



<p>Contribution to the transformation of the armed conflict in Colombia</p> <p><b>Integration of the «Do No Harm» Approach within the land restitution process</b></p>  <p>Mampujan – Visita del presidente de Colombia (19.12.12) para la entrega del primer título de restitución</p> 	<p><b>Key data of the project</b></p>
<p><b>Executive Summary</b></p> <p>The project aims to continue strengthening the Land Restitution Unit (LRU) at the central level, expanding the territorial approach and strengthen other institutional actors responsible for carrying out the process of land restitution in their ability to incorporate the Do no harm approach in a strategic and differentiated manner, in the three stages of the process (administrative, judicial and post sentence). The emphases are summarized as follows: 1) the three steps of the restitution procedure (administration, judgment and post-judgment); 2) the three axes of intervention of the first phase (strengthening, capacity building and knowledge management); 3) transversely three themes: context analysis, assertive interaction with actors and capacity building in transitional justice.</p> <p>Concerning the partners, the National University continues leading the DNH approach and the NGO Dejusticia on the issue of civil transitional justice. Dejusticia brings its expertise and proximity to the Superior Council of the Judiciary in strengthening the judicial phase of the restitution process ensuring the integration of a reparative approach of sentences.</p> <p>Nearly 890 professionals and LRU officials at national and regional levels, journalists, judges, magistrates, officials of the Unit for Assistance and Reparation of Victims (UARIV), Lands Subcommittee, Historical Memory Center, victims' organizations, NGOs, local committees of transitional justice and international event participants are directly involved in the project. Indirect target population is composed mainly of people accessing land restitution. Other international cooperation agencies, NGOs, victims, officials / as from other institutions as UARIV in the three regions (Montes de María, Urabá and Meta).</p>	<p><b>Domaine of intervention</b> Domain 2 : Human security and protection of civilians</p>
<p><b>Context</b></p> <p>In Colombia, as an effect of the armed conflict, according to OCHA, since 1985 there has been a total of 5.2 million internal displaced people whereas 2-3 million people (ca. 360'000 families) have been forced to abandon the equivalent of 2.5-3.5 million hectares of land.</p> <p>According to the LRU (entity in charge of coordinating the land restitution process) up to September 2014 about 5000 families, through 723 sentences, have been restituted 30'488 ha of land. Even though the pace of the land restitution process is well behind the planning figures of the initial milestone of 2'000'000 ha by 2014, the whole land restitution process represents a milestone in Colombia's history but also a challenge to translate this legal text into reality as it is implemented in conditions of ongoing conflict.</p> <p>The inclusion of the DNH approach into the land restitution policy started upon demand of the Ministry of Agriculture which oversees the LRU. Thus, SDC in cooperation with the LRU, the National University of Colombia and the NGO Collaborative Learning Projects CDA ended the first phase of this project in February 2012 and continues with the University and the NGO Dejusticia for</p>	<p><b>SDC priority theme</b> Transitional justice and peacebuilding</p>



<p>additional two years.</p>	
<p><b>Overall Goal</b> The aim of the project is to maximize the positive impacts and reduce potential negative effects of the land restitution process by creating and applying specific Do No Harm tools for the 3 phases of the process: (1: administrative; 2: judicial; and 3: post-sentence phase), working on institutional strengthening, individual capacity building and knowledge management.</p>	<p><b>Country / Region</b> Colombia (Bogotá, Montes de María, Urabá and Meta)</p>
<p><b>Outcomes</b> <u>Outcome 1:</u> At territorial level, the LRU adapts the (administrative) registration process to the potentials and limitations of the context. The context analysis tool permitting to identify minimal conditions for restitution is integrated and field offices acquires capacity to include considerations about the context (impact analysis and affected actors) in the restitution cases prepared for the specialized judges. <u>Outcome 2:</u> During the judicial process of the restitution process transforming elements of Civil Transitional Justice are identified and implemented by the judges. The judicial units of the LRT and the rural judges strengthen their knowledge on Civil Transitional Justice and DNH and the rural judges dispose of the tools to interact without re-victimizing claimants and occupants. <u>Outcome 3:</u> The institutions involved in the implementation of the land restitution sentences, being aware of the impact of the verdicts for the post-sentence process, are able to generate options best fitted to the context. The institutions involved in post-sentence implementation have tools to analyze the impact of the sentences on stakeholders.</p>	<p><b>Partners</b></p> <ul style="list-style-type: none"> <li>- Land Restitution Unit / Ministry of Agriculture and Rural Development</li> <li>- National University of Colombia</li> <li>- The NGO Dejusticia</li> </ul>
<p><b>Implementing partners</b></p> <ol style="list-style-type: none"> <li>1. Land Restitution Unity (URT): Main partner of SDC since 2011, responsible to implement the land restitution policy in Colombia. SDC will continue funding a DNH specialist seconded to the URT but will not fund the URT directly.</li> <li>2. National University (UNAL): Works with SDC on DNH since 2004. UNAL will use its theoretical and practical experience in DNH to work on the institutional strengthening of the URT and the construction of individual capacities of professionals involved in land restitution.</li> <li>3. DeJusticia: It works with SDC since 2013, in pilot project on the judicial part of land restitution. DeJusticia is recognized centre for applied investigations which influences public opinion, academic discussions and public policies through investigation, strategic litigation, capacity building and knowledge transfer.</li> </ol>	<p><b>Current Phase / Duration</b> Phase 2 : (15.05.2014 - 30.06.2016)</p>
<p><b>Target group</b></p> <p><u>Direct target population</u> -460 professionals of the URT at national and regional level, rural judges and professionals of the National System for Victims Assistance and Integral Reparation. -430 persons part of other national stakeholders (UARIV, Centro de Memoria Histórica), victims' organizations, NGOs, local transitional justice committees and participants to the international event. <u>Indirect target population</u> -80'000 families planned to be restituted in 2014 and 2015.</p>	<p><b>SDC Budget of phase</b> CHF 1'509'700 of which CHF 150'000 will be used for the pay roll of the DNH expert.</p>
<p><b>Key results and insights from previous phases</b></p> <ul style="list-style-type: none"> <li>• <i>DNH-approach based incidence in the reform of the decree 4829:</i> geographic focalization applied to civil protection networks.</li> <li>• Incorporation of the <i>situational analysis tool</i> designed by the project as mandatory for the administrative process.</li> <li>• <i>Inclusion of DNH approach within the Capacity Building Plan of the URT.</i></li> <li>• Inclusion of DNH approach by URT Field Offices (systematic context analysis; better institutional articulation; elaborate solutions for land occupants). National (by National University) and international (by US based NGO CDA) <i>systematization</i> of the Colombian case.</li> </ul>	<p><b>Total budget of phase including local partners and external contributions</b> CHF 2'504'000.--</p>