



## Summary

### COLOMBIA

#### Peacebuilding and internal forced displacement: victim reparation and inclusion in the context of Colombia's peace process

6 October 2020

This GP20 webinar was organized jointly by IOM, UNHCR and UNDP and specifically looked at the challenges and intersection of the Victims Law and Peace Accords with FARC; as well as discuss coordination opportunities with institutional initiatives for victims of internal forced displacement and communities' participation during peacebuilding processes.

#### Key points

The Peace Agreement establishes that the Comprehensive System for Truth, Justice, Reparation and Non-Repetition (SIVJRNR, Spanish Acronym) should operate jointly with other comprehensive reparation and non-repetition created in the context of the so-called Victims' and Land Restitution Law. This coordination is essential to achieve transitional justice objectives proposed by the Comprehensive System. Thanks to the Victims Public Policy's implementation, victims have increased their empowerment, visibility and advocacy-capacity positioning themselves as fundamental actors for peacebuilding. The Victims' National Participation Board, created by Law 1448, is a fine example of an institutional participation space for victims (including IDPs), where they can discuss policies and actions that concerns them in order to have a say in their implementation. These spaces of direct communication with the State, run at all levels (municipal, departmental, district and national) and intend to construct, implement and control the victims' public policy.

#### Commission for Truth, Clarification, Coexistence and Non-repetition

In a reflection sent by the President of the Commission, Father Francisco de Roux, it is emphasized that forced displacement includes all forms of victimization, and that the participation of the victims themselves is fundamental in defining the conditions of return to their territories, the reconstruction of their lives, and the different alternatives for reconciliation. Internally displaced persons, he stressed, are citizens with "enormous civic courage".

#### Victims Unit

Its Legal Director, Vladimir Martín, reaffirmed the importance of the public policy addressing victims and the Single Victims Registry (*Registro Único de Víctimas RUV*) that allows the identification of victims, the response to their needs, and their recognition as measures of historical memory and dignity. He further explained the different measures and mechanisms of reparation, such as the Program of Returns and Relocations, which aims at reaching lasting solutions, and generating new roots; the administrative reparation, which seeks to compensate the damage suffered (nearly one million victims have been compensated); the measures of psychosocial attention, individual and collective, which, together with the Ministry of Health, aim at recovering the social and collective fabric; The collective reparation of ethnic and non-ethnic subjects, which is key to the design of the

Development Plans with a Territorial Approach (created as a result of the peace agreements); and last but not least, he explained the participation of the victims, activating their political incidence in the spaces designed for that purpose. Improving the coordination and articulation between the different key actors for the implementation of the Peace Accords and the institutions of the National System of Comprehensive Care and Reparations for Victims – Law 1448/11 - (Sistema Nacional de Atención y Reparación Integral a las Víctimas or SNARIV) was highlighted as a big challenge. He highlighted the role of jurisprudence of the Constitutional Court so that this coordination and articulation is facilitated by the Victims Unit. In terms of this coordination, progress is already being made regarding information exchange agreements.

#### **National Board for the Effective Participation of Victims**

Orlando Burgos, its Coordinator, stressed the importance of existing regulations and the investment made, but insisted that the biggest challenge was the implementation and political will. He highlighted the role of the Constitutional Court in recognizing the rights of the displaced population, but expressed concern about the persistence of situations of forced displacement, which will only end when a lasting peace is achieved. In his view, the main problem since the first law on displacement in the country (Law 387/97) has been the lack of coordination between the various bodies responsible. Among the components of the policy that he sees as lagging behind are returns and relocations, land restitution and housing. Finally, he pointed out that the proposals made within the Board are often not taken into account, and that these areas are underfunded.

#### **High Level Panel on Internal Displacement**

Paula Gaviria, a member of the High-Level Panel and Director of the COMPAZ Foundation, highlighted the importance of different regulatory frameworks, such as Law 1448/11 which recognizes the victims of the armed conflict, includes robust participation mechanisms and allows for the development of collective reparation initiatives. Likewise, she indicated that peace is the main tool for the transformation and fulfillment of the rights of the victims. Continued support for victims in livelihood recovery initiatives is required.

#### **Conclusions and challenges – UNHCR Colombia**

Following conclusions and challenges resulted from the presentations and discussion:

##### **Conclusions**

- Displacement continues and will continue to do so if there is no lasting and consolidated peace.
- The participation of victims is key to the design of policy, to the impact on different programs and to reparation and reconciliation.
- Reparation must always have a transformative focus.
- Programs for returns, relocations and local integration are indispensable for reparation and the achievement of durable solutions and are linked to the implementation of the Peace Agreement. This also applies to individual and collective reparations.
- While there are important advances in registration and participation issues, victims believe that there may be a greater number of those affected who are not registered with the RUV.
- The magnitude of displacement may be greater than the capacity of the institutions responsible for reparations.
- Point 1 of the Peace Agreement on rural development is fundamental to the transformations that are required, especially on issues of returns and land restitution. In addition, the Agreement in general is a tool for victims to advance their recovery processes.

## **Challenges**

- Implementation of the policy addressing displaced populations, especially the component of land restitution. There's insufficient funding.
- Coordination between systems: Joint responses are still lacking.
- Opportunities: Coordination in the Development Plans with a Territorial Approach and between the information systems.
- The effective participation of displaced persons must be guaranteed.
- How overcoming the condition of vulnerability and achieving durable solutions are linked to reparation and the Comprehensive System for Truth, Justice, Reparation and Non-Repetition.
- One of the main demands of the victims is to advance in finding the truth. The investigation of the crime of forced displacement must also be strengthened and impunity avoided, which is key to prevention.
- The main guarantee for non-repetition is the implementation of the Peace Agreement.