

Submission of the Jesuit Refugee Service to the Peace Forums organised by the United Nations and Universidad Nacional on resolution of armed conflict in Colombia



The Jesuit Refugee Service is an international Catholic non-governmental organization, with a mission to accompany, serve and defend. Over the last 15 years, JRS teams have served people forcibly displaced by the socio-political conflict in five areas in and around the following cities: Barrancabermeja, Bogotá, Buenaventura, Cúcuta and Pasto.

Working in close proximity to refugees, JRS teams get to know their needs and the socio-politically subtleties of the regions in which they work. We are convinced of the necessity to pursue peace negotiations and begin preparing for the implementation of the agreement.

JRS believes sustainable and durable peace will only be possible if all parties work together in the transformation of structural inequality and poverty, the root causes of the conflict, and transform the conflict resolution mechanisms in Colombia. This involves an overhaul of the political system and state bureaucracy, as well as the empowerment of communities, particularly those living in areas most affected by the conflict.

This is no easy task. Neo-paramilitary groups, actively committing human rights violations on a daily basis in many parts of the country, have infiltrated local and regional politics. To combat this, there is a need for the state, and national and international humanitarian agencies to strengthen contingency plans, exploring mechanisms to minimise the negative impact of violence on civilians.

JRS also recognises that both communities and victims have developed their own coping mechanisms built on solid spiritual foundations. Deeply committed to non-violence, they have developed comprehensive recommendations for a political solution to the conflict and building a sustainable peace process.

JRS welcomes the space offered to victims to participate in **the Havana talks process**. However, we call upon the organisers to provide further clarification on how the peace agreement could affect communities.

We also acknowledge the situation of thousands of victims – forced to flee Colombia in search of international protection in neighbouring countries – who are struggling to rebuild their lives in the midst of hostility and poverty.

In line with our humanitarian vision to work in close proximity with the victims of forced displacement, JRS has developed the following recommendations:

Recommendations

1. Humanitarian focus and assistance

In spite of the likelihood of an end to violence by left-wing guerrilla groups, there has been a rise in the presence of paramilitary groups in many territories. Unless the government takes action to identify and respond to new spiral of violence, this phenomenon is unlikely to disappear in the short- term.

JRS urges the government to:

- officially recognise those affected by these groups as victims of armed conflict, so they can gain access to humanitarian assistance and reparation;
- promote the political and administrative decentralisation and technical and financial strengthening of regional state agencies, best placed to meet the complex and varied needs of victims in a timely manner as established by the law; and
- develop models of assistance to demobilised guerrilla members, which can facilitate their re-integration into their local communities. These models should be founded on humanitarian principles and in line international human rights law.

2. Truth, justice and reparation

A core element in the establishment of sustainable peace is the recognition of the responsibility shared by all the actors participating in the negotiation process in Havana. This means that those involved in the

negotiating process should facilitate the establishment of an acceptable process of transnational justice. This involvement, based on a critical analysis of the failed model of justice and peace, should avoid the negative impact of the previous model, which caused much pain and sadness.

Further, it is vital that the right of victims to know the truth about the crimes committed against them, including the context, facts, perpetrators and benefactors, is guaranteed. It is a right that not only lays the groundwork for individuals to process their grief, but also enables the whole community to recognise and discredit attitudes towards violence. A truth commission, which includes victims in each region and facilitates understanding of the causes and transformation of the conflict, could effectively help guarantee this right.

At the same time, the comprehensive reparation of victims is clearly the responsibility of the state. In this regard, Law 1448 of 2011 needs to be reviewed so that the controversial sections are modified and its implementation accelerated.

Coordination between the national and regional authorities needs to be urgently addressed to ensure victims gain access to holistic humanitarian assistance in a timely manner and to ensure the protection of those who legitimately seek their rights is respected.

We, therefore, recommend the:

- establishment of a public awareness campaign, democratising access to information on the peace negotiations and agreements and the implications of such on the future of the nation;
- systematic review of present legislation on humanitarian assistance to ensure the rights of victims are recognised in line with the constitution and the norms laid down by the Constitutional Court;
- strengthening of the office of Ombudsman to guarantee the rights of victims are fully respected. The focus of this process should ensure the Ombudsman is in a position to implement the agreements reached in Havana and monitor the humanitarian situation regarding the activities of armed groups;
- **reservation** of a substantial number of parliamentary seats to ensure victims are adequately represented in the national parliament, facilitating the promotion and defence of their rights. In those municipalities with a significant number of victims, JRS suggests one seat on each local council be reserved for victims;
- establishment of truth commissions whose role includes the investigation of the structural causes of the conflict. In the most affected regions, the commissions should examine the relationship between mass displacement and mega-economic projects, both legal and illegal, which have resorted to violence to dispossess those living in urban and rural communities; and
- promotion of transformative processes of conflict resolution which address and prevent cultural practices legitimising violence.

3. Durable solutions

The solutions to problems faced by victims of forced displacement should include the establishment of mechanisms which respond to their needs. Such mechanisms should be extended for as long as necessary to give families an opportunity to rebuild their lives. The Jesuit Refugee Service believes that it is a priority to strengthen local integration practices, as they represent the mostly likely meeting place between victims and perpetrators. This issue needs to be further developed to identify next possible step towards reconciliation.

We also suggest the need to strengthen a new public institution, designed to promote post-agreement action in the field of development and peace, working with a local focus within a national vision.

It is essential the Havana agreements generate an economic dividend. This should be reflected in the transformation of rural power dynamics, as it is expected the peace agreement result in the increased focus of the authorities in rural development.

To this end, JRS recommends the:

- strengthening of the most economically disadvantaged municipalities in Colombia, particularly those most affected by violence, through an adequate process of administrative decentralisation and a significant injection of public resources;
- strengthening of local integration processes for forcibly displaced persons, bearing in mind that enhanced integration may increase the likelihood of victims meeting their perpetrators. This highlights the need to make progress in the development of effective conflict prevention measures and the protection of victim rights;
- facilitation, through the further identification of alternative mechanisms of conflict transformation, of an end to all forms of violence and the promotion of peaceful coexistence between individuals, based on respect for diversity; and
- review and amendment of legislation and public policy, with respect to assistance to both victims and host communities, taking into account the existing gap between victim rights and the effective implementation of policies guaranteeing their protection.

4. Prevention, protection and guarantees of non-repetition

This dimension is vital for the creation of sustainable peace in Colombia. It also presents a significant challenge to the authorities, given the present conditions of violence and, as stated above, the consolidation of other neo-paramilitary groups involved in drug trafficking and other illicit activities.

In light of these circumstances, we recommend the:

- development and implementation of broad ranging, sustainable and multi-purposed strategies for peace education, reconciliation and conflict transformation. These strategies, adjusted to meet the needs and understanding of different target groups, require the support of a wide range of civil society (NGOs, national and local media), private and public sector organisations (education institutions, public ministries, municipalities, etc.);
- development of specific plans for the protection of and public investment in regions which have been historically excluded politically, socially and economically. The communities in these regions are often those most affected by violence;
- development of policies designed to tackle illicit activities supported by armed groups, which leave communities, living in areas lacking public investment in development with little option but to engage in illegal activities as the only possible way to survive;
- development of economic policies, based on a concept of national security not as a military strategy of the armed forces, but as a strategy which guarantees the presence and action of authorities at local level;
- promotion of the rule of law; encouragement, not repression, of communities seeking to earn a living in the formal economy; access to resources for communities affected by conflict and illicit activities; and protection of the local economic capacity;
- development of policies which provide economic disincentives for activities associated with conflict and a broad plan of investment in basic public services, education, natural resource development, land, technology, and transport infrastructure;
- strengthening of measures designed for the prevention of human rights violations, protection of vulnerable populations and contingency plans during emergencies;
- guaranteeing minimum structures for the reintegration of former combatants into civilian life to reduce the likelihood of violence re-emerging, including the establishment of programmes designed to accompany and assist minors involved in the conflict; and

- as a basis for all the above proposals, significantly increase investment in the fight against corruption, which facilitates the dismantling of illegal networks and agreements between civil servants, politicians and neo-paramilitary armed groups.

Jesuit Refugee Service, 2 July 2014