Thematic Protection Group

Protection Cluster’s Area of Influence - Colombia

The role of the Protection Cluster in a post-agreement scenario between guerrilla groups and the Colombian Government

I. Introduction and paper objectives

After more than five decades of internal armed conflict and various exhausted and unsuccessful attempts carried out by past Governments to facilitate negotiations, disarmament and demobilizations with irregular armed groups in Colombia, a new dialogue framework was formalized with FARC guerrillas to agree on a negotiated exit to the conflict between the parties. Experience throughout the world has shown that “a peace agreement is the start of the peace process and not the end of it.” This means that the agreement will not necessarily end the different dynamics of violence the country faces, or could experience; furthermore, the difficulties affecting and undermining the environment and confidence in the process, and political order and national security situations are additional challenges to the process. Finally, the fundamental agenda – complicated under the assumption that “nothing is agreed until everything is agreed” – in the current state of negotiations between FARC and the Colombian government has three points: a comprehensive agricultural development policy; political participation, and a solution to the problem of illicit drugs. However, three other core issues remain pending for negotiation: the first, under discussion in Havana since early August, concerning reparations for the victims of the armed conflict; the second, the end of the conflict, which implies an end to the use of weapons, and, third, the implementation and ratifying mechanisms of the eventual peace agreement. The legal framework for peace in Colombia, discussed in Cuba outside of the official agenda, remains a relevant issue pending of approval and civilian legitimation for its application.

In this case, we consider that the Protection Cluster (PC) will have an important role in a post-agreement scenario, developing strategies, instruments and relevant mechanisms that respond to the protection needs and gaps, violations of Human Rights and breaches of international humanitarian law, with the different needs and interests of the victims – men, women, children and adolescents of any ethnicity – and the communities at risk.

1 For convenience, from now on, it will be referred to as “post-agreement” in the document.
2 Consistent with the statements by the High Commissioner for Peace in Colombia, Sergio Jaramillo, and the available literature on conflict resolution and reconciliation worldwide.
3 For example, the alleged illegal telephone interceptions by members of Military Intelligence to government representatives on the dialogue roundtable with FARC; http://www.bbc.co.uk/mundo/noticias/2014/02/140205_colombia_chuzadas_espionaje_ejercito_enemigos_proceso_paz_aw.shtml
4 “Agreement to end the conflict and building a stable and lasting peace,” point VI on the agenda “Rules of Engagement,” section 10, “The conversations will be carried out under the principle that nothing is agreed until everything is agreed,” 26 August 2012, Havana, Cuba.
This paper prepared by the Protection Cluster is not intended to be an operational tool; it aims at providing analysis and discussion in the framework of the HCT, contributing with an intervention definition on a post-agreement scenario. The paper covers the responsibilities derived from the Cluster's role as a space that facilitates and ensures the protection of persons at risk or affected by violations and/or abuses of human rights due to the armed conflict and by natural disasters. It also proposes that protection must be central in the humanitarian response that national authorities and the humanitarian actors\(^5\) must provide, and also in the identification and implementation of durable solutions for displaced populations. However, the Protection Cluster in Colombia should face new challenges in order to respond to a post-agreement scenario, reflecting the commitments agreed upon in Havana regarding peace's political and legal framework.

Finally, this paper follows up the PC objectives, which should be focused on maintaining and strengthening its responsibilities over technical and strategic guidance, to place the protection and rights approach in the center of humanitarian action in the intervention of the HCT, HC and the different clusters, local humanitarian teams and working groups, promoting the participation of the donor community and the communication with the Colombian government and the victims subject to protection. Additionally, this paper structures the discussion within the analysis of the current dynamics to identify future risk scenarios and protection gaps that currently characterize and the new ones that will characterize the humanitarian context in the country.\(^6\) The paper also reviews the Protection Cluster's responsibilities and strategic objectives, which should remain current or otherwise be modified, allowing for the adoption of a flexible approach in order to adapt the protection strategy to the new challenges that will arise from the transition process in the post-agreement dynamics.\(^7\)

The Protection Cluster aims to cover on this reflection a timeframe of 12 to 18 months maximum (2015 or mid 2016) after signing the agreement, taking into account the uncertainties and the difficulty of projecting the date the peace agreement will be signed.\(^8\) This period coincides on its first year with the PC's strategy formulated and approved in April 2014 and valid for 2015, an implementation of approximately a year and a half.

II. **Linking Protection Cluster TOR in a transition and post-agreement scenario**

Working in the definition of the Protection Cluster's TORs while planning 2014-2015, and in order to complement this analysis against a possible scenario for a transition to peace in the post-agreement phase, we concluded that the end of the conflict's military component between the government and FARC, by itself, does not guarantee lasting peace nor the restoration of the victims' rights, and would impose difficulties in the search for durable solutions.

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\(^{6}\) In the same scenarios' building exercise some assumptions have to be made in order not to distort the analysis reported here or multiply scenarios. For example: the civil society will accept the peace agreements or the signatories will respect the agreements. The search for durable solutions includes making efforts in the post-agreement immediate phase, aimed at responding to challenges in the field of human and humanitarian rights, development, reconstruction and peace-building; “Secretary General Framework on Ending displacement,” 4 October 2011.

\(^{7}\) Immediately, the Plan of Action (PoA), which since its formulation was interpreted as a dynamic instrument, will be adapted and modified according to needs, based on the protection analysis.

\(^{8}\) The government has voiced its intentions to reach an agreement in a short period of time, but the truth is that it will not be easy to mitigate existing differences and agree on the three missing points, mentioned above (victims, end of the conflict and ratification in record time) in the remaining four months of 2014. Only the issue of victims, a discussion that has been planned at a formal and programmatic level, will run until mid-December: in fact, the parties have agreed that delegations attend at least the next five cycles. Each cycle lasts 11 days followed by a recess of 10 more. Therefore, only this issue will last until December, excluding the other three pending issues. So, as matters stand, it is really difficult to reach a final agreement in 2014.
The history of negotiations, submission or demobilization processes carried out in the country, has shown us the transformation of some aspects of violence, which remain risk factors for communities. However, the opportunities offered by a peace agreement to consider strategies for solutions for the population should be maximized, even though these opportunities are within the framework of overt or underground conflicts, creating more explicit synergies between the humanitarian aspect and an early recovery for the transition and development of the country.\(^9\)

The issues that could be addressed while seizing this opportunity in order to reach solutions are:

(i) Strengthening and consolidation of existing return, resettlement and restitution cases and other that will arise after the agreements, which include potential voluntary repatriation. (ii) Identification of the potential conflicts that can occur in the context of peasant reserve zones. (iii) Discouraging urban integration from becoming a way to access public services when there is a limited offer from the State, and without an effective integration approach of communities upon arrival.

Insofar, we resume the responsibilities and challenges defined at a global level, which the Protection Cluster must face to effectively meet the communities’ protection, within the post-agreement context. They are:

a) Promote human rights protection of the populations affected by armed conflict, through advocacy activities with the concerned institutions, humanitarian actors and their coordinating mechanisms.

b) Identify and visualize the existing, new and underlying protection risks, in areas where the presence of the State is less visible, in which the departure of armed groups can generate new risks linked to the reconfiguration of force with new protagonists; where protection risks become evident due to new conflicts and social strains; or where there are invisible victims or where there was no end to the conflict. In spite of a negotiated agreement, clandestine military structures remain where the terms of the agreement are not respected or the agreement has not modified the already existing dynamics (urban violence by groups linked to post-demobilized actors\(^10\) and others that arose immediately).

c) Analyze and strengthen the capacities of the affected populations in order to mitigate risks and threats and develop self-protection measures and mechanisms;

d) Influence the definition of strategies that ensure concrete and effective protection responses in an articulated and coordinated manner, to reduce the impact of the conflict and the specific and differential risks for the population;

e) Respond to the identified gaps and risks in order to promote the response capabilities of national and local institutions and communities;

f) Develop prevention, response and solution strategies, including an early recovery approach and a differential gender and ethnic approach;

g) Facilitate and promote a rights approach, a differentiated and gender approach, the early recovery approach and a protection approach in humanitarian action, especially when it is solutions oriented;

h) Develop special protection mechanisms for female leaders of civil society organizations for women who, in accordance with the provisions of the United Nations Security Council Resolutions 1325,

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\(^9\) Decision N° 2011/20 of the UN Secretary-General on “durable solutions” which establishes a framework on ending the conflict in the post-agreement (“Ending Displacement in the Aftermath of Conflict”).

1888 and 1820, must participate in all peace-building process and because their gender condition are and will continue to be exposed to higher levels of risk of gender based violence (GBV).

III. Protection risk analysis in the transition and post-agreement phase

Clearly, the Cluster's intervention must adapt to the new context's dynamics and the needs and expectations of the communities subject to protection, as well as the new scenarios, stakeholders and opportunities derived from the peace agreement, ratified by society. In that sense, the process of preparing for the transition and implementation of a post-agreement, in this paper, is motivated by an initial reading of the current scenarios and the formulation of a hypothesis against its variables and the lessons learnt that arise from similar processes previously carried out in Colombia.

A. Current context

As mentioned above, after the previous negotiating processes were finalized, the country has undergone transformations caused by remnants of the causes of the conflict, which were not eliminated or overcome with a peace agreement or negotiation agreement. As a result, new risks and tensions continue to threaten the safety and security of individuals and communities. In this regard, the cluster has identified the following risks associated with these dynamics, recognizing that the current situation does not allow the description of accurate patterns, due to one actor's operational difference between one zone and another or the discordance between the modus operandi of criminal organizations. However, based on earlier contexts and the permanent monitoring of the cluster members in the field, it was possible to determine the undesirable impact on the population, with the following characteristics:

- A greater number of actors heavily armed belonging to different structures that fight amongst themselves: illegal non-State armed groups, with less hierarchical structures, non-ideological and mercenary, most of them adherents to organized crime (but originated from and linked to the demobilization process of paramilitary groups from 2005-2006), fighting over strategic routes and illicit markets. This scenario is characterized by systematic violations of human rights, ranging from forced recruitment of children under 18 years, SGBV – especially sexual violence primarily against women and girls –, homicides, massacres, political co-optation, extortions, limited freedom of movement, forced displacement, intra-urban or rural confinement, pressures and widespread fear on the population living in areas subjected to groups' control.

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11 For example, the United Self Defense Forces (AUC) Gaitanistas hope to negotiate but they also condemn the negotiation model in which they previously engaged. They fight against the Norte del Valle cartel and Medellín. Their actions have impact on the border area between the two organizations: Tuluá, Cartago, Dos Quebradas, Santa Rosa, Andrágueda, Istmina, Baudó, San Juan and Buenaventura. In Chocó they controlled the Serranía de Abibe two years ago and in 2014 clashed with FARC in Medio-Baudó and the exit through Bahía Solano and towards Antioquia. The AUC Gaitanistas stayed in Río Quito and generated displacement in Atrato River, Andrágueda and Baudó and San Juan, in order to control the conflict's most corrupting area. They also fight against Rastrojos to occupy areas not under FARC control and groups linked to drug trafficking. This explains displacement, including those of indigenous peoples that also move into urban areas, such as Cali. Other areas where this dynamic occurs: areas of Fonseca or Palomino in Guajira and Santa Marta (Maracaibo, towards the sea access controlled by FARC).
13 Regions hardest hit by this dynamic: Huila/Tolima, Cauca Antioquia, Guajira and North-Eastern Caribbean coast and some urban areas of the country.
Widespread violence in urban areas and the creation of private citizen security groups. The population self-protection models pose a potential risk as long as weapons are used and control and surveillance of the State is not guaranteed.

Coercion strategies and political, territorial and social control by armed groups, FARC, EP and ELN and criminal organizations driven by political and economic interests who pressure the population and often co-opt community organizations (such as community councils, indigenous and African Colombian peoples and other people organizations), taking advantage of their organizational weaknesses and internal fractures that make them prone to manipulation and external intervention. In this regard, there is evidence that their goal is to secure a social and political base that allows them to have an impact on the most significant economic and social transformations (on issues such as the definition of the development model and the Agrarian Reform). The end result of “this intervention or political and community co-opting” are more fragile communities and organizations, pressure from other threatening groups, forced displacement and recruitment of young people, becoming subjects to military pressures and establishment of penalties for failure to obey orders (such as exile and confinement), mobility restrictions, displacement without the possibility to report it, impunity, summary proceedings or persecution due to association to security forces or participation in State programs. The autonomy of the social organizations involved is negatively affected, resulting in community fractures, lack of social cohesion and restricted political participation.

Constant clashes between guerrillas groups (FARC, EP and ELN) and security forces in certain areas of the country that represent important military or economic strategic value. Generally the way to generate capital to finance illicit activities is through attacks and extortion, kidnapping and racketeering against private companies. Along these lines, the illicit exploitation of non-renewable natural resources is of high economic importance for illegal groups, due to the fact that the State exercises limited control over available resources that generate considerable profits. Moreover, the most traditional form of military pressure is carried out through attacks on public infrastructure such as aqueducts and electric interconnection towers, the use of civilians to carry resources and as informants, and military confrontation with other feuding groups. These attacks, however, currently record a lower intensity level that in the past, generating “minor damage” against the State security forces, particularly in the last three years, at the beginning of the peace dialogues with the government. As a result, now the violence is less visible than before. The hypotheses that emerges from this dynamic, recognizes greater military strength gained back by the Colombian State, and greater care of guerrilla groups not to commit serious violations of human rights that can be considered crimes against humanity, almost in anticipation of a future entry into politics so as to gain some form of legitimacy.


15 For example: Caquetá, Putumayo, Huila; Narino and Medio-Baudó. Another example: concentration of JAC representatives (Caquetá- Putumayo-Huila) who control access to people, land, meetings, the type of relationship with these groups to carry out community activities. A third example: Actions in Norte de Santander and Caquetá to implement projects and manage the local resources; different from the groups’ activities in the past.

16 Perhaps FARC’s ulterior motives are to establish themselves as the managers of the State investments, operating already as a political actor with decision-making power in matters of social development, political participation and agricultural issues.

17 In Magdalena, Bolivar and Cesar in the process of land restitution; in the Pacific, involvement with Afro-Colombian communities, and in Buenaventura, Cauca and Bajo-Atrato.

18 In the issue of territorial control it is at play a factor linked to the structural and historical causes of the Colombian armed conflict: the lack of agrarian reform or the decision on land development and production model: FARC’s push towards adopting the Peasant Reserve Zones’ model, which for example, clashes with the indigenous communities and industrial sectors.
• Intimidation through the “memory of violence”, threats to repeating violent times that caused so much pain and fear. Through emotional pressures and without having to use weapons, the irregular groups generate panic and hinder the actions from authorities because the difficulty in identifying the criminal acts and the specific actors of intimidation.

• Pressure and control over the population to boost political and social mobilization, in order to create political scenarios and partisan movements that serve as an electoral platform in a possible scenario of FARC’s political participation, along the same line of the issues discussed in the peace agenda. This strategy is clear in areas historically dominated by FARC and ELN and where the intensity of military action has increased since the beginning of the peace negotiations, after a period of decline in violence prior to 2012, and where it is expected there will be a concentration of political capital and perhaps military. As a result, there are very high risks of stigmatization from the State, the security forces and others, against the inhabitants of these areas, historically controlled by armed actors or that genuinely demonstrate their political ideology and that partially coincides with FARC’s.  

• Within these circumstances, regardless of the perpetrator, the categories most at risk are: male and female community leaders, rural population, ethnic territorial authorities like Afro-Colombian and indigenous population that participate in land claims and restitution processes and justice and peace; traders, farm managers, those in transport, public officials (a more complex situation in this category for the national police from the judicial branch, teachers, officials, local councilors and healthcare personnel), youth organizations and women’s rights defenders.

• The under-registration of victims makes it difficult to determine the actual humanitarian situation, protection gaps and protection risks in relation to new humanitarian patterns or trends, often invisible, in order to identify and formulate reasonable responses after a qualitative analysis.

In conclusion, according with the analysis and description of the Colombian humanitarian context and strategy of the Protection Cluster 2014-2015, the armed conflict and the way violence is exercised are experiencing a transformation in their goals, and as mentioned above, run the risk of being invisible in a future peace agenda.

Some of these changes may be linked to the peace negotiations, others are originated from previous dynamics from the way the conflict itself has changed, and others could be considered potential risks in the event of a post-agreement. All these situations, analyzed by the Protection Cluster, and the multiple agents and acts that produce a range of violence and the different ways to exercise violence generate a significant humanitarian impact on the population.

The under-registration, the limited capacity of the State to respond to new protection challenges; the historical lack of institutional presence in many isolated areas or the State agencies’ inconsistent response; rights violations stimulated by high levels of impunity; the communities’ loss of capacity over their own “survival” (to remain despite an adverse scenario); rapid changes of dynamics and ways of exercising different types of violence as well as the international humanitarian community’s lack of

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19 In several cases, these causes have stigmatized the population, who is target of pressures and forced to mobilize. This dynamic could also generate actions from economic and social sectors, who, fearing their interests threatened, could end up responding in the same manner through demonstrations or other actions, or repeat past dynamics (historical memory) which could backlash against social leaders.

20 The “Protection Cluster’s Strategy Colombia 2014 – 2015” was approved in April 2014 and has 4 strategic objectives. It also derives a POA 2014-2015 from the Protection Cluster (dynamic tool) approved in May 2014.
capacity to cover all affected areas, currently lead to response gaps and protection risks which will remain to some extent, in a post-agreement scenario.

B. Transition and post-agreement

The cluster analyzed the communities' protection risks on a post-agreement scenario in order to avoid speculation. From identifying trends originating in previous similar exercises and monitoring the negative impact of the armed conflict on the civilian population for the first 12 to 18 months of the post-agreement implementation, the following protection risks and gaps could come up:

- Permanence of armed strongholds (it could be FARC through underground military structures) or the arrival of new actors or armed organizations that generate an increase in violence in areas historically and strategically important to FARC, EP and ELN. Quite possibly, due to these organizations’ nonexistent or weakened lines of command, more human rights abuses could be perpetrated, caused by the struggle between groups trying to impose their presence on the communities, through pressure on the civilian population and community organizations, including those that protect and promote the rights of women, girls, children and adolescents.

- Political and social violence and new social divisions caused by political pressure from FARC or other criminal organizations’ territorial and political control generate restrictions on people’s civil and political rights (freedom of association, political expression and participation) and other human rights abuses, such as forced displacement and land dispossession.

- Implementing the Havana agreements can generate changes in fundamental issues such as political participation (political parties vs. social organizations or movements). It is clear that not all sectors and social categories share the same aspirations. Some sectors could have conflicting interests against changes on their status quo. Example of this complexity is the issue of the rural development model vs. the creation of peasant reserve zones that make evident the conflicting interests between farmers and collective territories; also, the land restitution process affects the interests of business groups.

- The mechanisms implemented to carry out forced recruitment and use of boys, girls, adolescents and the use of gender based violence, violence and sexual slavery, could be configured differently, in order to keep the population under the control of illegal armed groups with different political or economic goals. The human rights violation of men, women, adolescents, young people, boys and girls, could be exacerbated by the lack of credibility of any possible allegations, in a scenario that is too complex to identify perpetrators and their motivations.

- Increase of widespread violence by private citizen security groups, through non-State illegal armed organizations that commit crimes in cities and rural areas. Post-agreement organizational structures would be specifically linked to economic interests related to illegal productive markets; explicitly, the use of violence to maintain control of weapons and drug trafficking corridors, control of productive land and other sources of financing, such as illicit drugs trafficking, weapons and fuel, and the sexual trafficking of women, young people and adolescents, girls and boys, especially in the border areas like Venezuela and Ecuador, extortions to mining and energy companies and traders. These criminal organizations can cause a war, without truce, to secure markets, with the possibility of unpredictable alliances and with undefined chains of command. These situations could

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21 You can observe a process of re-politization of FARC in the face of a post-agreement future. FARC’s intentions can be seen in its proposals of new forms of organizations or community movements instead of being part of traditional political parties.

22 Especially, in marginalized urban areas. See Protection Cluster’s strategic document on “Violence perpetrated by non-State armed groups in urban areas in Colombia from the perspective of citizen’s security”, September 2014.
New identified challenges—such as weapon contamination and accidents caused by APM and UXO, including threats to economic security, i.e. land that could be used for rural communities blocked under the suspected presence of anti-personnel mines—, and humanitarian demining do not have a framework or a response plan to protect communities. They imply a high risk of militarization of civil life or civilians engagement with illegal, ex-demobilized and criminal groups. It is necessary to add the security forces lack of effectiveness to protect and respond to protection gaps in such a scenario.

The risks that armed groups could continue using border areas as rearguards and strategic corridors in order to maintain control of illegal markets and population. The involvement or complicity of local institutions risks visibility of this problem and would facilitate the existence of such groups.

The United Self-Defense Forces of Colombia (AUC) paramilitary leaders, leaving prison after serving their time during the Justice and Peace process, pose risks if they are able and willing to continue exercising violence, or if there are failures in their social reintegration process when society and the victims are not prepared to reintegrate them.

Weakening and discrediting of existing Colombian comptroller and criminal justice agencies (often clashing amongst themselves), which would have consequences when attempting to discredit the protection mechanisms and hide protection risks and gaps.

Denial or disagreement with the implementation of the peace legal framework or failure of the demobilization process (which could result in arms proliferation, especially small arms and light weapons that would have value for other armed groups, including those originated from the demobilization of paramilitary groups), failed disbandment of armed groups or lack of integration by the Colombian society of the former guerrilla fighters. Furthermore, the lack of preparedness from the country and the State can lead to recurrence of past mistakes, encouraged by the high level of impunity, the persistence of social conflicts that would fuel and legitimize the cycle of violence for the population (risks of future new forced displacement or other violations of human rights).

23 In Buenaventura, for example, at the beginning of 2014, OHCHR documented that several key local authorities did not recognize 132 killings occurred in 2012 and the 162 killings of 2013. The mechanisms adopted by the institutions to combat impunity were inappropriate.

24 According to the 2013 ICRC annual report, forced displacement was the result of other humanitarian events. Among them were deaths; life threats; sexual violence; weapons’ contamination (improvised explosive devices, landmines and explosive remnants of war); the theft of goods; and threats of recruiting. The continuity of these situations in a post-agreement scenario is most likely and will require the continuity of a decisive State response of higher quality and exhaustive, with the implementation of comprehensive public policies that develop, at the same time, specific actions and strategic plans at the operational, regulatory and preventive level. Currently the public sector, particularly at the municipal level and more specifically in municipalities of categories 5 and 6, are the ones who have insufficient institutional capacities for the design, implementation and accountability of the actions included in the public plans and programmes on citizen security. In the short term, these deficiencies will not be overcome. Neglecting these scenarios can result in a greater complexity of the dynamics of the armed conflict and more involvement of the civilian population. Several reports of the Office of the Ombudsman, Ministry of Agriculture, Land Restitution Unit, OAS, and ICRC have warned that weapon contamination will be one of the main problems Colombia will face in the post-agreement stage.

25 Ministry of Justice vs. Ministry of Interior or Constitutional Court.

26 The judicial branch, particularly, faces criticism. It is an issue closely linked with impunity, corruption, dysfunctionality, etc. “Justicia: de mal en peor”, María Elvira Samper, El Espectador, 21 December 2013, at: (http://www.elespectador.com/opinion/justicia-de-mal-peor-columna-465529).

27 Justice and Peace Act Nº 975 of 2005; the demobilization would be seen merely as a legal process, while the real desarticulation would achieve better results.
• Inadequate presence, coverage and capacity of the State to build appropriate confidence in society, which would negatively impact the agreements implementation’s effectiveness and the transition to peace.

• Solutions for victims that are provided spontaneously and without any planning, without a rights approach and an early recovery approach, without community consultation and do not integrate nor differentially respond to the needs of women, men, teens, boys and girls, or have an ethnic approach. It is possible that a post-agreement phase promotes the arrival of refugees and/or asylum-seekers, voluntary repatriation of Colombian victims abroad, voluntary return of internally displaced persons seeking reintegration in this new scenario, although in practice the new policies do not progress towards the development of a comprehensive solutions policy to restore the rights.

These risks are often difficult to identify and define within the existing public policies and legal framework. Often the government does not recognize or see the risks due to a lack of ownership and response channels. This is why the role of the Protection Cluster becomes crucial to assist in the identification and analysis, also to raise awareness on protection risks and gaps, with support from the affected communities. An active presence and strengthening of institutional actors, communities and protection networks to reduce response gaps remains a key Cluster priority to fulfill its humanitarian responsibilities. Meantime, the Protection Cluster cannot overlook or disregard opportunities of working towards peace building that imply supporting long-term solutions for the civil society, through formulas that combine and articulate prevention and immediate response approaches with early recovery and gender, with solutions towards the reintegration and restoration of development rights.

C. “Worse-case scenario”

When identifying protection risks in order to design intervention strategies, the Protection Cluster have considered including in the post-agreement stage these unrealized assumptions or unfulfilled expectations by FARC guerrillas, the national government and the civilian population, which would imply disastrous scenarios of unprotected communities due to the failure of the peace process. To that extent, we organized the following issues:

- Noncompliance with the agreements (in a more or less explicit manner) by FARC and the government, exercising social coercion over communities for political gains and territorial control, and concealed pressure of illegal forces identified with the government against the population. It is the worst-case scenario of a renewed conflict.

- The government and FARC do not accept the terms of the signed agreements, reflected in the communities’ lack of confidence in building a culture of peace, the lack of reintegration of demobilized armed actors, impunity and the failure of the reparation process for the victims and of a reconciliation. Overall, the failure to comply with the agreements and a total breakdown of the relationship between the citizens and the State.

To the above mentioned scenarios, we would add the lack of capacity in the coverage and response of the humanitarian community to quickly and efficiently address the new social and political dynamics, including the lack of flexibility, failure to adapt and change of strategy, according to the emerging challenges or the financial capacity before a possible agenda change or changes to the priorities in the donors approach – humanitarian vs. development – rather than a comprehensive strategy of prevention and rapid response, coupled with early recovery and solutions.
IV. Post-agreement scenario: implications for the Protection Cluster's responsibilities in Colombia

The objectives and activities that characterize the Protection Cluster's strategy in a post-agreement scenario remain, and imply that the role and focal point is to highlight protection risks and gaps and prepare the State's response, as per its responsibility, based on a human rights approach and guiding the HCT and the HC in the implementation of the protection approach.

As previously explained, the cluster TORs will not be modified in a Colombian post-agreement scenario, since this phase does not necessarily imply a post-conflict. In a post-agreement scenario there will be new risk profiles and new sources of threats (and latent threats such as APM and OXO and SGBV). Therefore, the areas in need of monitoring and protection intervention will expand, together with the themes, strategies and tools to develop advocacy and offer further solutions.

The challenges emerging from the analysis above can be used to raise an intervention scenario between the first 12 to 18 months after the agreement is achieved. The transition challenges to be analyzed are: (i) State capacity and control; (ii) FARC, EP and ELN’s expectations to control the population and social organizations; and (iii) polarization against the agreements’ contents and distrust towards the State. This latter scenario raises the following questions: To what degree is society willing to accept the agreements? How much impunity is allowed for peace to move forward? What are the opportunities to develop real strategies for comprehensive and differentiated solutions for displaced populations (including a specific approach on the real and potential threat of the APM / UXO that hinder the transition towards development for communities that have been affected the most by the conflict)?

Given these assumptions, the challenges to the role of the Protection Cluster are related to the design of an effective lobbying strategy that allows the identification of these protection risks and gaps and bring them to the attention of the humanitarian community and those with the responsibility to respond based on a human rights approach and provide support for this response.

The cluster’s challenge is to help design a response relevant to the social conflict, ensure that the State has the capacity and acts legitimately and assist in the development of protection strategies addressed to the population, including a comprehensive solutions’ approach taking into consideration the different needs of women, men, adolescents, young people, boys, girls and ethnic groups.

In that regard, the protection cluster’ responsibilities in a post-agreement scenario can be organized as follows:

a. Maintain the humanitarian space and the access to critical areas open for the international community and the State.

28 For example, impunity: the dispute between FARC and other sectors that do not want the status quo modified. Different conflicts and often links of the police with illegal groups generate less confidence on the local authority, as well as less ability to control the State agents and the actions of these groups.

29 In the quest for political control and forcing the population to mobilize, there are risks of stigmatization and violence. Stigma is a reality, even if nobody mentions it, but there is already a claim that links some sectors of the population with these groups’ strategies. For example, there are always more cases of authorities (judges, police, etc.) that seek protection because they are targets of this type of violence, often without the protection from the national authority. There are more confrontations involving the police (compared to the army, for example): attacks, ambushes, use of antipersonnel mines, traps, etc.

30 The challenge is to identifying and highlighting risks that can lead to disqualifying businessmen and former illegal armed groups who disagree with the peace agreements or with FARC-EP or ELN's approach with economic aspirations or a different agricultural development model from other sectors. How to handle social conflicts without falling into the trap of the stigmatization of certain social groups?
b. Accompany the communities generating self-protection, solutions and social integration processes, promote resilience to overcome victims’ traumas, support in the identification of social conflicts derived from the armed conflict in the post-agreement phase and additional protection risks within the first 12 to 18 months, which is a sensitive time of transition, and in the future by trying to create the foundation for a transition. This is important for the protection of the population as well as to confer legitimacy to the peace-building process.31

c. Accompany human rights defense and control authorities together with women organizations, which will be involved in citizen’s oversight mechanisms, NGOs and religious organizations that will remain in the territory in order to identify and monitor emerging and existing protection risks but also to build trust and create a protection environment for communities in the post-agreement transition.

d. Maintain and enhance specific monitoring and information systems to identify new risks. From here, build new indicators and strategies capable of measuring new forms of violence, abuse and emerging risks or clarify those that due to under-reporting might not become evident, and carry out high impact advocacy within the various levels of humanitarian architecture and outwards between the Government and the donor community, etc.

e. Monitor the peace agreements32 to verify that international standards are applied when developing legal and political frameworks that guarantee genuine and lasting peace. In addition, influencing the discussion on the resolution of the structural causes that have caused the violence and generated the conflict.33

f. Define, clarify and disseminate protection routes (including assistance for victims of SGBV) and concepts, analysis, tools and criteria of protection to all levels of the humanitarian architecture and the government, civil society, victims and donors promoting human rights protection.

g. Identify, visualize and create prevention and response strategies to address forced recruitment and use of children, girls and women as weapons of war. Support the reintegration of these individuals through psychosocial support and access to full reparations, amongst other measures. In areas where violence and social control by the armed groups persist, SGBV increase with high levels of impunity since violence and social control does not end, but it worsens34.

h. Establish humanitarian demining as a priority action in the immediate post-agreement phase to facilitate the transition of rural communities. Identify the problem and more efficient strategies to respond to mines and weapon contamination.35 Train and empower local communities to demand the national government for solutions to the problem of APM and UXO (related to

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31 Capacity for self-protection/resistance from external pressures and violence, capacity for self-representation, political-rights’ participation and guarantees for the opposition, the right to dialogue among communities that are preparing for integration, reconciliation and dialogue with the State to demand their rights and advance their projects and community’s processes and support in generating conditions for peace.

32 Scope, according to the TORs of the GPC (= Global Protection Cluster).

33 For example: how to provide guidance to the State and strengthen it so as to achieve the territorial development linked to protection? How to prevent social conflicts and how to strengthen communities to protect themselves from these risks and prepare for peace? (Not in the operational plan, but in the analysis.) How to think in a territorial model that does not become the cause for conflicts again?

34 There are UNHCR reports from its field offices, discussions in the framework of the Protection Cluster by other agencies and NGOs, on preventive recruitment and youth training for future political office (FARC), or illegal economic interests (criminal armed group’s close to criminal gangs - widespread violence and citizen security in urban areas most of all) that already is occurring in the country in several areas (Cauquetá, Caúca, Meta, etc.). It helps to think about new models of self-protection and mitigating risks for communities in this scenario.

35 Through the technical cooperation of the specialized agencies within the Protection Cluster.
humanitarian demining and establishment of bottom-up planning in the field of comprehensive action against antipersonnel mines (AICMA in Spanish)).

i. Strategic advocacy sessions through the identification and early warning on emerging protection risks and conflict transformation and their possible consequences with a differential approach.

j. Identify and assess the conditions and actions that support the persistence of structural conflict causes and contribute in the design of solutions for victims that reflect an intervention which seizes the opportunities generated by the post-agreement phase, in those areas and communities where such conditions exist.

k. Advise the HC on creating durable solutions for the displaced population and other victims in consultation with the Government and other relevant partners. In particular, support the coordination mechanism of the Inter-cluster group on Early Recovery work that will guide a solutions’ strategy.

l. Strengthen coordination in the framework of the humanitarian architecture (HCT, HC, ICCG, Humanitarian Mine Action Subgroup, protection clusters and Local Humanitarian Groups in the field – EHL, in Spanish) and with the Colombian government for a response that is effective and adapted to the new context (coordination which could be different in strength and focus on the post-agreement) promoting favorable conditions and ensuring the centrality of protection.

m. Promote the State presence in areas prioritized by greater fragility and weakness, facing protection risk, and help simplify the response (currently the work of the institutions is varied but fragmented, without a comprehensive vision).

n. Strengthen local clusters and EHL in protection issues to make them first agents of analysis for the new challenges. In fact, the cluster’s priorities are: presence in the field and strengthening local protection networks in order to maintain protection capacity on all the priority issues facing the transition, with the flexibility of being able to “move” from area to area re-prioritizing intervention in this changing phase.

36 See the “Secretary General Framework on Ending displacement in the aftermath of a conflict”, 4 October 2011, which establishes priorities and responsibilities to support the delivery of durable solutions for displaced persons and returned refugees in the country of origin, followed by the “Secretary General’s Decision on Durable Solutions” where there is also mention of the Peace-Building Faculty Fund (Peacekeeping Fund) to consider funds’ requests for the implementation of strategies of this kind according to regular criteria and in countries declared as eligible.

37 See the “Hand-over note of the Protection Cluster in the Philippines” and the inputs from the round table on Transition and Solutions organized by UNHCR and UNDP in Amsterdam on April 18-19 2013 stating “...Dealing with long-term displacement (e.g. Darfur, Colombia, Pakistan) is a development issue. It is increasingly widely recognized that national development plans should take IDPs into account and that finding solutions for both IDPs and refugees requires the engagement of development actors...”

38 The Protection Cluster and the Early Recovery group will be the leading coordination’s spaces for strategy building; in particular, UNHCR and UNDP, in their capacities as global cluster’s lead agencies for Early Recovery and Protection, will provide the necessary technical expertise to the RC through existing resources or increase capacity to support the development of the Strategy for Durable Solutions; see Decision No. 2011/20 from the UN Secretary General on durable solutions which establishes a framework for the end of the displacement in the post-conflict (“Ending Displacement in the Aftermath of Conflict”).

39 The input from the UNCT’s paper on peace-building framework for the UN and the international community “Building confidence in peace: index of peace territoriality” leaves open an important reflection for the Protection Cluster: one issue covered on the document is the ambition to create a strategic intervention framework to build communities’ trust and support peace building, the bridge and link between humanitarian and development. A lengthy debate that is taking place inside the humanitarian community and the UN system in primis. See comments of the CP in Annex.

40 Local and departmental administrations: UARIV, UNP, URT, ICBF, DP or other authorities identified as crucial to restore the rule of law and provide public policies that create a protection environment towards peace-building and overcoming the causes of conflict in the country. Moreover, that they respond to new protection challenges in isolated rural areas or under the control of armed groups as well as urban areas.
o. Eventual *Phase-out* of some areas or reprioritization of the presence and activities (or the contrary, flexibility for total – not operational – coverage at country level).  

V. **Conclusions**

- The peace agreement is the beginning of a long-term process that can only succeed if addressed through the lens of protection and human rights with a differential approach to gender and ethnicity, considering the roles, needs and impact on women, men, boys, girls and adolescents.

- Considering the limitations due to a lack of information or correct foresight of intervention scenarios, there is a need to keep in mind that the first 12 to 18 months after a peace agreement is the most unpredictable and critical stage in such a complex armed conflict, distinguished by its longevity and its deep seated structural issues (inequity and exclusion, illicit exploitation of natural resources, drug trafficking).

This scenario alternated with attempts at negotiation and military solution, with a very active civil society and a country proud of its own abilities to lead the changes, is so sensitive that both the government and the insurgency need to understand that peace is a collective task that corresponds to all social, political and economic actors in the country and that it’s a long term process undertaken *cognizant* of the impact it can have on the population and the need to adopt a human rights approach based on protection principles and standards.

- In fact, if these considerations were ignored, the consequences would have a negative impact in terms of human rights violations of the population, trigger new conflicts and then a *boomerang* effect for peace sustainability. In this case, as well as in the case of a lack of a final peace agreement between the two parties over the missing topics on the agenda and on the legal framework for peace, once more, the impact of a possible failure of the agreements would be on the civilian population (as it has occurred in the past failed peace attempts). Regardless, we cannot lose sight of the fact that the peace process that is moving forward faces great challenges.

- Considering that the Protection Cluster’s main role is to lead and guide the implementation of a protection approach at all levels of the humanitarian coordination by maintaining a dialogue based on humanitarian principles and human rights with the Government, these responsibilities will remain by making our role flexible in order to think about strategies that allow integrating solutions and will not waste the post-agreement’s historic moment and the opportunities that this entails. In principle, the role and global responsibilities and those endorsed by the CP 2014 planning remain, by adapting to new dynamics and elements of the humanitarian context of the post-agreement. The challenge will be extending the analysis and vision spectrum, using a protection vision that focus on changes in both dynamics and trends, new protection challenges on the post-agreement and transition phase during the first 12 to 18 months in which it can continue overseeing in a more accurately manner the conflict dynamics and how it impacts the civilian population in a differential manner, as well as indicate adequate protection routes to respond to protection gaps, risks and solutions for the population identified through strategic leadership based on human rights principles.

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41 Also in the case of the Local Humanitarian Teams, for example.
Finally, it is necessary to highlight that the Protection Cluster responds to an obligation to analyze the relevance of its own role to the point of facing the dilemma of having to adapt the architecture of humanitarian coordination to the new found challenges; the possibility of exploring changes or eventually perform a phase-out from the current system, which would be applicable in a real case of post-conflict that currently does not seem to be applicable to the Colombia case\textsuperscript{42}, but instead seems to demonstrate the need for an even more important role so that the humanitarian situation does not remain invisible.

Equally, despite having a legitimate concern that several scenarios of violence prevail, intensify or appear during the post-agreement and that it requires prevention actions and immediate response,\textsuperscript{43} the protection’s role should be supporting the centrality of integration strategies, resiliency and solutions that correspond to a protection guarantee concept.

\textit{Protection Cluster – Colombia}

\textit{21 September 2014}

\textsuperscript{42} Decision that challenges, nevertheless, the HC or could come at the request of the Colombian government.

\textsuperscript{43} The “solutions” will not be sustainable if the internally displaced do not have access to human rights. Prevention work and emergency response must be included in the search, identification and “maintenance” of solutions.
ANNEXES

Trend analysis: Mass Displacements, period: January 2012 to December 2013:

- 237 events of massive displacement that affected an estimated 16,876 families were reported. Fifteen municipalities concentrated 50% of the total number of registered events: Buenaventura with 21 events was the municipality with the highest concentration equivalent to 9% of the total, followed by Tierralta (11), Calota (10), Medellín (9), Miranda (8), Puerto Asís (8), Ricaurte (8), Suárez (18), Tumaco (8), Toribio (6), Guapi (5), San Miguel (5), El Carmen de Atrato (4), El Tarra (4) and López de Micay (4); Sixty-nine municipalities concentrated the remaining 50%, equivalent to 119 events of mass displacement.

- Nine municipalities concentrated 51% of the total expulsion of population: Buenaventura (Valle del Cauca) concentrated 18% of the expulsion with a total of 3,079 families; Ricaurte (Nariño) concentrated 7% with a total of 1,157 families; Suárez (Cauca) 4% equivalent to 702 families driven out; Puerto Asís (Putumayo) 4% equivalent to 697 families; Tumaco (Nariño) 4% equivalent to 689 families; Miranda (Cauca) with 3% equivalent to 569 families; Toribio (Cauca) with 3% equivalent to 562 families; Guapi (Cauca) with 3% equivalent to 561 families, and Bajo Baudó (Chocó) with 3% equivalent to 551 families. Seventy-five municipalities concentrated the remaining 49% corresponding to 8,309 families driven out.

- Guerrilla groups led to the forced displacement of the population in their fighting with security forces (54%). From 31 municipalities the most affected were: Caloto (9), Miranda (8), Suárez (5), Puerto Asís (4), Toribio (4) and López de Micay (4). Harassment and armed actions provoked 20% of displacements in Buenaventura, Valle del Guainium, Taraza, Toribio, Puerto Asís, Ricaurte, Tumaco and Suárez, all with 2 events each. Threats and killings caused 15% of displacements in 15 municipalities; the most affected were Tierralta (5), El Carmen de Atrato (3) and Riosucio (2).

- Forty-nine per cent of mass displacements were caused by clashes amongst armed demobilized groups in 16 municipalities, being most affected: Buenaventura (15), Medellín (3), Segovia (4), Remedios (3), and Medio Baudó (2), followed by 37% threats, intimidation of the population and killings in 19 municipalities. Worst affected: Medellín (5), Buenaventura (3), Tierralta (3) Turbo (2), Bajo Baudó (2) and Picharca (2), the remaining 10% by fighting.

- Thirty-seven per cent of affected families belonged to indigenous communities, 29% to rural families and 6% corresponds to farming families.

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POPULATED AREAS URBAN VIOLENCE AND MASS DISPLACEMENTS

MASS DISPLACEMENTS IN URBAN CONTEXTS PERIOD 2012-2014

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