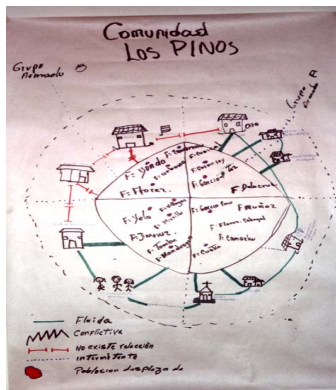




Protecting the Patrimonial Assets of Internally Displaced Persons in Colombia



Since the mid-1980s, armed conflict has internally displaced close to 3 million Colombians. The loss of their patrimonial assets and social networks has led to rapid impoverishment. To address this problem, the Government of Colombia, with national stakeholders and the support of the World Bank Post-Conflict Fund (PCF), formulated this pilot project to minimize the risk of forced displacement and mitigate its effects by developing procedures and tools to register and protect patrimonial rights of affected populations.

Internal Displacement in Colombia

Forced displacement is Colombia's most serious humanitarian and social problem. With displacement disrupting livelihoods, social capital and community networks, internally displaced persons (IDPs) are one of the most vulnerable social groups. In addition, half of all IDPs live in female-headed households, 48 percent are under-age, 18 percent are Afro-Colombians and 5 percent are of native indigenous descent. Studies conducted in 1997, furthermore, suggest that 94 percent of IDPs had to abandon their lands and assets, and only 4 percent could sell or exchange them. The resulting pressures on resources and conflicts with host communities have increased the cost of assisting IDPs.

Resisting Displacement and Preparing for Reestablishment

Asset registration helps to protect IDPs' property rights, facilitating restitution upon return or the exchange of assets for new ones provided by the government upon resettlement. In 1997, the Colombian government promulgated Law 387 to provide IDPs with assistance and protection. This legislation package included registering abandoned properties and their exchange for new ones. It was complemented in 2001 by Decree 2007, recognizing patrimonial rights of persons with or without legal land titles.

The lack of procedures to deal with multiple kinds of co-existing land tenure systems (e.g., owners with legal titles, possession without title, individual ownership, and collective ownership) made enforcing these norms especially challenging. Additionally, registering the properties of populations at risk of displacement, as required by the Law, was not an easy task given the institutional weakness of affected municipalities.

Developing and Piloting New Instruments

The project is supporting the design, testing, and implementation of a strategy to minimize the risk of displacement, and to mitigate its effects by protecting patrimonial assets. It does so by promoting the development of information-gathering methodologies, legal and institutional implementation procedures, and tools to address the broad range of land ownership types in Colombia. The project also addresses other challenges to the protection of IDPs' patrimonial assets such as payment toward mortgages, taxes, utilities, debt, and other obligations IDPs are unable to fulfill.

This approach is being piloted in five areas of the country which are either at high risk or already affected by displacement, and which reflect Colombia's different land tenure systems and cultural diversity (small private properties, long-standing small peasant properties with no titles, collective lands of Afro-Colombian communities and indigenous peoples, and recent settlers on the agricultural frontier).

Focusing on Participation and Decentralization

The project's approach is: (i) *participative* because it supports national and local governmental and non-governmental organizations and affected communities in making decisions and in applying the existing legal framework; (ii) *decentralized* since it strengthens local authorities, organizations, and communities; (iii) *partnership-based* as it builds alliances among different sectors to prevent displacement and mitigate its effects; and (iv) *ethnically and culturally inclusive*, reflecting Colombia's cultural diversity.

From the early preparatory stages, the project has been designed, implemented and managed through a participatory process involving government institutions, the Catholic Church, NGOs, and community organizations. This has ensured ownership of the project by these organizations, as well as their commitment and participation during implementation. The project is implemented by the Project Management Unit in the office of the Social Solidarity Network (Red de Solidaridad Social). A Management Committee, formed by representatives of government and non-governmental organizations with a track record of addressing displacement in Colombia, guides the project's development and determines specific actions and activities.

Results

§ ***Contributing to Legal Implementation:*** the project has developed tools for protecting the legitimate property rights of IDPs, protecting 8,580 properties so far.

§ ***Promoting Institutional Participation:*** the project has more than doubled the participation of key government agencies and strengthened their capacity to assist IDPs. Several have established dedicated teams to protect the patrimonial rights of IDPs and have included the issue in their programs.

§ ***Building Partnerships:*** the project has contributed to increasing the problem's visibility and has promoted land issues among international organizations, media, and stakeholders. Two new international partners have provided additional funding.

§ ***Model for Institutional Coordination:*** the National System to Assist Displaced Populations, created to coordinate public, private and community organizations, could use the project's model of institutional coordination to address other strategic areas.

§ ***Mainstreaming Asset Protection in Policies:*** the project contributed to the first-ever inclusion of asset protection in the National Plan to Assist Displaced Population.

§ **Preparing for Peace:** securing IDPs' patrimonial rights and strengthening their social capital will lay the foundation for future post-conflict recovery programs. This is particularly important in situations of protracted conflict and chronic displacement.

What's next?

The methodologies will be piloted until April 2005. By June 2005, all project outcomes will be consolidated and systematized, and Colombia will have all necessary legal and administrative tools to protect IDPs patrimonial assets. The next step will be to promote widespread application of these tools. International support through financial resources, technical assistance and monitoring is essential to accomplish this goal.

The PCF Occasional Notes

This PCF Occasional Note was written by Elena Correa (LCSEO). This occasional note series is intended to disseminate good practices, lessons learned and useful information about PCF grants. The series is edited by the PCF Secretariat within the Conflict Prevention and Reconstruction (CPR) Unit in the Social Development Department of the Environmentally and Socially Sustainable Development Network of the World Bank. The views expressed in these notes are those of the authors and do not necessarily reflect the views of the World Bank Group, its Executive Directors, or the countries they represent. PCF Occasional Notes are distributed widely to the World Bank staff and outside the World Bank and are also available on the PCF website (<http://www.worldbank.org/pcf>).

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