

## Overall condition along the Colombia-Venezuela border

Colombia's longest and most porous border is the 2.219 kilometer stretch it shares with Venezuela. Three Venezuelan border states, namely Zulia, Táchira and Apure, account for 915 kilometers of the border adjacent to the Colombian departments of Guajira and Cesar, Norte de Santander and Arauca, respectively. Venezuela's state of Amazonas has a 1.304 kilometer long border adjacent to the Colombian departments of Vichada and Guainia. Amazonas is the border state for which least information is presently available.

Historical records reveal the enormous commercial, social and cultural vitality of this area. The relationship between the two countries has become increasingly strained at the political level, fundamentally as a consequence of Colombia's more acute and regionally-located internal conflict, and its serious humanitarian impact (in terms of displacement of persons, hostilities, forced recruitment, border crossings, and others); the fate of the demobilized paramilitary groups since 2003; the serious impact and scope of Colombian "parapolitics", and the internal dynamics of the drug trade and other illicit activities, in particular in strategic areas like Arauca, Norte de Santander, and the Guajira region and, finally, the future of the negotiations between the Colombian government and the ELN and its consequences in Arauca.

Two major characteristics of the armed conflict in 2007 and its implications for the border area may be discerned. In the first place, despite the demobilization and mainstreaming of several Colombian paramilitary blocs, paramilitary forces have regrouped in the country's northwest and the Venezuelan border states, and expanded their illicit commercial and fund-raising activities (collection of protection, security and extortion money). In the second place, the confrontations between FARC and ELN forces have spread from Colombia's Arauca department to the Alto Apure (Apure State) region in Venezuela, an evolution confirmed by the increased frequency of clashes and killings for various causes.

All of the above has led to increased militarization of community life in the border areas. In Venezuela, this evolution is confirmed by operations in the Number 1 (Guasualito), and Number 2 (Táchira) Operation Theaters -in addition to two other Operation Theaters closer to the Brazilian border (Puerto Ayacucho)- that have imposed a number of restrictions on people's lives, including payment of taxes, road check points and others. The role and importance of military over civilian authorities in local life is obvious in the countryside, as the Government grants increased power to the military that translates, for instance, into more intense registration to build up military reserve forces.

Another sign of concern is the alarming insecurity in public roads, and the indiscriminate use of fire arms (in shootouts and killings) in three of the visited cities, Caracas, Maracaibo and San Cristobal. Because of the types of crimes (for example, widespread extortion and hiring of paid assassins), the media establishes a direct relationship with the regionalization of the Colombian conflict and the presence of regrouped Colombian paramilitary groups in Venezuela. Nonetheless, these types of crimes are also related to specifically Venezuelan criminal trends. In 2006, Venezuela recorded 12.257 homicides or 45 for every 100.000 people. This evolution was also obvious during visits to the states of Caracas, Táchira, Apure and Zulia.

The overall consequence has been a feeling among the local population, that gross impunity and lawlessness reign, to which must be added reports of policy corruption and plain inefficiency. A police reform announced almost one year ago has not started yet.<sup>1</sup> Several police bodies operate side by side and enjoy various competencies, ranging from the National Guard, to the CICPS investigation

<sup>1</sup> *La Reforma Policial en marcha. Resultados de la Consulta Nacional.* Comisión Nacional para la Reforma Policial. (Police Reform Underway. Results from the National Consultation. National Commission for Policial Reform).

police,<sup>2</sup> to state and local police bodies.<sup>3</sup> Such structural problem reappears in the Administration of Justice despite the reform of procedures aiming at an adversarial law model. As described by jurist Pérez Perdomo, “*the penal system is still the most traumatic point of contact between the poor and the judicial system.*”<sup>4</sup> Likewise, Venezuela’s prison system has reached critical condition. We are persuaded it is not possible to insist on enforcing purely repressive policies against crime given the extremely weak institutional setting.

## Táchira

According to March 2007 figures from the Táchira State’s Technical Secretariat, a total 923 applications were filed, i.e. 2.558 people requested refuge, thus making Táchira the state with the greatest number of applications, above Apure, the Capital District and Zulia. Meanwhile, the Technical Secretariat considers the State recognizes only 50 or 60 cases, accounting for up to 300 persons. However, the Technical Secretariat estimates as many as 120 applications have been rejected.<sup>5</sup> As in Apure and Zulia, there is a huge gap between the number of requests and admissions. The Secretariat argues the 90-day term set to solve cases is largely exceeded for security reasons.

El flujo de población en situación de refugio desde Colombia hacia el Estado Táchira tiene dos canales reconocidos:

Refuges from Colombia to Táchira State flow along two well established channels, namely:

1. A highly visible flow to San Antonio de Táchira and Ureña.
2. Border crossings in rural areas in Norte de Santander, where flows are less frequent, urgent and visible, and take place in particular from La Gabarra, Convención, Ocaña, Tibú and Puerto Santander, in Colombia, towards La Fría, Delicias, Rubio in Venezuela. Unfortunately, the people who are mostly peasant farmers, do not get the attention they need and will rather remain anonymous and invisible for fear to insecurity and the armed groups.

## Zulia

As in Apure and Táchira, refuge in Zulia State is characterized by the dispersal of refuge applicants and refugees living in Maracaibo, Machiques, in various areas in La Guajira, and elsewhere. As a consequence, attention to them is hard to provide, increases costs to the refuge applicants themselves, and compounds paperwork. The Zulia Secretariat makes field visits, although this is not a usual practice among similar agencies. However, the Secretariat is clearly unable to examine the vast number of potential requests. In addition, problems created by the splitting of tasks between the Secretariat and ONIDEX (Venezuela’s National Identity and Foreign Citizens’ Bureau), further compound procedures. Figures from the Technical Secretariat for 2006 break down the origin of refuge applicants arriving in the State as follows.

<sup>2</sup> Cuerpo de Investigaciones Científicas, Penales y Criminalísticas. (Scientific, Penal and Criminal Investigation Police)

<sup>3</sup> Interview with Secretary General of the Red de Apoyo (Support to Justice) network.

<sup>4</sup> Pérez Perdomo, Rogelio, “Reforma Judicial, Estado de Derecho y Revolución en Venezuela”, in *En Busca de una Justicia Distinta. Experiencias de Reforma en América Latina*, IDL, Lima 2004, pp. 365.

<sup>5</sup> Interview, Technical Secretariat, Táchira State, Nacional Commission for Refugees.

<b>Origin of Refuge Applicants - 2006</b>	<b>Numbers of cases</b>
Antioquia	11
Atlántico	54
Bolívar	23
Cesar	144
Córdoba	16
Cundinamarca	9
Guajira	101
Magdalena	35
Norte Santander	35
Sucre	16
Valle del Cauca	48
No data	4
Others	37

Data for 2006

Source: Zulia Technical Secretariat. National Refugee Commission. Bolivarian Government of Venezuela.

The departments of Guajira and Cesar account for almost half of applications, followed by Atlantico and Valle del Cauca (an area located quite far from the Venezuelan border and from Zulia in particular). The dispersed origin of applicants is also noteworthy, as they come from at least 20 different departments, some as distant from Zulia as Valle del Cauca.

### **Settings of an expanded conflict area in Zulia**

The Colombian armed conflict emerges in two main settings in Zulia.

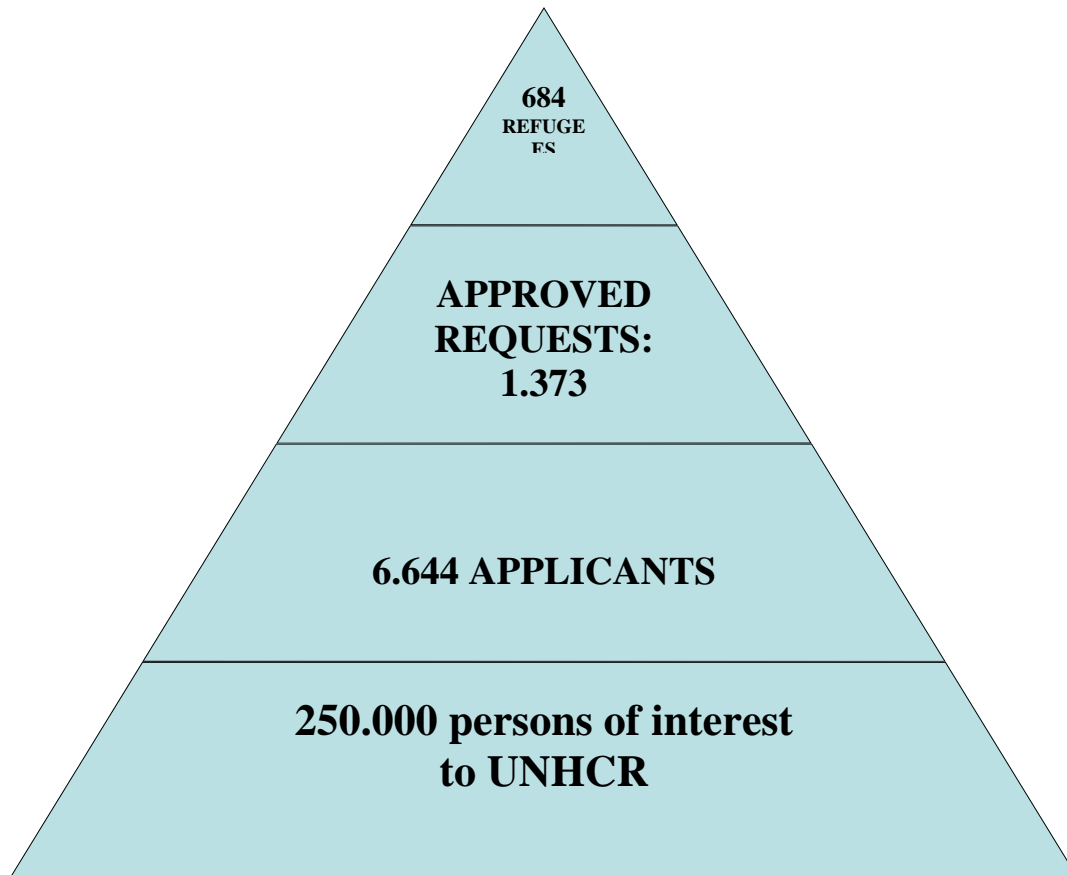
- (I) La Guajira: This is an area where the State has been traditionally absent but is now present principally through military units. A vast area where distances are long, the region is peopled by the Wayuu. Both Colombia and Venezuela's governments accept the bi-national citizenship of the local Wayuu indigenous people who as a consequence have dual citizenship and cross the border freely. In addition, there is an old tradition of trade and smuggling of both licit and illicit goods.
- (II) Catatumbo and Sierra de Perijá. A protection area for the entire Catatumbo river watershed, an area of conflict for territorial control originating in Colombia.

### **Apure**

Apure State accounts for 723 of total refuge requests filed with the National Refugee Commission to March 2007, involving 2.113 persons needing protection. CARITAS figures reveal out of 843 recorded cases, only 11 have been officially recognized, reflecting the poor attention received by one of the states where the armed conflict and refuge conditions are direst.

In addition, figures from SJR for that area reveal out of standing requests only 171 individuals have received their provisional identification, mostly in the Guasdalito urban area. At the present pace, it would take 20 years to finish delivering the provisional IDs, a reflection of the magnitude of the problems created by (lack of) identity documentation, despite promises in past years by the Venezuelan government to register citizens and provide IDs.

### Gaps in the Venezuelan refugee situation <sup>6</sup>



Figures: March 2007

<sup>6</sup> Figures in the graph are for individuals, not cases (that may involve more than one individual).

A number of reasons contribute to explain the gaps shown in the above graph describing the situation of the people in need of protection in Venezuela. The efforts undertaken by the Venezuelan government to gradually close the gap must be recognized. They include establishing decentralized bodies for refugees, such as the Technical Secretariats in Apure, Zulia and Táchira, and efforts to adapt the Venezuelan legal framework to present international law. Altogether, a system has been put in place catering to the refugee population. However, much remains to be done within this recent framework.

Several factors explain the slow processing of applications.

1. Prevalence of a security approach to refugee issues. The applicant's details are checked by the security and intelligence bodies. Technical Secretariat staff acknowledges this process may take up to one year.
2. Multi-sector nature of the National Commission, the only body that can grant or refuse refugee status to applicants. However, the Commission's decisions must be coordinated among its various members who belong to various government agencies.
3. Insufficient resources allocated to the National Commission and the Technical Secretariats. Insufficient staffing prevents requests from being processed as rapidly as needed, either by the Commission or the Secretariats. Two staffers in each Secretariat must process the entire refugee paperwork, from request, through pre-eligibility interviews, to interviews and reporting to the Commission of each individual case. To this must be added a backlog of Colombian nationals dating back to the times before the Commission and the Secretariats were established who require protection, and prior deportation cases.

<b>FIGURES (2003 – MARCH 2007)<sup>7</sup></b>				
STATE	CASES RECEIVED	NUMBER OF APPLICANTS	TOTAL CASES DECIDED	
			<b>576</b>	
			REQUESTS ACCEPTED	REQUESTS REJECTED
Capital District	668	1.231	<b>284</b>	<b>292</b>
Apure State	723	2.113		
Táchira State	923	2.558		
Zulia State	350	742		
<b>TOTAL:</b>	<b>2.664</b>	<b>6.644</b>		

Source: Comisión Nacional para los Refugiados, Gobierno Bolivariano de Venezuela. 2007

Several of the cases identified above are useful when examining the wide gap between the “population of interest” to UNHCR and the number of applicants.

1. Little dissemination of the refuge application process and the refugees' rights. The Technical Secretariats and the National Commission only rarely make field visits, and in some cases there is an explicit ban to do so for security reasons.
2. Consideration must be given to the process started two years ago by the Venezuelan state to distribute citizen identification cards and the Identity Mission it established, although its potential impact on the number of refuge requests has not been estimated. This procedure is

<sup>7</sup> The National Refugees Commission started operating in 2003. At the time this data was being collected, the Commission was examining 120 applications involving some 250 persons.

believed to have regularized the status of about 500.000 Colombians in Venezuela. A significant number of them may have chosen to adopt Venezuelan nationality as a measure of self-protection and by getting residence in Venezuela, gain access to basic services and avoid the risk of having to return to Colombia.

### **Institutions working on refuge issues along the border**

Since 2001, the Church, civil society and international cooperation agencies have done a significant job in providing care and attention to the persons in need of services, and in particular to refugees from Colombia. Human rights movements have been since the onset involved in providing care, disseminating and denouncing issues, and lobbying the Venezuelan government to reform existing laws and regulations. However, the Venezuelan government considers non-governmental organizations and international cooperation should limit their role to providing humanitarian support to refugees and transferring resources to the relevant state agencies, respectively. The Venezuelan state does not see lobbying with good eyes, and has had several confrontations with non-governmental organizations, thus hampering coordination with the state and amongst the NGOs and international organizations.

Several organizations work in Táchira State in the legal and humanitarian fields. The Norwegian Refugee Council's representative is actively involved in sensitization initiatives (i) to increase the refugees' visibility; and (ii) preparing social communication materials. The UNHCR and Caritas San Cristóbal provide humanitarian assistance and protection to applicants of State refugee status, but must face a huge gap between existing needs available resources.

Obviously, UNHCR and its implementation agencies focus their protection and humanitarian care efforts on refuge applicants, while non-applicant refugees must subsist from their arrival by their own means, and expect to get assistance from missions or the local government. Initial support provided to applicants includes a survival allowance. CISP provides support through humanitarian assistance and psychosocial care. The Borders and Integration Center, a think tank affiliated to the Universidad de Los Andes in San Cristóbal, has devoted its attention to studying refuge issues and their relation to the conditions found along the border areas and cross-border integration.

Civil society organizations in Zulia working on refuge issues have managed to create a permanent coordination forum called the monthly protection meetings where they coordinate basic operational issues as for instance the geographic limits and jurisdiction of the involved organizations, to prevent duplicating their efforts and making the best use of available resources. This forum also provides an opportunity for sharing experiences, exchanging information and discussing action and lobbying initiatives. These organizations have jointly trained government authorities and officials, and mutually benefitted from learning about their various perspectives. Other joint actions relate to the State's actions and improvements in the application process. In 2006 joint work days were organized together with the Technical Secretariat in remote areas (Sierra de Perija, among others) where refugees have trouble to reach Maracaibo to file their requests. Caritas Machiques and the Maracaibo Commission for Peace and Justice are both UNHCR executing agencies while the Zulia Red Cross has an agreement with UNHCR to register applicants in the municipalities under its care. They carry out interviews used as inputs when a decision is made to support a given applicant's request for reconsideration.

Caritas is active in Apure State while SJR is present in Alto Apure (Guasdalito and Nula), in addition to UNHCR and the so far sporadic operations of the Technical Secretariat there. Organizations working with refugee populations in Alto Apure must face the presence of armed groups in that territory. If a certain community is suspected to shelter the collaborators, community supporters or followers of an armed group, its enemy's perception of that community will certainly be influenced. Establishing security protocols shared by all organizations working in that area would contribute to create a more

favorable context for their work. Finally, it should also be mentioned that remote areas in the Achaguas, Rómulo Gallegos and Pedro Camejo municipalities are also home to refuge applicants, reflecting the typical lack of visibility and the dispersal of Colombian refugees in rural areas and the challenge involved in providing them effective care and protection.

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