

Colombia: the end of displacement or the end of attention?

by Amelia Fernández and Roberto Vidal

The development of policies for people internally displaced by the violence in Colombia is characterised by a tension between the approach of the government, which is predominantly operational,¹ and that of the Constitutional Court, which has championed a focus on human rights by way of jurisprudence.²

The growing intensification of internal armed conflict almost entirely limits the option of return. The state is not able to guarantee the civilian population's safety, especially when they have been directly threatened by armed actors who remain in the areas from which people have fled. At present, there is no real reintegration of displaced people in Colombia.

Solutions for the displaced population therefore currently depend on the possibilities for urban resettlement.

The government, however, has placed emphasis on return programmes for various reasons: i) the cost of resettlement of people from rural areas in urban areas is higher than that of return, according to the government's



calculations; ii) local government authorities are reluctant to receive the displaced, as they associate them with armed groups and with increased social insecurity and urban marginalisation; iii) return is seen as a possible way of consolidating the government's control over disputed territories.

Within the governmental system of support for the displaced, an information mechanism has been established

whereby the population must register in order to access state services. Although the Constitutional Court has determined that displacement is an objective fact and that the register has simply a declarative function, the registration of the displaced constitutes a necessary condition for accessing government support. Consequently, displacement ends, officially at least, upon exclusion from the state register.



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Another reason for the end of assistance concerns vague criteria such as displaced people's "lack of cooperation" or "repeated renunciation" of state politics, according to government assistance services. This has created justified fears of the possibility of setting up some sort of political control over the displaced and their organisations. Governmental sources show that there have been cases of exclusion from the register.³ Some of these cases, according to displaced people's organisations, have been leaders of the displaced who have demonstrated against government policy. Exclusion or threats of exclusion seem to be used as means of political pressure.

The government's system of assistance is highly formalised. For example, people can only be registered if they were displaced during the previous year; humanitarian assistance is only given for three months (extendable to three more months in special cases); and actual support is subject to the availability of funds. The government is studying the possibility of using criteria for the "cessation of the condition of being displaced" based on the provision of services, which would mean that those displaced who have received assistance under the limited terms

established by the government would be excluded from the register.

The result of using these formalised criteria has been long periods of neglect of the displaced who then disappear from the official registers once they have received short-term assistance. There is fear that formalised criteria that meet the priorities of the state but not the necessities of the displaced population will be imposed on those excluded from the register for the displaced, which would result in a total lack of protection.

The ending of the status of being displaced should not lead to a total absence of support; displacement assistance should instead be gradually replaced by programmes of more general assistance that would nonetheless meet the same standards as for displacement assistance, in a lasting and dignified way.⁵

The notion of an end of displacement raises many fears among displaced populations insofar as it entails the end of support, the availability of which is already precarious. What seems particularly risky is the analogy between the politics of the displaced and that of refugees (i.e. use of the cessation clause), especially if in doing so there is an attempt to

transfer the restrictions that states impose on asylum seekers and refugees onto the relationship that exists between a state and its internally displaced citizens, which entails obligations relating to their human rights. Ultimately, the necessities of the very operational approach to the issue taken in Colombia ends up restricting the rights of internally displaced people.

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1. The Colombian government has created a complex group of institutions and norms that are formulated in the National System of Care and Prevention of the Displaced Population.

2. The Constitutional Court is the court of appeals in the Colombian judiciary system. Since 1994 the Colombian Constitutional Court has produced more than 60 pronouncements related to forced displacement due to violence. Even so, these correspond to a tiny fraction of the country's cases which have been discussed through the judicial system.

During the 'Day of Documentation' in Ciudad Bolívar, UNHCR's Mobile Registration Unit will help local IDPs apply for identification cards.