

PROTECTING THE DISPLACED IN COLOMBIA: THE ROLE OF MUNICIPAL AUTHORITIES

Summary Report

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ABOUT THE PUBLICATION

The Brookings-Bern Project on Internal Displacement, the Universidad de los Andes, the United Nations High Commissioner for Refugees, and Acción Social jointly convened a seminar on the role of municipal authorities in addressing the needs of the internally displaced, held in Bogota, Colombia, on 14 November 2008. The seminar brought together mayors, representatives of municipal governments, experts on internal displacement, and academic researchers to discuss the challenges of responding to the needs of internally displaced persons. This report was put together by Elizabeth Ferris, Co-director of the Brookings-Bern Project on Internal Displacement.



BROOKINGS




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PROJECT ON INTERNAL DISPLACEMENT


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the Department of Foreign Affairs and International Trade.*



Municipal authorities discuss the challenges of responding to the needs of the displaced during small working group sessions.

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A photograph showing three individuals in a meeting. A woman on the left is seen in profile, looking towards the center. A man in the middle is also in profile, looking towards the right. A third person's back is visible on the right side of the frame. The image is overlaid with a blue-to-orange gradient. The top half is blue, and the bottom half is orange.

Municipal authorities discuss the challenges of responding to the needs of the displaced during small working group sessions.

LIST OF ACRONYMS

Conpes	National Council for Economic and Social Policy (El Consejo Nacional de Política Económica y Social)
CNAIPD	National Council for Comprehensive Assistance to People Displaced by Violence (Consejo Nacional para la Atención Integral a la Población Desplazada por la Violencia)
DNP	National Department of Planning (Departamento Nacional de Planeación)
EHA	Emergency Humanitarian Assistance
FNR	National Fund of Perquisites (Fondo Nacional de Regalías)
ICA	Industrial and commercial tax (El impuesto de industria y comercio)
ICBF	Colombian Institute of Family Welfare (Instituto Colombiano de Bienestar Familiar)
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IGAC	Agustin Codazzi Geographical Institute (Instituto Geográfico Agustín Codazzi)
IHL	International Humanitarian Law
INCODER	Colombian Institute for Rural Development
JUNTOS	Network for Overcoming Extreme Poverty (la Red para la Superación de la Pobreza Extrema)
MEN	National Ministry of Education (Ministerio de Educación Nacional)
MIJ	Ministry of the Interior and Justice (Ministerio del Interior y Justicia)
NGOs	Non-governmental organizations
PIU	Unified Comprehensive Plan (Plan Integrales Únicos)
RSG	Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons
RUP	Central Registry of Abandoned Properties (Registro Único de Predios Abandonados del INCODER)

RUPD	Central Registry for the Displaced Population (Registro Único de Población Desplazada)
RUT	Central Tax Registry (Registro Único Tributario)
SENA	National Learning Service (Servicio Nacional de Aprendizaje)
SGPP	General System of Participation (Sistema General de Participaciones)
SGSSS	Healthcare System (Sistema General de la Seguridad Social en Salud)
SNAIPD	National Comprehensive Assistance System for the Displaced Population (Sistema Nacional de Atención Integral a la Población Desplazada)
UAO	Assistance and Orientation Units for the Displaced Population (Unidades de Atención y Orientación)
UNHCR	United Nations High Commissioner for Refugees
UAID	Unit for Comprehensive Assistance to the Displaced (Unidad de Atención Integral al Desplazado)
UT	Territorial Units (Unidades Territoriales)
UteC	Joint Technical Unit (Unidad Técnica Conjunta)
WFP	World Food Programme

FOREWORD

Assisting internally displaced persons (IDPs) and protecting their rights is a complex challenge that requires vigorous action by all levels of government. While much attention has been directed over the past decade toward encouraging national governments to adopt laws and policies to protect the human rights of IDPs, it is increasingly clear that action at the national level is not enough. National governments can provide the overall normative framework and the necessary financial resources, but it is often up to local governments—both at the provincial and municipal levels—to implement the policies.

In most societies, citizens have more interaction with municipal authorities than with national governmental officials. People expect their local authorities to address the matters of everyday life, from running the schools to organizing trash collection to controlling traffic. And municipal governments are usually closer to the people they serve than their national counterparts. In the ideal system, national and local authorities work together in a complementary and mutually-supportive fashion.

In my capacity as Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons I visited Colombia in 2006. In the report of this mission, I noted that I was “perturbed by the clear gap between the policies decided in the capital, Bogotá, and what is effectively implemented at the departmental and municipal level.” I concluded that their “lack of consistent and coherent implementation affects the capacities of IDPs to effectively exercise their rights.” At the national level, Colombia’s national legislation on IDPs is impressive. A strong judicial system, in particular a series of Constitutional Court decisions upholding the rights of IDPs, coupled with an engaged network of civil society organizations has created a strong normative framework at the national level. But IDPs arrive in local communities where they pose challenges to municipal authorities who are often burdened with demands from many sources. Understanding the ways in which municipal authorities respond to IDPs is thus central to understanding Colombia’s response to its displacement problem.

I am thus pleased to introduce this report of a meeting on the role of municipal authorities in protecting IDPs that was organized jointly by the Brookings-Bern Project on Internal Displacement, Acción Social, the Universidad de los Andes and UNHCR. This publication also includes the study by Ana María Ibáñez and Andrea Velásquez, which provides an excellent overview of the Colombian political system and analyzes the obstacles to greater involvement by municipal authorities with IDPs.



Municipal authorities listen to a presentation by Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons.

The study examines four cases—Bogotá, Medellín, the department of Antioquia, and Santa Marta—comparing the efforts made by these local governments to address the needs and promote the rights of IDPs. The authors conclude their study with a number of recommendations to improve the ability of local authorities to respond to IDPs in their communities.

This study also served as a resource for the November 2008 meeting of local government representatives in Colombia to consider the possibilities and obstacles to greater involvement of municipalities with

IDPs. That meeting, like the background study, concluded that more support should be provided to municipal authorities to ensure that they are equipped to respond to the needs of IDPs arriving in their communities.

I hope that this study will serve to direct attention to the often-overlooked role of municipal governments in preventing displacement, in promoting the rights of IDPs during displacement, and in supporting durable solutions that resolve their displacement.

A handwritten signature in blue ink, appearing to read 'W. Kälin'.

Walter Kälin
Representative of the U.N. Secretary General
on the Human Rights of Internally Displaced Persons

INTRODUCTION

Together with Acción Social, the United Nations High Commissioner for Refugees (UNHCR) and the Universidad de los Andes, the Brookings-Bern Project on Internal Displacement convened a seminar to examine the role of municipal authorities in responding to Colombia's large number of IDPs. The seminar, held in Bogota on 14 November 2008, was based on research carried out by Ana María Ibáñez and Andrea Velásquez. The seminar provided an opportunity for the Representative of the Secretary-General on the Human Rights of IDPs (RSG) to dialogue with local and departmental authorities from around the country. In the report of his 2006 mission to Colombia, the RSG made several recommendations to overcome the gap between policy-making in Bogotá and the operationalization and implementation of various departments and municipalities, including:

- ❖ Streamlining existing structures and procedures;
- ❖ Increasing decentralization to provide local authorities with the economic and administrative resources to take decisions and implement national policies more expediently and effectively and giving clearer guidance on how to implement the national directives;
- ❖ Improving the monitoring and implementation of benchmarks, as well as the national oversight of attitudes and behavior existing at the level of implementation that directly impinge on the lives of beneficiaries and rights-holders; and
- ❖ Enhancing training for the municipal authorities on how to implement the national IDP policy at their respective levels, as well as giving them the necessary tools to do so.

The seminar demonstrated the gap between governmental authorities working at the national level on the one hand and those working at the departmental and local levels on the other. Internal displacement is a national issue that affects all departments in the country and that requires a coordinated response by government at all levels. The seminar revealed some frustration on the part of municipal authorities who felt that they were asked to assume major responsibilities for IDPs – without the additional resources needed to do so. But participants were quick not only to identify problems, but also to offer suggestions to improve the system so that IDPs receive the assistance they need – both in the emergency phase and in the more difficult and longer-term phase of socioeconomic stabilization.



Elizabeth Ferris, Co-director of the Brookings-Bern Project, and Andrea Lari, of Refugees International, participate in working groups with mayors and municipal authorities.

SUMMARY OF PROCEEDINGS

WELCOME

Ana María Ibáñez, from the Universidad de los Andes, welcomed participants to this workshop on the role of municipal authorities in protecting IDPs. This workshop was co-sponsored by four organizations – Acción Social, the Brookings-Bern Project on Internal Displacement, the UNHCR and the Universidad de los Andes. Ms. Ibáñez noted that the situation of IDPs in Colombia is both long-standing and complex. In responding to the needs of IDPs, municipal authorities represent the first level of contact with the government. As such, Ibáñez stated, these authorities have a clear role to play in both providing assistance to meet the immediate needs of IDPs and in finding durable solutions to their displacement. Therefore, she emphasized that the workshop would seek to analyze the role of municipal authorities in protecting and assisting IDPs by bringing together representatives of municipal governments, national governmental agencies, the United Nations, and academic institutions. The workshop also highlighted both the obstacles to the greater engagement of municipal authorities and specific actions that could be taken to address these obstacles.

WALTER KÄLIN, REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS

The mandate of the RSG was created by the UN's Commission on Human Rights in 1992 and the first RSG, Francis Deng, visited Colombia in 1994 and 2000. Walter Kälin was named to the position of RSG in 2004 and carried out his first mission to Colombia in 2006; in November 2008 he was in the country on a follow-up working visit. His mandate calls on him to dialogue with governments to improve the protection of the rights of IDPs. Today there are some 26 million people who have been displaced because of conflict, with Sudan, Iraq, and Colombia hosting the largest populations of IDPs.

Why should the international community focus on IDPs when non-displaced populations have also been affected by conflict, violence, and poverty? While IDPs are not always the most vulnerable group in the population, Kälin noted, they do have very serious and specific needs different from those of the non-displaced population, particularly shelter, property, livelihoods, and often access to services. Displaced persons have usually seen their lives shattered, losing family and community support. Unlike refugees, who are protected under international law by the 1951 Convention on Refugees and its 1967 Protocol, there has been no binding international convention for IDPs. Rather the *Guiding Principles on Internal Displacement* articulate the rights to which IDPs, as citizens of

their counties, are entitled. Here in Colombia, the Constitutional Court has affirmed the *Guiding Principles* and referred to them in its rulings, for example in Sentence T-025.

The seminar focused on the question: What do these rights mean for municipal authorities. For example, what is the role of municipalities when IDPs assert their right to adequate housing? In other countries, such as Bosnia, municipalities played a key role after the war ended in 1996. While some municipal authorities created obstacles for the return of IDPs, others facilitated their reintegration into their communities.

In Colombia, most citizens are only rarely in direct contact with their national governments. The municipal level, Kälın stated, represents the most immediate interface between a government and its citizens. As citizens, this also holds true for IDPs. In the report of his 2006 mission to Colombia, Kälın highlighted the important role of municipal authorities in responding to IDPs. At the national level, Colombia has some of the best legislation on IDPs in the world, particularly Law 387, a far-reaching affirmation of the rights of IDPs.

The weakness of Colombia's legal framework is largely in its implementation. Although Colombian law provides municipal authorities with a legal framework for their actions, they could and should play a more important role; however, this has proved difficult. Both the lack of resources and the lack of political will in the municipalities have been cited as reasons for the lack of implementation. But the problems faced by Colombian municipalities may partly reflect weaknesses of efforts to decentralize political power in the country.

Colombia started early to devolve power to the local level and hoped that it would lead to better service, more accountability, local development, and greater real democracy. But as we have seen elsewhere, there are risks inherent in decentralization schemes. Kälın noted seven conditions for decentralization to work effectively.

1. Municipalities need a secure existence. (For example, if mayors or city councils can be dismissed by the central government, this is a major impediment to municipal action).
2. A strong legal framework is needed. Decentralization, largely symbolic, is not effective. Rather a clear allocation of tasks and responsibilities between central and local authorities is needed. In many countries, the problem is that there are often overlapping responsibilities and a lack of clarity about who is responsible in specific cases.
3. Sufficient capacity and resources are essential. Too often municipalities are given responsibilities by the central government, but they have neither the capacity nor receive the resources necessary to fulfill these responsibilities.
4. Municipalities need sufficient autonomy to use their powers and resources. Municipal authorities need to be able to act without interference. Autonomy carries certain risks—risks of corruption and abuse of power, for example—but a lack of autonomy often means a lack of action.

5. At the same time, accountability is important. Activities undertaken at the municipal level should be transparent, but too often there is accountability only after the fact.
6. Participation of the whole population, including the displaced, is particularly important at the local level. IDPs need to be informed and consulted in making decisions.
7. Finally, political will to make decentralization work is needed at both the local and national levels of government. Each level of government must recognize the other as partner.

With regard to assistance for and protection of IDPs, the workshop provided a great opportunity to examine the extent to which some of these elements were lacking in Colombia, to identify them and to discuss how these weaknesses should be addressed. Though identifying these obstacles was a complex issue, Kálin expressed hope that this meeting would result in concrete recommendations for addressing the reasons why the municipal responses to IDPs are so limited.

The UN has remained ready to assist in finding solutions for these obstacles. In recent years, there has been considerable progress in increasing IDP access to humanitarian assistance, health, and education. The biggest challenges that IDPs have faced are housing and economic integration—challenges which must be resolved at the local level. In order to resolve the challenges faced by IDPs, the role of municipalities in preventing displacement, providing adequate humanitarian assistance during displacement, and finding solutions through socioeconomic stabilization will have to be considered. In particular, shifting from humanitarian assistance to socioeconomic stabilization will represent a major challenge for all organizations involved in IDP protection and assistance, including the municipalities.

JEAN-NOEL WETTERWALD, UNHCR¹

One of the principal challenges facing those working with IDPs in Colombia has been bridging the gap between the country's advanced legal and public policy framework and the implementation of this framework on the ground. In this regard, as Wetterwald noted, the key is to use local experiences to identify lessons learned, operational barriers, and opportunities that have been used in various regions of the country. The development of Unique Comprehensive Plans (PIUs) in many departments and municipalities has created areas of encounter for diverse actors to work together. As

the problem of displacement is multidimensional, Wetterwald continued, the solutions have to come from many actors. UNHCR has been supporting local planning in a number of departments and has found strong commitment on the part of municipal authorities. But, UNHCR has also heard speeches filled with negative comments about IDPs to explain why this population should not receive priority attention. This reality demonstrates the relevance of this meeting and the study carried out by Professors Ibáñez and Velásquez. An effective policy of attention to displacement based on the

¹ See Annex II for the full text of his presentation.

principle of decentralization has to be considered. It is important, as Wetterwald pointed out, to be sensitive in calling for more coordination mechanisms, as these place demands on already burdened municipalities. We also need to consider whether the problem has simply been a lack of information or a real shortage of resources. The importance of national programs, such as *Familias en Acción*, should not be discounted, but need to be seen as complementary to other programs. At times, national-level programs have also been disincentives to local initiatives. A number of concrete steps need to be taken, including:

- ❖ strengthening the coherence of messages sent from the central level;
- ❖ stressing that the PIUs should be general and obligatory tools for all territorial entities;
- ❖ using subregional agreements as a way of sharing good practices; and
- ❖ encouraging the flexible use of resources made available from the national level.

THE STUDY

Ana Maria Ibáñez then presented an overview of the background study, which was co-authored with Andrea Velásquez, on municipal authorities and internal displacement in the country. Presently 7.8% of Colombia's population and 9% of its working age population is displaced. While 90% of Colombian municipalities are affected by displacement, some municipalities are much more affected than others. For example, in the course of just a few years, IDPs came to make up 20% of Florencia's population.



Ana Maria Ibáñez presents the findings of her joint study with Andrea Velásquez on the role of municipal authorities in responding to the needs of internally displaced persons.

IDPs are a vulnerable population, not just because they are victims of violence, but also because of both their security and their socio-economic situation. In comparison with those who have not been displaced, IDPs have a higher than average number of female-headed households as well as Afro-Colombian and indigenous people, groups traditionally at a disadvantage. For example, prior to being displaced, these women were not active in the labor market. Furthermore, because of lower education levels, IDPs find

it more difficult to compete in the labor market. Ninety-five percent of IDPs presently live below the poverty line, and 71.6% of these IDPs live in extreme poverty. In fact, of the Colombians living in extreme poverty 42% are displaced. The interruption of their schooling because of displacement has made it difficult for not only IDPs to move out of poverty, but also for their children to do so. In comparison with the non-displaced, a higher percentage of IDPs are vulnerable. They have

experienced a decrease in real income, their unemployment rates are higher, and those who do work tend to do so in the informal sector. Though these characteristics of IDPs have posed challenges to municipal authorities, they also create opportunities for municipalities in that IDPs represent an expanded workforce, an increased demand for municipal goods, and eligibility for funds from the national government that can be generated in support of specific projects.

In terms of the responsibility of local authorities, three phases can be distinguished: prevention of displacement, emergency humanitarian assistance (EHA), and socioeconomic stabilization. The National Comprehensive Assistance System for the Displaced Population (SNAIPD), coordinated by Acción Social and the Council of SNAIPD, brings together diverse entities at the ministerial and local levels. In terms of prevention, this means supporting the population at risk of armed conflict, analyzing ways of preventing displacement, and protecting people—and their property—who have been displaced. EHA depends on the declarations made by IDPs while registering in the Single Integrated Registry with Acción Social. However, socioeconomic stabilization in which durable solutions are developed depends on access to or recovery of land. It is territorial authorities, together with the Colombian Institute for Rural Development (INCODER), who provide adjudication and title or transfer of titles. Housing is often a serious need for IDPs and it is important to formulate and plan housing for IDPs in coordination with appropriate resources. With respect to education and health, municipal authorities implement policies developed at the national level, including the provision of free education to IDPs.

The PIUs provide strategies and budgets for assisting IDPs. Acción Social coordinates the Assistance and Orientation Units for the Displaced Population (UAO), which provide links between national and local entities. Local authorities are expected to finance infrastructure and design coordination, but when they are unable to do so, it is up to the national government to provide the necessary funds. In recent years, there has been a huge increase in funding for IDPs, with most of the increase going to EHA, particularly health and education.

Ibáñez then traced the findings from the four case studies, emphasizing that these cases—Bogotá, Medellín, the department of Antioquia and Santa Marta—are not representative of all municipalities. The difficulties experienced in these four cases in responding to IDPs included:

- ❖ Structural problems of the Colombian state, particularly incomplete decentralization whereby the national government makes municipal authorities responsible for certain activities, but does not provide the additional resources to enable them to carry out these responsibilities;
- ❖ Lack of will on the part of the national government and territorial authorities;
- ❖ Poor design of some components of the national IDP policy;
- ❖ Poor implementation of policies;
- ❖ Incomplete information about IDPs due to the Central Registry for the Displaced Population (RUPD);

- ❖ High involvement of armed groups in some regions;
- ❖ The diversity of local contexts; and
- ❖ The weakness of social organizations.

The study found a number of specific examples of these weaknesses. While *Acción Social* is in charge of coordinating projects, Ibáñez pointed out, it does not have the authority to compel either municipal governments or national ministries to take action. Programs that help IDPs develop capacity for economic self-sufficiency have been more poorly funded than humanitarian assistance programs. The study found that areas that did not require additional capacity have had a better record of being accomplished, especially education, health, and *Familias en Acción*.

In the discussion, a number of issues were raised, including:

- ❖ Municipal authorities fear that IDPs' dependence on humanitarian assistance will not only attract more IDPs to their municipalities, but encourage non-IDPs to try to access these assistance programs.
- ❖ The PIUs are becoming lists of good intentions without real budgets.
- ❖ Legislation assumes that conditions are homogeneous.
- ❖ Turnover of staff on all levels creates problems of continuity.
- ❖ While IDP organizations are essential, they are often unable to play an active role. Some do not know their rights, some have corrupt leadership, some leaders have been assassinated, and some have been co-opted by the government.
- ❖ Governmental policies do not facilitate strong IDP organizations.
- ❖ The national government should create a compensation fund for municipalities.
- ❖ The role of international cooperation is important but uneven in this process.
- ❖ The approach to Economic Stabilization seems to be to make all IDPs entrepreneurs, but given their vulnerability and their rural backgrounds, entrepreneurial activities can prove difficult. Entrepreneurial predispositions and skills are not held by everyone and it is unrealistic to expect all or even most IDPs to become successful entrepreneurs. Moreover, these programs are expensive and do not guarantee success.

Officials from two municipalities then shared their experiences in working with IDPs.²

² Copies of the power point presentations of these two reports are available from the Brookings-Bern Project on our website (www.brookings.edu/reports/2009/07_colombia.aspx) or by emailing brookings-bern@brookings.edu.



Municipal authorities discuss the challenges of responding to the needs of the displaced during small working group sessions.

PAOLA CARVAJAL, SECRETARIA DESARROLLO SOCIAL, ALCALDÍA DE BUCARAMANGA

As of September 2008, the Department of Santander had 117,697 IDPs, of whom 38,232 live in Bucaramanga. Bucaramanga, Carvajal explained, has a long history of responding to the needs of the displaced. In 2000, the Council on Peace and Human Rights of Bucaramanga created a Committee for Holistic Assistance to those Displaced by Violence. At the same time, a special fund for the displaced was established by the Municipal Council with funds from the municipality of Bucaramanga itself. In 2005, the Municipal Committee was established as the highest body for inter-institutional coordination with working groups set up in four areas: prevention and protection; humanitarian assistance; economic stabilization; and strengthening IDP organizations.

These working groups, under the oversight of the Municipal Committee, have coordinated the provision of services in the various programs that include both IDPs and non-displaced persons. The Municipal Committee has sought to make sure that IDPs know their rights and get the orientation they need. In her presentation, Carvajal explained the organizational structures to provide services in the areas of basic human rights; the right to humanitarian assistance; health; housing; education; and employment. Housing has been a particular challenge. Five thousand houses are needed for the displaced; however, due to a lack of sufficient land a decision was taken to build vertical housing. A key strategy in Bucaramanga's assistance to IDPs has been to take advantage of partnerships. For example, municipal authorities have worked closely with both the national government and the Colombian Red Cross to distribute humanitarian assistance. Displaced families have had the ability to benefit from free primary education, *Familias en Acción* and microcredit loans from Banco de Todos. Different government officials have participated in the working groups and have suggested existing programs that can be used for IDPs. Nonetheless, only 19% of all municipal resources have been focused on IDPs.

JADER GARCÍA MARÍN, ALCALDÍA DE SAN CARLOS

San Carlos has grown dramatically in recent years and now has a population 50% higher than when there was peace. In fact, as García pointed out, San Carlos is currently facing an emergency of return as the municipality is not capable of meeting the needs of those who are returning. In the 2006-07 period, 1,200 families—5,000 persons—returned. Presently, the municipality has received requests for 300 new homes and for 760 repairs to existing houses. It has been much more expensive to assist those who are returning than to provide humanitarian assistance to the displaced. San Carlos simply is not wealthy enough to respond to this emergency. For example, García explained, the return of 32 people creates a need for 32 houses and for an increase in the school budget to meet the needs of returning students. When are municipalities going to be prepared for collective repatriation? At the same time, the needs of people who never moved, but are affected by displacement should not be forgotten. In spite of the demands placed on the municipal system by the returnees, San Carlos has

been proud of the fact that 100% of displaced and returnee children are in school. The municipality has also developed programs to raise awareness about mines and to provide assistance to those families affected by mines. Attention has also been given to psychosocial needs and efforts made to create spaces to recover the social fabric and reconciliation between victims and perpetrators in San Carlos.

WORKING GROUPS

Participants spent time in working groups, discussing the following questions:

1. How can the commitment of local authorities toward the displaced population be strengthened?
2. What incentives can be designed to promote the participation of local authorities?
3. What support is needed from the national government to strengthen policies toward the displaced population?
4. What new policies and programs can be suggested to strengthen the participation of local authorities?
5. What obstacles have been confronted in applying the policy toward displaced populations?
Which of these obstacles can be easily modified by the national government?

Synthesis of working group reports

The summaries of the two working group discussions are included in Annex III. As many of the same points were raised in both groups, the following is a summary of both groups' discussions.

The working groups highlighted a number of obstacles for greater engagement of municipal authorities with IDPs and, to a lesser extent, identified measures which could be taken to overcome these obstacles. The issues can be grouped around a number of themes:

- ❖ Lack of necessary data on the displaced;
- ❖ Lack of clarity about relationships between the central and municipal levels;
- ❖ Scarcity of financial resources at the municipal level;
- ❖ Lack of capacity at the municipal level; and
- ❖ Particular concerns about the areas of housing and socioeconomic stabilization.

During the discussion of these themes, negative feelings toward the displaced emerged. On the one hand, this stemmed from a perception that IDPs were using their situation as a pretext to obtain privileges that they do not deserve. On the other hand, municipal authorities were concerned that by giving preferential treatment to the displaced, other needy groups—such as those who are historically poor—would be disadvantaged. Several participants also noted the fact that some IDP organizations are marked by internal

rivalries or have leaders who manipulate the displaced toward questionable ends, creating difficulties for authorities. Participants further remarked that although programs to assist IDPs do not serve as magnets to attract more IDPs, they do reduce the incentives for IDPs to return to their places of origin. Returning IDPs have presented a major challenge for local authorities. Providing support to returnees requires significant investments; however, as the participants pointed out, the municipalities facing an influx of returnees often lack financial resources due to the conflict's impact on the community.

The need for better data at the municipal level

All of the participants stressed the importance of improving the national system to register the displaced population, a system that is administered by the national government. In particular, participants noted the following.

- ❖ The declaration and validation process is too slow.
- ❖ Local authorities do not have access to the system due to security concerns. A solution should be designed to provide access to local authorities while at the same time protecting the anonymity of the displaced population.
- ❖ The information system does not register the assistance that displaced households have already received. As a result, some displaced households may receive most of the governmental assistance while more vulnerable households are not receiving any support.
- ❖ Although it is fundamental to have descriptions of the displaced population in order to better target scarce resources, the cost of doing so is high. It would be more cost-efficient to collect additional information when households are making their declarations to be registered in the registry system. Even basic information about where displaced households are living in the municipalities, in particular those families that are not registered in *Familias en Acción*, is lacking.

In terms of specific recommendations, participants suggested the following:

1. Flexibility is needed in identifying beneficiaries. Acción Social should provide follow-up with other institutions to identify the beneficiaries.
2. The registration system should be improved and municipalities given access to the system.
3. Existing databases should be supplemented by a census or surveys, although this is an expensive option.

An ambiguous relationship between the municipalities and the central government

Participants lamented the lack of clarity in the division of responsibilities between the central government and municipalities, noting in particular the tremendous diversity of municipal situations. Flexible systems that would allow municipalities to respond to their particular situations were needed. In addition, participants identified the following important institutional weaknesses:



Displaced families have had the ability to benefit from free primary education, *Familias en Acción* and microcredit loans from Banco de Todos.

- ❖ Lack of coordination mechanisms between national and local authorities;
- ❖ Particularities of each region are not taken into consideration in the programs for the displaced population; and
- ❖ The ambiguous role of departmental governors who are not providing support to assist the displaced population. In cases where the departmental level of government is not playing an important role, all responsibilities for assisting the displaced population are assigned to the national and local authorities.

Some of the specific suggestions for addressing this ambiguity included:

- ❖ Allowing more flexibility to municipal authorities to decide on priorities and vulnerabilities;
- ❖ Considering modifying Law 387 to clarify the respective responsibilities of the central government, the municipalities, and the governors; and
- ❖ Permitting the municipalities to participate in the National Council for Comprehensive Assistance to People Displaced by Violence (CNAIPD)

In addition, some participants suggested that the PIU should be approved by the Local Council in a way to transform it into a state initiative. The PIU could also be integrated into Municipal Development Plans as a way of promoting regional development.

Financial limitations

Financial limitations and significant budget constraints were repeatedly identified as the largest obstacle to assisting the displaced population. In recent years, municipalities have been given an increasing number of responsibilities—in addition to providing assistance to the displaced. These additional responsibilities were passed on to municipal authorities with peremptory deadlines and without the allocation of additional resources. In practice, this meant that municipal authorities were faced with a choice of responding to internally displaced populations or complying with obligations to other vulnerable groups, such as the disabled. In an effort to comply with these competing responsibilities, municipal authorities may disperse only small amounts of funds to the displaced. Though this is, in a formal sense, compliance with governmental requirements, it leaves the displaced, and other vulnerable groups, with insufficient support.

Colombia's significant legislation in favor of the displaced population has led to an increase, as some participants noted, in *tutela* actions by the displaced. However, despite the demands of the legislation, it has not provided municipal authorities with the necessary resources for implementation. The displaced are demanding their rights under Colombian law, but this is becoming, as one working group reported, a "time bomb." Specific resources should be designated by the central government to enable municipalities to assist the displaced population. Moreover, participants noted that municipal authorities face an ethical problem: assisting the displaced population is done at the cost of assisting

vulnerable populations (such as the historical poor). Vulnerable groups, whether displaced or not, should have equality of opportunities in order to reach an equality of rights.

Participants generally agreed that additional financial resources are needed and that they should come from the central government. In this respect suggestions included:

- ❖ The national government should collect resources from international organizations and channel these to local authorities.
- ❖ The national government should partially fund the PIU and provide additional resources for housing projects.
- ❖ The national government should design an incentive scheme to reward municipalities that are committed to assisting the displaced population.
- ❖ While all municipalities generally lack sufficient resources, those facing particular challenges are the smaller municipalities and those that are further away from Bogotá.

More specifically, working groups suggested:

- ❖ The centralization in a single “window” for the process of cofinancing assistance programs to the displaced;
- ❖ The creation of a permanent system to receive proposals from the municipalities and to provide technical support to municipalities, particularly regarding housing and income generation; and
- ❖ Giving priority to territorial entities, particularly to the cofinancing of infrastructure projects with the municipalities.

The lack of capacity at the municipal level

The lack of capacity at the municipal level has presented serious challenges to implementing programs for the displaced population. Not only are local authorities not fully informed about their responsibilities toward the displaced population, but also they lacked knowledge of the particular needs of the displaced. Consequently, they have not assigned a high priority to the programs needed to support the displaced population. This lack of capacity has also been reflected in the short-term contracts of public servants tasked with assisting the displaced. Their frequent turnover has made it difficult to build institutional knowledge and capacity. The physical infrastructure to assist the displaced population has remained poor. An example from the working groups noted that many UAOs do not have telephones, computers or the minimal office equipment required. To address this lack of capacity, both increased funding and training for local officials will be needed.

Particular concerns about housing and socioeconomic stabilization programs

With respect to housing, participants identified the following problems:

- ❖ Available housing for IDPs in municipalities is scarce;
- ❖ Plans of territorial codes (Planes de ordenamiento territorial) define uses of periurban areas as non-residential, which limits the expansion of housing areas needed for the displaced;
- ❖ The national subsidy and the complementary territorial subsidy lack linkage;
- ❖ Housing subsidies and other support given for socioeconomic stabilization, especially income generation, lack complementarity; and
- ❖ While municipalities may have the capacity to provide land for housing projects for the displaced, they are unable to cover the costs of public services.

Another problem identified by one working group was that the Constitutional Court's judgment (auto 052/2008) gave priority to displaced women. This ruling has presented a problem because it prejudices the opportunities of access to the subsidy by other vulnerable groups (such as the historical poor).

With respect to socioeconomic stabilization, participants identified the following problems:

- ❖ Economic opportunities for the displaced population in the local economy are very limited as the productive sector is poorly developed;
- ❖ Integration into the economic life of the community is extremely difficult for IDPs in many municipalities due to the differing contexts (for example, because of continuing violence or geographic isolation);
- ❖ Low literacy levels among the displaced population make it difficult for them to compete for jobs in urban areas; and
- ❖ Environmental considerations in some municipalities, such as Leticia, impede industrial development and thus limit the opportunities of displaced people to work in agriculture.

To address these issues, the working groups suggested:

- ❖ Further analysis of subsidies provided at the national and territorial levels;
- ❖ Consideration of alternative ways to encourage the integration of IDPs into the labor sector, recognizing the limits of entrepreneurial schemes; and
- ❖ Exploration of complementary approaches to housing, for example, one in which the municipalities provide land for IDPs while other resources are used to provide infrastructure and public utilities.

In addition to these concerns and recommendations, the working groups also identified a need to identify clear lines to determine when the condition of internal displacement ends.

CLOSING ACTIONS

Walter Kälin thanked the working groups for their input, noting that the issues raised and suggestions provided would be useful to both the government and to his own work aimed at improving the situation of IDPs in Colombia.

Looking at the seven conditions for successful decentralization he identified in his opening remarks, Kälin concluded that the workshop had identified serious problems regarding four of them:


- (a) The legal framework did not clearly enough allocate tasks and responsibilities for the displaced between central and local authorities, leading to overlapping responsibilities and a lack of clarity about who is responsible in specific cases
- (b) Municipalities did not receive the necessary resources for carrying out their tasks and often lacked the administrative capacities to do so;
- (c) Consultation with and participation of IDPs in activities affecting them was insufficient; and
- (d) Central and local authorities did not sufficiently work in real partnership, especially as regards exchange of and access to information.

While addressing these structural weaknesses would require rather fundamental reforms regarding not only displacement-related laws and policies but affecting the present system of decentralized governance in Colombia as it currently exists, Kälin explained, such reforms should not be postponed as the challenges and needs of IDPs are huge and pressing.

The discussions raised the complex nature of the relationship between IDPs to other local populations, which are also poor. This can create tensions since municipal authorities need to provide services to all populations. And, while IDPs are in a different situation from non-displaced poor people, it is important not to create new inequities. Therefore, Kälin noted, municipal authorities should use an approach that not only focuses on IDPs but also on displacement-affected communities as such, i.e. not only displaced communities but also host communities and those asked to reintegrate returnees. While the challenge has been how to help all three types of communities, adopting a development-oriented rather than a purely humanitarian approach would facilitate things.

When displacement ends was another theme that came up in the discussions. Is it when the cause of displacement no longer exists or when most of the displaced return? Based on work done by the Brookings-Bern Project on Internal Displacement and Georgetown University,³ the end of displacement should be seen as a process rather than an end point. Displacement has ended when people who have been displaced no longer have specific needs related to their displacement. The question of when displacement-specific assistance should end is not an all or nothing question.

³ *When Displacement Ends: A Framework for Durable Solutions*, The Brookings Institution – University of Bern Project on Internal Displacement (Washington, DC: 2007). Available at: <http://www.brookings.edu/reports/2007/09/displacementends.aspx>.

A photograph of a young man and woman in a rural setting, overlaid with a blue and orange color gradient. The man is in the foreground, looking directly at the camera with a serious expression. The woman is behind him, looking slightly to the side. The background consists of dry, tangled branches. The image is split horizontally into a blue top half and an orange bottom half.

The humanitarian emergency created by forced displacement is evident. IDPs account for 5.4 percent of the national population and 21.8 percent of rural inhabitants.

ANNEX I: PUBLIC POLICIES TO ASSIST INTERNALLY DISPLACED PERSONS: THE ROLE OF MUNICIPAL AUTHORITIES

Written by⁴:

Ana María Ibáñez and Andrea Velásquez⁵,
Universidad de los Andes, December 2008

INTRODUCTION

The intensification of the armed conflict in Colombia during the 1990s provoked the forced displacement of more than 2.4 million people⁶. The displacement phenomenon has extended throughout the national territory; with 97 percent of the municipalities⁷ currently losing populations and a similar percentage receiving these IDPs. When this data is compared with the total national and municipal population, the importance of the humanitarian emergency created by forced displacement is evident. IDPs account for 5.4 percent of the national population and 21.8 percent of rural inhabitants. Moreover, the “pressure indicators” that are used to calculate the arrival of IDPs coming to a certain municipality in relationship to its total population, indicate the particular difficulties which medium-sized cities face in absorbing these considerable flows of migration. For example, Mocoa has received the equivalent of 33.3 percent of its native population in a space of five years from internal displacement, while Quibdó recorded inflows of 26.4 percent, Sincelejo 24.6 percent, and Florencia 20.3 percent. All of these municipalities, which already had problems providing services to their native citizens, received one additional displaced person for every 5 inhabitants in recent years – indications of a humanitarian emergency that cannot be addressed with the usual resources of a single municipality.

⁴ This study was originally published by The Brookings Institution – University of Bern Project on Internal Displacement in December 2008 and contains additional annexes, tables, charts, and graphs. The original version with this additional material can be downloaded at http://www.brookings.edu/reports/2008/1203_colombia_ibanez.aspx.

⁵ The authors wish to thank, for their collaboration, Javier Aguilar (Acción Social, Medellín), Eduardo Barros (Acción Social, Magdalena), Andrés Camelo (Unidad Técnica Conjunta), Emilia Casas (Acción Social, Bogotá), Nicolás Castrillón (ACA, Medellín), Edgar Forero (Unidad Técnica Conjunta), Luz Dary Giraldo (Gobernación de Antioquia), Mardory Llanos (Secretaría de Gobierno, Bogotá), Nicolás Morales (Procuraduría Magdalena), Javier Moscarella (Alcaldía Santa Marta), Luz Ángela Rodríguez (Unidad Técnica Conjunta), Alba Lucía Varela (Fundemac), Beatriz White (Secretaría Bienestar Social, Bogotá). Their participation in conducting the interviews was fundamental in the development of this document. The opinions and any errors in the report are, however, our responsibility.

⁶ www.accionsocial.gov.co: February 29 2008.

⁷ Municipalities are the smallest administrative units in Colombia; departments are similar to states in the United States.

The Colombian State has responded to this emergency with the promulgation of a body of laws, decrees and other legal dispositions that outline assistance activities for IDPs, including prevention and socioeconomic stabilization, with a clear emphasis on emergency humanitarian aid. Although the design of the legislation may be adequate, its implementation has been slow and uneven throughout the different state and municipal institutions. This reality led the Constitutional Court to make a set of declarations and resolutions that oblige state institutions to comply with constitutional decisions.

The Declarations issued by the Constitutional Court, in particular Declaration T-025, and the growing magnitude of the displacement phenomenon have driven the National Government to strengthen its policies toward IDPs, including an increasing allocation of resources and assigning greater responsibilities to particular institutions. However, the design and implementation process for these special public policies designed to service IDPs has been slow because of territorial institutions. Territorial institutions include departments, districts, municipalities and indigenous territories. A number of reasons have been identified for poor implementation on the local front, including: the lack of political will, lack of financial resources, the need to respond to the needs of native inhabitants and few political incentives.

The objective of this study is to analyze the possible causes of slow implementation by local authorities of the special policies designed for IDPs. In order to meet this objective, we conducted a review of the relevant legislation and then examined four case studies. These case studies were based on interviews with relevant officials in each region and on existing documents, in the cities of Bogotá, Medellín, and Santa Marta as well as in the Department of Antioquia.

The document is structured in three sections. The first section reviews legislation regarding IDPs and analyzes the particular responsibilities among territorial institutions. The second section describes the conditions of the displaced population in the four case study regions and examines the policies that have been implemented in each of them. In the third section, we present our conclusions based on the results of the interviews and analysis of documents as outlined in the previous sections.

1. COLOMBIAN LEGISLATION ON IDPS

Before reviewing the case studies, it is important to describe and analyze national legislation directed at meeting the needs of IDPs. The objective of this section is first, to describe the legislation on IDPs in general terms and then to examine the responsibilities that have been assigned to local authorities. Given that the distribution of responsibilities among national and local authorities is based on the decentralized structure created in the 1980s, the effectiveness of the decentralization process as it functions in Colombia is described first.

1.1 Decentralization in Colombia

The process of decentralization of the Colombian state was consolidated through the Constitution of 1991. However, the process originated in the mid-1980s with the objective of improving the availability of local public goods and services and improving municipal democracy. Decentralization was intended to consolidate democracy, develop a direct and participatory democracy, and to increase governability. The first step in the process of decentralization was the popular election of mayors, followed by the fiscal reform of 1986 which mandated that 50 percent of the Value Added Tax should be distributed among local governments in accordance with their population. As a consequence, revenue to the municipalities increased from 0.5 percent of GDP in 1982 to 3.1 percent of GDP in 2002 (Sánchez and Palau, 2006).

With the 1991 Constitution, both fiscal and political decentralization was deepened. In order to support the autonomy of territorial institutions, it was decided that such institutions should receive a share of the national income. According to the 1991 Constitution, the law should determine the minimum percentage that municipal authorities should receive from the national budget, and define, in the same way, the priority areas for social investment that were to be financed with the revenues transferred. The percentage of the transfers from the national level to the territorial institutions was set at 22 percent of current national revenues⁸, of which “60 percent of resources are assigned in direct proportion to the number of inhabitants with unsatisfied basic needs and to the relative level of poverty of the population of the respective municipality; and the remainder of funds are distributed in relation to the population, fiscal and administrative efficiency and the progress demonstrated on indicators of quality of life.”

In addition to the transfers of current revenues, the Government formulates the national Fiscal Year Budget and the Law of Appropriations in accord with the National Development Plan. The Law also establishes the distribution of the General Participation System, whose resources are to finance services that are the responsibility of the territorial institutions (departments, districts or municipalities), placing a priority on health and education services. Local responsibility for these particular aspects of social investment cannot be decentralized if institutions are not awarded sufficient fiscal resources to handle them. Besides direct transfers and their portion of national revenues, the territorial institutions are financed through the collection of local taxes. The taxes that are collected at municipal level, among others, are property tax, industrial and commercial tax (ICA), road and traffic taxes, and parks and reforestation taxes. The decision to impose and to collect these taxes falls on the municipal mayors and their respective councils.

The territorial institutions are divided into districts, departments, municipalities and indigenous territories. These institutions receive income from the state, but as autonomous institutions they also enjoy certain rights, including the rights: to be governed by their own authority; to exercise

⁸ Current revenues are made up of tributary and non-tributary revenues, with the exception of capital resources.

their corresponding duties; to administer resources; to establish the necessary obligations for the fulfillment of their functions; and to receive a portion of national revenues. The departments are autonomous in the administration of local matters, but at the same time they must coordinate and complement municipal actions, as well as guarantee reciprocal communication on local and national situations. At the departmental level, a governor and a departmental assembly are elected, whose duty it is to oversee the provision of services under the auspices of the department as well as to support municipalities in whatever is needed for planning, social and economic development, and for financing and credit. These institutions, in coordination with the municipalities, must regulate the provision of services such as recreation, sports, education and health; but it is the mayor who is the authority responsible for assuring the provision of all these services. The governor, however, should review the acts decided by the town councils and those decreed by the mayors and, if necessary, send them to the court to decide their validity. In addition to the functions indicated above, the functions of the governor are to direct and coordinate administrative action of the department and to delegate national services in the territory; to present development programs to the departmental assembly; to promote the development of economic, social, and cultural activities that do not depend on national or municipal administrations; and to administer the collection of revenues derived from departmental and other decentralized institutions.

At the municipal level, the town councils and the mayor are directly responsible for providing public services established by law. In order to comply with the pronouncements of the law, the mayors must prepare a social and economic development plan, outlining the goals of the municipality and the budget pertaining to each project. In fact, mayors, acting as the main civil authorities at the local level, assume more responsibility than the governors. The principal functions of mayors involve preserving law and order in the municipality (the mayor is the prime police authority in the municipality) and managing the administration of the municipality, which means fulfilling all its functions and providing all services. The mayor also represents the municipality in and out of court, and appoints officials responsible to him; he presents all development plans to the council and general progress reports from the administration. Finally, the mayor is the authority responsible for allocating municipal expenses according to the investment and development plan presented to the municipal council.

There are other institutions of governance that exist alongside the mayors and governors which are responsible for managing specific functions at both the national and territorial levels. As far as providing services to IDPs, the functions of the Public Ministry are of primary interest. The Public Ministry is responsible for protecting human rights, protecting the public interest, and monitoring the official conduct of all those who perform civil services. The Solicitor General is the director of the Public Ministry and the Ombudsman is responsible for watching over and ensuring the protection of human rights. The Ombudsman exercises his functions under the direction of the Solicitor General. Local legal representatives are responsible for taking statements from IDPs in order to grant or deny registration in the RUPD. Once a statement is taken it is sent directly to the local headquarters for Acción Social.

1.2 Legislation Concerning IDPs

Colombian legislation designed to meet the needs of people displaced by violence is one of the most complete in international law (See Table A1 of the Annex for a summary of Colombian legislation on IDPs.) But in spite of this comprehensive body of law, its implementation on the ground has been limited. This section will briefly describe Colombian legislation on IDPs and analyze the possible causes for the limited implementation of public programs.

Law 387 of 1997 defines, along with a set of Laws, Decrees and subsequent declarations, the policies set in place for IDPs. The national legislature defines the obligations of the government and territorial institutions in each one of the phases that the Law has identified to manage the displacement phenomenon – prevention, humanitarian aid and socioeconomic stabilization. At the same time, the *Conpes*⁹ defines the amount of state funding required by programs for IDPs.

Law 387 of 1997 establishes the functions of State institutions including both national and local institutions, in each of the defined phases of displacement: prevention, humanitarian aid, and socioeconomic stabilization. To coordinate the actions of state entities, Law 387 established the CNAIPD. The main function of the CNAIPD is to formulate policies relating to IDPs and to provide assistance to local institutions. The institutions responsible for compliance with the law at the local level are the Committees for Integrated Attention to People Displaced by Violence under the prime territorial civil authority, i.e. the local, municipal mayors and/or governors. The local authorities have the responsibility to create territorial committees and to report cases of displacement to the central authorities, ensuring coordination between local and central authorities. Nevertheless, Law 387 of 1997 does not assign specific duties to local institutions, except for the mayor. Article 7 of Law 387 defines the obligation of mayors to call to action local and municipal Committees for Integrated Attention of IDPs whenever cases of forced displacement are identified; and it also defines consequences for misconduct when the Mayors do not comply with this duty.

Law 387 also establishes the SNAIPD. This System is composed of the institutions responsible for providing services to IDPs. Acción Social is the coordinating entity of the SNAIPD, and the Ministry of the Interior and Justice (MIJ) plays the role of coordinator between the local and national authorities. Both the Law 387 of 1997 and Decree 250 of 2005 regulate the organization of the SNAIPD and the functions of each one of their constituent institutions. The National Development Plan recognized the weakness of these programs with regard to coordinating between the local institutions and the head offices; as a result it proposed strengthening communication among the SNAIPD, headed by AS and the territorial companies. Although the recognition of this weakness is a positive step, it does not identify concrete mechanisms to overcome the lack of coordination.

⁹ Conpes, which was created in 1958, is the acronym for the National Council for Economic and Social Policy. Conpes advises the National Government on all the matters concerning economic and social development. All the institutions from the National Government in charge of economic and social development participate in this advisory board.

A summary of institutional responsibilities under the SNAIPD is presented in Table A2 of the Appendix. The report presented by UNHCR in 2007 summarizes the structure of the SNAIPD in the following graph (see graph 1 in original report) .

As mentioned above, Law 387 and its subsequent mandates establish that local authorities should be involved in all three phases of assistance for IDPs. During the Prevention phase, the authorities have a duty to evaluate situations that can lead to displacement and to reduce their incidence by establishing working groups to prevent and anticipate displacement risks. Likewise, they have a duty to orient the potential victims of displacement and to request military protection from the national government in zones at risk of violence. It is important to note that the allocation of police or soldiers is the sole responsibility of the national government and local authorities do not have any standing in this matter.

During the EHA phase, both the local committees and the central institutions of the state, should offer the IDPs food, lodging and medical services, among others, during the first three months of displacement, which can be extended in accord with the particular needs for housing of the displaced. During this phase, Acción Social is the entity responsible for financing the programs, but it is not accountable for their operation. The implementation of EHA programs is under the authority of a number of different actors as a group, in conjunction with local authorities.

The last phase, Socioeconomic Stabilization, should guarantee that IDPs are able to become responsible for their own economic support whether in their municipality of origin or in some other municipality. Overcoming poverty and the state of vulnerability resulting from lost assets and displacement depends on the capacity of IDPs to generate their own income and not depend on humanitarian aid. The objective of the socioeconomic stabilization phase is to promote the productive capacity of displaced victims, through income-generation programs, provision of credit, technical support, education, and provision of health, shelter, technical training, and land allocation. The National Government Institutions in charge of this phase are INCODER, the Ministry of Agriculture and Rural Development, Acción Social, the National Learning Service (SENA), the Ministry of Education, the Ministry of Housing and the Environment, and the Social Protection Ministry. The responsibility for executing policies of socioeconomic stabilization, although defined in legislation, are not clear when it comes to local authorities.

Besides the Colombian State Authorities, the United Nations, through the UNHCR, supports the Government institutions in charge of assisting the forcefully displaced. The UNHCR office in Colombia was opened in June of 1998 and later three new offices were opened in other regions of Colombia. The activities of this office concentrate on advising government institutions and non-governmental organizations (NGOs); provide technical cooperation to assist the displaced population in the different stages; develop activities to promote international cooperation; and coordinate programs and projects for the displaced population

The legislative framework defines the institutional obligation to cover basic needs and to offer shelter and health and education services, and stipulates mechanisms to recover assets that were lost or abandoned during the process of displacement. For example, in the case of abandoned land, the local authorities have the obligation to provide reports on the abandoned land based on the complete land rural registries and available maps, for which the Agustín Codazzi Geographical Institute (IGAC) should supply the necessary information. Additionally, the local authorities have the obligation to protect the goods and property of the IDPs.

For health insurance, the goal is to achieve universal coverage by the year 2010. In this sense, with the support of the Healthcare System (SGSSS) and departmental institutions, the territorial health organizations should organize days and activities for the promotion of health, prevention of illness, basic sanitation practices and measures to address the main risk factors. They should also develop training programs and organize the people responsible for providing services to IDPs in emergency situations.

Regarding access to education, the Colombian legislation exempts IDPs from the payment of tuition fees. In addition, displaced households registered in the national IDP registration system, the RUPD, have the right to participate in the housing subsidy programs that can be used toward the purchase of new or used real estate, investment to improve housing accommodation or the construction of new homes on owned or leased property. Finally, the Families in Action program (*Familias en Acción*) and the Network for Overcoming Extreme Poverty program (JUNTOS) are expected to cover the longer term needs of the IDPs registered in the RUPD. While these are not displacement-specific programs, the objective is to incorporate 300,000 displaced homes (61.78% of the total homes recorded in the RUPD) into the programs of Families in Action and JUNTOS.¹⁰

Colombian legislation also defines the budgetary obligations of governmental institutions. The CNAIPD must guarantee budgetary allocations to programs for which the institutions are responsible. On the other hand, the Territorial Committees have to prepare contingency plans that should include the necessary budgetary lines for prevention, integrated attention and protection of IDPs. However, a minimum budget amount for IDP assistance has never been defined. This has meant that, in many cases, territorial institutions did not assign a separate budget to programs for the IDPs and so they are serviced as a group along with the vulnerable population. The delivery of resources for EHA is in the hands of Acción Social, which allocates resources to the household in proportion to its size and composition, limited by budgetary considerations.

National authorities and localities responsible for the integrated attention to IDPs have financial obligations and must track their expenses and objectives fulfilled. The institutions responsible for programs designed for IDPs must give priority to assisting IDPs in formulating budgets

¹⁰ JUNTOS is the most recent program of Acción Social for overcoming Extreme Poverty. The specific objective of the program is to improve the living conditions of families that live in conditions of extreme poverty and their target population includes all displaced families recorded in the RUPD.



Photo courtesy of CHF International

The last phase, Socioeconomic Stabilization, should guarantee that IDPs are able to become responsible for their own economic support whether in their municipality of origin or in some other municipality.

according to the provisions stated in Declaration T-025 of 2004. The municipal and departmental development plans must designate resources for the economic stabilization phase. On the other hand, national authorities should inform the Department of Housing and Public Credit and the National Department of Planning (DNP) about the budgetary allocation of resources destined for assistance to IDPs and the CNAIPD should ensure that financial institutions responsible for credit and financial guarantees assigned to productive projects for IDPs offer lines of flexible credit, and that they disseminate the information about credit processes through Income Generation Groups¹¹.

The National Development Plan of 2006–2010 complements the legislation designed to protect IDPs and includes necessary institutional adjustments to comply with the mandates of Declaration T-025 of 2004. This Declaration establishes the rights of IDPs, defining them as “subjects of special protection by the State” and stipulates that an inadequate offer of state assistance to the displaced person is unconstitutional. In order to overcome this unconstitutional state of affairs, national institutions and territorial institutions should offer displaced families the necessary special protection they are entitled to as victims of violence and guarantee their constitutional and fundamental rights. This Declaration created the necessary pressure to motivate territorial institutions to improve their welfare programs for IDPs. After Declaration T-025, some territorial institutions designed assistance plans for this segment of the population, with budgets especially designed to assist those displaced by force.

Declaration T-025 and subsequent proceedings can be organized into four topics: the definition and explanation of the condition of forced displacement; the government’s obligation to legislate on IDP assistance and to assign all necessary budgetary resources for their protection; the preferential treatment with respect to access to state services for IDPs; and the provision of providing truthful information regarding the rights of the displaced (Ibáñez and Moya, 2007).

The Constitutional Court defines the condition of displacement as the fact of being a victim of either direct or indirect violent acts, and which force the cessation of routine activities in order to flee or protect one’s own life. Since it is defined as a condition of fact, displacement victims do not need to declare their status before any public entity in order to be recognized as displaced. As a consequence, those who are direct victims of conditions that cause such displacement must be taken into account by the legislation designed for IDPs. The second and third topics of the Declaration are related to the definition of the laws on the provision of services to IDPs and to the preferential access of this population to certain state services. Declaration T-025 obliges the government to dictate legislation necessary to re-establish the original living conditions of IDPs and to allocate all necessary resources to this end. The State has an obligation to ensure IDPs a minimum standard, comprised of: i) a minimum subsistence diet (including drinking water), a basic dwelling, appropriate clothing, and essential sanitary and medical services; ii) coverage of health expenses in urgent cases, meaning a case where the life or the integrity of a person is threatened; iii) protection against discrimination; iv)

¹¹ The Decree 250 of 2005 created special groups within the Regional Committees to discuss specific topics, one of them being the Income Generation Groups.

coverage of basic education for individuals under 15 years of age; and v) identification of the specific characteristics of IDPs' households to design and implement adequate socioeconomic stabilization programs. Finally, the Constitutional Court, through this Declaration, determines three axes of action to provide information to IDPs. First, the *Defensoría del Pueblo*, or the Public Defender's Office, must publish and disseminate information about existing legal instruments. Second, the institutions responsible for caring for IDPs should offer information on the programs they offer. And third, Acción Social has an obligation to inform IDPs about their rights.

1.3 Responsibilities and limitations of local authorities

In spite of efforts to meet the needs of IDPs by designing public programs and defining a comprehensive legislative framework, the effectiveness of these programs has not been what was expected. There is an unclear division of responsibilities between territorial and national institutions. A lack of coordination between the institutions responsible for assisting IDPs persists and, in some cases, political commitment is lacking on the part of these institutions, at both the national and local levels. Moreover, fiscal constraints at the national and local levels mean that policy makers have to divide scarce resources between IDPs and poor people. These factors translate into insufficient investment of resources into income generation programs and better training for public officials responsible for serving IDPs. The objective of this section is to highlight the weaknesses and limitations of Colombian legislation and of the public programs designed for IDPs, putting emphasis on the responsibilities of local authorities.

Colombian legislation defines three phases for assistance to IDPs: prevention, humanitarian assistance, and socioeconomic stabilization. In order to meet the objectives of the prevention strategy, territorial institutions comprising the SNAIPD, starting with Acción Social, should offer orientation and support to vulnerable populations at risk of becoming victims of the armed conflict. They should analyze legal actions contemplated in legislation to prevent displacement and propose alternative mechanisms when situations call for them. Similarly, local authorities have a responsibility to identify and compile cases at risk of imminent displacement and to create working groups to anticipate and prevent them. In identifying threats, they should inform the National Prevention Taskforce about specific risk factors in the local environment to ensure coordinated action between national and local authorities.

The PIUs were created to provide a coordinating mechanism between national and territorial institutions. Through the mandate of the National Plan for Integrated Attention to IDPs, the Territorial Committees are tasked with developing a plan for assisting IDPs. These plans are intended not only to design a strategy for assisting IDPs, but also to define the respective budgetary allocations for each of the phases of assistance. The PIU then becomes a collection of strategies, where the necessary resources are mobilized to carry out the activities. They are formulated into Departmental or Municipal Committees of Integrated Attention to IDPs. The Territorial Committees support and work in coordination with the SNAIPD to plan, negotiate, execute, and evaluate plans of assistance for IDPs under the framework of the PIU.

The creation of the PIU was intended to develop a standardized planning mechanism for IDP assistance (UNHCR, 2007). Nevertheless, the obligation of the National Plan to achieve uniformity in the application of the programs is not being carried out. This is not just a problem of implementation; there are even some municipalities that do not have their own PIU and are not aware that they have an obligation to design it. Only 24 percent of the municipalities with IDPs have formulated their PIU and, in cases where they have been formulated, weaknesses in the municipal development plans persist (UNHCR, 2007). To ensure the effectiveness of the PIU, it is necessary to conduct monitoring of their formulation and support from Acción Social, since without adequate monitoring they remain simply strategic plans without any realistic application (UNHCR, 2007).

Acción Social is in charge of the national coordination of the PIU, aided by the support of the Joint Technical Unit (UteC). Data from UteC demonstrates that 253 municipalities from more than the 1,000 Colombian Municipalities had worked on the formulation of the PIU by 2006, of which only 24 percent had an approved PIU and were using it as a planning tool (UNHCR, 2007). Although Decree 250 of 2005 sets out the objectives and the minimum content required of the PIUs, the legislative framework does not regulate the form in which they should be applied or the mechanisms for monitoring proposed actions specified under the PIU. Moreover, the Decree does not mandate any basic minimum standards for the PIU in terms of required budgetary allocation for proposed objectives. Without a counterpart that regulates the operating capacity of the PIU, its impact is minimal and it runs the risk of remaining a project guide without practical application (UNHCR, 2007).

Although efforts to improve operational coordination are reflected in the creation of the Prevention Bureau, adequate coordination between the National Council and the territorial institutions has not been achieved. For example, the National Prevention Bureau carried out the Plan for the Prevention of Displacement, but it is uncertain whether the Bureau took into consideration local experiences in designing the plan, which may be one cause for the difficulty in its implementation by territorial institutions. It is actually not clear in its design if the objective of the bureau was to offer a guide so that each Department could develop its own plan or rather if the expectation was that local institutions would implement the National Plan. In addition, National Policies for the Defense of Human Rights are not consistent with policies for prevention of forced displacement, since the topic of displacement has not been integrated into the protection policies of International Humanitarian Law (IHL), and the territorial committees¹² have not achieved coordination with departmental planning (UNHCR, 2007).

With regard to the guarantee of security in localities, Article 32 of Decree 2569 of 2000 specifies the responsibility of the Territorial Committees to prevent forced displacement and “to make sure that necessary military and police protection is offered in the zones or to the populations that are being threatened in fact by violent generators of displacement.” This objective assigns difficult, if not impossible functions, to the local authorities since the decision about the presence of military and police bodies depends on the national Department of Defense and not on the local authorities. The

¹² The Territorial Committees are the same as the Departmental or Municipal Committees.

Territorial Committees, headed by the principal local civil authority, do not make any decisions on military presence. In fact, the only action they can initiate is to call on the national government for protection, without being able to guarantee it.

One of the problems faced in implementing of the National Plan of Attention is related to the protection of the goods and property that belong to IDPs. The prevention phase should not only focus on the prevention of displacement, but also on guaranteeing the protection of the assets of those who have been displaced. To this end, local authorities should adopt active policies to register abandoned assets and formulate laws and mechanisms that prevent external actors from taking advantage of the situation.

The second phase of assistance for the displaced population is EHA. Access to humanitarian assistance depends on the registration of the displaced individuals in the RUPD. In the local environment, these services depend on local authorities and social offices from the local authorities in coordination with the Integral Attention Committees for IDPs.

During the EHA phase, some limitations have been identified in terms of the design of the programs. In particular, there are problems with respect to the registration process in the RUPD and with the services provided under EHA. With respect to the registration of the displaced population in the RUPD, although the results to date are not entirely discouraging, a number of aspects still require improvement. A significant percentage of the displaced population, almost 86 percent, has knowledge of the RUPD; around 78 percent provide statements voluntarily; and around 71 percent of displaced families are eventually registered in the RUPD. Another advantage of the process of registration is that there is no specific focus or favoritism toward any particular group of the displaced population (Ibáñez and Velásquez, 2006). However, evidence suggests that the unregistered segment of the population is the most vulnerable and isolated, and more should be done to address their unregistered status.

Another concern is that since 2002 the divergence between declaration and registration has been increasing such that it reached near 30% of the IDP population. UNHCR (2007) identifies a possible cause of the high percentage of unregistered IDPs as a lack of training of responsible officials. In fact, the statement process depends on the particular territorial institutions and their officials. The main problem during this process is the lack of understanding by the officials of the phenomenon of displacement and of the laws related to the registration of households. Also, the number of officials charged with this task is not sufficient to meet the demand for registration which means that decisions on individual cases are not given sufficient time to make an accurate evaluation. When combined with the lack of training of these officials, the lack of clarity in certain legislative concepts generates a high degree of discretion and subjectivity on the part of those responsible for the registration of the displaced population. However, while poor knowledge about the regulations of the statement process plays an important role, the lack of investment in the local offices where

the declaration is received is also an obstacle. Resources are needed to certify the officials and greater infrastructure is required to provide adequate services to the displaced population.

Another important limitation in this phase is related to the delivery of humanitarian assistance kits to displaced households. Only 56 percent of the households recorded in the RUPD received some type of aid (Ibáñez and Velásquez, 2006); for 2005 the DNP calculated that the displaced population that was not receiving assistance under EHA varied between two percent for the delivery of basic kits, 65 percent for the delivery of a sanitary kit and 72 percent for temporary accommodation (DNP, 2005). The problems during this phase are due to a lack of commitment and a lack of will from the national institutions and territorial institutions responsible for providing services to this segment of the population, and to the operating overload of the Territorial Units (UT) of Acción Social (Ibáñez and Moya, 2007). This particular situation was caused by the fact that Acción Social had to assume the responsibilities of local authorities and had to finance part of its expenses through cash resources and advances (Ibáñez and Moya, 2007; Acción Social, 2007). From 2005, Acción Social has implemented new strategies to improve the financial security of the programs. Applying a complementary approach, Acción Social provides food and non-food EHA kits and assistance to the most vulnerable groups¹³ through a number of institutions: the International Committee of the Red Cross (ICRC), a National Supplier in places where there is no presence of the ICRC, CHF International (an international humanitarian actor), nine petty cash boxes organized in different cities, and, in extremely urgent cases and in areas of difficult access, assistance is delivered monetarily through the Agrarian Bank (Acción Social, 2007).

In terms of delivery of the EHA by territorial institutions, the UAO continue to play a fundamental role. The UAO helps to facilitate access to the EHA kits for the displaced population and in doing so, supports the Territorial Committees. The UAO are institutions that function as links between local and national institutions; they serve as support for Territorial Committees and are a place of reference for the displaced population. Local authorities are responsible for the UAO, financing their infrastructure, funding their services, and appointing their coordinator. The UAO are not dependent on national institutions, but rather answer directly to local authorities that provide resources to finance their infrastructure, operations and for the EHA and other complementary programs (Ibáñez and Moya, 2007). The presence of the UAO was strengthened and their responsibilities have been enhanced since 2003, allowing for a greater link between the municipalities and the central government through contributions for the EHA and other programs. In cases in which local authorities do not have sufficient financial resources, Acción Social finances the infrastructure for the UAO and training of its officials (Ibáñez and Moya, 2007; Acción Social, 2007). Despite

the expansion of the UAO, the continued participation and support from Acción Social for their adequate operation remains crucial. It is important to note that the UAO are not directly responsible for the provision of services for the displaced population. Rather, the objective of the UAO is to

¹³ Assistance to women, children and ethnic groups.

concentrate geographically all the territorial institutions that are responsible for services to the displaced population to prevent IDPs from having to make the rounds of different institutions in search of assistance.

Finally, the EHA programs seem unconnected to the final phase of assistance for IDPs, socioeconomic stabilization. The challenge of national authorities and localities responsible for providing assistance to the displaced population should be to achieve a transition from the phase of EHA to that of socioeconomic stabilization. To achieve this it is important to guarantee close coordination between the final phase of provision of EHA and the initial phase of economic stabilization. It is also important to design programs that allow IDPs to move smoothly toward socioeconomic stabilization and that overcome the focus on assistance of EHA and indeed, of all assistance programs to the displaced population (Ibáñez and Moya, 2007). The current government has made different proposals to meet these objectives by implementing a monitoring strategy via the new program of Acción Social, JUNTOS. The objective is to have social workers accompany families in the program and guide them towards stabilization programs. Starting from a solid base in terms of the services offered by EHA is fundamental in order to guarantee the success of these programs and it thus essential to strengthen the institutions and local authorities responsible for the delivery of assistance during this phase.

Socioeconomic stabilization programs should offer IDPs the tools needed to guarantee their entry into economic and social networks, whether at their place of origin, reception, or relocation (Decree 250 of 2005). To comply with this objective, the legislation provides assistance with asset-restitution programs, health insurance, school enrollment, provision of micro-credit and access to housing subsidies, and other services. The objectives of the land programs are, on the one hand, to protect abandoned lands (in the phase of prevention and protection) and on the other hand, to guarantee access to new land. INCODER, along with local authorities and Territorial Committees, should develop programs and special procedures to award lands; to expedite the transfer of free titles by rural institutions; and to accelerate the transfer of rural lands that have been previously expropriated. Finally, there is a defined obligation to carry out an inspection and inventory of lands that will be used for temporary accommodation and to formulate the procedure for the process of the exchange of land. To carry out these programs, local authorities must report the state of rural territories and register such areas in the Central Registry of Abandoned Properties (RUP) of INCODER (Ibáñez and Moya, 2007).

Limitations of the land rights legislation arise during the implementation of the programs. First, there is a high level of informality related to the property of rights that persists in rural Colombia. Second, there is a lack of knowledge among local officials about these policies on property rights. The lack of knowledge of the officials about the RUP has led national institutions to introduce training processes (Ibáñez and Moya, 2007). The programs' reach is also limited by the breakup of different institutions responsible for the rural sector which overloads other governmental institutions whose competencies do not include attention to rural areas. National authorities have not assumed an active leadership role with the local authorities, which means, in effect, that they are not obliged to

comply with legal dispositions concerning abandoned property (UNHCR, 2007). The limitations of land-restitution programs are reflected in their limited results. Between 2002 and November 2006, 63,852 hectares were legally allotted to 4,352 displaced families but, of these, only 26,054 hectares were actually allocated to 1,979 displaced families (Acción Social, 2007).

Housing programs have focused on delivering subsidies to acquire new or used homes, to make improvements to an existing one, or to rent accommodations.¹⁴ These housing programs have concentrated on offering subsidies to acquire real estate in the municipality of relocation or, in the cases of return, in the municipality of origin. The National Government is responsible for distributing the resources among the territorial institutions, based on: the registration of displaced population in the regional RUPD, on the impact of displacement on poverty conditions, and on the demand for subsidy programs for return to the place of origin (Ibáñez and Moya, 2007). Sentence T-025 of 2004 established a special fund to provide subsidies to IDPs in urban areas. As a result, resources assigned to subsidies of urban and rural housing have increased since 2004. To date, approximately 65,043 family housing subsidies for urban and rural areas have been allotted, which means that close to 65,000 displaced households have benefited from them (Acción Social, 2007). Local authorities have considerable responsibilities with respect to housing programs. Decree 951 of 2001 clarifies the obligations of territorial institutions to: i) formulate and adopt housing plans for the displaced population; ii) establish coordinating mechanisms with national institutions to achieve effective delivery of technical support to the displaced population; iii) appropriate resources that complement those originating from the national government; and iv) inform national institutions about demands from the displaced population. Even if responsibilities of local authorities regarding housing are clearly defined in the legislation, their implementation has been quite limited. Few programs have been carried out and, as a consequence, subsidies assigned by the national government for this purpose have been lost (Ibáñez and Moya, 2007).

Income-generation programs are a fundamental component of the phase of economic stabilization. These programs seek to train IDPs and to provide them micro-credit so that they are able to regain their economic independence following displacement. The government has therefore designed vocational training and micro-credit programs. However, in spite of this phase's importance, it is the weakest phase in terms of implementation. The program's vocational training results are limited by the inability of the market to absorb the newly trained workers; once the training is completed, the individuals fail to enter easily into the labor market or to initiate individual productive projects. The impact of training is also limited by the low education levels of the displaced population and, in terms of responsibility of the territorial institutions, to the lack of resources assigned to the regional offices of the SENA, which has had persistent problems in responding to IDPs (Ibáñez and Moya, 2007).

¹⁴ To buy new or used land, the equivalent of 25 current legal minimum salaries (smlmv) is provided for urban areas and up to 18 smlmv in rural areas. For the improvement of households, between 10 and 15 smlmv is provided in rural areas and up to 12.5 smlmv in urban areas. For housing rent 12,5 smlmv is provided (Ibáñez y Moya, 2007).

The economic stabilization phase should include programs for income generation, and the government should guarantee adequate access to basic health and education services. The National Ministry of Education (MEN) is the entity responsible for designing programs and policies that guarantee access to education at the national and regional levels through the Offices of Municipal, Local, and Departmental Education. The MEN should promote and coordinate the programs designed to expand the provision of education in the receiving municipalities. The territorial institutions are responsible for the implementation of policies designed by the MEN for displaced children, and the provision of education to the IDP population, guaranteeing their rapid rehabilitation, social articulation, and productive reinsertion into normal life (Law 387 of 1997; Ibáñez and Moya, 2007).

A total of 232,115 displaced children benefited (See Table 1 below) from school enrollment between 2002 and 2006. The MEN's goal is to reach 400,000 children by 2010 (Acción Social, 2007). In addition 315 educational institutions received training programs on educational and pedagogical models in 2005; 110 of these received investment in infrastructure and furniture endowment. The budget available for these programs comes from the General System of Participation (SGPP), of the National Fund of Perquisites (FNR) and of additional resources from the national budget. For 2007, the available budget for the educational sector reached US \$242,090 million, 77 percent of which originated from the SGPP, 17 percent from additional resources of the national budget and six percent from the FNR (Acción Social, 2007). This implies that, even when policies are implemented at the local level, financial resources stem from the National Budget. The fiscal spending of the local governments themselves on IDP education is very low.

Despite the efforts and goals reached in the educational sector, the impact of the programs remains limited for reasons beyond the design of the policies. The main obstacle to the implementation of the policies is in the process of identification and location of the displaced population, and in the difficulty of keeping the children in school (Ibáñez and Moya, 2007). Territorial institutions, especially the Offices of the Secretary of Municipal Education, should improve the process of identifying displaced children to guarantee certainty about educational demand and to assign resources in a more efficient way. Additionally, although it is not a direct responsibility of the MEN and of its regional institutions, nutritional vulnerability of displaced children is directly related to school drop-outs. To avoid drop-outs caused by malnutrition, they are promoting coordinated activities between regional schools and institutes like the Colombian Institute of Family Welfare (ICBF) to offer food for displaced children at the schools, and to promote their participation in the *Familias en Acción* program.

An additional limitation of these programs stems from the Colombian model of decentralized education. This model imposes limits on the capacity of the MEN to supervise activities on the implementation of programs in localities which fall under the responsibility of territorial institutions. The lack of supervision by local authorities, a system of information that allows the identification of the number of people that have received services, or a record of the resources invested by regional offices prevent the programs from being evaluated and subsequent improvements being implemented.

Moreover, the lack of political will and lack of knowledge of the officials about the educational programs designed for IDPs present considerable obstacles to the implementation of policies.

The issue of health insurance for the displaced population is addressed by Law 387 of 1997, which created several mechanisms to guarantee access to health services for IDPs. Access is tied to registration in the RUPD which restricts the ability of territorial institutions to apply the IDP policies and to implement the programs. Improvements in the last decade have been significant, but the lack of political will and misinformation among the officials responsible for local programs has become, also in this case, an obstacle to reach the goals designed by the government (Ibáñez and Moya, 2007). Additional issues that delay the availability of health resources for territorial institutions are: bureaucratic obstacles in financing the programs, the need for signature of agreements between the Department of Social Protection and territorial institutions, incorporation and approval of resources in the departmental budgets, and implementation reports (Acción Social, 2007). The resources for health services stem from the SGPP, a decentralized scheme that controls resources for the programs, as the same resources must serve the needs of the displaced and local population of each municipality. In addition to improving budgetary allocations, training for officials is required as much as sufficient staff to provide services, but the high turnover of personnel impose an additional obstacle (Ibáñez and Moya, 2007).

*Budgets for IDP programs:*¹⁵

The documents of the Social and Economic Council (Conpes) detail the budgeted expenditures destined to provide services for IDPs. Graph 2 shows the trend of total resources allocated and of resources per capita for IDPs between 1995 and 2004. Although total resources allocated have grown constantly since 1998, experiencing a small decline in 2003, budget per capita does not show the same trend due to the intensification of the phenomenon of displacement. In spite of these declines, in recent years investment per capita has increased by about US\$ 293¹⁶ in 2004 to nearly US\$ 880 in 2005 and reaching US\$ 2,052 per capita in 2006.

The results of this spending are reflected in UNHCR's balance sheet. Between 2004 and 2007 the appropriation of resources has increased by over five times with respect to figures between 2000 and 2003. In 2004 the total national budget allocation for IDPs was at 0.05 percent which increased to 0.78 percent in 2007 (UNHCR, 2007). Allocations for prevention and protection programs are significantly less than resources for other phases (as seen in Graph 3). Allocations for emergency humanitarian assistance account for 40.4 percent of the resources while the socioeconomic stabilization activities receive 59.4 percent -- the greatest proportion of the resources. Prevention and institutional strengthening activities receive barely 0.2 percent of total available resources (Graph 3). It is worth

¹⁵ This section is based on chapter 6 of the Paper: "The impact of forced displacement in Colombia: socioeconomic conditions of the displaced population, incorporation into the labor force and public policies," presented by CEPAL (Ibáñez and Velásquez, 2007).

¹⁶ With an exchange rate of 1.705 pesos to the dollar.

noting that the Department of Defense's budget for strengthening the presence of police force in the municipalities also requires further investment to effectively prevent displacement.

The limitations are partly related to a lack of supervision of budgetary allocations for territorial institutions. In fact, public programs available are mostly unknown to the displaced population and sometimes even to the local authorities responsible for their implementation (UNHCR, 2007). One of the problems is that programs for IDPs continue to be designed by national institutions which do not include local authorities in the process. National authorities design the programs for the displaced population and then issue Decrees and Resolutions that detail the different programs and assign them to the relevant institutions responsible for executing them. Many of these programs assign local institutions as the main authorities in charge of executing the programs or sharing responsibilities of execution with the national authorities. However, despite assigning responsibilities to local authorities, these programs are never discussed with them. Only in specific cases are the programs discussed with the National Council for the Displaced Population, but even then representatives of local authorities are not invited to attend. A consequence for this lack of coordination is the gap that exists between the PIUs and the plans created by national institutions (UNHCR, 2007).

The fact that information about programs for the displaced population is unclear makes it difficult to evaluate their effectiveness. The inclusion of IDPs in general programs for vulnerable groups makes it difficult to quantify budgets assigned for IDPs, and as well, to differentiate the services offered specifically to this population. Lack of clarity and an absence of continuity through the three phases of the program further complicate the evaluation of program results (UNHCR, 2007).

2. ASSISTANCE PROGRAMS FOR IDPS: FOUR CASE STUDIES

Providing effective assistance for IDPs should be more highly prioritized for territorial institutions. In cities like Bogotá and Medellín, and the department of Antioquia, the response of local authorities must improve its effectiveness due to the growing demand of programs for IDPs. In fact Bogotá, Medellín and Antioquia have created special public policies for the displaced population and PIUs to implement such policies. In a joint effort they designed what is currently known as the Goodwill Agreement. The objective of this chapter is to describe the attention that is provided to IDPs in Bogotá, Medellín, Antioquia and Santa Marta. Its purpose is to identify particularities of the cities (Bogotá, Medellín and Santa Marta) and region (Antioquia) that determine the effectiveness of IDP policies. We have based our evaluation on the existing literature on the topic and in-depth interviews carried out with officials and organizations in charge of IDPs in the four regions¹⁷.

¹⁷ Javier Aguilar (Acción Social, Medellín), Eduardo Barros (Acción Social, Magdalena), Andrés Camelo (Unidad Técnica Conjunta), Emilia Casas (Acción Social, Bogotá), Nicolás Castrillón (ACA, Medellín), Edgar Forero (Unidad Técnica Conjunta), Luz Dary Giraldo (Gobernación de Antioquia), Mardory Llanos (Secretaría de Gobierno, Bogotá), Nicolás Morales (Procuraduría Magdalena), Javier Moscarella (Alcaldía Santa Marta), Luz Ángela Rodríguez (Unidad Técnica Conjunta), Alba Lucía Varela (Fundecomac), Beatriz White (Secretaría Bienestar Social, Bogotá).

2.1 Characteristics of IDPs in the four regions

The increasing displacement in Colombia is reflected in Bogotá, Medellín and Santa Marta as receptor or host cities and in the department of Antioquia as a department of origin for a large number of IDPs. This reality has obliged local authorities to develop programs for IDPs with the clear objective of restoring the rights of the displaced population that have been violated.


In 2004, the Capital District of Bogotá received between seven and eight percent of the total displaced population in the country (Unique Integral Plan of Bogotá, 2004) and the latest official figures¹⁸ report that Bogotá has received 8.25 percent of the total displaced population. The graph below illustrates the significant growth in the numbers of IDPs arriving in Bogotá (Graph 4).

The department of Antioquia has also experienced both high inflows and outflows of IDPs. In fact, forced displacement in Antioquia is one of the most complicated dynamics in the country, as it is simultaneously the main department of origin – or *expulsor* -- of IDPs (16.6% of the population of the department) and the principal receiver (14.32%) of IDPs. Of the expelled population, 66.2 percent emigrate individually, and 85 percent originate from Antioquia. One of the reasons for the intensity of the dynamics of displacement in Antioquia is the existence of strategic territories. In fact, the regions with higher rates of expulsion or displacement are those that have the best infrastructure and whose geographical position is strategic for armed groups. On the other hand, the most attractive centers in terms of reception are those with greater economic development and available public services. However, the arrival of IDPs increases the demand for services and the situation of the historically vulnerable population worsens (PIU of Antioquia, 2006). Despite being the Department with the highest indices of forced displacement, the tendency seems to have changed in recent years as the number of people arriving in Medellín and in other municipalities of the department (Graph 5) has decreased over the last two years.

The case of Santa Marta deserves similar attention. Santa Marta is one of the main IDP receiving cities in the country, with 70,000 displaced families registered in the RUPD through February 2007, equal to 19 percent of the total native population in Santa Marta (the pressure index, according to UNHCR figures for 2005 is around 15.5%). In addition, 74 percent of IDP households are below the minimum living conditions and 65 percent of them live under the poverty line (ICRC and WFP, 2007). The highest peak of IDP reception in Santa Marta was observed in 2002; since then, the arrival of IDPs has generally declined although there was an increase in 2005 (Graph 6).

Antioquia and Santa Marta are substantially affected by the fact that they are both regions which receive IDPs and from which IDPs originate. In Antioquia every municipality has been affected by this phenomenon. Displacement seems to be concentrated within the department (85% of the cases are intradepartmental displacements). Map 1 shows that, although Medellín receives the most IDPS

¹⁸ Acción Social: January 31, 2008.



Since 2004 the displaced population arriving in Bogotá has grown. As a percentage of the total population, the IDP population in Bogotá reached 17 percent in 2007. Since the beginning of 2008, Bogotá has received almost 41 percent of the newly displaced IDPs in the country.

relative to other municipalities within Antioquia, there are still significant concentrations among other municipalities of the department.

Reception indicators are equally high. Antioquia occupies the first place in the country as a receiver of IDPs. The most affected municipalities are Medellín, Turbo, Bello and Apartadó. However, as was observed in previous graphs, the numbers of the displaced population arriving in Antioquia and Medellín has recently decreased, and data from the PIU shows that this is also true for the other receiver municipalities. The PIU data demonstrate that the main municipalities affected receive 86 percent of the displaced population in Antioquia, while Medellín receives almost 32 percent of the total displaced population in the department.

The displacement dynamics in Bogotá have different characteristics from those of Antioquia. Bogotá is one of the main IDP receptor cities, but due to its urban characteristics, it does not present high indices of expulsion. Since 2004 the displaced population arriving in Bogotá has grown. As a percentage of the total population, the IDP population in Bogotá reached 17 percent in 2007. Since the beginning of 2008, Bogotá has received almost 41 percent of the newly displaced IDPs in the country. It is important to highlight the fact that Bogotá receives IDPs from almost all the municipalities of Colombia (Refer to Map 2).

Map 3 illustrates the case of Santa Marta. The city is one of the main receptors of IDPs in the country. While most of the displaced individuals come from the Department of Magdalena, Santa Marta continues to receive IDPs from distant municipalities in spite of the poor living conditions there.

In addition to the magnitude of displacement, it is also important to note the demographic characteristics of IDPs. In Bogotá, 83 percent of displaced families come from rural areas, a characteristic that complicates their assimilation into the urban labor market¹⁹ and the living conditions of the city. The great majority of IDP households include a significant number of under-aged children, who represent 50 percent of the displaced population. Youth between 18 and 35 years of age represent 29 percent of the total displaced population (PIU of Bogotá) and women represent 50 percent of the displaced population. In Antioquia, on the other hand, of the total population received through 2006, only 34.3 percent were women and 20.1 percent were children between 0 and 13 years. The above data allows us to say that more than 50 percent of the population corresponds to women and under-aged children, typically the groups that are most vulnerable (PIU of Antioquia, 2006). In the specific case of Santa Marta, in 2007 women represented just over 49 percent of the total displaced population.

¹⁹ Of the homes registered in the UAID of Bogotá, almost 68 per cent was unemployed, two per cent had daily jobs, 16 per cent was working for sectors such as construction, informal sales, domestic services, among others, and 6 per cent worked as home labor.

While IDPs and the poor urban populations share many unfavorable characteristics, the condition of IDPs as victims of the conflict only worsens their situation. Data from the PIU, based on data of the Unit for Comprehensive Assistance to the Displaced (UAID), reveal that the main causes of displacement in Bogotá are: direct threats (62%), followed by forced recruitment (9%), situations of murders and situations of fear (9%) and situations of tension (8%). In Antioquia, there are prominent cases of displacement connected with land ownership and the presence of illicit crops. According to the Central Tax Registry (RUT) data, as cited in the PIU of Antioquia, from 1997 to 2003, 89 percent of the displaced population had some relationship to the land at the time of their displacement and the average land possession was around 79 percent, a figure that increased to 90 percent between 2001 and 2003. There are two principal problems related to land possession in Antioquia. First, the concentration of land is very high, with the Gini coefficient of inequality reaching 0.83. Second, 70 percent of the rural population lack formal titles to their land (PIU of Antioquia, 2006). The presence of illicit crops also increases the intensity of the conflict because demand for land to grow coca and poppy seed has increased, as a result of the strategic importance of drug running at the same time that farmers growing legal crops have been damaged by the fumigation of illicit crops.

With respect to the causes of displacement in Bogotá and Antioquia the main actor responsible for forced migration are the guerrillas, followed by the paramilitary groups. It is important to keep in mind that in some cases there is more than one actor involved in the displacement of an individual. For this reason, data on reasons for displacement may not be significant, as a considerable percentage of the displaced population does not provide this information (PIU of Antioquia, 2006).

The lack of a PIU for Santa Marta limits the analysis of the population data and the programs designed for the displaced population in the municipality. Fortunately, a study carried out by the ICRC and the World Food Programme (WFP) in eight cities of Colombia does allow us to compare the situation of displacement in the three case studies chosen for this paper: Bogotá, Medellín and Santa Marta. The study, which was carried out between November 2006 and June 2007, analyzed IDP needs and the institutional services available in the eight main Colombian cities. In order to analyze the living conditions of the displaced population, surveys were carried out on displaced homes and residents of the lowest income quintiles located in the areas of greatest IDP concentration. To complement these findings, further interviews with institutional agencies were conducted.

The study evaluates existing policies for IDPs, beginning with the registration process. In general terms the findings show that, although the rates of registration are satisfactory, the process of taking statements and registration could be improved in various ways. The results of the ICRC and WFP report for Santa Marta show that while almost 78 percent of the displaced population were declared, only about 67 percent were formally registered in the RUPD, yielding higher rates than in Medellín and Bogotá (Table 2). The study found that an aspect that negatively influences the decision to declare displaced status is the location of the UAO. The long distance separating the UAO and the areas of highest IDP concentration means that IDPs face high transportation costs which

discourages their statements and in turn leads to an extended period of displacement for IDPs. In terms of the time required for the statement and registration, from the moment of displacement to the moment the statement occurs, nearly 65 calendar days have generally passed, and the time delay between the statement and the registration is around 33 calendar days. In addition to the distances, the impacts of the programs are also limited by the lack of a specific budget for strengthening of the institutions which handle the statement and registration process.

Although humanitarian assistance is one of the strongest components of the program, there is still a considerable waiting time for this assistance. From the moment there is a record of the statement, IDPs in Santa Marta wait an average of five weeks to receive their first humanitarian assistance kit. This means that an average of nine weeks can elapse from the moment that displacement occurs to the time when displaced persons receive their first humanitarian assistance. In spite of the long waiting times, 90 percent of the households that received the assistance maintain that the aid received was timely, adequate, and necessary (ICRC and WFP, 2007). Unfortunately, in Santa Marta the coverage rate of EHA is considerably lower than in Medellín and Bogotá (Table 2). Additionally, the coverage offered by psychological programs is not sufficient. In spite of the fact that almost 65 percent of the displaced population has suffered from psychological problems, only 17 percent seek special assistance and, of these, only 10 percent receive it.

Once EHA is offered, the Socioeconomic Stabilization program assists displaced households to overcome their condition and recover their original economic status. One of the fundamental programs in this sense is the provision of accommodation. However, displaced population settlements are usually characterized by high indices of overcrowding and low quality of living conditions. In Santa Marta, for example, 37 percent of IDP homes consider that their housing conditions are subject to some type of geological risk, or risk of sinking, flood, avalanche or collapse (ICRC and WFP, 2007). To improve living conditions, national assistance has begun offering subsidies, based on Decree 951 of 2001. However, only 35 percent of the households²⁰ have requested subsidies to improve their dwellings, and of these, only 16 percent have received them (of 45% of the households that apply for the subsidies, only 61% receives them). The low subsidies request rate in Santa Marta is a consequence of a lack of information (28%) about the subsidies, ignorance about the procedures (27%), lack of will to request it (14%) and noncompliance with the requirements (10%). Waiting times are also considerable. On average IDPs will wait 39.8 months for an answer (compared with 31.6 months expected by the residents), more than double the time necessary in Bogotá and Medellín. The low quantity of available social interest housing combined with the high demand

²⁰ The low rate in the request for subsidies could be tied to different factors, as cited by a study made by the ICRC: “the opening of calls for subsidies, the existence of an ongoing project, the existence of territorial resources, and the complementary of resources held by the homes. Additionally, being able to benefit from the subsidies has important costs associated with the request, such as transport to the places where the request is made, and in the case of used real estate, the payment of the home’s appraisal. On the other hand, the access to subsidies to improve living arrangements has barriers related to the legalization of the ownership of the estate.” (ICRC and WFP, 2007; Pág. 27).

for this housing compared to other housing options (due to the lower level of indebtedness social interest housing would require), have been some of the limitations of the program.

Once the emergency phase is over, food security and access to health care must be ensured. In terms of food security, for the three case studies in this paper, 90 percent of the households received food; nonetheless food consumption consists of low-priced, high calorie foods with little nutritional value. According to the ICBF the coverage of these food security programs remains low. In Bogotá, around 64 percent of the homes received food supplies. For homes with children aged 5 years or less, or including nursing women, the percentage grows to 94 percent, significantly decreasing the food insecurity of these homes. In Medellín, 59 percent of the total displaced population received attention, a percentage that grows to 64 percent in the case of households with children 5 years or less, or with nursing women. In Santa Marta, barely 32.8 percent of the homes are covered by this program, which is clearly reflected in their low level of food security: in just over 66 percent of the homes, adults eat less than three daily meals. In more than 45 percent of the homes with under-aged children there are less than three meals per day. In none of the three case studies do the food security programs offer sufficient assistance to allow the homes to redistribute their incomes (ICRC and WFP, 2007).

In Santa Marta around 50 percent of the registered IDP population, close to 38,000 individuals, received health care in 2007. Of these, 21 percent that were either hospitalized or sought care were dissatisfied with the waiting time required for service, 10 percent were dissatisfied with the quality of attention received and 17 percent with the procedures required to access care. Results of the surveys carried out by the ICRC and WFP indicate that, in general terms, there is a negative perception of officials in charge and the procedures necessary to demonstrate that an IDP is in fact displaced and eligible for care. Another weakness identified by the IDPs is the shortage of medicines available, an issue that has also been identified by the Health Department.

In Santa Marta education coverage is encouraging. Attendance in grade school by IDPs is 96 percent and, although it decreases substantially for secondary school to 74 percent, this is a tendency also observed at the national level. Educational costs and the participation of under aged children in the labor market are the main reasons why children abandon their studies. In the case of Santa Marta, an additional problem is that the database of the RUPD has not been brought up to date, limiting the ability of the Education Department to act. However, again this is a national problem, not specific to the municipality of Santa Marta. The ICRC and WFP Study interviews reveal that, from January to March 2007, Acción Social had only once supplied updated information to the Education Department. In spite of the problems, important achievements in the educational sector have been made, including efforts directed at IDPs. For example, there are programs of accelerated learning for grade school and secondary levels, compression of grade school into a single year for the illiterate population from 9 to 15 years and a program especially designed for youth over fifteen years old (ICRC and WFP, 2007). The Norwegian Refugee Council has played a part in the development of educational projects designed to expand educational coverage and, in 40 percent of the cases, educational coverage has been

complemented with support for transportation, psychosocial attention, parental education, sports and music education, and the purchase of uniforms, school supplies and shoes, all financed with state funds; in 77 percent of cases, additional nutritional support is also provided.

Finally, income-generation and asset protection programs are the weakest, which is consistent throughout the country. These programs should be strengthened to ensure that IDPs overcome the condition of displacement and poverty in the receiving municipality, or in cases of relocation or return as necessary. The economic situation of IDPs in Santa Marta merits the importance of emphasizing the socioeconomic stabilization programs. As was mentioned at the beginning of this chapter, 65 percent of IDP homes are living below the poverty line, 74 percent under the minimum standard of living of the ICV, the average monthly income is around US\$ 158 (equivalent to 62% of the legal minimum wage) and the average value of their assets is US\$ 2,991. Furthermore, the economic situation is worse for female-headed IDP households, as they receive 34 percent lower salaries in relation to those received by males.

The SENA is in charge of workforce development and includes programs focused on employment orientation, vocational training and technical assistance for productive projects. Data on the coverage of these programs are disappointing, since only 17 percent of displaced households have one member who has received some sort of training. In the programs designed for the vulnerable population, that also include IDPs, the impact is a little better: 13 percent of IDP households has some member in Youth in Action program and as of March 2007, 71 percent of registered IDP homes were eligible for Families in Action, of which 65 percent of the homes are beneficiaries (ICRC and WFP, 2007). The reasons for not taking part in the Families in Action program are: ignorance on the part of some leaders regarding the dates of the meetings and the short time given families to provide the necessary documentation which means many are not able to organize all the documents required.

2.2 Public Policies for IDPs

Due to the growing demand of services for IDPs and to their conditions of vulnerability, the local authorities in Bogotá, Medellín and Antioquia have made important efforts to improve coverage of the programs designed for IDPs. Bogotá, Medellín and Antioquia are ahead of the obligations stipulated by Decree 250 of 2005 for local governments. In the case of Bogotá its first achievement following Agreement 2 of 1998 and Agreement 119 of 2004 was its Unique Integral Plan of 2004 developed under Major Garzón. Medellín and Antioquia had been working since 1996 on action plans for assistance to the displaced population and before Decree 250 of 2005 was established, they had incorporated public policies for the displaced population into their development plans. Even when the Decree simply required a plan of action (PIU) to assist the displaced population, the three territorial institutions²¹ designed policies that went beyond mere plans of action for the

²¹ In the case of Santa Marta, there is still no finalized version of the PIU.

next six years. These achievements have been shown in diverse agreements, decrees, ordinances and programs as well as in the allocation of specific funds to attend to the needs of the displaced population. On the other hand, the public policies for the displaced population in Santa Marta are quite incipient: there is no Unique Integral Plan, no assessment of the population has been carried out for the displaced residents of the municipality, and responsibilities for their attention seem to fall with the local Acción Social office.

In Bogotá, legal achievements related to IDP assistance were initially developed in 1998, with Agreement 2 of 1998 of the Council of Bogotá which established the norms for “Integrated Attention” to the displaced population. It determined specific ways in which the Local Council for the Integrated Attention to Populations Displaced by Violence²² should function. Agreement 2 also created the Local Plan for the Integrated Attention to Populations Displaced by Violence.²³ Decree 624 of 1998 subsequently regulated the operation of the Council and of the Plan for Integrated Attention. The Plan created the Units for Integrated Attention to IDPs.

In spite of the effort, this first phase displayed some weaknesses. First, it was based on welfare from the State. Second, in spite of the need to positively distinguish the IDPs, they were instead integrated into assistance programs designed for the general vulnerable population (PIU of Bogotá, 2004). Fortunately, through the creation of the Unique Integral Plan, a different focus was assumed in 2004. Since that time, the achievements have been considerable. The Mayor’s Plans included the policies related to the treatment of IDPs in the district, a budget allocation for the following five years was determined, and the Unique Integral Plan was designed. Agreement 119 of 2004 stipulates the creation of the city’s 2004–2007 development plan, *Bogotá Without Indifference*. This plan establishes as one of the key reconciliation programs the “attention to populations in conditions of forced displacement, demobilization or vulnerability as a result of the violence, as based on human rights and international humanitarian law.” In addition, the district government office has acted as an organizing entity during the Local Council sessions which bring together various institutions and IDP representatives. They then adopted a new strategy with less emphasis on welfare and more focused on the re-establishment of the rights of IDPs.

Bogotá’s PIU established as policy priorities the integrated or holistic nature of the programs, support of institutions from the territories of origin, and the active participation of the IDPs. With

²² This Council must elaborate and implement the policies and programs designed for IDPs; promote awareness raising campaigns towards IDPs; support the SNAIPD; manage and promote the procurement of resources to implement IDP programs: offer legal help to the IDPs; collaborate with IDPs regarding the relocation and return processes; develop a Local Plan for Attention to IDPs, and monitor that plan.

²³ The objectives of the Local Plan, on the other hand, are: the development of a diagnosis of the displaced population and the design of an information tracking system; ensure the protection of IDPs and prevent the causes of displacement; guarantee access to services during the protection, humanitarian assistance, and socioeconomic stabilization phases of the program (Agreement 2 of 1998).

the creation of the Local Council for Integrated IDP Attention, a space was created within the district administration for the participation, not only of the institutions responsible for IDPs, but of IDPs themselves. The Local Council meets between eight and ten times a year and in each of those meetings 105 IDP organizations participate. IDPs were also active in the development of the PIU for Bogotá. Interestingly, the district government's office called upon the leaders of these IDP organization to participate in the development of the PIU.

Two fundamental aspects of the Local Plan for Integrated Attention are the shift in focus away from welfare aid and the establishment of the right of IDPs to settle in Bogotá when they do not want to or cannot return to their place of origin. Table 3 summarizes the main objectives of the programs in each one of the phases. The shift in focus of the policies can be seen in the growing demand of services on the part of IDPs, and also in the fact that approximately 60 percent of IDPs arriving in Bogotá have no intention of ever returning to their place of origin (PIU of Bogotá, 2004).

IDPs have the right to access programs that are especially designed to alleviate the impact of displacement. They also have the right to access programs for the poor population in general. The public health and education sectors, for example, have been strengthened and expanded to provide services to IDPs. In the education sector 15,147 under-aged children were registered between 1999 and 2004; during the same period 4,000 food subsidies were delivered. Regarding the health sector, there are important efforts in place to expand coverage. In 2004, 100,000 health subsidies were delivered to IDPs, and the Department of Health adopted a focus of affirmative action towards the displaced population, emphasizing prevention activities and encouraging the participation of IDPs (PIU of Bogotá, 2004). The local government has also made significant efforts in the area of social integration, and some institutions have been strengthened to assist IDPs.

Similarly, beginning in 1996 the displacement dynamics in Antioquia prompted the development of active public policies from the government of Antioquia, such as the inclusion of programs for attention to the displaced population in the development plan, the formulation of public policies in Medellín and the design of the PIUs for Antioquia and Medellín. The departmental development plans for the periods 2001-2003 and 2004-2007 consolidated the local policies to assist IDPs. Since 2001 the objective of the programs has been directed toward overcoming welfare policies and design of programs that seek to support the independence of the individual and that guarantee coverage and quality of services for the IDP population. Likewise, a departmental PIU for Antioquia was designed in 2006, under the framework of Ordinance 06 of 2006. The purpose of this PIU is to specify objectives, strategies, resources and indicators to assist displaced population, as well as to coordinate a plan of action between private entities and community institutions at the local, departmental, national and international levels. The PIU is valid for six years and is the instrument used by local authorities to provide services for IDPs efficiently and effectively (PIU of Antioquia, 2006). The strategic goals of the PIUs are explained in Table 3.

In the case of Santa Marta, there are no public policies designed for IDP assistance, and there is still no proposal for a PIU. Nevertheless, the reports from the municipality highlight the achievements that have been reached.²⁴ One of the most important advances occurred in 2006, when private and public institutions and NGOs gathered and agreed on the monitoring of the Social Policy. This was followed by the meeting of the Committee of Displaced Persons in the Office of the Mayor in order to design the PIU for IDPs. Additionally, they have made efforts to incorporate IDPs into programs designed for the general vulnerable population. Looking at the productive projects for IDPs in the area, they have created some “humanitarian jobs.” For example an agreement with the local NGO, *Minuto de Dios*, was signed to implement business initiatives and social actions in the areas inhabited by IDPs. In terms of education, efforts have been made to increase the amount of subsidies for children and to strengthen agreements with schools and universities. As well, talks have been held with the Coffee Grower Committee to improve the program run by *Escuela Nueva*. In terms of health, in 2006 24,561 beneficiaries were IDPs. An agreement with the Red Cross for delivery of EHA was implemented, with special arrangements designed for the families of displaced indigenous people.

2.3 Budget Allocated for Assistance to IDPs

The design of specific public policies for IDPs has been accompanied by the allocation of specific budgets for each of the programs. The budget of the development plan of the former mayor of Bogotá, Mayor Garzón, for the period 2004–2008 rose to over US\$12. billion, of which, 70 percent was financed by the Central Government in Bogotá, a little less than 14 percent by Public Establishments and 16 percent by resources from Commercial and Industrial Businesses (from Bogotá’s Development Plan, *Bogotá Without Indifference*). For this period the plan allocated a budget for each one of the phases of assistance to IDPs (Table 4). From the reconciliation component of the plan, US\$20.23 million was allocated to assist those in conditions of forced displacement, demobilization, or vulnerable due to the violence, equal to 4.5 percent of the total reconciliation budget, or 0.26 percent of the resources allocated for social investment.

In the case of Antioquia, one of the most important achievements of the PIU is the allocation of specific funds for each one of the strategic goals for the period 2007–2012. For the first strategic goal, Prevention and Protection, a total of US\$27.46 million is allocated for this period. For the EHA goal, US\$9.12 million will be invested during this same period. However, if the debt from

1995–2006 is taken into account, this investment increases to US\$38.44 million. The budget for the Socioeconomic Stabilization goal was increased to US\$56.53 million for the period 2007–2012 and, considering debts from previous periods, the total sum for this goal reaches a total of US\$459.3 million. For each one of the eight programs that comprise the Re-establishment goal, 75 percent of the resources come from the national budget, 12.5 percent from municipal contributions, and the remaining 12.5 percent from departmental contributions. Under the Reparations goal, funds

²⁴ Information from: <http://www.santamarta.gov.co/>.

budgeted increased for the 2007–2012 period to US\$1.7 million. The goal that seeks to strengthen organizations representing IDPs has US\$3.34 million budgeted for this period. And, finally, US\$3.4 million have been budgeted for Institutional Strengthening for organizations providing services to IDPs. The total investment budgeted for IDPs for these years, corresponds to approximately 8.7 percent of the total budget allocated for social development for this same period. The costs for each one of the strategic phases in Antioquia, for the period 2007–2012, are summarized in Table 5.

Table 6 details the budgets for policies and programs designed for IDPs in Bogotá and Medellín. Even though Medellín has made a strong commitment toward IDPs, the total funds allocated by Bogotá are almost four times greater in absolute terms. On the other hand, taken as a percentage of the total budget, the allocation by Bogotá is only slightly higher when compared to Medellín (0.158% vs. 0.11%). In both cases, the budget allocation compared to the total budget is somewhat smaller than the allocation set by the National Government whose percentage is closer to 0.8 percent.

In the case of Santa Marta, there is no specific budgetary allocation for IDP assistance. The population is covered by the same programs that assist vulnerable people. Therefore, there is no specific allocation from city hall for this program.

3. CONCLUSIONS: LOCAL PUBLIC POLICIES FOR IDPS – AN ANALYSIS OF THE CASE STUDIES

The difficulties of designing and implementing public policy for IDPs at the local level are diverse. They include structural problems within the Colombian State, lack of political will among both the National Government and the territorial institutions, poor design of some of the components of the policies, inadequate implementation of the policies, and incomplete information as a result of problems in the Unique Registration System for IDPs. Additional difficulties include the interference of armed groups in some regions, the diversity of the local contexts, and the weakness of social organizations, which are identified and analyzed in the following paragraphs. It is important to note that the conclusions that are presented below are based on case studies from four regions. Consequently, they cannot be generalized to all regions of the country. Nevertheless, it is possible that many of the conclusions also apply to other regions.

Structural problems within the Colombian State. The analysis of Colombia's IDP policies should begin with an analysis of the structural problems of the State in Colombia, which has a system that results from an incomplete decentralization process, which consequently leaves weak Colombian institutions and a limited availability of state services. All these aspects are simultaneously related to the conflict, meaning they are both cause and consequence of the conflict that Colombia has lived through over the past 40 years. IDP policies are linked to the structure of the Colombian state and are not immune to its usual problems. First, decentralization in Colombia was based on a mere breaking-up of administrative tasks and assigning administrative functions that had previously been



Photo courtesy of CHF International

In the case of Santa Marta, there are no public policies designed for IDP assistance, and there is still no proposal for a PIU.

carried out by the national government to the territorial institutions. Administrative functions such as the establishment of education and health services were transferred to the territorial institutions along with their corresponding budgetary allocations. Furthermore, territorial institutions were not to execute their administrative functions unless they were accompanied by corresponding budgetary allocations. On the other hand, the priorities for investment of these funds and the percentage of allocation for each area of investment are defined by the national government through laws approved by the Congress of the Republic. This means that the municipalities lack any room to maneuver or rearrange investment priorities for resources transferred by the national government, which leaves them to simply implement policies designed by the national government.

The previous problems are aggravated by the fact that, in the case of IDP programs, no additional resources are transferred to comply with the new provisions. The policies and programs for IDPs are defined by various national government institutions and are discussed and approved in the National Council of Integrated Attention for IDPs. The territorial institutions do not participate in the National Council and are not consulted on the political, technical or budgetary viability of the programs designed. This means that the national government defines the policies for IDPs, delegates responsibility to the territorial institutions, and orders their compliance. However, as opposed to health and education programs which are carried out by the territorial institutions, the policies for IDPs are never accompanied by additional funds to execute them. Therefore, the national government designs policies and, in some way, alters the spending priorities for the territorial institutions, without adding budgetary resources. This situation directly implies a sacrifice of policies and priorities for the native population in favor of IDPs.

IDP policies are thus structured within a process of incomplete decentralization where the role of the national government predominates and the discretion of the territorial institutions remains scarce. The previous problems require, therefore, a modification of the structure of decentralization that would be very difficult to redesign in regard to IDP policies.

In addition to this incomplete decentralization, inadequate services available from institutions in many municipalities of the country limit the effectiveness of policies for IDPs. Again, the difficulty of implementing a policy designed by the national government given the inadequacies of municipal institutional services is not exclusive to IDP policies. It is true for all state policies. In the case of IDPs, this means that registration in the RUPD is only a first step in having access to public social services that are already of limited availability and low quality, services that are also available at the same level of quality and quantity to the poor population in the municipalities. As with the decentralized structure, the low level of institutional services is a structural problem of the Colombian state that IDP policies cannot address in the short to medium term.

Lack of political will by the national government and the territorial institutions

The lack of political will of some national and local institutions is one of the main obstacles to the

adoption of a special public policy to assist IDPs. Noteworthy also is the lack of political will among many national institutions to do so. Although the national government has developed complete legislation on this topic, its implementation has been slow and has concentrated on certain types of assistance, leaving aside other assistance that is fundamental to reaching durable solutions. Given that Acción Social is the institution responsible only for coordinating but not implementing IDP policies, the application of these policies by the national government has been slow and dependent on the political will of each one of its ministries. As a consequence, institutions that do not require any additional capacity or a re-designing of special programs for IDPs have achieved high rates of coverage among their programs as has been demonstrated with educational assistance, health services and the recent expansion of the *Familias En Acción* program. Despite the importance of these three programs, none of the three constitutes a lasting solution that would allow IDPs to return to the level of productive capacity they had attained before displacement. On the contrary, the marked emphasis on these three programs is generating a high level of IDP dependence on public assistance.

On the other hand, programs for asset restitution, land allocation, income generation, housing subsidies, and the reparation and compensation processes under the Justice and Peace Law all display low coverage indices and very slow pace of implementation. All of these programs require additional financial resources, improved capacity and/or the design of specialized programs. In general, they require greater effort and commitment on the part of the national government, effort and commitment that up to now have been quite weak. By expanding programs designed for poor populations to cover IDPs and citing some statistics indicating relatively acceptable levels of coverage for IDPs, the national government has managed to hide its lack of political will for adopting lasting structural solutions that will significantly mitigate the impacts of displacement. It is noteworthy, furthermore, that this lack of structural solutions springs from the national government and not from the territorial institutions whose functions, according to the design of the legislation, are concentrated in greater measure on short term social assistance.

The political will on the part of territorial institutions is, likewise, fundamental to the design and adoption of policies for IDPs at the local level. The incentives established by the national government and pressures from the Constitutional Court are not sufficient to oblige municipal mayors to assume their responsibilities related to IDPs, if they do not have the solid political will to adopt them. Given that there is not a consolidated state policy to assist IDPs, the services are thus at the discretion of the mayor. Even worse, the Ministry of Justice and the Interior, the national institutions responsible for the coordination and monitoring of local authorities regarding displacement, reflect little commitment *vis-à-vis* the issue of forced displacement; only after much pressure from the Constitutional Court, did they create a support and monitoring group in order to oversee these local authorities.

There are few political incentives for local leaders to assist IDPs, which is clearly linked to the low political will that exists. On the one hand, IDP organizations are weak and are permeated by the

corruption and interests of their leaders (discussed below). Furthermore, IDPs are not organized to participate in national politics because they have high geographical mobility and their interest in participating in local elections is quite low. These characteristics imply that IDPs are not an attractive group for local politicians, and do not generate votes in the electoral process. Politicians prefer, therefore, to concentrate on their potential electorate, i.e. on the native population, and not to dedicate their efforts to a population with little potential for political participation.

On the other hand, in many municipalities with high level reception of IDPs, there is also a high penetration of illegally armed groups into local authorities and great interference in the electoral process. Contaminating the electoral process and distorting political competition, the presence of these armed groups eliminates the traditional incentives of politicians to win votes from their potential electorate, since illegal armed groups buy votes and intimidate the population so that they will support their preferred candidate.

While the national government has designed programs with co-financing as a strategy to encourage participation of the local authorities, these incentives do not seem to be sufficient to attract the participation of municipalities when the mayor lacks political will to co-finance or cannot procure sufficient resources to complement those from the national government. Although legislation stipulates that three quarters of the resources for programs for IDPs should originate from the national government, in reality this rarely happens, or the resources of the National Government are not allocated through the municipal authorities but through agreements with private implementing agencies (for example, CHF International, Physicians for Human Rights, the International Organization for Migration, and different NGOs). Therefore, these resources constitute no political incentive for Municipal Mayors.

As a result, IDP policies and programs depend on the political will of the government at the municipal level and their implementation hinges on the will of the local mayor. This means that elections and changes in local authorities cause timing gaps in the implementation of IDP programs or, worse yet, interruptions of programs during the tenure of a particular mayor. Nevertheless, in the cases of Bogotá, Medellín, and the department of Antioquia, it was found that, once an official public policy is defined and regulated in the local legislative process, policies for IDPs take on a life of their own and become policies of State that transcend the elected local official.

Poor design of certain components of the IDP policy

The conception and design of IDP policies have left gaps and weaknesses that create obstacles to their effective implementation at the local level. First, displacement is a humanitarian emergency, not only for the direct victims of the phenomenon, but also for those municipalities that have provided refuge to what now amounts to one fifth of their population over the past five years. Given that it is a humanitarian emergency, municipalities should not be expected to provide assistance for IDPs from their regular budgets. These budgets are in many cases already too meager to cover the regular needs

of the community, have funds previously allocated to ongoing programs in municipalities and are clearly insufficient to cover the massive influxes of IDPs that municipalities are currently receiving. It is important for the national government to consider the possibility of designing a compensation fund to allocate resources to municipalities with high indices of displacement pressures.

Despite the existence of legislation for assisting IDPs that is quite comprehensive in Colombia, its mandates are in some ways unrealistic given the limited budgetary and institutional capacity of certain municipalities. It is thus worth asking, if municipalities are tasked with responsibilities that they cannot achieve, is this not in a way a tacit acknowledgement of the impossibility of designing effective policies.

Second, the responsibilities of the territorial institutions, as defined in Colombian legislation such as Declaration T-025 and the subsequent resolutions are quite diffuse. Although the constitutional principles are clearly defined, the details of how to apply them, the policy mechanisms necessary to attain them, the minimum funds that will be required, the assistance goals, the monitoring indicators, as well as the compliance mechanisms are not contemplated or stipulated in the legislation. This means that territorial institutions can comply with the legislation for IDPs with a minimum effort, since that compliance is not measured by any minimum assistance objectives. As such the Unique Integral Plans, the main planning tool for local authorities, have become in some cases a list of good intentions that do not translate into real budgetary allocations and do not incorporate minimum objectives for assistance or monitoring indicators. Furthermore, by not incorporating the PIU into the Municipal Development Plan, which is the main strategic and spending plan for the municipalities, the PIU remains completely untied to broader social policies for the municipalities. The multiple responsibilities of the local authorities as laid out in the legislative framework allow mayors to neglect the needs of IDPs and to concentrate their attention on the needs of the native inhabitants without major consequences.

Third, preferential treatment of IDPs generates incentives for the poor population, in certain municipalities, to try to register as IDPs. Particularly, in the municipalities with higher poverty rates and with limited institutional services, the incentives to register as an IDP are high. In Santa Marta, for example, it was predicted that there would be clashes between the IDP and poor populations due to the concentration of resources being provided for the former group. Nevertheless, the clashes never came about and now poor populations try to copy IDPs and to register in the RUPD to receive its benefits. Given the emphasis on welfare assistance, these incentives will continue. This creates a problem for local authorities as it generates a growing flow of people in need of such special programs and the decision to register a household in the RUPD is at the discretion of the national authorities.

Fourth, some mayors are afraid that the incentives generated by IDP policies may attract new IDPs to the municipality. This fear is in certain cases groundless, since it depends on the context and local dynamics of the municipality. In Medellín and the department of Antioquia, regions where a

relatively solid IDP policy have been implemented, the local authorities do not perceive that this has attracted any more displaced persons. On the other hand, in Santa Marta, a municipality lacking a well-functioning IDP policy and with serious structural problems to support its overall population, they have witnessed fake displaced persons, arriving from neighboring municipalities.

Fifth, the national government does not have the mechanisms to enforce compliance with the national IDP legislation. On the one hand, Acción Social, head of the National System of Integral Attention for IDPs, does not have the ability to give orders regarding implementation or to allocate budgets accordingly. On the other hand, the Ministry of Justice and the Interior, responsible for relations with the territorial institutions, has shown little commitment on IDPs. Although as a consequence of the pressure from the Constitutional Court it created a group to monitor compliance, the group is small, has limited decision making power, and does not have sufficient knowledge on the topic of forced displacement. As well, the Interior Ministry is not responsible for arranging formal coordination opportunities between local and national institutions. Finally, although Declaration T-025 has become an important coercive mechanism to oblige the national institutions to design special policies for IDPs and to commit, this commitment can be transitory, since it depends on the will of the current Constitutional Court where some of its members may be quickly replaced with people connected with the Government, thereby diminishing current pressure to respond to internal displacement.

Deficient implementation of the policies at the local and national levels

Beside the problems in the design of IDP policies described above, their implementation by national institutions and local authorities presents deficiencies that are another obstacle to providing proper assistance to IDPs. As discussed in previous paragraphs, some programs that have been designed directly by the national government have not been implemented or have been implemented in an incomplete manner. The programs with the lowest coverage are those that are fundamental for IDPs to be able to return to a productive state and to live on their own, without the need to resort to public assistance. That is to say, these are the programs needed to guarantee the rights and the dignity of IDPs. Land restitution, the provision of credit, income generation projects and improved security conditions are some of these important programs. Concentrating efforts exclusively on assistance programs and not on programs to overcome poverty, the national government is generating a high level of dependence on the state among the IDP population and creating a poor population with a high probability of remaining in poverty. In the long run this causes problems for the receiving municipalities that may have a high percentage of its population already facing systemic poverty. Welfare-based assistance has also created incentives for the rise of negative leadership among IDPs. Given that formal requests must be handed to state institutions in order to receive assistance, corrupt leaders are misinforming IDPs and requesting resources to handle assistance that has no cost and that could be requested directly by IDP households.

The role of Acción Social in the municipalities is contradictory. On the one hand, Acción Social should support the municipalities in carrying out the PIU as well as to prompt cooperation agreements

with local authorities. On the other hand, it should implement certain components of the policies for IDPs itself, such as providing emergency humanitarian assistance and other programs. There has been a partial or complete transfer of municipal responsibilities to Acción Social, which has created a vicious circle because the local authorities, seeing that Acción Social is replacing them in their duties, do not assume their responsibilities and defer the programs they should be implementing. This problem is aggravated by the lack of a systematic coordination policy with municipalities or any compliance mechanisms which allow Acción Social to oblige territorial institutions to assume their functions. Owing to the lack of formal coordination or compliance mechanisms, the local Acción Social offices depend on the good will of local politicians, their political affinity, the persuasive capacity of the Acción Social coordinators, or the co-financing of projects. On the other hand, the local authorities perceive that the local Acción Social offices are significantly limited by a lack of resources and limited decision making capability. Furthermore, in the larger municipalities which have their own fiscal resources, the co-financing of projects is not attractive, as it represents only a small percentage of their regular investments in social programs.

The Problems of the Unique Registry for IDPs

The RUPD is a fundamental planning tool for state institutions both at national and local levels. The registration quantifies the demand for state assistance on the part of IDPs and should transmit information about all of the assistance received by each displaced household, as well as whether the displacement condition has ended. The registration process, as designed, begins with the public statement which is received by Public Ministry officials and is then certified by national government officials. As a result, inclusion in the RUPD is at the discretion of the national government, but still has implications for subsequent budgetary distributions on the part of the local authorities. In addition, it is the national government which defines the indicators used to identify the point at which IDP households cease to be considered displaced. Therefore, the Government decides who is registered as an IDP in the RUPD and also who leaves the system.

Despite the importance of the RUPD as a planning tool, the registration process presents some significant deficiencies. On the one hand, the rate of under-registration in many municipalities is high. This means that the municipalities face a high level of uncertainty about the number of IDPs needing assistance and that they have a significant percentage of the population in conditions of extreme vulnerability without any type of public assistance. In addition, the national government has not designed a system to manage registration or participation in programs assisting IDPs. Consequently, the municipalities are identifying groups of households which receive multiple types of IDP assistance while other households have not even been registered and remain extremely vulnerable. Finally, the Government has not defined the criteria or indicators needed to establish when the condition of displacement ends. This implies that there are some households that continue to receive benefits from the state when they no longer require them, thereby overloading both local and national institutions.

Additionally, some cases of corruption have been noted among certain governmental officials who accept gifts to include IDPs or even to include poor non-IDPs in the RUPD. This implies that the municipalities are also assisting poor people who are not displaced, generating additional pressures on limited financial resources.

High interference of armed groups in certain regions

As noted in previous paragraphs, many municipalities that receive large numbers of IDPs are located in high conflict zones and are permeated by violence, which complicates the implementation of IDP policies and contaminates the traditional electoral process. In some municipalities, the armed groups cooperate with the local authorities, which has two important implications. First, the electoral process is affected by the influence of weapons and intimidation, which reduces the importance of winning votes in the election based on public policies being proposed that might benefit both the poor and the IDPs. Second, IDPs are victims of the conflict and are in many cases, displaced by the same armed groups that exercise hegemony in the region. It is very likely as a result that the armed groups would remain opposed to policies and programs directed toward IDPs.

Diversity of local contexts

Colombian legislation for IDPs is based on the premise that the conditions in the municipalities are homogeneous and, therefore, public policies should be equal in all regions. This situation is aggravated by the limited discretion granted to the regions in the design of the policies, with uniform policies at the national level and little room to maneuver or modify policies according to regional realities. Nevertheless, knowing the local context and being able to incorporate it in the design of policies for each municipality is fundamental to increasing the effectiveness of the policy. For example, some municipalities have received a high number of IDPs in comparison with their native population. This overwhelms their financial and institutional capacity. It is important to design a reimbursement fund for the municipalities with very high indices of displacement pressures.

Likewise, the technical and institutional capacity of the municipalities plays an extremely important role in the decision to design a public policy to assist IDPs and in the quality of implementation of such a policy. In certain municipalities, officials are assigned to work with IDPs even when they have little capacity and, especially, when they have little or even no decision making power. Furthermore, a high rotation of local officials persists, which affects the efficiency of IDP policies since few people know about the issue of displacement, the obligations of territorial institutions, or how they should assist the victims of the conflict. Though the national government says it carries out frequent training, capacity is usually lost due to personnel turnover. This delays the delivery of assistance to IDPs. In Medellín it turned out that it was more efficient to assign the responsibility for IDP assistance to a department that was already related to the issue of IDPs. Assigning this responsibility contributed to redefining the local public policy for IDPs, helping to transcend changes in local authorities, that is to say, it contributed to creating an independent governmental policy, free from political influence.

Importance of social organizations

The importance of social organizations, non-governmental organizations, and organizations for IDPs, should not be ignored. In Bogotá, Medellín, and Antioquia, social organizations were fundamental to exerting pressure for the design of special policies for IDPs, contributing to their design, and providing the necessary information and legitimacy that the process required.

Despite the importance of the social organizations in this process, problems have arisen from the lack of knowledge among IDPs about their rights as a result of corruption of certain IDP leaders and of co-optation by some organizations. IDPs are not generally politically active or have little, if any knowledge of their rights. This means that in some regions the pressure on local authorities to carry out their work is minimal. This facilitates the rise of corrupt leaders within the IDP community who take advantage of their vulnerability. The corruption of certain displaced leaders, driven by the reasons mentioned in previous paragraphs, has weakened IDP social organizations, has reduced their credibility with local authorities, and has increased the distrust of public officials towards IDPs. The situation has been made worse by the growing number of poor people trying to register themselves as IDPs. Besides the corruption IDP organizations have faced, some organizations have been co-opted by weak projects. Likewise, assassinations of leaders and the violence to which they have been exposed have diminished their ability to act.

It is necessary to strengthen good IDP organizations, to promote the positive role they have played in many municipalities and in the roundtables promoted by the national government. Despite their importance, there is no explicit program to strengthen social organizations for IDPs. An interesting example has arisen with the new leadership promoted by the *Familias en Acción* program. The program, by requiring the appointment of female leaders (mothers) to carry out administrative issues, has generated new leadership that has transcended their administrative functions.

In synthesis, the weak implementation of special policies for IDPs in the local environment is more complex than a simple lack of political will. The design of the current legislation on this front is deficient and often ignores the structural inefficiencies of the Colombian state, as well as regional realities. To promote better policies from municipal governments, it is necessary to design a national policy that starts with the recognition of forced displacement as a humanitarian emergency and recognizes differing regional contexts. It would imply a deviation from the traditional programs of administrative decentralization, in which functions are delegated, a budget is allocated, and little room is left for local governments to maneuver. The policies should create a Reimbursement Fund that assigns resources to municipalities according to the total influx of IDPs and to its relative effect as compared to the native population. Such reimbursement funds should be accompanied by coverage objectives and monitoring indicators.

On the other hand, there is a pressing need for the national government to assume its responsibility to foster programs that provide lasting solutions for IDPs. If it continues to concentrate its policies

on welfare assistance, little will change regarding the conditions of IDPs. This means that the pressure on municipalities from the growing magnitude of their poor population will perpetuate itself in the long run.

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ANNEX II: STATEMENT OF JEAN-NOEL WETTERWALD, REPRESENTATIVE OF THE UN HIGH COMMISSIONER FOR REFUGEES IN COLOMBIA

One of the principal challenges those working on the issue of displacement in Colombia face is making progress in closing the gap between a progressive and protective public policy and legal framework and its local application.

This seems to be common ground on which analysts, researchers, the international community, public officials, and the law agree. But beyond that common ground, it is true that there is something structural that hinders the great efforts made at the central level from achieving a proportional impact in local environments.

We can continue debating political order in that regard, but the key is surely in identifying – starting with the local experiences themselves – the lessons learned, the operational barriers, and the opportunities that have only been taken advantage of in a few regions of the country.

The formulation of PIUs [*Planes Integrales Unicos or Single Integrated Plans*] in a significant number of departments and municipalities of the country has had the great merit of making local representatives think about displacement, and see it apart from the emergencies that are repeated in dozens of places in the country. The PIUs have been meeting points, bringing together the authorities, humanitarian agents, and of course the displaced population itself.

In the execution of PIUs, language is increasingly included that is sometimes distant for policy developers, such as the language of rights or differentiating language.

Only yesterday the office received a decree from the government of Antioquia that reiterated the importance of local initiative and the commitment not to abandon the obligation to identify the manner in which the protection of the displaced population's rights can be advanced. That decree exempted the displaced population that is not in its place of origin or that is beginning its economic reactivation after returning to its place of origin from payment of property taxes. The same departmental administration previously established regulations regarding the handling of the displaced population's debts for public services.

This is to say that since the problem of displacement is multidimensional, its solutions must come from a myriad of sectors.

For years the UNHCR has supported local policy planning in departments such as Nariño, Putumayo, Antioquia, Meta, Chocó, Bolívar, Atlántico, Santander, Norte de Santander, [and] Arauca. While doing so, we have identified significant commitment on the part of the local authorities. Likewise, we have been able to observe structural problems and weaknesses, many of which become impediments to local initiatives.

Furthermore, we have heard those speeches loaded with stigmatization as a point of departure for the argument about why the population should not be given priority assistance. Those speeches, which we do not wish to hear again, highlight the risks of offering housing alternatives to the [displaced] population because this could generate a mass population influx, or they identify the displaced with safety problems in the municipalities, or make offensive statements such as “we should assist the displaced with torn plastic tarps so that when it rains they go back, and we should give them rocks for pillows,” as the mayor of one of the largest cities in the country said over a year ago. Another local authority called the displaced “mercenaries for the protection of constitutional rights using Decision T-025 as their arsenal.”

In addition, we face realities that may objectively limit the execution of local work, such as when they are not clear on who the displaced are and where thousands of them are located; in these cases, policies defined by the local authority may be lost in the impossibility of exactly defining the magnitude of the required response.

All of these realities demonstrate the relevance of this meeting and of the research of professors Ana María Ibáñez and Andrea Velásquez, who thoroughly examine the structural problems that are the principal cause of this gap in implementation.

I do not want to go too deeply into the content of their research, particularly because my contribution precedes their presentation. But in addition to congratulating the professors and the University, I would like to highlight some elements that the researchers will surely discuss in more detail later.

- ❖ The study offers added value in the public policy and academic framework. Academic discussion has generally focused on the causes of displacement, its impact in terms of rights or deprivation of property of the population, or on the impact of certain sectoral policies. Few reports focus on the problems of public administration and in particular the relationship between the institutional structure of the system for assistance to the displaced population and its compatibility with the decentralized model that operates in Colombia. As these are presented, is it possible to think about the effectiveness of the policy for assistance to the displaced based on the principles of decentralization?
- ❖ The study has the merit of grounding us in the practical, starting by articulating the institutional and legislative framework and the specific experiences of local authorities that face serious problems of displacement, both due to the size of the population that arrives in

search of protection and the operational restrictions that it is able to identify.

- ❖ The research provides us knowledge in an area that few venture to study in depth. That is to say that it allows us to take a step beyond the commonly recognized existence of the local implementation gap.
- ❖ The analysis is based on the capabilities, weaknesses, and potential of the territorial entities as well as on the undesirable effects, both of the policies and the manner in which these are extended from the central level.
- ❖ The problems of local public finances are addressed without limiting the discussion to an analysis of the poverty of the territorial entities as the supposed determining cause for the weakness of the local response.
- ❖ It familiarizes us with the participation of the displaced population and suggests the undesirable impact that certain institutional practices and policies may have on the organizational processes.

Before focusing on the Nation – Territory relationship and the problems that, from our point of view, are faced in the formulation of local policies, I would like to remind you that serious displacement continues to take place in certain regions of the country.

By integrating institutional capacity, rates of displacement intensity and pressure, poverty levels, and figures for both expulsion and reception, the UNHCR has identified the following as the 10 most critical municipalities in the country, respectively: El Charco, in Nariño; Puerto Guzman, Putumayo; Tame, in Arauca; Iscuande, Nariño; Arauquita; Puerto Asís, Putumayo; Fortul, Arauca; Carmen del Darién, Chocó; Cumbitara, Nariño, and; Dibulla, in La Guajira. With regard to the nation-territory relationship, the greatest challenge is to find the necessary synergies so that local and national programs achieve the greatest possible impact.

In that regard, it may be difficult to foster the formulation and execution of PIUs if local authorities have to simultaneously handle multiple coordination scenarios in order to respond to the same displacement problem. Well-intentioned initiatives from the national and/or international levels may be debilitating. Local authorities receive contradictory messages.

For some time, we have been emphasizing the precarious local awareness with regard to the resources that can be used at the local level in order to co-finance activities or obtain financing for the initiatives identified at the local level. There is either simply an information problem, or there is very little real inclination for concurrence of local resources.

A national subsidy logic certainly offers many advantages in terms of added impact and economies of scale. The positive impact of Families in Action [Familias en Acción] cannot be ignored with regard to the schooling rates of the displaced population and access to State services. Nevertheless, it is important for the response to displacement that these plans complement the impact of other programs.

Those models may hinder the local initiative. It is more difficult to identify needs and then convert them into programs and projects if the largest set of resources comes predetermined from the national level. Given that restriction, it is risky for the local authority to work hand in hand with the population to identify what specific actions may be undertaken to achieve a definitive solution for their situation.

Along these lines, I would like to conclude by reiterating that:

- ❖ To foster the local response, it is necessary to encourage greater coherence in the message being sent from the central level, both with regard to the analysis of displacement and the scenarios and processes that must be promoted for the execution of policy.
- ❖ PIUs should be a general and mandatory tool for all territorial entities, as reiterated in Constitutional Court Decision 052 and Law 1190.
- ❖ At the regional level, it is appropriate to promote subregional management agreements in order to achieve added impact and prevent distortions in regional development.
- ❖ National level resources should be more flexible in order to favor a response with a greater level of concurrence that allows greater impact to be achieved.
- ❖ The specific programs for the displaced population must be formulated as a function of the particular needs of the population.
- ❖ As we recommended to the Ministry of the Interior and Justice, within the management guidelines that promote the Nation – Territory articulation, the national entities should evaluate what percentage of the total resources they invest are incorporated into the Single Integrated Plans [PIUs].

ANNEX III: WORKING GROUP REPORTS

WORKING GROUP 1: QUESTIONS 1, 2, 3

Obstacles that prevent local authorities from providing adequate humanitarian assistance and protection to the internally displaced:

- ❖ Lack of housing offers for the displaced
- ❖ Lack of mechanisms for comprehensive assistance, especially in the case of housing
- ❖ Assistance programs are centralized and are not adapted to the realities of the municipalities.
- ❖ Lack of discussion space between municipalities and the central government about assistance policies
- ❖ Lack of coordination between different municipalities
- ❖ The existence of legal ties that inhibit plans for land use
- ❖ Problems associated with the necessity to share the databases that are used to identify the beneficiaries
- ❖ Familial disintegration as a result of housing policies
- ❖ The requirement of co-financing between the central and local levels doesn't take into account the financial capacities of the municipalities
- ❖ Lack of resources, awareness raising, and difficulty identifying genuine displaced persons (this would require a census or a characterization)
- ❖ Violence
- ❖ Limited economic opportunities for the displaced, due to their limited professional skills
- ❖ Lack of land
- ❖ Leadership problems in the organizations of the displaced persons
- ❖ Lack of sustainability of the assistance policies of the central government – “it's a time bomb”
- ❖ Ethical problems of privileged attention to the displaced, as there is a lot of rivalry between vulnerable groups and a lack of sufficient resources
- ❖ Excess of attention on social reintegration and the necessity to facilitate returns

Suggested recommendations to overcome these obstacles:

- ❖ Flexibility in indentifying the beneficiaries is needed
- ❖ Allow the municipalities to decide about the priorities and vulnerabilities
- ❖ Modify Law 387 with respect to name those from both the central and municipal

governments who will be responsible

- ❖ Acción Social has to follow-up with the other institutions to identify the beneficiaries
- ❖ Improve the registry system, including possible access to the municipalities
- ❖ Clearly identify when the condition of displacement ends
- ❖ Purge the databases through a census and description
- ❖ Support return in the sustainability framework with strategies, plans and resources for after an evaluation of vulnerabilities
- ❖ Allow the municipalities to participate in the National Council of for Comprehensive Attention to the Displaced Population (CNAIPD)
- ❖ Centralize in a clear fashion the processes of financing for assistance projects
- ❖ Create a permanent system for receiving proposals from the municipalities and for providing technical support to the municipalities, in particular on the topics of housing and income generation
- ❖ Give priority to territorial entities and provide financing to the municipalities for the construction of infrastructure

WORKING GROUP 2: QUESTIONS 4, 5, 6

Question 4: What policies and programs can be developed without the need for structural changes?

Results of the Discussion:

1. Registration and characterization of the displaced population
 - ❖ Perform, in all of the municipalities with financial and technical support from Acción Social, a census of the displaced population located in the respective jurisdiction, with the goal of determining how many and who the displaced actually are.
 - ❖ Purge the databases of Acción Social, based on the results of the census mentioned above.
 - ❖ Monitor to determine and track which households have received support and which households have not.
 - ❖ Allow the municipalities to have access to the System of Information about the Displaced Population (SIPOD)
 - ❖ Define, on the part of the national government, the definition and conditions that signify the end of the condition of displacement.

2. Funding programs for the displaced population
 - ❖ Modify Law 387 with respect to the responsibility of departments and municipalities
 - ❖ Maintain a policy of equalized public spending between the different population groups: the displaced, the disabled, female head of households, indigenous population, etc., and a

proportional distribution between the national, departmental, and municipal levels

- ❖ At the municipal level, the displaced population shouldn't be prioritized (nor any other group) over the vulnerable population. Municipal authorities should be permitted to apply their resources autonomously and to define their own priorities with respect to the vulnerable population.
- ❖ With regard to financing projects for the displaced population, the national government should be aware of the actual budgets that exist in the municipalities and consult sufficiently with them beforehand
- ❖ Create one focal point at the central level for managing the financing of the projects for the displaced population by the municipalities
- ❖ Create technical support programs for the municipalities for the formulation of feasible projects for socio-economic stabilization of the displaced population, especially in housing and income generation, to be presented to national entities to obtain funding or financing
- ❖ Banks should maintain the level of funding received for an ongoing project, not through calls and closing dates

3. Socioeconomic stabilization

- ❖ Combine the displaced population and the vulnerable population in socio-economic stabilization projects
- ❖ Given the limitations facing the displaced population in urban contexts, return should be prioritized, as well as support to the households toward this end. A plan and strategy should be formulated.

4. Housing

- ❖ The Ministry of the Environment, Housing and Territorial Development (MAVDT) should finance the provision of municipal infrastructure for public services provided for the displaced living in their territory
- ❖ Housing projects for the returned displaced population should be given special priority
- ❖ The lack of living space constitutes a change in the plans for territorial development, which is very difficult

Question 5: What new policies and programs would you suggest to strengthen the participation of local authorities?

Results of the Discussion:

Create mechanisms for the participation of the municipalities and departments in the National Council for Fundamental Attention to the Displaced Population (CNAIPD).

Question 6: What obstacles have you encountered in the application of policies for the displaced population? Which of these obstacles can be addressed by modifications from the National Government?

Results of the Discussion:

1. Registry and characterization of the displaced population

- ❖ It is very difficult to know where the displaced are inside the municipality. It is difficult to find these households because they are not registered with Familias en Acción. A census or characterization of the population does not exist. There needs to be a census and a purging of the databases, but this is expensive and the national government will not pay these costs.
- ❖ Such a characterization would not only identify the population, but it would permit the efficient identification of deserving beneficiaries.

2. Financing of the programs for the displaced population

- ❖ In general, the municipalities lack sufficient resources; small municipalities are particularly affected by this and find themselves more distanced
- ❖ A large amount of responsibilities have been assigned to the municipalities, in addition to those regarding the displaced population, with fixed time limits for completion and without providing additional resources. Giving priority to the displaced population makes it difficult to attend to other obligations. It generates a dispersion of resources and ends with very few funds assigned for attention to the displaced population, only in a formal compliance with the requirements.
- ❖ Much has been legislated in favor of the displaced population, but without assigning the necessary resources. This generates an increase in actions to protect this population. Furthermore, these demands for their rights have become a time bomb.
- ❖ Municipal administrations confront an ethical problem: attention to the displaced population comes at a cost to other vulnerable groups in the population (the historic poor). There should be equal opportunities and equal rights between the groups.

3. Socioeconomic Stabilization

- ❖ In the local economies, economic opportunities are very limited for the displaced population, because the productive sector is not very developed.
- ❖ The contexts between the municipalities are very different (for example geographic isolation, violence, etc.)
- ❖ The low education levels of the displaced populations makes it difficult for them to compete in urban zones
- ❖ It's necessary to keep in mind the limitations of some municipalities (Leticia), where their environmental location prevents industrial development, and the displaced persons with

agricultural vocations find themselves with a limited area for soil use, which will result in a fraying of the soil and infertility.

4. Housing

- ❖ There's a scarcity of offers from VIS in the municipalities
- ❖ There is no link between the national subsidy and the complementary territorial subsidy.
- ❖ There is no complementarity between the housing subsidy and other supports for socioeconomic stabilization, especially for income generation.
- ❖ The ruling of the Constitutional Court (Auto 052/2008) gives displaced women a priority that impairs opportunities of other vulnerable population groups (the historic poor) to access the subsidy.
- ❖ Municipalities are able to pay for land for housing projects, but then cannot cover the costs of public services
- ❖ The Territorial Plans define uses of the periurban areas that are not residential, which prevents the expansion of these areas for housing

5. Other obstacles

- ❖ The programs for the displaced population are designed in a generic manner at the national level and generally not suited to the specific conditions of each locality.
- ❖ The obstacle of legal order: The differential approach imposed by the Constitutional Court is detrimental to the actual budget of the Nation.
- ❖ Local authorities have a negative perception and lost their sensitivity toward the displaced population, through various factors that delegitimize the displaced: i) Considering that people use their situation as a pretext to obtain perks improperly; ii) Difficulties and rivalries exist within the organizations of the displaced population and leaders with unhealthy behaviors manipulate the displaced persons for questionable ends

ANNEX IV: LIST OF PARTICIPANTS

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