
The Humanitarian Crisis in Colombia

CAUSED BY THE ARMED CONFLICT

International Organizations Position Paper, Colombia
June, 2011



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For Colombia, the last decade was a series of contrasts. Between 2002 and 2010, government forces secured important military gains in terms of the internal armed conflict: yet during the same period, there were numerous reports detailing human rights violations and violations of international humanitarian law. Similarly, from 2000 – 2009 the Colombian economy grew by 4.1 per cent in accumulative terms, but during the period 2001 – 2009 the country dropped 17 places in the United Nations Human Development Index.

The most prolonged and serious humanitarian crisis in Latin America continues unabated in Colombia. As a result of the internal armed conflict in the country it has the second highest number of internally displaced persons (IDPs) in the world, after Sudan. The central protagonists in the Colombian conflict – one of the longest running armed conflicts in the world – are armed paramilitary groups, guerilla organizations and the Colombian military. In total these groups have caused and continue to cause the displacement of between 3.5² to 4.9³ million people, according to different sources. This means that in a total population of more than 45 million⁴ Colombians, approximately **1 in 10 have been displaced. In the period 2002 - 2010 an average rate of 269,000⁵ people displaced each year, a clear indicator of the far-reaching impact of the armed conflict on Colombian society and the challenges involved in protecting civilians from violence and displacement, among other effects.**

The Colombian conflict also involves a high rate of civilian deaths and other human rights violations and violations of international humanitarian law including: recruitment of children as combatants; sexual violence; use of anti-personnel mines; confinement, or restriction of movement of the civilian population; and the murders of trade unionists, human rights defenders and community leaders. In this extremely insecure and volatile context, there is a clear need to respond to these incidents, including through providing humanitarian assistance to those affected, and prevent further protection violations.

“...we haven't done well in the past in the area of human rights and international humanitarian law. We can't hide it.”

Vice President Angelino Garzón. Bogotá, Universidad de los Andes, 8 September 8, 2010

This paper aims to call for a renewed focus by the international community, donors and humanitarian organizations on the humanitarian crisis in Colombia caused by the armed conflict, and outlines the need for principled humanitarian action in order to ensure that civilians affected by the conflict are protected and the needs of the most vulnerable are met.

Civilians caught in the middle

Withdrawal and reconfiguration of armed groups. A key moment of the Colombian internal conflict occurred in 2006, when paramilitaries were demobilized. A number of these paramilitaries participated in judicial trials and confessed to the killing of 161,758 people⁶, but the total number of civilians killed is unknown. Demobilized paramilitaries also confessed to massacres, threats of

violence, targeted killings and forced displacement. Today new armed groups, formed after the demobilization process, have a similar impact on the civilian population. In certain regions, they have seized territorial, social, economic and political control.

The government's military offensive has reduced the presence of the different guerilla groups along the country's highways and in municipal capitals, and the army has regained control of almost half of the territories previously governed by guerilla groups. The guerilla groups have withdrawn to areas that are easier to defend, revising their combat strategies. As a result of these processes, **the conflict is currently concentrated in three main areas: the Northern Corridor, the Pacific Corridor and the Eastern Corridor. The Northern Corridor** is a horizontal area that connects the north of the department of Chocó (Pacific coast) with the department of Norte de Santander (on the border with Venezuela), passing through Urabá, northern Antioquia, the south of Bolívar and part of the department of Santander. **The Pacific Corridor** runs from the border with Ecuador to the south, along the Pacific coast and ends at the border with Panama to the north. Finally, **the Eastern Corridor** passes through the large and remote departments of Arauca, Casanare, Vichada, Meta and Guaviare⁷.

These corridors include areas that are collectively owned by Afro-Colombian and indigenous communities and that are particularly affected by the situation.

These disputed zones are generally difficult to access and have rich mineral wealth in their subsoil, which makes them highly attractive to agro-industries and energy companies. One example is the Pacific coastal region, an area identified by the National Agency of Hydrocarbons as a priority for exploration and exploitation⁸. Despite the resource potential of these territories, their inaccessibility and the ineffectiveness of government services, such as education and security, mean that these territories are frequently used for illegal activities, such as coca-leaf production, while their inhabitants suffer extremely poor socio-economic conditions and have some of the highest poverty rates in the country.

"...The Public Prosecutor is investigating 23 palm oil companies for occupying the land of internally displaced people in order to sow their crops. The justice system is trying to establish if these companies encouraged the displacement so that they would be able to farm areas in Curbaradó and Jiguamiandó. (...) The legal action has been long and drawn out while reports of intimidation and threats from paramilitary groups continue..."

Reports of paramilitary control of commerce in Chocó. Semana Magazine, 18 January 2010

In these areas there is also a high rate of intra-municipal displacement as a result of fighting. In many instances IDPs are not registered and do not receive adequate humanitarian assistance because state institutions do not have access, resources or technical capacities to do so.

Shift in tactics and its impact on civilians. As in other internal conflicts, armed groups attempt to exercise territorial control. This situation exists in various urban and rural contexts and is common in the Colombian conflict.

As part of their withdrawal from previously controlled areas, the guerilla groups have employed a more defensive strategy, including the use of snipers and anti-personnel mines (APMs). The high numbers of APMs and unexploded ordnance (UXOs) in access roads and fields, as well as other

forms of intimidation, have limited the population's freedom of movement and affected their food security, access to humanitarian assistance and public services.

"...the point is always the same. Sometimes the sign says: *National Army of Colombia, Battalion 27*; and other times it says: *Welcome, 1st Front, FARC-EP*. But the place is the same, and that is the border between both sides."

Representative of an International Humanitarian NGO. Interview in Bogotá, November 2010.

Forced dispossession of land. The armed conflict, killings, threats of violence and other factors that have contributed to the humanitarian crisis are ultimately related to the contested control of territory. This in turn is the primary cause of mass displacement in Colombia. The combined area of forcibly dispossessed land in Colombia – without taking into account the territories that are collectively owned by indigenous and Afro-Colombian communities – is more than 6.6 million hectares, which is four times larger than the area of Hawaii and almost twice the size of Belgium⁹. Taking action on this issue, the new government has introduced an important legislative initiative that aims to redistribute land confiscated from the armed groups. However there are concerns over the absence of effective protection mechanisms for IDPs that receive land as a result of the new law.

"...Colombia grows more and more unequal: the percentage of land owned by the big landowners has doubled and the forced dispossession of land has meant that the situation of the internally displaced in Colombia has become one of the most serious humanitarian crises on the planet. The figures are scandalous: farms bigger than 500 hectares have grown from 32 per cent of farmable land 20 years ago to 62 per cent today, owned by only 4 per cent of landowners (...) 35 per cent of the most fertile farming land is owned by people who have made their money in "dubious" circumstances.

The Promised Land. Semana Magazine. 4th of September 2010

Killing of civilians The lack of reliable and detailed data on civilians killed in the armed conflict means it is difficult to ascertain the full impact of the armed conflict on civilians. The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Philip Alston, published a report on Colombia on 31 March 2010, supported by official data, stating that during the period from 2003 to May 2009 there were 119,297 unlawful killings committed by armed actors (guerillas, paramilitaries, criminal gangs) and other unidentified parties¹⁰.

During the same period, the military reported more than 17,000 deaths of "guerillas and delinquents". Especially serious were the extrajudicial executions or "false positives" committed by regular army units. Due to a glaring disparity in their statistics, the Public Prosecutor's office in May 2009 investigated 1,708 civilian homicides outside of combat that were presumably committed by soldiers from the armed forces. The report concludes that this practice, encouraged by the pressure to show results in the war against the guerilla groups, existed throughout the country and was perpetrated by a wide variety of military units. The practice appeared to be systematic and the Special Rapporteur ruled out the possibility that these were isolated cases.

“In some cases, a paid “recruiter” (a civilian, a demobilized member of an armed group or an ex-soldier) brings the civilian victims to an isolated place, enticing them with a lure, usually the promise of a job. Once there, members of the armed forces assassinate the victims, only a few days or hours after having seen their families for the last time. In other cases, soldiers take the victim forcibly from their home or pick them up during a patrol or a checkpoint. (...) Once these victims have been killed, the soldiers prepare the area so that it looks like a legitimate homicide that occurred in combat. (...) The victims are then presented to the press as guerillas or delinquents shot down in combat.

Report of the UN Special Rapporteur on extrajudicial, summary and arbitrary executions in Colombia, 31 March 2010.

Forced Displacement

At the end of the first quarter of 2011, the official IDP registry published an accumulated figure of 3.678.007¹¹ people expelled from their homes. In the period 2002 – 2010, the average rate of annual displacement rose to 0.6 per cent of the current Colombian population. With rates of return at 1 per cent, **the number of IDPs represents between 8 and 11 per cent of the total population**¹².

Causes and dynamics. All the paramilitary groups, guerilla organizations and the Colombian military, without exception, are responsible for forced displacement. Military control, disputes over agricultural land, drug trafficking and forced dispossession of land constitute some of the principal drivers of displacement. However, even if the causes have remained the same¹³, some trends have varied since 1997, the date when official records began. Mass displacements, for example – an extreme mechanism of self-protection for populations after experiencing massacres, combat in their immediate vicinity or threats of violence – continue to an extremely worrying extent. In 2009 there were 42 incidents of mass displacement, while in 2010, 57 were reported by Acción Social¹⁴. In terms of the changing dynamics of forced displacement, there has been an increase of individuals and families moving to populations that are “experienced” in living with the conflict and the risks involved. Many expect to flee their homes when the situation again becomes “hot”. Almost 15 per cent of the total population registered as IDPs have been forcibly displaced two or more times¹⁵.

Internal displacement occurs largely in the following situations:

- In the *zones of intense armed confrontation* the struggle for control of the civilian population has increased. In this context, the armed forces’ tactic of engaging civilians to supply information provokes suspicion and attempts to regain control from guerilla groups. This is often followed by abuse, threats and assassinations of the civilians trapped between the two sides; all of which may ultimately cause displacement.
- In *drug trafficking zones*, the “war on drugs”, carried out through aerial fumigation and manual eradication of plants, has a constant military accompaniment that results in armed combat, alliances between groups formed after the demobilization process and guerillas and the use of anti-personnel mines.
- In these same zones and due to the absence of institutional actors, the dispute between paramilitary groups and guerrillas for the control of both territories and strategic corridors results in aggressions, combats, killings of civilians and displacements. Civilians are afraid to get caught in the crossfire or receive threats, so they flee as a means of protection.

- In the *zones traditionally controlled by paramilitary groups, that coincide with areas of high investment and/or are rich in natural resources* (where today there is practically no confrontation between armed groups) ex-combatants and new recruits protect their land through killings and threats, contributing to the current trend of forced displacement.
- In *urban zones* there has been an alarming increase in displacement between neighborhoods due to intimidation of individuals and families, drug trafficking and threats.

All of the above factors highlight the importance that land plays in the Colombian armed conflict. Furthermore, while certain areas remain free of conflict, some departments and municipalities repeatedly expel IDPs. These include Vistahermosa (Meta), Argelia (Cauca) and Tame (Arauca).

Where do they go? IDPs in Colombia are generally displaced to urban areas, however they are often stigmatized and threatened in the cities, so endeavour to make themselves invisible amongst host communities. There has been a rapid development of urban settlements, usually constructed on the outskirts of the country's main cities including Bogotá, Medellín, Cartagena, Tumaco and Santa Marta. As a result of this phenomenon, **in Colombia there are no large camps of internally displaced persons, but rather the majority live in massive settlements in the main cities**, where the vast majority live in unacceptable living conditions.

What are their needs? Two thirds of IDPs are from the rural population (which in 2005 made up a quarter of the total population). The arrival of IDPs to urban areas has, in some cases, more than tripled the original population in the space of a few years, creating serious challenges for the local community's capacity to act as a host. **The most recent assessment of registered IDPs shows that they are the most vulnerable social group in the country. The percentage of IDPs living in poverty has gone from 50 per cent before displacement to 97 per cent afterwards, while the rate of IDPs living in absolute poverty has risen from 23 per cent to 77 per cent. A significant 78 per cent of IDP households have an income below the poverty line, which means that it is almost impossible for them to pay for basic services such as water or electricity. Equally alarming is the fact that more than 50 per cent of IDPs have reported physical hunger¹⁶.**

Who is affected? The humanitarian crisis in Colombia has compromised the future of a large part of its human capital. The average age of IDPs is 21 years and 66 per cent are younger than 25. Undoubtedly the most vulnerable are children under five years of age. Infants under five make up 15 per cent of the IDP population¹⁷. Many are left traumatized after witnessing the killing of their parents and relatives and the destruction of their homes. The elderly, in contrast, are the group that resists displacement the most, and a third of them are looking after grandchildren or are head of their household. Their fragile health and high rates of illiteracy add to this group's vulnerability.

Forced displacement has particularly affected a very high proportion of indigenous and Afro-Colombian groups, as recently recognized by the Colombian Constitutional Court. The Court recently passed specific rulings granting these groups special constitutional protection, as detailed in Rulings 004 and 005 of 2009¹⁸.

“The Constitutional Court of Colombia resolves:

TO DECLARE that the indigenous people of Colombia, as described in this ruling, are in danger of being physically and culturally exterminated by the internal armed conflict, and have been victims of grave violations of their individual and collective human rights and infractions under international humanitarian law, all of which have resulted in the forced individual and collective displacement of these groups.

Constitutional Court of Colombia. Court Order 004/09. January 26, 2009

Forced recruitment of minors

Forced recruitment of minors is a routine and sustained practice in Colombia and constitutes a serious violation of international humanitarian law by armed groups. A lack of economic opportunities combined with coercion by armed groups increases the risk for minors. Today, those who have reorganized these armed groups continue to recruit minors¹⁹. The FARC systematically take children from their homes to serve in their forces, which has become a significant cause of displacement as families flee areas in which the guerilla group operates in order to protect their children. Colombian children live with conflict on a daily basis, far from the benefits of economic growth, stuck in a social context without opportunities or basic services from the state. In this context, armed combatants can appear to have prestige and power, and carrying a weapon can represent a step up the social ladder. Information on the extent of forced recruitment is limited because the groups hide this practice. During the demobilization of the paramilitary group Autodefensas Unidas de Colombia (*AUC-United Self-defense Colombian Armed Group*), only 63 child soldiers were presented to authorities as combatants, compared with 17,581 adult soldiers, which raises the question about the number of children in their forces left without protection and far from their homes.

The average age of those forcibly recruited by guerrilla groups and paramilitaries **has dropped dramatically, from 13.8 years of age in 2001 to 12.8 in 2005²⁰ and is currently estimated at 11.8 years of age²¹**. These children are coerced into activities ranging from active combat, tactical support and satisfying the basic needs of combatants to sexual exploitation, particularly in the case of girls and female adolescents (rape, sexual slavery and exploitation, forced prostitution, sexual abuse, forced pregnancy, forced abortion and infection with sexually transmitted diseases)²²

“The recruitment of children and internal displacement are closely related, as is the case in Colombia. In many situations, displacement is the only method that families in certain zones can use to avoid their children being recruited by armed groups.”

Secretary General of the United Nations, Ban Ki-Moon. Security Council and General Assembly, 21 December 2007

“... in the areas that we work in there are girls who tell you that they are going to become pregnant so they can avoid being taken by the guerilla.”

Representative of an International Humanitarian NGO. Interview in Bogotá, November 2010.

Sexual and gender-based violence

Little by little there is more evidence of the use of sexual violence as a weapon of war in Colombia. A survey on the prevalence of “Sexual violence against women in the context of the Colombian armed conflict” carried out by Oxfam Intermon in the period 2001 – 2009 demonstrates the high rate of sexual violence: In the 407 municipalities that the Early Warning System from the Colombian Ombudsman Office indicated as having a military, guerilla or paramilitary presence, 17.58 per cent of women were victims of sexual violence. This means that during the nine years covered by this study, 489,687 women were direct victims of sexual violence. According to these statistics, 54,410 women were victims of sexual violence each year, that is 149 women every day or six every hour.²³

“Sexual violence is a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict, as is sexual exploitation and abuse.”

Ruling 092, April 2008. **Colombian Constitutional Court.**

Oxfam Intermon estimates that **2 out of every 10 displaced women are fleeing because of the fear of sexual violence**²⁴. Abuse often occurs again after displacement; more than half of the women surveyed reported having suffered some form of physical abuse and more than a third had been forced by strangers to have sexual relations²⁵.

In at least nine massacres committed by the paramilitaries there were reports of sexual violence. Reports from the Ombudsman’s Office show an increasing risk of sexual violence by all actors. The testimonies collected in the most recent reports convey a situation of terror that the Constitutional Court has highlighted in one of its rulings²⁶, identifying ten risks affecting displaced women which do not affect men. According to the Court, which identified different forms of sexual violence, this violence is for reasons including: retaliation against women or their relatives and neighbors; obtaining information; and improving the control of resources and/or land.

Mines and Unexploded Munitions

Scale of the problem. The Vice President’s Office shows that anti-personnel mines (APMs) and unexploded ordnance (UXOs) are present in 63.4 per cent of Colombian municipalities. During 2005 and 2006, Colombia had the highest number of victims of these devices in the world²⁷.

These homemade mines and improvised explosives, used by guerrilla groups, constitute a cheap and efficient means of limiting the military gains of the Colombian army. Easy to transport, the mines are placed in areas outside conflict zones, making them undetectable by the army and the civilian population. As a result of combat and bombing there are also zones contaminated by UXOs.

Effects. Of the total number of victims of APMs and UXOs, which reached on average of 740 each year in 2008 and 2009, around 30 per cent are civilians²⁸. A response to the manual eradication of coca plants is the laying of mines in fields where the crop is grown. In addition to this practice, armed groups also lay mines in fields and paths when they are withdrawing from an area. Possibly the most harmful practice of all is the laying of mines around schools, structures that are used by all groups in the community and as a place of refuge. Children and young people in rural zones have been severely affected by APMs and UXOs. Between January and August of 2009 there were 39 child victims²⁹.

Limitation of Movement. The communities affected by APMs and UXOs are severely limited in their freedom of movement. **In many cases, access to crops, water sources, health services or schools has been limited for years and population movement has been restricted.** Fear of these devices also affects the provision of basic services and humanitarian assistance. Affected communities remain isolated and are prisoners in their own territory, town or settlement.

“The Constitutional Court was informed by diverse speakers, and especially by the spokesperson from the Ombudsman’s Office, that the various communities and populations in the municipality of Samaniego (Department of Nariño) have been confined to their home areas due to the increase in mines laid by the illegal armed group E.L.N. The main effect of this confinement, even though it isn’t the only one, has been to seriously reduce the nutritional security of the department’s population, as well as their access to basic health services. The difficulty of accessing this region, due to both geographical reasons and problems with public order, has proved an obstacle for the entry of public officials. Immediate access to the population is required in order to provide aid that is urgently needed for the satisfaction of their basic needs.”

Constitutional Court of Colombia. Ruling 093/08. 14 April 2008

Confinement

A phenomenon seemingly opposed to displacement, but in reality closely linked to it, confinement contributes considerably to the humanitarian crisis in Colombia. Confinement consists of restriction of mobility and restricted access to people and their goods. This is a direct consequence of an armed group taking control of a territory and subsequently restricting the movement of the population. In many cases it limits or impedes access to the area for public institutions and humanitarian organizations. This practice is prohibited under international humanitarian law, but there are no clear strategies in place for providing attention to those affected, nor has a specific set of indicators been developed to identify occurrences of confinement.

Who is affected? Those most affected by confinement are indigenous and Afro-Colombian communities. From the documentation and mapping of confinements that have been reported, 80 per cent of these events occur in rural areas and 89 per cent of victims are economically productive when confined. Confinements have occurred in Samaniego in Nariño, as described above, as well as in the indigenous communities of Nacorá in Chocó and in Caño Mochuelo in Hato Corozal, Sucre.

Population **confinement has serious knock-on effects on food security and access to health services.** In terms of food security, be it the mining of fields where crops are grown or the blocking of food deliveries sent from other zones, these are practices that especially affect the most remote communities. Lack of access to health services during confinement and during the conflict is also a serious problem, heightened in communities that have historically had an irregular or complete lack of access to such services, as detailed in a recent report by Médecins Sans Frontières (MSF)³⁰.

“...one year after – finally – giving everyone who lives near the river their healthcare card, the health clinic still hasn’t arrived....they’ve been *launching* a community health team for who knows how long....”

Representative of an International Humanitarian NGO. Interview in Bogotá, November 2010.

CHALLENGES: HUMANITARIAN CRISIS CAUSED BY THE ARMED CONFLICT Framework for prevention of displacement, assistance and protection of IDPs

Around the same time that Colombia adopted a law formalizing protection for IDPs (1997)³¹, international humanitarian aid to the country increased significantly, with the first Global Humanitarian Plan of the European Commission and the beginning of the Emergency Aid program from the International Committee of the Red Cross. In 2004, the Constitutional Court of Colombia declared the situation of the IDPs “unconstitutional”, due to the inadequate response from national and local authorities in guaranteeing their rights. This was detailed in Ruling T025³² of 2004, which had the aim of protecting victims’ rights and guaranteeing that IDPs could exercise and enjoy these rights. Support from parts of Colombian civil society and international organizations in this area has allowed the construction of a considerable public policy, as well as an important increase in the national budget, for the prevention of displacement and provision of protection and assistance to IDPs.

“the situation in Colombia is quite paradoxical: While the country has a rather sophisticated legal protection framework and considerable financial resources earmarked for assistance to IDPs, the emergency humanitarian and protection needs of many victims of the conflict remain uncovered.”

ECHO, European Commission, Global Plan 2010

“Regarding the previous text, the Third Review Tribunal of the Constitutional Court, administering justice in the name of the people and with a mandate from the Constitution,

RESOLVES – TO DECLARE the existence of an “unconstitutional” state in the situation of the internally displaced population, due to the lack of consistency between their rights as recognized in the Constitution and developed by the law, and on the other hand, the volume of resources provided to ensure the effective enjoyment of such rights and the institutional capacity to implement the corresponding constitutional and legal mandates.

Constitutional Court of Colombia, Ruling T025 of 2004

Gaps in prevention and protection. Despite legislative progress, the humanitarian situation in the country continues to deteriorate: After the Ruling T025, in the period 2005 – 2010 more than 1,460,000 IDPs have been registered. A large part of these IDPs do not receive assistance. In addition, from a strictly operational perspective, the public institutions of Colombia charged with protecting and assisting IDPs suffer from many technical difficulties, the most significant being lack of access to affected populations.

Since 2009, the Ministry of Defense (MOD) has been implementing a so-called civil-military strategy to regain territorial control. This includes the use of military forces to directly provide basic public services. It also includes interventions coordinated between civilian State entities

and military forces. Government forces directly provide humanitarian assistance in response to IDPs needs but also to “win hearts and minds”. This tactic has had a negative impact on the civilian population. In the field, the use of humanitarian assistance by the military has created confusion in mandates, responsibilities and concepts among the population, in general and, in certain moments, among armed groups. These circumstances have a negative effect on security conditions for the civilian population and for humanitarian NGOs and United Nations Agencies. It is evident that the so-called civil-military strategy lacks the capacity to prevent violations of international human rights and humanitarian law. It also fails to incorporate mechanisms for promoting and implementing actions to guarantee that civilians are not military targets, as the respect of the principle of distinction of civilians³³, and that the impact of the conflict on civilians is minimized.

The principle of distinction of civilians and “militarized” aid

Presidential Directive 01 of 2009 was designed to coordinate the intervention of civilian institutions, including those of international humanitarian NGOs and United Nations Agencies, and military forces in military strategic zones³⁴. Under this Presidential Directive, state intervention in military strategic zones is based on military concerns rather than the population’s humanitarian needs.

A lack of adherence to the principle of distinction by the Government has increased the difficulty of discerning fighters from civilians, thereby increasing their risk. **Instead of guaranteeing that no civilians will be targeted in the conflict and maintaining the distinction between civilian and combatant, the Government uses civilian population with military purposes, for example paying money in exchange of information that is used for military action.**

In addition, the impartiality and independence of humanitarian aid is often undermined when it is delivered by militaries. Humanitarian action should be based on need alone and be autonomous from political or military objectives. Fears expressed by civil society organizations about the “militarization” of humanitarian aid were confirmed in a letter distributed in August 2009 by the 29th Front of the FARC, which operates in the department of Nariño. According to this letter the implementation of the so-called civil-military strategy through the CCAI (Centre of Coordination and Integrated Action), created by the Presidential Directive, meant that international humanitarian NGOs that worked with the CCAI were now considered military targets by FARC. As a result, international humanitarian NGOs reduced their humanitarian operations, affecting populations in need of humanitarian assistance in Nariño.

THE NEED FOR INDEPENDENT HUMANITARIAN AID

The Colombian State is primarily responsible for the prevention of displacement, protection of and provision of assistance to its citizens affected by the ongoing conflict. This is not only its legal obligation, but it is also economically best-placed to do so. However, to guarantee the effective enjoyment of rights, it is necessary that the government comply with International Humanitarian Law (IHL) which underlines the principle of distinction, and guarantees that humanitarian action is differentiated from the operations of the armed forces. Coordination between civilian and military actors must be done from a humanitarian perspective, in accordance with humanitarian principles.

In terms of directing public policy towards effective protection of the civilian population, it is imperative that international humanitarian law is respected, which guarantees the conditions for

humanitarian assistance and protection of the victims. Respect for international humanitarian law reinforces the legitimacy of the State, as established in a Presidential Directive in 2001, which echoes Resolution 46/182 of the General Assembly of the United Nations.

“...the Colombian government recognizes the legitimacy of the humanitarian non-governmental organizations that develop their activities in conformity with the Constitution and the laws of the country. These organizations are understood as those that are inspired by the principles of humanity, impartiality and independence in order to provide, without any discrimination, assistance and protection to the victims of natural disasters, of the internal armed conflict and other violent events with the goal of preserving these victims’ physical health and dignity and support them to recover their economic capacity as soon as possible. These actions include, among others: attention to basic needs such as the availability of food and water; providing shelter and sanitary assistance; distributing medicines and provision of medical care; first aid training; accompanying persons and communities at risk; and supporting productive and educational projects in vulnerable populations.

...humanitarian assistance does not constitute interference in the armed conflict nor is it a hostile act.

...the government shows in a clear manner its conviction that the non governmental organizations that realize programs, projects and activities of a humanitarian character contribute to: alleviate the suffering of victims of natural disasters, the internal armed conflict and other violent events in Colombia; preserve or reestablish the social fabric of the affected communities; protect civilians from possible aggressions that are committed against them by any party; and strengthen relationships between the community and the State.

...the authorities have the obligation and main responsibility to provide humanitarian assistance, and for the adequate provision of this assistance, the activities realized by humanitarian non governmental organizations in close coordination with the appropriate entities are extremely valuable.

Presidential Directive 07 of 2001, directed to the “support, dialogue and collaboration of the State with NGOs that develop humanitarian activities in the country.”

A question of rules and principles

The international humanitarian community has been operating in Colombia for many years. International humanitarian NGOs have managed to access several key conflict zones that have a heavy armed presence and maintain a sustained presence that allows them to provide support to the most isolated populations in terms of health, education, food security and livelihoods, shelter, potable water, etc. Humanitarian organizations pay special attention to the difficult social situations that these communities find themselves in, living with the conflict day after day. These actions help communities to negotiate a precarious respect for their inhabitants and property and defend their land. In many cases, international humanitarian organizations are the only not-armed actors that enter and remain in these vast rural territories or on the fringes of urban areas where state services are non-existent.

“...without health, there is no resistance (to war). You are supporting the resistance (to war), the defense of our territories and the defense of the autonomy of the indigenous and Afro-Colombian communities.”

Representative of an indigenous council from the Pacific coast, directed to an international humanitarian NGO, October 2010.

The presence and assistance provided by these organizations, without being able to guarantee the security of these communities, still constitutes a form of protection. The pillars of this sustained access have been the adherence to a strict code of neutrality, impartiality and independence. In several cases, the Colombian public institutions have only managed to reach these communities through the “bridge” provided by the international humanitarian organizations.

“In the majority of cases, what is needed to improve the situation of the victims is a greater compliance with the existing legal framework, instead of the adoption of new laws. If international humanitarian law was strictly respected, the majority of the current humanitarian problems would simply not exist.”

President of the International Committee of the Red Cross, Jakob Kellenberger. Interview in www.icrc.org 21 September, 2010.

Conclusion and recommendations

The situation in Colombia continues to constitute a serious humanitarian crisis. It should be an urgent priority for the Colombian government, international community, donors and humanitarian organizations to concentrate actions on the prevention of displacement and the provision of protection and assistance for the hundreds of thousands of IDPs in the country.

Protection and assistance provided under humanitarian principles is essential for hundreds of thousands of people who are confined, threatened or displaced to receive help. Neutral, impartial and independent humanitarian action is an urgent necessity that should be respected by the Colombian State, all armed groups, and supported by the international community.

Donor organizations, institutions and countries have a crucial role to play in underlining the importance of international human rights and international humanitarian law and humanitarian principles. The 15 organizations that have produced this report recommend that:

General Recommendations

- The international community should stress that the response of the Colombian Government to the IDP crisis should strengthen actions to prevent forced displacement and respond to protection gaps faced by those who are displaced, in line with humanitarian principles.
- Humanitarian aid channelled to and through the Colombian Government must be based on demonstrated adherence to International Humanitarian and Human Rights Law.
- The humanitarian crisis faced by at least 10 per cent of the Colombian population requires increased political attention and adequate financial and other resources from the international community to respond to humanitarian needs.

The European Union and National Governments should:

- In their cooperation strategies, prioritize humanitarian aid to populations displaced and at risk of displacement due to armed conflict.

- Promote allocation of resources by humanitarian actors and local institutions to the protection of the conflict-affected population.
- Define the geographic areas and priorities of their intervention based on humanitarian needs and the dynamics of the on-going armed conflict.
- Raise awareness of the humanitarian crisis in Colombia.

The United Nations System should raise awareness, in particular

- The UN Secretary-General and Member States of the UN Security Council should request briefings on the humanitarian crisis in Colombia and address violations and infractions of International Humanitarian Law and Human Rights Law.
- The Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs (OCHA) should monitor the threats that the civilian population face in Colombia, stress the obligations parties to conflict have to meet to protect civilians under International Humanitarian Law and report her findings to the United Nations Security Council and the United Nations Secretary-General.

The Humanitarian Country Team:

- Should identify needs and mobilize resources in a timely manner to provide aid where national and local capacities are unable to meet needs.
- Under the Leadership of the Humanitarian Coordinator, and in coordination with the ICRC, should support on-going constructive dialogue with State institutions regarding the appropriate roles and mandates of civil authorities and military forces in humanitarian response.

¹ Research By Ignacio Martín Ereata

² See last accessed on 9/11/10 at 16:00

³ “Strategic shift or a leap into the void?” 27 of January, 2010 *CODHES INFORMA. Nº 76*
http://www.codhes.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=50 last viewed on 9/11/10 at 15:59

⁴ See http://www.dane.gov.co/files/investigaciones/poblacion/proyepobla06_20/7Proyecciones_poblacion.pdf p.74

⁵ 266,974 persons according to the figures for forced internal displacement for the period 2002 – 2010, with the last year of statistics regarding number of IDPs registered being “technically” complete. See <http://www.accionsocial.gov.co/EstadisticasDesplazados/> last viewed on 02/26/11 at 11:00.

⁶ This number refers to the total unlawful killings. It is unknown whether this statistics refers to civilians deaths or deaths of combatants.

See: page 47: <http://fgn.fiscalia.gov.co:8080/Fiscalia/archivos/RendiciondeCuentas/audienciapublica2010.pdf>.

⁷ Ariel Fernando Ávila Martínez. April 2010. “The war against the FARC and the war of the FARC”. *Arcanos Magazine. Corporación Nuevo Arco Iris. Number 15. P. 8-9.*

See http://www.nuevoarcoiris.org.co/sac/files/arcanos/arcanos15_abril_2010_files/arcanos1.pdf last viewed on 11/11/10 at 18:11

⁸ http://www.rondacolombia2010.com/imagenes/docs2/119mapa_total_es.pdf

⁹ Monitoring Commission of Public Policy on Forced Displacement. 3rd National Survey verifying the rights of the internally displaced population. Summary of provisional results in the area of rural properties, Bogotá, October 2010. “The total of number

of hectares of dispossessed or forcibly taken land that has been abandoned due to displacement in the period between 1980 and July 2010 has risen to near 6.6 million hectares, when counting collective territories.” p. 15.

¹⁰ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston. Mission to Colombia. A/HRC/14/24/Add.2. Page 17. This statistic refers to the total number of unlawful killings. Out of the total unlawful killings (119,297), 83,441 killings were committed by unidentified groups. In other words, 70 per cent of these killings were committed by unknown groups. The Government explains this: “This information corresponds to data collected on the scene of events and initially reported... in 85 per cent of cases of homicide the alleged author is not known at the time of the initial proceedings”.

¹¹ See <http://www.accionsocial.gov.co/EstadisticasDesplazados/>

¹² Percentage taken from “Strategic shift or a leap into the void?” 27 of January, 2010 *CODHES INFORMA. N° 76* http://www.codhes.org/index.php?option=com_docman&task=cat_view&gid=62&Itemid=50 and the official statistic: [http://www.accionsocial.gov.co/Estadisticas/SI_266_Informacion%20PAG%20WEB%20\(4-08-2010\)%20Over%202.htm](http://www.accionsocial.gov.co/Estadisticas/SI_266_Informacion%20PAG%20WEB%20(4-08-2010)%20Over%202.htm)

¹³ The Constitutional Court ordered the government to correct certain causes of exclusion in the registry, such as the displacement from agents of the State (in the cases of aerial fumigation or forced manual eradication), by paramilitary groups (despite their so-called disappearance in the demobilization processes) or by drug trafficking groups. Ruling 011 of 2009.

¹⁴ Taken from: http://wsp.presidencia.gov.co/Prensa/2011/Enero/Paginas/20110104_04.aspx. Consulted on 03/02/11 at 15:10

¹⁵ Third report on verifying the fulfilling of rights for the internally displaced population. (3rd National Verification Survey). Bogotá, December 2010. Monitoring Commission of Public Policy on Forced Displacement

¹⁶ Third report on verifying the fulfilling of rights for the internally displaced population. (3rd National Verification Survey). Bogotá, December 2010. Monitoring Commission of Public Policy on Forced Displacement

¹⁷ *Ibidem*.

¹⁸ Ruling 004 refers to indigenous groups in risk or in condition of displacement. Ruling 005 refers to Afrocolombians groups in risk or in condition of displacement. Both rulings establish that displacement has particular impacts on these groups due to their ethnic characteristics. Therefore the State is obliged to pay special attention to their protection needs.

¹⁹ See <http://www.elespectador.com/impreso/temadeldia/articulo-296351-los-ninos-van-guerra>

²⁰ Ruling 251 of the 6th of October, 2008. Constitutional Court of Colombia, cited in Bulletin No.8 from UNICEF-Ombudsman’s Office. “Children and their rights: children in the Colombian armed conflict” and No.9 “Characterization of children and adolescents no longer involved with illegal armed groups: social and vocational insertion with a human rights focus” 2006.

²¹ “Improving the security policy in Colombia”, *Policy Briefing. Informative bulletin on Latin America N° 23..* 29th of June, 2010. *International Crisis Group*. Bogotá/Brussels, p. 5

²² Ruling 251, 2008.

²³ First Prevalence Survey “Sexual Violence against Women in the Context of the Colombian Armed Conflict”, Intermón Oxfam, December 2010. The research scope constitutes women between ages of 15 and 44. The survey was conducted to a total of 2,693 women. According to the estimates produced by the prevalence survey, the total population of women between ages of 15-44 in the 407 municipalities of the study is 2,785,009. The conclusions of this study are statistically valid for this total population.

²⁴ Note: These figures are not broken down into gender because of a lack of available data. Taken from: “Sexual violence in Colombia: a weapon of war”, 9th of September, 2009. *Intermón Oxfam*. P. 3. Consulted at http://www.intermonoxfam.org/UnidadesInformacion/anexos/11072/090909_Violencia_Colombia.pdf on 3/11/10 at 21:23

²⁵ Taken from http://www.humanas.org.co/html/seminario_3.html citing a report of the United Nations. Consulted on 1/11/10 at 18:49

²⁶ Constitutional Court of Colombia. Ruling 092, April 2008.

²⁷ Taken from <http://www.accionconstraminas.gov.co/situacion/situacion.html> Consulted on 11/11/10 at 18:04

²⁸ Figure obtained from the document “Humanitarian crisis in Colombia. Contributions from the partners of ECHO in Colombia to Plan ECHO 2011-2012. Period analyzed July 2009 – June 2010” that obtained figures from the Colombian Campaign against Mines and the Presidential Program for the Integrated Attention Against Anti-Personnel Mines.

²⁹ *Ibid*. Cited in the Bulletin of the Colombian Campaign against Mines, “Colombia without Mines”, November, 2009, page 5.

³⁰ “Report accesses 977 voices”, *Medecin Sans Frontieres*, November 2010.

³¹ Law 387, 2007

³² See <http://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm> Consulted on 11/11/10 at 16:27

³³ See ICRC study on customary international humanitarian law, Rule 1: “The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.” at http://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1

³⁴ See http://www.semana.com/documents/Doc-2013_2010210.pdf