

Organised crime as a cause of forced displacement

Lessons learned from Latin America

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Recommendations

\ Recognise organised crime as a cause of forced displacement and take preventative action

In Latin America, forced displacement is often the result of criminal activities. Besides being the cause of forced displacement, organised crime also plays a key role in structuring refugee movements. Refugee policy must realign its measures accordingly and develop more coherent and preventative measures to protect the population from organised crime.

\ Latin America as a precedent

The “Brazil Declaration”, which was adopted by Latin American countries in 2014, was ground-breaking in putting crime, internally displaced people and refugees into a common context. The International Community should follow this example to curb the spreading of risks of violence, global networking of transnational criminal groups and the establishment of markets of violence. This would allow practice-oriented strategies to address civil wars, organised crime, internal displacement, migration and forced mobility holistically. Such a combination of development cooperation, humanitarian aid and peace-support operations promise greater sustainability than existing uncoordinated and often isolated approaches.

\ Refocus on the core of the Geneva Convention on Refugees

To find global solutions for refugee and migration movements in accordance with the 2016 UN New York Declaration, it is necessary to strengthen the links between the Global Compact for Migration and the Global Compact for Refugees. In doing so, new forms of displacement must be recognised as reasons for fleeing from home. These should explicitly include organised crime and war-like situations. The German Federal government must help to ensure that—regardless of national and international political interests—the original objectives of the Geneva Convention on Refugees, namely to allay the well-founded fear of being persecuted combined with a lack of protection, are made the central reference point for global solutions in dealing with refugees.

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Forced displacement in times of peace

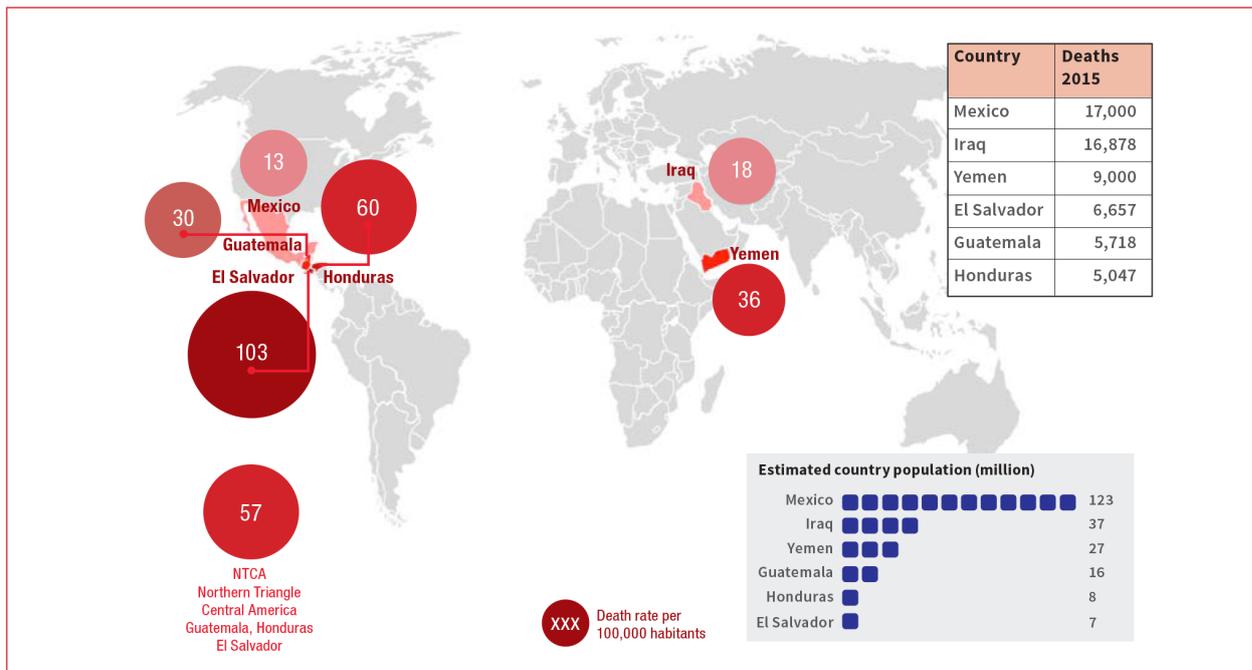
In many Latin American countries shaken by civil wars, the civilian population—despite formal peace agreements between conflict parties—continues to be exposed to violence. In El Salvador, Guatemala and Honduras, for example, current homicide rates exceed the casualties of past civil wars: In 2015, El Salvador’s homicide rate was 103 people per 100,000 inhabitants—twice as high as in Iraq during the height of the war against the Islamic State (IS), where 18 people per 100,000 inhabitants died violently in the same year (see Figure 1).

The situation in Colombia today shows that the number of internally displaced persons is not necessarily a result of whether war or peace prevails. Here, the

peace agreement of 2016 ended the civil war between the armed forces and the largest Colombian guerilla group (FARC). After the agreement, nevertheless, some regions (especially Chóco, Meta, Guaviare, Norte de Santander, Nariño) experienced an increase in organised crime and resulting in involuntary displacement.

While the population in many urban centres of the country benefited from the peace agreement in terms of security, the situation in the periphery deteriorated due to attacks, assaults, collateral damage and military actions. The use of arbitrary and criminal violence—both by the state and non-state violent actors—is still part of everyday life in Colombia. As violence-related causes of displacement persist, only a few internally and internationally displaced persons return.

Figure 1
Violence around the world



Sources: Death rates 2015: National Institute of Statistics and Geography Mexico (INEG), National Institute of Forensic Science Guatemala, Violence Observatory at Honduras' National Autonomous University (UNAH), El Salvador's Institute of Legal Medicine (ILM), and UN (Yemen and Iraq).
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Moreover, new and mostly unrecorded issues such as intra-urban displacement have emerged. Statistics on forced displacement, therefore, only provide a partially adequate picture.

The Colombian case shows that internally displaced persons—given the persistent risk of persecution—often prefer not to be registered by official bodies. Intra-urban or preventive displacements remain unconsidered because they are difficult to track. This holds true for (i) situations where gang members force residents out of their homes so that they can use them as hiding places, camps or spy posts; (ii) contexts where young people flee in an attempt to pre-empt possible influence by criminal gangs; and for (iii) cases where immobilised communities (*comunidades confinadas*), are effectively held hostage by armed groups. Victims of all these forms of involuntary displacement, respectively confinement, are virtually cut off from aid.

Humanitarian challenges in war-like areas

Colombia exemplifies that it is often impossible to clearly distinguish actors involved in organised crime from armed groups, such as paramilitaries or guerillas. Instead, organised crime, civil wars and state-run wars against armed groups have been increasingly merging into one in various places. The Central American countries of El Salvador, Guatemala and Honduras are other cases in point that show how more and more humanitarian crises are triggered by organised and globally networked criminal groups.

Different NGOs pointed out as early as in 2016 that, e.g. the Northern Triangle of Central America (NTCA) was “in a crisis of protection on a scale unprecedented for areas not at war” (Egeland, 2017). In terms of risk assessment for their work in the field, humanitarian organisations have been facing the same challenges in Central America as in Afghanistan or

Somalia. The International Red Cross or Medecins sans Frontieres (MSF), for instance, therefore apply similar security measures concerning aid recipients, staff and logistics throughout these regions.

Against this backdrop, the refusal of the United States to allow refugees from Central America to cross the border in late 2018 seems based on far-fetched arguments: Reasoning that the concerned individuals were not from countries at war and therefore generally not entitled to recognition as refugees stands in stark contradiction to demands by the United Nations that pleaded for a case-by-case based process.

Global solutions for large migratory movements

Neither a policy of the hard hand (*mano dura*) nor a laissez-faire policy has helped to reduce violence, criminal activity or forced displacement. This indicates that holistic approaches are needed that not only put an end to violence but also counteract the marginalisation of many parts of the population by virtue of the rule of law and rights-based initiatives. Governments in Latin America were the first to politically address the obvious entanglement of criminal activities, displacement and forced migration in the 2014 Brazil Declaration. This Declaration recognises the structures of violence that are rooted in organised crime as a cause of forced displacement and removes the distinction between countries at war and those not at war as a basis for granting asylum.

The UN refugee regime would strongly benefit from also recognising organised violence as a cause of displacement and from scrutinising the formal differentiation of war and peace on a case-to-case basis. In the given examples from Latin America, violence, internal displacement and refugee movements have increased sharply—despite peace agreements. The success of future refugee policy will, therefore, most likely depend largely on the extent to which such

realities are taken into account conceptually, integrated into respective national and international set of rules formally, and implemented into everyday politics practically.

The New York Declaration of 3 October 2016 calls for strategies to protect and assist internally displaced people (IDPs) who seek protection beyond national borders (1.20). It explicitly, in this context, refers to regional agreements on transnational crime and human trafficking (1.19). The Declaration sets itself the goal to find global solutions to major migratory movements of refugees and migrants (1.7) and recognises that both groups—although confronted with different legal frameworks—face similar challenges (1.6). It, finally, argues that a long-term and sustainable approach needs to recognise the special needs that unify refugees, migrants and internally displaced persons (1.9).

In blatant contrast to the New York Declaration, the Global Compacts of 2018 deal with refugees and migrants separately. Turning the clock back, the Compacts reify the distinction between refugee and migrant according to the specific mandates of international organisations (such as UNHCR vs IOM). Both Pacts largely fail to offer long-term solutions for complex and everchanging causes, courses and consequences of displacement. This hampers the further development of coherent and practice-oriented political strategies to address global migratory movements with appropriate political instruments.

Any future design of global refugee policies—above all the further elaboration and coordination of the Refugee and Migration Pacts—would greatly profit from acknowledging available empirical research and existing political declarations on the subject. Cases in Central America and Colombia should be used as indicators for possible upcoming challenges, and the Brazil Declaration respectively the UNHCR Guidance Note on Refugee Claims Relating to Victims of Organised Gangs ought to be used to provide ideas on how to improve the global refugee regime adequately.

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