

The ITPCM

International Commentary



ISSN. 2239-7949

in this issue:

COLOMBIA

LAND AND HUMAN ISSUES



The Salience and Relevance of Land - *Intro*

by Michele Gonnelli, p. 4

Roots of the Conflict & spiral Dynamics

by Carrie Ahrens, p. 8

Mining Gold & Human Rights

by Ángela Rivas Gamboa & Mateo Echeverry, p. 13

Displaced Coca Cultivation

by Alvaro Hernández Bello, p. 17

Large Landed Oil Palm Crops

by Flaviano Bianchini, p. 22

Child Soldiers as Peace-Builders?

by Charlotte Reed, p. 26

Obstacles to Land Restitution

by Clara Stella Julio Vargas, p. 30

Security Policy of a weak State

by Sebastian Sanchez, p. 34

Sexual Violence & Land Seizure

by Lina M. Céspedes-Báez, p. 39

Resisting Land Dispossession

by Carolina Silva Portero, p. 43

Invisible Urban Victims

by Ingrid Paola Hurtado, p. 47

The Afro-Colombian & the Peace Talks

by Cimarron National Movement, p. 51

about the ITPCM:

Next Events & Trainings, p. 55

the ITPCM
International Commentary

Chief Director:

Francesco Ceccarelli

Scientific Director:

Andrea de Guttry

Editor in Chief:

Michele Gonnelli

Contributors to this issue:

*Carrie Ahrens, Alvaro Hernández Bello,
Flaviano Bianchini, Lina M. Céspedes-
Báez, Cimarron National Movement, Mateo
Echeverry, Ingrid Paola Hurtado, Clara
Stella Julio Vargas, Carolina Silva Portero,
Charlotte Reed, Ángela Rivas Gamboa,
Sebastian Sanchez*

Graphic Design:

Michele Gonnelli

Dear friends of the ITPCM,

I am very pleased to send to all of you our warmest Season's Greetings and our best wishes for a Happy New Year.

This issue of our Commentary is almost entirely devoted to Colombia and we are extremely thankful to all those who contributed with articles and interviews to present their ideas and feelings about the present situation and the future challenges this country is facing.

Colombia continues to attract attention by the international community for several reasons: the ongoing peace-talks, which seem promising notwithstanding the multitude and complexity of the problems they raise; the situation of human rights, which is an issue of great concern at international level; the internal reforms which are needed, especially in the economic sector; the border disputes; the relations with bordering countries. In this edition of our Commentary we are trying to examine several of these aspects and, hopefully, to contribute to a better understanding of the many, complex factors involved, while recognizing that there are no clear cut solutions. This awareness reinforces the need for an open minded approach to the numerous dilemmas which shape the future of Colombia, taking into account as well the regional dimension of many of them.

In this framework we feel that every peace-loving individual and institution has to give his/her/its contribution to help changing this situation: the ITPCM is fully committed in this direction and is ready to contribute, through our research

and training activities, to prepare human resources to adequately deal with the issues at stake. In addition to this, we have proudly implemented in Colombia, a few years ago, in cooperation with the Universidad Nacional de Colombia, a specific Project "Justicia para la Paz en el Eje Cafetero", under the auspice of the European Commission. Within this project we disseminated in various municipalities information concerning the new Colombian Law establishing the Peace Judges, and we offered our support in training them to carry out their important tasks.

As usual in the final section of our publication you will find additional info on new training courses which we are planning to deliver in 2013: you will notice that we are expanding the areas and topics covered, while trying to make the courses increasingly focused on the specific needs of those serving in international field operations.

As the next edition is due to appear before Easter 2013, we would like to warmly invite all of you to send us suggestions and proposals for contribution: your input will make this Commentary more appealing and vivid.

I wish to all of you and your Families all the best

Andrea de GUTTRY

The Salience and Relevance of Land

When looking from any given observer's standpoint placed *miles* away, things often tend to lose their *relevance* which concerns mostly the top down volition-controlled behaviour of the human attention related to goals and motivation. Their rapid scanning tends instead to be influenced by the object external properties - the *salience* - such as motion, position, size, brightness, shape and, above all, colour. In this framework, according to the best of the visual studies conducted so far, red is the most salient colour, the one that draws and absorbs most of our visual attention.

Maybe it is not by chance that when looked from far away, from Europe for example, Colombia recalls images of violence and bloodsheds, sometimes intertwined with slogan such as *war on drugs and terror* or cryptic acronyms such as FARC and AUC.

Judging from the media coverage that echoes in Europe and the Western world, Colombia seems to be held hostage in a spiral of violence and perdition engendered primarily by the drug plague. Drug traffickers, illicit crop cultivations, and armed groups (guerrilla and paramilitary) infest a country that otherwise would be bound to take the lead of the Latin American neoliberal credo. While performing even better than the global economy is currently doing - as the IMF director recently praised - Colombia counterbalances the near socialistic experiences of the neighbouring Venezuela, Ecuador and Bolivia. Yet, the overall *drug sector* accounts, at best, for about 5% of the entire GDP, a percentage far too low to explain the entire country's political and economic dynamics. There must be a distortion at some level, a misperception that causes mystification, simplification and, in some cases, justification for the foreign policies and interference of external powers, such as, the US.

If the far distant perception remains unaffected by closer inspection, and bloodsheds, drugs and terrorism remain the invariable and sole actors on stage in the observer's view, the view is no longer about what is *salient*, but rather what is *relevant* to that observer. The observer tends to see what is more aligned with personal goals and political inclinations, casting light only on certain shadowed areas. The result (according to the popular saying) is that if all the observer has - or believes he/she has - is a hammer, everything looks like a nail.

By instead taking an *unbiased* look into the Colombia *dossier*, the palette that comes to light is much more variegated and nuanced. Furthermore, by borrowing someone else's eyes - although it may require an act of faith - can be extremely revealing since they allow of internal and local perspectives.

Unsurprisingly there are several issues currently at stake. The security policies of a weak state that has not managed to acquire effective control over its most remote regions as well as Colombia's economic development. On the one hand, oil and mining sectors are booming; on the other hand, large landed plantations and extensive palm oil farming are pulling the economic agenda according to old accumulation patterns, which contributes to displaced people both in urban areas and the countryside living below the poverty line. Demobilised child soldiers often have no better option than to rejoin their military affiliations. Property rights have not yet been restored to Afro - Colombian communities despite national and international law provisions meant to protect them. Paramilitary demobilisation efforts have been unsuccessful. Very few restoration requests under the *victims' law* have been addressed so far, due to the inability to overcome

the main obstacles to land restitution. Cases of sexual violence from 2001 to 2009, according to a research conducted by the *Casa de la Mujer*, nearly reached 490,000. Over 250,000 civilians have disappeared over the last 20 years.

It is obvious that the context proves to be quite intricate, yet going even deeper reveals clear common patterns. Historically, only a privileged few have legally owned land. In some areas property rights and land titling have become a reality only following the expansion of the agro business sector. Illiterate farmers are often displaced when they fail to have documentation proving ownership of the land on which they were born and raised, or face having to shift their illicit crop some miles away after fumigation. Indigenous communities have lost their terrestrial paradise while scattered peasants end up considering their piece of land as a resource curse. Armed groups and new paramilitaries clash over a territory as big as Spain and France put together. Internally displaced people attempt to rebound on the outskirts of main towns, while a white-skinned elite that owns about 80 per cent of mines, farms industries and banks dies of old age a few hundred meters away.

Land seems to be the keyword around which everything revolves in Colombia. A significant agrarian and land reform has never been implemented within the country, an outstanding issue rooted in Spanish colonisation. It is estimated that of Colombia's 42 million hectares of available agricultural land, not even 2 million hectares are currently under cultivation, with the remaining 40 million hectares used for ranching. In such a context, land concentration in very few hands poses serious problems to a country whose long-lasting class war has often been dismissively disguised as terrorism.

continued

Year 2012 could mark an important step towards meeting widespread needs. President Santos and the FARC have recently started negotiations at the *Dialogue Table* in Havana, under the auspices of Norway and Cuba as guarantors. According to the *General agreement for the termination of the conflict and the construction of a stable and lasting peace*, the *Integral agricultural development policy* is a poignant first point on the agenda. In a joint communiqué on November 29, the parties agreed to set in motion the *Dialogue Table Web Page* and to launch a *Comprehensive Agricultural Development Forum* to be held in Bogotá on December 17, 18 and 19. The website, renamed *Mesa de Conversaciones*, provide the public with a platform to express their ideas regarding the peace process between the FARC and Colombia's government. Channeling civil society inquiries and peace agreement suggestions, including agricultural reform proposals, it gives social groups a chance to put forward their grievances.

After not even one week since its launching – at the time of this writing - the website has already collected 2876 proposals from 9 departments within the country. As these are not yet published, one can only speculate on the contents and raise questions on the inclusiveness of the process. Computer literacy? Physical access to submission? Drafting skills? Are they always equally distributed among all potential stakeholders? The issues at stake have never been so *salient* and *relevant* at the same time.

Michele Gonnelli

Three contributions to this present edition could be collected and duly reviewed thanks to the precious collaboration of the **Humanitarian Studies Institute (HSI)** based in Bogotá, Colombia. The **HSI** was formed in 2008 as a joint effort between NGOs, UN agencies and Universities to close the gap between research and humanitarian action. HSI seeks to serve as a reference point for raising awareness in humanitarian issues through the professionalization of humanitarian personnel and the development of applied research in the thematic areas of the Humanitarian Reform.

United Nations
Office for the Coordination of
Humanitarian Affairs - OCHA
www.colombiassh.org/reh/

All images copyright **Jan Sochor**
Colombia Collection

Jan Sochor, photographer born in the Czech Republic. Since his first step on the continent, in Rio de Janeiro ten years ago, Latin America has become a major inspiration for his photography work. From then on, he has been working and living in various Latin American countries. Accenting the storytelling perspective, he stays focused on photojournalism with an intention to portray truthfully Latin America, its social, cultural and everyday phenomenons in all their complexity.
www.jansochor.com

Contributions

pp. 7 - 53





Photo: Displaced people wait in a queue to be given aid in the government office dedicated to displacement (Accion Social) in Puerto Asís, Putumayo dept., Colombia, 6 July 2010, © Jan Sochor

by Carrie Ahrens

*Consultant
MA Governance & Development
(c) Institute for Development Studies*

ROOTS OF THE CONFLICT AND SPIRAL DYNAMICS

USING A POLITICAL ECONOMY APPROACH TO ANALYSING THE CONFLICT IN COLOMBIA SHOWS THE COMPLEX RELATIONSHIP BETWEEN *GREED* AND *GRIEVANCE* AS MOTIVATING FACTORS TO VIOLENCE

Introduction

When Collier and Hoeffler published their controversial paper discussing

the political science and economic approaches to rebellion (conflict) as

assuming different rebel motivation either as grievance or greed respec-

tively (Collier and Hoeffler, 2004), they ignited a chicken-or-egg-like debate in the discourse on causes of violent conflict. Collier and Hoeffler's findings supported the economic interpretation as *greed*-motivated, citing opportunity as a main explanation for the existence of rebel organisations. They did not discount *grievance* completely, but suggested that 'the grievances that motivate rebels may be substantially disconnected from the large social concerns of inequality, political rights, and ethnic or religious identity' (*ibid*).

However, simplifying the cause and continuance of conflict to either *greed* or *grievance* can overlook the complexity of economic agendas and patterns of political power (Collinson, 2003). What appears to be a grievance that is disconnected from a larger social issue could, in fact, be a symptom of a larger structural inequality. Understanding the complexity of a conflict requires a comprehensive analysis, what some have termed the *political economy* analysis, or approach (Le Billon, 2000; Collinson, 2010). This kind of approach examines the distribution of power, wealth and poverty between different groups, how these groups interact, and what motivates their actions, within a wider historical context. Rather than focus on *greed* versus *grievance*, it looks at greed and grievance as an inextricable relationship that can, and often does, look different at different points in time. It also examines how the conflict transforms society by causing people to adapt their livelihoods in order to survive or to minimise risk (Collinson, 2003), demonstrating the importance of a wide scope of analysis, from macro (structural) to micro (livelihoods), in understanding the foundations and perpetuation of conflict.

Colombia has been in a state of war longer than any country in the world, has the second highest number of in-

Agrarian issues are central to the structural causes of the Colombian conflict, but also the way people adapt their livelihoods play a significant role in sustaining it

ternally displaced people (IDPs), and is plagued by widespread human rights violations.

Many contemporary theories of civil conflict provide inadequate explanations of the violence in Colombia 'because they fail to address a key driving force: long-standing agrarian struggles arising from the development of capitalism' (Thomsen, 2011). Agrarian issues are central to the structural causes of the Colombian conflict, but also the way people adapt their livelihoods play a significant role in sustaining it. According to Patricia Justino's argument, 'endogenous interactions between household economic decisions and armed violence provide valuable though overlooked micro foundations to recent debates on the causes and duration of civil wars' (Justino, 2008). By analysing the conflict in Colombia at macro and micro levels concurrently, it is possible to see how the various political and economic causes and motives are often indistinct and how macro-level grievance or micro-level greed (or vice versa) are insufficient on their own as explanations for the cause of conflict.

Context

The causes of the Colombian conflict have roots in Colombia's unique geography and historical formation, and in the interaction of these with the wider global context. Populations settled in small agricultural communities dispersed throughout the Colombian region, significantly contributing to unstable federalism during early nation building, and resulting in a weak state and violent regionalism. The conflict is therefore entrenched in a centuries-old geographically determined foundation of regional identity, of which agrarian issues play an integral part.

Thomsen situates the historical context of the Colombian conflict within the wider contemporary global political economy that he claims is based on the profit interests of an agrarian elite as part of the neoliberal development agenda, which generates griev-

ances expressed through rebellious and criminal violence (Thomsen, 2011). The *greed* of the elite incites *grievance* of the non-elite expressed through violence, which incites more greed through competition over resources to fund the violence. According to Thomsen, 'capitalism engenders an insatiable drive for capital accumulation through production for the market, governed by the "fundamental rules" of "competition and profit-maximization"...in Colombia, this process of "broadening and deep-

The greed of the elite incites **grievance of the non-elite expressed through violence, which incites more greed through competition over resources to fund the violence**

ening" the capitalist "market imperative" in the agrarian sector has been particularly violent' (*ibid*)¹.

The conflict in its current form is widely attributed to a particularly violent period in the mid-twentieth century, known as *La Violencia*, where reconciliation efforts between the two warring political parties, the Liberals and the Conservatives, did not benefit many guerrilla groups who represented people affected by structural inequalities, such as land distribution (Holmes et al, 2008). The formation of the current three largest armed groups can be traced back to this period, and the ensuing struggles between local and foreign (particularly the U.S.) interests in land and profitable crops further entrenched Colombia into a war system².

—
1 Further, as Nazih Richani explains, 'if there is an epicenter, or flashpoint, that could have set the process leading to the war system...it would be the conflicts that have surrounded the distribution of land in Colombia ever since it became independent, in the 19th century. And in this century, the policies of the state toward the agrarian sector have done little, if anything, either to ameliorate that conflict and/or protect the peasant settlers (colonos) on public lands from the incursion of big ranchers and large-scale agribusiness (in Holmes et al, 2008).

2 The commitment by actors in both the U.S. and Colombia to a transnational order of neoliberal economics and 'market democracies' effectively linked the 'war on drugs' strategy to a larger project of integrating Colombia's

The Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defence of Colombia (AUC) are the three key 'illegal' armed groups that formed and consolidated in the latter half of the twentieth century³. The mobilisation of these groups can be attributed to how inequality frames *collective identities* on a structural level, such as how they identify with a particular social (and economic) class: peasants and landless workers versus the landowners and agribusiness elite. While these identities play an integral part in group mobilisation and motivation, they do not fully explain the level of violence and longevity of the conflict.

The mobilisation of these [armed] groups can be attributed to how inequality frames collective identities on a structural level, such as how they identify with a particular social (and economic) class: peasants and landless workers versus the landowners and agribusiness elite

Indeed, although political polarisation and land struggles could have motivated the war, they have a smaller role in explaining the variation in the levels of violence throughout time. (Sanchez et al, 2005). The struggle for power as well as resources to

economy into the global economy. This integration has come with a price of rural landlessness and inequality (with 0.4 percent of landowners owning 61.2 percent of registered land) due to agricultural competition (supported by international donors as part of a development agenda) from global producers (Aviles, 2008). In contradiction, the U.S. as well as the EU have established protective agricultural policies that undermine Colombian agricultural exports and contribute to the failure of rural development projects (Holmes et al, 2008).

3 The formation of FARC can be understood 'within the context of state repression and the failure of the Liberal Party [during La Violencia] to achieve significant social, agrarian, or economic reform' with their goals closely aligned to agrarian reform as evidenced by their reform plans presented at guerrilla conferences (Holmes et al, 2008). The goals of the ELN are to achieve power by the poor, and to eliminate the oligarchy and U.S. imperialism, while the AUC formed as a counterinsurgency organisation of paramilitary groups to protect the interests of elite landowners, and later the narcobourgeoisie, or drug traffickers (Sanchez et al, 2005; Holmes et al, 2008).

finance the armed groups has created a complex intersection of several war economies⁴. What may have started as a politically motivated conflict became intensely complicated by the establishment of these war economies as a means to sustain (and increase) both profit and political power.⁵

Impacts of Conflict

There can be no doubt that the interaction of the agrarian sector with the global market, war economies, and household livelihoods has had perhaps the biggest impact on the Colombian conflict. From import substitution policies benefiting the landowning elite to massive tracts of land dedicated to cattle grazing and export-crops, the Colombian economy became dependent on and vulnerable to international markets (Thomsen, 2011). The most significant transformation of the Colombian economy is due to the emergence of the cocaine industry. It provided a major source of finance for all armed groups, boosting the sustenance of peasant economies as the guerrillas assumed roles as regulators of the cultivation of coca and strengthening paramilitaries through close ties with drug cartels, contributing to the explosion of violence in rural and urban areas as a result of the struggles for power and control of the drug trade.

This prolonged and intense violence has weakened the judicial system and eroded social capital, facilitating the contagion of violent behaviour and spreading the conflict (Sanchez et al,

4 As described by Le Billon, the Colombian conflict exhibits characteristics of a guerrilla war economy, where armed groups often rely on local resources and therefore develop close links with local populations; a predatory war economy, where many of these links are replaced with violence, predation, and population displacement; and a commercial war economy, where trafficking of illicit goods (in this case, coca) is a key resource and results in the creation of commercial networks with third parties (foreign interests) and criminalisation of the conflict (Le Billon, 2000).

5 As Sanchez et al states: 'there is a dynamic relationship between the activities of guerrillas and paramilitaries, as well as drug cartels in their effort to establish their territorial control and extract resources...over time, political and criminal violence in Colombia became indistinguishable' (Sanchez et al, 2005).

2005)⁶. The dynamics of weak (and, in many cases, absent) political institutions along with populations displaced by violence seeking livelihood opportunities in agriculture have created a spiral effect on greed and grievance. Due to historical regionalism and geographically isolating terrain, along with the impact of violence on political institutions, the role of the state in managing the conflict has severe limitations. Indeed, the econom-

This prolonged and intense violence has weakened the judicial system and eroded social capital, facilitating the contagion of violent behaviour and spreading the conflict

ic wellbeing of households in conflict areas is impacted by the limited ability of these institutions to provide services, security, and protection of property rights (Justino, 2008).

Even attempts by the state to mitigate the effects of weak institutions have been co-opted by armed groups. The process of decentralisation in Colombia began in the 1980s with the objective of increasing the provision of local goods and services and increase political participation, and included fiscal reforms aimed at guaranteeing a minimum level of resources for local agencies (Sanchez & Mar Palau, 2006). According to the study conducted by Sanchez and Mar Palau, this process resulted in an intensification of the conflict as armed groups took advantage of the vulnerability of local governments through intimidation and appropriation. Decentralisation provided additional targets of violence as a result of armed groups widening their political influence and increasing the sources of financing through their power over local governments. The effects on local populations, as discussed in the next section, have resulted in a transformation of livelihoods that further perpetuates the war system.

6 Many international aid agendas influenced by the 'terrorist interpretation' of the conflict have focused on drug trafficking, coca cultivation and fiscal deficits as the central causes (not symptoms) of the conflict, channelling resources into defence strategies rather than state-building and social development.

Household Coping Strategies

In the micro-level analysis of the cause and effect of the Colombian conflict, there are three main areas of influence on livelihoods: crop production, population displacement, and participation in the conflict. The motivations and subsequent impact of a household's coping strategies demonstrate the complicated relationship of greed and grievance. A key example of this is the research that supports the idea that farmers in remote regions of Colombia move into coca production because they lack any other economi-

farmers in remote regions of
Colombia move into coca production because they lack any other economically viable alternatives
 due to economic crisis caused by both global and national factors

cally viable alternatives due to economic crisis caused by both global and national factors (Holmes et al, 2008). Declining world coffee prices has made the crop significantly less sustainable, whereas the price stability of coca crops that can be harvested at least three times a year and adapt well to poor soil conditions provides a viable alternative (*ibid*). The resulting impact on households vary considerably by region and links with armed groups, where in some cases it has led to short-term increases in income and livelihood stability, and in others has led to increased vulnerability of the land and profits.

Households who occupy or own land in strategic areas, whether or not those households are cultivating illicit crops, have been and continue to be at extreme risk of targeted violence and displacement. Over the past several decades, armed groups have violently appropriated land and threatened members of the community as part of a war strategy (Ibanez & Velez, 2008), many times acquiring formal ownership of land through forced or false sales (Albuja, 2010). The result is an estimated 3.3 to 4.9 million internally displaced people (IDPs) in Colombia (*ibid*). The impact on displaced households include absolute loss of assets, decreased human capital after migra-

tion to urban areas which greatly differ from rural markets, significantly reduced access to health services and education, and capability attenuation due to post-traumatic syndrome (Ibanez & Valez, 2008). The dismantling of households through displacement has, in turn, had an enormous impact on wider Colombian society, such as through decreased agricultural production, urban crowding and violence, and drawing on already diminished state resources.

While many households leave areas of more intense fighting to migrate to refugee and displacement camps, numerous households live in conflict area by integrating themselves (voluntarily or reluctantly) within alliances that form locally by participating in or supporting armed groups through the provisions of soldiers, shelter, food and information (Justino, 2008). Participating in coca production, as mentioned above, is one example of this in Colombia; another is a member of a household joining one of the armed groups. Motivations for joining and remaining with these groups vary considerably, from forced recruitment to attraction of the uniform to an alternative to the 'miseries of daily life' (Gutierrez Sanin, 2008).⁷ Members of a household participating in armed groups can lead to breakdown of families and strain on the household, especially if family members are hurt or killed, but it can also provide some financial stability and protection. This symbiotic relationship established between armed groups and households living in areas they control helps armed groups advance their strategic objectives, and it helps ordinary citizens protect their economic status in times of violence (Justino, 2008). The war system feeds on itself through groups and individuals acting on *push* factors of fear, survival, or hardship and *pull* factors of power (most rudimentarily with possession of a gun) and economic gain.

⁷ Furthermore, Gutierrez Sanin explains: 'a big portion of these economically motivated recruits refer to hardship in their previous life (a push factor), but some of them were also calculating the income they would get (the "greedy" pull factor)' (2008).

The war system feeds on itself through groups and individuals acting on push factors of fear, survival, or hardship and pull factors of power (most rudimentarily with possession of a gun) and economic gain

Conclusion

The causes, both initial and ongoing, of the Colombian conflict are entrenched in structural and household level interactions. The global capitalist market system heavily influenced crop production and land distribution, benefiting landowners and the agro industry while devastating peasant livelihoods. The failure of the state to arbitrate in agrarian conflict was largely due to unwillingness of the ruling classes to make economic and political concessions, entrenching the use of violence as an expression of inequality grievance (Thomsen, 2011). The formation and struggle of armed groups to secure power and financial resources created another level of causes and effects of violence. The subsequent interaction of armed groups with local populations created yet another level of symbiotic relationships, feeding into a cycle of macro and micro-level violence motivated by both greed and grievance.

When armed groups face opposition of similar strength and capacity, the conflict may be perpetuated by each group having their own population resources (in addition to other resources) at their disposal to support the re-ignition of conflict (Justino, 2008). Dismantling resources requires an understanding of their relationship with other resources and with local populations. For example, the fumigation of illicit crops resulted in further devastation of those vulnerable households who transformed their livelihoods to cultivate these crops. Reducing the vulnerability of rural communities may therefore depend more on reinforcing state capacity, eliminating resources available to armed groups, and on finding suitable livelihood options and alternatives for those involved in violence than it does

on any peace deals (Justino, 2008; Collinson, 2003). On the structural level, capitalist development as it relates to the profit interests of and inherent inequalities in the agrarian sector may actually be the greatest obstacle to peace in the country (Thomsen, 2011).

The failure of the state to arbitrate in agrarian conflict was largely due to unwillingness of the ruling classes to make economic and political concessions, entrenching the use of violence as an expression of inequality grievance

These two perspectives on achieving peace demonstrate the inextricability of household-level greed and grievance from structural inequality, disputing Collier & Hoeffler's claim that rebel motivation is disconnected from wider societal concerns. Macro and micro levels and greed and grievance factors are revealed as sides of the same coins, paradoxically making each of them clearer while also making them indistinguishable.

Bibliography:

Aviles, William, 2008, 'US Intervention in Colombia: The Role of Transnational Relations', *Bulletin of Latin American Research*, 27 (3): 410-429.

Albuja, Sebastian, 2010, 'Building momentum for land restoration: towards property restitution for IDPs in Colombia', *IDMC Report*, Geneva: International Displacement Monitoring Centre.

Collier, Paul and Hoeffler, Anke, 2004, 'Greed and Grievance in Civil War', *Oxford Economic Papers* 56 (4): 563-595.

Collinson, Sarah (ed.), 2003, 'Power, Livelihoods and Conflict', *HPG Report 13*, London: Overseas Development Institute Humanitarian Policy Group.

Gutierrez Sanin, Francisco, 2008, 'Telling the Difference: Guerrillas and Paramilitaries in the Colombian War', *Politics & Society*, 36 (1): 3-34.

Holmes, Jennifer, Gutierrez de Pineres, S., and Curtin K., 2008, *Guns, Drugs & Development in Colombia*, Austin: University of Texas Press.

Justino, P., 2008, 'Poverty and Violent Conflict: A Micro-Level Perspective on the Causes and Duration of Warfare', *MICROCON Research Working Paper 6*, Brighton: MICROCON.

Le Billon, P. with Macrae, J., Leader, N. and East, R., 2000, 'The Political Economy of War: What Relief Agencies Need to Know', *Humanitarian Practice Network Paper No. 33*, London: Overseas Development Institute.

Sanchez, Fabio, Solimano, A. and Formisano, M., 2005, 'Conflict, Violence, and Crime in Colombia' pp. 119-159 in P. Collier and M. Sambanis, *Understanding Civil War*, Washington DC: World Bank.

Sanchez, Fabio and Del Mar Palau, Maria, 2006, *Conflict, Decentralisation and Local Governance in Colombia, 1974-2004*, CEDE, May, viewed 31 May 2012, economia.uniandes.edu.co/publicaciones/d2006-20.pdf.

Thomsen, Frances, 2011, 'The Agrarian Question and Violence in Colombia: Conflict and Development', *Journal of Agrarian Change*, 11 (3): 321-356.



A young Nukak mother feeds her baby while lying in a hammock in a refugee camp close to San Jose del Guaviare, Colombia, 3 September 2009. © Jan Sochor



Photo: Panning (locally called "bareque") is the prevailing technique of extracting gold in Chocó dept., Colombia, 27 May 2004, © Jan Sochor

by **Ángela Rivas Gamboa** *
Mateo Echeverry Angel **

**Coordinator
and **researcher
at Private Sector,
Conflict and
Peace Building Area
Ideas para la Paz
Bogotá, Colombia*

MINING GOLD & HUMAN RIGHTS

THE CONFLICT IN COLOMBIA HAS SEEN A SIGNIFICANT SHIFT IN THE MAIN SOURCES OF FUNDING FOR THE ILLEGAL GROUPS, FROM COCAINE TO OTHER ACTIVITIES SUCH AS GOLD MINING

The current mining scenario

The current mining boom in Colombia takes place when the country is living through an economical *momentum* and stands as an attractive destiny for international investors. And increasing positive perception with regards to security has been crucial for

attracting investments and promoting the economic growth of the last 2000's decade¹. Colombia - now the third

1 Foreign investment moved from USD\$ 2.000 million, in the beginning of the year 2000, to USD\$ 10.000 million at 2009. The exportation also increased from USD\$ 10.000 mil-

economy of Latin America after Brazil and Mexico²- not only houses a sig-

lion, from 1997 to 2003; to USD\$ 30.000 million from 2007 to 2009. See: Departamento de Planeación Nacional "Plan Nacional de Desarrollo 2010-2014", 2010

2 Colombia is the second economy

nificant amount of natural resources, but is also the third largest population in Latin America and stands as a very attractive market. The expectations are so high that Colombia is part of the CIVETS (acronym for Colombia, Indonesia, Vietnam, Egypt, Turkey and South Africa), a group of emerging economies that, for some analysts, will become the economic sensation of this decade.³

Against such a promising scenario, companies in Colombia still face numerous challenges posed by the local contexts where their activities take place. Even if the country has witnessed important improvements in terms of security through the past decade⁴, lack of safety and violent acts perpetrated by illegal armed actors are still some of the issues that companies operating in certain areas of the country have to face. When it comes to business operations, contemporary Colombia might be rightly described as a complex milieu,⁵ which is an operational environment that exhibits at least one – and often more than one at the same time – of the following characteristics: it is the scenario for actions perpetrated by armed groups outside the law, it houses illegal economies, it is marked by the existence of fragile institutions and/or by weak governance.

Recent trends and shifts in the Colombian conflict pose new challenges that both the State and the mining companies have to face. These trends and

in South America, behind Brazil; and the third economy in Latin America, behind Brazil and Mexico. See: Semana "Colombia es la segunda economía suramericana tras superar a Argentina", 31 August 2012

3 The concept of the CIVETS was created by Michael Geoghegan, Group Chief Executive of the HSBC Holdings. See: Geoghegan, Michael "From West to East". Speech to the American Chamber of Commerce in Hong Kong, 21 April 2010

4 In this improvement, a salient turning point was the implementation of the Democratic Security Policy during the two Uribe administrations (2002-2006 and 2006-2010).

5 See Rivas Gamboa, Angela, "Empresas, Construcción de Paz y Derechos Humanos. Colombia: el mejor y el peor de los mundos" (*Business, Peace building and Human Rights: the best and the worst scenario*). En: Lozano, Josep M. y Prandi, María, 2010. La RSE en contextos de conflicto y postconflicto: de la gestión del riesgo a la creación de valor, Escola de Cultura de Pau (UAB)/ Instituto de Innovación Social (ESADE), Barcelona, pag 105.

shifts are linked to phenomena such as the emergence and strengthening of the so-called BACRIM (Emergent Criminal Bands), which include former security providers of drug lords, members of paramilitary groups that demobilized in the mid-2000 and now have re-armed themselves, and criminals who have taken the place left by either former paramilitary commanders or former leaders in drug cartels or other organized crime groups⁶. Such trends and shifts are also linked to new war strategies used by guerril-

Another salient shift in the **Colombian conflict is precisely the shift from cocaine to other activities as main sources of funding for illegal armed groups. This is the case with the exploitation of minerals such as gold, coltan and tugstain**

la groups, particularly FARC⁷, which include alliances with the BACRIM as well as an increasing use of landmines and a growing number of attacks against the mining and energy infrastructure⁸. Another salient shift in the Colombian conflict is precisely the shift from cocaine to other activities as main sources of funding for illegal armed groups. This is the case with the exploitation of minerals such as gold, coltan and tugstain. According to Colombian authorities, FARC actually obtain around 20% of their resources from illegal mining⁹. Recent studies estimate that only 14% of the 53 tons of gold produced in Colombia came from legal mining, while the

6 For more information see: Comisión Nacional de Reparación y Reconciliación, "Disidentes, rearmados y emergentes", Bogotá, May 2007; Fundación Ideas para la Paz, "Para dónde va el paramilitarismo en Colombia?"; Siguiendo el conflicto: hechos y análisis, Número 58, Enero de 2010; Comisión Nacional de Reparación y Reconciliación. "II Informe de la Comisión Nacional de Reparación y Reconciliación. La reintegración: logros en medio de rearmes y dificultades no resueltas", Área de DDR, Bogotá, August 2010.

7 Echandía Castilla, Camilo "Situación actual de las FARC: un análisis de los cambios en las estrategias y la territorialidad (1990-2011)". Informes FIP No. 13, Fundación Ideas para la Paz, 2011.

8 See for instance: El Tiempo "Nuevo atentado contra oleoducto Caño Limón-Coveñas" 20-03.2012; SEMANA "Nuevo ataque contra infraestructura minera", 4 September 2012

9 CITpax "Actores Armados Ilegales y sector extractivo en Colombia", 2012, Bogotá, pag 6

rest was extracted by artisanal and informal mining¹⁰. These same studies show that illegal armed groups are particularly eager to benefit from the exploitation of coltan and tugstain, both of which have been recently found in the eastern plains of Colombia¹¹.

It is in such a context that the governmental promotion of mining, as one of the motors for economic development, takes place. For the Santos administration, the mining and energy sector stands as "central axis for the Colombian economy"¹². Santos is determined to make the most of the actual economic growth and to transform the country into a relevant player in the international economy. The mining sector seems to be crucial for this bet. Yet, to do so, it might have to face challenges linked to the fact that most mining activities are carried out in complex milieus. The adoption of a strong business and human rights framework and its translation into practical measures, might be the best way to address those challenges and to secure that the promotion of min-

During 2011, mining accounted for 21.86% of the nation's exports, settling itself in the second position with gold, coal and ferronickel as its principal products

ing will generate sustainable development.

Mining boom/gold rush: gold miners, gold boomers and others

The mining sector has been one of the principal pullers of Colombian's recent economy. During 2011, mining accounted for 21.86% of the nation's exports¹³, settling itself in the second position with gold, coal and ferronickel as its principal products. On top of this, just between 2006 and 2009, foreign investment in the area increased in 74%, moving from

10 *Ibid* pag 6-7

11 *Ibid* pag 8; see also: La Silla Vacía "Viaje al corazón de la minería ilegal en el Guainía", 12 November 2012

12 Departamento de Planeación Nacional "Plan Nacional de Desarrollo 2010-2014", pag 166

13 Ministerio de Minas y Energía. Boletín Estadístico de Minas y Energía 2007-2011, Bogotá, 2011. pag 56

USD \$1.783 to USD\$3.094 million dollars¹⁴. Colombia holds the greatest coal resources and coal reserves of the region- 85.803 thousand tons produced in 2011¹⁵ - and is the main producer of nickel among the Latin American and Caribbean countries - Cerromatoso mine, located in Córdoba, produces 3.2% of the world's ferronickel¹⁶. Moreover, thanks to the steady rise in international prices of

thanks to the steady rise in international prices of gold, exportations of this mineral - 55.908 Kilograms in 2011 - have surpassed coffee exportations

gold, exportations of this mineral - 55.908 Kilograms in 2011 - have sur-

14 Departamento Nacional de Planeación. Plan Nacional de Desarrollo 2010-2014, Bogotá, 2010, pag 216

15 Ministerio de Minas y Energía. Boletín. Estadístico de Minas y Energía 2007-2011, Bogotá, 2011, pag 56

16 Ministerio de Minas y Energía. Indicadores de minería en Colombia. Seguimiento al Plan de Desarrollo Minero 2007-2010. Diciembre de 2010, Bogotá, pag 17

passed coffee exportations¹⁷. By 2011, Colombia had more than 5,8 million hectares devoted to mining across the country, which include both 7.264 existing mining titles and 17.479 requests¹⁸. Mining is highly concentrated in specific territories, depending upon the mineral that is exploited. In 2011, around 84% of the national production of gold came from Antioquia and Chocó, located in the west part of the country. In regards to coal, 90% of the national production is located in northern Colombia in Cesar and La Guajira, whereas ferronickel exploitation is located in the northwest of the country in Córdoba.

Besides housing important resources, the above-mentioned Colombian mining areas have also a crucial geostrategic value, which, among other things, has played an important role in the creation and expansion of illegal

17 Ministerio de Minas y Energía. Indicadores de minería en Colombia. Seguimiento al Plan de Desarrollo Minero 2007-2010. Diciembre de 2010, Bogotá, pag 16

18 PNUD "Informa de Desarrollo Humano. Colombia Rural, una razón para la esperanza", 2011, pag 97.

armed groups. Territorial control over these areas has proved to be an important asset, particularly due to the advantages that they have in terms of housed seaports and communication gateways towards neighboring countries; two elements highly valued for illicit activities such as narco-trafficking routes, gasoline smuggling and weapons trafficking¹⁹. These days, five of the mentioned departments report presence of FARC (Antioquia, Cesar, Córdoba, La Guajira and Chocó), four of them report presence of ELN (Antioquia, Cesar, La Guajira and Chocó), and all of them (Antioquia, Cesar,

In 2011, around 84% of the national production of gold came from Antioquia and Chocó

Córdoba, La Guajira and Chocó) report the presence of BACRIM. Additionally, the possibility of using mining as a source of funding has made

19 See: Observatorio de Procesos de Desarme, Desmovilización y Reintegración -ODDR- Universidad Nacional de Colombia. "Presencia de organizaciones guerrilleras y BACRIM en territorio colombiano 2012", Bogotá, November 2012.



A Colombian woman miner mires in the goldbearing mud in the Agua Clara opencut near Tadó, Chocó dept., Colombia, 24 May 2004, © Ian Sachor

the territorial control of these areas even more attractive.

The complexity that characterizes the mining scenario in contemporary Colombia is particularly problematic when it comes to gold mining. An example for that is the myriad of actors involved in this type of activity. Along with big mining companies that have arrived to the country and are currently conducting exploratory projects, the gold rush has also brought junior companies and small entrepreneurs who are particularly eager to carry out exploratory projects. Besides, gold mining stands in several parts of the country as a traditional activity: through decades and in some

gold mining stands in several parts of the country as a traditional activity: through decades and in some cases centuries, artisanal miners have made a living out of exploiting gold at a small scale

cases centuries, artisanal miners have made a living out of exploiting gold at a small scale. Additionally, this is also one of the forms of mining that more easily can be pervaded by illegal actors, on several grounds: the weak State control in some gold areas; the simplicity of procedures used to extract gold, particularly in small and middle size mines; the ways in which gold can be easily commercialized; the fact that many small and middle size miners are victims of extortion perpetrated by illegal actors; and the fact that these actors often exploit gold by themselves or at least own

the machinery (motorize pump and dredge) needed to such exploitation. All this, along with the importance of mining in current financial structures of illegal armed groups, have recently driven the Colombian government to sanction a decree that provides more tools to prosecute illegal mining²⁰. Nevertheless the gold rush has already begun to exacerbate the competition among this myriad of actors to benefit from mining. As such, gold mining areas stand as quite fermented scenarios in which both armed and social conflict might be fostered and escalated.

Challenges and dilemmas: mining, conflict and human rights

The current mining scenario in Colombia poses several challenges, some of which are summarized in the following questions:

- How to promote mining but at the same time avoid that the gold rush ends up contributing to the emergence of conflict minerals? How to better respond to security risks and needs derived from the fact that illegal armed groups are not only present in mining districts, but also eager to secure and exercise control over mining activities in those areas?
- How to reconcile overlapping maps of land restitution, indigenous reserves and mining dis-

²⁰ See for instance *Semana* "Vamos con toda contra la minería ilegal", 31 October 2012.

tricts? How can the search for investment and economic growth be reconciled with the respect of collective rights of ethnic communities, and the rights of victims of armed conflict?

- How to secure that the current mining rush pays attention to existing standards in regards to business and human rights, particularly when a variety of actors are eager to participate in such rush?
- How to conduct business and promote investment in areas where the State presence is, at best, weak? How to make sure that neither business activities, nor investment will end up eroding the incipient State presence in those areas?

These and other similar questions show how the current mining scenario in Colombia is at once very promising, and yet particularly puzzling. Although it might be too early to say how this scenario will evolve, adopting both State measures and good business practices, pertaining to mining operations in complex milieus, could contribute to secure that the ongoing mining rush will add to economic growth and social development, instead of igniting both armed and social conflict. Even if this is not an easy task, the adoption of such measures and practices is at the core of generating and securing sustainability in the contexts of mining operations, and, thus, in mining activities.

Illustration 1: Mineral Strategic Areas - Delimitation & Declaration - Government of Colombia

The 2013 auction round will include concessions from the 2.9 mls hectares the government reserved in February 2012. The government of Colombia is currently identifying priority areas where to acquire geological and geochemical information to support the auction process. One of the biggest challenges in this framework is criminal mining that causes environmental degradation and displacement of people. About 31 municipalities have been identified affected by this phenomenon. The Environment Ministry is evaluating the concept of environmental crime to deal with it, while the Mining and Energy Ministry (MinMinas) is planning the formalization of informal and traditional miners. Only 37% of the 14,357 mining units identified within the country have a title. Only 33.5% of mining companies have an accounting and inventory infrastructure. Small-scale mining accounts for the majority of mining titles in Colombia. Of the 9,196 mining titles in the country some 57% are less than 100 hectares. (MinMinas)

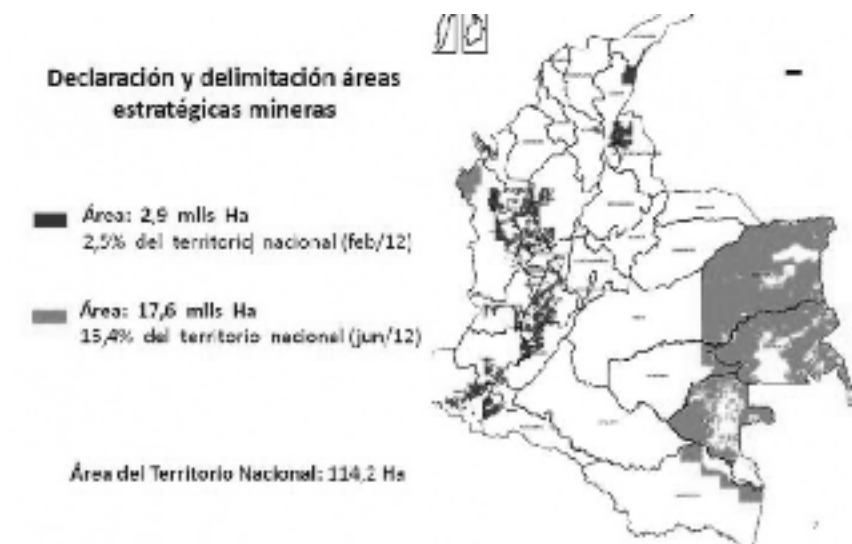




Photo: Displaced boys push the canoe over the garbage patch in the stilt house area in Tumaco, Nariño dept., Colombia, 18 June 2010, © Jan Sochor

by **Alvaro Hernández Bello***

*Profesor at Universidad De La Salle
Bogotá, Colombia*

DISPLACED COCA CULTIVATION

THE FIGHT AGAINST DRUG TRAFFICKING IN COLOMBIA HAS LOWERED THE EXTENT OF COCA CULTIVATION, BUT HAS ALSO CAUSED THE DISPLACEMENT OF THIS CULTIVATION TO OTHER AREAS, WHICH COINCIDE WITH NEW EXPULSION POINTS

Double Displacement

According to the IDMC (Internal Displacement Monitoring Center) report of the Norwegian Refugee Council,

Colombia is the country with the greatest number of internally displaced people in the world, with a

figure between 3.8 and 5.3 million of people, placing itself above Sudan and Somalia. The causes that are

analyzed in the Global Displacement Report of 2011 are the armed conflict, generalized violence, and Human Rights violations. The humanitarian situation of people who have suffered internal displacement is concerning and requires an analysis of the causes and procedures that conducted to such situation. Amongst others, cultivation of coca leaves with the purpose of elaborating narcotics, represent one of the factors that heightens the humanitarian situation of affected populations, due to the crossroads with the armed conflict, the rent extracted by illegal armed groups, international drug trafficking networks and the types of economic livelihoods of rural communities.

The Illicit Crop Monitoring Program of UNODC supports the Colombian government in the implementation

There is an undeniable relationship between the transformations that coca leaf cultivation has been having and the dynamic of internal displacement in Colombia

of a Coca Crop Monitoring System through annual censuses, which cover the entire Colombian territory and allow the visualization of hectares of

cultivated coca plants by department and municipality. These censuses provide very important information for the analysis of the phenomenon of coca in Colombia, and allow the understanding of its geographical displacement within the territory. There is an undeniable relationship between the transformations that coca leaf cultivation has been having and the dynamic of internal displacement in Colombia.

Transformations of coca cultivation in Colombia

The policy of the Colombian state against drug trafficking, established in the bilateral agreement with the United States, called "Plan Colombia" has conceived the production of cocaine (and therefore, coca leaf cultivation) as a social problem, that occurs due to the lack of opportunities and income alternatives. The solution to the problem of drug trafficking should be given through the solution of the armed conflict, as it was conceived at first by former President of the Republic Andrés Pastrana¹. United States' cooperation that began

¹ Andrés Pastrana Arango, *La palabra bajo fuego* (Bogotá: Planeta, 2005), 48–51.

firmly in the year 2000 was destined for military support (training of forces) by sending 500 troops, and supporting the elimination of coca crops, by sending 500 civilians. The policy of eradication and substitution of coca had a large impact, not only for planned and executed operations, but also for the established link between drug trafficking and the armed conflict in Colombia.

Also, since 2001, UNODC monitors planted, eradicated and sprayed coca crops as an effective way to evidence the results of this bilateral policy. After ten years of the implementation of Plan Colombia, general results dis-

This represents a reduction of 81042 hectares (of coca-cultivation), 55.97% less for the ten years of the antinarcotic policy implementation

play important progress. The 2010 census displayed a figure of 144807 hectares, while the 2011 census informed of 63765. This represents a reduction of 81042 hectares, 55.97% less for the ten years of the antinarcotic policy implementation. Note, however, the numbers of lowered coca cultivation by fumigation and/or manual eradication should be considered in the geographical context in which



| Departament | Has. Planted (2001) | Has. Planted (2011) | Difference | Status |
|--------------------|---------------------|---------------------|--------------|----------------|
| Antioquia | 3171 | 3105 | 66 | LOWERED |
| Bolívar | 4824 | 2207 | 2617 | LOWERED |
| Caquetá | 14516 | 3327 | 11189 | LOWERED |
| Cauca | 3139 | 6066 | 2927 | INCREASED |
| Chocó | 354 | 2511 | 2157 | INCREASED |
| Córdoba | 652 | 1088 | 436 | INCREASED |
| Guaviare | 25553 | 6839 | 18714 | LOWERED |
| Meta | 11425 | 3039 | 8386 | LOWERED |
| Nariño | 7494 | 17231 | 9737 | INCREASED |
| Norte de Santander | 9145 | 3490 | 5655 | LOWERED |
| Putumayo | 47008 | 9904 | 37104 | LOWERED |
| Vichada | 9166 | 2264 | 6902 | LOWERED |
| Others | 8360 | 2694 | 5666 | LOWERED |
| TOTAL | 144807 | 63765 | 81042 | LOWERED |

Table 1: Census of coca compared 2001 – 2011. Source: UNODC

they are produced in order to note the real transformations that occurred. In Table 1 it can be seen that for the year 2001, the departments with the greatest number of coca crops were concentrated in de Center-South area of the country (more than 9000 planted Has.) and in the North-East area (between 3000 and 8000 planted Has.) forming a half moon that left the central mountain range almost intact, which is the largest population and urban development axis. The number of hectares for department in the regions with the greatest crop density can be seen in Table 1.

Ten years later, numbers are striking, and no less is the geography of coca displacement (see Illustration 1). There is an important increase in the pacific, border areas and seafaring departments. In one of the ports with the greatest growth of the pacific, the municipality of Tumaco in the department of Nariño, there was an increase of 285,19% (from 1452 to 5593 Has.), which represents an occupation of 1.5%² of the territory of the municipality. As it can be seen, while the number of planted hectares of coca has been decreased, the concentration has been displaced to other regions of the

country. Table 1 shows a comparison of planted hectares between 2001 and 2010, and the difference that is produced by the increase or reduction of the number hectares, which allows to infer that coca cultivation has moved toward the Pacific region; a particular situation is the large increase in the department of Nariño (and at the same time the border with Ecuador and the outlet to the Pacific Ocean)

The antinarcotics battle not only eliminated crops and helped destroy processing laboratories, but also *displaced* coca growers and sought for alternative areas for planting and processing. According to the World Drug Report 2011, 90% of consumed cocaine in the United States comes from Colombia,

According to World Drug Report 2011, 90% of consumed cocaine in the United States comes from Colombia, besides being, even today, the greatest producer in the world

besides being, even today, the greatest producer in the world. The relationship between coca leaf crops or cocaine production and the armed conflict can be noted in the humanitarian issue of displacement. Next, we will see the transformation dynamic of it.

The humanitarian situation in coca cultivation areas

The Consultancy for Human Rights and Displacement (CODHES), the main NGO that monitors the displacement situation in Colombia shows that for September of 2011, 89000 people were displaced, a contradicting number compared to the one of Acción Social, state agency that monitors IDP's and that for the same date had a number of 44000³. Although these numbers are strikingly different, both organizations agree that most of departments and municipalities are, at the same time, point of origin and arrival of displaced people.

The expulsion of people increased in the pacific coast area of the country (Antioquia, Nariño, Cauca, Valle del Cauca and Córdoba) as it is shown in the reports of CODHES and Acción Social. The agents of displacement are still, in great part, the FARC (Revolutionary Armed Forces of Colombia) guerrilla, paramilitary groups and the national army when battle operations are done against these groups.

³ These references can be explained due to the different methodologies that CODHES and the Colombian government use. The latter, for example, doesn't include displacement caused by area fumigation of coca crops.

² Source UNODC

The displacement generated by these groups is mainly due to interest in expanding its military presence, have control of the distribution routes of the drug and therefore, protect coca plantation areas (especially in the case of the FARC) or other crops and private lands (especially in the case of the paramilitary groups):

In Colombia, displacement caused by former paramilitary groups, which now operated as drug-trafficking gangs with some remnants of the extreme-right ideology which initially opposed them to left-wing armed guerrilla groups, reached its highest point in 2011. Countless such groups, the most notorious being Las Águilas Negras, Los Rastrojos and Los Machos, were operating in all the country's departments. In 2011, they were, for the first time, responsible for the highest number of mass displacements (defined as displacements of ten families or around

*40 people or more). Meanwhile, the long-running internal armed conflict showed no signs of abating, despite some gains by government armed forces in 2011.*⁴

The department of Nariño had the largest increase of displacement by expulsion during the comparative period of 2001 – 2011 (from 8545 to 21571, with an increase of 13026). At the same time, inside this department, the municipality of Tumaco represented the largest increase of IDP's by

The agents of displacement are still, in great part, the FARC guerrilla, paramilitary groups and the national army when battle operations are done against these groups

4 Internal Displacement Monitoring Centre (IDCM): Global Overview 2011. People internally displaced by conflict and violence, pag. 56.

expulsion, going from 1954 in 2001 to 10898 in 2011, according to official figures.⁵

The previous numbers allow inferring a relationship between coca cultivation and displacement by expulsion. Putting on humanitarian situations faced both with the crop (income for armed groups and the fact that it is the only economic income for farmers) and the displacement (implantation of terror, violation of human rights, lack of opportunities), it is possible deduce that coca plantations generate a catchment area conducive to displacement by expulsion. These are all factors that generate a favorable zone of influence for coca cultivation and displacement by expulsion.

5 Source: Acción Social.



Illustration 1: Comparative map of the status of coca crops 2001 – 2011. Elaboration: HSI, Source: UNODC



Illustration 2: IDP's by accumulated expulsion. Elaboration: HSI – Source: OCHA

Conclusion: coca and people

As it can be seen, the displacement of coca plantations towards the Colombian Pacific reflects the increase in the number of displaced people by expulsion in this area of the country, which means that the Colombian conflict has made a transition from the center to the west, that is considered as convenient. For this reason, it is important to analyze the economic and social grounds for which the income derived from coca is still an informal economic support for the rural Colombian farmers.

Coca leaf cultivation is part of a complex production, distribution, change and consume system. Because the purchase of coca leaf is guaranteed by trafficking networks, many farmers come to the cultivation of coca leaf as the only alternative to get resources for daily life. The humanitarian situations that are generated towards coca leaf cultivation can be classified as following:

- By the appropriation and protection of lands for cultivation.
- By the Access and protection of traffic routs.
- By the fumigation and eradication of crops.
- By the change in income sources and productive vocations of local communities.
- By conflicts for the control of production and distribution.

The cultivation of coca leaf is inserted into a international economic dynamic and national social dynamics: the Colombian armed conflict. The juncture of the peace talks in Cuba between the FARC and the Colombian government has taken note of this situation and has therefore raised as the first item on the agenda for agricultural development. A safe exit for this situation will be rural development, increased access to production and income opportunities for alternatives to growing coca and improvements in

social services (education, health, access to justice, etc.). Anti-Drug Fight strategies must be combined with social and economic development to strengthen the capacities of local communities, which allows not only the eradication of crops but the resettlement of displaced communities.

Translation by *Marcela Muñoz Téllez*
HSI international

**Profesor at Universidad De La Salle, Bogotá. Research Coordinator of the Observatory of religious diversity and Latin America and the Caribbean cultures, project of the IFCU (International Federation of Catholic Universities) and Universidad de San Buenaventura, Bogotá. MA in cultural studies, e-mail: alhebe@me.com*



A displaced Indian woman (Nukak Maku) washes her baby on the ground of a refugee settlement, San Jose del Guaviare, Meta dept., Colombia, 3 Sept. 2009



Photo: Displaced children walk over the wooden logs in the stilt house area in Tumaco, Nariño dept., Colombia, 12 June 2010, © Jan Sochor

by Flaviano Bianchini

*Director at SOURCE**

LARGE LANDED OIL PALM CROPS

COLOMBIA NEEDS A MORE EQUAL DISTRIBUTION OF LAND. YET, THE SHARP GROWTH IN THE AGRICULTURAL SECTOR OFTEN LEADS TO UNEQUAL LAND ACCUMULATION, AS CAN BE SEEN IN THE OIL PALM CASE

Peace talks and land reform

While the Colombian government and the FARC are discussing peace in La Habana the situation in the country remains complicated. The other

major rebel group, the ELN, and the 'jungle' of paramilitary groups - most of them now totally independent

from the State¹ - are not parties in the

¹ Amnesty International 2011, *The situation of Human Rights in the World.*

talks, and the two sides sitting at the *Dialogue Table* disagree on almost all points in agenda.

In particular the first issue under discussion - rural development and land tenure - is crucial for the overall outcome of the peace process. Land Gini index is a mathematical calculation that measures the degree of concentration of rural property. The value one represents the paradox of one single owner; zero represents the equal distribution of land. Hitting 0,87, the Colombian index is among the highest in the world². Since they were born, in the early '60s, the rebel groups of Colombia have been claiming a different distribution of the rural property in the country.

The Land Restitution Law³ promoted by Santos' government has been welcomed as a step forward for the solution of this problem but also a step forward in the negotiation with the armed groups that plague the country. But according to UNHCR⁴ after the first six months of implementation no one single peasant has been

Colombian farmers are contended between illegal but lucrative cultivation of coca and traditional farming: legal but, at best, just enough to survive

restored of any property. The rebel groups accused the law to be a *trap* and they would like Colombia to develop a land system based on cooperatives and small property rights. But the Government - and the world market in general - is pushing to introduce new agricultural products that somehow need large landed estates. Following this pattern the growing sector of oil palm plantation plays a major role here.

2 Herrera 2006, 'Land tenure data and policy making in Latin America' *Organization of American States, Office for Sustainable Development and Environment*.

3 The law 1448, known as 'Land Restitution Law' or 'Victims law' establishes land restitution for peasants who were dispossessed of their land in the last two decades as part of the armed conflict. Peasants who were evicted from their terrain can obtain another rural property as compensation. More information are available on line: <http://www.leydevictimamas.gov.co/>

4 UNHCR 2012. 'Country operations profile - Colombia' Available on line at: <http://www.unhcr.org/pages/49e492ad6.html>

Oil Palm plantation. An alternative?

Colombia's rebel groups and paramilitary forces are fuelled directly or indirectly by drug production and smuggling. No one can deny that a key point in the conflict resolution is to avoid this commerce, and everyone knows that the only effective way to achieve that is to give Colombian farmers an economic viable alternative to coca production. Colombian farmers are contended between illegal but lucrative cultivation of coca and traditional farming: legal but, at best, just enough to survive. Oil production has been presented as an alternative to this vicious circle, however the scheme may cause more problems than it solves.

The UNHCR reported 3.888.309 Internally Displaced Persons as of January 2012⁵ (the second IDPs population of the world after Sudan); the majority of them owned a piece of land at the moment of displacement.

Palm oil is an important contributor to this number as there is a high level of causality between forced displacement and land appropriation and between land appropriation and palm oil expansion. The Non-Governmental Organizations Human Rights Everywhere and Amnesty International have found out that in oil palm compounds there has been both forced evictions and land theft⁶.

Colombian expansion of palm oil began in the early 2000s while the United States Agency for International Development (USAID) began to finance palm oil as a substitute crop to coca. In the last years the palm oil sector has been one of the most growing one of the Colombian economy and nowadays Colombia is already the major palm oil producer of the Americas and the fourth of the world⁷. According to Fedepalma⁸, the palm producers association, nowadays in Colombia there are 3.600.000 hectares⁹ of

5 Ibidem

6 Mingorance 2006. 'The flow of palm oil Colombia' *Belgium/Europ. A study from a Human Rights Perspective*

7 Ibidem

8 The National federation of palm producers. <http://portal.fedepalma.org/>

9 That corresponds to about 8% of the total agricultural land of the country (proper elaboration on datas of the World Bank available here: <http://datos.bancomundial.org/indicador/AG.LND.AGRI.ZS/countries>)

palm plantations, a figure that is expected to reach 7.000.000¹⁰ hectares by 2020¹¹. The production of palm oil by-

there is a high level of causality between forced displacement and land appropriation and between land appropriation and palm oil expansion

products increased by 57% between 2001 and 2006 while the production of crude oil palm increased by 70%¹². Due to the rising prices of these commodities on the global market, the value of Colombia's palm oil exports has increased more than 300% from 2002 to 2006; from 25,7 million dollars in 2002 to 78 million in 2006¹³.

As a matter of fact the areas where palm oil plantations expanded the most coincide with the areas with higher presence of paramilitary groups and murders in the country¹⁴. In July 2012 the General Prosecutor of Colombia charged 19 palm oil producers for having been dealing with right-wing paramilitary groups in order to obtain access to lands that were

In July 2012 the General Prosecutor of Colombia charged 19 palm oil producers for having been dealing with right-wing paramilitary groups in order to obtain access to lands that were somehow occupied by small farmers

somehow occupied by small farmers, and the Minister of Agriculture states that other 40 palm producers are involved¹⁵.

10 That corresponds to about 15% of the total agricultural land of the country (proper elaboration on datas of the World Bank available here: <http://datos.bancomundial.org/indicador/AG.LND.AGRI.ZS/countries>)

11 Fedepalma. 'Anuario estadístico 2011', available on line at: <http://portal.fedepalma.org/>

12 Fedepalma 2007, 'The Faces of the Oil Palm: The Relevance of the Oil Palm Agro-Industry in Colombia'

13 Fedepalma 2007. 'La agroindustria de la palma de aceite en Colombia y en el mundo, 2002-2006'

14 Valencia 2009. 'Agroindustria y conflicto armado, el caso de la palma de aceite' *Colombia International* 70 169-190

15 Caracol (Bogotá) 30 June, 2012 'Fiscalía tiene listas de acusaciones contra palmicultores por desplazamiento forzado' Available on line: <http://www.caracol.com.co/noticias/judicial/fiscalia-tiene-listas-19-acusaciones-contra-palmicultores-por-desplazamiento>

The lower Atrato valley

The case of lower Atrato valley region, in the Chocó Department, near the Pacific Ocean, in the northern part of Colombia, is paradigmatic of the link between violence, paramilitary groups, land grabbing and oil palm production. In 1993, thanks to a law promoted early that same year, the afro-descendants communities of lower Atrato obtained the collective tenure of the land they have occupied for generations. In 1996 a group of paramilitary occupied the town of Riosucio, one of the biggest of the region, and assassinated five people, in-

Urapalma received 89% of all the Rural Credit Incentives distributed in the Lower Atrato realizing a paradox in which the State legally and directly finances oil palm production carried out by big firms on land grabbed to indigenous groups and local small owners

cluding the mayor. According to local witnesses, the regular military forces had full control of the area during the massacre, and they provided logistical support to paramilitaries¹⁶. In February 1997 the Colombian army, together with paramilitary forces, deployed a big operation against the 57th front of the FARC that was operating in the mountains behind the Atrato valley. The operation was carried out with massive indiscriminate bombing of the area and during the operation, that lasted less than one week, 15.000 peoples left the region and sought refuge in the adjacent towns of Turbo and Mutatá¹⁷. Eviction operations continued in the following years.

From 1996 to 2007 13 cases of massive forced eviction were reported, and 115 civilians were murdered in the zone¹⁸. Once the land was free from peasants, oil palm industry arrived in the region. According to INCODER, a government rural development agency, the production of palm oil in

forzado/20120730/nota/1732208.aspx

16 Centro de Investigación y Educación Popular CINEP Report 'Noche y Niebla'

17 Ibidem

18 Oslender 2007, 'Violence in development: the logic of forced displacement on Colombia's Pacific coast. *Development in Practice*, 17(6), 752-64

the regions started in 2001. The report calculates that twelve firms occupied more than 26.000 hectares by 2005 and that 93% of the land under cultivation by some of the Colombian largest oil palm companies was illegally situated in territories that belong to black communities¹⁹. The major firm in the area was Urapalma, a company that has been accused to be lead by relatives of paramilitary leaders²⁰. Local communities and NGOs have taken the case to the Inter-American Court for Human Rights claiming the rights to collective ownership of land for the afro-descendants groups of the area.

In 2003 the Court stated that:

Since 2001 the firm Urapalma SA has promoted oil palm planting in approximately 1.500 ha of collective land areas belonging to these communities, enjoying armed protection by troops of the 17th Brigade and by armed civilians of its factories and seed banks. Operations and armed raids in these areas intend to intimidate local community members, either to force them to participate in palm production or to vacate their territory²¹.

For promoting the business palm producers receive financial support from the government. For example, Urapalma received credits from the public fund for the agricultural development for more than 2,5 million dollars in 2002 and more than 7,5 million dollars by 2009. Urapalma received 89% of all the Rural Credit Incentives distributed in the Lower Atrato²² realizing a paradox in which the State legally and directly finances

19 Instituto Colombiano por el desarrollo rural INCODER Available on line at: <http://www.incoder.gov.co>

20 Jacobo Grajales reports that: "Urapalma's board of directors was controlled by friends and relatives of Vicente Castaño. According to the prosecutor, they were the direct representatives of Castaño and AUC's interests in the region."

21 Resolución de la Corte interamericana de derechos humanos. Medidas provisionales solicitadas por la Comisión Interamericana de Derechos Humanos respecto de la República de Colombia caso de las comunidades del Jiguamiandó y del Curbaradó, March 6, 2003, p. 2.

22 Contraloría General de la Nación 2009, Auditoría gubernamental con enfoque integral, modalidad regular, al fondo para el financiamiento para el sector agropecuario, FINAGRO, vigencia fiscal 2005-2006

oil palm production carried out by big firms on land grabbed to indigenous groups and local small owners. Garry Leech reports a cruel vicious circle in which:

Victims of forced displacement have to work as employees on farms which were once their property and which were seized from them through the use of violence by the very paramilitaries who are now being reintegrated into society²³.

Small producers or big corporations?

If the oil palm has to be an alternative to coca plantation it is clear that it must somehow guarantee more or less the same standard of living that coca plantation does. But according to Fedepalma small independent growers account for roughly 25% of Colombia's oil palm cultivation, the rest 75% being grown instead by large companies such as Palmeiras, Palmas de Tumaco, Salamanca, Palmar Santa Elena, Urapalma and Indupalma²⁴. Moreover, small farmers are obliged to sell their yields to larger companies for being processed and transformed into palm oil while the Peace Investment Fund (part of Plan Colombia) gives them access to credit only if they are organized in associations or cooperatives and if they have a guarantor; and often the guarantors are the very same companies. This process transforms small farmers in temporary agencies that provide companies with cheap and docile non-union workers and expose small growers to the risk of losing their land. In fact, if the small palm producer cannot afford to repay the loan, it is the guarantor - indeed the company - who retains the land obliging the farmer, in the best-case scenario, to become a salaried worker.

According to Fedepalma, in 2010 oil palm crops with less than 20 hectares were only the 2,8% of the total while 68,3% of the total crops exceeded 200 hectares.

Moreover according to the NGO BioFuelWatch the workers are paid in vouchers which can only be ex-

23 Leech 2009, 'Fueling underdevelopment in Colombia' *Inter Pares*

24 Fedepalma, 'Anuario estadístico 2009', available on line at: <http://portal.fedepalma.org>

changed for goods in the company shop, where items can be sold for double the price of normal outlets²⁵.

That is one of the reasons why, despite the huge increase in oil palm production in the last years, the problem of coca production (and so the financial support to rebel groups) is far from being resolved.

If Santos' Government intends to deal with the FARC about land reform it must bring about some change in the oil palm policy; but this is, at the same time, one of the most fast growing sector of the Colombian economy and one of the most promising for the future. Is the Colombian Government willing to abandon such a good economic perspective in order to reach peace? Or are the FARC ready to give up their major guiding principle and embrace the new economic system?

²⁵ BioFuelWatch, available on line: <http://www.biofuelwatch.org.uk>

Colombian Departments in order of crop land cultivated with Oil Palm (Ha) -

Source: Fedepalma, www.fedepalma.org

1. Meta
2. Cesar
3. Santander
4. Magdalena
5. Nariño
6. Casanare
7. Bolívar
8. Cundinamarca
9. Norte de Santander



SOURCE is a non-governmental organization that works with communities dealing with environmental pollution and health problems principally caused by extractive industries. It provides high-level technological and scientific support as well as training for local promoters completely free of charge. The author is the director and the founder of the organization.



Photo: A young Colombian Police recruit climbs a rope during the training for combat operation, 23 September 2006, Meta Department, Colombia, © Jan Sochor

by Charlotte Reed

PhD candidate, Scuola Superiore Sant'Anna

CHILD SOLDIERS AS PEACE-BUILDERS?

PUSH/PULL FACTORS REVEAL THE VULNERABILITY OF MINORS WITHIN THE INTERNALLY DISPLACED POPULATION. YET, AT THE SAME TIME THEY COULD PLAY A KEY ROLE IN BREAKING THE CYCLE OF VIOLENCE

Child Soldiers, IDPs and Conflict in Colombia

Academic and humanitarian practitioner, Lisa Alfredson (2002), notes that countries suffering the worst trends in child recruitment, both in

numbers and violent treatment, also tend to produce the largest populations of internally displaced people

(IDPs).¹ There is perhaps no clearer

¹ Alfredson, Lisa, 2002, 'Child Soldiers, displacement and human security', *Dis-*

evidence for this than in the case of Colombia where the cycle of violence, displacement and recruitment of minors enables the conflict to continue, in turn leading to further displacement and an increased demand for the use of children by armed forces.

Currently, an estimated 300,000 child soldiers² exist in conflicts around the world, their use typically emerges from hostilities that have been ongoing for years and conversely are a factor that supports the continuation of fighting. The very young provide a source of cheap and malleable labour – especially when the adult male population has been depleted. In today's wars, children play multiple roles including that of actual combatants as well as cooks, porters, spies, decoys

it is believed that between, 11,000 to 14,000, minors are currently associated with armed forces in Colombia, the large majority of which come from rural areas

and sex slaves – all of which are enveloped in the definition of a 'child soldier.'³ Their labour fills gaps that adults either cannot or do not want to perform. Thus, beyond the inherent responsibility to protect the young, addressing the use of child soldiers is of vital importance to bringing about an end to a conflict.

Colombia, with nearly 50 years of ongoing fighting, is a setting particularly ripe for the exploitation of children. Due to the illegal nature of the use of minors in war, and the typically illegitimate forces they are connected with, true statistics regarding the number of youth associated with these groups are impossible to procure. Despite this, valiant efforts have been made to report reliably on the issue, providing generally accepted estimates. As such, it is believed that between, 11,000 to 14,000, minors

armament Forum, Children and Security. no. 3, pp 17-27.

2 Valid statistics are impossible to come by when referring to child soldiers but 300,000 is the most often cited statistic as used by international organizations and NGOs.

3 The definition of a 'child soldier' as laid out in the 1989 Convention on the Rights of the Child is 'any person under -18 years of age who is a member of or attached to the armed forces or an armed group, whether or not there is an armed conflict.'

are currently associated with armed forces in Colombia, the large majority of which come from rural areas. A statement released by the Vice President of Colombia in September 2012, notes that 13 million Colombian children, 79 percent of the country's population under 18 years of age, are at risk of recruitment by armed groups⁴ and this year's annual United Nations Secretary-General's Report on Children and Armed Conflict found cases of recruitment in 29 of the country's 32 departments.⁵ According to a report published by Human Rights Watch (HRW, 2005), at least one in every four irregular combatant in the Colombia armed conflict is under eighteen years of age⁶ and both males and females are known to directly be involved in the fighting. With regards to representation amongst the groups, the same report estimates that 80 percent of child combatants in Colombia belong to one of the two left-wing guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), the former being by far the worst abuser. HRW (2005) conservatively estimated that 20 to 30 percent of all FARC combatants are less than 18 years of age. In a publication from this year (2012), by the Watchlist on Children and Conflict, the average age of recruitment of minors has been reported to have decreased from 14 to 12 years of age,⁷ likely in response to waning physical and monetary support for the struggle.

4 Vicepresidente de la República de Colombia, 2012, 'Comisión para la Prevención del Reclutamiento de Niños presenta informe sobre municipios que presentan factores de riesgo de reclutamiento forzada,' viewed 20 November 2012, <<http://www.vicepresidencia.gov.co/Noticias/2012/Paginas/120918a-Comision-Prevencion-Reclutamiento-Ninos-presenta-informe-municipios-que-presentan-factores-riesgo.aspx>>

5 United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 2012, 'Colombia,' viewed 20 November 2012, <<http://childrenandarmedconflict.un.org/countries/colombia/>>

6 Human Rights Watch, 2005, 'Colombia: Armed Groups Send Children to War', viewed 5 October 2012, <<http://www.hrw.org/news/2005/02/21/colombia-armed-groups-send-children-war>>

7 Watchlist on Children and Conflict, 2012, 'No One to Trust Children and Armed Conflict in Colombia', viewed 1 May 2012, <<http://watchlist.org/wordpress/wp-content/uploads/Watchlist-ColombiaReport-LR.pdf>>

A variety of stressors often referred to as *push* and *pull* factors, lead to the recruitment of child soldiers. Push fac-

at least one in every four irregular combatant in the Colombia armed conflict is under eighteen years of age

tors, circumstances that push youth towards joining an armed group, include homelessness, domestic abuse, lack of alternatives such as education or work, and a loss of family or community.⁸ These factors, often associated with poverty, are extremely prevalent in Colombian society. Pull factors are benefits that a youth believes they will gain from becoming a member of an armed group and include opportunities for personal or professional growth, fulfilment of survival needs, a feeling of community and opportunities for vengeance, power and a sense of purpose. Some forces persuade adolescents to join them through promises of fancy uniforms, parties and offers of money; the FARC goes so far as to use kids to recruit other kids, enticing teenage boys with pretty girl recruits and vice versa.⁹

In Colombia, it is crucial to pay attention to these factors as, unlike many other countries, the large majority (80%)¹⁰ of children associated with fighting forces, are reported to have joined *voluntarily*, likely as a result of these push and pull factors. It bears noting though, that in addition to voluntary association, forced and *voluntary forced* recruitment also occurs in Colombia. *Voluntary forced* indicates a situation in which there is a high intensity of pressure on a child to join a group, making them feel that they have no other option. In rural areas controlled by the FARC, particularly in the South and East of the country, the FARC is seen as the law and main provider of services and thus many

8 Özerdem, Alpaslan and Sukanya Podder, 2011, 'Disarming Youth Combatants: Mitigating Youth Radicalization and Violent Extremism', *Journal of Strategic Security*, Volume 4, Issue 4, pp 63-80.

9 Watchlist on Children and Conflict, 2012.

10 Tong, Melissa, 2011, 'Colombia Background', Child Soldier Relief, viewed 7 November 2012, <<http://www.childsoldierrelief.org/about-child-soldiers/map/colombia/background/>>

youths in these areas feel obligated to join the group for protection.¹¹

Harvey Suárez-Morales, of the Colombian non-profit, Consultancy for Human Rights and Displacement (CODHES), noted in a project on IDPs, the numerous effects displacement has on youth including the destabilization of family and community units, decline in the quality of life, deterioration of public welfare systems and increased isolation, neglect, stress and anxiety.¹² These effects quite closely mirror the push/pull factors leading to the recruitment of minors. Internal displacement currently affects 6 to 10 percent of the Colombian population¹³ and in 2008 the Colombian Constitutional Court reported that 50 percent of all displaced people in Colombia are less than 18 years of age, declaring that the government had failed to adequately protect this group.¹⁴ The huge population of IDPs in Colombia is mainly a result of the ongoing fighting as well as of the dispossession of land carried out by a government that wishes to free it for the extraction of natural resources.

Additionally, the risk of child recruitment has also been found to be a *cause* of displacement, leading many families to flee their homes in order to protect their offspring, thus further trapping this population in a cycle of vulnerability, recruitment and dislocation.

The Reintegration Process

Unlike most other countries facing the scourge of child soldiers, a sig-

nificant difference in Colombia is that the youth are engaged in the de-

if the push/pull factors that led to their recruitment are not taken into account, then the same youths are at great risk of re-recruitment, violence and continued marginalization

mobilization process in the midst of continued fighting – thus the stakes are especially high. Academics Alpaslan Özerdem and Sukanya Podder (2011) posit that when children leave armed groups, if the push/pull factors that led to their recruitment are not taken into account, then the same youths are at great risk of re-recruitment, violence and continued marginalization.¹⁵ An illustration of what can happen when children are not included in the reintegration process can be seen when, during the formal demobilization of the paramilitary group, United Self-Defence Force of Colombia (AUC), between 2003 and 2006, the government failed to enforce the handover of children as a condition to the agreement. Only 300, of potentially thousands of children, were formally released during the process. Thus, the majority of minors associated with the AUC left the group informally and consequentially failed to meet the requirements for the demobilization process. As a result, these youths did not receive the programmes of protection and support that they needed.¹⁶ It is believed this caused many of them to be re-recruited by new paramilitary groups that sprang up in their predecessor's absence.¹⁷

While this was an evident failure by the Colombian government with regards to minors associated with armed forces, the administration is working to better respond to this issue. In 1999, the government launched the Programme of Assistance to Demobilized Children and Youth under the

15 Özerdem, Alpaslan and Sukanya Podder, 2011, 'Disarming Youth Combatants: Mitigating Youth Radicalization and Violent Extremism', *Journal of Strategic Security*, Volume 4, Issue 4, pp 63-80.

16 The Coalition to Stop the Use of Child Soldiers, 2008, 'Child Soldiers Global Report 2008', <www.child-soldiers.org/user_uploads/.../colombia7494957.pdf>

17 Watchlist on Children and Conflict, 2012.

auspice of the Instituto Colombiano de Bienestar Familiar (ICBF). The ICBF oversees the formal disarmament, demobilization, rehabilitation and reintegration (DDRR) programmes for youth, which is divided into three stages.¹⁸ First, the children receive medical attention, counselling and psychological support as needed, before they are moved to specialized care centres run by local or international NGOs that have been contracted by the organization.¹⁹ During this time, the programme works to restart the youths' educational and/or vocational training.

It has been shown globally that family reunification is a crucial step in reintegration, and thus the ICBF attempts to establish contact with the children's families. Unfortunately, it often remains too dangerous for them to return to their villages or, in other cases, the family has already been displaced. As a result, in the third stage of the

the great majority of child soldiers come from rural settings yet all of the formal DDRR programmes are located in urban centres, specifically Bogotá, Medellín and Cali

programme, they are rarely reunited with their families. More often they live together in a group home, or, if they are lucky, they join a foster family living in the city. There are often many challenges to finding willing families for fostering, yet those who are not placed tend to grapple with feelings of isolation and restriction of movement. As previously noted, the great majority of child soldiers come from rural settings yet all of the formal DDRR programmes are located in urban centres, specifically Bogotá, Medellín and Cali. These cities are where the government has the resources to provide the specialized care, counselling, education and protection necessary, yet this increases the stress placed on the youth who are unaccustomed to city life and face

18 Thomas, Virginia, 2008, 'Overcoming Lost Childhoods: Lessons Learned from the Rehabilitation and Reintegration of Former Child Soldiers in Colombia.' *Y Cares* <http://www.essex.ac.uk/armedcon/story_id/000760.pdf>

19 Brett, S., 2003, 'You'll Learn Not to Cry: Child Combatants in Colombia.' Human Rights Watch.

11 Watchlist on Children and Conflict, 2012.

12 Children and the Armed Conflict in Colombia: Symposium II, 2001, Bogotá, Colombia, viewed 1 November 2012, <http://www.derechoshumanos.gov.co/Observatorio/Publicaciones/documentos/2010/temas/ninez_conflicto/webingles/capitulo2.htm>

13 Internal Displacement Monitoring Center, 2009, 'Submission from the IDMC of the Norwegian Refugee Council for consideration by the 42nd Pre-Sessional Working Group of the Committee on Economic, Social and Cultural Rights in the formulation of the List of Issues.' Viewed on 6 November 2012, <[http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument)>

14 Arango Rivadeneria, Rodolfo, 2009, 'Judicial Protection of Internally Displaced Persons: The Colombian Experience', *Brookings Institute – The University of Bern Project on Internal Displacement*, Washington DC.

many additional challenges to reintegration including: separation from family, friends and a traditional community support system, isolation or limitations on movement, alienation and stigmatization.²⁰

Ending the Cycle: Children as Peace Builders

The process of reintegrating minors associated with armed forces obviously faces many challenges, perhaps one of the greatest is also the most basic: how they are viewed by others. Most often, these youths are categorized either as a defenceless *victim* of the conflict or as a *perpetrator* of the violence, an active member of the illegal group. Celina Del Felice and Andria Wisler (2007) posit that for youth involved in violent conflict a third category should be introduced, that of *peace-builders*;²¹ they see children as potential agents of change.

Government officials and NGO workers have suggested the successful DDRR programs might be a *precondition* rather than a *result* of a sustainable peace. Last October 2012, for the first time in a decade, the Colombian

²⁰ Thomas, Virginia, 2008

²¹ Del Felice, Celina and Andria Wisler, 2007, 'The Unexplored Power and Potential of Youth as Peace-builders', *Journal of Peace Conflict and Development*, Issue 11.

government and the FARC began formal peace negotiations in Oslo, Norway. Ideally, this critical time in Colombia will be taken as an opportunity to include youth in the discussion and to improve the programmes and policies that address former child soldiers. These programmes must be expanded and improved upon through continuous evaluation and consultation with experts and the youth themselves. Additionally, increased funding, greater attention to the inclusion of all youth - whether formally demobilized or not - and creating services that address the different experiences and needs of females is highly recommended.

Most often, these youths are categorized either as a defenceless victim of the conflict or as a perpetrator of the violence

Empowering vulnerable populations such as minors and including them in the peace process is an oft-noted strategy in documents prepared by organizations such as the United Nations, but unfortunately it remains rarely enacted.²²

This past November 2012, the FARC

²² Del Felice, Celina and Andria Wisler, 2007

announced a two-month ceasefire as a goodwill gesture to the government and show of support for the peace talks. Despite this, no specific reference to child soldiers or the demobilization of children has been reported. The closest that the talks have come to the issue is the inclusion of victims' rights in their five-points of discussion; in this they are referring to victims of the violence perpetrated by both sides of the conflict. Colombian legislation does identify children as victims based on violations they suffered due to the "illegal recruitment of minors"²³ and former child soldiers of illegitimate groups are eligible to apply for reparations under the 2011 Victims and Land Restitution Law.²⁴ Thus, hopefully child soldiers will also be specifically included in the discussion of victims in these peace negotiations.

²³ Aptel, Cecile and Virginie Ladisch, 2011, 'Through a New Lens: A Child-Sensitive Approach to Transitional Justice,' *International Center for Transitional Justice*, viewed 20 November 2012, <<http://www.ictj.org/sites/default/files/ICTJ-Children-Through-New-Lens-Aptel-Ladisch-2011-English.pdf>>

²⁴ The law defines victims as unarmed civilians who suffered violations of international human rights and humanitarian law during the armed conflict - no armed combatants can apply for compensation, except for former child soldiers.



A Colombian baby girl running across the army gear after the demobilization ceremony of the AUC paramilitary, Meta Department, 10 April 2006. © Jan Sochor



Photo: Ciudad Bolívar, a shanty town in the south of Bogotá, where internally displaced people from all over the country live, Colombia, 25 August 2009, © Jan Sochor

by Clara Stella Julio Vargas

*Social Worker Economist, Specialist in Peace
Conflict and Democracy, UNIMINUTO
Bogotá, Colombia*

OBSTACLES TO LAND RESTITUTION

THE INTERNALLY DISPLACED POPULATION CONTINUES TO GROW AS THEY ARE THREATENED WITH FURTHER DISPLACEMENT. THEY WILL BE NO SAFELY RESETTLED WITHOUT A GUARANTEE OF NON-REPETITION

It is hard to analyze the Colombian situation without making reference to the armed conflict and the Peace process being held by the Government of Juan Manuel Santos and the FARC guerrilla. Besides its negative impact over social, economic, politi-

cal and cultural issues, the confrontation worsens day by day and urgently requires a political exit.¹ Similarly, a

¹ Previous governments (Betancur, Barco, Gaviria, Samper, Pastrana and Uribe) have tried conversations, dialogues and cease

reference has to be made to the humanitarian crisis related to forced

of fire with several armed groups, as part of the processes of negotiation of the conflict in Colombia, which can be analyzed through their good and bad movements.

displacement, to which a great part of the population has been subjected, especially at a rural level (Juliao, 2011).

Due to institutional weaknesses and a lack of state presence, dispossession ends up being supported, consciously or unconsciously by government officials, notary and registration offices or the cadastre system itself

Internal displacement in Colombia “is the most notable aggression of the armed conflict towards the civil population. It is not a structural problem related to poverty or the vulnerability of poverty, but a problem associated to the risks and threats that inhabitants in affected regions face” (Churruca and Meeterns, 2010), where the process of displacement ends up being a figure of protection against those risks and threats. This appreciation is ratified by Acción Social² by indicating that “the main factor that influences forced displacement in Colombia is the dispute and activity of illegal armed groups, which directly affect the rights of life, liberty and integrity of people” (Acción Social, 2010). It is also convenient to mention the implemented strategies of illegal armed groups, including threats, killings, torture or forced disappearance (Ibáñez y Velázquez, 2008).

Law 1448 [...] assigns to the State the duty of guaranteeing the right of truth, justice and reparation. Reparation includes land restitution, compensation, rehabilitation, honoring history (memory) and the guarantee of no repetition

The displacement process has not always followed a homogeneous pattern regarding the area of origin of the displaced population or the areas of current settlements. Therefore, it has

² Acción Social was the governmental entity in charge of directing, coordinating, adopting and executing public policies in favor of victims of the armed conflict and population within Colombia that undergo poverty, amongst others. Since late 2011, Acción Social was transformed to “El Departamento Administrativo para la Prosperidad Social” - Administrative Department for Social Prosperity (DPS, 2011).

been analyzed and labeled differently, resulting in several types of displacement, encompassing on the one hand the sense of banishment generated by of the expulsion from a territory and on the other hand, the number or people or the way they transferred to other areas.

Since 2004, with the first official recognition of the displacement phenomenon and the results of the research conducted by representatives of the Catholic Church, such as *Conferencia Episcopal* and *Pastoral Social*, debates, discussions and joint work on the subject took place on a daily basis. In public or privately held, with the participation of national and international entities (Juliao, 2011^a), they have ever since spurred the government to take action for assisting the displaced people.

Moreover, an increasing number of people is still being displaced from their original homes or their resettlement because of the possibility of new displacement. There is no viable safe resettlement if there is no guarantee of non-repetition. Strikingly enough this is the reason why the total amount of re-displaced population keeps growing, even though the phenomenon has had the tendency to decrease in the last few years.

Given this almost permanent state of vulnerability, confusion and banishment, the possibility of return and re-establishment is directly related to land use planning, that is the way land is occupied, used and exploited (Ombudsman’s Office, 2004).

In particular for Colombia, land is one of the most valuable assets, because it results in territorial control³ and offers the possibility of extracting economic revenues. Financial sustainability of illegal armed groups depends on the military capacity to exercise control over the territory, appropriating assets and extracting revenues out of them. But there is another component. They need to exercise authority

³ Territorial control is one of the main military objectives of insurgent groups strategy. It contributes to the development of the so called underground economy that guarantees sustenance of their activities by drug trafficking, extortion, kidnapping and other clandestine operations.

over the people inhabiting these territories, by offering them - in exchange - protection from other groups, going so far as to exercise psychological pressure on them.

The dilemma between life and property leads to land dispossession⁴, which with time adopts even more elaborated and subtle forms of disguise as it combines threats and violence with the use of legal instruments to transfer property rights. Due to institutional weaknesses and a lack of state presence across the national territory, dispossession ends up being supported, consciously or unconsciously by government officials, notary and registration offices or the cadastre system itself (Gómez, 2010). Consequently, it converts displacement and land banishment into a land, political and above all economic transformation strategy, with the complicity of the government and of its local representatives.

Law 1448 of 2011, known as *Victims’ Law*, officially recognized that there is an internal armed conflict and that displacement and land dispossession are its direct products. This law, as a legal tool, recognizes the damages

the Land Restitution Unit has received – since its setting up - 19.579 application requests to the registry of dispossessed lands, which are related to 17.483 corresponding properties, accounting for more than a million and a half hectares located in 757 municipalities of the 32 departments of the country

caused by the internal armed conflict and assigns to the State the duty of guaranteeing the *right of truth, justice and reparation*. Reparation includes land restitution, compensation, rehabilitation, honoring history (memory) and the guarantee of no repetition.⁵ In

⁴ Land dispossession is pursued through various illicit forms, many times eased by legal businesses and administrative acts that takes advantage of the conditions of vulnerability of the victims, who end up selling their property at low prices, or abandoning it; moreover corrupted administrative schemes give the business sector considerable leverage for the transfer and falsification of entitlements.

⁵ Law 1448, Article 25

this framework, land restitution refers to the right of the victims to be given back their property that was dispossessed or that had to be abandoned because of the conflict.

Law 1448 established also a *Land Restitution Unit (LRU) - Unidad de Restitución de Tierras*⁶. According to that provision those victims stripped from their land and not in possess of the proving documents, are allowed to search for the evidence that credits them as land owners. This *Unit* is in charge of dealing with the registry of properties that were allegedly dispossessed or abandoned, receiving and processing requests for restitution and defending before the judges and tribunals the restitution cases on behalf of the victims.

6 Elsewhere within this issue also referred to as *Special Administrative Unit for the Management of Dispossessed Lands* (contribution by Lina M. Céspedes-Báez)

As of the end of August of the present year⁷, the LRU has received – since its setting up - 19.579 application requests to the registry of dispossessed lands, which are related to 17.483 corresponding properties, accounting for more than a million and a half hectares located in 757 municipalities of the 32 departments of the country. According to section on *Gradualism and Progressivity* of the same law 1448, 27 areas of the 1586 processes of restitution have been prioritized (8% of the total presented requests)⁸. To this regard, it has been rumored⁹ that these figures

7 According to figures of the Presidency of the Republic, searched the 19th of November of 2012 in http://wsp.presidencia.gov.co/Prensa/2012/Agosto/Paginas/20120828_05.aspx

8 The departments mostly affected by the conflict correspond to Bolívar, Magdalena and Sucre in the northern part of the country and Tolima in the center - west. Prioritized restitution processes correspond to these departments.

9 Amongst them include congressmen like Jorge Enrique Robledo and Iván Cepeda Cas-

are inflated and that the government should clarify the whereabouts of the restituted lands so that it does not get mixed up with unclaimed lands.

The governmental information seems to be quite encouraging considering that the *Land Restitution Unit* has been working for only 5 months. Nevertheless circumstances are starting to show lack of compliance with some law provisions, such as the existence of anti-restitution groups and new intimidation campaigns launched against the victims.

Other unresolved issues involve the lack of resources for reparation processes and the delays in appointing the judges and magistrates for land restitution. These circumstances affect directly not only the victims but also the judges themselves; as a matter of fact they are expected to gather for

tro, in Congress debates during the second semester of 2012.



Illustration 1: Restitution Judges Location and Regional Restitution Team Jurisdiction - Source: Ministerio de Agricultura y Desarrollo Rural, Unidad de Restitución de Tierras (Land Restitution Unit), Colombia.



Illustration 2: Municipalities Prioritized for Land Restitution Restitución de Tierras, Zonas Microfocalizadas - Source: Ministerio de Agricultura y Desarrollo Rural, Unidad de Restitución de Tierras (Land Restitution Unit), Colombia.

a national meeting with the purpose of improving and making formalities more flexible by optimizing procedures to counteract these obstacles in order to enforce the law.

Full grasp of the scenario faced by the victims should include consideration of the situation they are confronted with once they are reintegrated in their possessions. Land productivity, economic sustainability, and above all, the guarantee of non repetition of the facts that one day made them abandon or give up.

Usually the reclaimed lands are not recovered in good conditions due to the fact that they have been looted and exploited irresponsibly, or they have remained unattended for a long period of time. Therefore, public policies and projects should be adopted in order to reactivate the local economy of rural populations, in accordance to soil and farming characteristics as they range over the Colombian rural territory. To this end, one of the proposed strategies of the government is to promote the association of dis-

placed populations in order to take advantage of joint labor and financial resources given individually. However, greater transformations and developments are expected to take place once the Rural Development Law, which is currently under discussion, will be finally approved and in place. For the time being, criticisms and annotations that are made to the land restitution process should aim at improving implementation policy and overcome possible faults, but they should never give rise to delegitimizing discourse on land restitution as part of the right of *reparation* for the victims.

Bibliography:

Accion Social (2010). *Desplazamiento forzado en Colombia*. From: http://www.accionsocial.gov.co/documentos/CIDH_Desplazamiento_Forzado_en_Colombia_Marzo_2010_para_Canciller%c3%ada1.pdf

Churruca, Cristina and Donny Meertens (Compilers) (2010). *Desplazamiento en Colombia: prevenir, asistir, transformar, Cooperación internacional e iniciativas locales*. La carreta editors.

Defensoría Del Pueblo, (2004) *Políticas públicas y desplazamiento: una reflexión desde la experiencia*, Bogotá, July 2004.

DPS (2011). *Estudio Previo*. From: http://www.accionsocial.gov.co/documentos/C_dir/2012/318.pdf

Gómez Isa, Felipe (2010), "La restitución de la tierra y la prevención del desplazamiento forzado en Colombia". In Churruca and Meertens (Compilers) (2010). *Desplazamiento en Colombia: prevenir, asistir, transformar, Cooperación internacional e iniciativas locales*. La carreta editores.

Ibáñez, Ana María and Velásquez, Andrea (2008) *El impacto del desplazamiento forzado en Colombia: condiciones socioeconómicas de la población desplazada, vinculación a los mercados laborales y políticas públicas*. Cepal, División de Desarrollo Social, Serie políticas sociales No. 145, Santiago de Chile, November. Ibáñez and Velásquez, 2008.

Juliao Vargas, Clara Stella (2011), "Los desplazados en Bogotá y Socha: características y protección" en *Revista de Paz y Conflictos*, No 4. Universidad de Granada, ISSN: 1988-7221.

Juliao Vargas, Clara Stella (2011^a). "Protección y atención a la población en condiciones de desplazamiento en Colombia: muchas palabras poca aplicación". En *Memorias segundo Seminario Internacional de Trabajo Social Comunitario Formación y Praxis*, Uniminuto, Bogotá, January 26 2011.

Translation by **Marcela Muñoz Téllez**
HSI international





Photo: Automatic guns that belonged to the demobilized Colombian paramilitary forces (AUC) in a jungle settlement Casibare, Meta Department, Colombia, 10 April 2006, © Jan Sochor

by Sebastian Sanchez

Msc Global Studies, University of Gothenburg

SECURITY POLICY OF A WEAK STATE

COLOMBIA'S MILITARISATION UNDER THE DEMOCRATIC SECURITY STRATEGY AND PARAMILITARISATION HAVE FUELLED FORCED DISPLACEMENT PAVING THE WAY FOR BIG ECONOMIC PROJECTS AND LAND ACCUMULATION

Forced displacement and security policy in Colombia

The war on drugs and terrorism has dominated the Colombian security policy of the last two decades. This

war has been notoriously intensified during the last ten years, beginning with the 8 years presidency of Alvaro

Uribe Velez (2002-2010) and his *Democratic Security* (DS) strategy. Military consolidation is at the core of the pol-

icy, since it is assumed, state functions depend on successful military control over the territory. This strategy is aimed specifically at armed groups with links to drug trafficking.

former AUC fringes, called now BACRIM (Bandas Criminales), not only are still operative, holding the same power as their predecessors, but they have increased their presence within the state boundaries

Yet, paramilitary groups have been also a major cause of centrifugal dynamics and forced displacement in the last 20 years. They hold economic, political and military power in several regions and are an important factor in allowing illegal land appropriation (Human Rights Watch 2012, Swissinfo 2011). In 2003 former president Uribe held peace negotiations with *Auto-defensas Unidas de Colombia* (AUC), paramilitaries who were supposed to demobilize completely by 2006. However former AUC fringes, called now BACRIM (*Bandas Criminales*), not only are still operative, holding the same power as their predecessors, but they have increased their presence within the state boundaries (Indepaz 2012). These dynamics are proof of a failed peace process that still fuels displacement and land accumulation.

In this framework also the guerrillas have their share of responsibility in terms of displacement and State weakening, but their military capability and territorial control has been reduced following the strong military offensive they have been targeted with during Uribe's and Santos¹ mandates. In comparison to the 406 municipalities controlled by paramilitaries in 2011, FARC rule extended to 246, less than half, and most of them concentrated in areas of illegal mining and coca production (Indepaz 2012).

In 2010 a sharp rise of 35% in the number of Internally Displaced Peoples (IDPs) was registered in comparison to the previous year (UNHCR 2012). In that same year 32% of the overall IDPs came from regions where the state focused its military strategy

1 Uribe's former defence minister and Colombia current President

and fight against drug trafficking and armed groups (El Universal 2011). At the same time these regions witnessed – and still witness - a strong paramilitary presence (Codhes 2012). What went wrong then? Why, after peace negotiations with AUC, has displacement, land accumulation and paramilitary activity increased? What is the role of the DS policy in these developments? And what is the government of Santos doing to face all that?

In comparison to the 406 municipalities controlled by paramilitaries in 2011, FARC rule extended to 246, less than half, and most of them concentrated in areas of illegal mining and coca production

Alvaro Uribe Velez and the Democratic Security strategy

In order to understand the dynamic between violence, displacement and land appropriation it is important to look at the peace process with AUC. The *peace and justice law*² was the framework for negotiating the retirement of AUC members. More than 31.000 of them decommissioned their weapons and compromised to cooperate with the government. They exchanged information about their crimes and assets acquired illegally in exchange with milder punishment under the afore mentioned law. Unfortunately to date only three convictions have been issued against AUC members and only small portions of what the paramilitaries acquired illegally have been recovered (Human Rights Watch 2012, Swissinfo 2011). What was aimed at reintegrating former members of AUC into civil life has failed, and the BACRIM are now resurging, causing for further displacements. Uribe's government lack of will to fully dismantle paramilitary structures can be considered the main cause for the failure of the entire process, as extraditions to the US of paramilitary leaders accused of drug trafficking would confirm (Colectivo

2 The law is designed to give milder punishment to members of armed groups that confess their crimes and compensate their victims, financially or with assets acquired illegally.

de abogados 2011).

As a matter of fact during the last decade there have been many accusations that paramilitaries have created alliances with politicians, land owners, state officials and economic leaders in order to forcibly displace and take over lands, with the support of state land registration authorities (Verdad Abierta 2012a). Such alliances often occurred in regions where state authority manifested itself for the first time by using military power in the framework of the war on drugs and terrorism.

In 2002 Alvaro Uribe Velez launched *Democratic Security* as his main government policy. It aimed at gaining full military control over the national territory and those vast portions that for long time have remained under guerrillas and paramilitaries rule. To this end the *Territorial Consolidation Plan* (TCP)³ was designed as DS main component. The plan targeted three main priorities: *territorial security, citizen protection and economic, social and institutional development* (Acción Social 2010). It focussed on 14 areas known as CCAI (Centers for Comprehensive Care Coordination)⁴ and comprising 7 regions covering 86 municipalities in 17 departments. They required special attention as they were characterized by the presence of armed groups, illicit crops and absence of the state.

to date only three convictions have been issued against AUC members and only small portions of what the paramilitaries acquired illegally have been recovered

Under the anti narcotics strategy positive developments were observed. The 2010 United Nations World Drug Report shows a decline of area cultivated at coca, decreasing from 163.300 hectares in 2000 to 68.000 hectares in 2009, at the same time as coca crops

3 Plan Nacional de Consolidación Territorial, 2010

4 The 14 CCAI areas that overlay on 86 natural regions and municipalities in 17 departments of Colombia. These areas are located in Nariño, Cauca, Valle del Cauca, Choco, Rio Caguan, Macarena, Cordillera Central, Bajo Cauca, Córdoba, Montes de María, Sierra Nevada de Santa Marta, Putumayo, Arauca and Catatumbo

eradication increased from 61.568 hectares in 2000 to 165.329 hectares in 2009 (UNODC, 2010)⁵. These positive figures satisfied the government and represented an incentive to stick to the same strategy for the future⁶. As a matter of fact instead illegal mining has replace and displaced coca production, increasing territorial disputes over several regions rich in minerals. In the last ten years 87% of IDPs were expelled from mining re-

32% of IDPs registered in 2010 came from regions included in the Territorial Consolidation Plan. **Moreover, 44 out of the 100 municipalities included in the plan, presented the highest rates of displacement in that same year**

⁵ At the same time coca crops decreased in Colombia an important increase was detected in Bolivia and Peru (UNODC 2010)

⁶ The governments positive perception of the coca crop reduction was contrasted by its worry about the displacement of crops to natural reserves and indigenous territories (El Tiempo 2011).

gions while the paramilitaries resort more and more to illegal mining for financing purposes, according to the Toledo International Centre for Peace (El Tiempo 2012).

The impact the DS policy had on land tenure is directly related to the levels of displacement presented in those zones targeted by the TCP. 32% of IDPs registered in 2010 came from regions included in the TCP. Moreover, 44 out of the 100 municipalities included in the plan, presented the highest rates of displacement in that same year (Codhes 2011). Intensive military confrontations between state forces, guerrillas and paramilitary groups as well as aerial fumigation of coca crops for eradication contributed strongly to displacement. The use of chemicals affects negatively not only coca cultivations but also food crops. Such a dynamic eased the introduction of big investments in the regions in order to develop agricultural mega-projects, something that the Uribe's administration encouraged.

Dealing with the war on drugs and terrorism and its security policy can not miss mentioning the role played by the USA in this regard. In 2007 only, *Plan Colombia*⁷ contributed with nearly U\$600 million to the fight against drug trafficking and terrorism. This amount was reduced in 2011 to U\$400 million (El Espectador 2011), most of which financing military operations, equipment and eradication material such as chemicals for aerial fumigation. The USA, by funding most of the TCP budget, inevitably influenced its final outcomes. If the DS strategy, on the one hand, helped *pacify* some internal regions it also paved the way for investment in productive projects on the other. In 2010 African Palm⁸

⁷ Plan Colombia begun in 1999 with the administration of Andrés Pastrana. Initially the Plan financed the war on drugs, but after the 9/11 attacks in the US, anti-terrorism was added to the agenda and allowed the Colombian State to use funds for anti-guerrilla operations.

⁸ Under Uribe's administration the



Young Colombian recruits swim in the water to practise jungle survival, 23 September 2006. Meta Department, Colombia © Jan Sochor

production was massively introduced over the 16% of the TCP zones, while at the same time those areas presented high rates of IDPs. Land use

In 2010 African Palm production was massively introduced over the 16% of the TCP zones, while at the same time those areas presented high rates of IDPs

age swapped again from farmland to extensive and intensive African Palm plantations (Codhes, 2011)⁹. Paramilitaries have perpetrated again violent appropriation of land in order to free space for African Palm plantations (Verdad Abierta, 2012). In other words expansion of agricultural exports fuelled violence and displacement, and occurred mainly in those same areas the state targeted through the TCP.

Santos' Land restitution policy and prevailing insecurity

Uribe's former defence minister Juan Manuel Santos took over the presidential office in 2010, immediately confronted with high rates of internal displacement (IDPs) and high levels of land accumulation, the former explaining in great part the latter. The land Gini index passed from 0.80 to 0,86 between 2001 and 2010, meaning that 3.8% of registered land owners posses 41% of the registered properties (IGAC 2011)¹⁰: trends in land distribution had never been so worrying.

In this context the *Victims and Land Restitution Law*¹¹ (victim's law) approved in 2011, aimed at returning the land taken violently, compensate victims affected by the armed conflict, and, at the same time, review properties that have grown through violent practices. President Santos said that the law enjoyed wide support, including "FARC political base", which

production of African Palm for biodiesel was a priority, setting Colombia as the 5th biggest producer of palm oil in the world.

9 Between 2003 and 2007 the area occupied by African Palm increased by 100.000 hectares (Fedepalma).

10 The maximum level of inequality is 1

11 This law prioritizes reparation of the victims of the conflict. Financial reparation and land restitution is aimed to identify victims of forced displacement or violence. It is seen as a step to the solution to the armed conflict (Min-justicia 2012)

would explain why the armed group "fears the success" of the policy of land restitution (El Espectador 2012).

Not surprisingly last October 2012 peace negotiations between the government and FARC guerrillas were officialised in Oslo. Another attempt in the history of Colombia after the big failure under the administration of Andres Pastrana, before Uribe's presidency. Agricultural development and land issues are the most important issues at stake, given the fact that FARC's political discourse around them has always been at the forefront of their agenda and ideological background, even though they themselves are responsible for displacements and are involved in illegal economic activities that cause them.

However, Santos' security agenda is still dominated by the fight against drug trafficking and armed groups, even though the war on drugs is likely to be reviewed in the coming months as under discussion. Coca eradication practices are still a priority but illegal mining is currently taking the lead in terms of financing resource for the armed groups (El tiempo 2012), whose focus has shifted towards mineral rich regions (Dinero 2012).

Intentions of the Victims and Land Restitution Law are good and aim for a correct identification of both the victims and their tormentors, however it fails to acknowledge the political and economic roots of the conflict

Even though peace negotiations with FARC were highly welcomed, not without some scepticism within country, it does not seem that they will lead to long lasting and sustainable peace. In the first place paramilitary groups – in particular the BACRIM - are waiting for the FARC to leave their weapons and give up control over *their* territories in order to take over drug trafficking routes and lucrative resources, including mining areas (Arcoiris 2012). If such a development took place paramilitary groups would have complete monopoly over the productive cycle of cocaine, from coca harvesting to commercialization.

Santos' military approach has resulted in the capture of important leaders of these paramilitary groups. Successful police operations were widely publicised in the media but the failure to recognize these organizations as having the same power as the AUC makes it very difficult to judge them properly and treat them as mere criminals. By not taking into account their political and economic influence, human rights violations and other severe crimes perpetrated by these groups are pursued as soft crimes. Penalties are much milder and leave the victims without the right of compensation nor the promise of not repetition.

Without a serious change in the political mind-set as well as in land distribution practices, the Colombian conflict is bound to last much longer. Intentions of the *Victims and Land Restitution Law* are good and aim for a correct identification of both the victims and their tormentors, however it fails to acknowledge the political and economic roots of the conflict, and this can lead not only to the failure of the peace negotiations with FARC but also of the entire state security policy.

References

Acción Social 2010. 'Reporte Ejecutivo Plan Nacional de Consolidación'. Centro de Coordinación de Acción Integral.

Arcoiris 2012. 'Neo-paramilitares y 'bacrim', con su mirada en la paz'. Retrieved November 2012. Available at < <http://www.arcoiris.com.co/2012/10/neo-paramilitares-y-bacrim-con-su-mirada-en-la-paz/>>

Codhes 2011. *Consolidación de qué? Informe sobre desplazamiento, conflicto armado y derechos humanos en Colombia en 2010*. Bogotá. Grupo Nativo

Codhes 2012. 'Desplazamiento Creciente y Cisis Humanitaria Invisibilizada'. *Boletín de Consultoría para los Derechos Humanos y el Desplazamiento*, No 79. Bogotá. Available at www.codhes.org

Colectivo de abogados 2011. 'Extradición de jefes paramilitares favoreció la impunidad'. Retrieved November 2012. Available at <<http://www.colectivodeabogados.org/Extradicion-de-jefes-param>>

Dinero 2012. 'Santos le pone freno a la minería ilegal'. Retrieved November 2012. Available at < <http://www.dinero.com/actualidad/economia/articulo/santos-pone-freno-mineria-ilegal/163143>>

El Espectador 2011. 'El fin de la era Plan Colombia'. Retrieved November 2012. Available

at <http://www.elespectador.com/impreso-internacional/articulo-251204-el-fin-de-era-plan-colombia>

El Espectador 2011a. 'Palmeros y el fantasma paramilitary'. Retrieved November 2012. Available at <http://www.elespectador.com/noticias/wikileaks/articulo-264720-palmeros-y-el-fantasma-paramilitar>

El Espectador 2012. 'Les estamos quitando las banderas políticas a las Farc: Juan Manuel Santos'. Retrieved November 2012. Available at <http://www.elespectador.com/noticias/paz/articulo-382059-les-estamos-quitando-banderas-politicas-farc-juan-manuel-santos>

El Tiempo 2011. 'Gobierno, complacido por la reducción de cultivos de coca en el país'. Retrieved November 2012. Available at http://www.eltiempo.com/mundo/estados-unidos/ARTICULO-WEB-NEW_NOTA_INTERIOR-9705384.html

El Tiempo 2012. 'Minería ilegal desplaza la coca en ocho regiones'. Retrieved November 2012. Available at http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-12214227.html

El Universal 2011. '32% del desplazamiento se produce en zonas de consolidación militar'. Retrieved November 2012. Available at <http://www.eluniversal.com.co/cartagena/nacional/32-del-desplazamiento-se-produce-en-zonas-de-consolidacion-militar-9878>

Fedepalma. Estructura productiva: Producción y rendimientos. Available at http://portal.fedepalma.org/eco_estructura.shtm

Human Right Watch 2012. 'World Report 2012: Colombia'. Available at <http://www.hrw.org/world-report-2012/colombia>

Indepaz 2012. 'Punto de encuentro' No 58. Instituto de Estudios para el Desarrollo y la Paz. Bogotá. Available at <http://ediciones.indepaz.org.co/2012/03/>

Instituto Geográfico Agustín Codazzi (IGAC) 2011. 'Gran Atlas de la Distribución de la Propiedad Rural en Colombia'. Cited in El Tiempo October 9th 2011. Retrieved November 2012. Available at <http://m.eltiempo.com/justicia/teratenientes-en-colombia/10528066>

Minjusticia 2012. 'Ley de Víctimas y Restitución de Tierras y sus Decretos Reglamentarios'. Available at <http://www.leydevictimas.gov.co/documents/10179/19132/completo.pdf>

Portafolio 2012. 'Agro Ingreso Seguro no es una telenovela'. Retrieved November 2012. Available at <http://www.portafolio.co/opinion/agro-ingreso-seguro-no-es-una-telenovela>

Semana 2009. 'Hasta Mario Uribe se benefició con Agro Ingreso Seguro'. Retrieved November 2012. Available at <http://www.semana.com/nacion/hasta-mario-uribe-beneficio-agro-ingreso-seguro/130973-3.aspx>

Swissinfo 2011. 'Colombia trueca la verdad con la impunidad'. Retrieved November 2012.

Available at http://www.swissinfo.ch/spa/Especiales/Suiza,_Colombia_y_las_FARC/Mision_humanitaria/Colombia_trueca_la_verdad_con_la_impunidad_.html?cid=30927296

UNODC 2010. 'World Drug Report 2010'. United Nations Office on Drugs and Crime, Vienna. Available at <http://www.unodc.org/unodc/en/data-and-analysis/WDR-2010.html>>UNHCR 2012. UNHCR country operations profile: Colombia. Available at <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e492ad6&submit=GO>

Verdad Abierta 2011. 'La palma y los paramilitares del Chocó'. Retrieved November 2012. Available at <http://www.verdadabierta.com/component/content/article/158-captura-de-rentas-publicas/3526-la-palma-y-los-paramilitares-en-choco>

Verdad Abierta 2012. 'Bloque Elmer Cardenas de Urabá'. Retrieved November 2012. Available at <http://www.verdadabierta.com/victorios/los-bloques/416-bloque-elmer-cardenas-de-uraba->>

Verdad Abierta 2012a. 'Investigan a Incoeder, notarias y Fondo Ganadero de Córdoba por despojo'. Retrieved November 2012. Available at <http://www.verdadabierta.com/component/content/article/48-despojo-de-tierras/4333-fondo-ganadero-incoder-y-notarias-investigadas-por-despojo-en-cordoba/>>



Colombian paramilitary forces (AUC) during the demobilization ceremony in a jungle settlement Casibare, in the Meta Department, Colombia, 10 April 2006



Photo: A displaced woman from Chocó department lives with her children in a wooden house in the slum of Ciudad Bolívar, Bogotá, Colombia, 27 May 2010, © Jan Sochor

by **Lina M. Céspedes-Báez**

*Law Profesor, Línea de Democracia y Justicia,
Universidad del Rosario, Bogotá, Colombia
Fullbright Scholar*

SEXUAL VIOLENCE AND LAND SEIZURE

THOUGH THE CAUSAL RELATIONSHIP BETWEEN SEXUAL VIOLENCE AND LAND SEIZURE IN COLOMBIA'S ARMED CONFLICT IS FAR FROM BEING ESTABLISHED, TOOL AND CONTEXT ANALYSIS CAN HELP CLARIFY IF, WHEN & HOW THEY ARE RELATED

The Context

The Colombian armed conflict has affected the civilian population subjecting it to massacres, forced displace-

ment, and loss of private property, among other human rights and humanitarian law violations. For more

than three decades, women, men and children have been caught between guerrillas, paramilitaries, and

the State's crossfire. The rural population in particular has been hardest hit by warfare and its collateral consequences, since the armed conflict is mostly present and fought in rural areas where the institutional State's presence is weak or non-existent, or where the illegal armed groups are after strategically positions or specific assets, such as land, territory, illicit crops, and mines.¹ According to the 2011 Human Development Report on Colombia, 75.5% of Colombian municipalities are rural, and 31,6% of the total population lives in them². The projected total population for 2012 is 46'581.823, therefore the estimated population living in rural areas is over 14 millions³.

Non-governmental organizations (NGOs), international bodies, activists, scholars, and the Colombian judiciary have argued that sexual violence is being used as a weapon of war against women, men, boys and girls within the armed conflict. Some

75.5% of Colombian municipalities are rural, and 31,6% of the total population lives in them. The projected total population for 2012 is 46'581.823, therefore the estimated population living in rural areas is over 14 millions

survivor's testimonies have identified some relationships between sexual assault and land seizure. Although this claim has gained some traction in the last few years, the causal relation still needs to be proved. The assumption that this causal relationship exists risks drawing far-reaching conclusions – and developing policy – based on the scattered available data. In this setting, developing and using

1 See, Programa de las Naciones Unidas para el Desarrollo - PNUD 2011, *Colombia Rural. Razones para la Esperanza. Informe Nacional de Desarrollo Humano*, INDH - PNUD, Bogotá, Colombia. Ibáñez, A.M. 2009, *El Desplazamiento Forzado en Colombia: un camino sin retorno hacia la pobreza*. Ediciones Uniandes, Bogotá, Colombia.

2 Programa de las Naciones Unidas para el Desarrollo - PNUD 2011, *Colombia Rural. Razones para la Esperanza. Informe Nacional de Desarrollo Humano*, INDH - PNUD, Bogotá, Colombia.

3 Departamento Administrativo Nacional de Estadística 2012, *Proyecciones de Población*. Available: http://www.dane.gov.co/index.php?option=com_content&view=article&id=75&Itemid=72 [2012, 11/30].

analytical tools, such as *context* and sexual violence *classifications*, to examine sexual violence events possibly linked to land seizure could be useful to avoid sweeping deductions.

Sexual Violence and Land Seizure

Documentation of sexual violence in the Colombian armed conflict commenced at the end of the Twentieth Century. During the 1990s, the women's social movement promoted campaigns to stop violence against women in the context of armed conflict, and in 2001, the *Women and Armed Conflict Working Group* launched its first report on the specific impact of warfare on women and girls' lives and bodies⁴. In the following years, several national and international NGOs joined this enterprise, and gathered testimony from sexual violence survivors to prove that armed actors were engaging in this practice⁵. Gradually, the emphasis of these reports has been shifting from collecting information to systematizing it according to the purported armed group's goals. Literature steaming from these organizations, and academia as well, has begun to establish that sexual violence is not only a crime to degrade and inflict harm on women's bodies and psyches, but also a useful tool to achieve armed groups' objectives⁶.

These new developments in sexual violence studies in Colombia have opened the door to exploring its interrelation with other wrongs, such

4 The Women and Armed Conflict Working Group is a coalition of Colombian activists, and women's rights and human rights NGOs. It was established in 2001 with the aim of documenting the human rights and humanitarian law violations inflicted on women and girls in the context of the Colombian armed conflict. Each year, the working group releases a report that analyzes and summarizes the main incidents of the year.

5 See, Amnesty International 2004, *Colombia: 'Scarred Bodies, Hidden Crimes': Sexual Violence against Women in the Armed Conflict*. AMR 23/040/2004. Mesa de Trabajo Mujer y Conflicto Armado 2007, *Informe sobre Violencia Sociopolítica contra Mujeres, Jóvenes y Niñas en Colombia*, Ediciones Ántropos, Bogotá, Colombia.

6 Corporación Humanas – Centro Regional de Derechos Humanos y Justicia de Género 2009, *Guía para Llevar Casos de Violencia Sexual. Propuestas de Argumentación para Enjuiciar Crímenes de Violencia Sexual Cometidos en el Marco del Conflicto Armado Colombiano*, Ediciones Ántropos, Bogotá, Colombia.

as private property appropriation, forced displacement, and genocide. Land seizure has been a method and a goal at the same time within the Colombian armed conflict. Guerrillas and paramilitaries have disputed control over territories to secure its hegemony, to get access to drug and arms corridors, and to profit from legal and illegal businesses. Also, through land accumulation, illegal armed groups and their leaders have increased their wealth, and have had in hand a convenient tool for money laundering and for repopulating entire areas with allies and collaborators⁷. Sexual violence, along other crimes, has been

To date, conservative estimates show that 3,875,987 persons were forced displaced due to the armed conflict between 1997 and 2011

identified as one of the avenues to achieve this end. Some survivors' testimonies have indicated that sexual violence or its threat has been used to take away their lands or to force their sell for lower prices⁸. To date, conservative estimates show that 3,875,987 persons were forced displaced due to the armed conflict between 1997 and 2011⁹. Although it has been difficult to establish how much land has been left behind or sold under strenuous cir-

Although it has been difficult to establish how much land has been left behind or sold under strenuous circumstances by forced displaced persons, the Special Administrative Unit for the Management of Dispossessed Lands pointed to at least 1,565,018 hectares as of October 2012

cumstances by forced displaced persons, the *Special Administrative Unit for the Management of Dispossessed*

7 See, Salinas Abdala, Y. & Zarama Santacruz, J.M. 2012, *Justicia y Paz. Tierras y Territorios en las Versiones de los Paramilitares*. Centro de Memoria Histórica, Bogotá, Colombia.

8 Comisión Nacional de Reparación y Reconciliación - Grupo de Memoria Histórica 2011a, *Mujeres y Guerra. Víctimas y Resistentes en el Caribe Colombiano*. Editorial Taurus, Colombia.

9 Departamento para la Prosperidad Social, *Estadísticas de la Población Desplazada*. Available: <http://www.dps.gov.co/contenido/contenido.aspx?catID=295&conID=556&pagID=838> [2012, 11/5].

Lands pointed to at least 1,565,018 hectares¹⁰ as of October 2012¹¹.

In spite of the growing interest on this topic, finding representative data on sexual violence and its implications has proved difficult. Structural enforcement of silence, lack of political will to prosecute and ascertain the magnitude of this phenomenon, and qualitative methodologies applied by NGOs have contributed to identify scattered testimonies but not to mea-

As of July 2011, demobilized paramilitaries prosecuted under Law 975 of 2005 (commonly known as Peace and Justice Law) have confessed only 55 cases of sexual violence

suring the real extent of this conduct and its aims¹². Some of the available data would illustrate this point: Constitutional Court's Writ 092 of 2008 identified 183 possible cases of sexual violence in the context of the Colombian armed conflict since 1993¹³. As of July 2011, demobilized paramilitaries prosecuted under Law 975 of 2005 (commonly known as Peace and Justice Law) have confessed only 55 cases of sexual violence¹⁴. As of December 2011, 727 cases have been de-

10 The Agricultural land in Colombia - share of land area that is arable, under permanent crops or under permanent pastures - was 38.24% in 2009, according to the 2010 World Bank country report for Colombia. The 1,565,018 hectares that have been claimed so far - different from the total land dispossessed - corresponds to 78,32 % of the arable land in Colombia (1998000 hectares), 3,68% of the Agricultural Land (42436000 hectares) and 1,41% of the total Land area (110950000 hectares).

11 This figure comes from the national Registry of Forced Abandoned and Dispossessed Lands, created by Law 1448 of 2011, and shows the number of hectares reported as abandoned by or dispossessed from claimants. The registry is being gradually implemented throughout the country Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas 2012, Respuesta a Derecho de Petición presentado por Lina María Céspedes Báez, remitido por el Ministerio de Relaciones Exteriores. Rad. No. 20122260302462.

12 See, Roth, F., Guberek, T. & Green, A.H. 2011, *Using Quantitative Data to Assess Conflict-Related Sexual Violence in Colombia*, Opciones Gráficas Editores Ltda., Colombia..

13 Cepeda Espinosa, M.J. 2008, Auto 092, Corte Constitucional de Colombia.

14 Verdad Abierta September 26, 2012, , Estadísticas Justicia y Paz. Available: <http://www.verdadabierta.com/component/content/article/173-estadisticas/3825-estadisticas-justicia-y-paz> [2012, 11/30/12].

nounced before the Peace and Justice Unit from the Attorney General's Office (Fiscalía General de la Nación). To date, only one demobilized paramilitary has been condemned for raping two girls in 2003¹⁵. By contrast, The First Survey of Prevalence on Sexual Violence against Women in the Context of the Colombian Armed Conflict 2001-2009, carried out by the Colombian NGO Casa de la Mujer, stated that:

the rate of sexual violence, for the period 2001-2009, in 407 municipalities with an active presence of the armed forces, paramilitaries, guerrillas, and other armed actors in Colombia was estimated at 17.58%; this means that during these nine years 489,687 women were victims of sexual violence.

However, this research did not focus exclusively on sexual violence caused directly by armed actors, and did not study in depth the *context*, perpetrators' possible motivations, and decisions made by survivors after the crime.

Conclusions

Given the lack of solid data and the *hegemony of silence*, there is a real danger of interpreting those testimonies and figures in broad fashion, deducing armed groups' strategies and purposes from disperse evidence. Moreover, the almost universal acceptance of phrases like '*sexual violence is a weapon of war*' conspires to oversimplify this complex panorama. While more comprehensive data is accrued, it is essential to develop more specific analytical categories to interpret those accounts in which land seizure and sexual violence seem to be linked by a causal relation, and to shed light on those reports where the nexus is not so easy to establish. Determining the *context* in which sexual violence takes place, and drawing *distinctions* between when this crime is used as a mean to further a group's strategy and when it is not will help to clarify what role is given to it in boosting key goals such as land seizure.

15 Verdad Abierta December 7, 2011, Dictan Primera Condena en Justicia y Paz por Delitos Sexuales. Available: http://www.verdadabierta.com/victimarios/index.php?option=com_content&id=3738 [2012, 11/30/12].

Setting out the *context* generally entails an inquiry about groups' practices, codes of conduct and their enforcement, and overall objectives. Regarding land seizure in particular, it involves identifying the relationship the armed group has with land and territory in a given region. Studies of the Colombian armed conflict have shown that illegal armed groups' goals are not inevitably related with sweeping away the population and seizing their land. Sometimes they enter into specific zones in order to stay and benefit from the civilian population's work, presence, and collaboration. Sexual violence occurring in this context could have strategic goals, such as dismantling women's organizations, but it seems less likely that it would be employed to appropriate land or acquire territorial control¹⁶.

A complete analysis must also include a scrutiny of the complex and costly procedures that lead to acquiring private property rights over land in Colombia. Deeds and their constitutive registration are crucial steps to procure private property over plots, and if any of them are missing or null, property rights are not obtained. Historically women and peasants have had an informal relation with land, out of ignorance, tradition or lack of resources to accomplish the formalities established by law¹⁷.

For instance, in 2012 the *Special Administrative Unit for the Management of Dispossessed Lands*¹⁸ reported only 6,308 lots being claimed by owners (formal relations), and 6,399 by pos-

the Colombian armed conflict has been mainly fought in areas where State institutions are weak... disagreements arising from land titling and ownership are not solved through legal avenues, but by armed groups' adjudication

16 Comisión Nacional de Reparación y Reconciliación - Grupo de Memoria Histórica 2011a, *Mujeres y Guerra. Víctimas y Resistentes en el Caribe Colombiano*. Editorial Taurus, Colombia.

17 Comisión Nacional de Reparación y Reconciliación - Grupo de Memoria Histórica 2010, *La Tierra en Disputa. Memorias del Despojo y Resistencias Campesinas en la Costa Caribe 1960 - 2010*. Editorial Taurus, Colombia.

18 Elsewhere within this issue also referred to as *Land Restitution Unit* (contribution by Clara Stella Julio Vargas)

sensors and occupants (informal relations), out of 14,507 registered. Also, it is worth to have in mind that the Colombian armed conflict has been mainly fought in areas where State institutions are weak. Therefore, disagreements arising from land titling and ownership are not solved through legal avenues, but by armed groups' adjudication. Undoubtedly, these circumstances have made land seizure an easy and profitable activity, difficult to track and prosecute. This background has facilitated the use of threats and criminal conducts as a mean to forcibly displace population and illegally appropriate their land. Finally, in order to link sexual violence to land seizure it is fundamental to recognize that not all sexual violence crimes that happen in the context of armed conflict purport the furtherance of armed groups' strategically objectives. Recent literature on sexual violence and armed conflicts has classified different types of sexual assaults that take place during hostilities, distinguishing between sexual violence used as a war strategy to further an armed group objective, and sexual violence that happens without any specific aim apart from satisfying the perpetrators' sexual desire and/or causing harm on the

victims¹⁹. This approach has played a key role in broadening the discussion about sexual violence in war to take into consideration context, interrelation with other crimes, recognition of harms, and reparations. Indeed, demonstrating that a specific event is strategically linked to some groups goals implies outlining the setting in which the act took place to determine if there was a policy within the group, or if it

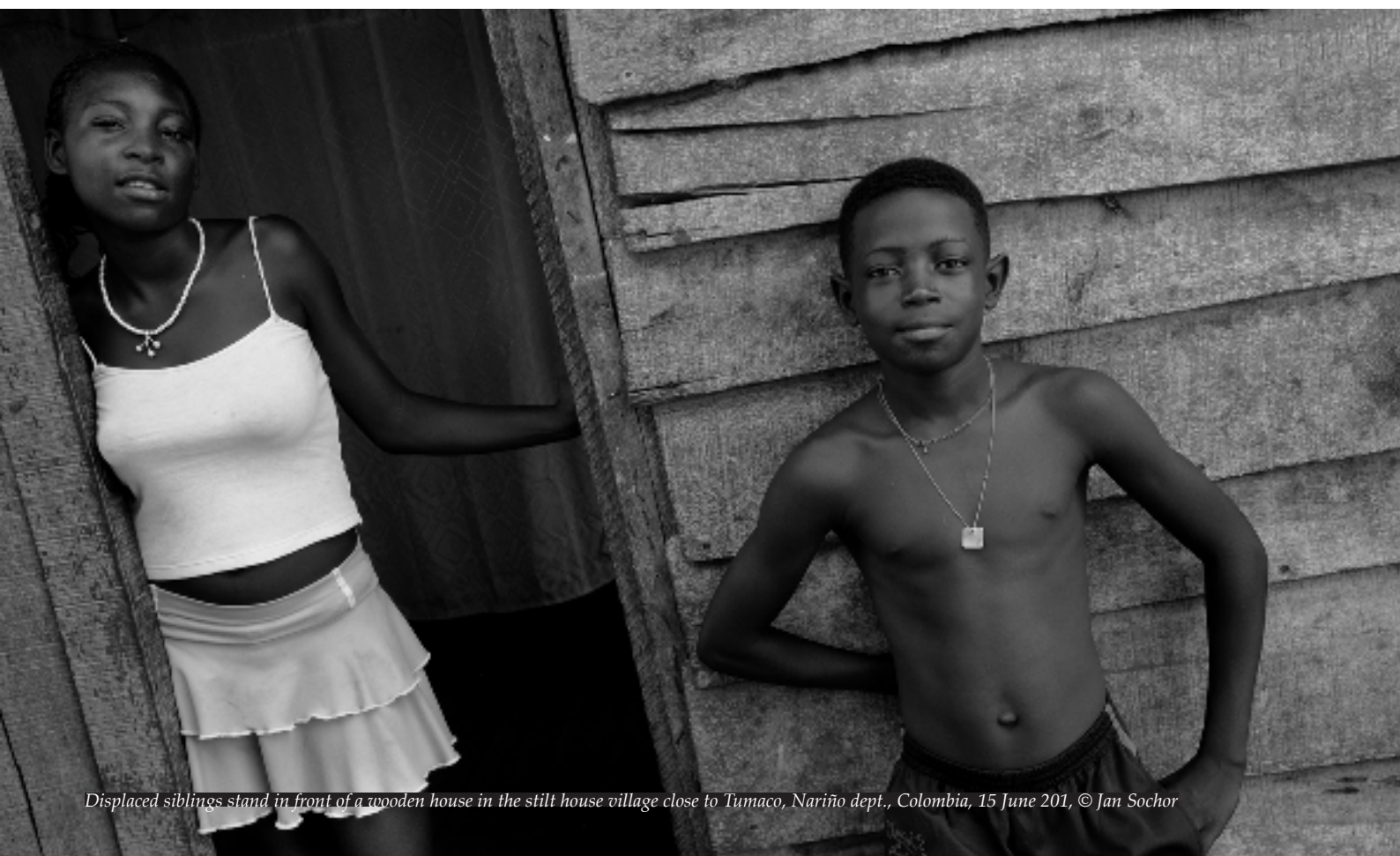
19 — For instance, Elisabeth Jean Wood has put forward the distinction between 'strategic' and 'opportunistic' sexual violence. Recently she has included the category sexual violence as a 'practice', to deal with cases where the assault 'is not ordered but it is tolerated by commanders, and occurs when it is not strategic as well as when it is (...)' Jelke Boesten has developed the concept 'rape regimes' to highlight that the ends pursued by sexual violence are not always exhausted by simple consumption (that is, the act of sexual violence itself), but depending on the context, can be connected with the broader strategic goals of armed actors.

Wood, E.J. 2012, "Rape During War Is Not Inevitable: Variation in Wartime Sexual Violence" in *Understanding and Proving International Sex Crimes*, eds. M. Bergsmo, A.B. Skre & E.J. Wood, Torkel Opsahl Academic EPublisher, Beijing, pp. 389-419

Boesten, J. 2012, "Analyzing Rape Regimes at the Interface of War and Peace in Perú", *The International Journal of Transitional Justice*, vol. 4, pp. 110-129.

could be deduced from the surrounding facts. When the strategy is set out, the goal pursued could constitute an element for aggravation or a crime in itself, such as sexual violence used to commit genocide or land seizure. Connecting sexual violence to a strategy would also led to the prosecution of superiors within the armed group and contribute to the establishment of international crimes, if their other premises are met. Proving these variables will affect the way in which the harm is assessed and, in consequence, its reparation.

Understanding the relation between sexual violence and land seizure in Colombia involves admitting that for the time being there is insufficient data to reach general conclusions regarding their causal link. However, available scattered testimonies could be scrutinized through *context* and sexual violence *classification* with a view to determine whether in certain situations this association is present. This approach would not only contribute to improve the academic debate and NGOs research, but would also support proper prosecutions and reparation policies.



Displaced siblings stand in front of a wooden house in the stilt house village close to Tumaco, Nariño dept., Colombia, 15 June 2011, © Jan Sochor



Photo: Stiven, the 13-years-old Colombian boy, picks up a shellfish from the mud in the mangrove swamps on the Pacific coast, Colombia, 12 June 2010, © Jan Sochor

by Carolina Silva Portero

LL.M. (c) Harvard Law School

RESISTING LAND DISPOSSESSION

THE AFRO-COLOMBIAN COMMUNITIES OF CURBARADÓ AND JIGUAMIANDÓ HAVE SUFFERED FORCED DISPLACEMENT AND THE ENFORCEMENT OF NATIONAL AND INTERNATIONAL LAW PROVISIONS MEANT TO PROTECT THEM HAVE FAILED

The Curbaradó and Jiguamiandó case may be especially representative of dispossession and land restitution in Colombia. These communities, located in the Department of Chocó, were victims, between 1996 and 1997,

of forced displacement caused by the forceful appropriation of their land by paramilitary groups supported by palm oil companies. Since 1999 they have managed to return to their homeland and to organize for the defense of their rights, despite the systematic threats and the selective murder of some of their members. But why did they return? To fight for the legal and physical restitution of their land.

The facts

In 1996 and 1997 a lot of mass displacements took place when paramilitary groups, with the participation of the Colombian National Army, carried out a counter-insurgency

When some members of the displaced communities began to return and reached their territories, they found out that their lands had been converted into large-scale oil palm plantations

operation in the region. This operation, known as "Operation Genesis", carried with it death, disappearances, destruction, burnt property, and forcible displacement of thousands of people. In the Curbaradó and Jiguamiandó River Basin, approximately 3000 Afro-descendants and mixed-raced people were forcibly displaced. Because of that, most of them lived for many years in shelters or with family members in other regions. In 1999 the displaced families began to return despite that armed conflict has continued in the region.

When some members of the displaced communities began to return and reached their territories, they found out that their lands had been converted into large-scale oil palm plantations. Palm oil corporations have been able to acquire their land, after their displacement, through irregular processes. The affected communities tried to station their ancient land in the middle of plantations, but illegal armed actors threatened the returned population with selective murders in order to force them to leave again. Several community leaders were killed because they were fighting against the oil companies at domestic courts level:

Members of paramilitary groups who, on September 12, 2001, had stoned and stabbed two persons in Puerto Lleras, and cut the throat of another person, as well as assassinating a disabled peasant and a pregnant woman in Pueblo Nuevo, were recognized among them. On the way to Jiguamiandó, these soldiers detained a group of members of the Communities who were going to Mutatá to buy food and threatened to kill them if they returned to their community. Two of those persons have disappeared.¹

Despite the continuing violence, the Communities held on and invoked the legal concept of "collective property" in defense of their claim to the lands. The expression "collective property" or "collective land" suggested the State to recognize the right to property to a group of individuals - the community - rather than to individuals themselves as members of that community. Law 70 introduced this concept previously, already in 1993, to grant collective property rights to Afro-descendent peoples in Colombia. It also provides a generic regulatory framework to protect the cultural identity of African descent communities. According to its provi-

once awarded collective status, those lands are referred to as "zones", they are "inalienable, imprescriptible and may not be embargoed", last but not least, "the State shall punish and prevent any act of intimidation

sions, once awarded *collective status*, those lands are referred to as "zones", they are "inalienable, imprescriptible and may not be embargoed", last but not least, "the State shall punish and prevent any act of intimidation."

Consequently, the collective entitlement to the seized-land belonging to the Communities of Curbaradó and Jiguamiandó was legalized by the State in 2001, on the basis of Law 70 which were first enacted in 1993. Eight Humanitarian Zones and approximately fifty Biodiversity Zones were established over 46.084 acres of

¹ See *The Case of the Communities of the Jiguamiandó and the Curbaradó*, Provisional Measures, Order of the Inter-American Court of Human Rights March 6, 2003, p 3.

land for the Curbaradó Community and 54.973 acres for the Jiguamiandó. However, the recognition of collective property rights did not mean land restitution, but far from it, it had to be won in court.

Constitutional and Governmental Protection

Colombia's long standing internal armed conflict displaced millions of civilians. The struggle for land has been at the core of the war since its inception. As a result, the State has taken action to confront this situation and its consequences but not always with very good results.

At a first level, the Colombian Courts have tried to alleviate the situation. On the one hand, the Constitutional Court, the highest entity in the Judicial Branch of Colombia, recognized that the displaced Communities were entitled to special protection by specific mandates of the Constitution of Colombia and the International Human Rights Treaties. Subsequently, in 2009, the Constitutional Court issued an order to adopt an urgent protective measure to safeguard the fundamental community rights of the Curbaradó members. This order should have been enforced in coordination with the community itself and in the framework of provisional measures previously adopted by the Inter-American Court of Human Rights. Sadly, the Colombian State failed to comply with the instructions issued by the Constitutional Court.

On the other hand, in 2010, the Council of State, the highest supervising organ of public administrations in the country, upheld a judgment that ordered the restitution to the Curbaradó Community of a part of their land within thirty days. To this end, the Constitutional Court issued in 2010 a series of orders addressing various public institutions, such as the Ministry of the Interior and Justice, the Ministry of Agriculture and Rural Development and the Colombian Institute of Rural Development (INCODER), in order to enforce the restitution of the lands. To this date, the decision has not been implemented yet because the State has claimed that compliance with the judgment is im-

possible until the legal representation of the communities is clarified in the procedures for land restitution.

At the level of the Executive branch instead, in 2010, during the Government of President Alvaro Uribe, an Inter-institutional Group was formed for the design and the preparation of an action plan in order to comply with the judicial decisions in favor of the Jiguamiandó and Curbaradó. Unfortunately, also on that occasion, community members have denounced that the restitution process has not moved significantly forward. Meanwhile, the current Colombian Government of President Juan Manuel Santos enacted in 2011 a statute for the restitution of lands to all the victims of forced displacement. This statute establishes several mechanisms in order to let all the persons, who were forced to abandon their lands because of perpetrated violence, to find a way to retrieve them.²

² See *Ley 448/2011* of Colombia also known as “Ley de Víctimas y Restitución de Tierras”.

However, delays and inefficiencies of the judicial processes combined with many legal provisions, but little action from State agencies, reveal a certain kind of tolerance. Hiding behind the complexity of the internal armed conflict, the State has not given practical solutions to the methods of appropriation of the oil companies, neither to the harassment, threats, detentions and murders committed by paramilitary. As a result, the causes of the original displacement are still there: violence, paramilitaries and giant palm oil corporations.

In this framework the next step to be taken by the Jiguamiandó and Curbaradó communities were pretty clear. To ask for help from the international system.

International Protection

The Inter-American Commission of Human Rights has been receiving statements from several members of these Communities since 2001. This Commission has requested the Colombian State to adopt measures in

order to “alleviate” the situation of these communities. In spite of that, it was not until 2003 that the Commission requested that the Inter-American Court of Human Rights to adopt provisional measures.

Article 63(2) of the American Convention establishes that, in cases of “extreme gravity and urgency, and when necessary to avoid irreparable damage to persons,” the Inter-American Court of Human Rights may adopt provisional measures. Generally, the purpose of provisional measures in domestic legal systems is to protect the rights of the parties in dispute, ensuring that the judgment on merits is not prejudiced by their actions while

the American Convention establishes that, in cases of “extreme gravity and urgency, and when necessary to avoid irreparable damage to persons,” the Inter-American Court of Human Rights may adopt provisional measures



A Colombian woman holds the root of a tree while picking up a shellfish in the mangrove swamps on the Pacific coast, Colombia, 16 June 2010, © Jan Sochor

waiting the result from the court. The purpose of provisional measures in the Inter-American System goes further, because they protect fundamental rights as they seek to avoid irreparable damage to persons.

The adoption of provisional measures in this particular case was extremely significant for the evolution of the jurisprudence of the Inter-American Court of Human Rights with regard to its subjective scope. In previous cases, the Court considered it essential to specify the persons who ran the risk of suffering irreparable damage in order to grant protection measures.³ In the case of the Peace

in 2010, 2011 and 2012, the Inter-American Court rejected the requests presented by the Inter-American Commission on Human Rights for extending the application of those measures to other communities (potentially) suffering similar circumstances

Community of San José de Apartadó,⁴ the Court considered it pertinent to expand the scope of the measures so as to encompass a group of *identifiable* persons, even though they had not been precisely identified yet. The court deemed this necessary in order to protect the plurality of individuals who were potentially exposed to similar destructive or injurious acts. This same criterion was used again in the Court's rulings in the Curbaradó and Jiguamiandó case. The communities comprising the Jiguamiandó and the families of the Curbaradó, made up of approximately 2,125 persons, forming 515 families, constituted an organized community, whose members were not previously specified and who collectively shared a situation of equal risk of suffering acts of aggression

³ See *The case of Haitians and Dominicans of Haitian Origin in the Dominican Republic*, Provisional Measures, Order of the President of the Inter-American Court of Human Rights of September 14, 2000.

⁴ See *The case of the Peace Community of San José de Apartadó*, Provisional Measures, Order of the Inter-American Court of Human Rights of June 18, 2002; *Case of the Peace Community of San José de Apartadó*, Provisional Measures, Order of the Inter-American Court of Human Rights of November 24, 2000. See also, *the Mayagna (Sumo) Awas Tingni Community case*, Judgment of August 31, 2001.

Notwithstanding the provisional measures issued by the Inter-American Court of Human Rights, the Communities continued to be victims of massacres, selective executions, disappearances, torture, cruel and inhuman treatment, sexual abuse, acts of harassment and threats by armed actors in the conflict. As a consequence, the Court, in 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011 and 2012 reiterated that the State of Colombia must adopt, without any delay, measures necessary to protect the members of the Jiguamiandó and Curbaradó communities.

Yet, it is worth pointing out that, in the last orders adopted in 2010, 2011 and 2012, the Inter-American Court rejected the requests presented by the Inter-American Commission on Human Rights for extending the application of those measures to other communities (potentially) suffering similar circumstances. Surprisingly enough, the Court argued that the presence within the boundaries of the Camelias-El Tesoro humanitarian zone of beneficiaries of the provisional measures, did not qualify for "an automatic awarding of those same measures to all members of the humanitarian and biodiversity areas, based on the sole fact of alleged similar risk factors sharing." Furthermore, if the court had previously emphasized the need to protect potential victims in those same resolutions the *mere* existence of risk factors does not satisfy *any longer* the requirement of extreme gravity, under the terms of Article 63(2) of the American Convention.

Conclusions

Chocó, the region where this case took place, is a sort of terrestrial paradise. It is one of the most bio-diverse regions in terms of vegetable species on Earth. Yet, this beautiful setting was the stage of one of the most dreadful episodes in indigenous history and human rights violations record. In light of this, several questions can be raised.

Firstly, what is the mutual relationship between private or corporate interests in the region and the violence, including displacement, which has

so deeply affected Colombia in the last decades? Certainly, drawing our first conclusions from the Curbaradó and Jiguamiandó case, if we want to understand the problem of land dispossession we should look into how private interests of giant corporations are involved in the land accumulation process.

Secondly, what tool can the poor rely upon against the wealthy that can purchase weapons and access power? This case shows how the internal armed conflict in Colombia involves the true commitment to the god of money. Even though it is not new in human history, it is a central point for raising the second question. If money can buy weapons and weapons can oppress the poor, what can the poor rely upon to receive protection? This case leads to just one conclusion: the law.

Thirdly, why have these communities not found salvage in the law, which in principle seems to protect them? Is it due to a lack of political will or capabilities to enforce it? If this story began as a horror story, it cannot be said that the protection provided by the law has turned it into a fairy tale. Far from that, the Courts showed their complete inability to enforce their decisions, and the Government showed its unwillingness to establish practical solutions, or even worse, its compliance with private interests (palm oil companies). At the same time, if the Inter-American Court for Human Rights adopted, in the beginning, a preventive approach these days it is assuming a position that means several steps backwards in the application of its own standards.

All these questions converge to this conclusion. In this dreadful context of violence, there are thousands of people who despite poverty and insecurity have not lost their hope, and prefer to remain on their land. It is their claim for justice that allows them to continue this story, while their history is about resistance. Resistance to the paradox that we perceive every day: the laws cannot meet the claims of their social struggle while their social struggles trust the legal remedies to be their only hope.



Photo: A displaced man from Caquetá department talks in front of his house in the shanty town of Ciudad Bolívar, Bogotá, Colombia, 30 May 2010, © Jan Sochor

by Ingrid Paola Hurtado

Economist, Information Analyst in the Information System for Human Rights and Forced Displacement – SISDHES CODHES

INVISIBLE URBAN VICTIMS

THE RECENT VICTIMS' LAW ISSUED BY THE COLOMBIAN GOVERNMENT CREATES THE ILLUSION OF A POST CONFLICT ENVIRONMENT, HIDING THE IMPACT OF THE REMAINING HUMANITARIAN CRISIS, SUCH AS IN THE URBAN DISPLACED CASE

Forced displacement and its urban impact: an historic approach

Even though the *Victims' Law* is an important and useful step for a sustainable peace building process, there are still several challenges for response, recovery and rights' restoration for this population group, such as: legal

framework execution by the government, surveillance of an effective restoration of their rights by civil society and the international community, prevention of the creation of new victims and guarantee of non-repetition

for those whose rights have been infringed.

Decades of violence generated by drug trafficking, internal conflict and specific economic interests (such as

extractive industries and mono-crops) in Colombia have caused one of the most severe humanitarian crises in Latin America. Forced displacement (FD) is just one of the many types of victimization, recognized in Colombians Victims' Law. CODHES (2012) has estimated that over the past 27 years, at least 5,445,406 people have been forced to leave their homes (see Illustration no. 1).

It was not until 1997, after three years of advocacy by organizations such as CODHES and the Catholic Church (*Secretariado Nacional de Pastoral Social*), that a study¹ was produced to estimate how many people had been displaced up to that time in Colombia. Results show that there was more than one million people displaced, something that "moved the common citizen's conscience, as well as non-governmental and governmental organizations" (CODHES, UNICEF 1999). As a result, the government issued a legal framework in order to respond to the humanitarian crisis of displacement.

For many years, forced migration flows in Colombia were from rural to urban areas. In some places, the countryside was practically deserted, people were arriving to medium-sized and large cities (something that still continues today) where they expected assistance; but instead new conflicts appeared in their new urban environment.

1 The temporary framework for this study was 1985 to 1994.

During the early part of this century, paramilitary groups moved from the countryside to the cities, taking over drug cartel's armed structures. Because of this, warfare has changed. Intra-urban displacement has become more common

The resistance process by indigenous people who remained in their territories despite violence, loss of lands to armed groups, destruction of family and social networks and disputes over territorial control, created constant threats by different actors of the armed conflict.

In the cities, where the war has a different context, people and local governments had to face at least two different challenges:

Firstly, cities grew in size and local governments had to extend assistance in order to guarantee living conditions for the population. In addition cities had an inadequate (or completely absent) institutional structure, lacking financial and technical resources², and facing cultural barriers between citizens and newly arrived displaced people.

Cities received a significant amount of people without the proper resources for their care. Local governments

2 Technical resources in this case refers to specific knowledge, tools and/or trained staff to give an effective response to this new people that arrive to the cities from the countryside.

lacked any knowledge about their responsibilities under the new laws. From the victims' point of view, many of farmers had to start over in urban areas, typically without their families, employment and household opportunities, and basic living conditions.

IDPs went to those places that they had access to, such as peripheral areas around cities, and established permanent settlements to reconstruct their lives (Naranjo, 2003). The illegality of these new properties, an absence of public services, and landslide warnings in many of these new settlements are recurrent difficulties that IDPs have had to cope with on a daily basis. IDPs also settle down among people living under vulnerable economic and social conditions that have been displaced historically. Sadly, it is within this scenario where war has recently arrived.

The second challenge these urban IDPs face is related to new modalities of war. During the early part of this century, paramilitary groups moved from the countryside to the cities, taking over drug cartel's armed structures. Because of this, warfare has changed. Intra-urban displacement has become more common, more invisible and more ineffective as a self-protection measure.

The arrival of these groups to cities, and specifically to those areas with difficult economic situations, has been generating forced migration of thousands of vulnerable people inside the cities. These people have settled in the

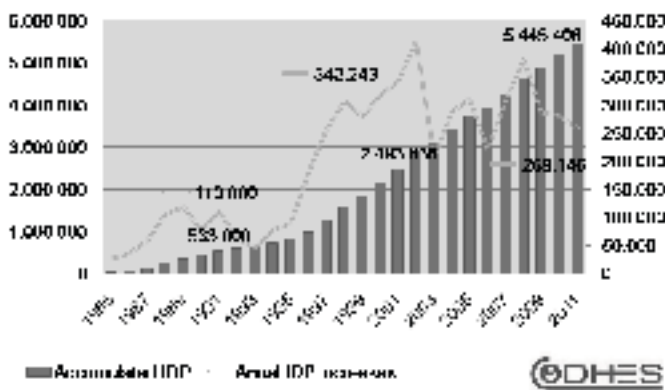


Illustration 1. Colombia IDP cumulative and annual totals - Source: CODHES (2012)

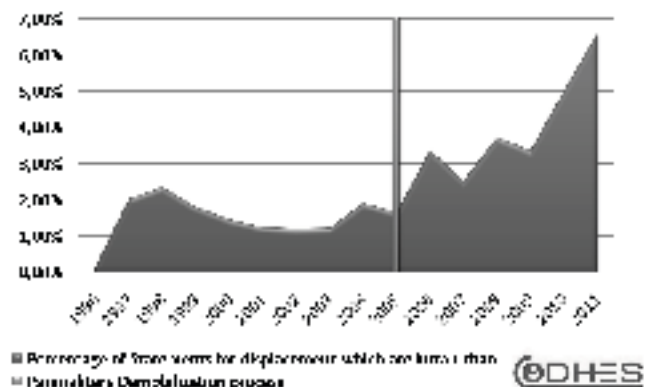


Illustration 2. Percentage of Statements for displacement which are intra-urban. Source: CODHES (2012) with information from SIPOD.

cities for several reasons: the certainty of a periodic income, the resistance to be left behind all over again, the fear to start over again in another unknown place after they got a life and a family, and a social network which has been the support after the first displacement.

Despite how evident this phenomenon is, in cities like Medellín, Buenaventura, Bogotá, Cúcuta and others the registration rates are very low as compared to recorded violent events. People are not willing to register for several reasons. The primary reasons are: 1) security guaranties: The criminals who cause the displacement share the same city with the victims, and the governmental institutions frequently lack resources to protect them; 2) self-recognition: It has been hard for people to recognize that they are victims and that they have been displaced as it is in the same city; and 3) belief on the part of government workers who think that displacing inside the city is not legally considered displacement, and in consequence they do not receive statements frequently for registration.

The intra-urban displacement statements for FD have increased since 2005, as it can be seen in illustration no. 2 where it is possible to identify a trend.

An estimated average of 25% of the declarations to become IDPs in the registry between 1996 and 2011 were rejected, which means that those people did not get the legal recognition of being a “displaced person”. In consequence, they did not receive any assistance or protection and had to take the risk of making the declaration.

In Colombia, there are two primary historic events that led to the invisibility of intra-urban displacement. First of all, the incomplete and inadequate process of paramilitary demobilization in 2005 allowed these groups’ members to have a legal presence, even when they maintained their illegal activities. Therefore, they were no longer an armed group linked to the internal conflict in Colombia, but rather became “organized crime” in the best case scenario. Since then, most of these groups remained armed and broken into several armed groups

whose violent acts and victims keep increasing to this date, with no governmental response.

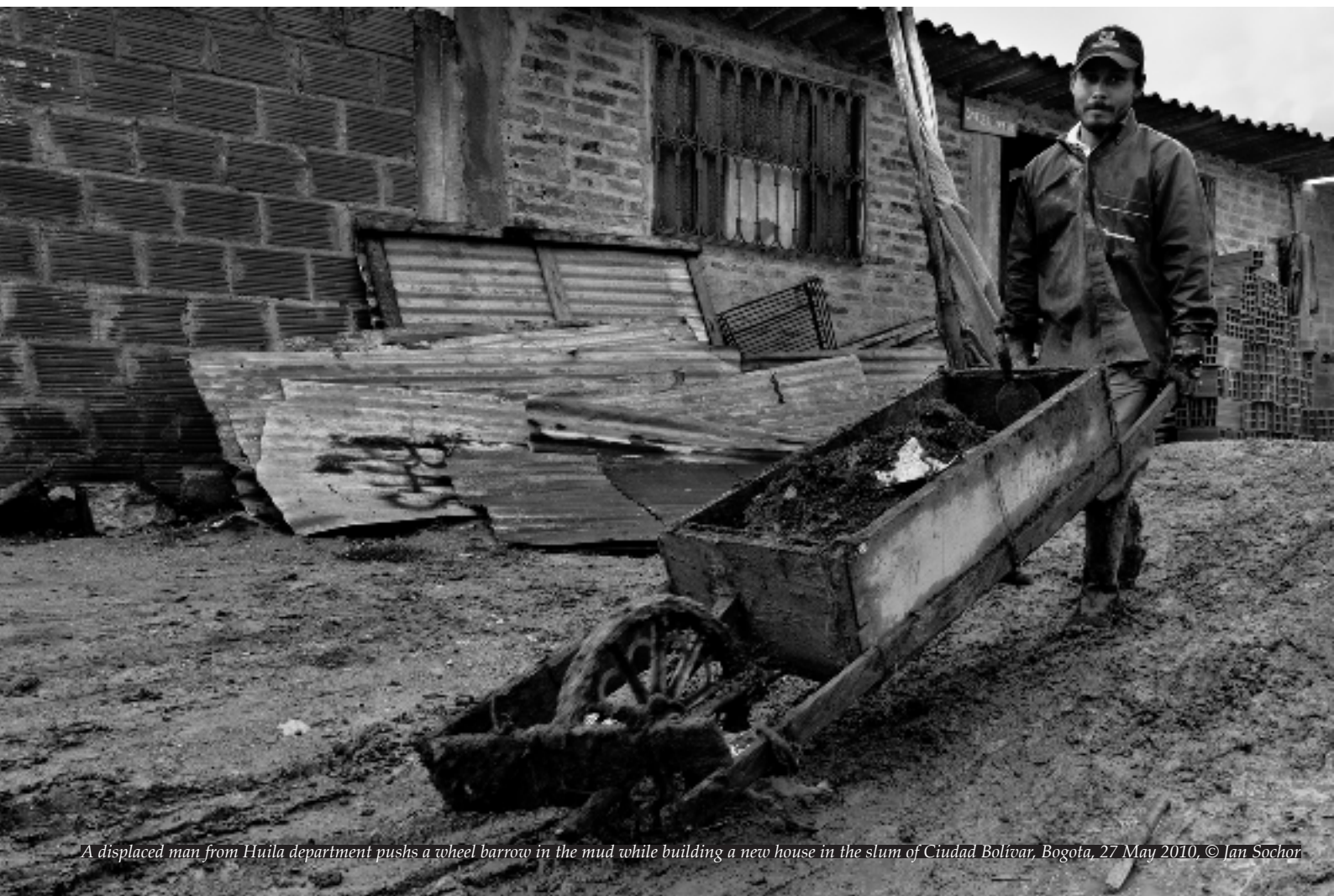
Secondly, the *Victims’ Law*³ represents an important and useful step in the sustainable peace building process for it is also a “windfall” for a long struggle that victims, NGOs and the international community has gone through for the last two decades. However, during that struggle sev-

in cities like Medellín, Buenaventura, Bogotá, Cúcuta and others the registration rates are very low as compared to recorded violent events. People are not willing to register

eral goals were achieved by victims’ groups: for instance, recognition of aerial spraying for illicit crops as a legally recognized cause of forced displacement, and the “post-demobilization groups (PDG)”⁴ as authors of

³ Law 1448, 2011.

⁴ This refers to groups (different guerrillas) that appear, remain or change after a particular moment in history. That time landmark



A displaced man from Huila department pushes a wheel barrow in the mud while building a new house in the slum of Ciudad Bolívar, Bogotá, 27 May 2010. © Jan Sochor

several goals were achieved by victims' groups: for instance, recognition of aerial spraying for illicit crops as a legally recognized cause of forced displacement, and the "post-demobilization groups (PDG) as authors of Human Rights violations

Human Rights violations. These are justifications for displacement dismissed in the new victims' law.

In its third article, the law defines the victim not only for displacement, but also for several types of victimizations as:

"...those people who individually or jointly suffered damages for events which have taken place since January 1st of 1985, as a consequence of IHL infractions or serious and manifest infringements to international Human Rights, law occurring due to the internal armed conflict... For purposes of the definition contained in this Article, persons will not be considered as victims who have suffered damage to their rights as a result of acts of common crime..." (Colombian Congress, 2011. Chap. 1, Art. 3)⁵

is 2005, with the paramilitary demobilization process.

5 Emphasis added by the author

This means (see the bold sentences) that since all paramilitary groups were demobilized, remaining paramilitary structures from that process are labelled as 'organized crime'. Victims of this 'organized crime' – despite suffering similar humanitarian impact – would not be considered as victims for the restoration of rights.

What is most concerning about this subject is that there is presence of these armed groups in all departments of Colombia (Indepaz, 2011), and their victims have an uncertain future in terms of attention, restoration of their rights and non-repetition guarantees.

Victims of ... 'organized crime' – despite suffering similar humanitarian impact - would not be considered as victims for the restoration of rights

To conclude, there is a long road ahead in order to protect people in conflict areas – not only rural but also urban residents. Attention and rights restoration must be guaranteed to victims, for it is what they deserve as Colombian citizens. The presence of international humanitarian organizations and non-governmental organizations in the field remains necessary

in order to respond when the governmental institutions cannot, in order to protect these populations and to reveal the impact of the continuing humanitarian crisis in Colombia.

*Translation by Marcela Muñoz Téllez
HSI international*

References

Naranjo, G. (1993) "Ciudades y desplazamiento forzado en Colombia. El reasentamiento de hecho y el derecho al restablecimiento en contextos conflictivos de urbanización." **El desplazamiento forzado, dinámicas de guerra exclusión y desarraigo.** In: Colombia ISBN: 958-701-379-4 ed: Universidad Nacional de Colombia Acnur, p.279 - 310, 2004, Bogotá.

Indepaz (2011). VII Report on Presence of Narcoparamilitary Groups in 2011. Bogotá. Available in: <http://www.indepaz.org.co/wp-content/uploads/2012/02/S%3%A9ptimo-informe-versi%C3%B3n-ingl%C3%A9s-of-Narcoparamilitary-Groups-in-2011.pdf>

CODHES, UNICEF (1999). Un país que huye. Desplazamiento y Violencia en una nación fragmentada", Bogotá.

Congreso de la República de Colombia (2011). Ley de Víctimas y Restitución de Tierras. Available in <http://www.leydevictimas.gov.co/documents/10179/19132/completo.pdf>, retrieved: 14 November, 2012.

CODHES (2012). Boletín 79. Desplazamiento Creciente, Crisis Humanitaria Invisible. Available in: http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=t3/uploads/media/CODHES_Informa_79_Desplazamiento_creciente_y_crisis_humanitaria_invisibilizada_Marzo_2012.

A displaced baby girl waits for her mother during the rain in the stilt house area in Tumaco, Nariño dept., Colombia, 17 June 2010, © Jan Sochor





Photo: Displaced girls stand in front of a wooden house in the stilt house village close to Tumaco, Nariño dept., Colombia, 15 June 2010, © Jan Sochor

by Cimarron National Movement

Bogotá, Colombia

THE AFRO COLOMBIANS AND THE PEACE TALKS

PERSPECTIVES OF THE AFRO-COLOMBIAN PEOPLE ON THE ONGOING PEACE NEGOTIATIONS IN HAVANA. FOR A POLITICAL MANIFESTO*

The views expressed in this contribution reflect the political claims and stance of the Cimarron National Movement itself and do not pretend to constitute a scientific analysis on the matter.

Since last November 2012, the city of Havana (Cuba) has served as the stage for the ongoing peace-talks between negotiators

from the FARC (Fuerzas Armadas Revolucionarias de Colombia) and the Colombian government. Looking from outside,

ordinary Colombians feel sorry for the FARC: they must be frustrated, helpless and stunned in their own impasse, un-

able to gain military and political power by means of weapons, kidnapping, murder, and displacement of the people they claim to defend.

Yet again, the actual country is ignored and invisible in the peace talks. The great majority of the affected population (women, peasants, indigenous people, the victims in general) are not represented at the negotiation table. Among them, especially during the last decade, the Afro-Colombian people have been the target of military actions by FARC in Antioquia, in marginalized neighbourhoods of large cities, in the middle and lower river Cauca, and in the Caribbean and Pacific regions.

According to the survey on Afro-Colombian people conducted by the National Bureau of Statistics (DANE) at the time of the last National Population Census (2005), Afro-Colombians who recognize themselves as such amount to 4,533,951 people. This figure has been rejected by all the Colombian people because it contrasts with the notorious presence of Afro-Colombian communities and descendants all over the country. Afro-Colombian national organizations claim that more than half of the entire Colombian population is of Afro-Colombian origin.

The Afro-Colombian people are descendant of millions of Africans who were kidnapped by Spanish conquerors in Africa between 1510 and 1851 and then enslaved in Latin America. For three and a half centuries, they were categorized with disdain as Black, meaning slave and animal, considered by the Catholic Church as human beings without soul, and marked by their owners with a stamp - called "carimba", it comprised the initial letter of the slave's name - like cattle.

During the term of the European slave society in America and in Colombia, enslaved Africans were subjected to inhumane living conditions. Today, paradoxically, at the beginning of the second decade of the XXI century, sociologists, economists and the National Planning Department they all agree while stating that living conditions of most Afro-Colombians remain inhumane. Significant and strategic changes in their lives, as well as in their civic and political rights, have not come into effect. All reports on the state of Afro-Colombian human rights made by Afro-Colombian and international organizations (such as the United Nations) support the same conclusion. Colombian society must recognize

that the consequences of slavery are still alive within its members, and directly affect the Afro-Colombian and indigenous peoples.

In its report on the state of Human Rights for Afro-Colombian people, the Cimarrón National Movement states the following:

- 90% of Afro-Colombian respondents think that they have been a victim or a witness of racist attitudes. Bogotá is the city with most examples of discrimination against Afro-Colombians.

- The street is the main stage of discrimination, followed by workplace, school and college. Black people can not get jobs that require to serve the public, especially those in banks, airports, shopping centres, and media.

- The National Police and the Armed Forces are the governmental institutions with greater discrimination practices.

- Afro-Colombian people and do not report acts of discrimination because the law does not take it as a crime.

- The highest rate of poverty is presented in the departments of Chocó (78% Afro-Colombians vs. 55% Mulatto, and Nariño (62% Afro-Colombians vs. 36% Mulatto).

- Afro-Colombian people without healthcare in urban areas reached 46.11% and 50.51% in rural areas.

- Afro-Colombians are overrepresented in low-skilled jobs, especially women.

- Afro-Colombians with higher levels of education do not get the same level of income that that of mulatto people.

- Between 1997 and 2009, the number of displaced Afro-Colombian reached 286.835. That amounts to 8.83% of the displaced people in the country (CODHES).

- Afro-Colombians amount to of the displaced population, and 98% of them live in poverty (CODHES).

- Over 12% of this population is suffering the impacts of displacement, and 98.3% of displaced Afro-Colombians live under the poverty line (CODHES).

- Displaced Afro-Colombians are discriminated against in access to work and are forced to do the jobs more precari-

ous and underpaid of society. The informality rate for African-displaced is 96.4%. (CODHES).

- 99.1% of displaced Afro-Colombian are badly paid or informal jobs as domestic workers.

- Young and displaced Afro-Colombians say they suffer discrimination in schools for the colour of their skin and for being displaced (CODHES).

- 252,541 people were expelled from collective lands, 79% of Afro-Colombians registered as members of community councils (AFRODES and Global Rights).

In 2008, the Intersectoral Commission for the Advancement of Afro-Colombian people identified the following as the main barriers to the development of Afro-Colombian people:

1. Racism and racial discrimination.
2. Low institutional capacity of the organizational processes of Afro-Colombian people.
3. Weak institutional capacity of the organizational processes of Afro-Colombian people.
4. Greater difficulties in access, retention and quality in the education cycle, which limits access to employment and entrepreneurship, hindering the overcoming of poverty.
5. Inequality in access to the labour market and low-skilled jobs (low quality jobs).
6. Low social recognition and appreciation of ethnic and cultural diversity as one of the factors that define national identity.
7. Impairments regarding property rights of collective lands.
8. Deficiency in the incorporation and implementation of initiatives and proposals arising from Afro-Colombian, Palenquera and Raizal populations.
9. Limited availability of information on African population, limiting the quantification of beneficiaries, and the definition of a public policy adjusted to particular ethnic and territorial features.
10. Limited access to subsidy programs.

Given the above, we can deduce that great expectations arouse among Afro-Colombian organizations regarding the peace talks, while guns and military expenses keep embezzling the national wealth and hurting the Colombian population. War will always give an excellent justification for political parties and ultraconservative sectors to refrain from making the necessary investments to eliminate poverty, racism and social exclusion faced by Afro-Colombian communities throughout history.

The Afro-Colombian population, like all the Colombians, support the President Juan Manuel Santos, and keep hoping on the outcome of the peace talks, because constant intimidation, killings, displacement, and attacks on the civilian population did not stop over their lands. In Buenaventura alone (the main port of the Pacific region), there were 26 murders in October 2012, while murders and disappearances increase in jungle areas of Cauca and Nariño.

The Afro-Colombian communities expect that FARC to strike the country by taking an unilateral decision of ceasing the strategy of armed struggle as being unworkable and politically impossible in present

times, and by presenting a proposal for an innovative and creative political project. The FARC should understand that in the current national and international situation, politics are built with ideas, with the organization and electoral mobilization of the Colombian people, who does not accept that politics are made with guns and deaths.

We, as Afro-Colombians, belong to a "missing group" at the negotiations table. We wish that ways to reduce the huge gaps separating Afro-Colombian communities from all other populations in Colombia will be also discussed, thus eliminating the consequences of slavery (in particular, poverty, educational backwardness, racial exclusion, and cronyism), and injustices that worsened with guerrilla violence and drug trafficking. We also would expect that projects to achieve equal opportunities by means of affirmative action programs impacting production and economic development in Afro-Colombian areas will also be discussed. In short, we claim for an efficient implementation of an Afro-Colombian differentiated approach in public policies, focusing on social intervention, concrete objectives and outcomes, specific

investment rates, impact indicators, and evaluation mechanisms.

In the presence of retreating and psychologically frustrated guerrillas, the peace proposals at stake will be probably aimed at coordinating mechanisms and actions to ensure integration into civilian life and survival of the rebels - including guerrilla commanders in the Congress - by means of amnesty, pardon and oblivion of war crimes and violations of International Humanitarian Law and Human Rights Law. Finally, we regret that the issues of Afro-Colombian women, who have been subjected to labour and sexual slavery within the guerrilla fronts, as well as that of the thousands of children who were forcibly recruited in the guerrillas, are not likely to be discussed at the negotiations table.



about the ITPCM

pp. 55 - 56

The ITPCM

Next Events & Trainings

For complete info about trainings, research, project evaluation, design and delivery please refer to our website: www.itpcm.sssup.it

| Trainings/Education | When | Application Deadline | Contacts |
|--|-------------------------------|---|--|
| INTRODUCTORY COURSE ON PEACEKEEPING & PEACEBUILDING | 15 - 20 December 2012 | closed | iman.keira@cairopeacekeeping.org |
| MASTER OF ARTS IN HUMAN RIGHTS AND CONFLICT MANAGEMENT | January 2013 - Spring 2014 | closed | humanrights@sssup.it www.humanrights.sssup.it |
| INTEGRATED TRAINING COURSE ON MENTORING AND ADVISING | 18 -22 February 2013 | 16 January 2013 | a.creta@sssup.it www.itpcm.sssup.it |
| PSYCHOSOCIAL INTERVENTIONS IN EMERGENCY DISPLACEMENT | 4 - 16 March 2013 | 7 January 2013 - I RD 4 February 2013 - II RD | a.lenci@sssup.it www.itpcm.sssup.it |
| CORSO DI DIRITTO DELL'ARTE E DEI BENI CULTURALI | 7 -9 March 2013 | 7 February 2013 | profile@sssup.it www.itpcm.sssup.it |
| HEALTH SYSTEMS THROUGH CONFLICT AND RECOVERY | 8 -19 April 2013 | 18 December 2012 - I RD 26 February 2013 - II RD | hscr@sssup.it www.hscr.sssup.it |
| THE CIVILIAN PERSONNEL OF PEACEKEEPING & PEACEBUILDING OPERATIONS | July 1 -12 2013 | 13 May 2013 | itpcm@sssup.it www.itpcm.sssup.it |



THE ITPCM

Staff members & Contacts:

Director:

Prof. Andrea de Guttry
deguttry@sssup.it

Peace Keeping Branch

Emanuele Sommario
Research Fellow
esommar@sssup.it

Barbara Nicoletti
Research Fellow
b.nicoletti@sssup.it

Annalisa Creta
Research Fellow
a.creta@sssup.it

Rossella Altamura
Project Officer
ro.altamura@sssup.it

Matteo Bartolini
Project Officer
m.bartolini@sssup.it

Decentralised Cooperation Branch

Annarosa Mezzasalma
Project Officer
annarosa@sssup.it

Serena Rossignoli
Project Officer
s.rossignoli@sssup.it

Luisa Nardi
Research Fellow
l.nardi@sssup.it

Fabrizio Cotichia
Research Fellow
f.cotichia@sssup.it

Communications

Michele Gonnelli
Communication/Media Officer
Editor in Chief for
The ITPCM
International Commentary
m.gonnelli@sssup.it

Secretariat & Logistics

Federica Faldella
profile@sssup.it
Pasqualetta Campus
itpcm@sssup.it

Address:

Via Cardinale Maffi, 27
56127 Pisa - ITALY
tel: +39 050 882685
fax: +39 050 882665
itpcm@sssup.it
www.itpcm.sssup.it



International Training Programme
for Conflict Management



the ITPCM venue in Pisa, archive photo

