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THE RISING NUMBER OF INTERNALLY-DISPLACED PERSONS IN COLOMBIA AND THE UNITED NATIONS' RESPONSE

The number of internally-displaced persons ("IDPs") in Colombia and Colombian refugees seeking asylum in neighboring countries is increasing at a rapid pace. The steady rise was fueled by a change in governmental power leading to a break in the peace process and tensions between guerrillas, such as FARC,¹ and paramilitary groups. The United Nations ("U.N.") estimates approximately 700,000 Colombians are affected by conflict and political unrest throughout the country.² In 2002, Colombians elected a new president, Alvaro Uribe Velez, whose promise to strengthen the military and congress led to expected violent action by guerrilla and other anti-governmental groups. The country of Colombia has been consumed by internal conflict for several decades and continues to deal with generalized violence to this day.

The United Nations Refugee Agency defines internally-displaced people, or IDPs, as "persons forced to flee their homes for the same reasons as refugees, but who have not left their own countries and are therefore not considered 'refugees' under the Office of the High Commissioner for Refugees ("UNHCR") Statute or under relevant international or regional instruments."³ IDPs generally remain within their own country and, therefore, differ from refugees who typically gain refugee status after fleeing the borders of their own country for reasons including generalized violence, human rights violations or natural disasters. The UNHCR's government counterpart in Colombia, Re de Solidaridad Social, estimates

¹ FARC is a military wing of the Colombian Communist party and one of the largest and most powerful senior guerilla groups in Colombia responsible for many terrorist activities within the country. See U.S. DEP'T OF STATE, REVOLUTIONARY ARMED FORCES OF COLUMBIA (FARC) in PATTERNS OF GLOBAL TERRORISM, 2001 (May 2002).

² *Report of the United Nations High Commissioner For Refugees*, U.N. Economic and Social Council, at ¶ 60, U.N. Doc. E/2002/14 (2002).

³ *Protection Aspects of UNHCR Activities on Behalf of Internally-displaced Persons*, 24th Dist., at ¶ I, U.N. Doc. EC/SCP/87 (1994).

there were approximately 168,000 new IDPs during the first half of 2002, an increase doubling that of the previous year.⁴

The Office of the United Nations High Commissioner for Human Rights ("OHCHR") was established in Colombia on November 26, 1996. This office was created by an agreement between the Colombian government and the OHCHR which has recently been extended until April 2003.⁵ The terms of the agreement include the submission of analytical reports to the Commission on Human Rights ("CHR") observing the human rights situation in Colombia in order to assist the government with the formation and implementation of policies and programs to protect human rights in the presence of violence and conflict within the country.⁶ Under this agreement, an OHCHR field office with a staff of six was established in Bogota to advise the Colombian government and civil society on matters involving the protection of the human rights of its people. Through further negotiations with the Colombian government, the OHCHR developed several OHCHR sub-offices throughout Colombia.⁷ Since its inception, the office has collected and processed hundreds of complaints involving violations of human rights and breaches of humanitarian law and continues to monitor the displaced persons situation in Colombia. The OHCHR works in connection with the UNHCR providing assistance to IDPs within the country.

Although U.N. aid to IDPs is not dictated by mandate, as is aid for refugees,⁸ the UNHCR continues to improve and expand its efforts to protect the humanitarian rights of those displaced within the country. Continued efforts were recently marked by the com-

⁴ U.N.H.C.R., GLOBAL APPEAL 2003 286 (2003), at <http://www.unhcr.ch/cgi-bin/texis/vtx/publ/opendoc.pdf?id=3ddceb6d7&tbl=MEDIA>.

⁵ Mary Robinson, Statement to the U.N. High Commissioner for Human Rights Introducing Her Report on the Situation on Human Rights in Columbia (Apr. 18, 2002), 58th Sess., U.N. Doc. E/CN.4/2002/17 [hereinafter Mary Robinson Statement].

⁶ Office of the High Commissioner for Human Rights, *Human Rights Field Presence in Colombia*, available at <http://www.unhchr.ch/html/menu2/5/colombia.htm> (last visited May 15, 2003).

⁷ Mary Robinson Statement, *supra* note 5.

⁸ G.A. Res. 428 (V), U.N. GAOR, 5th Sess., Supp. No. 20, at 46, U.N. Doc. A/1775 (1950). The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950. The UNHCR is mandated to protect refugees world wide. The 1951 and 1967 conventions defined refugee status and outlined the legal rights and obligations of a government to refugees within its borders. *Id.*

pletion of the Humanitarian Plan of Action ("HPA").⁹ The HPA, established in 2002, outlines an initiative to control the growing IDP situation in Colombia and preserve the humanitarian rights of the Colombian people. The United Nations Thematic Group on Displacement ("TGD") headed the development of HPA for Colombia. The TGD is comprised of twelve UN agencies including UNICEF and UNIFEM and is headed by the UNHCR. The HPA is structured to operate in five sections during the course of a year. The five components are as follows: Coordination and Institutional Strengthening; Prevention and Protection; Integration and Economic and Social Reconstruction; and Attention in Health, Education, and Social Welfare and Food Security.¹⁰

The HPA outlines three stages of development of the five sections, each stage over a one-year period, and aimed at strengthening the state institutions.¹¹ Stage one, implemented in 2002, allowed for development in connection with the new government and focused on learning from the implementation of the HPA in three highly vulnerable territories: Magdalena Medio, and the departments of Choco and Valle del Cauca.¹² Stage two, implemented in 2003, will focus on adjusting the strategies and operations implemented during stage one. The goal of stage two is for the agencies to undertake joint planning of their activities in their regions and to extend operations to other regions, if necessary.¹³ Stage three operations will be based on the evaluation of the HPA under the previous stages and during this stage a determination will be made whether to prepare for additional stages of the HPA.¹⁴ Stage three of the HPA will be implemented in 2004.

The U.N. is also actively working to increase public awareness of the Colombian situation and increase the effectiveness of accounting for current IDPs. Ruud Lubbers, the current United Nations High Commissioner for Refugees, visited Colombia in November 2002. Lubbers became Commissioner in January 2001, and was the first High Commissioner for Refugees to visit Colombia

⁹ U.N. SYSTEM, HUMANITARIAN PLAN OF ACTION 2002-2003 COLOMBIA

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id. see also* Report on Mission to Colombia (7-20 August 2002) Internal Displacement Unit at <http://www.reliefweb.int/idp/docs/reports/Colombia-08-02.pdf> (on file with the New York Law School Journal of Human Rights).

¹³ U.N. SYSTEM, *supra* note 9.

¹⁴ *Id.*

and personally observe the actions of the UNHCR.¹⁵ In his address to the General Assembly in November 2002, Ruud stressed the UNHCR continued to face major problems in Colombia.¹⁶ The United Nations High Commissioner for Human Rights, Mary Robinson, also traveled to Colombia to observe the efforts of the OHCHR. In a report to the CHR, Robinson indicated that due to discontinued peace talks between the Colombian government and the FARC guerrillas, acts of terrorism in the county are on the rise, resulting in an increased displacement of its citizens.¹⁷

Angelina Jolie, the UNHCR Goodwill Ambassador, also observed the effort of the UNHCR during a visit with Colombian refugees in Ecuador. The award-winning actress spent several days in June 2002 with Colombian refugees in Ecuador and published journal accounts of her interviews with the displaced Colombians.¹⁸ One subject she interviewed was a single mother with six children. This woman was living with her family in a garage in Ecuador after successfully fleeing from her home in Colombia. She was forced to leave after guerrilla forces tried to recruit two of her sons to fight for the rebel cause. After refusing, here entire family was "black listed" at home and lost everything in order to save their lives.¹⁹

A hindrance to the efforts of the UN and Colombian government is the absence of the government officials in many areas of the country. Government officials often must leave their communities due to threats from the opposition leaving many IDPs without governmental protection.²⁰ In her address to the CHR, the High Commissioner reported recent cases of kidnappings of members of Congress, elected members of municipal authorities, and other political figures.²¹ The constant violence within the country also affects the Colombian children who remain in their states. The forced displacement of school teachers, as a result of war and vio-

¹⁵ U.N.H.C.R., *Lubbers to Visit Displaced Community in Colombia* (Nov. 26, 2002), available at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3de3ac894>.

¹⁶ Ruud Lubbers, Remarks to the Third Committee of the General Assembly (Nov. 7, 2002) (on file with the New York Law School Journal of Human Rights).

¹⁷ Mary Robinson Statement, *supra* note 5.

¹⁸ Journal of Angelina Jolie (June 6-10, 2002) (on file with the New York Law School Journal of Human Rights).

¹⁹ *Id.*

²⁰ UNHCR, GLOBAL APPEAL 2003, *supra* note 4.

²¹ Mary Robinson Statement, *supra* note 5.

lence in Colombia, prevented approximately 3.6 percent of public school students from temporarily and permanently attending school in 2002.²²

Additionally, the large number of IDPs within the country represents only a portion of the total number of displaced Colombians. Many of the displaced flee Colombia's borders and seek refuge in the neighboring countries of Ecuador, Venezuela and Panamá. According to the Consultancy for Human Rights and Displacement, an estimated 37,000 Colombians fled the country in 2001 and 2002.²³ The majority seek refuge in Ecuador due in part to its close proximity and large population of Colombians.²⁴ Ecuador is also the only country bordering Colombia that offers refugee status to Colombians. More than 600 refugees a month are applying for this status, which affords work permits and temporary residence to those accepted.²⁵ Despite the large number of applications, studies indicate only 15 of every 100 Colombians seeking refuge apply for refugee status and even fewer obtain recognition of the status.²⁶

The cost of providing assistance to the IDPs of Colombia is also growing. The UNHCR estimates close to \$6 million is required to handle the Colombian IDP and refugee situations in 2003. In order to achieve its goals the program must receive assistance from outside sources. According to the Europe Intelligence Wire, the U.N.-affiliated World Food Program recently received a \$2 million donation from the United States to assist displaced persons from Colombia. The World Food Program started a three year project in January 2003 to expand its aid to 375,000 Colombians.²⁷

Although Colombia's history with political unrest and generalized violence gives little indication that the number of its citizens

²² UNHCR, *Colombia: Schools and Teachers are Targets of War* (Jan. 20, 2003), available at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3e2d11c220>.

²³ UNHCR, *Colombia: Poverty Deepens, With Peace Still Distant* (Jan. 16, 2003), available at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3e27df4715> [hereinafter *Poverty Deepens*].

²⁴ Juan Forero, *Colombians, Fleeing War, Make A Slice Of Ecuador Their Own*, UNHCR, Oct. 17, 2002, available at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3deb75cb4>.

²⁵ *Id.*

²⁶ *Poverty Deepens*, *supra* note 23.

²⁷ UNHR, *US Donates \$2 million for Colombians Displaced by Violence* (Jan. 9, 2003), available at <http://www.unhcr.ch/cgi-bin/texis/vtx/print?tbl=NEWS&id=3e1e8f460>.

forced to flee their homes will decline in the immediate future, the U.N. and its counterparts continue to work towards preserving the fundamental human rights of those affected. Through the UNHCR and the newly implemented HPA, the U.N. is reaching the people in need and concentrating its efforts on providing relief to those displaced persons not protected under the UNHCR refugee statute. Providing protection to IDPs may ensure the number of displaced persons escaping to other countries will decrease over time, lessening the burden of countries neighboring Colombia and working to heal the problems within Colombia's borders.

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