This book\(^1\) is the only one that dedicates an entire chapter to the study of Colombian migration policies; however, this phenomenon is not completely alien to other three countries. Mexico, for example, has a growing number of displaced within its borders; nonetheless, no other country or region in this study—except perhaps Guatemala—has a greater internal exodus. This is why no other Latin American country has developed specific public policies to address this problem; although there are some regulations like Mexican and Peruvian laws, no other country has developed such sophisticated systems to address it. This fact alone amply justifies the inclusion of Colombian public policy regarding displaced ones in this study.

The development of a diagnosis of this public policy, as well as the recommendations—to which I will address later—had another motivation also. This study was made when Congress was putting the final touches to the Victims and Land Restitution Law, which we are nowadays still getting to know (I would say digesting); it seems the latter will replace the structure that helps displaced ones with a more complex and ambitious one which fuses the concept of displaced with the more general concept of victim.

---

\(*\) Beatriz Eugenia Sánchez Mojica is a lawyer and has coordinated projects of emergency human aid to help population displaced due to violence. She currently coordinates the UNHCR joint program and the National Secretariat of Social Pastoral of the Colombian Episcopal Conference. This text was presented in the Third International Forum on Migration and Peace, Mexico City October 24\(^{\text{th}},\) 2011.

Why should we still talk about displaced people? I can find two reasons. On the one hand, because the public policy that addresses them greatly inspired the development of a new law that includes a new system to help victims. Some points are not similar, but overall, the structure is very much alike. Lessons learned from helping and protecting displaced people should be used to help victims. This is why it is important to make them clear and avoid making the same mistakes.

On the other hand, and this is even more important because the displacement topic had not been completely assumed by the victim’s law. People in this country have not only been thrown out of their homes because of the internal armed conflict. Violence created because of the implementation of an economic model based on the exploitation of public resources and agroindustry that require large areas is another cause. We also have “low intensity” violence generated by armed actors that do not belong to the armed conflict, like BACRIM, short for criminal bands. Thus, displacement has to be studied as a phenomenon in itself worthy of greater attention from the Colombian social rule of law, now and until structural causes that generate it have been solved.

Now, after this introduction, let us talk about my paper. My goal, in these minutes I have left, is to present the general study lines of this study so as to tempt you into reading it entirely.

Let me start by saying something that not everybody knows: Colombia is currently that country that has the largest number of internally displaced people in the world, more than the Democratic Republic of Congo and Pakistan. The exact number of displaced people varies according to the source consulted. According to official data, there are more than three and a half million people, while non-profit organizations say there are more than five million. Whichever number is true, it is undeniable that 10% of Colombians has been thrown out violently from their homes and sentenced to wander and look for a place to rebuild their lives.

This information poses three questions. Who are these people? Why have they been displaced? What has been the State’s response to their situation? The answer to this first question can be a little surprising. Displaced people are, generally, people that were at the wrong place at the wrong time. Thus, it is not possible to build an archetype. These people come from all over the country, are part of every ethnic group, profess every political and religious belief possible (or none
at all) and are of all ages. Nonetheless, there are some features that displaced population share.

Most of them are women (52.4%), young (over 60% of them are under 25 years) and with an increasing presence of people pertaining to ethnic minorities (28.8%). On the other hand, there are some factors that increase their vulnerability. For example, 20% heads of their household are illiterate (in a country that has a 6.6% rate). Finally, 60% of them come from rural areas, although in the last few years inter and intra urban displacement has grown.

Even though they are different, the imposed exodus unites these people by turning them into paupers, pariahs within their own country. Displacement means violent removal of everything they had accumulated throughout their lives: their land, their home, their property and their animals, which were a central element of their family economy. It also entails uprooting, breaking the bonds that tied them to their community. An exodus means not only leaving behind material possessions that had been accumulated throughout a lifetime, but also being stripped of an important part of their own identity.

Let focus on the second question; why have they been displaced? Expelling people has been used by various actors, throughout the country’s history, to gain control over lands, resources and human beings, for economic purposes or strategic ones in the development of multiple internal conflicts the country has experienced.

Nowadays, displacement is a central instrument in the development of two structural problems: Internal armed conflict and struggle between big and small owners to gain control over lands. The so-called “war on drugs” and the execution of infrastructure projects and economic development also generate this kind of exodus.

Finally, what has been the State’s response? Since the late nineties of the past century, a complex political public policy has been developed, its structure and functioning rests on two pillars. The first one is the work of the Legislative and the Executive. It is a system to help displaced people, which include a network of public institutions that operates at national, regional and local level. The second one has been built by the Constitutional Court through extensive jurisprudence, which has introduced a human rights approach to the help scheme established by law.
It is an extremely sophisticated policy; it has created participation spaces which the civil society has made the most of. A clear example of this is the creation and functioning of the Monitoring Commission, as well as the participation of several non-profit organizations in public hearings convened by Court to monitor orders given to state authorities responsible for the welfare of displaced people.

Despite everything, we cannot consider this successful. It has yielded some good results—especially access displaced people have to public health and education systems—but it has not stopped expulsions. Also, it has not compensated victims or reestablished their fundamental rights. However, the most serious failure has been their attempt to build permanent solutions.

To what do we owe these poor results? Is it a structural problem that deserves new policies or specific problems that can be solved without changing the design? This research concluded there are two factors that influence this. There are some areas which have to be reorganized, while others have an adequate one but their operation generates problems due to lack of political will or of resources.

This diagnosis yields a series of recommendations that are meant to improve this policy’s performance and ensure that the displaced can effectively enjoy their rights. Broadly speaking, they are:

Firstly, the concept of internal displacement has to be revised. It is essential to discuss the restricted definition that has been used by state authorities, limiting forced internal migrations to the ones caused by internal armed conflict which are the only ones public policies take into account. This not only restricts the understanding of the phenomenon, but also excludes some victims from the public policy that takes care of displacement.

Secondly, the Unified Registry of Displaced Population (RUPD) has to be reorganized. Despite the efforts from Social Action, this system has a subregistry rate of over 20%. That is, one in five displaced people have not been recognized as such by the State; thus, they are excluded from the programs included in this public policy.

Reorganizing the registry system means facing and solving the discussion related to the definition of internal displacement and its victims; it also requires the development and implementation of mechanisms that allow displaced people to know of the existence of
this process, as well as its consequences. It is also important to give necessary guarantees regarding personal safety to do who choose to do it; we must not forget that according to the third National Verification Survey, 72% of unregistered people have not testified before the Public Ministry due to ignorance or fear for their lives.

Thirdly, the public policy prevention has to be emphasized. Forced displacement episodes are usually not unexpected. Affected people refer to a series of tense and violent situations that happen before their expulsion. Nonetheless, authorities seem to be blind and deaf to these warnings. Consequently, the number of people which have been thrown out of their homes has not stopped growing from the time they began to keep records.

Fourthly, it is necessary to effectively apply the Constitutional Court’s guidelines regarding return. Return has been chosen by authorities as the most adequate option to overcome displacement. Constitutional Court has considered it adequate as long as it respects the wishes of the displaced, ensures their safety and gives them the necessary support to reconstruct their lives. In accordance with this, Social Action has developed the “Retornar es vivir” Campaign (“Returning is living”).

However, analyzing return processes makes it evident that constitutional principles have not been respected, those who return do not have an accompaniment program to help them reintegrate into their community and take control of their lives; most of the time they face the same violent situation that motivated their flight, they do not trust authorities or public forces. Consequently, these returns are not sustainable, many of those who return end up being forced to resume their journey.

Fifthly, resettlement sustainable programs have to be designed and implemented. The impossibility of ensuring the return of all displaced people, the fact that most displaced people are not interested in returning to their places of origin, the fact that what caused the exodus has not been solved in most parts throughout the country require the development of return options as a definite measure to overcome the displacement situation.

Sixthly, income generation and access to decent housing plans have to be restructured. These are key components for displacement recovery and reintegration into society; however, they have not recei-
ved the necessary attention or the necessary resources to ensure their success.

Finally, Courts should make greater efforts to produce more brief, clear and concrete decisions. Courts have played a decisive role in the development of public policies that address forced displacement, introducing the rights approach which was absent from the initial approach; their decisions, sentences and follow up documents, set the guidelines that have to be followed by state authorities to design and implement policies.

Nonetheless, most of the times the court’s decisions are expressed in very lengthy texts that include sophisticated arguments which require specialized knowledge to unravel their entire meaning. And even though judges have the obligation to solidly, sufficiently and adequately support their decisions, it would be greatly appreciated if they could do it clearly. This is even more important if we take into account that the people who read these documents and sentences are not only authorities in charge of taking care of displaced people, but this population also.