

# **RESEARCHING INTERNAL DISPLACEMENT**

**Working Paper No. 19**

LANID Special Issue

*“Critical Approaches to Internal Displacement”*

## **Asylum and Internal Displacement: The Intertwining of Migrations in Colombia**

Carolina Moreno V.  
Latin American Network on Internal Displacement (LANID)  
Los Andes University, Bogota  
Colombia

March 2022



## **Abstract**

*This paper explores asylum and internal displacement as ways of migration or human mobility. It focus particularly on the consequences resulting from each of the legal frameworks governing each expression of mobility in order to narrow down the scope in which they apply, as well as the gaps in protection resulting in each case. This work is additionally structured around the preexisting literature that has studied the relation between internal displacement and asylum. This paper thus explores how the Colombian State responds to the internal and external migrant population; and from that point on, it analyzes how compartmentalizing law explains the different degrees of protection, according to the type of mobility or migration. It is thus that the law defines categories, sets boundaries, legitimizes certain actors and disregards others, creating protection regimes and gaps in protection.*

## **Keywords**

Internal displacement, asylum, forced migration, human mobility, Colombia

## **Author Details**

Email: camoreno@uniandes.edu.co

## **LANID Special Issue: “Critical Approaches to Internal Displacement”**

The Latin America Network on Internal Displacement (LANID) brings together academics, activists, artists, and practitioners with the aim of reflecting critically on internal displacement. This LANID Special Issue aims to extend knowledge and promote debate on this phenomenon. Although each Paper has been written from a different perspective, they all share the key feature that they delve into the multidimensional nature, diverse causes and complex dynamics of this kind of forced migration, as well as into the search for new ways to achieve durable solutions that allow those affected by internal displacement to overcome their vulnerability.

This paper was written by the author in the framework of the “Interdisciplinary Network on Internal Displacement, Conflict and Protection” project (AH/T005351/1), supported by the Arts and Humanities Research Council, on behalf of the UKRI Global Challenge Research Fund.

## 1. Introduction

In this paper, I explore asylum and internal displacement as ways of migration or human mobility. In undertaking this analysis, I focus particularly on the consequences resulting from each of the legal frameworks governing each expression of mobility in order to narrow down the scope in which they apply, as well as the gaps in protection resulting in each case. This work is additionally structured around the preexisting literature that has studied the relation between internal displacement and asylum.

In the nineties, a sector of the academic literature paid special attention to internally displaced persons (IDPs) and to how they correlate with and diverge from refugees (Egea and Soledad 2008). The debate became increasingly relevant after the enactment of the Guiding Principles on Internal Displacement (GPID), which studies the connections between these two categories and the role of the Office of the United Nations High Commissioner for Refugees (UNHCR), the agency responsible for managing both population groups.

In its reflections on the points of convergence (existing or not) between asylum and internal displacement, academic literature mainly addressed two aspects. Firstly, having to cross an international border in order to fall under the legal framework of the international protection provided to refugees, a requirement that internally displaced persons don't meet. Secondly, the role of the UNHCR, its involvement with IDPs and its work with refugees. Some authors involved in this debate are more inclined towards the need to maintain and consolidate the differences between categories. Others worked on identifying the meeting points and how they juxtapose. Undoubtedly, the different perspectives on IDPs and refugees contributed towards developing and enriching this disciplinary field.

This working paper builds on this dialogue that, although it dates back several decades, is particularly valid today. There are three basic reasons for this, two global and one local. First of all, the global figures on the behavior of IDPs and refugees illustrate it. By December 2020, the global number of IDPs had reached a record high of 55 million, more than 85% of which had fled as a result of conflict and violence (IDMC). Also, by the end of 2020, the number of world refugees under the UNHCR mandate was close to 27 million (UNHCR, 2021). Second, because there are advocates of the validity of this field of study, particularly concerning the maturity and accumulation of academic production on internal displacement (Cantor 2018). Cantor's recent work provides a rich and updated critical state of the art on IDPs, and captures the important set of the legal and theoretic development this field in the last two decades.

The third and final reason to continue this dialogue is local in nature and refers to the current Colombian context, which is the focus of this work. Colombia is the meeting point of meaningful number of IDPs as well as an important number of migrants and refugees. As I will describe in

further detail below, Venezuelan account for the highest number of foreigners present in Colombia, many in need of international protection. On August 9, 2021 El Pais reported that there are also individuals from the Caribbean, mainly Haiti and Cuba, as well as from countries in Africa and Asia, the so-called ‘Extracontinentals’ (i.e. from outside the Americas).

I must stress that in regards to this third aspect, in the Colombian scenario from which I have undertaken this work, the convergence between internal displacement and asylum is but a recent concern. Egea and Soledad addressed the issue in 2008, but they focused on describing the context of forced internal displacement in Colombia, when there were not as many refugees, returnees and migrants as there are today.

All of these factors covering in Colombia today justify retaking the contributions that literature, particularly from the Global North had produced concerning the parallelism (or not) between refugees and IDPs. This working paper intends to contribute towards this dialogue from the interest located in the Global South; from a country that is the protagonist of different forms of migration (internal and external and mainly South-South) and that encourages taking new perspectives and making new reflections in regards to this issue.

This study thus contributes to the literature by proposing an analysis focusing on the Colombian context, mainly in the Arauca Department, which is located alongside the Colombia-Venezuelan border. The analysis of the different migration flows in Colombian territory; the causes driving people to move; the different regimes applicable to each case as well as the gaps in the protection resulting therefrom, shed new lights to strengthen and nourish the studies on internal and external migration in the Colombian context. This paper thus explores how the Colombian State responds to the internal and external migrant population; and from that point on, I study how compartmentalizing law explains the different degrees of protection, according to the type of mobility or migration. It is thus that the law defines categories, sets boundaries, legitimizes certain actors and disregards others, creates protection regimes and gaps in protection.

After this brief introduction, this working paper develops through two main parts: in the first part I analyze the parallelism between asylum and internal displacement, starting from the literature that has studied the meeting points between both issues; I also identify the vessels connecting refugees and IDPs. In the second part, I focus on the Colombian context and the different forms of human mobility; I stress internal displacement and cross-border migration, including refugees, with the purpose of evidencing the dissimilarity of current migration flows in Colombia. This analysis focuses on the Arauca Department, which is located alongside the Colombian-Venezuelan border. Finally, I present some concluding reflections.

## **2. Parallelism between asylum and internal displacement as forms of migration**

### *2.1 What are we talking about?*

Law plays an essential role in the parallelism between asylum and internal displacement, both of which are ways of human mobility. This is because the statutes that apply and determine the scope of protection that persons on the move are entitled to enjoy, depend on the legal regime applicable to one category or the other. Thus, defining refugees and displaced persons, as well as identifying the legal regime applicable to each of the categories and the obligations or responsibilities of states concerning each of the aforementioned populations is paramount.

Internal displacement became noticeable in the eighties as a result of the work undertaken by some NGOs that were interested in asylum. Then, in the early nineties, when the UN created the the position of the Special Representative of the Secretary General for Internally Displaced Persons in 1993, internal displacement emerged as a category with which to establish legal standards and move the international community around internal displacement (Al-Mahaidi, Gross and Cantor 2019, 4).

According to the GPID:

...internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (GPID, Introduction, paragraph 2, emphasis added).

Two central components emerge from the above definition. The first is that the fact that displacement of these persons is involuntary in nature. The second is that this type of mobility takes place within a country's State borders, which sets it apart from refugees, who by definition cross international borders (Mooney 2005, 10).

Under the Refugee Convention and its 1967 Protocol, the term refugee applies to any person who:

..owing to a owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being

outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (CSR 1951, Chapter 1, Article 1, number 2, emphasis added).

Because mobility is involuntary, it is important to stress that the causes driving internal displacement may be similar in many ways to those of refugees, whose displacement entails crossing borders. The connection between external migration of refugees and internal migration of IDPs is even clearer in the broader definitions of refugee adopted in Africa and Latin America. In addition to the persecution criteria included in the 1951 CSR and the 1967 Protocol, these regions incorporated fleeing as a result of an armed conflict, generalized violence, and systematic violations of human rights (Mooney 2005, 10). Such is the case of the definition of refugee accepted by Latin American countries, including Colombia (Decree 1067 of 2015, article 2.2.3.1.1.1.), which adopted the broader definition of refugee in the 1984 Cartagena Declaration on Refugees.

According to this instrument:

the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugee persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order (CDR 1984, third conclusion, emphasis added).

## *2.2 What are the implications of these definitions?*

Although some of the causes that motivate refugees and IDPs to move may converge, the truth is that each one has been defined separately in different instruments and with varying enforceability. On the one hand, the definition of refugee is stated in the 1951 Refugee Convention and its 1967 Protocol. On the other hand, IDPs are defined in the GPID, which are not binding under international law, in spite of the fact that they are based on international law of human rights and international humanitarian law and by analogy, on the law of refugees (Ferris 2008, 77; Cantor 2018, 193). The protection of IDPs is thus addressed more as a matter of public policy than a legal one (Cantor 2018, 191).

Even though the GPID are strictly non-binding under international law, which the Statute on Refugees is, the truth is that these principles have pushed incorporating rules and policies that are binding domestically, and that are addressed at meeting the needs of IDPs (Cantor, 2018, 194). The GPID have also been accepted by the judiciary to solve cases under their care. For example, in the Inter American context, in the case concerning the “Mapiripán massacre” *versus* Colombia,

the IACtHR derived specific obligations to the Colombian State under the GPID (IACtHR 2015, paragraphs 165c and 171). The same is true for the Colombian Constitutional Court in its iconic Decision T-025 of 2004 (section 5.2), which declared the existence of an “unconstitutional state of affairs” in regards to internal displacement in Colombia. In this Decision, the Constitutional Court determined the scope of the rights of IDPs based on Colombian laws and constitutional provisions as well as “[...] *the interpretation of the scope of said rights, which was compiled [in the ] international document Guiding Principles of Internal Displacement of 1998*”. Thus even if we accept that the GPID are a not binding instrument of *soft law*, these principles have been instrumental in consolidating a body of law and case-law rules, particularly at a regional and domestic levels, which in practical terms, accounts for its normative authority. (Cantor 2018, 197).

It is why the connections between the definition of IDP and refugee demand conceptual clarity, particularly from a legal standpoint. In this regard, Mooney (2005, 13) explains internal displacement as “*a merely descriptive and not regulatory matter*”, as it acknowledges mobility within the State borders of a given country, does not grant a special legal status like it does with refugees. However, this is not a problem for Mooney because IDPs stay within their country of residence, and consequently remain under the jurisdiction of their own authorities, who are responsible for guaranteeing their rights. Refugees, on the other hand, have fled from and lost the protection of their own State, and thus require a special legal statute provided by the Statute of Refugees (Mooney 2005, 13-14).

This is no peaceful matter in literature. For example, Lee (1996, 38) disagrees with this position and states that “*IDPs suffer more than refugees*”, since by definition, the latter have been able to flee their country where they were being persecuted and have accessed international protection in another country, which is unavailable to IDPs. Contrary to refugees, the “*world turns a blind eye*” to those who remain in their country of residence, such as IDPs (Lee 1996, 38). Scholars have also participated in discussing the difference between IDPs and refugees, particularly whether the legal regime of refugees can be extended to include IDPs. This line of thought challenges the requirement of crossing an international State border to be included in the legal framework for refugees, which is one of the criteria that separates IDPs from refugees.

Lee (1996) criticizes this requirement to access international protection. For the purpose of this analysis, Lee’s argumentation concerning the irrelevance of distinguishing IDPs from refugees based on the international State border criterion is particularly relevant. In his reference to the border between Somalia and Ethiopia, Lee holds that from a practical standpoint, it is almost impossible to establish precisely whether a person is an IDP, a refugee, a returnee or a combination of all of the above. Differentiating these categories in conflicts occurring alongside State borders is difficult, since these populations tend to have common aspects such as ethnicity, nationality, religion, customs and language. Communities residing alongside State borders move

from one country to the other continuously and spontaneously. Labelling any person under any of these categories is thus irrelevant; what's truly important is that the person, whoever he or she may be, requires protection (Lee 1996, 33).

When refugees and IDPs result from the same conflict and live in neighboring territories alongside a border, they tend to have strikingly similar needs and the solutions to their displacement, external and internal, are often connected (Ferris 2008, 79). What's more, refugees and IDPs return spontaneously given the geographic proximity of neighboring territories and because they are close to their place of origin, which they were forced to flee. In fact, when returning refugees cannot return to their homes or communities and they settle in other parts of their country of origin, they become IDPs (Ferris 2008, 83). Additionally, refugees may become involved in circumstances that force them to move against their will to another place within the borders of the receiving country in which case they are both refugees and IDPs (Cantor 2018, 212-213). This is precisely the situation that incoming Venezuelans face in Colombia, which is particularly clear in Arauca. I will address again this issue when I study the Colombian case.

### *2.3 What are the needs of migrating persons?*

IDPs suffer a series of lacks or needs, which places them as a population in need of special attention and protection. Internal displacement alone makes IDPs particularly vulnerable to human rights violations (Mooney 2008, 15). In other words, internal displacement is, *de facto*, associated to the violation of certain rights. It is why the GPID establish full access of IDPs to rights and to exercise their freedoms when they state that:

Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the grounds that they are internally displaced (GPID, Principle 1, paragraph 1).

Mobility deprives IDPs of where they live and destroys their homes. Additionally, when they are forced to abruptly flee and leave everything behind, they are deprived of their land, property and belongings, as well as of their lifestyle and source of income. With nothing else, IDPs are denied their livelihood and face enormous challenges to survive; their families become fragmented and they lose their family and social networks. In sum, IDPs face a series of losses, not only of material or physical possessions, but of a symbolic nature, such as networks, cultural practices or traditions, making them increasingly vulnerable (Mooney 2008, 15).

Internal displacement also brings on very adverse effects to persons, families and communities such as poverty, social exclusion, forced recruitment and multiple forms of exploitation, discrimination and violence, as well as barriers to access basic services such as health, education,



housing and other social services. IDPs additionally suffer the lack of ID documents that enable identifying the victims, as well as ownership papers of their properties. These documents are lost or destroyed during forced migration resulting from conditions of violence, conflicts or natural disasters, which places an extra burden on IDPs to fully exercise their rights, access social services (Mooney 2008, 15-17) or even interact with authorities.

The needs of IDPs are also the needs of refugees and in general, of any person who has been forced to migrate, involuntarily, fleeing their habitual place of residence. The Inter-American Commission on Human Rights (IACHR) has underlined the number of persons needing international protection and of IDPs in Latin America, as well as the importance of guaranteeing the human rights of all those who migrate since “[...] *they find themselves in circumstances where they are especially vulnerable and are victims of abuse and different forms of discrimination*” (IACHR 2015, 28). It is why, States must additionally adopt the legal instruments necessary to address “[...] *the humanitarian crisis resulting from forced migration in accordance with international standards set in regards to human rights to protect migrants, asylum petitioners, refugees, victims of human trafficking and internally displaced persons*” (IACHR, 2015, 28)

Given the common needs of those undergoing human mobility, and particularly considering their right to return under safe and dignified conditions, the existence of relevant communicating vessels between IDPs and refugees is undisputable. Thus, the conditions under which IDPs as well as refugees return indicate that the difference between protecting the first and the latter should not be as radical (Cantor 2018, 216). The above holds, in spite of the fact that the binding force of their legal frameworks stem from different entities.

#### *2.4 Who should be responsible for meeting the needs of IDPs?*

The crossing an international border criteria, which separates the definition and legal regime applied to IDPs and refugees, also establishes important differences concerning who is responsible for protecting and guaranteeing the rights of those who are forced to abandon their normal place of residence. While local authorities in the country of residence are responsible for offering protection and assistance to IDPs, the authorities of the admitting country or country of destination, which are signatories to the CSR are responsible for providing assistance to refugees (Ferris 2008, 78). Regardless of what legal regime applies to each case, this is a matter that questions us on the State’s true and concrete institutional capacity, whether of the country of residence or the admitting country, to respond to the needs of persons who are moving.

IDPs require timely and appropriate solutions to their difficult situation, which must be long lasting and sustainable in time. The response to the needs of IDPs mainly corresponds to their own State, which must additionally provide them with security and humanitarian assistance

(GPID, Principle 3). In fact, because it is a domestic rather than an international matter, the possibility of rebuilding the livelihood of these persons depends largely on the responses governments provide internally. However, and at a domestic level, these responses may be faulty or insufficient, mainly within contexts of conflict in which States are unable to provide the protection that IDPs require (UNHCR 2007, paragraphs 6 and 7). In many cases, such as Colombia, internal displacement happens in areas in which there are little if any authorities present, which can in fact, foster displacement.

This is because authorities are not capable of offering appropriate or timely responses to the causes that force persons to flee their places of residence; they cannot guarantee their safety nor provide them with minimum conditions for survival. Consequently, these gaps motivate displacement of these persons to other territories, in the search for alternatives for their livelihood. These governments are often impoverished and have a tight frame for action, which largely explains the fact that IDPs are left vulnerable, in poverty and marginalized. In many cases, it is the State itself which has fostered internal displacement, thus leaving these persons even more vulnerable and marginal (IACHR, 2015, 31).

However, discussing the fragility of States to guarantee the rights of IDPs does not mean in any way that the States admitting refugees offer appropriate responses under their international obligations. This is particularly relevant concerning the South-South migration of refugees, who often arrive in close or neighboring countries and that face enormous challenges to meet the needs of their own population, including IDPs. This is precisely Colombia's case. Not only is it the country with the highest index of IDPs in the world, it is also the country admitting the most Venezuelan nationals in Latin America. This is because, among many other reasons, Colombia and Venezuela are neighboring countries that share a border of over 2,200 kilometers.

Finally, regardless of who is responsible for providing protection to migrants, whether internally or by crossing an international State border, the fact is that IDPs, refugees and forced migrants face similar needs and suffer circumstances that make them particularly vulnerable. This is specifically because of their mobility and the reasons, often shared, that force them to flee their regular places of residence. Involuntary migration alone exposes these persons to different forms of violation of their rights, which is why they require special protection from the vulnerability in which they find themselves.

### **3. The Colombian case: intertwining internal and cross-border migration**

Like I propose in the introductory section of this paper, exploring the relationship between refugees and IDPs is absolutely relevant and valid in the current Colombian scenario. One could argue that the debate on the parallelism between IDPs and refugees is somewhat outdated or has

been overcome and that it dates back two decades; however, this is not so for the Colombian case, where it is extremely relevant. Colombia gathers a series of important elements in regards to external as well as internal mobility of persons, which justifies an analysis of this nature.

First of all, the number of victims from Colombia's internal armed conflict is enormous. Even though there are some victims within Colombian territory and others that have migrated towards other countries, the vast majority remains in the country, as IDPs. Colombia has the highest rate of IDPs in the world mainly as a result of its persistent armed conflict (Soledad 2007, 175-179; IACHR 2004; UARIV and CNR 2020, 10). Very much in spite of the Peace Agreement between the Colombian State and the *Fuerzas Armadas Revolucionarias de Colombia* (FARC for its Spanish acronyms), the largest insurgency in the country, the armed conflict persists, as reported by UN News on January 13, 2020. According to the UNHCR's latest report on internal displacement in the world, Colombia closed 2020 with 8.3 million IDPs, taking into account the statistics presented by the Colombian government that stem from the Sole Victims' Records or *Registro Único de Víctimas* (UNHCR 2021, 24).

Colombia's internal armed conflict has not only left a horrifying number of IDPs; it has also expelled a considerable number of Colombians who are victims of the conflict, away from its borders. Even though the victims that migrated from the country meet "*the characteristics associated with the complexity of forced migration*", this population is barely known in the country. This is because, among other things, these people do not come before Colombian official records to provide a testimony outside of the country nor do they request protection from the country of destination (UARIV and CNR 2020, 10-20). According to the data in the Colombian Sole Victims' Records or *Registro Único de Víctimas*, Colombians abroad are scattered along 43 countries in North America, Latin America, the Caribbean, Europe, Asia and Oceania, even though 94 % of this population is mainly focused in ten countries (UARIV and CNR 2020, 21).

In quantitative terms, the number of Colombian refugees abroad reached a total of 189,454 by December of 2019 (UNHCR 2020, 78). These figures are in fact low, particularly when compared to the number of IDPs. This could additionally indicate that, even though they require international protection under the Statute of Refugees, Colombians abroad do not formally request recognition as refugees. In fact, a joint report by the Unit for Attention and Comprehensive Reparation to the Victims of the Colombian Government (UARIV for its Spanish acronyms) and the Norwegian Refugee Council (NRC) states that the challenges to have certainty of the "*total magnitude of the universe of the victims abroad*", are in fact related to holding a status as a refugee. These include: the fear of being deported; the inability to obtain permits and visas other than those for refugees or refuge solicitors; ignoring the mechanisms of international protection for victims of the armed conflict; barriers to access procedures and

documents to apply for asylum; discrimination against the refugee population and asylum seekers (UARIV and CNR 2020, 20).

In regards to international migration, Colombia has traditionally expelled migrants and refugees; in fact, many have fled due to the internal armed conflict. This pattern of emigration of Colombians towards to other countries has suffered a meaningful change in the past ten years (Moreno and Pelacani 2021, 173-179). This change results from Colombia's new role as the main receiving country of Venezuelan migrants who have been forced to flee their homeland due to the “*complex, serious and multidimensional humanitarian crisis*” the country faces (IACHR, 2020). According to official figures provided by the Colombian migratory authority, *Migración Colombia*, by August 2021 the number of people coming from Venezuela to Colombia was close to 1,800,000. (UAEMC 2021). A considerable part of this population is, in turn, Colombian returnees who decades earlier had fled the country, escaping from the internal armed conflict mentioned above.

In addition to the high number of Venezuelan nationals that have migrated to Colombia, the country also hosts foreigners from the Caribbean, mainly Haiti and Cuba, as well as the so called “*Extrac Continentals*” (OIM 2013), who come from African and Asian countries. According to *La Estrella*, a Panamanian newspaper in an article published on August 15, “*162 thousand irregular migrants have arrived in the Darién region over a 12 year course.*” These people cross 575,000 hectares of bordering jungle between Colombia and Panama, known as the “*Tapón del Darién*”, in an effort to reach North America.

This paper is not addressed at providing an in-depth analysis of the current migrant phenomenon in Colombia. Rather, it is intended to evidence its divergency and complexity and to study from that point onwards, how literature and parallelism between IDPs and refugees can shed a light on the Colombian case and enrich the theoretic tools available to understand the types of human mobility happening in the country. In the following section, I use the Arauca region as a lens through which to explore the considerations presented in this working paper on the connections between IDPs and refugees in a specific location.

#### **4. Arauca: focused analysis of the connections between IDPs and refugees**

Arauca Department is located in Eastern Colombia, and borders to the North and East alongside Venezuela, the country with which it shares a 396-kilometer-long border. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the Arauca region currently faces important challenges resulting from the convergence of four main factors: violence and armed conflict; mixed refugee and migrant flows; emergencies resulting from natural events, and Covid-19. (OCHA 2021, 2). The population of Arauca has high levels of

basic needs that remain unmet, which particularly affects certain population groups such as women, boys, girls and adolescents, indigenous communities as well as migrant persons, refugees, and returnees. These populations are particularly vulnerable and their vulnerability is exacerbated by the presence of illegal groups who control the area.

There are a number of guerrilla groups in Arauca, such as the *Ejército de Liberación Nacional* (ELN), dissidents from FARC-EP, the insurgency that demobilized as a result of the 2016 Peace Agreement. These armed groups control the Arauca Department as well as the Venezuelan side of the border. The incursions of these groups, which are contrary to International Humanitarian Law (IHL), particularly affect children, women, indigenous groups, social leaders, rural population and Venezuelans (OCHA 2021, 2). According to OCHA, “[i]n Arauca mixed migration flows of refugees and migrants coming from Venezuela become a part of the context the preexisting multiple impacts of the dynamics of violence, new forms of armed conflict and risks associated to emergencies resulting from natural events” (2021, 6).

Arauca also has meaningful indexes of forced displacement. According to the Government’s UARIV official data, 765 were displaced in Arauca in 2020 alone. Forced displacement affects both nationals as well as the Venezuelan migrant population. In addition, there is a considerable number of Colombian returnees, who are in turn, victims of internal displacement. Furthermore, the risk of internal displacement has increased considerably in the Department since 2020, due to the Covid-19 pandemic (OCHA 2021, 3).

Last of all, the Local Coordination Team (*Equipo Local de Coordinación* -ELC) composed of 28 partners (11 UN agencies, including the UNHCR-, 9 international NGO’s, 6 local NGO’s and 2 observers) operates in Arauca. The ELC plays a crucial role in the response to reduce humanitarian gaps that are characteristic of this area of Colombia (OCHA 2021, 6). Undoubtedly, the work of this partnership team alleviates the weakness of Colombian authorities to respond to the enormous challenges concerning the basic needs of the population in Arauca, which remain unmet.

Arauca is a useful lens to study the connections between IDPs and refugees, as it sheds light on the difficulty of strictly identifying the categories with which these persons are labelled and the legal regimes applicable in each case. Furthermore, the borders between the types of migration (internal and cross-border), however different the consequences that depend on the legal regimes applicable, become hazy for people living in local communities.

The adverse conditions in which all these persons have been forced to involuntarily leave their usual places of residence, as well as the need to provide a safe and lasting return to their places of origin surpass any chances of accurately establishing whether a person is a refugee, an IDP, a migrant or a returnee. It is the appropriate response that must be provided to the persons moving,

for the sake alone of being persons, under human rights law and regardless of how each of these persons is labelled. Additionally, guaranteeing their return is mandatory regardless of who is responsible for attending to the population, whether the State of origin of the IDP or the State receiving refugees or forced migrants.

The account of what happens in Arauca is not very different from what happens in the country at large: a country with high indexes of IDPs that additionally receives high numbers of migrants coming from Venezuela, who, as the IACHR and the UNHCR have advised, are refugees (UNHCR, 2019; IACHR, 2018). Colombia receives South-South migration, that is added to a population with high poverty rates. Colombia thus faces important challenges in terms of its capacity to act, both to respond to the needs of migrant and refugee persons as well as to its IDPs. This also proves that in practical terms, it isn't easy to distinguish refugees from IDPs, mainly because the same territory can hold many forms of migration.

All of the above raises questions concerning the true effect that legal categories such as IDPs and refugees have in practical terms. This is true at least for Colombia because these persons (refugees and IDPs) end up being part of a poverty-stricken population that is vulnerable and regarding which the State is incapable and overwhelmed, highly dependent on the actions of international cooperation and non-governmental organizations. Arauca is a good example of this.

## **5. Conclusion**

In this paper I explored asylum and internal displacement as means of migration or forced human mobility, with the purpose of establishing the legal frameworks applicable in each case and the consequences resulting from each of the terms under which persons who are moving are protected. To this end, I reexamined the literature on parallelism between IDPs and refugees, in order to identify common and diverging points that can enrich the way we understand the types of migration (internal and external) happening in the Colombian context. This discussion is relevant and necessary in Colombia, the country with the highest rates of IDPs and the largest receptor of Venezuelan population in Latin America.

This grid of migrations happening in Colombia's Arauca Department has a common denominator: these are all expressions of forced human mobility that reconfigure along with the territory and the migration route. However, the legal regimes, both international as well as domestic, have established different rules and standards of protection of a varying nature. Often, the vulnerability faced by persons moving surpasses these categories, when they are labelled as IDPs, refugees, migrants or returnees.

This paper is an attempt at exploring the complexity and heterogeneity of migration, by showing the different connections between IDPs and refugees, which is an invitation to resume the academic debate that has been ongoing for the past 20 years concerning IDPs. Said connections also evidence the need to provide standards of appropriate protection to the rights and needs of the persons who are forced to move, and that surpass the limits that the laws impose on paper. However relevant and with concrete effects that cannot be underestimated, these categories are not absolute and can be challenged from a practical, action-based standpoint.

## Bibliography

Al-Mahaidi, Ala, Gross, Léa and Cantor David. 2019. *Revitalising IDP research A state of the art review*. London: School of Advanced Study, University of London.

Cantor, David James. 2018. The IDP in international law? Developments, debates, prospects. *International Journal of Refugee Law*, 30 (June): 191–217.

CDR (Cartagena Declaration on Refugees). November 22, 1984. *Colombia: Coloquio Sobre la Protección Internacional de los Refugiados en América Central, México y Panamá. Problemas Jurídicos y Humanitarios*.

Constitutional Court, ST 025/2004. <https://www.corteconstitucional.gov.co/relatoria/2004/t-025-04.htm> (consulted on August 16, 2021).

CSR (Convention on the Status of Refugees). 1951. Geneva: United Nations Organization.

Decree 1067. 2015. Colombia: Ministry of Foreign Affairs.

Egea Jiménez, Carmen and Soledad Suescún, Javier Iván. 2008. Migraciones y conflictos: El desplazamiento interno en Colombia. *Revista de Ciencias Sociales Convergencia* 47 (May-August): 207-235.

ELC (Arauca Local Coordination Team). 2020. Departmental Briefing. [https://reliefweb.int/sites/reliefweb.int/files/resources/briefing\\_humanitario\\_arauca\\_dic\\_2020\\_vf.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/briefing_humanitario_arauca_dic_2020_vf.pdf) (consulted on August 16, 2021).

Ferris, Elizabeth. 2008. Internal Displacement and the Right to Seek Asylum. *Refugee Survey Quarterly*, 27 (September): 76–92.

GPID (Guiding Principles on Internal Displacement). 1998. United Nations Organization.

IACHR (Inter-American Commission on Human Rights).

2020. IACHR Presents Preliminary Observations and Recommendations Following Historic On-Site Visit to Monitor the Human Rights Situation in Venezuela [http://www.oas.org/en/iachr/media\\_center/PReleases/2020/106.asp](http://www.oas.org/en/iachr/media_center/PReleases/2020/106.asp) (consulted on August 16, 2021).



2018. Resolution 2/18. Forced Migration of Venezuelans. <http://www.oas.org/en/iachr/decisions/pdf/Resolution-2-18-en.pdf> (consulted on August 16, 2021).
2015. Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System. Washington: Interamerican Commission on Human Rights. <https://www.oas.org/en/iachr/reports/pdfs/HumanMobility.pdf> (consulted on August 16, 2021).
2004. Country Report on the Demobilizaion Process in Colombia. <http://www.cidh.org/countryrep/colombia04sp/indice.htm> (consulted on August 16, 2021).
- IACtHR (Inter-American Court of Human Rights). 2006. Case concerning Massacres in Ituango vs. Colombia. Decision issued on July 1, 2006. Series C No. 148. [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_134\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_134_esp.pdf)
- IOM (International Organization for Migration). 2013. *Migrantes extracontinentales en América del Sur: estudio de casos*. Buenos Aires: International Organization for Migrations.
- Lee, Luke T. 1996. Internally displaced persons and refugees: Toward a legal synthesis? *Journal of Refugee Studies*, 9 (March): 27–42.
- Moreno, Carolina and Pelacani, Gracy. 2021. El contexto de la migración venezolana en Colombia: un análisis de la respuesta institucional en perspectiva regional. En *Comunidad Venezuela: una agenda de investigación y acción local*, eds. Alejandro Fajardo y Alejandra Vargas, 171-217. Centro de los Objetivos de Desarrollo Sostenible para América Latina y el Caribe (CODS) e International Development Research Centre (IDRC). <https://cods.uniandes.edu.co/wp-content/uploads/2021/04/Comunidad-Venezuela.pdf> (consulted on August 16, 2021).
- Mooney, Erin. 2005. The concept of internal displacement and the case for internally displaced persons as a category of concern. *Refugee Survey Quarterly*, 24 (September): 9–26.
- Norwegian Refugee Council. 2021. *Global Report on Internal Displacement 2021*. Ginebra: Norwegian Refugee Council. <https://www.internal-displacement.org/publications/2021-global-report-on-internal-displacement> (consulted on August 16, 2021).
- Protocol to the Statute for Refugees. 1966. Geneva: United Nations Organization.

Soledad Suescún, Javier Iván. 2007. Las migraciones forzadas: el desplazamiento interno en Colombia. *Cuadernos Geográficos*. 41 (agosto): 173-189.

UAEMC (Unidad Administrativa Especial Migración Colombia). Distribución de venezolanos en Colombia – Court. January 31, 2021. <https://www.migracioncolombia.gov.co/infografias/distribucion-de-venezolanos-en-colombia-corte-31-de-agosto-de-2021> (consulted on August 16, 2021).

UARIV (Unidad para la Atención y Reparación Integral a las Víctimas - Unit for the Comprehensive Attention and Reparation of Victims) and CNR (Norwegian Refugee Council). 2020. *Las víctimas del conflicto armado colombiano en el exterior: una caracterización*. Bogotá: Unit for the Comprehensive Attention and reparation of Victims and Norwegian Refugee Council.

UNHCR (Office of the United Nations High Commissioner for Refugees).

2021. *Global Trends in Forced Displacement in 2020*. Copenhagen: Office of the United Nations High Commissioner for Refugees. <https://www.unhcr.org/flagship-reports/globalreport/> (consulted on August 16, 2021).

2020. *Global Trends in Forced Displacement in 2019*. Copenhagen: Office of the United Nations High Commissioner for Refugees. <https://www.unhcr.org/globalreport2019/> (consulted on August 16, 2021)

2019. Guidance Note on International Protection Considerations for Venezuelans – Update I. <https://www.refworld.org/docid/5cd1950f4.html> (consulted on August 16, 2021).

*La protección de los desplazados internos y el papel del ACNUR*. Office of the United Nations High Commissioner for Refugees <https://www.acnur.org/fileadmin/Documentos/BDL/2010/7694.pdf?file=fileadmin/Documentos/BDL/2010/7694> (consulted on August 16, 2021).