

## **Submission on the Human Rights Impact of Planned Relocation in Gramalote, Colombia**

RE: Call for input for the HRC56 thematic report on climate change and internal displacement.

DATE: April 1, 2024.

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### **SUMMARY**

Planned relocation may occur in anticipation or in the aftermath of a disaster.<sup>2</sup> Relocation has been criticized for posing a potential threat to self-determination, as relocation programs can undermine community autonomy and well-being, exacerbating preexisting inequalities across race, class, and gender lines.<sup>3</sup>

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<sup>1</sup> Submission made in personal capacity. Assistant Professor at the Elisabeth Haub School of Law at Pace University. Before joining Pace, Professor Bustos was a Visiting Assistant Professor of Human Rights at Trinity College and a Clinical Supervisor in human rights practice at the University Network for Human Rights. She also served as a term law clerk to Justice Steven D. Ecker of the Connecticut Supreme Court, a consultant with the International Refugee Assistance Project (IRAP), and as a human rights researcher at the Center for the Study of Law, Justice, and Society (Dejusticia) in Colombia. Her research and scholarship focuses on human rights law, environmental law, international environmental law, and climate change law. This submission is based on her forthcoming article in the *Case Western Journal of International Law* titled *Climate Change and Internal Displacement in Colombia: Chronicle of a Tragedy Foretold* (Volume 56). The research is based on a literature review relating to internal displacement in the context of climate change and environmental disasters, particularly around the event of La Niña between 2010 and 2011 in Colombia and the relocation of the town of Gramalote. This submission also reflects the findings of twenty semi-structured interviews with former and then-current government officials, disaster risk practitioners, human rights attorneys, and scholars working on climate displacement and disaster risk management. Research assistants Alexandra Rinaldi and Elizabeth Mazza supported this submission.

<sup>2</sup> Katharine J. Mach & A.J. Siders, *Reframing Strategic, Managed Retreat for Transformative Climate Adaptation*, 372 SCI. 1294, 1294 (2021).

<sup>3</sup> See Beatriz Felipe Pérez & Alexandra Tomaselli, *Indigenous Peoples and Climate-Induced Relocation in Latin America and the Caribbean: Managed Retreat as a Tool or a Threat?*, 11 J. ENV'T. STUD. SCI. 352, 354-55 (2021); see also Carmen Gonzalez, *Racial Capitalism, Climate Justice, and Climate Displacement*, 11 OÑATI SOCIO-LEGAL SERIES 108, 133 (2021); Erika Castro-Buitrago & Juliana Vélez Echeverri, *Procesos de reasentamiento en Colombia: ¿Una medida de adaptación y protección de derechos humanos de las víctimas del cambio climático?*, VNIVERSITAS, May 30, 2018, at 1; Brooke Wilmsen & Michael Webber, *What Can We Learn from the Practice of Development-Forced Displacement and Resettlement for Organised Resettlements in Response to Climate Change?*, 58 GEOFORUM 76, 77 (2015) (noting that key failings of the development-forced displacement and resettlement praxis include “limited regard for the agency of the affected population as people who are themselves capable of responding to changes going on around them; the lack of interrogation of development as an approach to improving resettlement outcomes; limited consideration of the politics surrounding the identification of the affected population; and a simplistic understanding of community dynamics and livelihoods.”); Ruhan Sidhu Nagra, *Relocating Justice*, 74 DUKE. L.J. at 1 (forthcoming) (arguing that two main, seemingly opposite problems stem from managed retreat: (1) “managed retreat can be inaccessible to marginalized communities, many of whom lack the resources to successfully navigate the relocation process”, while (2) “managed retreat can disproportionately harm marginalized communities, who may experience greater relocation-related psychosocial and financial harms.”).

In 2010, Colombia endured the most severe flooding event in its history.<sup>4</sup> La Niña affected over three million people nationwide, inflicting devastating losses of life and property.<sup>5</sup> The town of Gramalote was destroyed and had to be relocated, becoming the first known town in Colombia to be displaced and relocated due to climate-related events.<sup>6</sup> More than a decade after the destruction, the World Bank identifies the town as a successful example of state-sponsored resettlement in the aftermath of disaster. This submission will share lessons from the town's relocation.<sup>7</sup>

In Colombia, the legal and policy framework for disaster victims or *damnificados* does not explicitly incorporate a rights protection lens.<sup>8</sup> Legislation on disaster risk management has historically been adopted in response to extreme climate or environmental events.<sup>9</sup> The absence of clear protocols and procedures has resulted in resettlement processes that violate human rights, particularly given that laws and policies afford mayors broad discretion to develop and implement informal and *ad hoc* processes.<sup>10</sup>

Considering the inexorability and foreseeability of climate displacement, this submission recommends that states (1) recognize climate displacement; (2) protect their populations' right to stay and to adequate housing; and (3) implement best practices under international human rights law throughout relocation and resettlement processes involving climate displaced communities. Irrespective of the driver of displacement, displaced individuals should not be subject to a disparate regime of protection that fails to respond to displacement in the context of climate change and environmental disasters.

## 1. INTERNAL DISPLACEMENT IN COLOMBIAN LAW<sup>11</sup>

Colombia ranks as one of the countries with the highest rates of internal displacement in the world.<sup>12</sup> Over the course of five decades, ongoing internal armed conflict has forced more than seven million people to leave their homes.<sup>13</sup> In a series of landmark decisions, the Constitutional

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<sup>4</sup> Naciones Unidas, Comisión Económica para América Latina y el Caribe (CEPAL), Valoración de Daños y Pérdidas Ola Invernal En Colombia, LC/BOG/L.23, at 14 (2012) [hereinafter CEPAL].

<sup>5</sup>*Id.*, at 22, 61.

<sup>6</sup> DISPL. SOL'S., CLIMATE DISPLACEMENT AND PLANNED RELOCATION IN COLOMBIA: THE CASE OF GRAMALOTE 4 (2015).

<sup>7</sup> See BANCO MUNDIAL, *LA EXPERIENCIA DE INTERVENCIÓN EN GRAMALOTE: UN CASO DE REASENTAMIENTO EN COLOMBIA, SUR AMÉRICA* 10 (2016).

<sup>8</sup> Castro-Buitrago & Echeverri, *supra* note 3, at 2.

<sup>9</sup> Castro-Buitrago & Echeverri, *supra* note 3, at 2; SEBASTIÁN ROJAS CABAL & HELENA DURÁN CRANE, ENTRE DOS PUEBLOS: DESASTRE, DESPLAZAMIENTO AMBIENTAL Y REASENTAMIENTO EN GRAMALOTE, NORTE DE SANTANDER 32 (2021).

<sup>10</sup> Castro-Buitrago & Echeverri, *supra* note 3, at 5-6.

<sup>11</sup> The author is aware the Special Rapporteur is an expert in this area and therefore will focus this submission on the case study of Gramalote.

<sup>12</sup> See James M. Shultz et al., *Internal Displacement in Colombia: Fifteen Distinguishing Features*, 2 DISASTER HEALTH 13, 14 (2014).

<sup>13</sup> Beatriz Eugenia Sánchez & René Urueña, *Colombian Development-Induced Displacement: Considering the Impact of International Law on Domestic Policy*, 5 GRONINGEN J. INT'L. L. 73, 74 (2017).

Court has recognized internally-displaced people (IDP) as subject of special constitutional protection.<sup>14</sup>

IDPs who are displaced by armed conflict tend to settle in high-risk and peripheral areas and are therefore more likely to be displaced again when a disaster occurs.<sup>15</sup> In some cases, displaced individuals face a double-victimization; first due to violence-driven displacement, and subsequently, as a result of environmental disasters.<sup>16</sup>

While displacement related to environmental disasters is a common occurrence,<sup>17</sup> the government has not officially recognized this as a political or legal reality.<sup>18</sup> The government's treatment of climate displaced individuals—whether temporary or permanent—is grounded in disaster policy. The regulatory frameworks for disaster prevention and response do not employ the terms “migrant” or “displaced person”, nor do they outline the rights to which populations affected by climate change or climate-related events are entitled. Pursuant to national legislation, the term *desplazado* (“displaced”) applies only to those who have been forced to move inside the country's borders due to armed conflict or similar events.<sup>19</sup>

Meanwhile, the term “*damnificado*” is used to refer to those in need of special governmental assistance after an environmental disaster strikes.<sup>20</sup> The term in English translates to the adjectives

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<sup>14</sup> Congress established the framework governing IDPs through Law 387 of 1997, which applies only in the context of armed conflict. In the seminal judgment T-025 of 2004, the Constitutional Court recognized armed conflict as the sole underlying cause of forced displacement. Corte Constitucional [C.C.] [Constitutional Court], enero 22, 2004, Sentencia T-025/2004 (Colom.); see Sánchez and Urueña, *supra* note 13, at 83.

<sup>15</sup> Katherine Bustamante González & Martha Isabel Gómez Vélez, *Gestión del riesgo de desastres en Colombia: ¿forma de generación de desplazamiento forzado de población?*, 1 CLÍNICA JURÍDICA DE INTERÉS PÚBLICO UNAULA 75, 93-94 (2015).

<sup>16</sup> Roger Few et al., *Moving with Risk: Forced Displacement and Vulnerability to Hazards in Colombia*, 144 WORLD DEV., Aug. 2021, at 1, 2 (2021) (noting that “the humanitarian category of ‘internally displaced person’ labels and stigmatizes people, fixing them in particular social positions that can undermine their dignity, restrict their possibilities and continue to produce uncertain futures.”); See also AYESHA SIDDIQI ET AL., ‘DOBLE AFECTACIÓN’: LIVING WITH DISASTERS AND CONFLICT IN COLOMBIA 11 (2019).

<sup>17</sup> See OCDE, EVALUACIÓN DE LA GOBERNANZA DEL RIESGO EN COLOMBIA 27 (2019).

<sup>18</sup> Sánchez & Urueña, *supra* note 13, at 73 (observing that “[t]o this day the only forced displacement whose existence has been officially recognized in Colombia is that linked to the internal armed conflict. Exoduses caused by mining, the production of biofuels or any other kind of development project, face not only the absence of programmes to repair their rights and meet their basic needs, but also the denial of their status as IDPs. Indeed, authorities responsible for designing and implementing plans and projects on these industries have not recognized even the faintest possibility of them triggering an involuntary exodus.”).

<sup>19</sup> L. 387/1997, julio 24, 1997, art. 1, DIARIO OFICIAL [D.O.] (Colom.) (“A displaced person is any person who has been forced to migrate within the national territory, abandoning his place of residence or customary economic activities, because his life, physical integrity, personal freedom or safety have been violated or are directly threatened as a result of any of the following situations: internal armed conflict, civil tension and disturbances, general violence, massive Human Rights violations, infringement of International Humanitarian Law, or other circumstances arising from the foregoing situations that drastically disturb or could drastically disturb the public order.”); L. 1448/2011, junio 10, 2011, D.O., arts. 3, 60(2) (same).

<sup>20</sup> Sebastián Rubiano et al., *La protección del desplazamiento forzado por desastres ambientales en Colombia: hacia una perspectiva de derechos humanos*, DERECHOS HUMANOS DE LOS GRUPOS VULNERABLES, July 2014, at 458.

“affected” and “damaged,” or the nouns of “victim” and “survivor.”<sup>21</sup> The Spanish Royal Academy defines *damnificado*<sup>22</sup> as someone “who has suffered a serious, collective harm.”<sup>23</sup>

Government agencies have failed to focus on the ways in which communities impacted by environmental disasters identify themselves and conceive of their own rights.<sup>24</sup> This is unsurprising since Colombian law does not recognize climate displacement as a phenomenon requiring a distinct legal framework to proactively protect—and not merely assist—climate displaced individuals.<sup>25</sup>

Under the existing regime, local governments are responsible for developing and implementing hazard mitigation and land management plans.<sup>26</sup> Municipalities are also responsible for identifying high-risk zones and evacuating those areas where mitigation is impossible.<sup>27</sup> However, many municipalities lack the financial resources and technical capacity to produce, regularly update, and implement robust disaster management plans.<sup>28</sup> Despite the material reality of resource scarcity, officials working in the national government have historically reproached local governments in the aftermath of a disaster for failing to update municipal plans or take preventative action, ignoring the significant barriers that exist for effective disaster risk management at the local level.<sup>29</sup> This highlights another tension in the current structure: while municipalities are autonomous, they depend on the national government for risk management funds to develop technical capacity.<sup>30</sup>

Significantly, the Colombian Constitutional Court—the highest court on constitutional matters—has issued several decisions related to the rights of populations temporarily or permanently displaced by environmental disasters, particularly with regards to the right to dignified or adequate housing as enshrined in Article 51 of the Constitution.<sup>31</sup> However, the Court recently declined to recognize climate displacement in Colombia.<sup>32</sup> In a 2022 case, plaintiffs from the *Raizal* population—an ethnic community living in the islands of Providencia and Santa Catalina, severely impacted by hurricane Iota in 2020—brought a lawsuit asking the Constitutional Court to safeguard their right to land, access to information, and prior consultation.<sup>33</sup> Although the

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<sup>21</sup> *Damnificado*, WORD REF., <https://www.wordreference.com/es/en/translation.asp?spen=damnificado>

<sup>22</sup> *Damnificado*, REAL ACADEMIA ESPAÑOLA, <https://dle.rae.es/damnificado>

<sup>23</sup> *Id.*

<sup>24</sup> Sebastián Albuja & Isabel Cavellier Adarve, *Protecting People Displaced by Disasters in the Context of Climate Change: Challenges from a Mixed Conflict/Disaster Context*, 24 TULANE ENV'T L.J. 239, 252 (2011).

<sup>25</sup> See Sánchez and Uruña, *supra* note 51, at 74.

<sup>26</sup> L. 1523/2012, abril 24, 2012, DIARIO OFICIAL [D.O.] (Colom.).

<sup>27</sup> *Id.* art. 40.

<sup>28</sup> See, e.g., Hajer Al-Dahash et. al, *Weaknesses During the Disaster Response Management Resulting from War Operations and Terrorism in Iraq*, 34 INT'L J. DISASTER RISK REDUCTION 295, 302-03 (2019).

<sup>29</sup> Interview with Public Off., Nat'l Unit for Risk and Disaster Mgmt., in Bogotá, Colom. (Mar. 2018).

<sup>30</sup> *Id.*

<sup>31</sup> Article 51 reads: “[a]ll Colombians have a right to decent housing. The State Shall determine the conditions necessary to give effect to this right and shall promote plans for public housing, appropriate systems of long-term financing, and community plans for the execution of these housing programs.”<sup>31</sup>

<sup>32</sup> Corte Constitucional [C.C.] [Constitutional Court], septiembre 26, 2022, Sentencia T-333/22.

<sup>33</sup> Camila Bustos & Juliana Vélez-Echeverri, *A Human Rights Approach to Climate-Induced Displacement: A Case Study in Central America and Colombia*, 31 MICH. ST. INT'L L. REV. 403, 432-35 (2023); Corte Constitucional [C.C.] [Constitutional Court], septiembre 26, 2022, Sentencia T-333/22; Maryluz Barragán et al., *Le pedimos a la Corte Constitucional que analice la situación de desplazamiento climático en Providencia*, DEJUSTICIA (Jan. 26,

petitioners asked the Court to declare climate displacement in Providencia and Santa Catalina, the Court refused to do so even as it issued several orders to protect the population.<sup>34</sup>

In essence, the Constitutional Court has developed jurisprudence protecting the fundamental rights of persons affected by environmental disasters, recognizing that they are in a vulnerable situation and are therefore subjects of constitutional protection. However, the Court has maintained a distinction between IDPs (i.e., *desplazados*) and climate-displaced individuals (i.e., *damnificados*), upholding two separate protection regimes. The former is subject to special constitutional protection under a comprehensive framework developed after decades of internal armed conflict, while the latter is primarily governed under a humanitarian regime in the aftermath of an environmental disaster.

## 2. GRAMALOTE, COLOMBIA

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.”<sup>35</sup>

The town is in the Colombian northeast, in the department of Norte de Santander. In 2010, Gramalote had 5,928 inhabitants and comprised an area of 150 square kilometers.<sup>36</sup> At the time of the disaster, thirty-three percent of the town did not have their basic needs met.<sup>37</sup> Additionally, about half of the town did not have any titles for the land or houses they occupied.<sup>38</sup> During the 2010-2011 flooding, authorities evacuated Gramalote’s urban area, and the only part of the town that remained standing was an informal settlement known as La Lomita.<sup>39</sup>

After declaring a national state of emergency, the President promised to relocate the residents of Gramalote and rebuild the town “better than before.”<sup>40</sup> The agency *Colombia Humanitaria* provided food assistance and rent subsidies to families affected by the disaster.<sup>41</sup> The majority of the population relocated to other cities in the department of Norte de Santander.<sup>42</sup>

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2022), <https://www.dejusticia.org/litigation/le-pedimos-a-la-corte-constitucional-que-analice-la-situacion-de-desplazamiento-climatico-en-providencia/>.

<sup>34</sup> *Corte profiere órdenes para proteger a la población raizal de Providencia y Santa Catalina ante los problemas que se presentan en la reconstrucción de estas dos islas* [Court Issues Orders to Protect the Raizal Population of Providencia and Santa Catalina from the Problems that Arise in the Reconstruction of these Two Islands], CORTE CONSTITUCIONAL DE COLOM. [CONST. CT. OF COLOM.], (Oct. 28, 2022),

<https://www.corteconstitucional.gov.co/noticia.php?Corte-profiere-%C3%B3rdenes-para-proteger-a-la-poblaci%C3%B3n-raizal-de-Providencia-y-Santa-Catalina-ante-los-problemas-que-se-presentan-en-la-reconstrucci%C3%B3n-de-estas-dos-islas-9378>.

<sup>35</sup> DISPL. SOL’S., *supra* note 6, at 4.

<sup>36</sup> DANE, BOLETÍN: CENSO GENERAL 2005 1 (2010).

<sup>37</sup> BANCO MUNDIAL, *supra* note 7, at 14.

<sup>38</sup> ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 73-74 (“This made it difficult to decide who would be compensated for the loss of their homes in the old urban area, since many times, even if the community recognized someone as the owner of a property and they acted as such, they did not have legal documents certifying their status as owners.”).

<sup>39</sup> FONDO ADAPTACIÓN, PLAN DE REASENTAMIENTO DE LA POBLACIÓN HABITANTE DEL CASCO URBANO DE GRAMALOTE 17-18 (2015).

<sup>40</sup> DISPL. SOL’S., *supra* note 6, at 21.

<sup>41</sup> ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 61.

<sup>42</sup> *Id.* at 81.

The success of Gramalote's process has been hotly contested,<sup>43</sup> marked by significant delays throughout.<sup>44</sup> Moreover, while the government highlighted public participation as one of the plan's successes, citing the active participation of the community in decision-making processes,<sup>45</sup> residents' experiences proved to be the opposite, at least during the initial stages of relocation.

In response to the town's destruction, the government published the Resettlement Plan for Gramalote.<sup>46</sup> The Resettlement Plan not only aimed to reconstruct the town and provide housing to everyone that had been affected, but also sought to develop economic reactivation processes, promote opportunities for income generation, and strengthen the social fabric of the community.<sup>47</sup> The plan recognized that relocation should be voluntary, consensual, and an opportunity to vindicate rights.<sup>48</sup>

Initially, the national government set up an inter-sectoral committee that integrated the different agencies in charge of implementing the relocation plan, where the municipal and departmental governments sat as observers. However, after much pressure from the local community, the committee transformed into a Working Group composed of the mayor, a representative from the Governor's office, the local priest, technical experts, and community leaders, among others.<sup>49</sup> The Working Group oversaw a dialogue between community members and state agencies. However, the process was extremely long and generated numerous conflicts, particularly around two main questions: (1) who would be selected as a recipient of government benefits;<sup>50</sup> and (2) where the new town would be located.<sup>51</sup>

First, there was a complex process undertaken to identify those impacted by the flooding and who should be categorized as a *damnificado*. Second, determining a location for the new town was fraught with delays. The government tasked the Ministry of Housing, which appointed the Servivienda Foundation, to conduct the necessary technical studies for selecting the construction site.<sup>52</sup> However, this process ignored significant risk factors and pre-selected a location owned by a prominent family in the region, which had connections to the mayor.<sup>53</sup> Afterwards, the Adaptation Fund assigned the Geological Colombian Service and the Geotechnical Colombian

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<sup>43</sup> See ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 59.

<sup>44</sup> DISPL. SOL'S., *supra* note 6, at 6.

<sup>45</sup> FONDO DE ADAPTACIÓN, *supra* note 39, at 110.

<sup>46</sup> DISPL. SOL'S., *supra* note 6, at 11.

<sup>47</sup> See *id.* at 31-32, 52-54.

<sup>48</sup> The plan contemplated the following, among other activities: i) the determination of the new site where the town would be rebuilt; ii) the development of land surveys; iii) land title management; iv) infrastructure development; and v) access to public and social services. FONDO DE ADAPTACIÓN, *supra* note 39, at 86-89.

<sup>49</sup> Interview with Former Off., Colom. Humanitaria, in Bogotá, Colom. (Feb. 2018); Rojas Cabal & Durán Crane, *supra* note 9, at 65-68.

<sup>50</sup> ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 73.

<sup>51</sup> *Id.* at 69-70.

<sup>52</sup> Interview with Former Off., Colom. Humanitaria, in Bogotá, Colom. (Feb. 2018), *supra* note 49; ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 62-63.

<sup>53</sup> There is controversy as to why the Pomarroso site was selected in the first place, with different versions explaining why the site selection was announced before all the necessary technical studies had been completed. ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 62-63.

Society to once again conduct the necessary studies and select a site.<sup>54</sup> The delay in the process created tensions, given the original expectations of the community to be relocated as quickly as possible.<sup>55</sup>

Following the establishment of the Working Group, the evaluation criteria utilized to select the new site were revised, leading to another delay in the process. In December 2012, two years after the disaster and eight months after the original site was selected, Miraflores was ultimately selected as the final resettlement site, situated five kilometers from the original town.<sup>56</sup> One of the main takeaways from this process is the importance of basing site selection decisions on technical expertise and public participation to mitigate the influence of individuals with vested interests.

The delay in selecting a new site to relocate the town further complicated reconstructing the town's social fabric and hindered the creation of a sense of ownership over the new location.<sup>57</sup> Government officials were responsible for ensuring that everyone who had a housing title prior to the 2011 disaster received a new title.<sup>58</sup> Therefore, the process created a distinction between property owners and tenants.<sup>59</sup> The government reviewed 955 claims and eventually assigned approximately 950 new houses.<sup>60</sup> While many residents were happy to return to Gramalote, some residents faced new obstacles once they relocated. For example, those who previously did not hold an official title and received a new house soon realized that formal ownership implied new obligations such as paying public utilities and higher property taxes.<sup>61</sup>

Government officials and community leaders had to negotiate the return of key social institutions such as the Church, which had a significant role in encouraging old residents to return.<sup>62</sup> Other structural challenges included long delays to obtain property permits and environmental licenses for projects, and corruption across different levels of government.<sup>63</sup> These challenges caused further delays in the overall reconstruction process, carrying serious consequences for the original residents of Gramalote.<sup>64</sup> While the majority had relocated in the nearby department of Cúcuta, others had started new lives and settled elsewhere.<sup>65</sup>

Developing proper planning and preventive measures can facilitate relocation processes, whether temporary or permanent.<sup>66</sup> The experiences with disaster response in Colombia have left a mixed legacy in this respect. In the case of Gramalote, the process to select a site and build the town took

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<sup>54</sup> *Id.* at 69.

<sup>55</sup> *See id.*

<sup>56</sup> Interview with Former Official at Adaptation Fund in Bogotá, Colom. (Feb. 2018).

<sup>57</sup> *See* ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 81.

<sup>58</sup> *Id.* at 74.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at 91.

<sup>62</sup> Interview with Former Colombia Humanitaria Employee in Bogotá, Colom. (Dec. 2017).; ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 83-85 (“Being a deeply Catholic town, the work of the parish and the celebration of religious festivals served to maintain a sense of shared identity and the relationship between the gramaloteros.”).

<sup>63</sup> *See* Interview with Former Off., *supra* note 56.

<sup>64</sup> ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 81.

<sup>65</sup> *Id.* at 81-82.

<sup>66</sup> *See* Annah Piggott-McKellar & Karen Vella, *Lessons Learned and Policy Implications from Climate-Related Planned Relocation in Fiji and Australia*, 5 FRONTIERS CLIMATE, Mar. 2, 2023, at 6.

so long that people were forced to move and rebuild their lives in a different place. By the time government agencies such as the Adaptation Fund and the various Ministries involved had agreed on the specifics of the relocation process, the majority of *Gramaloteros* were in Cúcuta.<sup>67</sup> Nearly a decade after the original town was destroyed, the government had not yet fully completed the relocation process. However, construction had been finalized for over half of the new houses, in addition to the school, the market plaza, and other public infrastructure.<sup>68</sup> Although the new town symbolized opportunities, moving to the new Gramalote presented challenges ranging from fostering a true sense of ownership and rebuilding the community's social fabric, to reactivating the town's economy and assisting residents in sustaining their livelihoods.<sup>69</sup>

In light of this context, the case study of Gramalote should serve as a cautionary tale of displacement and resettlement. Even when the national government has prioritized and allocated specific resources to the relocation of a community, the process can be extremely challenging. This case study exemplifies how a community's right to stay, to return, and to adequate housing can be severely affected by government inaction, consistent delays, and incidents of corruption. Before the flooding, the area had already been identified as high-risk, yet the local planning authorities had not fully implemented disaster law and policy frameworks. When the disasters forced the townspeople to relocate, the relocation protocol did not include a human rights approach that guaranteed the needs of the community. While *damnificados* could access certain benefits, they were not understood as subjects of special constitutional protection and were treated under a humanitarian framework, primarily designed to assist victims reactively. The story of Gramalote is the story of disasters in Colombia: a chronicle of a tragedy foretold.<sup>70</sup>

### 3. RECOMMENDATIONS

As evidenced by the discussion of Gramalote, the relocation process is often complex, long, and can be ensnared by tensions, local politics, and significant delays. Rebuilding the social fabric of a community is extremely challenging and may be simply unattainable in some cases.

The right to stay and the right to adequate housing remain central to guaranteeing that relocation processes uphold the dignity of those displaced, who are often already vulnerable due to structural reasons related to geography, socioeconomic class, race, gender, and ability. States must:

1. Prioritize the right to stay by mitigating environmental risks and enhancing resiliency to minimize the possibility of displacement;
2. Ensure a dignified and holistic relocation process in cases where remaining in place is not an option;
3. Integrate best practices under international law throughout relocation and resettlement processes involving climate-displaced communities, including a human rights approach that centers the needs of the population.

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<sup>67</sup> Interview with Former Official at Colombia Humanitaria in Bogotá, Colom. (Dec. 2017), *supra* note 62.

<sup>68</sup> ROJAS CABAL & DURÁN CRANE, *supra* note 9, at 21.

<sup>69</sup> *Id.* at 91.

<sup>70</sup> See generally GABRIEL GARCÍA MÁRQUEZ, CHRONICLE OF A DEATH FORETOLD (1981).