

# One last chance for Colombia's victims

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**NORWEGIAN  
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**While the number of new IDPs in Colombia is expected to reach record levels, prevention policies are failing and reparation initiatives have been blocked.**

This grim scenario has unfolded amidst a regrouping of paramilitary groups and disputes between the ELN<sup>1</sup> and the FARC<sup>2</sup>, involving repeated attacks on civilians, sexual violence and child recruitment. Military efforts to control territory and eradicate coca crops have only exacerbated a dire situation and contributed to the massive displacement unfolding. Though there is little scope for optimism given the continuous infractions of international humanitarian law, state prevention policies could have a significant impact in reducing the risk to civilians.

New displacement is the best indicator for measuring the human impact of the Colombian conflict. The government registered 270,000 new IDPs in 2007. The NGO CODHES<sup>3</sup> estimated that an equal number would be requiring registration in the first six months of 2008 alone. This huge number has attracted the special attention and concern of the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, and the Secretary-General's Representative on the Human Rights of Internally Displaced Persons, Walter Kälin, both of whom recently visited the country. In the words of Norwegian Refugee Council Secretary General Elizabeth Rasmussen, who recently travelled to some of the hardest hit regions of the Pacific Coast, "new displacement strikes at the most vulnerable groups: women, children and ethnic minorities. Civil society and government must unite to shield them and guarantee them access to humanitarian assistance."

The government's current strategy for protecting citizens has proved inadequate and urgently needs to be re-designed. While UNHCR has made some noteworthy

recommendations,<sup>4</sup> a first step would be to pay closer attention to the Colombian Ombudsman's Office's Early Warning System, which detects situations of imminent risk to the civilian population and suggests ways to prevent attacks and abuses. The government also needs to find a way to avoid blurring the distinction between civilians and combatants and keep civilians away from hostilities.

Durable solutions to displacement are directly related to transitional law and negotiated solutions. Colombia's Justice and Peace Law of 2005 facilitated the demobilisation of some paramilitary troops and emphasised the importance of addressing victims' needs. It also sought to remove the incentives for land grabbing, which fuels the conflict.

Two important pro-victim initiatives were launched in 2008. Firstly, the president issued a decree which offered compensation to some victims of paramilitary and guerilla attacks.<sup>5</sup> Secondly, through wide consultation with victims of guerrilla, state and paramilitary abuses alike, as well as through dialogue between civil society organisations and congress, an unprecedented Victim's Law was introduced promising reparation. But the presidential decree – which excluded state-commissioned crimes and property-related crimes – has yet to be implemented. And the Victim's Law was seriously weakened by a government alliance arguing for budgetary limitations and then blocked by a disappointed opposition.

Notwithstanding these failures, 2009 offers another chance to address the consequences of the violence. The National Restitution Plan which tackles the issue of restitution of stolen property and aims to facilitate large-scale returns will, in mid 2009, be voted on by the National

Reparation and Reconciliation Commission. Developed through dialogue between civil society organisations and state institutions with the support of UNHCR and NRC, the National Restitution Plan provides for durable solutions in keeping with the spirit of the paramilitary negotiations previously carried out by the Uribe government. Unless the Commission votes in favour of the current version, which includes many of the essential features of the Victim's Law, the government's commitment to policies providing for reparation will ring hollow and the notion of transitional justice in the midst of warfare will have foundered.

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1. Ejército de Liberación Nacional – Nacional Liberation Army

2. Fuerzas Armadas Revolucionarias de Colombia – Revolutionary Armed Forces of Colombia

3. www.codhes.org

4. Introducción y conclusiones. *Balace de la política pública de atención integral a la población desplazada por la violencia, 2004-2006* Available in Spanish at <http://www.acnur.org/biblioteca/pdf/4901.pdf>

5. Presidential Decree 1290 of 2008

The Norwegian Refugee Council (NRC) works to provide assistance and protection to refugees and displaced people in Africa, Asia, Europe and the Americas. [www.nrc.no/engindex.htm](http://www.nrc.no/engindex.htm)

The Internal Displacement Monitoring Centre (IDMC) is part of NRC and is an international non-profit organisation that monitors internal displacement caused by conflicts.

[www.internal-displacement.org](http://www.internal-displacement.org)

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