

**CONFERENCE ON SOLUTIONS FOR INTERNALLY DISPLACED PERSONS:  
INTERNATIONAL AND NATIONAL EXPERIENCES**

**Opening Remarks**

**Volker Türk**

**Director of International Protection  
UNHCR Headquarters Geneva**

**(Bogotá, Colombia, 28 May 2013)**

Es para mí motivo de gran alegría estar de regreso en Colombia, transcurridos dos años desde mi última visita. Me alegra también constatar el importante progreso logrado en la protección y soluciones a los desplazados forzados, con un nuevo marco legal que está empezando a dar sus frutos, así como con los primeros diálogos de paz en diez años. Quiero expresar desde el inicio mi admiración por el importante trabajo que el Estado Colombiano, la sociedad civil y los desplazados internos, las organizaciones humanitarias y de desarrollo, han ido realizando por promover protección y soluciones en esta situación tan dolorosa, trabajo que el ACNUR ha venido presentando desde hace tiempo como un ejemplo a seguir en muchos otros países.

**Introduction**

At this critical juncture of the history of displacement in Colombia, with the peace process going on, it is indeed a very opportune moment to step back and reflect on how to work towards solutions to bring an end to the phenomenon of displacement in Colombia. This timely conference will, we hope, promote a common understanding of the conditions and steps necessary to achieve such solutions.

At the outset it is important to bear in mind - and this can't be emphasized enough – that internally displaced persons are citizens. They are compatriots. Solutions must be based on their free and informed choice as to the location of their residence, be it in the place of return, in the places where internally displaced people are currently located through local integration, or in relocation sites.

My presentation will draw upon insights UNHCR has gleaned from for decades of working with the internally displaced around the world as well as our ongoing engagement with some 18 million internally displaced persons in 26 countries. We cannot really speak of solutions as being 'durable' unless they are 'sustainable'.

My remarks will specifically focus on three important pre-requisites to make solutions sustainable:

First, achieving lasting safety and security by addressing the causes of displacement through conflict-resolution and peace building.

Second, addressing comprehensively the consequences of displacement, as they affect different groups of people in different situations.

Third, developing adequate and stable legal, policy and programmatic frameworks to address the needs and rights of the displaced, even in the midst of conflict.

In closing, I'd like to share a few reflections on when durable solutions for displacement can be said to have been achieved.

### **Addressing root causes of displacement: the safety and security dimension**

Turning to the first pre-requisite, durable solutions require a safe and secure environment. A successful peace agreement that addresses the root causes of displacement is indeed the single most important step.

In our experience though, some violence tends to remain even after a peace agreement has been signed. Root causes of violence are by nature multi-faceted and complex, and they may mutate. Regretfully, all armed groups may not necessarily be party to an agreement, firearms may continue to be readily available, and long-standing tensions may lie just under the surface. As is the case in many countries emerging from conflict, violence may also evolve in complex ways, as we are witnessing with post-demobilization groups in Colombia.

In any event, there will be a continuing need for particular measures to protect and assist the internally displaced. This does not stem from the nature or character of the violence which caused displacement (a discussion which is easily politicized) but from the grave and very specific humanitarian consequences of violence on the displaced. Thus, all displaced need to be equally protected by the state, including those that may have been displaced by actions of post-demobilization groups. In a most welcome development, the Constitutional Court has recently ruled that these persons should also be considered, from a legal viewpoint, as internally displaced persons.

Against this background, it is important, in our view, that peace agreements incorporate measures to address the particular situation of the internally displaced, not least given the fact that internal displacement may often not just be the consequence of violence but indeed its main objective. This is done most meaningfully when consulting internally displaced people on what these protection and assistance measures should be. Close

monitoring and intervention may well need to continue for some time so that the response can be adapted accordingly.

Building peace within a society goes far beyond signing a peace deal. Conflict disrupts the fabric of society and creates mistrust among citizens as well as between them and the authorities. The UN Peacebuilding Commission has repeatedly underlined that durable solutions for internally displaced persons are not only an outcome of peacebuilding, but also an integral element in itself of reconstructing peace and achieving a more just society. A process of confidence building and reconciliation is generally needed. Also in the Colombia context, it will be key to achieve a level of justice and truth telling and to rebuild confidence in the state, especially in areas where state structures have been absent.

Changes in conditions in the country of origin have an impact on refugees abroad. A comprehensive durable solutions strategy for the displaced in Colombia will therefore need to encompass refugees who voluntarily opt to repatriate. Refugees enjoy a specific status under international law that subsists until circumstances in the country of origin undergo fundamental and substantial change. Whereas voluntary repatriation is often referred to as the 'preferred' durable solution for refugees, and most refugees do so gladly when conditions are ripe, the voluntary character of repatriation is sacrosanct. Recent data indicate that only a small minority of Colombian refugees in Ecuador, for example, are contemplating repatriation at the present time. In our experience, this is also because refugees develop important economic, social and cultural ties abroad. In our experience, some refugees may never voluntarily choose to repatriate, notwithstanding a change of circumstances in the country of origin.

### **Addressing the consequences of displacement: the rights dimension**

Turning to my second point, dealing with the consequences of displacement and restoring rights is the linchpin of solutions. This includes, among other issues, restoring property and land, and safeguarding their enjoyment. This also means guaranteeing access to basic services and livelihoods.

Continued violence and conflict pose risks for the sustainability of some of these responses, such as restoration of land and property. However, the effective protection of rights is a general human rights obligation of states that is not interrupted by continued violence. To be able to rebuild their lives as soon as possible, displaced persons and families need, among other things, proper and sustainable access to health services and education, recovery of personal documentation, and access to employment or other sustainable sources of income. This cannot wait until the causes of displacement disappear. Whether we label these interventions as "solutions" or "response" is only a question of semantics for those most affected.

The restoration of rights is also an eminently individual and local affair. It involves respecting the choices and preferences of displaced communities, in all their diversity, while supporting local authorities by considering locally developed plans as the building blocks of durable solutions strategies.

When it comes to respecting individual choices, displaced people are obliged to make choices from day one of displacement. They build social connections in new locations, establish survival strategies, build houses, help each other and often help new arrivals to survive. We see this particularly in urban areas where then concerns are raised about uncontrolled urban growth, disrupted urban planning and pressures on basic services – these are certainly challenges but they can be addressed with the necessary mindset and political will.

To be sustainable, approaches to durable solutions and development will need to recognize the vast human investment of the internally displaced in their own solutions and avoid uprooting them once again. Recognizing local integration for those who want to stay or cannot return as a valid choice builds upon years of efforts of the displaced themselves to integrate and become self-sufficient. This also respects the principle of freedom of movement.

The voices of the displaced must therefore be heard in designing solutions plans at the local level and in peace-building. Participation builds trust between displaced populations, local communities and authorities. It means that the displaced and local communities participate not just in implementing a project but share a common vision.

This brings me to Colombia's rich diversity. Women and men, boys and girls, *campesinos*, indigenous and Afro-Colombian communities have specific needs and will visualize their solutions and their future in different ways. This is another aspect of listening to the voices of the displaced. I am impressed by institutional efforts here to realize the principle that interventions need to be adapted to differences in age, gender and other elements of diversity – such as ethnicity – often spearheaded by the Constitutional Court. It is important to continue and strengthen this endeavour through increased participation by different groups of displaced persons and affected communities in the development of policies, mechanisms and plans for durable solutions.

Another dimension of the enjoyment of rights I wish to underline is the role of local authorities. In many cases -- and Colombia is no exception -- local authorities are at the forefront of responses to displacement and need to be supported accordingly.

I am very pleased to have witnessed the presence and support that local chapters of the Victims' Unit, representing the central Government, lend to local authorities and communities. It is extremely important that local communities, be it in places of displacement, return or relocation, become the main "planning unit" of solutions. The different sectors of assistance and the three levels of Government need to converge to respond in harmony to locally identified needs and plans, with due participation of authorities and the displaced themselves.

**Adequate and stable legal, policy and programmatic instruments to address the needs and violations of rights of the displaced, even in the midst of conflict**

Turning to the third portion of my remarks, sustainable solutions require proactive policy and strategic frameworks. Much has been achieved in Colombia through the Victims' and

Land Restitution Law and by the Victims' Unit. But much also remains to be done to address local needs effectively and in a timely manner. The capacity of local authorities to identify needs and plan for solutions requires strengthening. Moreover, local integration plans, including in urban areas, need to be designed and implemented.

This will require targeted policies and mechanisms focusing on local integration, to complement those to manage returns and rural relocations. In terms of funding, this also means that centrally administered funding lines and development interventions for housing and income generation, for example, would need to be more responsive to locally identified needs and plans.

It is particularly important to achieve a coherent articulation of land restitution, return movements, security for persons and property in rural areas, and assistance to recover livelihoods or find new ones. I am aware, for example, that the effects of the Victims' Law are starting to be felt at field level, and that shortcomings are being addressed by the authorities.

Beyond being a legal and institutional challenge, durable solutions are also a development challenge. A developmental approach to solutions has multiple advantages. Normally, development initiatives are community-based and area-based, equally benefitting the displaced and hosting communities. This approach contributes to align responses to displacement with what the country wants to achieve in the longer term from a social and economic perspective.

But development should not be allowed to become a cause of further displacement and social dislocation. Regretfully, in places such as Chocó, violence and displacement are often associated with poorly regulated activities, such as mining. Part of the sustainability of solutions will depend on development approaches, particularly in rural areas, that comply with the rule of law and which have been properly consulted with local communities. This is particularly important with communities that are attached to their lands, such as *campesinos*, the indigenous, and the Afro-Colombians.

Development interventions need to target the areas in which the displaced are settled but do so in ways that are appropriate to address problems that displacement has created. As I mentioned earlier, organized return movements cannot be sustainable unless livelihood initiatives for agricultural communities are timed with return movements and are well-rooted in wider rural development approaches which respond to their needs and legitimate interests.

Solutions also require that the relationship of individuals, families and communities to the territory they inhabit is legally stable, in order to avoid further displacement and to facilitate their being "rooted" again to the territory, from a legal, social and economic perspective.

In cities, and particularly in slums, regularization of land will be essential. Without these measures, it will be difficult to establish services that require infrastructure, such as potable water and sewage systems. Of course, this depends on development and urban planning

interventions that benefit entire communities, not only the displaced – but which will be essential to ensure sustainability of solutions.

UNHCR is pleased with the positive collaboration we have established with UNDP in designing and implementing a pilot phase of the Transitional Solutions Initiative (TSI) in Colombia. TSI is testing how models for planning and implementing solutions at the local level can be strengthened. Through the highly participatory approaches we use in TSI, UNHCR is also making its contribution to peacebuilding at the local level. We hope that other sister UN agencies and structures in the country will increasingly be joining us in this endeavour.

### **When does ‘displacement’ end?**

Touching on the importance of development efforts for solutions leads me to the difficult question that is sometimes expressed as, “When does displacement end?” This is again a problem of semantics. Unlike durable solutions for refugees, solutions for the internally displaced do not hinge on a change of legal status or any other event whose occurrence can be easily measured and quantified for groups of persons and can trigger, for instance, de-registration. According to international doctrine, *a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.*

Finding solutions is thus a gradual process that is subsumed over time into general development efforts, including tackling inequality. It is difficult to identify indicators or a specific point in time at which solutions can be declared to have been found, either for individuals, families or groups. Close monitoring of the evolution of the situation of the displaced and of public policy is necessary to enable adjustments to be made.

In some cases, even when solutions progress, continued individual attention will be needed for persons or groups of persons with specific needs, displaced and local communities alike, such as those who have suffered trauma, female-headed households, and displaced or community leaders who suffer specific threats. Some aspects of solutions, such as reinstatement of land or effecting return processes, also require investments that are specific for internally displaced persons.

However, the fact that durable solutions have not yet been found for a group of the internally displaced does not always mean that individual or displacement-specific assistance is needed. Normally, the specificity to internal displacement of projects and policies should decrease as the emergency phase subsides. In some cases, what is needed are particular adjustments in existing development projects, sectorial funding lines or public policy initiatives to ensure the displaced can properly access their benefits, or to address more effectively particular needs – changes that do not always imply additional investments.

Colombia has already made significant progress along these lines. One example is the quick re-distribution of investment in health according to demographic changes created by

displacement. Moreover, easing administrative requirements to secure birth registration has enormously improved protection for Colombian displaced people and other persons at risk, without creating additional costs for the state.

### ***Conclusion***

In closing, I would like to emphasize that Colombia has made meaningful headway in addressing the consequences of internal displacement. The legal, policy and institutional reforms it has instituted constitute good practices for other countries. It is also positive to see that these initiatives now also address all victims of conflict, and not only those who were forced to abandon their homes. For the first time in a decade, important steps are being taken to solve conflict and therefore to address root causes of displacement. While not forgetting other victims, it is essential that a particular focus is kept on the situation of the displaced - and that focus includes all the displaced. We hope that a point will come in which most of the displaced will feel that not only their daily problems have been largely addressed, but also that the conditions that led to their initial displacement are not likely to come back. This will certainly be one of the most important indicators that Colombia is well on its way not only to sustainable peace and security, but also to sustained economic and social development for all Colombians.

Muchas gracias.