Challenges for Survivors of Anti-Personnel Mines in Post-Conflict Vista Hermosa, Colombia

Resilience, a Way for Improvement?

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We had to see how people were dying right next to us, family, friends. It was a very difficult time. The ones which are still alive are survivors of the violence. It’s a miracle of God that we are still alive. (...) I would like to tell the government to look at us farmers to see how we are doing, to truly put his hand on his heart and to help us poor farmers with roads, with projects, with electricity. Because we are also Colombia. We are the ones who survived all the violence, but we need help now. (Survivor of the Colombian conflict, Vista Hermosa)

How was life during the conflict? Good but difficult! How is life now after the peace agreement? Difficult but good! (Survivor of APM, Vista Hermosa)

We (survivors of APM) hope that after all this peace process, we'll have the same rights and attention as every other Colombian citizen. But most importantly is the dream that all of us Colombians have: a true and real peace without any lies and false promises. (Survivor of APM, Vista Hermosa)

One of my dreams is to wake up in the morning without hearing shots or other sounds of war. One of the dreams that I have always had is that there is a lot of development for the vulnerable population and the victims, that we are self-sufficient, and that we have real and lasting peace. (Survivor of the Colombian conflict, Vista Hermosa)

Well, the only thing that we still have is hope... and that is almost lost as well. (Survivor of APM, Vista Hermosa)
Abstract

The research approach is an embedded-single case study, focusing on survivors of APM in Vista Hermosa, Colombia. The first unit of analysis discloses the current challenges of survivors in light of the historical and legal background.

The civilian population of Vista Hermosa was caught between the frontlines of the various fighting parties during the Colombian conflict. The demilitarized zone (DMZ) - active from 1999 to 2002 - left civilians in the municipality abandoned by the government; its termination let to a further increase of violence and significant anti-personnel mine (APM) contamination. After the Final Peace Agreement in 2016, illegal armed groups are still conducting violent attacks. The legal background presents a plurality of legislative instruments to regulate the necessary assistance to survivors of APM in Colombia. The most relevant international document in this regard is the Ottawa Convention which became effective in Colombia in 2001, enforced from 2011 by ‘The Victims’ Law’, its national counterpart.

Despite the comprehensive legal rights to rehabilitation and compensation, the empirical section of this study detects a variety of challenges for survivors of APM. Despite the fact that most APM accidents date back more than 10 years, many survivors still suffer from physical and psychological impairments. The poor local health infrastructure, the insurance companies and the lacking knowledge about rights often impeded survivors to access adequate recovery means. Additionally, compensation mechanisms do not function effectively. The violence during the conflict and the fear of reprisal acts often prevented survivors from claiming their compensation rights in the required timeframe. The bureaucratic and opaque procedures of the Unidad para las Victimas constitute a barrier which the survivors can often only overcome with judicial support. The inefficient assistance of the municipality in this regard often causes survivors to abandon their claims.

The second unit of analysis of the research elaborates the humanitarian activities of Humanity and Inclusion and Pastoral Social on their ability to increase the resilience of the vulnerable group. The comprehensive assistance of the NGOs seeks to improve conditions for survivors of APM by empowering them in a sustainable manner. The approach offers adaptive capacities such as physical rehabilitation to solve immediate needs. However, most of the projects offer transformational capacities to tackle fundamental issues. Although much progress is still
needed before it will be feasible to evaluate potential enduring improvement, intermediate results demonstrate enhanced resilience conditions of the benefiting survivors of APM. This approach is not functionally limited to Vista Hermosa or the beneficiary group of survivors of APM. The positive effects of the assistance can serve as an example for the wider humanitarian field.

The research findings are mainly based on open-ended interviews which were conducted in 2017 during a four-month internship with Humanity and Inclusion in Vista Hermosa. More interviews were undertaken afterwards via Skype. In addition, the research is based on a literature review including academic findings, reports, and legal documents.
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Bibliography
Abbreviations

APM - Anti-personnel mine

AUC - Autodefensas Unidas de Colombia (United Self-Defenders of Colombia)

AXO - abandoned explosive ordnance

BRDEH - Brigada de Ingenieros de Desminado Humanitario (Humanitarian Demining Brigade of Colombia’s Armed Forces)

CCCM - Campaña Colombiana Contra Minas (Colombian Campaign against Mines)

CBR - Community-based rehabilitation

DAICMA - Dirección para la Acción Integral contra Minas Antipersonal – Descontamina Colombia (Directorate for Comprehensive Action against Anti-personnel Mines)

ELN - Ejército de Liberación Nacional (National Liberation Army)

EPS - Entidad promotora de salud (Colombian health insurances)

FARC-EP - Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo (Revolutionary Armed Forces of Colombia-Army of the People)

HALO Trust - Hazardous Area Life-support Organization Trust

HI - Humanity and Inclusion

ICBL - International Campaign to Ban Landmines

ICRC - International Committee of the Red Cross

IHL - international humanitarian law

M-19 - Movimiento 19 de Abril (Movement of the 19th of April).

MRE - Mine Risk Education

NGO - non-governmental organization

NPA - Norwegian People's Aid
**PS** - Pastoral Social (Caritas)

**UNMAS** - United Nations Mine Action Service

**UXO** - unexploded ordnance

**DRR** - Disaster Risk Reduction
1. Introduction

1.1. Introduction to Challenges for Survivors of APM in Vista Hermosa

The Final Peace Agreement between the Colombian Government and the FARC-EP officially ended the Colombian conflict after five decades. Subsequently, the country’s post-conflict status lost the attention of the international community, as Colombia's society is perceived as less insecure and with reduced humanitarian need. In many parts of the country, the situation is very different, with a variety of armed groups vying to take advantage of the existing power vacuum. The current peace process is connected to many uncertainties. The principle legacies of the long-lasting conflict are its 8.8 million victims, and the territory contaminated by remaining anti-personnel mines (APM).

An internship with Humanity and Inclusion (HI) and Pastoral Social (Caritas - PS) in 2017 provided me with the opportunity to experience the daily difficulties of survivors of APM in Vista Hermosa, Colombia. Compared with other survivors of the conflict, the inabilities and disabilities caused by APM accidents leave this group particularly vulnerable. Despite the fact that most accidents happened more than 10 years ago, the physical and psychological impacts can still be felt today. A further reason for neglecting the many victims of the Colombian conflict internationally is the comprehensive legal framework offered by the government. A few international and a plurality of national legal systems provide, inter alia, extensive rehabilitation and compensation rights. However, my four-month stay in the municipality revealed great difficulties the vulnerable group faced in obtaining their rights. This research intends to examine the challenges by comparing the legal framework with the perceived reality in Vista Hermosa.

The humanitarian need of survivors of APM is especially urgent in Vista Hermosa, located in the south-east of Colombia. The wider region provides fertile land; its citizens traditionally make their income through agriculture and cattle farming. The extensive territory of 4084km2 is home to 25,908 inhabitants, 52% of the municipality constitutes an area of a national park.1

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1 United Nations Development Programme, Ministry of Labor of Colombia, Perfil Productivo del Municipio de Vista Hermosa, Meta: Insumo para el diseño de estrategias de inclusión sociolaboral de la población víctima del conflicto.
The sparsely populated area, only 5.5 people per km², signified good conditions for the lucrative production of coca during the Colombian conflict. Citizens were caught between the frontlines of the FARC-EP, paramilitary forces and the Colombian military. The municipality officially counts more than 10,000 survivors of the conflict; the victims of APM numbering 368 presents a tragic record in Colombia. Vista Hermosa is one of 20 municipalities benefiting from prioritisation in the demining process; since 2017, five demining operators have been seeking to detect and neutralize the deadly artefacts. Even for war-torn Colombia, the municipality presents a special case.

Map 1: Location of Vista Hermosa

Without access to compensation and adequate rehabilitation, survivors often depend on the assistance of NGOs. Whereas a variety of NGOs conduct projects in the municipality, this

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5 United Nations Development Programme, Ministry of Labor of Colombia, Perfil Productivo del Municipio de Vista Hermosa, Meta: Insumo para el diseño de estrategias de inclusión sociolaboral de la población víctima del conflicto (above, n. 1).
research will focus on the activities of Handicap International (HI) and their local partner Pastoral Social (PS). The particularly grave conditions in Vista Hermosa provide the opportunity to observe the resilience-enhancing effect of the humanitarian assistance programmes. A positive outcome can not only serve as an example for other NGOs but might also contribute to improving state-run assistance in Colombia. A principle intention of this research is to raise awareness of the difficult situation of survivors of AMP in Colombia. Moreover, the findings and conclusions might serve as recommendations for the national, regional and local authorities.

1.2. Objectives and Aims of the Research

The Final Peace Agreement of 2016 and the corresponding official end of the Colombian conflict reduced the attention of the international community significantly. The international community observes Colombia’s post-conflict society to be an improvement regarding security and humanitarian needs. The research will show that the perceived reality is very different in many parts of the country. In the ongoing struggle for peace, the many survivors of the conflict are often forgotten in the current process. The physical and psychological impacts from AMP accidents make survivors of APM particularly depended on assistance. Therefore, the main intention of this study is to uncover and present the ongoing challenges that survivors of APM are facing and in order to make the humanitarian needs more visible to a broader audience.

This research aims to conduct an in-depth case study by focusing only on the municipality of Vista Hermosa, however, many of the challenges can be found throughout the country where APM were used during the long-lasting Colombian conflict.6 The overall approach to achieve the latter is a comparison of existing international and national legal rights with reality. This procedure will not only bring to light current challenges for the vulnerable group, but it will also clarify to what extent those challenges could be reduced by fully implementing and adhering to the legal framework. A further purpose of the research is to examine whether humanitarian activities of NGOs can provide a resilience-enhancing effect for the survivors in

6 Descontamina Colombia, ‘Victimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4).
response to the beforehand mentioned challenges. A positive result can serve as an example for the wider humanitarian field.

It is the objective to present challenges and assistance from a holistic perspective, including all relevant actors but especially the survivors of APM themselves. Ultimately, only the survivors can tell their full stories and present their situations. Therefore, the empirical findings are primarily based on data gathered through interviews. Ultimately, the research strives to establish recommendations to the national, regional and local authorities, coupled with the intention to reduce the current challenges and to improve the situation of the vulnerable group.

1.3. Research Questions

In order to guide the overall investigation and combined with the purpose to avoid a divagating process, the following two questions have been selected as the main research questions. The first one covers empirical research, while the second examines the investigation from a normative perspective.

1- How effective are the efforts of the Colombian Government to rehabilitate and compensate the survivors of APM? This will focus on APM survivors’ situations and challenges as compared to their legal rights.
2- To what extent can humanitarian aid enhance the resilience of survivors of APM in situations of ineffective governmental assistance? The emphasis will be current NGO activities in Vista Hermosa.

1.4. Previous academic Research on the Topic

This section will provide an overview of previously conducted research on the topic. The focus will be on the challenges that survivors of APM face in light of their legal rights, and on humanitarian activities conducted on behalf of the vulnerable group. A literature review regarding resilience theory will be provided in more detail in the corresponding section of the theoretical framework.
The Ottawa Convention is a highly relevant international document for Colombia’s demining process and assistance for all survivors APM. In addition to an examination of the legal documents, the article ‘Understanding the Ottawa Convention’s Obligations to Landmine Victims’ by Kerry Brinkert provides a solid overview of the obligations that the treaty enforces for member states. Brinkert indicates that assistance to survivors is often neglected by member states, resulting in the demining process receiving a disproportionately strong focus.

A variety of articles deal with the most relevant national legal document – the Victims’ Law of 2011. The article ‘Victims and Reparations: Limitations and Challenges Colombia Victims Law (Act 1448 of 2011)’ by Xiomara Cecilia Balanta Moreno provides a comprehensive overview of the main provision of the law. The article from 2014 mentions the ongoing Colombian conflict to be the main issue preventing a smooth implementation process. In addition, the effectiveness of the reparations program and the limited financial resources to compensate all survivors constitute further challenges, according to the author. Also, Paula Martínez Cortés elaborates on law 1448 in her 2014 article ‘The Victims and Land Restitution Law in Colombia in context.’ According to the author, the law was primarily established to recognize Colombia’s victims as a gesture of goodwill, but lacks substance in the implementation process.

The article ‘Producing Victimhood: Landmines, Reparations, and Law in Colombia’ by Max Counter also analyses the Victims’ Law; while it focuses on the terminology and bio-political program of the law in creating a ‘victim’ identity, the article also analyses its specific compensation measures, such as the proyectos productivos (productive projects), in some detail.

For the assistance for survivors of APM, the Article ‘Assistance for victims of anti-personnel mines: needs, constraints and strategy’ by Robin Coupland provides a good overview. Although published in 1997, the article’s understanding of the needs of survivors of APM fares well today. Coupland details the variety of medical and special requirements of the vulnerable

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9 Paula Martínez Cortés, *The Victims and Land Restitution Law in Colombia in context: An analysis of the contradictions between the agrarian model and compensation for the victims*.
group. Further, the author examines potential challenges to the assistance, such as complicated access to survivors, political barriers, or the survivors’ often limited education levels. Many similarities to the specific case of Vista Hermosa can be found.

Another article treating assistance to survivors of APM is ‘Rehabilitation of landmine victims - the ultimate challenge’ by Nicolas Walsh and Wendy Walsh. The article articulates the situation of survivors of APM on a global scale. According to the authors, the group’s disproportionately high medical needs are rarely met due to the restricted access to rural regions where most survivors reside. A variety of statistics are used to back the argumentation.

The dissertation ‘Bodies at War: An ethnography on rehabilitation after landmine injury in Colombia’ by Emily Catherine Cohen provides a few interesting sections for this research. The author examines inter alia the general usage of APM in Colombia during the conflict, and local residents’ perspectives on minefields. Although the latter is not directly connected to the topic of this research, the emphasis contributes to the evaluation of psychological need.

Another dissertation by Gabrielle Mary Davis provides similar perspectives. The research paper ‘Living with landmines: mine action, development and wellbeing in post-conflict societies – a case study in Cambodia’ discusses ‘wellbeing ecology’ and analyses the relation between people and their surrounding APM-contaminated territory. The author makes the unsurprising observation that living in APM-contaminated areas has a negative impact on quality if life. This emphasis on this reasoning, however, it contributes to the overall understanding of how survivors of APM are affected by the ongoing contamination.

Israel Biel Portero and Tania G. Bolaños Enríquez place special focus on people with disabilities during the Colombian conflict and the current peace process. In the article ‘Persons with disabilities and the Colombian armed conflict’, the authors argue that the long-lasting conflict has a clear link to the population’s physical and psychosocial disabilities, which also includes survivors of APM. Moreover, the article criticises the Colombian Government for its insufficient inclusion of people with disabilities in the peace process.

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This selection of academic literature indicates that extensive research has been conducted into similar topics. However, none of these academic studies focus on the combination of challenges faced by survivors caused by an ineffective legal framework, and humanitarian assistance as a way to compensate for the failure and enhance resilience. Survivors of APM are not limited to Colombia, but live in a multitude of countries throughout the world. Hence, more research into the challenges versus rights of survivors of APM is necessary.

1.5. Justification for the Research

The termination of the Colombian conflict raised hopes - nationally and internationally - of a peaceful transition. However, more than two years later, the country is still experiencing violence and armed confrontations between a variety of groups. The power vacuum left by the FARC-EP in many regions became another violent dispute between dissidents of the FARC-EP, the ELN, paramilitary units, drug cartels, and the Colombian army. The overall conflict-related killings have decreased since the signing of the Peace Agreement, but killings of social leaders, for instance, have increased. These confrontations and violent episodes happen in areas rich in natural resources, suitable for the production of coca or important for trade routes. Such areas are particularly contaminated by APM and unexploded ordnance (UXO), hence where many survivors of the latter live.

In this still-complex environment, the needs of this vulnerable group are often neglected and forgotten. Of all 1101 municipalities in the country, in 673 some form of contamination has been found; and in 513 of them, accidents of APM and UXO have been detected since the national register exists. Until now, 11,718 survivors of APM are officially registered, 260 of whom since the beginning of 2017; 120 military personnel and 140 civilians. Table 1 includes data from 2006 as well, the year with the most mine accidents in Colombia’s history.

16 Descontamina Colombia, ‘Victimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4).
17 Ibid.
With 368 survivors of APM, the municipality of Vista Hermosa constitutes Colombia’s highest amount in that regard.

Table 1 - Victims of APM in Colombia (28.02.2019)\textsuperscript{18}

<table>
<thead>
<tr>
<th>Year</th>
<th>Overall victims of mines</th>
<th>Civilians</th>
<th>Military</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1228</td>
<td>438</td>
<td>790</td>
</tr>
<tr>
<td>2015</td>
<td>222</td>
<td>61</td>
<td>161</td>
</tr>
<tr>
<td>2016</td>
<td>89</td>
<td>37</td>
<td>52</td>
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<tr>
<td>2017</td>
<td>57</td>
<td>40</td>
<td>17</td>
</tr>
<tr>
<td>2018</td>
<td>179</td>
<td>94</td>
<td>85</td>
</tr>
<tr>
<td>2019</td>
<td>24</td>
<td>6</td>
<td>18</td>
</tr>
</tbody>
</table>

The government provides a broad legal framework which intends to rehabilitate and compensate survivors. Nevertheless, the vulnerable group experiences a variety of challenges, including barriers preventing them to access their rights. Therefore, it is of special importance to pay more attention to the group and to make their struggle and challenges more visible to a broader audience. Real peace can only be achieved when all groups of Colombia’s society experience it effectively; especially those who suffered from the long-lasting violence. A further motivation for this research is the lack of academic literature about the situation of survivors of APM in Colombia, which can partly serve as an explanation for the lack of awareness about the topic.

1.6. Limitations of the Research

During the research process, several difficulties were encountered which constitute a limitation on the overall outcome. The majority of the information on this research is based on interviews. The data gathered always presents subjective opinions and requires a comparison of various perspectives for the creation of arguments.

\textsuperscript{18} Descontamina Colombia, ‘Víctimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4).
The main function of my presence in Vista Hermosa in 2017 was the internship, so conducting interviews during working hours was not an option. During my free time in the municipality, the main obstacle besides the time limitation was access to survivors of APM. Most reside in rural Vista Hermosa where no public transportation is available. Moreover, due to security concerns, a local person was always needed to take me to the survivors. When undertaking interviews, I always tried to ensure a quiet atmosphere; however, the fact that the interviews were mostly conducted at the homes of the survivors often prevented the implementation of this intention. Moreover, many survivors of APM were not able to talk about certain topics, due to fear of potential retaliation acts or trauma. A further limitation could that the survivors potentially associated my presence and the undertaking of the interview with HI and PS, even though I always informed them of the independent nature of the research; this might have provoked the survivors to present a more positive image of humanitarian assistance. A general limitation of all the information gathered in Vista Hermosa is their non-current nature. However, the interviews which were conducted more recently via Skype confirmed the unchanged situation and the data’s continued validity. Also, my lacking precise research focus during my stay in Vista Hermosa constitutes a general limitation as it provoked gathering of more general data, much of which is not directly relevant for the research, while other information is missing.

The main limitation after my return from Colombia was the inability to reach all actors to ensure the comprehensive nature of the research. Although a plurality of interviews was conducted via Skype throughout 2018 and at the beginning of 2019, a few relevant actors are missing. Those include Unidad para las Victimas (Unit for the Victims), the HALO Trust, further humanitarian actors, survivors’ organizations, and individual survivors of APM. The major issue with the latter two is the poor internet connection in rural Vista Hermosa, which made a smooth conversation often impossible. The often-restricted internet connection also prevented the option of a video call for the conducted interview. This, in turn, impeded the possibility to judge facial expressions or other noticeable behaviours of the participants.

A further limitation is restricted access to certain statistics of the current state-run assistance for survivors of APM. Specific information, inter alia about the process of compensation mechanisms, are not public. Overall, a limitation throughout the process of the research was the
set timeframe and the given extent, which did not allow for a more comprehensive and in-depth investigation.

### 1.7. Ethical Considerations

Given that a significant part of the research is based on interviews, ethical considerations are a crucial component. The internship with HI and PS provided me with the opportunity to establish contacts with the survivors of APM. The first two months of my stay in Vista Hermosa were used for active field observation to develop a good understanding of the environment and the challenges of the survivors of APM before conducting the interviews. Throughout that time, first contact was made with interview participants. No interviews were conducted during working hours with HI and PS to avoid potentially biasing the investigation. Moreover, work clothes which could identify me with the NGOs were not worn during interviews to prevent any potential connotation with organizations.

An effort was always made to ensure a quiet atmosphere to help the participants feel comfortable. Interviews conducted via Skype prevented controlling the participants’ immediate environment; in some cases, a noisy background or stressed and distracted participants impeded a comfortable situation. In these cases, the participant was always offered the opportunity to postpone the interview. Moreover, precise information about the intentions and the voluntary character of the research were given before the start. Participants were informed about their ability to stop at any time or to skip a question if desired. In addition, it was always clearly stated that names will not be published and that no information will be shared with any governmental entity or NGO without the consent of the participants. Furthermore, no interviews were undertaken with minors.

Despite almost all survivors of APM agreeing to have their names published, they were omitted in order to protect them from potential reprisal acts. So as to preserve clarity and allow for clear correlation between data and analysis, survivors are listed in the footnotes with made up names; naming all of them simply ‘survivor of APM’ would lead to confusion and obfuscate distinction or analysis. All other interviewees are also anonymized, although most of the participants did not insist thereon. The analysis of the interviews disclosed sensitive data, inter alia public
officials accusing or criticising the government. Publishing their names could entail unnecessary risk for those participants. In such cases, participants are identified with the name of the organization or entity that they represent. The geographical distance and often-lacking internet connection prevented maintaining contact with all participants; however, many participants of all groups are being kept updated about the process of the research.

1.8. Terminology - Victim vs. Survivor

The usage of the terminologies victim vs. survivor serves for a broad discussion, which this research is not able to fulfil. Nevertheless, in order to prevent potential confusion, a brief explanation about the differences will be provided. The term ‘victim’ is widely used and accepted concept in Colombia. The most important legal document for all survivors of the Colombian conflict is law 1448 of 2011, the so-called Victim’s Law. It characterizes all people who suffered from violence during the conflict as victims, whether dead or alive. This creates ambiguity when analysing statistics. The fact that Colombia officially has 8.8 million victims does not signify that all of them died. Often, no further explanation is provided of how many survived. Moreover, the general acceptance of the term constitutes the creation of an identity, which the survivors themselves identify with. This legally recognized victimhood can be seen as a re-victimization of the survivors. Therefore, this research will refrain from using the term victim’ when talking about the survivors only. However, it is important to note that its usage signifies incorporation of all victims, dead and alive.

1.9. Thesis Outline

The research follows a precise structure serving the researcher and the reader as an orientation. Overall, the study incorporates seven parts, the first of which provides a general introduction to the topic including the presentation of the research question, justification, limitation and ethical considerations. The second part comprises the methodological framework, which explains the overall methodology and the corresponding methods uses for gathering and analysing the data.

19 Counter, ‘Producing Victimhood: Landmines, Reparations, and Law in Colombia’ (above, n. 10).
The third part is dedicated to the theoretical framework, which will present the significance of the resilience theory in the humanitarian field, an overview of the current debate around the theory, the 3-D resilience framework, and its relevance for this research. The fourth part provides both the historical and legal background to the research. It includes a brief overview of Colombia’s past and present, followed by the specific background in Vista Hermosa and its current context. Moreover, an overview of the fundamental international and national legal rights for survivors of APM in Colombia will be presented.

The fifth part presents the research findings, which are divided into two units of analysis. The first unit of analysis examines the challenges of survivors of APM compared to their legal rights. It is further divided into two sections constituting main rights for assistance for survivors of APM in Colombia. The first - the right for rehabilitation - demonstrates examples of challenges experienced during the conflict, the endless rehabilitation needs for survivors of APM, and issues related to the extensive geographical dimension of Vista Hermosa. Further, challenges connected to the right for rehabilitation incorporate the health infrastructure in the municipality, the general health system, the insurance companies, and the access to required psychosocial rehabilitation. The second crucial right for assistance is the right to compensation. It comprises challenges related to the official recognition process to be a survivor, the general lack of knowledge about rights, the disability test, and the long and complex procedures to obtain the various compensation prospects. Further, it includes challenges connected to receiving the indemnification payment, housing and a proyecto productivo (productive project).

Subsequently, the second unit of analysis elaborates on the humanitarian aid for survivors of APM in Vista Hermosa. This includes general problems for conducting humanitarian activities in the municipality followed by a demonstration of current NGO assistance. The approach of HI and PS will be examined in depth.

The sixth part entails the discussion of the research, which will briefly examine a potential resilience program of the Colombian Government followed by an elaboration on possible resilience-enhancing effects of the humanitarian projects of HI and PS. The seventh and last part of this study presents the conclusion and recommendations.
2. Methodological Framework

The performance of research is directly connected to a specific choice of methodology and the corresponding style of methods. The selection of the latter has an impact on the overall outcome of the study and, thus, is worth mentioning in detail. For the methodological part of this study, the approach of an embedded single case study has been selected, which is primarily based on exploratory and descriptive procedures. This signifies that the research is based on more than one unit of analysis, in this case, two. It will primarily be based on qualitative approaches.\(^\text{20}\) I chose to use a single case study instead of multiple case studies in order to have the maximum focus on the municipality of Vista Hermosa. This selection prevents a possible comparison to similar cases, a procedure which would have enabled creating a generalization. However, the corresponding theoretical framework of this study will provide the ability to strengthen the argumentation process in order to achieve the revelatory purpose for this investigation.\(^\text{21}\)

This research is divided into two different research subtopics, each constituting a unit of analysis. The first unit of analysis constitutes the investigation of the current situation of survivors of APM in Vista Hermosa. In the first step, their general situation including challenges is examined compared to their legal rights. The purpose of this part is to contrast the corresponding legal framework with the discovered reality in Vista Hermosa. The second unit of analysis intends to elaborate the humanitarian aid for survivors of APM coming from national and international NGOs and governmental organizations.

The method of gathering data through open-ended interviews makes up a decisive part of this study. Therefore, the general purpose of conducting them and the specific reasons for choosing the participants will subsequently be explained in more detail. Afterwards, more specific information will reveal what methods (including the interviews) were used to gather data for the different units of analysis. Following that will be a description of the applied methods for the analysis of the gathered data. The presented order follows the actual chronology of the research.


\(^{21}\) Ibid.
2.1. Collection of Data – Interviews

In order to provide a holistic study about the current situation of the survivors of APM in Vista Hermosa, Colombia, it is of great importance to include the perspectives of all relevant groups and actors. Open-ended interviews proved to be an effective way to ensure the inclusion of all necessary parties. On one hand, not all perspectives of the latter are accessible through other means. On the other hand, the chosen style of interviewing the participants allowed gathering more comprehensive and qualitative information about the actual reality and the situation from the view of each party. The conducted interviews constitute the core source of information for this research. Some of them were performed in Colombia in a face to face manner, others later via Skype. All of them were recorded with a digital audio recording device to make sure that the important information is secured for later analytical procedures. Overall, 42 interviews were conducted. The majority of them last between 30 and 40 minutes. A few are less than 10 minutes long, others are more than 60 minutes long.

In particular, the perspectives of the survivors of APM had to be included. Since this group is the centre of attention of this study, their views are highly relevant; only the survivors themselves can illustrate the complete picture of their challenges. For the selection process I paid special attention to include all types of survivors of APM; different age groups, different places of residence within the municipality, recent and older accidents, victims who are benefiting from the humanitarian assistance of NGOs and those who are not. Additionally, almost all relevant governmental organizations are included in the investigation, since they represent the agencies which are responsible for implementing the relevant legislation. The latter include the Ministry of Health and Social Protection, the health administration of the municipality, and Descontamina Colombia (Directorate for Complete Action against Antipersonnel Mines - DAICMA), which is specifically in charge of the overall demining process but also provides coordination of the assistance to survivors of APM. Furthermore, the perspectives of the office for the victims of the municipality were incorporated into the research. The office provides free advice to all survivors of the conflict; one deals with all judicial-related issues, another employee provides assistance for all other difficulties.

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22 Ibid.
<table>
<thead>
<tr>
<th>Survivors of APM (changed names due to security reasons)</th>
<th>Interviews conducted in Vista Hermosa</th>
<th>Interviews conducted via Skype</th>
</tr>
</thead>
<tbody>
<tr>
<td>José Gómez</td>
<td>Tomás Ramírez</td>
<td>José Gómez</td>
</tr>
<tr>
<td>Jesús López (2x)</td>
<td>Liliana González</td>
<td>Alejandro García</td>
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<td>Daniel Moreno</td>
<td>Rudolfo Gutiérrez</td>
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<td>Nicolas Ortiz</td>
<td>Isabella Martínez</td>
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<tr>
<td>Gabriela Torres</td>
<td>Mariana Rojas</td>
</tr>
<tr>
<td>Maria Vargas</td>
<td>Samuel Hernández</td>
</tr>
<tr>
<td>Ana Romero</td>
<td>Valeria Muñoz</td>
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<tr>
<td>Luciana Jiménez</td>
<td>Paola Sánchez</td>
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<table>
<thead>
<tr>
<th>NGOs assisting survivors of APM</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>HI (Contact person for the community in Vista Hermosa)</td>
<td>HI (coordinator of the judicial aspect)</td>
</tr>
<tr>
<td></td>
<td>HI (coordinator of the rehabilitation aspect)</td>
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<tr>
<td></td>
<td>HI (coordinator of the psychosocial aspect)</td>
</tr>
<tr>
<td></td>
<td>HI (coordinator for the help of local associations)</td>
</tr>
<tr>
<td></td>
<td>HI (coordinator for the socio-economic inclusion)</td>
</tr>
<tr>
<td></td>
<td>HI (operational coordinator for the overall assistance)</td>
</tr>
<tr>
<td></td>
<td>PS (implementing and coordinating HI's projects in Vista Hermosa)</td>
</tr>
<tr>
<td></td>
<td>CCCM (national director)</td>
</tr>
<tr>
<td></td>
<td>Colombian Red Cross (federal state of Meta)</td>
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<thead>
<tr>
<th>Governmental entities assisting survivors of APM</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Municipality (lawyer for the all victims of the conflict)</td>
<td>DAICMA (coordinator of the assistance of survivors of APM)</td>
</tr>
<tr>
<td>Municipality (contact person for all the victims of the conflict)</td>
<td>Ministry of Health and Social Protection</td>
</tr>
<tr>
<td>Municipality (coordinator of the health sector)</td>
<td>(Coordinator for the assistance and reparation of victims)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actors conducting demining process</th>
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<tbody>
<tr>
<td>HI (coordinator of the demining process in Vista Hermosa)</td>
<td>DAICMA (coordinator of the demining process in Colombia)</td>
</tr>
<tr>
<td>CCCM (coordinator of the demining process in Vista Hermosa)</td>
<td>UNMAS Colombia (coordinating technical assistance to national authorities)</td>
</tr>
<tr>
<td>NPA (coordinator of the demining process in Vista Hermosa)</td>
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<tr>
<td>Colombian Army (coordinator of the demining process in Vista Hermosa)</td>
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<tr>
<th>Further actors</th>
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<tbody>
<tr>
<td>Police of Vista Hermosa (chief director)</td>
<td></td>
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<tr>
<td>Colombian Army</td>
<td></td>
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<tr>
<td>former FARC-EP</td>
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</table>
Furthermore, all relevant national and international NGOs, which provide assistance to survivors of APM in Vista Hermosa, are incorporated in the study. Despite the fact that their humanitarian assistance is the focus of the second unit of analysis, their views are undoubtedly relevant for this part as well. Their prolonged engagement in this sector ensures great expertise and necessary knowledge about the general situation of the survivors of APM and the attention of the government to this group. The group of the national NGOs include PS Campaña Colombiana Contra Minas (Colombian Campaign Against Mines - CCCM) and the Colombian Red Cross. On the international side is HI.

This research intends to include the perspective and work of the demining operators which are currently active in Vista Hermosa. Their work is not directly linked to assistance for survivors of APM; however, their presence is essential for this study for two reasons. First, according to national and international law, the Colombian Government is obliged to demine the territory as part of the right to non-repetition, which is one of three essential rights for the survivors of APM. Second, the demining process is vital for the population living in the contaminated territory, especially the survivors of APM, to achieve safety and full rehabilitation and reintegration. Those include the Brigada de Ingenieros de Desminado Humanitario (Humanitarian Demining Brigade of Colombia’s armed forces - BRDEH), Norwegian People’s Aid (NPA), HI and CCCM. In addition, the investigation incorporates the United Nations Mine Action Service (UNMAS) as well as the corresponding governmental agency DAICMA.

Lastly, a few further representatives of groups which played an important role during the Colombian conflict in the region were contacted in order to get a better understanding of the background of the current situation and the corresponding challenges of the victims. The focus of this study is the current situation of victims of mines in Vista Hermosa. Nevertheless, in order to achieve a comprehensive understanding of the present, it is vital to briefly elaborate on the past and the origins of the current challenges. Hence, the perspectives of the Colombian military, the local police and the former FARC-EP are included in this research as well.

Despite the range of the participation list for the interviews (Table 2 above), a few important actors are missing. Their perspectives are crucial to understanding the situation in Vista Hermosa and the corresponding issues. I tried to contact those missing actors a few times
unsuccessfully. Therefore, it is important to note that although a plurality of interviews was conducted, this research will lack some important explicative perspectives in the analytical part.

### 2.2. Collection of Data - Challenges vs. Rights

Generally, a plurality of approaches is used in order to gather the necessary data. Each unit of analysis has slightly different research designs and different methods of how to collect the data in order to do justice to the purpose of the regarding unit of analysis.\(^\text{24}\) However, they do not vary greatly. The first unit of analysis will be explained here extensively, however, afterwards rather limited information will be given for the second unit of analysis in order to prevent a repetition of the argumentation.

First, I used the 13 weeks of my stay in Vista Hermosa in 2017 to conduct an active field observation besides my internship.\(^\text{25}\) Throughout the entire time I lived in the village of Vista Hermosa, I experienced the local culture and customs, the way of thinking of the people, their everyday problems, and how the Colombian conflict is still shaping their lives. From my point of view, this technique was especially useful at the beginning of my stay in order to get a good overview of the problematic and complex situation of the municipality. The internship with HI certainly helped in that process as it provided me with the necessary environment for my research; many of the survivors of APM I met through work. In addition, the internship facilitated the establishment of contacts for the interviews and always provided a good option for questions or discussions. Nevertheless, in order to prevent a potentially biased character of the study, no opinion was taken for granted and the perspectives of all relevant groups were included in the research.

In addition to the extensive direct observation, I conducted a plurality of open-ended interviews in order to gather more specific qualitative information about the topic. The motivation for conducting open-ended questions and the reasoning for choosing the participants are explained in more detail in the previous section. After my return from Colombia, further interviews had

\(^{24}\) Robert Yin, *Case study research* (above, n. 20).
\(^{25}\) Robert Yin, *Applications of case study research* (above, n. 23).
to be performed via Skype in order to complement the data. All interview questions were selected with regard to the purpose of the research.

Supplemental to the aforementioned gathering of empirical information, further theoretical knowledge was used in the form of academic literature and organizational, governmental reports and legislative documents. This approach was applied throughout the investigation process in order to develop more specific questions for my research, but certainly also to complement the collected data with knowledge coming from different perspectives and without a necessary link to Vista Hermosa or Colombia.26 HI provided me with a variety of reports. The remaining reports of other NGOs and the Colombian government were found online with the help of search engines together with the academic literature. For the selection process of the relevant legislative documents, external expertise was obtained from HI’s coordinator of the judicial aspect, and from the lawyer of the office for the victims in Vista Hermosa.2728 This qualitative theoretical knowledge is added with the selection of a few quantitative statistics regarding victims of mines. The latter can be found in reports and academic literature and directly on webpages of relevant government agencies or NGOs.

The described approaches are not used exclusively but in combination with all the mentioned methods; the idea is to achieve a comprehensive view of the complex situation of survivors of APM in Vista Hermosa. Thus, the different types of approaches of gathering the data complement each other with the intent to ultimately result in a holistic and all-encompassing perspective of the situation.

2.3. Collection of Data - Humanitarian Aid

After the first unit of analysis frames the most important national and international legislation and elaborates the situation of survivors of APM in Vista Hermosa, the second unit of analysis emphasizes the humanitarian assistance both from national and international NGOs and from governmental organizations. The approaches for gathering the necessary data do not differ from

26 Robert Yin, *Case study research* (above, n. 20).
the described techniques used for the first unit of analysis. Nevertheless, the information will be provided for the record. However, the description of this section will be shortened to avoid unnecessary repetitions.

For the purpose of achieving a comprehensive overview of all ongoing humanitarian activities, various approaches were selected. First, I conducted open-ended interviews with the aforementioned relevant humanitarian actors and governmental organizations. Also, for this unit of analysis, the perspective of the survivors of APM is of great importance. They are the recipients of the projects and, hence, the only groups well placed to evaluate the humanitarian activities. Open-ended interviews with participants from all groups ensure the gathering of the necessary empirical data. The process of the interview itself does not differ from the one described one in the first unit of analysis. Also, this unit of analysis is additionally equipped with theoretical knowledge, primarily coming from reports of the relevant NGOs, but further added with academic literature. The gathering of the latter follows the mentioned approaches of the former section.

2.4. Analysis of Data

The analytical part for the two units of analysis is congruent and therefore examined together in this section. Unlike the gathering of data for a case study, the analysis is not tied to a strict set of rules to follow. One the one hand it implies certain freedoms for the researcher and the analytical process, on the other hand, it might to some extent pose uncertainties on the investigation and the outcome. The plurality of conducted interviews, which constitute the main source of collected data, do not all follow the same structure of questions. The latter must be understood with the range of different backgrounds of the participants and, hence, the varying significance for the study. Therefore, producing suitable codes and an algorithm in order to analyse the data does not prove to be a fitting approach.

Rather, the overall content of the interviews is analysed using the general method of an explanation-building technique. This is based on the idea of approaching the investigation with
an open-ended research question without the prediction of certain patterns.\textsuperscript{29} This takes the form of reading through the transcriptions of the interviews to search for content which can serve as an explanation to the research question. With the help of the theoretical framework, the analysis of this research intends to achieve an analytic generalization, which can potentially serve to make a comparison to similar cases.\textsuperscript{30}

\textsuperscript{29} Robert Yin, \textit{Applications of case study research} (above, n. 23).
\textsuperscript{30} Ibid, 18.
3. Theoretical Framework

3.1. Introduction to Resilience Theory

Despite efforts of the international community to reduce the risk of disasters, an increase can be detected.\(^{31}\) Moreover, following the mode of thought of Disaster Risk Reduction (DRR) activities in the past, the answers to the risks were limited: one could either prepare people as well as possible in order to reduce the impact of a crisis or help people recover from it once it occurred.\(^{32}\) There are manifold causes to such crises, ranging from natural to man-made, from environmental, demographic and technological to socioeconomic and political origins.\(^{33}\)

This situation is increasingly leading to a rethink of how to approach DRR. One of the key objectives for the World Humanitarian Summit (WHS) 2016 was the desired shift from “delivering aid, to ending need.”\(^{34}\) The big question in this debate is how vulnerable communities, which have been especially prone to disasters in the past, can be assisted in order to reduce the risks of a future crisis. One potential means to accomplishing this goal is a prominent term on the humanitarian agenda: resilience. Since the UN included resilience as the main principle of their Hyogo Framework for Action 2005-2015, experts are increasingly engaged in its discussion.\(^{35}\) The UN’s latest DRR framework has also taken up resilience as one of its four priorities.\(^{36}\)

This chapter intends to provide an overview of the debate and its reasoning. First, the current usage of resilience in the humanitarian field will be elaborated. Then, a general discussion will identify the pros and cons of resilience as an approach for future activities. Afterwards, the 3-D Resilience Framework will be examined. Lastly, this section will tackle the question of why


\(^{32}\) Ibid.


\(^{34}\) Interpeace, *How humanitarian response can strengthen resilience to violent conflict and end need – Insights and Recommendations*.


the resilience theory is important for the investigation of the challenges of survivors of APM in Colombia.

3.2. Resilience in the Humanitarian Field

The broad definition of resilience is characterized in the humanitarian field by encompassing expertise and knowledge from different sectors and backgrounds. The result is a holistic view of risk and society, trying to tackle vulnerabilities of people from different perspectives instead of having one static approach.\(^37\) Whereas traditional DRR focused on a reduction of risk, the resilience approach rather puts emphasis on communities in relation to sustainable livelihoods with the ultimate goal to make a vulnerable society more resilient towards potential future risks.\(^38\)

External assistance is given, however, the idea is that communities can eventually function in a sustainable manner.\(^39\) This entails people bearing many more responsibilities, illustrating it as a bottom-up approach to humanitarian activities.\(^40\) According to UN OCHA resilience is not a process, but rather an end state, which is characterized by the following: 1) the ability to keep up operational capabilities and structures throughout crisis; 2) the capacity of being equipped with skills and recourses in order to adapt to changing situations; 3) the competence to anticipate and prepare in a preventive manner for hazardous events without jeopardizing their long-term possibilities.\(^41\)

Those situations should be accomplished with the help of three principles, which are fundamentally strengthening the resilience of the communities. First, strong national and local capacities are required. This process should primarily be conducted by national governments, but additionally, by the international society in case, it cannot be solved on a national level. However, whenever international partners are assisting, a special focus should be placed on

\(^{37}\) Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).

\(^{38}\) Caroline Hargreaves, Danielle McNicholas, Judith Spirig, Kathleen White, Leo Gu, ‘Resilience’ An Objective in Humanitarian Aid?


\(^{40}\) Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).

strengthening national, regional and local capacities to be able to apply those services independently of the international partners in the future. Second, resilience is an end-stage requiring a long commitment and comprehensive planning. In comparison to earlier approaches of humanitarian action, resilience is a long-term and rather developmental-oriented undertaking. This entails strategic planning and good coordination of all national and international actors engaged. Moreover, funding should not only be based on humanitarian but on developmental budgets as well. Third, it is believed that ultimately the humanitarian sector should strive more towards a developmental understanding. This principle is emerging out of the increasing awareness that narrow traditional approaches of neither relief and recovery nor development have been able to effectively respond to emergencies.42 Hence, a rethinking is needed towards an approach that is capable of addressing short, medium and long term needs altogether.

Differently speaking, the likelihood of a disaster increases with a rise in risk and vulnerability factors. Those can be of internal (personal capabilities) or external (surrounding environment) nature.43 On the other hand, resilience increases with a rise of protective elements, which are inter alia established through the three aforementioned mentioned principles. Addressing the underlying problems of disasters in order to prevent chronic and recurrent crisis seems to be a logical and necessary change. Also, the approach of focusing on the strengths of local communities seems coherent. Resilience is not a short-term project, however, it is believed that supporting strengths parallel to addressing fundamental weaknesses can outweigh vulnerabilities in the long term.

3.3. Current Debate – Pros and Cons

The general concept of the resilience approach to humanitarian action is painting a positive picture. Nevertheless, resilience is far from being a widely accepted concept in the humanitarian field. Experts around the globe are engaged in this debate and far from finding a common denominator. Therefore, this section will present arguments for both sides with the hope of

43 Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).
delivering an overview of the discussion. Certainly, the following list of arguments could be continued and is not all-encompassing. Subsequently, the first benefits of the resilience concept will be elaborated before focusing on the disadvantages.

First, a clear advantage of resilience is its aforementioned broad definition, which makes resilience a holistic concept taking expertise and knowledge of a variety of areas into account. This allows for tackling short-term risk factors and long-term developmental factors at the same time, making it a strong comprehensive process. Second, the loose nature of its definition gives resilience a dynamic approach, which is able to adapt quickly and comprehensively to new circumstances. This is especially crucial in times of disasters, where events can change quickly and drastically. Being equipped with experts with different backgrounds allows a variety of changing circumstances to be addressed properly. Third, this bottom-up approach of humanitarian action enhances responsibilities of the local population, thus increasing the engagement and the motivation of the people to work strongly with the humanitarian actors as they themselves are to a certain extent accountable for achieving the desired outcome. Moreover, the local population is most familiar with the local circumstances and underlying risk factors. Increasing their participation in the planning of projects can only be beneficial for the overall outcome, and hence for all stakeholders. Fourth, unlike conventional DRR resilience does not primarily focus on responding to urgent needs. Certainly, it is included in the approach as well, nevertheless, its main emphasis is on the strengths of the local population and the incentive to foster them in a sustainable manner in order to reduce vulnerabilities. This, in turn, increases the likelihood that communities will be able to live independently without external help in the future; hence, this approach is aligned to be a long-term process. Lastly, resilience bridges the gap between humanitarian action and development programs as it specialises in tackling disasters by simultaneously and comprehensively addressing short, medium and long term needs. This might also be an incentive for development actors to rethink their position on disasters or to be more engaged with humanitarian analysis while still using their development mechanisms.

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44 Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
46 Caroline Hargreaves, Danielle McNicholas, Judith Spirig, Kathleen White, Leo Gu, 'Resilience’ An Objective in Humanitarian Aid? (above, n. 38).
After presenting a few arguments in favour of the resilience approach, the following points will highlight some disadvantages. The first drawback is its broad definition which, despite also being noted as an advantage, certainly does not only entail positive aspects; the fact that there is no generally accepted definition of resilience in the humanitarian field makes the application in practice a complex undertaking.\(^{47}\) This, in turn, implies a great confusion among all stakeholders. Resilience is based on the idea of taking a variety of expertise and areas into account, which naturally means a plurality of people with different backgrounds. Without having a common definition of resilience, the collaboration might not meet the desired expectations.\(^{48}\) Moreover, without a generally accepted definition, measuring resilience is not immediately possible. However, how can actors justify their future resilience programs without being able to prove its effectiveness?\(^{49}\)

Second, the missing aforementioned mentioned definition can partly be explained with the research gap on resilience in the humanitarian field.\(^{50}\) Nowadays, more and more scholars are dedicating their investigation on this topic. However, the existing literature is still scarce compared to the disciplines of economics, engineering, or psychology for instance. Closing this gap will automatically increase the likelihood of a clear and generally accepted definition. Third, the fact that the humanitarian sector is still is lacking a definition of resilience might be their biggest distinction from the development sector. This, in turn, implies that a clear definition could make the resilience approach a serious opponent to development.

Fourth, the nature of bringing together expertise from a variety of backgrounds seems good in theory. However, its application is a more complex task as a lot of international actors are using their local partners for the implementation process. The latter often lack the training and expertise to be able to conduct their activities according to the resilience guidelines.\(^{51}\) This provokes a misguided implementation process and, hence, an outcome differing to the initial plan. Lastly, resilience potentially undermines the fundamental humanitarian principles, as stronger bonds with national governments which serve to build stronger local structures need

\(^{47}\) Caroline Hargreaves, Danielle McNicholas, Judith Spirig, Kathleen White, Leo Gu, ‘Resilience’ An Objective in Humanitarian Aid? (above, n. 38).

\(^{48}\) Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).

\(^{49}\) Caroline Hargreaves, Danielle McNicholas, Judith Spirig, Kathleen White, Leo Gu, ‘Resilience’ An Objective in Humanitarian Aid? (above, n. 38).

\(^{50}\) Ibid, 7

\(^{51}\) Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
to be carefully applied so as not to breach the neutrality principle. Moreover, the general aim of resilience not solely to focus on short term needs, but also to put emphasis on long-term environmental aspects as well, which might put the principle of independence in danger. In addition, the latter is exposing the fear of potentially having a hidden political agenda.\textsuperscript{52}

### 3.4. The 3-D Resilience Framework

The previous discussion highlighted the lack of any clear definition of the resilience theory and consequently the inability to agree to a common tool of how to measure resilience outcomes in humanitarian action. One approach of defining resilience is the 3-D Resilience Framework of Béné.\textsuperscript{53} The approach defines three main characteristics of a vulnerable population to deal with negative impacts such as a disaster: absorptive coping capacity, adaptive capacity and transformative capacity. According to Béné, an enhancement to resilience is not achieved through one but a combination of all three components. However, he states that each element causes a different outcome: persistence, incremental adjustment, and transformative responses.

<table>
<thead>
<tr>
<th>Absorptive coping capacity</th>
<th>Adaptive Capacity</th>
<th>Transformative Capacity</th>
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<tr>
<td>(persistence)</td>
<td>(incremental adjustment)</td>
<td>(transformational responses)</td>
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</table>

Table 3: 3-D Resilience Framework\textsuperscript{54}

\textsuperscript{52} Heintze and Gibbons (eds.), \textit{The humanitarian challenge} (above, n. 31).
\textsuperscript{54} Ibid.
Table 3 indicates that the various responses can be coupled to different intensities of shock or change.\textsuperscript{55} The lower the intensity of the shock, the higher the likelihood that the individual, group, or system will be able to absorb its impacts, adapt to it or strive towards a transformational action. Also, Béné includes internal and external risk factors in his analysis, whereas the ideal outcome will always be the same: a state of resilience, which means that the initial shock or negative change has been blocked effectively thus preventing any dysfunction.\textsuperscript{56} Resistance is particularly characterized by the human immune system, which can absorb many negative impacts before a continuation of a normal functioning organism is not possible any longer.

However, once our absorptive capacities are exceeded, incremental adjustments are required. This step entails a variety of adjustments to maintain a well-functioning system. Béné includes examples such as new farming techniques or engaging in new social networks.\textsuperscript{57} According to the author, the process is successive and continuous, yet difficult to track or measure. Moreover, the adjustments do not always have to be pre-planned; some occur unconsciously.

The third step, the transformational response, applies when the necessary change exceeds the adaptive capacity of the individual, household or system. Now, changes are no longer successive but rather transformative, causing changes in the initial functioning and structure of the individual, household, or system. Those changes ultimately challenge the former status quo.\textsuperscript{58} Additionally, the model of Béné suggests that the intensity of the change and the corresponding costs increase with each step. The fundamental logic is that ‘the more you change, the higher the transactional costs’.\textsuperscript{59}

\textsuperscript{55} Heintze and Gibbons (eds.), \textit{The humanitarian challenge} (above, n. 31).


\textsuperscript{57} Christophe Béné, Rachel Godfrey Wood, Andrew Newsham and Mark Davies, ‘Resilience: New Utopia or New Tyranny? Reflection about the Potentials and Limits of the Concept of Resilience in Relation to Vulnerability Reduction Programmes’ (above, n. 53).


\textsuperscript{59} Christophe Béné, Rachel Godfrey Wood, Andrew Newsham and Mark Davies, ‘Resilience: New Utopia or New Tyranny? Reflection about the Potentials and Limits of the Concept of Resilience in Relation to Vulnerability Reduction Programmes’ (above, n. 53).
3.5. Relevance for this Research

The government’s inability to provide sufficient assistance for survivors of APM leaves the vulnerable group in a complicated situation. Often, help is urgently needed and cannot wait until structural improvements of the government are achieved. Therefore, this study will examine the question to what extent humanitarian aid can enhance the resilience of survivors of APM in situations of inefficient governmental assistance. The aforementioned mentioned pros will be judged on their validity regarding the humanitarian activities in Vista Hermosa. Moreover, this research will examine if the discussed potential drawbacks of the resilience approach apply for the projects of the NGOs in the municipality. Also, the 3-D Resilience Framework approach aims to articulate the general challenges of the survivors and the corresponding humanitarian aid. A positive outcome can also serve as an example for the wider humanitarian field and does not have to be limited to Vista Hermosa or the assistance of survivors of APM.

3.6. Conclusion of Resilience Theory

The fundamental debate on resilience across the humanitarian field exemplifies that the concept is far from being widely accepted. The lack of a clear definition certainly has its benefits and drawbacks as the discussion has shown. On the one hand, there is a holistic and comprehensive approach added with a dynamic and flexible nature. On the other hand, a missing definition also creates great difficulties regarding its application and measurement and prevents a clear distinction towards the development sector. The advantage of putting more emphasis on the beneficiaries and local partners on the ground is in contest with the fact that they often lack the expertise and knowledge of how to conduct a resilience approach. In addition, resilience promises an approach which encompasses short, medium, and long term challenges and thereby tackles the crisis by addressing its underlying issues as well. However, this movement towards the development sector threatens the core humanitarian principles.

The 3-D Resilience Framework characterizes resilience with three capabilities of coping with shocks, whereas the third stage - the transformational response - ultimately challenges the status quo. It provides explanations for the various steps of a resilience process, however, it also lacks
a clear method for measuring its effects. Ultimately, more profound research is needed to address the existing mentioned problems. To a certain extent, they present uncertainties which more research might possibly solve.

This research on whether humanitarian aid can enhance the resilience of survivors of APM in situations of inefficient governmental assistance can potentially shed more light into the currently blurry discussion. A positive result does not have to be limited to Vista Hermosa or the assistance of survivors of APM but can serve as a sample for the wider humanitarian community. Additionally, the elaboration on the theory can potentially contribute to bringing more clarity into the extent broad discussion in the humanitarian field. The research will not be able to define an exact definition or a manual, nevertheless, it can contribute to reducing the literature gap.
4. Historical and Legal Background

4.1. Introduction Historical and Legal Background

This section of the study will present the vital background of the complex situation of survivors of APM in Vista Hermosa. This is undertaken from a historical and a legal perspective, constituting the most important background domains for this research. This will be divided into a general history of the Colombian conflict and the specific situation in Vista Hermosa.

The general historical context is not of prime importance for understanding the current situation of survivors of APM in Colombia. However, it is crucial to comprehend the fundamental roots in order to grasp the complexity of the Colombian conflict, the still ongoing impact on the country, and the existence of APM and its victims. Therefore, a brief summary will be given about events which caused the violent past and key developments during the conflict in order to get a better understanding of the current situation, which will be shortly presented afterwards. The content is based on oversimplified argumentation lines and does not provide for a good comprehension of Colombia’s complex past. Nevertheless, it does serve the purpose of arranging the current situation into a broader context.

Afterwards, the historical background and the current situation of Vista Hermosa will be presented. Following the same argumentation, a short overview of the context of the municipality will be given in order to get a better understanding why Vista Hermosa is Colombia’s municipality with the highest number of victims of APM. Moreover, the demonstration of the violent past will serve as an explanation why survivors are not only in need of physical rehabilitation due to their inabilities or disabilities caused by the APM accident, but also require psychological assistance due to their trauma.

Lastly, an overview of the most significant international and national laws for survivors of APM in Colombia will be presented to comprehend the range of general rights that this vulnerable group is theoretically enjoying. Also, this part of the research will not be able to go into depth, hence, only the most relevant legal documents are covered.
4.2. Historical Context - Colombia

The period which is officially known as Colombian conflict lasted for more than five decades from the beginning of the 1960s until the signature of the Final Peace Agreement between the Colombian Government and the FARC-EP 2016. However, in order to understand the origins, all the interrelations and different aspects of the nationwide conflict one has to go back a lot further in time. The Thousand Days’ War (1899-1902), a conflict between Colombia’s two major political parties, Liberals and Conservatives, marked the beginning of a violent century for the Latin American country.60

In the following decades, this dispute among Colombia’s political elite had an impact on the whole country and its society. The murder of the popular presidential candidate Jorge Gaitán in 1948 presented the last straw; the thitherto oppressed political ideologies clashed and carried out their accumulated anger in the form of violence. This civil war-like period from 1948 to 1958 became known as La Violencia (The Violence), which claimed between 200.000 and 300.000 lives.61 It also paved the way for the emergence of guerrilla movement like the FARC-EP (Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo - Revolutionary Armed Forces of Colombia-Army of the People), the ELN (Ejército de Liberación Nacional - National Liberation Army) or the M-19 (Movimiento 19 de Abril - movement of the 19th of April). The former two were officially founded in 1964, the latter formed six years afterwards. In reaction, paramilitary forces were established, initially with the intention to defend large-scale properties from the guerrilla forces.62 Whereas the political parties managed to end their struggles in order to fight a potential revolution collectively, the variety of emerging illegal armed groups became more powerful and increasingly constituted a threat to the government.

The rising impact of drug-trafficking in the 1990s made the illegal groups even more powerful. The increase of financial resources led to further escalation of violence.63 In this period fighting parties made increasing use of APM to defend their coca fields, strategic areas or the access to

62 Ibid.
natural resources. The peace talks between the Colombian government and the FARC-EP between 1999 and 2002 marked the first serious attempt to end the conflict between the Government of Colombia and the FARC-EP. However, the concession of the Colombian President Andrés Pastrana to grant the guerrillas a demilitarized zone (DMZ) did not prove to be a successful strategy. The DMZ incorporated five municipalities, inter alia Visa Hermosa, constituting an area as big as Switzerland.\textsuperscript{64}

Table 4: APM and UXO events in Colombia
(incidents and accidents) since 1990\textsuperscript{65}

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>35</td>
</tr>
<tr>
<td>1992</td>
<td>171</td>
</tr>
<tr>
<td>1994</td>
<td>255</td>
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<tr>
<td>1996</td>
<td>163</td>
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<td>1998</td>
<td>76</td>
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<td>2000</td>
<td>232</td>
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<tr>
<td>2002</td>
<td>974</td>
</tr>
<tr>
<td>2004</td>
<td>2,029</td>
</tr>
<tr>
<td>2006</td>
<td>2,153</td>
</tr>
<tr>
<td>2008</td>
<td>1,421</td>
</tr>
<tr>
<td>2010</td>
<td>2,579</td>
</tr>
<tr>
<td>2012</td>
<td>3,423</td>
</tr>
<tr>
<td>2014</td>
<td>2,658</td>
</tr>
<tr>
<td>2016</td>
<td>1,769</td>
</tr>
<tr>
<td>2018</td>
<td>18</td>
</tr>
</tbody>
</table>

Although officially conducting peace talks, the FARC-EP never stopped their illegal activities or attacks during that period. Rather, the DMZ allowed them to gain further power to become even stronger. Also, the Colombian military gained new momentum and a significant increase of strength through Plan Colombia, a deal with the United States granting Colombia huge


\textsuperscript{65} Descontamina Colombia, ‘Datos Abiertos’, http://www.accioncontraminas.gov.co/estadisticas/Paginas/Bases-de-Datos.aspx.
financial and military personnel support.\textsuperscript{66} Hence, the period after the official end of the peace talks and the DMZ in 2002 signified an even further escalation of violence, especially in areas of the former DMZ. Table 4 demonstrates that the number of incidents and accidents of APM and UXO were particularly high during that period. The following years under the presidency of Álvaro Uribe presented the highest number of felonies and suffering of the civilian population. Overall, paramilitary groups executed most of the targeted killings (38,4\%) and massacres (58,9\%) during the armed conflict. Guerrilla groups are responsible for the majority of kidnappings (90,6\%) and damage to civilian property (84,1\%). Members of Colombia’s security forces are accountable for the largest proportion of enforced disappearances (42,1\%).\textsuperscript{67}

4.3. Current Situation - Colombia

The election of President Juan Manuel Santos 2010 opened the door for new peace talks. Although the majority of Colombia’s population refused the Final Peace Agreement in 2016 in a referendum in October 2016, a slightly altered version was finally approved by the Colombian Congress shortly afterwards. However, the signing of the Final Peace Agreement did not end the violence; the power vacuum left by the FARC-EP turned into new areas of dispute between dissidents of the FARC-EP, the ELN, paramilitary units, drug cartels, other smaller armed groups and the Colombian army. FARC-EP dissidents still control 57 municipalities out of the 242 that they used to have control of.\textsuperscript{68} Although the exact number of their current members is impossible to enumerate, it is estimated that around 1.600 are still active.\textsuperscript{69} The majority of the current confrontations and violence take place in areas rich in natural resources, convenient for the production of coca or important for trade routes. Those are the places which are especially contaminated by APM and UXO, hence, where many survivors of their activities live. Overall, the security situation in Colombia is far from reaching stability.

A lot of the survivors and representatives of NGOs are currently observing worse conditions compared to the period during the conflict. Killings against social leaders have increased and

\begin{flushleft}
\textsuperscript{66} Kurtenbach, \textit{El papel de los actores externos en la contención de la violencia en Colombia} (above, n. 61).
\textsuperscript{68} Ariel Ávila, ‘Grupos PosFARC y la posible reactivación de la guerra’, 2018.
\textsuperscript{69} Ibid.
\end{flushleft}
new territory is still contaminated with APM.\textsuperscript{70} \textsuperscript{71} Colombia is perceived as being in a post-conflict society where armed offences no longer occur. Therefore, ongoing violence does not receive much attention from international society. For many Colombian citizens, the harsh conditions during the conflict presented a better environment because the former FARC-EP regime had at least clear rules allowing for negotiations.\textsuperscript{72} \textsuperscript{73} Nowadays, all the groups trying to use the power vacuum left by the FARC-EP contribute to a chaotic and violent situation. The Colombian conflict and its violence officially caused 8.8 million victims and 11.735 victims of mines so far.\textsuperscript{74} \textsuperscript{75} However, both survivors and governmental entities agree that Colombia has more victims than the official numbers suggest.\textsuperscript{76} \textsuperscript{77} \textsuperscript{39} \% of all known victims of APM are civilians, however, since the end of the official conflict with the FARC-EP present the majority.\textsuperscript{78} One out of five victims of APM died, which implies that over 9000 survived.\textsuperscript{79} This vulnerable group is facing particular challenges in Colombia’s ongoing insecure environment.

\section*{4.4. Historical Context - Vista Hermosa}

Vista Hermosa and its surrounding municipalities were exceptionally affected by the violence of the Colombian Conflict. The prime reason is the characteristics of its territory. Vista Hermosa has 25,908 inhabitants, however, its territory is with 4084km\textsuperscript{2} 2,3 times bigger than Colombia’s capital city Bogota, home to more than 8 million inhabitants.\textsuperscript{80} \textsuperscript{81} The municipality counts only 5,5 people per km\textsuperscript{2}, while Bogota has 4531 people per km\textsuperscript{2}. 9,260 inhabitants are living in the

\begin{itemize}
\item \textsuperscript{71} Humanity & Inclusion Colombia, \textit{operational coordinator for the overall assistance}, Humanity & Inclusion Colombia (Skype, 2019).
\item \textsuperscript{72} Ibid.
\item \textsuperscript{73} Tomás Ramírez, \textit{survivor APM}, Tomás Ramírez (Vista Hermosa, 2017).
\item \textsuperscript{74} Unidad para las Victimas, ‘Registro Único de Victimas: Vista Hermosa’ (above, n. 3).
\item \textsuperscript{75} Descontamina Colombia, ‘Victimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4).
\item \textsuperscript{76} Humanity & Inclusion Colombia, \textit{representative from the community in Vista Hermosa}, Humanity & Inclusion Colombia (Vista Hermosa, 2017).
\item \textsuperscript{77} Descontamina Colombia, \textit{coordinator of the assistance of survivors of APM}, Descontamina Colombia (2018).
\item \textsuperscript{78} Descontamina Colombia, ‘Victimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4).
\item \textsuperscript{79} Ibid.
\item \textsuperscript{80} Municipality of Vista Hermosa, ‘Demografía’ (above, n. 2).
\item \textsuperscript{81} United Nations Development Programme, Ministry of Labor of Colombia, \textit{Perfil Productivo del Municipio de Vista Hermosa}, Meta: \textit{Insumo para el diseño de estrategias de inclusión sociolaboral de la población víctima del conflicto} (above, n. 1).
\end{itemize}
village of Vista Hermosa, the urban part of the municipality, which comprises about 25% of the whole territory of the municipality.\textsuperscript{82} The rest of the inhabitants, 16,648, live in rural regions in smaller hamlets. The Colombian State never had and still does not have much presence here. Police stations, health facilities, markets, and banks are only located in the main Village of Vista Hermosa. A significant part of the rural area is located in the national park Sierra de la Macarena, which comprises 52% of Vista Hermosa’s area.\textsuperscript{83} Especially in the region of the national park, in Map 2 the green coloured area, the former FARC-EP had a strong presence. Nonetheless, their impact and control were visible in the entire municipality. The sparsely populated extensive territory and the fertile land of Vista Hermosa was an advantage for the production of coca and attracted the presence of the FARC-EP, right-wing paramilitary forces and other illegal armed groups.

Although the FARC-EP did not constitute the only illegal armed group in the region, it was the most powerful one having a presence in the area since the beginning of the 1980s.\textsuperscript{84} Certainly, it was the beforehand mentioned creation of the DMZ, including Vista Hermosa, which worsened life in the municipality even further. As a result of the missing presence of Colombia’s military forces an increasing presence of paramilitary units was seen, disputing a violent struggle with the guerrillas for control of the region. Inhabitants of the municipality described the period metaphorically with “rios de sangre” (rivers of blood).\textsuperscript{85} The DMZ allowed the FARC-EP to create their own state inside Colombia. The economy was booming due to the cultivation of coca; money was no issue in the region.\textsuperscript{86}

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\textsuperscript{82} Perfil Productivo del Municipio de Vista Hermosa, Meta.

\textsuperscript{83} United Nations Development Programme, Ministry of Labor of Colombia, Perfil Productivo del Municipio de Vista Hermosa, Meta (above, n. 82).


\textsuperscript{85} office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).

\textsuperscript{86} Gabriela Torres, survivor of the conflict (above, n. 92).
Map 2: Vista Hermosa – demining zones

The FARC-EP performed a strict command. Freedom of opinion did not exist. Leaving the
hamlet to visit a friend, to go shopping at the market in the village of Vista Hermosa or to go to
see a doctor was not allowed without the permission of the FARC-EP. Moreover, it was only
allowed to harvest and hunt what was needed for personal needs. The guerrilla forced people
to work for the common interest of the community and share part of the harvest with the FARC-
EP. Moreover, all higher purchases in the village had to be partly shared with the guerrilla
regime. Breaking the rule would imply compulsory labour for the community like asphalting
a street. However, not following the command of any of the illegal groups could also be a
death sentence.

Especially during the period of DMZ, farmers from the rural hamlets could not visit the village
of Vista Hermosa because they were perceived as guerrillas and hence an objetivo militar
(military object); whereas people from the village could not go to rural parts of the municipality
as they were observed as paramilitary sympathizers. The identification card of the FARC-EP
that all inhabitants had to show in order to enter or leave the municipality often signified a death
sentence when caught with it by the paramilitaries, military or police. In the rest of Colombia,
the whole municipality and its citizens were seen as guerrillas; the media only enforced this
stigmatization.

The end of the DMZ in 2002 brought even more violence for the civilian population.
Strengthened through Plan Colombia, military forces entered the region again. At the same
time, paramilitary units were especially strong in the municipality from 2002 until the
dissolving of the Autodefensas Unidas de Colombia (United Self-Defenders of Colombia -
AUC) in 2006, the country’s most powerful paramilitary organization. Particularly in rural

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88 Tomás Ramírez, survivor APM (above, n. 73)
89 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict, office for
survivors of Vista Hermosa (Vista Hermosa, 2017)
90 Tomás Ramírez, survivor APM (above, n. 73).
92 FARC-EP (above, n. 90).
93 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n.
88).
94 FARC-EP (above, n. 90).
95 Gabriela Torres, survivor of the conflict (above, n. 92).
96 Ibid.
97 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n.
88).
Vista Hermosa, the population was caught between the fighting parties. Food and shelter had to be provided for any of the fighting groups if they were in the area. Regularly, another armed group entered shortly afterwards blaming the population of collaborating with the former. Retaliation acts were not uncommon.\(^\text{99}\) Both FARC-EP and paramilitary units were fighting for the territory, particularly to control the lucrative coca production. Until the peace process, Vista Hermosa’s main economy was the production of coca; it is estimated that about 90% of the agriculture was based on those illicit crops.\(^\text{100}\) It went so far that the Colombian Government often only differentiated between paramilitaries, guerrillas and *cocaleros* (people harvesting coca).\(^\text{101}\)

Selling the crops to one armed group created anger and envy on the other side followed by more violent clashes.\(^\text{102}\) During this period, the usage of APM increased even further as it proved to be a successful instrument to defend the coca fields and other strategic spots from the enemies. Most of the APM cannot be traced back; therefore, it is hard to get a clear understanding of how many mines were used and where they were placed by each fighting party. Is estimated that most of the APM in the region stem from the FARC-EP. Nevertheless, paramilitary forces also made use of them as a tactic of war.\(^\text{103}\) Military forces have denied using them after Colombia’s signature of the Ottawa Convention.\(^\text{104}\) However, former FARC-EP members are claiming the contrary by stating that the military equally made use of these dangerous devices.\(^\text{105}\) Ultimately, for the population of those contaminated areas, it does not matter who placed the mines. Having no idea where APM was placed, the fear was omnipresent.\(^\text{106}\) After a mine accident, the necessary procedure of officially attesting the event was often not possible because the responsible agent was threatened to be declared an *objetivo militar* by any of the fighting parties, including military forces and police.\(^\text{107}\) Thus, many survivors were never able to make a claim for assistance.

\(^\text{100}\) Ibid.
\(^\text{101}\) Ibid.
\(^\text{104}\) Colombian military, Colombian military (Vista Hermosa, 2017).
\(^\text{105}\) FARC-EP (above, n. 90).
\(^\text{107}\) office for survivors of Vista Hermosa, *representative of the municipality for survivors of the conflict* (above, n. 88).
For many, the Colombian military did not offer help in this conflict. They feared equally among the population due to their violations against civilians; the policy of former President Álvaro Uribe is seen as a crucial factor for the mass displacement throughout the country and in Vista Hermosa. The governmental organization Unidad para las Victimas is officially counting 45,000 forced displacements in Vista Hermosa; that is 85% of all criminal acts measured in the municipality. The number indicates that many residents were forced to flee their homes more than once. Overall, almost 40% of all inhabitants of Vista Hermosa are officially recognized as a victim of the conflict; 10,201 out of 25,908. However, many survivors did not register officially and, hence, are not included in the register. The reasons will be elaborated later in this study. Nevertheless, residents estimate that at least 80-90% are victims of the conflict; in some smaller hamlets even above 95%. During the conflict, assistance from the government or NGOs was scarce. The violence often prevented access to aid. Humanitarian goods from the Colombian government, which were distributed to a few hamlets in Vista Hermosa in April 2010, were the first assistance received by most of the residents. However, two APM were activated during the distribution of the goods resulting in a tragic event with 76 victims of APM; this was Colombia’s biggest APM accident.

4.5. Current Situation - Vista Hermosa

Excluding the economic deterioration due to the reduction of coca production, most residents of the municipality whom I talked to confirm a positive change in their lives since the signature of the Final Peace Agreement. Nevertheless, as in the rest of Colombia, the improved security situation does not mean a peaceful environment. Armed disputes are still occurring, taking the form of threats and assassinations of community leaders, extortion, and the intent to control the

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108 Humanity & Inclusion Colombia, *representative from the community in Vista Hermosa* (above, n. 76).
110 Unidad para las Victimas, ‘Registro Unico de Victimas: Vista Hermosa’ (above, n. 3).
111 Ibid.
112 Humanity & Inclusion Colombia, *representative from the community in Vista Hermosa* (above, n. 76).
113 office for survivors of Vista Hermosa, *representative of the municipality for survivors of the conflict* (above, n. 88).
coca production in the wider region. Even attacks against the demining operators have occurred; these are usually directed against the NGO vehicles, either which are either stolen or burnt.\textsuperscript{115} Due to the priority status of Vista Hermosa, five demining organizations declared themselves as operational shortly after the Final Peace Agreement in 2017.

The production of coca has drastically reduced in recent years, however, it is still ongoing. Production areas are indicated in Map 2 with the purple coloured sectors. The red dots present areas where FARC-EP dissidents are especially active and strong. All APM accidents are marked with a smaller red square; accidents of UXO are with a smaller black square. Moreover, other present armed groups also compete for control, although significantly less powerful. Most significant is the Clan del Golfo, which is mainly located in the north of areas 1 and 2. In the referendum in 2016, Vista Hermosa’s residents supported the Final Peace Agreement. Without exception, every person whom I met during my stay in the municipality is hoping for a peaceful future after decades of conflict and violence. However, due to the uncertain security situation and recent political developments, the majority of people I talked to do not believe in lasting peace. The current peace process is often perceived as deliberate deception.\textsuperscript{116,117,118}

Even for war-torn Colombia, Vista Hermosa is a special case. The 368 victims of APM in Vista Hermosa present Colombia’s highest number in that regard. The municipality has a relatively big share of civilian victims, numbering 207; the remaining 161 victims are members of the military forces. The minority, 53, were killed due to the accident, whereas 315 people survived. 324 victims are adults, 44 are minors.\textsuperscript{119} This vulnerable group is in need of physical and psychological rehabilitation, often urgently. Therefore, it is crucial to strive for an improvement to their conditions in the ongoing peace process.

\textsuperscript{115} Redacción Paz, ‘Hombres armados quemaron camioneta de equipo de desminado humanitario: Los atacantes, que lo interceptaron en Uribe, Meta, se identificaron como disidencias de las Farc.’, 2018, https://www.eltiempo.com/politica/proceso-de-paz/hombres-armados-queman-camioneta-de-equipo-de-desminado-humanitario-245418.
\textsuperscript{116} Tomás Ramírez, \textit{survivor APM} (above, n. 73).
\textsuperscript{117} José Gómez, \textit{survivor APM}, José Gómez (Vista Hermosa, 2017).
\textsuperscript{118} Alejandro García, \textit{survivor APM}, Alejandro García (2018).
\textsuperscript{119} Descontamina Colombia, ‘Víctimas de Minas Antipersonal y Municiones sin Explosionar’ (above, n. 4)
4.6. Legal Rights for Survivors of APM in Colombia

The presented background in previous sections illustrates the great need of assistance for survivors of APM. The following section will present governmental obligations to help the vulnerable group to recover physically and psychologically. Colombia has a plurality of legal documents presenting rights for survivors of APM. This research will only introduce the most relevant legislative items with the intention to provide a general overview of the legal framework. To ensure the right selection, HI’s coordinator of the judicial matters and the lawyer of the office for the victims in Vista Hermosa were consulted.\textsuperscript{120} \textsuperscript{121} Potential shortcomings or issues connected to the legislative provisions will not be mentioned here, treated in the empirical section. First, the most crucial international legal elements will be presented, followed by their domestic counterparts.

On the international side, the most relevant legal agreement is the Ottawa Convention of 1997.\textsuperscript{122} After Colombia’s ratification in September 2000, the Convention entered into force in March 2001. A year later in July 2002, it was officially consolidated with national standards with the law 759.\textsuperscript{123} The legally binding document compels all participants to undertake the destruction of all stockpiled APM (Article 4) within 4 years and all APM in mined areas (Article 5) within 10 years after entering into force.\textsuperscript{124} In 2010 Colombia made use of Article 5 paragraph 3 requesting an extension of 10 years until 2021 due to the ongoing domestic conflict. Moreover, the Ottawa Convention obliges member states to ensure assistance to all survivors of APM under article 6 paragraph 3. According to the treaty, both rehabilitation and social and economic reintegration of the survivors must be provided. In addition, mine risk education (MRE) programs are to be given. Hence, the Ottawa Convention not only regulates the destruction of APM but also determines the need to assist the survivors.

Another international legal instrument is the Convention on the Rights of People with Disabilities of 2006.\textsuperscript{125} Colombia’s law 1618 of 2013 brought the guidelines of the convention
into the national legal system,\textsuperscript{126} although this legislative document is not directly linked to rights for survivors of APM. However, the injuries caused by APM accidents often lead to a disability entailing inclusion into the convention. The function of the convention is “to promote, protect and ensure the full enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”\textsuperscript{127} Article 11 obliges member states to take “all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.” No other human rights instrument dictates such obligations for governments so explicitly.\textsuperscript{128} The mentioned provision places special emphasis on situations of risk including armed conflicts. Although the armed conflict in Colombia is officially over, the convention leaves no room for potential excuses of the government for not taking care of its disabled population during the period of the conflict. This particular paragraph is perceived as a game-changer in the international humanitarian law (IHL) framework as it compels states to provide safety and protection for its disabled population no matter what the circumstances are.\textsuperscript{129}

On the national side, a multitude of legal documents regarding the rights of survivors of APM can be found. The foundation was set with Colombia’s political foundation of 1991, which obligates the government to ensure the protection of its vulnerable population.\textsuperscript{130} Article 13 paragraph 2 states that vulnerability can take the form of physical, mental, or economic nature, and shows that Colombia’s legal system indirectly provides certain rights to survivors of APM since 1991.

Although Colombia was legally obliged to provide assistance to survivors of APM since the Ottawa Convention entered into force in 2001, Colombia did not establish a national legal framework until the creation of law 1448 in 2011, which is officially known as the \textit{Ley de Víctimas} (Victims’ Law).\textsuperscript{131} This was the first national legal document directly providing rights

\textsuperscript{126} Ley 1618 de 2013 [2013].
\textsuperscript{127} Convention on the Rights of People with Disabilities [2006].
\textsuperscript{129} Ibid.
\textsuperscript{131} Colombian Congress, ed., \textit{Ley 1448 de 2011: atención, asistencia y reparación integral a las víctimas del conflicto armado interno} (2011).
to survivors of the Colombian conflict. The law was and still is the fundamentally most important legal instrument for all survivors. Before 2011, the Colombian government denied the presence of a domestic armed conflict. Thus, the existence of victims was also never legally recognized. Article 3 characterizes victims as those who suffered individual or collective offences connected to the internal armed conflict which are in violation of IHL, or gross violations of the international rights standards. Additionally, family members and constant partners including same-sex couples were recognized as survivors under the law. This clause is important as it defined compensation mechanisms as applicable to all survivors and not only those who suffered directly. Moreover, it includes those who have suffered while providing assistance to a victim in an emergency. The law also established a time limitation by stating that only violations which occurred after the 1st of January 1985 are taken into account (article 3). In addition, for all events which happened before the 10th of July 2011, an application must be made within four years (article 154 paragraph 8). For all violations after 2011, a general timeframe of two years is given.

This investigation will focus on the most important legal provisions for assistance to survivors of APM: the right for compensation, and the right for rehabilitation. The right to compensation grants survivors a variety of guarantees. Article 134 of law 1448 provided first provisions for an indemnification payment and programs inter alia to promote the investment of the latter through a proyecto productivo (productive project).132 133 More particularly the law guarantees:

- Technical or professional training for the victims or their children;
- Creation or strengthening of productive enterprises or assets;
- Acquiring or improving new or used housing;
- Acquisition of rural property.

In addition, a few legal documents were passed in order to eliminate issues of law 1488 or to complement certain provisions. Decree 4800 of 2011, for instance, establishes further measures regulating that survivors of APM or any other explosive device have the right to be included (Article 27) in the national Registo Unico de Victimas (national register for all victims of the

Colombian conflict) and to receive an indemnification payment (article 149). In addition, the decree provides alteration of the right for survivors to access a training program to manage the received compensation payment (article 151). Moreover, it entails various guarantees regarding educational opportunities. Inter alia, the right to free access to pre-, basic- and middle-school with a differential approach including the delivery of school supplies, transportation and uniforms (article 91) or the right to access training programs for the undertaking or strengthening of a *proyecto productivo* (article 96). Furthermore, order 119 of 2013 ensured that also crimes of paramilitary groups would be covered by law 1448. It signified a guaranteed status of all victims of the Colombian conflict. Resolution 0848 of 2014 created additional measurements of reparations for personal injuries and access to reparations for survivors of APM. Furthermore, resolution 1958 from 2018 provides prioritization to urgent cases for survivors who are older than 74 years or are suffering from a disability above 40%. Also, the right to receive a full rehabilitation was established for the first time with law 1448.

Article 137 grants inter alia the following rights to ensure an unproblematic and integral rehabilitation:

- Pro-Activity. Care services should seek to detect and approach the victims.
- Individual, family and community care. Quality care should be ensured by professionals with specific technical training and related experience, (…).
- Free. Victims will be guaranteed free access to psychosocial care and comprehensive health services to victims, including access to medicines in cases where this is required and the financing of travel expenses when necessary.
- Preferential attention. Priority will be given to services not covered by the programme.
- Duration. The attention will be subject to the particular needs of the victims and conducted by the team of professionals.
- Admission. An entry and identification mechanism will be designed to define the beneficiary status of the psychosocial care and integral health program for victims and allow access to care services.

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134 *Decreto 4800 [2011]*.
- Interdisciplinary. Mechanisms for the provision of services constituted by professionals in psychology and psychiatry will be created, with the support of social workers, doctors, nurses, community promoters among other professionals, according to local needs, guaranteeing the integrity of action for the proper fulfilment of its aims.

Those provisions seem implicit to many, however, the empirical part of the research will demonstrate certain challenges for accessing them. In addition, 1751 of 2015 established enhanced guarantees to access quality and appropriate health services for victims of the conflict and persons with disabilities. Decree 056 of 2015 established that health services to survivors of the conflict must be directly provided through insurance companies. A further legal document regarding the health situation is resolution 583 of 2018, which improved the evaluation of disability, a process that survivors of APM have to undertake to estimate the indemnification payment that they are entitled to.

It is important to note that the given extractions of law 1448 do not cover the entire law nor the particular articles. Rather, they present the most important provisions for survivors or APM. The list of further examples of national legislative instruments regarding rights for rehabilitation and compensation could be continued. The reason for mentioning them is to provide a better understanding of how comprehensive Colombia’s legal system is. The country has a plurality of laws, regulations, decrees, directives and orders regulating the assistance to survivors of the armed conflict.

Admittedly, law 1448 of 2011 still frames the most important legal foundation for all survivors of the Colombian conflict. Not even the Final Peace Agreement disputed its significance, Chapter Five of which emphasizes focuses on victims of the conflict and also deals with the issues of truth, justice, reparation and non-repetition. Nevertheless, legally no crucial alterations have been made regarding the rights for rehabilitation and compensation. The Ruta de Atención (Care Route) is a good example that the current legal system still refers to law 1488 instead of the Final Peace Agreement. The Ruta de Atención was established in 2016 by Colombia’s Ministry of Health and Social Protection and provides an overview of the most crucial rights for survivors of APM.\textsuperscript{137} It entails five steps which are equipped with information about the

\textsuperscript{137} \textit{Ruta de Atención Integral en Salud y Rehabilitación Funcional para Víctimas de MAP/MUSE} [2016].
corresponding legal documents. First, pre-hospital care provides advice about what to do and what rights apply immediately after an accident. The second step elaborates on all rights that survivors of APM enjoy during a hospital stay. Third, is the basic medical, physical and psychological rehabilitation, which covers rights shortly after the hospital stay. The fourth step refers to an ongoing medical and psychological care after basic rehabilitation is finished. And lastly, the social academic and economic inclusion provisions provide inter alia free access to educational institutions. Almost all rights of the Ruta de Atención are based on law 1488 of 2011 and decree 4800 of 2011.

The presented legal documents illustrate that survivors of APM enjoy a multitude of rights. A logical conclusion would be a situation in which survivors are faring relatively well despite the circumstances and the ongoing impacts on their physical and psychological health. In theory, the group should have received a compensation payment followed by training programs helping to manage their financial resources. Moreover, the survivors should have received help through a proyecto productivo taking the form of financial and know-how support in order to be economically independent. They would have attained a house in dignified conditions in cases of necessity. A variety of free educational services could have been attended if desired. Furthermore, all survivors of APM should have been able to recover as well as the potential inabilities or disabilities allowed with the help of a comprehensive rehabilitation plan. This includes both full physical and psychological rehabilitation.

4.7. Conclusion of Historical and Legal background

Colombia’s history is branded by a plurality of violent events and armed struggles. La Violencia affected the entire country with its intensity and shaped it enduringly through paving the way for the emergence of illegal armed groups like the FARC-EP, the ELN or various paramilitary organizations. The influx of drug trafficking into the armed conflict created a further escalation of violent events. The establishment of the DMZ did not prove to be a successful strategy to obtain peace. The civilian population including in Vista Hermosa acutely suffered from the abandonment of all state actors. After its termination both FARC-EP and the Colombian military forces were invigorated; together with paramilitary units they fought an even more violent conflict, which caught the civilian population between the frontlines. The usage of APM
and other explosive devices were used in order to defend inter alia the lucrative cultivation of coca crops.

Although Colombia was legally forced to provide assistance to survivors of APM since the Ottawa Convention entered into force in 2001, it did not establish a national legal framework until the creation of law 1448 in 2011. By now Colombia possesses a range of provisions for survivors of APM regarding their most crucial right for rehabilitation and compensation. The comprehensive legal framework suggests an environment in which survivors are able to recover from their physical and psychological impairments. Moreover, the compensation rights indicate the possibility of economic and educational inclusion of the vulnerable group.
5. Research Findings

5.1. Introduction to Research Findings

The research findings examine to what extent the described legal framework also presents the actual situation for survivors of APM in Vista Hermosa. The actual situation of the group will be illustrated in light of the aforementioned rights. Certainly, elaborating on all rights that survivors of APM in Colombia are entitled to would go beyond the scope of the discussion of this research. The last section about the legal background detected compensation and rehabilitation and to be the most relevant rights regarding the assistance for the vulnerable group. Therefore, the research will elaborate on challenges connected to those rights.

The empirical findings are divided into two different units of analysis. The first unit of analysis will present the challenges of survivors of APM in light of their rights for rehabilitation and compensation mechanisms. Afterwards, the second unit of analysis will present an overview of current humanitarian programs of national and international NGOs in the municipality.

5.2. Challenges of Survivors of APM vs. Rights

The content of this first unit of analysis is divided into two main parts representing the challenges of survivors of APM connected to their rights to rehabilitation and compensation. It is important to note that the examined rights do not present the entire legal scope as this would be too extensive. Rather, the included arguments constitute the most crucial challenges which are caused by a malfunctioning implementation of the legal framework. All relevant provisions are based on the aforementioned legal documents, the majority of which are rooted in law 1448 and decree 4800, both from 2011. In addition, few general challenges will be demonstrated, for instance, complicated access to support due to the extensive territory of Vista Hermosa or a general lack of knowledge about rights. Those challenges constitute restricted access to the rights of rehabilitation and compensation, thus, are worth mentioning.
5.2.1. Challenges Connected to the Right to Rehabilitation

One of the major issues survivors of APM in Vista Hermosa face is the complicated access to adequate health care. The Colombian Ministry of Health and Social Protection admits that Colombia’s health system has some barriers which prevent easy access for all survivors of APM. Nevertheless, the Ministry’s group for the assistance and reparation of survivors mentioned that the Ruta de Atención, improves those circumstances, hence, providing easier access for all. However, one issue is that the majority of survivors of APM lack knowledge about this legal instrument; many are not aware of the plurality of available rehabilitation rights. The latter and further challenges in accessing adequate health care are examined subsequently.

5.2.1.1. Challenges during the Conflict

Most of the accidents of survivors of APM in Colombia including Vista Hermosa occurred during the Colombian conflict, the great majority before law 1448 was passed in 2011. Certainly, the focus of this research is the current challenges of survivors of APM. Nevertheless, two examples taken from interviews with survivors of APM from Vista Hermosa will serve as a brief explanation of how difficult emergency care and rehabilitation was during the armed conflict. The first one describes complicated emergency transportation from Vista Hermosa to Villavicencio, the capital of the state of Meta. During that time, no ambulances were available in Vista Hermosa. According to one survivor, he was forced to take public transportation - a minivan - to the hospital three hours away in Villavicencio. The next day his injured leg was amputated. It is uncertain whether emergency care and quicker access to medical treatment could have prevented the amputation, however, its lacking existence prevented the possibility of a better outcome.

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139 Alejandro García, survivor APM (above, n. 118).
140 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
141 José Gómez, survivor APM (above, n. 117).
The second example describes how the FARC-EP often prevented the recovery of survivors of APM through their strict regime.\textsuperscript{142} The badly injured survivor of an APM accident had to wait for more than one day before getting permission to go to a hospital. After surgery, he received a prescription for physiotherapy sessions. However, after the first session, he was not granted permission to leave his hamlet, and so could not attend the sessions. It is impossible to say whether the therapy could have prevented his ongoing restrictions and pain, but it eliminated all hopes of recovery. These two examples show that difficulties in the rehabilitation process during times of the Colombian conflict often had major consequences for survivors of APM, and their impacts are still felt today.

5.2.1.2. Endless Rehabilitation Needs

Given the fact that most of the accidents of APM are not recent, the focus of this chapter will be on ongoing physical and psychological care. According to DAICMA, the Colombian governmental agency which coordinates the demining process as well as the assistance to survivors of APM in the country, the rehabilitation process is never-ending.\textsuperscript{143} Survivors of APM will always be in need of new technical assistance, therapies, surgeries, or other services.\textsuperscript{144} The situation of the survivors in Vista Hermosa confirms this statement. Despite the fact that most accidents happened more than 10 years ago, it still has an impact on the health situation of the survivors. Many are suffering from chronic pain in various parts of the body, for example, spine or knee, which requires ongoing treatment.\textsuperscript{145} \textsuperscript{146} Others have impairments to their vision or hearing, requiring constant checks.\textsuperscript{147} Prostheses need to be changed every few years. Moreover, many survivors are still suffering from trauma and are in need of psychological help.\textsuperscript{148} Those are just a few examples in order to provide an understanding that the necessity of rehabilitation measurement of this vulnerable group is endless.

\begin{flushright}
\textsuperscript{142} Tomás Ramírez, \textit{survivor APM} (above, n. 73).
\textsuperscript{143} Descontamina Colombia, \textit{coordinator of the assistance of survivors of APM} (above, n. 77).
\textsuperscript{144} Humanity & Inclusion, \textit{coordinator of the rehabilitation aspect}, Humanity & Inclusion (2018).
\textsuperscript{145} Tomás Ramírez, \textit{survivor APM} (above, n. 73).
\textsuperscript{146} Alejandro García, \textit{survivor APM} (above, n. 118).
\textsuperscript{147} Jesús López, \textit{survivor APM} (above, n. 102).
\textsuperscript{148} Mariana Rojas, \textit{survivor of the conflict} (above, n. 106).
\end{flushright}
5.2.1.3. Geographic Dimension

Challenges connected to access to health care are evolving on various levels. The first is the geographic dimension of the municipality. The only hospital is situated in the village of Vista Hermosa, and no further health facilities exist in the rural areas. This issue is not reduced to Vista Hermosa but exists in many other Colombian municipalities as well. With good weather conditions, it still takes more than three hours to travel from many hamlets to the village. This is especially problematic in emergencies when accidents occur, but the distance is also an issue for further rehabilitation treatments.

A further challenge connected to Vista Hermosa’s extensive territory is the fact that not all survivors of APM have health insurance. As mentioned before, many reside in rural areas far away from the next bigger village. In such places, the Colombian state never achieved an effective presence. Therefore, some of the residents are not registered anywhere, do not have a national identification card and thus the certainty of health insurance. According to the Ministry of Health and Social Protection, it is the task of the municipalities to guarantee that all citizens are covered by health insurance. On the other hand, the municipality of Vista Hermosa is not aware how many of its citizens are not health insurance, though their opinion is that the majority are registered and insured.

5.2.1.4. Local Health Infrastructure

Additionally, the infrastructure of Vista Hermosa’s health system constitutes another barrier for the special necessities of the survivors of APM. One public hospital and one private doctor’s office is not sufficient to meet the needs of 25,000 inhabitants including many survivors of APM. Moreover, human resources in the hospital are poor; usually, not more than 2-3 doctors are employed at the public hospital despite the awareness of the Ministry of Health and

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149 Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Victimas (above, n. 143).
150 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
151 Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Victimas (above, n. 143).
152 Municipality of Vista Hermosa, coordinator of the health sector, Municipality of Vista Hermosa (Vista Hermosa, 2017).
Protection that at least eight doctors are needed. Some of the survivors of APM prefer not to use the public hospital due to the perceived lack of competence of doctors; the general opinion of many is that those working at Vista Hermosa’s hospital are “not capable to attest anything right or to do an infusion.” Certainly, this opinion might not present the actual situation but could be influenced by the bad experiences of a few. Nevertheless, it illustrates an alarming opinion.

Moreover, Vista Hermosa has no specialized doctors, which are needed for the scope of necessities of survivors of APM. Generally, doctors in rural Colombia are often young and inexperienced, many have not graduated from university and are seeking practical experiences. This strategy is not able to respond to the special needs of survivors of APM. On the other hand, the costs of the small private doctor’s office in Vista Hermosa are unaffordable for the majority. Hence, the lack of adequate health infrastructure is perceived as one of the biggest issues preventing survivors of APM from receiving their rehabilitation needs.

### 5.2.1.5. Health System

Certainly, doctors are able to settle and work wherever they want. Nobody can force them to go to Vista Hermosa. Nevertheless, the underlying issues of poor health care in Vista Hermosa are more complicated. Colombia’s health system is divided into five levels. The higher the level, the better equipped are the health facilities. The highest level five, which is found in bigger cities like Bogotá, Medellin or Cali, is equipped with all kinds of health infrastructure and doctors of a variety of specializations. Vista Hermosa is categorized in the first level, which allows only basic health care without surgeries, physiotherapies, et cetera.

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154 *Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Víctimas* (above, n. 143).
155 Jesús López, *survivor APM* (above, n. 102).
156 Alejandro García, *survivor APM* (above, n. 118).
157 Humanity & Inclusion, *coordinator of the rehabilitation aspect* (above, n. 149).
158 *Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Víctimas* (above, n. 143).
159 *Municipality of Vista Hermosa, coordinator of the health sector* (above, n. 157).
In this system, the Ministry of Health and Social Protection defines the overall policies and recourses so that all citizens in Colombia have access to health care.\(^{160}\) However, it is the role of the 32 different *departamentos* (federal states) of Colombia to monitor the health infrastructure in the various municipalities.\(^{161}\) Furthermore, the ministry stated that it is the task of the municipalities to identify the situation and the needs of health care of its population according to the ASIS framework (analysis of the health situation).\(^{162}\) Thus, if the analysis detects the necessity to employ specialized doctors then this should be done to that effect. Afterwards, it is up to the health secretaries of each *departamento* to implement those decisions.\(^{163}\)

On the other hand, the coordinator of public health of Vista Hermosa stated that the municipality has developed a special strategy for victims of the armed conflict and general vulnerable population called *atención a población vulnerable* (attention to vulnerable population).\(^{164}\) Further, the municipality mentions that the issue is not the lack of awareness, but the system itself and missing financial resources.\(^{165}\) The latter point is denied by the Ministry of Health and Social Protection, arguing that each municipality receives sufficient money directly from the government for their local health care.\(^{166}\) The former, the health system itself, points at the different insurance companies, EPS, (*Entidad promotora de salud*) and the secretaries of public health of the *departamentos*. The EPS often refuse to pay for expensive treatments, stating that it is the responsibility of the municipality to cover those expenses.\(^{167}\) Moreover, the *departamento* is blamed for making all health-related decisions without consulting the municipalities.\(^{168}\) Additionally, they are impeding Vista Hermosa’s ability to have better health


\(^{161}\) Ibid.


\(^{163}\) Ministry of Health and Social Protection, *coordinador del grupo Asistencia y Reparación a Víctimas* (above, n. 143).

\(^{164}\) Municipality of Vista Hermosa, *coordinator of the health sector* (above, n. 157).

\(^{165}\) Ibid.

\(^{166}\) Ministry of Health and Social Protection, *coordinador del grupo Asistencia y Reparación a Víctimas* (above, n. 143).

\(^{167}\) Municipality of Vista Hermosa, *coordinator of the health sector* (above, n. 157).

\(^{168}\) Ibid.
infrastructure and more recourses; overall, they are blamed for burdening the municipality with all responsibility without necessary financial support.¹⁶⁹

While Colombia possesses strategies in its health system for assembling local health supply according to needs (ASIS framework), meaning that specialized doctors should be employed where they are needed, no governmental authority or insurance company takes responsibility, resulting in mutual blame for the lack of adequate health care. Without access to the statistics on the financial resources that Vista Hermosa receives for its health sector, nor the ability to interview the secretary of the departamento of Meta or the relevant EPS, it is not possible to fully evaluate the malfunctioning system. However, regardless of the reasons, the result is a local population which is denied health care adequate to their needs. A medical appointment with a specialized doctor in a bigger city is not easy for survivors; DAICMA admits that transportation costs thereof are only affordable with the help of NGOs.¹⁷⁰

5.2.1.6. Insurance Companies

A further problem complicating access to health is the EPS. Survivors are legally allowed a preference when seeking medical attention. Nevertheless, the time-consuming processes which apply to all Colombian citizens apply to the survivors of APM as well. The root of this issue is the profit-seeking nature of the insurance companies and profound corruption.¹⁷¹ ¹⁷² The waiting time for an appointment is usually between two and three months, which is too late for urgent matters.¹⁷³ In the meantime, the EPS confront the insurance claimant with many unnecessary bureaucratic barriers that aim to achieve withdrawal from the scheduled appointment.¹⁷⁴ ¹⁷⁵ Unfortunately, this proves to be a successful strategy. Many survivors of APM have immediate concerns; the prospect of waiting for more than two months to see a

¹⁶⁹ Municipality of Vista Hermosa, coordinator of the health sector (above, n. 157).
¹⁷⁰ Descontamina Colombia, coordinator of the assistance of survivors of APM (above, n. 77).
¹⁷¹ Humanity & Inclusion, coordinator of the rehabilitation aspect (above, n. 149).
¹⁷² Municipality of Vista Hermosa, coordinator of the health sector (above, n. 157).
¹⁷³ Ibid.
¹⁷⁴ Ibid.
doctor often stops them from applying for an appointment. Furthermore, for many survivors, the complicated bureaucratic procedure presents a problematic effort resulting in giving up.

Moreover, the EPS do not cover all expensive specialist medical attention or technical assistance for the survivors.\footnote{176} \footnote{177} Those barriers equally apply for all Colombians, however, they are especially visible in rural Colombia due to the general lacking knowledge of rights. This is effectively utilized by EPS. An example is a request for a prosthesis, a device officially covered by the EPS; however, survivors have to wait for them up to one year, only to find them often of poor quality and short-lasting.\footnote{178} In other cases, prostheses are not provided at all. One survivor of APM whom I met in Vista Hermosa has had eight different prostheses, with each one lasting around three years. None of them was paid by his EPS.\footnote{179} In contrast to that example, many other survivors do not receive the support of NGOs. Hence, the guidelines of the ministry for a complete rehabilitation process do not work in reality.\footnote{180} Furthermore, these obstacles are unlikely to improve in the near future, as the majority of the EPS are represented either directly or indirectly in the Colombian Senate and have no interest in change.\footnote{181}

### 5.2.1.7. Psychosocial Rehabilitation

The earlier described violence in Vista Hermosa during the Colombian conflict often leaves the survivors with trauma and requiring psychosocial rehabilitation treatment. However, obtaining the necessary psychological support is challenging. None of the survivors that I met received any form of psychological support from a state-run entity other than the emergency care immediately after the accident. The Ministry of Health and Social Protection has established a psychosocial care program for all survivors of the armed conflict called Programa de atención psicosocial y salud integral a víctimas (Psychosocial care and comprehensive health program for victims - PAPSIVI), which is also based on the aforementioned law 1448 and decree 4800.
of 2011. However, as of yet, it has not been implemented in Vista Hermosa. The closest possibility of participation is in the city of Granada, about a one-hour drive from the village of Vista Hermosa; from rural regions of Vista Hermosa it can take up to six hours. The program is lacking credibility among the population due to its non-existence in many municipalities.

The high number of survivors including many survivors of APM indicate the great demand for psychosocial support in Vista Hermosa. The lawyer for the survivors of the municipality mentioned that many of the survivors using the service come with issues primarily of psychological and not judicial nature. According to him, the main reason for the missing psychological service is mismanagement of financial resources of the municipality. An evaluation of the Landmine and Cluster Munition Monitor disclosed that 83% of survivors are still suffering from trauma. Many of the survivors confirmed during interviews how they are still suffering psychologically from the violence of the conflict, and specifically from their APM accident. More than 10 years later, many are still left alone with their trauma. In Vista Hermosa, psychological support is only offered by NGOs, which will be explained in the second unit of analysis. The government is not fulfilling its obligations.

The Ministry of Health and Social Protection is aware that certain barriers to general access to health care exist for survivors of APM. Nevertheless, the opinion is that normally, no judicial advice should be needed in order to be able to receive medical attention; rather, the Ministry’s role is to ensure that all survivors are aware of their rights to enjoy full rehabilitation without difficulties. However, this proposition is far from becoming a reality. Most of the survivors of APM are not aware of the multitude of their rights, despite the municipality offering free judicial advice to all survivors. The lack of knowledge concerning rights is not isolated to the

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183 Humanity & Inclusion Colombia, coordinator of the psychosocial aspect, Humanity & Inclusion Colombia (2018).
184 office for survivors of Vista Hermosa, lawyer of the municipality for survivors of the conflict (above, n. 28).
185 Ibid.
186 Landmine and Cluster Munition Monitor, ‘Colombia: Casualties and Victim Assistance’ (above, n. 180).
187 Tomás Ramírez, survivor APM (above, n. 73).
188 Gabriela Torres, survivor of the conflict (above, n. 92).
189 Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Víctimas (above, n. 143).
rehabilitation aspect but holds true for the entire scope of the legal framework for survivors of APM. The underlying reasons for this general issue will be examined in the next section.

5.2.2. Challenges Connected to the Right to Compensation

Besides the rehabilitation process, the compensation mechanisms form the most important rights in the assistance to survivors of APM in Colombia. For the implementation thereof, survivors of APM need to be officially recognized and included in the Registro Único de Víctimas (the exclusive register for the victims), managed by the governmental organization Unidad para las Víctimas, so as to enjoy the right to compensation. The core instrument is the indemnification payment, however, it includes other important provisions as well. This section will not cover all the provisions included in the right for compensation, as that would be too extensive. Rather, the emphasis of this section will be on challenges connected to the most important rights: the right to be included in the Registro Único de Víctimas and the right to receive an indemnification payment. Further, a few other rights will be covered briefly, inter alia the right to acquiring or improving a house of/to dignified conditions, and the right to receive or strengthen a proyecto productivo. Moreover, it must be taken into account that almost none of the APM accidents are of recent nature, the majority happened before the creation of law 1448 and decree 4800 in 2011. Therefore, parts of the examples cover challenges of the past; the impacts are still ongoing, thus are worth mentioning.

5.2.2.1. Official Recognition

Following the Ruta de Atención, the first step covering prehospital care is granting survivors of APM the right to be included in the Registro Único de Víctimas, which is managed by the Unidad para las Víctimas, immediately after the accident. However, this does not occur for most survivors of APM in Vista Hermosa. Whereas some were officially recognized and included in the register shortly after the accident, others are still waiting for the official status more than 10 years after the accident.\(^{190}\) The accident of April 2010, which was mentioned in

\(^{190}\) José Gómez, *survivor APM* (above, n. 117).
the background section, caused 76 victims. Not more than 50% of the 75 survivors are officially recognized. In some cases, even members of the same family, all survivors of that accident, do not enjoy the same status. Some are recognized, others are not.

A general issue hindering survivors to make the claim of being included in the register was the fear of acts of reprisal acts. For Vista Hermosa, this was primarily the case during the conflict. The different fighting parties, including military and police, often prevented the population from making a claim. Further, the responsible agent of the municipality was often threatened to not attest the accident as it was not in the interest of the fighting parties to make casualties to the civilian population known. Generally, survivors of APM need to make a claim to be included in the register within two years after the accident. However, all accidents which happened between 1985 and the establishment of law 1488 in 2011 require registration within four years until July 2015. For accidents before 1985, the procedure is even more complicated; hence, the time frame signifies a barrier for all those who were either threatened to not make a claim and those who were not able to leave their hamlets due to violence. Judicial assistance from NGOs was and still is often the only way to achieve inclusion in the Registro Único de Victimas in those cases.

Another issue in the recognition process is the often-lacking evidence of the involvement in an accident of APM. Some inabilities or disabilities are not visible, and it was not always possible to obtain attestation for the accident from a municipal agent. In those cases, the good faith clause applies, which means that the Unidad para las Victimas has to take the statement of the survivor for granted unless it can prove its untruth. However, in other cases, people take advantage of the clause by making false claims. This, in turn, provokes the denial of many rightful survivors’ testimonies.

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191 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
192 Pastoral Social, implementing and coordinating HI’s projects in Vista Hermosa, Pastoral Social (2019).
193 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
194 Ibid.
196 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
197 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
5.2.2.2. No Awareness of Rights

Generally, lacking knowledge about rights is a major obstacle in the various processes of assistance. As most of the survivors live in rural territories, their access to information is limited. Certainly, this issue is not reduced to Vista Hermosa but is related to the entire territory of Colombia. Governmental agencies are aware of the difficulties, yet they have so far been unable to achieve better transparency and awareness of their various rights.\textsuperscript{198} \textsuperscript{199} The municipality of Vista Hermosa offers free judicial advice to all survivors; however, one lawyer for more than 10,000 survivors is not sufficient. Moreover, many survivors live far from the village of Vista Hermosa and are not able to easily access the lawyers’ services. The lawyer does visit rural Vista Hermosa, but the territory is too extensive for one person to cover.\textsuperscript{200}

The municipality office for the survivors in Vista Hermosa admits that insufficient resources are available for adequate assistance.\textsuperscript{201} Additionally, the local administration often lacks the capabilities to live up to the needs of the population.\textsuperscript{202} This claim is shared with the office for the survivors in Vista Hermosa. Their employees felt unable to cope with all the procedures whenever the law 1448 was passed and the only instructions were given through textbooks.\textsuperscript{203} The office recognizes that many mistakes have happened, and some still occur. A representative of the office presents a potential explanation by stating that it is not in the interest of the government to achieve academic or economic improvement of the people – the incentive is to have a ‘mediocre’ population who are not aware of their rights.\textsuperscript{204}

The vast majority of the survivors of APM told me about their lacking knowledge whenever I provided them with extracts of their rights, although almost all were using the services of the office for the survivors and its judicial support. It was not uncommon to encounter the belief among the population that the municipality of Vista Hermosa primarily assists survivors due to their legal obligation and not out of volition.\textsuperscript{205} Others believed that only information which

\textsuperscript{198} Descontamina Colombia, \textit{coordinator of the assistance of survivors of APM} (above, n. 77).
\textsuperscript{199} UNMAS Colombia, \textit{United Nations Mine Action Service Colombia}, UNMAS Colombia (2018).
\textsuperscript{200} Humanity & Inclusion Colombia, \textit{representative from the community in Vista Hermosa} (above, n. 76).
\textsuperscript{201} office for survivors of Vista Hermosa, \textit{representative of the municipality for survivors of the conflict} (above, n. 88).
\textsuperscript{202} Humanity & Inclusion Colombia, \textit{coordinator of the judicial aspect} (above, n. 27).
\textsuperscript{203} office for survivors of Vista Hermosa, \textit{representative of the municipality for survivors of the conflict} (above, n. 88).
\textsuperscript{204} Ibid.
\textsuperscript{205} Gabriela Torres, \textit{survivor of the conflict} (above, n. 92).
serves the interests of the government is given to the population. The Unidad para las Victimas occasionally conducts awareness-raising events for the affected population in their villages and hamlets; however, those attempts do not fulfil their purpose; according to local residents, their execution is mostly ineffectual and does not contribute to improving the needs of the survivors.

5.2.2.3. Disability Test

After successfully being included in the Registro Único de Victimas, survivors of APM face further challenges to obtain their indemnification payment. A sizeable obstacle in the past was a test that all survivors had to take in order to estimate the grade of their indemnification payment. The main purpose of the test was to evaluate their potential capacity to work before obtaining a job, which was not based on medical standards. However, the test was equally used to evaluate the disability of survivors due to the non-existence of other procedures. After criticism from civil society organizations, NGOs, and the international community for applying procedures which are not in conformity with the Convention on the Rights for Persons with Disabilities (CRPD), Colombia changed its regulations at the beginning of 2018. Resolution 583 established the clear medical purpose of the test and the duty of the EPS to cover for its expenses.

Despite the improvement of the legal framework, challenges connected to this provision will be elaborated here. The aforementioned timeframe of being recognized as a survivor results in difficulties throughout the victimisation recognition process still impacting the lives of survivors today. Also, the costs of the former disability evaluation for survivors of APM legally had to be covered by the EPS; however, they often refused to pay by arguing that it was not their field of responsibility. The aforementioned lacking knowledge about rights caused many survivors to never take the test. Only a few survivors were able to pay for the test by themselves.

206 Alejandro García, survivor APM (above, n. 118).
207 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
208 Jesús López, survivor APM (above, n. 102).
as the costs ranged between 700,000 and 800,000 Colombian Pesos (around 200 Euros). \(^{210}\) With the help of NGOs, many survivors urged their insurance companies to cover the expenses. Usually, all claims were initially rejected with the justification that the survivors were not insured with EPS when the accident happened. \(^{211}\) It is yet another example of a complicated judicial process which survivors are likely to lose without external help from NGOs.

Another problem connected to the approach of measuring the inability or disability of the survivors is the often-lacking rigour of the test. The experience of one survivor of APM is especially grave: the medical personnel conducting the test did not examine injuries from the recent accident. After hearing the survivor’s story, an inability of 45 days was determined – around 800,000 Colombian Pesos. \(^{212}\) The payment signified a temporal indemnification to compensate for the inability to work. The accident happened in 2006, yet the victim is still experiencing severe pain in his knee today, preventing him from continuing working as a farmer. The potential inexperience of the medical personnel cannot be an excuse for an incorrect execution of the test. In this case, the actual compensation sum was never received by the survivor, which will be explained later in the sub-section about the indemnification payment. Although this case does not represent the experiences of all survivors, it indicates how such errors can have an impact on the entire future of a survivor.

5.2.4. Long and Complex Process

A general issue which is valid for all procedures of the Unidad para las Victimas is its inability to examine individual cases and claims within the legally required timeframes. According to the office for the victims in Vista Hermosa, it often takes more than half a year before survivors get a reply to a petition, which legally must be answered within 2 weeks. \(^{213}\) In many cases, a request is denied several times which can result in a procedure lasting several years despite following the official requirements. Inter alia the employees of the office for the victims

\(^{210}\) Humanity & Inclusion, *coordinator of the rehabilitation aspect* (above, n. 149).
\(^{211}\) Pastoral Social, *implementing and coordinating HI’s projects in Vista Hermosa* (above, n. 197).
\(^{212}\) Alejandro García, *survivor APM* (above, n. 118).
\(^{213}\) office for survivors of Vista Hermosa, *lawyer of the municipality for survivors of the conflict* (above, n. 28).
perceive those violations of rights as a ‘re-victimization’ of the survivors. The requirements are seen as an unnecessary bureaucratic barrier, which the majority of survivors is not able to overcome without external help. Yet again, the lacking knowledge of rights of the survivors is utilized. In many cases, the complex bureaucratic procedure causes survivors to give up and abandon their claims.

The long process can partly be explained by there being no extra category for survivors of APM in the Registro Único de Victimas. As they are included in the one available category for all 8,8 million victims, survivors of APM face the same difficulties as others despite their urgency. Without meaning to undervalue the rights of the 7,5 million internally displaced, for instance, survivors of APM are particularly dependent on the compensation measurements due to their often lacking inability to continue their jobs to secure an income for the family. Moreover, this need applies to the comparatively low number of 4,000 survivors of APM, as the majority of the 11,000 survivors are members of the military forces, who enjoy a separate compensation route.

Another difficulty - missing prioritization provisions for urgent cases - was solved with resolution 1958 from 2018. The new provision gives priority to an immediate need, for instance to those survivors who are older than 74 years or are suffering from a disability above 40%. It is too early to evaluate its effectiveness. However, it provides hope that survivors urgently needing their compensation do not have to wait for more than 10 years anymore.

An additional explanation for the prolonged process which survivors of APM must undertake before obtaining their compensation instruments is the lack of financial resources. Especially after the signing of the Final Peace Agreement with the FARC-EP, the Unidad para

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214 office for survivors of Vista Hermosa, lawyer of the municipality for survivors of the conflict (above, n. 28).
215 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
216 Pastoral Social, implementing and coordinating HI's projects in Vista Hermosa (above, n. 197).
217 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
218 Landmine and Cluster Munition Monitor, ‘Colombia: Casualties and Victim Assistance’ (above, n. 180).
219 Pastoral Social, implementing and coordinating HI's projects in Vista Hermosa (above, n. 197).
220 UNMAS Colombia, United Nations Mine Action Service Colombia (above, n. 204).
221 Unit for the Victims (ed.), Resolution 1958 of 2018 (above, n. 140).
222 Alejandro García, survivor APM (above, n. 118).
223 Pastoral Social, implementing and coordinating HI's projects in Vista Hermosa (above, n. 197).
224 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
las Victimas has had to handle a great increase in claims. The estimated costs are by no stretch sufficient to satisfy all cases. This is no excuse due as the need is so urgent, however, it might serve partly as an explanation. Hence, it is clear that the Colombian government will not fulfil its obligation to complete the reparation of survivors by 2021, which is the timeframe laid out in the law 1448. So far, no decision has been made about a prolongation, but a new timeframe will last at least until 2030 according to governmental officials.

5.2.2.5. Indemnification Payment

It is hard to say how many survivors of APM in Colombia or particularly in Vista Hermosa have received their indemnification payment, as the Unidad para las Victimas keeps this information secret. Some survivors in the municipality have received their onetime payment, which still leaves them with a difficult life. The compensation mechanisms are not sufficient to ensure a dignified future life, and the inabilities or disabilities often make it impossible to resume work in rural Colombia, which leaves no further options for an income. Other survivors have received no indemnification payment at all. A survivor from this group who lost one of his legs in an APM accident mentioned that, for people with such disabilities, the most important thing is to survive. It was not directly his disability causing him to make the statement, but rather his inability to find a job in order to generate an income under those circumstances.

225 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
226 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
227 UNMAS Colombia, United Nations Mine Action Service Colombia (above, n. 204).
229 Ministry of Health and Social Protection, coordinador del grupo Asistencia y Reparación a Víctimas (above, n. 143).
230 Descontamina Colombia, coordinator of the assistance of survivors of APM (above, n. 77).
231 Maria Vargas, survivor APM, Maria Vargas (Vista Hermosa, 2017).
232 Tomás Ramírez, survivor APM (above, n. 73).
233 José Gómez, survivor APM (above, n. 117).
234 Alejandro García, survivor APM (above, n. 118).
235 Mariana Rojas, survivor of the conflict (above, n. 106).
236 José Gómez, survivor APM (above, n. 117).
Another survivor from the same group told me that the payment was deposited for him at a governmental agency in Vista Hermosa in 2011. According to his statement, he checked for updates monthly at the office for the survivors in Vista Hermosa. The employees told him that no payment has been deposited for him. According to the survivors, the employees knew that the payment had been received. The process was repeated several times until his compensation payment was sent back to Bogota. Further, he said that he started a judicial process making several requests; however, so far he has not received any indemnification payment. The last example does not present the experiences of all survivors, but such errors are not uncommon. The consequences of the often-malfunctioning payment system are borne by the survivors.

5.2.2.6. Housing

The procedures of other compensation mechanisms are even more opaque and difficult to grasp for survivors. Two examples will be presented here in order to provide an understanding of the situation. One guarantee of law 1448 is the right to acquire or improve new or used housing. Admittedly, it is a major task for the government to comply with this obligation. According to the municipality of Vista Hermosa, more than 2,200 survivors in urban Vista Hermosa are in need of housing. The distribution of newly-built housing does not always follow legal requirements. According to local community leaders and other residents, more than half of the prioritized population already own a house and are not in actual need for another one. Due to threats, most community leaders do not investigate or fight for the improvement of the unjust procedure. The municipality not openly discloses who has received a house as part of the compensation process. The interviews and further casual conversations with survivors did not provide any evidence that survivors had received housing.

237 Alejandro García, survivor APM (above, n. 118).
239 Gabriela Torres, survivor of the conflict (above, n. 92).
240 Ana Romero, survivor of the conflict, Ana Romero (Vista Hermosa, 2017).
241 Gabriela Torres, survivor of the conflict (above, n. 92).
242 Ana Romero, survivor of the conflict (above, n. 245).
243 José Gómez, survivor APM (above, n. 117).
244 Alejandro García, survivor APM (above, n. 118).
245 Humanity & Inclusion Colombia, representative from the community in Vista Hermosa (above, n. 76).
5.2.2.7. ‘Proyecto Productivo’

Another provision, the right to create or strengthen a *proyecto productivo* (productive enterprise), is a good prospect to improve APM survivors’ economic situation by generating new income. The compensation comes in the form of a conditional financial payment, which is used in most cases to purchase agricultural products. Regrettably, also for this right, the research could not provide statistics of how many survivors of APM in Vista Hermosa have received such projects. However, the majority of the survivors benefiting from *proyecto productivo* in Vista Hermosa received help from NGOs; examples will be provided in the second unit of analysis which covers humanitarian activities. In other cases, projects were based on cooperation between the government and NGOs. Many survivors of APM have never received such projects despite the urgency and their compliance to the legal requirements; neither from the government nor an NGO.

5.2.2.8. Further Compensation Rights

The majority of the further provisions connected to the right to compensation are unknown to survivors of APM in Vista Hermosa. In a variety of interviews and other conversations, I presented survivors with extracts of their rights; most of them admittedly did not know about the existence of those provisions, especially the rights connected to educational services. The comprehensive lack of knowledge about the majority of the rights is alarming. What is the purpose of a well-elaborated legal framework, if it is unknown to the population in need? So far, the government has not demonstrated effective improvement to those conditions. Whereas many survivors of APM in Vista Hermosa seem to have abandoned their struggle for rights due to the difficulties, others are continuing the fight for the help to which they are legally entitled.

246 Landmine and Cluster Munition Monitor, ‘Colombia: Casualties and Victim Assistance’ (above, n. 180).
247 Humanity & Inclusion Colombia, *coordinator for the socio economic inclusion*, Humanity & Inclusion Colombia (2019).
248 Ibíd.
249 José Gómez, *survivor APM* (above, n. 117).
250 Ibíd.
251 Alejandro García, *survivor APM* (above, n. 118).
252 Landmine and Cluster Munition Monitor, ‘Colombia: Casualties and Victim Assistance’ (above, n. 180).
One survivor of the conflict told me that survivors must wake up again and fight for their rights, “because really it is not about fighting for charity but about defending our rights.”

5.3. Humanitarian Aid for Survivors of APM

The last section disclosed that survivors of APM in Vista Hermosa often rely on the assistance of NGOs. This will be explained here in the second unit of analysis in more detail. It is important to note that this research is not able to cover the entire scope of current humanitarian assistance. Therefore, the focus will be on the projects of HI and PS, alongside some other humanitarian activities. Before presenting the activities of NGOs, two crucial issues in conducting humanitarian projects in Vista Hermosa will be explained briefly.

5.3.1. Problems for NGOs in Vista Hermosa

National and international NGOs are confronted with a variety of difficulties throughout their activities in Vista Hermosa ranging from security concerns to geographical issues. Examining all of them would go beyond the purpose of this research. This section will elaborate on two issues which are connected directly to the population; improving those issues is vital to ensure good contact with the population and an effective outcome of the overall projects.

The first issue is the lack of trust of the local population. This is rooted in a variety of reasons, the most obvious being the long-lasting violence in the region and the mistrust towards all fighting parties. Moreover, it is based on the abandonment of the Colombian Government in rural Vista Hermosa; the state was and still is not a reliable actor for most survivors. However, the population’s deep mistrust is also caused by humanitarian interventions of NGOs in the past. Especially after the big APM accident of April 2010, which caught the attention of the entire Colombian media, a number of NGOs came to the municipality. Unfortunately, the majority of their activities did not paint a positive picture of NGOs. Almost all survivors of

253 Gabriela Torres, survivor of the conflict (above, n. 92).
254 Alejandro García, survivor APM (above, n. 118).
255 José Gómez, survivor APM (above, n. 117).
APM and additionally other Vista Hermosa residents mentioned the ‘bad experiences’ in the past. The image among the population often still exists that NGOs mainly conduct activities for their own benefits. Many residents are tired of all the multitude of agencies coming and leaving without improving the situation effectively. Most of those humanitarian activities of the past had no lasting positive effect. However, its negative aftermath can still be felt today. Particularly in rural Vista Hermosa, many residents are not willing to interact with personnel of humanitarian NGOs or demining operators. For currently-active NGOs in Vista Hermosa, those sentiments still present challenges, especially at the inception of new projects.

The second issue is connected to experiences of past humanitarian activities in Vista Hermosa as well: the ‘waiting for help’ mentality. In the past, humanitarian aid usually took the form of basic goods. This delivery was frequent enough to develop a reluctance to continue working among the population. Although not representing the behaviour of the majority, many lost the incentive to work and instead waited for the next delivery. Hence, in order to ensure an enduring positive effect of humanitarian activities, projects need to break away from simply delivering goods in favour of tackling fundamental issues and providing incentives to work.

5.3.2. Current Humanitarian Aid for Survivors of APM

A variety of NGOs are conducting activities in Vista Hermosa, though only a few are focusing particularly on survivors of APM. The majority of those operate without having a permanent presence in the municipality. According to CCCM, they are the only NGO next to HI providing assistance to survivors of APM in Vista Hermosa. On the other hand, HI and PS insist that no other NGO besides them is providing comprehensive assistance to the vulnerable group. Ultimately, it is not easy to grasp the entire picture of humanitarian activities and their

256 Jesús López, survivor APM (above, n. 102).
257 Humanity & Inclusion Colombia, representative from the community in Vista Hermosa (above, n. 76).
258 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
259 Ibid.
260 Jesús López, survivor APM (above, n. 102).
261 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
262 Campaña Colombiana contra minas, national director, Campaña Colombiana contra minas (2018).
263 Pastoral Social, implementing and coordinating HI's projects in Vista Hermosa (above, n. 197).
264 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
impact. From independent persons, who are not working nor receiving aid from any of the actors, the general opinion mentioned PS to be the most active actor in Vista Hermosa since 2005. However, their assistance to survivors of APM in the municipality only started with the cooperation with HI in 2016. This research does not aim to promote the activities of the two NGOs, although most of the presented information will be about their projects. The core reason for focusing on these actors is their leading role in assisting survivors of APM in Vista Hermosa. In addition, activities of the Colombian Red Cross and CCCM are explained briefly.

5.3.2.1. ‘Humanity and Inclusion’ and ‘Pastoral Social’

HI approaches assistance worldwide from a more holistic view encompassing different projects which are based on five different pillars: rehabilitation help, psychological support, judicial assistance, socio-economic inclusion, and strengthening of associations and local participation. Unlike conventional humanitarian action, their activities do not seek to respond to immediate needs but are rather based on long term strategic plans. Moreover, their activities are conducted in cooperation with a local partner, in this case, PS. The approach has the advantage of successfully using already existing local structures in the field operation. In addition, like all demining operators in Colombia, HI has employed representatives from the local community. Their main task is to facilitate contact and relationship with the population. This proves to be an effective approach for the undertaking of their assistance to survivors of APM as well. The two examples demonstrate capitalising on already-existing local expertise to help regain the partially lost trust of the local population towards NGOs.

Generally, activities of the French NGO are based on sustainable processes through different means of empowerment of the local communities. The intention is to create an environment in which the local population is not dependent on external help, but is able to act in a self-sustaining way. All five pillars are all rooted in that approach. The various projects not only

265 Alejandro García, survivor APM (above, n. 118).
266 office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
267 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
268 Humanity & Inclusion Colombia, representative from the community in Vista Hermosa (above, n. 76).
269 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
ensure potential empowerment of the local community but are also aimed to foster national, regional and local structures. The latter aims to achieve a self-sustaining environment in which state-run organizations can resume their efforts.

The need for judicial advice has already been indicated in the first unit of analysis. The lawyer of HI supports survivors of APM throughout the process in order to be included in the Registro Único de Victimas, to receive the indemnification payment and to access the variety of other rights connected to the rehabilitation and compensation. Only survivors who enjoy the full scope of their rights are able to care for themselves without being dependent on external help. In Vista Hermosa, HI conducts humanitarian activities in their demining operation area, which comprises 73% of the whole municipality. Until now, the NGO has identified and provided assistance to 149 survivors of APM in their operation area in Vista Hermosa; all of them have received judicial help in order to be integrated into the Ruta de Atención.

In addition to helping survivors access state-run health care, the two NGOs provide rehabilitation assistance as well. When accidents occur, both immediate first aid and the transport to the hospital are provided. Further, the survivor is assisted during that time with economical support for accommodation and medicines during the hospital stay. After three months - or in case of a non-recent accident - the assistance focuses on the physical recuperation of the survivor. This is provided through various means, inter alia the purchasing of a prosthesis, wheelchair, or other technical help, as well as help to use it. Also, many survivors require medical attention of a specialized doctor of physiotherapy. The first empirical part disclosed that such services cannot be received in Vista Hermosa. In those cases, the survivors were financially supported to pay for transportation to the next bigger cities like Granada or Villavicencio.

Moreover, the survivor of APM is further supported to achieve better functional rehabilitation. Due to the non-current nature of most APM accidents, this constitutes the main rehabilitation assistance in Vista Hermosa. Throughout this phase, the survivor is accompanied and given

270 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
271 Humanity & Inclusion Colombia, coordinator of the demining process in Vista Hermosa, Humanity & Inclusion Colombia (Vista Hermosa, 2017).
272 Humanity & Inclusion Colombia, operational coordinator for the overall assistance (above, n. 71).
273 Humanity & Inclusion, coordinator of the rehabilitation aspect (above, n. 149).
support in order to reduce further obstacles in daily life and to be able to participate in the community again despite existing inabilities or disabilities. During my stay in Vista Hermosa, a variety of technical assistance was provided to survivors of APM in this regard. Most of these survivors had the APM accident more than 10 years ago and thus had already adapted to the physical restrictions of daily life. Nevertheless, even after such a long period, a simple help like a walking stick, a walking frame, crutches, or special mattresses and pillows for spine problems can make a big difference.

An important tool for potential future accidents of any kind is the first aid course which is given to members of different local communities. The extensive area of Vista Hermosa and the poor infrastructure in rural parts of the municipality does not allow quick and easy access for medical teams. Therefore, training the local population is vital to improve first aid options. Participants of the course stated the importance of the training, especially in rural parts of the municipality. Other survivors proudly showed me their first aid kit and demonstrated their attained emergency care know-how. Gestures like these indicate that survivors of APM are motivated and willing to regain control of their own destiny. It is often the lack of opportunities that prevent them.

Another example of community-based rehabilitation can be found in the psychosocial pillar. In Vista Hermosa, 11 well-respected people of the communities were trained in those aspects allowing them to become promotores psicosociales (psychosocial promotors). Afterwards, the promotors support survivors of APM and other people in need from their own community. Each promotor assists up to five people in need, between two to four times a month. The general opinion of the promotors confirmed the project’s importance and the positive results which were already visible after a few months. Asked about his motivations, one of the promotores psicosociales mentioned “it’s the volition to work for our friends that have been injured in the war. We have to see those people truly as brothers and not as a sick person. We

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274 Humanity & Inclusion, coordinator of the rehabilitation aspect (above, n. 149).
275 Gabriela Torres, survivor of the conflict (above, n. 92).
276 Tomás Ramírez, survivor APM (above, n. 73).
277 Jesús López, survivor APM (above, n. 102).
279 Humanity & Inclusion Colombia, coordinator of the psychosocial aspect (above, n. 188).
280 José Gómez, survivor APM (above, n. 117).
281 Paola Sánchez, psychosocial promoter, Paola Sánchez (Vista Hermosa, 2017).
have to see them as friends who had difficulties during the war. We have to achieve that those persons don’t feel any less important. They are human beings just like us. We are giving them our hands to help them move on, we are not going to leave them alone. The most important thing is that we are looking forward and that we are making sure that those people are able to move forward as well.”

This quote shows the significance of the project. No external psychologist will be able to grasp the situation of survivors of APM. The *promotores psicosociales* experience the same or similar violence and understand the difficulties of the people requiring their help.

Moreover, the promoters receive a variety of further training programs. The idea is that those *promotores psicosociales* can share information about the *Ruta de Atención* or other potential judicial issues if needed. For all other questions which require more technical knowledge, the *promotores psicosociales* are the first contact person for the people in need and can refer cases to PS who will then be able to contact the relevant coordinator of HI. All information is collected in a dataset, allowing HI to get a better understanding of the necessities of the people in need and to act correspondingly. This strategy is perceived as a helpful instrument in order to achieve a more comprehensive and self-sustaining psychosocial support system throughout the municipality. Neither the government nor NGOs are able to perform this type of support so frequently and enduringly. This strategy, in particular, raised the idea of creating a common approach between the NGO and the Ministry of Health and Social Protection in order to improve the reach and the overall psychosocial assistance in Colombia. Cooperation in this regard would signify a further strengthening of the local structures and a potential replication for other parts of the country. In addition, other specific psychosocial events are undertaken, for instance, to provide assistance to a specific group of people in need or their caretakers. Most of the participants have never received vital information about those topics before and are grateful for the opportunity.

Further consolidation of local capacities is enacted through the socio-economic inclusion pillar of the NGO. Although projects are generally more diversified, in Vista Hermosa the assistance

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282 Jesús López, *survivor APM* (above, n. 102).
283 Humanity & Inclusion, *coordinator of the rehabilitation aspect* (above, n. 149).
284 Paola Sánchez, *psychosocial promoter* (above, n. 289).
285 Humanity & Inclusion Colombia, *coordinator of the psychosocial aspect* (above, n. 188).
286 Descontamina Colombia, *coordinator of the assistance of survivors of APM* (above, n. 77).
287 Humanity & Inclusion Colombia, *coordinator of the psychosocial aspect* (above, n. 188).
so far is performed mainly through proyectos productivos. The idea is not to create new structures, but to strengthen already existing local projects with additional support; a combination of financial and knowhow assistance.\textsuperscript{288} Until now, 20 individuals, 15 facilities and one local association of 20 women received help through those projects. The assistance mostly takes the form of agricultural assistance: purchase of chickens, cows or seeds in order to start growing a variety of crops. Nevertheless, financial help can be used for different projects as well. Survivors and representatives of the municipality who benefit praise the project equally for both providing an improved economic perspective and for connecting the aid with certain responsibilities; compared to most humanitarian activities of the past in the municipality, this type of help is encouraging people to work instead of making them ‘lazy’.\textsuperscript{289, 290}

The beneficiaries are chosen with the help of PS. Further, PS provides constant company throughout the process whenever help is needed. Specific events are held to train beneficiaries in order to improve their knowledge about the production and marketing of different projects, progress which the Colombia Government is normally obliged to do. Overall, the recipients of the proyectos productivos are thankful for the opportunity which is improving the often “difficult situation enormously.”\textsuperscript{291, 292} Besides improving the economic perspective of individuals and smaller groups, the projects can potentially have positive impacts on the local economy as well; an important side effect for Vista Hermosa’s weak economy. Time will show if those projects can constitute a lasting improvement. Until now, preliminary results are good. Moreover, HI and PS seek to identify and support local entities and organizations with the intention that those are capable of supporting the proyectos productivos as well in an effective manner. Besides accompanying the existing projects, the future focus will be on recovering local infrastructure which has been destroyed during the conflict. However, so far the NGOs are still engaged in the planning process. In many areas, the actual implementation will not be possible until the demining process is terminated.

\textsuperscript{288} Humanity & Inclusion Colombia, coordinator for the socio economic inclusion (above, n. 252).
\textsuperscript{289} Jesús López, survivor APM (above, n. 102).
\textsuperscript{290} office for survivors of Vista Hermosa, representative of the municipality for survivors of the conflict (above, n. 88).
\textsuperscript{291} Jesús López, survivor APM (above, n. 102).
\textsuperscript{292} Liliana González, survivor APM, Liliana González (Vista Hermosa, 2017).
The fifth pillar of HI puts special emphasis on strengthening localized structures through the assistance of local associations and participation.\textsuperscript{293} The violent Colombian conflict did not allow the establishment of many survivor organizations; most were created recently in the last few years. So far, around 20 survivor organizations have been founded in Vista Hermosa, five of them benefiting from the assistance of HI and PS. All those organizations existed prior to the support and have been selected through PS; most of them have between 50 and 70 members. In the first step, the assistance seeks to strengthen the overall structure and the inner dynamics of the organizations. This might be as simple as defining a common mission, vision, and objectives, or creating the statutes of the organization. Moreover, support might be given to find communication and a strategic plan regulating the inner functioning of the organization. Most members do not have any experiences on those topics, hence assistance is vital to ensure an effective and lasting organizational structure. In a second step, the organizations and associations obtain help to develop strategies to ensure social and political inclusion of survivors of APM, inter alia through the participation in decision processes of the municipality. Active participation in local politics is a crucial component to ensure an improvement of the vulnerable group in the future. Often, it is not the will but the lacking opportunity which prevented survivors from engaging more actively in the past.\textsuperscript{294}

This is another example of support for self-help, a positive outcome can ensure more self-sustaining local structures and improved overall attention to survivors of APM. For many survivors, assistance through this pillar provides opportunities to strengthen local structures and to collectively fight for their rights.\textsuperscript{295} Another member of a local association experienced help from the NGOs as a wake-up call which finally raised local awareness about their potential to fight for rights collectively.\textsuperscript{296} Additionally, the task of this pillar is to strengthen relationships and seek potential cooperation with governmental entities in order to achieve a more sustainable environment for communities in need. In this regard, HI is engaged in steady contact with the Unidad para las Victimas, DAICMA, the Ministry of Health and Social Protection, the presidential office for human rights and international affairs of Colombia, and the municipality of Vista Hermosa. The aforementioned challenges indicate the often-lacking capabilities of

\textsuperscript{293} Humanity & Inclusion Colombia, \textit{coordinator for the help of local associations}, Humanity & Inclusion Colombia (2018).
\textsuperscript{294} Gabriela Torres, \textit{survivor of the conflict} (above, n. 92).
\textsuperscript{295} Tomás Ramírez, \textit{survivor APM} (above, n. 73).
\textsuperscript{296} Gabriela Torres, \textit{survivor of the conflict} (above, n. 92).
local authorities, thus the crucial need to strengthen their overall structure. Considerable work still needs to be done in this respect; especially to ensure stability when changes to government and local authorities (in line with the democratic cycle) may compel processes to start all over again.297 298

Although not all survivors in Vista Hermosa enjoy the assistance of HI and PS, it has already made great positive impacts on communities. Benefiting survivors experience assistance like a “revival in their life,” stating that life has changed from a state of hardly surviving to one where opportunities are again available.299 300 Many survivors especially praise the proyectos productivos for their great impact on the economic situation and entire future perspective of the beneficiary.301 However, smaller acts of support like the assistance of the promotores psicosociales for people in need also contribute towards a positive change of the entire community. The variety of projects and the steady presence of PS improved the partially lost credibility of NGOs in the municipality.302 The strengthening of national, regional, and local structures and communities through the variety of projects shows promising provisional results. It remains to be seen if the overall program can lead to an effective and enduring self-sufficient structure without further assistance of NGOs. However, this will not only depend on a well working implementation process of the NGOs, but it is also coupled with a sincere engagement of national, regional and local authorities.

5.3.2.1. Further Humanitarian Aid

Besides HI and PS, no other NGO is currently assisting survivors of APM in Vista Hermosa with such a compressive approach. Nevertheless, subsequent activities of the Colombian Red Cross together with the ICRC and the CCCM will be presented to develop an understanding of further humanitarian aid in the municipality.

297 Humanity & Inclusion, coordinator of the rehabilitation aspect (above, n. 149).
298 Humanity & Inclusion Colombia, coordinator of the judicial aspect (above, n. 27).
299 Humanity & Inclusion Colombia, representative from the community in Vista Hermosa (above, n. 76).
300 Liliana González, survivor APM (above, n. 300).
301 Tomás Ramírez, survivor APM (above, n. 73).
302 Jesús López, survivor APM (above, n. 102).
The Colombian Red Cross and the ICRC conduct visits to various hamlets throughout the municipality. Especially during the violent times of the conflict, rehabilitation support was provided, ranging from first aid and economic support to be able to access rehabilitation means to psychosocial aid and assistance to obtain a prosthesis.\textsuperscript{303} Since the end of the conflict, the main focus of their activities is based on psychosocial support.\textsuperscript{304} According to the Red Cross, 123 people are benefiting from the latter; no information could be obtained of how many of those are survivors of APM. The entire assistance of the Red Cross in Vista Hermosa is based on voluntary work.

CCCM is together with HI the only demining actor in Vista Hermosa which also conducts assistance to survivors of APM. Although the NGO has been operating in different parts of Vista Hermosa since 2006, their focus is now the area which corresponds to their demining activities; around the hamlet of Santo Domingo.\textsuperscript{305} The focus of their assistance is judicial support for survivors of APM seeking to grant them access to physical and psychological rehabilitation.\textsuperscript{306} This is mainly undertaken through cooperation with various Colombian universities. In addition, psychosocial support is provided through support groups. In 2018, CCCM was assisting 15 survivors of APM in Vista Hermosa; the NGO was not able to provide statistics of how many survivors of APM are residing in their operational area. Furthermore, it was not possible to obtain more detailed information on their humanitarian assistance and its effectiveness so far.

5.4. Conclusion of Research Findings

The research findings which are primarily based on the view of the relevant groups and organizations indicate a significant disparity between the legal framework and the actual assistance of the Colombian Government for survivors of APM in Vista Hermosa. The group is facing a plurality of challenges preventing them from accessing their rights.

\textsuperscript{303} Colombian Red Cross, Villavicencio, Meta, Colombian Red Cross.
\textsuperscript{304} Ibid.
\textsuperscript{305} Campaña Colombiana contra minas, \textit{coordinator of the demining process in Vista Hermosa}, Campaña Colombiana contra minas (Vista Hermosa, 2017).
\textsuperscript{306} Campaña Colombiana contra minas, \textit{national director} (above, n. 267).
A major obstacle is the lack of knowledge, which prevents many to claim their rights in the first place. Moreover, the opaque and complex bureaucratic procedures paired with a few illegal practices, especially executed from the different insurance companies and the Unidad para las Victimas, often prevent survivors of APM to enjoy their rights. Explanations for long delays of processes, inter alia lack of financial resources, cannot serve as an excuse for failing to comply with the obligations. The state-run mechanisms such as the office for the survivors of the municipality of Vista Hermosa are not able to effectively increase awareness of rights. Also, the establishment of the Ruta de Atención has not proven to be a significant improvement in that regard. Many survivors have abandoned their claims due to the difficulties throughout the processes of accessing both rehabilitation and compensation rights.

The poor conditions of health infrastructure and human resources in the municipality constitute further restrictions, which are hindering survivors of APM from recovering from their ongoing physical inabilities or disabilities and from their psychological trauma. Obstacles of the past, inter alia limited possibilities to claim rights due to the violence or the former disability test, still have impacts on the survivors today. Further rights such as housing, proyectos productivos, educational and inclusion rights are equally not implemented effectively.

The often-lacking governmental assistance makes humanitarian activities in Vista Hermosa a crucial factor for survivors of APM. Especially the comprehensive support of HI and PS provides a possibility to the vulnerable group and their communities to obtain needed physical and psychosocial rehabilitation support. Also, the NGOs provide the opportunity for improved economic and social inclusion. The various projects seek to create a more sustainable local environment through the enforcement of local communities and their structures.
6. Discussion of Research Findings

6.1. Introduction to Discussion

The research findings disclosed a variety of challenges that survivors of APM are facing in Vista Hermosa, either connected directly to a malfunctioning legal system or to the weak state presence in rural Colombia. The subsequent discussion intends to elaborate on whether resilience can be an effective approach in assisting the vulnerable group. The theoretical chapter demonstrated widespread disagreement in the humanitarian sector to find a common definition of resilience. However, most experts agree that the approach tackles the underlying symptoms and focuses on local capacities, rather than responding to immediate needs. Ultimately, in theory, it presents the assistance of the Colombian Government to survivors of APM.

Therefore, in a first step, the challenges presented in the research findings will be used to demonstrate the inability of the government to achieve enhanced resilience among survivors of APM. The main focus of the discussion is the activities of humanitarian NGOs. Nevertheless, a connection of resilience to governmental assistance is presented briefly in order to examine the potential of Colombia’s legal framework to achieve more resilience among survivors of APM. A second step will examine humanitarian activities on their ability to improve the resilience of the group; the focus will be on the mentioned projects of HI and PS. The approach is to elaborate on the activities of the two NGOs in light of the discussed pros and cons of resilience theory. First, humanitarian assistance provided is examined to shed light on potential advantages of the theory, which could lead to a resilience-enhancing effect for the survivors of APM. Afterwards, the discussion focus on the aforementioned drawbacks.

6.2. Potential Governmental Resilience Program

Resilience approaches problems from a holistic view. A crisis is not reduced to their immediate need but is rather put in a broader picture by tackling its fundamental roots. In its analysis, resilience divides issues into risk factors which constitute potential vulnerabilities and protective factors. The rise of risk factors and consequently vulnerabilities increases the
likelihood of a disaster. More specifically, risk factors are measurable characteristics of an individual or a group or a certain situation that can provoke a negative outcome. In this case, risk factors that constitute vulnerabilities of survivors of APM are the inabilities or disabilities caused by the APM accident. The research findings detected that survivors in Vista Hermosa are dealing with such vulnerabilities, despite the fact that the accidents often date back more than 10 years. The physical and psychological impairments require special attention in order to achieve normal functioning, thus a situation in which the survivors are able to act without restrictions.

Those vulnerabilities, the inability or disability of the survivors of APM, can be reduced and potentially compensated by protective factors, which increases resilience. Applying this line of thought to the state-run obligations, protective factors take the form of accessing the needed assistance, and a strong local infrastructure allowing survivors of APM to modify the effects of their vulnerabilities in a positive manner and adapt successfully.

The results of the research indicate that Colombia possesses a plurality of rights regulating the assistance for survivors of APM. The regulations approach the vulnerabilities from a holistic view. Rehabilitation rights seek full recovery of physical and psychological vulnerabilities and are not intended to only solve immediate pain; compensation rights take into account the fundamental issue as well. Provisions do not solely guarantee an indemnification payment but tackle core economic, educational and inclusive difficulties in a sustainable way. The guarantees for proyectos productivos and the accompanying training programs seek a self-sustaining environment for the survivors of APM in the long term.

Moreover, such projects indirectly strengthen the wider local economy. Provisions granting access to higher education pave the way towards a situation in which survivors have a variety of job opportunities making them independent from external help. Furthermore, the establishment of an office for survivors addresses a main cause of risk: the lack of knowledge about rights, and also fosters local structures. In addition, the rights for non-repetition, which

307 Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).
310 Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).
have been neglected in the research findings, tackle inter alia the fundamental roots of the accident of APM, the core external risk factor for the survivors. Also, the right for non-repetition provides a plurality of guarantees which ultimately enhance the resilience of the population.

The listing of such protective elements from the Colombian Government could be continued. The research findings detected that the comprehensive legal framework which targets immediate and underlying problems from a variety of perspectives often only constitutes a theoretical protective factor. The reasons for the malfunctioning implementation process will not be repeated here. The sole purpose of this section is to demonstrate that Colombia theoretically provides a state-run resilience program for the survivors of APM; it has potentially transformative capacities to change the status quo of survivors of APM. However, the main issue is its implementation. The current situation only allows survivors to cope with the variety of challenges to a limited degree. The fact that many of the accidents occurred more than 10 years ago suggests a plurality of different negative impacts would have increased over time, thus decreasing the likelihood of survivors maintaining resistance. Time will tell if national, regional and local authorities are able to improve the current state of affairs. Most of the survivors of APM and NGO officials are not optimistic about a change coming soon due to the variety of the aforementioned challenges.

6.3. NGOs Enhancing Resilience – A Way for Improvement?

The assistance of HI and its local partner in Vista Hermosa PS is unlike conventional humanitarian activities based on a long-term process. Instead of responding solely to the immediate needs of the vulnerable population, projects emphasise strengthening local communities in relation to sustainable livelihoods. In order to ensure effective outcomes, projects are based on a holistic perspective taking the form of the five mentioned pillars. The

312 Pastoral Social, implementing and coordinating HI’s projects in Vista Hermosa (above, n. 197).
313 Alejandro García, survivor APM (above, n. 118).
314 José Gómez, survivor APM (above, n. 117).
various projects not function in a separate mode, but have to be understood as one coherent program in which the different pillars complement each other. The approach provides the ability to tackle fundamental challenges with the expertise of a variety of relevant sectors.\textsuperscript{315} The comprehensive course of action targets short-term risk factors and long-term development factors at the same time leading towards a more resilient situation of survivors of APM and their communities.\textsuperscript{316}

Direct physical and psychosocial rehabilitation presents an internal protection factor and provides short term adaptive capacities through the provision of technical assistance or psychosocial consultation. The enduring presence of PS and the provision of first aid schooling for people from the community as well as training them to become promotores psicosociales ensures sustainability and increased the likelihood to ensure transformative capacities of the community for the long term. Also, judicial assistance seeks to ensure short and long term improvement for the vulnerable group. Attaining rights signifies access to the necessary rehabilitation and compensation mechanisms. The assistance addresses core issues to prevent chronic and recurrent challenges of the group, thus transformative responses to allow for a situation in which survivors of APM are becoming more resilient towards future threats. PS and the promotores psicosociales present permanent presence for consultation in this regard.

The socio-economic pillar strives for short effects and long-term improvements as well. The proyectos productivos offer a rather rapid economic change for the beneficiaries. The initial stage of those projects can be allocated in the second step of the 3D-Resilience Framework. Adjustments are made for already-existing projects allowing the survivors to develop more adaptive capacities in response to their challenges. Those projects are another example of providing more responsibilities to the population making the overall project a bottom-up approach. Moreover, the projects focus particularly on the strengths of the survivors of APM instead of responding to their vulnerabilities. External assistance is given throughout the process, however the ultimate aim is to ensure a self-sustaining environment. Well-functioning proyectos productivos have the added potential to develop transformative capacities in the long-run with their positive effect on the local economy. Hence, this external protection factor is

\textsuperscript{315} Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
\textsuperscript{316} United Nations Office for the Coordination of Humanitarian Affairs, Position paper Resilience (above, n. 39).
addressing another fundamental issue. The creation of infrastructure additionally strengthens local structures and contributes to an increase of resilience of the entire local population.

The general method of incorporating local expertise does not solely function as a facilitator to achieve quicker positive results, however, further fosters local transformative capacities and structures in a sustainable manner. It increases the likelihood that communities will be able to live independently without external help in the future.317 Making use of a local NGO, in this case, PS, is a good example. Also, the adaptation of direct representatives of the local community into the various projects serves to achieve a more bottom-up approach. Capacitating the local community with first aid courses or to become promotores psicosociales are further related examples which can ultimately contribute to transforming local structures sustainably.

Also, the support of local associations and organizations contributes to that effect. No NGO can have the awareness of local issues like the communities themselves. Empowering them to be able to fight for their rights and concerns, inter alia through the participation in local municipal decision making, provides the opportunity to tackle fundamental challenges. In the short run, such support can help those organizations make incremental adjustments in order to confront challenges. Generally, the strategy of localizing assistance ensures that local capacities are equipped with skills and resources in order to adapt to changing situations in the future with a transformative response. It allows for more dynamic nature of tackling risk factors through the combination of internal and external protection factors and provides for a situation of greater overall resilience.

The ultimate goal is to achieve a fostered and more resilient environment in which national, regional and local authorities are able to adopt and uphold the structures created, allowing survivors of APM to be more resilient towards potential future risks.318 A good relationship between the NGOs and the relevant state-run authorities as well as potential cooperation aims in that direction. Overall, the long-term comprehensive approach of assisting survivors of APM potentially provides a change of the status-quo towards a sustainable and self-sustaining environment. The encouragement of the strengths while addressing the fundamental

317 Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
weaknesses of the vulnerable group at the same time leads towards a more resilient situation for the survivors of APM and their communities.

Upon investigating the general advantages of resilience theory and the 3D-Resilience Framework, it can be concluded that the two NGOs’ projects contribute to an improved level of resilience among survivors of APM in Vista Hermosa. According to interviews with beneficiaries, absorptive coping capacities were exhausted before receiving help.\(^{319}\)\(^{320}\) The variety of the challenges described left the vulnerable group no room for demonstrating resistance. The assistance from HI and PS provided survivors with new hope and capabilities. Adaptive capacities, such as obtaining technical rehabilitation equipment, allowed survivors to increase resilience in the short run. Other fundamental issues require more profound change in order to ensure an enduring improvement to resilience. The assistance started in 2017, thus it is too early to evaluate its overall effectiveness. Nevertheless, through transformative capacities such as well-functioning local organizations, enduring and effective proyectos productivos, or the maintenance of structures like the promotores psicosociales, the assistance provides the potential for a long-lasting resilience-enhancing effect.

HI’s ScoPeO tool, for instance, measures the situation of beneficiaries before and after their interventions on three components: quality of life, perceived safety, and participation in society and family life.\(^{321}\) The NGO is aware of the subjectivity which, to a certain extent, determines the outcome. Regardless, according to HI, the method indicates an improvement to the beneficiaries’ situations in Vista Hermosa, particularly regarding quality of life.\(^{322}\) While much progress is still needed in this regard, one beneficiary of the projects disclosed her certitude that the sustainable approach will result in the communities in Vista Hermosa functioning in a self-sustaining and more resilient manner.\(^{323}\) Despite the fact that that beneficiaries are still confronted with challenges, the preliminary results are positive. The overall increase of resilience improves the living situation of the survivors of APM and their communities; therefore, this assistance model can serve as an example for the wider humanitarian field. The

\(^{319}\) Gabriela Torres, survivor of the conflict (above, n. 92).
\(^{320}\) Liliana González, survivor APM (above, n. 300).
\(^{321}\) Humanity & Inclusion, Measuring quality of life, safety, and social and family participation of project beneficiaries: The ScoPeO tool.
\(^{322}\) Humanity & Inclusion, coordinator of the rehabilitation aspect (above, n. 149).
\(^{323}\) Gabriela Torres, survivor of the conflict (above, n. 92).
A comprehensive approach is not limited to the geographical region of Vista Hermosa or the recipient survivors of APM. Rather, it can be beneficial for all humanitarian actors.

6.4. Potential Downsides of Humanitarian Resilience

The theoretical framework disclosed the disunity in the humanitarian field regarding the resilience theory. After presenting the pros in the last section in connection to HI’s assistance in Vista Hermosa, this section will briefly elaborate on its cons.

The main weakness of resilience in the humanitarian sector is its lacking established definition. The fact that all actors seem to define resilience differently provokes wide confusion. HI does not officially use the term resilience as an approach for their assistance, thus does not follow a strict definition of resilience. Nevertheless, the last section showed that the actual implementation of the comprehensive approach has many similarities with the theory. This investigation does not serve the purpose to develop a manual or a precise definition of resilience; however, it might be able to address another drawback of the resilience theory – the research gap. A potential future engagement of HI with the theory will show if ambiguities can be reduced.

The drawback of not being able to measure resilience is certainly connected to the missing definition. HI uses the mentioned ScoPeO tool to obtain reliable data about the impacts of their interventions. However, the tool shows that the issue is not the inability to measure resilience improving actions, it is rather the missing definition of the theory itself.

A further criticism of resilience theory is the frequent confusion felt by local partners due to the variety of expertise of projects. Encompassing different expertise into the overall project did not prove to be an issue between HI and PS in Vista Hermosa. The unproblematic functioning can be explained with the clear role allocation between the two NGOs. Although PS is

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324 Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
325 Caroline Hargreaves, Danielle McNicholas, Judith Spirig, Kathleen White, Leo Gu, ‘Resilience’ An Objective in Humanitarian Aid? (above, n. 38).
326 Ibid.
327 Heintze and Gibbons (eds.), The humanitarian challenge (above, n. 31).
responsible for most of the implementation processes in Vista Hermosa, they do not have to undertake the more specific tasks. The coordinators of each pillar visit the projects in Vista Hermosa at least four times a year, allowing for a more specific consultation with the beneficiaries and an overall examination. In the meantime, all coordinators are in steady contact with PS. Certainly, having the expertise of all five pillars, or generally more personnel in Vista Hermosa, would constitute an improvement. More people could benefit in a shorter timeframe. Nevertheless, the actual approach did not expose significant difficulties or a misguided implementation process.

The last potential disadvantage of resilience theory is the non-existent clear distinction from the development sector raising the danger of a hidden political agenda.\(^328\) The approach of HI is certainly not based on conventional humanitarian action but leans to some extent towards the developmental sector. On the one hand, the NGO focuses on long-term comprehensive improvements by tackling fundamental issues instead of responding to immediate needs. Further, the assistance to some extent emphasises economic, social and political development. On the other hand, the main focus is an improved situation for people in need. In extreme cases, this includes saving lives as well. Moreover, the economic, social, and political development incorporates the vulnerable population as the main emphasis of the approach. The overall aim is always to enhance quality of life, perceived safety, and participation in society and family life. The conversations with staff members of the NGO indicated that HI defines their action as humanitarian and not developmental.\(^329\) \(^330\) Engagement with governmental authorities is only undertaken to a certain extent, which still provides a clear neutral position.\(^331\) A clearer definition of resilience theory could potentially contribute to solving this ambiguity.

**6.5. Conclusion of Discussion**

The discussion indicated that the Colombian Government theoretically provides a national resilience-enhancing program for survivors of APM. The comprehensive legal framework

\(^{328}\) Heintze and Gibbons (eds.), *The humanitarian challenge* (above, n. 31).

\(^{329}\) Humanity & Inclusion, *coordinator of the rehabilitation aspect* (above, n. 149).

\(^{330}\) Humanity & Inclusion Colombia, *operational coordinator for the overall assistance* (above, n. 71).

\(^{331}\) Humanity & Inclusion, *coordinator of the rehabilitation aspect* (above, n. 149).
shows the intention to tackle fundamental issues of the vulnerable group through the strengthening of local structures. Integral rights for rehabilitation and compensation potentially contribute to a more resilient and sustainable situation for the survivors of APM. However, insufficient implementation prevents a state-run resilience effect.

Although HI does not incorporate the resilience theory into their assistance, many similarities exist. The coherent and comprehensive assistance of the NGO focuses on the strengths of the local population through a bottom-up approach. Incremental adjustments through adaptive capacities allow survivors to respond to their own urgent needs. Transformative capacities help the vulnerable group to tackle fundamental issues. Like the resilience theory, the assistance strives for a sustainable environment in which the current vulnerable population is able to live independently without external help. Fostering local capacities through a variety of projects and strengthening governmental authorities are vital preconditions.

Although it is too early to evaluate the full effectiveness of the program due to the long-term character of some of the projects, the preliminary results are positive. Therefore, the approach can serve as a positive example for the wider humanitarian field. The assistance is not limited to Vista Hermosa or the survivors of APM, but can certainly be applied in other geographical regions and for other groups in need as well.

The ScoPeO tool of HI verifies that the inability to prove resilient effects results from the lacking definition and not the general impossibility to measure resilience-like activities. Well-organized task sharing between HI and PS avoided any potential confusion for the local partners due to a wide range of expertise. The approach of the NGO leans towards the developmental sector. Overall, characteristics from both disciplines defining the assistance. A clearer definition of resilience can potentially help to solve this ambiguity.
7. Conclusions

The civilian population of Vista Hermosa was caught between the frontlines of the FARC-EP, paramilitary forces, and the Colombian military during the conflict. In the period of the DMZ from 1999 to 2002, the population was abandoned by the Government; its termination led to an even further increase of violence. Despite the Final Peace Agreement in 2016, violent attacks in Vista Hermosa still occur between armed groups which are trying to profit from the existing power vacuum. The high contamination of APM in the region is another legacy of the long-lasting conflict. Even for the war-torn country, the municipality presents a stand-out case. The experiences of the local population indicate a great need for psychological support.

Colombia possesses a plurality of legal instruments to regulate the necessary assistance to survivors of APM. On an international perspective, the country has been legally obliged to provide assistance to survivors of APM since the Ottawa Convention entered into force for Colombia in 2001. The most important national provisions are based on the Victim’s Law of 2011. The framework and the corresponding purposes can potentially provide a state-run resilience-enhancing campaign. The orientation is manifold, ranging from a comprehensive physical and psychosocial program to a multitude of compensation mechanisms. Next, regarding indemnification payments, regulations provide for improved economic, educational and political inclusion. However, the challenges of survivors of APM indicate a lacking implementation of rehabilitation and compensation mechanisms.

Whereas the extensive territory of Vista Hermosa serves as an explanation for a general difficulty of accessing rehabilitation or consultation for a compensation process, most of the other challenges are more profound. The first overall issue is related to the general health infrastructure in Vista Hermosa. Many survivors of APM need treatments from physiotherapists, psychologists or other specialized doctors. While Colombia possesses strategies in its health system for assembling local health supply according to needs, no governmental authority or insurance company takes responsibility, resulting in mutual accusation for the lack of adequate health care. Instead serious political will is needed to finally improve conditions.
The second fundamental issue is EPS. Almost systematically, they exploit the survivors’ lacking knowledge of their rights. This often prevents the vulnerable group from receiving certain rehabilitation treatments or technical devices. Also, a refusal in the past to cover the expenses of the disability test still has great consequences for survivors today. Again, political will is vital to eliminate those practices. The third issue is the often unnecessary bureaucratic and complex requirements to obtain compensation mechanisms. On the one hand, the Unidad para las Victimas is overburdened with the influx of claims; on the other hand, it is not a new problem and it can be solved with more political willingness. The last problem is survivors’ general lacking knowledge about their rights. Certainly, receiving free judicial advice does not constitute a legal right. However, the implementation of judicial help for survivors in Vista Hermosa is insufficient and often ineffective and demands alterations. Often enough, the survivors of APM feel abandoned once again by the government due to political reluctance to effectively change the situation.

Comprehensive humanitarian assistance is provided by HI and PS through a holistic program which seeks to improve conditions for survivors of APM by empowering them in a sustainable manner. The approach offers adaptive capacities such as physical rehabilitation to solve immediate needs. However, most of the projects offer transformational capacities to tackle fundamental issues. Judicial support seeks to ensure functioning access to rehabilitation and compensation mechanisms. Psychosocial support is provided by the NGO but further undertaken in a self-sustaining manner through the promotores psicosociales. Proyectos productivos place more responsibility on the survivors and not only enhance the economic situation of the survivor in the short run, but also the economy of the whole community in the long run. The strengthening of local organizations enables capacity to act independently from external help in the long run. Projects are based on a long-lasting strategy to achieve a more resilient environment in which authorities can adopt and uphold created structures, allowing the survivors of APM to be more resilient towards potential future risks. Adaptive capacities seeking short term improvement indicate positive results so far. Projects striving for a more transformational response to challenges require more time. Although much progress still needs to be done to evaluate a potential enduring improvement in this regard, intermediate results demonstrate enhanced resilience conditions of the benefiting survivors of APM. The functioning of the approach is not limited to Vista Hermosa or the beneficiary group of
survivors of APM. Therefore, the positive effects of the assistance can serve as an example for the wider humanitarian field.

7.1. Recommendations to National, Regional, and Local Authorities

- Governmental authorities should enhance communication and cooperation with the NGOs which are currently active in the field of assisting survivors of APM in Colombia. An improved process can contribute to a better outcome for all survivors.

- More effort should be made to identify those citizens of Vista Hermosa who are still not covered by health insurance. Ensuring that all citizens are covered by health insurance is key to improving overall access to health care.

- More political will is needed to ensure better health facilities (including human resources) in order to meet the specialized demands of survivors of APM. Better communication between the relevant national, regional, and local authorities is crucial in that regard.

- The Programa de atención psicosocial y salud integral a víctimas (Psychosocial care and comprehensive health program for victims – PAPSIVI) must be implemented in order to respond to the high demand for psychosocial support of survivors of APM in Vista Hermosa.

- Projectos productivos can have a significant impact on improving the economic situation and social inclusion of survivors of APM. Therefore, more effort should be made to ensure better access to the projects, including providing relevant training programs.

- The processes of the EPS must undergo a process of scrutiny by an independent group in order to ensure better and more transparent access to health care for all Colombian citizens.
- The different procedures and the statistics of the Unidad para las Victimas must be disclosed to ensure more transparency and fair access and process for all survivors.

- The local offices for the survivors must be better equipped to respond to survivors’ needs. More and better-educated personnel is a crucial factor to ensure that all survivors can be assisted adequately.

- A reliable and satisfactory timeframe for the assistance of survivors of APM should be implemented and adhered to. Survivors deserve to know when they can expect their compensation payments.

- Municipal authorities should develop a more transparent processes in the distribution of housing to the survivor of APM in order to prevent unfair practices.

- National, regional and local authorities should establish enhanced participation opportunities for local survivors’ organizations. Their voice is vital in the current peace process, and deserves to be heard.
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