THE CONTRIBUTION OF HUMANITARIAN DIPLOMACY BY INTERNATIONAL RELIEF ORGANIZATIONS TO OBTAIN ACCESS TO CIVILIAN VICTIMS OF CONFINEMENT IN SAMANIEGO, COLOMBIA

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Cover photo: a sign of “Medical Mission” outside a hospital in Samaniego blinks with the camera flash. Signs like this one aim at preventing attacks to medical facilities by armed groups.

Photo by Ana Chaurio (2012), Samaniego Municipality, Colombia
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Abstract

This study highlights the role of humanitarian diplomacy to obtain humanitarian access to civilian victims of forced confinement in the municipality of Samaniego, Colombia. Humanitarian diplomacy is made of humanitarian negotiations, coordination and advocacy to provide suffering-alleviation to victims of armed conflicts, and these components will be discussed thoroughly. To inquire in the use of humanitarian diplomacy by international relief organizations, interviews with thirteen humanitarian workers, two public officers and a human rights worker were conducted. The findings, which are complemented with humanitarian and human rights reports and framed in the theoretical discussion, will be the base to discuss whether humanitarian diplomacy contributed to gain humanitarian access in villages of Samaniego facing restrictions in the mobility of civilians and limitations in the supply of basic means of livelihood and humanitarian assistance.

Key words: Diplomacy, humanitarian access, confinement, Samaniego, Colombia.
List of Acronyms

ANSAS: Armed Non State Actors
APM: Antipersonnel Landmines
APM/UXO: Antipersonnel Landmines/Unexploded Ordnances
AUC: Autodefensas Unidas de Colombia (United Self-Defense Forces of Colombia)
Bacrim: Bandas Criminales (Criminal Bands)
CERF: United Nations Central Emergency Response Fund
CIMIC: Civil-Military Cooperation
CODHES: Consultoría para los Derechos Humanos y el Desplazamiento (Colombian Counseling Office for Human Rights and Displacement)
CSO: Civil Society Organization
DPS: Departamento para la Prosperidad Social de Colombia (Colombian Department for Social Prosperity)
ECOSOC: United Nations Economic and Social Council
ELN: Ejército de Liberación Nacional (National Liberation Army)
ERF: Emergency Response Fund
FARC: Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)
FDFA: Swiss Federal Department of Foreign Affairs
HCT: Humanitarian Country Team
HLT: Humanitarian Local Team
IASC: Inter-Agency Standing Committee
ICG: International Crisis Group
ICRC: International Committee of the Red Cross
IDP: Internally Displaced Person
IGO: International Governmental Organization
IHL: International Humanitarian Law
IHO: International Humanitarian Organization
IMSMA: Sistema de Gestión de Información sobre Actividades Relativas a Minas Antipersonales (Information Management System for Activities Related to Antipersonnel Landmines)

NFI: Non-Food Items

NRC: Norwegian Refugee Council

NGO: Non-Governmental Organization

MSF: Médecins Sans Frontières

NATO: North Atlantic Treaty Organization

OCHA: United Nations Office for the Coordination of Humanitarian Affairs

OAS: Organization of American States

PPAICMA: Programa Presidencial para la Acción Integral contra Minas Antipersonales (Colombian Presidential Program for Integral Action Against Antipersonnel Landmines)

PBI: Peace Brigades International

UCDP: Uppsala Conflict Data Program

UN: United Nations Organization

UNDP: United Nations Development Program

UNHCR: United Nations High Commissioner for Refugees

UNS: United Nations System

UNSG: United Nations Secretary General
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2. **Introduction**

The confinement crisis in Samaniego during 2008 gave way to reflect on new humanitarian challenges in Colombia. This South American country is well-known for having close to 4 million displaced victims from the rooted and protracted armed conflict. But other thousands of victims have not being expelled from their territories but forbidden from moving and fleeing. Their right to food and medicine has been regulated, restricted or bounded and their mobility fenced by antipersonnel landmines. They have all been accused of passing goods to guerrillas or of being “informants” to the government or the military. Selective murders of peasants and civilian leaders make of indiscriminate warfare a daily reality from which civilians cannot escape. Everybody is suspicious and all armed actors are involved.

Confinement is a product of the increasing violence against civilians in areas that are difficult to access by humanitarian and human rights organizations. It is also a consequence of armed confrontations between the Colombian Army and guerrillas in light of the former’s military gains and of the hazardous blurring of lines between military territorial control and the government’s duty to protect civilians. A broader, legally-backed humanitarian action toward internal displacement, together with the awkwardness from the Colombian government when it comes to recognizing confinement, makes of humanitarian interventions in Samaniego a challenging objective that cannot be granted solely by the “humanitarian imperative,” but that must instead be negotiated constantly under changing warfare scenarios and the increasing relevance of the organized crime.

Reflecting on the –also imperative- role to negotiate humanitarian interventions, Marie-Pierre Allié from Médecins Sans Frontières (MSF) admitted that “from past experience, we know that everything is open to negotiation (…) and we can draw on this experience to work out how to negotiate an acceptable outcome” (2011, cited in MSF 2012: 14). But for negotiating relief actions in a protracted, internal armed conflict, relief workers need to look beyond the usual guidelines and experience: they often must improvise and make compromises at every level, led by their mandates and principles.

What has encouraged this research is precisely to understand how humanitarian organizations gain access to civilians when approaching them is banned or restricted by armed groups, therefore exploring what is agreed upon and what is not subjected to transactions. But fostering the humanitarian space does not only rely on negotiations with
those restricting or conditioning access; it also implies coordination with public officers and other relief agencies. Moreover, it implies the mobilization of the civil society, networking with mediators and speaking out when relief activities are sabotaged by armed groups or affected by political interests. In consequence, relief workers not only act to save lives or to relieve suffering; they also carry the significant workload to guarantee that those with the duty to comply with International Humanitarian Law enable neutral, impartial action to reach civilians in a proportional, timely manner.

In consequence, this study supports the argument that relief workers are humanitarian diplomats. Either from the field-level or internationally, they make efforts to urge prompt action to assist civilian victims of war. The present study takes a further look at their diplomatic activities to promote field compliance with relevant law toward victims of confinement in Samaniego: from ensuring that the national army guarantees the free passage of goods and medicines to communities in need, to raising awareness among the guerrillas on the disproportional humanitarian consequences of antipersonnel landmines. Diplomatic efforts by humanitarian organizations in Samaniego will be discussed thoroughly, aimed at showing the relevance of reconciling humanitarian aid with prompt mobilization and advocacy toward neutral assistance.

The results shown by inquiring in the experiences of relief workers in Colombia, from the field to the national level, will illustrate the contribution of diplomacy to assist and protect victims of confinement. Although relief organizations have gained access to victims in Samaniego and nowadays protection is provided in several villages, “confinement has soared alarmingly in the last three years” (Ramírez 2012). The way in which humanitarian organizations cope with these challenges is not through an orthodox code of behavior but though wisdom and art: neutral humanitarian action implies making it possible to provide relief in unstable, challenging contexts, and still being able to remain ethical and accountable. This is at the core, I believe, of genuine humanitarian action.
2.1. *Aim and Research Question*

The present study is based on the humanitarian diplomacy implemented by International Humanitarian Organizations in the municipality of Samaniego, Colombia. What is known as “humanitarian diplomacy” has only recently being debated at a greater extent within the humanitarian community. Although the International Red Cross and Red Crescent Movement is strongly in favor of the role of diplomacy by relief agencies in armed conflicts, the debate around self-labeling relief agencies as “diplomatic” is not yet fully developed. The approach taken in this paper is supportive of the idea that relief agencies are diplomatic players because they implement activities in support and in compliance with humanitarian objectives, and by doing so they negotiate with other relevant parties, and mobilize international networks as well as the public opinion when necessary (Minear 2007). It is precisely the question of “how they do it?” that has encouraged this research.

The objective of this study is therefore to reflect on the means through which humanitarian organizations make use of diplomacy in contexts where access to civilians is restricted as a consequence of confrontations by armed groups in an internal armed conflict. Therefore, the crisis of confinement in Samaniego was suitable for this purpose. This is because restrictions in the mobility of civilians, as well as hurdles for the entrance of food and medical items to confined villages during confrontations, armed strikes or one-sided military operations have encouraged relief agency’s mobilization for access, and in consequence they have had to negotiate the entrance with parties to the conflict and with governmental officers as well as to raise awareness about the humanitarian consequences of confinement.

Nevertheless, the possible lack of a comprehensive awareness about humanitarian diplomacy by some relief workers in Colombia made it imperative to look solely at their means of implementing diplomacy. Within the definitions of humanitarian diplomacy encountered in respective handbooks and manuals, three components of it were identified: humanitarian negotiations, intra and inter-agencies coordination for humanitarian access, and advocacy. The actions framed within these categories and aiming at accessing confined civilians in Samaniego were understood as an expression of diplomacy. In consequence, this research attempts to illustrate how relief workers make use of these components to ensure relief to victims of confinement within the Samaniego villages.
From this general aim, the study was divided in two main parts. One of them is the theoretical section, which discusses the role of international humanitarian organizations as a part of a growing multi-actor diplomacy. In turn, the case study brings this discussion down to the implementation of diplomacy by relief agencies in Colombia in the sense of achieving humanitarian objectives in villages of Samaniego, therefore reflecting on the importance of diplomacy to accomplish access. In consequence, the research question of this paper is:

What has been the contribution of humanitarian diplomacy to gain access to civilian victims of confinement in the municipality of Samaniego, Colombia?

To answer this question, a thorough look at the way by which humanitarian organizations negotiate the implementation of days of tranquility, humanitarian corridors or the temporary cessation of hostilities both with armed groups and public officers will take place. As humanitarian negotiations are thus core constituents of diplomacy, the first sub-research question is:

How and with whom relief workers negotiate humanitarian access to confined villages of Samaniego?

Later on, the second sub-research question will inquire about the coordination mechanisms by relief agencies both internally (between the field offices, the national office and Headquarters) and between relief agencies for humanitarian access. Coordination implies mutual respect among organizations (Brahimi 2007: 15) for preserving independency, maintaining regular contact between fieldworkers and national humanitarian officers, and working coordinately for providing an integral assistance. The second sub-research question is thus as following:

To what extent is coordination between relief agencies essential for humanitarian access in Samaniego?

Finally, advocacy is the third component that will be analyzed concerning humanitarian access. Either implemented privately towards armed groups or loudly through the public opinion, advocacy is part of the efforts to promote compliance with International Humanitarian Law and to protect civilians by raising awareness of the indiscriminate effects of warfare actions. Nevertheless, relief agencies must measure the expected impacts of public advocacy (which implies denouncement) and private advocacy (made through persuasion) on armed groups and the government’s behavior. A pertinent third sub-research question is:
How do humanitarian organizations mobilize to promote the protection of civilians and compliance with International Humanitarian Law among parties to the conflict in Samaniego?

This question is intended to analyze whether humanitarian actors use persuasion or denunciation to parties to the armed conflict in Samaniego. It also inquires in the effectiveness of public and private advocacy for the behavior of armed groups toward civilians. Below, a description of the methods chosen to conduct this research is provided.

2.2. Methodology

The responses to the abovementioned questions will be made through an analysis of the theoretical background on humanitarian diplomacy, together with the insights of humanitarian personnel from relief agencies and other stakeholders in Colombia. Qualitative research was conducted to answer the research and sub-research questions. None of the questions will be answered through the use of quantitative data. Unfortunately, the quantitative research about the risks of confinement in Samaniego that was recently conducted by United Nations is not of public domain, and could therefore not be consulted. Moreover, the lack of sufficient time and resources made a research about confinement in Samaniego using quantitative data unrealistic.

This paper does not intend to build theory; notwithstanding, it analyzes the information provided by interviewees and relevant contextual information in light of the theoretical framework. For analyzing data in an inductive manner, three categories of observation (Chava and Nachmias 1996: 295) were delineated. Humanitarian diplomacy is the main analytical category; subcategories are humanitarian negotiations, coordination, and advocacy, using as a case study the confinement of civilians in Samaniego. There is not a timeframe chosen for this research, and reports on confinement have been found since 2005 up to 2011, although the most acute phase of the humanitarian crisis in Samaniego took place between 2007 and 2009. The experiences by relief personnel working both at the field and central levels are thought to be of relevance for understanding the contribution of humanitarian negotiations, advocacy or coordination.

Elaborating on the constructivist paradigm in social sciences, Morris affirms that “(…) the only way we can understand a human phenomenon is to completely and thoroughly understand the perceptions, or constructions, of those people who are engaged in that
human phenomenon” (2006: 194). The methodology for this paper is influenced by the constructivist paradigm because it relies on the experiences of humanitarian personnel working in Colombia, and this is why they are also the key informants to this study. Their perceptions are essential to understand the value of the humanitarian diplomacy implemented in Samaniego.

Because this study is approached with the conviction that “nobody can stand outside the human experience to observe laws and regulatory mechanisms” (Morris 2006: 94), research and sub-research questions within this paper are not intended to have “yes” or “no” answers as the perception of each interviewee is different and will be analyzed together with her/his colleague’s responses. However, the voices of humanitarian workers were not the only inputs considered for this research. Relevant documents, books, handbooks and guidelines were consulted for the theoretical framework. Additional interviews were also conducted, as will be explained below. The historical background about the Colombian armed conflict, the humanitarian crisis in Nariño Department and the contextual analysis of confinement in Samaniego were analyzed through consulting reports by relief agencies, analytic papers and relevant national and international law.

The method of data collection for this research was based on semi-structured interviews with thirteen humanitarian workers of seven international relief agencies, and their responses were typed and stored safely. This type of data collection was chosen in order to make answers “malleable enough to follow emergent leads and standardized enough to register strong patterns” (Oliker 1989, cited in Chava and Nachmias 1996: 234). The semi-structured interviews intended to obtain the perceptions of relief workers in the three main components of humanitarian diplomacy named above. In the section “The Role of Humanitarian Diplomacy for Accessing Civilian Victims of Confinement”, observations and quotations by key informants are used to respond the sub-research questions.

For framing the debate within humanitarian action, only staff from agencies focused on humanitarian assistance, protection or accompaniment of civilians or communities were approached. Communication with humanitarian workers at the agency’s national level (from the office in Bogota) and the field level (from the office in Pasto or Samaniego) were established. Although relief workers from international humanitarian agencies were the main stakeholders for data collection, unstructured interviews were also conducted with two governmental officers working with victims of the armed conflict in Samaniego and with a human rights advocate in Bogota.
All the interviews were conducted face to face. Although encounters with thirteen interviewees took place in their work environment, three interviewees were approached outside their office, in line with their instructions. Six interviews were conducted in Bogotá, seven were conducted in Pasto (the Capital of Nariño Department), and three took place in Samaniego. A brief fieldtrip was made to Samaniego; further details of it are given under the section “The Role of Humanitarian Diplomacy for Accessing Civilian Victims of Confinement”. All the interviews were conducted in Spanish, and I translated the responses to English. My interpretation naturally affects the data as it is influenced by my personal understanding of the responses. Finally, because the interviewees’ responses were sometimes difficult to understand, paraphrasing is often used.

2.3. **Limitations**

One of the main limitations of this research has to do with the accessibility to non-governmental humanitarian organizations: of all the relief agencies contacted, only one is a Non-Governmental Organization (NGO). Despite several attempts to contact other NGOs by e-mail, phone or a visit to the office, I did not receive any reply from the international NGOs Oxfam, Action Against Hunger, Jesuit Refugee Service and International Solidarity. The firsts two could have possibly made an important contribution to this paper since they have been actively working in Samaniego during confinement crisis. A relief worker from the organization Médicos Sin Fronteras (Médecins San Frontières, for its French name) in Bogotá refused to be interviewed since the topic was not related to healthcare. In my opinion, her reply illustrates the sensitiveness to openly speak about controversial humanitarian issues in Colombia.

One objective during the research process was to collect data both from field and national relief officers. This was obtained from four relief agencies; nevertheless, for three other agencies contacted, only fieldworkers accepted to be interviewed. In consequence, a thorough comparison of coordination in humanitarian diplomacy could sometimes only consider the “field perception” of relief agencies.

According to Chava and Nachmias (1996: 240), while conducting a semi-structured interview, “some respondents may be suspicious of the interviewers…” I felt that this was the case during the first two interviews despite the fact that I introduced myself, the topic,
its aims, and the confidentiality rules in an appropriate manner. As a consequence of the tensions that I perceived, I restructured the interview sample and placed the most sensitive questions in the middle, while other questions related to humanitarian coordination were at the beginning of the interview (see Appendix 11 on page 101). This allowed me to create a climate of trust with the interviewee before asking questions related to negotiations for access with the government and the parties to the armed conflict in Colombia.

Although this research is influenced by the constructivist paradigm, contextual limitations hindered a “hermeneutic dialect” (Morris 2006) for the joint construction of meanings by key informants. The reason was that confidentiality banned me from sharing other colleagues’ perspectives during the interviews. Furthermore, there were obstacles for gathering together key informants, such as lack of resources to invest in group discussions and lack of incentives so that they could balance their efforts with expected benefits from the study (Chava and Nachmias 1996: 239). An additional limitation to a more comprehensive analysis was that communities, victims of confinement and civilian leaders in Samaniego could not be approached. Furthermore, Colombian NGOs other than the Counseling Office for Human Rights and Displacement (CODHES) could not be contacted either, although they represent more than 60% of all national organizations working in the municipality (OCHA 2013b). For security reasons, my fieldtrip to Samaniego was very brief (three days) and the lack of time impeded me from establishing contact with the local population to identify civilian leaders that could have contributed to this research.

2.4. Confidentiality and Ethical Dilemmas

As the case study for this paper concerns the Colombian armed conflict, I was aware that interviews with humanitarian workers had to comply with a confidentiality policy. Therefore, at the beginning of the interview, I informed the interviewee that s/he had the right to abstain from responding questions, and that I would comply with her/his instructions on confidentiality. I also informed that I would take notes of the responses and that the interviewee could immediately stopped me if s/he did not want a response to be recorded. Once the interview ended, I mentioned the issue of confidentiality again, and I

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1 Although Fabio Lozano (2012), an interviewee who works for the NGO CODHES said that his responses reflected his views and not necessarily those of the NGO, the contact with him was established through CODHES.
obtained four main instructions from interviewees: 1. I could use her/his name and that of the relief agency; 2. I could not use her/his name but that of the relief agency; 3. I could only use her/his name and that of the relief agency for non-sensitive topics; 4. I could not use either her/his name nor that of the relief agency, but instead use a different label (e.g. “United Nations System worker” for those working in an agency/office of the United Nations System).

After reflecting on the best interest for all the participants, I decided to keep confidentiality of all the answers, therefore matching the interviewees solely with a letter. I also pooled the key informants as belonging to three main groups: the United Nations System, Intergovernmental Organizations (other than the UN) and Non Governmental Organizations. Nevertheless, some information must be provided about informants as a proof that interviews took place; profiling includes age group, gender and group of humanitarian agencies that s/he works for (this information is provided in Appendix 10 on page 100). It is also pertinent to highlight that there is not a strict correlation between the interviewees' opinion about a particular agency and their work affiliation.

Although every interviewee demonstrated a strong ethical commitment with humanitarian principles, to make the decision to keep confidentiality for those who agreed to non-confidentiality was part of an ethical dilemma. On the one hand, a sensitive issue such as humanitarian negotiations in the frame of an internal armed conflict implies that privacy must remain at its fullest. According to Chava and Nachmias: “The greater the sensitivity of the information, the more researchers are obligated to provide safeguards to protect the privacy of the research participants” (1996: 87). But on the other hand, to skip the identity of relief agencies could diminish the scopes of the research in terms of analyzing each agency’s mandate and humanitarian role. Anyhow, as a result of this dilemma, I decided that the reason for confidentiality surpassed the one for non-confidentiality.

2.5. Relevance for Humanitarian Action

The diplomatic role of humanitarian organizations is seldom recognized to be part of their activities towards alleviating suffering. Still, they mobilize considerable human and logistical resources when it comes to reaching humanitarian goals. Their diplomacy is even more pertinent in the frame of protracted conflicts in which “humanitarian options have a way of
narrowing” (Minear 2007: 25) when relief personnel is hindered from reaching people in need of assistance and protection. Although humanitarian neutrality is sometimes perceived as an impediment for active, principles-driven mobilization, diplomatic initiatives can promote issues of concern (Maurer 2013) among governments or parties to an armed conflict. Thus, the relevance of this paper to humanitarian action is to contribute to the debate on diplomacy by the international relief community in contexts of limited access to civilian victims.

This study also intends to discuss the role of humanitarian action in middle-income countries, where the State has significant control over relief operations, and where international humanitarian action is increasingly becoming either too technical or too reactive. As “national pride,” as well as the international perception, of countries like Colombia derives sensitivity towards the role of international agencies in making the country’s humanitarian situation visible (Moro 2012), relief agencies must counterbalance by reinforcing institutional partnerships while remaining impartial in the internal armed conflict. In line with this, cooperation with the military and the government’s unwillingness to “uncover” forgotten crisis poses questions about an adequate response to the growing institutional involvement in relief operations.

Another intended contribution of this research is to highlight the humanitarian crisis of confined civilians as a result of the Colombian armed conflict. Because Internally Displaced Persons (IDPs) surpass by far the number of people suffering from the more recent phenomenon of confinement, IDP-targeted humanitarian action benefits from a “positive discrimination” as compared to the under-documented confinement of civilians. It is expected that this research will highlight the needs of the contemporary victims of a war that has changed (Barreiro 2004, cited in CODHES 2008: 12) in light of the complementary and imperative action by international relief agencies in conflict areas of Colombia with limited access (Moro 2012).²

Finally, it is relevant to discuss the role of humanitarian diplomacy in front of the emergence and consolidation of the organized crime in Colombia for the applicability of International Humanitarian Law on “gangs” that use indiscriminate, war tactics which

² Thus far, there is not enough and consistent research about confinement in Colombia. When the data to this research was collected, only two academic papers (non-published bachelor’s thesis) about confinement (Calderón 2004; Ojeda 2005) could be obtained. Other documents related to confinement in Colombia and Samaniego are human rights and humanitarian reports. United Nations recently conducted a study to measure the risk of confinement with Samaniego as a case study, but it is not yet of public domain.
resemble that of former paramilitaries. Although this research does not intend to address the shortages of both International Humanitarian Law and the Colombian national law regarding the victims of organized crime, it is clear that the “invisibility” of the victims (Lozano 2012) limits humanitarian action, in clear contradiction with the right to provide timely assistance on a needs-proportional basis. Therefore, it is hoped that this research will analyze if humanitarian action is “flexible enough” to offer an effective response to victims of all the armed actors.

2.6. Thesis Outline

This thesis consists of five chapters. Previously, the introduction provided the aim, the research and sub-research questions, together with the methodology for data collection, the limitations that the research faced, the confidentiality aspects and the relevance of this study for humanitarian action. Chapter 1 will discuss the emergence of new forms of diplomacy, which include the participation of Non-Governmental Organizations to address internal armed conflicts, focusing on the role of International Humanitarian Organizations and their use of what is known as humanitarian diplomacy. In Chapter 2, humanitarian diplomacy will be divided in three components: humanitarian negotiations with armed groups, the government and civilians; humanitarian coordination with relief agencies and other partners; humanitarian advocacy for assuring compliance with International Humanitarian Law. In turn, Chapter 3 will provide a historical background of the Colombian armed conflict, the contemporary motivations of armed actors, and the challenges to humanitarian assistance in the country, followed by the analysis of the confinement crisis in the municipality of Samaniego, which will be developed in Chapter 4. Following, Chapter 5 will reconcile the theoretical and historical frameworks through an analysis of the research findings from the interviews conducted to humanitarian personnel working in Samaniego, and it will respond the sub-research questions. Finally, the conclusion will summarize the study and it will provide an analysis of the research question.
3. Chapter I: The Craft of Humanitarian Diplomacy

This chapter will highlight the concept and utility of diplomacy for achieving humanitarian objectives in armed conflicts. It will begin by discussing what humanitarian diplomacy is, followed by the general objectives of humanitarian interventions such as assistance, protection and accompaniment of civilians. It will also discuss the different standings of the relief community towards humanitarian diplomacy, as well as its various levels of implementation and the humanitarian principles that frame it.

3.1. Toward a Broad Definition of Diplomacy

State-centered approaches to diplomacy embrace it as the activities by governments to achieve their objectives through negotiations and other peaceful means rather than through force (Berridge 1995, cited Jönsson and Aggestam 2009: 3); this in respect of fundamental principles of international law like self-determination and political sovereignty. According to State-based perspectives, diplomacy is under the national interest of States, and should therefore be considered an instrument of foreign policy (Harroff-Tavel 2005: 4). Although an important number of academics still consider diplomacy as exclusively in the realm of statecraft (see Smith 2007: 43), new approaches suggest the emergence of new forms of diplomacy led by Non-Governmental/Inter-Governmental organizations, the civil society, and influential individuals. Upon this regard, Wiseman coins the term “polylateralism” to refer to:

…the conduct of relations between official entities (such as a State, several States acting together, or a State-based international organisation) and at least one unofficial, non-State entity in which there is a reasonable expectation of systematic relationships, involving some form of reporting, communication, negotiation, and representation, but not involving mutual recognition as sovereign, equivalent entities (1999: 41).

In consequence, international organizations make part of an emerging diplomacy as active participants. A well-known example of this is the advocacy conducted by the International Committee of the Red Cross (ICRC) and a wide range of Non-Governmental Organizations (NGOs) toward the signing of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (1997), which for some showed the emergence of a new form of diplomacy (see Short 1999:...
Thus, there are an increasing number of non-State actors using diplomacy alongside States.

A broader definition of diplomacy beyond the strict national interest is emerging. Diplomacy comprises of a wide range of peaceful activities toward the resolution of international conflicts (and internal armed conflicts) through mutual agreements (Smith 2007: 41; Jönsson and Aggestam 2009: 48). The use of diplomacy is extended from only governments (known as track-one diplomacy) to informal intermediaries, which is known as track-two diplomacy and refers to negotiations among NGOs, citizens diplomacy and pre-negotiation tools (Hocking 2004, cited in Jönsson and Aggestam 2009: 45).

NGOs are therefore active participants in “polylateral” diplomacy. However, due to their weaker means and narrower role as compared to States they must meet certain criteria for implementing diplomacy effectively. For an NGO to engage in conflicts successfully, four conditions must be met according to Bartoli (2009). They are thought to be of relevance for NGO’s diplomacy:

First, the NGO must be credible in its claims. Reputation is extremely important (…)
Second (…) A confidential, rather than public, process takes precedence in each of the NGO’s operating procedures. Third, an NGO must be able to work effectively with state actors. This condition is met through legitimacy. Some level of legitimacy allows states to work with the NGO in a quasi-diplomatic relationship. The last condition is the NGO’s capacity. Linked similarly to the first condition, the NGO must be able to deliver (2009: 407).

Reputation, confidentiality, legitimacy and capacity are thus critical conditions for an NGO to mediate in internal armed conflicts. Additionally, the NGO must rely on a “network of influences” (Harroff-Tavel 2005: 5) for mediation or international mobilization.

The discussion of NGOs diplomacy extends to the use of humanitarian aid as a contemporary diplomatic tool (Jönsson and Aggestam 2009: 48). Assuming that humanitarian organizations can meet the conditions mentioned by Bartoli and Harroff-Tavel, the relevance of humanitarian diplomacy will be discussed in the following section.

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3 Commonly known as the Ottawa Convention, it is based on the limited right of parties to a conflict to choose methods of warfare that inflict unnecessary suffering, obliging States to refrain from using anti-personnel landmines and also to commit to destroy them (Art. 1). The care, rehabilitation and social reintegration of victims shall also be provided by the State Party, and to do so the incumbent State may require the assistance of the United Nations, the International Committee of the Red Cross or Non-Governmental Organizations (Art. 6). The Colombian government ratified the Convention in 2000 and it entered into force on March, 2001.

4 It is worth noting that Bartoli’s criteria make reference to a NGO’s role in conflict resolution, which goes beyond humanitarian action. Moreover, the author specifies that the paper “does not focus on humanitarian and development NGOs […]” (Bartoli 2009: 394).
3.2. Humanitarian Diplomacy

Diplomacy may be implemented by the main subjects of international public law—the States—and by those who foster compliance with international public law, among others (Minear 2007: 9). Back to Wiseman, he suggests that factors leading to polylateralism in international diplomacy are the growing emergence of non-State actors, a deregulating international environment, internal (rather than international) forms of conflicts, and the impacts of technology and information (1999: 41). In this context, international humanitarian organizations that provide suffering-alleviation in the midst of internal armed conflicts have a diplomatic role to play. Nonetheless, what is labeled “humanitarian diplomacy” has only recently been coined by international humanitarian organizations (RCRC 2011: 5).

Humanitarian diplomacy consists of strategies (Pfanner 2007: 174) to provide assistance and protection to civilians and hors de combat in armed conflicts, which are protected by International Humanitarian Law. This can be achieved through negotiations with the main responsible actors of protection, either governmental authorities or non-State armed groups. By mobilizing a network of relationships at different levels in a discretionary or public manner (Harroff-Tavel 2005: 5) humanitarian organizations seek to persuade decision-makers and political leaders to obtain support, raise awareness, and encourage timely action to relieve human suffering (RCRC 2011: 5) on an impartial, neutral, and independent basis. In consequence, “humanitarian diplomacy includes advocacy, negotiation, communication, formal agreements and other measures” (IFRC 2012). For the United Nations (UN), humanitarian diplomacy is linked to advocating or lobbying for humanitarian access (McHugh and Bessler 2006).

For the purpose of this research, humanitarian diplomacy is understood as various-level activities for gaining access to civilian victims in contexts of State-based armed conflicts. In consequence, humanitarian diplomacy is implemented in order to safeguard the

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5 It is beyond the scope of this research to deepen in the diplomatic and lobbying activities of private actors such as profit-seeking organizations.
6 International Humanitarian Law protects all those not or no longer taking part in hostilities within a given armed conflict (FDFA et al. 2011: 10). Article 3 common to the Geneva Conventions states that persons not taking part in hostilities must be treated humanely.
7 According to the Uppsala Conflict Data Programme (UCDP) a state-based conflict is “a contested incompatibility that concerns government and/or territory where the use of armed force between
humanitarian space from confrontations among combatants. Humanitarian diplomacy seeks to accomplish the following objectives in armed conflicts: assistance and protection to vulnerable groups; the safeguard of the humanitarian space; and respect for international humanitarian law (Mc Hugh and Bessler 2006: IV).

3.3. The Scope (and the Limits) of Humanitarian Diplomacy

For humanitarian diplomacy to be implemented successfully, humanitarian organizations rely on mandates for action. This research will focus on three general objectives of humanitarian interventions in State-based armed conflicts, which are humanitarian assistance, protection and accompaniment of non-combatants:

3.3.1. Humanitarian assistance refers to all those activities intended to limit or to prevent human suffering in contexts of severe social disruption. It encompasses the delivery of aid to people in need (Mc Hugh and Bessler 2006: 39) as well as the logistics that it implies, using the principles of humanity, neutrality and impartiality. According to Mc Hugh and Bessler (2006), humanitarian assistance is divided in three categories: the direct delivery of medicines and goods, the indirect delivery through logistical and supportive activities, and the building of infrastructure to meet humanitarian needs.

3.3.2. Humanitarian protection refers to the safeguard of a person’s dignity, safety and integrity (Slim and Bonwick 2005: 30) which is not given vertically from those in charge of protection, but through the practical and political support for people to protect themselves (Slim and Bonwick 2005: 32). A narrower definition is offered by the ICRC as making the responsible actors in an armed conflicts comply with International Humanitarian Law (IHL), especially towards persons not or no longer taking part in hostilities, expectant mothers, and children (ICRC 2010a; FDFA et al. 2011: 13; Henckaerts 2005: 188). This is complemented by the right to be assisted on a non discriminatory basis (ICRC 2010a).

3.3.3. Humanitarian accompaniment is a form of protection through the active presence in the field; a process of active and deep interaction with victims or two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year” (2010). The term “internal armed conflict” will be used indistinctively to that of state-based conflict.
potential victims of armed conflicts. Accompaniment implies witnessing situations of vulnerability and “internationalizing” a situation of violence (Brock 2007: 325; Jesuit Refugee Service 2012). It also implies to be reliable to communities, as it is the case of the NGO Peace Brigades International (PBI) in disaster settings (Brock 2007: 325). Finally, for the Jesuit Refugee Service (2012), accompaniment is a mean of empowerment for the most vulnerable.

Relief agencies must promote the humanitarian space as dictated by International Humanitarian Law (IHL). Protection through IHL is complemented by guidelines from the United Nations Secretary General (UNSG) to protect specific groups such as women and children (2009: 3). Moreover, the ICRC has concluded after a study on Customary International Law that rules of international armed conflicts are also binding for internal armed conflicts (ICRC cited in FDFA et al. 2011: 19). In accordance to Protocol II additional to the Geneva Conventions (1977), it is up to the initiative of relief groups to care for the wounded, sick and shipwrecked (Art. 18).8

The space from which humanitarian organizations act is technically labeled as the Humanitarian Operating Environment and commonly known as “the humanitarian space” (McHugh and Bessler 2006: 5). All activities concerning relief organizations are implemented within this framework to avoid the politicization or unnecessary militarization of aid. Relief organizations coordinate de-conflicting arrangements and days of tranquility, implement agreements for the deployment of humanitarian personnel and assets, evacuate civilians from battle zones and coordinate with relevant parties, warring factions, peacekeeping or occupation forces in order to promote the humanitarian space (UNSG 2009: 13). Following, different approaches to humanitarian diplomacy will be discussed.

3.4. Different Approaches to Humanitarian Diplomacy

Humanitarian diplomacy differs considerably from State-led diplomacy since it aims to achieve humanitarian objectives through a significant level of autonomy from governmental authorities. These objectives are in consequence “less ambitious” than those related to peace-

8 According to Henckaerts (2005: 189) “It is (…) self-evident that a humanitarian organization cannot operate without the consent of the party concerned. However, such consent must not be refused on arbitrary ground.” Additionally, “practice recognizes that the party concerned may exercise control over the relief action and that humanitarian relief personnel must respect domestic law on access to territory and security requirements in force” (Henckaerts 2005: 190).
building, social development, or military security. Additionally, while traditional diplomacy is discretionary and even secretive, humanitarian diplomacy can break the silence when persuasion to assist civilians is undermined or unsuccessful. Also, humanitarian diplomacy can range from negotiations at military checkpoints to advocacy for international mobilization.

A distinction between the different levels for implementing humanitarian diplomacy is given by Minear (2007: 11). He distinguishes between “capital D” and “small D” diplomacy: Capital Diplomacy refers to high-level diplomacy, while small diplomacy refers to frontline humanitarian activities. In consequence, while some organizations implement Diplomacy for negotiating humanitarian access or supporting political mobilization against human rights violations, others prefer to conduct diplomacy with armed actors in the field, therefore using persuasion instead of denouncement. Regarding the implementation of humanitarian diplomacy by the ICRC, Harroff-Tavel (2005: 79) highlights three strategies of the organization: to persuade armed groups to comply with International Humanitarian Law; which, if proves ineffective leads to mobilization by delegating a third-party mediator. If this also proves ineffective the ICRC will denounce breaches in IHL more openly.

But not all relief organizations will agree on the use of diplomacy for achieving humanitarian objectives. While the International Federation of the Red Cross and Red Crescent Societies (IFRC) argues that humanitarian diplomacy is not an option but a responsibility (2012: 1), others argue that diplomacy goes well beyond their responsibilities (Minear 2007: 8). The latter understands neutrality as an impediment for diplomacy with decision-makers at any level. Upon this discussion, Smith (2007: 38) mentioned three approaches:

3.4.1. Humanitarian diplomacy as a contradiction: Supporters of this approach argue that humanitarian diplomacy implies political actions that undermine the neutrality of relief workers. A demonstration of this is the involvement of foreign governments in humanitarian tasks, the blurring of the military/civilian space in disaster settings and the use and abuse by governments of the humanitarian space in conflict zones. All these activities risk losing the sometimes privileged access of relief personnel in areas of difficult access by political or military actors. For example, the attacks against the United Nations Headquarters in Baghdad in 2003 raised concerns of the safety and perceived neutrality of humanitarian personnel.
3.4.2. **Humanitarian diplomacy as a day-to-day task:** A wide range of activities, such as field-level negotiations or humanitarian coordination are inevitable forms of diplomacy, according to this approach. It is therefore natural to engage in conversations with those responsible to protect and by doing so humanitarian agencies do not necessarily undermine neutrality. Diplomacy is a “necessary ingredient” (Minear 2007: 13) of aid agencies.

3.4.3. **The imperative diplomacy:** A third approach goes beyond pragmatic diplomacy up to peace-building and conflict resolution. Personnel in the field must be well-trained for effective objectives achievement (Smith 2007: 40). By an active presence in internal armed conflicts, humanitarian agencies have “a role to play” in creating lasting solutions. Furthermore, humanitarian diplomacy can help “softening the positions of warring parties” (Roberfroid 2007: 106) and easing the path toward peace. Humanitarian agencies must advocate for addressing the structural causes of violence and suffering (Minear 2007: 13), something which clearly goes beyond “relief pragmatism”. Following, a discussion on humanitarian principles is provided.

3.5. **“Let Them Eat Principles”? Can Humanitarian Organizations Afford to Trade-Off?**

The aforementioned discussion was influenced by some tragic consequences from the integration of humanitarian organizations with militaries or politicians. This encouraged well-recognized international humanitarian agencies to take distance from broader political agendas, highlighting their independence in sensitive areas such as food distribution, the use of escorts, and the transport of armed officers in humanitarian vehicles.\(^9\) The majority of humanitarian workers recognize that, although making concessions at a field-level can hasten prompt objectives, it can also block humanitarian access (Wortel 2009: 780).

The first humanitarian principle is the right to provide and to receive assistance, known as the humanitarian imperative that derives from the principle of humanity (Sphere Project 2011: 20; ICRC and IFRC 1994: 3). This principle is directly linked to the

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\(^9\) Phrase quoted from Smith (2007: 18) in reference to the use and abuse of humanitarian principles.

\(^{10}\) See the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief (ICRC and IFRC 1994) for more regulations.
unimpeded access to people in need (ICRC and IFRC 1994: 3) and it comprises the principle of impartiality, to provide proportional assistance to the most needy (Sphere Project 2011: 22). Other two instrumental principles, humanitarian neutrality and independence, will be discussed below in greater detail.

Neutrality forbids humanitarian agencies from taking sides in hostilities and controversies of any nature. For the ICRC, neutrality is not an “absolute” but a mean to achieve a superior principle, that of humanity (Wortel 2009: 789). However, neutrality finds its contenders: MSF’s founder, Bernard Kouchner, accused neutrality of fostering silence (Kellenberger 2004: 601; Wortel 2009: 789) therefore leading to complicity for great harms done to civilians in armed conflicts. Kouchner argued that at the core of neutrality lays the debate of charity versus justice, out of which he morally stands for the second (Wortel 2009: 789). In response to this accusation, the ICRC labels its neutrality as instrumental, used with the mere purpose of accessing civilians in war zones (Wortel 2009: 789). Nowadays, the ICRC adopts the role of “neutral intermediary” as an operational approach upon which the Movement negotiates access to victims (see Kraehenbuehl 2009, cited in the ICRC: 2008). ICRC’s neutral role, however, is limited: the Movement’s policy on confidentiality is not unconditional (Stillhard 2010, cited in the ICRC 2010b).

Finally, the principle of independence separates humanitarian organizations from the interests of host or foreign governments and warring factions. Due to their presence on the ground, the information gathered or witnessed by humanitarian organizations is naturally desired for political or military aims. Notwithstanding, this principle does not preclude the use of information at the negotiation table for persuading political or military authorities, which makes of information-gathering and communication “core standard functions” of humanitarian diplomacy (Smith 2007: 54). Independence underpins confidentiality; relief agencies can be reliable to parties in a conflict through trust-building, communication and influence (Stillhard 2010, cited in the ICRC 2010b). Though, relief organizations must be aware of the sensitivity of engaging with the parties in an armed conflict.

In conclusion, humanitarian diplomacy is becoming a relevant part of the polylateral diplomatic system as described by Wiseman due to the reputation, confidentiality, legitimacy, capacity and networking abilities of relief agencies. Humanitarian diplomacy seeks primarily to bring assistance and protection through gaining access to civilians and by promoting International Humanitarian Law among the main responsible actors of
protection – be they armed groups or governments. In the next section, three components of humanitarian diplomacy will be explained in order to further discuss relief actions in the Colombian armed conflict.


In the previous chapter a discussion on the emergence and scope of humanitarian diplomacy was developed. Following that, this chapter will be based on its implementation. Humanitarian diplomacy will be framed in the purpose of gaining access to civilian victims in armed conflicts, and therefore three components of it will be analyzed. They are: humanitarian negotiations with relevant actors in internal armed conflicts, coordination within and among international organizations for gaining access to civilians, and the implementation of advocacy activities as an alternative or as a complement to negotiate access to people in need.

4.1. Humanitarian Negotiations: With Whom and to What Extent?

Humanitarian negotiations imply those transactions, compromises and agreements with the purpose of assisting or protecting vulnerable civilians in armed conflicts, by safeguarding the humanitarian space or by promoting compliance with binding international law (Mancini-Griffoli and Picott 2004: 19; Mc Hugh and Bessler 2006: 5). Humanitarian organizations very often engage in “transactions” (Allié 2011: 3) with politicians, rebel groups and militaries. These compromises are the underlying base upon which relief agencies can reach the targeted population while keeping their personnel safe. But as was mentioned above, humanitarian principles limit relief organizations from undermining impartial, neutral and independent assistance and protection. The mere onset of a humanitarian operation encourages compliance with the principle of “no harm”. All this suggests that trade-off is limited. Negotiations demand regular communication and relationship-building (Mc Hugh and Bessler 2006: 5) thus networking formally or informally with armed groups (Harroff-Tavel 2005: 5). Yet, a network of partners goes

11 The do no harm principle warns humanitarian workers to avoid the exposure of people to any kind of risks as a result of relief agencies’ intervention (Protection Principle 1, cited in Sphere Project 2011: 33).
beyond parties to a conflict; restrictions to negotiate with armed groups outside the law encourage relief agencies to inform about a humanitarian operation through intermediaries or third parties. For example, as recounted by Pfanner (2007: 185) dialogue with non-State parties in East Timor between 1998 and 1999 had to be carried out abroad in accordance to Indonesian law.

Mancini-Griffoli and Picott (2004) divide humanitarian negotiations during armed conflicts into three different levels: high-level or strategic, mid-level or operational and ground or front-line level (see Appendix 8 on page 98). Negotiations with armed groups are advised to be carried out at a high-level (with commanders) although some argue that contacts must be established simultaneously with the field level when the military hierarchy is somehow fragmented (Glaser 2005: 19). Humanitarians must dialogue with political leaders, a reason why some highlight the always-political dimension of humanitarian action (see Barnett and Weiss 2008). As negotiations are important for humanitarian diplomacy, the pursuing of humanitarian outcomes demands strategies that are both aims-driven and principle-based; some of these strategies are discussed below:

**Persuasion** is sometimes seen as the opposite of denunciation and it is used by the ICRC for accessing those in need, which is a top priority (Kellenberger 2004: 600). For the ICRC, persuasion is used to convince decision makers and opinion leaders to act humanely toward people in need (IFRC 2012: 2). The International Red Cross and Red Crescent Movement also distinguishes between a public and a private “voice” for humanitarian challenges (IFRC 2012: 2), the former meaning resorting to the media or to a third-party mediator when direct talks with armed groups are not achieving humanitarian outcomes. In turn, by dissuasion and deterrence, binding parties such as armed groups, the government, or occupation forces are persuaded from abstaining to act to the detriment of the wellbeing and protection of civilians or hors de combat. For example, the NGO Peace Brigades International’s mission in Colombia was based on what they call “protective accompaniment” (Brock 2007: 331) of leaders and communities under threat. The organization believes that international presence in war zones raises the stakes of attacks against civilians, therefore dissuading parties to the armed conflict (Brock 2007: 337).

Relief organizations build upon a significant network at a national and international level through diplomacy to ensure the sufficient concern of belligerents about international opinion as to be deterred from attacking or intimidating civilians, for example, when
paramilitaries in Colombia showed disposition to comply with IHL (Center for Humanitarian Dialogue 2002, cited in McHugh and Bessler 2006: 28). It is though unlikely that dissuasion and deterrence will have significant effects toward criminal organizations or for-profit armed groups, due that their objectives do not rely in popular or international legitimacy but are greed-based. Sometimes humanitarian organizations can only achieve second-best agreements (Mancini-Griffoli and Picott 2004: 26): if full assistance cannot be consented to by armed groups, humanitarian workers must often accept a minor assistance while still complying with their operational standards. An “exploratory problem-solving attitude” is recommended in these cases by Fisher and Uri (1991, cited in Mancini-Griffoli and Picott 2004: 29). Exploratory missions are also an opportunity to build trust with both belligerents and civilians as deep access to war zones can often only be a medium-term aim, according to MSF’s experience in Afghanistan (Crombé and Hofman 2011: 57). But humanitarian access depends heavily on who the counterpart is. The following sections discuss negotiations with armed groups, militaries, non-State armed groups labeled as terrorists, the government, and civilians.

4.2. Negotiating with Armed Non-State Actors: A Pact with the Devil?

Armed Non-State Actors (ANSAS) of a State-based armed conflict are those not under the command of the State in which they operate (Mc Hugh and Bessler 2006: 23), and they are militarily capable of confronting State forces due to political incompatibilities (FDFA 2011: 10; UCDP 2010). ANSAS are subjected to International Humanitarian Law as long as they take part in an internal armed conflict; armed groups participating in riots, civil unrest, or criminal, profit-oriented or terrorist organizations are not bound by it.

Exploratory negotiations with ANSAS start from understanding the motivation, rationale, and the political context on which they base their struggle (Mc Hugh and Bessler 2006; Williams and Ricigliano 2005). Context-analysis often involves field-level contacts with ANSAS; humanitarian organizations must keep an open mind and listen attentively to what armed groups have to say (Williams and Ricigliano 2005: 17; Waite 2005, cited in Ricigliano 2005: 22). When negotiating with armed groups, humanitarian organizations

12 For a broader discussion of the influence of greed in contemporary civil wars, see Arson and Zartman (2005).
13 A problem-solving attitude consists of identifying each party’s interests and needs to assess if they are compatible so that principled agreements are possible, or if goals can instead be satisfied without even having to reach compromises (Fisher and Uri 1991, cited in Mancini-Griffoli and Picot 2004: 29).
suffer from a significant power imbalance (McHugh and Bessler 2006: 6) as they have “less muscle” (Minear 2007: 10) to negotiate. According to McHugh and Bessler (2006: 11) relief staff that dialogues with ANSAS must consider two important issues: if the seeking objectives justify talks with armed groups and if negotiations do not represent a high risk to armed groups, humanitarian staff, and to the beneficiaries.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) recommends to avoid talks: a. When armed groups use civilians as a bargaining tool; b. when participating in negotiations make armed groups an easier target for armed counterparts; c. when humanitarian action is used to enhance the legitimacy of armed groups; d. when armed groups manipulate different humanitarian organizations for their own convenience; e. when negative effects on civilians may be a side-effect or a condition in the negotiations (McHugh and Bessler 2006: 11-13). Those against humanitarian negotiations with ANSAS argue that humanitarianism ends up being complicit of the atrocities toward civilians (Barnett and Weiss 2008: 37). This is because violence by armed groups requires a witnessing eye (Hammond 2008: 179) which in certain occasions happens to be relief personnel. Nevertheless, it is worth noting that humanitarian agencies draw a boundary between what is “tolerable” and what is not subjected to trade-off (such as attacks against medical facilities and war crimes).

The United Nations Secretary General (UNSG) has highlighted the need for pressure upon governments to allow that impartial and neutral organizations talk to armed groups not only for gaining access to territories otherwise restricted, but also for the security of humanitarian workers (2009: 10; 2004: 13). The Secretary General has also noticed the fact that the ICRC, as committed to dialogue with armed groups, is the only humanitarian organization that has experienced a drop in staff’s assassinations due to its direct approach to potential threats (2009: 23). Therefore, the way humanitarian workers are seen is important (Slim 2004). Armed groups’ perceptions of relief personnel are crucial for trust-building. In Iraq, the perceptions by the armed groups opposing the military occupation forces were important for effectively passing humanitarian goods and personnel in restricted villages of the country (Rodríquez 2007: 113). Rather than making pacts with the devil, negotiations with armed groups seem to be important for humanitarian access.
4.2.1. Civil and Military Cooperation: Fostering or Shortening the Humanitarian Space?

Known as the interface between military and humanitarian actors in the field (Egeland, Harmer and Stoddard 2011: XV), Civil-Military Cooperation (CIMIC) has unleashed significant debate among the humanitarian community on the role played by the military in relief operations and on what is known as the “blurring of lines” between civilians and the military. The military and political abuse of the humanitarian space may represent an important threat to relief objectives. A case in point is the use of the ICRC’s insignias in the breastplate of a public officer during a military operation in Colombia in 2008 known as Operación Jaque for the release of hostages held by the Revolutionary Armed Forces of Colombia (FARC, for its Spanish acronym). As a response to this, the ICRC (2008) reiterated that the emblem has to be respected and be never abused.

Relief organizations, including UN bodies, avoid close cooperation with the military out of fears that it will hamper perceptions of neutrality and will therefore undermine humanitarian objectives (Bessler and Seki 2006) placing civilians – both staff and beneficiaries – at risk. They embrace “humanitarianism” as exclusively a civilian duty, which clearly clashes with military or State-sponsored humanitarian action (Barnett and Weiss 2008: 26). Relief agencies such as MSF and the ICRC are pioneers of this approach; for example, the ICRC sees suffering-alleviation and conflict resolution (which may imply a greater military role) as belonging to different domains (Studer 2001). Some critiques argue that CIMIC-led hostility may be the result of a convenient humanitarianism (Barnett and Weiss 2008: 35) that moved some relief organizations ‘back and forth’ principled action in the field (Hammond 2008: 183). Another approach to CIMIC is promoted especially by UN agencies. This approach consents the role of militaries only in fostering a safe humanitarian space, and recurs to broader cooperation as a last resort (Bessler and Seki 2006). In contrasts, a third position sees cooperation with the military as the most efficient way of ‘getting the job done’ by obtaining the necessary funds‡ and security for fieldwork.

‡ An example of politically-led funding is provided by Crombé and Hofman (2011: 52-53) in Afghanistan. As the authors highlight, funds allocated to health programs in 2003 which were financed by the United States, the European Commission and the World Bank and channeled by the national health ministry were aimed at describing Afghanistan as a post-conflict scenario, thus using health care as a political objective ahead of a humanitarian imperative.
(Rodríguez 2007: 117). Anyhow, the military is an important player in the 360-degree negotiations (Mancini-Griffoli and Picott 2004: 29) by humanitarian organizations.  

4.2.2. Dialogues with the Government

Host governments have a primary role in the responsibility to protect civilians in armed conflicts. Moreover, the government is a major gatekeeper with whom to negotiate access to dangerous areas. Host governments have the capacity both to assert the legitimacy of humanitarian organizations to work alongside the State or to deny access to certain areas or to the entire country.

Governments can ban humanitarian talks with armed groups or deny the existence of an armed conflict, jeopardizing humanitarian action. An example of the latter is the Colombian government, which prohibits non-governmental or inter-governmental relief agencies to carry out dialogues with armed groups -with the exception of the ICRC. The United Nations Secretary General argues that restrictions in talks undermine access to people in need (2004: 13). The non-recognition of a state of war or the convenient shift in terms (e.g. by labeling an armed conflict as a riot) also jeopardizes the operational capabilities of humanitarian agencies. According to MSF, two conditions are crucial for a relief intervention: that all parties recognize the existence of an armed conflict and that governmental authorities request humanitarian action (Crombé and Hofman 2011: 66).

Relief agencies also denounce the consequences that the war on terror has had in the will of governments to allow humanitarian interventions. Several of these organizations argue that the war on terror undermines their neutrality, thus obliging them to choose sides (Crombé and Hofman 2011: 50). This politicization of the humanitarian space is also reflected in the “infamous statement” by the former United States Secretary of State Colin Powell when affirmed that NGOs in Iraq were a “multiplier force” of the occupation forces’ combat team (Barnet and Weiss 2008: 25; Rodriguez 2007: 115). Contemporary armed conflicts suggest an increasing sabotage of humanitarian action from militaries and

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15 '360-degree negotiations’ make reference to the “dense web of relationships” at different levels with whom humanitarian organizations negotiate to achieve their objectives (Mancini-Griffoli and Picott 2004: 29).

16 The reason for this is that "the ICRC is mandated by States through the Geneva Conventions and their Additional Protocols, and the statutes of the International Red Cross and Red Crescent Movement, to promote and act as guardian of international humanitarian law (IHL). This involves encouraging the ratification of treaties, monitoring compliance, dissemination and contributing to the development of IHL" (ICRC 2011a).
politicians (Egeland, cited in Egeland, Harmer and Stoddard 2011: X) in the combat against terrorism. In this regard, Valerie Amos\textsuperscript{17} has drawn attention to the increasing national legislation and policies that ban and penalize all “material support” to armed groups, even if it implies technical advisory for compliance or adjustment to international humanitarian law (2010, cited in Egeland, Harmer and Stoddard 2011: 45).

4.2.3. Beyond Winning Hearts and Minds:” Dialoguing with Beneficiaries

Beneficiaries are seldom considered as active interlocutors or counterparts in humanitarian negotiations. However, beneficiaries can be intermediaries when negotiations with armed groups are prohibited, thus triangulating talks otherwise impossible to carry out.\textsuperscript{19} In other situations, relief organizations can support surveillance and protection mechanisms by communities when access is impeded (Egeland, Harmer and Stoddard 2011: 36). But even though networking with a reliable local contact (Egeland, Harmer and Stoddard 2011: 26) is a needed strategy when direct negotiations with armed groups are not possible, this can only be followed after assessing if communities will be at risk by maintaining contacts with armed groups. Moreover, it is important to consider what armed groups want from civilians; if the latter are somehow respected or abused instead (Glaser 2005: 19). Because intermediaries are involved in the conflict dynamics (Williams and Ricigliano 2005: 15), relief agencies must ensure that communities will not suffer negative implications for bridging humanitarian organizations and armed groups. The use of religious groups as “buffers” and of mosques as centers for aid-delivery (Rodríguez 2007: 123-125) showed the importance of legitimate local grids as strategic partners for reaching humanitarian objectives in sensitive political environments.

Humanitarian organizations have become aware that beneficiaries can develop their own protection capabilities (Slim and Bonwick 2005: 53). This implies involving in negotiations with intended beneficiaries to gain the required community’s acceptance for achieving further and lasting access. Mancini-Griffoli and Picot recommend not creating

\textsuperscript{17} Valerie Amos is the current United Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator.

\textsuperscript{18} The phrase “winning hearts and minds” makes reference to the “militarization of aid” for winning the sympathy of beneficiaries and therefore to obtain political or military advantages.

\textsuperscript{19} It is worth highlighting that communities can intermediate between relief agencies and armed actors for humanitarian access. But they do not play any role as mediators. According to Bercovitch “mediation involves the intervention of an individual, group or organization into a dispute between two or more actors” (2002: 5), and humanitarian actors do not hold disputes with armed groups as they do not take sides in armed conflicts.
unrealistic expectations of the assistance that is going to be provided (2004: 157). Coordination between humanitarian partners is also critical for accessing to beneficiaries, a topic which will be discussed in the next section.

4.3. Coordinating for Humanitarian Access

When it comes to negotiations for access, the principle of independence often refrain humanitarian agencies from walking to the negotiation table together or delegating a common representative. Nevertheless, some degree of coordination must limit the overlapping of duties, the insufficient coordination, and the confusions that emerge as a consequence of the multi-actors work in emergency settings (Pfanner 2007: 183). To avoid the side-effects of mismatch, coordination is to fieldworkers an obligation of each agency (anonymous aid worker, cited in Mancini-Griffoli and Picott 2004: 47). Unfortunately, even when there are clearly differentiated mandates between humanitarian organizations, they can sometimes be thrown in the same box and jointly blamed when a few organizations provoke harm. Lack of coordination have encouraged relief organizations to ratify common codes of conduct such as the Sphere Project (2011) and the Code of Conduct in Disaster Relief (ICRC and IFRC 1994); they also maintain regular inter-agency dialogues in the field as a mean of harmonizing and improving humanitarian assistance, as recounted by Pfanner (2007: 183) of the ICRC’s activities in East Timor.

Although coordination is not usually an explicit policy (Van Brabant 1997: 5), it is an important part of the humanitarian community’s response to emergencies. A case in point is the Inter-Agency Standing Committee (IASC), which assists the Emergency Relief Coordinator in consultation mechanisms. During emergencies, the IASC develops a contingency planning framework through cluster groups20 (IASC 2007: 7). At the same time, an important UN coordination tool is the Disaster Management Team. When it includes donors, other intergovernmental and nongovernmental organizations and the Red Cross/Red Crescent Movement the team is known as the Humanitarian Country Team (HCT) (OCHA 2006: 204). The HCT thus maintains contact with Headquarters for liaison purposes and policies coordination, working within three phases: information reports,

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20 The clusters system makes reference to groups of relief organizations working in the most relevant humanitarian sectors during emergencies to improve joint accountability and coordination, among others (OCHA 2013a). Clusters are divided in: food and security, emergency telecommunication, early recovery, education, SWH (sanitation, water and hygiene), logistics, nutrition, shelter, camp management, health and protection (OCHA 2013a).
situation reports or implementation assistance during emergencies (OCHA 2006: 205). Humanitarian Country Teams worldwide are based on the cluster approach to emergencies.

Every organization has its own perspective about humanitarian dialogues although they often share similar principles and objectives. To avoid incompatibilities, OCHA recommends that a common a representative fosters talks with parties to the conflict, therefore orienting negotiations towards humanitarian outcomes (McHugh and Bessler 2006: 21). Inter-agency liaison for security is also important; for example, the operation “Saving Lives Together” in Sudan has engaged both United Nations agencies and NGOs in an advisory capacity and when it comes to exchanging security mechanisms (Egeland, Harmer and Stoddard 2011: 39). Advocacy, a third component of humanitarian diplomacy, is explained below in greater detail.

4.4. Humanitarian Advocacy: Choosing between Silence and Denouncement

Humanitarian advocacy refers to those activities in promotion and defense of International Humanitarian Law in armed conflicts. It can be carried out openly or privately with armed groups (Mc Hugh and Bessler 2006: 56), having the objective to influence the behavior of combatants to comply with relevant law. Advocacy can also be implemented at different levels in a particular armed conflict (Minear 2007: 7), from combatants in the field to international diplomats and key mediators.

Organizations based on confidentiality use public advocacy when it does not represent a threat to humanitarian access, according to the ICRC (Harroff-Tavel 2005: 7). An example of the aforementioned is the ICRC’s campaign to ban landmines, which aimed at finding legal and medical support, disseminating public materials and sponsoring research on the military utility of landmines. All this intended to raise public awareness for a ban on landmines but it also encouraged military awareness on the disproportion between landmine’s military advantages and their much larger humanitarian consequences (Lavoyer and Maresca 1999: 515; Short 1999: 493). In turn, a more private advocacy aims at promoting respect for International Humanitarian Law among combatants, the military and governments. Therefore, advocacy is a form of engagement with armed groups together with negotiation, mediation, and liaison (Mc Hugh and Bessler 2006: 5; 56). The IASC suggests that advocacy is considered as a way to liaise and coordinate with governments and
donors (2007: 22). Private or discrete advocacy toward armed groups, the government or third parties for implementing pauses during conflict is also important for humanitarian diplomacy regarding access to civilians.

Public denunciation must avoid biases or too explicit information (Kellenberger 2004: 600). Nonetheless, the public consequences of non-denouncement also affect the image of the organization facing a broader audience, therefore emerging the dilemma of confidentiality vs. publicity (Smith 2007: 49). It is worth highlighting that using the media to accuse governments can lead to the immediate dismissal of an agency from the host country, as was the case after MSF’s denunciation of the Yemeni political situation during 2009 (Lacharité 2011: 45), therefore threatening the safety of both humanitarian personnel and beneficiaries. In turn, contesters of humanitarian organizations accuse them for being too close to the warring factions (Barnett and Weiss 2008: 7) or too complicit with those who inflict human suffering. It is well known by these organizations that “the choice between principles and pragmatism” (Rodríguez 2007: 127) is context-dependant.

Support for public advocacy is also shared among humanitarian organizations oriented to peace-building or justice promotion. They seek to mobilize public opinion when necessary (Minear 2007: 11) by speaking out. But they also implement a field-level advocacy, one example being the distinction between combatants and civilians in refugee camps when it comes to “bringing justice” to a society, such as in the refugee camps’ management of post-genocide Rwanda (Wortel 2009: 797). Finally, public advocacy is also influenced by the unequal mobilization capabilities and available resources of humanitarian organizations (Short 1999: 495). Humanitarian agencies such as MSF and the ICRC attribute the “go public” role to human rights organizations that do not have presence in the field; this task-sharing allows humanitarian organizations to concentrate on primarily gaining access (Kellenberger 2004: 607). In contrast, others argue that aid agencies are turning to a “blame and shame” culture through increasingly advocating with the purpose of benefiting of the popularity and growing resources available to them (Weiss and Bernet 2008: 40). But humanitarian organizations know that there is a lot at stake when speaking out; what results in more media coverage and popularity can lead to the end of a mission. According to the Sphere Standards, organizations committed to advocacy must do so through reliable evidence, stakeholders, and context analysis in order to achieve lasting protection to beneficiaries (Sphere Project 2011: 32).
In conclusion, assisting civilian victims of an internal armed conflict demands that relief agencies negotiate with a variety of actors, coordinate among them for access, and advocate privately or publicly. As humanitarian negotiations are bounded by the political context, diplomacy is a matter of art and science: the thin line between persuading and speaking out or the dynamics of humanitarian coordination can contribute in gaining access to civilians or in jeopardizing humanitarian missions. Being the Colombian armed conflict the case study of this paper, the next section will thus provide a geopolitical analysis to further highlight the country’s contemporary humanitarian challenges.

5. Chapter 3: Emerging Armed Actors, New Ambitions and Forgotten Victims of the Armed Conflict

This chapter will discuss the evolution and new features of the Colombian armed conflict. It will commence with an overview of the conflict’s evolution and the raison d'être of the main illegal armed groups such as the Revolutionary Armed Forces of Colombia (FARC), the Colombian National Liberation Army (ELN) and the United Self-Defense Forces of Colombia (AUC). The role of the Colombian government within the conflict and its national security policy will also be highlighted. Following that, a discussion of the major geopolitical and humanitarian challenges, the contemporary motivations of guerrillas and the emergence of criminal bands as new illegal armed groups with increasing territorial domain will be given. The chapter will conclude with a discussion about Armed Non-State Actors (ANSAS) in Colombia: whether they still hold political aims or if they are instead protracting the war to profiting from it. This discussion will contribute to a further analysis of the effectiveness of international humanitarian aid to cope with the current challenges of the armed conflict.

The Colombian conflict is perhaps one of the longest internal armed conflicts in the world. Starting as a civil war between Liberals and Conservatives and fueled by the civil war known as *La Violencia* (1945-1958), the Colombian conflict was triggered by the assassination of the liberal leader Jorge Eliécer Gaitán. Following his assassination, factions of the communist and liberal parties withdrew to rural areas (Serralvo 2011) where they imposed a political and military control in regions not yet conquered by the State. These guerrilla factions began a low-intensity armed conflict with the State during the 1960s and 1970s (Chernick 2003, cited in Blankestijn 2012: 19). In 1964, various guerrillas joined the
FARC (Blankestijn 2012: 19). Another guerrilla group, the ELN emerged from this process as well. Both the FARC and the ELN, which have been the most important guerrilla groups throughout the conflict, affirmed to struggle for defeating or substantially reforming the capitalist system, and both of them put a strong emphasis on rural justice: while the FARC says to fight for a radical agrarian reform, the ELN combats against the working conditions imposed by foreign capital (Elhawary 2008: 90).

What is termed the State’s hegemonic crisis (Richani 2002, cited in Elhawary 2008: 91) led to the dominance of guerrillas in rural areas. With their strong emphasis on agrarian reform and the influence of socialism and the Cuban revolution, these armed groups threatened large land holders (known as latifundistas) who started arming and financing counter-insurgency groups or paramilitaries to maintain their traditional economic dominance over land ownership. Many of these paramilitary organizations formed the AUC, which soon became “a strategic military tool of the army” (Brock 2007: 328). Paramilitaries took property of land as well, and by 2000 they owned 50% of the country’s most fertile land (Valencia 2006, cited in Elhawary 2008: 92).

The Colombian conflict has fluctuated between an intense armed confrontation and a scarce willingness for reaching peace. The first attempt to negotiate a ceasefire took place in 1982, led by President Belisario Betancourt (1982-1986). Nevertheless, the violent warfare by guerrillas and paramilitaries jeopardized dialogues. The armed conflict therefore escalated, especially in the years prior to the peace process promoted by President Andrés Pastrana (Brock 2007: 326). During his administration, Pastrana (1998-2002) began what is now recognized as an unpopular and frustrated peace process, ceding a geographical area of the size of Switzerland to the FARC. According to the International Crisis Group (ICG), the FARC took advantage of government concessions in order to facilitate their military and economic strengthening through an increase in the drug business and the intimidation of communities (ICG 2010: 22).

The failure of the peace process promoted by Pastrana was followed by the next president’s “firm hand” policy against guerrillas, particularly the FARC. Alvaro Uribe’s administration (2002-2010) promoted the Democratic Defense and Security Policy in 2003, which labeled all armed groups outside the law as terrorists, but which according to Tinnirello (2008: 104) was exclusively focused on fighting guerrillas. Through an intense military campaign, Alvaro Uribe’s government reduced the FARC territorial coverage by fifty per cent, together with the loss of thousands of guerrilla combatants (ICG 2010b and
ICG 2009, cited in ICG 2010: 1). The Colombian government also promoted a one-sided peace process with paramilitaries, known as the “Justice and Peace Law” (2005) that was based on the demobilization and reintegration of paramilitaries. By the end of 2006, thirty-eight demobilization events were carried out and 2,694 combatants applied to be covered by the law (OAS-SG 2011: 21). However, the law was harshly criticized by the media and academics for its weak penalty of severe crimes committed by paramilitaries: it shortened the sentences by up to eight years. The American newspaper The New York Times has called the law “Impunity for Mass Murderers, Terrorists and Major Cocaine Traffickers Law” (2005). In turn, the broadcaster Al Jazeera (2012) shows in its documentary “Impunity” how former paramilitaries who confessed to unusual and inappropriate alliances with government authorities and the military during war violence were extradited to the United States, which put an end to full testimonies and the clarification of facts, especially in front of their victims.

A further consequence of the weaknesses in the Justice and Peace Law was the rearming of demobilized paramilitaries. Both impunity and the lack of sufficient economic incentives led to the emergence of what the government labels Criminal Bands or Bacrim (for its Spanish acronym) by medium-size and low-ranking paramilitaries (Zambrano 2012). Of all the demobilized, those who have been involved in criminal activities after demobilization range from 2% according to governmental sources (ICG 2010c, cited in ICG 2010: 6) to 8.5% in accordance with the Colombian former High Commissioner for Peace (Gonzalez 2009, cited in ICG 2010: 6). Unwilling to recognize the pitfalls of the peace process, Uribe’s government was reluctant to acknowledge the connections of criminal bands with former paramilitary groups (ICG 2010: 5) or the power that these emerging armed groups held over both the illicit economy and civilians.

Colombia’s current President Juan Manuel Santos (2010 – to date) has shown a greater disposition to restart peace talks with the FARC, increase the institutional response to the war civilian victims, and “dismantle” criminal bands. In 2011, President Santos ratified the Victims and Land Restitution Law which has a comprehensive definition of what a victim is, together with land restoration to peasants displaced from and deprived of their land (UNDP 2011: 2). Despite the existence of considerable hurdles to its implementation,

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21 In his analysis of bottom-up violence in civil war, Keen (1998: 52) notes that the perception of former belligerents to escape punishment and the signs given by upper authorities exacerbates grassroots violence. Perhaps these two factors contributed to the retaking of arms by some former paramilitaries.

22 The Colombian Institute for Development and Peace Research (Indepaz 2011) denounced that after the demobilization of paramilitaries, nearly forty new paramilitary structures (or criminal bands, as labeled by the government) emerged, struggling to retake local and regional powers and to control illegal trade, from drug business to illegal mining and gasoline trafficking.
the law is evidence that assistance and compensation for Internally Displaced Persons (IDPs) is now a constitutional imperative (Serralvo 2011). Furthermore, in his Integral Policy of Security and Defense, a principal objective of Santos is the expulsion of illegal groups (Arias Ortiz 2012: 6) from the territories in which they operate. The State’s hegemonic crisis is being contested by an increasing territorial domain from the government. But how effective is this policy for the protection of civilians?

5.1. The War is Not Over Yet: Forgotten Areas\(^{23}\) and Their Forgotten Victims

The Colombian State has regained significant territorial control by expanding the green zones (cleared or mostly cleared from ANSAS presence) from 46.52% in 2004 to 68.99% in 2011 (Colombian Ministry of Defense 2011: 14).\(^{24}\) The conflict has concentrated considerably in the Northern, Pacific and Eastern corridors as a result of the withdrawal of ANSAS to areas “easier to defend” (Avila 2010, cited in NRC et al. 2011: 3).\(^{25}\) Therefore, a tactical retreat of ANSAS to their refuge zones (Echandia 2004: 69) is an evidence of a strategic shift in control to the military advance by the Colombian army. As a consequence, the humanitarian crisis naturally accentuates within these corridors; according to the ICRC (2011b: 7) threats, murders, disappearances, sexual violence, the stigmatization of civilians as one-side complicit, and arms pollution (by the indiscriminate use of antipersonnel landmines or unexploded ordnances) are the main causes of displacement among civilians.

In consequence, “forgotten areas” are currently subjected to abuse by Colombia’s illegal armed groups. Owing to the fact that in these areas the State’s hegemonic crisis still strongly pervades, there is a fraught relationship between armed actors and civilians, with the latter often having to take sides, and retaliations as grave as massacres occur as a result of suspicion of support to one side or the other (Glaser 2002: 28). This is especially acute in areas where more than one armed group operates. Moreover, there have also been

\(^{23}\) “Forgotten areas” is a term coined by the ICRC (2012a) in regard of the humanitarian crisis within rural areas that are the scenario to major armed confrontations and violence over civilians.

\(^{24}\) The Regional Coordination Center led by former Acción Social (the humanitarian office during Uribe’s government) has divided the country between green areas (with a comprehensive presence of State’s institutions), yellow areas (under military control) and red areas (still under the control of illegal armed groups) (ICG 2010c cited in ICG 2010: 11).

\(^{25}\) According to the Norwegian Refugee Council et al. (2011: 3): “The Northern Corridor is a horizontal area that connects the North of the Department of Chocó (Pacific coast) with the Department of Norte de Santander (on the border with Venezuela), passing through Urabá, Northern Antioquia, the South of Bolívar and a part of the Department of Santander. The Pacific Corridor runs from the border with Ecuador to the South along the Pacific coast and ends at the border with Panama to the North. Finally, the Eastern Corridor passes through the large and remote departments of Arauca, Casanare, Vichada, Meta and Guaviare.”
retaliations from the government side. During Uribe’s presidency a “network of civilian informants” that passed sensitive information to the government was created while communities were not permitted to be neutral (Sjöberg 2008: 28 and 29). Furthermore, as direct contact with armed groups outside the law is prohibited by the Colombian State, any interaction with ANSAS can lead to prosecution (Glaser 2002: 25).

Changes in the military and the humanitarian strategies of Santos’s government have led to an “improved response” by public institutions (ICRC 2012a: 334) and a greater disposition to partnership with humanitarian agencies. Nevertheless, the Colombian Ministry of Defense (2011: 18) recognizes the existence of zones where the State is not yet consolidated and where actions by ANSAS are concentrated, such as territorial borders. Therefore, the government has boosted a “consolidation plan” based on strengthening security operations along drug routes (ICRC 2012a: 332), which has exacerbated the intimidation and retaliations of civilians used as human shields by illegal armed groups. As a consequence of clashes between the army and ANSAS, further displacement affects mainly the Departments of Nariño, Caquetá, Cauca, Antioquia and Putumayo (ICRC 2012b: 27). By 2011, the ICRC documented a total of around 760 breaches in International Humanitarian Law (ICRC 2012b: 7-8). In several of the aforementioned Departments, as well as in some municipalities bordering the Caribbean, criminal organizations have been consolidated in previous years. Despite the fact that the Victims and Land Restitution Law has put displacement on the political agenda of the Colombian government (Celis 2012),26 victims of organized crime are not covered by it,27 neither are victims of confinement. In consequence, the ICRC has recommended that the implementation of the law complies with the principle of non-discrimination (ICRC 2012b: 71).

As shown above, new strategies of armed actors and the emergence of criminal bands have altered the Colombian conflict in significant ways. Below, their contemporary motivations will be analyzed in order to further discuss the effectiveness of humanitarian international aid ahead of new humanitarian challenges within forgotten areas in Colombia.

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26 The law addresses humanitarian assistance, reparations and transitional justice to victims of the internal armed conflict since 1985 (Art. 2, Art. 3 and Art. 8). Land restitution or equal compensation, and a differential approach to victims are two aspects to highlight (Moro 2011, cited in UNDP 2011: 2).

27 The definition of “victim” does not apply to those who suffered harm to their rights as a consequence of “common crime”, according to Article 3 (Paragraph 3) of the law.
5.2. *New and Old Motivations of the Colombian Armed Actors: Still the Same?*

During the last decade and prior to the demobilization of combatants, four main armed actors played a role in the Colombian armed conflict: the Colombian army, the FARC, the ELN and the AUC. However, as discussed earlier, one of the most important consequences of paramilitaries’ demobilization was the emergence of the officially-labeled “Bacrim” (the acronym of the Spanish term for “criminal bands”). On the one hand, the new armed groups, which are accused by the government of being bandits with the sole aim of drug-profiting are having an increasing impact in Colombia’s humanitarian crisis. On the other hand, there is an escalation of the conflict mainly in rural and border areas as a consequence of the State’s military strategies, whose security gains have been reduced as a result of the strengthening of ANSAS in red zones (ICRC cited in Blankestijn 2011: 22).

As was explained above, illegal armed groups have retreated to areas rich in resources (Keen 1998: 41). This is explained partly because of their search for financial gains from the warfare and because of military confrontations. New landscapes within the Colombian armed conflict have motivated some to suggest that the war has changed its nature, no longer being rooted in the ideological causes that initiated it, but increasingly focused on the economic gains resulting from illicit trafficking, extortion and the kidnapping of civilians. Analyzing the motivations of the contemporary ANSAS will attempt to ascertain if they comply with the minimum criteria for humanitarians to engage with them: effective control over territory and people; a basic command structure; independence from State control; the use of violence for political reasons (Glaser 2002: 20).

5.2.1. The FARC is the main and strongest guerrilla group, composed of currently 8,000 to 10,000 combatants (ICG 2010: I) and with territorial presence in 249 municipalities (Colombian Ombudsman Office, cited in Indepaz 2011). Due to their increasing presence in rural and border areas of Colombia and owing to the military expulsion from the Distention Zone defined under Pastrana’s peace process, the FARC has since 2002 focused on threats against local politicians (Echandia 2004: 67). The guerrilla group is also linked with local economies, therefore not having to undertake systematic looting and sabotage (Echandia 2004: 78) of civilians’ goods. The FARC engaged in drug-trafficking when the United States’ anti-drugs policies were imposed in Bolivia and Peru, making of Colombia an attractive alternative for the
production and distribution of narcotics (Chernick, cited in Blankestijn 2011: 22). According to Chernick (2005: 181), the illicit economy helped the FARC to evolve from a relatively small, rural insurgency to an army of more than 18,000 combatants with nationwide military and political influence. The author further explained that the drug trade came to account for around half of their revenues, by which the FARC strengthened their links with farmers of coca leaf (Chernick 2005: 197-198).

Politically and militarily, the FARC has historically been in the eye of the storm. Pastrana’s “obsession” with the negotiation process with the FARC (Hernández 2006: 8) considerably neglected dialogue with other guerrillas. A heavy military confrontation under Uribe’s government followed, making of the FARC the only armed actor absent from peace negotiations with the government. In contrast, the FARC is the only guerrilla engaged in peace talks under Santos’s government. The importance attributed to the guerrilla lies in its strong military chain of command; its economic revenues have mostly been invested in its military force for territorial control (Chernick 2005: 199).

5.2.2. The ELN is another main guerrilla, which labels itself a belligerent, anti-State force and armed opposition (Hernández 2006: 11). The guerrilla holds a considerably smaller number of combatants and less territorial control than the FARC, dropping from around 4,000 members in 2005 (Jane’s Foreign Report 2005, cited in Sjöberg 2008: 34) to a current figure of 1,500 (BBC 2012). According to the Colombian Ombudsman Office, the ELN has a territorial presence in 65 municipalities of Colombia (Indepaz 2011) and its military structure is significantly more decentralized than that of the FARC; nevertheless it has a Central Command supported by regional branches and locally-based fronts (Sjöberg 2008: 33).

Founded in 1960, the ELN was initially a group of leftist students influenced both by the Cuban revolution and the liberation theology. The guerrilla appears to be more political than military, in contrast to the FARC. In the mid-eighties, the ELN abandoned its “vanguard-led” perspective toward a more society-based organization (Hernández 2006: 5) therefore creating links with communities at the local level (Sjöberg 2008: 1). The ELN has also shown interest in peace talks with the Colombian government and in the promotion of International Humanitarian Law among its combatants. Still, violations of IHL by the ELN reached 22% of total violations by all armed groups from 1990 to 2000, a percentage
matched by the FARC (CINEP 2003, cited in Sjöberg 2008: 30). The ELN is also accused of attacking oil and gas infrastructure, taking civilian hostages and recruiting child soldiers (Sjöberg 2008: 35; Keen 1998: 42). The military and political expansion of the ELN since 1980 is a result of the Colombian petroleum boom: the guerrilla charged “revolutionary taxes” on oil companies and kidnapped wealthy civilians and foreigners in order to increase its revenues (Chernick 2005: 182). Although the guerrilla avoids being involved in the drug trade, the Colombian government affirms that it increasingly takes part in illicit trafficking and fosters alliances with criminal bands as a way to avoid a final collapse (Colombian Ministry of Defense 2011: 17).

The ELN has engaged in peace talks since 1990. However, as the main focus of the government has been to negotiate peace with FARC and also because paramilitary warfare sabotaged dialogues under Pastrana’s peace process (Hernández 2006: 8, 10), peace accords have been undermined. Dialogues under Uribe were interrupted after one year, and the ELN focused on regional humanitarian dialogues (Hernández 2006: 10-11). The guerrilla also followed recommendations made by the NGO Geneva Call, the ICRC, and the United Nations Children’s Fund (UNICEF) over its use of antipersonnel landmines during 2003 (Sjöberg 2008: 47-48). Currently, the ELN has also shown interest to resume peace talks with the government.

5.2.3. Bacrim are the most recent armed groups outside the law in Colombia. Although their role in the internal armed conflict is not yet clear, there is widespread evidence that criminal bands are partly a result of the wrongdoings in the demobilization of paramilitaries. The economic exclusion of demobilized combatants may have encouraged bottom-up crime (Keen 1998: 54). In consequence, there is a blurred line between Bacrim’s warfare and criminality, which is delaying an adequate response by the State toward victims.

Paramilitary organizations were featured as a counter-insurgency, pro-State force, funded and supported by the State armed forces, latifundistas, senior members of the drug-trade and Colombia’s political and rural elite (Chernick 2005: 192). In turn, Bacrim’s sources of political and social support are more diffuse. This is partly because of the State’s firm hand against criminal bands: dismantling them is one of the main objectives of the Security and Defense Policy under Santos (Colombian Ministry of Defense 2011: 33). With a seeming lack of politically-fueled violence, popular support to Bacrim is also little-known; general
obedience in turn seems to be the only option that communities have against the increasingly territorial dominance of Bacrim.

Despite the government’s efforts to “clean” Colombian municipalities of Bacrim (Arias Ortiz 2012: 6), independent sources affirm their presence in at least 206 municipalities (Arias Ortiz 2012: 4). It is thought that criminal bands emerging from paramilitaries’ demobilization has reached up to 40 groups (Indepaz 2011) which often lack a basic military command structure. A good example of this is the criminal group Águilas Negras, which according to Indepaz (2011: 18) acts in dispersive ways without a hierarchical structure. Compared to paramilitaries, criminal bands implement similar methods of violence. Paramilitaries are known for having breached International Humanitarian Law and for using extreme forms of violence against civilians, leading to massive displacements and widespread abuse. In turn, criminal bands are responsible for the displacement of close to 12,000 people in the Caribbean, the Pacific Coast, Nariño and Antioquia (Arias Ortiz 2012: 9) and they are consolidated in Antioquia, Córdoba, Chocó, Nariño, and the Caribbean Coast (ICRC 2012b: 8). Even though criminal bands are accused of aiming to control and profit from the drug trade rather than holding political claims, civilians are suffering an increasing level of violence from these bands.

In recent years, there has been a tremendous reflection by academics on the changing nature of the Colombian armed conflict. Explanations of contemporary violence seem to be spinning from the traditional struggle over land property to a more economic perspective which finds the basis of protracted armed conflicts in the rational intentions of ANSAS toward short-term economic gains (Keen 1998: 11). In this sense, Chernick suggests that “in the Colombian case, there appears to be a clear and direct correlation between the advent of new and abundant sources of financing and the territorial expansion and increased intensity of the war” (2005: 179). This explanation is fueled by widespread evidence of temporary deals between opposing armed actors such as criminal bands and guerrillas (Valencia Agudelo 2012: 2). Humanitarian approaches to armed groups must start by understanding the latter’s motivations, because understanding their “economic agendas” makes international aid more effective (Keen 1998: 13). Therefore, it is worth asking: are resources the purpose of the Colombian armed conflict?

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28 Even though paramilitaries in Colombia accepted contacts and training from humanitarian organizations (Center for Humanitarian Dialogue 2002, cited in OCHA 2009: 28), they were responsible for 35% of IHL violations from 1990 to 2000 according to the Colombian Center for Research and People’s Education (CINEP, cited in Sjöberg 2008: 31). Furthermore, the ICRC observed that dissemination of IHL among paramilitaries did not change their behavior toward civilians (Glaser 2002: 37).
Primarily, it is important to separate the intentions of guerrillas from those of criminal bands. In this regard, Keen (1998: 41) suggest that rebels in Colombia are increasingly shifting toward resource-rich areas owing to their economic motivations. But although convincing, Keen’s argument is only partly supported in this research: as was shown, it is the military strategy by the Colombian government together with the sole search for revenues what forced guerrillas to concentrate in rural or border areas. Moreover, as Chernick (2005) suggests, the vast majority of revenues by the FARC and the ELN (including illicit trade activities, kidnapping and sabotage of oil infrastructure) have been invested in the military and political apparatus of both guerrillas. Furthermore, if guerrilla groups were so heavily interested in profiting from the protracted conflict, they would not have shown any disposition to reassume talks with the government nor would they be engaged in contacts with humanitarian actors. To make the country ungovernable has been a strategy by the FARC and the ELN as a way to address political grievances (Chernick 2005: 201). Apparently, short-term economic gains explain the means rather than the objectives of the guerrillas’ warfare.

In this regard, criminal bands’ motivations seem more ambiguous. On the one hand, Bacrim are profiting from the illicit trade while using indiscriminate violence against civilians. On the other hand, these groups are increasingly controlling territory and people, even though their intentions are rooted in economic agendas rather than popular legitimacy. By increasingly controlling municipalities still labeled as “red zones”, criminal bands may be taking advantage of some of the conditions of economic violence suggested by Keen (1998: 24): a weak State, lack of political external support and the existence of valuable commodities. Glaser affirms that criminal groups must be excluded from humanitarian engagement: “The exclusion of criminal syndicates is not so much due to their illegality but rather their lack of aspiration to control people or territory and the use of violence for financial gain” (2002: 23). But the fact that criminal bands in Colombia are controlling territory and people increases the need for humanitarian engagement with them. Long-term motivations by Bacrim are still to be seen, but that is beyond the scope of this research. In the meanwhile, Bacrim are still causing civilian suffering while increasing their control over communities. It is therefore realistic and imperative to discuss humanitarian engagement with these groups outside the law who seem to be challenging the traditional understanding of warfare in Colombia.
In conclusion, what started as a struggle for land reform and anti-capitalism was in part the result of the State’s deficient presence throughout Colombia’s geography. A war emerged between guerrillas, paramilitaries and the Colombian army. Despite recent territorial conquests by the State, the warfare still exists with former paramilitaries being replaced by seemingly drug-trafficking bandits, while guerrillas have retreated to ungovernable rural and border areas. As communities are obliged to take sides, the humanitarian response seems urgent. This chapter discussed briefly the evolution of the Colombian armed conflict in order to highlight the challenges to humanitarian agencies which must provide relief, protection and accompaniment in areas still subjected to armed confrontations. The following chapter will discuss the “localization” of the armed conflict in the municipality of Samaniego by providing an overview of the conflict’s exacerbation in the Department of Nariño and the crisis of confinement in Samaniego, which is fostered and controlled by all factions in the armed conflict.

6. **Chapter 4: The Humanitarian Crisis of Confinement in Samaniego**

While using a military approach the Colombian government has won significant control over the national territory, the “localization” of the armed conflict has increased the suffering of forgotten victims. One Department suffering from a high number of conflict-related events is Nariño. In this chapter, a closer look at Nariño’s geopolitics attempts to explain the current suffering of its civilian inhabitants. This is followed by an analysis of the confinement crisis in the Central West municipality of Samaniego, finalizing with a reflection of the challenges that humanitarian organizations must overcome to reach and assist civilians in access-restricted villages controlled by armed groups in Samaniego.

The Department of Nariño is part of the Colombian Pacific corridor, where the humanitarian crisis has been exacerbated due to guerrillas’ withdrawal to red zones and of the emergence of criminal bands. Nariño has experienced an increasing number of conflict-related events, being the third main ejector of internally displaced persons in 2011 with close to 8,000 victims (ICRC 2012: 27). All non-State armed actors and the criminal bands “Rastrojos”, “Urabeños” and “Águilas Negras” are present within the Department (Zambrano 2012: 7). As a result, Nariño is part of the “consolidation zones” of the Colombian army and it is place for regular clashes among opposing armed forces. Nariño’s complex geography eases the permeation of armed non-State actors (ANSAS) fueled by the illegal trade of mainly weapons and cocaine. The department is located on the Ecuador Border,
with several enclaves for weapons trafficking, human trafficking and illicit crops in the Border municipalities of Ricaurte, Cumbal and Ipiales (see Appendix 6 on page 96). Nariño has access to the Pacific sea through Tumaco, an important port city which serves for the illegal trafficking by ANSAS. Also, the coastal municipalities of Santa Barbara and El Charco in the North of Nariño are increasingly becoming locations for the production and processing of cocaine under control of FARC (Echandia 2004: 72), while Putumayo Department, a traditional haven for FARC is currently a red zone bordering Ipiales, a Nariño municipality also in the frontier with Ecuador. Nevertheless, the State security in Nariño varies significantly: the West is still considered a red zone, while the Central and Eastern municipalities are green and yellow respectively (Sector Research Division, cited in Colombian Ministry of Defense 2011: 16).

Armed non State Actors have greater presence in three regions of Nariño: the Range from the Northern municipality of Leiva until Sourthern Mallama; the Coast that goes from Northern Santa Barbara to Tumaco; and the Border area with Ecuador, from Tumaco to Eastern Ipiales. They are especially consolidated in the Range municipalities and in Tumaco (OCHA 2008a). The FARC is the most important ANSA in Nariño: the guerrilla retains presence in all the mentioned regions, while the ELN concentrates its presence in the Range (OCHA 2008a). Criminal bands are progressively concentrating in Western Nariño (both in Range and the Pacific Coast), in Ipiales, and in the border with Putumayo Department (Indepaz 2011).

6.1. The Humanitarian Consequences of the Armed Conflict in Nariño

Contrary to the increasing territorial domain of the public force in Colombia, Nariño represents a setback for national security. From 2001 to 2004 the conflict intensified in the Departments of Nariño, Cauca, Tolima and Huila, while it decreased in the rest of the country (Echandia 2008: 68). From 2004 to 2007 hostile events in red zones –which include several municipalities of Nariño– increased by almost eighty per cent (OCHA 2008a). Compounded by the presence and expansion of illegal armed groups, the humanitarian situation exacerbates: in 2008 Nariño was one of three Colombian Departments that held more than half of the victims of massive displacement assisted by the ICRC (ICRC 2009) while in 2010 Nariño’s more dangerous regions expelled between 300 and 2,000 people (Colombian vice Presidency, cited in Zambrano 2012). However, displacement is not the
only reality of Nariño inhabitants. The Department is site for other types of violence including threats to civilians by armed groups, forced recruitment, confinement, antipersonnel landmines, murders, disappearances and sexual violence (OCHA 2008a). They are a result of regular attacks against civilians who are accused of taking sides, especially civilian leaders, public officers, victims claiming for their rights and local politicians. These attacks increased in early 2011 (OCHA 2011a).

While clashes between ANSAS reached only three per cent of all armed confrontations between 2004 and 2007, combats with the public force represented 73% of them (OCHA 2008a). This is partly explained by armed hostilities between ANSAS and the Colombian military as a result of the latter’s consolidation strategy taking place in Western Nariño. For example, armed confrontation between the army and guerrillas reached almost 70% in early 2008 (OCHA 2008b). Civilians are therefore used as human shields by illegal armed groups; displacement, recruitment and harassment are regular human rights violations to which people are subjected, while armed clashes undermine humanitarian access and has led to the suspension of humanitarian missions (OCHA 2012: 4).

Confinement is also taking place in Nariño and it is known as “the other face of the humanitarian and human rights crisis” (CODHES 2008). It will be conceptualized below.

6.2. **Forced Confinement of Civilians**

*Forced confinement* refers to mobility restrictions of people, food, medical supplies, and humanitarian personnel by armed groups in the context of an armed conflict; it also makes reference to unlawful detention of non-combatants. The confinement of civilians has the objective of limiting the mobility of communities by an armed group in order to gain or retain territorial domain (Ojeda 2005: 23) or as a result of hostilities between opposing armed groups. In the Colombian armed conflict, confinement has exacerbated in recent years (Ramírez 2012) although it still represents a minor percentage of all the attacks against civilians (OCHA 2011a).

Nowadays, there is not an official definition of confinement (CODHES 2008: 7). According to a Colombian public officer, confinement is a “controversial category” for the government while confined civilians are not considered “victims” within the armed conflict (Buitrago 2012). As confined communities live in villages with a significant presence of ANSAS, it is likely that government officers accuse inhabitants of being guerrilla-supporters. Human rights organizations, academics and civil society organizations are
denouncing the humanitarian implications of confinement. The Colombian Counseling Office for Human Rights and Displacement (CODHES) and the Steps Project developed a comprehensive definition of confinement as the violation of human rights and freedom (which implies restriction of mobility and access to essential goods and medicines) of civilians as a consequence of military, economic, political, cultural, social or environmental control by legal or illegal armed groups (Project Counseling Service 2004: 10).

Confinement by armed actors aims at controlling economic resources (CODHES 2008: 12; OPI 2004, cited in Ojeda 2005: 24) by using communities like human shields in the wake of armed confrontations and punishing the population for allegedly taking sides (Calderón 2004). There is also widespread evidence that the Colombian army and former paramilitaries limited or restricted people’s mobility, food and medical delivery to rural communities on suspicion that goods would be diverted to guerrillas, therefore causing severe food insecurity and undermining civilian’s right to medical care (Projects Counseling Service 2004). Moreover, eighty per cent of confinement in Colombia takes place in rural areas, according to the Norwegian Refugee Council et al. (2011: 9).

Mobility restrictions are also caused by the use of antipersonnel landmines and unexploded ordnances (APM/UXO) especially by guerrillas as defensive mechanisms against the Colombian army and opposing armed groups. Confinement was exacerbated through the increase of APM/UXO by guerrillas as a consequence of the “State of Emergency” declared by Uribe’s government at the end of 2002 and of the military territorial consolidation by Santos’s government. These policies intended to offer protection to civilians in war, but they led to the militarization of the territory by the Colombian army (CODHES 2008: 13) which fostered an indiscriminate military response by guerrillas. Accidents by APM-UXO extended throughout the Colombian territory, particularly affecting communities in the municipalities of Samaniego (Nariño), Tierralta (Córdoba), San Vicente del Caguán (Caquetá) and La Uribe (Meta) (PPAICMA 2008, cited in OCHA 2008c). Other events which trigger confinement are armed curfews, road blockades, armed combats and civilians trapped in the cross-fire, all of which impedes or severely limits humanitarian access (OCHA 2009).

CODHES has delimited two types of confinement within the Colombian armed conflict: indiscriminate confinement and selective confinement (cited in Projects Counseling Service 2004). The former refers to a widespread restriction of access and mobility inwards and outwards of communities, therefore threatening the production and purchase of food,
among others; this type of confinement is thought to be implemented in the advancement and consolidation phases of an armed group (Projects Counseling Service 2004: 38). In turn, selective confinement makes reference to a more regulated control over people and territory (Projects Counseling Service 2004: 11). Examples of the latter are the regulations by the Colombian army to the entrance of food to rural communities during the State of emergency declared at the end of 2002 and early 2003. In turn, the Order 093/08 by the Colombian Constitutional Court (2008) recognizes a causal link between confinement and displacement, while the United Nations High Commissioner for Human Rights noticed that decreasing trends in displacement are partly explained by increasing confinement (2004: 27). From this perspective, displacement and confinement represent different situations.

In this study, “self-confinement” of communities as a way of showing resistance or resilience is not analyzed. It takes place in several indigenous communities in Colombia, and it is used to avoid displacement and to protect the territories from armed actors. Examples of this are the “indigenous guards” of communities in the Northeast of Cauca Department (Echandia 2004: 88). However, according to CODHES (2008: 33) forced confinement and resistance-related confinement are independent situations which nevertheless can occur simultaneously.

6.3. **Confinement in International Humanitarian Law and Colombian Law**

International Humanitarian Law makes reference to unlawful confinement of *detainees* in charge of the Occupying Power when the latter violates the fundamental rule that all persons not taking part in hostilities shall be treated humanely (Art. 3 common to the Geneva Conventions of 1949). Henckaerts (2005) affirms in this sense that “rules prohibiting arbitrary detention” are applicable to non-international armed conflicts. The 4th Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) further states that “the internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary” (Art. 42). In turn, the UN Human Rights Committee said in its General Comment N° 29 of Article 4 of the International Covenant on Civil and Political Rights (1966) that “States parties may ‘in no circumstances’ invoke a state of emergency […] through arbitrary deprivations of liberty” (cited in Henckaerts and Doswald-Beck 2005: 348). Furthermore, confinement is regulated by the customary law of armed conflicts when restrictions to the mobility of people, and limited or impeded access to health care and food occur in the context of an
internal armed conflict. In consequence, armed groups may breach customary international law if they impede “the passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control” (ICRC, cited in FDFA et al. 2011: 19). However, it is unclear whether the aforementioned is applicable during armed confrontations between opposing armed groups other than State forces, for example in clashes between guerrillas. Moreover, International Humanitarian Law does not regulate the conduct of criminal armed groups such as the Colombian Bacrim, although they have the power to impede or limit the passage of humanitarian aid and personnel under their territorial domain.

Confinement in Colombia is strongly related to restrictions in the freedom of movement of persons. In this regard, the International Covenant on Civil and Political Rights (1966) clearly states that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence (Art. 12 §1). Restrictions to that right are prohibited unless they “are necessary to protect national security, public order, public health or morals or the rights and freedoms of others” in consistence with other rights of the Covenant, according to Article 12 (§ 3). The fact that the Geneva Conventions “protect the ‘human rights’ of individuals in a situation of extreme distress” (Dixon 2007: 352) does not imply that Human Rights Law is not applicable likewise; Henckaerts affirms that “the continued applicability of human rights law during armed conflict has been confirmed on numerous occasions in State practice and by human rights bodies and the International Court of Justice” (2005: 195-196).

The United Nations High Commissioner for Human Rights has denounced situations of confinement that restricted the transportation of people, food and medicine specifically to ethnic groups in 2004, which implied grave breaches of human rights by illegal armed groups (2005: 26). The High Commissioner also denounced limitations to the freedom of movement of ethnic groups and Afro-Colombian groups during 2008 (cited in United Nations General Assembly 2009: 20). The same situation was reported in 2011, provoked by the FARC and criminal bands (cited in United Nations General Assembly 2012: 9). Reports of the human rights situation in Colombia by the High Commissioner from 2002 to 2011 also highlighted the widespread and indiscriminate use of APM/UXO in breach of the Ottawa Convention of 1997.

Instruments of national law that address situations of confinement link the former to internal displacement. Upon this regard, the sentence T-025 of the Colombian
Constitutional Court (2004) embraces the fifth, sixth, seventh, fourteenth and fifteenth Guiding Principles on Internal Displacement\textsuperscript{29} as determinants of banned practices of displacement and confinement. In Rule 093/08 (2008) related to confinement in the municipality of Samaniego (Nariño Department), the Constitutional Court ordered the provision of emergency humanitarian aid coordinated by Acción Social\textsuperscript{30} with the support of the ICRC. Furthermore, in Rule 248/08 (2008) the Court makes reference to confinement also in Samaniego as a result of APM by the ELN guerrilla, which increased the risk of displacement. As a result of holding one of the highest numbers of victims of APM/UXO devices in Colombia, Samaniego has been instrumental in decisions of the Colombian Constitutional Court related to confinement. The humanitarian crisis experienced by the inhabitants of this municipality will be discussed below.

6.4. Confinement in the Municipality of Samaniego

Samaniego is a West Central municipality of Nariño Department located 117 kilometers from the regional city of Pasto. It is divided in 1 Commune, 24 townships and 86 villages (Municipal Government of Samaniego 2008: 11). According to CODHES, the municipality has been subjected to armed confrontations, forced displacement, threats, selective murders, and confinement since at least 2003 (2008: 51). Samaniego currently holds the presence of all armed groups, including the Colombian army and ANSAS (see Appendix 3 on page 93). The ELN is located in the North and South, while the FARC has widespread presence in the Center, and criminal bands are in the East bordering the municipality of Linares (Municipal Government of Samaniego 2011). In turn, Samaniego’s integral territory is a consolidation zone of the Colombian army (Colombian Government 2010, cited in Zambrano 2012).

As previously stated, forced confinement is a result of antipersonnel landmines, and of confrontations between armed groups, all which leads to restrictions in the mobility of civilians and jeopardizes humanitarian assistance. Moreover, confinement in Samaniego is also related to illicit crops: confined villages in the Northwest surround a large area of illicit crops; while in the South restrictions to the mobility of civilians take place among the ELN.

\textsuperscript{29} Related to: prevention of displacement (Principle 5); protection against displacement in the context of armed conflicts (Principle 6); measures to avoid or minimize forced displacement (Principle 7); freedom of movement and of residence (Principle 14 § 1 and 2); protection against forced returned or resettlement, and right to move to another part of the country, abandon the country, and/or seek for asylum abroad (Principle 15 § a, b, c, d).

\textsuperscript{30} Acción Social was the Colombian public institution in charge of the assistance for victims of internal displacement during the governments of Álvaro Uribe. It was replaced by the current Department for Social Prosperity (DPS for its Spanish acronym).
and Bacrim settlements (Municipal Government of Samaniego 2011). The following section describes how armed confrontations increase the risk of confinement.

6.5.  The Evolution of Confinement in Samaniego as a Result of Military Strategies by All Armed Groups

The evolution of confinement has kept pace with the dynamics of the armed conflict. In 2004, Uribe’s government launched a military strategy for territorial recovery in Samaniego that fostered the confinement of civilians by the ELN according to the Director of Acción Social (cited in Colombian Constitutional Court 2008). Also, during Operación Pacífico (Pacific Operation) the Colombian army carried out massive arrests of civilians suspected of collaborating with guerrillas (United Nations High Commissioner for Human Rights 2005, cited in CODHES 2008: 61) while kidnapping of civilian leaders also occurred in 2004 (CODHES 2008). The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) warned in 2005 that inhabitants of Samaniego could suffer the consequences of demobilizations and could be used as human shields by ANSAS in the latter’s conquest of territories vacated by demobilized groups (OCHA 2005: 6). In 2006, the presence of criminal bands “Águilas Negras” and “Rastrojos”, the emergence of the criminal band United Peasants Self-Defense/New Generation, armed confrontations among guerrillas and the launch of Operación Tornado (Tornado Operation) by the Colombian army, led to a humanitarian crisis in Samaniego. As a consequence, APM/UXO left 120 human victims, 70% of them civilians (IMSMA, cited in PPAICMA 2011). The ELN was committed to demining but the process was halted due to both the lack of cooperation by the government and the escalation of the conflict (Sjöberg 2008: 48).

An International Humanitarian Commission visited Samaniego in 2007 (CODHES 2008: 54) while the Inter-Agency Standing Committee informed of “access problems” in Nariño (IASC Nariño 2007). That year 30 civilian victims of APM/UXO were reported (Municipal Government of Samaniego 2008) and in 2008 the United Nations High Commissioner for Refugees (UNHCR) reported the humanitarian crisis of communities subjected to months of confinement (CODHES 2008). Civilian victims of APM/UXO reached 160 in 2008 while no combatant was known to be injured (OCHA 2012). A military demining process was conducted in Samaniego during that year (Sjöberg 2008: 48).

According to the Municipal Government of Samaniego, in 2008 there were 90 Samaniegan families displaced in the town center and 804 families confined in rural areas
By December 2011, there were still confined civilians especially in the Northwest region of Samaniego bordering the municipalities of La Llanada, Barbacoas and Ricaurte (Municipal Government of Samaniego 2011) and in a minor scale in La Laguna village, close to the town center. As a consequence of the evolution in the strategies of armed groups, a quarter of the total victims of APM/UXO in Nariño from 1991 to 2010 came from Samaniego (PPAICMA 2011).

In conclusion, the Colombian armed conflict has exacerbated in West-Central Nariño as a consequence of the increasing presence of criminal bands and the return of guerrillas to rural and border areas due to the Colombian army’s consolidation throughout Nariño. At the same time, revenues from mining, farming and other extractive economic activities provide incentives both for ANSAS to strengthen their presence in Nariño and for the army to clear entire areas of illicit crops and to provide military protection for mining extraction and petroleum transport. This altogether has increased civilian suffering. While displacement still affects an important number of inhabitants in Nariño, confinement has increased as part of the escalating humanitarian crisis. This phenomenon is particularly striking in the municipality of Samaniego, which holds the largest number of civilian victims from APM/UXO in Nariño and where close to one thousand inhabitants suffer from confinement. This has been both a result of the increasing territorial dominance of ANSAS and of the military attacks by the Colombian Army. As shown by the statistics, there seems to be a correlation between military operations and confinement-related events in Samaniego.

This correlation poses a big challenge to humanitarian organizations: while victims of displacement can be better accessed from humanitarian agencies once they are out of their villages of origin, confined communities are directly controlled by armed groups and severely restricted from accessing humanitarian aid and food assistance. Humanitarian organizations often lack access to villages under confinement, which significantly jeopardizes relief. As humanitarian principles are not always the “magic key” to reach civilians, relief agencies must make use of humanitarian diplomacy in a context where negotiations with ANSAS are prohibited by law and confinement is still a ‘controversial’ issue to governmental officers. Therefore, the use of negotiation, coordination and advocacy by humanitarian organizations to gain access to civilian victims of confinement in Samaniego will be analyzed in the following chapter.
7. Chapter 5: The Role of Humanitarian Diplomacy for Accessing Confined Civilians in Samaniego

This chapter will analyze interviews with thirteen humanitarian workers about their role in accessing civilian victims of confinement in Samaniego. The analysis will be developed in light of the theoretical framework on humanitarian diplomacy previously discussed, and it will be used to respond the sub-research questions. Firstly, a discussion about the international organizations whose personnel participated in the interviews will be carried out to determine if they are part of the contemporary polylateral diplomatic system described by Wiseman (1999).\textsuperscript{31} Following this, the five requirements to implement effective diplomacy by NGOs as established by Bartoli and Harroff-Tavel\textsuperscript{32} will be debated in regard to the mandates of the humanitarian organizations interviewed in Colombia. Finally, a brief reference to my fieldtrip to Samaniego will be given, as well as the most relevant parts of the interviews conducted to governmental officers there. This is intended to be additional information for responding the research question, which will be done in the general conclusions of this research.

7.1. International Humanitarian Organizations as Diplomatic Players in Colombia

The six international organizations from which humanitarian personnel were interviewed implement peace-oriented activities in Colombia aimed at achieving humanitarian objectives; they all use persuasion to make compromises with governmental authorities and civil society organizations. All these international organizations are mandated to provide emergency relief, accompaniment and protection of communities, peace promotion and reconciliation, capacity-building or lasting development in the frame of the Colombian armed conflict. Either state-sponsored or privately financed, they all operate under the principle of neutrality.

As was elaborated under the section “Limitations”, key informants from only one NGO could be interviewed. The fact that other relief agencies approached are intergovernmental in their nature may encourage objections towards using the criteria for NGOs diplomacy,\textsuperscript{31} As was mentioned at the beginning of this research, Wiseman (1999) argues that Non-Governmental and Civil Society Organizations are active participants of an emerging multi-actor diplomacy between unofficial/non State entities and governments.\textsuperscript{32} These conditions are: reputation, confidentiality, legitimacy, capacity (Bartoli 2009: 407) and a network of influence (Harroff-Tavel 2005: 5).
but it is argued that IGOs are also able to implement effective diplomacy by keeping consistent with their mandates and principles. In addition, some humanitarian interviewees did not work directly with civilians in Samaniego, and therefore their responses are shown only when considered relevant for the case study.

International Humanitarian Organizations (IHOs) in Colombia extend diplomacy by making it polylateral. Relief agencies are committed and willing to help Colombians restore their dignity and achieve national progress (Moro 2012). This is possible by persuading authorities to assist victims in a timely manner and by encouraging parties to the conflict to respect International Humanitarian Law (IHL). Humanitarian organizations in Colombia also fulfill the conditions of Bartoli and Harroff-Tavel to implement diplomacy successfully in the internal armed conflict: the Colombian government recognizes their mandates and actions, they all comply with confidentiality toward the partners with whom they are permitted to interact, and they demonstrate the capacity to mobilize resources, communities or influential people to advocate for humanitarian causes. In line with this, IHOs are able to boost citizen’s diplomacy. Finally, they use information as a pre-negotiation tool and as a method to promote inter-agency coordination, therefore implementing track-two diplomacy. A humanitarian fieldworker commented on the use of information by his organization:

We try to ensure a good flow of information with [public] organizations, considering our humanitarian role and neutrality. There is widespread participation of humanitarian organizations in public, information-sharing spaces (Key Informant B 2012).

IHOs in Colombia therefore persuade decision-makers in several ways to obtain support, raise awareness, and to encourage timely humanitarian action toward the victims of the armed conflict in Colombia. For example, distinction and prevention are two objectives which organizations adopt to persuade parties to the conflict for the need to protect civilians (Key Informant L 2012). Another organization prefers to speak out: through press releases, the NGO protests against the indiscriminate impact of Antipersonnel Landmines (APM) against civilians in Samaniego or against breaches in IHL (Key Informant E 2012).

Humanitarian assistance, protection and accompaniment of communities are three core aims of relief agencies in Samaniego. Firstly, humanitarian assistance toward victims complements assistance to civilians by humanitarian public institutions. As Colombia is a middle-income country with increasing financial capacities to assist victims, the “international humanitarian system is not very operative” (Key Informant A 2012).
Frequently, humanitarian’s role is not to assist victims but “to make the State respond,” as affirmed by Key Informant C (2012). For example, during the confinement crisis of Samaniego in 2008, IHOs complemented with Non-Food Items (NFI) the assistance given by Acción Social to victims (Key Informant D 2012). Due that humanitarian operations are progressively implemented by the Colombian government, public authorities request technical cooperation with IHOs rather than direct relief (Buitrago 2012). In line with this, some interviewees recognized that their objective is to “open the space for bringing public institutions to the communities, so that victims can hold dialogues directly with authorities” (Key Informant H 2012). Humanitarian assistance in Colombia is therefore in a transition phase from direct relief to logistical and technical support to the Colombian government.

Secondly, protection is another intended outcome of relief agencies in Samaniego. Because access to civilians is instrumental for protecting communities at risk, one agency focused on protection achieved it by gaining primary humanitarian access to confined villages. This agency “inaugurated” the humanitarian space in Samaniego, providing “protection through presence” (Key Informant D 2012). Once access was achieved, other relief agencies provided relief and accompaniment in several villages within the municipality (Key Informant K 2012). Protection in Samaniego and nearby municipalities is focused on indigenous peoples and peasants as these are the main groups affected by confinement, having what a humanitarian worker labeled “open humanitarian scenarios within one territory” (Key Informant C 2012).

In Samaniego, two relief teams working on protection are the Humanitarian Local Team (HLT) and the Subcommittee of Prevention and Protection which are composed of relief agencies working with protection. Additionally, the cluster on Protection and Early Recovery has been focused on “bringing back” humanitarian agencies that no longer work in Samaniego (Key Informant K 2012); this implies networking and lobbying. Furthermore, a fieldworker narrated the use of educational campaigns by his organization to train Samaniegan peasants on how to walk on minefields, thus promoting “self-protection” (Key Informant G 2012). In turn, for the ICRC protection is gained by maintaining confidential dialogues with armed groups. A relief worker narrated that:

Through protection, the ICRC maintains confidential dialogues with parties to the conflict; for instance, in Samaniego with armed groups. This took place especially during the confinement period as such. In recent years, dialogues are not so frequent (Key Informant L 2012).
Finally, *accompaniment* is a third humanitarian objective of international humanitarian organizations in Samaniego. Through field accompaniment, a NGO in Samaniego advocates for peasants’ rights and it supported a march by peasants in late 2012 who were protesting against violations to their rights as the armed conflict worsened (Key Informant E 2012). In contrast, another Intergovernmental Organization (IO) that also provides accompaniment of communities (although not currently in Samaniego) works closely with governmental institutions (such as the Ombudsman Office, the Colombian Institute for Family Welfare and the National Apprenticeship Service) for the implementation of community-protection schemes (Key Informant H 2012). Accompaniment in Samaniego is thus offered both to provide support and advocacy for victims’ rights and to complement assistance by governmental institutions. Having described the main purposes of humanitarian agencies, it is worth discussing what their ideas on confinement are, as some of them are reticent of using the word “confinement” for labeling the humanitarian crisis in Samaniego villages.

### 7.2. The Different Perceptions of Confinement by the International Relief Community in Colombia

It resulted somehow surprising that during the interviews, some humanitarians showed unfamiliarity with the term *confinement*. I also noticed that the NGO referred to confinement more openly than IGOs did, particularly those working closely with the government. A relief worker explained that “we know very little about confinement because access to victims of confinement by international organizations is limited” (Key Informant A 2012). Interviewees from different humanitarian agencies said that they do not work directly on the issue of confinement, but rather on assisting civilian *victims of confinement* in Samaniego (Key Informant C 2012; Key Informant E 2012; Key Informant K 2012); they also informed that no specific humanitarian projects are taking place for these victims, as most of them are focused on internal displacement. A fieldworker narrated that:

> There is no space to talk about confinement inside the Humanitarian Local Team (...)
> No one is appointed to monitor situations of confinement. That would require the training of staff and what has been done is framed in wider programs (Key Informant K 2012).

A NGO worker in Bogota was critical of the poor assistance given by the government to confined civilians as he linked the lack of support toward these communities to suspicion that they would materially support the “enemy.” He said that:
There was not any kind of support from the government toward confined communities in Samaniego, neither from the former nor the present administration. It is possible that some support was given but this will be confirmed in the field. There is more aid to displaced communities. Sometimes confinement becomes a war strategy: getting food into the villages means feeding the enemy. As confinement is a strategy, one can only denounce if there are families unable to go out of the villages (Key Informant E 2012).

Furthermore, another relief worker stated that:

There is not a unique analytical category for confinement in International Humanitarian Law. There are areas in which mobility is temporarily banned, or access to people, goods and services is limited. This is why I have technical difficulties in using the term “confinement” (Key Informant C 2012).

Because of the variances in approaches toward confinement from different humanitarian organizations, a relief agency is promoting a common definition using a victims-based approach. This is said to improve the efficiency of humanitarian assistance for confined communities. The issuance of relevant law by the national Constitutional Court and the government’s increasing willingness to assist victims make critical an agreed definition of confinement by the Colombian humanitarian community. A relief worker from the abovementioned agency said that:

We must promote advocacy toward the acceptance of a victims-centered definition of confinement. This would improve significantly the humanitarian response. Now that the State recognizes situations of confinement we must design strategies of response and access (Key Informant A 2012).

Based on a structural and contextual definition of confinement in Samaniego, two humanitarian fieldworkers further elaborated that:

A definition of confinement in Nariño must consider the context: an armed blockade is nothing else but confinement, although it is embodied as something natural by the victims. Geography has a tremendous influence because these are isolated communities. How do peasants survive if they do not have access to their land? Confinement does not mean being unable to reach the main town, it means having no access to livelihoods, to land (Key Informant I 2012; Key Informant J 2012).

In consequence, it is clear that a common definition of confinement is still lacking among relief agencies in Colombia: while some interviewees had difficulties when referring to confinement, others approached it as a structural issue. Confinement is thus conceptualized differently by relief agencies, which affects their operational response. A victims-based approach may encourage a tailored and therefore more efficient action by impartial humanitarian agencies, counterbalancing the fact that confined civilians are often
identified as supporters of one side, which has undermined the aid provided from public humanitarian institutions. The proposed approach can also help to improve persuasion to negotiate both urgent and lasting assistance to victims. If humanitarians have different approaches toward confinement, are they guided by the same principles when in the field? A discussion on principled humanitarian action in Samaniego follows.

7.3. Humanitarian Action in Samaniego: Sufficiently Respected?

The interviewees emphasized that during relief missions they were respected by all armed groups and they have not tolerated agreements which restrict their objectives. For instance, a fieldworker commented about his organization:

We would not accept, and I don’t think that any organization would accept, limits for its humanitarian objectives. We are aware that in our daily work we find challenges, but formally, no aid organization should accept limits to the humanitarian nature of its mandate (Key Informant B 2012).

Despite overall respect of the humanitarian space by the parties of the armed conflict, a humanitarian worker noted that even when no “operational contradictions take place in Samaniego” (meaning that the Colombian public forces respect the work of humanitarian organizations in the field), military consolidation strategies and civil-military operations can put limitations on the humanitarian space (Key Informant C 2012). In contrast, another fieldworker affirmed that “the only situation in which access was limited was during “Operación Jaque” (Key Informant L 2012). Therefore, it is noteworthy that even when the parties to the conflict are cooperative with relief agencies, the Colombian military has occasionally undermined humanitarian action in Samaniego.

Civil-military cooperation was part of the military consolidation during Uribe’s government. The public relief institution, Acción Social, was “the humanitarian wing” of the strategy. Relief workers of Acción Social were often escorted by soldiers as the state-sponsored humanitarianism was “linked to the civil-military control of the territory” (Key Informant A 2012). This resulted in a jeopardized cooperation with IHOs because humanitarian relief by the government was neither neutral nor proportional. The current public humanitarian office, named Victims Assistance Unit (Unidad de Atención a Víctimas for its Spanish acronym) seems to make a bigger distinction between neutral relief and military operations, and some humanitarian workers highlighted that cooperation was boosted after this conversion took place:
On a general level there has been a change in the government’s humanitarian agencies. There has been a change because we feel a new air in their policies, in their political will. Additionally, governmental institutions have always respected our work. Acción Social and Unidad de Atención a Víctimas have always respected us, but the latter has a bigger will to make policies effective (Key Informant H 2012).

The Colombian government is increasingly taking on more responsibility for the humanitarian assistance to civilians. As the government is requiring technical rather than operational assistance from IHOs, a debate about stronger cooperation is taking place in the relief community. A humanitarian worker commented that:

Coordination strategies between State institutions and international organizations have begun. Nonetheless, these are part of a broad debate inside the humanitarian community in Colombia, because some relief workers affirm that coordination with public institutions can place neutrality at risk (Key Informant A 2012).

The governmental responsibility to provide humanitarian assistance to civilians in Samaniego was ratified by the Colombian Constitutional Court. Through the Order 093/08 (2008) the Court urged immediate attention from Acción Social to Samaniegan victims of the armed conflict, both confined and displaced. The Order also contributed to the efficiency of international humanitarian agencies by helping to “remove administrative barriers and to do the humanitarian work”, according to Key Informant D (2012). Despite the fact that parties to the armed conflict and the public institutions generally respect humanitarian principles and actions, relief workers are increasingly being threatened by criminal bands (Bacrim). Two fieldworkers narrated that a criminal band has spread leaflets with the purpose of intimidating humanitarian organizations, and some relief workers have had to leave Samaniego due to death threats (Key Informant D 2012; Key Informant K 2012). In turn, two relief workers interviewed in Bogota stressed the link between the loose structure of Bacrim and their intimidation tactics toward humanitarian workers. They suggested that:

There is a perception that post-demobilization armed groups are less deferential of the humanitarian work. Because they lack a clear command line and they are often organized in small structures, it is difficult to assure their respect of international humanitarian organizations (Key Informant A 2012).

In Nariño, staff from our organization complains about many human rights violations by Bacrim, but there is not a direct contact with these gangs. They are almost common crime gangs who do not show respect, and there is no one [from them] with whom to dialogue either. These gangs lack a political approach but their aims are related to the drug-trafficking economy, extortion and similar actions (Key Informant E 2012).
Humanitarian personnel therefore assert that the lack of a basic command structure and the profit-oriented motivations of Bacrim are hurdles for the latter’s respect of humanitarian missions. Furthermore, as civilian victims of Bacrim in Samaniego are not covered by the Victims and Land Restitution Law, further debate on the humanitarian response toward criminal bands is relevant in Colombia. In turn, the government affirms that it is being “flexible enough” to attend humanitarian emergencies from these victims (Buitrago 2012). Two main challenges are foreseen for relief agencies in Samaniego: preserving neutrality despite of a stronger cooperation with the government, and increasing the humanitarian response to victims of Bacrim. How do relief workers make use of humanitarian diplomacy for coping with these and other challenges? What follows is an analytical description of humanitarian diplomacy that aims to respond to the three sub-research questions of this paper.

7.4. **Sub-Research Question 1: How and with whom relief workers negotiate humanitarian access to confined villages of Samaniego?**

As previously mentioned, humanitarian negotiations with Armed Non-State Actors are prohibited by the Colombian law. This was reaffirmed by all the interviewees. The only organization mandated to maintain direct humanitarian dialogues with all parties to the Colombian conflict is the ICRC. An UN humanitarian worker emphasized that:

> The United Nations System complies with the instruction from the Colombian State of not negotiating with illegal armed actors. Hence, no formal or informal communication strategy exists toward these groups (Key Informant A 2012).

Relief organizations undertake negotiations with Colombian authorities for promoting the humanitarian space and principles, particularly when access is limited by the Colombian public force (Key Informant B 2012); this is of importance because the territorial consolidation by the Colombian army has had a tremendous impact in the Samaniego villages. There is a correlation between the army’s territorial control and the confinement of civilians. It is of particular relevance that three fieldworkers commented that being around Colombian soldiers could place civilians at a higher risk as they become easier targets of guerrillas (Key Informant D 2012; Key Informant G 2012; Key Informant K 2012). It is therefore essential that humanitarian workers have the opportunity to dialogue with the public forces in order to minimize the risk of armed confrontations on Samaniegan civilians.
Other humanitarian workers added that access to the Samaniego villages is not banned by the Colombian authorities (Key Informant C 2012; Key Informant K 2012), and therefore not prohibited when framed within an agency’s mandate (Key Informant H 2012). Some humanitarian workers explained that limitations in access were a result of their agency’s security protocols or those of the Humanitarian Local Teams:

[...] Access to confined civilians is not limited by the Colombian state. The mobility of humanitarian actors from the United Nations system in the territory depends on the recommendations and the security analysis from the UN Security Department (Key Informant A 2012).

We do not have negotiation over humanitarian access. There is access; the access was limited by groups but they do not limit us, and it was restricted by landmines, but there is not a ban in access. Neither the [Colombian] nor the authority limits our access. Sometimes the organization itself limits its access because of security considerations (Key Informant C 2012).

Civilian counterparts for IHOs in Samaniego are regional and local governments, the regional Ombudsman office, community leaders and other international organizations (Key Informant H 2012). For one humanitarian worker, dialogue with other relief agencies such as the ICRC, Caritas and Oxfam allowed his team to assess the conditions for accessing villages in Samaniego (Key Informant D 2012). Another fieldworker also mentioned that the Colombian Civil Defense was an important counterpart in the earliest phase of the 2008 confinement crisis, and that the communities helped them to collect relief items for victims until other humanitarian organizations entered the affected villages (Key Informant M 2012). A fieldworker reported that direct negotiations with armed groups were not necessary as they respected the humanitarian space. He recounted his experience:

Armed groups have left freeways for us; they have not imposed conditions on access to many places. During the winter of 2011-2012 we had unimpeded access without having to maintain contacts with armed groups outside the law. We informed of the humanitarian intervention by radio (Key Informant M 2012).

Based on the experiences of interviewees, parties to the conflict or the Colombian public authorities respect the humanitarian space as long as relief agencies comply with their mandates and inform the public force about humanitarian missions. Transactions, bargaining and “second-best agreements” were not undertaken to avoid jeopardizing humanitarian principles. Humanitarian negotiations with the military in Samaniego are necessary for the safe passage of relief goods and medical staff to confined villages, since
armed confrontations and the army’s consolidation strategies can temporarily restrict access. It is however unclear if international humanitarian agencies have been successful in persuading the Colombian government to separate its relief actions from the military outposts; it seems more likely that the political will of the current government was critical toward a more neutral humanitarian action from public institutions. An outcome of this change has been the increased cooperation between the government’s relief agencies and international humanitarian organizations. Further cooperation with the Colombian Ministry of Defense is under analysis, according to Key Informant A (2012). But while these efforts boost partnerships, they can also undermine neutral humanitarian action.

An unexpected finding of the interviews was the critical role that communities play in negotiating humanitarian access. The importance of communities for the overall success of a relief mission is clear in Samaniego, as they often inform to International Humanitarian Organizations of risks to their security. In the Colombian context, where direct negotiations with armed groups are not permitted for the majority of IHOs, this seems to be an alternative that guarantees the safety of both humanitarian personnel and the gaining of lasting access in remote villages. A relief worker noted that:

When we access communities to provide accompaniment there are no arrangements with armed groups. Community members are “intermediadores”, who inform armed groups outside the law of the organization’s relief actions (Key Informant H 2012).

Humanitarian access also varies according to the escalation of the conflict, as it is not always allowed, particularly during armed strikes. Prior to a mission, a security assessment takes place; information provided by Samaniegans about the security situation in the villages is crucial. A humanitarian fieldworker told that: “Five years ago a strong confinement took place; aid could not reach the communities; communities themselves informed that neither entry nor exit of civilians was allowed” (Key Informant G 2012). Another humanitarian fieldworker further noted that: “(...) the role of communities is essential to do relief work; you need to have a good relationship with them to have access” (Key Informant D 2012). Moreover, during the major crisis of confinement, community leaders upgraded food to the villages when humanitarian access was banned. A fieldworker narrated his experience: “During confinement there were places inaccessible for us, so we were allowed to establish

33 Although the informant referred to communities as “intermediadores” a Spanish word resembling “mediation,” communities do not actively mediate between armed groups and relief workers. They transmit messages and inform of the risks of humanitarian missions.
corridors through which food was handed out to grassroots leaders, and they distributed it within the communities” (Key Informant D 2012).

In the Colombian armed conflict, communities are not permitted to be neutral by illegal armed groups. This is why grassroots intermediation should only take place after an analysis of the potential risks from community’s involvement in humanitarian negotiations. In this respect, a relief worker warned that “indirect approaches to armed groups through communities –this is, to obtain permission of access from irregular groups through community leaders- can undermine the Do No Harm principle for civilian protection” (Key Informant A 2012). In regard of civilian protection, an experienced fieldworker explained the complex situation for Samaniegans:

(...) Indigenous communities are afraid of informing about anti-personnel landmines because they will be accused of collaborating with the enemy. If a civilian is sent to negotiate, s/he takes a risk. Both State and non-State armed groups are prepared to quarrel. Everyone is suspicious; civilians are very afraid of confrontations (Key Informant G 2012).

Relief agencies in Samaniego rely on a network of influential people to ensure the safe passage of goods and medicines to victims of confinement; this includes also building partnerships with the government. Some relief agencies take a pragmatic stand when it comes to increasing institutional cooperation:

We consider that what is important is the humanitarian imperative. The national government seeks to achieve with humanitarian workers a similar coordination of the one held with the ICRC in Colombia. The Colombian government is interested in working together with international organizations to complement the humanitarian assistance. For example, by handing out relief items to the humanitarian organizations, which then would be in charge of delivering them to communities under confinement or in emergency (Key Informant A 2012).

The aforementioned may imply that cooperation with both the government and the military will increase. However, this may impact negatively the perception of illegal armed groups toward humanitarian agencies. Critics may also accuse humanitarian organizations in Colombia of conveniently using neutrality, thus undermining principles-based relief.

Most relief agencies negotiate access to confined civilians with Colombian public forces or other governmental partners. Medium-level negotiations are implemented between the Humanitarian Local Team and governmental agencies, while field-level negotiations are agreed on between relief staff and the Colombian public forces prior to a humanitarian mission. Also, at the field-level negotiations with communities in Samaniego are crucial as
they inform when humanitarian access is hazardous and they, at the end, are the beneficiaries of humanitarian missions. In turn, high-level negotiations do not take place for assisting victims of confinement since this has been agreed with governmental authorities beforehand. Confinement-related emergencies are often framed in the assistance and protection of victims of internal displacement because IDPs continue to be the main beneficiaries of humanitarian action in Colombia.

7.5. Sub-Research Question 2: to what extent is coordination between relief agencies essential for humanitarian access in Samaniego?

During the interviews, questions related to coordination for access were divided in intra-agency coordination and inter-agency coordination. The former makes reference to liaising between the field-office, the national office and Headquarters. In turn, inter-agency coordination relates to the role of each counterpart within the Humanitarian Country/Local Team, the division of tasks between the clusters system and the delegation of representatives to negotiate joint humanitarian access.

Intra-agency coordination for confinement-related emergencies takes place between local offices (the majority of which are located in Pasto) and national offices (in Bogota). Direct liaison between the country office and Headquarters has not taken place for confinement-related emergencies as informed by interviewees. In consequence, “national offices benefit from a significant independence” (Key Informant A 2012). Another relief worker from the office in Bogota explained how internal coordination in his agency works for humanitarian emergencies:

We communicate with our Headquarters in the face of a critical humanitarian situation; in this context the following scenario take place: 1. We report to the regional office so that they know what is happening, and we jointly decide to inform the Headquarters; 2. With the Headquarters’ public information office we make a report to be published in the agency’s weekly briefing in order to gain public attention. 3. By liaising with Headquarters we assess our operational capacities to attend an emergency, while communication between the Bogota and Pasto’s offices are based on an immediate relief operation (Key Informant C 2012).

A fieldworker from the same organization commented on the coordination between the offices in Pasto and Bogota:

We notify the humanitarian situation to Bogota. The communication with Headquarters is established through Bogota also; we coordinate with the protection unit at the national level. The office [staff] in Bogota respects the work by the field
office; they give us suggestions and provide us with relevant information. We also maintain constant dialogue in respect of our field actions (Key Informant D 2012).

Based on what has been narrated, it is noticeable that the agency’s field office benefits from a significant decision-making autonomy and that operational coordination takes place with the national office, while the liaison with Headquarters is done through Bogota and the agency’s regional Headquarters. Nevertheless, confinement has not been reported to upper levels. Also for other humanitarian organizations, intra-agency coordination works in very similar ways. Although confinement-related emergencies in Samaniego have not required liaising with headquarters, the assistance is coordinated between the field office, the sub-regional offices, and the national office in Bogota. Fieldworkers also highlighted a significant independence from the national offices when it comes to responding to humanitarian emergencies in a timely manner (Key Informant D 2012). Intra-agency coordination is also intertwined with inter-agency coordination, from which information is shared and debated. A fieldworker explained that:

Nariño’s situation report by the Humanitarian Local Team is shared with our office in Bogota. Based on this information we prioritize what type of actions we need from our national and field offices. For example, we make common decisions like persuading the Humanitarian Country Team to activate the cluster system for a particular emergency (Key Informant B 2012).

Therefore, situation reports are important outputs of the Humanitarian Teams both at the national and the local level for coordination in emergencies. For the confinement crisis in Samaniego, the Humanitarian Local Team (HLT) works through the Protection and Early Recovery Cluster. In turn, the Humanitarian Country Team can apply for funds to respond to field emergencies in close coordination with the HLT. However, relief agencies in Colombia are forbidden by the Colombian government to generate Flash Appeals for raising funds in response to humanitarian crisis in the country (Key Informant B 2012). A relief worker in Bogota explained that:

The HCT undertake meetings every month. For example, to mobilize resources the HCT can recur to the UN Central Emergency Response Fund (CERF) and the Emergency Response Fund (ERF) (Key Informant A 2012).

Inter-agency humanitarian access in Samaniego was coordinated by the Protection Cluster of the HLT in Nariño. Firstly, a relief agency gained primary humanitarian access in Samaniego by informing communities of their rights (Key Informant D 2012). Once the humanitarian space was gained, another IHO deployed a lasting presence and
accompaniment in several villages within the municipality (Key Informant K 2012). Coordinated and principled humanitarian action therefore guaranteed access. A fieldworker commented that “it is difficult that governmental officers have the same access as us. We had access even to mined villages in 2008. We are protected by our transparent work” (Key Informant E 2012). None of the interviewees mentioned that their organization has appointed a common representative to dialogue on their behalf. Though, some of them argued that they had unofficially requested the ICRC to carry out dialogues with relevant parties on humanitarian issues in Samaniego. In reference to this, a humanitarian worker noted that “informally, the ICRC expressed concerns from the Humanitarian Local Team, for instance, about the consequences of demining” (Key Informant D 2012). Another relief worker added: “If, while accompanying communities we note breaches of International Humanitarian Law we dialogue with the ICRC, which has a mandate to act, and we inform them about the severity of the situation” (Key Informant H 2012). Finally, four humanitarian workers observed that a benefit from humanitarian coordination is to avoid the overlapping of duties. They agreed that coordination should be aimed at complementing the assistance given in the field (Key Informant H 2012; Key Informant I 2012; Key Informant J 2012; Key Informant L 2012). Humanitarian coordination has also guaranteed a common response based on situation reports of the HLT and it has been critical for operating access.

7.6. Sub-Research Question 3: How do International Humanitarian Organizations promote the protection of civilians and compliance with International Humanitarian Law in Samaniego?

As a way to promote International Humanitarian Law, advocacy can be implemented privately toward parties of an armed conflict or openly through denouncement. In this respect, none of the interviewees –except for the NGO workers- have made use of public advocacy about the confinement of civilians in Samaniego, including peace-building and development-oriented agencies. A relief worker informed that:

Campaigns against confinement are not undertaken by the humanitarian community in Colombia. There is not a public communication strategy about situations of confinement. Advocacy to achieve access to confined civilians is a deadlock when confinement is caused by antipersonnel landmines, because currently only the Colombian army can implement a humanitarian demining, which can increase the risks to civilians in conflict zones (Key Informant A 2012).

The military implications of demining thus seem to be the reason why humanitarian organizations refrain from promoting more visible campaigns against antipersonnel landmines (APM). For instance, a relief agency advocates for the non-use of APM by armed
groups instead of promoting demining (Key Informant L 2012). An interviewee elaborated on the self-protection mechanisms used by victims:

The issue of demining is very complicated. If a humanitarian demining is implemented by the military they would have to deploy a military operation, which means that it would not be humanitarian. But if soldiers enter the villages unarmed, they will be assassinated. And who trains whom for demining? There is no answer yet. The community itself has done it voluntarily. There were situations in which the stricken family (from which a member was a victim of an antipersonnel landmine) was charged for “using” the mine (Key Informant D 2012).

It is clear that humanitarian organizations in Samaniego choose private advocacy and persuasion rather than public promotion of IHL when communities are under risk. But even though public advocacy through the media has not being undertaken in the case of Samaniego, the Constitutional Order 093/08 was, in part, an outcome of lobbying by humanitarian organizations in Colombia. The objective of relief agencies was to make that laws related to internal displacement became binding also to victims of confinement. A worker from a relief agency that strongly advocated for the Order said:

Our work is through national and local advocacy, a legal strategy and presence in the field. The first debate for Samaniego was whether victims were recognized as displaced or not; in this regard we intervened before the Court (…) we do not campaign, we just made visible a situation. And Samaniego has served to illustrate [the effectiveness of] a humanitarian response (Key Informant C 2012).

The majority of interviewees were skeptical about the impacts that international campaigns and public advocacy would have toward armed groups. One of them highlighted the different effects of advocacy on criminal bands and guerrillas:

The less an armed group is recognized as part of the armed conflict, the less the impact that international campaigns will have. In front of groups like Bacrim, an international campaign is unsuccessful. In front of guerrillas, campaigns were successful at some point. An information campaign does not change the situation structurally, not this situation. In the Ranges,34 denouncement has had a few impacts. At the end, communities are the ones punished by armed actors (Key Informant C 2012).

Impacts of denouncement in Samaniego can jeopardize humanitarian access as well. According to two fieldworkers “if we launch campaigns against illegal groups it is hard to achieve access again; this is why we emphasize on prevention” (Key Informant I 2012; Key

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34 The interviewee referred to “the Ranges” as the area that covers the municipalities of Mallama, Guachavez, Samaniego, La Llanada, Los Andes, Cumbitara, Policarpa, El Rosario and Leiva, all of them red zones of Nariño Department (see Appendixes 2 and 5, on pages 92 and 95 respectively).
Moreover, public advocacy against breaches in IHL by armed groups in Samaniego could place relief staff at risk. In reference to this, a humanitarian worker added that “implementing a campaign means placing one as a military target of armed groups” (Key Informant E 2012). Considering the responses, it is clear that humanitarian organizations assess denunciations as risky for both communities and humanitarian missions while impacts on the armed groups’ behavior are minimal. Contrary to the main opinion, a NGO fieldworker highlighted the positive outcomes of speaking out. He recounted:

When peasant leaders were murdered, our organization issued press releases on behalf of all our sections. I would say that denouncement has an impact, because armed groups do not repeat the act. These people change because we speak out about human rights (Key Informant G 2012).

Public advocacy in Samaniego entails significant risks: campaigns against landmines can boost a military demining, exacerbating a military and indiscriminate response from guerrillas. Confined communities are also monitored by armed groups and they are unable to escape if threatened. The delicate balance between speaking out and remaining confidential in Samaniego clearly swings toward discretion. Following, the research findings of my fieldtrip to Samaniego will be shown.

7.7. The Observer’s Role in Samaniego

As stated in the section Methodology, the data collection implied a brief fieldtrip to Samaniego. I was in the main town for three days, during which I interviewed two governmental officers and one relief worker. Despite the potential security risks of visiting the municipality as a researcher, I decided to do the fieldtrip because a humanitarian mission took place during those days. Although I was not part of the mission, being near humanitarian workers diminished the risks of seeming “suspicious”.

Arriving to Samaniego was very difficult and costly, as taxis were the only ones transporting people from Pasto. When I arrived to downtown, I noted that the military presence was significant, and there were several trenches protecting military and public offices from explosive artifacts; some streets were also fenced with barricades by soldiers during the night. That same day I met two public officers from the Municipal Council for Disaster Management and the Coordination Office for Displaced Persons. In the latter’s office, I noticed long queues of people, mostly victims of the armed conflict from rural areas, who visited the Coordination Office to bring documents or to obtain information concerning
reparations in the frame of the Victims and Land Restitution Law. Confusions on how to access to reparations matched the observations made by humanitarian organizations about the bureaucratic hurdles to law implementation (Celis 2012). During the last day within the municipality I had the chance to listen to testimonies about the human rights situation. Relief workers were informed of latest events in some villages concerning human rights and victims. I could not take part of the discussions and I did not write down any information as that was not approved by the participants of the meetings. Below is a description of the most relevant outcomes from my interview with public officers.

7.7.1 Interview with a Public Officer from the Municipal Council for Disaster Management

The public officer explained that food assistance could only reach the village El Decio between 2008 and 2009, which suffered from massive displacement as a consequence of armed confrontations. He informed that the last provision of food took place in the mid-2011, and the reason why no more humanitarian assistance has been conducted from the local government is that “commencing the year (2012), the budget was drained.” He said that the government, nevertheless, handed out almost three-hundred food baskets to Governorates of Indigenous Guards in the municipality.

During my stay in Samaniego, the local government was preparing an inter-institutional visit to the villages called “Daytrip in the Mountain” (Jornada en la Montaña for its Spanish name). It expected to benefit close to two thousand inhabitants with dental care, primary healthcare and the issuance of personal documents. In turn, the municipality promoted health campaigns once a month in some villages of Samaniego. The officer also commented that humanitarian relief organizations have given food assistance and community training on antipersonnel landmines, especially the NGO Oxfam. He said that the NGO Save the Children recently finished its work in Samaniego, and that Action Against Hunger continued working in the villages. Finally, the officer informed that during 2012, two victims of APM were reported.

7.7.2 Interview with a Public Officer from the Coordination Office for Displaced Persons

During our interview, the second officer referred to the confinement crisis of 2008 as a response from guerrillas to the Army’s entrance in the mountains. She informed of the
probability of new displacements in some villages in the South of the main town and of “invasions” by displaced persons, on which the government was planning resettlement. She also referred to “restrictions” in the movement of civilians in the mountainous areas of the municipality as a result of the Army’s presence.

According to the officer, the humanitarian aid by the government is based on emergency kits, food and clothes to victims of displacement and confinement. For those covered by the Victims and Land Restitution Law, the government offers reparations in cash if they apply for it and bring the relevant documentation. As an outcome of the law, the office is in charge of processing requests for reparations from around 7,000 displaced persons. Ten thousand more are victims of “other issues”, and the officer was emphatic that “confined persons do not receive assistance”. Even though she recognized that “victims are entitled to benefits from governmental programs,” she commented that the high expectations toward the Victims and Land Restitution Law are making the institutions unable to cope with claims for reparation. About international humanitarian organizations, the officer highlighted the assistance by the ICRC and the Norwegian Refugee Council (NRC) during the confinement of 2008. She said that the NRC has trained community leaders. In turn, UNHCR has provided resources and accompaniment of communities. She recalled the coordination with national partners such as the High School of Public Administration and the National Education System. Finally, the officer said that both international and national humanitarian organizations have presence in Samaniego, but further liaison between them and public local institutions is lacking.

In conclusion, humanitarian workers negotiate access to civilians in Samaniego mostly with public forces and governmental institutions; dialogue with armed groups took place during the acute phase of confinement by the ICRC. Humanitarian access has been possible in Samaniego because communities have been cooperative with humanitarian organizations, and armed groups have allowed the implementation of relief actions despite breaches to IHL on behalf of guerrillas, the military, and criminal bands; additionally, the ICRC’s role as a neutral intermediary has also been instrumental. While inter-agency cooperation has streamlined relief to the villages, hand-in-hand cooperation with the government and the military seems to be increasing despite the fact that it could jeopardize neutrality and restrain access in areas that are still under the control of illegal armed groups. But as suggested by public servants, cooperation of international relief agencies with local public institutions is not so robust. The crisis of confinement is not terminated yet; further
displacement and heavy military presence indicate that confrontations are still likely as the Army consolidates throughout Samaniego. The next section will discuss the general conclusions of this research.
8. Conclusions

This study aimed at showing the relevance of humanitarian diplomacy to obtain access to civilians facing mobility restrictions in Samaniego, a municipality heavily affected by the Colombian armed conflict. To make this possible, the concept of humanitarian diplomacy was theoretically discussed and it was divided in three main components (humanitarian negotiations, coordination and advocacy) in terms of access to civilians. From this basis, interviews to humanitarian workers and public officers in Colombia were conducted; they complemented the contextual information provided by reports from humanitarian and human rights organizations. The resulting analysis is intended to answer the research question of this paper: *What has been the contribution of humanitarian diplomacy to gain access to civilian victims of confinement in the municipality of Samaniego, Colombia?*

Humanitarian organizations act in an international context marked by a stronger participation of non-State organizations in internal, protracted armed conflicts. Simultaneously, countries such as Colombia are increasing the State response to victims, which demands that relief agencies increasingly negotiate the impartial and proportional character of the assistance with governments. The Colombian humanitarian landscape has thus been shaped by restrictions to negotiate the humanitarian space with armed groups, the conduction of civil-military operations by the Colombian military, the constant breaches in International Humanitarian Law from guerrillas and the increasing violence of criminal bands. Humanitarian action in response to the selective confinement by the Colombian Army, and the indiscriminate confinement by guerrillas and criminal bands has implied coordinated actions through the Humanitarian Local Team, mobilization for legally-backed assistance at the national level, and field-level negotiations with the government and the military to ensure neutrality and operational independence.

Yet, a timid diplomacy by relief organizations has reduced their mobilization capabilities against breaches in International Humanitarian Law in Samaniego, and I consider that humanitarian diplomacy has not been used at its fullest. Although persuasion toward relevant actors has been undertaken, the mobilization for a more outspoken advocacy against antipersonnel landmines and breaches in IHL and human rights law has been insufficient. In consequence, there is a fragile correlation between a strong international mobilization and a weak field advocacy in this regard. Humanitarian actors are reticent to "go public" with the issue of a humanitarian demining for fears of fuelling an aggressive
military response by the Colombian Army and guerrillas, but more advocacy could have been implemented for the protection of communities, for example through a stronger advisory character and the technical assistance of the Inter-Agency Standing Committee in Samaniego. Furthermore, the needs of confined civilians do not seem to be fully addressed by international humanitarian organizations as their main focus is still centered on Internally Displaced Persons at times when confined civilians and victims of Bacrim are not entitled to reparations, being the assistance more reactive and emergency-focused. Nevertheless, humanitarian organizations have mobilized toward a more adequate legislation for victims of confinement, which has reinforced the links between forced confinement and displacement as a way to benefit from the progress achieved in respect of internal displacement.

Additionally, it is worth mentioning that the responses by interviewees for this study did not always reflect what has been found in humanitarian and human rights reports. Since intergovernmental humanitarian organizations are heavily relying on the support by the Colombian government, their staff’s responses are clearly less critical than those of the NGO staff interviewed; but as was said in the introduction to this research, their perceptions are important for obtaining a clearer picture of the trends and patterns in humanitarian assistance. Their “pragmatic” approach may become a hurdle for independence and full impartiality to assist victims of confinement.

The findings of this research suggest that a field-based diplomacy is used in a more regular fashion because assistance to confined civilians is not fully supported by the national government. Humanitarian organizations use diplomacy instead of Diplomacy for access in Samaniego since they have not recurred to high-level negotiations, third party mediators or to denouncement. Also, the research findings show that diplomacy is a regular activity for the pursuing of humanitarian access by relief organizations in Samaniego, although stronger compromises with the government and the military as a way to provide assistance could imply more ambitious and less independent objectives for humanitarian action in Colombia. So far, the actions by relief organizations in Samaniego suggest that humanitarian diplomacy is not in contradiction with their principles and that it has contributed in an important, although limited extent to achieve humanitarian access.
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List of Interviewees

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Key Informant B. 2012. Interview conducted in Pasto on September 20.

Key Informant C. 2012. Interview conducted in Bogota on September 4.

Key Informant D. 2012. Interview conducted in Pasto on September 11.

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Key Informant G. 2012. Interview conducted in Pasto on September 10.

Key Informant H. 2012. Interview conducted in Bogota on August 15.

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Key Informant L. 2012. Interview conducted in Pasto on September 13.

Key Informant M. 2012. Interview conducted in Pasto on September 18.


10. Appendixes

Appendix 1: Map of Colombia

Source: United States Central Intelligence Agency (CIA) (2008)
Appendix 2: Map of Samaniego

Appendix 3

Areas under the control of illegal armed groups in Samaniego

Source: Municipal Government of Samaniego (2011)
Appendix 4

Anti-personnel Landmines in Samaniego Municipality

Source: Municipal Government of Samaniego (2011)
Appendix 5

Number of Civilian Victims of Anti-personnel Landmines in Nariño Department by Municipality

[Map showing the number of civilian victims by municipality in Nariño Department]

Source: PPAICMA (2007)
Appendix 6

Violence in the Colombian Border (Nariño Department)

Source: Key Informant D (2012)
### Appendix 7

**Criteria for Effective NGO Diplomacy**

<table>
<thead>
<tr>
<th>Condition</th>
<th>What does it mean for NGOs?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reputation</strong></td>
<td>NGOs achieve a strong reputation when they are able to approach non-State actors in an internal armed conflict without undermining State sovereignty.</td>
</tr>
<tr>
<td><strong>Confidentiality</strong></td>
<td>The way that the organization keeps confidentiality of the conversations carried out with parties to the conflict, communities, public officers and other partners, its management of relevant information, and the avoidance of biases when it releases public information, among others. This enhances a trust-based relationship and reliability in front of its counterparts.</td>
</tr>
<tr>
<td><strong>Legitimacy</strong></td>
<td>The recognition of the critical role played by NGOs in conflict settings, from suffering-alleviation to peace-building and advocacy, which has to be gained through an effective, rigorous presence in the field. Because NGOs are still considerably weak as compared to states, their intervention in armed conflicts must balance their lack of power with increasing legitimacy. Respect from counterparts will make persuasion, dissuasion and deterrence more effective in armed groups.</td>
</tr>
<tr>
<td><strong>Network of influences</strong></td>
<td>A “network of influences” at various levels, from armed actors to public officers, international actors and influential people, is said to contribute to foster awareness of the situation of victims of an armed conflict and of the need to respect the actions of NGOs in the frame of national or international law. A network of influences is imperative to effectively conduct both private persuasion and public advocacy.</td>
</tr>
</tbody>
</table>

Adapted from Bartoli (2009) and Harroff-Tavel (2005)
## Appendix 8

### Humanitarian Negotiations with the Confinement of Civilians in Samaniego as an Example

<table>
<thead>
<tr>
<th>Level of Humanitarian Negotiation</th>
<th>Scope</th>
<th>Humanitarian actors</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>High-Level Strategic</strong></td>
<td>Humanitarian organizations negotiate the permission to enter the country or to reach agreements on general operational parameters with high-level national authorities.</td>
<td>Head of Mission/ Senior humanitarian staff negotiate with national political authorities.</td>
<td>Negotiations with Colombian governmental authorities at the national level. The position of the government regarding the existence of the internal armed conflict, humanitarian negotiations and other relevant, contextual aspects also shape humanitarian action, which requires strategic negotiations and liaison.</td>
</tr>
<tr>
<td><strong>Mid-Level Operational</strong></td>
<td>Humanitarian daily activities are negotiated at the regional or field level based on previously agreed lines of action.</td>
<td>Project manager/ Project coordinator negotiates with regional and local authorities, the Colombian Army commanders and ANSAS commanders.</td>
<td>Negotiations with regional and local authorities for pre-assessment missions and the implementation of projects; negotiations with the Colombian army or ANSAS to obtain permission for humanitarian corridors, promote IHL, or negotiate days of tranquility for accessing confined communities.</td>
</tr>
<tr>
<td><strong>Ground-Level Frontline</strong></td>
<td>Humanitarian negotiations and agreements in response to sudden, high-risk situations (such as armed confrontations) for staff and beneficiaries.</td>
<td>Humanitarian staff, either at the coordination level or the implementation level, negotiates with soldiers, other armed actors, communities, the police and public officers in Samaniego.</td>
<td>Approaches to criminal bands through the ICRC in response to intimidations to both civilians in Samaniego and humanitarian staff; approaches to guerrillas in front of a sudden increase in accidents from antipersonnel landmines; talks to soldiers for the entrance of medicine and goods to confined civilians.</td>
</tr>
</tbody>
</table>

Adapted from Mancini-Griffoli and Picot (2004)
## Appendix 9
### The Perspective of Confinement by the Different Approaches to Humanitarian Diplomacy

<table>
<thead>
<tr>
<th>Approach to Negotiations</th>
<th>Basic Rationale</th>
<th>The approaches’ perspectives on confinement in Samaniego</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Humanitarian Diplomacy as a Contradiction</strong></td>
<td>Humanitarian action should be focused on the delivery of emergency aid. Relief agencies cannot take any diplomatic role. Diplomacy relies on governments as they have competing interests at an international level, which is not the case for relief agencies. Any attempt to do diplomacy can threaten the humanitarian space.</td>
<td>A likely increase in Civil-Military Cooperation with the Colombian Army will hamper the prompt relief to victims of confinement, because humanitarian workers will be seen as collaborating with one side of the conflict. For example, <em>Operación Jaque</em> by the Colombian government demonstrated the use and abuse of the privileged humanitarian access by the parties of the conflict.</td>
</tr>
<tr>
<td><strong>Humanitarian Diplomacy as a daily activity</strong></td>
<td>As a result of a politicized humanitarian environment, relief agencies must negotiate their neutrality and operational space. This is natural and it implies to use relevant information for negotiations, to build partnerships and alliances, to negotiate mandates according to law and to implement other diplomatic activities on a regular basis and as demanded by the circumstances.</td>
<td>Being Colombia a middle-income country with increasing capabilities from the government to assist victims, relief agencies must build institutional partnerships and use relevant information to persuade national and regional authorities on the need to respect principled, timely humanitarian action in areas under confinement. Humanitarian organizations must promote their inclusion in relief-oriented activities toward victims of the armed conflict; all this requires the use of diplomacy.</td>
</tr>
<tr>
<td><strong>A Necessary Evil</strong></td>
<td>Humanitarian actors not only engage in diplomacy as dictated by the circumstances. They must improve their diplomatic skills for better interventions, which needs constant negotiation. Humanitarian diplomacy also contributes directly or indirectly to conflict resolution.</td>
<td>Humanitarian organizations must address the shortages of national and international law in light of the new dynamics of the Colombian armed conflict and of the need for progressive, tailored rules to assists victims of confinement in front of an increasing organized crime and of the new military strategies by the parties to the conflict. Furthermore, humanitarian organizations must contribute in strengthening the nexus between suffering-alleviation and a sustainable path toward peace-building.</td>
</tr>
</tbody>
</table>

Adapted from Smith (2007)
Appendix 10: Basic Demographic Data of Interviewees

<table>
<thead>
<tr>
<th>Interviewee</th>
<th>Gender</th>
<th>Age Range</th>
<th>Agencies Group</th>
<th>Level(^{35})</th>
<th>Place and date of interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Informant A</td>
<td>Male</td>
<td>30-40</td>
<td>UNS</td>
<td>National</td>
<td>Bogota, 15 August 2012</td>
</tr>
<tr>
<td>Key Informant B</td>
<td>Male</td>
<td>30-40</td>
<td>UNS</td>
<td>Field</td>
<td>Pasto, 20 September 2012</td>
</tr>
<tr>
<td>Key Informant C</td>
<td>Male</td>
<td>40-50</td>
<td>UNS</td>
<td>National</td>
<td>Bogota, 04 September 2012</td>
</tr>
<tr>
<td>Key Informant D</td>
<td>Male</td>
<td>50-60</td>
<td>UNS</td>
<td>Field</td>
<td>Pasto, 11 September 2012</td>
</tr>
<tr>
<td>Key Informant E</td>
<td>Male</td>
<td>50-60</td>
<td>NGO</td>
<td>National</td>
<td>Bogota, 28 August 2012</td>
</tr>
<tr>
<td>Key Informant F</td>
<td>Female</td>
<td>30-40</td>
<td>NGO</td>
<td>Field</td>
<td>Bogota, 28 August 2012</td>
</tr>
<tr>
<td>Key Informant G</td>
<td>Male</td>
<td>40-50</td>
<td>NGO</td>
<td>Field</td>
<td>Pasto, 10 September 2012</td>
</tr>
<tr>
<td>Key Informant H</td>
<td>Female</td>
<td>30-40</td>
<td>IGO</td>
<td>National</td>
<td>Bogota, 15 August 2012</td>
</tr>
<tr>
<td>Key Informant I</td>
<td>Female</td>
<td>30-40</td>
<td>IGO</td>
<td>Field</td>
<td>Pasto, 10 September 2012</td>
</tr>
<tr>
<td>Key Informant J</td>
<td>Female</td>
<td>30-40</td>
<td>IGO</td>
<td>Field</td>
<td>Pasto, 10 September 2012</td>
</tr>
<tr>
<td>Key Informant K</td>
<td>Male</td>
<td>30-40</td>
<td>UNS</td>
<td>Field</td>
<td>Pasto, 11 September 2012</td>
</tr>
<tr>
<td>Key Informant L</td>
<td>Male</td>
<td>40-50</td>
<td>IGO</td>
<td>Field</td>
<td>Pasto, 13 September 2012</td>
</tr>
<tr>
<td>Key Informant M</td>
<td>Male</td>
<td>40-50</td>
<td>IGO</td>
<td>Field</td>
<td>Samaniego, 18 September 2012</td>
</tr>
<tr>
<td>Public Officer 1</td>
<td>Male</td>
<td>50-60</td>
<td>Local government</td>
<td>Field</td>
<td>Samaniego, 17 September 2012</td>
</tr>
<tr>
<td>Public Officer 2</td>
<td>Female</td>
<td>30-40</td>
<td>Local government</td>
<td>Field</td>
<td>Samaniego, 18 September 2012</td>
</tr>
</tbody>
</table>

\(^{35}\) The “field level” category is applicable to humanitarian workers in Pasto and Samaniego.
Appendix 11: Semi-structured interviews

Personnel of International Humanitarian Organizations

Duty station in Colombia: ________________________________

1. What activities have been implemented by your organization to provide suffering-alleviation during confinement emergencies in Samaniego?

2. How does the coordination in your organization functions between the field office, the national office and Headquarters in emergencies related to confinement?

3. How does the coordination between your organization and other international organizations function in emergencies related to confinement in Nariño and Samaniego?

4. What is the role of your organization in the Humanitarian Country Team during confinement crisis in Samaniego?

5. To what extent has the government supported international organizations to get access to confined communities in Samaniego from 2002? Has its response change in the last 2 years?

6. How does the coordination works between international organizations, public humanitarian organizations and local governments when they act in a confinement situation in Nariño?

7. Who are the counterparts when the national office of your organization negotiates humanitarian access to confined civilians in Samaniego?

8. Has your organization been tolerant towards the achievement of second-best agreements resulting in partial or limited fulfilment of its humanitarian objectives?

9. Are negotiations with armed groups in Samaniego of a “win-lose” nature or is it possible to make compromises?

10. Have public humanitarian institutions respected the principles and objectives of your organization?

11. Do armed groups in Colombia respect the work developed by your organization?

12. When armed groups make breaches in International Humanitarian Law, does your organization use persuasion or denouncement?

13. What are the repercussions of denouncing breaches to International Humanitarian Law made by armed groups toward confined civilians in Colombia? Does it make humanitarian objectives more achievable?

14. Has your organization advocate against confinement in Samaniego?

15. Has your organization launched international campaigns against confinement in Samaniego?

16. Is international advocacy the right way to persuade armed actors to allow humanitarian access? Do better methods exist?
17. What has your organization learnt from its humanitarian action toward confinement?
18. What should be improved/what are the lessons learned by international organizations when they respond to a confinement crisis in Samaniego?