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NEWSPEAK IN THE COLOMBIAN CONFLICT AFTER SEPTEMBER 11.[2]

"War is peace"
George Orwell, *1984*

ABSTRACT

After September 11, 2001, especially during Uribe administration (2002-2010), the Colombian government started to redefine universal legal categories established by International Humanitarian Law and the humanitarian framework. As in the novel 1984*, newspeak appears in the Colombian context. This tendency, which is not new but which seriously intensified after September 11, has contributed to: decreasing humanitarian space; jeopardizing the due protection to the civilian population; denying the existence of a humanitarian crisis, creating a context where newspeak defines who is a victim, what is humanitarian, what humanitarian law says and, therefore, what the "real" humanitarian agenda is.*

Despite the newspeak, in practice, violations of International Humanitarian Law and Human Rights by the armed forces and the paramilitary groups persist. On the other side of the conflict, the rebels groups continue to deny their practices, which violate humanitarian principles and seriously affect the daily life of the people.

In the face of these efforts, the emergence of a strong victims' movement challenges these new theoretical constructions (which lead to impunity) with the facts on the ground. The Colombian victims are not asking for aid but for justice, which also produces a new challenge for humanitarian organizations.

1. INTRODUCTION

Colombia has suffered a protracted, internal armed conflict[3] at least since 1964, between the Colombian Armed Forces and the rebels groups: mainly, FARC (Revolutionary Armed Forces of Colombia) and ELN (National Liberation Army) and, since the eighties, with the participation of right-wing paramilitary groups backed by the army: the United Self Defense Forces (AUC)[4]. In the middle of the fighting fire are the civilians. In the war economy the drug trade plays an important role.[5] This conflict has caused around 3,600 civilian victims each year in the last years[6].

The confrontations between the military actors, as well as their actions against civilians, have been defended, among other ways, by giving new names to old crimes. In this way, the social perception, the humanitarian response and even the legal actions get another perspective, jeopardizing the due protection of the civilians.

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[3] The Colombian conflict can be defined as an internal one, in accordance with the Article 1, *Protocol II of 1997, additional to the Geneva Conventions of 1949*

[4] There are too many proofs of these collaborations. Just to quote some sources, see: Human Rights Watch: "Colombia's Killer Networks. The Military - Paramilitary Partnership and the United States" November 1996; "Destape de un jefe 'para" *Semana*, Bogotá, 4 August 2007; "Mancuso dice que los generales Rito Alejo del Río, Martín Carreño e Iván Ramírez ayudaron a expandir el paramilitarismo" *Semana*, Bogotá, 15 May 2007

[5] Vargas Meza, R: *Narcotráfico, guerra y política antidrogas*. Novib / Acción Andina, Bogotá, 2005

[6] Colombian Commission of Jurist:: *A Growing Absence of Guarantees; situation of Human Rights and Humanitarian Law in Colombia 1997-2003*, Bogotá, 2003

This tendency, which is not new but which seriously intensified after September 11, has contributed to: decreasing humanitarian space, denying the existence of a humanitarian crisis, creating a context where newspeak defines who is a victim, what is humanitarian, what humanitarian law says and, therefore, what the "real" humanitarian agenda is.[7]

There are, at least, three domestic elements which compose the Colombian political context in 2002: a) the breaking-off of the peace process between the FARC and the government, b) FARC is cataloged as a terrorist group by the international community, and c) Uribe Vélez is elected President after promising to use force to resolve the armed conflict.

2. CONFLICT IS POST-CONFLICT

After September 11, especially during President Uribe's administration (2002-2010), the Colombian government started to redefine universal legal categories established by International Humanitarian Law and the humanitarian framework. As in the novel *1984*, newspeak appears in the Colombian context.

In the general perspective, in using a definition of Colombia as a "fragile State",[8] the state tries to disguise itself as a state which cannot fulfill its duties, when in reality it is a state which does not want to do it. Colombia does not have structural limitations to be a proper state. For instance, Colombia is the main donor of the WFP as well as the UNDP in Colombia. In other words, "the State has been fragile to guarantee democracy as well as the rights of the population; and it has been strong to favor the means of private interests".[9] In the same way, Colombia's government introduces itself as a victim of the "violent groups", rather than responsible for the monopoly of force.

A second issue is the Colombian government's tendency to deny the current armed conflict. In 2005, the government forbade its diplomatic bodies to use expressions such as: "armed conflict", "civil protection", "peace community", "peace territory", "observatory of humanitarian situation", etc.[10]. In the same way, several intellectuals started to feed the thesis regarding the Colombian context being post-conflict. The social perception was, to summarize, "conflict is post-conflict" and there are no victims, no current crisis, not even armed groups, but just a few terrorists.

Despite the state's statements, the reality shows another scenario: during the first Uribe administration (2002-2006) 11,292 persons were killed or missing *hors de combat*, with an increasing number of members of the security forces involved in such crimes.[11] Currently, there are more than 4,2 million IDPs who abandoned around 4,8 million hectares, of which at least 1,2 million are still under paramilitary control.[12]

Other data is also worrying. The violence against trade unions is shocking: between 1991 and 2006 2,245 homicides, 3,400 threats, 399 arbitrary detentions, 192 assassination attempts, 159 kidnappings, 138 disappearances, among other attacks against workers have been registered.[13] During the first Uribe administration alone, 333 trade unions members were killed.[14]

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[7] We understand Humanitarian Action as the joint of activities of assistance and advocacy/protection, in favor of the victims affected by disasters, armed conflict and its consequences. These activities have as clear goals: a) preserve life, b) to alleviate suffering, c) protect human dignity and d) restore ability to make decisions.

[8] One who defends the idea of Colombia as a fragile State is the current Defense Minister: "cuando se puso en marcha (el Plan Colombia), Colombia era un Estado fallido, y hoy es un Estado que funciona" *El País*, Madrid, 10 May 2007

[9] Cepeda, I: "La debilidad del Estado", *El Espectador*, Bogotá, 28 April 2007

[10] "El Gobierno busca sacar también del lenguaje diplomático el término 'conflicto armado" *El Tiempo*, Bogotá, 13 June 2005

[11] Comisión Colombiana de Juristas: "Declaración de las ONG y organizaciones sociales colombianas" Written presentation supported by 82 organizations before the Human Rights Council, Geneva, March 2007, (Document A/HRC/4/NGO/130)

[12] Conferencia Episcopal Colombiana and CODHES: *Desafíos para construir nación. El país ante el desplazamiento, el conflicto armado y la crisis humanitaria*, Bogotá, 2006, p. 142

[13] CUT, CTC, CPC: "Las libertades sindicales en Colombia" Bogotá, May 2007

[14] Escuela Nacional Sindical, "Informe trimestral", I Quarter Report, 2006

To summarize, just the figures of displacement and extrajudicial executions demonstrates that post-conflict is an imaginary scenario rather than a realistic one. These and other data reflect also the real nature of the Colombian crisis: there is not a classical humanitarian crisis, but a human rights crisis with some humanitarian consequences.

But the newspeak insists: there is not a conflict any more and the small expressions of crisis are not related to the human rights trend. Unfortunately, the social perception after decades of war is that violence is a normal issue; perpetrating a terrible resignation to this fate.

3. A CIVILIAN IS A COMBATANT

International Humanitarian Law (IHL) defines who is a combatant[15] and who takes part in hostilities in the case of internal armed conflicts. But in Colombia there are a lot of bizarre categories related to the involvement of persons in the hostilities, such as: "indirect participation", which includes "enemy's ideologists", or "collaborators". Under this logic, professors, intellectuals, human rights workers, medical personnel, among others have been killed[16]. In the same line there is another bizarre notion: a "combatant civilian population".

For instance, in several documents different paramilitary groups admit the importance of IHL, call for its implementation, and even propose humanitarian accords and go further than guerilla groups in the acceptance of IHL principles[17]. One of the objectives of the paramilitaries supposedly is to disseminate IHL as an ethical instrument for the conduct of war and even propose a national code for the humanization of the conflict[18], recognizing the role of instruction in human rights as well as IHL.[19]

Among their rules is a commitment to respect the members of "political parties of the guerillas" as long as they restrict their activities to strictly political ones without taking part in hostilities[20], which is compatible with the principle of distinction. But later documents show clearly their confusion in understanding and implementing this principle: "it is obviously a complex issue for the actors of war to establish a clear distinction between active combatants, passive fighters, active supporters and passive sympathizers, supporters, informants, suppliers, tax collectors, extortionists, transporters, consultants, agents, benefactors, developers, etc and the rest of the civilian population." [21] In this way, any presumed "active or passive supporter" is at risk of being targeted as a combatant.

Unfortunately, not only the illegal groups use this logic, but also the Colombian army. It is not unusual to see farmers' bodies presented in the media as members of guerrilla groups killed in action.[22] Recently, the government admitted the participation of an army member in the arbitrary detention of dozens of young people in urban areas who just a few days later were presented as killed in action. Extrajudicial executions are a usual crime in Colombia. In 2008, the President Uribe dismissed from their posts 25 members of the army, including high-rank officers after a national scandal for the crime of civilians presented as guerilla members.[23] Just during January 2009, 10 military officers were dismissed and the XV Brigade was dismantled for the same reason.[24]

[15] Article 44, Protocol I of 1997, additional to the Geneva Conventions of 1949

[16] Amnesty International: "Colombia: el gobierno da 'luz verde' a los ataques contra activistas de derechos humanos" (Press release), Madrid, 7 September 2006

[17] See, among other documents: Autodefensas Unidas de Colombia: *Naturaleza político-militar del movimiento,* 26 June 1997, p. 12; Autodefensas Campesina de Córdoba y Urabá: *Estatuto de Constitución y Régimen disciplinario.* May 1998

[18] Autodefensas Campesinas, 1998, article 3, Chapter 3: About the political objectives

[19] Autodefensas Campesinas, 1998, article 5, Chapter 4: About the strategic mission

[20] Autodefensas Campesinas, 1998

[21] Autodefensas Unidas de Colombia, 1997, p. 11

[22] "Denuncian que 53 campesinos en Meta fueron presentados como guerrilleros muertos en combate" *El Tiempo*, Bogotá, 8 October 2007

[23] Regarding the extrajudicial executions in the Colombian case, see: Amnistía Internacional: "Déjenos en Paz", Madrid/London, 2008

[24] "Salen 10 oficiales y un suboficial que pasaron por el Batallón La Popa por falsos positivos", *El Tiempo*, Bogotá, 23 January 2009

But the real combatants are not even presented as such. When someone mentions "parties in the conflict", the prevailing assumption is to mention just the guerrilla groups, fewer include also the paramilitaries and even fewer include the Colombian army.

Despite the newspeak, in practice violations of International Humanitarian Law and Human Rights by the Armed Forces and the paramilitary groups persist. On the other side of the conflict, the rebel groups continue to deny their practices, which violate humanitarian principles and seriously affect the daily life of the people.

4. A VICTM IS GUILTY

There has been a long debate about the "correct word" to use to label the people affected by the conflict: as victims, IDPs, affected, survivors…? (In Spanish there are more synonyms which magnify this almost useless debate). IDPs are not the only victims; however, they are the largest number of victims. The central debate is whether the victims[25] do or do not have civil and political rights. The general belief is that the victim should be a "good victim" to be a proper one.

There is a definition of victim in Colombian law[26] which states that a victim is a person of the civilian population who suffered damage in his/her life, and/or serious deterioration on his/her personal integrity or goods, due to actions related to the internal armed conflict. This definition has some problems, such as: a) restricting the definition to "a serious deterioration", which leaves the door open for the exclusion of "non-serious targeting", b) the definition presented is bound by recognition of the armed conflict, and since the government denies such conflict, the legal definition of victims lose space for implementation.

In the specific case of disappearance, the relatives of the missing person should clarify that he/she was not killed in action, neither just a missing person for mental or social reasons, but a victim for political reasons. Besides, they should also explain that the issue is connected to the political situation of the country. Paradoxically, without context this crime looks like an accident or act of God, but putting it in the framework of the armed conflict it looks like a natural consequence of some political activities, which make him/her merits of the crime.[27]

The crime of disappearance in Colombia has been legally re-conceptualized, contradicting the international definition which characterizes the crime as a fact with a participation of public servants[28]. In the Colombia law someone may be 'disappeared' by a particular person.[29] But this confusion denies the real agenda behind the thousands of disappearances in Colombia: state terror.[30] The relatives of the missing people face several problems: blockages in their seeking of information, difficulties to denounce, lack of investigations, killing of people for denouncing, death threats against witnesses, and the destruction of judicial proofs.[31] Some of the victims said that "our first task is to avoid the disappearance of the crime of disappearance".

[25] Here, we decided to use the word victim based on the legal definition includes in: "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law " Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005

[26] "…se entiende por víctimas, aquellas personas de la población civil que sufren perjuicios en su vida, grave deterioro en su integridad personal y/o bienes, por razón de actos que se susciten en el marco del conflicto armado interno, tales como atentados terroristas, combates, ataques y masacres entre otros". Republic of Colombia: Article 15, Law 418 of 1997

[27] Interview of the author with "Madres de La Candelaria", Medellín, May 2007. See also: ASFADDES: *Veinte años de historia y lucha",* Bogotá, 2003

[28] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

[29] Republic of Colombia: Artículo 1, *Ley 589,* Bogotá*, 2000*

[30] ASFADDES, 2003, pp. 164-169

[31] ASFADDES, 2003, pp. 201-213

In the case of forced displacement, there is also a legal definition of an IDP.[32] This definition also has problems: it excludes the existence of IDPs caused by the fumigation of coca plantations. UNPD as well as some local NGOs prefer to say "people in situation of displacement" rather than IDP, but this new definition proposal only goes deeper into the semantic debate diverting the real one about protection. In accordance with the Colombian law, the duties of the state toward the IDP start only "once the displacement happen..."[33] not before. In this way, all the duties of the state to prevent the forced displacement do not have any legal support. In fact, the institutional model for assisting IDP is based on the logic that the displacement is a "natural" disaster.[34] This logic is also used by the national health authorities that consider the displacement as a "catastrophic event".[35]

There are other examples about the concept of victim. Even UNHCR used the notion of "inter-borders displaced" to name the people who crossed the Colombian border with Venezuela, rejecting the real condition of those persons as refugees. The Colombian refuges in Venezuela have only been recognized as refugees since 2004, when the Colombians who crossed the borders asked for protection.[36] This re-categorization denies victims' conditions, for instance, for some persons IDPs are not really IDPs but "internal economic migrants".

In terms of the social perception, a victim in Colombia is not a person just "affected by the conflict", but a person affected by the war "who is also important for someone else", for political or economic reasons. Besides, the victims in Colombia should be good victims. The social perception is that if someone attacks you, it is because there are some reasons, then, there are no innocent victims.

There are, at least, two lists of victims, depending on which side of the conflict makes the statement. By the authorities, the emphasis and the priorities are: kidnapping, anti-personnel mines and child soldiers. Indeed, those problems are real issues in Colombia,[37] but it is not the point. The point is the exclusion of other issues which are priorities for the human rights organizations, such as: internal displaced persons, disappearances, and attacks on trade unions.

This generalized conviction pushed the people to avoid exercising their rights, declaring themselves "neutral"[38] and then, leaving a door open to justify the crimes against non-neutral civilians. In fact, neither humanitarian law nor the human rights law imposes any kind of neutrality on civilians. The other way around, civilians are fully entitled to exercise fundamental rights, even during war time.

5. HUMANITARIAN IS WHATEVER

This redefinition of what conflict is, as well as what civilians and what victims are (as explained so far), has an impact also on the definition of humanitarian action in the Colombian context. As it is well known, the paramilitary groups were taking part in some kind of disputable "peace process"[39] and the

[32] "es desplazado toda persona que se ha visto forzada a migrar dentro del territorio nacional abandonando su localidad de residencia o actividades económicas habituales, porque su vida, su integridad física, su seguridad o libertad personales han sido vulneradas o se encuentran directamente amenazadas, con ocasión de cualquiera de las siguientes situaciones: conflicto armado interno, disturbios y tensiones interiores, violencia generalizada, violaciones masivas de los Derechos Humanos, infracciones al Derecho Internacional Humanitario u otras circunstancias emanadas de las situaciones anteriores que puedan alterar o alteren drásticamente el orden público" Republic of Colombia: Article 1, Law 387, 1997

[33] Republic of Colombia: Article 15, Law 387, 1997

[34] The creation of the institutional system copied the model established some years before for assisting the victims of natural disasters. Even, at the beginning the tendency was to try to assist the IDP from the official disasters programs.

[35] Republic of Colombia / ministry of Health-CNSSS: Article 1, Accord 059 1997

[36] "Unos 4.000 desplazados colombianos se han refugiado en Ureña (Venezuela) en los últimos diez años" *El Tiempo*, Bogotá, 21 July 2004

[37] Fundación Seguridad y Democracia: "Conflicto y minas antipersonal en Colombia", Special Report, Bogotá, October 2006;; Human Rights Watch: "Aprenderás a no llorar. Niños combatientes en Colombia", New York, September 2003

[38] Duran Forero, R: "La neutralidad activa de la población civil en el conflicto colombiano", in: Monsalve A and Domingo, E (Eds.): *Democracia y Paz*, UDEA, Medellín, 1999, pp. 363-396

[39] The peace process between the Army and the paramilitary groups is disputable for several reasons. Just in terms of the results, the balance of the real number of paramilitaries before the peace process was around 12,000

national government decided to pay some salaries to those ex-combatants for 18 months, calling it a "humanitarian program". Paradoxically, in accordance with the law[40], the IDPs may receive support only for 3 months.[41]

In the same tendency of lack of precision, CHF International, which has worked in Colombia since 2001, talks about "humanitarian jobs" to name the jobs provided in their projects. A book about the Colombian conflict[42] develops the notion of "humanitarian demining", but later on it adds a new category: "transitional humanitarian demining" and finally mentions the "transitional humanitarian demining with gender, ethnical, cultural and generational perspective"[43]. The government also uses the term "humanitarian" for the release of guerrilla members from prison as a part of strategy to assure the liberation of civilians kidnapped by the rebels. In this way, any good action (or even a bad action with good intentions) can be qualified as "humanitarian", a logic which empties the word humanitarian of any real meaning. Not everything related to victims can be called humanitarian.

Beyond these anecdotal examples, humanitarian action is also perceived incorrectly by the social actors. For the right-wing groups, humanitarian action is perceived as dangerous when it includes protection elements in its agenda. For the left-wing groups, humanitarian action is perceived as a naïve option since it does not strive for social revolution.

This confusion has practical implications. For instance, the National Ombudsman, in relation to several demonstrations of IDPs demanding governmental support, said that IDPs' movements are a "political-humanitarian movement," a justification used after the persecution and killing of several IDP leaders.[44] What is debatable here is how the word humanitarian is used. The IDPs who exercise their human rights are no less IDPs than the victims who decide not to take part in the demonstrations.

IDPs protest to ask for something beyond humanitarian assistance, since the humanitarian, by definition, is not concerned with public policy. But a change in public policy can be demanded by any citizen, whether or not displaced. In this confusion between political and humanitarian, both sides lose: the humanitarian action fails because it damages its end goal; the political action also fails because it restricts itself from seeking help.

The humanitarian programs and projects in Colombia include, systematically, expressions such as: "human rights perspective", "gender approach", "holistic view", "comprehensive programs"; but, in practice, few persons know what they mean and few projects have a real incorporation of these slogans.

In the legal arena, besides the already mentioned confusion between combatants and civilians, there is a list of legal mistakes which feed the violations of International Humanitarian Law. For instance, for the rebels of the ELN there are some kidnappings that are deemed acceptable[45]. For all the Colombian armed parties, the perception of the military objective not only includes objects but also persons, contradicting international rules.[46] IHL recognizes the possibility that "the Parties to the conflict should further endeavor to bring into force, by means of special agreements, all or part of the

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troops, but right now the so-called new paramilitary groups have around 9,000 troops. Then, the reduction of impact on the risk for the civilian population is not relevant.

[40] Republic of Colombia: Law 387, 1997

[41] Recently, the Constitutional Court rejected this 3 months limitation arguing that it does not reflect the reality of the IDP. See: Corte Constitucional: *Sentencia de Constitucionalidad C-278*,2007

[42] Villarraga, A: (comp.) *Exigencias humanitarias de la población civil*, Fundación Cultura Democrática, Bogotá, 2005, p. 283

[43] Alianza Humanitaria de Acción contra Minas, in Villarraga, 2005 pp. 290-291

[44] Defensoría del Pueblo: *Políticas públicas y desplazamiento: una reflexión desde la experiencia*, Bogotá, 2004, p. 136

[45] "Puerta del Cielo Agreement" signed by the ELN (National Liberation Army) and a group of intellectuals who define themselves as a civil society's representatives.

[46] In accordance with International Humanitarian Law a "military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage", Article 52, Protocol I Protocol Additional to the Geneva Conventions of 12 August 1949

other provisions"[47] of IHL, but in the Colombian case some so-called "humanitarian agreements" have been signed by one party to the conflict with persons who talk in the name of civil society.[48] Another manipulation of the legal categories took place during the military operation to release Ingrid Betancur, among other people. It was presented as a "police operation" in order to avoid the discussion regarding the crime of perfidy committed by the Armed Forces during such operation.[49]

These manipulations of IHL produce clear consequences: creating a wrong social perception of "good victims and bad victims" of the kidnappings; making leaders, intellectuals, trade unions leaders and other civilians wrongly military objectives; and diverting any real possibilities for special agreements to implement humanitarian rules.

6. RICE IS RIGHTS

The humanitarian consequences of the Colombian crisis differ from other conflicts. Despite the fact that Colombia has the second largest number of IDPs in the world there are no IDP camps, as there are in Darfur. Colombia has pockets of malnutrition but does not face starvation, as Ethiopia does. Colombia has public service deficiencies but there is not a need for water programs in the scale that they are necessary in other conflicts. Colombia has an inequitable health care system[50], but enough capacity to respond to outbreaks, which, by the way, are rare in the Colombian context.

All of this means that Colombia has a humanitarian crisis but its dimension is smaller in comparison with a human rights crisis. In fact, this last issue is part of the core of the current conflict. The humanitarian consequences are just one small part of the general problem (without taking the dimensions that the humanitarian needs take in Ethiopia, Darfur or Congo). Then, the humanitarian answer is a specific response to a small need in a context which includes a broader agenda.

The victims of the Colombian conflict are not facing mainly starvation, epidemics, or a lack of shelter, but displacement, kidnapping, torture, disappearances, etc. Besides, in Colombia there has emerged a strong victims' movement challenging these new theoretical constructions regarding the conflict (which lead to impunity), basing their arguments on the facts they witness on the ground. The Colombian victims are not asking for aid but for justice, which also produces a new challenge for humanitarian organizations.

Truth, justice and reparation are the needs identified by the victims as an agenda.[51] In this way, the emphasis of the victims' agenda is closer to the human rights agenda rather than the classical humanitarian one. Even their requests for humanitarian action are not based on a charity conception but on a human rights approach. But this approach has made the victims the new target of killers.

The debate then is, does humanitarian action improve justice or does it contribute to diverting attention from the real human rights crisis? Humanitarian aid may in a long-term policy deny the human rights mobilizations, reducing the word rights to rice distribution.

In this reality, the possibilities for the humanitarians may be at least two: a) assuming that humanitarian action is a combination between aid and protection, and taking into account the small dimension of aid, the option would be to increase the protection component; or b) assuming that

[47] Article 3 common to the Geneva Conventions of 12 August 1949

[48] It includes the already mentioned "Puerta del Cielo Agreement" but also the "Nudo del Paramillo Agreement" signed by the paramilitary groups and the same group so-called civil society.

[49] "It is prohibited to kill, injure or capture an adversary by resort to perfidy. Acts inviting the confidence of an adversary to lead him to believe that he is entitled to, or is obliged to accord, protection under the rules of international law applicable in armed conflict, with intent to betray that confidence, shall constitute perfidy. The following acts are examples of perfidy: (a) the feigning of an intent to negotiate under a flag of truce or of a surrender; (b) the feigning of an incapacitation by wounds or sickness; (c) the feigning of civilian, non-combatant status; and (d) the feigning of protected status by the use of signs, emblems or uniforms of the United Nations or of neutral or other States not Parties to the conflict." Article 37, Prohibition of Perfidy, Protocol II additional to the Geneva Conventions of 12 August 1949

[50] De Currea-Lugo, V. *El Derecho a la salud en Colombia: diez años de frustraciones,* ILSA, Bogotá, 2003

[51] "Declaración final del encuentro de víctimas pertenecientes a organizaciones sociales", Bogotá, 28 July 2007

humanitarian action has some borders and mandates, and taking into account the lack of an explicit human rights mandate, the option would be to decrease the presence in the country.

Then, the question is: what should be the role of the humanitarians in a context where the humanitarian agenda faces two problems: a) the rejection of the parties in the conflict to comply to humanitarian law and principles creating a new way to name humanitarian issues, and b) some humanitarian consequences which, as a whole, do not constitute a classical humanitarian crisis.

For the first problem the answer is to keep our convictions in universal principles. As a humanitarian worker, despite all these new concepts, we can repeat the statement by one of the characters in the novel *1984* "They can make you say anything –*anything*- but they can't make you believe it. They can't get inside you". This internal conviction is the last trench of the humanitarian space. For the second problem, as well as in others no typical/classical humanitarian crisis, the debate is still open.

7. THE BEGINNING IS THE END

The use of euphemistic terms for war crimes, such as collateral damage, is not a new issue neither just a Colombian one. The name of the military Junta in Myanmar is "the State Peace and Development Council". In the same way, the party Sudan Socialist Union (SSU) created in the 1980's the "assistant secretary general for ideology" who was the secretary of the Committee on "SSU Thought and Doctrine".[52] Disguising the massacres as acts of war or presenting the enemy's acts of war as massacres, is a constant; to justify violations of humanitarian law and the emblems of protection, arguing that the ends justify the means, is not a recent invention.

The problem is not what humanitarian law and principles say but what people believe that humanitarian law and principles say and, even worse, what governments and rebels want that humanitarian law says. A few years ago a coordinator of a Spanish NGO defended its neutrality claiming humanitarian law; but the fact is that humanitarian law does not impose on NGOs to be neutral. Like the Bible or Marx, people quoted it without having read it.

The step backwards in the language of conflict and conflict analysis has been qualitative, following the start of the so-called war on terror. Today, the tendency in many conflicts is not just to deny the crimes, but also to deny that it is a crime to kill civilians, torture prisoners or to occupy countries.

To recover the role of humanitarian law and principles it is first necessary to recover the language of the law, the meaning of the word "humanitarian", to recall again and again the validity of its categories and secondly, to be aware of their weaknesses. But criticism of IHL and humanitarian principles is sometimes heard in the wrong key. One thing is to criticize IHL because it obliges states to respect their victims, and another quite different thing to criticize IHL because it does not give better protection. Putting both criticisms in the same box dangerously mixes impunity with the desire for justice.

As MSF said "language is determinant, it frames the problem and defines response, rights and therefore responsibilities. It defines whether a medical or humanitarian response is adequate. And it defines whether a political response is inadequate. No one calls a rape a complex gynecologic emergency."[53] In the same way, we cannot call a post-conflict period when it is an active conflict or combatant who is indeed a civilian. If war is peace and humanitarian is whatever, the crimes against humanity would lose the real dimension and all of us would be the losers.

[52] Daly, M. W.: *Darfur´s Sorrow,* Cambridge University, New York, 2007, p. 210
[53] MSF: Nobel Lecture by James Orbinski, Médecins Sans Frontières, Oslo, December 10, 1999