Land issues are inextricably linked to the causes of internal armed conflict in Colombia; its resolution cannot be untied from the restitution of dispossessed land or from a more equitable distribution. Not surprisingly, a model for integral rural development was the first point in the peace dialogue between the government and FARC rebels at negotiations in Havana, Cuba. Agreement on this point was reached in May 2013.

Colombia is making progress with land restitution in the midst of armed conflict. For ten years, the country has legally protected and registered more than 5 million hectares of land -about the size of Costa Rica- considered abandoned or at risk of being abandoned due to internal displacement. This has been done through a judicial and institutional framework established by the Victims and Land Restitution Law. After 50 years of conflict and 25 involving dispossession and abandonment of land, there have been more than 400 sentences issued in two years, restoring over 27,000 hectares. In addition, land restitution judges have passed interim protection measures to prevent further exploitation of collective territories belonging to indigenous and afro-descendant populations, covering more than 200,000 hectares. But not all is well. Various organizations note that between 2006 and 2011, 71 land claimants were assassinated. According to official figures, since the implementation of the Law in 2012, seven persons who were included in restitution processes were killed. The government has received 618 applications from land claimants for protective measures, including for body guards, armored vehicles or internal resettlement. 257 claimants have received such assistance.

These tragic events underscore the importance of the international community’s support to the land restitution process. Although land issues are critical for the solution of conflict, restitution faces resistance from various corners. It threatens the interests of illegal armed groups, front men, third parties who occupied abandoned land, and persons who made investments in palm oil plantations or livestock farming in areas from where people fled terror. In some places where land restitution is progressing, state institutions are weak, and armed groups make their presence felt. Illegally seized land is protected with minefields. It is used for coca cultivation or illegal mining of gold and other minerals, exacerbating tensions. “Internally displaced men, women and children,” says UNHCR’s Deputy Representative in Colombia, Martin Gottwald, “will only get their soil back if land restitution is accompanied by efforts to ensure justice for abuses committed against persons dispossessed and...
displaced by land grabs.”

Since 2000, UNHCR has supported land protection policies and provided technical assistance to develop and implement legislative frameworks. The UN Refugee Agency is working with the government’s Restitution Unit and judges, providing legal training on land restitution issues. In coordination with the authorities, UNHCR helps identify risks and protection measures, especially collective protection, through conflict resolution in communities. UNHCR aims to strengthen them against threats that would hamper land restitution and the effective enjoyment of their rights. This work requires a side by side presence with communities in areas where restitution policies are implemented.

The issue of land restitution is one of the most important gateways for finding a solution to the conflict, especially if displaced communities are to return and regain their lands. To do this, however, they will need targeted and timely support, particularly in an initial phase, when they resume agricultural production so that they do not come under pressure to sell their land out of economic need.

And this is just the beginning. So far, territories and stretches of land are restituted only in areas where the authorities consider that security has been restored ("zonas microfocalizadas"). The day when Colombians can get their land back in other, still insecure parts of the country, is still to come.

Andrés Celis

Note the quote

“A conflict of 50 years cannot be resolved in 50 weeks.”

Juan Manuel Santos, President of Colombia, on Radio Super Popayán, January 17, 2014

Building blocks for a better future

Development projects give hope to 50,000 people affected by conflict

“When we came to this land, we started from scratch,” says Sergio Jaramillo, community leader in Puerto López, some 200 kilometres southeast of Bogotá. In the meantime, technical assistance and agricultural training allows 40 families to harvest 11 tons of golden pineapple per month. “UNHCR helped us to set up eight productive units and we started to believe in the future,” says the farmer.

The community in Puerto López is part of the Transitional Solutions Initiative (TSI), in which 50,000 Colombians in ten departments benefit from a partnership between the UN Development Programme (UNDP) and UNHCR. With a budget of over US$ 12 million, TSI helps to provide a sustainable economic foundation for the return, relocation and local urban integration of internally displaced persons. The regularization of informal settlements and income generation activities underpin these efforts.

Comprehensive development of local economies is key to end dependence on humanitarian assistance. Particular focus is placed on youth and female heads of households like Blanca Restrepo, a single mother of four children in Bogotá’s los Altos de la Florida. “Repairing bicycles with an improved workshop,” she says, “has allowed me to optimize my skills, improve my income and ensure a better future for my kids.”

Large Group Displacement

2010 - 2013

Displacement of 50 persons or more in Colombia

Sources: Colombia’s Victims Unit, UNHCR, media
They do not own houses. Many of them can’t even rent a room in Ecuador. An unknown family, who has just arrived after a long journey from Colombia, does not get the chance to sign a rental contract.

How, then, do refugee families in Quito, Ecuador’s capital, find a place to live? “Solidarity is the answer,” says UNHCR Representative John Fredrikson. “Before, we knew intuitively this was the solution, today we can confirm it.”

That is the value of the study that UNHCR carried out in 2013 in order to analyze the socio-economic profiles of Colombian refugees, asylum seekers and migrants in Ecuador. Together with two research partners, the Joint Internally Displaced Persons Profiling Service, an inter-agency support organization for data collection, and the Quito City Institute, interviews were conducted covering some 4,000 persons.

According to the report, 42 per cent of the refugees face discrimination when looking for a place to rent. Yet the majority sleeps with a roof over their head thanks to the support of a friend or relative. It is also these informal networks that helped 52 per cent find a job. This dependence on solidarity means that refugees have fewer opportunities to fully integrate in Ecuador, where 170,000 people have sought asylum since 2000. There is a contradiction between this daily dependence and officially recognized rights, says Johanna Obando*, a Colombian refugee from Valle del Cauca: “We have rights...many rights actually. But here people don’t respect them.”

Many Colombians are taken aback when their official documents are not accepted to open a bank account. Claudio Diaz*, a Colombian from Caquetá, had a similar frustration. He was barred from the national health insurance scheme and put out of work because of his document indicating he is an asylum seeker: “I got a job in a glass and aluminum firm. But they couldn’t include me in the insurance scheme because of this document. All workers had social insurance except me. If I had been from this country I would still be working for the company.”

To find comprehensive solutions for a diverse and mobile population required a systematic approach by UNHCR. “Together with academic institutions, we conducted different analyses to better understand refugees,” explains Fredrikson. “Today we know that 84 per cent see their future in this country. In spite of the discrimination that they experience, 59 per cent feel part of their communities and neighborhoods.”

To reduce this problem, the UN Refugee Agency has published a booklet on the plight of people in flight. Esther Serrano, the manager of a medical enterprise in Quito, remembers: “At the beginning, I didn’t know much about refugees. So when the first person arrived I was worried. I used to think: ‘Beware, they could be illegal...’ Later, they brought me this cute little booklet with drawings explaining the rights of refugees. Then I understood better and realized there was nothing to be worried about.”

Sonia Aguilar

*Name changed for protection reasons
Two new Conventions to protect refugees

An article in Forced Migration Review analyzes how two new Conventions protect IDPs and refugees. The Anti-Racism and the Anti-Discrimination Conventions, approved by the General Assembly of the Organization of American States, can become important tools for durable solutions: http://www.fmreview.org/crisis/nogueira

Parliament in Panama gives legal stability to refugees stuck in remote region

Law 81 has changed the lives of hundreds of refugees in Panama for the better. In December 2011, the National Assembly decided to establish a procedure for granting permanent residence to Colombian refugees previously living under a Temporary Humanitarian Protection (THP) scheme in remote Darién Province. Law 81 has started to help them improve their living conditions considerably since it entitles them to a permanent work permit and the possibility to move freely. Now they can get credit more easily and earn their living on agricultural activities that they previously had in Colombia. All other refugees in Panama only have renewable one-year residence permits, at least for the first three years following their recognition as refugees.

Darién Province is among the poorest in the country, with some 52,000 inhabitants. On the border with Colombia, it is also a land of Afro-descendants, mestizo and indigenous populations, mainly the Embera Wounaan. The Darién has been the shelter for some 900 indigenous persons, and their Panamanian relatives, displaced in the 1990s by the conflict in Colombia.

For more than 15 years, they had not been formally recognized as refugees by the government. They were given THP status, which allowed them to stay in the country but deprived them of freedom of movement and basic services like public health and job opportunities. Their Panamanian children and spouses were equally affected by the status assigned to the heads of family.

22-year old Rubén Tellez was such a THP person. He lives in Jaqué, a remote town in Darién, where people have difficulties to travel. The sea is very rough and flights to Panama City are beyond their means. Tellez arrived from Colombia with his family of eight in 1999, after guerrillas had taken over the town of Jurado (Chocó), where they had a business trading groceries, gasoline and fish. Soon after arriving, this family sank into poverty, with fishing as their only means of survival. “At first, it was very hard,” said Tellez, “but we never thought of going back to Jurado.” They feared persecution as their community back home was constantly threatened by illegal armed groups.

When the Law 81 came into force in March 2012, UNHCR, together with the Government and ONPAR (Oficina Nacional Para la Atención a los Refugiados/National Office for Attention to Refugees) started a campaign to inform long-time refugees of their rights. With an aim to close a chapter of uncertainty for them, the UN Refugee Agency reinforced projects for sustainable integration such as carpentry and tailoring workshops. UNHCR support has proven vital, especially in poverty-stricken indigenous communities and in hosting villages.

Two years later, 413 permanent residence cards and work permits were issued in various communities. When Tellez received his card, the first word that came to his mind was “Freedom!” “Now,” he explained, “I am free to leave the town of Jaqué and return without feeling anxiety at checkpoints anymore and I can finally find a job.” Tellez has applied to some 30 posts and is confident that he will soon find work. He hopes to land a good paying job as an assistant in a shipping company and provide a decent life for his family.

Francesca Fontanini
Working to ensure the security and well-being of UNHCR staff in Colombia is to be close, as close as my breath, to dangers that my colleagues face each time they go on mission. But it is also to worry from a distance, connected only by phone.

Security work is navigating from my desk, steering through maps of a country blessed with rivers, valleys and impressive mountains that all too often have sown a patchwork of illegal crops, anti-personnel landmines and armed groups.

It is to be close to communities that need a voice of support. It is feeling the courage of colleagues who leave families and countries behind to extend a helping hand in the midst of uncertainty to reach places where others will not go.

It is asking myself, after four long nights of insomnia, what might have happened to a colleague who fell into the Atrato River. Or losing track of time and being startled back to the present when I learn that another colleague has survived an accident. Or hearing a distant voice through my radio say that an ambulance has arrived and taken him to hospital. It is only then that I can breathe normally.

Security is being relieved when our speedboat has safely returned five humanitarian workers to freedom. It is sharing their tears, even when I do not know them. The hugs and smiles of colleagues who risk their lives each day keep me going.

Security is wondering why an armed group did not harm anybody when a team visited a community that is frequently attacked.

What did my colleague feel while running through a cross-fire in Buenaventura, feeling several bullets whizzing by her head as gangs fought for control of the city? Why didn’t she throw herself to the ground? Of course she ran because she was scared! She used a local restaurant as a safe haven and waited trembling, struggling to breathe. I called to comfort her and reduce her shock. She said that she did not want to mention her experience to her family because they would be more worried about the dangerous and distant place where she lives.

Security is holding my phone, wet with tears, as I listen to a colleague tell me that a leader of a community that staff had visited the previous day had been murdered, leaving behind a widow and three children.

Security is not wanting to read a report of massacres, or one about the quartering of an 18 month-old baby because he had “collaborated with an armed group”.

Security is when I cannot look at photos of what had been members of a community when armed groups put poison in the drinking water. Or at photos of what had been the arm of a little girl who had been forced by armed groups to handle dynamite.

This is the Colombia that hurts me.

The author is an Assistant Field Safety Officer with UNHCR Colombia.