

# Climate displacement and planned relocation in Colombia: The case of Gramalote



DISPLACEMENT SOLUTIONS



Figure 1: Gramalote after the December 2010 landslides. Image: Kadir van Lohuizen/NOOR

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## I. Executive Summary

From end of February to early March 2015, a fact-finding mission from Displacement Solutions visited Colombia to investigate the situation of the town of Gramalote, which was completely destroyed by the extreme weather events of La Niña 2010-2011, and to review the status of the planned relocation of the population to another site. The mission used the 2013 *Peninsula Principles on Climate Displacement within States*<sup>1</sup> as a guiding framework for assessing the situation.

### **Communities affected by climate displacement**

Gramalote is located in the eastern mountain range of Colombia near the border with Venezuela. It is the first municipality in Colombia in the process of relocating in its entirety as a result of weather-related events directly linked to changes in the climate system.

In December 2010, the extreme rain during “La Niña” triggered a set of events which resulted in the destruction of the entire town. At the time of the disaster Gramalote had a population of some 6,800 people (3,400 living in the urban area and the remaining half in the rural area). The population was evacuated and moved to nearby municipalities. The Colombian President, Juan Manuel Santos, promised to rebuild Gramalote on a new site, and to make it “better than before”.

Almost five years have passed since the destruction of Gramalote, yet the promised reconstruction and relocation of the town have yet to take place, and the population of the municipality is still displaced.

### **The impact and responses to La Niña 2010-2011**

Gramalote was just one of the many towns affected by the events of La Niña 2010-2011. Colombia was hit by what is known as “a multi-hazard event” and between September 2010 and May 2011 the weather resulted in 2,219 emergencies. At least 3.2 million people, around 7% of the population of Colombia, were affected. The disaster caused some 1,374 deaths, 56,393 injuries, and 1,016 disappearances. Approximately half a million houses were affected and classified as either damaged or destroyed. The events impacted around 1,000 municipalities out of the 1,100 municipalities of Colombia. The total cost of damages was estimated at US\$6 billion.

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<sup>1</sup> The Peninsula Principles are the first international normative framework outlining the rights of climate displaced persons and the obligations of states and the international community towards them. Displacement Solutions led the drafting of the Peninsula Principles and published them on August 18, 2013.

The magnitude of La Niña 2010-2011 completely overwhelmed the national system for the Prevention and Attention of Disasters, resulting in its collapse. As a result, the Colombian government decided to create a very ambitious legal and institutional framework to manage the emergency and the recovery, based on two main pillars. The first was known as *Colombia Humanitaria*, which took care of emergency needs such as food, shelter, sanitation, health, and the most urgent repairs of the victims. The second was the creation of *Fondo Adaptación* for the reconstruction of the main areas that were damaged. This fund was based on the premise that the extensive damage produced by La Niña 2010-2011 was a direct result of changes in the climate system. As a result, a reconstruction program should consider appropriate adaptation measures, and Gramalote was one of the initial reconstruction projects undertaken.

### **The reconstruction and planned relocation of Gramalote**

Despite the impressive efforts of the Colombian government to respond to the emergency caused by La Nina 2010-2011, the relocation of Gramalote has been characterized by problems, frustration and delays, resulting in ongoing suffering for the victims of the disaster. As there are very few studies on planned relocations because of looming climate displacement threats, this report analyzes in detail the management process of the Gramalote relocation in an effort to see what lessons might be learned for this and future relocation projects.

In almost five years since the disaster, there have been five different entities overseeing and managing the reconstruction and relocation project, with the relocation yet to proceed. It took two years and one change of management and relocation site before a second and final site was identified at a place called Miraflores. Since then, progress has been held up by further changes in management, negotiations over the purchase of property at the Miraflores site, as well as delays in the administrative process in granting the environmental license to build the new town. These changes and delays have caused considerable mistrust and polarization within the Gramalote community, which continues to this day. At the time of the mission, despite all the progress in the attention devoted to Gramalote, and despite concrete progress in the planning and design of the reconstruction project, the victims remained very sceptical about the entire relocation process. The fact that the selected relocation site at Miraflores remained idle until very recently was a major source of concern and suspicion.

The lack of legal clarity about the rights of Gramaloteros has made one of the most important issues in the reconstruction very confusing: how many houses will be built. Until recently there were only promises made by high-level government officials indicating different figures. For instance, at the beginning of 2013 the Minister of Housing announced that 400 houses would be built as part of a national program of free houses for victims of the events of 2010-2011. President Santos, however, has stated that in total 1,200 houses would be built in Gramalote, 800 by *Fondo Adaptación*, to replace the houses of former owners, in addition to the 400 free houses that the Ministry of Housing was planning to build, which would be given to renters. However, the official plan announced by *Fondo Adaptación* in May 2015 indicates that the more restrictive approach will be taken, apparently due to the fact that the price tag of the reconstruction will be significantly higher than originally estimated. This plan, which was drawn up outside of the participatory governance process established under the Working

Group on Gramalote, had no input from the affected community or its local representatives. Moreover, the framework set out in the plan goes beyond this process as it will set a precedent for future relocations.

On a more positive note, in April 2015 the contract to build the new Gramalote was finally awarded to a construction company, which will include building the main plaza, the municipal building, the market, the streets and sidewalks, the water and sewage network, and the preparation of land for the first 400 houses. At the time of publication of this report, work had commenced and was planned to be completed in 14 months. This has created a new wave of optimism among victims that their displacement will soon be coming to an end.

### **Lessons learned from the relocation process**

This report sets out a number of important lessons which can be learned from the handling of the relocation process of Gramalote, both positive and negative. For example, a number of lessons stem from the negative aspects outlined above, such as the frequent changes in management, delays and lack of identifiable milestones in the process. On the positive side, the creation in 2013 of the Working Group on Gramalote, comprised of local, regional and national actors with an interest in the project, for example, was a key governance innovation which provided for dialogue and a process of compromise between these actors. Other positive elements have included the development of an action plan which clearly outlined the steps to be followed in the relocation process, and the provision of sufficient humanitarian assistance and rental subsidies to victims awaiting relocation.

In sum, key lessons learned include: the need for a broad roadmap which clearly outlines the steps that need to be followed to guide the planned relocation process; the importance of a participatory governance model; the need to have a visible, consistent manager of the process; the need to have a clear timeframe and visible milestones in the process; the importance of the role of local and regional actors; the need to recognise that land is at the center of any planned relocation process and will require considerable focus to ensure that the housing, land and property rights of victims are adequately addressed; and the need for planned relocation to be approached as more than a housing project and as a complex process requiring a multisectoral response.

The Gramalote disaster also demonstrated that a strong sense of place and sufficient humanitarian assistance are important factors that deter victims of a climate related event from crossing an international border. Although Gramalote is located only 49 kilometers from the most active international border between Colombia and Venezuela, only 2 out of more than 3,300 people moved across the border following the disaster, despite its proximity. The fact that the Colombian government offered humanitarian assistance, including in the form of rental subsidies, throughout the last four and a half years was a significant factor that encouraged people to stay in the area.

## **The international framework on the rights of climate displaced persons**

The experience in Gramalote and elsewhere in Colombia illustrates that the international protection framework governing internal displacement under the UN Guiding Principles on Internally Displaced Persons needs to be complemented by one that focuses specifically on displacement caused by climate change and natural disasters, such as the Peninsula Principles on Climate Displacement Within States. In Colombia, where there is already an extensive displaced population as a result of an internal armed conflict, the legal protection offered by the UN Guiding Principles has proven to be extremely useful. However, since internal displacement has been used as a tool in the conflict by the armed actors, it is also considered as a crime in Colombia. The human rights community in Colombia has built the case for special treatment of internally displaced persons by contrasting the situation of people displaced by the armed conflict and people displaced by natural disasters. As a result, the UN Guiding Principles have only had a very limited protective reach in the latter situation. The Colombian case shows that the protection of people displaced by climate change and other natural disasters requires a legal instrument such as the Peninsula Principles which specifically address their situation.

## **Conclusion**

The relocation of Gramalote is currently at a crossroads. While there have been significant problems over the past four and a half years, if handled correctly the planned relocation process could end successfully in the near future. The current management of the project must make the ongoing process more participatory. In particular, the currently proposed legal framework that *Fondo Adaptación* is seeking to use in Gramalote goes beyond this specific process as it will also set a precedent for future relocations. As a result, it should be the result of a consensus among the affected community and local, regional and national authorities. If, however, decisions are imposed without the real participation of all the actors involved, there is a risk that the project will fail. The Colombian state has invested a lot of resources in the resettlement of Gramalote and should not sacrifice this investment at the very last minute.

Gramaloteros have suffered the consequences of being climate displaced people for almost five years, and are eager to restart their lives. The clock is ticking.

## **Recommendations**

### **1. Recommendations to the Colombian Government:**

- a. Comply with the terms set out in the 2013 Peninsula Principles on Climate Displacement within States to recognize and respect the rights of climate displaced persons.
- b. Develop a National Relocation Policy based on the lessons learned from Gramalote and other international experience.

- c. Review and modify relevant urban and regional planning regulations to be applied after catastrophes. For example, the process to change land use in a municipality from rural to urban, and the process to obtain an environmental license to build a municipality in a new location should be simplified and expedited when a municipality faces a relocation process after a disaster.
- d. Ensure that the promise made by President Santos to not only rebuild and relocate Gramalote but also to make victim's lives "better-off" in the new place, is fulfilled in its entirety and does not fall victim to cost-cutting measures.
- e. Ensure that rent subsidies are paid to climate displaced people in a timely manner on a monthly basis instead of every three months.
- f. Expand the expertise represented on the board of directors of *Fondo Adaptación* beyond government and business to include those with experience in social science and relocation processes, so that that economic perspectives alone do not dominate decision making and that social implications are fully taken into account.

## **2. Recommendations to *Fondo Adaptación*:**

- a. Honour the "rules of the game" that have been designed and agreed upon by the main actors in the process, including *Fondo Adaptación* itself. The participatory decision-making process set up in 2013 with the Working Group of Gramalote should be respected and strengthened. *Fondo Adaptación* should also support the elaboration of a lessons-learned study of the Working Group as a governance model for projects involving local, regional and national actors.
- b. Adopt a broader legal approach in the definition of the rights of displaced people from Gramalote by taking into account the Peninsula Principles on Climate Displacement within States.
- c. In line with the Peninsula Principles, consider developing laws and policies on loss and damages incurred by the people of Gramalote, including measures such as mechanisms to compensate them for the loss of their housing, land and property and livelihoods due to climate change. Guidance might be found in the work commissioned by the COP18 under the United Nations Framework Convention on Climate Change, where the issue of loss and damages, and other compensatory measures has become a central element in the current discussion.
- d. Positively consider the request of the community to rebuild the three remaining public facilities that were part of the old Gramalote: a slaughterhouse (perhaps in association with nearby municipalities), a soccer field and a cemetery.



## II. Introduction

The small town of Gramalote is the first municipality in Colombia in the process of relocating in its entirety as a result of weather-related events directly linked to changes in the climate system. The extreme rain during “La Niña” 2010-2011 triggered a set of events including a landslide and a rare mass movement process (slump)<sup>2</sup> which, coupled with a small-scale earthquake in the area, resulted in the destruction of the entire town.

The slow destruction of Gramalote on 16th and 17<sup>th</sup> December 2010 was closely followed by the entire country. Since then, Colombian mass media has covered the situation extensively. Gramalote became one of the symbols of the destruction that affected Colombia during the “La Niña” events. In contrast, few Colombians are aware of what happened in San Cayetano and Herrán, other municipalities that had to relocate, as those events were mostly perceived as isolated, and the news coverage had a short life. As some 70% of Colombia’s population live in one of the three Andean mountain ranges that cover a large portion of the country, the destruction of Gramalote was a clear warning for many that what had happened there could happen anywhere<sup>3</sup>.

Displacement Solutions decided to study the situation in Colombia for the following reasons:

1. Displacement Solutions has been investigating climate displacement as a result of sea level rise in neighboring Panama, and it was felt that it would be useful to analyse another instance of climate change displacement elsewhere in Latin America.
2. Planned relocation within national borders as a result of disasters and climate change has become an area of international focus since the 2010 Cancun Adaptation Framework called on states to:

“enhance action on adaption (...) by undertaking, inter alia, the following: (...) (f) Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and **planned relocation**, where appropriate, at the national, regional and international levels” (emphasis added).

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<sup>2</sup> There are several types of mass movement processes. The one that destroyed Gramalote was a slope failure type called *slump* or *rotational slide*. Slumps are defined as: “type of slides wherein downward rotation of rock or regolith occurs along a concave-upward curved surface (rotational slides). The upper surface of each slump block remains relatively undisturbed, as do the individual blocks. Slumps leave arcuate scars or depressions on the hill slope. Slumps can be isolated or may occur in large complexes covering thousands of square meters. They often form as a result of human activities, and thus are common along roads where slopes have been over steepened during construction. They are also common along river banks and sea coasts, where erosion has under-cut the slopes. Heavy rains and earthquakes can also trigger slumps”. Nelson, Stephen (2014).

<sup>3</sup> In fact, some municipalities have expressed concern about the possibility of suffering a disaster like the one that affected Gramalote. That is the case, for instance, in the municipality of Velez, in the department of Santander. *El Espectador*, “Se avecina otro Gramalote?”, May 6, 2013.

Planned relocation “has received much less attention” than the other two forms of movement<sup>4</sup>, but this has recently started to change, with the inclusion in the 2013 *Peninsula Principles on Climate Displacement Within States* of a set of specific guidelines on planned relocation and additional principles on the subject currently in the process of being drafted by the Brookings Institution (among others). A detailed analysis of the relocation of Gramalote provides a timely opportunity to learn some lessons about the specifics of a relocation process caused by a climate-related event.

3. The impact of the climate related events of La Niña 2010-2011 in Colombia has been only partially analyzed so far, and at some level simplified by the literature produced outside the country<sup>5</sup>. Displacement Solutions felt that there was a need for more in-depth analysis of the event, its impact and the response of the Colombian government. Despite some shortcomings in the response, there are several important lessons to be learned by the international community, and especially by countries with similar levels of economic development as Colombia, from the approach adopted by the Colombian government to deal with the emergency and the related recovery and reconstruction effort. In addition, despite the intense interest in Gramalote, there are still very few studies about the planned relocation process<sup>6</sup>.
4. The climate displacement of the inhabitants of Gramalote occurred in an area located only 49 kilometers (34.4 miles) from the city of Cúcuta, the most dynamic international border between Colombia and Venezuela. This fact offered an excellent opportunity to examine the movement patterns of the population of Gramalote, including how many people were displaced internally and how many had crossed an international border, and the reasons behind each kind of movement.
5. The situation in Colombia also offered an opportunity to investigate the application of international standards on climate displacement. During the last few years there has been an academic and political discussion about the need for a new international legal instrument to protect the rights of climate displaced people worldwide. Displacement Solutions has advocated in favor of a new specific legal framework, and to this end coordinated a global process over a two-year period culminating in the adoption of the *Peninsula Principles on Climate Displacement Within States* in August 2013, which focused on internal (domestic) climate displacement. There has, however, been opposition to the creation of new protective instruments dealing with this issue. This position is based on the argument that existing standards such as the UN Guiding Principles on Internal Displacement already provide sufficient protection, and that efforts should be directed towards better protection for climate displaced populations who have crossed an international border. As there is a combination of people who are internally displaced by violence and climate displacement in Colombia, and an entirely separate legal and administrative framework to deal with each type of displacement has been developed, it

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<sup>4</sup> Ferris, Elizabeth (2012). Page 4.

<sup>5</sup> Thomas, Alice (2011; 2014a and 2014b).

<sup>6</sup> Anzellini, Vicente (2012); Rivera Chaves, Lorena (2014); Fondo Adaptación (2015).

was felt that the situation provided an excellent opportunity to test these positions and the Peninsula Principles.

6. Finally, Displacement Solutions was also interested in sharing the legal tool of the *Peninsula Principles on Climate Displacement Within States* with the climate displaced people from Gramalote. As we were finishing drafting this report, a major development in the planned relocation process of Gramalote took place, as the Colombian government finally released the Resettlement Plan. After waiting for four and a half years, the people from Gramalote were able to see for the first time what the government considered were their specific rights in the relocation process. As a result, in this report we analyze in detail the legal implications of the plan and offer some possible avenues for the people of Gramalote to use the Peninsula Principles to ensure that their rights are fully protected.

Displacement Solutions visited the cities of Bogotá, Cucuta and the municipality of Gramalote, between the end of February and the beginning of March 2015.<sup>7</sup> Displacement Solutions met with and interviewed government officials at the national, regional and local level, as well as climate displaced people from Gramalote, community leaders, NGOs, and international agencies.

This report is the most comprehensive independent analysis of the relocation of the municipality of Gramalote conducted to date. We hope that it will contribute to better understanding the complexities of a planned relocation process caused by a climate-related event. We also hope that this document will contribute to the healing process for the Gramaloteros, who still carry deep wounds and trauma from the four year nightmare they have endured. Knowing that people in other parts of the world are aware of their situation and following their relocation process could offer at least some token of comfort. More importantly, lessons learned from their suffering might help other people in Colombia and elsewhere in the world in improving the handling of planned relocation processes elsewhere. We hope that by documenting the Gramalote experience it will contribute to lessons being learned from it and hopefully to a shorter time of suffering for others.

The report is divided in ten sections. The first section contains the executive summary. This introduction is part of section two. Section three presents an overview of the weather related events of La Niña 2010-2011, detailing its damage and the Colombian's government responses to the catastrophe. Section four summarizes the impacts of the events of La Niña 2010-2011 in the municipality of Gramalote and on its people. Section five details the management of Gramalote's planned relocation process. Section six summarizes some lessons learned from Gramalote's planned relocation process. Section seven applies the Peninsula Principles on Climate Displacement in Gramalote. Section eight examines the protection of the rights of climate displaced persons under international instruments. Section nine highlights some conclusions, and section ten focuses on some recommendations to the Colombian government.

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<sup>7</sup> The mission was conducted by Carlos Arenas. We would also like to thank Edilma Corredor of the Cucuta Chamber of Commerce, and her family, for their valuable support.



Figure 2: The main street of Gramalote. Image: Kadir van Lohuizen/NOOR

### III. Overview of events of La Niña 2010-2011: Damage and response of the Colombian government

#### Weather related events

La Niña 2010-2011 in Colombia was what is known as “a multi-hazard event.”<sup>8</sup> Between September 2010 and May 2011, the event resulted in 2,219 emergencies, as reported by the National Unit of Disaster Risk Management (UNGRD).<sup>9</sup> Of this total, 1,233 were floods (55.6%), 778 were landslides (35.1%), 174 were windstorms (7.8%), 24 were avalanches (1.1%) as well as 10 other different types of events (0.4%)<sup>10</sup>. In a typical rainy season, around 1,212,964 hectares are flooded in Colombia, however the La Niña events of 2010-2011 doubled the amount of land flooded in the country.<sup>11</sup>

<sup>8</sup> Hoyos, N. *et. al* (2013).

<sup>9</sup> *Unidad Nacional de Gestión de Riesgo de Desastres*.

<sup>10</sup> Comisión Económica para América Latina -CEPAL- (2012). Page 17.

<sup>11</sup> *Idem*.

At least 3.2 million people, or around 859,714 families (7% of Colombians) were affected by the events of La Niña 2010-2011. The disaster caused around 1,374 deaths, 56,393 injuries, and 1,016 disappearances. Approximately half a million houses were affected and classified as either damaged or destroyed. The events of La Niña 2010-2011 impacted around 1,000 municipalities out of the 1,100 municipalities of Colombia.

### Profile of people affected<sup>12</sup>

- 64.7% of people registered as affected by La Niña 2010-2011 were living in rural areas.
- 65% of the household affected had a male as the head of household.
- Each affected household had an average of 3.68 people.
- Out of 785,583 households reported as affected, 73.6% were affected by flooding, 16.6% by landslides, 6.7% by windstorms, and 3.2% by avalanches.
- 81.4% of the affected households reported at least one person in a vulnerable situation (pregnant, people with disabilities, people over 65 years old, children less than 12 years old).
- Approximately 8.5% of the people registered reported some kind of disability (physical, mental, sensory or speech disability).
- 25% of people registered identified themselves as members of an ethnic group, mostly Afro-Colombians or indigenous peoples.
- 67.3% of the households belong to one of the government programs that aims to eliminate extreme poverty, and around 6% are also registered as displaced people as a result of the armed conflict (mostly located in the departments of Antioquia, Bolivar, Chocó and Magdalena).
- 63.4% of registered households reported damage in houses and 34.2% on farms. The highest level of damage was reported in the department of Atlántico and all types of assets were impacted.
- According to the type of tenure of the property affected, 81% reported to be owners without mortgages, 1.7% owners with mortgages, and 16.6% were renters.
- 46% of households with agricultural and livestock losses were concentrated in the departments of Bolivar, Magdalena, Cauca, Córdoba, Nariño and Chocó.

### Colombian government's response to the events of La Niña 2010-2011

An Economic Commission on Latin America and the Caribbean – Inter-American Development Bank mission valued the total cost of damages produced by the events of La Niña 2010-2011 at US\$6 billion. The five sectors most impacted were: housing with damages valued at US\$2.3 billion (38.3%); transportation US\$1.8 billion (30.25%); energy US\$472 million (7.8%); education US\$415 million (6.9%); and agriculture and livestock US\$409 million (6.8%).

The management model designed by the Colombian government to deal with La Niña 2010-2011 events was not created from scratch. It was mostly inspired by the experience and lessons

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<sup>12</sup> *Idem.*



learned from FOREC, created after the earthquake that affected the “Eje Cafetero” area in 1999<sup>13</sup>. In Colombia, the experience of FOREC is considered a very positive one<sup>14</sup>.

### Legal framework to manage the disaster and recovery

President Juan Manuel Santos’s first term was inaugurated on August 7<sup>th</sup>, 2010, but the events of La Niña 2010–2011 had already begun in June 2010. During the first months of his mandate, the National System for the Prevention and Attention of Disasters (*Sistema Nacional de Atención y Prevención de Desastres* -SNAPD), which was already in place, took care of handling the emergency. As the climate events got worse, on November 18<sup>th</sup>, 2010 the Risk Management Office at the Ministry of the Interior declared a state of public calamity in the entire country. However, as the emergency started growing to unprecedented proportions, the national government realized that not only had the SNAPD been completely overwhelmed, but it had collapsed<sup>15</sup>. It is then that the Colombian government decided to create a very ambitious legal framework to manage the emergency and the recovery, which included the following:

*i) New general guidance to manage the disaster:* On December 7<sup>th</sup>, 2010 the Colombian government declared “the existence of a national disaster situation throughout the national territory”<sup>16</sup>. The same day the government also declared “the state of economic, social and ecological emergency in all the national territory for a 30 day period (...) to deal with the severe public calamity and avoid the expansion of its effects”<sup>17</sup>. As a result, “The national government will adopt through legislative decrees, all the measures that are required in implementing this economic, social and ecological emergency, and will plan for all the necessary budgetary measures”<sup>18</sup>.

*ii) New norms to deal with evacuation and resettlement of communities living in areas at high risk of disaster:* Some of the main measures taken were:

- *Decree 4674 of 2010 established special norms to evacuate people and a process to resettle people living in unmitigable high risk disaster areas:* This decree established that Mayors, Governors and police chiefs are in charge of protecting the security and lives of people living in areas in high risk of disaster as a result of the extreme rain affecting the country. Mayors, Governors and police chiefs are also in charge of taking measures such as: i) ordering the necessary evacuations when the lives of people are at risk; ii) developing programs to relocate families located in areas of unmitigable high risk; iii) buying properties in unmitigable high risk disaster areas and providing technical assistance in finding housing alternatives;

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<sup>13</sup> President Santos has stated that *Colombia Humanitaria* built on the experience of FOREC. Santos, Juan Manuel (2014).

<sup>14</sup> However, some people think that FOREC was very politicized and was far from being corruption free. Interview with Jorge Hernández, emergency officer at the *Secretariado Nacional de Pastoral Social-Caritas Colombiana*. Bogotá, March 9, 2015.

<sup>15</sup> Vargas Lleras, Germán (2011).

<sup>16</sup> Article 1<sup>st</sup>, Decree No. 4579 of December 7<sup>th</sup>, 2010.

<sup>17</sup> Article 1<sup>st</sup>, Decree No. 4580 of December 7<sup>th</sup>, 2010.

<sup>18</sup> Article 3<sup>rd</sup>, Decree No. 4580 of December 7<sup>th</sup>, 2010.

iv) implementing a methodology of holistic accompaniment to people that need to be relocated to speed up processes and provide opportunities to find a more adequate habitat; v) implementing the methodology to establish Unique Recognition Value (*Valor Unico de Reconocimiento*) to make possible the resettlement of the people.

According to article 6, of Decree 4674 of 2010, the National Directorate of Risk Management is in charge of creating a resettlement program and will keep an actualized census of families and a list of priorities. The resettlement process should include: i) Provision of a dignified place to live; ii) Purchase of the house at risk and/or the rights over the building to be demolished; iii) Assistance and integral accompaniment for the purchase of a housing alternative; iv) Assignment and delivery of a Unique Recognition Value (if it is considered a legitimate case) using resources from the National Calamities Fund; v) Coordination with local authorities so that properties evacuated for unmitigable risk are not occupied again.

- *Decree 4821 of 2010 adopted measures to guarantee the availability of urban land to be used for housing projects and relocation of human settlements:* This decree created the new Integral Projects of Urban Development (*Proyectos Integrales de Desarrollo Urbano –PIDU*). This decree was later further developed by Decree 1490 of 2011.

*iii) New institutional architecture to deal with the emergency and recovery:* As will be seen in detail in the following section, since December 2010 the Colombian government made the radical decision to create a new institutional architecture to deal with the tragedy and the recovery. Some of the measures taken were the following:

- *Decrees 4702 of 2010 and 4830 of 2010 made changes to the old National Calamities Fund:* Decree 4702 created an advisory committee to the board of directors to be formed among members of civil society organizations, NGOs and multilateral organizations (Art. 1). It also created the Manager position at the National Calamities Fund to be in charge of all the coordinating activities required during the humanitarian and rehabilitation phases (Art. 2). Additionally, Decree 4702 established that the national operative committee of the National Calamities Fund would be in charge, among other functions, of: i) finding temporary shelter solutions; ii) developing a census; iii) initial diagnosis of damages; iv) primary or basic attention to people affected; v) provision of basic emergency aid such as food, medicine, etc; and vi) reestablishing minimal or basic conditions of environmental sanitation (Art. 5). Both decrees were further developed by Decree 2955 of 2011.
- *Decree 4819 of 2010 created Fondo Adaptación:* “whose purpose is the recovery, construction and reconstruction of areas affected by the ‘La Niña’ phenomenon (...) so as to permanently prevent the prolongation of its effects, aimed at

mitigation and risk prevention and from now on to the protection of the population from the economic, social and environmental threats that are happening." (Art. 1). This decree was further developed by Decree 2918 of 2011, Decree 2962 of 2011, Decree 2785 of 2011 and Decree 4808 of 2011.

- *Decree 4147 of 2011 created the National Unit for Disaster Risk Management (Unidad Nacional de Gestion de Riesgo de Desastres, UNGRD)*: This decree completely modified the old National System for the Prevention and Attention to Disasters that had been in place since 1989. The aim of the UNGRD is "to guide the implementation of disaster risk management, taking into account sustainable development policies, and coordinate the operation and continued development of the National System for Disaster Prevention and Response" (Art. 3).
- *Law 1523 of 2012, established the national policy and the national system for disaster risk management*: Chapter VII of this law establishes a special regime to deal with situations of disaster and public calamity.

### Funding to cover the emergency, recovery and reconstruction

According to author Alice Thomas, in mid February 2011 the Colombian government rejected the idea of the UN Humanitarian Country Team to make an inter-agency appeal for more than US\$60 million<sup>19</sup>. Although in the short-term that decision seemed shortsighted, in the long term it proved to be a wise approach. In fact, the Colombian government not only made the financial effort to finance the emergency and early recovery with its own funds, but it also developed an ambitious long-term reconstruction plan. Had the Colombian government decided to rely mainly on funding from the international community, the resources obtained would have only have amounted to a small portion of what was ultimately invested and the breadth of the intervention would have been almost minimal<sup>20</sup>.

To pay for the emergency aid and early recovery which was originally estimated at about \$6.3 billion Colombian pesos (US\$3.2 billion), the Colombian government did not use either internal or external debt but resources raised nationally, such as partial change in destination of a tax to all financial transactions, new patrimonial taxes, and by expanding the tax base. According to the Minister of Finances, Colombians who had been favored most by the economic recovery of the country were those who should pay the lion's share<sup>21</sup>.

### Institutional architecture to manage the emergency, rehabilitation and reconstruction

#### i) **The National Calamities Fund-Colombia Humanitaria:**

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<sup>19</sup> Thomas, Alice (2011).

<sup>20</sup> The total amount of funds donated to deal with La Niña 2010-2011 reached US\$150 million including national and international donations. Zapata, Roberto Antonio (2014).

<sup>21</sup> Echeverry, Juan Carlos (2011).



The first action taken by the Colombian government regarding the institutional architecture to deal with the tragedy was to transform the old National Calamities Fund (*Fondo Nacional de Calamidades* –FNC). The structure, size and resources available for the FNC were transformed so that it was able to take care of emergency needs such as food, shelter, sanitation, health, and the most urgent repairs of the *damnificados*<sup>22</sup> (victims). A temporary manager was appointed<sup>23</sup>, and the funds for the events of La Niña 2010-2011 were channeled through a separate account at FNC called “Sub-account *Colombia Humanitaria*”<sup>24</sup>. In that sense, FNC-*Colombia Humanitaria* (hereafter *Colombia Humanitaria*) was not really a new institution but a temporary team, and it was phased out in 2014, leaving the experience in the hands of the newly created National Unit for Risk Disaster Management (Unidad Nacional para la Gestión del Riesgo de Desastre – UNGRD).

*Colombia Humanitaria* did not administer or spend funds. Following FOREC’s model, the funds were administered by a fiduciary. *Colombia Humanitaria* played a role as coordinator, basing its work on regional and local governments and independent operators, most of them NGOs. A member of the board of directors of *Colombia Humanitaria* had this to say about the decision of creating the organization “[T]his decision was not without its risks and difficulties. For a newly created organization (the sub-account *Colombia Humanitaria*), to start providing services to two and a half million *damnificados* and repairing multiple, varied, substantial and scattered damage represented an unprecedented logistical challenge”<sup>25</sup>.

*Colombia Humanitaria* invested US\$2.93 billion in the emergency and rehabilitation phases of La Niña 2010-2011<sup>26</sup>. Almost half of the funds spent (US\$1.4 billion) were used for rehabilitation actions through agreements with national level entities (including some international agencies) for major public works, institutional strengthening measures, social infrastructure and economic reactivation. Another 29% of the funds (US\$875 million) were used through regional and local authorities for major and minor public works. Humanitarian aid, in the form of food, hygiene kits, shelter, housing repairs and rent subsidies represented 20.5% of the expenses. Operating expenses represented only 0.46% of the funds spent.

Different actors from very different sectors believe that the experience of *Colombia Humanitaria* was overall positive, despite all the problems and shortcomings. Some organizations valued that it was the first time that the Colombian government provided a more holistic response to a natural disaster, as it not only attended the emergency but at the same time provided long-term assistance to the communities in several other areas<sup>27</sup>.

## ii) Fondo Adaptación

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<sup>22</sup> Before the restructuring, the old FNC was administering around US\$32 million annually. Murillo, Everardo (2011).

<sup>23</sup> Everardo Murillo was appointed as manager of *Colombia Humanitaria*. Murillo was the former and successful manager of FOREC, the Fund that was in charge of the reconstruction of the *Eje Cafetero* from 1999-2002.

<sup>24</sup> Londoño, Jorge (2014).

<sup>25</sup> *Ibid.* Page 18.

<sup>26</sup> *Colombia Humanitaria* (2013).

<sup>27</sup> Interview with Jorge Hernández, emergency officer at the *Secretariado Nacional de Pastoral Social-Caritas Colombiana*. Bogotá, March 9, 2015.

The second main column of the model was the creation of *Fondo Adaptación*, for the reconstruction of the main areas that were damaged by the events of La Niña 2010-2011. This fund was based on the premise that the extensive damage produced by La Niña 2010-2011 was a direct result of changes in the climate system. As a result, a reconstruction program should consider appropriate adaptation measures. It was decided then that the approach of the *Fondo Adaptación* should be based on rigorous studies and evaluations<sup>28</sup>.

Originally, *Fondo Adaptación*'s budget was around US\$4.8 billion dollars. Risk mitigation measures accounted for 28% of the budget and included six megaprojects, of which the most expensive was the Dique Canal (US\$525 million, or 10.8%), followed by the investments need in Cali's embankment -"Jarillón de Cali"- (US\$429 million, or 8.8%), La Mojana region (US\$313 million, 6.4%) and the reconstruction of Gramalote (US\$85.5 million, or 1.8%). However, the sectors that received more resources were housing and roads (US\$1.1 billion each, or 22.7% each).



Figure 3: Urban design plan for the new Gramalote. Urban design: Camilo Santamaría.- Arquitectura Urbanismo, Image: Ekoomedia.

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<sup>28</sup> In this report we look mainly at the original structure and financial resources allocated to *Fondo Adaptación*. The funds to be invested in *Fondo Adaptation* are a moving target. A deeper analysis and follow-up of all its projects and use of funds is beyond the scope of this paper. In section IV we will look in depth at *Fondo Adaptación*'s actions, as it is related to its role in the resettlement of Gramalote from its inception until mid-May 2015.

## **IV. The impacts of the events of La Niña 2010-2011 on the municipality of Gramalote and its' people**

### **Introduction**

Gramalote is a municipality located in the department of Norte de Santander in the Eastern mountain range of Colombia, near the border with Venezuela. Gramalote was founded in 1857 and already had experience of having to relocate in 1880. At the moment of the disaster in 2010, its population was around 6,811 people, with some 3,400 living in the urban area and the remaining 3,411 in the rural area<sup>29</sup>.

The original town of Gramalote was a very typical small town located in the northeastern part of Colombia. Its urban and rural areas were economically, socially and culturally intertwined. The main economic activity in the urban area was the commercialization of what was produced or needed in rural areas. Coffee, sugar cane, bananas, and citrus fruits were the main agricultural products in the local economy. Many people went back and forth between the urban and the rural areas to live and work. Gramalote also took advantage of being located nearby other municipalities, such as Santiago (12 km) and Lourdes (18.5 km). Cucuta, the capital of the department of Norte de Santander is located only 49 kilometers away, near the most economically active border between Colombia and Venezuela.

The Catholic Church including its religious traditions and role of the local priest as a religious and community leader, plays a very important role in the culture of the town. In fact, Gramalote itself was founded by a Catholic Priest. The church building was the most symbolic representation of the town, and a great source of pride for Gramaloteros. The main cultural events were religious festivities, such as Christmas, Holy Week and the feast of “Virgen de Mongui”.

In a small town with these characteristics, the central park is another important cultural and symbolic place. The central park is the main place to socialize, to meet new people and see old friends, and it is where many types of community activities are organized, such as local fairs, concerts, etc. The strong roots and connection that people develop in this type of town are related to the way its culture is organized. Physically, this type of town is a product of its people and its culture<sup>30</sup>.

### **The evacuation, the collapse, and the promise to build a new Gramalote**

Gramalote is a town surrounded by steep mountains. After several days of very heavy rain, during the night of December 16<sup>th</sup> 2010 the La Cruz Hill, one of the hills located just outside of town made very loud noises and collapsed, destroying 25 houses in the Santa Anita

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<sup>29</sup> Alcaldia Municipal de Gramalote, Norte de Santander (2013).

<sup>30</sup> Oliver-Smith, Anthony (1986).

neighborhood. Fortunately, no one was injured<sup>31</sup>. According to eyewitness Carmen Yañez: “That night began to sound awful and you did not know what was happening. Only on Friday the 17th (December) did we see that our neighborhood was destroyed, but we never thought the destruction would reach the center of town, all the way to the park”<sup>32</sup>.

People in Gramalote were not entirely surprised by the landslide. For almost two years before the disaster the school teacher and peasants from the “vereda” Jácome, which is located near La Cruz Hill, attempted to raise the awareness of the local authorities in Gramalote about the presence of cracks in some of the houses and on the ground. However, no one paid attention<sup>33</sup>.

Even after the landslide, many Gramaloteros were still in disbelief about the magnitude of the danger<sup>34</sup>. After the news about the landslide reached the regional and national authorities, the governor of Norte de Santander, in coordination with the Mayor of Gramalote, gave the order to evacuate the town<sup>35</sup>. “The decision to evacuate Gramalote was very difficult to make because there was so much uncertainty. That was the most delicate and most difficult decision to comprehend, but it guaranteed that no human lives were lost. It was a successful act”, recalled Carlos Eduardo Rodriguez, who works at Norte de Santander’s Governor’s office.<sup>36</sup>

The order to evacuate came on the 16<sup>th</sup>. That night, after other houses in the Santa Anita neighborhood started collapsing and the ground in several other parts of town started cracking, almost everyone finally believed that it was necessary to evacuate. There are reports, however, that some people refused to leave and were forced to evacuate their houses by other family members and friends<sup>37</sup>.

The evacuation was very chaotic. People with the means to evacuate left first and on their own. Apparently, the mayor of Gramalote was one of the first to leave town. It was only after the arrival of several relief agencies including the Colombian Red Cross and representatives of the Regional Committee for the Prevention and Attention of Disasters (*Comité Regional para la Prevención y Atención de Desastres* –CREPAD) that a more organized evacuation was executed. Buses sent by the Governor’s office took people to the nearby municipalities of Lourdes, Santiago and Villa Caro, or to the city of Cucuta, located around one and a half hours from Gramalote. Public school buildings were the main destinations of those evacuated through institutional support<sup>38</sup>.

The Colombian Army and the National Police also provided support and were focused on maintaining a minimal level of order in the middle of the chaotic evacuation of the belongings

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<sup>31</sup> Durán Pastrana, Jorge Luis. *Semana*, “La última misa de Gramalote”. December 25<sup>th</sup>, 2010.

<sup>32</sup> Hernandez, Sixta Tulia, *La Opinión*, “Nos sentimos extraños porque no somos de acá, somos de allá”, Gramaloteros”. December 17, 2011.

<sup>33</sup> Anzellini, Vicente (2012).

<sup>34</sup> Interviewed with Dario Peñaranda, a resident from Gramalote. Gramalote, March 5, 2015.

<sup>35</sup> *El Espectador*, “Ordenan evacuación de habitantes de Gramalote, Norte de Santander”. December 17, 2010.

<sup>36</sup> Interview with Carlos Eduardo Rodriguez, representative of the Governor’s office in the Working Group on Gramalote. Cucuta, March 6, 2015.

<sup>37</sup> Durán Pastrana, Jorge Luis. *Semana*, “La última misa de Gramalote”. December 25, 2010.

<sup>38</sup> Anzellini, Vicente (2012).

in trucks and pickup trucks. Looting was widespread, and has had an impact on the future reconstruction of the social fabric, as many people recognized some of their neighbors among the looters<sup>39</sup>.

On December 22, 2010, President Juan Manuel Santos flew over the ruins of Gramalote and then met in Cucuta with its displaced population. There he promised to rebuild Gramalote on a new site, and to make it better than before. He said:

“I just flew over this town -very beautiful, indeed- I had never been in Gramalote before, it is such a nice town. First of all, I want to say that I am very sorry for what has happened. These are matters of fate, of nature, of our Lord. Against that there is little that can be done, but a lot can be done from now on.

I have come here to tell all the citizens of Gramalote that we will rebuild the town. And not only we are going to rebuild the town, but you will be better off than before (...) As soon as possible we will complete some geological studies that are necessary, so that you can choose where and how you want to rebuild Gramalote.

We will give you all the help (...) and believe me, Gramalote will be better off than before (...) We will see what we can do with the Governor and the Mayor to help in this period of transition. We will accelerate this process. This will take time because as you know, Gramalote was built here after an earthquake. The town was built here supposedly to protect it from the earthquake, and look what just happened. Then we have to choose the site very carefully, so this never happens again (...) and to bring all the necessary help with the aim that the economic activity of the town is maintained and even improved upon.

(...) We will see how we can provide other economic activities so that we not only build a very nice and beautiful town that is better than before. The idea is that it will have even more dynamic economic activity. Believe me, I will personally commit to make that happen as soon as possible (...) We will be better off and stronger than before. That is the spirit in which we will tell you here, Gramaloteros, do not worry, do not worry, you will be in good hands, and you will be better off than before”<sup>40</sup>.

President Santos’ promise to the people of Gramalote has been the basis for the entire planned relocation process of Gramalote. What has been planned and done so far for the relocation of Gramalote cannot be understood without taking into account this original vision and promise.

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<sup>39</sup> Interview with Luis Gonzalo Díaz, General Coordinator of the Social Accompaniment Component -Phase II-, at the Universidad de Pamplona. Cucuta, March 4, 2015.

<sup>40</sup> Sistema Informativo del Gobierno, “Palabras del Presidente Juan Manuel Santos luego del sobrevuelo por Gramalote, Norte de Santander”. Presidencia República de Colombia. December 22, 2010. [http://wsp.presidencia.gov.co/Prensa/2010/Diciembre/Paginas/20101222\\_09.aspx](http://wsp.presidencia.gov.co/Prensa/2010/Diciembre/Paginas/20101222_09.aspx). The translation is ours.



## The emotional impact of the destruction of Gramalote

One of the first and main impacts of being a victim of a tragedy such as the destruction of Gramalote is emotional. It is very hard for people to cope with the trauma produced by a disaster. On the first anniversary of the disaster, Edilsa Maestre, a victim from Gramalote recalled: “It has been very hard. It is not something that I have been able to overcome psychologically or emotionally and every day the memory is harder. The change we've had is huge. Sometimes I get very depressed thinking about how everything you have can be lost overnight”<sup>41</sup>. Pedro Elias Escalante has also shared his story: “It was very painful to lose the town, rushing out with our things and losing our jobs. I used to repair medical equipment at the hospital in Gramalote, and that's gone (...) [T]he children begged and cried asking me to take them back to Gramalote. So one day I decided to take them to the town, to show them what happened and to understand why we couldn't go back”<sup>42</sup>.

Along the same lines, Liliana Yañez, a city councilwoman from Gramalote stated: “Everyone from Gramalote was very traumatized by what happened. Their lives changed so suddenly and they had to leave the municipality in such an abrupt manner. It was so hard to see your work and efforts of a lifetime end in a single day. They had to leave in a matter of hours and break their roots in the municipality and this led to despair”<sup>43</sup>. Another community leader commented: “There are people who have taken their own lives (...) There are other Gramaloteros who spend their time in Cucuta drinking, they're so desperate”<sup>44</sup>.

The Panamerican Health Organization and the government of Norte de Santander diagnosed the psychological impact of the tragedy among Gramaloteros living in Cucuta<sup>45</sup>. The study found three main problems: family dysfunction (arguing and violence), alcoholism and anxiety and depression. They also found that 112 people needed more personalized follow-up.

In fact, only a few months after the disaster, a 58 year old butcher from Gramalote who was displaced in Cucuta, committed suicide by stabbing himself multiple times with his own knife. According to Father Victor Manuel Lazzo, the Catholic Priest from the Gramalote Parish, that suicide was the peak of the emotional impact of the tragedy. Father Lazzo also mentioned that the displacement has caused family disintegration and lack of economic and family stability. For some people with a rural mindset it is very difficult to adjust to living in the city. Other people adapted to the city very well, and perhaps will never return to Gramalote to live in a new settlement<sup>46</sup>.

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<sup>41</sup> Hernandez, Sixta Tulia, *La Opinión*, “‘Nos sentimos extraños porque no somos de acá, somos de allá’, Gramaloteros”. December 17, 2011.

<sup>42</sup> Castañeda Guerrero, Juan Carlos, *La Opinión*, “Rico Pan Gramalote refleja el sabor que no todo está perdido”. December 19, 2011.

<sup>43</sup> Torres Rico, Alfonso, *El Espectador*, “Suicidio y política: desastres de Gramalote”. May 8, 2011.

<sup>44</sup> *Idem*.

<sup>45</sup> *Semana*, “Gobierno admite ‘debilidad’ en atención psicosocial a víctimas de invierno”. April 1, 2011.

<sup>46</sup> Interview with Father Victor Manuel Lazzo, Gramalote Parish Priest. Gramalote, March 4, 2015.

## The mobility of Gramaloteros after the disaster

Right after the disaster, 63% of the *damnificados* (victims) of Gramalote moved to the city of Cucuta, with only 7.6% returning to Gramalote. Toward the end of 2012, around 50% of Gramaloteros still remained in Cucuta, but 23% had moved back to Gramalote (see table below). The rest remained scattered in several municipalities of Norte de Santander and throughout Colombia. Interestingly, only two people crossed an international border, despite the close proximity of the border with Venezuela.

As the relocation of Gramalote took longer than initially expected, several families decided to return to live in the old town or surrounding areas. First, some 30 families moved to live in the neighborhood “La Lomita”, the only neighborhood that didn’t collapse. Later the shelter “La Palestina” was built, and little by little, other families started building new houses around the road that connected Gramalote to Santiago, near the entrance of the old town.

**Table No. 1: Municipalities where Gramaloteros were located in early 2011 and late 2012<sup>47</sup>**

Municipality	Department	# of people as of early 2011	%	# of people toward the end of 2012	%
Cucuta	Norte de Santander	2,134	63.1%	1,609	49.4%
Gramalote	Norte de Santander	256	7.6%	764	23.5%
Santiago	Norte de Santander	254	7.5%	218	6.7%
Cornejo	Norte de Santander	109	3.2%	144	4.4%
Los Patios	Norte de Santander	124	3.7%	122	3.7%
San Cayetano	Norte de Santander	119	3.5%	64	2.0%
Lourdes	Norte de Santander	59	1.7%	61	1.9%
Salazar	Norte de Santander	37	1.1%	60	1.8%
El Zulia	Norte de Santander	72	2.1%	50	1.5%
Villa del Rosario	Norte de Santander	99	2.9%	45	1.4%
Bochalema	Norte de Santander	28	0.8%	36	1.1%
Chinacota	Norte de Santander	7	0.2%	16	0.5%
Bucaramanga	Santander	17	0.5%	11	0.3%
Sardinata	Norte de Santander	17	0.5%	10	0.3%
Villacaro	Norte de Santander	12	0.4%	8	0.2%
Pamplona	Norte de Santander	10	0.3%	7	0.2%
Puerto Santander	Norte de Santander	7	0.2%	7	0.2%

<sup>47</sup> This data was generated from different sources, with different methodologies and for different purposes. Perhaps both are not entirely accurate, but it can provide a general idea of the situation. As a result, the total numbers are different. The data from 2011 was produced by the local census developed by the local emergency committees, and has been used to deliver relief aid. The second data set was the result of a census done by Universidad Simón Bolívar for *Fondo Adaptación*. However, there are some inaccuracies in the reporting, considering that 3,316 people are reported in that census, but only 3,256 are reported here, so there are 60 people missing in this data.

Bogota	D.C.	5	0.1%	5	0.2%
Calarcá	Quindio	8	0.2%	4	0.1%
Barranquilla	Atlántico	0	0.0%	3	0.1%
Villavicencio	Meta	0	0.0%	3	0.1%
Cali	Valle del Cauca	0	0.0%	2	0.1%
Medellin	Antioquia	0	0.0%	2	0.1%
Venezuela	Venezuela	2	0.1%	2	0.1%
Aguaclara	Norte de Santander	0	0.0%	1	0.0%
La Parada	Norte de Santander	3	0.1%	-	0.0%
Pamplonita	Norte de Santander	1	0.0%	1	0.0%
Ocaña	Norte de Santander	1	0.0%	-	0.0%
Curumaní	Cesar	2	0.1%	-	0.0%
Toledo	Norte de Santander	0	0.0%	1	0.0%
<b>TOTAL</b>		<b>3,383</b>	<b>100.0%</b>	<b>3,256</b>	<b>100.0%</b>

**Source:** Plan de Desarrollo Municipio Gramalote (2012). Page 6; Universidad Simón Bolívar (2012). Page 166.

Some of the first families who returned to Gramalote scavenged in the ruins of the old town finding whatever was valuable until a wall fell on one man and killed him<sup>48</sup>. As a result, the local government put in effect a ban on scavenging<sup>49</sup> until it was decided that the town should be demolished to avoid further accidents. Today, besides the ruins of the church, the central plaza and the neighborhood La Lomita, the rest of the town has been demolished.

## Temporary shelters and rent subsidies

In Gramalote, planned temporary shelters were primarily collective centers and were mostly schools in the city of Cucuta and neighboring towns. Additionally, a few families who did not move far from the area were accommodated in tents provided and organized by the Colombian Red Cross. A few weeks after the disaster, the regional government had to decide if planned temporary shelters should be constructed or if rent subsidies should be offered. The preferred option of the Gramaloteros was rent subsidies<sup>50</sup>.

However, two factors seem to play a role influencing the preference of Gramaloteros for rent subsidies instead of planned temporary shelters. First, the government of Norte de Santander had decided to start building one of the temporary shelters in the municipality of Santiago. However, the selected site flooded the day before construction started, ruining the plans. The second factor was that apparently a high ranking official in *Colombia Humanitaria* stated that if

<sup>48</sup> The person killed in the accident was identified as José Gregorio Parada. *Portafolio*, “Primera víctima mortal tras destrucción de Gramalote”. April 24, 2012.

<sup>49</sup> Neuman, William, *The New York Times*, “Tricking Back to Live Among, and off of, a Hill Town’s Ruins”. May 10, 2012.

<sup>50</sup> Interview with Carlos Eduardo Rodríguez, Coordinator for the relocation of Gramalote in the Department of Norte de Santander. Cucuta, March 5<sup>th</sup>, 2015.



temporary shelters were constructed, Gramalote would not be relocated<sup>51</sup>. As a result most Gramaloteros the option of rent subsidies<sup>52</sup> seemed to be a good choice given the options. However, the main problem with the rent subsidies option has been that it scattered Gramaloteros all over the map, making it difficult for organizing collective action and for more systematic attention to their needs.

The promise of providing rent subsidies to families who were evacuated from Gramalote was first made by then Minister of the Interior, Germán Vargas Lleras after visiting Gramalote the day after the evacuation. Minister Vargas Lleras added: “That commitment will be until permanent housing is delivered to families”<sup>53</sup>. The same promise was repeated by President Santos at different times during the last four years<sup>54</sup>. This promise has been fulfilled, and Gramaloteros are probably the only group of *damnificados* from the events of La Niña 2010-2011 who are still receiving this type of humanitarian support, including food.

According to Pedro Luis Romero, who served as president of the Association of Community Leaders from Gramalote until December 2014, US\$10.6 million was spent on humanitarian aid in Gramalote (US\$6.9 million in rent subsidies and US\$ 3.7 million in food)<sup>55</sup>. He noted “Gramaloteros have never stopped receiving aid. Here there hasn’t been negligence from the State with Gramaloteros”<sup>56</sup>. However, the rent subsidies are paid every three months and the way of delivering it is not always convenient for everyone, especially for those who cannot afford to pay rent in advance and then wait for their reimbursement a few months later. Additionally, for some families it has been very difficult to find a place to rent, especially in the municipalities closer to Gramalote<sup>57</sup>. Other Gramaloteros have mentioned that they have received support but it always arrives late. Luz Marina Gómez, for instance, has commented, “The home owners look at the *damnificados* (victims) from Gramalote with mistrust... of course, because we don’t pay on time”<sup>58</sup>.

In 2011 the Catholic Church decided to build its own temporary shelter for some of the neediest Gramaloteros. With funding from local donations, Caritas International, Trocaire (Ireland) and the German government (BMZ), the Diocese of Cucuta bought the farm “La Palestina” and with the same beneficiaries built a multi-family shelter, including a water

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<sup>51</sup> *Idem*.

<sup>52</sup> Minister of Housing was quoted saying that 90% of Gramaloteros preferred the rent subsidies over shelters. *La Opinión*, “Gramalote quedará en suelo gramalotero”, Beatriz Uribe Botero. May 28, 2011.

<sup>53</sup> *Semana*, “La tierra sigue tragándose a Gramalote”. December 20, 2010.

<sup>54</sup> See, for instance, *Vanguardia Liberal*, “Gramalote se reconstruirá en Miraflores y en tres años”. December 19, 2012.

<sup>55</sup> Interview with Pedro Luis Romero, President of the Association of Community Leaders from Gramalote. Cucuta, March 5<sup>th</sup>, 2015.

<sup>56</sup> *Idem*.

<sup>57</sup> That has been the case of Maria Belén Aguilar, who moved with her family to live in the ruins of Gramalote. “We returned because the situation was very difficult in Santiago, where we were more than a year. We had to turn over the small basic house we rented and we did not find anything else because there were no houses for rent there”. Peñaloza Pinzón, Arturo. *El Tiempo*, “Así se vive entre lo que alguna vez fue Gramalote”. April 21, 2012.

<sup>58</sup> Guarnizo Alvarez, José, *El Colombiano*, “Los 56 muertos que no verán el nuevo Gramalote”. April 29, 2012.

treatment plant and a sanitation system<sup>59</sup>. Currently there are around 81 families totaling 200 people living there<sup>60</sup>. Additionally, there are two small shelters in Gramalote built by the Colombian Red Cross and the National Service of Apprenticeship (*Servicio Nacional de Aprendizaje* –SENA), one called Campo Alegre (6 families) and El Diamante (9 families)<sup>61</sup>.

## The challenges of educating the displaced children and youth from Gramalote

One of the main problems children from Gramalote faced in the months that followed the destruction of the town was to fit in to the schools in different municipalities where they were relocated. There were reports that children from Gramalote living in Cucuta had a hard time getting used to the new schools and some were even victims of bullying<sup>62</sup>. Dropping out of school became common among children from Gramalote, and in the year following the disaster, dropout rates reached 50% in the Sagrado Corazón de Jesús school, where children from Gramalote were sent to study in the nearby town of Santiago<sup>63</sup>.

A temporary solution has been the construction of 12 classrooms in the area called La Franja near the shelter La Palestina, on a piece of land owned by the Catholic Church. The idea was to benefit displaced kids living in Gramalote as well as those from the nearby municipalities of Santiago, Lourdes and Villacaro. The school was inaugurated in January 2013, and was supported by the Mayor's office of Gramalote, the Government of Norte de Santander, SENA, *Fondo Adaptación*, Pastoral Social and the International Organization of Migration (IOM)<sup>64</sup>.

For the 2013 school year, approximately 248 kids registered at the Sagrado Corazón de Jesús school where classes started in early February of that year<sup>65</sup>. The construction of the provisional school in Gramalote apparently stopped the dropout problem. For the 2015 school year, the number of students enrolled had increased to 305. According to Carlos Arturo Cohen, the principal of the school: "We have increased the number of students, which gives us a notion that people are returning to their homeland, which pleases us. Before we were located in Santiago and we had 126 students. Now we can educate the children of the rural areas who also had remained in limbo"<sup>66</sup>. Besides the basic conditions in which the school operates, some of the new problems with the provisional school were the poor shape of the roads in the area, and the lack of security (especially at night), which has caused the loss of some valuable equipment such as computers and other appliances<sup>67</sup>.

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<sup>59</sup> Pastoral Social de la Diócesis de Cúcuta (COSPAS). Video "Alojamientos temporales Albergue La Palestina". <https://www.youtube.com/watch?v=caZgSbsVrC4>.

<sup>60</sup> Interview with Pedro Luis Romero, President of the Association of Community Leaders from Gramalote. Cucuta, March 5<sup>th</sup>, 2015.

<sup>61</sup> Alcaldía Municipal de Gramalote, Norte de Santander (2013).

<sup>62</sup> Torres Rico, Alfonso, *El Espectador*, "Suicidio y política: desastres de Gramalote". May 8, 2011.

<sup>63</sup> *La Opinión*, "A 50% asciende deserción escolar del Sagrado Corazón de Jesús de Gramalote". February 5, 2013.

<sup>64</sup> *La Opinión*, "Estudiantes 'desterrados' de Gramalote tendrán un techo propio". January 18, 2013; *La Opinión*, "Estudiantes gramaloteros estrenarán aulas de madera". February 4, 2013.

<sup>65</sup> *La Opinión*, "A 50% asciende deserción escolar del Sagrado Corazón de Jesús de Gramalote". February 5, 2013.

<sup>66</sup> Balaguera, Karina, *La Opinión*, "El Colegio es inseguro y necesita ayuda". December 21, 2014.

<sup>67</sup> *Idem*.

Dropouts have not been a problem exclusive to primary and secondary level school children. Since 2013 the University of Pamplona-Cucuta has offered 100 scholarships to students from Gramalote. However, around 30% dropped out of the program<sup>68</sup>.



Figure 4: Plans for the new school. Design by Peñaranda Arquitects: Jorge Iván Peñaranda Canal, Miguel Enrique Peñaranda Canal, Deisy Jolie Moreno Hernández, Maria Mónica Villamizar Flores, Marcos Arturo Mendoza Mantilla, Sergio Andrés Caceres Carrillo.

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<sup>68</sup> Interview with Luis Gonzalo Díaz, General Coordinator of the Social Accompaniment Component -Phase II-, at the Universidad de Pamplona. Cucuta, March 4, 2015.

## V. The management of Gramalote's planned relocation process:

For analytical purposes we have divided the management of the planned relocation process of Gramalote into five main stages so far, taking into account the entity that was overseeing and managing the project at each stage, and the governance model followed, as detailed in the table below.

**Table No. 2: Stages of Gramalote's planned relocation process**

Stages	Entity overseeing the planned relocation	Entity managing the planned relocation	Governance model	Dates
Preparatory Stage	Ministry of Housing	Ministry of Housing	N/A	December 22, 2010-May 2011
First Stage	Ministry of Housing	Servivienda	Inter-sectorial Commission on Gramalote. Led the work done by Servivienda and was in charge of the technical secretariat of the agreement	May 2011-April 2012
Second Stage	<i>Fondo Adaptación</i>	<i>Fondo Adaptación</i>	Working Group of Gramalote	April 2012-September 2013
Third Stage	<i>Fondo Adaptación</i>	AECOM Technical Services, Inc.	Working Group of Gramalote	January 2013-February 2015
Four Stage	<i>Fondo Adaptación</i>	<i>Fondo Adaptación</i>	Working Group of Gramalote	Since February 2015

### Preparatory stage: Ministry of Housing

The preparatory stage was overseen and managed by the Ministry of Housing and was characterized by several important factors. First, the desire of the national government to help with the housing needs of Gramaloteros, which was evident through the offer to build shelters or to provide rent subsidies. Second, the approval of funding (around US\$1 million) to hire an entity to manage the feasibility study for the relocation<sup>69</sup>. Third, the lack of understanding by several functionaries at the national level and by many Gramaloteros about the complexity of the task of finding the right place to relocate Gramalote.

An additional factor that contributed to slow down important decisions about the reconstruction of Gramalote was the fact that Gramalote's Mayor at that time was facing his own problems, particularly the fact that his leadership role had been severely questioned by the community during the evacuation process. Additionally, before the town was destroyed, the legality of his election was also being questioned. Four months after the tragedy, the judicial authorities decided that the Mayor of Gramalote should leave his post. As a result, two provisional Mayors were appointed from April 2011 until the end of that year when there were Mayoral elections nationwide<sup>70</sup>.

<sup>69</sup> *Semana*, "Aprueban dos mil millones de pesos para reconstrucción de Gramalote". March 3, 2011.

<sup>70</sup> *Semana*, "Gramalote, a la espera de un alcalde". May 5, 2011; Rico Torres, Alfonso. *El Espectador*, "Suicidio y política: desastres de Gramalote". May 8, 2011.

## First stage: The process led by Servivienda<sup>71</sup>

May 2011 marked the real the beginning of the planned relocation process of Gramalote. During that month an agreement between the Ministry of Housing and Servivienda, valued at approximately US\$1 million was signed<sup>72</sup>. According to the agreement, the duties of Servivienda were basically threefold: 1) “To hire the feasibility phase required to make viable the resettlement of the Municipality of Gramalote...” 2) “To hire the experts and consultants required for the development of this agreement”; and 3) “To develop the studies and reports agreed upon that are an integral part of this agreement”<sup>73</sup>. However, the agreement doesn’t spell out what studies and reports were agreed upon.

Servivienda has a long track record as one of the main housing organizations in Colombia, and despite it having played a role in the reconstruction of other municipalities, there is no doubt that this project was the biggest, most ambitious and challenging one that they had handled until that moment. For this project Servivienda put together “an interdisciplinary team with a lot of experience in urban processes and resettlement”<sup>74</sup>.

Servivienda planned the resettlement of Gramalote based on the legal framework that existed at that time. There was no comprehensive legal or national policy framework for the resettlement of a population, but only some general norms for the resettlement of population located in non-mitigable high-risk places inside a municipality. Colombia has a great deal of experience in this type of preventive resettlement on a smaller scale, but the resettlement of an entire municipality had not even been considered until then. As a result, Servivienda stated that the entire resettlement process had five different phases: “1) Pre-feasibility phase. 2) Formulation and adoption of the Integral Plan of Urban Development phase (*Programa Integral de Desarrollo Urbano* - PIDU). 3) Final designs and construction phase. 4) Move-in phase. 5) Evaluation and consolidation phase”<sup>75</sup>.

In Servivienda’s view, “The pre-feasibility phase is the first in the whole process of resettlement and basically consists of defining the best site for the resettlement and developing guidelines that will form the basis for the subsequent phases of the resettlement process”<sup>76</sup>. As a result, besides finding the best site for the new municipality of Gramalote, Servivienda’s view was also, “To provide guidelines in the urban and territorial, economic, socio-cultural, environmental, institutional and legal fields for the subsequent stages of the process, such as the formulation of the urban development project in the new urban area of Gramalote and its construction”<sup>77</sup>.

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<sup>71</sup> Servivienda is a Colombian nonprofit housing organization founded by the Jesuits in 1976.

<sup>72</sup> *El Espectador*, “Aprueban contratación de estudios de reubicación de Gramalote”. May 26, 2011.

<sup>73</sup> Fiduprevisora. “Convenio No. 1005-09-64-2011 celebrado entre el Fondo Nacional de Calamidades –Subcuenta Colombia Humanitaria- Fiduprevisora S.A. y el Ministerio de Ambiente, Vivienda y Desarrollo Territorial y la Fundación Servicio de Vivienda Popular Servivienda”. May 25, 2011. Clause nine, page 6.

<sup>74</sup> Servivienda (2011). Page 11. Servivienda’s team included people from the Working Group of Dialogues on Population Resettlement, a working group of people with interest and experience on resettlement issues. See: Margarita Serge and Stefano Anzellini, editors (2009).

<sup>75</sup> Servivienda (2011). Page 9.

<sup>76</sup> *Ibid.* Page 9.

<sup>77</sup> *Idem.*

On September 25, 2011, the Ministry of Housing officially announced that according to the geological and geomorphological studies made by Ingeominas, and the studies completed by Servivienda, the Inter-sectorial Commission on Gramalote determined that Pomorroso was selected as the site to resettle the new urban area of Gramalote<sup>78</sup>. The announcement was made in the city of Cucuta, during a meeting of displaced people from Gramalote. Minister Uribe stated: "We are very happy about this selection and we are certain that the studies that support this decision are high level studies with technical rigor"<sup>79</sup>. To formalize the decision, on October 25, 2011 the Ministry of Housing released Resolution No. 18 of 2011 officially accepting the results of the study by Servivienda and establishing the geographical limits of the selected relocation site.

While everyone was waiting for the next steps for the relocation of Gramalote, everything suddenly froze for almost five months. Finally, on March 2012, the Minister of Housing made a surprising public announcement that more studies were required to be certain that the Pomarroso site was indeed the best<sup>80</sup>. Rumors quickly started to spread about what was going on and why the government was walking away from the initial preference for the Pomarroso site. One of the issues that was mentioned during that time was that some of the land proposed for the relocation of Gramalote in Pomarroso was owned by the family of a politician from the Conservative Party. The rumors implied that the decision to select Pomarroso was mostly based on the desire to provide some personal advantage to that politician. In mid-April of 2012, the Gramaloterios organized a rally in Cucuta to show their frustration with the delays in the reconstruction project<sup>81</sup>.

There were some news reports that the overall proposal from Servivienda would cost around \$338,000 million Colombian pesos (US\$186.5 million), while the funds allocated for that project at that time were only \$85.5 million dollars<sup>82</sup>. This was perhaps the main reason behind the idea of looking at the proposed sites once again, and also to have more conclusive geological studies.

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<sup>78</sup> *El Espectador*, "En Pomarroso quedará el nuevo Gramalote". September 25, 2011.

<sup>79</sup> *Idem*.

<sup>80</sup> "We have to ask apologies to the people of the region by keeping so quiet, but these feasibility studies, which recently ended, are the ones that give way to other studies." Quevedo, Norbey. *El Espectador*, "El drama de Gramalote". April 28, 2012.

<sup>81</sup> Pedro Luis Romero, a community leader from Gramalote later stated: "We marched on April 16 for the government to wake up, because we were forgotten". *Vanguardia Liberal*, "El reasentamiento de Gramalote desvela a más de uno". August 2, 2012.

<sup>82</sup> Quevedo, Norbey. *El Espectador*, "El drama de Gramalote". April 28, 2012. The newly appointed Minister of Housing, Germán Vargas Lleras, was quoted by newspaper *El Espectador* expressing his disagreement with the US\$186.5 million price tag for the reconstruction of Gramalote: "It is an astronomical figure for the commitment to build one thousand homes". *El Espectador*, "Gobierno si reconstruirá Gramalote pero con condiciones". April 30, 2012. In our interview with the Executive Director of Servivienda she confirmed us that the total cost of the project was calculated in more than \$300,000 mil million pesos (US\$165 million). Interview with Maria Margarita Ruiz, Executive Director of Servivienda. Bogotá, March 2, 2015.



## Stage two: The process in the hands of *Fondo Adaptación* (April 2012-September 2013)

A new actor entered the scene in April 2012, when the newly created *Fondo Adaptación* took charge of the Gramalote project. On April 19, 2012, the Inter-sectorial Commission officially ended its work and handed the Gramalote project to *Fondo Adaptación*<sup>83</sup>. Initially, responsibility for the project was assigned to Elena Correa, an external consultant and expert on resettlement, and Julián Polania, chief of resettlement projects at *Fondo Adaptación*<sup>84</sup>. Two important decisions were made during the first month that over time proved to be important for the future development of the project. The first was the creation of the Working Group on Gramalote (hereafter referred to as WGG), which allowed for the first time a dialogue and compromise between local, regional and national actors with interest in the Gramalote project. Initially, the working group included the local authorities of Gramalote (Mayor, *personero* - municipal ombudsman-, and president of the common council), regional authorities (a representative from the office of the Governor of Norte de Santander), Gramalote's Catholic Priest, and representatives from *Fondo Adaptación*. The working group was originally conceived as "a space to inform, analyze, plan and decide (...) the necessary actions for the reconstruction of Gramalote"<sup>85</sup>. The WGG met for the first time on April 16, 2012.

The second important decision was the approval of an action plan for the relocation, which clearly outlined the steps to follow, divided by two different components, the technical component and the social component (See table below).

**Table No. 3: *Fondo Adaptación's* Action Plan for the relocation of Gramalote**

Action Plan							
Technical component				Social component			
Phase I	Phase II	Phase III	Phase IV	Phase I	Phase II	Phase III	Phase IV
Review and deepening of technical studies for the selection of the relocation site	Construction of infrastructure projects	Contracting and executing designs, assigned budget and programs.	Contracting and execution of the construction work, and delivery it to the population	Update and closing of census information	Execution of socio-economic support projects before the relocation	Relocation	Evaluation of Gramalote's resettlement Plan
Studies on roads, power lines and water.	Improvement of health and educational	Design of roads, sewage, electricity, etc.	Construction of roads, sewage,	Socio-economic study (urban-rural). Design	Monitoring humanitarian and socio-	Execution of socio-economic	

<sup>83</sup> According to Minister Uribe, "the pre-feasibility stage has been completed, the actions of the Inter-Sectorial Commission ends with this last session, and the next stage will be developed under the leadership of the Adaptation Fund". Fondo Adaptación (2013a). Page 6.

<sup>84</sup> Press Release Fondo Adaptación. "Autoridades locales de Gramalote y Fondo Adaptación establecen plan de reconstrucción del municipio". Bogotá, April 16, 2012. Elena Correa, a well-known international expert on resettlements, was initially contracted by Fondo Adaptación to provide advice on the Gramalote project and other resettlement projects in other areas of the country. Correa resigned six months later as a result of her frustrations with the handling of the Gramalote project by Fondo Adaptación. Interview with Elena Correa, Bogotá, March 2, 2015.

<sup>85</sup> Fondo Adaptación. "Contrato No. 031 Fondo Adaptación-Elena Correa; Informe final de actividades y productos. April 24-October 24, 2012". Page 4.

Environmental studies. Geological studies. Urban-rural relationship	conditions. Institutional improvement, etc.	Mitigation works. Urban infrastructure works. Institutional strengthening, etc.	electricity, etc.	projects for economic support	economic programs	support projects post-relocation	
				Communications program	Design projects to restore socio-economic conditions post-relocation	Execution of projects to restore socio-economic conditions post-relocation	

**Source:** Fondo Adaptación (n.d.). *Avances en proceso de reasentamiento del casco urbano del municipio de Gramalote*.

Both components of Phase I were developed in more detail and were the main focus of the actions taken in the following months<sup>86</sup>. Universidad Simón Bolívar was selected to take care of Phase I of the social component of the resettlement. Their work focused on two main activities, first to update and officially close the census on the displaced urban population; second, the development of a socio-economic study on the needs of the urban and rural population of Gramalote<sup>87</sup>. Additionally, *Fondo Adaptación* contracted the services of a private law firm located in Bogotá to take care of a study of deeds to establish the rights of people on the affected properties. Phase I of the technical component focused on four main activities:

- i) *Geological studies:* *Fondo Adaptación* contracted the services of the Sociedad Colombiana de Geotecnia –SCG– (Colombian Geotechnical Society) to assess the geological and geotechnical threats of the four possible sites identified by Servivienda to be used for the relocation of the urban area of Gramalote (Miraflores, Pomarroso, La Franja and Caimito) and the mitigation costs of each option. According to the SCG, “from the geological and geotechnical standpoint, the four land lots present complex conditions of stability (...). In terms of mitigability of threats associated with Mass Removal Processes (MRP), it is considered feasible to do mitigation activities at all sites”<sup>88</sup>. According to the SCG the best option was the Miraflores site, where there was “low to no risk” of MRP<sup>89</sup>.
- ii) *Environmental studies:* *Fondo Adaptation* contracted the services of Conservation International to analyze the hydric and biologic characteristics of the entire municipality of Gramalote as an input in the process to select the best relocation site. According to Conservation International, “The results show that according to the analysis made in the river basin Peralonso, related to natural capital and ecosystem

<sup>86</sup> According to Elena Correa: “It should be noted that Phase I was the one that was developed in greater detail, as it was the one that should be executed immediately, and the following steps should nourish the results of the preceding”. *Ibid.* Page 5.

<sup>87</sup> Universidad Simón Bolívar (2012).

<sup>88</sup> Sociedad Colombiana de Geotecnia (2012). Page 4.

<sup>89</sup> *Ibid.* Page 46.



services, the most preferred site for the location of the town of Gramalote is the plot called Miraflores"<sup>90</sup>. Conservation International also recommended that a management plan be developed, since a resettlement in the Miraflores site would be located near the forest reserve of Bojoso<sup>91</sup>.

- iii) *Elaboration of a multi-criteria matrix to define the selection of the site:* This work was done by *Fondo Adaptación* in conjunction with the WGG. According to the multi-criteria matrix, the best option was the Miraflores site and the worst was Pomarroso.
- iv) *Cost analysis of four possible relocation sites:* According to *Fondo Adaptación* the less expensive option was that of the Miraflores site, with a total cost of US\$86.1 million, while the most expensive one was Pomarroso, with a cost of US\$167.1 million<sup>92</sup>. The cost estimates for each site were the following:

**Table No. 4: Cost analysis of four sites to relocate Gramalote (US\$)**

Item	Pomarroso site	Miraflores site	La Franja site	Caimito site
Land	\$1,367,547	\$1,367,547	\$984,634	\$1,367,547
Urbanism	\$26,694,528	\$26,694,528	\$28,444,989	\$26,803,932
Water and sewage	\$2,188,076	\$1,641,057	\$1,367,547	\$1,641,057
Roads	\$96,275,347	\$21,880,761	\$25,162,875	\$24,068,837
Housing	\$18,598,647	\$18,598,647	\$18,598,647	\$18,598,647
Public facilities	\$5,470,190	\$5,470,190	\$5,470,190	\$5,470,190
Social management	\$3,282,114	\$3,282,114	\$3,282,114	\$3,282,114
Adequacy (Geotechnic)	\$2,341,241	\$1,750,461	\$3,665,027	\$3,424,339
Management and <i>interventoria</i> (supervision)	\$10,940,380	\$5,470,190	\$6,017,209	\$5,925,857
<b>TOTAL</b>	<b>\$167,158,070</b>	<b>\$86,155,495</b>	<b>\$92,993,232</b>	<b>\$90,582,520</b>

**Source:** Minutes No. 18, Meeting Board of Directors *Fondo Adaptación*, October 18, 2012.

The estimated timeframe for completion of the project also showed that one of the best options was the Miraflores site, with an estimated timeframe of 3.4 years. The longest one was the Pomarroso site estimated at 4.4 years. It was also estimated that the Caimito site would take 3.2 years to complete and La Franja 4.2 years<sup>93</sup>.

To be able to do the cost analysis, *Fondo Adaptación* worked under some assumptions that provided an idea of what it was envisioning at that time regarding the entire relocation project<sup>94</sup>:

<sup>90</sup> Conservation International (2013). Page 30.

<sup>91</sup> *Idem*.

<sup>92</sup> Minutes No. 18, Meeting Board of Directors *Fondo Adaptación*, October 18, 2012.

<sup>93</sup> *Ibid*.

<sup>94</sup> *Ibid*.

- 850 houses to be built in an area of approximately 40 hectares.
- Complete public facilities: city council building, court building, agrarian bank, *registraduría*, hospital, police building, primary and secondary school, daycare, library, cultural center, sports center, nursing home, and market.
- Power lines, water and sewage plans, and a solid waste disposal system.
- Conditioned lots for: convent for the *Clarisas* nuns, San Rafael Church and the coffee growers committee.
- Geological preparation of the site

The delay in making public the announcement of the selected site caused additional frustration for the Gramaloteros. One of their leaders stated: “The people are very hurt after having been subjected to so much ridicule and pushing from one place to another (...) We are facing a demoralized and destroyed people in all its aspects”<sup>95</sup>.

Finally, *Fondo Adaptación* called a public meeting to be held on October 30, 2012 in the city of Cucuta. At the meeting it was announced that Miraflores was the selected site. A group of Gramaloteros expressed their disappointment and anger with the decision considering that only seven months before the government had announced that the selected site was Pomarroso.

As a result of the unrest, the director of *Fondo Adaptación*, Carmen Arévalo, and the former director of that institution and by then Minister of Transportation, Cecilia Alvarez-Correa, were forced to leave the public meeting escorted by police<sup>96</sup>. The strong opposition and anger expressed by Gramaloteros contributed to putting the entire relocation process on hold for several additional months<sup>97</sup>.

Local members of the WGG were caught in the middle of the dispute about the relocation site and lost some legitimacy with a sector of the population<sup>98</sup>. Gramalote’s Mayor Sonia Rodriguez expressed her frustration with the fact that the government first publicly announced one site and then announced a different one. However, she stated that she supported the position that the town should be relocated, “where the technical studies say it should be”<sup>99</sup>.

On December 18, 2012, two years after the destruction of Gramalote, President Santos officially ratified the decision that Miraflores was the selected site: “We have concluded that Miraflores is the most appropriate place”, he said<sup>100</sup>. He also expressed his apologies to the

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<sup>95</sup> *El Tiempo*, “Fondo de Adaptación les incumplió a los damnificados de Gramalote”. August 4, 2012; Gosain, Juan, *El Tiempo*, “La verdadera tragedia que arrasó con Gramalote”. August 29, 2012.

<sup>96</sup> *La Opinión*, “Miraflores sería el sitio elegido para reconstruir Gramalote”. October 30, 2012.

<sup>97</sup> Correa, Maria Victoria, *El Colombiano*, “Dos años y la reconstrucción de Gramalote se mantiene en pausa”. December 15, 2012.

<sup>98</sup> However, the crisis allowed the opening of the WGG to two new actors, a representative from the Veeduría Ciudadana (Citizen oversight) and one from the Association of Leaders from Gramalote. *El Tiempo*, “Autoridades continúan trabajo para el reasentamiento de Gramalote”. August 5, 2012.

<sup>99</sup> Correa, Maria Victoria, *El Colombiano*, “Dos años y la reconstrucción de Gramalote se mantiene en pausa”. December 15, 2012.

<sup>100</sup> *Vanguardia Liberal*, “Gramalote se reconstruirá en Miraflores y en tres años”. December 19, 2012.

Gramaloteros for the delays in the reconstruction, and added, “I am convinced that in less than three years the new Gramalote will be ready ...”<sup>101</sup>.

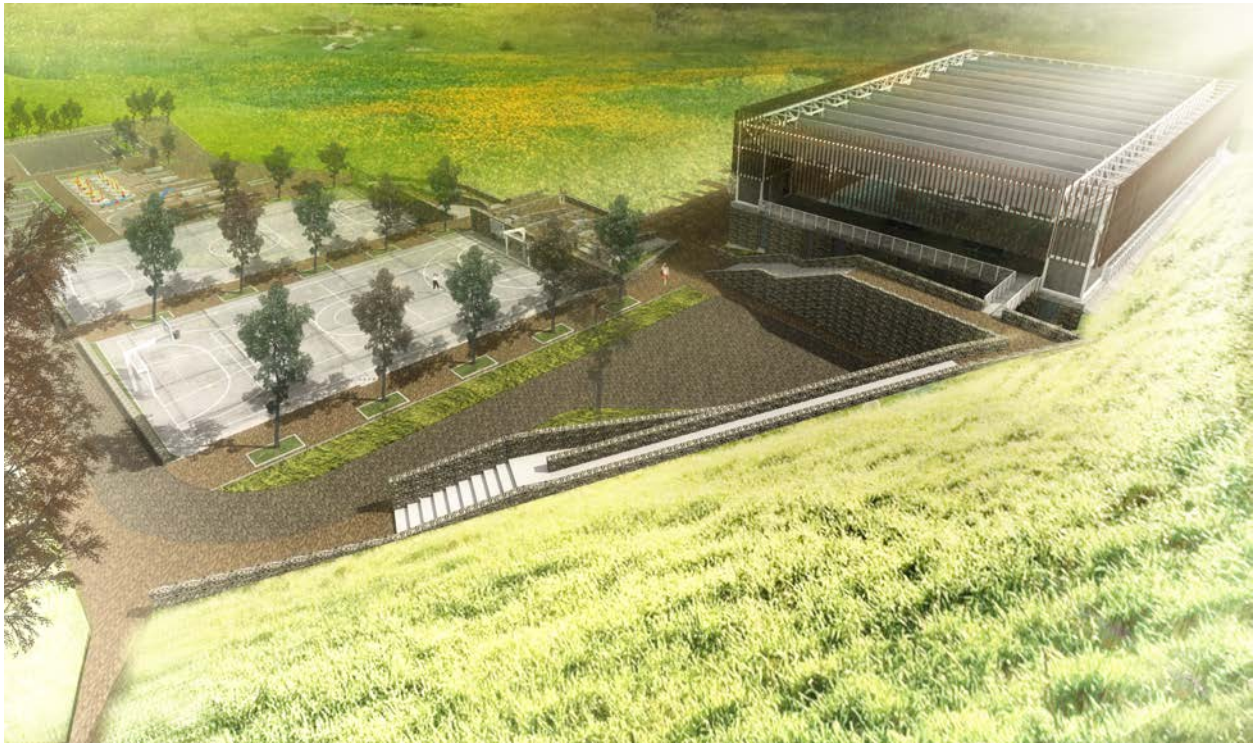


Figure 5: Plans for the new sports center. Design by Architects Erika Gómez and Gustavo Bautista, Contrapunto TA.

### Stage three: *Fondo Adaptación* starts working on the details of the planned relocation and subcontracts AECOM for the management of the project (January 2013-February 2015)

Starting in the beginning of 2013, *Fondo Adaptación* was actively looking for a technical and social coordinator for the Gramalote project<sup>102</sup>. Finally, on September 11, 2013 the *Fondo Adaptación* signed a consultant contract with the international firm AECOM Technical Services, Inc. in which “the Consultant agrees to perform the integral management of the resettlement project of the municipality of Gramalote under the supervision and guidance of the Deputy Manager Office of Risk Management at *Fondo Adaptación*”<sup>103</sup>. AECOM hired Enrique Maruri to play the role of coordinator as he previously held that role at *Fondo Adaptación*. Additionally, the University of Pamplona was contracted to take care of the Phase II of the Social

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<sup>101</sup> *Idem.*

<sup>102</sup> Fondo Adaptación (2013c).

<sup>103</sup> Fondo Adaptación. “Contrato No. 171 de 2013, para realizar la gerencia integral del proyecto de reasentamiento del casco urbano del municipio de Gramalote bajo la supervisión y lineamientos de la subgerencia de gestión del riesgo del Fondo Adaptación”. September 11, 2013. Page 2.

Component of the project<sup>104</sup>, as the Universidad Simón Bolívar was not interested in continuing with the task due to the polarization of the community regarding the relocation site.

The hiring of AECOM, and perhaps most importantly the arrival on the scene of the *Universidad de Pamplona* (a public institution with a lot of social prestige in the region) to take care of the Social Component Phase II has represented a significant improvement in the handling of the relocation project<sup>105</sup>. Little by little things started to turn around and the project started finally to move in the right direction, albeit on a still bumpy road.

According to Luis Gonzalo Díaz, General Coordinator of the Social Accompaniment Component –Phase II: “Things were not easy at the beginning, the functionaries working on the project were insulted constantly. People were very angry, distrustful, and divided in two sides”<sup>106</sup>. However, Díaz added, “the Universidad de Pamplona generates trust among the community”<sup>107</sup>. The balance of the social component showed that during the last two years, 1,267 Gramaloteros participated in workforce development training with SENA and the School of Public Administration (*Escuela Superior de Administración Pública* -ESAP); 91 people received undergraduate scholarships, 30 postgraduate scholarships, 48 small businesses were supported benefiting 500 families, psychological attention was provided to 300 people considered in need of priority attention, and 1,300 community gatherings were organized for Gramaloteros to meet<sup>108</sup>.

The next hurdle for the reconstruction of Gramalote would not be technical but legal and administrative. Before being able to do anything else regarding the reconstruction it was necessary to have legal clarity about the path to be followed and start the necessary administrative process.

An important milestone in the reconstruction process was the drawing up of the urban designs of the new municipality. The coordination of this task was assigned to Cucuta’s Chamber of Commerce, which contracted the services of Architect Camilo Santamaria and his team of urban planners. In October 2013 the first proposal was discussed with around 300 Gramaloteros in several public events where the community had an opportunity to voice their opinion and make suggestions for changes<sup>109</sup>. According to Santamaria, “the project will be changing as a result of these meetings and toward the end we will have a new blueprint”<sup>110</sup>. Gramalote’s Mayor

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<sup>104</sup> Universidad de Pamplona (2013).

<sup>105</sup> Specifically the fact that Enrique Maruri, a person with first-hand experience with the resettlement project of Gramalote, was appointed as coordinator of the project on behalf of AECOM. However, AECOM has been the most opaque actor in the entire resettlement process of Gramalote, and it keeps a very low public profile. AECOM’s corporate website doesn’t have any information about the project in Gramalote. In fact, their corporate website even doesn’t list an address or phone number for their office in Bogotá.

<sup>106</sup> Interview with Luis Gonzalo Díaz, General Coordinator of the Social Accompaniment Component –Phase II-, at the Universidad de Pamplona. Cucuta, March 4, 2015.

<sup>107</sup> *Idem*.

<sup>108</sup> *La Opinión*, “Fondo Adaptación decidirá la continuidad del ‘Acompañamiento Social’ a Gramaloteros”. May 20, 2015.

<sup>109</sup> Fondo Adaptación press release, “Comunidad aporta en los diseños urbanísticos del nuevo Gramalote”. Cucuta, October 23, 2013.

<sup>110</sup> *Idem*.

Sonia Rodriguez commented that the events "divided the story of the reconstruction in two, because we start to see how the experts are thinking and how the community can review, remove, add things. It is an exercise of participatory construction that will produce good results (...), so I think we started a process of building with the people, who will be very interested in the resettlement of Gramalote"<sup>111</sup>.

In November 2013 a final meeting was organized with the community at the relocation site in Miraflores where the team of architects presented a new version of the urban design for final suggestions. Architect Santamaria said, "The community meetings are always very enriching because in the urban design of a town that already existed it is important to consider the people. It is difficult to design a town without knowing what the people who will be living there want"<sup>112</sup>.

While the process of resolving the legal issues continued and the feasibility studies and designs were being finished, *Fondo Adaptación* decided to join forces with other institutions to build some provisional structures in the location known as *La Franja*, near the shelter *La Palestina*, to offer some health services to the community living in the area, a school, and a place for the Mayor's office, where Gramaloteros could do business with the municipality.

Several other very important milestones in the resettlement process took place during 2014, including:

- i) *A final list of families and the inventory of properties and rights holders in the old Gramalote*: This was one of the most complicated issues that needed to be defined in a satisfactory way for all the *damnificados* (victims). As a result, it is one of the most important accomplishments so far in the relocation process. The inventory of families and properties and right holders combined information from the census done by Universidad Simón Bolívar, the study of properties done by the legal firm Chain Vargas and Associates, and the review done by the Universidad de Pamplona as part of the social accompaniment process.

The methodology that was decided by the Working Group on Gramalote to analyze and resolve claims illustrates how, when a process is participatory, there is a much greater chance of it being successful. Once a draft list was produced, it was made public for a 40 day period for comments and claims (from April to May 9, 2014). A claims committee was created as an advisory body to *Fondo Adaptación* to process the 835 claims submitted and to decide their merits<sup>113</sup>.

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<sup>111</sup> *Idem*.

<sup>112</sup> Fondo Adaptación press release, "Diseño de nuevo Gramalote fue presentado a comunidad". Cucuta, November 24, 2013.

<sup>113</sup> The claims committee was formed by a representative from the Governor of Norte de Santander, the Mayor of Gramalote, three representatives from the Gramalote community, two functionaries from AECOM (on behalf of Fondo Adaptación), and the Personero of Gramalote. See: AECOM (2015).

For almost five months (from May 10 to October 2, 2014) the claims committee had 36 working sessions. Out the 835 claims, 212 were related to a declaration of possession. The claims committee accepted 183 of those claims regarding possession rights, with legal effects only for the purpose of the relocation process. The rest of the claims were mainly related to family grouping, registry of properties and owners and not inclusion in the registry. After all claims were resolved, a new version of the registry was made public for two weeks (from August 11<sup>th</sup> to the 27<sup>th</sup>, 2014) for further comments. An additional 100 observations were submitted and processed.

On November 18<sup>th</sup>, 2014, *Fondo Adaptación* issued a resolution to adopt the final registry of families and the inventory of properties and right holders in the old Gramalote. The final registry shows that the total number of families that inhabited Gramalote at the moment of the disaster were 1,108 and the number of properties 926, as shown in the table below.

**Table No. 5: Number of families inhabiting the old Gramalote by tenure type**

<b>Tenure Type</b>	<b>Number of families</b>
<i>Stronger rights</i>	
1. Property owners	322
2. Property holders	220
3. Rights and action holders	44
4. Occupants of vacant property	18
<b>Sub-total</b>	<b>604</b>
<i>Weaker rights</i>	
1. Renters or usufructuaries	504
<b>Sub-total</b>	<b>504</b>
<b>Total inhabitant families</b>	<b>1,108</b>

Source: AECOM (2015).

- ii) *Architectural design of six public buildings in the new municipality:* A public contest was organized with the support of the Colombian Association of Architects for the design of a cultural center, a peasants' center (Casa del Campesino), a nursing home (Casa del adulto mayor), a school, a public market, and sports facilities. 120 proposals were sent to the contest by teams totaling around 700 architects<sup>114</sup>. The winners were announced in a public event in Cucuta, held on May 8, 2014<sup>115</sup>.

However, by the end of 2014, and even when we were finishing this report, despite all the progress in the attention to Gramaloteros, as well as the planning and design of the reconstruction, people remained very skeptical about the entire relocation project. The fact that the selected relocation site remained idle until very recently was a major source of concern and suspicion.

The words of Luis Francisco Mantilla, a Gramalotero who lives in La Lomita could summarize the feeling of a lot of people toward the reconstruction: "I feel [that the government] is

<sup>114</sup> *Vanguardia Liberal*, "121 aspirantes inscritos en concurso de equipamientos de Gramalote". April 16, 2014.

<sup>115</sup> *Vanguardia Liberal*, "Seis arquitectos harán parte de la reconstrucción de Gramalote". May 9, 2014; *La Opinión*, "Gramalote tendrá una arquitectura sostenible". May 9, 2014.



interested in the projects, but they have neglected the community. Where is all that money that has been invested? In what was it invested? Because four years has gone by and we don't see anything. Was everything spent in studies?"<sup>116</sup> Enrique Maruri (the coordinator of the project) was candid responding to this kind of concern: "It is understandable that the population is suspicious, but to start building you need three things: to purchase the land, have urban designs in detail, and have the approval of the zoning regulation"<sup>117</sup>. Gramalote's Mayor Sonia Rodriguez shared a similar opinion: "The mood will improve only when the physical construction begins and will result not only in the guarantee that the town will be a reality, but in the generation of employment and occupation for people. Only then optimism can be recovered, and certainly the glue of the social fabric would be possible"<sup>118</sup>.



Figure 6: The architectural plan for the new communal marketplace. Design by Architects Rodrigo Chain and Jheny Nieto.

#### Stage four: Fondo Adaptación takes on the management of the project once again (Since February 2015).

Finally, during the fourth stage, *Fondo Adaptación* took over the oversight and management role of the project once again. *Fondo Adaptación* appointed a new manager for the Gramalote

<sup>116</sup> Balaguera, Karina, *La Opinión*, "Queremos un techo propio: Gramaloteros de los albergues". December 21, 2014.

<sup>117</sup> *Semana*, "El eterno drama de Gramalote". August 2, 2014.

<sup>118</sup> Florez Moya, Cicerón, *La Opinión*, "Entra en órbita reconstrucción de Gramalote". January 25, 2015.

project, retaking its control from AECOM<sup>119</sup>. This change in management model and personnel was preceded by the arrival of a new director at *Fondo Adaptación*<sup>120</sup>. Some tensions have been evident since all those changes, especially with the Catholic Church, with the WGG, and with the business sector from the department of Norte de Santander<sup>121</sup>. In fact, it is not clear yet if the successful governance model used until now would remain unchanged or not.

In the very unfortunate handling of an issue that had not been controversial, *Fondo Adaptación* suddenly found itself in the middle of an unnecessary debate regarding the building of the church of Gramalote. During the elaboration of the urban design of the town, Gramaloteros made clear that they would like to have a church very similar to the old one. As a result, *Fondo Adaptación* itself was in the process of organizing a public contest for architectural proposals to build the new church in collaboration with the Colombian Society of Architects. However, the new director reminded everyone that *Fondo Adaptación* couldn't be involved in the construction of a building for religious purposes. The community and the Catholic Church argued that the church building was not only a religious symbol, but a cultural one. Although it is true that given the non-religious character of the Colombian state the government couldn't legally pay for the construction of a religious structure, the case could have been easily managed in a different way. In fact, there are many other precedents of towns in Colombia that have being rebuilt after a disaster or even after a relocation where the government and the Catholic Church found an amicable and collaborative way to resolve this issue, which is paramount for a lot of people.

This whole debate about the church was extremely offensive for the Gramaloteros, who were very proud of their old church, which also represented the main icon of the old town<sup>122</sup>. In a very traditional and Catholic town such as Gramalote, it is hard to imagine it without a church<sup>123</sup>. The debate was finally resolved thanks to the intervention of several other ministries, including the Ministry of the Presidency and the Ministry of Culture<sup>124</sup>.

On a more positive front, on April 21, 2015 *Fondo Adaptación* assigned the construction contract to a construction company called “Consortio Mungui” to be in charge of Phase I of the construction of Gramalote, which includes building the main plaza, the municipal building, the market, the streets and sidewalks, the water and sewage network, and the preparation of the

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<sup>119</sup> Roberto Zapata, the new manager of the Gramalote Project, was one of the successful managers of *Colombia Humanitaria*.

<sup>120</sup> Germán Arce, the new director, is an economist and has been manager of the state agency of hydrocarbons and deputy Minister of Finances. In his last role he has represented the Ministry of Finance at the board of directors of *Fondo Adaptación*, so he is somewhat familiar with its projects, including the planned relocation of Gramalote. *El Espectador*, “Problemas de fondo”. March 6, 2015.

<sup>121</sup> Zuluaga, Camila, *El Espectador*, “Estoy aquí para resolver problemas, no para generarlos”. March 9, 2015.

<sup>122</sup> Rincón, Liseth Carolina, *El Tiempo*, “Iglesia reclama su templo en el nuevo Gramalote”. February 16, 2015; *El Espectador*, “Comunidad Católica de Gramalote exige la reconstrucción de su templo”. March 2, 2015.

<sup>123</sup> In fact, back in 2011, the people of Gramalote wanted the church to be the first building built. *Semana*, “Las opciones para reconstruir a Gramalote”. July 11, 2011.

<sup>124</sup> *La Opinión*, “Gramalote va a tener templo”. March 27, 2015.



land for the first 400 houses. The total value of the contract was \$74,000 million Colombian pesos (US\$34.2 million), and the work should be completed in 14 months<sup>125</sup>.

As will be seen in detail in the later sections, the lack of legal clarity about the rights of Gramaloteros has made one of the most important issues in the reconstruction very confusing: how many houses will be built. Until recently there were only promises made by high-level government officials, including President Santos himself. For instance, at the beginning of 2013 the Minister of Housing announced that 400 houses would be built in Gramalote as part of a national program of free houses for *damnificados* (victims) of the events of La Niña 2010-2011<sup>126</sup>. President Santos has mentioned that in total 1,200 houses will be built in Gramalote, 800 by *Fondo Adaptación*, to replace the houses of former owners, and renters would be the beneficiaries of 400 free houses that the Ministry of Housing was planning to build<sup>127</sup>. However, it now seems that few houses will be built.

The restrictive approach that *Fondo Adaptación* is having lately could be explained as a direct result of the fact that the price tag of the reconstruction of Gramalote was significantly higher than the US\$86.1 million originally estimated by *Fondo Adaptación* for the relocation of the town at the Miraflores site. As of December 31, 2014, the cost of the new Gramalote was already US\$110.3 million, without including the cost of housing and the construction of some public buildings.

Finally, other issues that were still holding up the progress of the reconstruction was the fact that as of the end of March 2015, *Fondo Adaptación* was still negotiating the last property at the Miraflores site<sup>128</sup>. Additionally, the environmental license to build the new town is still going through a slow administrative process under CORPONOR, the Norte de Santander's agency in charge of processing the license. However, the selection of the construction firm for the reconstruction work has created a new wave of optimism. It seems that Gramaloteros finally will start seeing something tangible, and hopefully their displacement will end soon.

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<sup>125</sup> *El Espectador*, "Adjudican contrato por \$74.000 millones para construcción de Fase I del nuevo Gramalote". April 22, 2015; *La Opinión*, "Gramalote: revelan primer constructor". April 22, 2015.

<sup>126</sup> *La Opinión*, "Ministerio de Vivienda aportará 400 casas gratis para Gramalote". January 4, 2013.

<sup>127</sup> *Semana*, "Santos promete reconstruir Gramalote". January 14, 2014.

<sup>128</sup> *La Opinión*, "Gramalote, a 2% de iniciarse". March 31, 2015.

## VI. Lessons learned from Gramalote's planned relocation process

As mentioned throughout this report, the relocation of Gramalote has not yet taken place and as a result, the final outcome is still unknown. Will Gramaloteros be better off after their final relocation, as President Santos promised few days after the disaster? Despite the unknown outcome, there are already a number of preliminary lessons learned from this planned relocation process.

### The need for a broad roadmap to guide a planned relocation process

It is clear that different institutional actors and the affected community need a legal, policy and planning framework to guide the relocation process. One key issue which should be included is clear criteria for when relocation of communities after disasters should occur. During our fieldwork we learned about the frustration of the Gramaloteros with government officials at the national level who questioned the need to relocate Gramalote. Even though this is a legitimate question, the answer should not be left in the hands of a handful of functionaries who lack an understanding of the local culture and a town's significance for its inhabitants<sup>129</sup>. In the case of Gramalote, the political promise made by the Colombian President to rebuild the town was a very important tool in the Gramaloteros' fight to relocate. However, despite that promise, Gramaloteros have had to fight over and over with the same questions at each stage of the relocation process. A roadmap setting out criteria for relocation, along with related legal and policy issues, would help to avoid similar difficulties in future.

### Land is at the center of any relocation process in several important and different ways

Experience elsewhere in the world has proven that land is at the center of any planned relocation process. The case of Gramalote sheds light on several important issues to consider related to housing, land and property rights issues, including:

*a. Selection of relocation site:* Selecting a new site for planned relocation project is far more complicated than it seems. There are important aspects to consider such as the geological characteristics of the site which affect its safety. The physical location of a site might also have an impact on the total cost of a relocation project. Additionally, the site selected should allow good connectivity with other regions in order to facilitate the flow of people, commerce and the livelihoods of its inhabitants.

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<sup>129</sup> As one official at the Norte de Santander's governor's office has pointed out: "Officials at *Fondo Adaptation* asked a simple question: is it necessary to rebuild this town? It is clear their ignorance about the social and economic dimension of a town with history, and geographically important. It is understood as a housing program, rather than as the social and physical reconstruction of a community that deserved to be preserved". Interview with Carlos Eduardo Rodriguez, Coordinator for the relocation of Gramalote at the Department of Norte de Santander. Cucuta, March 5, 2015.

*b. Purchase of land in the selected relocation site:* Even if there are the funds to purchase a selected piece of land, and even if the government has the legal instruments to make the purchase of the site, this can be a time-consuming process because it might include the need to work with a group of owners with different legal rights and/or with different attitudes towards land negotiations.

*c. Definition of land and housing rights in the new relocation site:* How are the property rights of the people defined when planning the relocation to a new site? If those with a higher economic status/property owners are to be excluded from state support, it might have a long-term impact on the economic recovery of the town. However, is it fair that the state supports those who are better-off but also affected by the tragedy when there are so many unresolved needs? As de Wet has mentioned, one of the ethical questions that needs to be answered is: “What should be done when there appears to be a conflict between fairness and equality of treatment of different categories of affected people?”<sup>130</sup>

### **The need to have a clear timeframe and visible milestones in a relocation process**

Unfortunately, any planned relocation takes time. In relocation processes after a disaster, as in voluntary relocations as a result of climate change, there are often conflicting understandings of what is an appropriate timeframe between the displaced people and the government officials in charge of planning the relocation process<sup>131</sup>. While climate displaced people would like to see the resettlement plan implemented as soon as possible in order to find a new place to live, planners would prefer to follow a more cautious approach. It is often hard for the victims to understand the need for the various types of studies required. It is also hard for people suffering so many material constraints to understand that a lot of money needs to be invested in preparing for the relocation. As a result, they become cynical, frustrated, and angry. Visible milestones are needed to keep the affected communities’ faith in the process, especially when there are no clear resettlement policies. Planned relocation takes time, but that does not mean that it has to take “forever” or be surrounded by a high level of uncertainty.

### **The importance of a participatory governance model to guide the relocation process<sup>132</sup>**

While the resettlement of Gramalote has gone through many false starts and multiple delays which has stretched the patience of the Gramaloteros, it is also clear that several things in the process have been done well. Some unique features even deserve to be

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<sup>130</sup> De Wet, Chris (2006). Page 189.

<sup>131</sup> Perhaps this is a difference with development-induced displacement, where the conflicting timeframes, “tends to lead to resettlement being rushed” (de Wet, 2006, page 188).

<sup>132</sup> This section benefited from the dialogue with several people who participated in the Working Group on Gramalote, such as Sonia Rodríguez, Mayor of Gramalote; Enrique Maruri, representative of AECOM and former functionary at *Fondo Adaptación*; Carlos Eduardo Rodríguez, representative of Norte de Santander governor’s office; Father Victor Manuel Lazzo, Catholic Priest at Gramalote’s Parish; Pedro Luis Romero, representative of the association of leaders of Gramalote; and Elena Correa, former consultant at *Fondo Adaptation*.

considered for possible use in future resettlement processes. This is the case of the *Working Group on Gramalote (WGG)*<sup>133</sup>. From an analytical point of view, the WGG is perhaps the main initiative from this experience which would contribute to the growing literature on resettlement requirements. Some of the important features of the WGG are the following:

- a. *An ad-hoc and informal space:* The WGG was created spontaneously by mutual agreement and trust among all the people initially involved from the local, regional and national levels, and until now, has remained an informal space. As a result, the WGG does not exist as a result of any law or administrative order, and has not had legal or administratively defined functions or competences.
- b. *Institutional and social participation:* The WGG is formed by institutional actors from several levels of government. From the local level it includes the Mayor of Gramalote, the *Personero* (municipal ombudsman) and the President of the City Council. From the regional level, the group includes a representative from the Governor's office of the department of Norte de Santander. From the national level, it includes the functionaries from *Fondo Adaptación*. In addition, the WGG also includes credible and respected social actors from the local level, such as the local Catholic Priest, a representative from the rural area *Juntas de Acción Comunal* (Communal Action Boards), and a representative of the Association of Community Leaders from Gramalote.
- c. *Meets on the basis of need, generally in the regional territory of the affected area:* Typically the WGG meets monthly, or every other month, or as needed. Meetings generally take place inside the department of Norte de Santander, where the local actors are located.
- d. *Actors are aware of the limits of their influence:* Local and regional actors are clear that some of the main decisions about the relocation project (such as amount of resources to be invested) need to be made at the national level. The national government is paying for the project with resources raised at the national level. However, the local and regional actors have been able to discuss ideas and plans for the resettlement before they were implemented, and have been able to influence many of the plans, redirect some, and propose others. Obviously, the national government is also aware that there are limits to its capacity to impose its will when there would be implementation difficulties on the ground.
- e. *It is a space to articulate the views of a complex range of actors involved, and build consensus among them:* The WGG provides a forum for the views of the different actors involved in the process, giving voice and some decision-making power to local and regional institutional and social actors, who then share information with their own constituencies.
- f. *It adds legitimacy to the decision-making process:* If *Fondo Adaptación* follows the spirit of the WGG, then it can be sure that its final decisions are well thought out, and with input from the local level. As a result, the level of legitimacy of decisions is significantly higher.

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<sup>133</sup> This is especially important in countries with a centralist tradition, such as Colombia.

- g. *It develops a new working culture and interaction between national, regional and local actors:* This is something that has been characteristic of the institutions created to deal with the events of La Niña 2010-2011, especially *Colombia Humanitaria*.

### The need to have a visible, consistent manager of the relocation process

The relocation of Gramalote worked more smoothly when there was a visible manager in charge of the process. It is not enough to say that an agency such as *Fondo Adaptación*, a large organization which was working on many other projects all over the country, is fulfilling that role. There needs to be a full time project manager - who is not an external consultant - designated to play that role. The lack of a visible manager at *Fondo Adaptación* at times created a public perception that the contractors were leading the project, which in turn created a lack of trust among the community<sup>134</sup>. *Fondo Adaptación* also used the model of sub-contracting a private company as the external manager of the project. Despite the fact that the experience was overall positive, it was not without problems. As the same coordinator of that experience told us, “The project management in the hands of a private company in a public project is difficult for both *Fondo Adaptación* (the public agency) and for the private company. The decision making model requires government involvement nevertheless. You cannot throw the responsibility of the project to a company for a project of this size. You cannot give the responsibility of the project to a company without having active government involvement, because there are key decisions that are public policy decisions”<sup>135</sup>.

### The important role of local and regional actors in the relocation process

Local actors (such as the Mayor’s office and the local Catholic parish), regional universities (such as Universidad de Pamplona) and institutions (such as Cucuta’s Chamber of Commerce) have played a key role during the entire relocation process. They deserve considerable recognition for achieving some of the best outcomes, especially for supporting many of the needs of Gramaloteros. Local actors have been able to find local solutions that usually have been more inclusive, participatory and culturally appropriate. Four good examples are: i) the shelters built and administrated by the Catholic Church in Gramalote; ii) the leading role of Gramalote’s Mayor, Sonia Rodriguez, who has done a very good job managing the difficult task of working and coordinating with other local, regional and national actors and institutions, and at the same time representing the interest of Gramaloteros, communicating their suffering and frustrations, and allowing their own voice to be heard when needed; iii) the cohesive role played by Universidad de Pamplona, as part of the social accompaniment component; iv) the definition of the urban design for the new Gramalote, led by Cúcuta’s Chamber of Commerce. This complex process went so smoothly that it went

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<sup>134</sup> Interview with Luis Gonzalo Díaz, General Coordinator of the Social Accompaniment Component -Phase II-, at the Universidad de Pamplona. Cucuta, March 4, 2015.

<sup>135</sup> Phone interview with Enrique Maruri, then coordinator of the Gramalote project at AECOM, March 25, 2015.

almost unnoticed by the national media because it did not produce much noise or dissent.

### **Planned relocation is much more than “a housing project”**

From the beginning, the Colombian government conceived the reconstruction of Gramalote as a planned relocation and not only as a housing program for the 1,108 affected family *damnificadas* (victims). However, as we have shown in detail in this report, this fundamental distinction has not been easily understood by many government officials. As a result, since the destruction of Gramalote and during the entire process of resettlement there has been a permanent confrontation between two different visions. Those who see the reconstruction of Gramalote as a planned relocation (including President Santos) know that a holistic approach is required and that this will entail the investment of all the necessary resources. On the other hand, those who see the reconstruction of Gramalote as a simple housing program think that it is enough to build some houses to replace the ones that were destroyed and nothing else. Proponents of this approach do not understand why the government has to invest “so many” resources in Gramalote and at each stage of the project, and even today, try to cut corners and make it as cheap as possible.

### **Relocation is a complex process requiring a multisectoral response**

As de Wet has mentioned, “there is a complexity in resettlement, which arises from the interrelatedness of a range of factors of different order: cultural, social, environmental, economic, institutional and political - all of which are taking place in the context of imposed spatial change and of local-level responses and initiatives”<sup>136</sup>. There is no doubt that the relocation of Gramalote has been complex. During the process a lot of mistakes have been made, and setbacks have occurred at every point in the process. The relocation has shattered the plans of several very competent relocation experts who have dropped out as a matter of frustration, or were left out by sudden changes in plans.

Nonetheless, there is also no doubt that the Colombian government has tried to do things correctly for the relocation of Gramalote. No one can question the political will of President Santos to relocate Gramalote and allocate the necessary resources to do it in a way that Gramaloteros end up better off. Some things have been done very well, in particular the creation of and active role played by the WGG, as well as the hard work and faith of many Gramaloteros, especially Gramalote’s Mayor Sonia Rodriguez, who for the last three years has been a tireless advocate for Gramalote and its people at the local, regional and national level. Displacement Solutions is convinced that the relocation of Gramalote has a lot of potential to be a success, and it is our hope that this would be the case, for the sake of the people of Gramalote who have been waiting for this outcome for almost five years.

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<sup>136</sup> de Wet (2006). Page 190.





Figure 7: Humberto Sandoval, a 50-year-old farmer, searches the remains of his house. Image: Kadir van Lohuizen/NOOR

## VII. Applying the Peninsula Principles on Climate Displacement Within States in Gramalote

### Introduction

This section will address the following topics: i) Describe the *Peninsula Principles* by looking at the basic definition, main principles, rights of climate displaced persons, general obligations of state with climate displaced persons and the specific obligations of states during the three different states of the climate displacement process; ii) Describe how *Fondo Adaptación* has defined the specific rights of Gramaloteros in the new Gramalote; iii) Analyze *Fondo Adaptación's* approach to the rights of climate displaced people from Gramalote; iv) Propose an alternative approach to the rights of climate displaced people from Gramalote based on the Peninsula Principles.

## Basic definitions and main principles

The *Peninsula Principles* (PP) are the result of the work of a group of climate displacement experts adopted on August 18, 2013, and provide “a comprehensive normative framework (...) within which the rights of climate displaced persons can be addressed” (Principle 1 (a)), and focus on climate displacement within a State (rather than across international borders), which is considered to be the main source of climate displacement. The PP are based on three main sources: 1) the principles of international law; 2) human rights obligations; and 3) good practice. The PP “set out protection and assistance principles, consistent with the UN Guiding Principles on Internal Displacement, to be applied to climate displaced persons” (Principle 1 (a)).

The PP contain four basic definitions (Principle 2):

- a. *Climate change*: “means the alteration in the composition of the global atmosphere that is in addition to natural variability over comparable time periods”.
- b. *Climate displacement*: “means the movement of people within a State due to the effects of climate change, including sudden and slow-onset environmental events and processes, occurring either alone or in combination with other factors”.
- c. *Climate displaced person*: “means individuals, households or communities who are facing or experiencing climate displacement”.
- d. *Relocation*: “means the voluntary, planned and coordinated movement of climate displaced persons within States to suitable locations, away from risk-prone areas, where they can enjoy the full spectrum of rights including, land and property and livelihood rights and all other livelihood and related rights”.

There are three main principles that guide the PP. The first is the principle of non-discrimination, which states that climate displaced persons should not be discriminated against due to their real or potential displacement situation and that they should enjoy the same rights and liberties as the rest of the citizens in the country. The second is the principle of access to the judicial system and adequate judicial resources if needed. The third is that the PP should not create a limitation or alteration of rights currently recognized by local and international law. The PP invite the states to interpret them in a broad way, guided by a humanitarian purpose.

## The rights of climate displaced persons

The PP make a distinction between people who are threatened with displacement and people who have already been displaced for climate reasons. However, the PP uses the term “climate displaced persons” to define both groups since they are subjects of rights and protection under international law and the PP itself. This distinction is important because it means that people who are facing displacement but have not yet moved still have rights from the moment in which they feel their health, life or environment threatened as a result of climate change. To be considered a climate displaced person, an individual doesn’t have to be currently displaced, but the threat immediately triggers the protection.

The PP also make reference to the fact that a majority of climate displaced persons are not responsible for the processes that originated climate change.

Two very specific rights of climate displaced persons are mentioned by the PP:

- a. *The right to remain in their homes as long as possible:* One of the recitals in the Preamble of the PP states: “REAFFIRMING the right of climate displaced persons to remain in their homes and retain connections to the land on which they live for as long as possible, and the need for States to prioritise appropriate mitigation, adaptation and other preventative measures to give effect to that right”.
- b. *The right to move safely and relocate over time:* Another of the recitals in the Preamble of the PP states: “REAFFIRMING further the right of those who may be displaced to move safely and to relocate within their national borders over time”.

## General obligations of States with climate displaced persons

The PP recognize that for many states to address and respond to the climate displacement issue, this represents financial, logistical, political and other difficulties. However, considering that climate change is a global problem, all states, at the request of the affected state, should provide support to put into place mitigation, adaptation, relocation and all protective measures needed to provide assistance to climate displaced people. It is the right of the affected states to look for cooperation and assistance from other states (Principle 8 (d)). At the same time, those states that are non-capable of preventing and responding to climate displacement in an adequate way should accept the assistance and support from other states and international agencies (Principle 8 (d)). The PP mention the following twelve general state obligations:

General Obligations of States
1. Prevent and avoid conditions that might lead to climate displacement (Principle 5)
2. Provide adaptation assistance, protection and other measures to ensure that climate displaced persons can remain in their places of habitual residence for as long as possible (Principle 6(a)).
3. Cooperate in the provision of adaptation assistance and protection for climate displaced persons (Principle 8(a)).
4. Ensure protection against climate displacement (Principle 6(b)).
5. Demonstrate sensitivity to climate displaced persons who are particularly dependent and attached to their land, including indigenous peoples (Principle 6(b)).
6. Include in their legislation and national policies references to the prevention of climate displacement, assistance and protection, as established by the PP (Principle 7(a)).
7. Establish and provide adequate resources at all levels of government to implement the PP (Principle 7(b)).
8. Develop, establish and implement an institutional framework to support the provision of assistance and protection of climate displaced persons (Principle 13(a)(ii)).
9. Ensure that durable solutions to climate displacement are adequately addressed by legislation and administrative measures (Principle 7(c)).

10. Ensure the right of every person to adequate, timely and effective participation in all stages of policy development and implementation of the PP, ensuring such participation by indigenous peoples and other marginalized groups and people (Principle 7(d)).
11. Develop appropriate laws and policies for loss suffered and damage incurred in the context of climate displacement (Principle 12).
12. Implement and disseminate the PP in collaboration with civil society groups and others (Principle 18).

## Specific obligations of States during the different stages of the climate displacement process

The PP identify three different stages during the climate displacement process. The first is preparation and planning. The second is the displacement and post-displacement stage. The third stage is return, in cases where this is possible.

### Preparation and planning stage

The PP address three different sets of specific obligations during the stage of preparation and planning:

Specific obligations of States
<b>I. Obligations regarding climate displacement risk management, monitoring, and modeling:</b>
1. Identify, design and implement risk management strategies (Principle 9 (a)).
2. Undertake systematic observation and monitoring of, and disaggregated data collection on current and anticipated climate displacement (Principle 9 (b)).
3. Enhance sharing, access to and the use of such data, and facilitate the assessment and management of climate displacement (Principle 9 (c)).
4. Model likely climate displacement scenarios, including: i) timeframes and financial implications; ii) locations threatened; iii) possible relocation sites (Principle 9 (d)).
5. Integrate relocation rights, procedures and mechanisms within national laws and policies (Principle 9 (e)).
6. Develop institutional frameworks, procedures and mechanisms that: i) identify indicators that will clarify where, at what point in time, and for whom, relocation will be required; ii) require and facilitate governmental technical assistance and funding; iii) outline steps individuals, households and communities can take prior to climate displacement in order to receive such support (Principle 9 (f)).
<b>II. Obligations to enable successful preparation and planning for climate displacement</b>
1. Ensure that priority consideration is given to requests for relocation (Principle 10 (a)).
2. Ensure that no relocation shall take place unless individuals, households and communities provide full and informed consent for such relocation (Principle 10 (b)).
3. Only require relocation to take place without such consent in exceptional circumstances (Principle 10 (c)).
4. Adopt measures that promote livelihoods, acquisition of new skills, and economic prosperity for displaced communities (Principle 10 (d)).
5. Make certain that: i) affected displaced communities are fully informed and can actively participate in relevant decisions and the implementation of those decisions; ii) basic services, adequate and affordable housing, education and access to livelihoods will be available for climate displaced persons; iii) adequate mechanisms, safeguards and remedies are in place to prevent and resolve conflict over land and resources; iv) the rights of individuals, households and communities are protected at all the stages of the relocation process (Principle 10 (e)).
6. Prior to any relocation, prepare a master relocation plan that addresses critical matters including: i) land acquisition; ii) community preferences; iii) transitional shelter and permanent housing; iv) the preservation of existing social and cultural institutions and places of climate displaced persons; v) access to public services; vi) support needed during the transitional period; vii) family and community cohesion; viii) concerns of the host



community; ix) monitoring mechanisms; and x) grievance procedures and effective remedies (Principle 10 (f)).
<b>III. Obligations regarding land identification, habitability and use</b>
1. Identify, acquire and reserve sufficient, suitable, habitable and appropriate land to provide viable and affordable land-based solution to climate displacement (Principle 11 (a)(i)).
2. Develop fair and just land acquisition and compensation processes and appropriate land allocation programs (Principle 11 (a)(ii)).
3. Plan for and develop relocation sites including new human settlements on land not at risk from the effects of climate change or other natural or human hazards and, in so planning, consider the safety and environmental integrity of the new site(s), and ensure the rights of those relocated are upheld (Principle 11 (a)(iii)).
4. Create and make publicly available specific, geographically appropriate, standard criteria including: i) current and future land use; ii) restrictions (including those of a customary nature or not otherwise formally codified) associated with the land and its use; iii) habitability of the land, including issues such as accessibility, availability of water, vulnerability to climate or other natural or human hazards, and use; and iv) feasibility of subsistence/agricultural use (Principle 11 (b)).
5. Provide easily accessible information concerning: i) the nature and extent of the actual and potential changes to the habitability of their homes, lands and places of habitual residence, resulting from climate change, including the evidence on which such assessments are made; ii) evidence that all viable alternatives to relocate have been considered, including mitigation and adaptation measures that could be taken to enable people to remain in their homes and places of habitual residence; iii) planned efforts to assist climate displaced persons in relocation; iv) available compensation and alternative relocation options if the relocation site offered is unacceptable; v) rights under international and domestic law, in particular housing, land and property and livelihood rights (Principle 11 (c)).
6. Include in relocation planning: i) measures to compensate climate displaced persons for lost housing, land and property and livelihood; ii) assurance that housing, land, property and livelihood rights will be met for climate displaced persons, including those who have informal rights, customary land rights or rights of customary usage, and assurances that such rights are ongoing; and iii) assurance that rights to access traditional lands and waters are maintain or similarly replicated (Principle 11 (d)).

## Displacement and post-displacement stage

The PP address two main issues regarding the displacement and post-displacement stage:

<b>Specific obligations of States</b>
1. The obligation to assist climate displaced persons who are displaced but have not been relocated (Principle 14; Principle 15(a) and Principle 16).
2. The obligation to take measures to ensure that livelihoods can be continued in a sustainable manner and will not result in further displacement where climate displacement results in the inability to return to previous sources of livelihood. (Principle 15(b)).

## Stage of return

When this stage is possible the PP address four main specific obligations of states:

<b>Specific obligations of States</b>
1. The obligation of the states to establish a framework for the return in case the displacement is temporary and the return possible and agreed with the people affected (Principle 17(a)).
2. The obligation of the states to allow the climate displaced persons to return voluntarily. States should facilitate the return in conditions of security and dignity, in places where the traditional places are in conditions to be habited, and the return does not represent a risk to their lives and means of subsistence (Principle 17 (b)).

3. The obligation to allow the climate displaced persons to decide about the convenience to return to their traditional location and provide all the necessary information to allow their right to circulate freely and select their residency (Principle 17 (c)).

4. The obligation to provide transitory aid during the process of return until the means of subsistence and the access to services are re-established (Principle 17 (d)).

## The definition of the specific rights of Gramaloteros in the new Gramalote

As we were finalizing this report, the main bottleneck in the resettlement process seemed to be the definition of the specific rights of Gramaloteros in the new Gramalote<sup>137</sup>. During our visit to Colombia in early March 2015, we learned that the legal framework for the resettlement of Gramalote was ready and scheduled to be released by *Fondo Adaptación* in a matter of weeks<sup>138</sup>. Local leaders, and local and regional authorities who had been interacting with *Fondo Adaptación* through the *Mesa de Trabajo* expressed to us their frustration and disappointment for the restrictive approach that *Fondo Adaptación* was taking, which reversed all the public promises made by President Santos and several of his former and current ministers and the former directors of *Fondo Adaptación* and other high officials of his administrations over the last few years<sup>139</sup>.

At the time of our visit to Colombia the final wording of the proposed legal framework had not been made public, although portions of it were shared with members of the Working Group on Gramalote (WGG). The *Procuraduría* also expressed their concern with the legal approach that *Fondo Adaptación* was taking: “[The plan] may not conform to basic constitutional principles. The criteria to compensate the families affected by the tragedy has an approach that does not guarantee peoples’ rights, augmenting the damage already caused by the event”<sup>140</sup>.

At the beginning of May 2015 *Fondo Adaptación* released the legal framework in a document entitled “Resettlement plan of the inhabitants of the urban area of Gramalote” (Plan de reasentamiento de la población habitante del casco urbano de Gramalote). In this document, apparently written by AECOM for *Fondo Adaptación*, the legal framework for the resettlement was laid out, including the specific rights of all Gramaloteros. In a totally new style for the process, *Fondo Adaptación* decided not to use the WGG as a space to build consensus around this very important topic, but instead decided to impose it. Members of the WGG responded that several issues were still under discussion and a decision had not been made<sup>141</sup>.

<sup>137</sup> Interview with Priest Victor Manuel Lazzo, Gramalote Parish Priest. Gramalote, March 4, 2015.

<sup>138</sup> Interview with Roberto Zapata, Coordinator Gramalote Project at *Fondo Adaptación*. Bogotá, March 9, 2015.

<sup>139</sup> Interview with Priest Victor Manuel Lazzo, Gramalote Parish Priest. Gramalote, March 4<sup>th</sup>, 2015; Interview with Carlos Eduardo Rodríguez, Coordinator for the relocation of Gramalote at the Department of Norte de Santander. Cucuta, March 5<sup>th</sup>, 2015; Interview with Pedro Luis Romero, President of the Association of Community Leaders from Gramalote. Cucuta, March 5<sup>th</sup>, 2015.

<sup>140</sup> *La Opinión*, “Gramalote sigue en la mira”. April 21, 2015.

<sup>141</sup> *La Opinión*, “Listo plan de reasentamiento”. May 8, 2015. In a letter to the general manager of Fondo Adaptación, community leader Pedro Luis Romero showed his disagreement and frustration with the way *Fondo*



The plan is based on two important distinctions. The first distinction is based on property rights. The group of Gramaloteros with “stronger” property rights (comprised of property owners, property holders, rights and actions holders and occupants of vacant property) can choose to be part of the collective resettlement in the new Gramalote, or an individual option of resettlement in another city in the Department of Norte de Santander where *Fondo Adaptación* had a housing program for other *damnificados* (victims) of the events of La Niña 2010-2011. The group of Gramaloteros with “weaker” property rights (renters and usufructuaries) would participate in a contest to obtain one of the 380 free houses that will be built. The second distinction is based on the issue of residency, and applies only to the group with stronger rights. People who were property owners but did not live in Gramalote at the time of the tragedy will only receive an urbanized lot and technical assistance in the new Gramalote. Apparently, there are around 100 people in this situation, and the proposal has generated a lot of resistance<sup>142</sup>.

The table below summarizes the decision made by *Fondo Adaptación* regarding the different set of housing and property rights for Gramaloteros during the resettlement.

**Table No 6: Housing and property rights of Gramaloteros during the planned relocation process, as decided by *Fondo Adaptación***

Categories of families	Characteristics of housing to be assigned or type of support to be received	Legal strategy to be used/ Rationale for program	Number of houses to be built	Conditions of eligibility
Inhabitants of the old urban area of Gramalote who were property owners, property holders, rights and actions holders, and occupants of vacant property there.	A house of around 70 square meters in a lot of up to 150 square meters, with a maximum value of 135 monthly legal minimal salaries (equivalent to US\$43,587.45) <sup>143</sup> .	Barter of rights over property (or properties) in old Gramalote for a new house in the new Gramalote	Unknown, but a maximum of 604 (per number of families)	<ul style="list-style-type: none"> <li>* Being included in the final registry of inhabitants of the old urban area of Gramalote.</li> <li>* Voluntarily chose the collective resettlement alternative.</li> <li>* Guarantee that the property to be bartered is legally sound.</li> <li>* Accept and sign the barter offer from <i>Fondo Adaptación</i></li> <li>* Not being an owner of another house in any other city in Colombia, with the exception that living in the other house put the family in a vulnerable social and economic position.</li> <li>* To keep the ownership of the house for at least 5 year (if not completed, the ownership would return to the state).</li> </ul>

*Adaptation* proceeded in this case, especially regarding the Gramaloteros who were owners but not residents at the time of the disaster. He stated: “We felt that [the decision] was even imposed on the members of working group (WGG), but we were not consulted”. May 12, 2015.

<sup>142</sup> *La Opinión*, “Se avanza en reconstrucción de Gramalote, pero con conflicto”. May 14, 2015.

<sup>143</sup> The monthly official minimal wage in Colombia for 2015 is 644,350 Colombian pesos (US\$322.87).

				* Sign a commitment to demolish the old house because it is located in an area considered high risk of disaster.
Inhabitants of the old urban area of Gramalote that were property owners, property holders, rights and actions holders, and occupants of vacant property there.	A house in any part of the department of Norte de Santander through a housing program designed by <i>Fondo Adaptación</i> for victims of La Niña 2010-2011, as defined by Resolutions 9 and 46 of 2013.	Barter of rights over property (or properties) in old Gramalote for a new house in any city in the department of Norte de Santander.	Unknown, but a maximum of 604 families.	* Being included in the final registry of inhabitants of the old urban area of Gramalote. * Voluntarily chose the individual relocation alternative, and clearly renounce the collective one. * Transfer the rights over the property (or properties) in the old Gramalote to the municipality.
<b>Non-inhabitant</b> families of old urban area of Gramalote that are property owners, property holders, rights and actions holders, and occupants of vacant property in Gramalote.	Lot in the new Gramalote and support through construction materials valued up to 18 monthly legal minimal salaries (US\$5,811.66), plus technical assistance.	Barter of rights over property or properties in old Gramalote for a lot in new Gramalote.	Unknown	* Not being an owner of another house in any other city in Colombia.
Inhabitant families of rural area of Gramalote whose houses were destroyed by La Niña 2010-2011, and that couldn't be part of <i>Fondo Adaptación</i> special housing reconstruction program because they couldn't rebuild on their own land due to the high risk of disaster.	A house of approximately 50 square meters (part of the program called Housing of Priority Interest (Vivienda de Interés Prioritario –VIP).	Barter of rights over home in rural area of Gramalote for a new house in the new Gramalote.	24	* Being considered eligible by the housing area operator of Fondo Adaptación * Voluntarily chose the collective resettlement alternative. * Sign a commitment to demolish the old house because it is located in an area considered high risk of disaster.
Inhabitants of the Miraflores site, whose land will be used to build the new Gramalote.	A house of approximately 50 square meters (part of the program called Housing of Priority Interest (Vivienda de Interés Prioritario –VIP).	Economic compensation	5	* Being subject to the administrative decisions about economic compensation of families of vereda Miraflores.
Inhabitants of the old urban area of Gramalote who were renters or usufructuaries there at the time of the disaster.	A house of approximately 50 square meters (part of the program called Housing of Priority Interest (Vivienda de Interés	Contribute to rebuild the social fabric of Gramalote, and to encourage the return of the highest number	380 maximum, from a maximum of 504 families.	* Being included in the final registry of inhabitants of the old urban area of Gramalote. * Voluntarily chose the collective resettlement alternative. * Submit a request to be part of

	Prioritario –VIP).	of Gramaloteros to the new Gramalote.		the program.
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**Source:** Our own elaboration based on information from *Fondo Adaptación* (2015).

## The rights of climate displaced people from Gramalote in the resettlement plan

*Fondo Adaptación's* Resettlement Plan for Gramalote defines the specific rights of Gramaloteros in the relocation process and also establishes some measures to restore the livelihood of people affected by the destruction of the town. According to *Fondo Adaptación*, the legal framework for the Resettlement Plan of Gramalote was based on the following rationale:

“Given the lack of specific regulations regarding the resettlement of a population at risk or affected by disasters, each public entity, whether at the national or regional level, has built its own response mechanisms and measures to serve the population, according to the specific context or situation, and with reference to general legislation that is applicable. *The main premise has been that the Colombian government does not act in the manner of an insurer, to restore the value of the property destroyed, but it responds to a calamity to defend the right to life and decent housing of those affected*<sup>144</sup>.

In this sense, this Resettlement Plan has been built based on constitutional principles and rights such as life and decent housing, international practices and the existing legislation on emergency response, risk management and land use. The law applicable to this type of project emphasizes the management mechanisms of areas affected by disaster and the acquisition of property, rights and improvements, to the extent of the powers of the *Fondo Adaptación*. These powers are restricted to resolve the emergency situation caused by the effects of the La Niña 2010-2011.

Likewise, this plan is supported on the basis of international treaties signed by Colombia, which are constitutionally legitimate. They are also included as sources for this document, models of good practice implemented by multilateral banks for projects co-financed, as the case of resettlement of Nueva Esperanza in the city of Bogota.

This regulatory framework has helped develop a legal strategy, which seeks first to address the population living in the disaster areas or the lands declared at risk, and then to access the domain of these properties to give proper use through the delivery thereof to the appropriate environmental agencies”<sup>145</sup>.

The international laws that are listed as a basis for the design of the resettlement policies and strategies for the population affected by natural disasters and that have been ratified by Colombia are: i) Universal Declaration of Human Rights; ii) International Covenant on Civil and Political Rights; iii) International Covenant on Economic, Social and Cultural Rights; iv)

<sup>144</sup> Emphasis in the text is ours.

<sup>145</sup> Fondo Adaptación (2015). Pages 77-78.

Convention against all Forms of Racial Discrimination; v) Convention against all Forms of Discrimination against Women' vi) Convention on Child Rights; vii) ILO Convention 169 on Indigenous and Tribal People; viii) The UN Guiding Principles on Internal Displacement.

The Colombian laws listed that “have provided legal support to the measures that guide this Resettlement Plan” could be divided into five different groups:

- i) *Emergency legal framework:*
  - Decree 4580 of 2010, which declared the state of economic, social and ecological emergency in Colombia as a result of severe public calamity caused by the events of La Niña 2010-2011.
  - Decree-Law 4674 of 2010, which established laws regarding evacuation of people and relocation of families located in areas at a high risk of disaster.
- ii) *Disaster risk management framework:*
  - Law 1523 of 2012, which adopted the national policy on disaster risk management and created the national system of disaster risk management. This law creates a special regime for situations of disaster or public calamity.
- iii) *Urban Laws:*
  - Art. 113 and 114 of Law 388 of 1997
  - Decree 4674 of 2010, mentioned before.
- iv) *Fondo Adaptación's legal framework:*
  - Decree 4819 of 2010, which created *Fondo Adaptación*.
  - Art 4, Decree 4785 of 2014, which established that the manager of Fondo Adaptación has the responsibility to execute plans and projects approved by the board of directors.
- v) *Local regulations:*
  - Resolution 019 of 2015 of Gramalote's Municipal Council, which adopted a new urban planning framework for the municipality (Esquema de Ordenamiento Territorial).

### **An alternative approach to the rights of climate displaced people from Gramalote based on the Peninsula Principles**

An alternative approach based on the Peninsula Principles, which would provide greater protection to those displaced from Gramalote, would be as follows:

An alternative reading of the Colombian main laws applicable to the case:

- i) *Legal framework for the emergency:* From the reading of decree 4580 of 2010 and Decree-Law 4674 of 2010, it is clear that the Colombian government was creating regulations as the tragedy unfolded and those two decrees were issued before Gramalote was destroyed. In fact, the destruction of an entire town by a weather-related event, the displacement of its entire population and the need to relocate the inhabitants to a new site was entirely

unprecedented in Colombia. As a result, no law offers an appropriate solution for the new issues generated by the relocation of Gramalote. It is also clear that the cases that the government was trying to anticipate with decree 4580 of 2010, Decree-Law 4674 of 2010 and others fit more the typical cases of previous evacuations which were limited to neighborhoods inside a municipality that were located in areas considered at a high risk of a disaster as a result of the events of La Niña 2010-2011. There are successful experiences of that kind of relocation process in Colombia that have been very well documented<sup>146</sup>. While those decrees provide important guidance, they are not entirely applicable to the Gramalote case, and as a result, a different legal approach is needed.

- ii) *Legal framework for disaster risk management*: Section VII of Law 1523 of 2012 creates a special regime for situations of disaster or public calamity. However, the measures regarding resettlements focus on the administrative process for land acquisition, but don't make any reference to the rights of people resettled as a result of a disaster or public calamity. As a result, this law doesn't provide much guidance either.
- iii) *Urban laws*: Interestingly, in some way *Fondo Adaptación's* legal reasoning agrees with what we have just said about the unique character of the events in Gramalote, that make it necessary to look for new and innovative solutions. In fact, according to *Fondo Adaptación*, "As a result of its size and complexity, the resettlement of the new urban area of Gramalote is a pioneer resettlement in our country. As a result it doesn't allow for standard treatment, and it is necessary to include new elements that resemble the urban project that is needed to be built. Legally, the closest new elements are the macro projects that are set out in Articles 113 and 114 of the Law 388 of 1997, and the provisions of Decree 4821 of 2010 "<sup>147</sup>.

### Peninsula Principles that apply to climate displaced people from Gramalote in this specific issue:

There are at least four principles that would apply to climate displaced people from Gramalote for this specific issue:

- vi) The obligation of the Colombian state to interpret the Peninsula Principles in a broad way, guided by a *humanitarian purpose* (Principle 4 (b)).
- vii) The obligation of the Colombian state to *demonstrate sensitivity* to climate displaced persons who are particularly attached to their land (Principle 6 (d)).

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<sup>146</sup> Correa (2011).

<sup>147</sup> Fondo Adaptación (2015). Page 82.

- viii) The obligation of the Colombian state to develop appropriate laws and policies for *loss suffered and damage incurred* in the context of climate displacement (Principle 12).
- iv) The obligation of the Colombian state to include in the relocation planning (among others), *measures to compensate* climate displaced persons for lost housing, land and property (Principle 11 (b)).

It is clear that the Colombian government should use the Peninsula Principles as a source to find a solution to the housing, property and livelihood rights of the people of Gramalote. The legal approach of the Colombian government should be sensitive to the fact that the population of Gramalote has been and remained very attached to its land, territory and culture, and should interpret the Peninsula Principles and other applicable laws and regulations guided by a humanitarian purpose instead of an economic calculation.



Figure 8: The main church of Gramalote. Only one tower still stands. Image: Kadir van Lohuizen/NOOR



## VIII. The protection of the rights of climate displaced persons under international instruments

1. In addition to providing an opportunity to consider how the *Peninsula Principles* could be applied in practice in a concrete situation of planned relocation, the case study of Gramalote, and indeed Colombia itself, offers the opportunity to review the adequacy of the international legal framework governing climate displaced people within States.
2. During the last few years there has been academic and political discussion of the need for a new legal instrument to protect the rights of climate displaced people worldwide. Displacement Solutions has advocated in favour of a new specific legal framework, and to this end promoted the drafting of the *Peninsula Principles* to focus on climate displacement within states. Some have opposed the creation of new protective instruments dealing with this issue based on the argument that existing standards, such as the UN Guiding Principles on Internal Displacement (the “Guiding Principles”), provide sufficient protection.
3. Against this background, Displacement Solutions felt that both approaches were needed and complement each other. Specifically, in dealing with climate displacement within states, Displacement Solutions considered that the unprecedented challenges posed by displacement in the context of climate change required additional,

Figure 9: The main church of Gramalote. Only one tower still stands. Image: Kadir van Lohuizen/NOOR

complementary protection to the UN Guiding Principles.

4. Colombia offers a unique opportunity to test these positions. There is a combination of people who are internally displaced by violence and climate displacement in Colombia. As a result, Colombia is one of the few countries in the world to have developed an entirely separate legal and administrative framework to deal with each type of displacement. The UN Guiding Principles on Internal Displacement (the “Guiding Principles”) have been incorporated as part of the domestic legal framework to protect internally displaced people as a result of the five decade-long armed conflict. The Guiding Principles are well known and have been applied by government officials, courts and human rights NGOs. However, when La Niña 2010-2011 took place and when entire municipalities such as Gramalote were forced to consider relocation, the limits of the Guiding Principles to deal with climate displacement issues became apparent. They did not include provisions to address this type of situation and in practice could not provide much guidance to address the specific needs of people displaced by a climate-related event.
5. In Colombia a *desplazado* (displaced person) is defined by Article 1 of Law 387 of 1997 as follows:

“One who is displaced is any person who has been forced to migrate within the national territory, abandoning his place of residence or habitual economic activities because their life, physical integrity, safety or personal freedom has been violated or are directly threatened due to any of the following situations: internal armed conflict, internal strife, generalized violence, massive human rights violations, violations of international humanitarian law or other circumstances originating from prior situations that can drastically alter or disturb public order ”.

6. A person affected by any kind of disaster (natural or human made) is commonly referred to in Colombia as *Damnificado* (Victim). People considered *damnificados* of natural disasters have generally been in a specific place of the country, and most of the time limited to a specific municipality or region. Arguably, it is with the unprecedented magnitude of the events of La Niña 2010-2011 and its nationwide impact, that for the first time a *damnificado* could be any person located in any part of the country affected by those events.
7. The legislation enacted after the events of La Niña 2010-2011 used that language and established specific rights for this population. Decree No. 4579, 2010 declared a situation of National Disaster in the entire country. According to Article 5 of this decree: “For the purposes of this Decree, *damnificadas* (victims) shall be considered those affected by the disaster who are in the Census of affected people as determined by the Local Committees of the affected municipalities, with the approval of the respective Regional Committee and one of the entities of the National System for Prevention and Attention to Disasters”.
8. The reason behind this differentiated treatment of displaced people in Colombia is historical. Colombia has had an internal armed conflict for over 50 years. However, it is only since 1991 that the Colombian human rights movement started making the problem visible through public events and by publishing reports about this topic. Also during the 1990s a human rights NGOs was specifically created to focus on that topic, the *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES). Since then CODHES has done studies and has maintained data on this issue. Also during the 1990s, several social organizations of displaced people emerged. Finally, in 1997 the dramatic escalation of the armed conflict made visible the problem of internal displacement in Colombia, especially after the massive displacement of several Afro-Colombian communities from the department of Chocó. The international pressure on the Colombian government to protect and offer assistance to those displaced by the armed conflict also played its part in the creation of a law on displacement. In 1997 the Colombian Congress finally approved Law 387, to protect the rights of internally displacement people as a result of the armed conflict.
9. Additionally, the Colombian Constitutional Court has taken very seriously the obligations of the Colombian state with the internally displaced people (IDPs) as a result of the internal armed conflict. In fact, the Constitutional Court has made history

since 2004 by creating unprecedented ways to follow up with the commitments of the Colombian government toward the displaced population<sup>148</sup>. In an unprecedented ruling (commonly known as T-025) the Constitutional Court declared the existence of an “unconstitutional state of affairs” regarding IDPs in Colombia and asked the Colombian government to take concrete actions to fix it. T-025 was based strongly on the Guiding Principles. Arguably, in no other country have the Guiding Principles played such a prominent role in protecting the rights of IDPs as in the case of Colombia.

10. The distinction between displaced people by the armed conflict and by natural disasters is supported broadly among the human rights community in Colombia. For instance, Rodrigo Uprimny, a veteran human rights defender and director of DeJusticia, a leading human rights NGO in Colombia has stated:

“One of the great contributions of the judgment T-025 and subsequent rulings, is to have demonstrated that the displaced are not victims of a natural catastrophe, that are not only vulnerable people who deserve attention of the State because of their vulnerability, however they are also victims of the heinous crime of displacement and, as such, are entitled to compensation, and that right is different from the social rights that are satisfied by protective social policies and humanitarian assistance”<sup>149</sup>.

11. In summary, in countries such as Colombia, where there is already an extensive displaced population as a result of an internal armed conflict, the legal protection offered by the Guiding Principles has proven to be extremely useful. However, since internal displacement has been used also a tool by the armed actors, it is also considered a crime. The human rights community in Colombia has built its case for special treatment of IDPs by contrasting the situation of people displaced by the armed conflict and people displaced by natural disasters, or any other human made event. As a result, the Guiding Principles has a very limited protective reach in these types of situations. The Colombian case shows that the protection of people displaced by climate change and other natural disasters require different legal instruments, and the Peninsula Principles could play that role.

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<sup>148</sup> Rodriguez Garavito, César and Rodriguez Franco, Diana (2010).

<sup>149</sup> *Ibid.* Page 109.

## IX. Conclusions

1. La Niña 2010-2011 was an unprecedented climatic event. Colombia has never seen such a level and scale of destruction nationwide as during that period. Despite a long history of natural disasters, the destruction of an entire municipality, without loss of life, resulting from a combination of factors triggered by the extreme rain of La Niña, was the first of its kind.
2. The Colombian government's response to the damage produced by the events of La Niña 2010-2011 was also unprecedented, comprehensive, pragmatic and forward looking. Colombians had never seen the allocation of so many resources to deal with and overcome a calamity. It included humanitarian attention and rehabilitation through *Colombia-Humanitaria*, and a more structural reconstruction effort through *Fondo Adaptación*. The response was also pragmatic because a few months after the beginning of the extreme rain it recognized that the old emergency management system had collapsed, and designed a completely new system to replace it. The response to the events of La Niña 2010-2011 was also forward looking because it has tried to address and correct the root causes of the vulnerability of the population affected.
3. The people of Gramalote have gone through significant trauma due to the destruction of their town, houses and livelihoods. Since the disaster four and a half years ago, their lives have suffered all the of the major impoverishment risks in situations of displacement, namely homelessness, landlessness, joblessness, increased morbidity and mortality, impoverishment, marginality, social disarticulation, and loss of common property resources.<sup>150</sup> As we have recognized in this report, the Colombian government has been forward looking in its approach to the planned relocation of Gramalote. However, when the process is finally coming to a happy ending, *Fondo Adaptación* has started to apply a very restrictive legal approach to the specific rights of Gramaloteros in the relocation process, causing an additional source of frustration for the people of Gramalote. *Fondo Adaptación's* legal approach should be a rights-based one, and should be guided by the Peninsula Principles.
4. A sense of place and sufficient humanitarian assistance are important factors that deter victims of a climate related event from crossing an international border. Although Gramalote is located only 49 kilometers from the most active international border between Colombia and Venezuela, and that at some point around 63% of the Gramaloteros were renting space in the city of Cucuta, plus additional 3% were doing the same in the town of Villa del Rosario (both located on the border with Venezuela), apparently only 2 people (0.1%) out of 3,316 people moved across the border.

Three main reasons could help to explain why climate displaced people from Gramalote did not cross an international border. First, the deep roots in one's country of origin. People from Gramalote have very strong roots in their town and their local culture.

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<sup>150</sup> Cernea (1999).

Second, a sufficient level of humanitarian assistance. The Colombian government has offered Gramaloteros sufficient humanitarian assistance during the last four and a half years in the form of food and rent subsidies, all of which encouraged people to stay in the area. Finally, the pragmatic calculations that people make that crossing the border might not offer better alternatives. The reality is that the current economic, social and political situation in Venezuela makes it unattractive for Gramaloteros to cross the border, even if they have family living there.

5. The experience in Gramalote and elsewhere in Colombia illustrates that the existing protection framework governing internal displacement under the UN Guiding Principles on IDPS needs to be complemented by a system that focuses specifically on displacement caused by climate change and natural disasters, such as the Peninsula Principles. In Colombia, where there is already an extensive displaced population as a result of an internal armed conflict, the legal protection offered by the UN Guiding Principles has proven to be extremely useful. However, since internal displacement has been used as a weapon by the armed actors, it is also considered as a crime in Colombia. The human rights community in Colombia has built the case for special treatment of IDPs by contrasting the situation of people displaced by the armed conflict and people displaced by natural disasters. As a result, the UN Guiding Principles have a very limited protective reach in the latter situation. The Colombian case shows that the protection of people displaced by climate change and other natural disasters require legal instruments which specifically address their situation, and the Peninsula Principles could fulfill this need.
6. As mentioned throughout this report, the relocation of Gramalote has not yet taken place and as a result, the final outcome is still unknown. Will Gramaloteros be better off after their final relocation, as President Santos promised the day after the disaster? Despite the unknown outcome, there are already a number of preliminary lessons learned from this planned relocation process.
  - a. The need for a broad roadmap to guide a planned relocation process;
  - b. Land is at the center of any planned relocation process;
  - c. The need to have a clear timeframe and visible milestones in a relocation process;
  - d. The importance of a participatory governance model to guide the relocation process;
  - e. The need to have a visible, consistent manager of the relocation process;
  - f. The important role of local and regional actors in the relocation process;
  - g. Planned relocation is much more than a housing project;
  - h. Relocation is a complex process requiring a multisectoral response.
7. More than four and a half years have passed since the destruction of Gramalote, and Gramaloteros are still living as a displaced people scattered through several municipalities, mostly located in the department of Norte de Santander. However, Displacement Solutions is still convinced that this resettlement has a lot of potential to be successful. A lot of mistakes have been made in the planned relocation of Gramalote, but there have also been several positive features and outcomes. To make sure that the

planned relocation of Gramalote ends successfully, the current management of the project must urgently change course, and make it more participatory. The importance of the currently proposed legal framework that *Fondo Adaptación* wants to use in Gramalote goes beyond this specific planned relocation process, as it will also set a precedent for future relocations. As a result, its definition should not be left in the hands of a few people, but it should be the result of a consensus among the affected community and local, regional and national authorities.

8. The resettlement of Gramalote is currently at a crossroads. If the governance model of the WGG used during the last two and a half years is respected, the resettlement of Gramalote has a big chance of being very successful. However, if the governance model agreed to by the main actors in the process is set aside and decisions are imposed without the real participation of all the actors involved, the end result of this resettlement project could be another failed project. The Colombian state has invested a lot of resources in the resettlement of Gramalote and should not sacrifice the investment at the very last minute. Gramaloteros have suffered all the consequences of being climate displaced people for almost five years, and are eager to restart their lives in the new Gramalote at Miraflores. There is still time for *Fondo Adaptación* to change course, as has been done several times during this long journey. However, the clock is ticking.

## X. Recommendations

### Recommendations to the Colombian Government:

- a. Comply with the obligations set out in the 2013 Peninsula Principles on Climate Displacement within States to recognize and respect the rights of climate displaced persons.
- b. Develop a National Relocation Policy based on the lessons learned from Gramalote and other international experience.
- c. Review and modify relevant urban and regional planning regulations to be applied after catastrophes. For example, the process to change land use in a municipality from rural to urban, and the process to obtain an environmental license to build a municipality in a new location should be simplified and expedited when a municipality faces a relocation process after a disaster.
- d. Ensure that the promise made by President Santos to not only to rebuild and relocate Gramalote but also to make victim's lives "better-off" in the new place, is fulfilled in its entirety and does not fall victim to cost-cutting measures.
- e. Ensure that rent subsidies are paid to climate displaced people in a timely manner on a monthly basis instead of every three months.
- f. Expand the expertise represented on the board of directors of *Fondo Adaptación* beyond government and business to include those with experience in social science



and relocation processes, so that that economic perspectives alone do not dominate decision making and that social implications are fully taken into account.

## **2. Recommendations to Fondo Adaptación:**

- a. Honour the “rules of the game” that have been designed and agreed upon by the main actors in the process, including Fondo Adaptación itself. The participatory decision-making process set up in 2013 with the Working Group of Gramalote should be respected and strengthened. Fondo Adaptación should also support the elaboration of a lessons-learned study of the Working Group as a governance model for projects involving local, regional and national actors.
- b. Adopt a broader legal approach in the definition of the rights of displaced people from Gramalote by taking into account the Peninsula Principles on Climate Displacement within States.
- c. In line with the Peninsula Principles, consider developing laws and policies on loss and damages incurred by the people of Gramalote, including measures such as mechanisms to compensate them for the loss of their housing, land and property and livelihoods due to climate change. Guidance might be found in the work commissioned by the COP18 under the United Nations Framework Convention on Climate Change, where the issue of loss and damages, and other compensatory measures has become a central element in the current discussion.
- d. Positively consider the request of the community to rebuild the three remaining public facilities that were part of the old Gramalote: a slaughterhouse, a soccer field and a cemetery.



Figure 10: "Goodbye Gramalote". Image: Kadir van Lohuizen/NOOR

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