

In Colombia, **6.7 million displaced people still require assistance, solutions, and access to reparations**. The victims of internal displacement represent 88% of the total number of victims of the armed conflict in Colombia. Supporting them in overcoming this situation has been the primary reason for UNHCR's presence in Colombia for almost three decades.

Solutions to displacement may take the form of **returns, relocations, and local integration, often through the legalization of informal settlements in urban areas**, depending on community preference. Working towards solutions should start from the first day of displacement.

I. From the beginning: Supporting the design of a solutions framework

The existence of a legal framework to respond to forced displacement is key to advance towards durable solutions. In this sense, UNHCR has supported the development of the following legal framework:

Law 387/1997 for the prevention, attention, and socioeconomic stabilization of the displaced population.

Inclusion of victims of forced displacement as beneficiaries in the Victims and Restitution **Law 1448/2011**

Giving visibility to the needs of the victims of forced displacement within the **Peace Agreement** between the Government of Colombia and the FARC-EP, signed in 2016.

Equally important is the development of a public policy framework on solutions. UNHCR provided technical assistance for the development of regulations and implementation of public policies. These are related to protection, land restitution, access to land and territories abandoned due to displacement, access to housing, income generation, return and rural relocation, legalization of informal settlements, and access to transitional justice mechanisms for the displaced population, among other interventions.

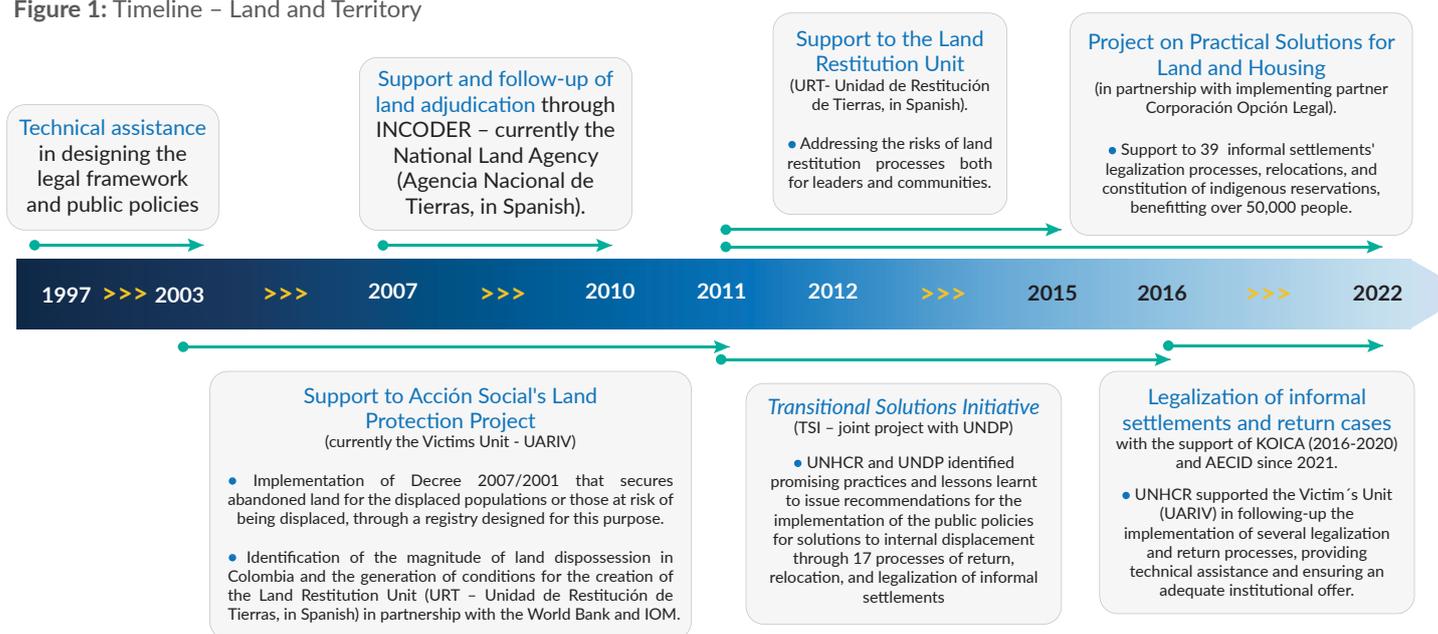
However, despite legal and political advances in the response to displacement, in practice there are substantial gaps and barriers to reach sustainable solutions. In 2004, the **Constitutional Court determined "the Unconstitutional State of Affairs"** indicating that the State had not fulfilled its obligations to ensure the effective enjoyment of rights by the internally displaced persons, victims of the armed conflict. UNHCR has played a substantial role in **monitoring "the Unconstitutional State of Affairs", at the request of the Constitutional Court**, promoting the adherence to international standards, issuing recommendations based on its experience and field presence, and promoting the participation of victims of displacement victims in this process, in constant coordination with the institutions involved institutions.

II. Tackling the root causes: land and territory

Considering that the issue of land is one of the root causes of displacement and of the armed conflict in Colombia, UNHCR has always prioritized the **right to property, the protection of rural and urban assets abandoned by displaced persons, the adjudication of rural land, the constitution of indigenous reservations¹ and land restitution**.

¹ The process of the constitution of indigenous reservations is how the National Land Agency (Agencia Nacional de Tierras, in Spanish) acquires and regulates land destined to become an indigenous reservation. (N.B: the Spanish term used in Colombia is "saneamiento de resguardos indígenas").

Figure 1: Timeline – Land and Territory



Own elaboration

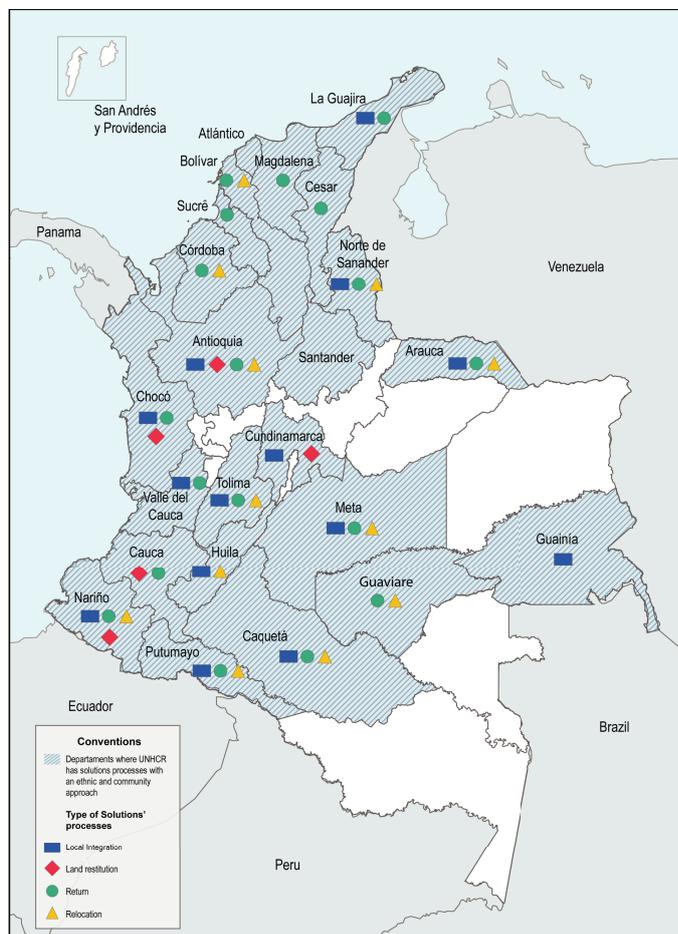
III. Promoting a key role for communities: towards an adequate implementation of solutions processes

UNHCR in Colombia has prioritized self-protection mechanisms and community protection networks for the internally displaced population and those at risk of displacement. UNHCR contributes to **strengthening organizational and community structures, both formal and informal**, by supporting the creation and strengthening of displaced populations' organizations (OPD- Organizaciones de población desplazada, in Spanish), and promoting their direct participation in the decision-making processes that affect them.

At regional and national level, UNHCR has contributed to **strengthening indigenous and Afro-Colombian traditional and political authorities**, so that they can effectively exercise their individual and collective rights (autonomy, territory, and culture) as actors of public policy, in coordination with civil society organizations and first and second level territorial ethnic authorities² (AICO, ONIC, OPIAC, CIT, AFRODES, PCN, among others).

One of the added values of UNHCR's intervention has been to serve as a **catalyst between communities and State institutions**, generating trust and bringing institutions closer to communities, so they can consider communities in return and relocation plans, among others.

Map 1: Solutions processes with an ethnic and community approach promoted by UNHCR in Colombia



Own elaboration

² "First level territorial ethnic authorities" refers to community-based organizations or ethnic and territorial indigenous or Afro-Colombian organizations comprised of people who claim ethnic and collective rights. "Second level territorial ethnic authorities" are those comprised by a group of territorial and ethnic organizations, such as indigenous "cabildos" or Afro-Colombian "community councils" ("consejos comunitarios", in Spanish). For more information, please refer to the Decrees: Decree 1088 y Decree 1640 de 2020.

Additionally, as a guiding principle for intervention, UNHCR has sought to **promote institutional presence, including bringing in civil servants, in areas where solutions processes** are being implemented, considering the existing protection risks for communities. As such, UNHCR has supported the establishment of “Houses of Rights” (Casa de Derechos, in Spanish) of the Ombudsperson Office, to provide technical assistance and on the job training to local representatives of the local Ombudsperson Office.

Through its field offices, UNHCR has promoted **solutions processes with an ethnic and community-based approach** in Putumayo, Nariño, Caquetá, Meta, Chocó, among others (see Map 1 - Figure 2).



Visit to the indigenous community Emberá Dóbida in Murindó, Antioquia ©UNHCR Colombia

Figure 2: Examples of solutions with an ethnic and community approach promoted by the UNHCR

1

Department: Caquetá (2013 - 2016)

Indigenous reservations/community: Emberá Chamí Purí community

Solutions with an ethnic approach: Support the community's rural relocation, its strengthening and support to artisanal handicraft projects for their self-sufficiency.

2

Department: Chocó (2020)

Municipalities: Litoral del San Juan

Indigenous reservations/community: Chagpien Tordó Indigenous Reservation

Solutions with an ethnic approach: Support to indigenous leaders and communities in the implementation and follow-up of the return and relocation plan, under the principles of the Decree 4633 of 2011 and Decree 4800 of 2011.

3

Department: Chocó (2020)

Municipalities: Quibdó

Indigenous reservations/community: Emberá Wounaan indigenous community

Solutions with an ethnic approach: Coaching and psychological support to indigenous artisans to become entrepreneurs.

4

Department: Putumayo - with the support of implementing partner Corporación Opción Legal

Municipalities: Puerto Leguízamo and Alto Resguardo Predio Putumayo - ACILAPP

Indigenous reservations/community: Murui Muina Agua Negra y Murui Muina Jiri Jiri, and in the Cabildos Murui Muina Monaide Jitoma, Murui Muina La Samaritana, Murui Muina Umancia and Koreguaje Chaibajú (indigenous reservations ascribed to the Association of Traditional Authorities and Councils of Indigenous people)

Solutions with an ethnic approach: Legal advice on the constitution and expansion of indigenous reservations, and the implementation of the ethnical territorial protection route and processes for ethnic land restitution, as established in the Decree 4633 of 2011.

Finally, UNHCR supported the consultation process with over 200 leaders of displaced communities throughout the country, so that their perspectives were included in the recommendations that the High-Level Panel on Internal Displacement delivered to the Secretary-General of the United Nations.

IV. The impact



> **330**
solutions processes



> **112.000**
people benefitted



25
Departments reached

UNHCR has intervened in solutions processes in **25 out of the 32 departments of the country**, excluding the departments Amazonas, Vaupés, Casanare, San Andrés, and the Eje Cafetero. UNHCR has supported over **330 processes, benefitting 112,000 people**, and some of them continue to count with UNHCR's support. More than 50,000 people have benefited from the legalization of informal settlements.

To improve the sustainability of solutions processes, UNHCR field teams have also added a component to solutions' projects by promoting **income generation or access to livelihoods for displaced communities**. For example, UNHCR has supported the Special Administrative Unit of the Public Employment Service – UAESPE in strengthening employability (application, orientation, referral, placement) with a particular emphasis on supporting the victims of the armed conflict, including the displaced population (80% of the beneficiaries are IDPs).



Community visit in the legalized settlement of Bello Horizonte, Arauca.
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V. Peace and access to transitional justice mechanisms: the sustainability of solutions and the right to reparation

In 2015, at the request of the parties, UNHCR supported the **Peace negotiations between the Government and FARC-EP**, convening – jointly with the United Nations System and the National University of Colombia - a Regional Fora for Victims, **to make sure that the victims' voices were taken into account**. UNHCR was part of the technical commissions that prepared the reports of the Fora and actively supported the participation of displacement victims, so that their proposals were effectively delivered to the negotiators in La Havana.

In the framework of the Peace Agreement's implementation, UNHCR was appointed as one of the international organizations to accompany the process, and **actively supports Point 5, on the rights of victims**, in particular through the Special Jurisdiction of Peace (JEP- Jurisdicción Especial de Paz, in Spanish) and the Truth Commission (Comisión de la Verdad, in Spanish), to promote the investigation of forced displacement as a crime, and the right to the truth, justice and reparation for displacement victims; thus putting an onus on the impact generated by displacement, including exile.

In the supported processes, UNHCR has always looked for **synergies between solutions and access to reparations (individual and collective), access to transitional justice mechanisms, and effective responses in terms of prevention and protection**, through the institutional presence of the State or the implementation of collective protection measures.