

The Colombian *guerrilla*, forced displacement and return

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Colombia provides an instructive case-study of the relationship between non-state armed groups and the forced displacement – and return – of civilian populations.

Recent estimates suggest that up to 4.9 million Colombians have been internally displaced as a result of the protracted armed conflict and associated political violence that involves the state and armed left-wing guerrilla groups, as well as a range of highly regionalised right-wing ‘paramilitary’ groups and armed drug-trafficking networks.¹ Much of the forced displacement in recent years has resulted directly or indirectly from military offensives by the state and by paramilitary groups disputing control of rural zones that were historically guerrilla strongholds. Not only have internally displaced persons (IDPs) fled the effects of the war but, in acute disputes for control over territory and population, all parties to the conflict have forcibly displaced local inhabitants suspected of ‘collaborating’ with the enemy.

The large number of non-state armed groups (NSAGs) and the complex nature of their shifting disputes and alliances belie any easy attempt to characterise their role in the phenomenon of forced displacement in Colombia. Nonetheless, while other NSAGs have appeared and disappeared, the Communist-oriented Revolutionary Armed Forces of Colombia-Army of the People (FARC-EP) and the smaller Cuban-

inspired Camilist Union-National Liberation Army (UC-ELN) have endured as the principal insurgent parties to the conflict. The fact that much of the displacement in the past 15 years has been triggered in their rural zones of influence raises certain important questions: How do they understand and apply the IHL provisions prohibiting forced displacement? How do they react to returns by IDPs to those rural zones where they operate? What possibilities exist for IDPs to return in safety to such zones? What role can local or international humanitarian agencies play in such processes?

This article draws upon my field research in six regions of Colombia during 2007 and 2008, documenting processes of returns by IDPs in those and preceding years.² At that time, guerrilla groups were militarily active in almost all of these regions, a situation that has now changed owing to military gains by the state’s armed forces in some regions.

IHL and internal regulations

The two main insurgent NSAGs conceive their relationship to international humanitarian law (IHL) in fundamentally different ways. The FARC-EP does not accept that it is formally bound by IHL, which, in any event, it considers ‘open to

interpretation’.³ The UC-ELN, by contrast, affirms that it is covered by the 1977 Additional Protocol II to the Geneva Conventions (AP2) and has incorporated many of these rules into its Code of War. Yet it also criticises AP2 as being incomplete and imprecise, and has supplemented it with regulations that appear to go beyond the formal requirements of IHL.⁴

Regardless of these legal considerations, each guerrilla group formally regulates its fighters through a diffuse body of internal rules, which sometimes coincide with basic principles of IHL. For instance, both guerrilla organisations require their members to treat with respect persons whom they consider as non-combatants. Thus FARC-EP disciplinary rules expressly outlaw ‘...disrespect towards the masses, the killing of men or women of the civilian population, sexual violation, robbing from the civilian population... [and] any activity that may go against... the sound customs of the population.’⁵

However, this principle of distinction is much narrower than that conventionally conceived in IHL and tends to label any form of collaboration with ‘the enemy’ as removing the person’s right to protection as a ‘civilian’.

The extent to which IDP returns are addressed by the insurgents’

internal regulations corresponds directly to the manner in which each perceives its relationship to IHL. Thus, arguably extending Article 17 of AP2, the UC-ELN's Code of War places no qualifications on its blanket prohibition of forced displacement: "The civilian population will not be forcibly displaced from combat zones."

Similarly, in its Heaven's Gateway Accord signed with prominent civic society representatives in 1998, the UC-ELN made far-reaching pledges regarding IDPs: "[We] will promote and support [IDPs'] organisation and interlocution in defence of their legitimate interests and needs, **especially in safe return...**" [emphasis added]

By contrast, the FARC-EP internal regulations appear to omit any direct reference to the issue of forced displacement, and neither guerrilla organisation has incorporated the UN Guiding Principles on Internal Displacement into their internal regulations. In any event, such internal regulations present only an incomplete picture of the Colombian guerrilla groups' relationship to the IDP phenomenon.

Guerrilla practice and returns

In general, the guerrilla groups appear highly receptive to the return of IDPs. This is clearly implied by the UC-ELN regulations. Moreover, the FARC-EP has even sought out rural populations displaced in urban centres and either encouraged them or, in some instances, ordered them to return. This approach is consistent with its political rationale as a protector of peasant interests as well as humanitarian concerns but is also supported by military considerations. For example, even in zones under dispute, the strategic benefits of having a known civilian presence in a rural area would often appear to outweigh the attendant risks for the guerrilla.

Both guerrilla groups impose restrictions upon the movement of persons in rural zones as a matter of practice. Yet returns represent a particular risk for the guerrilla because of the possibility that the IDPs have become informants during their exile in the urban centres controlled by the state's

armed forces and/or paramilitaries. To manage these risks, the guerrilla groups tend to impose one or more of the following conditions:

- Prior permission from the guerrilla must be given for the return to take place.
- Returns accompanied by the state's armed forces or by paramilitaries are prohibited, although the presence of certain civilian state institutions is sometimes permitted.
- Strict timelines are established within which IDPs must return.
- Returning IDPs must agree to further restrictions on their movements, either to remain in the zone or to reduce the frequency of visits to urban areas.
- Where necessary, the guerrilla organisations enforce returning IDPs' compliance with these conditions through coercive means, including the strategic use of anti-personnel mines. These same coercive means underpin the 'law' and 'justice' systems that the guerrilla groups offer to these remote and often isolated communities.

Safety in return: IDP strategies

IDPs seeking to return to their homes in the rural zones of Colombia often face the reality of continuing tensions between the guerrilla organisations and the armed forces of the state or other NSAGs. Each of these seeks to place a competing range of demands on those former inhabitants who wish to return. Yet returning IDPs do not respond passively; rather they are actors in their own right who often attempt to manage, through particular practical strategies, the risks posed to their safety by the imposition of these competing frameworks of control.

Some IDPs return to their homes as a result of a failure to integrate in the cities and lack confidence in the ability or willingness of the state to protect them. Seeking out the guerrilla group and requesting its permission to return home may be the only plausible strategy for many poor peasants, particularly where the guerrilla presence in the rural

zone is strong. Nonetheless, this implies the necessity of acquiescing to conditions that the guerrilla group may impose and may expose them to the risk of retaliation by other parties to the conflict.

There are also IDP communities that try to ensure their safe return by seeking the protection of the state's armed forces. Where the armed forces have a strong presence in the region, permanent accompaniment of these communities is sometimes provided. This deters direct and sustained guerrilla attacks against village centres where the armed forces are based. However, the effectiveness of this deterrent diminishes outside the village limits (e.g. in fields and on access roads) and attacks are not uncommon. Moreover, the perception of 'collaboration' by the community makes it a military target for the guerrillas. Thus proposals for temporary accompaniment of returns by the armed forces are not merely ineffective but can be highly dangerous for returning IDPs.

Other IDPs seek to guarantee their safety by avoiding the possibility of perceived 'collaboration' with any party to the conflict. Some simply try to avoid contact with them, as for example in 'labour returns' where the IDPs go to work their rural lands during the day but return to the urban centres by nightfall. However, others take a more sustainable approach, and make separate but direct approaches to all of the parties to the conflict in order to request that they respect the decision of the community not to collaborate with any of them. I encountered examples of this strategy in five of the six regions where I worked. Although the strategy is not new or exclusive to returning IDPs, the context of return appears to give IDPs greater leverage in securing the respect of relevant parties to the conflict. In some instances, this was because both the guerrilla groups and other parties to the conflict desired that the return should take place.

Role of humanitarian agencies

Certain agencies – such as the International Committee of the Red Cross and the Catholic Church – have fulfilled an important function through their interlocution, on purely humanitarian grounds, with the

guerrilla groups and other parties to the conflict in order to prevent threatened forcible displacements and to secure guarantees for the safe return of a person or a community. The international community could further facilitate such work by requesting the Colombian government to formally affirm that such contacts do not usurp the presidential prerogative to negotiate peace with NSAGs.

In zones where control is hotly contested, such agencies can also play a key role in supporting those communities of returning IDPs which seek to ensure their safety by requesting all parties to the conflict to respect their civilian character. To be successful, this strategy usually requires the active support of respected external agencies to help the community maintain a) the high degree of internal organisation necessary to present a united front to the armed actors, b)

separate and direct communication channels with all local parties to the conflict, and c) plausible economic alternatives to involvement in the coca-economy or other illegal activities which may compromise the 'neutrality' of the community. Although this strategy may offer the best hope of sustainable protection for returns to highly disputed territories, the protection it offers is fragile and requires constant work if it is to be maintained.

Conclusion

It is important that NSAGs involved in internal conflicts are not viewed as merely an impediment to the return of IDPs. Rather, pragmatic ways of engaging the particular interests of such NSAGs, and supporting the practical protection strategies of local communities, must also be pursued in order to ensure the highest levels of respect possible for vulnerable civilians caught up in complex and protracted wars.

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1. Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), 'Salto Estratégico o Salto al Vacío' (27 January 2010) <http://www.codhes.org>. This would appear to be in addition to the nearly half a million Colombian persons of concern to UNHCR in neighbouring countries. <http://www.acnur.org/crisis/colombia/paisesvecinos.htm>
2. This doctoral research was generously supported by The Leverhulme Trust, the Arts and Humanities Research Council, and the University of Essex.
3. Human Rights Watch, *War Without Quarter: Colombia and International Humanitarian Law* (1 October 1998). <http://www.hrw.org/legacy/reports/reports98/colombia/>
4. Comandante Manuel Pérez, 'Declaración Pública' 15 July 1995, reproduced in *Agenda Ciudadana para la Paz, Conversaciones de paz frente al horror: acuerdos humanitarios* (Mandato Ciudadano por la Paz, la Vida y la Libertad, Bogotá 1998), 57-64.
5. Corporación Observatorio para la Paz, *Las verdaderas intenciones de las FARC* (Intermedio, Bogotá 1999) 168-169.



All photos UNHCR/Zaimai

Yenis and Grimaldo still miss the home they were forced to flee in El Salado, northern Colombia, in 2000. "Now there is nothing in that place, only vegetation," Grimaldo says.



Argemiro walks the streets of Cartagena for hours every day, selling his hand-made brooms and mops.



Displaced twice by Colombia's violence, Eliécer is now the leader of 118 displaced families in Cartagena, helping them assert their rights. He would never go back to his home area. "One of my friends returned two years ago. He was killed soon after that."



This displaced father and child had never been out of their region and now have to adapt to a big city. Henry, 44, earns money recycling garbage.