



Border Policy in Venezuela and Colombia

A Discussion Paper by Francisco Javier Sanchez C.

Translated into English from the original Spanish version

Context

Relations between Venezuela and Colombia deteriorated to a breaking point after the Colombian Peace Agreement with the Revolutionary Armed Forces of Colombia–People’s Army (FARC–EP) in 2016. Today, the Colombian government recognizes Juan Guaidó as the legitimate interim president of Venezuela and considers Nicolás Maduro a usurper and his government a de facto regime. In reference to Guaidó, there are limited diplomatic relations between his representatives and Colombia, while there are no relations between the Maduro government and Colombia following years of distrust.

At the decision of Venezuela, formal crossing points along the Colombian border have been officially closed since August 19, 2015, however there are unofficial openings during limited hours, though the consistency fluctuates. Since February 22, 2019, the crossing points at the border with the Venezuelan state of Táchira have been closed to vehicular traffic, with pedestrian traffic allowed at the discretion of security officials. There are approximately 250 informal trails (“trochas”) along the international border, dominated by organized crime, where the physical integrity of pedestrian traffic is at constant risk. The most representative and active border is between the state of Táchira, Venezuela, and district of Norte de Santander, Colombia, with Cúcuta, Colombia serving as a hub for the migration crisis.

Venezuelan and Colombian national public policies toward the shared border have some similarities, including varying degrees of securitization and militarization and a center-periphery vision. These tendencies are greater in Venezuela, and there are efforts to change them in Colombia. In a contradictory way, the militarization of the Venezuelan border, especially in Táchira, has led security officials to act discretionally and arbitrarily, allowing or causing them to be overwhelmed by the transit of migrants, merchandise, and criminal activity. The Organic Law of Borders of 2015 is militaristic, concentrates power, and centralizes responsibilities.

Colombia seeks to build a more open border policy. The Colombian Border Law of 1995 and the Andean Community standards promote cross-border cooperation and planning, as well as the creation of border integration zones. Due to the Venezuelan migration crisis, Colombia created a border management agency, implemented a border mobility card, and discussed a bill to provide economic and social facilities to Cúcuta. A limited National Impact Plan was introduced, aimed at stimulating the economy and strengthening societies in the border areas and addressing their regular needs, which have increased because of Venezuelan migration.

Recommendations

Given this context, the following proposals are presented:

National Governments

- Both governments should establish regular channels of communication and cooperation, without delays.
- Venezuela should promptly open formal crossing points between Táchira and Colombia, as they experience the most migrant traffic and are most affected by the crisis.
- More security personnel interested in truly protecting citizens should be present and civil society should help facilitate and encourage a diversified economy at the border.
- The legitimate Venezuelan government must name a representative in Cúcuta who responds to Venezuelan migrants and acts as a liaison between Venezuelan and Colombian constitutional authorities, civil society, and international organizations in the border regions of Colombia, especially in Norte de Santander.



- Colombia should pay special attention to the group of Venezuelan security officials in Cúcuta, who have presented themselves to the Colombian authorities.
- Colombia should expand its plans for the border areas, which are currently economically and socially behind and exacerbated by Venezuelan migration.
- Colombia should promote a better business environment for Venezuelan migrant entrepreneurs.
- The humanitarian aid in Cúcuta must be delivered to the International Committee of the Red Cross (ICRC) to be distributed in Venezuela.
- Venezuela should install information points and assistance for potential migrants, especially for those traveling through Táchira.
- Venezuela must exercise social control over the humanitarian aid that entered the country through the ICRC.
- Civil society and academia should continue the documentation, reporting, and denunciation of human rights violations of Venezuelans in their own country and as migrants, including before international bodies.

Colombian Government at Different Levels

- Combat xenophobia and exclusion of Venezuelan migrants by explaining their rights and making their contribution to society visible. These efforts should be done in coordination with civil society.
- Aid Venezuelan migrants in transit or residents, including information about their rights, norms to which they are obligated, geographical location.
- Sensitize and train public officials regarding the treatment and the rights of Venezuelan migrants.
- Allow civil society to participate in decision making to better understand firsthand the needs of the Venezuelan migrant population.

Civil Society and Academia

- Colombian civil society and academia should promote cooperation to make their work effective and to achieve better conditions for nationals and migrants. Such cooperation is essential to establishing binational border alliances.
- Colombian civil society and academia should promote cooperation among themselves and ramp-up actions to assist migrants, including coordinating information about rights, legal options, and transportation, and assisting primary care health centers

- in areas with a high population of migrants. This should take place in a coordination with national and regional authorities.
- Colombian and Venezuelan universities should collaborate to study the phenomena at the shared border. The research should be used for decision making. Ideally, a binational border studies center would be created.

International Organizations and Other Governments

- Increase economic resources, experts, and equipment to help vulnerable migrants and work with the Colombian state to generate stable responses to the Venezuelan migration crisis and reinforce public policies to improve the living conditions of nationals and migrants. Attention to health care and other human rights is essential.
- Address the extreme vulnerability of migrants by constructing or reinforcing temporary shelters for their attention. While this is not an ideal or definitive solution, it would be palliative, with conditions promoting health, coexistence, and security.
- Allow civil society to participate in decision-making processes to better understand firsthand the needs of Venezuelan migrants.
- Contribute to research from universities in Colombia and Venezuela about the migration crisis to help with decision making.



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