



Luncheon Seminar
Current Challenges Faced by Afro-Colombian Internally Displaced Persons

Geiler Gustavo Romaña Cuesta
Association of Internally Displaced Afro-Colombians (AFRODES)

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Commentators: **Gimena Sanchez-Garzoli**, Senior Associate for Colombia and Haiti,
Washington Office on Latin America (WOLA)

Moderator: **Roberta Cohen**, Senior Fellow and Co-Director of the Brookings-Bern
Project on Internal Displacement

INTRODUCTION

On June 22, 2006, the Brookings Institution-University of Bern Project on Internal Displacement hosted a luncheon seminar at which **Geiler Gustavo Romaña Cuesta**, President of the Association of Internally Displaced Afro-Colombians (AFRODES), spoke about the current challenges faced by Afro-Colombian internally displaced persons (IDPs). Following the presentation, **Gimena Sanchez-Garzoli**, Senior Associate for Colombia and Haiti, Washington Office on Latin America (WOLA), served as commentator. **Roberta Cohen**, Co-Director of the Brookings-Bern Project, moderated the event.

Participants included representatives of the U.S. government, regional organizations, UN agencies, non-governmental organizations, and experts from research and academic institutions (see attached List of Participants).

WELCOME AND INTRODUCTORY REMARKS

Roberta Cohen welcomed Mr. Romaña and expressed her respect for his courage and dedication in bringing to national, regional and international attention the plight of Afro-Colombian IDPs. Cohen invited recommendations from him as well as the participants around the table on how better to address the current challenges facing Afro-Colombian IDPs. She noted that Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, and Co-Director of the Brookings-Bern Project, was currently on official mission in Colombia.

PRESENTATION AND COMMENTARY

Geiler Gustavo Romaña Cuesta began by thanking the Brookings- Bern Project on Internal Displacement and Roberta Cohen for the important role the Project has played in addressing internal displacement in Colombia and working towards legislation that will meet the needs of Afro-Colombian IDPs. Mr. Romaña also thanked WOLA and the participants around the table,

and said he hoped to achieve an interactive and productive dialogue that would propose specific recommendations.

Historical background

There are currently 41 million inhabitants in Colombia today, of which 26% are Afro-Colombian. The cause of displacement for Afro-Colombians is directly related to the civil conflict and the development model in Colombia. During the late 1950s there were a series of laws passed that converted land that was historically inhabited by Afro-Colombian communities into national parks, reservation land, and private property. During the early 1990s Afro-Colombians began to organize and work for their land rights. In 1993 Law 70 was passed, which established that Afro-Colombians had the right to recover traditional lands and hold them collectively. It was under this law that the Colombian government promised to return 5.6 million hectares of land in areas along the Pacific coast and other areas throughout the country.

Since the creation of Law 70, 149 collective titles have been granted that cover 5.12 million hectares of land. This translates into approximately 318,577 individuals who received land. Once these individuals settled on their property, however, their communities soon became victims of violence committed by all of the armed groups.

Afro-Colombian IDPs Today

Mr. Romaña went on to explain that large scale displacement has continued for reasons such as human rights violations; persecution of leaders; selective assassinations; and destruction of the social network of the Afro-Colombian community. Displacement is not only caused by violence, but is also caused by the fumigation programs and large scale economic projects that are linked to violence. The fumigation efforts affect food security in areas sprayed within regions inhabited by Afro-Colombians. In the past few weeks, communities impacted by fumigation efforts organized protests in Cauca and Nariño. These protests were met with excessive use of force by the security forces that resulted in injuries and deaths.

Mr. Romaña referred to an AFRODES report that surveyed 50 municipalities where Afro-Colombians received land titles. Some 61% were displaced from their land. Those who chose not to flee, are still resisting pressure by various armed groups (legal and illegal), and some are “confined” to their communities. Their freedom of movement is restricted by the various armed groups and therefore they have limited access to food, medicine, and other basic provisions. As a result of this confinement, there is little opportunity to access their traditional economic and social support networks.

AFRODES has worked to strengthen Afro-Colombian organizations and community councils so that they can organize more effectively. Mr. Romaña made clear that their progress couldn't continue without additional support both within Colombia, and from the wider international community. AFRODES has insisted on the right of IDPs to dialogue with the Colombian government, and that the government must design programs and policies specifically aimed at the Afro-Colombian population.

There is a lack of information at the official level on the Afro-Colombian community, and therefore little analysis. There is the sense that they are invisible. Mr. Romaña called for more information regarding the status of Afro-Colombian IDPs, specifically on women and children. There is particular concern that many of them are vulnerable to being recruited into armed groups (legal and illegal). More information is also needed on the status of Afro-Colombian IDPs in urban areas. Greater access to information will increase understanding, and ultimately help combat the negative image of Afro-Colombians and the discrimination to which they are subjected. They are discriminated against because they are black, displaced, and poor.

Recent Meeting with the RSG

AFRODES met in June with Walter Kälin, Representative of the UN Secretary-General (RSG) on the Human Rights of Internally Displaced Persons. They discussed Law 387, which was designed specifically to deal with the various phases of internal displacement, including prevention and protection. Mr. Romaña said that Law 387 needs to include the state's responsibility to address the situation of confinement for those who have chosen to stay on their land, as well as those displaced by fumigation. Registration for IDP status, which is based on the definition of who is officially considered to be an IDP in Colombia under Law 387, currently does not allow for fumigation as a cause of displacement. While the law is nonetheless comprehensive compared to other IDP legislation around the world, there is a lack of political will to implement it. The constitutional court issued a decision T-025 in February 2004, which urged the government to comply with the legislation developed for IDPs.

AFRODES also discussed with the RSG its concerns about a series of recently passed laws and policies that negatively affect Afro-Colombians and undermine Law 70. These include the forestry law, the revised mining code and the free-trade agreement with the United States. During the free-trade agreement negotiations, officials did not consult with Afro-Colombian grassroots communities.

Overall, AFRODES recommended to the RSG that the Colombian government be encouraged to find better mechanisms to respond to all causes of internal displacement. Specific issues that need addressing are the issue of confinement and those individuals at imminent risk of being displaced.

Mr. Romaña concluded his presentation by thanking the Brookings-Bern Project once again and restated the importance of groups such as the Brookings-Bern Project in working to better the lives of Afro-Colombian IDPs.

Gimena Sanchez-Garzoli emphasized the paradoxical nature of internal displacement in Colombia. On the one hand, there is comprehensive legislation to deal with the issue of internal displacement, and the United Nations has developed a highly sophisticated response to IDPs in Colombia. OHCHR has advocated for the human rights of IDPs and UNHCR has taken the lead on IDPs for many years. There is also a highly active constitutional court trying to press the Colombian government to take action, as well as a highly active civil society. Much of the normative and international response to the problem was gained due to interventions from the former RSG on IDPs and the Brookings Project.

On the other hand, despite all these positive elements, Colombia still has the second largest situation of internal displacement in the world. In particular, there is a growing urban IDP problem to which there has been little response by the authorities. The UN is beginning to address this in places like Soacha, but the results continue to be limited. In this context, Ms. Sanchez announced an upcoming meeting in Soacha on urban displacement where the RSG will present a new guide for addressing urban displacement situations. She also noted that only 71% of the internally displaced population is officially registered. Furthermore, of those who are counted as receiving benefits, only 56% receive them on a temporary basis. These benefits do not include all of the items contained in Law 387. The main benefit they receive is humanitarian assistance for some 3 months and in special cases 6 months.

Ms. Sanchez reiterated that the Colombian government's response thus far has been inadequate, and that there is a lack of political will to address fully the problems facing IDPs. A second factor that influences the response is the lack of security in the country and the fact that over 90% of the cases of the crime of forced displacement remain unpunished. It is very difficult to assist IDPs, especially since many state officials are under pressure by armed groups. Three

years ago, the Colombian government began peace negotiations with the United Self-Defense Forces of Colombia (AUC). Since then some 30,000 paramilitaries have demobilized; however many continue to exert political, social, and economic control over large parts of the country. In addition, many who were involved in displacing Afro-Colombian communities remain in these territories. It will therefore be difficult to compensate victims when the demobilized paramilitaries continue de-facto to exert control in most regions. She also called for stronger national mechanisms both to address and monitor the situation of IDPs.

On a positive note, Ms. Sanchez noted that Colombia's constitutional court has ordered the government to increase its budget for IDPs. Late last year the government announced it would do so, yet Colombian experts express concern that the resources will not trickle down to the municipal level. Government aside, Colombia's civil society groups are very well organized, and there are as many as 70 to 80 different organizations that focus on the needs of IDPs. AFRODES was a good example of an organization making the voices of IDPs heard despite tremendous obstacles.

DISCUSSION

One participant asked about the process of collective land titling, in particular whether or not it had fueled conflict or whether individual land titling would have provided more protection. Another followed up on this question and asked if the government had imposed collective titling, or whether the communities had requested this form of ownership? Was there concern about divisions within the Afro-Colombian population?

Romaña replied that the idea to title the lands in a collective manner was a proposal that was developed by Afro-Colombian communities. The goal, he explained, had been to defend the community and guarantee its right to the territories it has traditionally inhabited. Individual titles would have led to greater loss of land whereas collective titling aimed to ensure that the land would become a means for developing Afro-Colombian communities. He and his colleagues believe collective titling is the best way to accomplish these goals. The benefit of collective titling is that the land rights become inalienable and permanent. Romaña acknowledged that there are some problems that came with collective titling, such as difficulties for individuals to access credit, but that efforts were being made on mechanisms for securing credit.

Another participant asked about the role of local authorities in assisting Afro-Colombian IDPs. Romaña stated that in the municipalities IDPs are often viewed as a burden on the community. He believes that the national government should give incentives to mayors to work on IDP issues. Overall, more money should be dedicated to addressing IDP needs at the local level.

A question was asked regarding recommendations for international organizations and how they can better address the internal displacement of Afro-Colombians. Romaña responded that these organizations should continue to support IDPs through ongoing dialogue, and assist in increasing their capacity to affect public policy. He hoped these groups would continue to support ideas and initiatives for Afro-Colombian IDPs.

A representative from UNHCR asked about the 'cluster' approach, according to which UNHCR had agreed to take responsibility for issues of protection, camp management, and emergency shelter for conflict-induced IDPs. What was the UN doing right and what could it do better? Romaña replied that the UN should continue to strengthen its dialogue with displaced communities so that their specific concerns could be included in policies.

Another participant asked about the consultation mechanisms for groups such as AFRODES with the government, the UN, and local NGOs. Is there regular dialogue among these groups? Romaña referred to Law 387 that has specific provisions for consultation mechanisms, but noted that dialogue can always be improved and should occur more frequently. The IDP associations did meet together regularly.

A participant followed up by asking about the relationships among civil society groups in Colombia, and whether racism affects the ability of these groups to work together. Romaña said this is an obstacle that affects their work with other groups, and that racism is a structural problem that must be overcome. It is important that their country's pluri-ethnic and multicultural society is respected by all Colombians.

A representative from the International Committee of the Red Cross (ICRC) in Colombia explained that ICRC works in the areas where protection and humanitarian assistance are needed, but lately, access to victims has been problematic. Romaña recognized ICRC's years of experience in Colombia, and that their role is not a simple one. He urged them to continue their efforts.

A final question was asked regarding the relationship between those IDPs that had received assistance and those who had not. Romaña replied that this has not been an issue because no single part of the population has particularly benefited from state assistance.

Roberta Cohen closed the seminar by thanking Mr. Romaña and Ms. Sanchez for their excellent presentations. She also thanked participants for their active engagement and thoughtful comments and questions. Cohen assured Romaña that the Brooking-Bern Project would continue to support AFRODES' important work.

Prepared by Molly Browning,
Rapporteur

LIST OF PARTICIPANTS

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Commentator: **Gimena Sanchez-Garzoli**, Senior Associate for Colombia and Haiti, Washington Office on Latin America (WOLA)

Moderator: **Roberta Cohen**, Senior Fellow and Co-Director of the Brookings-Bern Project on Internal Displacement

Sergio Aguirre, *U.S. Department of State*

Brian Atkinson, *Former researcher, MINGA*

Margaret Carolla, *National Democratic Institute for International Affairs*

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Michael Davis, *Universal Human Rights Network*

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