

The Right to Peace and the Right to Stay: Insights From Approaches to Peace and Migration in Colombia

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Executive Summary

This paper examines the right to peace and the right to stay in the context of Colombia. Colombia's status as a nation that experienced extraordinary levels of violence, human rights violations, internal and external displacement, and conflict between state, guerilla, paramilitary, and cartels over at least five decades, makes it a critical site for understanding and responding to migration and forced displacement. The article describes the 2016 peace agreement and outlines the work of its Truth Commission in moving toward an adoption of the right to peace and the connection between these rights and the right to remain in one's home country. The Truth Commission was devoted to:

- Examining, explaining, and identifying collective responsibilities for the armed conflict, atrocities, and marginalization;
- Offering redress to millions of victims;
- Restoring human rights, promoting peaceful coexistence, and contributing to the non-recurrence of the armed conflict.

The paper highlights the strategies and core findings of Colombia's Truth Commission at a time when Colombia does *not* constitute a success story, but is in the process of trying to build an inclusive, rights-respecting, peaceful, and cohesive society, which is the fundamental work of the "right to stay" and not to have to emigrate.

The article also documents the transition of Colombia from a relatively modest migrant host country through much of its history, to a country which since 2016 has become home to three million immigrants, most of them from Venezuela. It explores the paradox of Colombia's embrace of immigration from Venezuela while the administration slowed implementation of the 2016 Peace Agreement. This agreement itself has strong connections to migrants and persons in exile, as is clear from the work of the Colombian Truth Commission (CTC). The paper argues for addressing the root causes of armed conflict and embracing the CTC's finding that the right to stay is linked to the right to peace.

Keywords

migration, forced displacement, exile, Colombia, transitional justice

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Context About Colombia and Its Armed Conflict/Migration Dynamics

Colombia Receives and Expels Population

Historically, Colombia has not been a main host country for migrants in South America, compared to other countries such as Brazil, Perú, Chile, and Argentina. This was the case even after World War II and the Cold War. Since 1990, Colombia has hosted an average of 109,500 foreigners per year. However, in the last eight years these figures have drastically increased. Since 2016, the year marking the signing of the peace agreement between the Revolutionary Armed Forces of Colombia — People's Army (FARC-EP) and the Colombian government and a drastic reduction in conflict-related deaths (El Espectador 2018), Colombia has been the destination for more than three million migrants — particularly coming from Venezuela — as well as a country in transit for migrants coming from the Caribbean and elsewhere seeking to transit to destinations such as the United States (US) and Canada. According to recent research and registers from diverse international and national agencies such as the United Nations Development Program/UNDP, the United Nations High Commissioner for Refugees (UNHCR) as well as the World Economic Forum and the Public Migration Office in Colombia, this increase in human flow was an exceptional shift from receiving approximately 50,000 Venezuelan migrants yearly until 2016, to hosting today about 2.9 million migrants from Venezuela, making it the world's largest recipient of Venezuelan migrants.

These circumstances have challenged public policy at both national and local levels. Colombia had a rapid and significant response. Since 2017, it has established three regularization initiatives — the Administrative Registry of Venezuelan Migrants¹, the Special Stay Permit², and the Temporary Protection Statute for Venezuelan Migrants in 2021.³ These legal frameworks allowed the Venezuelan population to access education and health services for 10 years, as well as to receive a work permit,

contribute to pension systems, and access financial services. These laws also allow migrants who meet special requirements to stay for an open-ended period and receive a resident visa. According to the Public Migration Office, today almost 83 percent of registered Venezuelan migrants have legal migrant status and/or are undergoing the official process to acquire it. Nearly 52 percent of these migrants are women and almost 30 percent of the migrants are between 18 and 29 years old. These new initiatives occurred alongside the beginning of the implementation of the Peace Agreement. The Agreement included the creation and operation of the Colombian Truth Commission (CTC), an institution engaged in understanding Colombia's past and its relationship with migration and exile.

Colombia's political and administrative reaction to Venezuelan migrants serves as a model for how the region can face the unexpected growth of international migrants by offering them legal status and allowing them to pursue possibilities to stabilize their lives after fleeing their country, mostly without a clear vision of their professional, familiar, and social futures in the host country. This response of solidarity has been recognized internationally as one of the world's most ambitious migration initiatives, and has been a particularly striking development given the political environment in which it was taking place. At the same time as Iván Duque Márquez, president of Colombia from 2018 to 2022, was calling Colombia's approach to migration from Venezuela “the greatest act of peace in the management of the migration crisis that has ever been seen on the planet” (*Cancillería* 2021), he was also shifting policy and rhetoric around Colombia's own peace agreement in ways that ultimately undermined the peacebuilding process (see Piccolino and Ruetten-Orihuela 2021; Ríos 2024). The fact that part of the peacebuilding process focused on addressing migration and exile made the contrast between these two areas of policy even starker.

This scene of migration into Colombia is part of a broader picture of regional and international movement from the country. According to a recent report released by the Colombian Truth Commission, between 1982 and 2020, more than 1 million Colombians left the country because of internal armed conflict. During the last 12 periods of presidential administrations, this phenomenon has been a

¹Decreto 542 de 2018, 21 March 2018.

²Resolución 5797 de 2017.

³Decreto 216 de 2021, 1 March 2021.

constant and striking reality for Colombia, a country with a fragile, unstable and violent context resulting from internal armed conflict that obliged immense numbers of its residents to leave their own country. The combination of these two migrations — that is, migrants from Venezuela and elsewhere coming to Colombia, and Colombian society coming to terms with the realities of the vast numbers of Colombian emigrants — represents an unusual landscape for engaging deeply with the question of migration.

It is within this context of armed confrontation that Colombia's multifaceted migration background is set. This background includes the permanent expulsion of nationals over seven decades, representing the longest exile period worldwide (FrenteAlEspejoCol 2022), and the internal displacement between 1985 and 2019 of almost 16 percent of the Colombian population.⁴

This means that almost eight million persons have been displaced within Colombia, with 51 percent of the displaced persons being women, the majority being peasants, and almost 30 percent of the ethnic peoples in Colombia affected. Since 1997, Public Policy, a law which provides for the care, protection, consolidation, and socioeconomic stabilization of those internally displaced by violence in Colombia⁵, has been adopted, permanently updated, and reinforced by new legislation such as the Victims Law⁶ as well as the Victim's stipulations resulting from the Peace Agreement of 2016.

Unfortunately, even though the dynamics, actors, and expressions of the armed confrontation in Colombia have shifted over time — as explained in the Historical Narrative Volume of the CTC's s Report "There is Future if There is Truth" — and there have been further outstanding policies to attend to internally displaced persons (IDPs), the consequences for the population continue to be devastating and internal displacement remains an unfortunate reality. According to the official register of victims in Colombia (RUV), from 2020 to February 2024,

1,041,051 persons have suffered internal displacement in Colombia.

Under these circumstances, it is important to highlight that the policy development to regulate the migrant flow of Venezuelans to Colombia was a source of tension and dispute at local levels. Integration policies that were swiftly developed to respond to international migrants, such as access to health, social, education, and financial services, covered the very same services lacking in some of the host communities due to social exclusion, inequity, and armed confrontation in Colombia. This phenomenon of a perceived unfair distribution of resources is similar to debates occurring around post-conflict reparations and reintegration packages, where the allocation of resources to former combatants can cause tensions with local residents who have not received the same level of benefits (see, e.g., Shaw 2010). Moreover, according to the Ombudsman's Office in 2022, migrants arriving to these communities from mostly border zones unfortunately entered some of the dynamics of the armed conflict related to illegal activities such as drug and human trafficking, extortion, forced recruitment, and sexual exploitation.

These developments led to the creation of tools such as the *Risk Map of Human Rights Infringement for Migrants in Colombia*, which measures, at a municipal level, the situation of threat and vulnerability to which migrants are exposed in the national territory, considering: (1) the context of violence and armed conflict (2) social fragmentation and unequal access to services (3) governance, and (4) economic conditions, as well as demographic variables (women and childhood) (*Departamento Nacional de Planeación* n.d.). The creation of a risk map specifically highlighting armed conflict as a risk factor demonstrates the importance of the link between conflict and forced movement and of the role of armed conflict in causing migration.

Context of Colombian Armed Conflict

Understanding the patterns of migration into Colombia and the Colombian response to Venezuelan migrants requires first exploring the domestic dynamics of movement. These dynamics are inextricably linked to the longstanding armed conflict in Colombia.

⁴These figures are the result of a recent and pioneering joint research project between the Human Rights Data Analysis Group, the Colombian Peace Tribunal — JEP (from its initials in Spanish) and the CTC — integrated missing or under-reported data and calculated statistical estimates of the number of victims of the armed conflict.

⁵Ley 387 de 1997, 18 July 1997.

⁶Ley 1448 de 2011, 10 June 2011.

According to the Truth Commission's report, particularly the volume related to the historical narrative of the Colombian armed conflict, the conflict can be broken down into four main periods. The first covers 1958–1977, in which an agreement between the two main political parties of the country, liberals and conservatives, called *Frente Nacional*, occurred. This agreement, which was characterized as being a pact of elites, ensured the two parties alternated in power for four presidential terms, with the consequent exclusion of other political movements and leading to the emergence of leftist guerrillas.

During the second period, which ran from 1978 to 1991, social discontent deepened and the insurgency consolidated in the context of repression by the Colombian state through a policy known as the Security Statute. In this period, drug trafficking and the emergence of paramilitary groups influenced the dynamics of the conflict. The period also saw a return to political competition in an attempt to broaden participation and regional decentralization. The period concluded with the call for a National Constituent Assembly to modernize and democratize the Colombian state.

The third period (1991–2002) was characterized by a violent reaction to the democratic opening that brought about the existence of a new constitution. In this period, guerrillas, paramilitaries, and state forces established a new dynamic of armed confrontation in which the civilian population was mainly affected, and violations of human rights and international humanitarian law increased. This period was the period of greatest strength and activity for the guerrillas, and was also the period in which the United States provided counterinsurgency support through the so-called Plan Colombia.

The fourth period (2002–2016) was marked by armed confrontation in which the insurgency lost the initiative as a consequence of the strengthening of the Colombian armed forces and the consolidation of the paramilitary project, which had been growing stronger since the beginning of the 1990s. It was also a period in which transitional justice began in Colombia with the demobilization of the paramilitary group Autodefensas Unidas de Colombia. In 2011, the rights of victims were officially established through the Victims Law, which guaranteed victims the rights to truth, justice, reparation, and non-repetition, and provided formal acknowledgement of the existence of internal armed

conflict and the harms caused through this conflict. Finally, in 2012, the confidential phase of the peace negotiations between the Santos government and the FARC began and culminated in 2016 with the Peace Agreement. This followed the plebiscite that intended to ratify the peace agreement but unexpectedly failed, temporarily closing the possibility of having peace on the national agenda. The Peace Agreement was ultimately passed in Congress in late 2016.

Violence and armed confrontation remain a reality in Colombia. Although the demobilization of 13,000 FARC combatants could be seen as a clear achievement of the Peace Agreement signed in 2016, Colombia is now undergoing a new cycle of violence with the presence of numerous criminal gangs. According to the International Committee of the Red Cross, Colombia currently has eight non-international armed conflicts (International Commission of the Red Cross 2024). President Gustavo Petro is attempting to implement a deeply challenging policy called *Total Peace*, which renews negotiations with the *Ejército de Liberación Nacional* (ELN), as well as with a diversity of armed and criminal actors simultaneously. However, after almost two years, this policy has revealed more challenges and complications, especially regarding safety issues at the regional level, than concrete results for peace and peaceful co-existence. Thus, diverse social, political, and academic actors in Colombia argue that focusing on this new “peace agenda” has unfortunately left aside the implementation of the Peace Agreement signed in 2016.

Hope for Peace: The 2016 Peace Agreement

The “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace,” signed in November 2016 between the Colombian State and the FARC-EP is structured by six main themes: (1) Toward a New Colombian Countryside: Comprehensive Rural Reform; (2) Political participation: A democratic opportunity to build peace; (3) End of the Conflict; (4) Solution to the Illicit Drugs Problem; (5) Agreement regarding the Victims of the Conflict; and (6) Implementation, verification, and public endorsement.

According to the Peace Accords Matrix Project of the Kroc Institute for International Peace Studies,

this peace agreement is the most comprehensive one ever signed in terms of its thematic dimensions, clearly surpassing the traditional demobilization, disarmament, and reintegration (DDR) elements to end the conflict and courageously tackling essential historical issues and the root causes of the armed conflict to advance toward a sustainable peace.

The Agreement states that “redress for victims is at the core,” which means that the Agreement includes victims’ human rights and truth-seeking. In order to pursue these goals, a set of principles were defined for the negotiation and continued as guidelines for the final Agreement and its implementation. These principles include victims’ recognition, “not only in their condition as victims, but also and primarily in their capacity as citizens with rights”; as well as their participation throughout the process and the guarantee of their rights to truth, justice, reparation, and non-repetition. Moreover, they include the acknowledgment of responsibilities, and a permanent perspective toward reconciliation.

On the basis of these principles, the Agreement includes the Comprehensive System for Truth, Justice, Reparations, and Non-Recurrence. The system created the Truth, Coexistence and Non-Recurrence Commission (CTC), which released its final report in 2022 and was tasked with clarifying the patterns and causes of the armed conflict, and enhancing peaceful coexistence. In addition to creating the CTC, the Agreement established the Special Unit for the Search for Persons Deemed as Missing in the context of and due to the conflict (UBPD), which seeks to provide information about missing persons, and the Special Jurisdiction for Peace (JEP), a tribunal focusing on the individual responsibility of perpetrators responsible for the major crimes taking place during the conflict and specific reparation and non-recurrence measures.

The Colombian Truth, Coexistence, and Non-recurrence Commission (CTC) and Its Main Findings

As stated in the Peace Agreement, the Truth Commission’s mandate is threefold: “first, the Commission shall help uncover the truth about what has happened and offer an extensive explanation of the complexity of the conflict, so as to

promote a shared understanding among society, in particular as regards the least known aspects of the conflict, such as the impact of the conflict on children and adolescents and gender-based violence, among others.”

Second, the Commission will promote and contribute to the recognition of victims as citizens whose rights were infringed and as political subjects who are vital for the transformation of the country. The voluntary acknowledgment of individual and collective responsibility by all those who directly or indirectly took part in the conflict is considered a contribution toward truth, justice, reparations, and non-recurrence. This legacy of violations and infringements must be acknowledged by society as a whole, accompanied by a denouncement of these harms and a commitment to never repeat them.

Third, “the Commission shall promote coexistence across the country’s territories based on the understanding that coexistence does not mean simply sharing the same social and political space but the creation of an opportunity for change to facilitate peaceful resolution of conflicts and the establishment of the deepest culture of respect and tolerance in democracy.”

The CTC deployed a national and international strategy to fulfill its mandate and produce its final report “There Is Future If There is Truth” released in June 2022. While headquartered in Bogotá, the CTC had 28 offices around the country and over 25 international nodes working with exiled victims in 23 countries. The CTC listened to over 28,000 testimonies of individuals, received more than 1,200 reports and cases, and worked with almost 120 databases during its research.

According to the results of this process, the armed conflict left more than 9.6 million victims of “victimhood-events”⁷ such as displacement, threats, homicide, torture, exile, disappearance, dispossession, kidnapping, assault, sexual violence, recruitment, indiscriminate attack, arbitrary detention, extortion,

⁷A total of 450,666 homicides; 121,768 forced disappearances; 50,770 kidnappings; 32,446 sexual abuses; 178,364 selective killings; 4,237 massacres; 6,402 extrajudicial killings; 7,571 tortures and forced labor; 16,238 forced recruitment; 541,633 threats; 7,752,964 internal displacements; 1,000,000 exiled population; 507,533 victims of land dispossession; and 20,693 attacks on protected property and extortion (*Comisión de la Verdad* n.d.).

confinement, pillaging, attacks on protected property, and forced labor. Ninety percent of the victims were civilians — especially peasants, indigenous, and Afro-Colombians in rural areas. Women and girls were disproportionately affected. According to the CTC's final report, the main findings and underlying causes of the armed confrontation and its continuity can be summarized in 10 items that are strongly interconnected among them:

- Armed conflict has developed mostly in rural areas, in the midst of civil war. Controlling the population became a way to gain power over the territory and the country. The size of the victimization figures reflects the devastating impact of human rights violations and breaches of international humanitarian law. In addition to human loss, environmental harm, and structural damage, the war produced hatred and dehumanization, damaging community life and social trust. Therefore, the report concludes that **the main victim of this armed confrontation was the civilian population and that Colombia was deeply wounded.**
- The combination of **weapons and politics** has been present in Colombia's political regime for almost a century. This use of political violence was the reason for the rise of the war and explains its continuation.
- The **guerrillas** were the armed expression of the political sectors of the left that sought radical change through revolution. Already in the 1980's they obtained a place in the political system by entering negotiations and achieving peace agreements with the State. However, this peace was directly threatened by actors with opposing economic, political, and territorial agendas. When the guerrillas continued their war, they did so with large flows of money from illicit rents, and they ultimately lost the connection with their initial ideology.
- Within the logics of armed confrontation, the **security model** ended with a focus on the control of the population and territories, understanding these as the basis of the revolutionary project. The objective of defeating "the enemy" was placed above the protection of the population. Furthermore, the report has shown how historically, the state has delegated public security to agencies and groups of civilians in charge of providing security privately under the objective of national security and defense, which has led to paramilitaries.
- However, **paramilitarism** has not only been an illegal form of armed actors but has also been a web of interests and alliances associated with economic, social, and political projects that have achieved the imposition of armed territorial controls through the use of terror and violence.
- The dynamics related to the **illegal use of drugs** are a defining feature of the armed conflict and its persistence: drug trafficking, anti-drug policy, and the cocaine or marijuana economies have been "central characters" in the armed conflict and its persistence. And it is also under the name of the "war against drugs" that millions of victims have been killed, as well as significant environmental damages wrought in Colombia's past four decades.
- The historical, generalized, and permanent deficit of justice for violations against millions of victims is a factor in the persistence of armed conflict. **Impunity** has led to the repetition of violence, and weakens the legitimacy of democratic institutions, conveying a message of permissiveness to violence.
- **The war transformed the regions.** This transformation has been the product of multiple forms of violence, especially forced displacement and dispossession, which modified not only the structure of land ownership and land use but also community relations, family, social, and political dynamics in rural territories and accelerated the country's urbanization process, deepening the conditions of poverty and marginality in peripheral urban neighborhoods.
- The first factor that explains the emergence and persistence of armed conflict is the **exclusionary cultural heritage that "others"** ethnic peoples, the poor peasantry, dissidents and opponents, and offers a justification for violence against certain populations or territories. It also violently marks political, social, and economic relations.

In addition to the overall findings, the Commission put forward findings and recommendations related to migration and exile. In its final report and on the transmedia platform produced by the Commission, the CTC highlights seven main factors contributing to exile. These factors create a deeper understanding of the ways in which exile is itself a harm and a violation of the right not to migrate. They also explicitly show the connection between the armed conflict and migration: the factors listed below illustrate that conflict is a driver of migration in a wide variety of ways. Throughout its work, the Commission uses the term “exile” (rather than, e.g., refugee or forcibly displaced person) to indicate “the links between the events of the armed conflict and seeking international protection” (*Comisión de la Verdad* 2022b, 5). The CTC also lays out the problems of other framings such as “victims abroad,” which paints an image of a situation “as if the circumstances that forced them to leave were not related to the conflict, as if they had not experienced their impacts — in addition to those associated with being uprooted — and as if leaving the country and the return itself did not expose them to new types of violence and the violation of their rights” (ibid., 30). The final report also describes the far-reaching implications of exile, noting that the consequences “involve not only the loss of their homeland, of affective and social connections, or even of citizenship, but also the persecution and violence they suffered, which includes the lack of protection by the State” (ibid., 7).

The seven causes of exile identified by the CTC are as follows: (1) persecution of political opponents, social organizations, trade unions, and social leaders; (2) territorial control and socio-political violence against the civilian population; (3) recruitment of children and youth for the war; (4) kidnapping and extortion; (5) state failure to guarantee civilians’ rights and security; (6) persecution of former combatants, signatories, and their families during and after peace negotiations; and (7) harassment and threats against victims’ relatives.

The first cause, persecution of dissenters, encapsulates those who felt forced to leave not only because of specific acts of violence, but also because of broader stigmatization, persecution, and criminalization of social and political participation (*Comisión de la Verdad* 2022a, 118). Participation in, for

example, left-wing political mobilization created an atmosphere of insecurity that was often akin to a death sentence (ibid., 124). This phenomenon also affected a range of other social leaders, including human rights defenders, women’s rights advocates, and LGBTQI+ activists. The second cause, territorial control and socio-political violence, captures the challenges faced by those living in areas contested by violent actors. Territorial control was a key facet of the conflict, and civilians bore the brunt of the harm as armed actors engaged in struggles over sites of control. Violent attacks on cities and towns caused forced displacement of the civilians in these areas; this displacement, in turn, caused additional harm for Indigenous populations, for whom identity is often closely tied to land, in particular (ibid., 151). The third cause, recruitment of children and youth, notes the impact of child recruitment not only on children themselves, but also on their families.

The Commission’s final report notes that in 76 of the testimonies it heard, people shared that they had to leave their homes to either prevent recruitment of their children or to try to remove their children from armed groups once they had been recruited (ibid., 158). This phenomenon was exacerbated by economic precarity in areas that had been abandoned by the state, where youth were often promised education or other opportunities as a recruitment tool (ibid., 162). Kidnapping and extortion, the fourth causes of exile, became increasingly common in the later decades of the conflict; the CTC found that kidnapping increased dramatically in the 1990s. For those who ultimately were returned after being kidnapped, the fear of future danger contributed to a decision to leave their homes (ibid., 168). Victims of extortion were also threatened with kidnapping or death for refusing to pay, leading many of them to flee. The final report also describes ways in which a lack of protection offered to civilians by the state, a fifth cause of exile, left many with no choice but to seek safer environments (ibid., 178–79). This phenomenon affected not only common citizens, but also officials operating within the justice sector, including those investigating instances of grave human rights violations (ibid., 182); journalists; artists; entrepreneurs; and members of different faith communities. The sixth cause, persecution of ex-combatants and those involved in the peace process, had a substantial

impact on those involved in the negotiations and mobilization for the passage of the peace agreement. The stigma surrounding ex-guerrillas also extended to their families, causing many family members to leave. This latter pattern also mirrors the phenomenon underpinning the seventh cause of exile, harassment of victims' relatives. In these cases, family members seeking justice for the harms perpetrated against their loved ones also faced harassment, stigmatization, and threats. These factors, in turn, contributed to an environment of insecurity that caused many of them to leave their homes.

Linkages Between Exile and Peacebuilding

The causes of exile identified by the Commission illustrate a wide-ranging and diverse set of circumstances affecting all segments of society. As narratives from the exile volume of the CTC's final report demonstrate, there is often an assumption that those who flee their home country must have done something wrong to be forced to leave; exiled persons are asked "what they did to have to leave their home country" (Comisión de la Verdad 2022a, 121). This stigma adds to the multiple harms experienced by exiled persons throughout their journeys. The explanation of the diversity of situations that may cause someone to leave, however, combats the simplistic narrative that only criminal offenders or guilty parties must uproot their lives. In some cases, as these seven causes show, mere affiliation with those involved in the conflict or in lobbying for justice can be enough to destabilize one's life in their home country.

The loss of home and homeland, imposed by life circumstances, chosen by the individual or arising from the combination of both factors, is an unparalleled rupture that disrupts life in an irreparable manner and that completely changes the outlook exiled persons have of themselves, their world and their times. Hernando Valencia Villa, former Attorney for Human Rights, exiled (Comisión de la Verdad 2022c, 1)

In addition to identifying and describing the seven causes of exile found within the Colombian case, the CTC also provides recognition that exile is often invisibilised as a harm; the Commission's final report notes that this process of invisibilization is not only

caused by under-reporting, but also by structural factors (Comisión de la Verdad 2022b, 2). One such structural factor is the lack of recognition of exile as a human rights violation, which is then compounded with a lack of assistance and protection for displaced persons (ibid., 2). The Commission explicitly states that "exile in itself is a violation that demonstrates the failure of state institutions to fulfill their duty of protecting the victims" (ibid., 2). The final report urges the Colombian state to recognize exile and cross-border displacement as a serious human rights violation and enshrine it in law accordingly. The CTC is also clear on the consequences of not recognizing forced exile as a crime, which is that exiles are left out of programs designed to address conflict-related harms and, thus, they undergo revictimization. The Commission recommends recognizing the violation on both an individual and collective level based on the testimonies and experience of exiles:

At least I lived. I was born again by once again living the situation and facing it. I was born because I said: "If I let myself die, nobody will know the reason why I came here, and if I live, I will denounce and tell why I came, because it is not fair for us women to have to emigrate because of an off-key social and political situation experienced in the countries." (Comisión de la Verdad 2022c, 5)

The links between the CTC findings related to exile and the broader right to peace are also reinforced by the mapping of the causes of exile identified by the Commission onto the negotiation agenda of the 2016 peace agreement. The first cause of exile, persecution of political opponents and social leaders, maps on to Point 2 of the agreement, which focused on political participation. Point 2 of the agreement speaks of the need to strengthen pluralism and increase the representation of different visions for society (Final Agreement 2016). Both the first cause of exile and this second point of the agreement show the importance of creating space for a wide variety of perspectives and viewpoints. The peace agreement notes that "building and consolidating peace requires an expansion of democracy to allow new forces to emerge on the political scene to enrich debate and deliberation concerning the major problems confronting the nation, thereby strengthening pluralism and thus the representation of different visions and interests in society, with due

Safeguards for participation and inclusion in politics” (Final Agreement 2016). The agreement also highlights the importance of creating a democratic environment that includes the entirety of society in peacebuilding, as “peacebuilding is a right and also a mandatory duty, forming the basis for setting Colombia on the road to peace with social justice and to reconciliation” (ibid.). Working toward this inclusive environment for justice and reconciliation also requires, according to the agreement, the creation of spaces for citizens’ involvement to deepen democracy.

Causes of exile 3, 4, 5, and 6 — regarding the recruitment of children and youth, kidnapping and extortion, persecution of former combatants and peace signatories, and state failure to guarantee civilians’ rights and security — map onto Point 3 of the agreement, which addresses the end of conflict. This point specifically addresses the need to protect the security of former combatants and human rights advocates (see Point 3.4 of the agreement) and to move toward a peaceful means of dealing with conflict that does not require continued violent action and recruitment of Colombian citizens into armed groups. The peace agreement specifically notes the importance of addressing “criminal organizations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organizations that have been labelled as successors of paramilitarism and their support networks, and the prosecution of criminal conduct that threatens the implementation of the accords and the construction of peace” (Final Agreement 2016). It also points to the need to take action against actors who threaten peace. It also emphasizes the importance of protecting communities across all Colombian territories and “breaking any type of link between politics and the use of weapons” (ibid.).

Causes 2 and 7 (territorial control and socio-political violence against civilians and harassment of victims’ families) of exile also have clear links to Point 6 of the agreement, which deals with the implementation of the agreement. This point references a rights-based approach to implementation and notes the importance of the inclusion of all territories and regions in contributing to peacebuilding (ibid.). The rights-based approach asserts that

“human rights are inherent in all human beings equally, which means that they belong to them simply on account of being human”; their recognition is therefore “not a concession,” as rights are universal imperatives that should be protected by the state and respected by all citizens (ibid.).

These areas of overlap between the final agreement and the causes of exile identified by the CTC further cement the links between the right to peace and the right to stay. The work of the Commission shows that building peace also means reinforcing the right not to leave; it is impossible to address the root causes of one without the other.

The report of the CTC illustrates the ways in which the Colombian state has failed its own population in its approach to displacement, migration, and exile. The testimonials of victims and the explanation of the patterns and causes of exile show a systemic failure of the state to protect its citizens from harm. This failure has, in turn, led to additional harm and the loss of life for many victims. In laying out these shortcomings, the final report of the CTC not only contributes to awareness of the complexity of migration in times of violence and conflict, but also offers recommendations for ensuring that future treatment of IDPs and exiles avoids perpetuating harm against these individuals. The Colombian treatment of Venezuelan refugees during the operation of the CTC highlights the contradiction between treatment of Colombian migrants and migrants into Colombia; the attempts to undermine efforts to come to terms with Colombia’s own past, in other words, were accompanied by unparalleled protections for those entering Colombia during the same period.

The irony of this final point is also accompanied by an additional paradox: by undermining efforts at peace, which are inextricably linked to stopping the cycle of exile and forced migration, the Duque administration’s focus on migration into Colombia forces a new set of individuals and groups into the cycle. Research shows the importance of implementing comprehensive peace agreements (CPAs) such as the Colombian agreement in ensuring durable peace; Joshi and Quinn (2015, 889) find that “robust CPA implementation severely damages spoiler groups and factions who hope to capitalize on the lack of implementation and

corresponding preservation of the policy status quo.” By not making efforts to implement the peace agreement and follow through on its mandate, the Colombian administration exposes migrants, including those from Venezuela, to the same threats that caused Colombians to leave their homes during the conflict and in its aftermath. The framing of the migration policies as the “greatest act of peace” becomes particularly contradictory in light of the efforts to undermine peacebuilding efforts within Colombia.

Lessons Learned and Recommendations

Colombia is not a migration success story, despite its progressive policies toward Venezuelan migrants. These migrants are still faced with health risks, economic precarity, and limited access to labor protection services (Agudelo-Suárez et al. 2022). On the converse side, limited implementation of the peace agreement and a failure to address the causes of exile identified by the CTC have also limited the potential for Colombia to serve as an example for migration policy. In spite of these shortcomings, however, the Colombian case offers critical lessons for policymakers, activists, and national and international officials working on issues of exile and migration. The case demonstrates, first and foremost, that the right to stay is a critical right that must be protected. The CTC’s work offers a comprehensive overview of the harms involved in exile and migration, harms that are not captured in descriptions of other phenomena. Recognizing the right to stay entails a recognition of these specific harms affecting exiled persons. In addition, the Commission’s work shows that this right to stay is inseparably tied to the right to peace. The causes identified by the Commission are all linked to the armed conflict dynamics, meaning that leaders cannot address the problem of migration without addressing the root causes of conflict. Given these findings, our recommendations are as follows:

- To the international community, specifically to states hosting migrants in their own homelands, to approach the research, findings, and recommendations delivered by the CTC in

its Volume on Exile, in order to review and improve regulations and mechanism to receive and host migrant populations;

- To the International Community in Colombia, to support public and private migrations initiatives, under the approaches of do no harm and inclusion, taking into consideration not only emergent crisis, but also historic crisis related to the armed confrontation in Colombia;
- To the UN Security Council and the Verification Mission in Colombia, actively support the Colombian Government and Civil Society to ensure that the Peace Agreement is implemented, in its comprehensive approach;
- To the Follow-up and Monitoring Committee for the implementation of the recommendations of the CTC for non-recurrence, to ensure that the recommendations are implemented to make certain that the root causes of armed conflict (and, by extension, the root causes of exile) are addressed;
- To the Colombian State, recognize the right to stay and the right to peace identified by the CTC and work to protect these rights;
- To the academic community, continue to research the linkages between conflict and migration with a focus on finding ways to stop the cycles of harm;
- To the peacebuilding and civil society organizations in Colombia and abroad, consult the pedagogical guide of the CTC on exile to raise awareness about the phenomenon and impacts of exile (*Comisión de la Verdad* n.d.b.).

The Colombian case, despite its many areas for continued improvement and development, offers important examples for those involved in the practice and study of addressing migration.

Acknowledgment

The authors would like to thank Maria Ramírez Uribe for her initial contributions and perspectives on migration issues.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The authors disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: Authors received support from Humanity United for the research and writing of the article.

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