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Humanitarian Policy Group

Protection in Colombia: a bottom-up approach

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About the author

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Acknowledgements

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Map of Colombia

Chapter 1
Introduction

'If they want to kill someone, they will.'[1] This disheartening verdict on years of hard work to improve the protection of civilians in Colombia was often repeated during the course of this study. 'Protection' in Colombia's complex conflict is understood in terms of basic physical security. The agenda is highly politicised, and as a result issues that are less politically interesting, notably sexual violence and the impact of coca fumigation, seem not to get the attention that they warrant. Antagonism between the government and NGOs has left the latter with almost no influence on the national stage. Humanitarian actors are also largely powerless when protection needs clash with the economic, political or military interests of an armed actor. International pressure, in particular from the United States, which provided $800 million of mainly military support to Colombia in 2006, has been instrumental in the creation of a public policy which, on the surface, respects human rights, but which in practice remains largely unimplemented in the areas where protection is most needed.

Despite this, there is an important space for protection at a very local level. Field workers have been able to save lives through the influence they have generated by hard work. Strong communities have been able to stand together and protect themselves from some of the effects of the conflict. Others have managed to stay alive simply by doing what they are told.

1 Senior official, OHCHR, Colombia, July 2006.

Despite the fact that protection work is most effective when it is most local, the desire of many agencies to have 'impact' beyond individual interventions means that the resources and effort concentrated on addressing public policy issues at the national level are disproportionate to the impact that is achieved. This work is valuable as part of a long-term protection effort, but appears to be at the expense of more immediate gains at a local level. Furthermore, whilst cooperation between humanitarian agencies in Colombia is often good in the 'deep' field, there is an overall lack of strategic leadership at a national level. Coordination mechanisms fail to consolidate national and local interventions into a coherent whole. The opportunity to find an appropriate balance between remote public-policy interventions and direct field interventions is therefore absent.

This case study of protection in practice in Colombia is one of three commissioned by the Overseas Development Institute to gather experiences of protection from different contexts, to feed into a wider analysis of the essential elements of effective interventions. Fieldwork was carried out in Bogotá, Urabá and Cauca in July and August 2006. Over 60 people from the Colombian government, mandated agencies, international and national NGOs, community organisations and the Catholic Church, as well as individuals affected by the conflict, were interviewed.

Chapter 2
Colombia: conflict *and* stability

Colombia suffers 18,000 homicides a year. Perhaps two million of its 44 million people have fled their homes. There is no doubting the need for effective protection. Inequality is also rife. Over 50% of people live below the poverty line (World Bank, 2006: 23), and 0.4% of landowners own 61% of rural land (Instituto Geográfico Agustin Codazzi, cited in IDMC, 2006). But, despite 40 years of conflict, Colombia is also a middle-income country with a stable economy built upon a wealth of physical resources, a literate and dependable workforce, competent macroeconomic management and a robust private sector. Abundant resources mixed with social division thus provide the backdrop to today's conflict. Recent roots are traced back to the assassination of reformist presidential candidate Jorge Eliécer Gaitán. His death triggered a ten-year period of conflict known as '*La Violencia*' in which an estimated 200,000 people lost their lives and two million were displaced. Workers and *campesinos* formed into military units set the precedents for the guerrilla groups that operate today.

2.1 The guerrillas

Many guerrilla groups have formed and disbanded in Colombia over the years. Most have shared a revolutionary communist political agenda based on addressing social, economic and political exclusion. The principal groups still active today are the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC), which has an estimated 20,000 fighters, and the *Ejército de Liberación Nacional* (ELN), with 3,000.

It is inappropriate to generalise about these guerrilla groups, which have distinct roots, political objectives and military strategies. There are also many differences between individual commanders within these groups. However, from the perspective of civilians living in conflict-affected areas, there are many similarities. Both the FARC and the ELN are highly organised, with political and military leaderships and well-trained and equipped, uniformed fighters. They have similar strategies: a combination of exerting control over territory and people through intimidation and the destruction or cooption of social infrastructure, coupled with attacks on public forces, public infrastructure and 'mega-projects', such as oil pipelines. Their tactics, including the massacre of civilians, kidnapping, illegal detention, torture, extortion and forced recruitment, have had catastrophic consequences for the civilian population. Neither the FARC nor the ELN commands significant popular support; there is a widespread belief that economic interests have overtaken political ones, and that the guerrillas constitute no more than a large-scale criminal enterprise.

2.2 The paramilitaries

Right-wing paramilitaries emerged in the 1980s, from two related sources. International condemnation of torture and disappearances during the term of President Julio Cesar Turbay Ayala in 1978–82 led the army's leadership to delegate much of its 'dirty work' to informal armed groups, which the army trained, coordinated and equipped. These groups were thus an integral part of the government's counter-insurgency strategy. The 1980s also saw the emergence of extensive private armies sponsored by the owners of illegal industries, such as drug-traffickers and emerald dealers. In 1997, many of these groups joined forces to form a loose and divided federation, the *Autodefensas Unidas de Colombia* (AUC).

With the formation of the AUC, paramilitary strategy changed from being largely defensive, aimed at protecting people and property from the guerrillas, to a campaign of intimidation, selective assassination and massacres against civilians designed to root out guerrilla movements. Economic interests also expanded, prompting in turn an increase in the numbers of paramilitaries, from a few thousand to some 30,000 in 2005 (ICG, 2006). Strong links with the army remain, in particular at field level, where close collaboration is common.

2.3 Politics or economics?

Where the far left and far right come together is that their original goals have at best become mixed with, and at worst been subsumed by, extensive economic interests. What may have originally been a mechanism to fund their movements has increasingly become an end in itself. The most public of these interests is the production and trafficking of illegal drugs, principally coca. The Colombian army estimates that the FARC obtains around 50% of its income, between $200 and $400 million a year, from drugs.[2] Similarly, the AUC controls at least 40% of the drug trade, from which it earns 70% of its funding, or around $190 million annually (UNDP, 2003: 285). The paramilitaries have also used their military resources to seize land and exploit it commercially. According to a study by the treasury inspector's office (the *Contraloría*), six million hectares are now in their hands. This land supports coca production and an ever-expanding agro-industry business, including African palm, bananas and cattle ranching for export.

2.4 The response of the government

Historically, the Colombian government in general, and the army in particular, have been as great a threat to the civilian

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2 These figures are from the Center for International Policy Research, http://ciponline.org/colombia/infocombat.htm.

population as Colombia's other armed groups, not least as the instigator and supporter of paramilitary groups over the last three decades. Vicious counter-insurgency campaigns have included murders, massacres and disappearances, carried out with impunity. Despite efforts to reform the armed forces, vestiges of these problems persist, and distrust of the government runs deep in many areas. That said, the government retains responsibility for guaranteeing the human rights of the Colombian people, and is central to the work of any agency dealing with protection in Colombia.

The current government response to the conflict is a hard-line one. This is a reaction to a failed peace process with the FARC between 1998 and 2002, under which, as a confidence-building measure, the government ceded control of a 42,000km^2 safe haven around San Vicente del Caguan. The FARC exploited the haven to import arms, export drugs and build up its forces. After a series of high-profile guerrilla actions, including the kidnapping of several political figures, peace talks ended on 22 February 2002, and the army moved back into the safe haven.

The failure of the peace talks led to the election in 2002 of hard-line President Álvaro Uribe Vélez. The slogan 'strong hand, large heart' is used to describe his 'democratic security' policy, which couples the use of force, to re-establish control over territory and fight the guerrillas, with a demobilisation process involving important concessions to the paramilitaries. On the surface, the policy appears to be successful. The size of the armed forces (police and army) has increased from around 250,000 in 2002 to 390,000 in 2006. In 2002, the security forces had no presence in around 300 municipalities; they are now present in all 1,098. Kidnappings have fallen from 3,000 in 2002 to around 800 in 2005; homicides have declined from 29,000 to 18,000 during the same period and, according to government statistics, the number of people killed in massacres has dropped from 680 to 240.[3] In all, 23,000

3 Statistics from *Programa Presidencial de los Derechos Humanos y Derecho Internacional Humanitario; Vicepresidencia de la Repu_blica*, http://www.derechoshumanos.gov.co.

paramilitaries have been demobilised and freedom of movement has vastly improved in large parts of the country. Many Colombians feel tangible improvements in their lives, and Uribe's popularity ratings are high. He was re-elected in 2006 with 62% of the vote.

Notwithstanding these successes, many activists criticise contradictions between different aspects of the policy. In particular, economic policies that promote large-scale development, whether through exploitation of the forest reserve, industrial-scale agriculture or so-called 'mega-projects' such as the creation of copper mines, actively encourage further expropriation of land at the expense of the civilian population. The paramilitary demobilisation process is also highly controversial. The 'Justice and Peace Law' (*Ley 975*) limits punishment and extradition to face drugs charges, and promotes impunity. In a scathing critique, Human Rights Watch accuses the government of mishandling the process such that:

> *demobilized paramilitaries are not confessing, turning over substantial assets, or disclosing substantial information about their groups' criminal networks and financing streams as part of the demobilization process. Instead, paramilitaries are taking full advantage of the demobilization process to launder their illegal fortunes and legitimize their political control* (Human Rights Watch, 2005a).

Furthermore, the demobilisation process may result in violent criminal structures being driven underground, making it still harder for the state to control them.

Finally, there are concerns that escalating military confrontation is dragging civilians deeper into the conflict. The successes of 'democratic security' thus need to be seen in the context of a government that is simultaneously a source of protection *and* a threat to the civilian population.

Chapter 3
Understanding protection:
control of people; control of resources

Protection in Colombia is highly politicised, and many of the organisations involved in protection are highly political. The battles between the government, the paramilitaries and the guerrillas are fought for control of the civilian population and of economic resources; these battles are the source of the principal threats faced by civilians. Other prevalent threats include sexual violence, the recruitment of child soldiers, extortion and kidnapping, landmines and of course the risk of being caught up in active combat. The destruction of coca crops has displaced tens of thousands of people. However, during the course of this study these issues were rarely mentioned; their lack of profile illustrates a key gap in the protection response.

3.1 Control of the civilian population

Selective assassination was without exception the first threat mentioned by interviewees. It is difficult to get accurate figures as to how many are actually killed, but the Conflict Analysis Research Centre (CERAC; a private academic research group based in Bogotá) estimates that around 15% (2,700) of the 18,000 homicides in Colombia in 2005 were conflict-related. Between 1998 and 2005, 48% of homicides were carried out by paramilitaries, 42% by guerrillas and 10% by government forces. Two motives seem to account for most of these killings: accusations of collaboration and the targeting of community or social leaders.[4]

3.1.1 Collaboration

Civilians in Colombia are under pressure from all sides to support their military efforts and not to support the efforts of others. Simply living in an area controlled by a given armed group can be sufficient for an accusation of collaboration. Although both informal networks and a government-run programme of paid informants are used, the evidential burden is minimal. Consequences are, however, serious. In one operation in Arauca in 2002, documented by Amnesty International, the security forces detained 2,000 people, but fewer than 30 were investigated (Amnesty International, 2004). Extrajudicial executions and enforced disappearances remain widespread[5] and murders at the hands of the paramilitaries or guerrillas are common. Whole communities can be accused of supplying the 'other' side. The quantity of goods that civilians can bring back to their villages is often limited and inadequate to meet basic needs, but making frequent trips outside the village can give rise to allegations of passing on information. At its most severe, the human rights group CODHES reports that, between January

2003 and June 2005, at least 275 municipalities in 30 departments had entire communities caught between armed groups and unable to leave *at all* (CODHES, n.d.).

3.1.2 Social leaders

Speaking out can result in threats and assassination. Social and community leaders, human rights defenders, trade unionists and local state officials are particularly targeted. Behind individual 'justifications' there is a more deliberate policy of removing potential sources of opposition to the armed groups. In many instances this selective targeting has had a devastating effect on social organisation and on movements of poor and vulnerable people. The problem is widespread. Since 1997, the Ministry of Interior and Justice has run a programme to provide protection to these people, but coverage is inadequate. It receives 20–30,000 applications per year from people who believe that they are severely threatened,[6] but only around 5,000 are accepted and receive protection measures (see below, section 5.3).

3.2 Land and labour

The methods illegal armed groups use to control people – a combination of threats and assassination – overlap with the methods they use to control economic resources. Key to the control of economic resources is the control of land, whether for the cultivation of illegal crops or for agro-industry business. Refugees International (2005) reported that many displaced people had become displaced because they were forced to sell their land to paramilitaries at low prices under threat of being killed. In the mountains around Cauca, where landholdings average 1.2ha per family,[7] guerrillas offer both

Box 1: Woodcutters in Taparal[8]

Taparal is around six hours by boat from the municipal capital of Riosucio. An afro-Colombian community from the area was displaced into Riosucio in 2002. However, due in large part to the lack of economic opportunities where they were, several dozen men went back to the area to cut wood for the paramilitaries. In July 2006, the FARC came to the men's encampment and took all 25 of them away. Some were sent back to get food from their encampment, and told that if they did not return the others would be killed. Three days later, six of the men were decapitated with machetes. The others were released.

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4 See Report of the High Commissioner for Human Rights on the situation of human rights in Colombia, 2005.
5 *Ibid*.

6 Interview, Ministry of Interior and Justice, July 2006.
7 Interview, Proyecto ADAM, Popoyan, August 2006.
8 Interview with survivor, Riosucio, August 2006.

coca seedlings and an opportunity to sell the crop. Most people do this out of absolute need: for many, it is the only option even for basic subsistence. The few that do not want to enter into this deal are threatened until they do. However, working for one side frequently exposes people to attacks from the other.

Other manifestations of economic control include extortion. This can be at a macro level: a significant income stream for the ELN is extortion from the oil industry. It also takes place at a micro level: a Bogotá businessman who had to pay to carry out a few days work in a particular area[9] or the owner of a small tienda in Cundinamarca had to sell a particular brand of beer,

the distribution of which was controlled by an armed actor.[10]

Armed groups are prepared to remove 'obstacles' to their businesses. The Riosucio representative of the government environment agency, *Codechoco*, was killed because he refused to grant a logging permit to the paramilitaries on the basis that the area in question was on an indigenous reserve and the inhabitants' permission was required. His successor granted the permit. The indigenous people affected are disputing the permit through the courts, but the process is very slow and unlikely to be conclusive.[11]

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9 Interview, Bogotá, July 2006.

10 Interview, Mesitas, July 2006.
11 Interview, Riosucio, August 2006.

Chapter 4
The civilian experience:
vulnerability and strategies to stay safe

Despite the threatening environment, some communities have managed to maintain a robust and sometimes effective dialogue with the armed groups in their area. There is general consensus among humanitarian agencies and the government alike that the factors that permit them to do this are social cohesion, the ability of communities and individuals to manage risk and reduced political isolation. The strongest communities have detailed contingency plans to deal with a deterioration in the situation. The absence of these factors, alongside poverty and geographical isolation, are considered the major sources of vulnerability to the threats faced.[12]

Communities are particularly vulnerable when power is disputed in their area. Where a single armed actor has a dominant presence, communities learn to live alongside that actor. When power changes hands, people can be accused of collaboration. For this reason, for the last three years the ICRC has focused its programmes in a limited number of areas where more than one armed group is operating, and where the threats to civilians are consequently higher.[13]

4.1 Strategies to stay safe

When options to stay safe are limited, many decide to flee their homes. Others decide to do what they are told. A few decide to resist the armed actors who seek to control them. All of these courses of action are dangerous.

Resistance strategies have received widespread publicity, in particular in the last few years. Whole communities declared their neutrality and tried to separate themselves from the conflict, frequently with substantial international support, both financially and politically. However, many such projects are controversial, behaving like (left-wing) ideological projects that expose these communities to greater risks than they would face if they did nothing. As a result, 'mainstream' humanitarian organisations often keep their distance. The less confrontational models exemplified by indigenous communities appear more successful.

The plight of communities and individuals who simply do as they are told when confronted by armed actors receives almost no attention. These are often precisely the communities that are most divided, have the least political influence and are hence the most vulnerable. They form the majority of the conflict-affected population, but receive proportionally less attention from humanitarian organisations, particularly in terms of protection interventions. NGOs in particular say they look for strong community structures as a practical prerequisite for engagement, thus ignoring this group. That said, had NGOs tried to empower these communities it is probable that they would be acting directly against the interests of armed groups, risking undermining the community's own safety mechanisms. In these circumstances, maintaining the status quo may be the most realistic option.

This leaves displacement. Over the last ten years, between two and three million people have chosen to leave their homes.[14] According to the ICRC (2006), in 2005 50% of those displaced were fleeing a death threat or were responding to the killing of a family member; 22% were fleeing active combat, and the remainder a combination of threats, attacks against property, psychological damage or similar. In 2002, around 400,000 people were displaced. In 2005, the figure was between 160,000 and 310,000, depending on the source.[15] Most people flee in small groups. The majority leave rural areas for the nearest municipal centre, before moving on to the provincial centre and then to shantytowns in regional capitals, and then to Bogotá. Shortages of food, health services and housing are typically responsible for this secondary displacement, in addition to the existence of a continued threat (IDMC, 2006).

Displacement understandably receives significant attention within the UN system, and the ICRC has a substantial assistance programme in collaboration with the government. This provides an (extremely limited) economic safety net for the first three to six months of displacement. After this time, displaced people are on their own. Many face economic hardship, or have to take risks (such as working for one of the armed actors) to survive. Furthermore, effective interventions to prevent displacement are rare. UNHCR, which leads on displacement within the UN system in Colombia, admits that it is struggling with this aspect of its work. With no sign of an end to the causes of displacement, durable solutions are also a distant prospect.

This reflects the more general problem for the civilian population: all three options are high-risk, and sometimes none provide adequate protection. Some communities have tried all three (see Box 2).

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12 This assessment, taken from a presentation given to the author by the Ministry of Interior and Justice in July 2006, was confirmed by numerous interviewees.
13 Interview, Bogotá, July 2006.

14 The government counts 1.75 million displaced; CODHES counts 3.7 million, including 700,000 displaced between 1985 and 1994.
15 The government's figure is the lower, CODHES' the higher.

Box 2: The story of Villahermosa[16]

Villahermosa is a small community in the Department of Choco, around four and a half hours from the municipal centre of Riosucio. Until 1997, people there lived alongside the guerrillas with relatively few problems. However, in January 1997 the army started an offensive in the area. Faced with regular bombardments, most people fled to Pavarando, near the municipality of Mutara. They returned home a few months later, and decided that they did not want to be involved in the conflict. With the support of international accompaniers (expatriates living in the community), in October Villahermosa declared itself a 'Peace Community'. It would not deal with any armed group, would not allow armed groups to operate in the community and would not sell armed groups goods or otherwise cooperate with them. The community created internal regulations to police these undertakings. For the next two years, armed groups broadly respected this position (although around ten people were assassinated).

However, the paramilitaries knew that the community had lived alongside the guerrilla for many years, and in 1999 they began to move into the village. They killed seven leaders of the

16 Interview, Riosucio, July 2006.

peace community and kidnapped seven more. The leaders were brought before the AUC commander, Carlos Castaño, and told that they must end their participation in community leadership. Most fled.

Two years later, in 2001, the paramilitaries established a base in the house that the community had built for people providing international accompaniment. Most of the community fled, and the peace project ran out of steam. Those who did not flee got used to living side by side with a different armed group. *Campesinos* were brought in to work in the coca fields.

In July 2006, the paramilitaries abruptly left to take part in the demobilisation process. The entire community including the *campesinos* that had been brought in a few years earlier left with them. Thirty-six families arrived in Riosucio, where some are living in the incomplete shell of a warehouse. They know that the guerrillas will move back into Villahermosa and that they will be accused of collaboration, this time with the paramilitaries. Although the army and police may have been prepared to provide some security, they are already stretched and any presence could only ever be short term. Many people will never return.

Chapter 5
Protection, law and the government response

How has the government responded to these threats? It publicly accepts its responsibility for the protection of civilians. Constant lobbying and denunciation from humanitarian organisations and human rights groups ensure that the issue remains high on its agenda. The government's primary answer is through the extension of state control across its territory, led by its armed forces and backed up by civil administration. In a country where the army has been responsible for widespread atrocities, some of which continue today, civilian distrust of this response is understandable.

However, pressure from international donors, in particular USAID, has led to a series of state protection programmes. These have received support from major humanitarian organisations such as UNHCR, but are greeted with distrust and derided by many civil society organisations. Most of these programmes are limited by the same constraints that limit the programmes of humanitarian agencies, namely a lack of influence over the government forces or armed actors who are in a position to keep civilians safe. One opportunity that has not been fully exploited is strategic, collaborative engagement with positive forces and individuals in the government. Whilst being mindful of the significant personal risks that the individuals who promote these changes expose themselves to, engaging with these positive forces should both strengthen their position with those who do not share an interest in protection, and present an alternative to the current highly confrontational stance, which has alienated potential interlocutors and made it difficult for humanitarian agencies to exert influence.

5.1 The law and public policy

Colombia is a country with a commendable legislation and far-reaching policy framework on internal displacement. However, there is a clear gap affecting the human rights of many among the up to 3 million displaced persons between what the law says and what is implemented at the regional and local level (Kalin, 2006).

From the rights of indigenous communities to the implications for their victims of the paramilitary demobilisation process, human rights activists challenge almost all public policy through the media, and test it in the courts. Indeed, it would be easy to conclude that for many humanitarian agencies protection *was* getting public policy 'right'.

The Constitutional Court is key to holding the government to its protection obligations. In 2005, the Court noted that the government's 'repeated failure to provide [displaced persons] with opportune and effective protection on the part of the

various [government] authorities charged with their care' amounted to a 'state of unconstitutional affairs' (Human Rights Watch, 2005). In direct response, the government committed more than $2 billion for the protection and assistance of IDPs for the period 2005–2010. Colombian law also allows for cases to be submitted to the Inter-American Commission on Human Rights. Cases have successfully been brought to demand interim protection measures for threatened individuals and communities, and also to establish government responsibility, for example for massacres.[17] These legal actions have resulted in a comprehensive framework for protection. However, the further one moves away from Bogotá, the patchier the implementation becomes of both the policy framework and the court orders. The government's ability to deliver protection on the ground when it is urgently required is highly questionable. What this work has succeeded in doing is to provide humanitarian and human rights organisations with some influence over the government and paramilitaries in particular, which would not have been available otherwise.

5.2 Holding the military to account

There are two main limitations to the government's policy of protecting civilians through the use of force. The first is the size of the territory that needs to be covered. The second is the lack of trust in the military. Allegations against the army range from general misdemeanours to massacres. Accusations of the subcontracting of 'dirty work' to paramilitaries persist, and there is plentiful evidence of continued cooperation at field level.

That said, the behaviour of the armed forces over recent years has improved noticeably. Human rights workers have persistently raised the issue internationally over several decades in an effort to shame the government into action, while the ICRC has been working within the armed forces. The level of understanding of international humanitarian law (IHL) in the senior ranks of the military is now high, although this has yet to be translated to the operational level.[18]

Tackling impunity within the armed forces is likely to further improve behaviour. From 2006, the Constitutional Court decided that certain allegations, for instance concerning torture and sexual violence, must be dealt with through the ordinary court system rather than by courts martial. As yet, however, this has had little practical effect. In the year to June 2006, only 26 cases went through the civil justice system. Furthermore, any fear of the justice system also has an important counterbalance: the democratic security agenda

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17 For instance in 2004 the Court decided that the government shared responsibility for the killing in 1987 of 19 merchants by paramilitaries in Puerto Boyaca.
18 Interviews with the ICRC and the Ministry of Defence, Bogotá, July 2006.

places pressure on commanders to show results, and it measures success by body-count.

5.3 Protection programmes

The government also runs several programmes specifically to deal with the protection of civilians. The two most significant are the programme to protect threatened individuals and a community-based programme known as 'Communities at Risk'. Both depend heavily on international funding, notably from USAID.

The programme to protect threatened individuals was set up in 1997, since when it has provided protection to around 4,000–5,000 people per year. Measures vary from providing specialist communications equipment to the provision of armed escorts. The current annual budget is in the region of $23 million.[19] Since the inception of the programme, 40 people (or around 0.1% of those taking part per year) have been killed, making it a qualified success. The principal problem is a lack of coverage: 20,000–30,000 people apply for protection each year, yet few succeed in getting it.

The 'Communities at Risk' programme seeks to reach much greater numbers of people. Conceived in 2004, the programme is run by the Ministry of Interior and Justice, the Vice-Presidency and the government assistance agency, *Acción Social*, with significant support from USAID. The idea is to decentralise public human rights policy, starting with the most affected regions, and to develop human rights action plans (of around two years' duration) that will improve the protection of these communities. These plans are built up through participatory methodologies involving local state representatives and civil society, helping to identify vulnerability factors in order to develop appropriate responses.

Activities to date include developing a leadership school for community leaders, including training to help them to stand up to the army,[20] and cultural events with young people in slum areas.[21] Programme leaders say that it is too early to judge its success, but do assert that it has had a significant impact in rebuilding relationships between communities and the state.

In addition to these protection-oriented programmes, *Acción Social* runs a major programme for IDPs. The system is strongly supported by the ICRC, UNHCR and IOM. Newly displaced people should receive three to six months' assistance. However, according to UNHCR between 2002 and 2004 only 50% of people registered received the assistance that they were entitled to,[22] once more illustrating the gap

19 Interview, Dr. Raphael Bustamente, Director of Human Rights, Ministry of the Interior and Justice, Bogotá, July 2006.

20 This could include demanding to see arrest warrants when the army seek to detain people.

21 Interview, Hermedis Gutiérrez, Head of Communities at Risk Programme for Cauca, Popaya, August 2006.

22 ACNUR, *Balance de la política pública*, p. 30; Human Rights Watch, 2005b.

Box 3: Space for protection: the *Defensor Regional* in Cauca

The first *Defensor* in Cauca used a strategy of public denouncement. As a result he received a succession of death threats, and had to leave the country. His successor changed tack. His approach was to build confidence with all the armed actors in the area, and to use humanitarian rather than legal arguments as a tool of persuasion. Small measures, such as enabling the families of dead guerrillas to collect bodies from the morgue or following up on allegations of capture with both sides have helped to build relationships. In return, the *Defensor* is able to intervene directly with the armed groups when an individual is threatened because of alleged collaboration or corruption, or when someone has been pulled from their car by the paramilitaries and not seen since. As many of the allegations are unsubstantiated, it is frequently possible to defuse the situation and save lives.

However, there are limits to this approach when it comes up against the genuine interests of the armed groups. For example, one individual had been accused by the para-militaries of belonging to the ELN. The *Defensor* accompanied him to a meeting with the commander of the paramilitaries to confront the accusation. During the the meeting he was shown a video of the man in ELN uniform. The commander told him that since the *Defensor* was here, out of respect, he would not be killed on the spot. Nevertheless, he would be dead within 24 hours. He was.

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between policy and implementation. The budget for 2005 was around $191 million.

5.4 Constitutional oversight: protection and the ombudsman

In addition to the government's programmes, the *Defensoría del Pueblo* (the state's independent Human Rights Ombudsman) plays an important role. Each of Colombia's 32 Departments and its two special regions (Urabá and Magdalena Medio) has a regional ombudsman (the *Defensor Regional*). The ombudsman's responsibilities are wide, but most resources are dedicated to individual criminal defence (in Urabá, for instance, nine of the ombudsman's 15 staff carry out this function).

The tactics and success of the *Defensoría* in protecting civilians depend heavily on the individual. Both the *Defensores* this researcher met appeared sincere and dedicated, but their approaches were very different. In Urabá, the *Defensor* took a highly principled and critical approach to his role; in Cauca, the *Defensor* concentrated on carving out a small space for protection through *quid pro quo* cooperation with armed groups. Given the risks of assassination, it is arguable that the latter is more productive, if less principled.

The *Defensoría* also runs a central early warning system, the *Sistema de Alerta Temprana* (SAT). The SAT was created in 2001 to rationalise and verify a surplus of information, alerts and

warnings emanating from civil society organisations across the country. Technical support was received from OCHA, UNHCR and *Pastoral Social*. The SAT works from 21 observatories across the country, in which analysts gather and crosscheck information on risks faced by the civilian population.

When the situation is grave a standardised risk assessment along with recommended actions is presented by the *Defensoría* to the *Comité Interinstitucional de Alertas Temprana* (CIAT). The CIAT comprises the responsible line ministries as well as the army, police and secret services. It considers the report and recommendations before deciding whether to issue a formal alert that demands action.

Those involved believe that the system is unique and has much to teach concerned people in other conflict zones. In terms of gathering and rationalising information in the middle of a complex conflict, this is certainly the case. However, the system is flawed. First, it is slow: the CIAT has 20 days to consider the information presented. Second, most of the risk assessments are not accepted (in 2004 only 17 of the 90 assessments presented became alerts). Third, even if the risk assessment is accepted the ministries involved have no obligation to follow its

recommendations, or even to transmit them to the field. Instead, each agency decides individually on its course of action. Warnings are issued, but the suggested action does not follow.

One of the most important constraints facing the *Defensoría* as a whole is lack of funds. Half of its budget comes from international agencies, and government funding only covers central staff and criminal defence costs (SIDA, 2005). At the time of writing delays in funding of the SAT meant that only 13 of the 34 staff allocated to the programme were in post. In addition, despite being an organ of the state and despite the influence individuals have generated at a local level, the ability of the *Defensoría* to influence the government is extremely limited. In this sense it suffers from exactly the same constraints confronted by humanitarian agencies. Armed with a credible analysis of threats against civilians and a series of recommendations for appropriate action, it lacks the leverage it needs to see its recommendations through. The response of the *Defensoría* is similar to the response of many humanitarian organisations: to look internationally. One senior official in Bogotá admitted that, if he really wanted something to happen, he would pass the information to the US embassy so that it could exert influence on the government.

Chapter 6
The role of humanitarian and other organisations in protection

In addition to the efforts of the government, there are a vast number of humanitarian, human rights and civil society organisations working on protection in Colombia. These vary from the mandated agencies and large international and national NGOs to groups of volunteers that 'accompany' communities and community- and victim-based self-help groups. Scale, coverage, ambition and approach vary dramatically. All have contact with illegal armed groups as an inevitable part of being in the field, although by law only the ICRC is authorised to maintain direct relationships. Other agencies are limited to interacting formally with the state, thus reducing the scope and colouring the nature of their response. The paramilitaries can be influenced through the army or the Ministry of Defence, but the few agencies who seek to influence the guerrillas must do so clandestinely, and risk being accused of collaboration

6.1 Mandated agencies

The largest groups (at least financially) are the mandated agencies. The Colombian government has invited three key agencies into the country to assist with the protection of civilians: the ICRC, UNHCR and OHCHR.

The ICRC entered Colombia for the first time in 1969, but only began to establish an extensive field presence in 1991. It uses its standard methodologies of collecting information and maintaining a confidential dialogue with the actors concerned, as well as supporting a significant IHL training programme with the armed forces and managing a large dossier of missing people. It also maintains an assistance programme with a budget of around $10 million in 2005. In that year, it had 54 expatriate and 250 local staff working from 13 offices.

UNHCR began its operations for IDPs in Colombia in 1999 following a request from the Colombian government for technical support and with the authorisation of the UN Secretary-General. The agency sees its role as creating a functioning contract between IDPs and the state. Its Memorandum of Understanding identifies the main areas of intervention as prevention, compliance with domestic legislation and the search for durable solutions. Within these overall goals, there are four strategic lines: to promote and update the existing legal protection framework; to strengthen state institutions; to promote and empower the IDP population; and to promote and empower domestic supervisory mechanisms, in particular the *Defensoría* (UNHCR, n.d). Prevention work presents the largest challenge. With ten offices across the country in 2006 (and a budget of $12 million), field presence is a key part of the strategy. However,

institutionally UNHCR is more accustomed to dealing with the consequences of displacement, so work on prevention is largely experimental.[23]

OHCHR has had an office in Colombia since 1997. Its current mandate includes providing technical support to the government and monitoring the human rights situation. However, the mandate is being renegotiated and many fear that its monitoring provisions will be lost. Significantly, the mandate covers IHL as well as human rights, allowing the office to deal with acts committed by illegal armed groups outside the control of the state (despite being forbidden from maintaining relations with them). The four areas of OHCHR's work are systematic and analytical observation, dissemination of the information received (to the government and, in particular, to the diplomatic community), expert assistance to the government and support to the control mechanisms of the state. Sixteen international staff carry out fieldwork, operating out of four principal offices.

6.2 International NGOs

People in Colombia tend to reach crisis point a few families at a time. The conflict rarely creates the sudden needs nor attracts the type of attention that massive displacement brings. The gap between need and the state's capacity (if not will) to respond is narrow, and traditional humanitarian action is inappropriate. NGOs frequently blur the division between humanitarian response and development work. Agencies such as Oxfam, the Norwegian Refugee Council (NRC) and church organisations such as Caritas and the Lutheran World Foundation (LWF) focus on community empowerment in the belief that this makes an important contribution to the protection of civilians.

Partly because many of these organisations see their most important role as being to leverage change in public policy and partly for practical reasons, there is a tendency to focus explicitly on communities and areas that already have relatively strong social structures in place, giving them the foundations needed for them to build their work upon. This of course neglects communities that are perhaps at the greatest risk precisely because of their disorganisation. It is unclear whether intervention with these communities would do more than attract the attention of armed actors and undermine the extremely delicate equilibrium that these communities have reached. Oxfam argues

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23 An evaluation of UNHCR's programme for IDPs in Colombia in 2003 (EPAU/2003/03) notes that 'It has been recognised that prevention of displacement has not been effective' (para. 33).

that success will come from supporting the development of effective models of protection within strong communities, which other communities can be inspired to emulate when the communities themselves judge this to be appropriate.

A second group of organisations specialises in international accompaniment. The largest of these is Peace Brigades International (PBI), with around 40 international staff. PBI is joined by many smaller organisations, although the total number of staff involved across the country is fewer than 100, and the majority of the volunteers are young and inexperienced.

Finally, advocacy-oriented organisations such as Human Rights Watch, Amnesty International and the International Crisis Group engage strongly on protection issues in Colombia, combining a focus on public policy-making with a witnessing role.

6.3 Colombian organisations

The most important actors are the Colombian organisations. Some, such as the Colombian Commission of Jurists (CCJ), specialise in legal interventions to bring public policy into line with human rights norms. Their stance towards the government is highly confrontational. Some public policy has changed as a result, but individuals within these organisations feel despondent when assessing their impact in the field under the current administration.

Other organisations represent ethnic groups. Indigenous communities in Colombia have been the most successful in their collective action. The pioneering Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca* (CRIC)) has been active since the 1970s, and there is now a network of indigenous groups across the country. It is arguable that the focus on strengthening communities as a primary protection intervention is directly derived from their successes. Similar groups and national networks exist for afro-Colombians and *campesinos*, but with few exceptions they have been unable to generate the internal coherence and external profile that has contributed to the success of indigenous groups.

Other attempts at community organisation have not followed ethnic lines. At a very local level some communities organised around and supported by church groups have tried to replicate indigenous practices of 'resisting' the conflict by declaring their neutrality, adopting internal regulations to enforce this and then claiming inviolability from illegal armed groups and government forces.

What links most of these groups is that they build on Latin American human rights traditions and are highly political. Most are left-wing, criticising the government and paramilitaries for their actions whilst failing to do the same with the guerrillas. Although government attempts to brand them all supporters of the guerrillas are unjustified, the reluctance of these organisations to be critical even when

strongly prompted was very noticeable during interviews for this study.

6.4 Types of response

For the purposes of this study, interventions have been divided into six categories:

1. Direct intervention (with the state and illegal armed groups).
2. Indirect advocacy (including public denunciation).
3. Legal action through the courts.
4. Support to communities so that they can protect themselves.
5. Deterrence (largely through presence).
6. Evacuation.

Of these, direct intervention is largely the preserve of the mandated agencies. Amongst the other agencies, the greatest organisational energy (although not necessarily financial resources) goes into indirect advocacy, resulting in vast quantities of information, analysis and recommendations, which compete with each other to find an audience. Legal action also receives significant support and profile, but its implementation is the preserve of a small number of specialist agencies.

This study suggests that the greatest potential for protection is at a much more local level. Providing *appropriate* support to communities so that they can deal with the armed actors that threaten them is an area that needs, if not more resources, then certainly more coherence of action. Protection by proactive presence is an extension of this logic, and depends heavily on the personal attributes and skills of the individual.

6.4.1 Direct intervention

There is, of course, no one protection strategy for dealing with armed groups in Colombia. Different strategies are used to deal with the state, the paramilitaries, the ELN and the FARC, and indeed individual commanders within the illegal armed groups. However, there are common themes in the types of direct intervention that have been used, both to increase the capacity of institutions to act and to persuade those in charge to change their behaviour.

Institutional strengthening is the preserve of the mandated agencies and donor governments, and applies almost exclusively to the state, not least because the ICRC is the only agency allowed by law to engage with illegal armed groups. Both financial support and technical inputs are provided. Considerable work has also gone into increasing the understanding of IHL within the armed forces. The ICRC also considers that it has an important role in the reform of military justice, although the impact of this process has yet to be felt. Although perceived successes must be seen in the context of the weaknesses of the institutions being supported, without the intervention of donors, programmes such as the SAT and 'Communities at Risk' may not exist at all.

Public and private persuasion also has a role to play. OHCHR produces an annual and UNHCR a biannual report on the situation in Colombia, including recommendations addressed both to the state and to the armed groups. Responses are mixed. In particular: 'The illegal armed groups continued to openly disregard the recommendations of the High Commissioner. The security forces, in their operations, have on occasion ignored humanitarian principles of distinction, limitation and proportionality'.[24]

While the most public face of UN agencies' work is their published reports, in the short term more obvious successes are seen at a more local and personal level. The success of such dialogue is frequently built on personal relationships (Centre for Humanitarian Dialogue, 2002). Following a 2004 evaluation, the ICRC refocused its programmes on 'priority zones' to sustain deeper relationships with interlocutors, and to enable the agency to react promptly to incidents as they arose. However, stability on the side of the interlocutors is far from guaranteed. A change of commander can close down opportunities for protection built up over time.

When dealing with state forces, the ICRC reported that simultaneous intervention across the chain of command can be a powerful tool when confronted with a crisis. The close links between the paramilitaries and the army mean that the behaviour of the paramilitaries can, on occasion, be influenced by interventions through the Ministry of Defence. In both cases, public policy as well as international law provides a strong set of standards on which to base interventions, and a framework exists for the prosecution of individuals if it can be brought into action. This provides at least a degree of leverage, but one that can be negated by other, stronger interests, including economic power and control of a particular strategic location.

The situation is more difficult when dealing with the guerrillas. Both the FARC and the ELN maintain a political discourse, and on occasion the fact that their negative actions will be made public is sufficient to deter them. The moral authority of the Catholic Church has also given certain individuals significant influence, over the ELN in particular. Both groups also seek recognition, but the fact that they cannot become party to the Geneva Conventions is a source of anger for which the ICRC is partly blamed. After many years of disseminating IHL, the ICRC has changed its discourse to appeal to basic humanity, morality and family values. Discussions on this basis have had concrete results in limited circumstances, for example allowing the return of a displaced indigenous community or returning a dead body. But in the current political climate it is difficult to do more than deal with a few 'details' of minor importance to the guerrillas.

Despite the limitations, when this type of intervention succeeds the impact is felt much more keenly than work on a

distant policy framework. And despite being labour-intensive it as a key part of the protection portfolio, and would benefit from being expanded if people with appropriate skills, experience and charisma can deliver in the field.

6.4.2 Indirect advocacy and denunciation

The majority of both international and national NGOs lack either the access or the weight to intervene in their own right. Most channel their advocacy interventions through a third party, often the mandated agencies. The impact of such interventions cannot therefore exceed the impact achievable by those contacted.

The publication of reports in the media is a favoured tool to highlight threats against civilians and past misdeeds. However, in the absence of influence at a national level most NGOs try to build international pressure. Between 2002 and 2005, Colombia received $4 billion in aid from the United States, and in 2006 it is due to receive an additional $800 million, 80% of which is in the form of support to the military. Colombia also expects to receive around $200 million[25] from the European Union (EU) in 2006. In both cases, donors stipulated that the Colombian government conform to human rights benchmarks set by OHCHR. US aid is also linked to human rights conditions imposed by Congress.

NGOs seek to activate these conditions in order to prompt action from the Colombian government. As a result many NGOs, national and international, are linked to an extensive lobbying network directed particularly towards the US and the EU. The diplomatic community in Bogotá is a key target, and high-profile local organisations arrange visits by embassy staff, parliamentarians and other politicians to highlight the threats civilians face. These efforts have not, however, succeeded in raising the political costs of aiding Colombia. Until 2006 (when funding was delayed in the US Senate) every US payment had been certified. In 2005, the Colombian Commission of Jurists told the US embassy that it was 'tired' of reporting that the human rights conditions for US aid were being flouted and seeing aid funds continuing to flow regardless.[26]

Limited measures have been taken. Certain units of the Colombian military have been barred from receiving US aid because of their human rights record, and this may have contributed to the improvement in the human rights performance of the military over recent years. Peace Brigades International report that its accompaniment programme depends on an extensive international network which, at a very local level, is able to raise the political cost of threatening specific civilians and thus deter it.

But the lack of movement raises the question why so many humanitarian agencies concentrate the majority of their resources on precisely those types of intervention where they

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24 See Report of the High Commissioner for Human Rights on the situation of human rights in Colombia, 2005.

25 According to the EU Draft Strategic Plan 2007–2013, €168 million-worth of projects were being run at the time of writing.
26 Interview, Bogotá, July 2006.

have minimal influence, in particular when doing so is at the expense of more effective local intervention. The 'policy' marketplace is overcrowded in Colombia, and organisations capable of sustaining effective field operations should consider directing a significant proportion of their resources towards field-level intervention.

6.4.3 Legal action

The third principal type of intervention is legal action. Some NGOs support 'representative' cases in the Constitutional Court and the Inter-American Court on Human Rights challenging public policy. They have had some success: interim measures to provide protection to human rights defenders have been secured, and the Constitutional Court has declared that impunities granted to paramilitaries who were demobilising were un-constitutional. This resulted in a revision of the law. Many other victories are, however, hollow as, in the words of the Colombian Commission of Jurists, 'the government does nothing'.

Other agencies support 'victims' more directly. However, it can take many years for cases to be resolved, and even when judgment is reached it is not always implemented. After almost a decade of legal wrangling, the indigenous community of Nilo was awarded compensation from the government for a massacre that took place there in 1991. This compensation is due to be paid in land, but at the time of writing none had been handed over.

Such interventions must thus be seen as an investment for the future, through their impact on public policy, or as a form of advocacy. But they only stand up to scrutiny if accompanied with work to ensure that court decisions are followed through, not only for the individuals whose cases are brought, but also for the wider population at risk.

6.4.4 Strengthening communities

To many humanitarian organisations, and in particular national NGOs, efforts to strengthen community organisations are at the core of the protection of civilians in Colombia. There is an unspoken belief that protection is achieved by having strong communities with the ability to bring pressure to bear on the Colombian government. Four broad categories of intervention are used: linking communities into (international) information networks, so that they can call for help when threatened; providing skills training, for example in negotiation or advocacy, so that individuals can work to protect the community as a whole; strengthening community organisations (through financial or technical support); and running community projects to increase solidarity among community members.

Trust in this formula is built on two sets of experiences. The first is the experience of the indigenous organisations, such the *Consejo Regional Indígena del Cauca* (Regional Indigenous Council of Cauca, CRIC); and the second the experiences of community resistance, the best known of which is the Peace Community of San José de Apartado.

In response to the persecution of indigenous people, elders founded CRIC in the early 1970s. Following lobbying by the indigenous movement, the 1991 Constitution allowed for the creation of reserves in which indigenous people have responsibility for managing their own justice. The overall approach is one of keeping indigenous communities out of the conflict. Internal rules prevent community members from joining any of the armed groups, or supporting them in any other way, for example by selling supplies to them. This is enforced by internal justice mechanisms that the constitution allows to dispense punishment. The *Guardia Indígena*, an ancestral mechanism that consists of a volunteer corps, combines the functions of a police force searching out infiltrators, an unarmed protection force and an early warning system. Communication systems (radios and telephones) allow threats to be dealt with promptly, and each community maintains sites stocked with basic supplies where the entire community congregates in case of crisis. An external visibility and denunciation strategy on the national and international stage, and a judicial strategy to defend communities through the courts and to be compensated for earlier wrongs, complements local action.

These mechanisms allow communities to act as one, both to negotiate with the armed actors, but also to stay put or displace together. Of course, many communities[27] continue to suffer from intimidation, and over 10,000 indigenous leaders across the country have received direct threats.[28] However there are also examples[29] of armed groups either staying out of their reserves entirely, or agreeing to pass through the reserves without harassing communities.

With this perceived success as an example, humanitarian organisations are investing considerable energy and using the same four strategies to strengthen afro-Colombian and *campesino* communities. However, there are additional complications. First, legally speaking only indigenous people have the right to enforce community regulation with sanction, so for any other community such regulation must be voluntary. Second, while indigenous communities are trying to *regain* a previously strong collective identity, the other groups need to *create* something that is strong enough to sustain collective action in adversity. Both lead to fragmentation, which by its very nature undermines the protection sought.

Other communities have tried to 'resist' by declaring themselves to be outside the conflict. The best known is the peace community of San José de Apartado. Created in 1997, this community of some 1,300 people received support from the Church to demand that all armed actors respected its status and left it alone. Despite massive international advocacy,

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27 For instance in Nariño, where repression of the Awa people is strong, five leaders were killed just a few days before the interview carried out with CRIC.
28 Interview, CRIC, Popoyan, August 2006.
29 Such as the community of Ikiakaori in Catatumbo, which has negotiated an agreement with the FARC that only indigenous people may enter their zone.

accompaniment and material aid and many high-profile visitors, the community has continually been accused of supporting the guerrillas, and hence has been subject to attack. During its ten years of existence, its people have been displaced on multiple occasions. It is currently based in a run-down finca, whilst the army and police have a strong presence in the original town of San José itself. More seriously, 178 of its members have been assassinated since its creation. The community now pursues a radical political agenda in which they refuse to deal with the state. Objectively, as a project to increase safety (rather than a project to increase freedom or respect for political beliefs) it is an abject failure, since the risks faced by the population are considerably higher than those faced by people in the surrounding areas. All but three of the several dozen communities that tried this approach subsequently collapsed.

That said, there are other lighter models of community strengthening to deal with the conflict, ranging from the establishment and demarcation of 'humanitarian zones', where people can regroup when under threat, to programmes which use churches as a focal point for communities and provide training and support to their leaders to negotiate with armed groups, as well as access to an international advocacy network to deal with crises.

Some local success is evident from these types of intervention, but two challenges remain. The first concerns how to adapt the indigenous model to communities that are not only less organised, but are also limited to regulating their internal affairs through persuasion without recourse to the sanctions that are available to indigenous communities. The second challenge is around whether it is feasible to extend this type of intervention to communities that have adapted to their environment by working with or for the dominant armed actors, for whom 'organisation' represents a risk and ill-conceived interventions are potentially highly dangerous.

6.4.5 Presence as deterrence

The next model of protection intervention is deterrence. Presence is a key plank of the strategies of all of the mandated agencies to deter attacks against civilians. These agencies claim at least a limited impact from it. Deterrent value is usually attributed to a fear that atrocities will be exposed internationally. Success is, however, asserted rather than demonstrated, but in a context where the first thing that many communities ask for when talking about protection is international presence,[30] a belief in its value is widespread.

While general presence may entail visiting an area a few times a year, humanitarian accompaniment involves 24-hour-a-day presence on the ground with communities and their leaders, accompanying them in their daily tasks. Inspired by Gandhian non-violent resistance on the Indian subcontinent and in Central America in the 1980s, it is widely seen as an effective strategy. Several people interviewed cite concrete examples of guerrillas staying in the bush and not harassing communities only because they were there, or of the army reining itself in when operating nearby. Success is attributed to advocacy efforts and extensive contacts in the international and diplomatic communities.

Unfortunately, scaling up such resource-intensive interventions is very difficult. PBI has tried to increase coverage by reducing the time spent with some communities to a week or two per month, without apparent ill-effects. At the same time, following an extensive evaluation of ten years' work in Colombia, PBI is looking at ways of becoming more active in the (already crowded) policy environment, in order to have a wider impact. This suggests that humanitarian accompaniment is better suited to contexts where small numbers of communities or individuals are specifically targeted (and where international attention maintains its deterrent value), rather than in contexts of widespread violence.

6.4.6 Evacuation

Finally, some organisations help individuals leave their home areas to find safety. This is one of the options provided by the Ministry of Interior and Justice's protection programme; the ICRC also provides transport within the country, and a number of embassies, including the Swiss and the Canadian, run programmes that help people seek shelter abroad. This shelter can either be temporary or permanent, depending on the nature of the threat.

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30 That said, some communities believe that they will be at greater risk if they are accused of 'collaborating' with international aid agencies, and thus eschew international contact.

Chapter 7
Developing protection programmes

If all these activities are taking place, why are protection interventions not having a larger impact in Colombia? Access is relatively good; there are many people working on protection and there is no shortage of information or analysis. At a local level field cooperation between agencies is often excellent. However, at a national level coordination is poor. Although a vast array of networks and fora exist to deal with specific aspects of the crisis or the crisis as a whole, instead of being an advantage this has turned into a handicap, leaving the response fragmented. There is no strategic leadership against common goals and objectives.

Furthermore, many agencies and their staff struggle to step outside of public policy and political positions to see what can be accomplished at a much more local level. These accomplishments will always be at the mercy of the interests of the armed actors, but this should not be used to underestimate their importance.

7.1 Access

Expatriates are relatively safe in Colombia. The Centre for Humanitarian Dialogue reports that:

> *In Colombia there were two separate political attacks on expatriates – one by the FARC rebel group in which three North American activists were killed, and another by AUC paramilitaries in which a Spanish NGO worker was killed. If the analysis of these events had suggested a trend or a strategy by either armed group to attack expatriate presence, it would have had a serious inhibiting effect on all protective missions in Colombia. But, in both cases, analysts concurred that these attacks were political mistakes, and that the FARC and the AUC paid a serious political cost in each case, and would be unlikely to repeat the error* (Mahony, 2006: 117).

However, this should not be confused with international staff having free access to all parts of the country. During 2006, a series of warnings and short-lived kidnaps of humanitarian staff in Catatumbo was sufficient to exclude all humanitarian agencies from the area for several months. Those that are returning are doing so cautiously. International humanitarian organisations occasionally receive threats or warnings, but not generally against individual national staff. However, Colombian activists are often deliberate targets of armed groups. Even without these threats, particular regions, such as Urabá (with its Peace Communities) and Cauca (with its active indigenous communities), are favoured by humanitarian agencies, while other areas are largely neglected.

7.2 Capacity

The four largest international organisations working on protection in Colombia (OHCHR, UNHCR, ICRC and PBI) have a combined staff of about 160 internationals. In comparison with other protection operations, such as Sri Lanka, Rwanda and Kosovo, this is relatively few.[31] However, this hides the fact that the vast majority of the protection work done in Colombia is initiated, managed and carried out by Colombian nationals. Indeed, one organisation reported that they had more problems bringing international staff up to speed than they did with national employees, most who have been working for them for many years.

There does not appear to be a protection skills shortage in Colombia, nor a shortage of less experienced but well educated, bright and motivated individuals to start on the lower rungs of the ladder. So what would simply increasing the number of international staff achieve? Many communities ask for international accompaniment or presence as the first step towards their protection. More protection officers would certainly provide greater coverage and shelter, under which national counterparts can carry out their work, in particular providing psychological support and a communications link to the outside world for individuals who are carrying out delicate local negotiations with armed actors. But with few exceptions, more international field protection officers would not improve the level of protection analysis, the level of advocacy towards the outside world, the quality of engagement in policy debates or the quality of legal action. These areas are more than adequately covered by Colombians.

7.3 Analysis

There is also no shortage of information in Colombia. Detailed statistics are available on displacement, murders, massacres and kidnappings, and even though precisely what happened in a particular incident and who is responsible may be disputed, the number and type of incidents is part of the public record.

However, this analysis does not seem to translate into appropriate objectives. When these are set, they seem to be at least one step removed from the people at risk. Many organisations, particularly those based in Bogotá, set objectives based around changes in public policy, without a serious analysis of how these changes would affect people on the ground. Organisations that use the courts as their main mechanism measured the results of court cases; those that document 'violations' measured how comprehensive the documentation was; those that 'strengthened' communities

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31 *Ibid*.

measured subsequent community actions. In each case, an assessment of whether people were safer as a result was missing.

There is a lack of rigour in programme design. 'Hope' and the rolling out of the 'same old' activities is allowed to take the place of carefully planned interventions which examine genuine opportunities to protect; challenge the assumptions made in design; and monitor impact in order to adapt through the lifecycle of the intervention.

7.4 The future

At the time of writing, the UN was discussing the formation of an Inter-Agency Standing Committee at national level to coordinate humanitarian action as a whole, including setting up a protection 'Thematic Group' to 'develop a clear strategy to address some of the best known gaps in protection' (IASC, 2006).

For this group to succeed in increasing the coherence of the protection effort, it will require more than simply bringing in a few experts to run the type of UN-centric process of programme coordination that has characterised the CAP and CHAP processes over recent years. Instead, it will require a meticulous process to ensure the participation of the most important protection actors, including those working in the field, and ensure that their work is an integral part of such a strategy. This should be complemented by efforts to reduce the yawning gaps in protection in areas where communities are not sufficiently strong to implement local protection strategies or operate without external support.

Effort also needs to be put into increasing the *efficiency* of the public policy work that forms a core part of any protection strategy. This may result in decreasing its *quantity*, as paper production, ideology and denunciation is replaced with diplomacy to win over influential allies, along with more complex and nuanced mobilisation and persuasion efforts that focus on realisable solutions rather than dogmatic adherence to distant ideals.

None of this will guarantee protection in all circumstances. It will do no more than stretch the boundaries of the small space already available for protection in Colombia. Modesty and realism must be at the heart of any intervention.

Chapter 8
Conclusions

What can be learnt from the Colombian experience? A first lesson is that effective protection work is a long-term endeavour. This report has played down the immediate impact of many of the interventions at a Bogotá level that have affected the legal and policy environment. A cursory examination leads to the conclusion that perceived successes at this level are divorced from the realities of civilians under threat across the country. Even when it is acknowledged that causality is harder to determine for policy-level interventions than for direct action in the field, the non-implementation of public policy makes it difficult to see how these interventions stand up to scrutiny as protection efforts in their own right.

However, such interventions remain a key part of the protection portfolio. The very existence of a Constitution that provides for the protection of human rights and that has created state organs with the responsibility to oversee the actions of the government is the result of civil society activism, albeit including armed activism. At a more modest level, key programmes such as the SAT, the programme to protect human rights defenders and the 'Communities at Risk' programme would not have existed at all but for external intervention. Humanitarian organisations at the best of times have very limited leverage over the governments of the places in which they work, and frequently even less over illegal armed groups. Long-term work has created entry points within the government that have been used to improve the protection of civilians.

Following on the same theme, tackling impunity for crimes committed against civilians is a key source of influence in protection terms. This is also a long-term process. A key step forward in Colombia has been to take jurisdiction for crimes against civilians out of the hands of the courts martial and place it with the (largely independent) civilian courts. Implementation is a very long way from being perfect, and impunity remains for the majority of those responsible. However, precedents have been set where those responsible for crimes against civilians have been punished. This has demonstrably diminished threats against civilians in some limited contexts.

The emphasis on *some* contexts is important. The success of protection work depends on potential perpetrators making judgments as to what is in their interests. Given that the leverage available to humanitarian actors is often slight, interventions are far less likely to be successful against these interests. This leaves humanitarian agencies with a choice: to attempt to increase their leverage, which may be a very long-term process, or to identify where they are able to make a difference in the shorter term and concentrate there. The length of time over which humanitarian agencies are able to plan will be an important consideration for each agency as they take this decision.

In addition to the question of leverage, it is clear from the Colombia study both that most effective protection takes place at a very local level, and that the key players in protection interventions are communities themselves. Local face-to-face discussions between those responsible for and those receiving threats can leave communities safer. The outcome of those discussions may not conform to the sorts of principles that humanitarians may espouse, e.g. the safety mechanism may be simply to submit to those in power. If this is the case humanitarian organisations have an obligation not to undermine these agreements. However, if this is not the case there is scope for humanitarian organisations to work with communities and individuals so that they are empowered in their negotiations. This may be through strengthening community structures in order to increase their coherence or through acting as a conduit to the 'international community' in order to increase the community's bargaining power. In either instance the role of the humanitarian agency is principally facilitatory. Colombia can provide numerous examples of this type of work, as well as illustrations of the potential pitfalls.

Colombia also illustrates how the politicisation of the protection agenda by all parties can result in a breakdown of the relationship between some organisations working on protection (notably not the mandated organisations), communities and the state. The failure of this relationship can undermine the positive work of actors within the state to improve the protection of civilians, and can ultimately be counterproductive. A further consequence of the politicisation of protection is that the analysis of risk may become skewed in order to serve particular purposes; examples of this include the downplaying of the responsibility of the guerrillas for threats against civilians and the lack of analysis of sexual violence.

Finally, Colombia illustrates that modesty is important when setting protection objectives. The space for protection is often limited, but the failure of humanitarian agencies to deal with 'big picture' protection should not devalue what can be achieved on a much smaller scale. Analysis that puts too much weight on dealing with complex macro-level issues may miss opportunities for micro-level solutions.

If it is the *efficiency* of the macro-level interventions that needs to be improved, it is the *quantity* of micro-level interventions that must be addressed if the impact of humanitarian agencies' work is going to be felt by those civilians who are in the greatest need of protection. Humanitarian agencies are unlikely to be able to protect someone who is being directly targeted by an armed group, but they can help others stay safe.

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