'Limited Security Sector Reform in Colombia.' In: Hans Born and Albrecht Schnabel (Eds.) (2009). *Security Sector Reform in Challenging Environments*. Chapter 3, p. 69 – 86. http://www.dcaf.ch/Publications/Security-Sector-Reform-in-Challenging-Environments.

[67] SSR is defined as a program to improve effectiveness, efficiency, transparency and accountability of the security system as a whole and its interrelated constituent components (governance management, accountability and democratic oversight; defence; police; intelligence and security services; border management and customs; justice; prisons; private security and military companies; and civil society). As such, it is a holistic and highly political process that should be context specific. See for the concept and programming of Security System Reform: OECD. (2007). *OECD-DAC Handbook on Security Sector Reform. Supporting Security and Justice*. http://www.oecd.org/development/incaf/38406485.pdf; and OECD(2005). *Security System Reform and Governance.* http://www.oecd.org/development/incaf/31785288.pdf.

and Reintegration (DDR), military reform, police reform, and consolidation. The linkages between these efforts and durable solutions will be discussed in the following section.

Disarmament, Demobilization and Reintegration

One way in which the Colombian state has tried to improve security and build peace is through DDR programs for combatants of groups who have agreed to stop fighting. Formally disarming and demobilizing the combatants of such groups marks the start of their civilian lives, while reintegration assistance helps them to establish themselves in civilian life and – if done right – prevents rearmament and re-recruitment by armed groups and therefore contributes to sustainable peace.

Though the Colombian case includes many small scale DDR programs, one of the most important ones is the recent collective demobilization of the AUC. Some 31,698 AUC members[68] collectively demobilized and disarmed between 2003 and 2006, in a process overseen by a mission of the Organization of American States (the *Misión al Apoyo del Proceso de Paz – Organización de Estados Americanos* - MAPP-OEA[69]). The reintegration of the AUC ex-combatants was put into the hands of the High Council for Reintegration (*Alta Consejeria para la Reintegración* - ACR; now known as the *Agencia Colombiana para la Reintegración* – Colombian Agency for Reintegration). Reintegration packages initially involved a finite amount of assistance to aid ex-combatants in the first transition to civilian life. When this proved to be insufficient, the program was overhauled significantly in 2006, becoming wider in scope – involving financial aid, access to education and other support for income generation and economic sustainability, health care and assistance in finding housing, psychosocial assistance, and community work – and of indeterminate duration (depending on when an ex-combatant was considered 'reintegrated' rather than based on a fixed time limit).[70]

In addition, almost 25,000 members of armed groups (including16,944 FARC members and 3,428 ELN combatants, as well as some individual AUC members and others) have individually demobilized through a process initiated under the Democratic Security policy. With assistance

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[68] Agencia Colombiana para la Reintegración (2013). *La Reintegración en Colombia. Hechos & Datos.* http://www.reintegracion.gov.co/ACR/cifras/colombia.pdf.
[69] Moreover, MAPP-OEA has a wide peacebuilding mandate that in addition to verification of DDR initiatives and peace processes includes support to peacebuilding activities of the government and civil society, verification of disarmament initiatives; support to community reintegration projects; support to democracy building, trust building, and reconciliation efforts, monitoring of transitional justice processes, assisting victims programs, recruitment prevention, support and monitor land restitution. MAPP-OEA (s.d.). *Mandato MAPP/OEA.* http://www.mapp-oea.net/images/banners/revista.swf.
[70] For a detailed discussion of the process see: Maria Derks, Hans Rouw & Ivan Briscoe (2011). *A Community Dilemma: DDR and the Changing Face of Violence in Colombia.* The Hague: Peace, Security and Development Network, Paper No. 30, July 2011.

from the ACR they followed a similar reintegration track as those who collectively demobilized from the AUC. [71]

In 2005, the Justice and Peace Law added a transitional justice component to the DDR process for ex-combatants. Under the provisions of this law, ex-combatants would be given lenient sentences in exchange for voluntary truth-telling about abuses and atrocities committed. For ex-combatants of indigenous and Afro-Colombian backgrounds, special ceremonies and local justice mechanisms were accepted. This was a significant difference from earlier processes, which usually involved blanket amnesties. Under the law, a special body, the *Comisión Nacional de Reparación y Reconciliación* (CNRR – National Commission for Reparation and Reconciliation), was created to "ensure the victims' access, without any distinction, to truth, justice, integral reparation and guarantees of non-repetition and […] to promote pacific coexistence and reconciliation."[72]

The Colombian government hails its DDR process as a success story[73] and indeed the Colombian DDR program is one of the best conceptualized, structured, institutionalized, and most elaborate in the world. Nevertheless the process was heavily criticized by international observers and national communities alike. Local communities did not understand why those who had committed atrocities received so much support – questioning why such behaviour was now rewarded – and were weary of accepting ex-combatants in their midst out of fear for their security.[74] International observers (including MAPP-OEA) warned that the collective demobilization process of the AUC was flawed as there were indications that the number of demobilized was much higher than the estimated strength of the AUC before the process started, suggesting that many entered it purely for the reintegration benefits. There were also reports of combatants being specifically recruited to demobilize, which allowed the paramilitaries to cosmetically demobilize while leaving their real structures intact. And in spite of the Justice and Peace Law, many of the worst offenders still went free, and many abuses were not punished. Moreover, a number of paramilitary groups did not take part in the process, and there are reports that many ex-combatants were quickly re-recruited by the BACRIM – voluntarily or forcibly.[75] Finally, the decision to extradite some of the paramilitary leaders to the USA on drug charges decapitated the paramilitaries, starting a violent struggle for control by lower level commanders. All in all, in spite of the high demobilization numbers, the program has not had the anticipated impact on improving security or provision of justice for the victims of the violence.

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[71] Agencia Colombiana para la Reintegración (2013). *La Reintegración en Colombia.*

[72] Eduardo Pizarro Leongómez (2010). *Victims and Reparation: The Colombian Experience*. http://www.icc-cpi.int/iccdocs/asp_docs/RC2010/Stocktaking/CNRR-Pizarro.pdf p. 2.

[73] It was even presented as an example for other countries to learn from at the Colombian organized '*Congreso Internacional De Desarme, Demobilización y Reintegración*' (International conference on DDR) in Cartagena, in May 2009.

[74] Maria Derks, Hans Rouw & Ivan Briscoe (2011). *A Community Dilemma*, p. 39-54.

[75] There are no reliable numbers on the strength of the BACRIM, nor on numbers of former paramilitaries who went through the DDR program but were re-recruited. Anecdotal evidence indicates however, that many people recognize BACRIM members as former AUC combatants. See: ICG (2011).

Military Reform

Colombian military reform has mostly taken the form of improving the armed forces' effectiveness in the combat of illegal crops and guerrillas. With heavy financial and administrative backing from the US under *Plan Colombia,*[76] this mostly involved equipping and enlarging defence forces, as well as implementing 'hearts and minds' strategies in order to establish state control in areas targeted for illegal crop eradication and guerrilla clearance. Colombia's National Development Plan 2010-14 includes objectives to improve security, but the focus stays on effectiveness of the armed forces. Its objectives are to consolidate security and fight armed groups; combat drugs and illegality; and modernize the sector and improve its strategic capabilities.[77] As a result, the Colombian security forces have significantly increased their numbers and budget.[78]

Though the guerrillas have been weakened,[79] the military reform process has been criticized as limited since it lacked a focus on democratic oversight, a role for civil society, and a lack of focus on the acceptance of the Rule of Law by state security actors.[80] The military's activities have also severely impacted civilians, especially indigenous communities and Afrocolombians[81] while there are only inadequate accountability mechanisms for dealing with such human rights abuses.

That is not to say that there has been no attention for human rights within the military at all. For example, the National Development Plan sets the goal of developing an integrated national system of protection of human rights, and international humanitarian law, including for the Ministry of Defense.[82] This includes setting up measures to prevent human rights abuses and support to judicial investigations in the case of infractions.[83] Trainings have strengthened their

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[76] *Plan Colombia* is the name for the US' strategy – and the associated aid package - to assist Colombia in combatting drugs and achieving peace, that has been in play since 2000. It has mostly consisted of large-scale (financial) support to the Colombian military and police (including for eradication of illicit crops through aerial fumigation), though there has also been support for support to the most vulnerable Colombians through income generation, and some support for human rights. Under Plan Colombia some $5 billion has been given to Colombia (with by far the largest amount going to the military and police). See: Embassy of the United States Bogotá-Colombia. *Plan Colombia.* http://bogota.usembassy.gov/plancolombia.html. Plan Colombia has received heavy criticism from human rights groups since its inception, for its inadequate and insufficient focus on the protection of human rights within the supported military activities. See for example: Amnesty International (2013). *U.S. Policy in Colombia.* http://www.amnestyusa.org/our-work/countries/americas/colombia/us-policy-in-colombia.
[77] Departamento Nacional de Planeación República de Colombia (2010). *Prosperidad Para Todos. Plan Nacional De Desarollo 2010-2014 Tomo 1. Más Empleo, Menos Pobreza, y Más Seguridad.* https://sinergia.dnp.gov.co/SISMEG/Archivos/PND2010-2014%20Tomo%20I%20CD.pdf p. 414.
[78] From 2000 to 2009, the size of Colombia's military and police forces nearly doubled to a combined 500,000 members, while the defence budget tripled to nearly $12 billion". Adam Isacson & Abigail Poe (2009). *After Plan Colombia: Evaluating "Integrated Action", the next phase of U.S. Assistance.* http://ccai-colombia.org/files/primarydocs/091203_col.pdf p. 4.
[79] See also: ICG (2010). *Improving Security Policy in Colombia.*
[80] See Wolff Grabendorff (2009). "Limited Security Sector Reform in Colombia."
[81] ICG (2010). *Improving Security Policy in Colombi.a*
[82] Ibid. p. 424.
[83] Ibid, p. 426.

focus on human rights, and judicial assessors have been added to military units in order to ensure respect for human rights and humanitarian law.[84]

However, some recent developments risk waylaying the impact of such improvements. For example, a military justice reform bill is being discussed which would transfer responsibility for handling of cases of human rights abuses (including unlawful killings, rape, inhumane treatment and mutilation) as well as other serious offenses such as conspiring with criminal gangs, arms trafficking and drug trafficking by members of the military from the civilian justice system to the military justice system. This move would have serious consequences for the rights and access to justice of victims of such crimes, as well as 'be a recipe for impunity'.[85] Overall, the results of military reform are therefore mixed: there have been notable successes improving effectiveness, and there have been efforts to improve the human rights record as well, but abuses and impunity still persist.

Police Reform

The Policía Nacional de Colombia (PNC) [86] has been through reforms and reorganization processes in response to its ineffectiveness as well as major corruption and police brutality scandals throughout the 1990s and 2000s.[87] Such reforms focused on both substantive issues as intelligence gathering, community policing, conflict resolution capabilities, and tactical coordination with the military to combat guerrillas, as well as organizational changes such as increasing police numbers, purging the force of officers accused of corruption,[88] and the establishment of special units to deal with drug-related (and BACRIM) crime. Similar to military reform, most of these efforts have focused on improving police effectiveness, and though there has been some effort to change police culture, reform initiatives have not primarily focused on accountability and democratic oversight.

Albeit from an effectiveness standpoint, reform and capacity-building efforts since 1995 have nevertheless included a large focus on improving ties between communities and the police as a

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[84] Ministerio de Defensa República de Colombia (2012). *"Las Fuerzas Armadas Han Elevado Notablemente Su Formación en el Respeto por los DD. HH." Ministro Pinzón.* http://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/5046acec-f393-2f10-5cb2-ee8bfaf1c38f.xml.

[85] Human Rights Watch (2014). *Colombia: Withdraw Military Jurisdiction Expansion Bill.* http://www.hrw.org/news/2014/07/08/colombia-withdraw-military-jurisdiction-expansion-bill.

[86] In Colombia the police fall under the Ministry of Defence.

[87] For a very detailed discussion of reforms in the 1990s and early 2000s, see: Casas Dupuy, P. (2005). *Reformas y Contrarreformas en la Policía Colombiana.* http://pdba.georgetown.edu/Security/citizensecurity/Colombia/evaluaciones/reformasycontrarreformas.pdf.

[88] Stephen Johnson, Johanna Mendelson Forman & Katherine Bliss (2012). *Police Reform in Latin America. Implications for U.S. Policy.* Washington D.C.: Center for Strategic 7 International Studies. http://csis.org/files/publication/120228_Johnson_PoliceReform_web.pdf p.19. The police increased its numbers from 100.000 to 150.000 between 2000 and 2008.

way to both combat crime and improve citizen security. Originally, the Plan of Cultural Transformation and Institutional Improvement (*Plan de Transformación Cultural y Mejoramiento Institucional*)[89] set out to reform police skills and attitudes towards serving the communities so as to create improved community relations and security of citizens. One of the latest incarnations of this type of reform is the *Plan Nacional de Vigiliancia Comunitaria por Cuadrantes* (PNVCC - National Plan for Community Vigilance by Quadrants, or *Plan Cuadrantes*).[90] Piloted in 8 cities around the country, the plan is a combination of problem-oriented and community policing methods. Under the plan, cities are divided into small, clearly defined sections (quadrants) to which core police teams are assigned. The teams regularly patrol their quadrants, and build detailed pictures of crime risks with the aid of geo-information systems and equipment supplied under the program so as to be able to not only respond to, but anticipate and prevent citizen insecurity and crime problems. Officers were trained in the new approaches, in order to ensure that there was sufficient capacity to implement the plan.

An evaluation by *Fundación Ideas Para La Paz* – a well-known and respected Colombian NGO working on security issues – finds that the program has had a significant effect on reduction of crime.[91] For example, homicide rates were reduced by 22 percent.[92] This effect was particularly strong in high crime areas. Since the PNVCC focuses on reducing crimes that affect citizen security this suggests that citizens should feel more secure, but the study does not include data on whether citizens' perceptions of security and of relations with the police have improved as well. Moreover, the program shows little to no effect on police management and only slight changes in police culture and attitudes towards communities.[93] Nevertheless, the plan was extended to have national coverage in 2014.

Moreover, the PNVCC did not focus on some of the areas that suffered the highest levels of insecurity related to BACRIM (such as Buenaventura). Overall, the police are having little success in combating BACRIM activity. Even when specific BACRIM leaders have been captured or groups weakened in other ways, other BACRIM move quickly to fill the void, negating any progress made. Thus, police actions to combat the BACRIM are largely ineffective and police protection of citizens is inadequate.[94] Even worse, some reports indicate that the

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[89] See: Policía Nacional de Colombia. (s.d.) *Programas Comunitarios.*
http://www.policia.gov.co/portal/page/portal/SERVICIOS_AL_CIUDADANO/PROGRAMAS_COMUNITARIOS.
[90] Policía Nacional de Colombia (2010). *Estrategia Institucional para la Seguridad Ciudadana: Plan Nacional de Vigilancia Comunitaria Por Cuadrantes (PNVCC).*
http://oasportal.policia.gov.co/portal/page/portal/INSTITUCION/Cartelera_New/doctrina/tomos/08.pdf.
[91] Measured as homicide, brawls, vehicle theft, and home burglaries.
[92] See: Daniel Mejía, Daniel Ortega & Juan Felipe García (2013). *Police Reform, Training and Crime. Experimental Evidence from Colombia's Plan Cuadrantes.* Working Paper 11. Bogotá: Fundación Ideas Para La Paz. http://archive.ideaspaz.org/images/Police%20reform%20WP11_web.pdf. p. 15 See for more details and an evaluation per city: Fundación Ideas Para La Paz (2012). *Evaluación de impacto del Plan Nacional de Vigilancia Comunitaria por Cuadrantes.* http://archive.ideaspaz.org/images/Informe%20Fip%2018%20PNVCC_web.pdf.
[93] Daniel Mejía, Daniel Ortega & Juan Felipe García (2013). *Police Reform, Training and Crime.*
[94] For example some people report absence of police in neighbourhoods heavily impacted by BACRIM presence for days and sometimes weeks on end. Human Rights Watch (2014). *The Crisis in Buenaventura.* p. 25-26.

Colombian security forces have been infiltrated by the BACRIM[95] and that the police publicly associate with them (for example, having drinks together).[96] This undermines citizens' confidence that the police will protect them. Moreover, periodic rotation of police officers to different locations – in an effort to reduce criminal infiltration, corruption and cooptation of the police[97] – reduce the ability of the police to build community relations that could increase trust. Thus, the effects of police reform have so far been mixed. The latest efforts show some success in reducing crime, but the PNC remains largely ineffective in protecting the population from the greatest threats, and is still perceived as very corrupt.[98]

Consolidation – an Attempt at Integrated Action

Originally conceived by the Ministry of Defense in 2006, under President Uribe with strong US support under Plan Colombia, the Consolidation policy was an integrated approach (civil military cooperation) to bring back state control in territories where the state was either weak or wholly absent and, at the same time, to combat drug cultivation. It involved three steps often associated with counterinsurgency methods: control (a military effort to expel illegal armed groups), stabilize (a military and police effort to bring law and order to communities in areas newly-controlled by the military) and consolidate (an effort by civilian state institutions to bring public services). The strategy was piloted in five areas characterized by a heavy presence of illegal armed groups with varying degrees of success.[99] It was found that though the control phase was in many cases successful, it proved much more difficult to stabilize and consolidate. This was attributed to communities' distrust of state institutions and their reluctance to accept state presence due to their fear that the illegal armed groups might return as soon as the military left and they would then face reprisals. Moreover, it proved difficult to get civilian institutions (especially those other than the police) to establish a functioning presence in these five areas, with many state officials being very reluctant to go to insecure situations where they might be targeted. The policy also had some negative impacts on the safety of citizens. As noted above,

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[95] Jeremy McDermott. (2014). *The BACRIM and Their Position in Colombia's Underworld* http://www.insightcrime.org/investigations/bacrim-and-their-position-in-colombia-underworld.
[96] Human Rights Watch (2014). *The Crisis in Buenaventura,* p. 26.
[97] This is a measure often recommended, see for example: Anti-Corruption Resource Centre (2010). *Anti-corruption and Police Reform.* U4 Expert Answer. http://www.u4.no/publications/anti-corruption-and-police-reform/downloadasset/436. There are reports that this strategy is used in Colombia too, with negative effects on citizen trust-building. Author interviews in Bogotá and Soacha, April 2014; Author conversation with Brookings Institution researcher, August 2014.
[98] Transparency International reports that in 2013 61% of respondents to their annual survey felt that the police was corrupt/extremely corrupt. Transparency International (2013). *Colombia.* http://www.transparency.org/gcb2013/country/?country=colombia
[99] For example, the plan worked reasonably well in the Montes de María region (near Cartagena on the Caribbean coast), but was much less successful in La Macarena, where the guerrilla presence was much stronger. Author notes from workshop on Consolidation held by the Dutch Embassy in Colombia, November 2011). Also see: Adam Isacson & Abigail Poe (2009). *After Plan Colombia: Evaluating "Integrated Action", the next phase of U.S. Assistance.*

the military efforts associated with the control phase led (at least temporarily) to more insecurity and displacement.

Under President Santos, the policy has evolved into the 'National Territorial Consolidation Policy' (*Política Nacional de la Consolidación y Reconstrucción Territorial – PNCRT*). The PNCRT is managed by the Special Administrative Unit for Territorial Consolidation (*Unidad Adminstrativa Especial para la Consolidación Territorial – UACT*). The policy was strategically revised to focus on 'rapid response' (small projects that meet the needs of communities), anti-drug efforts (both in the form of eradication, and income generation projects) and a program called '*Colombia Responde*' which aims to strengthen the ties between the state and communities and prevent recruitment to armed groups through development projects, cultural activities, and youth programs. However, these programs remain underfunded, and though local action plans are developed for each targeted region, they vary greatly in quality and available resources. Moreover, the concept seems to be losing both international and national support, and consequently is losing momentum quickly. Some have argued that the reality of the Consolidation Policy indicates that implementation remains fragmented and incomplete: military and police presence remains the strongest characteristic of the policy in focus zones, and in spite of development projects, civilian handover remains difficult. As such, the program "may be on its way to becoming a politically driven handout program attached to an open-ended military occupation."[100]

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[100] Adam Isacson (2012). *Consolidating "Consolidation". Colombia's "Security and Development" zones await a civilian handoff, while Washington Backs Away from the Concept.* Washington: Washington Office on Latin America. http://www.wola.org/files/Consolidating_Consolidation.pdf.

LINKING DURABLE SOLUTIONS AND PEACEBUILDING

The efforts to assist IDPs and help them achieve durable solutions and to reform programs for the security system have operated in largely separated silos.[101] This is unfortunate because SSR programs aim to improve access to, efficacy and accountability of the security and justice system and thus can contribute to durable solutions by ensuring that IDPs feel safe and protected, and have access to justice mechanisms. In some recent work on cases such as Chad, Liberia and Kosovo,[102] SSR programs have been found to ensure that the specific security and justice needs of IDPs are met. SSR programs that improve and restore the legitimacy of the security forces among the population (including IDPs) are particularly useful. Such linkages between SSR efforts on peacebuilding and durable solutions include:

- The establishment and training of police units working in IDP settlements;
- A focus on accountability for past, current and future wrongs including rigorous vetting of the security and justice sector;
- A focus on improving public service mentalities and democratic oversight;
- Representation of all societal groups and inclusion of citizen voices in security and justice institutions and reform processes such as National Security Strategy development; and
- A focus on appropriate and effective justice mechanisms to ensure restitution of land including enforcement mechanisms, as well as other transitional justice mechanisms.

This section will look at the way these linkages have played a role in Colombia, including lessons-learned of what worked well and what did not work so well, focusing specifically on the role of SSR in improving IDP security, representation and inclusivity in the security sector, accountability and access to (transitional) justice, and security and human rights around extractive sites.

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[101] Marina Caparini (2012). 'Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement'. In: Duthie, R. (ed.) (2012). *Transitional Justice and Displacement*. New York: Social Science Research Council p. 281 -291.
[102] See: William O'Neill (2012). *Police Reform in Situations of Forced Displacement Chad, Eastern Zaire, and Kosovo.* http://www.brookings.edu/~/media/Projects/idp/tj%20case%20studies/ONeill%20Police%20Reform.pdf; Madeline England (2012), *Linkages between Justice-Sensitive Security Sector Reform and Displacement. Examples of Police and Justice Reform from Liberia and Kosovo.* http://www.brookings.edu/~/media/Projects/idp/tjpercent20casepercent20studies/Englandpercent20SSRpercent20Liberiapercent20andpercent20Kosovo.pdf; Marina Caparini (2012). 'Ensuring Long-Term Protection. *Transitional Justice and Displacement*. New York: Social Science Research Council p. 281 -291; and Marina Caparini (2013). *Ensuring Long-Term Protection: Justice-Sensitive Security Sector Reform and Displacement.* http://ictj.org/publication/ensuring-long-term-protection-justice-sensitive-security-sector-reform-and-displacement.

IDP Security: Police Effectiveness and Legitimacy

Security and safety play an essential role in durable solutions for IDPs. Unlike other countries, IDPs in Colombia do not live in camps but move (primarily) to cities where the police forces in receiving cities become responsible for the security of the displaced. Recognizing this role the PNC has developed a guide on forced displacement, in which it defines its role as preventing displacement, removing causes of displacement, and improving the security of those who are displaced.[103]

However, the PNC has not been very effective in either preventing displacement nor in the removing the causes of displacement, as evidenced by the ongoing violence resulting from the guerrilla war and the BACRIM violence. Although guerrilla violence may be waning, the activities of BACRIM (and the police's implication in it) and associated displacement are on the rise. Police efforts to remove causes of displacement – and especially to prevent BACRIM activity – have also been less than successful. Moreover, the police in many cases do not often patrol neighbourhoods under BACRIM control and is often perceived as coopted by the BACRIM, which further undermines people's trust in the PNC. Some people, including IDPs, see the police as part of the problem rather than the solution.[104]

The third element, improving the security of IDPs, has mostly received indirect attention through the PNC's focus on community policing, including the *Plan Cuadrantes*. Community policing methods alone do not necessarily include special attention for IDP security needs, but given that the PNC's work under the PNVCC is based on a specific analysis of needs and security concerns in a specific neighbourhood or area,[105] such programs would be focused on addressing the specific needs and vulnerabilities of IDPs in areas where they are living in large numbers.

One way to rebuild trust in the police that has had some success in Colombia is by working through local (civil society) groups. In neighborhoods in Cali where the police could and did not go, Community Security Teams were set up. Once they were established and trusted, they started working with the police, allowing for a slow reintroduction of police services.[106] Similarly, local Community Development Councils (*Juntas de Acción Comunal)* often establish community security mechanisms, such as neighbourhood watch groups and alarm systems,[107] with which the police could collaborate to improve security and thereby begin to repair its legitimacy. If such programs concentrated on addressing IDPs' needs specifically, such community policing and community security structures would have an even greater potential to make a significant contribution to durable solutions, by improving both the security of IDPs as well as their trust in the police.

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[103] Policía Nacional, Dirección General/ Inspección General (s.d.). *Documento Guía sobre el Desplazamiento Forzado.* http://www.policia.gov.co/portal/page/portal/HOME/Lineamientos/LIBRO%205.pdf p. 5.

[104] Author interviews with local community leaders in Bogotá and Soacha for Clingendael project, April 2010.

[105] Yed Milton Lopez Riaño (s.d.) *Modelo de Vigilancia Comunitaria en Colombia.* http://www.comunidadesegura.org/files/modelodevigilanciacomunitaria.pdf.

[106] Richard Hill, Jonathan Temin, and Lisa Pacholek (2007). "Building Security Where There is No Security."

[107] Eric Scheye (2011). *Local Justice and Security Mechanisms in Selected Neighborhoods in Colombia.*

Representation and Inclusivity

Ensuring that the security and justice sector is broadly representative of the ethnic, religious or racial groups in a society (as well as of gender diversity[108]) is believed to increase legitimacy and trust in the security institutions. As such, particularly in situations of violent conflict along ethnic or racial lines, reforming the security and justice institutions to ensure societal representation has been highlighted as a way for SSR to contribute to durable solutions as it assuages IDPs' distrust of a security system dominated by specific societal groups.[109]

Rather than in ethnicity, Colombia's violence is based more in struggles over political influence by rural and poor classes, as well as efforts to control territory for economic gain. The guerrilla movements started because of the dissatisfaction over the fact that certain classes (primarily the rural poor) were effectively excluded from political power and influence. Within this context, political participation is often preferred by ex-combatants over representation in the security and justice system, as evidenced by M19's demobilization and conversion into a political party and the desire expressed by the FARC in the current peace negotiations to do the same. Since much of the displacement was caused by non-state forces, such inclusion might in fact create more insecurity for IDPs. In addition, many of the non-state actors are involved in criminal activities, and as such their inclusion in state security and justice institutions might corrupt them even further. Therefore, representation of the armed groups is not desirable, both from an SSR and from a durable solutions perspective.

However, given the exclusion of the rural and poor population from political influence as an underlying cause for the armed conflict, inclusion of communities in decisions on strategic and practical plans for security and justice development could be an important contribution to ending the conflict, and thereby to durable solutions to displacement. Moreover, inclusion of local voices in SSR planning can ensure that efforts address IDP security concerns, and thereby contribute to durable solutions.

Colombia's record on inclusion efforts is mixed. On the one hand, plans such as the Plan Cuadrantes, or the Territorial Consolidation, IDP policy, and even development plans in general, are usually developed by planning and policy units of ministries in Bogotá, in some cases with international support, but with only limited space for genuine community input. On the other hand, Colombia has often given community voices a space as plans were being implemented. For example, under the Territorial Consolidation, local offices of the UACT work with representatives from local authorities (municipalities, police, justice) as well as community leaders to develop local action plans to ensure they targeted the appropriate issues. Similarly, the

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[108] See DCAF (2010). *Gender and Security Sector Reform.* http://www.dcaf.ch/Publications/Gender-and-Security-Sector-Reform; Megan Bastick (2007). *Integrating Gender in Post-Conflict Security Sector Reform.* http://www.dcaf.ch/Publications/Integrating-Gender-in-Post-Conflict-Security-Sector-Reform; and Megan Bastick & Kristin Valasek (2008). *Gender & Security Sector Reform Toolkit.* http://www.dcaf.ch/Publications/Gender-Security-Sector-Reform-Toolkit .
[109] Marina Caparini (2013) *Ensuring Long-Term Protection*, p. 305-307.

ACR has worked closely with local communities as well as ex-combatants to ensure that programming correspond to locally felt needs. More generally, Colombian indigenous communities need to be consulted prior to any economic development activities taking place in their territories (in a process called *Consulta Previa*).

Finally, the Colombian system demonstrates another way in which specific communities can be included, namely through legal pluralism.[110] The Colombian legal system allows for some groups – in particular the Afrocolombians and the indigenous communities – to have their own traditional civilian administrations, including community councils and security and justice mechanisms (police, jails courts and justice measures).[111] In the case of indigenous communities, these have played a large role in the demobilization of indigenous ex-combatants, including a focus on reparations and community reconciliation.[112] Thus, in the case of Colombia, trust in the security sector is not only built by inclusion of community voices or representation in the security sector, but also by allowing for a pluralistic institutional set-up. However, such local mechanisms only apply to territories belonging to these communities, and given that most IDPs are not located there, but instead in urban areas, it remains to be seen how much they can contribute to durable solutions, especially for those wanting to remain in their location of displacement.

Justice and Accountability

Colombia has put a relatively strong focus on transitional justice in its efforts to bring peace, reconciliation and address the grievances of those affected by the conflict, including IDPs. The IDP law, the Justice and Peace Law, the Victims Law and the associated administrative and implementing institutions provide an elaborate legal and institutional framework to ensure truth about, and punishment for, abuses committed during the conflict, reparations to victims, restitution of property and land, and guarantees of non-repetition. In addition, the constitutional court has taken a leading role addressing IDP issues, taking over 100 decisions in IDP cases over the last 10 years, and the constitution guarantees the right of anyone (including IDPs) to bring a case before the highest courts if they perceive that their fundamental rights are violated or threatened by the actions of a public authority (called *acción de tutela*). This institutional and legal system has the potential to serve as a model focusing on the specific needs and protection of the rights of IDPs.

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[110] Legal pluralism allows for multiple parallel legal systems – the more formal state system, and traditional, indigenous and non-state mechanisms – to co-exist in one social context. See: Nafay Choudhury (2010). *Legal Pluralism – A Primer.* http://www.legalfrontiers.ca/2010/06/legal-pluralism-a-primer/.

[111] See: Eric Scheye (2011). *Local Justice and Security Mechanisms in Selected Neighborhoods in Colombia.* The Hague: Clingendael Institute.

[112] Maria Derks, Hans Rouw & Ivan Briscoe (2011). *A Community Dilemma* p. 40. In spite of reconciliation activities and ceremonies, many of the demobilized indigenous ex-combatants face rejection by their communities, making them particularly vulnerable.

However, the promise of this system has not always been fulfilled in practice. For example, sufficient resources were not allocated to the implementation of the IDP law and the provision of support to IDPs was inadequate to the point where the Colombian Constitutional Court ruled in 2004 that the state did not meet its obligations.[113] Moreover, accountability and justice processes for human rights violations have proven to be very slow and in many cases ineffective, leading to widespread impunity.[114] For example, the Justice and Peace Law left many perpetrators untouched as it excluded state actors (but also because it is a voluntary process). It also neglected to include a mechanism to ensure that perpetrators disclosed all abuses they committed and many would withhold certain information (thereby denying victims' right to truth). When it comes to implementation, sentencing has been slow, with both perpetrators and victims waiting a long time for a verdict.[115] Similarly, the Victims Law, though hailed as a historic opportunity at its adoption,[116] has suffered from some serious challenges in implementation, as only a small number of cases have been adjudicated so far. The government reportedly underestimated the number of victims that would claim reparations under the law and consequently implementation is seriously underfunded. Those victims that have had their property restored face extreme insecurity upon their return as there is often no enforcement of decisions or protection of returnees, leaving them open to harassment by BACRIM and other armed actors that seek control of their land and property.[117]

Enhancing effectiveness of the security sector to combat the guerrilla and illicit activities by criminal actors has been given priority in Colombia's SSR. Because of this heavy focus on effectiveness, neither accountability nor vetting of personnel has received a lot of attention in Colombia's efforts to improve the security sector, leaving large risks of impunity. Police reform efforts have seen some purges of corrupt elements from the police force, but these have not had much impact, either in terms of making the security forces less corrupt (both because not all corrupt elements were purged, and because criminal elements re-infiltrate the police quickly), or in terms of increasing trust in the police forces, which many consider to be part of the problem rather than the solution.[118]

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[113] Corte Constitucional (2004). *SentenciaT-025/04*. http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm. See also Patricia Fagen (2011) "Colombian IDPS in Protracted Displacement". p. 43.

[114] Human Rights Watch (2013). *World Report 2013*. *Colombia* http://www.hrw.org/world-report/2013/country-chapters/colombia.

[115] Maria Derks, Hans Rouw & Ivan Briscoe (2011). *A Community Dilemma*. p. 54.

[116] Human Rights Watch (2011). *Colombia: Victims Law a Historic Opportunity.* http://www.hrw.org/news/2011/06/10/colombia-victims-law-historic-opportunity.

[117] Alfonso Serrano (2014). *Dying for the promised land: Colombia struggles with land restitution law.* http://america.aljazeera.com/articles/2014/2/6/dying-for-the-promisedlandcolombiastruggleswithlandrestitutionla.html. Also see Federico Andreu-Guzman (2012).*Criminal Justice and Forced Displacement in Colombia.* Washington: ICTJ/Brookings LSE Project on Internal Displacement. http://www.ictj.org/sites/default/files/ICTJ-Brookings-Displacement-Criminal-Justice-Colombia-CaseStudy-2012-English.pdf p. 8.

[118] Author interviews with community members in Bogotá and Soacha, for Clingendael project, April 2010.

Congress passed an anticorruption law[119] applicable to all public sectors including the defence and police sector in 2011 and both the police and the military have anti-corruption policies. Although this at least provides a legal framework, it has not done much to address perceptions of corruption: in the 2013 Transparency International research on Colombia, 61 percent of the respondents feel the police is extremely corrupt, 49 percent felt that the military was extremely corrupt and 64 percent reported this about the judiciary.[120] As such, the lack of attention for accountability and impunity in SSR seriously hampers efforts to improve trust in the security and justice sector.

Overall, Colombia provides a great example of ways to establish a legal (and institutional) framework to address justice concerns of IDPs that may contribute to durable solutions, but at the same time, it also demonstrates that such a framework remains a paper tiger if appropriate resources are not allocated to the implementation level; if there is little attention for accountability and impunity of the security and justice system itself; and if those responsible for implementation (municipal and territorial authorities) are not included in the development of policies and plans; and if it lacks sufficient capacity and political will (when they are intimidated or coopted by economic interests, BACRIM etc.) for effective implementation.

Voluntary Principles on Security and Human Rights

Extractive activities have been designated as one of the 'locomotives for development' by the Santos government.[121] They are indeed an important component of Colombia's economy, involving many different entities vying for a piece of Colombia's vast resource wealth: international and national legitimate companies, BACRIMs, guerrillas, individuals, and traditional small scale artisanal miners.[122] Large scale mining and exploration activities – often by international companies – often lead to tensions and clashes (sometimes violent) with communities living around extraction sites over environmental concerns, dispossession of land and property, and disputes over mining rights (especially between artisanal miners and extractive businesses). Such tensions often lead to human rights abuses, including displacement. Protecting human rights and the security of communities living at or around extraction sites can therefore contribute to prevention of displacement and establishment of durable solutions.

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[119] Congreso de la República de Colombia (2011). *Ley 1474 de 2011.*
http://www.secretariasenado.gov.co/senado/basedoc/ley_1474_2011.html.
[120] Transparency International (2013). *Colombia.*
[121] República de Colombia (2010). *Plan Nacional de Desarrollo 2010-2014. Más Empleo, Menos Pobreza y Más Seguridad.*
[122] Artisanal mining is traditionally done by local communities, especially Afro-Colombians. Though this was originally allowed by law, lately legal changes are making artisanal mining illegal. This severely impacts the livelihoods of many Afrocolombians and leads to many tensions between local communities and the state. See for example: Leah Gardner (2012). *Colombia: Going for Gold.*
http://www.minesandcommunities.org/article.php?a=11642.

Colombia is one of only two developing countries[123] participating in The *Voluntary Principles on Security and Human Rights (VPSHR)* Initiative, which provides "a set of principles designed to guide companies in maintaining the safety and security of their operations within an operating framework that encourages respect for human rights," including a focus on risk assessment, consultation and advice with host governments and security providers, as well as ensuring appropriate responses to human rights abuses.[124] It is a voluntary mechanism, however, much like a Code of Conduct, with no enforcement measures other than peer pressure (with a commitment to annually report on efforts related to the VPSHR) and public scrutiny. Nevertheless, because (by law) public security forces – military and police – provide security for resource extraction sites, Colombia's participation in this initiative is an important indication of its willingness to guarantee and protect human rights.

To implement this commitment, the Colombian Government has created a special in-country body – the *Comité Minero Energético de Seguridad y Derechos Humanos* (CME – the Mining and Energy Committee for security and human rights)[125] to promote integration of the VPSHR in national practice; the only participating government to do so.[126] And, in 2014 the Ministry of Defense developed a manual for the police and military working with public and private entities engaged in mining (as well as infrastructure, energy, and eradication of illegal crops).[127]

Though it is too early to tell the impact of the new Defense Ministry manual, so far, the work of the CME seems to have little impact on practices. Human rights abuses by public security forces protecting extractive sites still abound. Moreover, trade union and civil society leaders protesting practices at extractive sites are targeted and in some cases killed by armed groups connected to extractive companies[128] while public security forces do little to protect them, and such acts often go unpunished. As such, though the governmental and policy level commitment to the VPSHR is laudable, it still needs to be met with effective implementation, and until then, it will continue to have little effect on durable solutions.

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[123] The other is Ghana.

[124] See: http://www.voluntaryprinciples.org/ and: http://www.voluntaryprinciples.org/what-are-the-voluntary-principles/.

[125] It is important to realize that this is not an enforcement body, but rather, a forum for public-private partnership, that develops recommendations for improving practice and strengthening human rights within the extractive industry in Colombia.

[126] Small Arms Survey (2011). *Small Arms Survey 2011.* Geneva: Graduate Institute of International and Development Studies. p. 154.

[127] Ministerio de Defensa Nacional República de Colombia (2014). *Manual de Convenios de Colaboración, Cooperación, y/o Coordinación para la defensa y/o Seguridad del Ministerio de Defensa Nacional, Y sus Unidades Ejecutoras.* http://cmecolombia.co/wp-content/uploads/2014/07/RESOLUCION-5342_1.pdf.

[128] Annie Kelly (2013). *Can post-conflict Colombia be a business and human rights leader?* The Guardian, June 7, 2013. http://www.theguardian.com/sustainable-business/colombia-business-and-human-rights-leader.

CONCLUSION: BALANCING THE NEED FOR MORE SECUITY WITH THE NEED FOR CITIZEN SAFETY AND TRUST; AND GIVING TEETH TO PAPER TIGERS

An examination of the case of Colombia gives many useful insights for those who seek to effectively link peacebuilding, SSR and durable solutions for IDP situations. For one thing, it highlights how within a context of ongoing violent conflict and crime it is difficult for SSR efforts to contribute to durable solutions. SSR work in Colombia has mostly focused on strengthening the effectiveness of the police and military to combat guerrillas, crime and narco-trafficking, but such anti-guerrilla and anti-crime activities have created more insecurity. Though in the long run they may lead to peace and security within the Colombian territory and thereby create the conditions for durable solutions, in the short and intermediate term they are contributing to the problem of displacement. Moreover, those SSR efforts that have focused on improving citizen security – such as police reform efforts focused on community policing – have so far been insufficient to address the causes of displacement.

This case study also demonstrates that SSR efforts can contribute to durable solutions, even in a context of ongoing violence. For example, ensuring the protection of human rights within security operations and addressing impunity for human rights abuses can contribute to both the prevention of displacement as well as durable solutions by helping to restore trust in the security apparatus and the right to justice for victims. This applies to security operations as part of the conflict and as part of the protection of extractive assets, especially those carried out by state security actors, but also those of non-state armed actors. Such observance of human rights can be enforced both by fomenting a culture change in security forces through policy changes and training as well as the implementation of effective accountability mechanisms for those who commit abuses. In order to increase legitimacy, anti-corruption measures and purging of criminal elements from the military and police forces would also be a necessity. These efforts would increase the trust of the entire population including IDPs, and thereby contribute to IDPs' sense of safety, which in turn would support durable solutions. Though there is no focus on representation of minorities and vulnerable groups (including IDPs) in the Colombian security forces, Colombia's legal pluralism and variety of local community security and justice mechanisms (such as Community Development Councils) shows a different way in which the system can be inclusive and representative.

In addition, it seems that a strong focus on community and citizen security in police reform can contribute to meeting the security needs of IDPs and thereby durable solutions. The studies by *Fundación Ideas para la Paz* indicate a strong reduction in crimes that impact citizen security in areas where the *Plan Cuadrantes* – with its combination of problem-oriented and community policing – was implemented, suggesting that this might be an effective way of improving

security for the inhabitants of violent and insecure areas. This suggests that such programs might also improve the security of IDPs, as they often live in such areas, though the programs do not include a specific focus on IDPs, and no disaggregated data on IDP security needs and the extent to which police and justice services meet those needs is available. Further research would be required to understand exactly what IDPs' security needs are, and how community policing and community security mechanisms can contribute to addressing such needs, in order to fully understand how they can contribute to durable solutions.

Thirdly, the Colombian case demonstrates that an elaborate system of justice and human rights institutions (in the Constitution, within the government and in civil society), a strong legal protection framework for IDPs and victims, and well thought out security and justice policies do not necessarily lead to improvements in the practical security and justice situation of IDPs. Colombia's national capacity for planning and developing laws, standards and policies is very high, but the implementation at the local level of these frameworks often lags. This is often because of an absence of involvement of the local level at the planning phase, a lack of local political will, inadequate resource allocation, and insufficient capacity of local staff (municipal personnel, judiciary staff, but also police officers, soldiers) working to implement the plans, policies, and standards. To ensure that plans and laws are more than an empty shell - a 'paper tiger'-, inclusive planning and fomenting local political will, capacity-building at the local level, and sufficient resource allocation are necessary.

For international actors, the Colombian case demonstrates that security and justice reform efforts have an impact on durable solutions. In fact, when SSR efforts only focus on the effectiveness of the security sector, they may detract from the safety of IDPs and cause more displacement. Alternatively, when such efforts include a focus on the security and justice needs of IDPs, improvements in the security and justice sector can make important contributions to durable solutions and the prevention of displacement. Communication and coordination between those actors working on SSR and those working on durable solutions is therefore imperative for effective and holistic peacebuilding. However, in many situations this requires bridging a wide divide between humanitarian and development actors and those actors working on peacebuilding and security sector reform, at the international, national, regional and local level. Security actors are often – and certainly in Colombia – perceived as part of the problem by many in the humanitarian and development community who feel hesitant to contemplate coordination and cooperation. In the interest of ensuring that SSR efforts not only 'do no harm' to activities to achieve durable solutions for displacement, but even contribute to it, overcoming such weariness is of key importance.

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