



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Colombia

Planning Year: 2006

OVERVIEW

1. Protection and socio-economic operational environment

Colombia continues to experience a large-scale and complex internal armed conflict involving the State, a loose confederation of paramilitary organizations (AUC - United Self-Defence Forces of Colombia) and two large guerrilla groups, the oldest and most powerful of which is the FARC-EP- Armed Revolutionary Forces of Colombia – People’s Army. The other is the ELN - National Liberation Army. In addition, there are organized crime gangs and narcotics traffickers which have links to the guerrilla and paramilitary groups. Overall statistics on violent crime and violations of human rights and international humanitarian law indicated an overall improvement since 2002 but remained alarmingly high during 2004. Despite some advances in negotiations between the Government and the paramilitary *Autodefensas Unidas de Colombia*, there were no indications that a definitive solution to the conflict was at hand and the number of Colombians seeking protection, both inside the country and abroad, continued to grow. At the same time, Colombia received a small but steady stream of asylum-seekers arriving in Colombia from neighbouring countries or mixed in with streams of migrants from other continents.

Forced displacement continued to be a side-effect of the conflict but also both a tactic and strategy adopted by the parties to the conflict and, as a result, between two and three million persons have been internally displaced and there are over 50,000 refugees in other countries in the region. During 2004, the State registered 137,315 newly displaced people, with a total of 1,565,765 internally displaced persons (IDPs) officially registered in Colombia. The NGO CODHES reported 287,581 new IDPs during 2004, with a total of 3,410,486 IDPs. However, it is important to note that the State figures will be revised upward. In addition to mass forced displacement, the conflict is characterized by widespread use of landmines, recruitment of child soldiers, the practice of blockading communities as well as systematic violation of the principle of distinction between combatants and civilians and other principles of international humanitarian law by the irregular armed groups. It is also important to note that income distribution within Colombian society is highly unequal with 62% of the population living below the poverty line and 28% living in extreme poverty. In sum, Colombia is plagued by a humanitarian crisis of enormous magnitude.

At the same time, Colombia is considered a middle-income country with a democratic tradition and relatively strong institutions at the national level (but weak presence in many rural areas of the country). Colombia also possesses significant financial and human resources to address the causes and effects of the humanitarian crisis and the Colombian Government is aware that under international law it bears the primary responsibility for protection of IDPs. Indeed, State institutions and civil society organizations are already undertaking significant efforts to respond to the crisis, including development and use of prevention mechanisms, emergency assistance to IDPs, measures to guarantee access to health care and education, as well as limited support for return and local integration. In view of the magnitude of the crisis and capacity to undertake greater efforts, the measures taken thus far are insufficient and it should also be noted that they are not always consistent with the State’s international obligations.

Acting pursuant to a request from the Colombian Government and following intensive inter-agency consultations, UNHCR established an office in Colombia in 1997. In January 1999 UNHCR and the Government of Colombia signed a Memorandum of Intent setting out the scope of UNHCR’s role in the country. UNHCR now has seven field offices in Colombia, five of them in, or covering, border areas.

Pursuant to the Memorandum of Understanding signed with the Colombian Government and consonant with UNHCR's international protection mandate, the principal activities of the Office in Colombia relate to the protection of IDPs.

The premise underlying UNHCR's involvement is that IDPs flee for essentially the same reasons as refugees (over 1.5 million persons have been officially registered as IDPs on the basis that they were displaced because their lives, liberty or security were threatened as a result of internal armed conflict, massive violation of human rights, generalized violence). UNHCR's activities to strengthen IDP protection in Colombia therefore serve to prevent (but not contain) cross-border movement.

It is worth noting that because the Office provides technical assistance and acts as a catalyst for action by State and civil society institutions, UNHCR's actions have a "multiplier effect" and the impact of the Office is far greater than it appears to be at first glance. This explains in part why the ratio of Colombian refugees to IDPs is far lower than in many other humanitarian crises (50,000 refugees to 2,000,000 IDPs) and also suggests that the decision to establish a UNHCR presence in Colombia was a prescient in that it anticipated the dramatic increase in forced displacement and potential for mass cross-border movements which, given coordinated State and international response, did not materialize.

The Office also aims to contribute to strengthening international protection of Colombian refugees in neighbouring countries. For this purpose, UNHCR-Colombia will continue to coordinate closely with other UNHCR offices in the region. For the Government of Colombia the border issue is a priority but the focus of both Colombia and neighbouring countries is on reinforcing security and border controls. It is foreseen that it will be increasingly difficult for UNHCR and our partners to maintain humanitarian issues on the agenda and to guarantee the right to seek and enjoy asylum.

UNHCR's strategy falls squarely under Goal 1, Objective 12, of the Agenda for Protection which proposes that States and UNHCR develop "more resolute responses to root causes of refugee movements". Moreover, the UNHCR strategy in Colombia applies, by analogy, the Agenda for Protection by: Strengthening the IDP protection regime consonant with the Guiding Principles on Internal Displacement; providing technical advice to ensure public policy respects and guarantees rights in all phases of the displacement cycle, including the search for durable solutions; establishing and strengthening mechanisms that permit IDPs to achieve full enjoyment of their rights through empowerment of IDPs and communities, legal aid services, development of partnerships with civil society (NGOs, universities, the Catholic Church); and, strengthening domestic supervisory mechanisms. The strategy in 2006 also draws heavily on the Mexico Plan of Action and in particular applies the durable solutions components to IDPs in Colombia ("*Cities of solidarity*" and "*Borders of solidarity*").

It should be noted that the strategy is implemented in conjunction with State institutions and civil society organisations and UNHCR only executes projects directly in a limited number of situations in order to strengthen protection at the local level by promoting the presence of State institutions and civil society.

Political and legal developments had implications for the protection of Colombian asylum-seekers and refugees in the region as a whole as well as for UNHCR's IDP protection strategy in Colombia. At the regional level, security concerns continued to overshadow humanitarian considerations. At the national level, the Government's policies were in many respects at odds with UNHCR's IDP strategy but a landmark judgment of the Constitutional Court provides a significant opportunity for UNHCR potential for improvement of the situation of IDPs. The judgment, plus pressure from domestic supervisory bodies (Ombudsman and Procurator General), will support UNHCR efforts to press for additional adjustments to the

Government IDP policy and, in particular, more emphasis on prevention of displacement (including through increased presence of State institutions in areas at-risk), IDP participation in formulation of Government policy, better information on how to access State programmes and increased efforts to find durable solutions.

It is unclear how negotiations with paramilitary groups (and perhaps with the ELN) will impact UNHCR's protection and solutions strategy as, at the time of the drafting of the Country Operations Plan, displacement by paramilitary groups continued. The presence of paramilitaries prevented returns in some areas, there was no comprehensive legal framework and no clear standards or mechanisms for restitution or compensation for property usurped by these groups. Also, demobilizations had in some cases given rise to new displacements.

The ongoing conflict is the principal constraint as displacement will remain both a tactic and strategy of parties to the conflict and also affects the ability of authorities to find durable solutions. This constraint can only be partially overcome with the aggressive public information strategy adopted by UNHCR in recent years.

The stated intention of the Government to implement a policy on the cessation of IDP status may also prove to be a significant constraint to UNHCR's efforts to consolidate the protection framework as it was apparent that the Government wished to apply cessation broadly, even when no significant steps had been taken to guarantee socio-economic stabilization of IDPs or make reparation for violation of their rights.

UNHCR undertakes assistance and protection activities for asylum-seekers and refugees through the Catholic Church organization *Secretariado Nacional de Pastoral Social* (SNPS). The arrival of the agency's new refugee project coordinator in early 2005 will provide a significant opportunity for UNHCR as the Office will train a small team of lawyers to provide qualified legal advice and, together with SNPS, overhaul the assistance and solutions components of the project.

2. Operational goals and potential for durable solutions

UNHCR's operation in Colombia is based on a comprehensive regional approach steered by the Mexico Action Plan. The Plan was approved by Latin American countries with a large participation of civil society, to improve refugee protection throughout the region and meet the humanitarian needs of people fleeing violence in Colombia. The following are the strategic goals of the 2006 Colombia programme:

- Promote a comprehensive and coordinated response to the humanitarian crisis, in order to reinforce the protection of the rights of IDPs and population at risk as well as to seek solutions, taking into account the special needs of specific groups. The strategy responds to the needs of IDPs and communities at risk of displacement that have been identified through situational analysis.
- Assure international protection for asylum-seekers and refugees in Colombia and search for durable solutions.
- Contribute to strengthening international protection of Colombian refugees in neighbouring countries through early warning, border monitoring and provision of country of origin information as well as through monitoring of those refugees who have chosen to return to Colombia

The overall operational objectives of the 2006 Colombia operation will be:

- Pursue the development of specific policies and the implementation of effective programmes that promote and ensure durable solutions for IDPs, with special emphasis on local integration in urban areas. Within the programme “*cities of solidarity*” of the Mexico Action Plan, the commitment of the governors and mayors of the most important departments and towns will be actively sought to design and implement local plans that respond to the specific and differentiated needs of the population according to gender, age and ethnicity.
- Advise and support the Government through cooperation with the Social Solidarity Network and other National and Regional authorities on promotion and implementation of public policies in favour of IDPs, such as housing, health, income generation, protection of IDPs properties and youths.
- Strengthen the National System for the Assistance to IDPs providing support to the National Council for IDPs and promoting the coordinating role of the Social Solidarity Network through the Joint Technical Unit.
- Develop the capacity of national supervisory mechanisms, in particular that of the Office of the Ombudsman, in order to protect IDP rights. An important challenge will be to strengthen at the local level the System adopted by the Office of the Procurator General to follow up the implementation of public policies and programmes to be implemented by the entities comprising the National System for the Assistance to IDPs and local authorities.
- Undertake a broad range of measures at the national, regional and local level to guarantee that IDPs and communities at risk have access to public services as well as information and counselling on legal issues and new public policies. It will include the follow-up of return processes, the legal clinics with public universities, the documentation programme with the National Civil Registry to provide personal identity documents to IDPs and population at risk and specific interventions in the education sector.
- Actively support the capacity of IDP Associations, Indigenous, Afro Colombians and IDP women’s organizations to defend their rights. Networks of IDP Associations at the regional level will be further supported to promote their involvement in the formulation of appropriate responses to forced displacement and to guarantee that their participation in the national and local committees will be decided in a fair and transparent manner.
- Mobilize support for local community initiatives in order to guarantee the rights of communities at risk and presently displaced, particularly indigenous and Afro-Colombians. Action at local level will be designed to open and maintain opportunities for humanitarian action.
- Seek a collaborative approach with other UN Agencies, particularly IOM and OCHA. The role of the Humanitarian Coordinator will be supported, promoting a common vision and an analysis of the humanitarian crisis and of the public policies for IDPs from a protection perspective.
- Continue emphasizing a rights based intervention where gender, age and ethnicity are mainstreamed. In particular, the formulation of public policies and a governmental response to IDPs consistent with protection needs based on gender, age and ethnicity, will be actively promoted.

- Bring national and international attention to the humanitarian crisis in Colombia and its effects on neighbouring countries and contribute to a better understanding of the rights and needs of IDPs, refugees and other persons of interest, thus furthering their protection.
- Foster a humanitarian response on behalf of Colombian nationals living in border areas between Colombia and Ecuador, Panama and Venezuela, who require and deserve international protection and humanitarian assistance. The programme of “*borders of solidarity*” of the Mexico Action Plan aims at strengthening the presence of the State institutions in border areas in order to protect the rights of the population and the presence of humanitarian spaces.