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Risk, Crisis, and Rights

The Case of Venezuelan Forced Migration in Colombia

by

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Abstract

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This thesis examines how risk management can support the promotion of human rights during crises, through an in-depth analysis of Colombia's response to the arrival of over three million Venezuelan migrants between 2015 and 2024. By integrating theoretical and empirical perspectives, the study challenges the commonly held assumption that human rights and crisis management are inherently incompatible. Drawing on the literature on crisis and risk management, it builds both a conceptual and empirical bridge between these fields and the domain of human rights. It proposes a conceptual framework—the Risk-Crisis-Rights (RCR) model—which reconceptualises crisis as the materialisation of risk, and integrates risk management, crisis response, and rights protection into a unified framework.

The research adopts a qualitative case study approach, combining documentary analysis with elite interviews involving policymakers, scholars, and experts engaged in Colombia's migration response. The analysis is guided by the framework proposed by Ansell and Boin (2019) on the use of pragmatist principles in conducting strategic tasks, which is applied to assess the effectiveness of Colombia's response across four critical periods, each characterised by distinct drivers, narratives, and labels. These elements constitute the subjective dimension of crisis, which plays a decisive role in shaping how governments understand and respond to disruptive events.

The findings reveal that Colombia adopted a largely pragmatist and rights-oriented approach between 2015 and 2022. Mechanisms such as the Special Stay Permits (PEP), and the Temporary Protection Status (TPS) facilitated the progressive realisation of rights. These instruments were developed through deliberative, adaptive processes that reflected an evolving understanding of migration. This period was marked by continuity in public policy, cross-sectoral coordination, and leadership that fostered institutional learning and capacity-building. By contrast, the post-2022 period saw a dismantling of coordination structures and a decline in the state's ability to guarantee rights, illustrating the fragile and reversible nature of rights protections.

The thesis makes several key contributions. Conceptually, it offers a new model (RCR) for understanding the interdependencies between risk, crisis, and rights—one that can inform more integrated and rights-oriented approaches to crisis governance. Theoretically, it revises the definitions of risk and crisis, introducing the concept of Non Trade-off Risks (NTRs). It also critiques the prevailing framing of migration as a crisis in itself, arguing instead that it is the inadequacy of state responses that generates crisis conditions. Additionally, it redefines the capacities required for effective crisis response, incorporating legal and bureaucratic frameworks. Empirically, the thesis offers a detailed account of Colombia's migration governance, providing lessons for the management of transboundary and protracted crises.

In sum, this thesis challenges the perceived incompatibility between crisis response and human rights. It shows that, through pragmatic action, it is possible to meet urgent needs while upholding fundamental rights, even under conditions of crisis. It contributes to both academic literature and policy practice on migration, risk, crisis, human rights, and public administration.

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The dataset ‘Dataset for Risk Crisis and Rights Thesis’ associated with this thesis is available at:

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Research Thesis: Declaration of Authorship

Print name: Natalia Trujillo Rendón

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I declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

I confirm that:

1. This work was done wholly or mainly while in candidature for a research degree at this University;
2. Where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
3. Where I have consulted the published work of others, this is always clearly attributed;
4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
5. I have acknowledged all main sources of help;
6. Where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
7. None of this work has been published before submission.

Signature: ..... Date: 03/03/2026

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Definitions and Abbreviations

BMO ..... Border Management Office (*Gerencia de Fronteras*)

COSO ..... Committee of Sponsoring Organizations of the Treadway Commission.

Crisis ..... A set of consequences resulting from the materialisation of a risk event whose impact is highly uncertain, disrupts normality, overwhelms response capacities, and requires urgent action to ensure survival (either literally or figuratively).

DAFP ..... *Departamento Administrativo de la Función Pública* (Civil Service Administrative Department).

DANE ..... *Departamento Administrativo Nacional de Estadística* (National Administrative Department of Statistics).

ETPV - ETPMV ..... *Estatuto Temporal de Protección para Migrantes Venezolanos* (Temporary Protection Statute for Venezuelan Migrants—TPS)

FARC ..... *Fuerzas Revolucionarias Armadas de Colombia* (Revolutionary Armed Forces of Colombia)

ICBF ..... *Instituto Colombiano de Bienestar Familiar* (Colombian Institute of Family Welfare).

ICCPR ..... International Covenant on Civil and Political Rights.

ICONTEC ..... *Instituto Colombiano de Normas Técnicas y Certificación* (Colombian Institute of Technical Standards and Certification).

ILO ..... International Labour Organization.

ISO ..... International Organization for Standardization.

IOM ..... International Organization for Migration.

NTRs ..... Non Trade-off Risks.

OECD ..... OECD: The Organisation for Economic Co-operation and Development.

OHCHR ..... Office of the United Nations High Commissioner for Human Rights.

PEP ..... Special Stay Permit.

PEPFF ..... Special Stay Permit for Promoting Formalisation.

PPT ..... Temporary Protection Permit.

RCR model..... Risk-Crisis-Rights model.

Risk ..... The possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty.

SDGs ..... Sustainable Development Goals.

TMF ..... *Tarjeta de Movilidad Fronteriza* (Border Mobility Card).

TPS ..... Temporary Protection Status.

UN ..... United Nations.

UNGPs..... United Nations Guiding Principles.

UNGRD ..... *Unidad Nacional para la Gestión del Riesgo de Desastres* (National Unit for Disaster Risk Management).

UNICEF..... United Nations Children's Fund.

WHO..... World Health Organization.

Chapter 1 Introduction

This chapter introduces the thesis by first outlining the central problem it addresses: the imperative to uphold human rights during crises. It then reviews the relevant literature and conceptual foundations, drawing on the fields of risk and crisis management. The chapter also sets out the theoretical framework developed for the analysis—the Risk–Crisis–Rights (RCR) Model—which links risk, crisis, and human rights. The model demonstrates that generic capacities, built at the preparedness stage of risk management (or during crisis response), together with a strategic response, can contribute to the promotion of human rights during crises (See Figure 10.1). It also advances a novel interpretation of crises as opportunities, particularly through the capacities developed in response. This is followed by a presentation of the research aim and contributions, which are centred on the value the model offers not only to policymakers and public administration in general—by providing a way to approach crises that promotes, or at least upholds, the rights of those exposed to the threat—but also to scholars of risk, crisis, public administration and migration. The thesis proposes novel conceptualisations of risk and crisis, and advocates for a shift from the notion of a 'migration crisis' to that of a 'response crisis', thereby placing the focus on the actions and responsibilities of responders—particularly policymakers and decision-makers—rather than on the individuals affected by the materialised risk, whose rights were denied. Subsequently, the chapter introduces the central research question—*How does risk management support the promotion of human rights during crises?*—and outlines the methodology employed to address it. This study adopts a qualitative case study approach, focusing on Colombia's institutional response to Venezuelan forced migration, and primarily draws on documentary analysis and semi-structured interviews with key stakeholders. The chapter concludes with an overview of the structure of the thesis.

The research question is particularly relevant in light of increasing global disruptions and the tendency of crisis governance to deprioritise rights. The chosen methodology offers a rich context in which to explore how risk management practices evolve in crisis settings and affect rights outcomes. Through this combined approach, the thesis aims to advance academic knowledge while offering practical insights for policymakers. This research is significant both conceptually and empirically. Conceptually, it primarily addresses the absence of an integrated framework linking risk, crisis, and human rights—three areas that are often treated separately in both academic and policy domains. It contributes to theoretical development by introducing the RCR model, offering new definitions of key concepts, and advancing a shift from the notion of 'migration crisis' to that of a 'response crisis', thereby reframing the focus of action and responsibility. It also reframe the generic capacities required to respond to crisis.

Empirically, the thesis contributes original evidence on how Colombia's response to Venezuelan migration was shaped by processes of sense-making. It shows that such sense-making was contingent on the specific drivers guiding individual decision-makers. While in one administration the approach pointed towards a managerial response to migration, the actions undertaken were ultimately directed at the guarantee of rights. At the same time, decisions were taken in pursuit of legitimising political inclinations, thereby politicising the crisis without leading either to a blame game or to securitisation. The thesis further demonstrates that Colombia's response was underpinned by the construction of generic capacities during the response, which enabled the design and implementation of mechanisms such as the PEP, the PEP-RAM, and later the TPS. It also shows that the issuance of the TPS was triggered by the COVID-19 pandemic, as the health crisis reshaped timelines, priorities, and institutional capacities. Finally, it reveals that officials tended to understand Venezuelan migration less as a 'migration crisis' and more as a set of 'response crises', such as pressures on health, education, or institutional capacity, thereby providing original insights into state perceptions and the relationships between sense-making, meaning-making, and decision-making. This study also responds to calls for further research on the governance of crises, the institutional implications of transboundary crises, the dynamics of the policy process during crises within the field of public administration, South–South migration, and the application of migration theories in the Latin American context.

1.1 Research Problem: Responding to Crises Without Undermining Human Rights

In an increasingly interconnected world, the frequency, duration, and complexity of crises are on the rise (Whiteside, 1998; Boin and 't Hart, 2003; Roe, 2009; Ansell, Boin and Keller, 2010; Jessop, 2015; Boin and Lodge, 2016; Greene, 2020b;a; Boin, McConnell and 't Hart, 2021; Youngs and Panchulidze, 2021; Tooze, 2022; World Economic Forum, 2023). From pandemics and climate emergencies to mass displacement and institutional breakdowns, such events consistently challenge the capacity of states to respond effectively. One of the most serious consequences of these crises is the recurrent and systematic violation of human rights (Jessop, 2015; Borda, 2020b;a; Greene, 2020b;a; Youngs and Panchulidze, 2021). As Thomson and Ip (2020, p. 5) pointed out, "a new, constitutional 'pandemic' that is rising in tandem with COVID-19: the regression of governance to authoritarianism, triggered by the invocation of public health emergency powers." Among its effects are "losses of personal freedom, of income, and of privacy, discrimination, stigmatization, and excessive stress" (Thomson and Ip, 2020, p. 3). Thomson and Ip (2020, pp. 7-11) illustrate how restrictions—for example, on personal movement—were imposed in the UK and France without a clear rationale for the specific

duration of the restriction or for the number of times individuals were allowed to engage in certain restricted activities. Another well-studied case of the surrender of human rights in the name of security is the USA PATRIOT Act, adopted in response to the 11 September attacks in the US (Heymann, 2001). Despite international legal frameworks and the efforts of human rights advocates, crises continue to generate environments in which rights are suspended, restricted, or neglected (Añón, 2021). This thesis takes this pressing problem as its point of departure, exploring the relationship between risk management, crisis response, and the protection of human rights in policymaking.

To address this problem—outlined in broad terms above and explored in further detail below—it is essential to begin with a clear understanding of what constitutes a crisis. The literature offers not only a wide range of definitions and conceptual approaches but also reveals considerable confusion and overlap between the concepts of risk and crisis. As masterfully illustrated by Lawrence *et al*. (2024, p. 3): "the Cuban Missile Crisis was not truly a crisis but instead created an acute *risk* of a crisis (nuclear war) that was thankfully averted." In an effort to address the conceptual tensions between the notions of risk and crisis, this thesis dedicates significant attention to exploring both concepts and their interrelationship. It critically examines prevailing definitions, identifying key shortcomings, areas of overlap, and the ways in which the two notions are interconnected. On this basis, I propose a definition for each concept—risk and crisis—clarifying the relationship between them. The analysis begins by examining the concept of risk from five distinct yet interconnected perspectives. First, it considers classical approaches that conceptualise risk as measurable uncertainty (Knight, 1921; Viscusi and Gayer, 2004). Second, it explores a technical understanding, in which risk is conceived through its mathematical definition in terms of probability and consequences (Fischhoff *et al.*, 1981; Covello, 1983; Fischhoff, Watson and Hope, 1984; MacGregor and Slovic, 1986; Bernstein, 1995;1996; Eduljee, 2000; Power, 2004; Hillson and Murray-Webster, 2005; Aven and Renn, 2009; Hubbard, 2009; Aven and Renn, 2010; Kaplan and Mikes, 2012; Stark, McConnell and Drennan, 2014; UNISDR, 2015). Third, it engages with organisational and managerial interpretations, where risk is understood as uncertainty affecting objectives—often imprecisely defined (AS/NZS, 1995; CSA, 1997; AS/NZS, 2004; COSO, 2004; Raz and Hillson, 2005; Bebbington, Larrinaga and Moneva, 2008; BSI, 2009; ICONTEC, 2011; World Bank, 2013; COSO, 2017; AS, 2018; BSI, 2018; DAFP, 2018; ICONTEC, 2018; ISO, 2018;2019). Fourth, it addresses risk as an object of regulation, whose acceptability is shaped by cultural and political factors (Jasanoff, 1986; Smith and McCloskey, 1998; Jasanoff, 1999; Hood, Rothstein and Baldwin, 2001; Fisher, 2010;2013). Finally, it examines risk as a socially constructed phenomenon, grounded in values (Douglas and Wildavsky, 1982; Thompson and Wildavsky, 1982; Beck, 1992;

Fischhoff, 1996; Rasmussen and Suedung, 2000; Holzmann and Jørgensen, 2001; Deuchars, 2004; Graham, 2010; Kaplan and Mikes, 2012).

Drawing on these approaches, in Section 2.3, I conceptualise risk as *the possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty*. Unlike the most common definitions in the literature, this conceptualisation makes its constituent elements explicit, which is essential for supporting risk management—that is, the need to prevent causes and mitigate consequences. It also shows that risk is an abstract concept that becomes concrete when it materialises. Additionally, it highlights the inherently social nature of risk. Chapter 2 will explore this discussion in greater depth. This definition gains particular relevance when examined in relation to crisis, as will be shown below.

The next step is to engage with the conceptualisation of crisis, a term which, as previously discussed, has been used broadly and indiscriminately to refer to a wide range of disruptive or scandalous situations. Despite the lack of conceptual clarity, the literature converges around a set of recurrent elements that characterise what is commonly understood as a crisis. These include its perception as a threat with destructive potential—whether to values and social structures (Rosenthal et al., 1989. Cited in Brändström and Kuipers, 2003; Ansell, Boin and Keller, 2010; Wolbers, Kuipers and Boin, 2021), or to more material resources (Kouzmin, 2008; Walaski Ferrante, 2011)—the disruption of systems or a break with normality (Brändström and Kuipers, 2003; Jessop, 2015), the necessity for urgent action and critical decision-making (Rosenthal et al., 1989. Cited in Kouzmin, 2008; Ansell, Boin and Keller, 2010, p. 196; Wolbers, Kuipers and Boin, 2021), and a high degree of uncertainty (Rosenthal et al., 1989. Cited in Kouzmin, 2008; Ansell, Boin and Keller, 2010, p. 196). Some scholars, such as Jessop (2015) and Boin and ‘t Hart (2022) also regard crises as moments of opportunity.

A very relevant distinction found in the literature is in terms of the objectivity or subjectivity that defines a crisis. On the one hand, authors like Rosenthal et al., 1989, cited in Ansell, Boin and Keller (2010) endorse that the crisis is comprised by a set of identifiable objective or material elements. On the other hand, for authors like Bruck, 1992, cited in Drennan, McConnell and Stark (2015) and Spector (2019), crises are solely subjective and socially constructed. A more nuanced conception of the subjectivity of a crisis is rooted on the perception and the framing contest of crises (Resodihardjo, 2020). Finally, others scholars recognise crises as composed of both subjective and objective elements (Drennan, McConnell and Stark, 2015; Jessop, 2015).

Building on this foundation, the analysis developed in this thesis recognises that crises are frequently conceptualised as isolated or sudden events, disconnected from the underlying risks that precede them. This conceptual fragmentation constrains the capacity of policymakers to

anticipate and prepare for crises in ways that incorporate the protection of rights. I therefore propose to understand crises as *a set of consequences resulting from the materialisation of a risk event whose impact is highly uncertain, disrupts normality, exceeds response capacities, and necessitates urgent action to ensure survival—either in a literal or figurative sense*. By reconceptualising crisis as the materialisation of risk, I offer a more integrated framework for understanding how decisions made during the risk management phase can significantly shape rights outcomes in times of crisis. From this perspective, and acknowledging that crises can result in the infringement of human rights, this study builds on the recognition that managing risk inherently involves managing crises.

Risk management operates in two phases: before and after the materialisation of a risk event. First, as emphasised in the definition of risk, its causes constitute a fundamental component. These causes can typically be averted through prevention, for which risk plans are among the most commonly employed tools. However, as Clarke (1999, cited in Boin, McConnell and 't Hart, 2021) notes, such plans are generally effective for steady and repetitive risks but prove less useful in the face of more complex and unfamiliar risks, particularly those of a transboundary nature. In this context, preparedness—understood as the strengthening of response capacities—has emerged as a strategy of growing importance (Boin and Lodge, 2016; Ansell and Boin, 2019). Second, once the risk materialises into an event (whether or not it escalates into a crisis), the consequences must be managed. These post-event strategies are commonly referred to as mitigation or protection (Fischhoff *et al.*, 1981, p. 115; De Marchi and Ravetz, 1999, p. 747; Mejía *et al.*, 2017, p. 38). It is at this stage that previously developed capacities are operationalised. When pre-existing capacities are lacking, the development of an effective response during a crisis often entails building such capacities in real time—this is precisely when crises can become opportunities.

Given that by managing risks, crises are also managed, it is through risk management interventions that decision-making processes can be influenced in ways that affect the extent to which fundamental rights are protected during crises (World Bank, 2013). This insight forms the foundation for developing a model that accounts for the relationship between risk, crisis, and human rights—one of the central contributions of this research.

An example that helps illustrate this conceptual argument—without yet entering into empirical analysis—is the Colombian state's response to the Venezuelan forced migration. This case clearly demonstrates the use of risk management strategies to address a transboundary crisis. In this instance, the crisis stemmed not from migration itself, but from the Colombian state's limited capacity to guarantee migrants' rights in the context of mass migratory inflows between 2015 and 2022. However, through the adoption of a strategic and pragmatist approach to crisis

response, and by progressively building capacities, the promotion of migrants' rights was advanced during that period.

Despite the long-standing integration of human rights norms into international law and policy discourse, there is a notable lack of systematic research on how these norms are taken into account in policymaking during times of crisis. Similarly, while crisis and risk management have evolved into robust areas of inquiry, their engagement with human rights considerations remains limited—particularly outside the domain of disaster-related scholarship. As a result, little attention has been paid to how decisions made under conditions of urgency, uncertainty, and sustained disruption influence the protection and advancement of human rights. To address this gap, this thesis proposes the RCR Model, arguing that generic capacities—as a component of preparedness, itself a key element of risk management—is fundamental to effective crisis response. Together with a pragmatist approach to strategic crisis response, it provides a basis for supporting the promotion of rights in such contexts.

Finally, although international legal frameworks permit temporary derogations in exceptional circumstances (United Nations - General Assembly, 1966), many states bypass formal procedures, while others exploit crises to consolidate power or restrict rights (Scheinin, 2020). This reflects a widespread and problematic assumption among decision-makers: that there is an inherent trade-off between effective crisis management and the protection of human rights, or that derogation is both necessary and legitimate in times of crisis (Greene, 2020b). By challenging this false dichotomy, this thesis not only highlights the importance of safeguarding rights as a central component of any legitimate and effective crisis response, but also introduces the RCR model as a means to achieve this goal.

The empirical focus of this research is the Colombian government's response to the arrival of more than three million Venezuelan migrants between 2015 and 2024. Although the outflow from Venezuela began a few years earlier, initially involving major capital and skilled labour (Holguín, 2021, p. 237), in 2015 the Venezuelan president ordered the closure of the border with Colombia, citing security concerns. This action was accompanied by the deportation of around 2,000 Colombian nationals living in the border area and prompted the voluntary return of more than 20,000 others, many of whom were accompanied by their Venezuelan relatives (CONPES, 2018, p. 15). This act of expelling Colombians by the Venezuelan government, along with the closure of the border, represents a pivotal moment in the region's history. Later on, as a result of diplomatic efforts, the border was reopened, and the Colombian authorities recorded the passage of 400,000 Venezuelans into Colombia over just two weekends to stock up on basic goods (CONPES, 2018, p. 15). This episode, which was part of a broader pattern rather than an isolated incident, placed significant strain on public services in border municipalities. The years

2017, 2018, and 2019 witnessed unprecedented levels of arrivals. According to CONPES (2022, p. 12), "the number of people received from the neighbouring country increased almost tenfold between 2017 and 2022," peaking in 2018 with the entry of over 1.2 million Venezuelans. These figures rendered the overburdening of Colombia's public services and several sectors unavoidable, not only in border areas but also in cities located further inland. At one point, Venezuelans made up 6% of the population residing in Colombian territory (DANE, 2021;2023a;b;2024; R4V, 2024; UN DESA, 2024)—surpassing the proportion of Syrians in Turkey (Lleras, 2016; Turkstat, 2022).

The Venezuelan crisis stems from a complex interplay of political, economic, and institutional factors. Once regarded as one of the most prosperous countries in Latin America, Venezuela entered a period of sustained decline after 1998, as successive administrations implemented expropriations and constitutional reforms that weakened institutions. The situation worsened during Nicolás Maduro's presidency, which began amid political uncertainty in 2013. A dysfunctional exchange-control system, hyperinflation and a sharp decline in national income severely reduced citizens' purchasing power. The crisis was further exacerbated by contested election results, falling oil prices, a collapse in oil production, and international sanctions imposed on the state oil company (Ellner, 2019; Rodríguez Chatruc and Rozo, 2021). These overlapping developments undermined state capacity and fuelled what has been widely described as a humanitarian crisis. As a result, Venezuela has experienced an unprecedented exodus, with millions of citizens fleeing deteriorating living conditions and crossing borders in search of basic security and subsistence.

The forced migration from Venezuela to Colombia offers a compelling case for analysing a transboundary crisis—characterised by its cross-border nature, protractedness, and impact on multiple policy sectors and jurisdictions. In this context, migration was not a one-off event but a complex and evolving process that challenged the institutional, legal, and political capacities of the state. While public discourse often framed it as a 'migration crisis', I argue for a conceptual shift: the crisis did not stem from mobility itself, but from an insufficient or inadequate institutional response that risked undermining migrants' fundamental rights. This case also serves as a basis for assessing the extent to which state responses can be considered strategic and effective in managing a crisis, and in fulfilling obligations to protect the rights of migrants.

Beyond the empirical case, the broader significance of this research lies in the growing recognition that "future crises will increasingly be transboundary in nature" (Boin, 2009, p. 367). The COVID-19 pandemic exemplifies this trend, not only because of the unprecedented speed and scale of its global spread, but also due to its far-reaching social and economic disruptions. Financial crises also reflect this transboundary character—from the 2020 crisis triggered by the

pandemic, to the 2008 global financial crisis, the 2000 dotcom bubble, and other episodes that rapidly crossed national borders and affected interconnected economies. In light of this increasing complexity and interdependence (Boin, 't Hart and Kuipers, 2018, p. 28), this study also engages with the theoretical and practical challenges of governance in such contexts (Ansell, Boin and Keller, 2010)—especially how governments can prepare for and respond to crises (Ansell and Boin, 2019) without sacrificing human rights.

1.2 Research Aim and Research Question

As elaborated in previous sections, fundamental rights are often suspended, restricted, or neglected in times of crisis, despite the existence of international legal frameworks designed to protect them. Although the fields of risk and crisis management have developed into robust areas of research and practice, there remains limited engagement with human rights considerations within crisis response and the risk management domain. This disconnection constrains the capacity of states to anticipate and respond to crises in ways that safeguard rights. I take this gap as the point of departure for this thesis, and, to guide the inquiry, I pose the following research question:

How does risk management support the promotion of human rights during crises?

This question seeks to explore the extent to which crisis governance is shaped by risk management practices, and how these, in turn, affect the extent to which rights are protected once a crisis unfolds. The analysis draws attention to the institutional, legal, and political drivers that influence crisis response. By conceptualising crises as the materialisation of risk, the study highlights the relevance of understanding how risk-related practices and capacities condition the state's ability to uphold human rights in situations of disruption and urgency. Through the development and application of the Risk-Crisis-Rights (RCR) model, the research examines the Colombian state's response to the Venezuelan migration as a case through which to assess the role of risk management in shaping rights outcomes during a transboundary crisis.

1.3 Methodology

To investigate how risk management supports the promotion of human rights during crises, this research adopts a qualitative case study approach, navigating both normative and empirical terrains. On the normative side, it interrogates the objectivity of duty-bearers' obligations towards fundamental rights and endorses the view that such rights should not be interpreted as values, in order to prevent them from being treated as tradeable. On the empirical side, the RCR model and the accompanying framework, while theoretical constructions, reflect how risk and

crisis management practices are enacted within a specific social context. The study is situated within an interpretivist philosophical framework.

This research employs a deviant case study design, using the case of forced migration from Venezuela to Colombia between 2015 and 2024. “As of December 2021, Venezuela's political, humanitarian and economic crisis has led to the departure of over 6 million of its citizens, rendering it the second biggest and fastest escalating displacement scenario worldwide, which will likely soon surpass the Syrian exodus” (Freier and Doña-Reveco, 2022, p. 9). The case was selected because it presents an unusual pattern: while the promotion of rights was evident during the period 2015–2022, it appeared to diminish significantly between 2022 and 2024. This allows for an in-depth examination of how rights were promoted or neglected across distinct crisis phases, and how crisis framing influenced the response—understood as an integral component of risk management. The deviant character of the case lies in the fact that, in a global context where the violation of rights during crises is the rule, efforts to promote rights under such conditions constitute the exception.

The case is notable for its richness and relevance, first, as a crisis, given the Colombian state’s overwhelmed capacity to respond effectively and fulfil its obligations to protect migrants’ rights. Second, it is also significant due to its transboundary nature, as it affected multiple sectors—including healthcare, education, housing, and employment—across both national and local levels, and required a coordinated, cross-border response involving the international community. Third, it qualifies as a creeping and protracted crisis (Boin and ‘t Hart, 2022, pp. 14-15). Although this study identifies a starting point for research purposes, it is difficult to determine the precise moment when migration began to be perceived as a crisis, yet it has been unfolding for more than a decade. Finally, the case is marked by its far-reaching implications for the rights of nearly three million Venezuelans—rights that, at the time of writing, in some instances, remain at stake.

The research design combines elite semi-structured interviews with actors from government, civil society, academia, and international organisations involved in Colombia’s response, along with the analysis of over one hundred documents issued by the Colombian state and other relevant actors between 2015 and 2024—including public policies and instruments such as laws, decrees, resolutions, and reports. Thematic analysis was employed to guide the analytical process.

The conceptual framework guiding this study is drawn from *Taming deep uncertainty: The potential of pragmatist principles for understanding and improving strategic crisis management* by Ansell and Boin (2019), which provides criteria for identifying when a response reflects a pragmatist approach. This framework informed the analysis of the Colombian case by assessing

the extent to which pragmatist principles were present in the response to four critical moments. For each period, the study examines the ways in which human rights were promoted and what capacities were built throughout the response. In doing so, it explores how the presence of a pragmatist approach may contribute to the effectiveness of crisis response and the protection of fundamental rights.

1.4 Original Contributions

This thesis addresses several gaps identified in the academic literature on risk, crisis, and migration; in the practice of risk and crisis management and public administration; and in policy debates concerning the protection of human rights in crisis contexts. It also responds to calls from scholars, particularly within crisis management and migration studies. In doing so, it pursues its central aim and addresses the research question.

The contributions to knowledge and policy implications of this thesis speak to distinct audiences. For academic audiences, the thesis offers an integrated conceptual, theoretical, and empirical engagement with risk, crisis, migration, and public administration. Most notably, it develops the Risk–Crisis–Rights (RCR) Model as an analytical framework that establishes a systematic relationship between risk management, crisis dynamics, and human rights obligations, thereby addressing a persistent conceptual fragmentation in crisis scholarship. From an academic policy perspective, this integration clarifies how conceptual choices about risk and crisis shape policy design, institutional responsibility, and the interpretation of human rights obligations in crisis contexts. By reconceptualising crises as the materialisation of risks and reframing so-called ‘migration crises’ as ‘response crises’, it embeds human rights at the centre of crisis governance and advances debates on creeping, transboundary, and protracted crises. In doing so, it provides scholars with analytical tools to critically assess policy responses, challenge securitised framings, and generate policy-relevant knowledge grounded in rights-based crisis governance. These scholarly contributions are examined and substantiated throughout the thesis.

For practitioners and policymakers, this thesis offers a rights-based and practically oriented framework for governing contemporary crises. The RCR Model demonstrates how strategic and pragmatist risk management—centred on leadership, transboundary integration, institutional design, and capacity continuity—can mitigate crisis impacts and actively promote human rights. By shifting the analytical focus from migrants or external shocks to the adequacy of state responses, the study provides concrete guidance for avoiding securitised and reactive approaches and for designing policies that uphold rights during protracted and transboundary crises. The Colombian case illustrates how capacities can be built and consolidated during

crises themselves, and why preserving these capacities is essential to prevent crisis recurrence. The practical implications of these findings, and their relevance for policymaking in crisis contexts, are elaborated and operationalised across this section.

The following sections outline these calls and gaps in greater detail and present the main contributions of the thesis, situating them within the broader academic and policy debates to which this research seeks to add value.

1.4.1 Calls and gaps

This study responds to the absence of a systematic relationship between risk, crisis, and human rights in both theory and practice, recognising that addressing the research question—*How does risk management support the promotion of human rights during crises?*—requires careful examination and deeper understanding of this interconnection. By revisiting and redefining core concepts, it addresses critiques of the unexamined use of foundational categories in crisis studies and their practical consequences for decision-making (Quarantelli, 1994, cited in Wolbers, Kuipers and Boin, 2021, p. 385). It also tackles the limited understanding of creeping and transboundary crises (Boin, Ekengren and Rhinard, 2021, p. 176), which are often neglected in favour of sudden and bounded events, and shows how this constrains institutional capacities to anticipate and respond effectively.

This thesis further responds to the calls by Boin and Lodge (2016) to pay greater attention to risk within public administration, addressing the limited focus the field has given to this issue. More broadly, it contributes to strengthening both ‘knowledge of’ and ‘knowledge in’ crisis management by producing systematic empirical insights and opening up institutional processes to scrutiny (Boin and Lodge, 2016). The study also tackles gaps in both theory and practice by applying the four tasks for a strategic response to crisis with a pragmatist ethos (Ansell and Boin, 2019). In addition, the thesis engages with the insufficient attention paid to capacity-building in risk and crisis governance, building on the established understanding that rigid contingency planning alone is insufficient (Clarke, 1999, cited in Boin, McConnell and 't Hart, 2021, p. 46).

It further addresses the underrepresentation of migration in crisis studies, where the uncritical labelling of migration as a crisis reinforces securitised narratives and obscures state obligations towards rights (Menjívar, Ruiz and Ness, 2019b, p. 9), challenging dominant academic narratives that securitise migration or privilege Eurocentric, risk-averse approaches. In doing so, the study integrates insights from the Global South, particularly Latin America, offering both practical and scholarly contributions to contemporary crisis governance.

1.4.2 Conceptual contributions

This thesis advances several conceptual contributions. Its central contribution is the Risk-Crisis-Rights (RCR) Model, which establishes a systematic relationship between risk, crisis, and human rights, offering conceptual and practical tools to guide public policymaking and to uphold rights during crises. Within this framework, rights are understood as safeguarded—and potentially promoted—when strategic and pragmatist responses, combined with the development of generic capacities, are employed as risk management tools. The thesis also redefines the capacities required for effective crisis response, including leadership, transboundary integration, and the construction of institutional frameworks that sustain responses through bureaucratic and legal arrangements.

A further contribution lies in a conceptualisation of risk that makes explicit its constituent elements, clarifying its inherently social nature. Building on this, the thesis reconceptualises crises as a set of material consequences of a risk materialisation. This integrated approach demonstrates how risk management decisions shape rights outcomes in times of crisis. The thesis also shows that crises are not only discursively constructed but must be recognised through their material elements. Failure to do so may result in breaches of human rights obligations, underscoring the need to desubjectivise crises and to depoliticise risk governance by grounding it in the rights of rights-holders. It reframes crises as opportunities, not only for policy change but also for the development and consolidation of capacities during crisis situations themselves.

Human rights are incorporated into risk management as non-tradeable obligations, precluding decision-makers from negotiating or suspending them during crises. The thesis further advances the concept of a ‘response crisis,’ which shifts attention from migrants as the supposed source of disruption to the shortcomings of state action in protecting rights. Finally, it highlights the strategic use of crisis framing to mobilise urgent action and resources, outlining three key considerations for employing such labels effectively.

1.4.3 Theoretical contributions

This thesis advances theoretical debates across crisis studies, risk management, and human rights by conceptualising crises as materialised risks and by emphasising the rights impacts that arise both from crises and from the responses they give rise to. The Risk-Crisis-Rights (RCR) Model provides an integrative framework that reconceptualises how these domains intersect, offering new propositions on the ways decision-makers interpret risks, frame crises, and shape outcomes for affected populations. In doing so, it places human rights at the centre of crisis governance and shows how inadequate responses can transform risks into full-fledged crises.

The research also re-examines the foundational concepts of risk and crisis through organisational and sociological perspectives. It develops a conceptualisation of crisis as the materialisation of risk, introduces a typology of risks that includes *Non Trade-off Risks* (NTRs), and thus offers a more systematic foundation for theory-building. Building on this, it advances the reconceptualisation of the so-called 'migration crisis' as a 'response crisis', a shift that challenges securitised and restrictive approaches and provides a theoretical framework for migration response that is more consistent with human rights.

Empirically, the Colombian case study informs these debates by addressing questions raised by Boin, 't Hart and Kuipers (2018) regarding the relationship between crisis and systemic change. The findings indicate that a pragmatist approach to crisis governance can trigger reforms and strengthen state capacities, but that their durability depends on continuity across administrations. The case also demonstrates that outcomes are shaped less by the type of crisis than by the decision-maker's pursuit of legitimacy vis-à-vis relevant actors.

Taken together, these contributions extend the theoretical foundations of risk and crisis studies by embedding rights-based concerns into the conceptualisation of crisis, while also providing insights of direct relevance for practice.

1.4.4 Empirical contributions

This thesis uses Colombia's response to Venezuelan forced migration to analyse how institutional frameworks evolve, how crisis management shapes the protection of rights, and how strategic capacities are developed. The case shows that human rights are a moving target but also demonstrates that compliance with state obligations can be compelled through two strategies: reframing the crisis by distinguishing between cause and trigger, and shifting responsibility from those whose rights are affected to policymakers and decision-makers.

The research tests Ansell and Boin (2019, p. 1089) framework on pragmatism in crisis management, showing that when a pragmatist ethos guides crisis response, state capacities to fulfil human rights obligations can be restored and legitimacy strengthened before the international community. It also highlights that sense-making, more than meaning-making, drives crisis response by shaping strategic decision-making, coordination, and legitimacy-building. A further contribution lies in identifying capacity continuity as a contextual factor for ensuring rights compliance and preventing the recurrence of crisis conditions.

Empirically, the thesis shows that contrary to expectations in migration theories, the leftist government's response to Venezuelan migration was less rights-based than that of the two preceding rightist administrations, reflecting the pursuit of legitimacy within the liberal global

order. It also demonstrates that while a humanitarian response is necessary for upholding rights, it is not sufficient; only a comprehensive rights-based response, together with the preservation of capacities developed during crises, can guarantee effective protection.

Although the RCR Model is tested in a migration case from the Global South, the findings are relevant for other transboundary crises, such as those related to climate change or financial instability, particularly through capacity-building during preparedness. The study also contributes to migration research by focusing on a Global South case, thereby challenging Northern-centric policy models and highlighting alternative approaches developed in Latin America. In doing so, it advances knowledge on migration governance, rights promotion, and crisis response more broadly.

1.4.5 Policy Implications

This thesis advances several policy contributions. At its core, it introduces the RCR Model as a practical framework that integrates risk management, crisis response, and human rights obligations for rights-based governance in transboundary crises. It shows that effective responses require not only a pragmatist ethos but also sustained capacity building, supported by leadership, transboundary integration, and robust institutional frameworks. It also highlights the importance of capacity continuity during protracted crises, where pragmatist guidance allows mechanisms to evolve iteratively, fostering institutional learning and stronger rights protection.

A further policy implication lies in underscoring the imperative of timely recognising and accurately labelling crises. The crisis label should be directed at the shortcomings of state responses rather than at the individuals whose rights are at stake, thereby enabling rights-compatible policies and discouraging securitised narratives. This perspective supports the proposition that any social crisis should ultimately be understood as a crisis of response.

The thesis also contributes to policy debates by emphasising the value of substantive participation from a wide range of actors connected to the field. Genuine engagement, rather than nominal inclusion, strengthens rights-based policymaking and reduces reliance on judicial interventions as the main driver of reform. Additional implications include reframing migration as a ‘response crisis,’ recognising that capacities can be developed dynamically during crises, and demonstrating that while humanitarian measures are necessary, they are insufficient without comprehensive rights-based policies that preserve and extend the capacities generated during crises.

1.5 Thesis Overview

Building on the problem identified in Chapter 1—namely, the recurrent failure to uphold human rights during crises—Chapter 2 critically examines the concept of risk as a basis for understanding such failures. It argues that conventional definitions, especially in organisational contexts, overlook causality and social context. The chapter proposes a revised definition of risk that integrates causes, probabilities, consequences, and impacts, all under conditions of uncertainty. It also explores sociological approaches, showing how risk is shaped by cultural and political values. Finally, it introduces a new typology, highlighting Non Trade-off Risks (NTRs) as key to the conceptual model developed in later chapters.

Chapter 3 examines the conceptual and analytical relationship between risk and crisis, addressing the common confusion between the two by proposing that crises are understood as materialised risks. It argues that viewing crises as separate from risk hinders effective governance and timely response. To resolve this, the chapter offers a new definition of crisis that integrates both objective and subjective dimensions, enabling earlier identification and more accurate crisis recognition. It also introduces two key transitions: from risk management to crisis response, and from crisis back to normal (or new normal) as revised risk management. This framework supports a more coherent governance cycle. The chapter applies its definition to various types of crises—transboundary, creeping, and polycrises—laying the groundwork for rethinking the so-called 'migration crisis'. It proposes reframing it not as a crisis of migration itself, but as a 'response crisis' resulting from inadequate state action that undermines migrants' rights. These insights form the second pillar of the Risk-Crisis-Rights model developed in this research, establishing a foundation for assessing how crises affect human rights and preparing the ground for the model's third dimension: rights.

Chapter 4 develops the theoretical foundation of the Risk-Crisis-Rights (RCR) model by analysing the interconnections between risk, crisis, and human rights in public decision-making. Building on the revised definitions of risk and crisis from earlier chapters, it shows that the transition from risk to crisis entails a shift in governance dynamics and in the nature of the challenges faced by the state. The chapter argues that crises both threaten and redefine rights, highlighting that human rights impacts stem not only from the crisis itself but also from the decisions made in response. It emphasises that rights obligations—objective and non-negotiable—must remain central even under exceptional circumstances. Furthermore, it positions risk management as a critical space for building strategic state capacities to reduce rights harms. Finally, the chapter introduced the pragmatist framework of Ansell and Boin as a useful approach to crisis governance, which will be applied in Chapter 8 to assess Colombia's response to Venezuelan migration.

Chapter 5 outlines the methodological framework guiding this research, which explores how risk management supports the promotion of human rights during crises. It adopts a qualitative approach that integrates normative and empirical perspectives, using documentary analysis and elite interviews. The research is situated within a philosophical framework that balances positivist and interpretivist paradigms. A case study design focuses on Colombia's Temporary Protection Statute for Venezuelan Migrants (TPS or ETPV), evolving from an initial process-tracing approach. The chapter details data collection, thematic analysis, and ethical considerations, demonstrating alignment between the research question, methods, and empirical strategies to study a complex policy response amid overlapping crises.

Chapter 6 presents the context of the case study, which serves as a textbook example of a transboundary crisis. The chapter provides an overview of the reported causes of Venezuelan forced migration, highlighting their significance in shaping the crisis label, and outlines the institutional framework that was in place in Colombia to respond to this phenomenon, along with its evolution.

Chapter 7 explores how the subjective dimensions of the crisis—namely sense-making and meaning-making—shaped the Colombian state's responses to the Venezuelan migration across four distinct phases. Through a longitudinal analysis, the chapter demonstrates that the evolving interpretations, narratives, and labels assigned to the migration process significantly influenced both the character and timing of policy responses. These processes directly affected institutional capacity and the extent to which migrants' rights were protected. By showing how political discourse, strategic framing, and crisis labelling determined the allocation of resources and the creation of legal instruments, this chapter underscores the centrality of the subjective dimension in shaping the effectiveness of crisis governance and the realisation of rights.

Chapter 8 assesses the effectiveness of Colombia's migration response through the lens of four strategic tasks: sense-making, decision-making, coordination, and meaning-making. It shows that, between 2015 and mid-2022, these tasks were carried out in ways that reflect the core principles of the pragmatist approach—fallibilism, anti-dualism, experimentalism, and bricolage. This alignment fostered a flexible and adaptive governance model that contributed to the progressive realisation of migrants' rights through mechanisms such as the PEP and TPS. Capacity continuity and pragmatic leadership played a crucial role in enabling this process. By contrast, the erosion of these capacities after 2022 coincided with a weakening of the response, highlighting the importance of strategic tasks and leadership in sustaining an effective, rights-based approach to crisis governance.

Building on the fieldwork findings presented in chapters 7 and 8, and their analysis against the migration literature, Chapter 9 tests the RCR Model using the case study and presents a slightly

refined version of the RCR Model proposed in chapter 4. In this context, the chapter provides an answer to the research question, arguing that supporting human rights during crises requires two elements, regarded as risk management strategies: generic capacities and a strategic response. The capacities are a moral and knowledgeable leader, transboundary integration, and an institutional framework, with continuity ensured. The strategic response refers to the four tasks proposed by (Ansell and Boin, 2019), carried out within a pragmatist ethos.

Chapter 10 concludes by recalling the need to address the problem at the core of this thesis and by highlighting the value of the Risk-Crisis-Rights Model as a framework to tackle it. The chapter reflects on the broader applicability of the RCR Model to other transboundary crises and its potential to inform rights-based approaches to crisis governance. It then provides a summary of the thesis, outlining its conceptual, theoretical, and empirical contributions, as well as the implications for policy. Finally, it discusses the research limitations and suggests directions for future inquiry.

Chapter 2 Theoretical Foundations of Risk

This chapter explores the concept of risk as a central analytical category for understanding crisis management and its implications for human rights. Building on the problem outlined in Chapter 1—namely, the risk of governments overlooking or failing to uphold human rights during crises —it provides a critical review of organisational and social definitions of risk. The chapter examines the role of uncertainty, causes, and consequences in shaping the concept of risk, and argues that dominant frameworks often neglect essential elements, particularly causes. It introduces a revised conceptualisation of risk based on four constitutive elements: causes, consequences, probability, and impact. In doing so, it challenges the prevailing desocialised (Douglas and Wildavsky, 1982) and overly technical understandings of risk and situates risk firmly within the domain of political decision-making. The chapter also proposes a new typology based on the origin of risk and the role of decision-makers, culminating in the definition of *Non Trade-off Risks* (NTR)—risks not generated by a decision but which demand one. This conceptual foundation prepares the ground for the next chapter, which examines when and how a risk becomes a crisis.

2.1 Notion of Risk

As part of humankind's enduring attempts to gain control over their surroundings, people have long sought to foresee the future in order to shape it according to their desires. As societies evolved, so too did the techniques used for this purpose. Risk management is one such technique, which can be traced back to early efforts to predict the future and to the practice of gambling, as depicted in Greek mythology—even before the gods were humanised (Bernstein, 1996, p. 15). In later times, mortals would visit the oracle at Delphi to receive messages from Apollo. With the development of numerical systems, and later the formalisation of gambling and mathematics, these efforts gave rise to probability theory (Bernstein, 1996, p. 3), allowing for new forms of prediction that enhanced what Bernstein calls the "science of choice" (1996, p. 2) and laid the groundwork for modern risk management. From that point on, humanity began using such predictions to organise whatever was necessary to achieve desired outcomes—placing "the future at the service of the present" (Bernstein, 1996, p. 1). This brief historical overview illustrates how "risk management guided us over a vast range of decision-making, from allocating wealth to safeguarding public health, from waging war to planning a family, from paying insurance premiums to wearing a seatbelt, from planting corn to marketing cornflakes" (Bernstein, 1996, p. 2).

It examines the relationship between future projections (that is, how public authorities attempt to safeguard society by anticipating risks and preparing in advance), the actions taken when risks materialise, and the consequences when such efforts prove insufficient and events escalate into crisis. In this context, authorities employ strategies of risk management and crisis response to influence the trajectory of unfolding events.

In humanity's ongoing search for better governance, this study seeks to explore how policymaking in the public sphere—where decisions shape the collective future—might be improved so that the fate of many is not left to the whims of hubris. It examines the relationship between future projections (that is, how public authorities anticipate risks and outline potential responses), the actions taken when risks materialise, and the consequences when such events prove unmanageable and escalate into crisis. In this context, authorities employ strategies of risk and crisis management to influence the trajectory of unfolding events. However, these strategies can carry significant consequences for the protection—or violation—of human rights. This study, therefore, investigates the interplay between risk management, crisis response, and the human rights implications of policymaking during times of crisis.

As early as 1921, Frank Knight highlighted the need to clarify the notion of risk, as follows:

> The difficulties in this field have arisen from a confusion of ideas which goes deep down into the foundations of our thinking. The key to the whole tangle will be found to lie in the notion of risk or uncertainty and the ambiguities concealed therein (Knight, 1921, p. 19).

From that starting point, and responding to the call of Quarantelli (1994), cited in Wolbers, Kuipers and Boin (2021, p. 385), were he "lamented that 'we do not do a good job in the accumulation of knowledge' and that concepts are 'taken for granted and never reexamined in any systematic way'"—this chapter examines classical and contemporary notions and definitions of risk. Building on this analysis, it proposes a comprehensive conceptualisation that also identifies key features of risk.

To ground the discussion, the following definitions from authoritative dictionaries provide a useful starting point for understanding the concept of risk:

- "The possibility of something bad happening." (Cambridge Dictionary)
- "The possibility of something bad happening at some time in the future; a situation that could be dangerous or have a bad result." (Oxford Learner's Dictionaries)

- "Contingency or proximity of damage[1]." (Real Academia Española)

It is interesting to note that these definitions tend to focus on events with undesired consequences. This aligns with what the literature refers to as pure risk, also known as negative risk. In contrast, speculative risk—sometimes called positive risk—involves the potential for gain and has more recently been reframed as *opportunity*.

To begin with, from an organisational standpoint, risk management has been approached from various fields—such as finance, project management, insurance, and security—and tailored to the specific needs of both public and private organisations (ISO, 2018, p. 1). Academic interest in these issues has been wide-ranging since the seminal contribution of Knight (1921). Over time, authority over risk management has largely been assumed by major auditing firms and international standardisation bodies (Power, 2004). In the private sector, risk management has ironically narrowed in scope, despite the broad (and vague) promises of standards that claim to offer reasonable assurance and a flexible model applicable to all organisations. However, these standards often fail to effectively measure and assess risk, and to evaluate and address their own shortcomings (Bernstein, 1996; Hubbard, 2009; Kaplan and Mikes, 2012). Nonetheless, they remain influential due to their 'collaborative construction strategy' (Drennan, McConnell and Stark, 2015, pp. 11-12).

The ISO standard, widely adopted by both private and public organisations, provides the following definition of risk:

> Effect of uncertainty on objectives.
>
> Note 1: An effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats.
>
> Note 2: Objectives can have different aspects and categories and can be applied at different levels.
>
> Note 3: Risk is usually expressed in terms of risk sources, potential events, their consequences and their likelihood (ISO, 2018, p. 1).

The ISO standard addresses the concept of positive risk as an opportunity. While it defines risk as the "Effect of uncertainty on objectives" (2018, p. 1), none of its versions define *uncertainty*, nor do they offer any indication of how it should be understood.

[1] Translated from Spanish.

Other recognised authors in the field of organisational risk management also offer definitions that incorporate the concept of uncertainty, yet they remain limited in clarifying its scope. For example: “[Risk is] an uncertainty that could affect one or more objectives” (Hillson and Murray-Webster, 2005, p. 5).

To discern the relationship between risk and uncertainty, this study draws on Knight’s classical approach to these concepts:

> It will appear that a measurable uncertainty, or ‘risk’ proper, as we shall use the term, is so far different from an unmeasurable one that it is not in effect an uncertainty at all. We shall accordingly restrict the term "uncertainty" to cases of the non-quantitive type (Knight, 1921, p. 20).

From this perspective, risk should not be defined in terms of uncertainty. Although *uncertainty* remains a poorly defined concept, some clarifications can nonetheless be made. One such clarification is that uncertainty is not solely the result of a lack of certainty regarding the materialisation of a given risk. In this context, two types of uncertainty are proposed: uncertainty associated with the occurrence of the risk, and uncertainty associated with its outcome.

1. Uncertainty of occurrence, associated with:
    - The probability of a risk event materialising.
    - The timing of its occurrence—a good example of this type of uncertainty is found in life insurance and cyclical events such as financial crises, ‘natural’ hazards, and pandemics.
    - The causes of risk—understanding and managing these can open up possibilities for risk prevention.

2. Uncertainty of outcome, associated with:
    - The type of consequences.
    - The impact of those consequences.

In the field of risk regulation, Hood, Rothstein and Baldwin (2001, p. 3) note that risk “is conventionally defined as a probability, not necessarily calculable in practice, of adverse consequences.” Similarly, Hubbard (2009, p. 8) defines risk as “the probability and magnitude of a loss, disaster or other undesirable event.” However, a deeper analysis of these elements—along with others that constitute risk and the ways in which they interact— allows for a more refined understanding of the concept. The ‘uncertainty of occurrence’ of a risk event highlights the relationship between causes and probability, while the uncertainty associated with its outcome reveals the link between consequences and impact. In this light, the classical association between probability and consequence appears increasingly outdated and less

conceptually robust. Moreover, by recognising that risk limits the degree to which an objective can be achieved, the importance of the 'objective' within the conceptualisation of risk becomes evident. In summary, the constitutive elements of risk revolve around the achievement of an objective, the causes and consequences of a potential event, and the assessment of their probability and impact, respectively, all framed by uncertainty. A more detailed discussion is provided in Section 2.3. Before that, however, it is necessary to examine how risk has been understood in the public sphere.

2.2 Risk as a Social Construct

When Douglas and Wildavsky (1982, p. 73) state that "The notion of risk is an extraordinarily constructed idea, essentially decontextualized and desocialized," this reveals, on the one hand, the complexity of the notion of risk, and on the other, that the problem of risk cannot be addressed outside the social sphere.

Although organisational risk management began to take shape in the mid-1980s, Frank Knight had already problematised the concepts of risk and uncertainty in the economic field as early as 1921. Since the late 1960s, much of the literature on the risk problem has focused particularly on the health and environmental effects of new technologies. In this context, not only scholars but also the broader public have turned their attention to the risks associated with such technologies, raising critical debates around the need for regulation. These discussions bring to the fore questions about the value attributed to human life, the technical information underpinning regulation and its scientific uncertainty, the choice of decision-making approach, the nature of the political system, and the values of both decision-makers and those affected by risk. These values shape risk perception, attitudes, and responses. Media attention and other contextual factors also play a significant role (Knight, 1921; Fischhoff *et al.*, 1981; Douglas and Wildavsky, 1982; Covello, 1983; Jasanoff, 1986; Beck, 1992; Viscusi and Gayer, 2004).

Returning to the notion of risk, the premise that risk exists insofar as there is an objective that may be threatened is of utmost importance. Thompson and Wildavsky (1982, p. 157) hint that "Social risk can only exist if there is some social structure there for them to threaten." In other words, social risk refers to that which poses a threat to an existing social structure. Along similar lines, Fischhoff *et al.* (1981, p. 2) highlight the importance of "Specifying the objectives by which to measure the desirability of consequences." Fisher (2010, p. 50) goes a step further, noting that "Risks are understood as a threat to the successful operation of public administration." This supports the premise that the policymaking process is, in essence, a form of risk management.

Several scholars have observed that the problem of risk is fundamentally a problem of decision-making under conditions of uncertainty, and that both the perception of risk and its acceptability are influenced by societal values. As Fischhoff *et al*. (1981, p. 9) argue that the complexities inherent in the acceptable-risk decision problem are:

> (a) uncertainty about how to define the decision problem, (b) difficulties in assessing the facts of the matter; (c) difficulties in assessing the relevant values, (d) uncertainties about the human element in the decision-making process, and (e) difficulties in assessing the quality of the decisions that are produced (Fischhoff *et al.*, 1981, p. 9).

Douglas and Wildavsky (1982), for their part, highlight the significance of divergent perspectives on risk, the varying interests and priorities of different actors, and the subsequent actions taken in response to perceived risks. In essence, their analysis underscores the interplay between uncertainty, values, and decision-making.

Fischhoff, Watson and Hope (1984, p. 128) in addressing the problem of 'defining risk', refrain from providing a fixed definition of the term. Instead, they propose a framework for delimiting the scope of risk and evaluating it against selected consequences. In this respect, their approach constitutes less a 'definition' of risk than a 'delimitation' of it. Furthermore, their framework presents a contentious proposition. From its initial step—"determining which consequences it *should* include" (emphasis added)—it risks legitimising the influence of vested interests, despite their assertion that "the selection of consequences (like other aspects of the definition process) should reflect 'society's values,' rather than those of any single interest" (Fischhoff, Watson and Hope, 1984, p. 128). The fundamental issue is that their framework lacks a procedural or a control mechanism to enforce this normative *'should'*, leaving the process vulnerable to manipulation.

Jasanoff (1986, p. 79) argues that "Cultural factors influence goals and priorities in risk management" examining how distinct policy systems shape risk governance. Her conclusions align with those of other scholars in the field, reinforcing the interplay between societal values and risk decision-making. For instance, she explores the conceptual separation of risk assessment (a technical process) and risk management (a policy-driven stage), suggesting they may operate at different institutional levels. However, she emphasises that uncertainty permeates both stages, introducing cultural and value-laden dimensions. Crucially, she contends that decisions made under such uncertainty are inherently political, as they reflect broader societal priorities rather than purely objective criteria.

Beck's (1992) seminal work examines the role of values—particularly ethical frameworks—in shaping risk perception and management, arguing that these processes extend beyond

scientific domains into broader social discourse. He explores the emergence of a ‘risk society’, contending that while risks may be democratically distributed (or, more precisely, a ‘democratic distribution of the consequences of risk’—though this remains debatable given disparities in vulnerability among affected groups), the economic structures surrounding risk have become entrenched.

Douglas and Wildavsky (1982) frame risk acceptability as a fundamentally political issue, arising from conflicts within decision-making processes. Similarly, Jasanoff (1986) illustrates how political culture shapes risk regulation, beginning with its initial assessment.

To bring this section to a close, the following statement by Jasanoff (1999, p. 135) captures the crucial shift in conceptualising risk—from a purely technical matter to a socio-cultural one:

> Two decades of social and political analysis have helped to enrich the concept of risk that underlies the bulk of modern environmental regulation. Risk is no longer seen merely as the probability of harm arising from more or less determinable physical, biological or social causes. Instead, it seems more appropriate to view risk as the embodiment of deeply held cultural values and beliefs - the *songlines* of the paper's title - concerning such issues as agency, causation, and uncertainty (Jasanoff, 1999, p. 135).

More recently, and from a comparable perspective, scholars such as Boin, McConnell and 't Hart (2021, p. 26) emphasise the political foundations shaping how policymakers conceptualise and respond to social risks: “How public policymakers think about risks, threats and crises is political at heart.” This view, combined with the influence of values in risk management, introduces a distinctly subjective dimension to risk—a theme that will be developed further in the subsequent chapter.

Having examined the most widely recognised definitions of risk within organisational and social contexts, and having discussed their salient features, the need is identified for a revised conceptualisation. While not aspiring to universality, such a definition must address the limitations evident in existing frameworks.

2.3 Risk Features and conceptualisation

The definitions and notions presented in the previous sections—though not limited to those discussed above—capture certain key elements of risk: a threatened objective, a threatening event, an effect (consequence), and uncertainty. However, several crucial components are overlooked, particularly those relating to risk causation and the impact of consequences, which

are essential for effective risk management. Consequently, to enable comprehensive risk management that accounts for all relevant dimensions, the need is identified to develop a conceptualisation of risk framed in terms of its constituent elements.

Through careful examination of risk's fundamental nature, it can be established that risk comprises an **objective** potentially threatened by an **event** whose materialisation depends on underlying **causes**, leading to consequential effects. Both causes and consequences can be quantitatively assessed—the former through probability (frequency or likelihood) and the latter through impact. These elements are subject to management through prevention and mitigation. Figure 2.1 provides a schematic representation of these interrelationships.

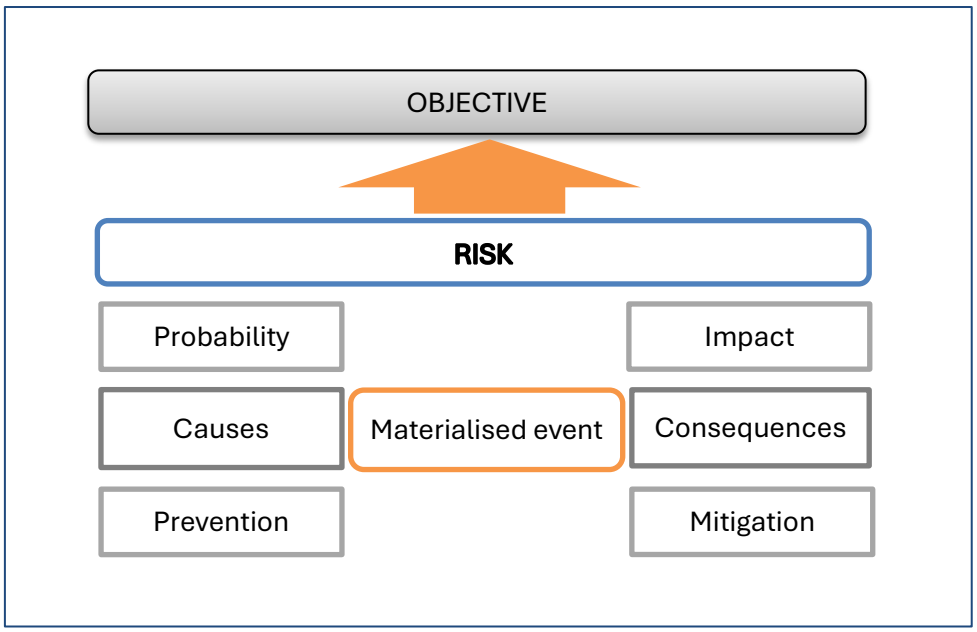

Figure 2.1 Risk Features

Notably, each element of risk represents a factor of uncertainty, as established in Section 2.1. It is important to emphasise that cause and probability are not synonymous, nor are consequence and impact. Rather, probability and impact are metrics used to assess the causes and consequences of a risk event, respectively.

It is equally crucial to distinguish between risk and impact. To illustrate this, consider the case of 'reputational risk'. Although numerous studies examine reputation as a form of risk (Larkin, 2003; Honey, 2009; Bonime-Blanc, 2017), to name just a few, in light of the definitions and conceptual exploration proposed in this research, reputation may be more accurately understood as a resource upon which the impact of a consequence is exerted.

To better illustrate this distinction, consider the following example: an earthquake occurs (a materialised risk), resulting in the collapse of an office building and the death of two employees. Arguably, this leads to financial impacts due to the costs associated with the destruction of

physical infrastructure and contents, as well as compensation for the deceased employees. Legal impacts may also arise in the form of lawsuits. Additionally, there is a clear impact on human resources. Finally, a reputational impact may emerge—stemming not necessarily from public perception, but from the lack of preparedness or preventive measures taken in response to seismic risk. While reputation can be directly affected, it cannot be considered a materialised event, as it remains an intangible asset (Honey, 2009).[2] This demonstrates that not everything labelled as a risk is, in fact, a risk.

To support the claims previously made regarding the shortcomings of the most widely accepted definitions of risk, it is worth following Knight (1921, p. 204) who stated: “We may say that all reasoning rests on the principle of analogy.” Accordingly, a simple analogy can be drawn between the features of risk: cause is to consequence as probability is to impact (see Figure 2.2a). However, as illustrated by the definitions discussed above, both authors and standards tend to establish a direct link between probability and consequences (see Figure 2.2b). Despite the value of their contributions to the field of risk, none of these authors has addressed the inconsistency inherent in this analogy.

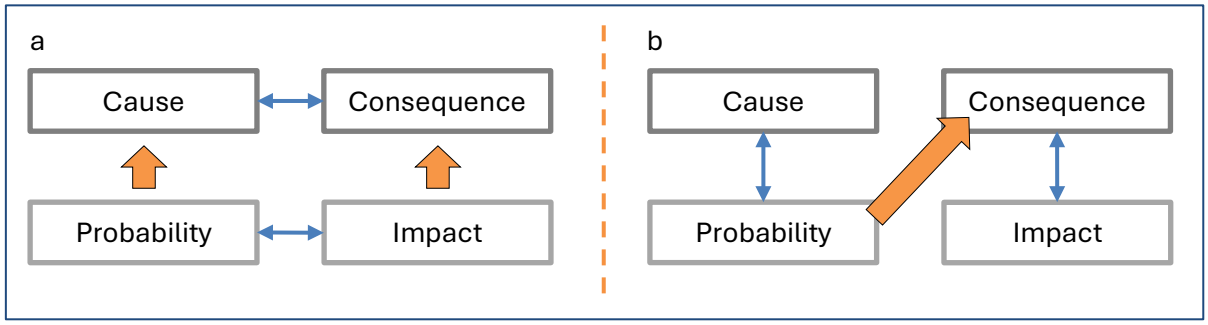

Figure 2.2 Risk Features Analogy

Risk management relies on several strategies, among which the most common are the prevention of the risk event and the mitigation of its consequences (i.e., response). In order to prevent the materialisation of a risk, it is essential to identify and manage its causes—since, if the causes do not occur, the risk event itself cannot materialise. While consequences are explicitly mentioned or referenced as "effects" in most definitions of risk, as previously discussed, causes have been repeatedly overlooked or excluded.

To understand the importance of causes in risk analysis, it is worth asking: how can the probability of a risk's occurrence be measured if its underlying cause is not identified? In this sense, understanding the type of uncertainty associated with a risk also entails addressing its

[2] This example is not intended to be exhaustive, but rather illustrative.

origin. The persistent exclusion of causes from definitions of risk suggests a broader challenge: the inherent difficulty in identifying the source of problems.

Building on the analysis presented in the previous three sections, a definition of risk is proposed:

> ***Risk is the possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty.***

It is important to clarify the intentional use of the word *possibility* instead of *probability* or *likelihood*, as stated by Jedynak and Bąk (2021, p. 14) referring to Weber's (1948) observation: "the rationality of people as representatives of society in shaping the worldview cannot be conditioned only by mathematical estimations because the sources of social threats are so extensive that they cannot be put into any measurable framework." However, even if the probability of the causes is not measurable in probabilistic terms, it still exists. The same applies to the impacts of the consequences.

The COVID-19 global pandemic offers a clear example of a materialised risk: the risk was that of a pandemic, which materialised in the form of COVID-19. As such, it was an event whose possibility of occurrence had been foreseen, with the World Health Organization issuing warnings as early as 2018 (WHO, 2020); in other words, the potential for such an event was widely recognised. As with "any given crisis, multiple accounts of the causes, consequences, and desired responses are on offer" (Boin and 't Hart, 2022, p. 16). For instance, Reddy and Milton Jr (2020) argue that the root cause lies in the consumption of animals. However, additional factors—particularly the increasingly interconnected nature of the world—created the conditions for the virus to spread rapidly across almost every region and aspect of life. The consequences of that materialisation have spanned a wide range of socio-economic impacts (del Rio-Chanona *et al.*, 2020; Martin *et al.*, 2020; Ajmal, Khan and Shad, 2021), effects on mental health (Cullen, Gulati and Kelly, 2020; Talevi *et al.*, 2020) and physical health (Weinberger *et al.*, 2020; Williamson *et al.*, 2020; Yong, 2021), deepening of inequalities (Bowleg, 2020; Patel *et al.*, 2020; Blundell *et al.*, 2022) and disruption to education (Meinck, Fraillon and Strietholt, 2022), to mention just a few. It has also exploited to justify democratic backsliding (Afsahi *et al.*, 2020; Sorsa and Kivikoski, 2023) and setbacks in the protection of human rights (Lebret, 2020; Spadaro, 2020). Uncertainty could be described as absolute, both in terms of the uncertainty of occurrence and the uncertainty of outcome. In this case, the way the threat was perceived, the variety of governmental responses, and the reactions of different populations (Dryhurst *et al.*, 2022) illustrate how risk is socially constructed.

Given that all risk management fundamentally revolves around anticipating the future (Bernstein, 1996), once risks—and their features—are identified, the logical next step is to exert control over them in order to shape that future (Knight, 1921). To this end, various techniques have been proposed by the standards referenced earlier, which involve prioritising actions based on the magnitude of each risk and the resources available—commonly known as risk plans. However, these methods—which have proven ineffective in the organisational context (Clarke, 1999; Hubbard, 2009)—were not designed to address the complexities of policymaking in the public arena. Before turning to what actually works (in Chapter 3), the next section develops the specific type of risk on which this research focuses.

2.4 Non Trade-off Risks

As noted above, the notion of risk in the social sphere is often associated with the consequences of a decision, framed as a trade-off for certain benefits. This conception can be traced back to the view of risk as a purely technical issue, typically linked to anthropogenic risks. However, this raises the question: what about risks that are not the result of a decision?

Despite the various approaches to risk classification found in the literature, no previous study was identified that proposes a typology grounded in the level of stakeholder involvement in the causes of risk and the point at which decisions were made that led to the emergence of the risk or exposure to it. In order to offer a new perspective on risks according to these criteria, I propose classifying them into three categories: Natural Risks, Anthropogenic Risks, and Non Trade-off Risks. Although the first two categories are not novel, their articulation here provides a more nuanced interpretation. Moreover, the third category is original.

Natural Risks. These risks arise from exposure to natural phenomena as a result of decisions—whether deliberate or unconscious—made by both governments and individuals, which increase their vulnerability to the consequences of such events. Although the causes of these risks lie beyond human control, the impact of their consequences is shaped by prior decisions. This type of risk stems from external (natural) causes that cannot be prevented by people, but whose effects can be mitigated through preparedness strategies implemented prior to their materialisation. Earthquakes, for instance, cannot be prevented, but measures such as seismic building codes, early warning systems, and evacuation plans can help to reduce the loss of life; insurance mechanisms can also alleviate the economic losses.

The island of Hispaniola, which is highly prone to natural phenomena, is home to two countries: Haiti, a former French colony, and the Dominican Republic, a former Spanish colony. Both have historically been exposed to multiple events, including earthquakes, tropical storms, and

hurricanes (Klose and Webersik, 2011). However, the impact of such risks is hardly comparable between the two. As Park (2016) notes, “In 2004, Hurricane Jeanne made landfall at the eastern tip of the Dominican Republic. The flooding from Jeanne killed an estimated 3,000 people in Haiti, according to a report from the National Hurricane Center. Meanwhile, only 19 deaths were reported in the Dominican Republic.” These figures illustrate how decisions—whether made by previous governments (including colonial administrations), current authorities, or citizens—can produce dramatically different outcomes.

Anthropogenic Risks. These risks arise from decisions and/or actions taken either by governments (e.g., risk regulation, public policies) or by private organisations (e.g., the use of chemicals or biological products) in relation to operations carried out by individuals or equipment designed by them. While this category is not new in the risk literature, this study includes speculative risks and pandemics within it. These risks are generated by human decisions and typically involve a trade-off in pursuit of certain benefits.

The deregulation of the banking system in the 1980s and 1990s was a factor contributing to the financial crisis of 2008 (Nersisyan, 2015). The absence of stringent safety regulations and enforcement in the construction of the Union Carbide plant in Bhopal, India (1984), significantly contributed to the world's worst chemical disaster, which resulted in the immediate loss of at least 3,800 lives, with many more deaths occurring subsequently (Broughton, 2005). For China, the COVID-19 pandemic—like all known pandemics—has a zoonotic origin linked to human interaction with or consumption of animals, and can therefore be considered an anthropogenic risk (Reddy and Milton Jr, 2020).

Non Trade-off Risks (NTRs). These risks arise from external causes originating beyond national borders, yet they do not stem from a specific decision made by policymakers or other decision-makers. In other words, they are not the result of a trade-off but emerge from circumstances that lie outside the control of national actors. These risks become crises upon their materialisation, as they pose a threat to the continuity of social structures. The uncertainty associated with these risks, combined with their potential impact, places them in a distinct category. Although there is a similarity between natural risks and NTRs in terms of their external origin, the key difference lies in their transnational nature. While the causes of both types of risk cannot be managed by decision-makers, NTRs are inherently political, even when the response to their materialisation may take a humanitarian form.

The distinction between NTRs and anthropogenic risks is that, in the former, the risk originates outside a country’s borders, and its management should primarily focus on responding to the materialisation of the risk rather than on its prevention. The global COVID-19 pandemic constitutes a Non Trade-off Risk for all countries except China, where it originated and where it

can therefore be considered an anthropogenic risk. Additional examples of NTRs include the transboundary spread of nuclear radiation—such as that from the Chernobyl disaster, which affected approximately 40% of Europe and even reached North America (Nesterenko and Yablokov, 2009)—as well as violations of sovereignty and foreign invasions, such as the Russian invasion of Ukraine in 2022 and the Israeli occupation and attacks on Palestine, including the Nakba (1947–1949), the Deir Yassin massacre (1948), the Kafr Qasim massacre (1956), the First Intifada (1987–1993), the Second Intifada (2000–2005), Operation Cast Lead (2008–2009), Operation Protective Edge (2014), the Great March of Return (2018–2019), and the ongoing Gaza offensive (2023–present) (Segal and Daniele, 2024).

It may be observed that, irrespective of the nature of the risk, the severity of its consequences upon materialisation largely depends on the effectiveness of the response. Accordingly, decision-makers play a crucial role in shaping the magnitude of the impact.

Although risk is typically understood as a threat, risk events can also present opportunities, as highlighted in some definitions found in the literature. In the case of NTRs, such opportunities tend to emerge ex post or even during the crisis response itself. This situation resembles the dilemma of 'Neurath's mariner', who was compelled to repair his ship while at sea—unable to reach port, the mariner had to decide what to do as he discovered what was possible (Ansell and Boin, 2019, p. 1086). In the context of NTRs, the opportunity lies in capacity building and can be illustrated by the Colombian case. The country faced a crisis due to a lack of capacity to uphold the rights of Venezuelan migrants. However, between 2015 and 2022, the government implemented various mechanisms to provide access to rights for these migrants and, in doing so, developed capacities in leadership as well as in bureaucratic and legal institutional frameworks. This case—and the broader notion of risk and crisis as opportunities—will be discussed in more detail in subsequent chapters.

While this definition can be extrapolated to other types of risk, the proposed definition in this research is specifically focused on transnational risks, which will be elaborated upon below. It allows risk management to direct efforts toward the relevant elements, as uncertainty—an inherent characteristic of risk—can be associated not only with the occurrence of the risk but with each of these elements.

As with many of the concepts explored in this study, the term 'transnational risk' is often used indiscriminately in the literature. Among the few works that focus specifically on this topic are those of De Franco and Meyer (2011) and Hameiri (2011). The former centres on forecasting, while the latter focuses on governance. Below is the closest these authors come to defining the concept:

> So-called de-bounded risks are mechanisms in a contested and uneven process of rescaling, in which the governance of issues that physically occur within the borders of states is shifted to regional or even global modes of governance located within or beside the institutional spaces of the state. (Hameiri, 2011, p. 383)

Notwithstanding the complexity involved in managing these risks, the concept itself is not inherently complicated. This research adopts the definition proposed by this author. Building on this foundation, the following chapter examines the conceptual differences and connections between risk and crisis, establishing the basis for the Risk-Crisis-Rights model proposed in this study.

Conclusion

Building on the problem identified in Chapter 1—namely, the recurrent failure to uphold human rights during crises—this chapter provided a critical examination of the concept of risk as the foundation for understanding those failures. It argued that conventional definitions, especially in organisational settings, tend to neglect essential components such as causality and social context. To address these limitations, the chapter proposed a revised definition of risk as the possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty.

The chapter unfolded along two complementary lines. The first engaged with organisational understandings of risk, highlighting their limitations for public decision-making and offering lessons for designing a more suitable policy-oriented framework. The second examined risk as a social construct shaped by cultural values, political systems, and perceptions of acceptability, revealing how such values influence not only risk management but also the construction and recognition of crises—an issue developed in the next chapter.

Finally, the chapter introduced a new risk typology based on whether risks emerge from decisions or lie beyond decision-makers' control. The focus of this research—Non Trade-off Risks (NTRs)—highlights the need for strategic state responses to risks that materialise independently of intentional policy choices, but whose impacts are profoundly shaped by them. This typology, along with the revised definition, forms the conceptual foundation for the Risk-Crisis-Rights model developed in subsequent chapters, beginning with the transition from risk to crisis in Chapter 3.

Chapter 3 Risk or Crisis

This chapter explores the conceptual distinction and interrelation between risk and crisis, with a view to grounding the second component of the Risk-Crisis-Rights model developed in this thesis. Building upon the discussion of risk presented in Chapter 2, it first examines the circumstances under which a materialised risk becomes a crisis. To this end, it reviews the crisis literature across disciplines, interrogating both objective and subjective approaches to defining crisis. The chapter then introduces a tailored definition of crisis that incorporates both, objective and subjective dimensions, with particular attention to transboundary, creeping, and polycrises. In doing so, it lays the conceptual foundations for rethinking the so-called 'migration crisis', proposing instead a reconceptualisation in terms of a 'response crisis'. This shift, it is argued, enables a more accurate diagnosis of the problem and, crucially, opens new possibilities for state accountability and human rights protection. The chapter concludes by outlining how this reconceptualisation informs the Risk-Crisis-Rights model and anticipates the discussion of human rights in Chapter 4.

3.1 Crisis: A Materialised Risk

Just as not everything labelled a risk is, in fact, a risk, not everything labelled as a crisis—even by scholars—truly constitutes one. Lawrence *et al.* (2024, p. 3) illustrate this point particularly well in relation to one of the most notorious, extensively studied, and mischaracterised crises: "the Cuban Missile Crisis was not truly a crisis but instead created an acute *risk* of a crisis (nuclear war) that was thankfully averted."

Based on the conceptualisation of risk established in the previous chapter (see Figure 2.1), it becomes evident that when risk materialises, it produces consequences. The possibility of a pandemic is a risk that materialised in 2019 through the infectious disease caused by the SARS-CoV-2 virus—likely linked to the consumption of certain animals in Wuhan, China—and rapidly spread across the globe. The resulting disruption affected nearly all dimensions of life, from public health systems and economies to mobility and everyday social interactions.

Whether the magnitude of the consequences escalates to the level of a crisis depends, *inter alia*, on the response—specifically, the resources available and the capacity of decision-makers to manage those consequences, including the role of a 'framing contest' (Resodihardjo, 2020). Accordingly, not every materialised risk acquires the character of a crisis (Kouzmin, 2008, p. 158; Heath and O'Hair, 2009, p. 1). This prompts a fundamental question: what constitutes a

crisis? What characteristics or conditions cause the materialisation of a risk to cross the threshold into crisis?

Among the extensive literature on crisis management reviewed, it was observed that the concept of crisis is typically discussed in terms of its constituent elements, yet a clear and comprehensive definition of what a crisis is—particularly one that reflects the characteristics of crises arising from Non Trade-off Risks—remains lacking. In this context, selected quotations from notable authors and works, drawn from a broad range of fields and encompassing the key elements of crisis, are presented and examined below. These contributions help to shed light on the nature of crisis and underscore aspects that warrant particular attention.

Rosenthal, as a foundational contributor to crisis studies, along with his co-authors, states: "We speak of crisis when a threat is perceived against the core values or life-sustaining functions of a social system, which requires urgent remedial action under conditions of deep uncertainty" (Rosenthal et al., 1989. Cited in Ansell, Boin and Keller, 2010, p. 196). This particular definition includes three main elements: a social structure under threat, an urgent need for action, and conditions of deep uncertainty. The principal distinction between this definition of crisis and common definitions of risk lies in the emphasis on the need for urgent action. Another noteworthy element is the 'perception' of the threat. This notion of perception is made even more explicit in a later definition: "When a community of people, an organisation, town, or nation, perceives a serious threat to the basic structures or fundamental values and norms of their social system, which, under conditions of time pressure and uncertainty, demands critical decision-making" (Rosenthal et al., 2001, cited in Wolbers, Kuipers and Boin, 2021, pp. 375-376). Taken together, these definitions emphasise the centrality of perceived threat in the characterisation of crisis. In the next section, the notion of perception will be further explored as part of the subjective dimension of crisis.

Brändström and Kuipers (2003, p. 295) observe that "The crisis can be represented as a stand-alone, ad hoc disturbance in a system or policy that otherwise performs satisfactorily, or as an embedded incident, i.e., a 'symptom' of a much larger systemic or policy failure." Beyond distinguishing between punctual and systemic crises in relation to policy, this definition highlights disruption as a key element in defining a crisis.

Kouzmin (2008, p. 158) not only distinguishes between 'soft-core crises' and 'creeping crises', but also argues that both involve a severe threat—or an unfavourable, destructive, and often life-threatening change to the victim's environment—a high degree of uncertainty, and the need for prompt, yet critical and potentially irreversible, decisions. This definition appears more closely aligned with that of Rosenthal and co-authors, in its emphasis on threat, uncertainty, and the urgent need for decision-making, though it notably omits the element of perception.

Kouzmin's position, therefore, may be seen as more closely associated with what has been referred to as the 'objective' school of thought.

Jessop (2015) also incorporates 'disruption' into his definition of crisis, but more importantly, acknowledges two elements of particular relevance: the subjective and objective dimensions of crisis—implicitly recognised by Rosenthal and co-authors—and the notion of crisis as opportunity. As he puts it:

> Crises are, as the cliché suggests, moments of danger and opportunity. As such, they have both objective and subjective aspects. Objectively, they occur when a set of social relations (including their ties to the natural world) cannot be reproduced ('go on') in the old way. (Jessop, 2015, p. 486)

It is worth noting that, as discussed in Section 2.4, risks also entail opportunities; when risks materialise, such opportunities may arise in the form of capacity-building for crisis response. For Hay (1996, p. 254), crises are "conjunctures" that present opportunities for "agents capable of making a decisive intervention." Similarly, Boin and 't Hart (2022, p. 15), argue that such opportunities allow policymakers to advance long-desired initiatives, anticipating reduced resistance—as the public is eager for action—and recognising the urgency of acting before the window of opportunity closes.

As noted by McConnell and Drennan (2006, p. 60), there is a degree of consensus that crises are characterised by "severe and largely unexpected threats, high uncertainty, and the need for urgency in decision making." However, a particularly interesting dimension is the perception of such threats, as highlighted in the definitions proposed by Rosenthal and co-authors, as well as by Jessop, both of whom emphasise that crises comprise subjective as well as objective elements. In the same vein, McConnell and Drennan (2006, p. 59) open up this debate by noting: "Definitions of crisis abound, and there are debates about whether 'crisis' can be defined in a positivist manner (with a rigid set of criteria) or an interpretative one (where the existence of a crisis depends entirely on individual perceptions)." The next section delves deeper into this discussion.

Another important aspect, outlined by the example of the COVID-19 pandemic, is that it represented one type of risk for China—as the country where the materialisation originated—and a different type for the other affected states. This variation underscores that the nature and perception of a crisis may depend on the position of those affected within the broader event. In line with the element of those affected by the perceived threat, both considerations raise a critical question: crisis for whom? This question is particularly significant, as those impacted by

the crisis depend on decision-makers not only to perceive the threat as a crisis, but also to take appropriate action in response.

Although all these definitions highlight relevant elements for understanding the concept of crisis, and such features are frequently cited in the literature, they do not, in themselves, amount to a comprehensive conceptualisation. Rather, the literature tends to fall short of offering a theoretical account of crisis, often substituting conceptualisation with characterisation.

3.2 The Objective-Subjective Dilemma of Crises

In addition to the definitions discussed in the previous section, it is worth noting that some scholars adopt particularly strong positions regarding whether perception or objective facts delineate a crisis. One such example is Bruck (1992. Cited in Drennan, McConnell and Stark, 2015, p. 17), who argues: "there is no such thing as a crisis; it is a language construction, used by different people and different groups to attribute meaning to a particular set of social circumstances."

Resodihardjo (2020, p. 11) introduces an additional element related to perception, which plays a significant role in the political dimension of crises: "Since people perceive reality differently, a framing contest will start to determine whether the event was a crisis or not." This points to the process of meaning-making, in which decision-makers engage with the public to justify their interpretation of events and their chosen course of action. However, the framing of a crisis is not necessarily retrospective; the framing contest can unfold in real time, particularly in the context of protracted crises. At the same time, the act of labelling a situation as a crisis is crucial from the very moment factual elements begin to emerge, as the entire response hinges on this initial designation. Sense-making—understood as the interpretation of the crisis—and meaning-making will be further elaborated in Section 4.2.

To determine when a materialised risk constitutes a crisis, and whether a crisis consists solely of objective or subjective elements—that is, whether it is merely a matter of perception—it is important to recognise, as emphasised in the definitions discussed earlier, that a crisis encompasses both objective and subjective dimensions. To illustrate this point, Drennan, McConnell and Stark (2015) elaborate on what they consider a false dichotomy between these two schools of thought.

The objective school, adopting a positivist perspective, argues that a crisis can be defined when an event meets specific characteristics—essentially, through "a checklist of 'crisis criteria'" (Drennan, McConnell and Stark, 2015, p. 15). According to these authors, the key elements that

determine whether an event qualifies as a crisis within this framework are the presence of a severe threat, high levels of uncertainty, and an urgent need for action. These elements are consistent with those discussed in the previous section.

In contrast, the rationale of the subjective school of thought, which views crisis as a matter of perception, is outlined as follows:

> If we feel and believe that a phenomenon, event or episode is a crisis, then it is indeed 'crisis' and it is 'real' because we are using language to convey the significance of what is happening ... We don't need criteria, checklists, rulebooks or dictionaries to tell us what constitutes a crisis. A crisis just 'is' and we feel in our hearts that this is the case (Drennan, McConnell and Stark, 2015, p. 17).

If crises were to be understood solely as contingent upon how actors perceive and label specific events, one might question the value of engaging in a systematic review of definitions or of identifying the empirical features that underpin a crisis. There are at least two reasons for drawing on the objective school of thought. First, when these elements are present, it becomes possible to recognise a crisis quickly and respond in a timely manner. Second, by understanding the key components that characterise a crisis, it is feasible to define *ex ante* measures to address them—allowing for better preparedness.

Spector (2019, p. 274) proposes the 'crisis-as-claim' model, which "replaces the crisis event with the claim of urgency made by a leader as the focal unit of analysis ... the crisis-as-claim model elides the consideration of heroic leadership so common in the crisis-as-event model, positioning instead leaders as claims makers always intent on advancing interests and enhancing power." He later asserts that ""crisis" is a label, a claim of urgency employed to characterize a set of contingencies that, taken together are assumed to pose an immediate and serious threat. Any crisis, regardless of the immediacy and urgency of the threat, is not a corporeal thing." (Spector, 2020, p. 304) However, given that the contingencies referred to often have tangible and measurable consequences, the objective dimension of crisis cannot be excluded from the equation.

In an effort to address what they describe as a false dichotomy between the objective and subjective determinants of crisis, Drennan, McConnell and Stark (2015, p. 18) observe that "adopting either of these positions alone seriously impedes our ability to understand the phenomenon of crises and the impact they have on crisis managers, policymakers and society more generally." (Drennan, McConnell and Stark, 2015, p. 18) This assertion aligns with the broader argument developed throughout this research: that risk—and its materialisation as

crisis—is socially constructed, shaped by values and beliefs, yet at the same time grounded in concrete empirical elements that determine whether an event may escalate into a crisis.

While perception is undoubtedly a central component in the construction of crises, a comprehensive definition must also account for their material impacts. When an event meets the objective criteria typically associated with crises, it is essential to recognise the potential severity of its consequences for social structures—particularly in the absence of timely action. Although Spector acknowledges the corporeal contingencies that form part of a crisis, his assertion that "Facts never 'speak for themselves'. They always await the assignment of meaning" (Spector, 2020, p. 304) reinforces the dual nature of crisis: one rooted in facts, and the other shaped by meaning-making processes grounded in perception and interests.

An illustrative case is the COVID-19 pandemic. Despite that the severity of the situation was evident—the facts, in many ways, spoke for themselves—the response in countries such as the United States and Brazil was often described as "too little, too late." In these cases, effective action was delayed until decision-makers came to perceive and acknowledge the situation as a crisis. This underscores the point that, while crisis has a politically constructed dimension, it is imperative to promote recognition based on factual elements in order to ensure a timely and effective response. A crisis—defined by its material characteristics—remains a crisis even if it is not recognised as such by policymakers, as its consequences may still materialise. However, given that responses are undeniably shaped by subjective perceptions, I argue that emphasising the objective dimension is essential to prompt the labelling of an event as a crisis and to trigger the corresponding response. Building on this realisation, and based on the definitions and constitutive elements of crisis identified in the literature, I propose that a crisis should be understood as:

> ***A set of consequences resulting from the materialisation of a risk event whose impact is highly uncertain, disrupts normality, overwhelms response capacities, and requires urgent action to ensure survival (either literally or figuratively).***

This definition does not ignore the subjective dimension of the crisis. However, it is recognised that the 'perception' element do not provides an element to help policymakers to identify a crisis.

While this definition deliberately excludes the subjective dimension of crisis, it does so for two main reasons. First, processes of sense-making and meaning-making are understood as integral to the response itself, highlighting the inherently political nature of crises. Second, the intention is to encourage policymakers and other stakeholders to acknowledge the importance of identifying a crisis promptly on the basis of factual or material conditions and the threat

posed to social structures. This, in turn, facilitates a timely response that is more likely to uphold and promote a rights-based approach.

3.3 Transboundary Crises

It should be noted that the number of classifications of crises is as vast as the types of risks identified, and is further influenced by their various characteristics, such as impact, duration, and the effects of the response, among others. To illustrate this, "a modest list would include sudden crises, fast-burning crises, creeping crises, long-shadow crises, agenda-setting crises, mismanaged crisis, manufactured crises, policy fiascos/disasters, technological crises, transboundary crises, mega crises, natural disasters, accidents and emergencies." (Drennan, McConnell and Stark, 2015, p. 24-25) Building on the risk categorisation presented in section 2.4, this section examines transboundary crises—a type of crisis that are conceptualised as stemming from the category of Non Trade-off Risks developed in this thesis.

Since a crisis that crosses boundaries does not automatically qualify as a transboundary crisis, it is important to explore the specific boundaries referred to by the more recent concept of transboundary crises. "We speak of a transboundary crisis when the functioning of multiple, life-sustaining systems, functions, or infrastructures is acutely threatened and the causes of failure or courses of redress remain unclear." (Rosenthal, Boin, & Comfort, 2001; Rosenthal, Charles, & 't Hart, 1989. Cited in Boin, 2009, p. 368) Ansell, Boin and Keller (2010, p. 195) further refine the concept, stating that transboundary crises "affect multiple jurisdictions, undermine the functioning of various policy sectors and critical infrastructures, escalate rapidly and morph along the way." According to these two works, a transboundary crisis is characterized by the fact that they cross:

1. Geographical / Political boundaries horizontally and vertically. That is, it can affect several instances at the same level (e.g., several cities) or it can escalate from a local to a national or even international phenomenon.
2. Functional boundaries: moving between different systems, industries, and sectors (public and private).
3. Time boundaries: it is impossible to identify the starting point of the crisis, as well as an endpoint. (Boin, 2009; Ansell, Boin and Keller, 2010)

The COVID-19 pandemic constitutes a highly illustrative example of a transboundary crisis, crossing not only geographical borders—from a single city to virtually every continent and almost every country—but also institutional and sectoral boundaries. Its global reach was evident both geographically and politically, affecting all levels of governance within states. All

sectors of the economy and society experienced disruption: education, transport, and commerce were severely impacted; health systems faced collapse; and the ensuing economic consequences are well documented. Although the origin of the crisis was clearly identified, its protracted nature—marked by successive waves of contagion, the continuous mutation of the virus, and fluctuating case numbers—made it difficult to define a clear endpoint. The premature lifting of restrictions and efforts to declare the crisis over often precipitated new surges in infection.

While all transnational crises are transboundary crises, a transboundary crisis may not be a transnational one. That is, it may cross several types of boundaries, but not necessarily national ones. However, under normal circumstances in democratic countries, especially developing countries, the response to a transboundary crisis could be supported by the international community aid and resources of cooperation.

As previously stated, crises can exhibit characteristics that allow them to be classified into multiple categories. Recognising these categories can be useful, as the literature on specific types of crises can serve as a guide for an effective response by highlighting key features. In this regard, this section briefly examines polycrises and creeping crises, which are often closely related to transboundary crises.

The discussion of polycrises is introduced here primarily due to the case study on which this research focuses, as the overlap of two transboundary crises fulfils the criteria for being classified as a polycrisis. Likewise, the scholars whose framework underpins the approach to effective crisis response, and from whom the core theoretical foundations of this research are drawn—and whose call for further engagement is heeded—appear to categorise forced migration, albeit somewhat loosely, as a creeping crisis. This discussion will be further developed in section **Error! Reference source not found.**.

This term polycrisis can be traced back to Edgar Morin in the early 1990s (Whiteside, 1998). It was later adopted primarily by ecologists in the late 2000s and has since been taken up by Tooze (2022), The World Economic Forum (2023), and Lawrence *et al.* (2024) to emphasise that the consequences of a polycrisis exceed the sum of the consequences of individual crises. Lawrence *et al.* (2024) provide a comprehensive examination of polycrises, emphasising that beyond the amplified impact of their consequences, the term refers not merely to the "coincidence of crises or simply refers to all the world's ills." Rather, it encompasses various dynamics such as the causal interrelationship between crises and systemic structures, the erosion of system resilience, the triggering of domino effects, and the emergence of feedback loops. A polycrisis may equally be considered a transboundary crisis, as it can extend across

multiple jurisdictions and sectors due to the interconnected nature of the systems involved (Lawrence *et al.*, 2024, pp. 3-4).

Lawrence *et al.* (2024, p. 4) also state that a polycrisis "could involve massive immediate casualties, but also a widespread and sustained decline in the quality of life into the future." The COVID-19 pandemic is once again a pertinent example, as illustrated by the authors:

> Constituent crises include the lingering health, social, and economic effects of the Covid-19 pandemic; stagflation (a persistent combination of inflation and low growth); volatility in global food and energy markets; geopolitical conflict, especially between assertive authoritarian regimes (including China and Russia) and the democratic West, which is leading to a partial decoupling of American and Chinese economies; political instability and civil unrest in countries both rich and poor arising from economic insecurity, ideological extremism, political polarization, and declining institutional legitimacy; and increasingly frequent and devastating weather events generated by climate heating. (Lawrence *et al.*, 2024, p. 5)

With regard to creeping crises, Boin, Ekengren and Rhinard (2020) offer the following definition:

> A creeping crisis is a threat to widely shared societal values or life-sustaining systems that evolves over time and space, is foreshadowed by precursor events, subject to varying degrees of political and/or societal attention, and impartially or insufficiently addressed by authorities (Boin, Ekengren and Rhinard, 2020, p. 122)

Boin, Ekengren and Rhinard (2020) also describe creeping crises as events characterised by an extended period of incubation, lacking a clearly defined onset or conclusion, and capable of shifting in meaning over time. They observe that such threats often emerge through transboundary dynamics, originating in distant or seemingly unrelated policy areas—such as the Syrian conflict—and later manifesting as acute local or regional emergencies, as exemplified by the "border management crisis in Europe 2015" (Boin, Ekengren and Rhinard, 2020, p.120).

Although the definition and conceptualisation of the creeping crisis aligns with the broader understanding of crisis adopted in this study, Boin, Ekengren and Rhinard (2021) put forward a statement that appears to contradict those very definitions:

> Some creeping crises just go away, some keep eroding; only a few will materialize and cause real damage. How do we know which emergent threat should be addressed? Why act if the chance of an actual crisis is low and the cost of the only available solution is high? (Boin, Ekengren and Rhinard, 2021, p. 173)

This quotation appears to contain a conceptual error—or at the very least, a contradiction—as it suggests that creeping crises are not 'actual' crises but rather emergent threats. However, a crisis, by definition, implies materialisation; if an event has not yet materialised, it remains within the realm of risk. This contradiction seems to be reinforced by a statement made by the same authors in an earlier work: "The Cuba Missile Crisis was the quintessential example for political scientists." (Boin, Ekengren and Rhinard, 2020, p. 120) However, as shown earlier in this same chapter, the aforementioned event constituted a *risk of crisis*, rather than a crisis in itself (Lawrence *et al.*, 2024, p. 2).

Given the empirical focus underpinning this research, the following section addresses another type of so-called crisis: the 'migration crisis' and proposes a revised perspective on its conceptualisation.

3.4 The Making of Crisis: Migration and the Politics of Crisis Framing

Is there such a thing as a migration crisis? To position migration—the empirical case through which the research question is explored—within the theoretical field of crisis and risk, this section critically reviews traditional approaches to the notion of 'migration crisis.'

Since 2015, with the so-called migrant crisis or refugee crisis in Europe, studies on migration crises have proliferated. However, "often migration crises are researched without questioning what constitutes a crisis, whether a particular migratory flow is indeed connected to a crisis." (Menjívar, Ruiz and Ness, 2019a, p. 9)

To elaborate on this section, a literature review was conducted; however, no extensive work was found defining or conceptualising a 'migration crisis'. Despite the significant growth and development of crisis studies (Kuipers and Welsh, 2017, p. 273-4; Wolbers, Kuipers and Boin, 2021, p. 375) "the literature on crises and disasters remains focused around 'classic' natural disaster types" (Kuipers and Welsh, 2017, p. 280). Although migration is mentioned in relation to protracted crises, creeping crises, and transboundary crises, such references are made in in a cursory manner.

Among crisis scholars, Boin, Ekengren and Rhinard (2021, p. 166) put forced migration in terms of one of the 'creeping crises' that threaten the survival of the planet. But is migration truly a crisis of such magnitude? Under what circumstances can migration be considered a crisis? Is it, in fact, a crisis at all? Can crisis literature provide valuable insights for conceptualise and respond to the demands of large-scale human mobility? These questions not only highlight a necessary debate but also expose key gaps in the literature—making crisis theory the ideal starting point to address them.

Addressing these questions requires reference to Kuipers and Welsh's (2017) 'Taxonomy of the Crisis and Disaster Literature' which outlines ten types of crises and nine thematic areas, yet makes no mention of migration. Likewise, although Wolbers, Kuipers and Boin (2021, p. 375) refer to 'immigration crises' in their systematic review as events that have contributed to the development of the field of crisis studies, and Boin, Ekengren and Rhinard (2020) categorise migration as a 'creeping crisis,' they do not explore the notion. Moreover, there remains a relative scarcity of articles on migration in crisis studies journals.

Migration, then, does not appear to have been consistently or analytically conceptualised as a crisis within crisis scholarship, but rather by the public, policymakers and by migration scholars (Menjívar, Ruiz and Ness, 2019b). This prompts the question of the value of this perspective, which is addressed in more detail below. I argue that it offers important benefits, but before turning to that, a more comprehensive review of the relationship between the concepts of crisis and migration is provided. In this context, it is important to acknowledge that framing migration as a crisis "can serve to justify increasingly restrictive and/or militarized responses" (McAdam, 2014a, p. 42), and that "there is a risk that the language of 'crisis' may serve to pathologize all movement." (McAdam, 2014a, p. 43). Such concerns highlight the importance of critically interrogating how the notion of crisis is applied to migration, and the implications this framing carries for policy.

Despite the limited conceptual clarity surrounding the notion of a 'migration crisis', McAdam (2014a, p. 43) offers an insightful perspective, albeit from a different angle: "'Crisis migration' may mean something very different if approached from the perspective of the state, rather than the migrant." This statement highlights two key challenges. The first, as also raised in section 3.1 is the need to ask: a crisis for whom? The second is the recognition that forced migration constitutes an adaptive response to a crisis.

Regarding the first question, it is important to note that forced migration presents immense and multifaceted challenges for all actors involved, including host governments, societies, and, most significantly, migrants themselves. For host governments and societies, these challenges encompass issues related to border control and sovereignty, public health, maintaining the response capacities of state systems, effectively integrating the new population, eradicating hate speech and xenophobia, preventing the exploitation and trafficking of migrants, fulfilling human rights obligations, among others. For the latter, in addition to facing multiple access barriers, migrants encounter challenges such as securing housing, employment, education, healthcare, financial services, and regular migration status not to mention the threats, dangers and even violence during the transit (Cintra, Owen and Riggirozzi, 2023). They also grapple with more intangible issues, such as difficulties in cultural integration, mental health concerns

related to migratory grief, experiences of discrimination, exclusion, and violence. As Taran (2001, p. 7) notes, "violations of migrants' human rights are so widespread and commonplace that they are a defining feature of international migration today." This lack of guaranteed rights arguably forms the basis for all the other challenges migrants face. Returning to the question: do these challenges amount to what is commonly referred to as a migration crisis?

Regarding the second challenge, McAdam (2014a, p. 33) notes: "we might instinctively think that 'crisis migration' entails movement in response to an objectively perceptible hazard… 'crisis' *may* be conceptualized as an external event or pressure." In the same vein, she adds: "the conflation of 'crisis' with 'migration' may be used to imply that movement itself is the crisis, rather than the crisis being embodied in the circumstances from which people are moving" (McAdam, 2014a, p. 44).

Although McAdam's position aligns with the arguments advanced in this thesis, it overlooks the fact that the crisis is not solely linked to the cause of displacement, but also to the subsequent challenges that migrants face after migration, often manifested in the deprivation of access to fundamental rights, either due to political interests or because of insufficient response capacities in receiving communities. This represents the second way in which the crisis-migration relationship unfolds: crisis as a consequence of the lack of, or ineffective, response from a receiving state to immigration.

From this perspective, forced migration could be seen as a step in a tragic chain, where individuals flee one crisis, only to often find themselves caught in another. This realisation that forced migration generally occurs between two crises is crucial for recognising that migration itself is not the crisis.

In other words, when human mobility is forced and occurs on a large scale, it becomes an emergent event that often exceeds the response capacity of receiving countries, overwhelming key systems and sectors (e.g., health, education, housing) and prompting exceptional measures by decision-makers, such as the reallocation and mobilisation of resources. In this sense, it is the systems and sectors that enter into crisis. As a result of the state's failure to provide adequate services to migrants—and at times to host communities—a second, yet interrelated, form of crisis emerges, in which individuals' rights are denied. The crisis is thus both structural and discursive, shaped by state capacities (including legal frameworks, leadership, and the ability to adapt existing resources) as well as by the narrative adopted with regard to migration. These clarifications help define the scope of this research, which focuses on the state's response to a 'consequential' crisis arising from its limited capacity to uphold its human rights obligations towards the migrant population, whether they are pendular, in transit, or intending to settle permanently.

Revisiting the previous questions, and in light of this background, it is necessary to examine how, if at all, linking crisis and migration may yield any benefit. As mentioned above, the overflow of a state's response capacity is not only a contributing factor to crises but the crisis itself. Therefore, securing resources to respond is one of the key challenges faced by decision-makers. In this endeavour, the international community plays an instrumental role—particularly for developing countries—but doing so requires leveraging the sense of urgency that only the label of 'crisis' can confer on the situation. McAdam (2014a, p. 43) clearly points this out: "naming particular movements as 'crisis migration' may focus attention and mobilize action. In this way, the concept may have an important political function to play, generating a set of policy (and funding) responses." (cf. Menjívar, Ruiz and Ness, 2019a, p. 13)

Notwithstanding this advantage, the crisis label entails another risk: "Human rights treaties recognise the possibility of establishing in 'normal situations' justified limitations on rights and allow states to deviate from some of their obligations during a crisis." (Añón, 2021, p. 12) In other words, the declaration of a crisis carries the potential for governments to derogate from or suspend their human rights obligations. However, as will be elaborated in section 4.1, when a government is committed to upholding these obligations, procedures should be put in place to restore them as soon as possible (Greene, 2020a, p. 145).

In line with this, and as previously noted, crisis is understood as "a set of consequences resulting from the materialisation of a risk," and crisis management ultimately aims to restore pre-crisis conditions (Boin and Lodge, 2016, p. 293). Within this framework, the notion of a 'migration crisis' may lead to the false assumption that migration itself constitutes a materialised risk, often overlooking the fact that forced migration is, in fact, part of the set of consequences of a causal crisis. Consequently, bearing in mind that every risk entails a threat, framing forced migration as a crisis may foster the perception that the human right to migrate poses a threat to social structures, and that migration must be eliminated in order to restore a prior state of normality.

But that is not an insurmountable challenge: shifting the crisis label from migration to its causes and consequences—where the crisis truly lies—also redirects the focus of action. This perspective may encourage a reconsideration of restrictive or securitised responses to migration, not only because they are incompatible with human rights standards, but also because they are ineffective in addressing the actual crisis.

This reconceptualisation suggests that the shift from a 'migration crisis' to a 'response crisis' not only informs policymakers, but also enables scholars and migration advocates to critically reorient the debate and draw attention to where it is most needed: the response itself. An

indirect impact of this shift may also be observed at the rhetorical level, potentially curbing xenophobic discourses.

To prevent, or reverse, the failure to uphold migrants' rights due to overwhelmed state capacities, situations of forced mobility call for a strategic state response. In this regard, the association between migration and crisis may prove useful, provided that three considerations are taken into account. First, the urgency conferred by the crisis label can help mobilise action and resources. Second, shifting the focus of the crisis from migration itself to its underlying causes and consequences is essential to promote responses that support the state's fulfilment of its human rights obligations. Third, the field of crisis management offers valuable guidance for addressing the complex challenges associated with large-scale human mobility.

The framework proposed by Ansell and Boin (2019) in *Taming deep uncertainty: The potential of pragmatist principles for understanding and improving strategic crisis management* outlines four tasks which, this research argues, can be employed to uphold obligations concerning the rights of migrants during a consequential crisis. To support this assertion, this research tests their framework through the case of Venezuelan forced migration in Colombia.

Conclusion

In this chapter, the relationship between risk and crisis was explored in detail, starting from the previous understanding of crisis as a materialised risk, which has been little explored in the literature to date. Here, a thorough review of the crisis literature from various angles was given and it was pointed out not only the great confusion between the concepts of risk and crisis but also that this confusion stems from approaching crisis as a phenomenon independent of risk. It has also drawn attention, in terms of governance, to the difficulty that this misconception brings in terms of crisis management.

To overcome this issue, the chapter proposed a definition of crisis that fulfilled two main functions. The first, the relationship – and distinction – between risk and crisis that this chapter establishes, allows control over the crisis from the early stages of risk management, i.e., it allows preparation for crisis response, including transboundary crises and, as will be seen in **Error! Reference source not found.**, lays the groundwork for considering human rights during crises, as well as from the risk management stage, i.e., from preparedness.

Second, it resolved the false dilemma of objectivity/subjectivity of the crisis, and provides decision-makers with elements to better identify a crisis, and allows, on the one hand, for a timelier response and, on the other hand, for public resources to be focused on real crises (rather than reputational or politically driven crises influenced by perception).

This chapter elaborated on the risk and crisis relationship illustrating the two transitions that occur between them. The first is materialisation which occurs when a state moves from a stage of normal time risk management to a stage of crisis management, which is nothing more than response. The second transition is a review and occurs once the crisis ceases to be a crisis, returning to a revised risk management stage. In governance terms, these stages are policymaking and decision-making respectively (see **Error! Reference source not found.**).

Each of the elements and relationships that were elaborated in this chapter supports the construction of the Risk-Crisis-Rights model in its first phase. **Error! Reference source not found.** then begins with a discussion of human rights concerning risk and crisis management and takes that first phase of the model and complements it with the third element, human rights. This model is one of the most important contributions of this research.

This chapter has examined the conceptual and analytical relationship between risk and crisis, arguing that crises should be understood as materialised risks that disrupt normality, surpass response capacity, and compel immediate action under high uncertainty. In doing so, the chapter addressed a key gap in the literature—the conflation of risk and crisis—and offered a definition that integrates both objective and subjective elements. This definition not only resolves the false dichotomy between positivist and interpretive approaches, but also equips decision-makers with conceptual tools for earlier and more accurate crisis recognition.

Furthermore, the chapter has illustrated the utility of this definition by applying it to different crisis typologies, with particular attention to transboundary, creeping, and polycrises. This conceptual work laid the foundations for a critical rethinking of the so-called ‘migration crisis’. Rather than seeing migration itself as the crisis, the chapter argued for understanding crisis as either the cause of forced mobility or as the consequence of an insufficient state response that undermines the rights of migrants. This reframing leads to the conceptualisation of a ‘response crisis’, which shifts attention towards state action and opens new avenues for accountability and human rights protection.

These insights feed directly into the development of the Risk-Crisis-Rights model proposed in this thesis and developed in Chapter 4. By establishing the second pillar of the model—crisis—this chapter enables a more precise assessment of how rights are challenged or upheld during complex emergencies. The next chapter expands this model by integrating the third and final dimension: human rights.

Chapter 4 Governing Risks and Crisis

Building on the conceptual foundations established in the previous two chapters, this chapter will develop the proposed Risk-Crisis-Rights (RCR) model by outlining how the concepts of risk, crisis, and rights are interconnected. Chapter 2 introduced key issues with existing definitions of risk and proposed a more comprehensive conceptualisation that includes its core elements: causes, consequences, probability, and impact. It also highlighted risk management strategies—prevention to reduce causes and mitigation to reduce impacts—and incorporated the social dimension of risk as shaped by values. Additionally, it introduced a new typology of risks, notably Non Trade-off Risks, which arise beyond national borders and require strategies beyond conventional contingency plans.

Chapter 3 laid the groundwork for exploring the concept of crisis, proposing a definition recognising its objective and subjective dimensions and emphasising the need to address both in crisis management. It identified a crisis as the materialisation of risk. This insight establishes the first foundational link in the RCR model: the link between Risk and Crisis is precisely this materialisation, as detailed in section 4.1.1. Section 4.1.2 will develop the second link in the model, between crisis and rights, arguing that crises and crisis-driven decisions impact human rights. Despite legal allowances to derogate rights during crises, section 4.2 will explore how such obligations can still be upheld, forming a central argument of this thesis. Section 4.1.3 will address the third link, between risk and rights, extending the idea that managing risk—particularly through preparedness during 'normal times'—is essential to managing crises. However, contingency plans designed for traditional risks often fall short for Non Trade-off Risks, making capacity-building at the risk management stage crucial. This section will partially answer the research question. Finally, section 4.2 will argue that an effective crisis response is also necessary to uphold human rights, presenting Ansell and Boin's (2019) framework of four strategic tasks for crisis management from a pragmatist perspective. I will argue that combining preparedness with a pragmatic crisis response can support and promote human rights, as Chapter 8 will illustrate through the Colombian case study.

4.1 Risk, Crisis and Rights in Policymaking: Developing the RCR Model

Revisiting the research question of how risk management supports the promotion of rights during crises, this section explores the relationship between risk, crisis, and rights as a starting point for building an answer. To this end, each of the links between these three elements is

examined in turn: first, the relationship between risk and crisis; second, between crisis and rights; and finally, between risk and rights. As a result, a visual representation of these interactions is developed to facilitate understanding (see Figure 4.1).

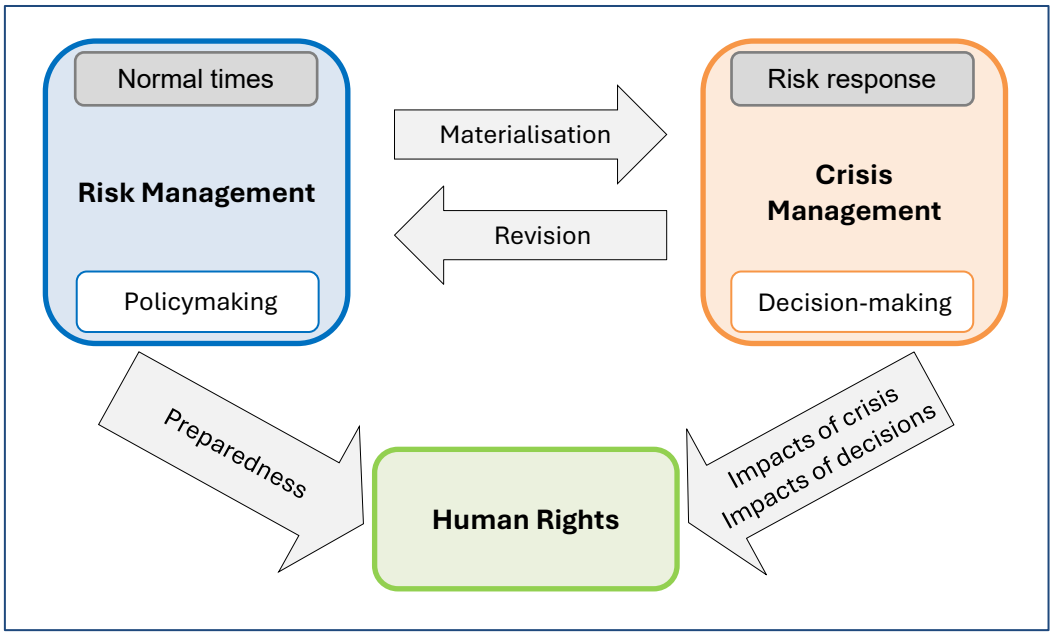

Figure 4.1 Preliminary Version of the Risk-Crisis-Rights Model

4.1.1 From Risk to Crisis: The Materialisation

As previously noted, and considering a crisis as a set of consequences resulting from the materialisation of a risk event, it becomes evident that managing risk also means managing crisis. In this vein, Jedynak and Bąk (2021, p. i) note that "Risk management is a domain of management which comes to the fore in crisis." Accordingly, the role of risk management as a form of preparation for crisis response will be examined in more detail.

To explore the first link of the RCR relationship through the lens of risk management, one can distinguish between periods of non-crisis and crisis in a state's mode of governance. In non-crisis periods, the government operates in a form of normality. During crises, it shifts to a mode of risk response—understanding the crisis as a materialised risk—and often making use of special powers. In other words, two modes in which decision-makers must act can be identified: risk management in normal times, and crisis management in response to the materialisation of risk. The transition from risk to crisis—through materialisation—also highlights that, once the crisis has subsided, governance returns to a mode of risk management. In this sense, the relationship between risk and crisis involves two transitions: from risk to crisis, and from crisis back to risk.

Referring to risk management during normal times in the public sphere, Boin and Lodge (2016, p. 291) note that "overall the field of public administration has paid only limited attention to the issue of 'risk'. This is remarkable, as 'risk' has become central to contemporary governing;" In line with this, most of the literature reviewed focuses on managing risk at the process level within public organisations, disaster risk management, and risk regulation. On the latter, Wiener (2010, p. 139) observes: "Regulation is an ex ante, prospective strategy to limit the likelihood or severity of future risks". In relation to this statement, and drawing on the concepts developed earlier, two points are worth noting. First, a 'risk of the future' refers to a risk that is not yet identifiable—that is, an 'unknown unknown.' If a risk is subject to regulation, it means that although it was identified, it has not yet materialised. In other words, the author is not referring to 'future risks,' but rather to the future materialisation of a risk—that is, a future crisis (cf. Boin, 't Hart and Kuipers, 2018, p. 24).

Second, and along the same lines, risk regulation is not an instrument for responding to crises. Hood, Rothstein and Baldwin (2001, p. 3) define it as "governmental interference with market or social processes to control potential adverse consequences to health," and later add that it refers to "attempts to control risk, mainly by setting and enforcing product or behavioural standards" (Hood, Rothstein and Baldwin, 2001, p. 3). In other words, risk regulation typically occurs when an adverse effect is suspected, deemed likely, or has previously materialised. For instance, in regulating chemical products and pollutants, the objective is to limit human exposure to substances that are likely to cause cancer, mutations, or other illnesses. However, when an actual leak occurs—such as the release of methyl isocyanate in Bhopal, India—the appropriate response must focus on containing the leak and mitigating its immediate impacts. An assessment may follow to determine whether the incident resulted from a breach of existing rules, or whether the regulation itself was insufficient to prevent such an event. A similar dynamic applies to financial crises. These have often led to the introduction of stricter regulatory frameworks, such as enhanced capital and liquidity requirements for banks (as in the various iterations of Basel accords), more robust supervision of credit and risk practices, and the establishment or strengthening of regulatory bodies. Yet these measures were not designed to mitigate the crisis itself—such as the 2008 financial crisis—but to reduce the probability and impact of similar crises in the future. In sum, risk is regulated in the present to prevent crises in the future—not to respond to crises already unfolding.

For risks that cannot be prevented by the state—such as Non Trade-off Risks, externalities, or transnational risks—whose consequences are nonetheless unavoidable, there is no room for manoeuvre regarding their prevention. As such, these risks cannot be regulated at source. In this context, a state exposed to the consequences can only manage these risks by preparing—in advance—to respond to their materialisation. This preparedness phase, which takes place

during normal times, must be designed with the recognition that standard risk plans are designed for regular, steady and frequent risks and do not work for transboundary crises (Clarke, 1999). This issue will be addressed in greater detail later.

For the second transition—from crisis back to risk—it is necessary to ask: When does a situation cease to be a crisis, and when does the return to a risk management mode occur? A simple answer would be that a crisis ends when the conditions of normality that existed beforehand are re-established. As Boin and Lodge (2016, p. 293) state, "The management of crises and disasters has long been studied in technical-professional terms, as the skilled execution of plans and procedures to bring a situation back to normal." This cessation of the crisis can occur through two types of response strategies: those that focus on its causes, and those that focus on its consequences. However, focusing on causes is only feasible when the crisis is being sustained by an identifiable source that can be effectively intervened upon. This is the case with certain types of risks, such as chemical spills or leaks. Even when a response is able to intervene in the causes, it will still be necessary to address the consequences. For instance, leaked materials must be safely disposed of; individuals who were injured or became ill must receive care; audits and investigations must be carried out to determine the underlying causes; economic losses must be addressed; and regulatory frameworks may need to be strengthened or enforcement improved.

In the case of the arrival of forced migrants in host countries where institutional capacities have been overwhelmed, the crisis stems not from the displacement itself, but from an inadequate response to uphold migrants' rights. In such situations, addressing the root causes of displacement—such as armed conflict or climate change—may eventually halt the flow of forced migration, but it will not resolve the crisis of response, which is experienced by migrants themselves through the denial of their rights. The crisis will cease when the state is able to restore its capacity to uphold its obligations towards migrants' rights. This reinforce the claim made in section **Error! Reference source not found.**: there is no such thing as a migration crisis, but rather a crisis of response.

For some crises, previous conditions cannot be re-established. Instead, integrating certain elements or manifestations of the crisis into everyday life gives rise to a 'new normal.' This is the case, for example, when a crisis of response to migration is resolved by integrating migrants into host communities as one of the durable solutions (Owen, 2020, p. 67). However, the overwhelming of institutional capacities is a condition that must be addressed in order to overcome the crisis (Owen, 2020, p. 108). The COVID-19 pandemic also led to the incorporation of crisis-related measures—such as remote work and the widespread use of face masks—into

daily routines, with some of these measures remaining in place for over two years in certain countries.

On this basis, a crisis may be deemed over when its consequences no longer cause significant disruption to social systems, whether through a return to normality or an adaptation to a new normal. It is important to bear in mind that "a crisis that is not effectively brought to a close can linger on for years if not decades" (Boin et al., 2016. Cited in Boin, McConnell and 't Hart, 2021, p. 88). A process of formally closing the crisis should be led by decision-makers, but informed by both the resolution of its material elements—such as the disruption of normality and the overwhelming of response capacities— and the perceived threat as experienced by those affected.

The National Collaborating Centre for Healthy Public Policy (2018, p. 6) notes that "External shocks, such as economic crises, epidemics or natural disasters, can also highlight the inadequacies of a political subsystem. They may, through their consequences, directly challenge the existing policy image or the policy venue that fosters it." The theory of punctuated equilibrium suggests that crises can act as catalysts that interrupt extended periods of institutional stability, giving rise to sudden and significant changes in public policy (Baumgartner and Jones, 2009). Hay (1996, p. 255) defines a crisis as "a moment and process of transformation." Similarly, authors such as Boin (2009, p. 374) and Resodihardjo (2020, p. 14) have argued along these lines. This body of work hints at the notion of crises as opportunities, and more directly suggests that "a crisis may open up unforeseen 'windows of opportunity'." (Kingdon, 1984. Cited in Boin, 't Hart and Kuipers, 2018, p. 24). However, a crisis may pass without producing substantial changes in the affected social system. As Boin and 't Hart (2022, p. 13) caution, "empirical research suggests that these proponents of crisis-induced change should not be too optimistic." In a similar vein, Boin, 't Hart and Kuipers (2018, p. 34) recognise that advocating for crisis as an opportunity for reform is utopian.

I argue that change must be pursued during the crisis itself, rather than waiting for the crisis to be resolved before initiating reform. This underscores the importance of taking advantage of crises as they unfold, not only because the threat and its perception help place the issue on the policy agenda (Resodihardjo, 2021; Boin and 't Hart, 2022, p. 14) but also because such issues can quickly fade from it (Boin, 't Hart and Kuipers, 2018, p. 29). Moreover, crises may bring resources (in the form of international cooperation) or enable their redistribution (Kouzmin, 2008, p. 158). It is through the strategic use of these conditions—agenda-setting momentum, resource availability, and institutional openness—that capacities can be built, including leadership and legal and regulatory frameworks to improve future crisis response (and even prevent crises). This is precisely where the opportunity offered by a crisis lies.

Kouzmin (2008, p. 163) points out: “Learning phases receive the least attention from scholars and managerialists because organizational learning efforts are costly in time and effort, and are the least dramatic and visible in the short term.” This reinforces the idea that a crisis is a moment of opportunity, since the pragmatist approach (as will be developed in section 4.2.1) enables such learning—specifically, the revision of risk management strategies—in real time. The capacities developed in such moments lay the groundwork for preparedness mechanisms that can, in practice, replace contingency plans, particularly those that have proven ineffective in the face of transboundary crises.

In summary, this first stage of the RCR Model indicates that risk is linked to the crisis through its materialisation, and then feeds back—from crisis to risk—through the revision enabled by a pragmatist response to the crisis, as evidenced in capacity building. This serves to highlight and reinforce the notion of a crisis as an opportunity.

4.1.2 Crisis and Rights: Objective Obligations

The second relationship presented by the RCR model is that between crisis and human rights (see Figure 4.1). As previously discussed, human rights impacts may arise from two sources: as a consequence of the materialisation of the risk, and as a result of decisions taken in response to the crisis—i.e., as a by-product of crisis management “The OHCHR defines adverse human rights impacts as impacts that occur ‘when an action removes or reduces the ability of an individual to enjoy her or his human rights’” (Mares, 2019, p. 523).

Before addressing this relationship, it is worth clarifying the understanding of human rights adopted in this thesis. Human rights are approached here from a legal perspective, understood as objective obligations in which human dignity constitutes “the regulated legal interest” (Añón, 2021). Throughout this section, this notion—drawing on the United Nations’ Declaration of Human Rights—will be further elaborated and developed.

With regard to the treatment of human rights in the migration literature, this discussion will be developed in Sections 5.3 and 8.2, as these perspectives are specific to the case study. Nevertheless, it is important to clarify that this thesis aligns with the understanding of rights proposed by migration and refugee scholars. McAdam (2014b) articulates this position clearly:

> As a matter of law, all people have human rights. They are safeguarded by a range of international, regional, and national legal instruments which articulate universal rights pertaining to all persons, as well as emphasizing particular rights for particular groups—such as women, children, and the disabled. It is widely accepted that human rights are indivisible, interdependent, and interrelated. Whether they are expressed as

> civil and political rights or as economic, cultural, and social rights, the fundamental notion underpinning human rights is that they are derived from the inherent dignity of every human being. (McAdam, 2014b, p. 203)

> Forced migrants are entitled to enjoy the full range of civil, political, economic, social, and cultural rights set out in international and regional human rights treaties and customary international law. With very few exceptions (relating to the right to vote, the right to stand for public office, and the expulsion of aliens), the international human rights instruments make no distinction between the rights of citizens and (forced) migrants. Indeed, the principle of non-discrimination mandates that states respect and ensure human rights 'without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status' (ICESCR, Art. 2(2); see also ICCPR, Art. 2(1)). That is not to say that all differential treatment amounts to discrimination, but rather that it will only be justified if the criteria for such differentiation are 'reasonable and objective' and the overall aim is 'to achieve a purpose which is legitimate' under human rights law (UN Human Rights Committee 1989: para. 13). (McAdam, 2014b, p. 204)

Building on this understanding, and as discussed in Section 8.2, the empirical evolution of the Colombian case can be said to fulfil this account of human rights, both from a legal perspective and as conceived by migration scholars.

Whatever the focus of a study involving human rights, it must inevitably begin with the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in 1948. As stated in its preamble, human rights are grounded in the dignity of the person. As Añón (2021, p. 6) stated, human dignity constitutes "the regulated legal interest" and must be safeguarded by the rule of law. However, "human rights treaties recognise the possibility of establishing in 'normal situations' justified limitations on rights and allow states to deviate from some of their obligations during a crisis" (Añón, 2021p. 12).

In light of this possibility, and the view that crises can serve as opportunities to advance political agendas (Hay, 1996; Jessop, 2015; Boin and 't Hart, 2022), as mentioned earlier, it is important to recall that crises are exploited from multiple angles and by various actors, with both direct and indirect consequences for human rights. As Borda (2020b, p. 12) notes, "The actors in power know that it is an opportune moment not only to accumulate power but also to use it in the best possible way … the situation has helped them to improve their positions in society."[3]

[3] Translated from Spanish

Authoritarian practices—now increasingly common within democratic systems—often lead to the derogation or limitation of human rights obligations during crises, frequently exceeding the bounds of the principle of proportionality (Jessop, 2015; Borda, 2020b;a; Youngs and Panchulidze, 2021). Furthermore, acute crises are becoming more frequent, in which rights are subordinated in the name of security or economic stability. As Scheinin (2020, n.p.) warns, "Emergency powers carry a grave risk of being abused, often for political purposes such as curtailing dissent, dissolving Parliament, postponing elections or cementing the powers of a would-be dictator." Crucially, once a crisis has ended, rights are not always fully restored; on the contrary, the next crisis often begins from a diminished baseline, normalising prior restrictions. There is, therefore, a clear need to explore strategies that help uphold obligations and safeguard rights during times of crisis. In this spirit, the study argues that effective strategic crisis management, guided by pragmatist principles (Ansell and Boin, 2019), can support the promotion of rights in crisis contexts. This argument will be developed in detail below. First, however, it is necessary to examine the concept of obligations.

Following the work of María José Añón (2021), two key elements can be identified to support this understanding. First, "Human rights obligations [are] understood as objective obligations that are derived from peremptory norms whose guarantor is the international community" (Añón, 2021p. 22). Second, "Human rights treaties recognise rights for individuals (which must be protected) and obligations for states and other subjects (which must be supervised) with validity in both the international and national order" (Añón, 2021p. 6). On this basis, the (non-)derogation of obligations—referred to as suspension in Spanish, as the author notes—can be understood as a central element in the promotion of fundamental rights during crises.

The derogation of human rights obligations is permitted under "article 4 of the ICCPR, article 15 of the European Convention on Human Rights, and article 27 of the Inter-American Convention on Human Rights" (Añón, 2021, p. 12) as follows:

> Article 4
>
> 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

> 2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
>
> 3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation (United Nations - General Assembly, 1966).

On the one hand, it is worth noting that "countries that have abused emergency powers to seize power have not applied the derogation clause because they do not wish to be limited by the framework of official derogation" (Añón, 2021, p. 17). This may suggest that a state genuinely committed to upholding the dignity of its citizens will do so regardless of whether it formally derogates from its obligations. In a similar vein, Scheinin (2020) observes:

> For Greene, it would be the failure to use the derogation option that today 'risks normalising exceptional powers and permanently recalibrating human rights protections downwards'. If the exigencies of the COVID-19 pandemic require exceptional measures and deviation from some dimensions of the full enjoyment of all human rights, then it is best to introduce those measures through a framework that entails a commitment to legality and to the full restoration of normalcy as soon as possible (Scheinin, 2020, n.p.).

On the other hand, it is of vital importance to note that Article 5 of the Covenant states:

> 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
>
> 2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent (United Nations - General Assembly, 1966).

In other words, notwithstanding the limitations on rights or derogations from obligations permitted in times of crisis, fundamental human rights obligations remain inescapable. Moreover, such obligations ought to be reinforced (Añón, 2021, p. 18).

While crises are characterised by their haste, and those associated with transnational risks are marked by the need for decision-makers to negotiate trade-offs between values (Boin, McConnell and 't Hart, 2021, p. 7), the suppression of fundamental rights in the name of other 'values' remains questionable—particularly when tools such as risk management enables the mitigation—or even avoidance—of such trade-offs through both ex ante and ex post strategies (Mares, 2019).

If risk, as a social construct, is underpinned by a system of values, it is worth considering whether human rights should likewise be understood as a set of values. According to Añón (2021):

> The human rights normative framework has produced norms with a general character and a universal mission. Human rights obligations are objective … Mègret underlines the idea that the fulfilment of this purpose is not strictly dependent on the commitments of the parties to the subjective dimension (Añón, 2021, p. 5).

Put another way, the objectivity of human rights obligations stands in tension with the inherently subjective nature of values. At first glance, this may appear to contradict Boin, McConnell and 't Hart (2021, p. 9) observation that "In any crisis, core values in a system are at stake. They may become endangered and violated." However, this very point helps to clarify that, given the ideological vulnerability of values during crises, it is imperative to distinguish human rights from a mere set of values. As Mègret, 2010. Cited in Añón (2021, p. 2) reinforces, "… human rights are intrinsically different in nature and belong to a very different history and teleology than general international law."

Due to its disruptive nature, a crisis demands exceptional measures. As pointed before, Boin and Lodge (2016, p. 293) note, "The management of crises and disasters has long been studied in technical-professional terms, as the skilled execution of plans and procedures to bring a situation back to normal." Añón (2021, p. 15) writes in a similar vein: the aim of such measures is always (or ought to be) the restoration of normality. However, increasingly, 'normal' may refer to a 'new normal,' particularly when the circumstances of the crisis alter social structures, making a return to the initial state unlikely—this is especially true in the case of protracted crises.

In summary, given that human rights obligations are objective and therefore cannot be treated as mere trade-off values, and recognising that crises and their responses may adversely affect those rights, there is a clear need to manage such impacts. This is achieved through risk management strategies—such as capacity building—that, from a pragmatist approach, enable

the reparation of harms to human rights (Owen, 2020, p. 67). This will be addressed in the next section.

4.1.3 Risk and Rights: Building Capacities

Given that human rights have been examined from multiple perspectives and are the subject of extensive scholarship, it becomes pertinent to ask: why approach them through the lens of risk management? How can the field contribute to the protection of human rights in times of crisis? To address these questions, it is essential first to consider what risk management theory offers in relation to human rights.

As a first step towards addressing these questions, a literature review was conducted, revealing that the issue of rights has predominantly been approached from a legal perspective, given that human rights constitute a legal guarantee (Añón, 2021, p. 2). The review also found that there are as many approaches as there are rights to be considered. For example, the right to health is often analysed in relation to the management of risks associated with access to health care services (availability, accessibility, quality), social determinants of health, protection from health-harming practices, and other related factors. The same applies to the rights of migrants, and of children and adolescents, to name just a few. Literature on disaster risk management similarly tends to adopt a rights-based approach (Kalin, 2012; Ferris, 2014; Da Costa and Pospieszna, 2015; UNISDR, 2015; Cedervall Lauta, 2016). In short, the review revealed a wealth of literature focusing on specific rights and analysing the risks that threaten their protection. However, few references consider risk management as a field of knowledge that could enhance the promotion of rights more broadly. Given this limited engagement with human rights within risk management theory, the question arises as to why—despite the logical soundness of risk management as a tool for securing rights—these two issues have mainly been brought together in the financial-development sphere, rather than being expanded into other domains (Kytle and Ruggie, 2005; Ruggie, 2007;2015; Mares, 2019; Añón, 2021, p. 19). On the one hand, this study suggests that this may be due to a lack of clarity regarding the relationship between risk and crisis (or their conceptual distinction); on the other hand, and following Mares (2019, p. 518), the development of risk management tools remains relatively recent.

Building on the work of Scheinin (2020) and Añón (2021), it is clear that it is possible to uphold human rights obligations during crises. I argue that one way to achieve this is through the application of risk management. To support this claim, the following notions must first be borne in mind: (i) risk management, by definition, is designed to manage risks (ii) a crisis can be understood as a materialised risk; and (iii) human rights impacts often result from the decisions

made in response to crises. Taken together, these considerations outline a logical pathway for safeguarding human rights during crises by means of risk management.

To identify the specific ways in which risk management can contribute to the titanic task of promoting human rights during crises, it is important to return to Figure 2.1 and the definition of risk as *The possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty*. Since causes and consequences constitute the tangible elements of risk, risk management strategies must address this domain. As previously noted, in the case of NTRs, causes often lie beyond the control of policymakers; therefore, the emphasis must be placed on managing consequences. Given the disruptive nature of transboundary crises, the need for flexibility, and for adaptive and even disruptive strategies, is reinforced by the well-known observation that "contingency plans rarely survive contact with the enemy" (Clarke, 1999. Cited in Boin, McConnell and 't Hart, 2021, p. 46). In this regard, the approach proposed by Ansell and Boin (2019) appears particularly well suited to responding to transboundary crises.

Risk and contingency plans based on rigid rules, strict procedures, and centralised, protagonistic leadership reflect a static model better suited to conventional crises. In contrast, Boin (2009, p. 373) observes, "The management of crisis, however, requires flexibility, improvisation, redundancy, and the occasional breaking of rules." Such flexibility stems, first, through a pragmatist approach and, second, through capacity building—primarily developed during the preparedness phase of risk management and, in the case of protracted crises, also built throughout the crisis itself.

While the field of public administration offers an extensive body of literature on state capacities (see for example Andrews, Pritchett and Woolcock (2017)), this thesis focuses on the capacities highlighted in the crisis management literature as essential for responding to crises. These include:

- Experience and skills

While preparedness documents drafted in advance may have limited effectiveness, a pragmatist perspective highlights the critical importance of the habits and skills that decision-makers bring to bear during a crisis. In this context, prior experience in crisis management is particularly valuable. Although this may appear paradoxical, training can contribute to the development of these essential skills (Ansell and Boin, 2019, pp. 1094-1096).

- Transboundary integration

Effective responses to transboundary crises require more than transnational cooperation; they demand transboundary efforts that engage all the levels these crises traverse. From a pragmatist perspective, this entails developing joint strategies and building administrative capacities that are less dependent on political considerations and more oriented towards 'epistemic expert communities' (Boin, McConnell and 't Hart, 2021, p. 113).

- Leadership

Drawing on pragmatism, Ansell and Boin (2019, p. 1100) advocate a model of leadership grounded in the behaviour demonstrated by skilled crisis managers in practice—marked by humility and an awareness of the provisional nature of their knowledge. As they note, "Decision makers are not just information processors. They must approach situations as creative, moral, and knowledgeable actors" (Ansell and Boin, 2019, p. 1090). But they also realised that "many leaders do not have the cognitive or organizational means to tame the deep uncertainty that comes with crisis" (Ansell and Boin, 2019, p. 1080). This observation makes the 'experience and skills' capacity an instrumental part of leadership. Kouzmin (2008, p. 169), for his part, also implicitly advocates pragmatist principles—fallibilism and experimentalism—in exerting leadership when he calls for "second-chance" meetings and the use of the "devil's advocate" strategy to, for instance, combat the risks posed by groupthink.

Boin, 't Hart and Kuipers (2018, p. 32) state that "Crisis decision-making is making hard calls, which involve tough value trade-offs and major political risks." This should prompt crisis and public administration scholars to reinforce the principle that human rights are not tradeable values, and that they can only be safeguarded by "creative, moral, and knowledgeable actors."

Although these are the three main capacities required to respond to crises according to the crisis management literature, findings from the fieldwork suggested the need to reorganise and expand them. As Boin and 't Hart (2003, p. 546) note, "crisis management has become a leadership issue," a point reinforced by my fieldwork findings, which indicate that much of crisis response revolves around the experiences and skills of the leader. Likewise—though not exclusively—transboundary integration often depends on the abilities of the crisis leader. Finally, I have found that the institutional framework, including bureaucracies and the legal framework, constitutes a crucial capacity to be developed in order to respond effectively to crises and promote human rights. In other words, I propose reframing the capacities needed to respond to crises as: leadership (skilled, experienced, and moral), transboundary integration, and an institutional framework (encompassing bureaucratic and legal components). This issue will be revisited in the discussion in Chapter 9.

In summary, the RCR Model conceptualises the relationship between risk, crisis, and rights as interrelated elements. Risk is understood as a latent condition that, once materialised, gives rise to a crisis; crises, in turn, generate adverse impacts on human rights. Such impacts stem not only from the crisis itself but also from the decisions taken in response. Risk management therefore emerges as a strategic instrument for safeguarding rights through preparedness and response. By highlighting the intersections among these three domains, the RCR Model provides a conceptual lens for understanding how decision-making during crises can either erode or reinforce rights. This model provides the foundation for the subsequent analysis, which explores how crisis response can be designed to be both effective and rights-conscious, drawing on the framework proposed by Ansell and Boin (2019) for strategic crisis response.

4.2 Crisis Management as Risk Response: A Strategy Framework

The previous section outlined the relationship between the three main elements considered in this study: risk, crisis, and rights. However, responding to a materialised risk in a way that accounts for human rights requires a well-established framework. In this regard, the proposal by Ansell and Boin (2019) offers a robust foundation. This section enriches that framework by incorporating and discussing concepts from Boin (2009); Ansell, Boin and Keller (2010); Wiener (2010); Ansell and Geyer (2016); Boin and Lodge (2016); Resodihardjo (2020); Boin, McConnell and 't Hart (2021); Haier *et al.* (2022), with the aim of completing the RCR model.

Following Boin and Lodge (2016, p. 291) when argue that “problems in the response to crises are found at the strategic rather than the operational level,” the purpose of this section is not to outline the operational tasks that first responders must undertake during a crisis, but rather to highlight the strategic tasks that decisionmakers should pursue, guided by pragmatist principles, in order to ensure an effective response—one that, at a minimum, takes human rights into consideration.

To begin addressing the response, it is worth noting that transboundary crises pose challenges that other types of crises do not. Ansell, Boin and Keller (2010) highlight four key challenges in transboundary crisis management and also “explore what is needed to build a response system that can reach across boundaries and bring together available capacities in an effective and timely manner.” (Ansell, Boin and Keller, 2010, p. 200). While this offers a valuable insight into crisis response, Ansell and Boin (2019) later present a framework that directly addresses these challenges and is particularly well suited to this research.

The first challenge identified is “coping with uncertainty”. They distinguish three types, which can be summarised as “the source of the problem”, “the evolution of the problem”, and “possible solutions” (Ansell, Boin and Keller, 2010, p. 197). These three types of uncertainty correspond to the sources of uncertainty outlined in section 2.3. In other words, in the context of risk, uncertainty may arise from various factors, such as the probability of occurrence, the timing of materialisation, the causes that trigger it, the nature of potential consequences, the magnitude of their impact, and the effectiveness of the measures implemented to address the risk. In this sense, uncertainty is significantly amplified in the context of crises.

The second challenge is “providing surge capacity” (Ansell, Boin and Keller, 2010, p. 198). As crises—understood in this study as events that overwhelm response capacities—require extensive resource mobilisation, this becomes essential for an effective response. This is particularly true for developing countries, where cooperation from the international community plays a fundamental role. It is worth noting that the guarantor of human rights obligations is, in fact, the international community. This will be illustrated in Chapter 7 and Chapter 8.

The third challenge is “organizing a response” (Ansell, Boin and Keller, 2010, p. 198). The transboundary nature of such crises highlights the need to coordinate across the various domains the crisis has affected—such as jurisdictions, levels, sectors, and institutional boundaries. As Ansell, Boin and Keller (2010, p. 199) observe, “People and organizations, with very different motivations and resources, must suddenly work together in a stressed environment with very little information.”

The four challenge is “communicating with the public (meaning making)”:

> In a crisis, political leaders are expected to reduce uncertainty and provide an authoritative account of what is going on, why it is happening and what needs to be done (’t Hart, 1993) … If other actors succeed in dominating this meaning-making process, the ability of incumbent leaders to decide and manoeuvre is severely constrained (Ansell, Boin and Keller, 2010, p. 200).

An additional, albeit related, challenge is introduced by Wiener (2010, pp. 151-152): increasing interconnectedness, particularly in terms of the need to coordinate risk policies at the international level—especially when dealing with transboundary or global risks. At the same time, this very interconnectedness provides an opportunity to learn from other countries through the transnational diffusion of regulatory innovations.

The traditional approach to crises, grounded in rationalism, has proven effective for repetitive and familiar events that involve lower degrees of uncertainty. In such cases, it is possible to define step-by-step actions—such as risk or contingency plans. However, transboundary crises

present significant challenges for decision-makers. In response to this complexity, and in line with the call to address the strategic dimension of crisis management highlighted by Boin and Lodge (2016), the works of Ansell and Geyer (2016) and Ansell and Boin (2019) offer an alternative. Drawing on pragmatism, they propose a framework capable of addressing the intricacies of transboundary crises, as it "moves away from the 'reductionist model of positivism' and instead conceives of research as a 'socially-mediated process of problem-solving based on experimentation, learning and context specificity'." (Ansell and Geyer, 2016, p. 152)

As Boin, McConnell and 't Hart (2021, p. 57) note: "In the absence of meaningful information, the best approach to solving this dilemma might be what is known as the 'pragmatic approach' to crisis management (Ansell & Bartenberger, 2019; Ansell & Boin, 2019)." These principles will be briefly explored below.

4.2.1 Pragmatist principles

Ansell and Boin (2019, p. 1083) state that "Pragmatism refers to a practical and commonsensical way of behaving, characterized by flexibility and compromising to get things done." They later add: "A Pragmatist approach to strategic crisis management emphasizes a general ethos that combines a sense of 'fallibilism'—a combination of modesty and doubt—with a disciplined abstention from 'antidualism,' and a preference for experimentation and bricolage." (Ansell and Boin, 2019, p. 1088) Below, each principle is defined.

> The first component of the Pragmatist ethos [fallibilism] can then be summarized in the following way: Our knowledge of (crisis) processes remains fallible and is in need of constant calibration in the face of emerging doubts and new facts (James, 1909/1997; Peirce, 1992). The Pragmatist view invites us to acknowledge, rather than reduce, the complexity of the world (Langley & Tsoukas, 2012) (Ansell and Boin, 2019, p. 1088).
>
> The second component of the Pragmatist ethos instructs strategic crisis managers to avoid self-imposed dichotomies as they blind them to the complexities of their environment (Peirce, 1992). This antidualism helps crisis managers to deal with decision situations that are framed in terms of dilemmas (e.g., Farjoun, 2010; Weick, 1979). By avoiding the temptation to accept simplifying definitions of a situation, one also escapes from the apparent logic of action that comes with such definitions … Deliberation informs this process (Ansell and Boin, 2019, pp. 1088-1089).
>
> The third component of the Pragmatist attitude is experimentalism. Strategic crisis managers should treat strategies as provisional and subject to continuous revision as

> new information becomes available … A series of small decisions in adaptive fashion will help decision makers wrestle down the imperatives of uncertainty. Rapid feedback allows for subsequent refinement of strategy (Ansell and Boin, 2019, p. 1089).
>
> The fourth component of the Pragmatist attitude is bricolage. Pragmatists prefer bricolage over clean-slate reasoning … Bricolage is about exploiting available resources, combining them improvisationally to address specific needs (Duymedjian & Rüling, 2010). It may require strategic crisis managers to deploy existing institutions, for example, toward new purposes (Carstensen, 2017). But it does not call for resources that are not available (Ansell and Boin, 2019, p. 1089).

Now that the pragmatist principles have been clarified, the four strategic tasks for responding to transboundary crises proposed by Ansell and Boin (2019) are presented.

4.2.2 Strategic Crisis Management Tasks

In their framework, Ansell and Boin (2019, p. 1082) state that "The underlying assumption is that the effective execution of the following tasks will help a response network produce the best possible actions to limit the impact of crises." This statement is central to the present study, which aims to reduce or limit the negative impact of crises—and the decisions taken in response to them—on human rights. Below, I present a summary of the tasks proposed by Ansell and Boin (2019), which are informed by a pragmatist ethos. I discuss these tasks in dialogue with contributions from other authors, enriching what may be seen as a framework for an effective crisis response.

Sense-making

Since the factual elements that render a crisis objective have already been discussed, it is now pertinent to examine the main component of the subjective dimension—namely, sense-making. Ansell and Boin (2019, p. 1082) define this as "Organizing the process through which strategic crisis managers arrive at a shared understanding of the evolving threat and its consequences. This requires the collection, analysis, and dissemination of information about the unfolding threat and its consequences."

Making sense of the crisis represents the transition from risk to crisis. That is, the recognition that a risk has materialised. Once it is sensed that the event constitutes a crisis, the first step is to declare a 'crisis mode' (Haier *et al.*, 2022, p. 5). As Boin, McConnell and 't Hart (2021, p. 11) observe, "We expect crisis leaders and crisis systems to rapidly shift into crisis mode, drawing on contingency plans and extensive preparation. We expect the 'public interest' to prevail". This declaration is of the utmost importance, as the entire response to the crisis will depend on it. As

Boin, McConnell and 't Hart (2021, p. 20) further note: “If not enough people—or not enough powerful people—sense risk, sense threat, sense significant values and interests being at stake, the system will not respond; or it responds in, what later turns out to have been, a too-little, too-late fashion.”

According to (Ansell and Boin, 2019, p. 1091) the pragmatist attitude applied to the task of sense-making encourages treating “the emerging picture of the situation as a hypothesis and test it continuously against incoming information.” They also refer to this approach as involving triangulation and feedback loops. Additionally, they stress the importance of paying close attention to the environment—particularly to anomalies—and caution against the tendency “to categorize events, using, for instance, clear-cut labels” (Ansell and Boin, 2019p. 1090). Furthermore, they state that “Experience and skill are likely to be especially important in these circumstances (Ansell and Boin, 2019p. 1091) As noted in section 4.1.3, these two factors—experience and skills—are an instrumental part of the capacities that need to be built.

Finally, Ansell and Boin (2019, p. 1091) emphasise that deliberation is an essential condition for making sense of a crisis. They define it as “the skill of critically discussing underlying assumptions, causal reasoning, and resulting interpretations” (Ansell and Boin, 2019, p. 1091).

In the same vein, ‘t Hart 1993, as cited in Resodihardjo (2020, p. 14) asserts:

> A shared problem definition will make it easier to take action because a problem definition not only contains what the problem is all about, but also what its cause(s) and solutions are … Now, the reason why it is possible to hold a debate on the nature of the event is because it is quite rare that an event is clearly a crisis in and by itself. More than not, an event needs to become defined as a crisis (‘t Hart 1993, Cited in Resodihardjo, 2020, p. 14).

This final quotation further reinforces the role of the subjective dimension in shaping the crisis.

Strategic crisis decision making

The challenge of responding to crises is, from many perspectives, a decision-making problem. As previously noted, the emphasis should be placed on the strategic level rather than the operational one (Boin and Lodge, 2016). In this line, Ansell and Boin (2019, p. 1082) define this task as “Making strategic decisions (while avoiding operational ones) that are effective and legitimate, both in the short and the long run.”

According to the pragmatist approach to crisis, decisions should be incremental and avoid irreversibility (Ansell and Boin, 2019, p. 1093). As such, strategic objectives must be updated progressively. Deliberation, debate, and consensus should play a central role in this process,

along with careful consideration of societal values. This approach, as they note, "also helps leaders to avoid the 'great man' trap (the idea that leaders must make all decisions during a crisis)" (Ansell and Boin, 2019p. 1094). Experience and leadership remain crucial throughout the crisis. In addition, pragmatism encourages the use of available "situations and resources as you find them at hand (bricolage) rather than striving for ideal conditions" (Ansell and Boin, 2019p. 1101).

Crisis coordination

When responding to a crisis that crosses multiple boundaries and levels, coordinating a large number of actors, actions, and the mobilisation of resources becomes not only a crucial task but also a significant challenge for those leading the response (Ansell, Boin and Keller, 2010, pp. 197-200).

Ansell and Boin (2019, p. 1082) define coordination as "Facilitating the implementation of planned actions and strategic decisions by motivating actors in the response networks to work together and perform their tasks (in an effective and legitimate way)."

Referring to the pragmatist approach, Ansell and Boin (2019, p. 1095) describe the coordinator as "a facilitator of network performance." This role requires continuous communication and deliberation at all levels of the response network, which they identify as essential conditions for effective coordination (Ansell and Boin, 2019p. 1096). They also acknowledge the inevitable complexity of large-scale crises, cautioning that "there will be overlap and informal back channels" (Ansell and Boin, 2019p. 1096). Moreover, they warn against "overestimating one's capacities" (Ansell and Boin, 2019p. 1095), emphasising instead the value of experimentation and bricolage, which they associate with the flexibility needed to respond effectively to crisis situations.

Meaning-making

Ansell and Boin (2019, p. 1082) define the meaning-making of a crisis in simple terms as "Explaining to all involved what is going on, what is being done to remedy the situation and limit the consequences, and offering actionable advice to move forward." In short, "action and interaction create meaning" (Ansell and Boin, 2019, p. 1088)

The communication of crisis-related aspects to the public has also been identified as a key challenge in crisis response (Ansell, Boin and Keller, 2010, p. 200). Its importance lies in the fact that the acceptance and support of the actions taken by those shaping the meaning of the crisis will depend on how effectively this communication is managed. Moreover, this is a task in which different actors may compete to impose their interpretation on public opinion. If this process is

not handled skilfully, others may use the dominant narrative against the crisis leadership, potentially triggering a political crisis that exacerbates the transboundary nature of the original crisis. This stage—often seen as a phase within the crisis response—is also where blame games emerge, and culprits are sought (Brändström and Kuipers, 2003; Resodihardjo, 2020;2023).

From a pragmatist approach, Ansell and Boin (2019, pp. 1097-1098) urge leaders to be cautious in their communications, avoiding strong public statements and hasty responses. They also encourage attentiveness to small dramas and sensitivities, as these can serve as valuable cues for communicating meaning.

The process of meaning-making will also depend on the characteristics of the crisis. “It is much more difficult for governments (or any other actors) to achieve and maintain meaning-making dominance in protracted, slow-burning crises as opposed to relatively short and episodic ones.” (Boin et al., 2021; cf. ‘t Hart & Boin, 2001. Cited in Boin, McConnell and 't Hart, 2021, p. 75) The authors illustrate this point with a compelling and recent example:

> Making meaning of the protracted COVID-19 mega-crisis has proven to be even harder still. Threats that morph. Uncertainties that do not abate. New uncertainties that arise. Unintended but inevitable negative consequences of control measures that hurt more and more. Public moods and risk equations that shift as a result. Actions taken by other governments and companies that cannot be controlled but affect one’s constituents. (Boin, McConnell and 't Hart, 2021, p. 79)

4.2.3 Characterising the RCR Model

Understanding a conceptual framework as “a network, or ‘a plane,’ of interlinked concepts that together provide a comprehensive understanding of a phenomenon or phenomena” (Jabareen, 2009, p. 51), this thesis develops a conceptual framework that delves in the conceptualisation of risk, crisis, and rights, and establishes the relationship between them. This framework is represented through the RCR Model, using the term model in an analytical sense, understood as “one class of scientific representations” (Gelfert, 2016, p. 4) and as a tool that can fulfil a range of functions and be applied in a variety of ways in problem-solving contexts (Morrison and Morgan, 1999, p. 35). The RCR Model can be conceived as a semantic representation of an aspect of the real world constructed for specific purpose (Giere, 2004, p. 743). In this case, the relationship and interaction between risks, crises, and rights constitutes the relevant aspect of the real world, and the purpose of the model is to structure the analysis of the research question: *How does risk management support the promotion of human rights during crises?*

Given the multiple ways in which models can represent such different aspects of reality (Morrison and Morgan, 1999, p. 27; Gelfert, 2016, p. 43), it is worth clarifying the type of model that the RCR constitutes. Gelfert (2016, p. 12), following Max Black, mentions four overarching types of models: "scale models, analogue models, mathematical models, and theoretical models." He further defines theoretical models as "begin usually by extrapolating imaginatively from a set of observed facts and regularities, positing new entities and mechanisms, which may be integrated into a possible theoretical account of a phenomenon; comparison with empirical data usually comes only at a later stage, once the model has been formulated in a coherent way" (Gelfert, 2016, p. 12). The construction of the Risk–Crisis–Rights (RCR) model reflects that staged process of theoretical abstraction. First, the model extrapolates from observed facts and regularities identified in the literature on risk, crisis, and governance, as systematised in Chapters 2 and 3, where recurring patterns in how risks materialise and affect rights are analytically distilled. On this basis, the model posits new analytical entities and mechanisms—such as the links of materialisation, preparedness, and capacity-building—which are integrated in Chapter 4 into a coherent theoretical account of how risk management can shape rights outcomes during crises. Comparison with empirical data is deliberately reserved for a later stage, with the Colombian case analysed subsequently to assess the model's explanatory reach and to inform the refinements presented in Chapter 9.

On their part, Clarke and Primo (2012, p. 13) states that "the true measure of a model is usefulness." Drawing from this and the previous paragraph, in which the theoretical nature of the model was clarified, their understanding of the usefulness of theoretical models is understood "in any one or more of four different roles: foundational … organizational … exploratory … and predictive" (Clarke and Primo, 2012, p. 14). The RCR model theoretical function is exploratory, given that this are "used to investigate the putative (causal) mechanisms or motivations underlying phenomena of interest" (Clarke and Primo, 2012, p. 90). The RCR fulfils this role when it uncovers how risk management practices and crisis-response logics interact to shape human rights outcomes, thereby making explicit the mechanisms through which risks materialise into crises and affect rights. Clarke and Primo (2012, p. 91), noted as well that exploratory models "also allow the researcher to examine the impact of institutions, rules, or other constraints on behavior" by enabling an examination of the role and dynamics of institutions like the Foreign Ministry, the BMO and the UNGRD, by analytically situating policymaking, preparedness, and decision-making capacities within that broader governance structures that condition behaviour during both normal times and crises. Finally, Clarke and Primo (2012, p. 92) assert that exploratory models serves to "explaining the events surrounding a specific case or small number of cases." Following this, the RCR model is applied to explain the events surrounding the case of Colombia's response to Venezuelan forced

migration, allowing for a contextualised interpretation of a deviant case, remaining attentive to the broader theoretical implications of risk—and crisis—driven governance for the promotion of rights.

In terms of the interaction dynamics, the RCR Model exhibits three primary interaction dynamics. First, it presents a structure of circular causality (Pierson, 1993; Baumgartner and Jones, 2002) in which the Risk-Crisis-Rights relationship operates through reciprocal feedback mechanisms rather than linear causation: risk management decisions during 'normal times' generate a negative feedback loop that mitigates future impacts on rights during crises, whilst crisis outcomes and their effects on rights feed back into risk management strategies. As Baumgartner and Jones (2002, pp. 8-9) establish, such negative feedback systems function as homeostatic or self-correcting mechanisms that work to maintain stability; in the RCR Model, risk management serves this auto-corrective function by seeking to preserve the normal functioning of the state and compliance with rights obligations. Second, the model exemplifies what Pierson (1993) terms policy feedback effects, wherein 'effect becomes cause': preparedness actions generate generic capacities, these capacities condition crisis responses, crisis responses affect human rights, and these experiences subsequently feed back into future risk management strategies, creating complex causal chains characterised by iteration and continuous multidirectional influence. Third, the model describes conditional amplification dynamics: without adequate preparedness, materialised risks may trigger a reinforcing positive feedback loop (Crisis → Rights deterioration → Increased vulnerability → More severe crises), whereas strategic preparedness activates a balancing feedback loop that mitigates escalation, protects or promotes rights, and strengthens institutional capacities. As Baumgartner and Jones (2002, pp. 14-15) explain, positive feedback occurs when change, sometimes quite modest, causes future changes to be amplified; the RCR Model suggests that the absence of risk management enables such negative amplification, whilst strategic management interrupts this cycle.

4.2.4 The RCR Model

The following paragraphs summarise the proposed Risk-Crisis-Rights model by outlining how the concepts of risk, crisis, and rights are interconnected throughout the thesis. Chapter 2 introduced key issues with existing definitions of risk and proposed a more comprehensive conceptualisation that incorporates the core elements constituting risk. According to this definition, risk comprises causes and consequences, which can be assessed through probability and impact, respectively. It further acknowledges that risk can be managed through specific strategies: prevention, aimed at reducing the probability of causes, and protection or mitigation, aimed at reducing the impact of consequences. This chapter also incorporated the

social dimension of risk, highlighting that its perception is shaped by underlying values. This point gains particular importance in section 4.1.2, where it is argued that human rights cannot be understood merely as values, since values are, by their nature, subject to trade-offs. Instead, they must be understood as objective obligations of the state. Finally, it introduced a new typology of risks, including Non Trade-off Risks—those arising from causes that originate beyond national borders and are not the result of a specific decision made by policymakers. These risks are particularly relevant because they require strategies that go beyond contingency plans, typically used for managing frequent and stable risks.

Once the concept of risk and its components were clarified, Chapter 3 laid the groundwork for exploring the concept of crisis. Drawing on elements commonly identified in the literature, it proposed a definition of crisis that recognises its two inalienable dimensions—objective and subjective—and underscores the importance of addressing both in crisis management. In attempting to distinguish the concept of crisis from that of risk, the chapter identified a crucial aspect that both connects and differentiates them: a crisis results from the materialisation of risk. This insight establishes the first foundational link in the RCR model: the link between Risk and Crisis is precisely this materialisation, as detailed in section 4.1.1.

Section 4.1.2 then develops the second link in the RCR model, that between Crisis and Rights. Building on Chapter 3, this section argues that the relationship takes the form of the impacts that both crises and the decisions taken in response to them have on human rights. A review of the literature demonstrates that, although international frameworks allow states to derogate or suspend human rights obligations in times of crisis, it is possible to uphold these obligations. This possibility is explored further in section 4.2 and constitutes a central element of the thesis's argument.

Section 4.1.3 addresses the third link in the RCR model: the relationship between Risk and Rights. It extends the argument developed in section 4.1.1—that if crises are materialised risks, then managing risks is a way of managing crises, but at an earlier stage. This takes place during so-called ‘normal times’, when preparedness measures are implemented to prevent the emergence of crises or to mitigate their impacts; however, contingency plans designed to manage traditional risks are often inadequate for addressing Non Trade-off Risks. Therefore, the way to influence the potential impacts of transboundary crises—and the decisions made during them—on human rights is through capacity-building at the risk management stage. This argument partially addresses the research question.

To further develop the answer to the research question, section 4.2 argues that an effective crisis response is also necessary to uphold human rights during crises. It presents the framework proposed by Ansell and Boin (2019), which outlines four strategic tasks for managing

crises from a pragmatist perspective. I argue that preparedness in normal times—through risk management—combined with a strategic, pragmatist response during crises, can support and even promote human rights. Chapter 8 will demonstrate, through the case study, how the Colombian government pragmatically implemented these strategic tasks, ultimately contributing to the promotion of migrants' rights.

Conclusion

This chapter developed the Risk-Crisis-Rights (RCR) model drawing on the conceptual foundations established in the previous two chapters. The Risk-Crisis-Rights (RCR) model is a conceptual framework to analyse how the notions of risk, crisis, and human rights are interrelated in contexts of complex governance challenges. Its purpose is twofold: first, to clarify the links between these three concepts by tracing their conceptual and practical intersections; and second, to assess how risk and crisis management strategies can influence the protection or promotion of human rights, particularly in transboundary crisis.

The model is built upon the foundations laid in Chapters 2 and 3. Chapter 2 redefines risk as a social construct comprising causes and consequences, measurable through probability and impact, and highlights the importance of prevention and mitigation strategies. It also introduces the concept of Non Trade-off Risks, which originate beyond national borders and are not the direct result of policymaking, thus requiring approaches that exceed traditional contingency planning. Chapter 3 then explores crisis as the materialisation of risk, integrating both objective and subjective dimensions, and establishing the first link in the model: risk leads to crisis.

Chapter 4 develops the RCR model through three key relationships: (1) the link between Risk and Crisis, established through the notion of materialisation; (2) the link between Crisis and Rights, demonstrated by the impact of both crises and crisis-response decisions on human rights; and (3) the link between Risk and Rights, which shows that managing risks—particularly through preparedness in 'normal times'—can influence the extent to which rights are affected when crises unfold.

Ultimately, the model serves as an analytical tool for examining how rights can be upheld—even promoted—when risks are effectively managed and crises are addressed strategically. It will be used in Chapter 8 to interpret empirical findings from the Colombian case, illustrating how the government's pragmatist approach to both preparedness and crisis response contributed to the promotion of migrants' rights.

Chapter 5 Research Design and Methods: A Case Study of Colombia's Crisis Response

This chapter outlines the methodological framework underpinning this research, which seeks to understand how risk management contributes to the promotion of human rights during crises. Rooted in a qualitative approach, the study navigates both normative and empirical terrains, drawing on a combination of documentary analysis and elite interviews. It begins by situating the research within a philosophical framework that acknowledges the interplay between positivist and interpretivist paradigms. The rationale for adopting a case study design—centred on the Colombian government's Temporary Protection Statute for Venezuelan migrants—is then presented, alongside a discussion of the evolution from an initial process-tracing approach. The chapter proceeds to detail the methods of data collection and thematic analysis employed, as well as the ethical considerations adhered to throughout the research process. In doing so, it demonstrates the coherence between the research question, the chosen methods, and the empirical strategies used to examine a complex policy response in a context of overlapping crises.

5.1 Research Philosophy

In responding to the research question—How does risk management contribute to the promotion of human rights during crises?—the need to understand the relationship between risks, crises, and rights was identified. In this effort, the study has thus far advanced a conceptual model that makes use of a pragmatist crisis response framework to operationalise this relationship and simultaneously assess the extent to which a crisis response is effective and, consequently, promotes human rights. Given that the promotion of human rights in crisis through risk management has not been examined in a consistent manner, this research adopts a qualitative approach and a case study research design, with an exploratory purpose, guided by the research question as a hypothesis for navigating an under-researched territory (Halperin and Heath, 2020, p. 138). Case studies, which have a natural advantage in exploratory research (Gerring, 2006, p. 39), allow for the investigation of unexpected patterns and the generation of theory in contexts where prior literature is scarce (Bryman and Bell, 2019, p. 21). This chapter lays the foundations for the empirical work through which the proposed RCR Model is applied and tested. The research paradigm, approach, design, and time horizon are presented below.

Although initially grounded in scientific realism, which emphasises explaining causal mechanisms beyond observable regularities (Halperin and Heath, 2020, p. 40), this study

adopts an interpretivist approach through its case study design. This approach prioritises understanding the social world from the subjective meanings individuals attach to their actions (Halperin and Heath, 2020, p. 47), valuing rich, thick description over mere generalisations (Gerring, 2012, p. 405; Bryman and Bell, 2019, p. 124).

Determining whether this research aligns with a positivist or interpretivist paradigm is not a clear-cut task. On the one hand, aspects of the study were driven by the search for a causal relationship leading to the promotion of rights in crises—an approach informed by positivist principles (Gerring, 2012, pp. 368-369; Bryman and Bell, 2019, pp. 9-10). On the other hand, the empirical findings from the case study point to a more interpretivist perspective on the phenomenon under investigation (Bryman and Bell, 2019, pp. 10-12), particularly in relation to the subjective—and often determining—dimensions of crises (Halperin and Heath, 2020, p. 5).

In the same vein, it can be posited that this research incorporates both normative and empirical components, and although the boundaries between the two may be blurred (Gerring, 2012, p. 81; Bryman and Bell, 2019, p. 10; Halperin and Heath, 2020, p. 67), it could be argued that the normative dimension of this study stems from the human rights approach. This is understood in terms of the objectivity of duty-bearers' obligations towards fundamental rights, as well as the view that such rights should not be interpreted as values, in order to prevent them from being considered tradeable. Conversely, the empirical character of the research is reflected in both the RCR model and the accompanying framework. Although these are theoretical constructions, they represent the practice of risk and crisis management within a social context. As for the research question—*How does risk management contribute to the promotion of rights during crises?*— its justification is indeed normative, as it is grounded in a concern for what ought to be done to uphold rights in times of crisis. At the same time, it reflects a commitment to issues of public concern, or "public life" (Halperin and Heath, 2020, p. 4), by addressing the responsibilities of institutional actors in contexts marked by uncertainty and vulnerability.

5.2 Research Design: From Process-Tracing to Case Study

The research design of this study initially pointed to the need to identify a causal mechanism accounting for the promotion of rights during crises. To this end, extensive research and training on process-tracing were undertaken. However, a different method was ultimately employed, as will be shown later. First, the rationale for initially selecting process tracing will be presented, followed by the justification for the methodological shift. Following Beach and Pedersen,

> Process-tracing is a research method for tracing causal mechanisms using detailed, within-case empirical analysis of how a causal mechanism operated in real-world cases ... The essence of process-tracing case studies is that we shift the analytical focus from causes and outcomes to the hypothesized causal mechanisms in between. (Beach and Pedersen, 2019, p. 1)

To begin with, it is necessary to understand that the "mechanisms are *not* causes but are causal processes that are triggered by causes and that link them with outcomes in a productive relationship." (Beach and Pedersen, 2019, p. 1) Since process tracing can be applied for different purposes or starting from different elements (the cause or the outcome), this method comprises four variants. Given that the final version of the research does not rely on process tracing, these variants will only be briefly outlined.

The first, theory-testing process tracing "starts with conceptualizing a plausible hypothetical causal mechanism based on existing theorization and empirical research" (Beach and Pedersen, 2019, p. 9). The second, theory-building process-tracing "starts with empirical material and uses a structured analysis of this material to build a plausible hypothetical causal mechanism whereby a cause (or set of causes) is linked with an outcome" (Beach and Pedersen, 2019, p. 10). The third variant, theoretical-revision process-tracing "involves a combination of tracing a mechanism in a deviant case, where a mechanism should have been operative but where it broke down" (Beach and Pedersen, 2019, p. 11). The fourth variant, considered to be part of theory-building, is explaining-outcome process-tracing, which "is an iterative research strategy that aims to trace causal mechanisms to produce a comprehensive explanation of a particular historical outcome" (Beach and Pedersen, 2019, p. 11).

According to the research question, it is clear that there is awareness of an outcome—the promotion of human rights during crises—yet there is no certainty regarding the mechanism involved in its production. In this sense, the theory-testing variant was ruled out, as its objective is to test a pre-existing, theorised mechanism that links cause and outcome (Beach and Pedersen, 2019, p. 245). While the theory-building variant focuses on constructing such a mechanism, it assumes knowledge of the cause. However, given that the current literature does not establish a causal relationship between risk management, crisis response, and the promotion of rights, the cause in this case remains unidentified.

In the explaining outcome variant, "the goal is not to develop a generalizable theorized mechanism but instead to craft a case-specific explanation of the major factors in a case" (Beach and Pedersen, 2019, p. 281). Moreover, this approach allows for an understanding of the mechanism even in the absence of a clearly identified cause. It can be developed in two ways:

beginning with theory, as in theory-testing, or starting from empirical material, as in theory-building (Beach and Pedersen, 2019p. 286).

If it is recognised that the derogation of human rights obligations during crises is legally permissible, and that little literature has focused on theorising the promotion of rights during crises as a logical consequence of risk management processes, then this can be considered an under-studied phenomenon. Additionally, the selected case study (which will be discussed in the next section) provides the empirical material necessary for theoretical construction. In this regard, Beach and Pedersen (2019, p. 286) note, "The building path is often used when we are researching a little-studied phenomenon ... working backwards from the outcome by sifting through the empirical record in an attempt to uncover a causal mechanism that might have produced the outcome." In other words, the building path of the explaining-outcome variant was identified as the most appropriate method to address the research question.

Following the stages for theorising the causal mechanism, it was found that the initial mechanism identified through the documentary review was not confirmed by the fieldwork. The actors, actions, and contextual factors involved in the outcome under study were more numerous than those shown in the documents, and their interactions and the actions taken proved even more complex than initially expected.

In addition to the financial constraints—mainly due to the exchange rate and inflation, which were not covered by my scholarship—reducing the time and resources available to complete the doctorate, the iterative nature of this method made it impossible to achieve a solid and reliable result within the given timeframe. For these reasons, a Case Study approach to the research question was adopted. Following Gerring (2006, p. 20) "A case study may be understood as the intensive study of a single case where the purpose of that study is – at least in part – to shed light on a larger class of cases (a population)."

Given that the promotion of rights during crises has not yet been examined through the lenses of risk management and crisis management, and that the case of Venezuelan forced migration in Colombia may be understood as an instance of such promotion (Caicedo Camacho, 2022, pp. 126-136), this analytical approach appears well-founded. As Gerring (2006, p. 40) observes, "case studies may be more useful than cross-case studies when a subject is being encountered for the first time or is being considered in a fundamentally new way." The following section elaborates on the deviant nature of the case under examination.

Regarding the time horizon of this study, a longitudinal approach was adopted for analysing the elements of the RCR Model (see Chapter 7). In contrast, a cross-sectional approach was

employed to examine the Colombian crisis response (see Chapter 8) (Halperin and Heath, 2020, p. 165)

Although process tracing was not employed in the data analysis, the data collection was designed and carried out with the rigour required to support such an approach. The next section outlines the case selection.

5.3 Case Selection: Promoting Rights in a Crisis

Building on the previously stated observation that the promotion of rights during crises has yet to be examined through the lenses of risk and crisis management, and recognising the broader trend of increasing rights restrictions in such contexts (Greene, 2020a; Añón, 2021), a deviant case approach appears to be the most appropriate for this study. A deviant case is one that presents a surprising or unexpected outcome relative to a broader cross-case pattern or set of background assumptions, thereby offering valuable opportunities for identifying anomalies and opening new avenues of inquiry (Gerring, 2006, p. 106; 2012, p. 52). As Taran (2001, p. 7) observes, "violations of migrants' human rights are so widespread and commonplace that they are a defining feature of international migration today." In this context, the promotion of migrants' rights constitutes the exception rather than the norm, positioning the Colombian case as a clear instance of a deviant case.

To further support this claim, it is important to highlight, first, that the literature already acknowledges the Colombian case as exceptional in its recognition of migrants' rights in policy. As Caicedo Camacho (2022, p. 126) notes, "The Colombian government's commitment with the temporary statute is broad and objective … The immigration statute is a way to guarantee rights and protect Venezuelan nationals." She further observes that "the temporary statute was enacted at a time when several Latin American countries have opted to close and militarize their borders in contravention of international law" (Caicedo Camacho, 2022, p. 126). This distinctive policy response towards Venezuelan migrants represents a second key element reinforcing the deviant nature of the Colombian case. Fernández-Rodríguez and Freier (2024) also reflect on that matter:

> Despite initially generous receptions, the regional consensus regarding the importance of promoting and respecting migrants' human rights began to be contested in this context (Finn & Umpierrez de Reguero, 2020). Most of the countries receiving high numbers of migrants have imposed restrictions on Venezuelans (e.g. Peru, Ecuador or Chile). The exceptions to this restrictive trend are Brazil, which started to apply Cartagena to Venezuelans in 2019 (Brumat & Geddes, 2023), granting them refugee

> status, and Colombia, which offers Venezuelans a 10-year-stay permit from 2021 (Selee & Bolter, 2022)" (Fernández-Rodríguez and Freier, 2024, p. 3).

However, the militarisation of the Brazilian 'humanitarian' response (Riggirozzi *et al.*, 2023) "constitutes a securitization policy, which seeks to control migrants' mobility and exclude them under a humanitarian 'masquerade'" (Fernández-Rodríguez and Freier, 2024, p. 11). Riggirozzi and Cintra (2024, p. 258) further observe that many countries in the region are framing irregular migration as a national security issue, citing, for instance, the narrative of the Panamanian government. Along similar lines, Brumat and Vera Espinoza (2023) argue that migration policy changes in Argentina, Brazil, and Chile between 2015 and 2019 were driven by the growing influence of securitisation-oriented actors within national bureaucracies. They show how these actors advanced narratives and proposals framing migration as a security issue, reinforcing distinctions between 'desirable' and 'undesirable' migrants in a manner reflective of Global North approaches. Thirdly, these global securitised approaches further underscore the Colombian case as a deviant one. As noted by Hammoud-Gallego and Freier (2023), although there is ongoing debate as to whether a systematic "downward spiral" of asylum law has taken place within the European Union, there is broad agreement that, since the early 1990s, several Northern receiving countries have, in practice, curtailed asylum seekers' and refugees' access to protection and rights. Within the EU, a range of policy measures have been implemented with the aim of discouraging arrivals, thereby creating increasingly restrictive and inhospitable reception contexts.

Although Chapter 6 will provide a detailed account of the case context, a few preliminary considerations are outlined here to support a broader understanding of the research design. Within this context, a situation arose in which, during the overlap of two crises (arguably constituting a polycrisis), the Colombian government introduced a policy instrument aimed at enhancing access to rights for Venezuelan migrants. This instrument—the Temporary Protection Statute for Venezuelan Migrants (*Estatuto Temporal de Protección para Migrantes Venezolanos*) (Ministerio de Relaciones Exteriores, 2022), hereinafter referred to as the Statute or TPS—facilitated the regularisation of migrants with irregular status. Such regularisation was intended to enable access to state-provided social services, including education, employment, the General Social Security System, and housing, among others. Accordingly, this research understands the Statute as a policy measure oriented towards the promotion of rights in a crisis context.

Prior to the issuance of the TPS, a previous mechanism for the regularisation of migrants had been implemented: the Special Stay Permit (*Permiso Especial de Permanencia*, PEP), which was issued in nine versions. Even earlier, a Mobility Card (*Tarjeta de Movilidad Fronteriza*, TMF)

had been introduced. These ten instruments—the TMF and the nine versions of the PEP—together with the overlap with the COVID-19 pandemic, contributed to making this case highly complex for tracing a causal mechanism, as a mechanism is composed of building blocks, each consisting of actors engaged in specific actions (Beach and Pedersen, 2019, p. 70-1).

To identify the causal mechanism that led to the issuance of the TPS, it would be necessary to first identify the mechanisms behind each of those ten preceding instruments. In other words, and considering the temporal dimension, this type of case corresponds to what is known as 'cumulative causes', as it involves both a long time horizon in the development of the mechanism producing the outcome and a long time horizon of the outcome itself (Beach and Pedersen, 2019, p. 82).

In this case, it is pertinent to justify why the TPS is understood as a promotion of rights for migrants (Caicedo Camacho, 2022). To fully address this question—and based on the understanding that human rights are grounded in human dignity—migrants' own perspectives would be essential. However, this task exceeds the scope of the present research. On the one hand, the focus here is on the policymaking process; on the other, a detailed study examining and measuring each right separately (or selected rights individually) would be necessary. Landman and Carvalho (2010) identify three levels at which human rights can be measured: in principle, in policy, and in practice. As noted, this research focuses on the policy level, even though it does not aim to measure rights directly.

While a Colombian migration case might initially appear to be of limited relevance, it is important to highlight that "although about 86% of the world's refugee population currently lives in the Global South, most of these works have limited their geographic focus to countries belonging to the Organisation for Economic Co-operation and Development, or 'Northern' receiving states" (Hammoud-Gallego and Freier, 2023, p. 454). This case selection also addressed notable gaps in migration studies and helps to advance the knowledge on the policymaking in this field. The selection of this case therefore addresses significant gaps in migration studies and contributes to advancing knowledge on policymaking in this field. As such, this case holds value not only at the national or regional level, but also within global debates on migration governance and rights promotion.

In addition to the Colombian case being well suited to exploring a subject for the first time—the relationship between risk, crisis, and rights—and representing a textbook example of a deviant case, as discussed above, another key factor shaping the selection of both the case and the research topic was my professional background in risk and crisis management across the public and private sectors. This consideration aligns with observations by Gerring (2006) and Beach and Pedersen (2016) on the importance of understanding the context in which the

researcher operates. Additionally, as this project is funded by the Colombian Ministry of Science, Technology, and Innovation (*Minciencias*), the choice of case was also shaped by the conditions attached to the funding[4].

5.4 Data Collection

Since the ultimate aim of data collection is to contribute to elucidating the relationship between risk, crisis, and human rights—which, in turn, informs the promotion of rights in crises—it is essential that the empirical evidence addresses each link in this relationship. Another important consideration was the need to gather data suitable for testing the framework, specifically the execution of the four strategic tasks using a pragmatist approach within the Case Study. Two main methods of data collection for the Case Study were used: documentary collection and interviews, as will be elaborated below.

5.4.1 Document review

To initiate the identification of documents relevant to this research, an initial review was conducted of the outcome of interest—the Statute (Decree 216/2021). This review enabled the identification of key actors and previously issued documents. These findings informed a snowballing strategy to map the legal framework related to migration, and specifically to migration from Venezuela.

In addition, the legal norms repository of the *Función Pública*[5] (Colombia's Civil Service Administrative Department), the Ministry of foreign affairs[6], and of the Migración Colombia[7] were consulted to ensure completeness of the information. Given the overlap with the COVID-19 pandemic, the repositories of the *Observatorio Nacional de Migración y Salud*[8] and the *Instituto Nacional de Salud*[9] also reviewed. As a result of this process, 124 documents were identified as relevant and are listed in Appendix A. This material is considered primary data, as it

[4] Although the allocation of scholarships by *Minciencias* took into account, among other criteria, the relevance of the research topic to areas of interest for the Colombian national government, no other aspect of the research—such as the methodology, analytical approach, or findings—has been determined or influenced by the Ministry. This clarification serves to emphasise that the findings of this study are neither biased nor shaped to serve the interests of any particular actor.

[5] https://www1.funcionpublica.gov.co/web/eva/gestor-normativo

[6] https://www.cancilleria.gov.co/transparencia-acceso-informacion-publica-0

[7] https://www.migracioncolombia.gov.co/tema/normatividad

[8] https://www.sispro.gov.co/observatorios/onmigracionysalud/Paginas/Observatorio-Nacional-de-Migracion-y-Salud.aspx

[9] https://www.ins.gov.co/Normatividad/inicio

has not been previously processed or analysed by other researchers (Halperin and Heath, 2020, p. 195)

Additionally, secondary data, as defined by Halperin and Heath (2020, p. 195), were used. Reports produced by academic institutions and NGOs were consulted and are listed in Appendix B or referenced in the text throughout the thesis. Among these, the reports published by the *Observatorio de Venezuela* (Ramos, Rodríguez and Robayo, 2018;2019b;a;2020a;c;b;d; Ramos, Robayo and Las Heras, 2022; Ramos *et al.*, 2024a; Ramos *et al.*, 2024b), published by Universidad del Rosario, and those from the *Centro de Estudios en Migración*—CEM—(Amaya-Castro, Moreno and Pelacani, 2019; Moreno V., Pelacani and Amaya-Castro, 2020; Pelacani *et al.*, 2021a; Pelacani *et al.*, 2021b), based at Universidad de los Andes, proved particularly instrumental in providing a clearer and more comprehensive understanding of the case timeline.

The aim of this documentary review was to identify the elements that compose the RCR model, as well as specific evidence of the execution of the four strategic tasks with a pragmatist attitude by the Colombian government during the crises. These elements are made explicit in the coding process, which is detailed in Section 5.5.

5.4.2 Semi-Structured Interviews

To obtain factual and in-depth insights into the process that led the Colombian government to issue a series of policies that promoted the rights of Venezuelan migrants, and to triangulate the information obtained from the documentary analysis, semi-structured interviews were designed and conducted, following Halperin and Heath (2020, p. 310), to "obtaining detailed, often specialized information from a single individual or small number of individuals. The aim is not necessarily to make generalizations, but to gain valid knowledge and understanding about what the person in question thinks."

As mentioned, individuals involved in the issuance of the Statute and preceding policies were interviewed. These participants are considered political elites, defined as "people 'who exercise disproportionately high influence on the outcome of events or policies in your research area'" (Pierce 2008: 119. Cited in Halperin and Heath, 2020, p. 322).

According to Halperin and Heath (2020), the main purposes for elite interviews are:

> By virtue of the positions they hold, elites may have access to information that might not otherwise be available to a researcher. However, a second purpose of elite interviews is to 'confirm the accuracy of information that has previously been collected from other sources' ... interviews contribute toward the research goal of triangulation,

> where collected data are cross-checked through multiple sources to increase the findings' robustness (Tansey 2007: 766).

Finally, elite interviews can enable a researcher to make inferences about the beliefs or actions of a wider population of political elites (Halperin and Heath, 2020, p. 322).

As with the documentary review, the interviews aimed to identify the elements that compose the RCR model, as well as specific evidence of the Colombian government's execution of the four strategic tasks with a pragmatist attitude during the crises. These elements were translated into specific questions that formed the general interview questionnaire. The questionnaires were slightly adapted according to the role(s) held by each interviewee. The full set of questionnaires is provided in Appendix C.

Before the main phase of data collection began, the questionnaire was pre-tested with a small sample of individuals with experience in both academia and migration affairs, as well as extensive experience in the public sector. This was done to ensure that the questions were clearly formulated and that the terminology used aligned with the understanding commonly held within the public sector.

During the documentary exploration stage, it was possible to identify the relevant agencies, roles, and—in some cases—the names of individuals involved in the formulation of the documents under study (laws, statutes, decrees, CONPES documents, etc.). Similarly, the websites of these entities often provided information about the individuals who had held key decision-making positions, including, in some cases, their email addresses.

The first three potential interviewees were contacted via LinkedIn, after which the snowball sampling technique was employed. While in the field, one interviewee invited me to attend a workshop organised by the Directorate for Migrant Population, under the Ministry of Equality (which, at the time, was the office responsible for managing migrants-related issues). This workshop, aimed at academia and organisations conducting independent research, provided an opportunity to establish additional useful contacts. In addition to these political elites, several experts identified through the document review were also interviewed. "The aim of expert interviews is to elicit specific information from individuals with specialized knowledge or expertise on a particular issue" (Halperin and Heath, 2020, p. 324).

The interviewees were classified into two groups: government and non-government. The government group comprised high-level officials involved in the response to Venezuelan migration between 2015 and 2022, as well as in the management of the COVID-19 pandemic at the national level, considering Colombia's centralised presidential government system. Additionally, a few interviewees who initially responded at the local level were also included.

The interviewees were affiliated with the Border Management Office (*Gerencia de Fronteras*), National Planning Department (*Departamento Nacional de Planeación*), Ministry of Foreign Affairs (*Ministerio de Relaciones Exteriores de Colombia*), Special Administrative Unit Migration Colombia *(Unidad Administrativa Especial Migración Colombia*), Ministry of Health and Social Protection of Colombia (*Ministerio de Salud y Protección Social*), and National Unit for Disaster Risk Management (*Unidad Nacional para la Gestión de Riesgos de Desastres*).

The second group consisted of scholars from Universidad del Rosario, Universidad de los Andes, and Universidad de Antioquia, identified as producers of relevant research and reports, and as having significant impact not only on migration-related issues but specifically on the policymaking process—either through direct involvement or indirectly via the high courts. Additionally, experts from organisations such as Innovations for Poverty Action, Fundación Ideas para la Paz, and El Barómetro were included. Consultants and current and former employees of the Interamerican Development Bank (IDB), the World Bank, USAID, the International Organization for Migration (IOM), and the GIFMM (a UN Inter-Agency Group on Mixed Migratory Flows) were also interviewed. Considerable effort was made to interview representatives from UNHCR; however, despite contacting more than seven individuals via email and institutional phone numbers, as well as reaching out to three regional offices, no responses were obtained.

It is important to clarify that classifying the interviewees into these two groups was not straightforward, as many individuals who served as public servants held multiple positions within the government and/or later joined non-governmental organisations. This movement between sectors is regarded as a positive attribute, enriching the interviewees' perspectives.

Given the sensitivity of certain topics, the confidentiality commitments of some interviewees regarding their current and former roles, and the ethical regulations of the University of Southampton, all interviews have been treated as confidential and anonymised. Consequently, interviewee names are not referenced in any quotes.

Most of the interviewees were based in Bogotá, Colombia, and the majority of those interviews were conducted in person. However, due to scheduling constraints and the fact that some interviewees were located abroad, several interviews were carried out online. In-person interviews were recorded using a voice recorder, while online interviews were conducted and recorded via the University's Microsoft Teams platform.

5.5 Thematic Analysis

To ensure reliability—understood as the repeatability or consistency of findings (Halperin and Heath, 2020, p. 163)—the detailed process undertaken is presented. A thematic analysis was conducted on both the reviewed documents and the interviews, employing the 'Framework' analytic approach proposed by Ritchie and Spencer (2002). According to them, "In applied policy research, qualitative methods are used to meet a variety of different objectives. The questions that need to be addressed will vary from study to study but broadly they can be divided into four categories: contextual, diagnostic, evaluative and strategic" (Ritchie and Spencer, 2002p. 174). The questions posed by this research align with the diagnostic aim, which involves "*examining the reasons for, or causes of, what exists*. e.g. What factors underlie particular attitudes or perceptions? Why are decisions or actions taken, or not taken?" (Ritchie and Spencer, 2002, p. 174) The five key stages of qualitative data analysis involved in the 'Framework' approach, as outlined by Ritchie and Spencer (2002, p. 178), were rigorously followed. The first stage, familiarisation, was facilitated by the fact that the researcher both conducted and transcribed the interviews, maintaining close contact with the data throughout the entire process. The same level of familiarisation was applied to the document review from the outset.

The second stage involves identifying a thematic framework. This process began during the interviews, where note-taking was essential for recognising recurrent and emerging themes. Broadly, the initial themes were categorised into risk management, crisis response, and human rights—all within the 2015–2022 period, as the Statute, the outcome of interest, was issued in 2021. A key emerging theme raised by the interviewees, which was not considered initially, was the period 2022–2024. This additional timeframe proved to be of utmost importance, as it provided the foundation to recognise the significance of labelling the crisis in order to make sense of it and, consequently, to trigger the response. Without this point of contrast, it is unlikely that this association could have been established otherwise. However, this final association was made at the concluding stage of the analysis. Another emerging theme was the continuity of public policies and the institutional frameworks required to ensure their effective implementation.

Indexing is the third stage proposed by Ritchie and Spencer (2002). During this stage, the need to divide the analysis into four distinct periods (2015, 2017–2020, 2020–2022, and 2022–2024) was identified. The rationale for these divisions is explained in Section 7.1, but in general terms they are due to the fact that each of these periods is characterised by different sense-making and different responses. As part of the indexing process, attention was paid to the labels attributed to the crisis, the actors involved, and the resources or capacities mobilised.

Dedicated indexes were also developed for the drivers and contextual factors underpinning the Statute, as well as for matters related to rights. A final index was created to capture themes related to leadership and the four strategic tasks: sense-making, decision-making, coordination, and meaning-making.

The fourth stage is charting. At this point, interviewees had initially been categorised into three groups: government, academia, and NGOs. However, following the analysis, no significant differences emerged between the latter two, and the categories were subsequently consolidated into two. It is important to note that, by the 2022–2024 period, none of the interviewees previously classified as government representatives remained in public office. This period coincided with a new administration affiliated with a political wing opposed to the previous two. Despite official communications and in-person attempts to secure interviews with current civil servants, no responses were received. Consequently, for the final period (2022–2024), all interviewees were classified as non-government.

Charting was carried out in two steps. In the first step, two charts were created for each of two thematic topics. The first thematic topic included columns corresponding to elements of the analytical model—initially defined with the potential to identify the causal mechanism leading to the promotion of rights—namely: Facts and Alerts, Labels and Narratives, Actors Engaged in Actions, Policy Drivers, and Rights. The second thematic topic focused on aspects of the crisis response, with columns covering: Sense-making, Coordination, Critical Decision-making, Meaning-making, Continuity in Public Policy, Leadership, and other elements identified as Capacity Building. Each thematic topic comprised four charts, one for each period (2015, 2017–2020, 2020–2022, and 2022–2024), with dedicated rows for each individual interviewed.

In the second step, for each of the eight charts, the rows were consolidated by actor type—government and non-government. This consolidation involved grouping responses under the same thematic categories while retaining relevant quotations to preserve the richness of the data. This helped to confirm the validity of the inferences made, as noted by Halperin and Heath (2020):

> If you interview five policy-makers and they all give you a similar account about how the policy-making process works, you can be reasonably confident in the data you have collected. Thus, you can make a valid inference—or a valid conclusion about your object of interest (the policy-making process) from just a handful of interviews (Halperin and Heath, 2020, p. 194).

The fifth and final stage is mapping and interpretation, which was carried out building on the consolidated charts. At this stage, additional rows were included in which the similarities and

differences between the government and non-government perspectives were recorded. These helped to identify connections and draw comparisons between topics, as well as to detect patterns and formulate explanations. Longitudinal thematic analysis results from the first set of charts can be found in Chapter 7. Cross-sectional thematic analysis results from the second set of charts are presented in Chapter 8.

The interviews were conducted, transcribed, coded, and analysed in Spanish by the sole researcher, ensuring consistency throughout the process. The interviewees' quotes were then translated into English by the researcher.

A deviation from the process proposed by the authors was that the codes (indexes) were not placed alongside the data; instead, all the transcriptions were compiled into a single sheet and managed in Excel. Although this 'lifting' is intended to occur at the charting stage, doing it from the beginning allowed for keeping all the data in the same file in an organised and manageable way, providing an overview at all times. Separate sheets were used for each stage.

5.6 Ethical Considerations

For this research, no major ethical issues have been identified concerning the empirical data. Participants in the interviews were informed in advance about the research through a 'Participant Information Sheet' and additionally signed a 'Consent Form.' The information produced through this method has been anonymised.

Each participant contacted was provided with the Participant Information Sheet, which explained the purpose of the research and their potential contribution to the study, and was asked to sign the Consent Form. They were also informed about confidentiality measures, information storage, and any potential risks. Additionally, verbal consent was obtained at the beginning of each interview and recorded. To maintain anonymity and confidentiality, interviewees have been coded, and any information or details that could lead to their identification—such as locations, names, roles, and functions—have been removed. Interview recordings were destroyed after transcription, and Consent Forms are stored separately from other data and are password-protected in accordance with the Research Data Management Policy. The secondary data is neither at an individual level nor considered personal, sensitive, or commercial in nature.

Although I have experience working in public sector organisations, it is important to clarify that I have never been a career civil servant nor managed public resources. Moreover, these organisations are not directly related to the topics of this research. As a researcher, I maintain a neutral stance without any vested interest in a particular outcome.

Despite holding a scholarship from the Colombian Ministry of Science, Technology, and Research, it is important to clarify that the Ministry does not provide direct funding for this research and has no vested interest in its outcomes. Therefore, no ethical conflict arises concerning my research activities. As my scholarship does not cover fieldwork expenses, the Research Training and Support Grant (RTSG) from the University of Southampton was used for this purpose.

This research has received ethical approval from the Faculty Ethics Committee. Reference number 88719.

Chapter 6 Case Context: Venezuelan Migration in Colombia

Drawing on the research question (section **Error! Reference source not found.**), the theoretical framework provided, the proposed conceptualisations (chapters 2 and 3), and the RCR model developed (Chapter 4), the previous chapter outlined the methodology underpinning the analysis of this research. Before presenting the results of the analysis, this chapter offers a contextualisation of the case study, positions it within the model, and sets the stage for a deeper understanding of the subsequent analysis.

Given that "over the past two decades, international migration flows have experienced a shift in terms of direction, intensity, and composition as a result of a rapid increase in forced displacement in the global south"[10] (Riggirozzi and Cintra, 2024, p. 241), the forced migration from Venezuela to Colombia—being a textbook case of a transboundary crisis—provides multiple perspectives for assessing how narratives and labels associated with different phases of the phenomenon have shaped the institutional response to migration. Moreover, it offers a basis for examining the extent to which these responses can be considered strategic and effective in addressing a crisis, thereby enabling the state to uphold its obligations towards migrants' rights. In order to analyse the Colombian government's response to migration, this chapter is divided into four sections.

Section 6.1 provides a brief overview of the reported causes of Venezuelan forced migration. Building on Section 5.3, Section 6.2 offers a more detailed context of the process of Venezuelan migration into Colombia, presenting a timeline and figures that situate the phenomenon within a global context to convey its scale. Section 6.3 then outlines the institutional framework in place in Colombia for responding to migration, along with its evolution. This contextual foundation supports the assessment of the Colombian response developed in the following chapters. Section 6.4 provides context on Latin American presidentialism, as well as the leadership styles and foreign policy of the relevant Colombian presidents. Finally, Section 6.5 examines how the Venezuelan forced migration case aligns with the Risk-Crisis-Rights (RCR) model by showing how a risk originating beyond national borders materialised into a complex crisis that challenged the Colombian state's ability to uphold human rights. From the Colombian government's perspective, the risk lay in the possibility of failing to meet its obligations towards migrants—a Non Trade-off Risk shaped by external causes and internal limitations. Once

[10] Translated from Spanish

materialised, this risk resulted in a consequential crisis characterised by overwhelmed public services, policy uncertainty, and threats to social structures. In terms of rights, initial responses neglected the rights of migrants due to both institutional incapacity and short-term decision-making. However, through the progressive implementation of regularisation mechanisms—through capacity building—, the Colombian government gradually moved towards the promotion of migrants' rights.

6.1 Venezuelan Diaspora: From Crisis to Crisis

Since time immemorial, entire populations have been forced to uproot themselves due to persecution, war, famine or simply in search of better opportunities. The 21st century is no stranger to those misfortunes. According to UNHCR's *Global Appeal*, by 2025, there will be approximately 139 million forcibly displaced and stateless people worldwide (UNHCR, 2024a). According to this same agency, "More than 7.7 million Venezuelans have left the country since 2014. This is the largest exodus in Latin America's recent history and one of the largest displacement crises in the world [as of April 2024] … Colombia currently hosts the largest number of Venezuelans, nearly 3 million." (UNHCR, 2024b). To understand this situation and its scale, it is necessary to examine the context of Venezuela and the factors that have driven migration.

> Venezuela, known in the past as the economic gem of Latin America, was an extremely prosperous country around the late 80s and early 90s. This began to change in 1998 when successive administrations carried out expropriations of private property and instituted constitutional amendments that created a profound institutional and economic crisis that has become endemic in recent years. After 2015, social protests and political violence have become rampant. This scenario created a process of human displacement across borders with no precedent in Latin America (Rodríguez Chatruc and Rozo, 2021, p. 5).

As the label assigned to the crisis underlying migration plays a crucial role in shaping the host country's narrative and, consequently, its response, it is important to examine the causes of the Venezuelan crisis. In this regard, Ellner (2019, p. 159) elaborates:

> Various developments at the outset of Nicolás Maduro's presidency set the stage for what has been called a 'humanitarian crisis', consisting of hyperinflation, a sharp decline in national income, massive emigration, and acute political conflict and disorder. When Hugo Chávez went off to Cuba for the last time to seek cancer treatment in late 2012, Maduro as vice-president took charge of the government.

> During those months of political uncertainty, the exchange-control system that guided the nation's imports became largely non-functional as the black-market price for the dollar began to spiral out of control. The resultant inflation reached an estimated 150,000 per cent by 2018 and cut into purchasing power as wages failed to catch up. A second early development that signalled acute conflict and instability was the refusal of the opposition and the United States (US) government to recognise Maduro's triumph in the presidential elections following Chávez's death in March 2013.
>
> [...] Finally, little over a year after Maduro assumed the presidency, international oil prices plummeted while Venezuela's oil output also declined significantly. Subsequently, oil prices began to recover but failed to come close to their pre-2014 levels, while production continued to decrease, partly as a result of US sanctions imposed on the state oil company, PDVSA.
>
> These developments – involving foreign intervention, leadership capacity, international oil prices and the exchange-control system – have given rise to diverse opinions regarding the root cause of the Venezuelan crisis (Ellner, 2019, p. 159).

Although the outflow from Venezuela began before 2015, initially involving major capital and skilled labour (Holguín, 2021, p. 237), "In August 2015, citing security reasons, the Venezuelan president decreed the closure of the border with Colombia. This measure was accompanied by the deportation of approximately 2,232 Colombian nationals residing in the border region and accelerated the voluntary return of over 20,000 Colombians" (CONPES, 2018, p. 15)[11]. This act of expelling Colombians by the Venezuelan government represents a pivotal moment in the region's history.

Following the situation of returnees and the entry of binational families[12] into Colombia, the border remained closed. As a result of diplomatic efforts, "after the Venezuelan government's announcement to reopen the border as of August 13, 2016, Migración Colombia recorded the passage of 400,000 Venezuelans into national territory in just two weekends, mainly to purchase food and essential goods" (CONPES, 2018, p. 15). This event, which was not an isolated occurrence, placed immense pressure on state services in border municipalities.

In that year, what was informally referred to as the 'drip migration' began, and later, 2017, 2018, and 2019 were marked by unprecedented influxes (See Figure 6.1). "The number of people received from the neighbouring country has increased almost tenfold between 2017 and 2022"

[11] All quotes from the documents analysed were translated from Spanish by the researcher.
[12] Families composed of individuals with mixed nationalities from both Colombia and Venezuela.

(CONPES, 2022, p. 12). With these figures, the collapse of Colombia's state services and various sectors became inevitable, not only in border municipalities and departments but also in cities further inland.

Although the influx of migrants from Venezuela has decreased to date, it has not stopped, and people continue to arrive with the intention of either settling in the country or continuing their journey to third countries (DANE, 2021;2023a;b;2024; R4V, 2024), primarily through the Darien Forest, which marks the border between Colombia and Panama.

To gauge the pressure the phenomenon has placed on border municipalities, whose capacities naturally vary, it is worth noting, for example, that Maicao has a ratio of 1.2 Venezuelan migrants in an irregular situation for every inhabitant (CONPES, 2018, p. 43).

Between 2017 and 2018, the number of migrants receiving health care increased by 202% (CONPES, 2018, p. 46). The pressure on the health system is immense, as costs increase because this population is not covered by the insurance system. Epidemiological management has been another major challenge. To cite just one example, “2018 saw the first measles outbreak in the country since 2014. The patients infected with this virus were migrants from Venezuela or people who had direct contact with these migrants” (CONPES, 2018, p. 49).

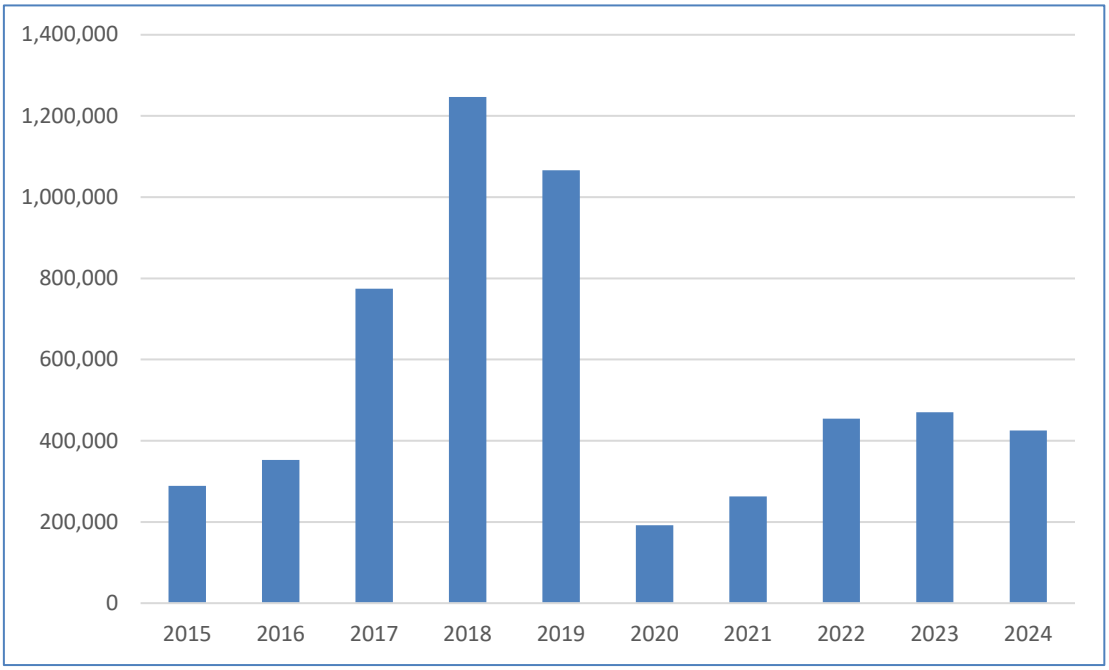

Figure 6.1 Inflows from Venezuela to Colombia

Source: own elaboration using data from Migración Colombia with a cut-off date of October 2024[13]

Regarding the education system, "As of July 2018, the total enrolment of Venezuelan-born students was 21,746, which more than doubles the number registered for the previous month. Of these, 18,170 are children between 5 and 16 years old, of which almost all (i.e. 95 %) are enrolled in a public school" (CONPES, 2018, p. 51).

The Colombian Institute of Family Welfare (ICBF) indicates that "The attention of Venezuelan children and adolescents in the mission programmes of early childhood, childhood and adolescence, families and communities has increased significantly between 2015 and September 2018" (CONPES, 2018, p. 53) as can be seen in the Figure 6.2.

The housing deficit, which has reached up to 81% in border municipalities, the increase in demand for drinking water and sanitation services, the difficulty for migrants to find jobs (added to the risk of exploitation to which they are exposed), and the security issues (CONPES, 2018, p. 54-74), add to the list of pressures that the phenomenon has represented for Colombia.

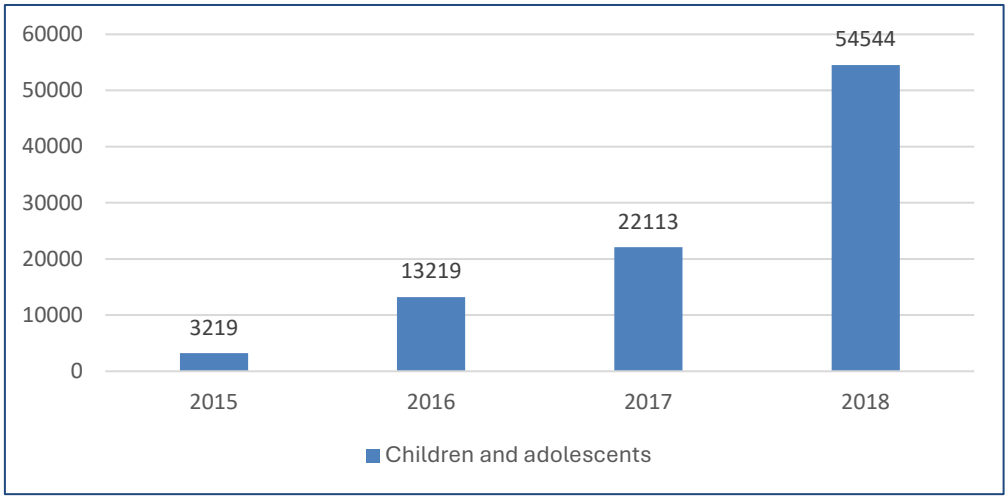

Figure 6.2 Venezuelan children and adolescents attended by the ICBF

Source: CONPES 3950 de 2018, p. 54

For a country like Colombia, with no experience in receiving large flows of people, international cooperation's technical and financial support was essential. In terms of financial aid, the CONPES (2022, p. 31) outlines the resource mobilisation as follows: USD 330 million in 2020 and USD 321 million in 2021 from the international community through the R4V platform. 1,604.5 million in loans and non-reimbursable resources from the WB. USD 590 million in IDB

[13] https://www.migracioncolombia.gov.co/observatorio-433673/cifras-abiertas-migracion-abierta el 05/12/2024 Retrieved 6th December 2024.

grants and resources raised from international cooperation financing policy reform projects for the integration of migrants (CONPES, 2022, p. 31).

The figures above highlight not only the state's overwhelmed capacity to respond to incoming migration but also the geographical, functional, and temporal boundaries that define the crisis—illustrating its transboundary nature.

The forced migration from Venezuela to Colombia offers multiple perspectives for assessing how narratives and labels associated with different phases of the phenomenon have shaped the institutional response to migration. Additionally, it provides a basis for examining the extent to which these responses can be considered strategic and effective in addressing a crisis, thereby enabling the state to uphold its obligations towards migrants' rights.

6.2 Venezuelan Forced Migration in a Broader Context

To illustrate the scale of the Venezuelan case, a comparative perspective is offered using a well-known refugee context. In 2021, Syrians in Turkey represented approximately 4% of the national population, whereas by 2022, Venezuelans accounted for 6% of Colombia's population (see Figure 6.3).

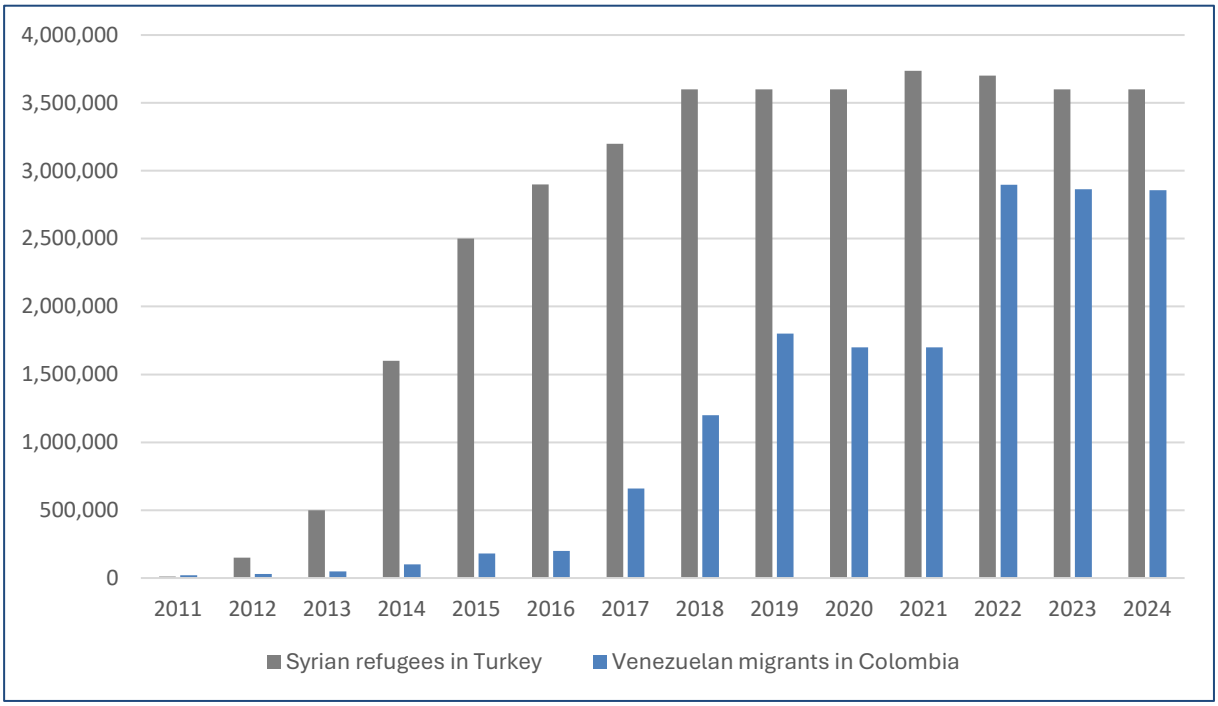

Figure 6.3 Refugee and Migrant Population in Colombia and Turkey

Sources: DANE (2024), R4V (2024), Turkstat (2022), UN DESA (2024)

Another striking point of comparison is the international funding received by each country to support the rights of refugees and migrants. According to the European Commission (2023),

Turkey received €10 billion between 2011 and 2023 to support Syrian refugees. In contrast, Colombia has received approximately USD 3.36 billion, according to figures from the R4V platform (R4V, 2024). Acosta, Blouin and Freier (2019) also show the significant disparity as follows:

> The United Nations Under-Secretary-General for Humanitarian Affairs, Mark Lowcock, indicated that US$738 million would be requested for a new response plan to the Venezuelan displacement crisis, under the leadership of the IOM and UNHCR ... This budget is extremely small compared to that requested for the Syrian crisis, which is US$5.5 billion for 2019 (Freier y Parent, 2019, cited in Acosta, Blouin and Freier, 2019, p. 23).

Additionally, due to the more than 2,200 kilometres of shared border, as well as a common language and cultural ties, Colombia has become the primary destination for Venezuelans (See Figure 6.4).

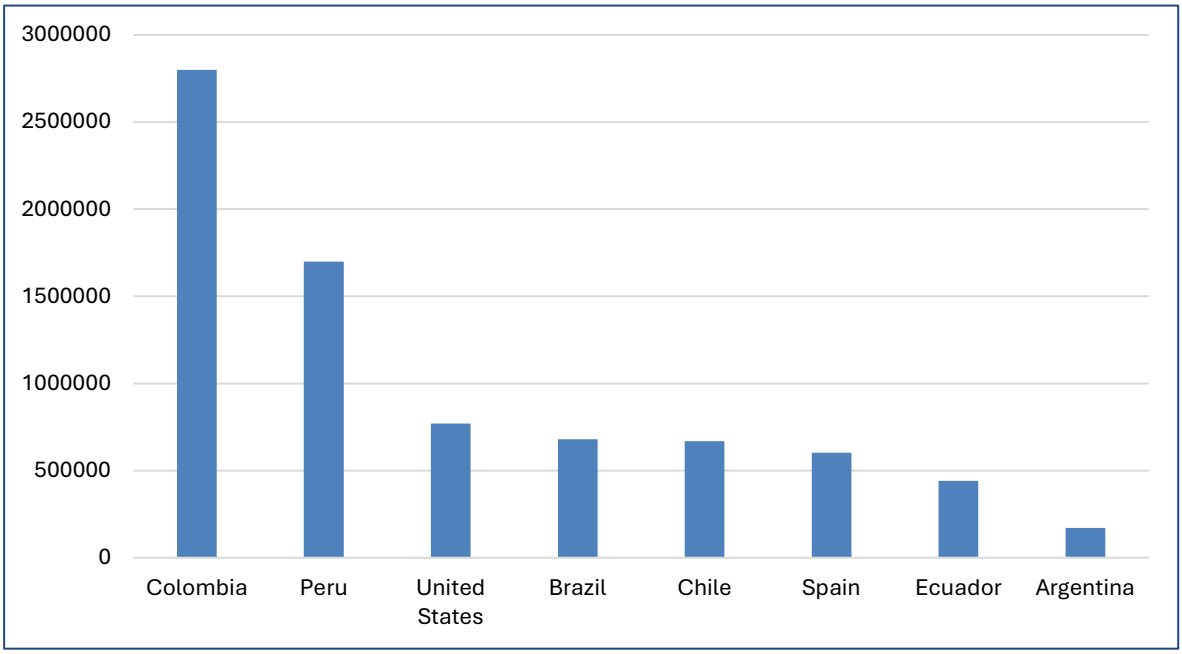

Figure 6.4 Venezuelan Forced Migrants by Host Country

Source: R4V (2024)

In sum, Venezuelan forced migration represents one of the largest displacement crises in the world today, both in terms of scale and regional impact. Within the broader global context, it stands out not only for the magnitude of the flows but also for the sustained nature of the exodus and the limited international attention and funding it has received compared to other forced mobility processes. Regionally, the situation has tested the institutional and social capacities of neighbouring countries, particularly Colombia, which has received the largest share of migrants. For Colombia, this influx has posed significant challenges to its governance,

public services, and social cohesion, while also positioning the country as a key actor in regional migration governance. The Colombian response—marked by an emphasis on regularisation and rights-based policies—has been widely recognised, but it has also exposed structural weaknesses and limitations in the long-term management of transboundary crises in contexts of limited state capacity and uneven international support. The details of this response will be examined in the next two chapters.

6.3 The Colombian Institutional Framework for Responding to Migration: Offices and Bureaucracies

Before analysing the Colombian government's response to migration, it is essential to understand the institutional framework that existed for such a response, which can be understood as the state's capacities. Likewise, it is important to examine the evolution of the phenomenon and the accompanying narrative across the three administrations that have managed migration from Venezuela, as well as how these factors have shaped state capacities—including the recognition by the high courts of the need to protect migrants' rights through a robust legal framework.

Initially, the issue was managed by the administration of Juan Manuel Santos, who assumed the presidency in 2010 for a four-year term and was re-elected for a second term from 2014 to 2018. In August 2018, Iván Duque took office, serving until August 2022, when he was succeeded by Gustavo Petro, whose term will run until 2026.

Within Colombia's institutional structure, migration matters have been handled by the Ministry of Foreign Affairs (Decree 869/2016), unlike other countries where these issues fall under the Ministry of the Interior (Fernández-Rodríguez and Célleri, 2024, p. 2). In 2011, through Decree 4062, the Special Administrative Unit Migración Colombia (hereafter Migración Colombia) was created under the Ministry of Foreign Affairs, with the aim of “exercising the functions of surveillance and control over migration and foreign nationals in Colombia” (Government of Colombia, 2011a).

Given the overstretched capacity of the state at both local and national levels in assisting migrants, in February 2018, an office called the Border Management Office (BMO) was created, reporting directly to the president, and later, in September 2021, “through Decree 1185/2021, this initiative was formalised as the Office for the Care and Socioeconomic Integration of the Migrant Population, becoming part of the Administrative Department of the Presidency of the Republic” (CONPES, 2022, p. 27). This office, which played perhaps the most significant role in responding to the crisis, was abolished in 2022 by the administration of Gustavo Petro. In this

latest administration, these matters were delegated to the Directorate of Migration, which falls under the Ministry of Equality. However, the existence of this ministry was abolished by a ruling from the Constitutional Court, although the decision has been deferred until mid-2026, subject to corrections related to a procedural flaw. In other words, there is significant uncertainty regarding the continuity of the office responsible for handling important migration matters.

Additionally, Colombia has the National Unit for Disaster Risk Management (UNGRD), which is a Special Administrative Unit under the Administrative Department of the President's Office. Its goal is to "lead the implementation of disaster risk management, in line with sustainable development policies, and to coordinate the functioning and continuous development of the National System for the Prevention and Attention of Disasters – SNPAD" (Government of Colombia, 2011b). This Unit has played a key role in responding to several critical junctures related to forced migration from Venezuela.

A key factor in the initial responses to migration from Venezuela (which includes both Colombians and Venezuelans) was the leadership of María Ángela Holguín at the Ministry of Foreign Affairs between 2010 and 2018. Her experience as Colombia's ambassador to Venezuela from 2002 to 2004 enabled her to establish strong relationships with key figures in the Venezuelan government and other diplomats. This, combined with her deep understanding of Colombian-Venezuelan dynamics, proved instrumental in shaping Colombia's responses (Holguín, 2021).

Given that Colombia has historically been a country of emigration, its legal framework on immigration was initially very limited. However, it has evolved in response to emerging needs and, notably, through rulings issued by the Constitutional Court (Caicedo Camacho, 2022, pp. 126-136), which were themselves a result of strategic litigation led by universities and civil society. The details of this evolution will be presented in the next chapter as part of the analysis of Colombia's response.

6.4 Presidential Leadership and Foreign Policy in Colombia

Whilst the unit of analysis in this thesis is determined by migratory milestones—themselves shaped by distinctive characteristics that ultimately conditioned the response of the administration in power—the role of different leadership styles in shaping such responses cannot be overlooked (as proposed in the RCR Model in sections 4.1.3 and 9.4). Moreover, given that "presidentialism facilitates the personalisation of foreign policy" (Pastrana Buelvas and Vera, 2026, p. 269), and that migration policies in Colombia are formulated by the Ministry of Foreign Affairs, the foreign policy orientation of each administration provides an essential

contextual framework for understanding its response. Alcántara, Blondel and Thiébaultand (2018, p. 2) similarly highlight personalisation and presidentialism as determinants of political outcomes, emphasising "the personality type of those who have occupied the presidential office, the leadership style of those presidents, and the type of government that they led." Given that the governmental structure remains constant across the three presidential administrations under examination, only personality traits and leadership styles will be evaluated. Having established this relationship between migration responses, presidential leadership, and foreign policy, this section provides a brief examination of these two factors as contextualisation for understanding the distinct responses to Venezuelan migration adopted by each of the presidents under consideration.

Prior to this evaluation, and to broaden the perspective on the policies adopted towards Venezuelan migration, it is worth noting that, according to Alcántara, Blondel and Thiébaultand (2018, p. 11), “neoliberal policies that had caused real social trauma and inspired very strong popular mobilisation” in Latin America “helped to bring to power governments which, albeit differing in nature, corresponded to the model of 'rentier populism' ... established by Chávez in Venezuela since 1999.” The authors continue, stating that “twenty-first century socialism ... brought together classic features of the Latin American left such as anti-imperialism (or, in other words, anti-Americanism), rhetoric about the great fatherland as the culmination of Bolívar's dream of regional unification, and pressure for equality” (Alcántara, Blondel and Thiébaultand, 2018, p. 11). This ideological positioning divided the continent into two distinct groups, with Colombia—under a right-wing president (Álvaro Uribe, political patron to both Santos and Duque)—remaining a non-member of this bloc (Alcántara, Blondel and Thiébaultand, 2018, p. 13).

6.4.1 Presidential personalities and leadership style of Santos, Duque and Petro

Given that "the acquisition of presidential leadership effectively starts with the way leaders win office" (Alcántara, Blondel and Thiébaultand, 2018, p. 24), it is important to examine this factor. Juan Manuel Santos and Iván Duque were political heirs of Álvaro Uribe (who served two consecutive terms from 2002 to 2010), who was considered an outsider after distancing himself from the Liberal Party to which he had previously belonged. Uribe embodied the assertion that "the rise of outsiders favours the development of a personalist style of doing politics” (Alcántara, Blondel and Thiébaultand, 2018, p. 26). Given that "'personalismo,' and its variant 'caudillismo,' are deeply rooted and have long dominated Latin American politics" (Alcántara, Blondel and Thiébaultand, 2018, p. 23), it is therefore noteworthy that neither Santos nor Duque can be characterised as having adopted a personalistic or caudillistic style of leadership. Nevertheless, both secured the presidency as candidates explicitly endorsed by Álvaro Uribe.

In the case of Santos, he ran for office after serving as Minister of Defence under Uribe, during which time he led massive operations against the Revolutionary Armed Forces of Colombia (FARC) guerrilla. During his presidency, Santos distanced himself from Uribe in order to pursue peace negotiations with the FARC, negotiations which ultimately earned him the Nobel Peace Prize. Following the conclusion of Santos's term in office, Uribe handpicked Duque as the presidential candidate of the *Centro Democrático* (CD; Democratic Centre), the political party Uribe had founded in 2014 with the explicit objective of dismantling the peace agreement. The Colombian presidency constituted the first popularly elected role Duque had held.

On the other hand, Gustavo Petro was a former member of the M-19 guerrilla movement, a left-wing, urban armed organisation demobilised in 1990. According to (Anctil Avoine, 2022), M-19 became a significant actor in the constitutional reform that culminated in the 1991 Constitution. Since that period, Petro has remained an active figure within mainstream Colombian politics, holding positions such as Mayor of Bogotá and serving as a senator until his election to the presidency. He ran for the presidency in 2010, 2018, and ultimately in 2022, when he was elected.

Within the framework of Latin American presidential leadership, Alcántara, Blondel and Thiébaultand (2018, p. 23) propose analysing presidents in terms of their skills, relationships, and reputation. These dimensions are examined here for each Colombian president who responded to Venezuelan migration between 2015 and 2024.

Regarding antecedents and political trajectories, Tappe Ortiz (2021) notes that Juan Manuel Santos was born in 1951 into one of Colombia's most influential families. His great-uncle, Eduardo Santos Montejo, served as President between 1938 and 1942 and acquired El Tiempo, which subsequently became one of the country's leading national newspapers. Santos began his public career at the age of sixteen as a naval cadet and later pursued an extensive international education. He obtained a degree in Business and Economics from the University of Kansas and undertook postgraduate studies at the London School of Economics, the Fletcher School of Law and Diplomacy at Tufts University, and Harvard University, where he completed a Master's in Public Administration as a Fulbright fellow. He was also a Nieman Fellow at Harvard in the late 1980s (Santos, n.d.). Professionally, Santos served as Chief Executive of the International Coffee Organization in London and later held a senior position at *El Tiempo*. He entered government as Minister of Foreign Trade between 1991 and 1994. Although initially critical of Álvaro Uribe following his election in 2002, Santos accepted Uribe's nomination in 2004 to lead the governing party in Congress and, in 2005, founded the U Party, which facilitated Uribe's re-election in 2006. As Minister of Defence from 2006 to 2009, Santos implemented military reforms and managed a number of politically sensitive issues.

Between 1991 and 2010, Santos developed substantial political skills, particularly in problem-solving and coalition-building across diverse sectors—capacities widely regarded as essential for conflict resolution. Overall, Santos can be characterised as a political insider with extensive ministerial experience, a strong international academic background, origins in the traditional elite, and a technocratic trajectory prior to assuming the presidency. However, assessments of his leadership style have been more critical. León *et al.* (2018) argue that certain personal traits and weaknesses in Santos's leadership undermined the consolidation of his achievements, contributing to a more polarised political environment. Although they recognise Santos as a liberal and, in many respects, transformative president, they contend that his tendency to delegate extensively without providing a clear strategic direction, as well as his practice of fostering internal competition within his team, complicated the effective implementation of key reforms. In the absence of strong popular support, his capacity to advance his agenda relied heavily on clientelist practices, which simultaneously constrained the scope for deeper structural transformation. In terms of relationships and public standing, León *et al.* (2018) further suggest that Santos struggled to set issues that dominated the media agenda, failed to cultivate lasting loyalty among his senior officials, and did not articulate a compelling narrative capable of generating identification with the broader public. As a result, he was unable to forge a strong presidential identity or establish a durable emotional connection with citizens.

Iván Duque was born in Bogotá in 1976 into a family with an established, though less prominent, political tradition than that of Juan Manuel Santos. He is the son of Iván Duque Escobar, a politician who served as Minister of Mines and Energy, Governor of Antioquia, and National Registrar. Duque is a lawyer trained at Sergio Arboleda University and holds a Master's degree in Public Policy Management from Georgetown University and a Master's degree in Economic Law from American University (Blavatnik School of Government, n.d.). His public career began in 2000 as an advisor at the Colombian Ministry of Finance. Shortly thereafter, he moved to Washington, DC, where he worked as Colombia's senior advisor to the Inter-American Development Bank (IDB) between 2001 and 2010, and later served as head of the Culture, Creativity and Solidarity Division from 2011 to 2013. Duque entered national electoral politics relatively late, becoming a senator of the Republic between 2014 and 2018.

In terms of leadership skills and personal attributes, (León and Duque, 2022) characterise Duque as an inconsistent leader, prone to discouragement and rapid loss of strategic direction. They describe him as moderate not only in his ambitions but also in his execution and even in his failures, while paradoxically displaying rigid convictions on secondary issues and an absence of clear positions on core priorities. Overall, Duque can be summarised as an international bureaucrat with no prior electoral trajectory, who entered the Senate through the

closed list designed by Álvaro Uribe, without a consolidated public profile, recognised leadership attributes, or experience in competitive electoral politics.

With regard to relationships, Duque governed from an early stage through a narrow inner circle of close associates, whom he empowered both within and outside the presidential palace. According to journalistic assessments, this group—largely homogeneous in outlook and with limited experience of political power and territorial realities—restricted the access of more seasoned officials to the president during moments of crisis, such as the nationwide protests of 2022. Following these events, Duque reportedly became increasingly isolated and resistant to criticism, while maintaining a distant and adversarial relationship with the opposition (León and Duque, 2022). Tensions also emerged between Duque and the *Centro Democrático*, the party that had sponsored his candidacy. From 2019 onwards, party members criticised him for failing to govern in close alignment with them, despite retaining control over key ministries such as Interior and Defence. These internal frictions were compounded by the party's electoral decline, which was partly attributed to the deterioration of security conditions during Duque's presidency and the consequent erosion of Uribismo's emblematic commitment to Democratic Security. Duque was likewise unable to sustain his promise of a stable cabinet throughout his term, as several senior officials resigned, nor did he succeed in governing without resorting to the clientelist practices he had previously criticised while serving as a senator (León and Duque, 2022).

Gustavo Petro was born in 1960 in a small town in north-western Colombia. Following his family's relocation, he grew up in Zipaquirá, a salt-mining town in the department of Cundinamarca, "where he witnessed poverty that would have a lifelong impact on him, as would his early exposure to labour organizers, who helped shape what would become his leftist worldview" (Wallenfeldt, n.d., n.p.). While studying economics at Externado University of Colombia in Bogotá, Petro joined the M-19, a Marxist guerrilla organisation. After the peace process, he transitioned early into institutional politics, being elected ombudsman of Zipaquirá in 1981 and subsequently serving on the municipal council from 1984.

Petro holds a Master's degree in Economics from Javeriana University, a postgraduate specialisation in Public Administration from the Escuela Superior de Administración Pública (ESAP), and undertook further studies in environmental issues at the Catholic University of Leuven. At the national level, he was elected to the House of Representatives in 1991 as a member of Alianza Democrática M-19. Following threats to his life, he left Colombia in 1994 and served as a diplomatic attaché in Brussels until 1996. Upon his return, he was re-elected to the House of Representatives in 1998 and again in 2002, before entering the Senate in 2006. As a senator, Petro consolidated his public profile as a prominent and persistent critic of President

Álvaro Uribe. Between 2012 and 2015, Petro served as Mayor of Bogotá, a term marked by the implementation of ambitious social programmes but also by intense political controversy. His temporary removal from office by the Attorney General's Office in 2013, and subsequent reinstatement following an appeal to the Inter-American Commission on Human Rights in 2014, further reinforced his confrontational relationship with established institutions (Wallenfeldt, n.d., n.p.). After several unsuccessful presidential bids, Petro was eventually elected president in 2022. Overall, Petro can be characterised as an outsider to the traditional political establishment, despite an extensive political trajectory rooted in grassroots activism, long-standing legislative experience, and executive leadership at the local level. His leadership combines a progressive ideological orientation with a markedly populist style (Pastrana Buelvas and Vera, 2026, p. 282). Scholars have described his approach to governing as highly personalised, in the sense that individual temperament, character, personal convictions, and life experiences exert a visible influence on decision-making and governmental action (Bemoles, 2025). In this respect, Petro's leadership style can be associated with a contemporary form of caudillismo [14].

With regard to political relationships, Petro's presidency has been characterised by instability in coalition management. In April 2023, he abruptly dismantled his governing coalition in Congress, leaving his administration without the parliamentary majorities traditionally enjoyed by Colombian governments to advance their flagship reforms. This unprecedented situation led Petro to adopt a fragmented model of governability based on ad hoc negotiations with individual legislators across parties, typically mediated by the minister responsible for each reform initiative (León, 2024). Finally, analyses of Petro's communicative practices highlight a persistent tension in the roles he performs as president. At times, he acts as a head of state committed to institutional responsibilities; at others, he adopts the posture of an activist, social critic, or even spokesperson for civil society organisations, blurring the boundaries between institutional leadership and political mobilisation (Ortiz, 2025).

In terms of public approval, Juan Manuel Santos concluded his presidency with an approval rating of 40 per cent (CNC, 2018). Iván Duque, by contrast, ended his term with markedly lower levels of public support, recording an approval rating of 18 per cent alongside a disapproval rate of 76 per cent (El Tiempo, 2021). Gustavo Petro's presidency has also been characterised by

[14] "'Caudillismo' is a system of political and social domination, based on the leadership of a strongman, that arose after the wars of independence from Spain in 19th-century Latin America. The Spanish word 'caudillo' was used to describe the head of irregular armies or the leader of a political faction. These forces were governed through an informal system of paternalistic relationship between people and the leader." Alcántara, M., Blondel, J. and Thiébaultand, J.-L. (2018) Presidents and Democracy in Latin America. Taylor & Francis.

limited public approval, with survey aggregates indicating a favourability rating of 37 per cent and a disapproval rate of 55 per cent (La Silla Vacía, 2026).

6.4.2 Foreign Policy Position

Colombian foreign policy cannot be understood without situating it within the country's armed conflict and the progressive narcotisation of that conflict. As early as the administration of "President Turbay Ayala (1978–1982), Colombia aligned itself with the United States–led global War on Drugs during the Reagan era and adopted an explicitly anti-communist rhetoric to pursue guerrilla groups on the basis of their alleged links with Cuba" (Cepeda and Pardo, 1989, cited in Pastrana Buelvas and Valdivieso Collazos, 2023, p. 7). "In Colombia, the guerrilla activity and the drug war were the explanations for the rise of an outsider" (Carreras, 2012, cited in Alcántara, Blondel and Thiébaultand, 2018, p. 25).

The failure of Andrés Pastrana's peace strategy subsequently resulted in the securitisation and depoliticisation of the internal armed conflict through the implementation of Plan Colombia during his presidency (1998–2002), followed by the Plan Patriota under Álvaro Uribe, with Juan Manuel Santos serving as Minister of Defence between 2006 and 2009. "This shift had deeply negative consequences for Colombia's foreign policy. … External securitisation manifested itself in growing regional distrust towards Colombia's militarised approach and the increasing presence of the United States in the Andean subregion. … Although both Pastrana and Uribe formally pursued a discourse of peace diplomacy, in practice they prioritised a diplomacy oriented towards war, aimed at securing the United States as a strategic ally" (Pastrana Buelvas and Valdivieso Collazos, 2023, p. 8).

This background illustrates the extent to which the securitisation of foreign policy under Álvaro Uribe—political leader and immediate predecessor of both Santos and Duque—shaped the context within which subsequent administrations operated. In contrast, Santos sought to reposition Colombia internationally through the negotiation and signing of the Peace Agreement, thereby distancing himself from his former political patron. As Pastrana Buelvas and Valdivieso Collazos (2023, p. 11) argue, "Santos operated amid opposing centrifugal forces: on the one hand, the need to preserve the model of economic internationalisation inherited from Uribe, and on the other, the necessity of facilitating an external environment conducive to a negotiated peace. As a result, Colombia's international role during this period was interpreted as that of a bridge or hinge country, positioned between relatively antagonistic geopolitical and ideological options."

Following two terms under Santos, Iván Duque returned the presidency to the political right under the promise to tear up the peace agreement (*Hacer trizas el Acuerdo de Paz*). This stance

generated tensions with international actors such as the United Nations, the European Union, and the United States, particularly due to the administration's limited commitment to the implementation of the Peace Agreement, whose progress was estimated at only 2 per cent during his term (Pastrana Buelvas and Valdivieso Collazos, 2023, p. 15).

Subsequently, Gustavo Petro pursued a deliberate realignment of Colombian foreign policy, distancing the country from what he described as imperial domination and prioritising regional engagement, including the restoration of diplomatic relations with Venezuela. In parallel, his administration adopted Total Peace as a central political slogan, aimed at the demobilisation of multiple armed and illegal groups. However, as his term approaches its conclusion, this initiative has yet to produce clearly observable outcomes.

Palma-Gutiérrez and Long (2022, p. 4) argue more broadly that, in the Colombian case, the purpose of this performative dimension is to assert a national reputation framed in liberal and democratic terms, presenting Colombia as a country that makes meaningful contributions to the international community. In doing so, Colombian authorities repeatedly invoke what, in the post–Cold War period, came to be defined as "good membership" within the so-called Liberal International Order (LIO). Building on the fieldwork evidence, Chapters 7 and 8 show that this notion of membership is translated into an explicit search for legitimacy, both internationally and domestically.

According to Ardila and Clemente Batalla (2019), the government of Juan Manuel Santos

> Promoted a traditional form of diplomacy in constant interaction with domestic politics, in a context marked by political and economic elites fragmented in their support for what was primarily a political project. His strategy of international insertion was motivated by the aim of projecting a new image of the country, fostering economic diplomacy through the attraction of foreign investment, increasing Colombia's international presence, and advancing a peace process with the support of the international community. To this end, the administration diversified Colombia's international relations, internationalised the peace process, returned to multilateralism, and promoted South–South cooperation in security matters. This diplomacy unfolded in a changing international environment and within a fragmented Latin America characterised by diverse political and economic projects. The Santos administration adopted a pragmatic and conciliatory style. From a vision centred on the United States and isolated from the regional and international arenas, Colombia shifted towards a diversification of its foreign relations. The country ceased to be perceived as a problem case and moved towards an internationalisation of peace. (Ardila and Clemente Batalla, 2019, n.p.)

In a similar vein, Palma-Gutiérrez and Long (2022, p. 11) contend that the Santos administration aimed to consolidate Colombia's international standing as a cooperative and reliable supporter of the Liberal International Order. This effort brought together peacebuilding initiatives, the pursuit of membership in a liberal framework of internationally recognised best practices—most notably through accession to the Organisation for Economic Co-operation and Development (OECD)—and the promotion of international dialogue on reforming the global drug prohibition regime.

Palma-Gutiérrez and Long (2022, p. 12) observe that throughout 2017, as conditions in Venezuela continued to deteriorate, Colombian government discourse became increasingly confrontational towards Nicolás Maduro in multilateral arenas such as the OAS, the newly established Lima Group, and the United Nations General Assembly. From that point onwards, official rhetoric on Venezuelan migration consistently constructed a contrast between an authoritarian and morally deviant "other" and Colombia's self-presentation as a responsible actor committed to the deepening of the liberal international order. This discursive strategy played a central role in positioning Colombia at the regional level, particularly in relation to the United States—its key partner in structuring the migration response through USAID—as well as vis-à-vis influential liberal actors such as the European Union and the UN-led international institutional framework.

Iván Duque's administration has been characterised by Pastrana Buelvas and Vera (2026, p. 266) as neoliberal in orientation. From the outset of his presidency, "criticism from abroad intensified in response to the continuation of violence, while reports and allegations of human rights violations increased" (Piccolino and Ruette-Orihuela, 2021, cited in Pastrana Buelvas and Vera, 2026, p. 4). Nevertheless, as shown in Chapters 7 and 8, the aspiration to present Colombia as a "good member" of the Liberal International Order continued to shape how the government staged the country's international position and actions, including domestic policies with international repercussions (Palma-Gutiérrez and Long, 2022, p. 4).

In this vein, Palma-Gutiérrez and Long (2022, p. 10) note that, on a symbolic date for UNHCR, the UN High Commissioner for Refugees publicly recognised Colombia as a leading member of the global refugee and asylum regime, emphasising that its policies were influencing the behaviour of other states. This recognition reinforced Colombia's broader strategy of consolidating its status as a "good member" of the LIO by portraying itself as a protector of those displaced from Venezuela by the injustices of an illiberal regime. Following Duque's inauguration in August 2018, a significant portion of Colombia's international standing increasingly rested on accentuating its contrast with the Venezuelan regime, explicitly framed

as illiberal, thereby reinforcing a reputational strategy grounded in differentiation and moral positioning within the liberal international environment (Palma-Gutiérrez and Long, 2022, p. 13).

According to Palma-Gutiérrez and Long (2022, p. 10), Venezuelan migration has come to occupy a prominent place in the shaping of Colombia's foreign policy agenda. The way in which the Santos and Duque administrations managed the steady influx of Venezuelan migrants—drawing on both pragmatic approaches and narratives of solidarity amid Venezuela's deepening political, economic, and social instability—has been widely examined by scholars in the field. Indeed, some have suggested that Colombia's stance towards Venezuelan migrants reflects an intentional strategy on the part of the state to consolidate its position as a relevant player within the Liberal International Order.

Aligned with the left-wing populist movements prevalent across Latin America, Petro has advanced the thesis that the United States is undermining global economies through economic measures that, whilst safeguarding American stability, have a detrimental effect on Latin America and other regions, including Europe (García, 2022, cited in Pastrana Buelvas, Velosa and Vera, 2023, p. 121). Furthermore, Petro has sought to spearhead a shift in international anti-drug policy (Pastrana Buelvas, Velosa and Vera, 2023, p. 122). This positioning is consistent with the populist profile outlined by Pastrana Buelvas and Vera (2026, p. 269), who characterise Petro's approach as one that foregrounds ideological elements and personalisation, presenting himself "as an agent of anti-imperialism" whilst promoting a closed regionalism. As the authors note, whilst "his populist rhetoric makes foreign policy more radical and conflictual," this tendency is nonetheless tempered by "a progressive (non-socialist) base ideology and bureaucratic, institutional and geopolitical circumstances that put limits to this aggressive leadership style" (Pastrana Buelvas and Vera, 2026, p. 282). Pastrana Buelvas, Velosa and Vera (2023, p. 124) further describe Petro as projecting the image of an activist driven by controversy rather than that of a statesman bearing the weight of international responsibility, a characterisation reinforced by his sustained criticism of international and multilateral organisations in which the United States exerts considerable influence (Pastrana Buelvas, Velosa and Vera, 2023, p. 127). Consequently, Petro's policies, which stand in stark contrast to those of the Duque government, include the reactivation of relations with Venezuela and the establishment of a free-transit treaty for people and goods between the two countries; however, during the first months of his administration, no clear guidelines regarding migration policy were observed, and contradictory actions within the government were noted (Vargas Peñaloza, Mejía Restrepo and Vargas Ospina, 2023, p. 10).

6.5 Positioning Venezuelan Forced Migration within the RCR Model

Section 5.3 introduced an initial approximation to the case context, presenting the arguments that support its classification as a deviant case: namely, the Colombian government's promotion of migrants' rights through policy, in contrast to a broader regional trend of using migratory policies to obscure rights restrictions behind humanitarian façades aligned with global tendencies. This chapter then provided a more detailed overview of the situation in Venezuela that gave rise to the largest diaspora in the region's history, contextualised the case in relation to other well-known instances of forced migration, and outlined the Colombian institutional framework developed in response to Venezuelan forced migration. This section now positions the case within the Risk-Crisis-Rights (RCR) model introduced in chapter 4, in order to examine how each of these elements is reflected in the case.

To begin situating each of the elements of the model, I adopt a reversed approach, given that Section 3.4 has already developed an analysis of what constitutes the actual crisis in relation to migration. In this sense, it is possible to distinguish between a causal crisis and a consequential crisis. In the case of Venezuelan forced displacement, as shown in Section 6.1, the causal crisis lies in the persistent social, political, and economic factors within Venezuela, including widespread human rights violations. This causal crisis has led to the displacement of approximately eight million Venezuelans. Upon arrival in Colombia, many of these migrants encountered a state unable to fully uphold their human rights.

From the Colombian government's perspective, this situation constituted a consequential crisis—so defined because it emerges in the context of migration, due to the state's limited capacity to fulfil its obligations towards migrants and, in some cases, towards border communities as well. This led to the overstretching of public services, disruptions in service provision, and the need for exceptional measures to address the situation, all under conditions of significant uncertainty and with implications for social stability—initially at the local level and later at the national level. This overwhelming of state capacities affected multiple sectors, including healthcare, education, housing, basic public services, and even public order.

This situation meets all the criteria to be characterised as a transboundary, creeping, and protracted crisis. It crossed geographical boundaries, beginning in Venezuela, moving into the border municipalities of Colombia, and eventually extending across much of the country. Political boundaries were also crossed, as the need for action quickly escalated from local authorities in border areas to the national government, and later required the involvement of the international community. Functional boundaries were clearly affected as well, with numerous systems and sectors either disrupted or mobilised to support the response. The creeping and

protracted nature of the situation—along with its ongoing character—illustrates the crossing of temporal boundaries. As reiterated throughout, the crisis for the Colombian state in relation to Venezuelan migration is fundamentally a crisis of response.

If a crisis is understood as a set of consequences resulting from the materialisation of a risk event, it becomes imperative—when moving backwards to the first element of the RCR model—to ask: What was the risk? The first step is to determine: a risk to whom? As this case examines the Colombian response, the risk must be understood from the perspective of the Colombian state. Recalling the definition of risk as *The possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty*, a risk is always, ultimately, the risk of a crisis, as illustrated by Lawrence *et al.* (2024, p. 3). In the Colombian case, if the crisis was a crisis of response—where the rights of migrants were not fulfilled—then the risk becomes clear: it is the possibility of failing to meet the state's human rights obligations towards migrants. Once materialised, this risk threatens social structures in the form of growing distrust and delegitimisation of the state, social fragmentation, and polarisation. Given that the possibility of non-compliance with these obligations arose from external causes beyond national borders—and was not the result of a specific policy choice by Colombian decision-makers—this can be characterised as a Non Trade-off Risk.

The causes associated with the consequential crisis are, initially, the limited capacity of the Colombian state to meet its human rights obligations—reflected in weaknesses in leadership, bureaucratic structures, legal frameworks, infrastructure, and other institutional dimensions—and, subsequently, the policy decisions that failed to uphold the rights of migrants.

With regard to the third element of the model—Human Rights—this will be examined in greater depth in Section 8.2. However, as outlined above, the rights of Venezuelan migrants were initially neglected, both as a consequence of the crisis itself and due to short-term decisions made by government officials. These rights were eventually promoted through a series of regularisation mechanisms introduced by the Colombian government. The specifics of this response will be addressed in Section 7.2.

As Colombia has traditionally been a country of emigration, with no prior history of receiving large groups of forcibly displaced international migrants, it was not institutionally prepared to cope with such a situation. Its institutional capacities—in terms of infrastructure, leadership, and legal provisions—had not been designed with a risk related to migrants' rights in mind. This implies that, as the risk had not been previously identified, no prevention or mitigation measures were in place to address it. Nevertheless, it is worth noting that when the risk materialised, and despite the lack of preparedness, the promotion of migrants' rights became

possible as the Colombian government gradually built the necessary capacities. Although these capacities were not developed during a preparedness phase (i.e., under normal conditions as part of a risk management strategy), they were constructed in the midst of the crisis—framing the crisis itself as an opportunity.

In summary, even though the risk of human rights violations against migrants was neither foreseen nor mitigated in advance, the Colombian government's effective and pragmatist response enabled the development of institutional capacities to promote migrants' rights. This reflects risk management in practice, as responding to a crisis entails managing the materialised risk—thus becoming the means through which risk management supported the promotion of human rights in a context of crisis.

Conclusion

This sixth chapter presented the context of the case study, which, as a textbook example of a transboundary crisis, offers multiple perspectives for analysis. Section 6.1 provided an overview of the reported causes of Venezuelan forced migration, highlighting the significance of these causes in shaping the crisis label. Section 6.2 situates the Venezuelan forced migration within the global context, highlighting its scale and distinctive features in comparison with other major displacements. Section 6.3 outlines the institutional framework that Colombia had in place to respond to this phenomenon, tracing its evolution over time.

Section 6.4 provided context on Latin American presidentialism, as well as the leadership styles and foreign policy of the relevant Colombian presidents. Section 6.5 presented how the Venezuelan forced migration case fits into the Risk-Crisis-Rights (RCR) model by illustrating how a risk originating beyond national borders materialised into a complex crisis that challenged the Colombian state's ability to uphold human rights. The risk, from the Colombian government's perspective, was the possibility of failing to fulfil its obligations towards migrants—a Non Trade-off Risk shaped by external causes and internal limitations. Once materialised, this risk gave rise to a consequential crisis marked by overwhelmed public services, policy uncertainty, and threats to social cohesion. The situation meets the criteria of a transboundary, creeping, and protracted crisis, crossing geographical, political, functional, and temporal boundaries. In terms of rights, initial responses neglected migrants' rights, both as a product of institutional incapacity and short-term decision-making. However, through the progressive development of regularisation mechanisms, the Colombian government gradually promoted migrants' rights. The response proved effective, as rights were upheld through capacity-building efforts carried out during the crisis itself, guided by a pragmatist ethos. Thus, the crisis became not only a challenge, but also an opportunity for institutional transformation.

The case has offered multiple perspectives for assessing, in the next chapter, how narratives and labels associated with different phases of the phenomenon have shaped the institutional response to migration.

Chapter 7 Migration Responses: A Path Leading to Crisis

This chapter, which introduces the empirical findings, draws on a thematic analysis of official documents issued by the Colombian government, as well as reports produced by academia and civil society organisations, and elite interviews conducted as part of this research, as outlined in Chapter 5. It offers the first part of the answer to the research question—How does risk management support the promotion of human rights during crises?—by examining Colombia's response to the Venezuelan migration. The chapter highlights both the initial shortcomings in safeguarding migrants' rights and the subsequent institutional efforts to restore and promote them. As discussed in Section 6.5, capacity building—understood as a risk management strategy—was a key element linking the risk of failing to guarantee migrants' rights, the crisis—characterised by overwhelmed state capacities, service disruption, and threats to social structures—and the eventual restoration and promotion of migrants' rights through policy.

This chapter is structured into three sections. Section 7.1 draws on the conceptualisation of crisis to identify four distinct phases in the migratory process from Venezuela to Colombia, enabling a longitudinal analysis in the subsequent sections. Section 7.2 examines the measures implemented in response, the key actors involved, and how each migratory phase shaped the institutional framework—both in terms of legal regulations and bureaucratic structures. This section lays the foundation for analysing the capacities built by the Colombian government; in other words, it shows how the government managed the materialised risk. Within the framework of the RCR model, this section begins to explore the links between Risk and Crisis, and the impact of the decisions made on Rights. In addition, the data analysis reveals how the underlying drivers and narratives shaped the labelling of each phase. Section 7.3 examines how these narratives influenced decision-making and determined the state's response to forced migration, underscoring the central role of the subjective dimension in crisis management. Table 7.3 provides a summary of the characteristics of each crisis and the specific responses implemented in each case.

Finally, this chapter lays the groundwork for Chapter 8, which evaluates the effectiveness of the Colombian response during certain phases of the crisis, particularly in light of the strategic tasks outlined by Ansell and Boin (2019) from a pragmatist perspective. To further support the argument that this response promoted migrants' rights, Chapter 8 includes a dedicated section on this issue, thereby completing the detailed analysis of the RCR model in the context of Venezuelan forced migration to Colombia.

7.1 Several Crises or One Crisis with Several Peaks?

The key milestones of the forced migration from Venezuela to Colombia have been broadly outlined in Chapter 6. At this point, it is worth asking whether this is, in fact, a single crisis with multiple waves or whether these constitute several distinct crises. To answer this question, it is necessary to review the process of Venezuelan migration to Colombia and, drawing on the concept of crisis, identify its beginning(s) and end(s). The expulsion of Colombians in 2015 marks a clear starting point. However, its endpoint is less well-defined, as migration has continued uninterrupted since then. This raises questions about the conclusion of a protracted crisis: Does it end when the situation becomes integrated into daily life (i.e., when it becomes the 'new normal'), even if the state's capacity remains overstretched due to insufficient resources? Does it end when the state can fully uphold human rights obligations? When the conditions that triggered the crisis are addressed or resolved? Or when uncertainty is eliminated?

Crisis theory provides limited guidance in this regard, aside from the recognition that some crises, such as transboundary crises, cannot be defined by a clear end point (Boin, 2009; Ansell, Boin and Keller, 2010). However, one can begin with the crisis definition proposed (see section 3.2) to examine whether the elements constituting the objective or material dimension of the crisis persist throughout the period (2015–2024), or whether they dissipate and re-emerge at different intervals.

From 2015 to 2022, The challenges arising from the state's inability to fully respond to migrants was openly recognised by the Colombian state (CONPES, 2022) and for interviewees: “There are some aspects of the crisis that continue to this day. Many barriers still persist for the socioeconomic integration of the migrant population.” Despite the differing perceptions about whether a crisis currently exists, the lack of coverage of migrants' basic needs still persists (Ramos *et al.*, 2024a). This shows that ***the capacities were overwhelmed, and the insufficiency (or the deliberate non-allocation) of state resources has prevailed.***

On the other hand, ***the exceptional measures that began to be implemented in 2015 have not stopped and continue to be taken***, even in 2024. "These exceptional measures are also evident in the continuation of support programmes by cooperation agencies” as an interviewee stated.

The only element that seems to have dissipated is ***uncertainty.*** From 2018 to 2022, in the documents from the National Council on Economic and Social Policy (CONPES) 3590/2018 and 4100/2022, not only was the intention to settle migrants recognised, but also the continuity of the influx. This realisation represents a sort of certainty. From 2022 onwards, according to

public statements (and the types of measures taken, including those for regularisation), the government is certain about migration: no more migratory waves will arrive in Colombia (Penagos Ramírez, 2024). Although in opposite directions, in both cases, uncertainty regarding the flows has ceased to exist. Particularly in this element, the subjectivity of the crisis and its relationship with political dynamics can be observed.

Returning to the question of whether this is a single crisis or multiple crises, despite the difficulty of identifying clear beginnings and endings in the critical situation, the analysis of official data, document reviews, and interviews conducted brings to light four distinct key moments. The first begins in 2015 and is characterised by a humanitarian response for the returned population. The second, characterised by continuous and incremental flows since 2015, takes shape in 2017, bringing the realisation that migrants would continue to arrive and intended to remain in Colombia. This, in turn, led to the implementation of significant measures beyond humanitarian actions. This crisis is of greater magnitude and with different characteristics (e.g., in the type of migration—pendular, transit, and settlement (Cruces *et al.*, 2023, p. 114)—demographic composition, and the health conditions of migrants). In 2020, a third moment is identified, marked by the overlapping of this crisis with the COVID-19 pandemic and the issuance of several policy instruments by the government. Despite persistent barriers to their implementation, it could be said that, at this point, the crisis was overcome, and a reasonable level of stability was achieved. Due to the characteristics of the phenomenon (transit migration, crossing through the Darién), the change in administration, the dismantling of some key measures from previous administrations, and the shift in the perception of the crisis, a fourth moment can be identified in 2022.

Another criterion worth considering when determining whether there is a single crisis or multiple crises is posed by ‘t Hart & Boin, 2001, cited in Boin, Ekengren and Rhinard (2020, p. 119): “Crisis researchers have long recognized a difference between two theoretical ideal types: the “fast-burning” and “slow-burning” crises.” Drawing on this distinction, it is possible to suggest that the 2015 and 2017 crises can be characterised as fast-burning, whereas those from 2020 onwards are better understood as slow-burning. The following table presents a compilation of some key characteristics of the crises.

Table 7.1 Main Features for Delineating Different Crises

Crisis	Affected population	Crisis dynamics
2015	Returnees	Fast-burning
2017	Arriving migrants	Fast-burning
2020	Settled migrants	Slow-burning
2022	Migrants in transit	Slow-burning

Given the continuity of the cause that gives rise to the migratory process, the continuity of the flow itself, and the continuity of the actions of the three governments to manage it, it seems artificial to speak of four distinct crises. Some interviewees share this view. As one former government official explained: "I would say it has been part of a single crisis because, unfortunately, the roots of the crisis have not changed, which is the lack of economic opportunities in Venezuela, basically." It is interesting to note that this perspective reflects the association of forced migration with the crisis that causes it. Other interviewees perceive it as separate crises and identify the beginning and end of each. For instance, in relation to 2015, government officials indicated that "By the end of the same year the Colombian government managed to close the operation and response", "2017-2018 is a second big wave".

For comparative purposes from an academic standpoint, these four identified moments will be understood as independent crises, as they are determined by different characteristics, distinct narratives, different labels, and, ultimately, by different types of responses.

7.2 Responding to Migration: Evolving Legal Framework and Key Actors and Actions

This section takes a longitudinal look at the measures implemented by successive administrations in response to forced migration from Venezuela. It examines not only the evolution of the legal framework but also how bureaucracies are shaped and adjusted to address the crisis, as well as the key actors involved in this response. While the effects of the response on rights can be observed in this section, a more detailed account and fuller analysis will be provided in Section 8.2.

7.2.1 The 2015 Returnees: Expelled Colombian Migrants from Venezuela

Following, the return, deportation, repatriation, or expulsion of thousands of Colombians from Venezuela, on 4 September 2015, the President of Colombia Juan Manuel Santos, along with the Minister of Health and Social Protection, issued the Decree 1768/2015 to ensure the inclusion of returning Colombian migrants in the social security system. On 7 September of the same

year, a State of Economic, Social, and Ecological Emergency was declared in part of the national territory. This declaration allowed for exceptional measures to be taken to address what they referred to as the humanitarian crisis. “This incident was one of the first tests of Colombia’s capacity to respond to a humanitarian crisis” (Cruces *et al.*, 2023, p. 116).

Given the large influx of people over a very short period, concentrated in small, poorly resourced border municipalities, and the lack of a structure to respond to migration flows, the response was coordinated by the National Unit for Disaster Risk Management through Unified Command Posts (PMUs). In regard to this, the then Foreign Minister stated:

> A legal debate arose because the UNGRD was only mandated to assist people affected by natural disasters, not those caused by human action. However, we considered that the agency could intervene in the case of mass migration of Colombians due to an external cause, as was the case here. The UNGRD had the operational, financial, and legal capacity to assist the initial 20,000 Colombians who had been expelled (Holguín, 2021, p. 239).

Among the main measures taken at the regulatory level and regarding access to services were: “emergency care and childbirth care, the flexibilization of documentation requirements so that school-age children could access basic education, and the establishment of a humanitarian corridor for the transit of school transport” (CONPES, 2018, pp. 16-17). “This first crisis was overcome by relocating families to communities where they had extended family members who could support them … The national government allocated funds to cover some rental costs,” a government interviewee said.

The issuance of regulations that facilitated the naturalisation and integration of binational families marked a significant step toward fostering integration and granting rights to forced migrants from Venezuela. As a former official put it:

> At the Foreign Ministry, we issued Decree 1814/2015 to avert this crisis of Colombians who were being separated from their families that remained in Venezuela, which sought to achieve family reunification… It was to grant them [Venezuelan relatives] nationality in an express manner and free of charge, with very flexible document requirements so that these people could obtain Colombian nationality by adoption.

Following this flow of Colombian returnees and binational families, and due to the Venezuelan government's reopening of the border, “tens of thousands of pendular migrants cross border areas to acquire food and basic necessities, as well as to access healthcare services and visit relatives” (CONPES, 2022, p. 15). As a response, and with the need to ‘map and control’ who was entering Colombian territory, “the Government created the Border Mobility Card (TMF) and

established new Migration Control Posts along the Colombia-Venezuela border" (CONPES, 2022, pp. 15-16).

According to interviewees who were part of the government at the time, actions taken can be summarised as the relocation of returnees, bilateral diplomatic efforts, family reunification policies, and the creation of the TMF as a first attempt to monitor and map migrants to inform public policy. Many meetings were held between Colombian and Venezuelan officials to sort out the situation, especially children crossing the border to attend school on the opposite side and the normal border trade activities. This indicates another attempt to guarantee the rights of the migrant population.

Among the key actors involved, the leadership of the Ministry of Foreign Affairs at the strategic level and the UNGRD at the operational level stand out, along with the support of Migración Colombia, the coordinated response with other entities, and the assistance of international cooperation agencies. It is important to note that the minister was a former Colombian ambassador to Venezuela, a position that played a crucial role in resolving the diplomatic issues.

Non-government interviewees highlighted the prompt support provided by international cooperation agencies and the UNGRD's response to a situation that exceeded its typical remit. As one government interviewee explained:

> The UNGRD has specific funds for emergency assistance. However, migration was not contemplated within one of the variables of humanitarian attention... It was then necessary to carry out various activities or, rather, specific regulations to enable risk management resources and to be able to set up temporary shelters, food, health care, etc.

It is worth noting that this first 'crisis' began to affect the functional scope of Colombian bureaucracies. This is also interesting in that it was a capacity the Colombian state already possessed and adapted to respond to what was perceived as a crisis. This is what the literature refers to as bricolage.

Although some of the measures taken in 2015 were regulatory in nature, it is clear that the actions during that year were primarily operational and short-term, aimed at addressing a humanitarian crisis.

7.2.2 2017: A Migration Surge of Unprecedented Scale

As part of the abrupt increase in the number of migrants arriving in Colombia, even on foot, at the end of May 2017, the Decree 866/2017 was issued to allocate funds for emergency care for migrants, as follows:

> Humanitarian routes for Venezuelan migrants who travel on foot through Colombian territory (*Ruta del Caminante*) were created. These routes provide various services offered by the State, humanitarian organisations, and other actors, including food and health care services, accommodation, information and guidance points, internet and phone access, monetary transfers, spaces for the protection of children and adolescents, and legal advice (CONPES, 2022, pp. 15-16).

Faced with the arrival of hundreds of thousands of migrants and the significant strain placed on state services—not only in border cities but also in the country's interior—and the realisation that pendular migrants holding the TMF were settling in cities beyond the border regions (for which this mechanism had been suspended), the government began taking steps focused on the medium-term identification, characterisation, and integration of the migrant population. This led to the creation of the Special Stay Permit (PEP) on 27 July 2017. According to Resolution 5797/2017, due to the "migratory phenomenon currently being experienced by the Colombian state with Venezuelan nationals, who are increasingly and steadily entering national territory from the Bolivarian Republic of Venezuela, due to the internal situation in the neighbouring country." Across its many versions, 737.430 permits were issued (CONPES, 2022, pp. 22-23) issued. This act marks the first milestone in facilitating access to rights for Venezuelan migrants in Colombian territory, as this permit provides a regular status and, therefore, enables access to state social services and the exercise of legal activities for two years.

In December 2017, Law 1873 established the allocation of resources, through the UNGRD, for a comprehensive humanitarian assistance policy at the border. Following the implementation of the PEP in February 2018, multiple versions have been introduced, each targeting different groups and including extensions to application deadlines and renewal conditions (See Table 7.2).

Table 7.2 PEP Versions and Their Beneficiaries

Mechanism	Resolution	Beneficiaries
PEP I	Resolution 1272/2017	68,857
PEP II	Resolution 0361/2018	112,622
PEP III - PEP RAMV	Resolution 2033/2018	281,778
PEP IV	Resolution 3317/2018	133,489
PEP V - Military	Resolution 2540/2019	792
PEP VI - Special Complementary Permit to Stay (PECP) for those who were denied refugee status.	Resolution 2278/2019	5
PEP VII	Resolution 0240/2020	91,009
PEP VIII - Special Permit to Stay for the Promotion and Formalisation of Labour (PEPFF)	Resolution 0289/2020	19,463
PEP IX	Resolution 2359/2020	29,473

Source: Migración Colombia[15]

Given the magnitude of the situation and the great need for coordination among the many government and non-government entities, President Santos implemented what was perhaps the most strategic measure for coordinating the response: the creation of the *Gerencia de Frontera con Venezuela* (Border Management Office for Venezuela—BMO). A government official put it in these terms: "a much stronger effort in terms of coordination with International Cooperation, not only with agencies providing funds, programmes, NGOs, and others, but also with donors." The BMO is the second and most evident change in Colombian institutions in the wake of the crisis. It is also an effort to build capacity to respond, both to mitigate the current crisis and to prevent future ones.

Decree 542 of 21 March 2018 established the Administrative Registry of Venezuelan Migrants (RAMV) with the aim of characterising the population and understanding their needs to subsequently design the comprehensive humanitarian assistance policy. For its part, the administration of Iván Duque acknowledged that the situation was no longer temporary but rather a long-term challenge demanding substantial measures. "That was one of the keys turning points for the country, understanding that migration was here to stay, that it wasn't simply a transitory issue, but a migration with a vocation for permanence, which required enabling all state services for its support," a government interviewee pointed out.

[15] https://public.tableau.com/app/profile/migraci.n.colombia/viz/PermisoEspecialdePermanencia-PEP/Inicio

In November 2018, the National Council for Economic and Social Policy (CONPES) issued document CONPES 3950 titled “Strategy for Assisting Migration from Venezuela,” aimed at “Providing medium-term support to the migrant population from Venezuela and strengthening institutional capacity for their assistance” (CONPES, 2018, p. 82). In this document, the government recognises:

> Although the national government has made efforts to assist this population… these efforts have largely been directed at addressing short-term emergencies due to their urgent nature. Therefore, a policy is needed to outline the path for assisting the Venezuelan migrant population in the medium term and to strengthen the State’s capabilities at both the national and territorial levels (CONPES, 2018, p. 3).

Concerning the response of that administration, an NOG interviewee notes that they were “looking more towards the medium and long term, regarding the integration and social inclusion of this population, moving beyond the crisis, the emergency, and the immediate humanitarian response, other entities became involved in the social and economic inclusion of these individuals.” Here, it is worth pausing to note that the intention to integrate the migrant population is, implicitly, a strategy to move the crisis to be the ‘new normal.’ This is characteristic of events where it is not possible to prevent or intervene in the causes, which, in turn, is a defining feature of transnational risks and transboundary crises.

While previous official documents had mentioned the crisis in Venezuela, this is the first government document to refer to the situation in Colombia as a ‘migration crisis.’ This label was justified in the overwhelming strain on the state's capacities and the impossibility to fulfil its obligations towards the rights of both migrants and locals. Here, two highly relevant elements of the established framework are determined: the transnational nature of the assistance and the influence of the international community in coping with the crisis:

> The need to coordinate actions in response to large-scale migration crises has led to the emergence of initiatives that coordinate the response of several countries and connect it, on the one hand, with the initiatives and funding from multilateral organizations and, on the other hand, with the proposals and actions on the ground emerging from civil society (CONPES, 2018, p. 24).

This international intervention was not limited to ‘humanitarian’ aid; a political component also began to play a role, as noted by an NGO interviewee: “There was a change of government in 2018, and… it introduced the concept of diplomatic blockade. They requested the Secretary-General of the United Nations to appoint a special envoy to address the migration crisis.” Additionally, there is a recognition that humanitarian aid could not be directed solely at the

regularised population, especially since regularisation efforts, likely hindered by the difficulty of meeting requirements, as acknowledged later, are insufficient: “It is necessary to carry out two main actions: the first is to affiliate [to social security, which implies, at a minimum, health care services] the entire regular migrant population and returnees, and the second is to create pathways for assistance through available services for the irregular and pendular migrant population” (CONPES, 2018, p. 48).

Among the multiple actions taken by the government, access to initial emergency care at no cost continued, alongside the process of affiliating the regularised population to the national health system. The Colombian Institute for Family Welfare (ICBF) expanded the coverage of its services and developed projects specifically for Venezuelan children, adolescents, and youth. Measures were introduced to ensure their right to education, regardless of their migration status. The government also established *Centros Intégrate*, described as “physical spaces that bring together services from different sectors” (CONPES, 2022, pp. 20-21). Additionally, the Inter-Institutional Unit for International Cooperation on Venezuelan Migration was created, and Law 1997 of 2019 was enacted to prevent statelessness. As part of reducing access barriers to rights for Venezuelan migrants, Resolution 872 of March 2019 accepts expired passports, given the difficulty Venezuelans face in renewing them. Likewise, continuous evaluations of the PEP identified shortcomings that required improvement.

In general terms, the former government officials interviewed recognise as the most relevant measures the creation of the PEP, the BMO, and the migration roundtables as a strategic complement to the operational response of the PMUs; the Administrative Register of Migrants to characterise the population; CONPES 3950 (the first public policy issued); and the request made to the UN for a special envoy.

Non-governmental interviewees highlighted the support of international cooperation for migrant integration, the inclusion of migration in municipal development plans, the provision of services to irregular migrants, the creation of *Intégrate* centres, the establishment of the R4V platform, and the creation of the Interagency Group on Mixed Migration Flows (GIFMM). An interviewee explained,

> In 2019, due to the phenomenon of *caminantes* (migrants travelling on foot), the socio-economic integration strategy was introduced, supporting the government—led by the Border Management Office—in the migration management roundtables and identifying inputs for the central government to design planning kits through the National Planning Department, incorporating the migration component into development plans.

The role of academia can be generally observed in the following quote:

> We organised roundtables here in Bogotá, inviting around 80 people, many of them from the border region—public officials, mayors, ICBF representatives, and others. We held four roundtables on health, education, integration, and employment opportunities to carry out an initial assessment. This became one of the first reports ... We produced diagnostic and public policy reports for the national government at the time. In the following years, we decided that Congress also needed to be involved ... We delivered the first report in 2018, and from then on, we influenced a number of institutional processes, such as the development of the CONPES.

When mapping the external actors outside the government, such as academia, legal clinics, high courts, social organisations, and others, the majority of government officials did not acknowledge their influence on the policies issued; however, their statements clearly demonstrate some contradictions:

> What influence did they have? None. It was simply a somewhat collaborative role—not just as auditors and overseers ensuring things worked, but also as our hands and feet on the ground, gathering the concerns of the population and identifying the aspects we needed to, let's say, not attack, but rather consider and address... We saw it as a very useful way to understand the issues at hand and the impact that was being generated.

This influence is evident not only in interviews with academics and non-governmental organisations but also in the fact that the CONPES documents reference the reports highlighted by the scholar interviewed.

7.2.3 2020: The Overlapping of Two Crises

With the recognition that migration was a long-term reality, and that migrants' rights should be included in development plans, inclusion efforts were somewhat disrupted: through Resolution 385 of 12 March 2020, the Ministry of Health and Social Protection declared a health emergency due to the COVID-19 pandemic, marking an overlap of crises.

Through Decree 417 of 17 March 2020, a State of Economic, Social, and Ecological Emergency was declared throughout the national territory due to COVID-19. Within the framework of the pandemic, several decrees and resolutions were issued concerning public order and, more specifically, the control of passengers, air, land, and sea traffic, and the closure of borders. Additionally, Resolution 0918 of March 2020 suspended the counting of the validity period of the Special Stay Permits (PEP), Stay Extensions, or Temporary Stay Permits, among others.

This period of the overlapped crises can be divided into three types of response: the epidemiological response, the humanitarian response to the pre-existing crisis that was further

exacerbated by the pandemic, and the more structural and strategic response, which, although not directly triggered by the pandemic, it played an instrumental role in illustrating the framework for effectively responding at a strategic level to a crisis.

Regarding the epidemiological response, on 29 January 2021, though Decree 109, the Ministry of Health issued the National Vaccination Plan, which sets out the conditions for COVID-19 vaccination and states: “This decree applies to all inhabitants of the national territory, including foreigners accredited to diplomatic or consular missions in Colombia, and individuals transiting in border areas …” According to an interviewee from the Ministry of Health, the target population was defined in the decree as 'all inhabitants of the national territory' rather than ‘citizens,’ in order to ensure that irregular migrants were included. However, the interviewee adds: “The president’s concern about vaccine shortages and the so-called ‘call effect,’ along with the controlling authorities, created a limitation on explicitly including migrants. The lack of identification documents restricted us due to the obligation to certify vaccinated individuals to the authorities.” They further explain: “in the weekly broadcasts made by the ministry, the inclusion of regular migrants was explicitly stated. Irregular migrants were not excluded, but it was noted that it was expected that all others would be included soon.” Another interviewee from the National Institute of Health states:

> The population did not face any kind of discrimination, that is, the same management was carried out for both the resident population in Colombia and the migrant population … they were, above all, an epidemiological challenge, but it did not mean that they were given a different treatment under the law.

Indubitably, the COVID-19 pandemic crisis exposed the precarious and vulnerable conditions of many people around the globe, especially those with irregular migrant status. Regarding the second type of response, or the response to the humanitarian aspect, public officials point out:

> COVID greatly challenged institutional capacities, especially at the local level. After all, we didn't know how many migrants there were, where they were. The issue of migrant housing was very pressing. The informality of the migrant population was obviously higher. So, when the Colombian state had to focus on vulnerable populations, it was easier to target other vulnerable groups rather than migrants.

The Colombian Migration Office, through Resolution 1265 of 28 May 2020, established institutional actions for the voluntary return of Venezuelan migrants to Venezuela. As one former government interviewee states: “this was indeed a response to that crisis; a humanitarian corridor was set up, buses were provided, and they were helped to leave. Many

left but then they came back." This statement reflects that, although the pandemic exacerbated the precarious conditions of migrants, Colombia remained an option with greater guarantees.

According to a government interviewee, "when the pandemic arrived... we had to distribute humanitarian aid to the irregular migrant population, and this was done in coordination with the UNGRD, as if it were a natural disaster, because it was through this channel that we could distribute the humanitarian aid." This statement demonstrates that Colombia was still adapting its existing capacities to respond to a crisis. Social organisations, a key actor in this response, were frequently overlooked, but they were recognised by a government interviewee:

> Migrants, who had a great deal of distrust in institutions due to what was happening in Venezuela, did not trust the Colombian institutions either. That's why civil society organisations, especially those of Venezuelan origin, were so important. They served as a bridge, particularly during the COVID period, to manage and target needs and provide accurate information.

In December 2020, the government published "Embrace, Integrate, Grow: Colombia's Policies on Migration from Venezuela," a sort of report that compiles all the actions that had been carried out so far at the local, national, regional, and global levels to address the 'humanitarian crisis of human mobility', and highlights the challenges that remain.

As part of the structural and strategic response, two major measures were introduced. The first was the Temporary Protection Statute for Venezuelan Migrants under the Temporary Protection Regime, issued in March 2021. This TPS facilitated the regularisation of nearly two million Venezuelan migrants by granting them a Temporary Protection Permit (PPT). The TPS eliminated barriers previously associated with the PEP. This permit, valid for 10 years, grants migrants access to the same rights as Colombian citizens—except voting rights—and allows them to accumulate time towards obtaining a residence visa. The first phase of this statute was the identification of the Venezuelan migrant population. The second phase was the issuance of a Temporary Protection Permit (TPP), which allowed irregular migrants to regularise their status and access state social services. The second major measure was the issuance of the Comprehensive Migration Policy (PIM), which includes provisions for the "socioeconomic and productive integration of the migrant population, promotion of employment, local economic development, entrepreneurship, and financial inclusion" (CONPES, 2022, p. 25).

In 2022, towards the end of President Duque's administration, the CONPES 4100 was issued, titled *Strategy for the Integration of the Venezuelan Migrant Population as a Development Factor for the Country*. Although the drivers behind the set of policy instruments issued for each crisis will be reviewed later, the following statements from interviewees who were in government at

the time highlight the intricacies of TPS and the key actors involved, as this will become relevant later on. “The text was discussed by only three state entities: the Border Management Office (Office of the President), Migración Colombia, and the Ministry of Foreign Affairs.” Another remarks:

> At that time, with the Colombian Institute of Family Welfare (ICBF), a consultancy funded by UNICEF, we drafted Chapter Four of the Statute with a person from the Office of the President, the ICBF team, and Guadalupe Arbeláez, who was the lawyer from Migración Colombia … which is the most comprehensive, the most protective. However, the rest of the statute was not consultative with all the departments.

The following statement by an NGO interviewee suggests that such restricted involvement in the design of the statute had negative consequences for the process: “In April the resolution that regulates the decree will come out and in May the registration system will open, but this will have a series of serious problems because it was done too quickly and unprepared in terms of institutional capacities.” Officials who were involved in the migration process but not specifically in the design of the statute elaborated on some of the shortcomings of this process:

> We were sent a presentation telling us which questions in the survey were to characterise the migrant population. We suggested several to include, to change some, and they didn't change any, nothing happened. The National Department of Statistics came into conflict with Migration Colombia over the type of questions. The National Planning Department also came into tension because Migración Colombia is an administrative authority for migration control and verification.... It ended up being, then, a very basic, very basic database-driven information. And it had a series of challenges that had already been seen in 2017, and they were warned.

Despite the exclusive nature of participation in the design of the TPS—much like in the previous crisis—there are conflicting accounts regarding the influence of different actors on the policy. A former high-ranking official states: “It was the government, plain and simple, making and taking its decisions. There weren’t even other sectors of the government involved.” By contrast, another government official noted “We needed a lot of people on board for it to be an effectively successful instrument.” Another interviewee remarked:

> Who promotes the Statute? Many people, and many people had talked about this before. One would go to the Foreign Ministry, and they would say, hey, why don't we explore a TPS? A Temporary Protected Status similar to the one the United States has, and all this was talked about and talked about, but never materialised… then COVID came along and pushed for the Statute.

These contradictory versions could be clarified somewhat by the following statement from another high-ranking interviewee:

> Clearly, UNHCR and IOM also played a very important role... I distinctly remember asking them what other examples of regularisation have there been around the world. They provided information because there was a very good relationship with them, as they had been involved in the PEP the whole time. I would meet with them every week, institutionally, at the Foreign Ministry, and I also believe they played an interesting role. Of course, if you ask, the Foreign Ministry representative will probably say no, that they did it alone, and Migración Colombia will say the same—but that's not how the real world works.

Regarding the implementation phase, the scenario was quite different, interviewees were unanimous and explicit in recognising the involvement of multiple actors, both governmental and non-governmental: "In the implementation phase, all the cooperation efforts came into play—we're talking about USAID, the World Bank, the IDB, German cooperation through GIZ, Spanish cooperation—all of it. A lot of people put a lot of money into the Statute." An interviewee noted and continued: "UNHCR, for example, helped to promote the regularisation of the migrants. It helped in pedagogy."

The level of involvement of the last actor, UNHCR, also led to some discrepancies in the interviewees' accounts, as many of the non-governmental interviewees claim that UNHCR was involved behind the scenes in designing the Statute, while former government officials argue that it was merely a matter of circumstance, as follows:

> One juncture was the visit of Filippo Grandi. I was working in the President's Office and when the president was presented with the draft decree in December 2020, we were in the middle of the pandemic, it coincided with Filippo Grandi coming to Colombia on 8 February 2021 and that is where the president took advantage of the context and the juncture of Filippo Grandi's visit to set up this project, which contradictorily, he launched it, but.... when it is actually issued, the project completely changes its essence, and the refugees are left out of it. Filippo Grandi's interest in coming and the fact that the TPS decree was practically ready gave it a power that I don't think we were expecting. It worked, but it wasn't specifically planned, it was like he was interested, he was willing, and we launched it with him.

Another former government interviewee noted: "UNHCR also had to adapt to the circumstances and presented the Statute as a temporary protection issue, which is only

protection in name, because the Statute is essentially about pure and simple migration regularisation." For their part, interviewees who were not part of the government reported:

> In hallway conversations, I know that there was interference from IOM in the Statute, and from UNHCR, because they are the two agencies leading the Interagency Group on Mixed Migration Flows and the office of the Special Envoy in Panama... The United States government seemed to do a lot of lobbying, to ensure that this Statute was passed in one way or another.
>
> The exact terminology of the ABC and the words that remained had a lot to do with the normative framework of the Refugee Convention and exactly with words that would always be used by UNHCR at the international level. So that gives the sense that there was very strong advice from UNHCR in terms of narrative.

Regarding the role played by these non-governmental actors vis-à-vis TPS, the following is highlighted by an NGO interviewee: "The GIFMM at the national level has 83 International Cooperation organisations ... What the government has done with the TPS has been heavily financed by cooperation." Another NGO interviewee reported:

> In February 2021 it is announced that the Statute will be created and the decree will be published. We [the NGO] started to work very closely with Migración Colombia on the operationalisation, taking into account the experience we had had with the Administrative Registry of Migrants in 2018, in which Migration Colombia did not participate.

For its part, academia, recognising in advance the shortcomings of the Statute, which were already evident, indicates that: "within the context of the TPS, which we knew was going to be a huge migration policy, we created Bitácora Migratoria with the aim of monitoring a very difficult policy at a time when the Duque government did not have time to think it through."

7.2.4 Crisis 2022: The Darien Crossing

Although initially the scope of this research was limited to 2021, the year in which the TPS (that has been the outcome of interest) was issued, the interviewees, almost without exception, mentioned relevant issues (which will be discussed in subsequent sections) regarding the statism of Gustavo Petro's administration in relation to migration affairs. These insights were found to be highly useful in contrasting different aspects of crisis management, which are included and developed below.

While gaps in migrants' access to rights persisted in 2022, the policy tools defined by the previous administration were effective in coping with the crisis situation. That is, they helped overcome the humanitarian emergency, restore the response capacity of most state sectors, and open the door to the regularisation and integration of a large percentage of the migrant population (Pelacani *et al.*, 2021b). However, given that the benefits of the TPS were only accessible to migrants who entered before the cut-off date of January 2021, and Venezuelans continue to arrive in Colombia, there is a need for mechanisms to regularise those who entered after this deadline.

According to interviewees[16], after numerous calls from civil society and international organisations, two mechanisms have recently been enacted by the Petro administration to, at least seemingly (Besserer Rayas *et al.*, 2024), fulfil the state's obligations regarding migrants' rights. The first is Decree 1209/2024, which introduces the PEP-Tutor, a visible regression to a mechanism that had shortcomings but was improved with and replaced by the TPS. The second is Resolution 12509/2024, which creates the 'Special Visitor' visa category, "as if Venezuelans were coming to Colombia for a visit and were able to meet the costs and requirements of this mechanism," as an interviewee observed. In any case, as of March 2025, these two mechanisms have not been operationalised.

In addition to the issue of irregular migrants and the lack of access to regularisation mechanisms, there remains an ongoing crisis that continues to be neglected: the humanitarian crisis at the Darién rainforest (Ramos *et al.*, 2024b; Riggirozzi, 2024), exacerbated by the overburdening of local municipalities in the area. "When Panama restricts the arrival of boats, within two or three days, between 15,000 and 20,000 migrants become stranded in towns like Necoclí, Acandí, or Capurganá, leading to public order problems and social issues," a former official remarked.

Additionally, not only is there a lack of preparation for a potential new migratory wave after Nicolás Maduro's inauguration in January 2025, but the capacities that were built to address previous crises and had proven effective have also been dismantled. This includes the

[16] None of the interviewees who were part of the government between 2015 and 2022 continued as public servants in Petro's administration. To maintain the balance between government and non-government interviewees, several public servants who now hold the positions previously held by other interviewees were contacted, however it was not possible to obtain any responses. Therefore, this analysis is not separated into government and non-government interviewees.

disbanding of the BMO (Rodríguez, 2022) and the weakening of the UNGRD due to several corruption scandals (Jaramillo Bernat, 2024). The interviewees stated the following:

> I believe that the political conditions in Venezuela suggest we might be on the brink of another crisis, with potentially significant migratory flows in the coming years or months. That said, we cannot affirm this because we don't know what might happen on the other side of the border, but everything seems to indicate that Maduro will perpetuate himself in power, and that many of the people who had hoped for political change will give up on believing in democracy in Venezuela.

7.3 Drivers, Narratives and Labels

While, as illustrated in section 3.2, crises consist of both an objective and a subjective dimension, fieldwork has shown that, regardless of how evident or prominent the elements of the objective dimension may be, the subjective dimension is crucial in shaping the response to a crisis. This section highlights the relationship between the drivers that motivated the response, the labels assigned to the crisis, and the response triggered by the interplay of the two.

7.3.1 Humanitarian Crisis of the Expelled

To address the overwhelming strain placed on the capacity of border municipalities by the sudden arrival of Colombians expelled from Venezuela and their families in 2015, government officials adopted labels and narratives that framed the situation as an emergency and a humanitarian crisis. The former Foreign Minister put it in these terms: “Overnight, I found myself facing the largest humanitarian problem of recent times.” (Holguín, 2021, p. 238) As one government interviewee explained: “There were many aspects of a humanitarian emergency, but there was no perception at that time that it was a problem with long-term effects.” Additionally, government interviewees highlighted that the response would have been carried out through the UNGRD, stating: “[They responded by using] the National Risk Unit, treating it as if it were a natural crisis or disaster.” Along the same lines, another interviewee stated: “The UNGRD's coordination mechanism was the Unified Command Post (PMU), because, obviously, it had been viewed as an emergency.” The interviewees who were not from the government also expressed a similar view: “The first measures being taken are those implemented by the UNGRD, with the idea that this is truly an emergency, as if it were a natural disaster.”

Given that this event was quite sudden and the Colombian government's response was swift, with a focus on the humanitarian aspect, no evidence was found of any other drivers behind this

response. The initial response to the mass arrival of Colombians expelled from Venezuela was, in essence, driven by the need to provide humanitarian assistance to the returnees and meet their most basic needs, as they arrived in Colombian territory stripped of all their belongings.

These considerations and the quotes from interviewees suggest two possible interpretations: the emergency label may have prompted the government to take action through the UNGRD, or alternatively, it could have been the deployment of the UNGRD (as the only available capacity to respond) that influenced the crisis label. In this case, it seems that it makes little difference whether the response determined the label or the label mobilised the response, as both the driver and the response were humanitarian in nature, and the label itself was 'humanitarian.'

Subsequently, in response to the opening of the border and the exceptionally high flows of circular migration (which started to no longer return to Venezuela), the policy instrument implemented was the TMF. According to the interviewees, what drives this mechanism is the need for control and full identification of the population entering the country. While there may be a hint of a securitist approach in this response (this is, one which "rests upon the premise that migration constitutes a security threat" (Pécoud, 2021, p. 105)), it is important to note that no restrictions were placed on the incoming migrant population. In this regard, one former government interviewee remarked:

> Never in the eight years I have been following this issue have I seen, in any public discourse or in any political party, a systematic securitist approach... I never saw it in Colombia, and I still haven't seen it to this day, and that's truly remarkable.

Therefore, both the response and the label for this part of the crisis remain 'humanitarian.'

Although it was not observed in the interviews or in the analysed documents, the political agenda of former President Santos, particularly in relation to his management of the peace process—of which Venezuela was one of the accompanying countries (Santos, 2016)—may have played an important role in the perception and management of the migration.

7.3.2 From the Crisis of the Walkers to the Debate on Economic or Political Forced Migration

Once the arrival of Venezuelans in Colombia ceased to be a process concealed within the usual dynamics of pendular migration and began to manifest itself through their presence not only in border cities—where state services were quickly overwhelmed by the sheer demand—but also in the major cities, "Everyone started responding from wherever they could, as if it were a humanitarian crisis," notes one government interviewee.

Subsequently, the main realisation during this period was the recognition of the migrants' intention to settle, which required long-term actions. As one government interviewee explained:

> The scope began to expand when we stopped thinking this was a two-year crisis that would be resolved within that timeframe, and we started moving to the next stage of realising, they are here, they are not going to leave, they intend to stay, so what are we going to do?

Another official added, "I think that was the key turning point for the country—understanding that migration was here to stay, that it was not merely a transitory matter, but rather migration with the intention of permanence, which required the provision of all state services." In the same vein, another interviewee clearly stated that enabling these services was essential "to make progress in moving away somewhat from the humanitarian response and focusing more on stabilisation processes." This realisation marked a shift in the government's narrative, as one interviewee explained: "We constructed a narrative where we spoke about migration needing to be seen as an opportunity, so we reframed the notion of crisis by viewing it instead as an opportunity for the country."

Additionally, some interviewees highlight the pressures exerted by the international community in promoting a crisis narrative to encourage Colombia to recognise that forced Venezuelan migration was driven by a political crisis, which would allow Venezuelans to obtain refugee status. Regarding this, one public official notes: "International Cooperation exerts pressure, and from the State, Foreign Minister María Ángela Holguín tells the cooperation agencies, this is economic migration." This discussion underscores the importance of the label applied to the origin of the crisis. However, although "some 92 percent of Venezuelan migrants say that their reason for leaving their country is the need to find better economic conditions" (Cruces *et al.*, 2023, p. 114), in light of the Cartagena Declaration, these migrants should be granted refugee status, given the conditions of Venezuelan migration (Freier, Berganza and Blouin, 2022).

The tension among former public officials interviewed is also evident regarding the limitations of language when referring to migration:

> We have always wanted to speak about this phenomenon—although some people dislike the term 'phenomenon' because it sounds like a natural disaster—but to talk about this reality not as a crisis, but as an opportunity. This has been the narrative that all of us working on this topic have always aimed to convey.

However, the 'benefits' of labelling the situation are also acknowledged by them:

> It was very difficult to tell the government at that moment, 'Don't say it's not a crisis, that everything is fine,' because the government needed resources and had to say, 'Look, we are here, and we need help as receiving countries,' for this to become politically important.

As the government interviewee pointed out, the need to label the crisis was crucial in order to attract the attention of the international community and, thus, secure its assistance.

In the previous statements, the interviewees from both the government and outside it acknowledge that the Duque government took advantage of the situation. Another interviewee, former public official, puts it more simply: "From the perspective of a migration analyst, what I saw was a competition for international resources." Another thing that was capitalised on was the public debate surrounding the dilemma of the cause of Venezuelan migration. In the words of one government official:

> In 2017 and 2018, migration was categorised by some as forced cross-border migration, as international migrants, as refugees and asylum seekers, as a political situation that exacerbated a migration crisis. Others argued that it was an economic situation that undermined the humanitarian conditions of Venezuelan citizens, who were forced to migrate for socio-economic reasons. So, this debate between the economic, social, humanitarian, and political—such as persecution under the 1951 Convention, which categorises those persecuted for reasons of religion, ethnicity, or politics—generated a debate within the international community.

By leveraging this debate, the Duque government uses the narrative of migration caused by a political crisis to engage the international community and its resources, but without recognising the Venezuelan migrants as refugees. This situation is illustrated more clearly later on. In addition to this, several interviewees acknowledged that the narrative surrounding the label drives actions that can impact the crisis. As one NGO interviewee put it: "The Lima Group, the Quito process, and other instances ended up being diplomatic pressure and a blockade for Venezuela, and this also motivated the departure of migrants and politicised the possibility of addressing the migrants in an institutional manner, without ideological biases."

While the Border Management Office assumed strategic leadership during the 2017 crisis, it is important to note that the initiative to establish this body originated with President Santos. President Duque subsequently ratified and supported the BMO in key decisions, most notably the implementation of the Temporary Protection Statute (TPS). Therefore, the strategic leadership of both former presidents—Santos and Duque—should be acknowledged as a central element in shaping Colombia's response to the crisis.

In summary, this period saw the transition from a humanitarian crisis to the crisis as an opportunity. While the interviewees described the drivers and narrative as political, the responses align with the 'utilitarian' tag. Nevertheless, this opportunistic approach does not conflict with the politicisation of the crisis. In fact, it is this very politicisation that enables Duque to frame the migration as a result of a political crisis (to attract international attention), while taking actions based on migration for socio-economic factors.

7.3.3 From Economic Crisis to the Politicisation of the Crisis

As soon as Colombia recognises the migrant population's decision to settle and decides to take long-term actions for integration, the COVID-19 pandemic erupts, exposing the immense vulnerability of migrants, particularly those with irregular migration status. The interviewees who were part of the government express it like this: "It was a huge challenge because everything had been planned to support economic integration, but it really became the management of an emergency." This marks another shift in the narrative: from viewing migration as an opportunity to framing it as an economic crisis with humanitarian repercussions.

Regarding the epidemiological response to COVID-19 in relation to migrants, President Duque made a public statement in which he indicated that regular migration status was required to access vaccines. On this, a government interviewee comments:

> The tipping point was access to vaccines. President Duque made an unfortunate statement at the time, and he was told, 'we cannot exclude them regardless of their migration status; they are residents of the territory, it is a basic right to health, you cannot say that irregular migrants are not entitled to vaccines.' So, it was like the worst-case scenario for irregular migrants.

In contrast to the statements made by the president, the Ministry of Health's position on the prioritisation of the population was purely epidemiological. One of its officials expresses it as follows:

> In December, the president stated that irregular migrants would not initially be vaccinated, but if you look closely, the legal framework never excluded them. In other words, it was a matter of political communication, because the decree refers to 'the residents'... From the Ministry of Health's perspective, from the technical team's perspective, from the Minister's perspective, irregular migrants were never excluded.

These statements reveals two important points. The first is the difference in positions between President Duque and the technical teams (from both the Ministry of Foreign Affairs and the Ministry of Health) regarding access to vaccines and, more broadly, the migrants' right to health.

In this context, it would be interesting to delve deeper into who and how the upper hand was gained in this tension; however, this falls outside the scope of this research.

The second point is the inconsistency in Duque's stance on irregular migrants. Although, prior to the pandemic, under his instructions, efforts were being made to integrate the population in order to guarantee them greater access to rights, when it came to ensuring access to vaccines, his statements were contradictory. Could this be explained by the utilitarian perspective given to the label of migration as an opportunity? Enabling the processes of regularisation and integration of the migrant population would open up opportunities to reduce healthcare system costs and to ensure that migrants contribute to boosting the economy, as mentioned earlier.

Once the epidemiological response phase to the pandemic was overcome, and in light of the vulnerability of migrants that this period highlighted, the narrative of 'welcoming migrants' was revisited. In this endeavour, Duque instructed his teams to expedite the design and issuance of the TPS, which brought new narratives and labels. One interviewee from outside the government puts it in the following terms:

> The Statute is justified by the humanitarian emergency resulting from the institutional crisis in Venezuela. So, by recognising the crisis, the Duque government, through the diplomatic blockade, states, 'I break relations with Venezuela because it is an undemocratic and illegitimate state, and I welcome the migrants based on that non-recognition of Venezuelan institutions,' seeking international support in this effort to accommodate the migrants.

Here, we can clearly observe another of the opportunities that the integration of migrants provided: attracting resources from international cooperation and multilateral banks. In addition to this, several government and non-government interviewees highlight an additional 'opportunity' related to the president's personal interests: the enhancement of his political image by aligning with the anti-communist discourse. The following quote from an interviewee who worked for the Duque administration illustrates how the response to the crisis was aligned with personal interests:

> Iván Duque's approach was, 'We are going to provide all the help we can, we are going to protect these people because they are the victims of my enemy. I am protecting them, look.' And he sought to showcase this to the world. He took advantage of the moment because Iván Duque wanted to present himself as the great warrior who would save Latin America from communism and the poverty caused by socialism.

An NOG interviewee puts it very plainly: "The Statute is, above all, a political measure."

The different responses to the crises reveal, on the one hand, the political undertones of the label and, on the other, the relationship between that label and self-interest. In other words, it could be said that self-interest is the driver behind the use of labels of forced migration due to economic or political crises interchangeably, depending on what was most convenient, and that these labels determined the level of integration given to migrants. Likewise, this narrative of welcoming migrants conveniently shifted to an exclusionary discourse when it came to the false dilemma of 'prioritising protection' for Colombians.

A study by Rodríguez Chatruc and Rozo (2021, p. 3) shows that "natives resent migrants in times of economic crisis." This behaviour could explain Duque's statements—lacking both legal and humanitarian justification—regarding the exclusion of irregular migrants from vaccination. Whether this was his personal stance on the issue or a response to the sentiment of his electorate—delivering the rhetoric they wanted to hear—it stood in contrast to the legal framework, which allowed for the vaccination of irregular migrants.

Another important point is that labels are applied not only to crises but also to instruments. In this sense, it is worth noting that the label given to the Temporary Protection Statute (TPS) during the sense-making and meaning-making stages does not coincide. A TPS is, by definition, an instrument intended to provide international protection to its beneficiaries. However, the Statute issued by the Colombian government functions as a regularisation mechanism. Thus, although the label at the meaning-making stage was 'protection', the sense-making framed it as regularisation. This discrepancy between the label used to promote the TPS internationally—aimed at garnering attention and attracting resources—and its actual function may be explained by the very drivers of the policymaking process, particularly utilitarianism.

Finally, in an attempt to consolidate the narrative of migration as an opportunity, at the end of Duque's administration, a new public policy was issued, CONPES 4100. An interviewee from this administration states: "One of the last [CONPES] we approved in July 2022 was on migration as well, which was about how we organised the framework to have that medium-term roadmap. On the one hand, for internal coordination and governance of this effort, and on the other, that transition route for the productive inclusion of migrants."

7.3.4 What Crisis?

If by 2022 Colombia already had the legal framework in place (having formulated and implemented various public policies and a Comprehensive Migration Policy Act 2136/2021), as well as the institutional structure, leadership, and capacity for strategic and operational coordination, and if barriers to migrants' access to rights were gradually being overcome—in other words, if Colombia had built the capacities to respond to migration and fulfil its

obligations regarding migrants' rights—why, then, after 2022, is there still talk of a crisis, or why does the crisis narrative persist?

After the Duque administration concluded, Gustavo Petro assumed office as the first president from a left-wing political party in Colombia's history. This is particularly relevant, as the new government entered office with considerable distrust toward previous administrations, resulting in the widespread replacement of high-level officials, including but not limited to those involved in migration policy. Consequently, there was a disruption in the continuity of actions and the implementation of public policies.

Several interviewees mentioned the lack of experience and knowledge of the officials tasked with migration-related matters, as well as the low priority given to this issue within the organisational structure. A former government official expressed in the following terms: "The Ministry of Equality, which now seems to be the one taking over what was previously under the President's Office, through the BMO, is an absolutely irrelevant actor, and it seems to be an actor that has no interest in being relevant in this matter." As one civil society actor put it:

> The officials working on migration issues—though not all of them, but certainly a good number—don't care about the matter, and those who do care are so far down, so, so, so far down because migration has been entirely downgraded within the institutional architecture, that they are fighting alone against an entire structure.

Following the same line, a former public official add: "The Ministry of Equality is still up in the air because we don't know if it will continue to exist after a year, depending on the Court's ruling." This issue of organisational structure and the hierarchy of personnel responsible for migration seems to be a spark igniting yet another crisis. In the words of an NGO interviewee: "We no longer speak of a humanitarian crisis; I believe there is an institutional crisis in the response to migration." The label of 'institutional crisis of response' given by non-government interviewees contrasts with the official stance: *What crisis?* To understand this, it is worth delving into the Petro administration's narrative. One NGO interviewee put it as follows:

> When the government changed, after the first year when we realised what their position was, organisations became very concerned because this is an administration that engages with Nicolás Maduro's government, with the Venezuelan regime, which it does not oppose and promotes a narrative that is no longer about crisis, but about return. And that's the worst part because it's a political stance that doesn't even amount to migration response.

In response to the narrative suggesting that Venezuelans were returning to Venezuela—a claim not supported by official figures[17] —interviewees from civil society organisations stated: "There's this illusion that things are better in Venezuela, and that's what the presidents both there and here have tried to make people believe," and added, "It's counterintuitive to think that Venezuela is doing better, but that's the narrative the government has tried to portray."

In almost two years of the Petro administration, no measures, not even decisions, were made regarding migration. A civil society interviewee states: "The government took its time to settle in, understand, and decide what it wants regarding migration in the country. Many contradictory and erratic messages, but little by little, it has started to define itself." However, these definitions were not made on the government's own initiative but rather emerged from pressures from social organisations and, primarily, international cooperation, as one civil society actor put it: "International cooperation is leaving now because the government is no longer paying attention to it." Furthermore, the measures being taken are perceived by former government official as follows: "I think we had taken a step forward, the TPS was a measure to ease the crisis, but the indecision now places us back in a difficult, complex context, which could be considered a crisis." Another public official interviewee points out: "This government has not seen the need to continue with those flexibilization measures, and one can see that they have become tangled."

It is necessary to pause here to examine the reason for the dismantling of the measures that were working. According to a former public official:

> With this change in administration and the shift in policy regarding bilateral relations, there is discomfort with the TPS because if we are restructuring bilateral relations, we are recognising Venezuelan institutionalism, and the justification cannot be based on Venezuela's institutional crisis. So, this is the deep tension that exists at the moment.

After two years of inaction, strong pressure from civil society, together with a ruling by the Constitutional Court (Ministerio de Relaciones Exteriores, 2024a) led to the issuance of two new mechanisms for the regularisation of migrants: the PEP Tutor (Decree 1209/2024) and the Special Visitor Visa (Resolution 12509/2024). The former allows the legal representatives or guardians of children and adolescents holding a TPS to regularise their migration status. The latter "is intended for short to medium stay activities in the country and does not grant temporary or permanent resident status." (Ministerio de Relaciones Exteriores, 2024b). In this

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17 https://public.tableau.com/app/profile/migraci.n.colombia/viz/MigracionIrregularenTransito/Migracinirregularentrnsito

regard, a scholar with expertise in the field noted: “This PEP Tutor is a really regressive thing, really regressive; I mean, coming up with this idea when there’s no pedagogy, when even the migration officials themselves don’t have a clear understanding of it.”

In relation to the second type of measure—Special Visitor Visa—, they also point out:

> That visa is frightening. When you start looking at it in detail, for example, it asks for notarised criminal and judicial records from the last three years. It’s a special visitor visa that clearly states in its considerations that this population no longer has the intention to settle, ‘that’s why we’re giving you a visa for two years.’

These two measures, the PEP Tutor and the special visitor visa, not only include requirements that had already been identified as barriers to access for the migrant population seeking regularisation, but they also expose Venezuelans fleeing their country in search of protection. One NGO interviewee puts it as follows:

> When the current Colombian government thinks about how to continue supporting the regularisation processes for the migrant population, the first thing they say is, ‘Well, go to the consulates …’ However, there are also issues faced by migrants who have a refugee profile, as they are fleeing their country due to political persecution. These individuals do not approach the consulate because, for them, the consulate is essentially like putting themselves back in the lion's den.

The institutional mistrust generated by these measures is reflected in this statement from an NGO interviewee: “They are nervous that data could be shared between governments, especially now with this government being friendly with Maduro. So, they say they are not safe here because many came fleeing persecution.” This is beyond the scope of this research, but it is crucial to further explore the impact of this narrative on migrants, their integration processes, their well-being and mental health, and, ultimately, on their decision to either settle in Colombia or continue migrating.

In this sense, or rather, because of this, another phenomenon seems to be worsening: migration in transit through the Darién rainforest, as illustrated by this statement of a civil society organisation: “Venezuelans stopped trusting Colombian institutions, and many, in fact, no longer want to stay in the country.” Another NGO interviewee adds: “There has developed an ideology of not wanting to recognise that migration is a problem because they don’t want to acknowledge that Venezuela is a failed model, especially in relation to migration towards the United States and the passage through the Darién.”

It is interesting that when interviewees were asked whether they considered there to be any current crisis related to migration in Colombia, with one exception, all of them responded negatively, referring instead to the capacities that had been built since 2015 and reached a strong point in 2021 with the TPS. However, when mentioning the Darién, all agreed that it represents a critical situation, as expressed by an NGO interviewee: "It's a humanitarian crisis from a rights-based approach, from a protection standpoint, and from a human perspective in itself." Furthermore, they attribute this crisis to the (lack of) institutional response and the politicisation of the narrative, as seen in this statement from a former public official: "For now, I believe that there is no proper, institutionally organised response, and it does not meet or reflect the conditions of international humanitarian principles. I think Colombia has merely given political attention and interest, but not a genuine will to address the Darién situation." Here, a tension is observed between the narrative and the label (or lack thereof) regarding the crisis generated by the state's failure to meet its obligations concerning the rights of migrants, and the label used by non-governmental actors.

In the face of the drivers of this narrative, an NGO interviewee states:

> When you put on the political and economic lenses, you realise that they haven't wanted to label it as a crisis, because that would imply that both the governments of Panama and Colombia, as well as other governments involved in that transit, would need to adopt public policy measures or take stances where they must make decisions—economic stances, political stances—and these positions might either align or conflict with the interests of the United States or Venezuela.

This observation is interesting because it highlights a complicity in inaction regarding cooperation and transnational coordination, as would be required for an effective response to a transboundary crisis. The transition from a 'new normal' to an 'institutional crisis' can be elucidated by the following quotation:

> "We have noted how an effective response to precursor events can lead to a sense of closure. We recognized the threat and we dealt with it. We can move on; no need to look back. Closure is in order, however, only after the links between the event and underlying forces have been extensively probed. It has to be ascertained that the underlying cause has been removed. The treatment of mere symptoms may hide the real crisis from view, providing it with room and oxygen to grow and morph" (Boin, Ekengren and Rhinard, 2021, p. 175).

Up to 2022, the 'crisis' had not been fully resolved, as significant barriers still persisted that prevented the Colombian state from fully upholding its obligations towards migrants' rights,

although the critical situation was easing. Nevertheless, the administration in power failed to recognise that these barriers remained, did not address the underlying causes of the crisis, and ceased to respond actively with a pragmatist ethos and a rights-based approach.

Just as in the previous period the political/ideological motivation of President Duque could be observed in the governance pattern, it is evident that the ideological alignment of President Petro with the Maduro regime has also influenced the (mis)governance between 2022 and 2024. “I didn't have high expectations because I knew that the political issue would overshadow the migration issue, but I didn't think it would happen in such a clumsy and blatant way,” an academic expert remarked.

The following statements from the interviewees concisely seal the relationship between drivers, narrative, crisis label, and type of response. A former government official states: “I believe that the crisis is an institutional crisis because it is not being addressed. It’s an issue that, at any moment, could get out of hand more due to institutional capacity than because of a massive influx of people.” In the same vein, an NGO interviewee points out: “Today, we can no longer talk about a crisis in the Darién. What needs to be discussed is how to strengthen institutions and adapt to these new realities, but crisis? Well…” These statements strongly support the notion proposed in Section **Error! Reference source not found.**: that the crisis regarding migration is, in fact, a crisis of response.

The characteristics of the crises and the corresponding responses are summarised in Table 7.3. As indicated before, while the effects of the response on rights can be observed in this section, a more detailed account and fuller analysis will be provided in Section 8.2.

Table 7.3 Comparative Overview of Key Crisis Characteristics and Responses

	2015	2017	2020	2022
Administration	Santos	Santos (until mid-2018) Duque	Duque	Duque (Until mid-2022) Petro
Affected population	Returnees	Arriving migrants	Settled migrants	Migrants in transit
Crisis dynamics	Fast-burning	Fast-burning	Slow-burning	Slow-burning
Respondent	Ministry of Foreign Affairs and UNGRD	BMO	BMO and Minister of Health	Directorate within a ministry
Level of response	Strategic and Operative	Strategic	Strategic	Not clear
Label to the causal crisis	Humanitarian emergency	Social and economic crisis	Economic crisis with humanitarian repercussions	There is no crisis!
Label to the consequential crisis	Humanitarian	Migration as an opportunity	From Humanitarian to migration as an opportunity	Institutional crisis response
Narrative	Covering basic needs	Migrants as development agents	From Covering basic needs (exposed by COVID-19) to migrants as development agents	Migrants leaving Colombia: no response needed
Drivers	Humanitarianism	Utilitarianism: securing funds from international and multilateral bodies	Utilitarianism: reduce healthcare costs; ensure migrants contribute to economic dynamism; secure funds from international and multilateral bodies. Self-interest: enhance political image by aligning with anti-communist discourse	Political alignment
Response	Resettlement	Regularisation (persistent barriers)	Regularisation	No response

Conclusion

By examining Colombia's response to the Venezuelan migration, Chapter 7 provided the first part of the answer to the research question: *How does risk management support the promotion of human rights during crises?* It showed that capacity building functions as a risk management strategy which, in the context of crisis response, enables the promotion of rights that had previously been neglected. Capacities such as leadership, legal frameworks, bureaucratic structures, and the continuity of public policies emerged as key elements in reversing overwhelmed state functions, service disruption, and threats to social structures. These

capacities supported the State in fulfilling its objective obligations towards migrants' rights. The chapter highlights both the initial shortcomings in safeguarding migrants' rights and the subsequent institutional efforts to uphold and promote them.

Section 7.1, drawing on the conceptualisation of crisis, identified four distinct phases in the migratory process from Venezuela to Colombia, which were analysed longitudinally in the subsequent sections. These phases reflected different characteristics, narratives, and labels, each triggering a different set of responses. Examined against the elements of crisis definition—such as disruption, state capacity overload, exceptional measures, and uncertainty—these phases were understood, for the purposes of this study, as four separate crises. The institutional response—marked by regulatory adjustments, the creation of a new agency, and the allocation of resources—demonstrated how these elements interacted to strengthen the state's capacity to uphold its obligations towards migrants' rights.

Section 7.2 examined the measures implemented in response, the key actors involved, and how each migratory phase shaped the institutional framework—both in terms of legal regulations and bureaucratic structures. This section laid the foundation for analysing the capacities built by the Colombian government; in other words, it showed how the materialised risk was managed. Within the framework of the RCR model, the section began to explore the links between Risk and Crisis, and the impact of the decisions made on Rights. Section 7.3 examined how narratives influenced decision-making and determined the state's response to forced migration, underscoring the central role of the subjective dimension in crisis management. Table 7.3 summarised the characteristics of each crisis and the specific responses implemented in each case. Based on that analysis, the main findings of each section are summarised below.

The initial response in 2015 was humanitarian in nature, with the UNGRD leading operational measures in an ad hoc manner, adapting existing capacities to address the urgent situation. This set the stage for a series of institutional adjustments, including the creation of the Special Permit for Stay (PEP) in 2017 and the establishment of the BMO, which marked a shift towards recognising the long-term nature of the migration phenomenon. As the crisis evolved, the political dimensions of the situation became more apparent, and narratives shifted from humanitarian emergency to viewing migration as an opportunity for integration and economic benefit. This shift in narrative was further amplified by the overlap with the COVID-19 pandemic, which brought new challenges and reinforced the vulnerability of migrants, particularly those without regular status. The framing of migration as an economic crisis with humanitarian repercussions complicated the response, generating tensions within the Colombian government regarding access to resources and the rights of migrants. Despite these challenges,

the response gradually moved from short-term humanitarian measures to more strategic long-term policies aimed at integration and regularisation. By 2022, while the legal framework and institutional capacity had been significantly strengthened, the persistence of the crisis narrative indicated that gaps remained in the ability to fully address the needs of all migrants. The failure to regularise those who arrived after the cutoff date for the TPS and the disruption of institutional capacities under the Petro administration suggested that the crisis was not over. Rather, it had evolved into an institutional crisis, with significant challenges in responding to the growing needs of migrants and in fulfilling their rights.

In general terms, the analysis underscored the critical role that the subjective dimensions—drivers, narratives, and labels—played in shaping the response to the crisis. These factors not only influenced policy decisions but also dictated the institutional capacity to manage migration effectively. The shift from a humanitarian to an institutional crisis reflected the ongoing struggle to adapt to the new reality of migration, highlighting the need for continued capacity-building and more coherent governance in addressing migration-related challenges.

Finally, this chapter laid the groundwork for Chapter 8, which will evaluate the effectiveness of the Colombian response during certain phases of the crisis, particularly in light of the strategic tasks outlined by Ansell and Boin (2019) from a pragmatist perspective. To further support the argument that this response promoted migrants' rights, Chapter 8 will include a dedicated section on this issue, thereby completing the detailed analysis of the RCR model in the context of Venezuelan forced migration to Colombia.

Chapter 8 Evaluating Strategic Tasks in Responding to Migration

To evaluate the extent to which the Colombian response to migration could be considered effective and, therefore, a promoter of migrants' rights, this chapter assesses the presence of a pragmatist ethos in the execution of the strategic tasks to respond to Venezuelan forced migration. This evaluation draws on the theoretical framework proposed by Ansell and Boin (2019), as presented in Section 4.2, and revisits the rights progressively provided to migrants through the Colombian response discussed in Chapter 7. The framework developed by Ansell and Boin was introduced in two parts. First, Section 4.2.1 outlined the four pragmatist principles—fallibilism, anti-dualism, experimentalism, and bricolage—which the authors argue are essential for an effective crisis response. Second, Section 4.2.2 presented the four strategic tasks deemed necessary for responding to crises: sense-making, decision-making, coordination, and meaning-making.

In Section 8.1, this chapter evaluates the extent to which each pragmatist principle was present in the execution of each strategic task, adopting a cross-sectional approach. Section 8.2 further supports the claim that the promotion of migrants' rights in policy was a result of the Colombian response to the crisis between 2015 and 2022—an idea initially outlined in Section 5.3 and broadly discussed throughout Chapter 7. This section presents the evolution of the policy mechanisms through which the Colombian government has progressively met its objective obligations towards migrants' rights, while further supporting this account with references to previous studies on the subject.

Chapter 7 demonstrated that a partial way in which risk management can support human rights during crises lies in the capacities built throughout the response. This chapter shows that the other necessary element is the implementation of an effective response. As previously explained, managing a crisis as a *set of consequences resulting from the materialisation of a risk event*.

This part of the analysis will demonstrate that the RCR model offers a structured response to the research question—How does risk management support the promotion of human rights during crises?—by linking Risk, Crisis, and Rights. The model recognises that a crisis is a set of consequences arising from a risk event, and that crisis management is, by extension, a form of risk management. It also acknowledges that both crises themselves and the ways in which they are managed can have adverse effects on human rights. However, these impacts can be managed through a pragmatist response at the strategic level and the continuous building of

capacities, leading to the promotion of human rights. Ultimately, it is the pragmatist response that enables capacity building, and it is through the capacities built that crises can be turned into opportunities.

For the purposes of this analysis, only three periods are examined: 2015, 2017–2022, and 2022–2024. This division is based not only on similarities in the characteristics of migration, but also on the continuity of public policies between 2017 and mid-2022, which were progressively defined and adjusted, as reflected in policy instruments, leadership, and the institutional framework.

Regarding the underlying ethos of pragmatism—fallibilism, anti-dualism, experimentalism, and bricolage—it is worth noting that the PMUs (Unified Command Posts) and Migration Roundtables functioned as articulators of the operational and strategic responses, respectively. These cross-cutting instruments facilitated the deliberation, debate, and continuous feedback that underpin the principle of anti-dualism, which was present across the four strategic tasks. The following two quotes from the public policy 'CONPES 4100' illustrate this perfectly:

> The establishment of Unified Command Posts for identifying needs and problematic situations in border sectors, which provides a broad and simultaneously disaggregated overview of the different scenarios and challenges presented, in order to seek solutions through coordination and communication between the national government and local territories (CONPES, 2022, p. 25).

> The national government… has been implementing a strategy for the creation of local spaces for discussion to make decisions regarding Venezuelan migration, called Migration Roundtables; at the territorial level, these roundtables were created as a strategy for coordination between the national government, local authorities, international cooperation, and civil society… as well as evaluating strategies and measures to structure a response system for this population (CONPES, 2022, p. 28).

The following four sections examine the evidence of the pragmatist ethos in each task for effective strategic crisis management in Colombia's response to migration.

8.1 Examining the pragmatist approach in the strategic tasks

8.1.1 Examining Sense-making

In 2015, although the political and belligerent nature of the Venezuelan government was a determining factor in the origin of the crisis, the administration of Juan Manuel Santos, particularly the management of Minister of Foreign Affairs María Ángela Holguín, was decisive in

framing the crisis as humanitarian. From that clear-cut label—contrary to the pragmatist principle of anti-dualism—it becomes evident that the sense-making of the crisis limited the ability to recognise signals indicating that this was not a one-off emergency but the tip of the iceberg of a phenomenon that would last for nearly a decade. However, this very sense-making played a key role in preventing the 'blame games' and the escalation into a political crisis.

Responding in a pragmatist way based on the ethos of fallibilism, Holguín herself highlighted the ongoing communication with the Colombian embassy in Venezuela, border and other national authorities, as well as with fellow diplomats, to assess the situation. In addition to these diplomatic efforts, the expelled Colombians were also involved in the sense-making process (Holguín, 2021, p. 234). This triangulation reinforced the pragmatist approach.

Despite the challenges posed by this first crisis—an unprecedented phenomenon in the country—the government relied on existing institutions, responding through the UNGRD, which operates with significant autonomy. This also reflects the ethos of bricolage.

Between 2017 and 2022, the response shows evidence of recalibration, triangulation, recognition of the complexity of the situation, and, consequently, the revision of strategies. While the magnitude of the crisis and its defining characteristic—the permanent nature of migration—were not recognised at the outset, by 2018 this recognition had taken place, leading to significant advances in the measures implemented to respond to migration.

With regard to the labels assigned to the crisis that gives rise to forced migration, these shifted from a humanitarian crisis to an economic and social crisis. In relation to the crisis of response, or the consequential crisis, the evolution of sense-making can also be observed. "As we built a narrative in which we talked about migration as an opportunity, we shifted the crisis dimension, reframing it as an opportunity for the country." This statement from a government interviewee shows that the narrative and the label evolved within the administration, as they were highly aware of the need to revise and reconsider the nature of the situation.

The Migratory Roundtables created by the BMO provided a necessary space for deliberation, debate, and feedback, serving as an anti-dualist tool.

The shift in sense-making reveals, in itself, the ethos of fallibilism, as the interpretation of the phenomenon was constantly recalibrated. Likewise, the underlying principles of anti-dualism, experimentalism, and bricolage are also observable.

Since mid-2022, although there are objective indicators of an ongoing crisis—including the crossing through the Darién marked by serious human rights violations, overstretched municipal capacities (Riaño, 2019; Riggirozzi, 2024), continued barriers to migrants' access to

rights, and the absence of accessible regularisation mechanisms—the administration has persisted in downplaying the response crisis. As a result, it has neglected not only the challenges posed by forced migration but also breached its obligations regarding migrants' rights. This lack of response suggests, in itself, the politicisation of the crisis.

8.1.2 Examining Strategic Crisis Decision Making

Thanks to the leadership and constant feedback ***during the 2015 crisis***, measures were taken first for emergency response and then for stabilisation. The experience of the UNGRD was crucial in the operational aspect of the response. Likewise, the leadership of the Minister of Foreign Affairs, her previous experience as Colombia's ambassador to Venezuela, and her deep knowledge of that country played a fundamental role in the strategic and more diplomatic decisions of the crisis.

Although there was evidence of continuous triangulation, decisions to respond to the returnees were not delayed. This response was gradually complemented and expanded as the situation evolved. For example, initial efforts focused on humanitarian assistance to meet basic needs, followed by support to address secondary needs, thanks to the contribution of international cooperation. The underlying principles of fallibilism, anti-dualism, experimentalism, and bricolage are evident in this response.

From 2017 until mid-2022, numerous examples of incremental decision-making can be observed, with adjustments based on evaluations of indicators, feedback from various government organisations, civil society, academia, and reactions to press statements. The identification and regularisation mechanisms are the best example of this, ranging from the Mobility Card to the nine versions of the PEP that eventually led to the creation of the TPS.

An instrument supporting the ethos of fallibilism, anti-dualism, and experimentalism is described in the following quote:

> … the Migration Statistics Roundtable was established… for the identification, generation, and integration of high-quality statistical information for decision-making and the evaluation of the PIM [Integrated Migration Policy]… for the policy cycle in the migration issue … regarding the need for access to sectoral and intersectoral information, as evidence for decision-making in migration management (CONPES, 2022, p. 32).

Similarly to the sense-making process, the spaces such as the Migration Roundtable, created by the first border manager, were among the most important for deliberation, feedback, and debate.

Despite the limited reception of the observations made by the general public on the ETPV Bill—the instrument creating the TPS—(Pelacani *et al.*, 2021b, p. 9), there was significant internal deliberation on the relevant issues. According to a public official, "Everyone, and that was the advantage, would say their piece, and it was either accepted or not; thus, this became a contributory Decree."

Even though Colombia has no previous experience in receiving large migratory flows, its response was flexible and creative, adjusting the legal and institutional framework, primarily through the creation of the BMO, whose management was crucial at a strategic level. Not only did it have a high degree of autonomy, but it also had the backing of the president.

The strategic leadership of the crisis in the hands of Felipe Muñoz, the first border manager, is clearly evident in the management carried out and in the comments of most of the interviewees. "It was a very wise decision, first because the due diligence of migration management in Colombia was completely disjointed… and at that moment, perhaps we were each doing our own thing. When Felipe arrived, he managed to unify the message," one government interviewee stated. Another interviewee, non-governmental, pointed out that "Felipe Muñoz… in 2018, he invited us to his office in response to an article he wasn't particularly fond of. However, being a very intelligent and open-minded person, he preferred to say, 'Come, let's talk and see what we can do.'"

From mid-2022 to 2024, according to several interviewees and the official documents creating the EDI Ministry, the importance of migration was downplayed, relegating the management of this issue to an office at a very low hierarchical level, led by someone with no experience in public administration or leadership roles. Continuity in policies and leadership was disrupted.

8.1.3 Examining Crisis Coordination

As previously shown, ***in 2015***, the expulsion of Colombians from Venezuela and the mass returns were addressed by the Ministry of Foreign Affairs at a strategic level. Significant operational work was required, but since this was an unprecedented situation for Colombia, there were no established bodies to respond. Appealing to the humanitarian nature of the crisis and the ethos of bricolage, the Disaster Risk Management Unit (UNGRD) was activated to coordinate the operational response. As previously mentioned, this decision remains subject to debate, particularly regarding whether the Unit had the appropriate mandate to respond.

An additional feature that made the UNGRD's operational response highly effective was the flexibility granted to this Unit, particularly in terms of procurement, which enabled a rapid response to emergencies.

From ***2017*** onwards, as the magnitude of the crisis intensified, so too did the need for strategic coordination. It was no longer sufficient to meet basic needs and relocate returnees; it also became necessary to integrate the migrant population into the system and guarantee access to state services. This required coordinated action from ministries, national-level agencies, regional and local governments, various sectors of the economy, and numerous civil society and international cooperation organisations.

To meet that need, the BMO played a crucial role in coordinating the response to migration. In the words of one government interviewee:

> It was an office within the President's Office that was responsible for three types of coordination: horizontal, among national government entities; vertical, with governors and mayors across cities and departments; and transversal, with all international cooperation agencies. It truly exercised a leadership and coordination role within the government.

One of the most important tools evidencing the ethos of fallibilism, anti-dualism, and experimentalism—while enabling calibration, triangulation, deliberation, monitoring, and revision—was the Migratory Roundtables. As one interviewee explained, "It was a mechanism where the local government, the mayor's office, and national government representatives, along with international cooperation, sat together and tried to find solutions to the problems."

Interviewees also highlighted the importance of the high bureaucratic level at which the BMO was situated: "For me, one of the key issues was that the President's Office was the one that led this effort... Having that coordinating role, I think, was one of the successful measures to give it that priority."

Another example of experimentalism, bricolage, and flexibility is the use of the UNGRD for the execution of the Venezuelan Migrant Administrative Registry: an administrative task carried out by an operational unit with a wide territorial reach.

Starting in 2022, several interviewees noted a trend where international cooperation began to decrease progressively. This shift was accompanied by a continued downplaying of the migration crisis, which led to the disarticulation of the coordination instruments that had been established to address the situation.

In summary, between 2015 and mid-2022, the principles of pragmatism were present in the coordination efforts responding to the crisis of migration response. However, from mid-2022 onwards, the coordination mechanisms for the migration response were dismantled, hindering

the effective articulation of the limited response outside government entities. This contributed to the state's failure to fulfil its obligations regarding migrants' rights.

Although a remarkable effort of coordination was observed between 2015 and mid-2022 by the Colombian government, articulating local and national authorities across sectors, systems, and industries, no significant regional initiatives addressing Venezuelan forced migration stand out. As noted by Riggirozzi and Cintra (2024, p. 254), "resolving the problems of violations of migrants' rights is not a national issue, but a regional one[18]." They further add: "The formulation of policies that help overcome and transcend national security concerns, and that provide a mechanism for cross-border exchange and cooperation based on human rights, requires refocusing on human rights and the protection of migrants[19]." (Riggirozzi and Cintra, 2024, p. 258). In a similar vein, Hammoud-Gallego and Freier (2023, p. 456) observe that "given the absence of a regional supranational institution capable of imposing refugee policies across countries, the proactive role of the UNHCR has been identified as essential in setting regional standards to which most of the countries sought to adhere."

8.1.4 Examining Meaning-Making in Times of Crisis

The meaning-making of ***the 2015 crisis*** did not involve significant complexity, as it was framed as a humanitarian emergency. No other actor claims a different interpretation or presents a different meaning of the situation on the public stage. In line with pragmatist principles, it is notable how the smaller dramas that made up the crisis were taken into account, even form the sense-making stage. This is evident in the Minister's presence at the border and her interactions with those affected by the crisis. Similarly, no strong statements were made.

As in 2015, ***from 2017 onwards*** the meaning-making of the crisis proposed by the Santos and Duque administrations remained uncontested, even despite adjustments in sense-making and the politicisation of the crisis following Iván Duque's arrival in 2022. Using Venezuelan forced migration as a political catapult, Duque positioned himself in opposition to the work and humanitarian approach of his own teams—namely, the Ministry of Health and migration-related agencies—and acted against the warnings of a pragmatist ethos. He sought to project his leadership by making strong public statements on two fronts. The first was his repeated assertion that Maduro's days were over (Oraa, 2023) framed within the discourse of a 'diplomatic blockade.'

[18] Translated from Spanish
[19] Translated from Spanish

The second was his statement, during the overlap of the COVID-19 pandemic and the response crisis, that irregular migrants would not be given access to the COVID-19 vaccine (El Espectador, 2021; Pardo, 2021; Torrado, 2021b;2022). This was later corrected in weekly updates from the Ministry of Health, which clarified that the National Vaccination Plan did not actually exclude irregular migrants (See section 7.3.3). Gómez *et al.* (2024) examined the impact of this statement and the subsequent amendments. The effects they document reveal a link between the failure to follow pragmatist principles and negative consequences for human rights. This suggests that a crisis response grounded in pragmatism is not only more effective, but also more conducive to the promotion of human rights.

Additionally, it is worth noting that these statements appeared to target specific audiences. In the first case, it reflected an alignment with the U.S. stance on communism. In the second, they were aimed at satisfying domestic interests, their president prioritising them.

Although there were isolated statements with xenophobic language from some public figures (Torrado, 2021a), these were widely criticised by public opinion and later countered with campaigns, such as 'Los nuevos Bogotanos'[20] (The new Bogota citizens) or 'Venezolano rima con hermano'[21] (Venezuelan rhymes with brother), appealing to symbolism and values that highlight the ties between Colombia and Venezuela.

Between 2015 and 2022, there was no significant blame game in the public debate that politicised the conversation about migration or sought to take advantage of it. While Duque's political stance was subject to criticism, his narrative, labels, and responses to the crisis remained uncontested. Since the origin of the causal crisis was external, it could not be directly attributed to the administration in power, thereby limiting opportunities for the blame game (Boin, Ekengren and Rhinard, 2020, p. 126; Resodihardjo, 2020;2023).

Just as with the previous tasks, it is not easy to observe evidence of meaning-making conducted according to pragmatist principles from mid-2022 onwards, given the few insufficient response to migration.

[20] https://www.integracionsocial.gov.co/index.php/component/tags/tag/228-nuevos-bogotanos
[21] https://revistadigital.comfama.com/por-que-decimos-que-venezolano-rima-con-hermano/

8.2 Assessing the Effectiveness of Colombia's Migration Response in the Promotion of Rights

As shown in the previous sections, from 2015 to mid-2022, despite the capacities being overwhelmed, Colombia's response to migration from Venezuela demonstrated the implementation of four strategic tasks through a pragmatist approach. Although this implementation alone is insufficient to claim an effective response, this study argues that the effectiveness is evidenced by the promotion of rights and the progressive removal of barriers to accessing them.

To support this argument, the characteristics of the three main regularisation mechanisms—PEP (*Permiso Especial de Permanencia*), PEP-RAM (*PEP – Registro Administrativo de Migrantes*), and TPS (Temporary Protection Statute)—are examined. These mechanisms are understood as policy instruments issued in a context of crisis. The characteristics analysed include: the requirements and other restrictions, some of which acted as barriers to access; the validity of the mechanisms; the barriers that were progressively eliminated; and, finally, the rights and guarantees conferred. Following Landman and Carvalho (2010, p. 31), "The empirical referents for measuring and monitoring human rights [...] are how these rights are protected in *principle,* realized in *practice* and promoted through *policy*" Given that this study focuses on the governmental response—as made explicit through the policy instruments issued—it identifies broad elements that serve to illustrate the promotion of migrants' rights as a result of these responses, rather than undertaking a detailed measurement of rights.

PEP I required individuals to be present in Colombian territory on 28 July 2017; have entered the country legally through an authorised migration checkpoint with a passport; have no national or international criminal record; not be subject to a current deportation or expulsion order. PEP-RAM required individuals to have no national criminal record or international arrest warrants; not be subject to a deportation or expulsion order; be registered in the Administrative Registry of Venezuelan Migrants (RAM).

TPS required individuals to meet some of the following conditions: be in Colombian territory with a valid migration status or be undocumented as of 31 January 2021; enter Colombian territory legally through an authorised migration checkpoint during the first two years of the Statute's implementation (29 May 2021 – 28 May 2023), complying with migration regulations; have no criminal record, no ongoing judicial or administrative proceedings in Colombia or abroad; not be subject to deportation, expulsion, or financial sanctions; not be under administrative investigation by migration authorities; not have been recognised as a refugee or granted asylum in another country; provide a summary and appropriate proof of their stay;

present a valid or expired identification document; be included in the Single Registry of Venezuelan Migrants (RUMV), which required completing the online pre-registration, socio-economic survey, and in-person biometric registration.

Although TPS requirements appear more extensive, it is worth noting that PEP-RAM eliminated the need for a valid passport and proof of entry via official checkpoints. However, it still excluded Venezuelans who had entered using the Border Mobility Card (TMF). In contrast, TPS removed the requirements for regular stay and entry altogether.

The PEP did not replace the passport and was not a valid travel document for exiting or re-entering the country. This restriction was lifted under PEP-RAM, provided the individual also held another form of identification. TPS, in contrast, functions as an identification document in itself, removing the need for an additional ID. Moreover, the PEP did not allow the accumulation of time toward permanent residency, which risked creating statelessness. This gap was addressed under TPS. Although the summary proof of stay required for TPS initially posed a significant barrier due to the National Civil Registry's restrictive interpretation, the Constitutional Court later ruled in favour of migrants' rights, adopting a broader understanding of 'summary proof.' In terms of access to services and, ultimately, to rights, the duration of each mechanism is also significant. Both PEP and PEP-RAM were valid for 90 calendar days from the date of issuance and were automatically renewable for equal periods, up to a maximum of two years. TPS, by contrast, has a validity of ten years. This extension not only offers greater stability for migrants but also allows for better public policy planning by the Colombian government.

According to data from Migración Colombia[22], the PEP regularised 737,488 Venezuelan migrants over its nine versions, while 1,943,490 TPS permits have been issued. Regarding rights and guarantees, Resolution 1272 of 2017 states: "The holder of the *Permiso Especial de Permanencia* (PEP) shall be authorised to carry out any legal activity or occupation in the country, including those carried out under an employment relationship or contract, without prejudice to the requirements established by Colombian law for regulated activities." This provision also applied to PEP-RAM.

Decree 216 of 2021 provides:

> The *Permiso por Protección Temporal* (TPS) is an identification document that enables migratory regularisation, authorises Venezuelan migrants to remain in national territory under special regular conditions, and allows them, during its validity, to engage in any

[22] https://public.tableau.com/app/profile/migraci.n.colombia/viz/PermisoEspecialdePermanencia-PEP/Inicio

> legal activity or occupation in the country, including those carried out under a service contract, employment relationship, or work contract, without prejudice to the requirements established by Colombian law for regulated activities.
>
> As an identification document, the TPS allows its holders to access the national health and pension systems, to enter into contracts or obtain financial products from entities supervised by the Financial Superintendency, to validate their professional degrees with the Ministry of Education, to apply for professional licences, and for any other situations where Venezuelan migrants need to identify themselves and prove their migration status to state institutions or private actors, subject to the requirements of each procedure. It is also valid for entering and leaving Colombian territory, without prejudice to the requirements of other countries.
>
> The TPS enables access, retention, and promotion within the Colombian education system at the levels of early childhood, preschool, primary, secondary, and higher education. It also grants access to services for training, certification of job competencies, employment support, and entrepreneurship services provided by the National Training Service (SENA)" (Government of Colombia, 2021).

The TPS also includes a differential approach for children, adolescents, and transgender individuals, marking a step forward in the tailored guarantee of rights. It is also important to note that access to all three mechanisms was free of charge. Testimonies from government officials and experts reinforce this analysis. Regarding access to rights before the PEP, a former government official explained:

> They were being hired for a third of what they should have been paid. Obviously, there was no social security, and we started to see mistreatment. One of the principles to prosecute a criminal is full identification, and these people had none. We started seeing health issues too. As the months went by, we saw minors on the streets, with nothing to eat and no school to attend. Because of all this, we said: we need to come up with something. So, we created the PEP.

Another public official added:

> The government's assessment was: these people can't get a visa because they lack the resources, they don't meet the requirements, they haven't entered through official checkpoints, they have no documents, and they're a highly vulnerable population. So that's when the decision was made to launch the first major version of the PEP.

According to the Venezuela Observatory at Universidad del Rosario:

> Faced with the arrival of a massive and hard-to-control migration, Colombia has opted for open and positive migration management measures, showing an open and supportive government, such as the creation of the PEP, which accounts for 80.5% of the 742,390 regularised Venezuelan migrants in the country (Ramos, Rodríguez and Robayo, 2020a, p. 12).

Cruces *et al.* (2023, p. 116) state: "The benefits of the Special Stay Permit were extended to about 64 percent of the migrants identified by this program." They also add that the expansion of the coverage of the Special Stay Permit "succeeded in increasing income and spending capacity of this portion of the migrant population, while also improving their working conditions and access to state services, ... increased the number of formal businesses that were started by beneficiaries as a result of facilities aimed at migrant entrepreneurs." (Cruces *et al.*, 2023, p. 118) A study by Urbina *et al.* (2023) found that the PEP "promoted better health access for eligible migrants, facilitating adherence to prevention guidelines and increasing detection rates."

After some of the barriers to regular migration status were removed by the PEP, further gaps became apparent, necessitating a new mechanism. The Migration Studies Centre (CEM) at *Universidad de los Andes* explains:

> The difficulty for Venezuelan migrants in obtaining a passport is significant, due to the lack of consular services in Colombian territory following the breakdown of diplomatic relations between the two countries, the high costs associated with obtaining a passport, which the majority of the migrant population cannot afford, and the technical difficulties faced by Venezuelan authorities in issuing them ... Likewise, UNHCR has highlighted the difficulties faced by Venezuelan nationals in obtaining or legalising their documents, which results in a violation of their rights, including the right to have an identity ... Furthermore, it should be noted that obtaining a passport requires individuals to engage with the authorities of their country of origin. For those who have left their country in need of international protection, this could pose a risk to their life and physical safety[23] (Moreno V., Pelacani and Amaya-Castro, 2020, p. 16-7).

Likewise, government interviewees remarked: "They couldn't register for social security; they weren't being hired with that permit. So it was a permit that looked good on paper and theoretically guaranteed many rights, but in practice, it didn't." Another added:

[23] Translated from Spanish

> The PEP exposed institutional gaps in both the public and private sectors in providing access to services, particularly institutional services like enrolment in the social security system or access to financial services. I believe this is one of the main reasons for the TPS.

The promotion of rights through the TPS has been officially acknowledged by the government:

> It allows for the retroactive accumulation of time spent in the country to be applied toward a resident visa application, a benefit that had been denied under the PEP. In this regard, the Decree represents progress in the opportunities available for migrants to transition to the regular visa system, as it acknowledges time spent in the country even while holding a PEP (Government of Colombia, 2021).

Experts have echoed this recognition:

> Similarly, the TPS enables Venezuelan nationals to engage in economic activities in the country through access to formal employment, making it valid for contributions to the social security system, opening a bank account, and/or establishing businesses with the Chamber of Commerce. The Statute's focus on children is also a significant advancement in the protection of Venezuelan migrant and refugee children and adolescents in Colombia (Pelacani *et al.*, 2021b, p. 15-7).

Although access barriers remain for TPS beneficiaries, the TPS's achievements in promoting migrants' rights in Colombia are significant.

Unfortunately, since mid-2022, the Colombian government's approach to migration has drastically altered the rights landscape, as the following quotation demonstrates:

> Since the resumption of diplomatic relations with Venezuela in 2022, the Colombian State has promoted a narrative of 'normalisation' which has coincided with a sustained rollback of protection and regularisation mechanisms for Venezuelans in situations of human mobility. Migration policy has shifted away from a rights-based approach towards one of deterrence, burdensome requirements, and programmed exclusion. This is difficult to challenge, as it does not manifest in explicit denials but rather in institutional inaction, delayed procedures, and the creation of administrative obstacles that, in practice, prevent effective access to regularisation mechanisms and, by extension, to rights (Rojas Silva, 2025, n.p.).

Although the Temporary Protection Statute (TPS) has received widespread international praise, it has also faced significant criticism from academic and civil society actors. As noted by Boin and Lodge (2016, pp. 290-291), "contemporary societies are characterized by low risk

tolerance. Even seemingly minor incidents can invite public indignation and political recrimination, which, in turn, trigger 'knee-jerk responses' that evoke scorn on the part of academics and experts." In this regard, Colombia has been no exception.

While some interviewees outside of government circles identified early signs that could have anticipated the magnitude of Venezuelan migration (Holguín, 2021), several factors complicated such foresight. These include the exceptional nature of the 'complex humanitarian crisis' declared in Venezuela, the unpredictability of the neighbouring country's domestic policies, Colombia's historical role as a country of origin rather than a destination for migration, the long-standing tradition of commercial exchange between the two countries, the extensive shared border, and possibly the absence of a securitised approach—evident in the location of border and migration management within the Ministry of Foreign Affairs rather than the Ministry of the Interior. As Boin and Lodge (2016, p. 290) observe, "It is always easy to criticise the performance of traditional bureaucracies with the wisdom of hindsight. But the analysis of crisis cases makes clear that administrative actors and political leaders generally find it very hard to deal with the dynamics of crisis and disaster."

Overall, despite ongoing challenges in safeguarding migrants' rights, as noted by Pelacani *et al.* (2021b) and Riggirozzi and Cintra (2024), the Colombian response to migration and its efforts to uphold its policy obligations towards migrants' rights between 2015 and 2022 have been remarkable. This has been highlighted by scholars such as Caicedo Camacho (2022), Hammoud-Gallego and Freier (2023), Brumat and Vera Espinoza (2023), and Fernández-Rodríguez and Freier (2024). This context of rights promotion during crises provided a useful starting point to test the Risk/Crisis/Right model I propose for advancing rights in such situations.

Conclusion

Building on Chapter 7, which established that capacity building is a partial but crucial way in which risk management supports human rights during crises, this chapter has demonstrated that the other necessary element is the implementation of an effective response. As shown, a crisis results from the materialisation of a risk event, and managing such a crisis is fundamentally a form of risk management. The Risk-Crisis-Rights (RCR) model has proven useful in answering the research question—How does risk management support the promotion of human rights during crises?—by explicitly linking Risk, Crisis, and Rights. It recognises that crises and their management can have adverse effects on human rights, but these impacts can be mitigated through a pragmatist strategic response coupled with continuous capacity building. Ultimately, the analysis confirms that it is the pragmatist approach that enables

capacity building, and it is through these built capacities that crises can be transformed into opportunities for promoting human rights.

In doing so, this chapter evaluated the effectiveness of the Colombian response to migration and its role in promoting migrants' rights by assessing the presence of a pragmatist ethos in the execution of the strategic tasks addressing Venezuelan forced migration. This evaluation drew on the theoretical framework proposed by Ansell and Boin (2019), as presented in Section 4.2, and revisited the progressive expansion of migrants' rights documented in Chapter 7. The framework was introduced in two parts: Section 4.2.1 outlined the four pragmatist principles—fallibilism, anti-dualism, experimentalism, and bricolage—considered essential for effective crisis response; while Section 4.2.2 detailed the four strategic tasks necessary for crisis management—sense-making, decision-making, coordination, and meaning-making.

In Section 8.1, this chapter evaluated the extent to which each pragmatist principle was present in the execution of each strategic task, adopting a cross-sectional approach. Section 8.2 further substantiated the claim that the promotion of migrants' rights in policy resulted from the Colombian response to the crisis between 2015 and 2022—an idea initially outlined in Section 5.3 and extensively discussed throughout Chapter 7. This section traced the evolution of the policy mechanisms through which the Colombian government progressively fulfilled its objective obligations towards migrants' rights, additionally supporting this account with references to previous studies on the subject.

For the purposes of this analysis, only three periods were examined: 2015, 2017–2022, and 2022–2024. This division was based not only on similarities in the characteristics of migration, but also on the continuity of public policies between 2017 and mid-2022, which were progressively defined and adjusted, as reflected in policy instruments, leadership, and the institutional framework. In summary, Colombia's response between 2015 and mid-2022 reflected a pragmatist orientation, aligning with the principles of fallibilism, anti-dualism, experimentalism, and bricolage in the implementation of the four strategic tasks proposed by Ansell and Boin (2019). During this period, decision-making processes adapted over time and aligned with evolving understandings of the phenomenon. Key mechanisms, such as the Mobility Border Card, PEP, and TPS, supported progressive rights realisation through deliberate, iterative action. By contrast, the 2022–2024 period was characterised by institutional disruption, the dismantling of coordination mechanisms, and a significant regression in the state's capacity to uphold its human rights obligations towards Venezuelan migrants.

As of 2022, Colombia's response to migration has not only failed to implement the tasks but appears to have done everything that Ansell and Boin (2019) caution against. Although it is too early to assess the effects of the measures taken (as the crisis is still unfolding), experts who

have closely followed the phenomenon have already warned of the setbacks in the guarantee of rights that these policies entail. If a crisis is not recognised as such and labelled appropriately, the response will not only fail to mitigate the crisis's effects, but the guarantee of rights will also be jeopardised. These findings are consistent with the theorisation of McAdam (2014a, p. 41): "How crisis migration is framed will elicit different kinds of policy outcome."

The Unified Command Posts and Migration Roundtables functioned as articulators of the operational and strategic responses, respectively, supporting the underlying ethos of pragmatism. These cross-cutting instruments facilitated deliberation, debate, and continuous feedback, reinforcing the principle of anti-dualism, which was evident across the four strategic tasks between 2015 and mid-2022. The response led by the Disaster Management Unit provides the clearest evidence of bricolage throughout most of the response, particularly in 2015 and 2018.

The findings also highlight the institutional significance of continuity in public policy for effective crisis governance, especially in protracted crises. Contrary to assumptions that continuity implies inertia, the evidence demonstrates that sustained policies—when embedded within a pragmatist framework—can facilitate adaptive governance and sustained rights promotion.

In terms of capacity building, which plays a fundamental role in both crisis preparedness and response, and constitutes the crucial link between risk, crisis, and human rights. The literature identifies three key components of capacity building: experience and skills, transboundary integration, and leadership. However, informed by fieldwork, this study finds that both experience and skills are qualities embodied by the individual in a leadership role. Accordingly, this research proposes integrating these two elements under the broader category of leadership.

Another element identified as a progressively developed capacity in response to crisis is the institutional framework. This can be further divided into two distinct dimensions: first, the legal framework—shaped by contributions from academia (particularly legal clinics) and civil society, which in turn prompt judicial intervention. Courts respond by issuing rulings that call for the establishment of effective mechanisms to uphold the state's human rights obligations. Second, the bureaucratic structures required—at the appropriate decision-making level—to ensure coordination and enable strategic decision-making. That institutional framework—both bureaucratic and legal—evolved in response to the need to promote migrants' rights, in line with the prevailing sense-making of the crisis.

During the period under study, no evidence was found of a securitised response. This is reflected in the fact that migration was never framed as a threat during the sense-making phase.

Although this observation requires further investigation, Colombia's historical role as a country of emigration and the shared cultural and political values with Venezuela may have contributed to preventing a securitised approach.

With the exception of the 2022–2024 period, the labels applied to the crisis by both governmental and non-governmental actors generally aligned. While sense-making and meaning-making—understood as the internal interpretation of the crisis and its public framing, respectively—mostly converged, this was not the case with the Temporary Protection Statute (TPS). Although publicly presented as a measure of 'protection' (meaning-making), in practice the policy primarily provided regularisation rather than actual protection (sense-making).

The shift in sense-making during this period reveals, in itself, the ethos of fallibilism, anti-dualism, and experimentalism, as the interpretation of the phenomenon was continually recalibrated, its complexity acknowledged, and decisions progressively refined. In the same vein, the leadership demonstrated by Minister Holguín, the UNGRD under Márquez, and the BMO—initially led by Muñoz and later by Gómez—reflected a pragmatist approach across the four strategic tasks, particularly in decision-making and coordination.

From mid-2022 onwards, the coordination mechanisms for the migration response were dismantled, undermining the ability to effectively articulate the already limited response and contributing to the state's failure to fulfil its obligations regarding migrants' rights.

The comparison of the subjective dimensions of the crises—particularly sense-making—leads to the realisation that decision-making, coordination, and meaning-making, in other words, the type of response, were shaped by the prevailing sense-making. This confirms the importance of the subjective dimension of crisis, as emphasised in the crisis literature.

One remarkable aspect of the meaning-making of the crises between 2015 and 2022 is the absence of actors competing to impose a narrative different from that presented by the government. While Duque's political stance was subject to criticism, his narrative, labels, and responses to the crisis remained largely uncontested. This may help explain the absence of a securitised migration response in Colombia, in contrast to most responses in the region.

The presence of the four pragmatist principles in Colombia's crisis response between 2015 and 2022 suggests that the crises were managed effectively. This effectiveness is evidenced not only by the implementation of the four strategic tasks but also by the progressive realisation of migrants' rights. As examined in Section 8.2, this progressive advancement was driven by key regularisation mechanisms—such as the Mobility Border Card, the successive versions of the Special Stay Permit (PEP), and the Temporary Protection Status (TPS)—which were enacted as crisis response policies. These measures, developed through deliberative and adaptive

processes, facilitated access through the legal framework, helped eliminate barriers, and reflected a consistent orientation towards strengthening rights and safeguarding migrants' dignity. While limitations persisted, including structural barriers to implementation and the predominance of short-term mechanisms until 2021, the response was not merely a reaction to uncertainty. Rather, it became a vehicle for the progressive expansion of the legal and institutional frameworks underpinning human rights. This demonstrates the fundamental connection between pragmatism, an effective strategic response, and the promotion of migrants' rights.

This progressive advancement of rights through normative mechanisms—developed through deliberative processes and based on constant evaluation and adjustment—demonstrates that the response adhered to pragmatist principles (Ansell and Boin, 2019) and, therefore, can be considered effective. Accordingly, the fulfilment of the strategic tasks contributed not only to overcoming the institutional challenges posed by the crises (Ansell, Boin and Keller, 2010), but also to advancing the progressive realisation of the human rights of the migrant population.

Chapter 9 Evaluation of the Risk-Crisis-Rights Model

This chapter evaluates the Risk–Crisis–Rights (RCR) Model in the context of the forced migration from Venezuela to Colombia. In seeking to address the research question posed in section 1.3—*How does risk management support the promotion of human rights during crises?*—which aims to contribute to resolving the problem identified in section 1.1 (namely the imperative to uphold human rights during crises arising from recurrent and systematic violations stemming from frequent, protracted, and complex crises in an interconnected world that consistently test the capacity of states to respond effectively), I have drawn on the risk, crisis, and human rights literature discussed in Chapters 2 and 3 to propose a model linking these three concepts (see Chapter 4). Building on the fieldwork findings presented in chapters 7 and 8, and their analysis against the migration literature, this chapter applies the model through the case study contextualised in chapter 6 and presents a refined version of the RCR Model originally proposed.

The next section recapitulates the model and the main concepts developed in this thesis. Sections 9.2, 9.3, and 9.4 then analyse each element of the RCR Model in light of the case. Finally, section 9.5 revises the model against both the literature and the fieldwork findings, showing that the RCR Model not only addresses the research question but is also replicable, thereby expanding knowledge in the fields it engages with and providing a framework for governing crises with human rights at the centre.

9.1 Recapitulating the RCR Model

Before undertaking the evaluation of the Risk-Crisis-Rights Model, it is worth recalling some useful notions addressed throughout the thesis. First, the notion of risk as *the possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty* (see section 2.3). Second, this study focuses on Non Trade-off Risks (NTRs), which originate beyond national borders and are not the direct result of decision-making, thereby requiring approaches that go beyond traditional contingency planning (see section 2.4). Third, that crisis is understood as *a set of consequences resulting from the materialisation of a risk event whose impact is highly uncertain, disrupts normality, overwhelms response capacities, and requires urgent action to ensure survival (either literally or figuratively)*. Fourth, that our focus is on transboundary crises (see section 3.3), defined as those that "affect multiple jurisdictions, undermine the functioning of various policy sectors and critical infrastructures, escalate rapidly and morph along the way" (Ansell, Boin and Keller, 2010, p. 195). Fifth, the

obligations of states towards human rights should not be regarded merely as tradeable values but as objective obligations. Sixth, both a crisis and the decisions taken in response to it may have adverse impacts on human rights. Finally, the RCR Model is a conceptual framework for analysing the interrelation between risk, crisis, and human rights, providing both a conceptual and practical approach to promoting human rights during crises through risk management strategies (see figure 4.1).

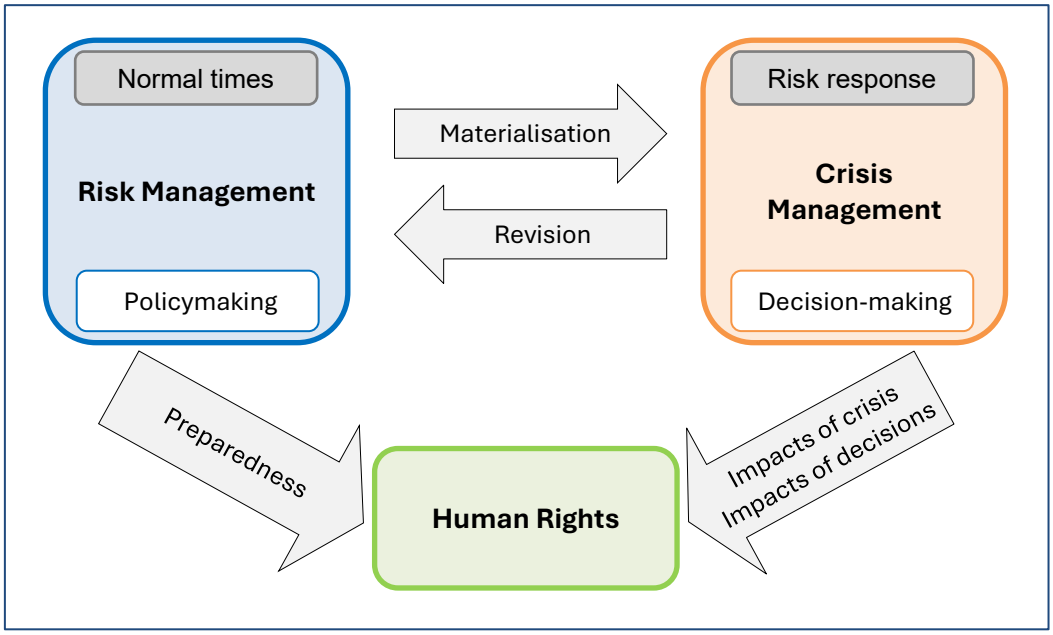

Figure 4.1 Preliminary Version of the Risk-Crisis-Rights Model

In relation to the case study, it is also useful to recall that it constitutes a deviant case, as the Colombian government's promotion of Venezuelan migrants' rights through policy contrasts with the broader regional and global trend of using migratory policies to obscure rights restrictions behind humanitarian façades (see section 5.3), and to recall the reframing of the concept of 'migration crisis' as a 'response crisis' discussed in section 3.4.

9.2 The Colombian Government's Risk Construction versus Conceptualised Risk in the Context of Venezuelan Forced Migration

As in section 6.5, the evaluation of the RCR Model in the case of Venezuelan forced migration to Colombia must commence with the identification of the risk. Figure 2.1 is revisited here to illustrate and recall the features of risk required to analyse the risk in its full scope. The first feature concerning risk is the objective being threatened. As explained in section 2.2, "social risk can only exist if there is some social structure there for them to threaten" (Thompson and Wildavsky, 1982, p. 157). According to Fisher (2010, p. 50), what is threatened is "the successful

operation of public administration." Given that the purpose of this study is to explore how human rights can be promoted during crises, the successful operation of public administration in Colombia should be understood in terms of compliance with human rights obligations, in this case, those relating to migrants' rights. Consequently, the threat lies in undermining the Colombian state's ability to fulfil its obligations towards migrants' rights. An insufficient or absent capacity to uphold these obligations constitutes the threat.

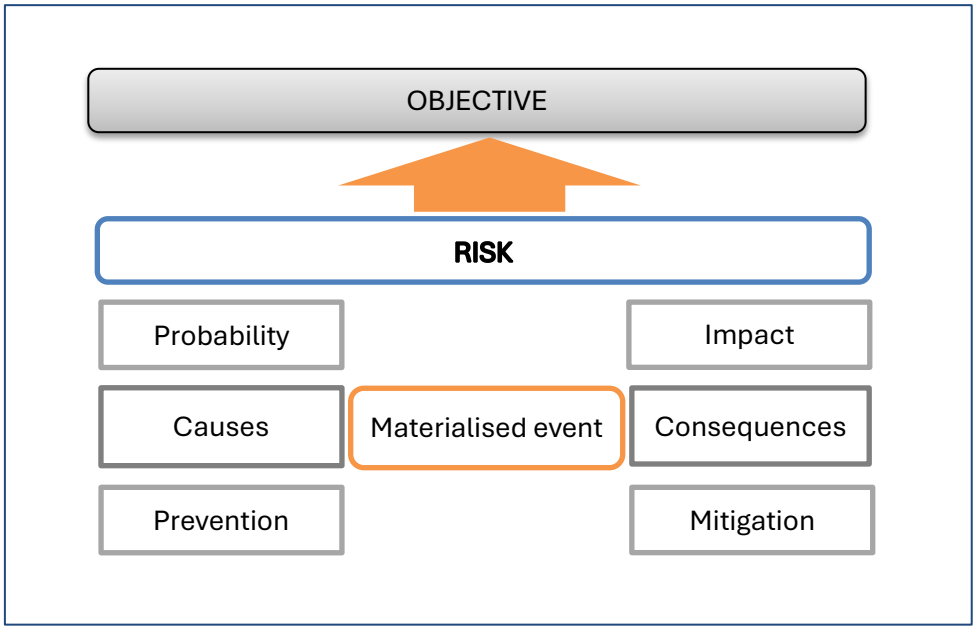

Figure 2.1 Risk Features

The identification of risk is not straightforward, as the perception of a threat is not the same as the threat itself. This is where the social construction of risk—built on perceptions and rooted in values and culture—comes into play (see section 2.2). This section first discusses insights into the perception of risk and then presents the risk identified on the basis of the proposed notion.

To begin identifying the perceived risk, the Global Risks Perception Survey 2024–2025 appears to be the most appropriate source. It ranks 'Involuntary migration or displacement' as the 11th most likely risk to cause a material crisis on a global scale in 2025, ahead of 'Infectious diseases', 'Decline in health and well-being', and 'Crime and illicit economic activity' to name just a few (World Economic Forum, 2025, p. 7). It is likewise ranked as the 8th most severe global risk over a two-year period (World Economic Forum, 2025, p. 12). The report also states: "The importance ascribed to this set of societal risks by respondents suggests that social stability will be fragile over the next two years" (World Economic Forum, 2025, p. 8). This report clearly establishes a direct relationship in which social stability is threatened by risks such as migration. In this view, migration is perceived as a threat to the successful operation of public administration.

Interestingly, though not unexpectedly, despite the fact that "about 86% of the world's refugee population currently lives in the Global South" (Hammoud-Gallego and Freier, 2023, p. 454), Europe is the only region (among the eight defined in the report) to place 'Involuntary migration or displacement' among its top five long-term risks (World Economic Forum, 2025, p. 45). Equally noteworthy, among the stakeholders surveyed, international organisations, academia, and the private sector rank migration within the top ten perceived risks, whereas neither civil society nor governments do so (World Economic Forum, 2025, p. 17). As the literature demonstrates, the 'consequences' of migration have a comparatively lower impact on the very regions that perceive it as most threatening. Equally, stakeholders who are apparently less directly affected by the consequences of migration—namely academia and the private sector—express greater concern than those more directly engaged in managing the 'risk' and interacting with it on a daily basis, such as governments and civil society. Furthermore, if migration does not rank among the top risks for most governments, it is pertinent to ask why the Global Risks Perception Survey states that "the political climate around immigration is strained and may become more so over the coming years, with anti-immigration policies becoming more mainstream in several super-ageing societies" (World Economic Forum, 2025, p. 63).

As Hammoud-Gallego and Freier (2023) have observed, within the EU a range of policy measures have been implemented to discourage arrivals, thereby creating increasingly restrictive and inhospitable reception contexts for migrants and refugees. Similarly, Brumat and Vera Espinoza (2023) point to narratives and policy proposals within 'Global North' approaches that frame migration as a security issue. This points to the realisation that Eurocentric academic and governance narratives portraying migration as a threat or a risk continue to prevail globally—not only despite the absence of evidence for such a claim, but also in the face of robust evidence demonstrating the opposite (Ousey and Kubrin, 2018; Forrester *et al.*, 2019; Ajzenman, Dominguez and Undurraga, 2023; Marie and Pinotti, 2024; Marques, 2025), and without even a considered examination of what constitutes a risk.

The Global Risks Perception Survey offers a compelling example of the social construction of risk: a human right—to migrate—is portrayed as a risk by those least affected by its consequences. Furthermore, this narrative is used to predict a 'migratory crisis'. As Boin, 't Hart and Kuipers (2018, p. 25) note, referring to the possibility of reform afforded by crises: "This creates room for manipulation. Politicians, stakeholders, media and citizens actively try to create a sense of crisis to further action that would be otherwise impossible; others work just as hard to defuse any talk about crisis to preserve the status quo. A crisis is political in nature." This dynamic underscores that risk and cris are not only socially constructed but also strategically politicised, with significant implications for human rights.

An analysis of the conceptualised risk—understood in terms of the notion addressed in this study—is now undertaken. As outlined in section 6.5, and considering as the "successful operation of public administration" (Fisher, 2010, p. 50), this research evaluates the promotion of human rights in policy—not in practice, that is, not from the perspective of migrants—and therefore examines the risk faced by the Colombian government. Recalling that the risk lay in the possibility of failing to meet the Colombian state's human rights obligations towards migrants, preventive measures should have been in place to ensure compliance with these obligations. These measures include the capacity to reallocate resources—or obtain them from sources such as the international community—to guarantee migrants' rights upon arrival, effective leadership to drive these efforts, and an appropriate legal framework to support them. However, the fieldwork findings revealed that these conditions were absent during the risk management stage (in normal times), as evidenced by weaknesses in leadership, bureaucratic structures, legal framework, infrastructure, and other institutional dimensions. Consequently, the risk materialised as a crisis, and the Colombian government's response focused on mitigating its impacts, specifically, by developing the capacities required to restore migrants' rights. In doing so, the crisis became an opportunity to enhance the government's response capacity, which will be detailed in the next section.

In summary, the objective threatened (the successful operation of public administration), the risk event (the possibility of failing to meet the Colombian state's human rights obligations towards migrants), the cause (insufficient capacities), and the consequences (the disruption of normality, the overwhelming of state capacities, and the need for urgent action, supported by figures in Chapter 6) were addressed in this section. The logical next step is to consider the role of forced migration in this context. Although risk and crisis management theories do not offer a fully satisfactory explanation, process-tracing notions shed light on this issue. In this case, while Venezuelan forced migration was not the cause of the crisis per se, it acted as a trigger. The following section explores in depth the materialisation of risk: the perceived and actual crises, their objective and subjective dimensions, and the measures taken in response.

9.3 The Sense-Making and Meaning-Making of the Crisis by the Colombian Government

As with risk, there is a clear distinction between a perceived crisis and an actual crisis. Section 3.4 offers a detailed analysis of this distinction in the context of migration, concluding that 'migration crisis' refers to a perceived crisis, whereas the actual crisis lies in the lack of, or inadequate, response to it. This analysis is consistent with the notion of actual or 'objective' risk discussed in the preceding section, and will be further developed here in light of the case under

study. This section also examines the relationship between sense-making and meaning-making of the crisis and how these processes shaped the response, while assessing this in light of migration literature.

Recalling the definition of crisis as *a set of consequences arising from the materialisation of a risk event* (developed in Section 3.2), the Colombian government faced a crisis when the risk of non-compliance with its obligations towards Venezuelan migrants' rights materialised. The magnitude of these consequences illustrates the scale of the crisis, as evidenced by: over 20,000 Colombian returnees and their families arriving with nothing to their name; approximately 400,000 Venezuelans crossing into Colombia to obtain essential goods over the course of just two weekends; a tenfold increase in Venezuelan migrants within five years; small municipalities hosting as many as 1.2 irregular Venezuelan migrants per inhabitant; a 202% rise in migrants accessing health care; a doubling of Venezuelan-born student enrolment within a single month; a 1,600% increase in welfare support for Venezuelan children and adolescents over three years; a housing deficit of up to 81% in border municipalities; soaring demand for drinking water and sanitation services; and widespread violations of labour rights, human trafficking, and denial of access to other fundamental rights (see Chapter 6 for detailed figures). This profound disruption of normality and overwhelming of response capacities embodied the material or objective dimension of the crisis.

The escalation of the situation crossed political boundaries as the need for rapid action shifted from several municipal governments in border areas to departmental authorities, and from there to the central government—and ultimately to the international community. Functional boundaries were also deeply affected, with multiple systems and sectors either disrupted or mobilised to support the response across ministries and domains such as education, health care, housing, and employment, involving both public institutions and private trade associations. The creeping and protracted nature of the situation—together with its ongoing character—illustrates the crossing of temporal boundaries. Altogether, these developments illustrate the crisis's transboundary nature. As has been reiterated throughout, the crisis faced by the Colombian state in relation to Venezuelan migration is, at its core, a crisis of response.

Drawing on the analysis of risk and crisis management literature, and in line with the initial version of the RCR Model, the response to a crisis is determined by the risk management strategies defined during the preparedness stage, including the capacities available for such a response. Fieldwork findings demonstrated that the subjective dimension of the crisis, shaped largely by its sense-making, is determinant for the other three tasks proposed by Ansell and Boin (2019) for an effective crisis response. Although the promotion of rights will be examined in the following section, it is worth noting that a third element should also be present at the strategic

level during the response phase to promote rights in times of crisis: the approach. As outlined in section 4.2, the pragmatist approach, as presented by Ansell and Boin (2019), is a key instrument for responding effectively to crises. However, it should also be emphasised that the effectiveness of this approach depends largely on leadership, which itself constitutes a critical capacity for an effective response.

In terms of risk management, the unexpected migration from Venezuela found the Colombian government unprepared, thereby materialising the risk of failing to comply with its human rights obligations. As noted in the previous section, the government had neither the measures in place to prevent the crisis nor the capacities to respond effectively to its consequences. However, between 2015 and 2022, the Colombian government demonstrated a clear effort—at least in policy—to restore migrants' rights, in line with the sense-making of the situation, which constitutes part of its subjective dimension and shapes the governmental response. Between 2022 and 2024, though, that effort was less evident. While Chapters 7 and 8 presented a detailed account of the drivers, narratives, and labels (subjective dimension), as well as the response and its impact on human rights, this part of the discussion will consolidate that response and examine it through the lens of the RCR Model for each of the four periods.

In 2015, the Colombian government initially made sense of the crisis as a humanitarian one and responded by focusing on the restoration of basic rights. Although, in terms of risk management, there had been neither preparation for nor anticipation of a massive influx of people at the Venezuelan border, the execution of the four strategic tasks—sense-making, decision-making, coordination, and meaning-making—nonetheless revealed the presence of the four pragmatist principles—fallibilism, antidualism, experimentalism, and bricolage (Ansell and Boin, 2019). Among the most salient examples were the use of the National Unit for Disaster Risk Management (UNGRD) to address migration, illustrating bricolage; the fallibilism reflected in the constant calibration undertaken by Holguín, the strategic leader of the crisis, through engagement with Colombian local authorities, agencies, and Venezuelan as well as other diplomats; and the PMU, which embodied the ethos of experimentalism. This approach enabled the Colombian government to restore the rights of those affected by providing shelter, food, essential goods, relocation, and financial aid. At the same time, the situation demanded adjustments to the legal framework, which marked the beginning of strengthened capacities (See Section 7.2.1). For this period, no divergence between the perceived crisis and the actual crisis was observed. Rather, the effective response—expressed through the pragmatist approach and the capacities developed during this phase, both understood as elements of risk response once the risk had materialised—led to the promotion of rights.

Although this crisis involved people in Venezuela who were forced to cross the border into Colombia, the majority were, in fact, expelled Colombians (returnees). This limits the scope for a rigorous comparative analysis of Colombia's response across the four periods in light of migration theories, as the cause of forced displacement was the neglect of rights by a government other than its own. It is worth noting, however, that this crisis was labelled as humanitarian by decision-makers, and the initial response focused on the immediate alleviation of suffering, closely aligned with what humanitarianism entails: "a natural expression of an ethics of empathy and politics of compassion towards the suffering bodies of others" (Fassin, 2011. Cited in Zuccarelli *et al.*, 2025, p. 3). It also sought to restore the dignity of those expelled—namely, their access to rights—in line with the humanitarian view that embraces aspects of human rights and development relief (Rieff, 2002, p. 115). It may thus be argued that, in the 2015 crisis, there was coherence between the sense-making, the meaning-making, and the response, all in 'humanitarian' terms.

Between 2017 and 2020, as the number of migrants arriving in Colombia continued to rise, capacities were overwhelmed and systems disrupted, making the state's failure to comply with Venezuelan migrants' rights increasingly evident. This period was marked by a shift in sense-making: the situation was no longer understood primarily as a humanitarian crisis but rather reframed as an opportunity, which required the establishment of a legal framework. This framework was embodied mainly in CONPES 3950 and the Special Stay Permit (PEP), which constituted the first steps towards promoting migrants' rights while simultaneously reinforcing response capacities. The creation of the BMO was arguably the most significant institutional capacity developed during this stage, clearly reflecting the pragmatist approach. Likewise, the Migratory Roundtables and the redefinition of the crisis reveal the pragmatist principles of anti-dualism, experimentalism, and fallibilism at work.

As mentioned in Section 7.2.2, the first government-issued document to use the expression 'migration crisis' was CONPES 3950 (2018, p. 24). Despite this label—understood here as part of the meaning-making—the Colombian state focused its response on strengthening its capacities to comply with its objective obligations towards migrants' rights. In other words, although the crisis was publicly labelled as a migration crisis, the underlying understanding—the sense-making—was that of a crisis of response. This is evident in two ways. First, migration was neither understood nor portrayed as a threat, and no securitised approach was adopted by the Colombian state in any of the four periods. Second, measures such as the creation of the BMO to strengthen institutional capacities, the appointment of strategic and pragmatic leaders, the continuous updating of the legal framework, and the progressive elimination of barriers to migrants' access to rights, all demonstrate an acknowledgment of the need for such capacities in order to comply with the state's human rights obligations. However, this disconnection

between the sense-making and the meaning-making of the crisis during the Duque administration (in office from mid-2018 to mid-2022) was not unique to this occasion, as will be seen next.

During the 2020–2022 period, and in relation to the perceived and the actual crisis, it is noteworthy that although the meaning-making of the crisis drew on the US anti-communist discourse, the sense-making remained consistent: the recognition of the Colombian state's obligations towards migrants' rights. Indeed, this meaning-making—framing the situation that triggered forced migration as a political crisis in Venezuela—was strategically employed to secure resources from the international community to address the response crisis, while avoiding securitised approaches. At the same time, as measures were being consolidated to leverage migration as a factor for development, the COVID-19 pandemic struck. Despite the existing legal framework and the work of technical teams, an unexpected shift emerged in the presidential narrative regarding migrants' access to vaccines: from a welcoming stance to the exclusion of migrants with irregular status from vaccination. However, as previously highlighted, the meaning-making did not align with the sense-making. Access to vaccines was ultimately granted on epidemiological grounds, and significant efforts were made by the government to address the renewed humanitarian crisis brought about by the pandemic.

While the pandemic crisis was still being managed, the Colombian government issued one of the most widely acclaimed instruments to promote the rights of Venezuelan migrants: the Temporary Protection Statute for Venezuelan Migrants (TPS or ETPV). In this instance, the administration presented the causal crisis—the one producing the forced migration of Venezuelans—to the international community under the label of political migration (meaning-making). Yet the measures implemented—chief among them the TPS—were directed towards responding to migrants affected by an economic and social crisis (sense-making).

Between 2018 and 2022, the Colombian government adopted a meaning-making—that is, a public interaction with different stakeholders through which a meaning is communicated to explain and justify the actions executed—aligned with US political narratives, such as the depiction of communism as a scourge in Latin America. Yet, in contrast to regional and global tendencies regarding migration, the response focused on promoting migrants' rights, as reflected in the pragmatist approach adopted and the capacities developed, including the legal framework and bureaucratic structures. The utilitarian and self-interested drivers of this period help explain the incongruence between discourse and practice.

Within the framework of migration theory, the response during this period may be characterised as one of 'global rights-based migration governance,' in which, in the words of Pécoud (2021, p. 108), "Rights – and more generally, the liberal principles upon which Western democracies are

grounded – exert significant influence on the admission and treatment of foreigners." This migration governance also serves to situate the influence of Westernised frameworks in Colombia—such as those of the United Nations in the Global Compact for Refugees and the Sustainable Development Goals (SDGs) (United Nations, 2015;2018), as reflected in narratives and the language of official documents—as well as the alignment with US approaches, as revealed by the fieldwork findings presented in Sections 7.3.2 and 7.3.3. At the same time, a 'managerial/developmental global migration governance' philosophy (Pécoud, 2021, p. 109) can be observed in the Colombian response, as the promotion of 'orderly, safe, regular and responsible migration and mobility of people' featured prominently in Colombian policy documents, in line with Target 10.7 of the SDGs.

In contrast to Pécoud's claim (2021, p. 109) that "aware of the challenges faced by global rights-based migration governance, managerial/developmental global migration governance tends to downplay the issue of rights and to call merely for 'safe' migration," the Colombian case illustrates a combination of both philosophies, without one being downplayed in favour of the other. However, the interaction between rights-based and managerial/developmental governance reveals that the former is not an altruistic endeavour but rather a utilitarian one. While the drivers of Duque's administration aligned with a managerial/developmental philosophy, the outcomes of the response ultimately reinforced a rights-based approach.

Duque's actions may also be interpreted as an effort to secure legitimacy within the global liberal order in relation to migration. Although Venezuelan migrants experienced a restoration of rights that had been denied to them in their country of origin, the TPS denied them the opportunity for political participation. This "would not only severely limit the ability of refugees to experience themselves as effective social agents, it would also be liable to propagate, among citizens of the sanctuary state, a demeaning picture of refugees as passive victims and civic burdens" (Owen, 2020, p. 78). This reinforces the argument regarding Iván Duque's utilitarian approach, in which forced migrants are viewed as an opportunity to condemn the Venezuelan regime and to secure resources in the form of tangible incentives (Owen, 2020, p. 105) while simultaneously claiming legitimacy before the global order of states in the form of 'good citizenship' (Owen, 2020, p. 102), yet are not regarded as political agents—an approach exemplified by Duque's stance on access to vaccines for irregular migrants. This attempt at legitimacy plays a fundamental role in explaining Duque's main driver in relation to migration.

In summary, during this period (2017-2022) the response to the crisis—understood as part of risk management—was guided by a pragmatist approach which, given the sense-making of the crisis, fostered capacity-building and, ultimately, the promotion of migrants' rights. These

findings support the RCR Model I advance in this thesis, which demonstrates that risk management can actively contribute to the promotion of human rights in times of crisis.

From 2022 to 2024, the administration of Gustavo Petro, a leftist government, discontinued the policies aimed at fulfilling obligations towards Venezuelan migrants, dismantled the capacities established for that purpose, and engaged in a form of 'non-sense-making' of the crisis of response—that is, a narrative that neglected the possibility of risk materialisation. As no response was undertaken, no implementation of the pragmatist approach was observed. On the contrary, what was observed were precisely the types of actions that Ansell and Boin (2019) caution against, including categorising events with clear-cut labels, "making the big calls," overestimating the leader's capacity for coordination, projecting authority through false reassurance or appeals to status, and seeking immediate identification of simple causes or solutions.

This approach to migration could be understood as a form of 'free (non-)governance' which, although it does not fit within the three manifestations identified by Pécoud (2021, pp. 110-111), reveals that the Colombian government refrained from engaging in actions towards migration, possibly to avoid political confrontation with its politically aligned neighbour responsible for forcing its nationals to emigrate.

On a different note, Hammoud-Gallego and Freier (2023, p. 454) assert that they "offer statistical evidence for the importance of leftist government ideology and regional integration" and "suggest that the reason that leftist political ideology rather than institutional democratization and number of emigrants matters for policy liberalization is that Latin American executives embarked on symbolic human and migrant's rights discourses that ultimately enabled legislative change." The Colombian case, however, challenges those findings: it was under two right-wing administrations (Santos and Duque) that major rights were granted to migrants, whereas the subsequent left-wing administration (Petro) curtailed them. This points less to human rights discourse per se (which was not observed in Duque's rhetoric) than to the underlying drivers of policymakers. Therefore, a thorough reassessment is required, in light of the Colombian case, to test the applicability of Hammoud-Gallego and Freier (2023) proposal and to uncover the underlying causal mechanism that led to the promotion of Venezuelan migrants' rights under two Colombian right-wing governments. Notwithstanding, Acosta, Blouin and Freier (2019) had already noted this:

> It is no coincidence that, while centre-left or leftist governments were the ones to liberalise migration and asylum laws, several of the governments that have adopted a more generous policy of welcoming Venezuelans have had conservative presidents, openly critical of the Maduro government: Juan Manuel Santos and Iván Duque in

> Colombia, Pedro Pablo Kuczynski in Peru, and Mauricio Macri in Argentina. By contrast, countries aligned with Maduro, particularly Bolivia and, until recently at least, Ecuador, have denied the existence of a migratory or political crisis in Venezuela. In the international arena, there are few messages more unequivocal against a regime than accepting the emigrants of a country as refugees[24] (Acosta, Blouin and Freier, 2019, p. 20).

Owen (2020, p. 102) clearly explains this trend under the "normative conception of 'good citizenship'". In this context, states receiving refugees (migrants, in this case) not only seek to lend legitimacy to the liberal order, but also legitimise themselves, since by recognising the rights of foreign nationals they are condemning the state that fails to fulfil its obligations regarding human rights. One element of this legitimisation is the "tangible incentives tied to state interests" (Owen, 2020, p. 103), which is not absent in the Colombian case, as evidenced in Duque's drivers (see Section 7.3).

Legitimisation, in the form of a repair mechanism (Owen, 2020, p. 47) for the human rights of Venezuelan migrants, played a crucial role in Colombia's response. Between 2015 and mid-2022, the Santos and Duque administrations employed it both as a means of self-legitimisation and as a tool for the condemnation of the Venezuelan regime. By contrast, the Petro administration used it to challenge the global northern order and to legitimise the social claims associated with left-wing ideology, once embodied by Venezuela. As (Owen, 2020, p. 47) observes, "domestic governments may often have politically significant reasons for their preferred forms of legitimacy work."

9.4 Colombian Risk Management and the Promotion of Venezuelan Migrants' Rights in Times of Crisis

The third element of the RCR Model, as developed in Chapter 4, is Rights, which, as previously noted, can suffer adverse impacts not only from crises but also from the decisions taken to address them. The RCR Model argues that, to promote rights during a crisis (understood as *a set of consequences arising from the materialisation of a risk event*), especially those of a transboundary nature (for which ordinary contingency plans do not work), risk management can support such promotion by responding to the crisis with a pragmatist ethos and by building the capacities needed to address it. To situate the Colombian case within the Model, it is worth recalling (as discussed in detail in Section 5.3) that the progressive access to rights for

[24] Translated from Spanish

Venezuelan migrants through policy, as evaluated in Section 8.2, was an exception to the securitised and rights-restrictive approach observed not only in the region but also globally (Section 5.3).

In the Colombian case, two main bureaucracies were involved in the response to the crisis (in which the government could not fully meet its obligations towards the rights of Venezuelan migrants): the National Unit for Disaster Risk Management (UNGRD) and the Border Management Office (BMO). The UNGRD, although having a mandate exclusive to disasters, was adapted—through a form of bricolage—to provide the initial response and to restore the basic rights of returnees and migrants. While this response was primarily operational, tasks such as coordination at the command posts (PMUs) were carried out effectively under the direction of Márquez. As mentioned in Section 7.2.1, returnees were provided with temporary facilities, later relocated, and given financial assistance, in what can be regarded as humanitarian assistance and as reparation in terms of rights.

On its part, the BMO was created specifically to coordinate the response to comply with the obligations towards Venezuelan migrants rights. Thanks to this agency at the highest level of the government, the horizontal (national agencies, ministries and sectors), vertical (local and national level) and cross-cutting (international cooperation) efforts were articulated. The mechanism of the two bureaucracies, namely the PMUs and the Roundtables, were spaces where constant feedback, deliberation and recalibration occurred, evidencing the principles of fallibilism, experimentalism, and anti-dualism. Progressively, and thanks to the continuity on the pragmatist approach of the two leaders in front of the BMO, Muñoz and Gómez, the legal framework eliminating access barriers and granting more rights thrived. This was evidenced in the many versions of the Special Stay Permit (PEP) and later the acclaimed Temporary Protection Statute.

In terms of the legal framework (built as part of the capacities needed to comply with human rights obligations, specifically those of migrants), not only the PEPs or the TPS is among them. Rules of the High Courts, Acts granting and protecting rights of children, differential approach of the norms, and many legal documents issued by agencies as the general attorney, the Ombudsman's Office, the National Registrar, as well as two public policies recorded in CONPES 3950 and CONPES 4100, to name a few.

From mid-2022, as detailed in Section 7.2.4, the Colombian government's response to upholding Venezuelan migrants' rights was notable by its absence, engaging instead in the dismantling of capacities that had proven not only effective but also necessary to fulfil such rights obligations. This highlights the importance of maintaining policies that were conceived and implemented as capacities in their own right, and points to the need to revise the elements

considered necessary for an effective crisis response that upholds obligations towards human rights—that is, including the need to ensure policy continuity.

In Section 4.1.1, it was stated that the aim of crisis management is to restore previous conditions, that is, to return to normal (Boin and Lodge, 2016, p. 293). According to migration literature, two of the three main durable solutions for addressing the wrongs and harms experienced by refugees—repatriation and third-country resettlement (Owen, 2020, p. 67)—seek to restore those conditions. However, as argued above, Colombia's approach to migration was characterised by a welcoming stance rather than a securitised one. The third durable solution addressed in the migration literature is 'local integration' (Owen, 2020, p. 67), which is the solution implemented in the Colombian response. This local integration did not aim to return to a previous 'normal,' but to establish a 'new normal.' Furthermore, this local integration, as a reparation of the harms regarding migrants' rights, requires the continuity of the policies that allow access to those rights. It is in this sense that I argue that, alongside capacities and approach, the continuity of both is an instrumental factor in promoting rights in crisis through risk management.

Reassessing Capacities for a Human Rights-Based Response to Crises

"The art of preparing for unknown threats, then, is based on identifying generic capacities that can be applied to a large number of possible events" (Boin and Lodge, 2016, p. 291). In this sense, the crisis literature identifies *experience and skills*, *transboundary integration*, and *leadership* as the three main capacities required to respond to crises—as outlined in Section 4.1.3—although, the findings from the fieldwork suggest the need to reorganise and expand these categories. In this regard, I propose integrating *experience and skills* into *leadership*; retaining *transboundary integration* as an independent capacity, while recognising its close relationship with leadership; and adding *institutional framework* as a further capacity. While not a capacity in itself, an essential contextual factor—once the capacities have been developed, implemented, and proven effective—is the continuity of such capacities when the crisis has been addressed that allow the return to a new normal. In the context of a response crisis, in which a state fails to comply with its objective obligations regarding rights, the discontinuity of these capacities may contribute to the conditions that enable the crisis to occur, given that one of its objective—or material—characteristics is the exceeding of capacities. A further discussion of this issue is provided below, in light of the case study and the understanding of refugeehood.

To this end, a starting point should be the understanding of refugees (and refugee studies) as forced migrants, with both considered as displaced people, as conceptualised by Owen (2024). In this thesis, the three terms are used interchangeably, following Owen's assertion that

"refugees are persons whose basic rights are unprotected by their state and can only be protected through recourse of the international order of states acting *in loco civitatis* affirming the dual commitment of the regime of global governance to the norms of state sovereignty and human rights" (Owen, 2020, p. 50).

Leadership

Boin and 't Hart (2003, p. 546) note that "crisis management has become a leadership issue." This is not surprising, as the challenge of responding to crises is a decision-making problem situated at the strategic level (Boin and Lodge, 2016; Ansell and Boin, 2019). The four strategic tasks required to respond effectively to a crisis—Sense-making, decision-making, coordination, and meaning-making—(Ansell and Boin, 2019), as well as the approach—whether pragmatist or positivist—also depend on the leader, underscoring that crisis response revolves around the leader's experience and skills. In this context, I propose integrating the capacity of 'experience and skills' as a core attribute of effective leadership. Ansell and Boin (2019, p. 1090) reflect this view when describing leaders as "knowledgeable actors." They also emphasise the importance of another essential attribute: being a "moral actor."

Forced migration studies have traditionally approached responses to the needs of displaced people from two dichotomous angles—humanitarian and political—(Owen, 2020, p. 4). This framing leads to "the question of what is owed to refugees and how their protection can be secured acquires its ethical urgency and its political salience" (Owen, 2020, p. xiv). Beginning with humanitarianism as the "moral duty to prevent undeserved suffering" (Owen, 2020, p. 7) already positions morality—specifically the moral character of crisis leaders—at the forefront of the response.

In 2018, President Santos appointed Muñoz as the first Border Manager—the official designated to lead the crisis response. Both governmental and non-governmental interviewees concurred that he possessed the experience and skills required for such an undertaking. President Duque's decision to retain him in the role further attested to his suitability. Following Muñoz's resignation, Gómez was likewise recognised as experienced and skilled. In both cases, the 'moral' attribute was evident in their approach to the migration response, and each contributed to the advancement of policies aimed at promoting the rights of Venezuelan migrants.

Transboundary Integration

Boin, McConnell and 't Hart (2021, p. 113) argue that, among the capacities required to respond to a crisis, transboundary efforts to coordinate across all levels are essential. Such coordination must extend beyond, while also encompassing, transnational cooperation. In the migration

context, Owen (2020, p. 108) asserts that the responsibility of the international community—embodying the legitimacy of the global order—"entails at least supporting capacity-building for the forms of protection – robust rights security, social integration, and emergency assistance – that are owed to refugees." Section 8.1.3 acknowledges the coordination efforts within Colombia's response aimed at restoring state capacities and fulfilling its obligations regarding the rights of Venezuelan migrants. The government explicitly acknowledged this multi-level coordination, as illustrated by one governmental interviewee's description of the BMO: "It was an office ... responsible for three types of coordination: horizontal, among national government entities; vertical, with governors and mayors across cities and departments; and cross-cutting, with all international cooperation agencies." This illustrates that the capacity for transboundary integration was indeed present in the Colombian response, at least until 2022. Nevertheless, although the Colombian response achieved effective coordination both internally and with international cooperation partners, it lacked an efficient regional strategy, thereby jeopardising the rights of forcibly displaced Venezuelans.

According to Acosta, Blouin and Freier (2019, p. 22), regional integration bodies in Latin America, such as UNASUR, ECLAC, MERCOSUR, CAN, and the South American Conference on Migration (CSM), have been characterised by institutional weakness, a non-binding nature, and politicisation, with a marked tendency towards hyper-presidentialism. These mechanisms did not provide a framework through which a human rights-based response could be articulated to meet the needs of forcibly displaced Venezuelans. The response, therefore, "emerged from individual States" (Acosta, Blouin and Freier, 2019, p. 22), supplemented by initiatives from international cooperation actors and two regional mechanisms: the Lima Group and the Quito Process. The former's actions were overtly condemnatory of the Venezuelan government and were thus oriented towards gaining political legitimacy (in terms of good citizenship (Owen, 2020) previously described). The latter "promotes human mobility, social and economic integration, and recognises the key role of United Nations agencies and other international organisations in its implementation" (Acosta, Blouin and Freier, 2019, p. 23). Despite these initiatives, the actions set out in the mechanisms' action plans remained highly disarticulated, as noted by Acosta, Blouin and Freier (2019, p. 23).

In the same vein, and despite the window of opportunity for regional integration opened by the COVID-19 pandemic, Riggirozzi (2022, p. 87) observes that "government responses have prioritised a national and individual focus, with some collective attempts that were, however, suboptimal and fragmented in terms of regional coordination, thereby weakening in particular

the guarantee of the right to health and mobility in the region[25]." This statement also highlights the importance of regional cooperation as part of the capacity of transboundary integration.

The consequences of the absence of Latin American integration illustrate that transboundary integration is not merely a functional capacity but a critical condition for fulfilling states' obligations concerning rights. They further reveal that such integration often depends on the abilities of the crisis leader. In this line, Riggirozzi (2022, p. 92) notes that "the political distancing between countries, the lack of leadership, and nationalist emphasis have limited the possibility of achieving concerted policies[26]."

Despite Colombia's opportunity, as the main receiving country of Venezuelan forced migrants in the region, to advance a regional agenda legitimising the global order by fostering the coordination and implementation of actions—through existing regional mechanisms—to uphold the rights of Venezuelan migrants at the regional level, as it consistently pursued in its domestic policy, its efforts in multilateral fora were instead directed towards condemning the Venezuelan regime and promoting the so-called 'diplomatic blockade'. Finally, drawing on the observation that "a focus on rights, both to provide protection and to guide public policy, constitutes an entry point for the reconstruction of regional governance" (Riggirozzi, 2022, p. 95), it is notable that regional governance and the moral duty of protecting rights form a mutually reinforcing cycle.

Institutional Framework

An effective response to a crisis involving a state's obligation to uphold or repair human rights requires the support of an appropriate framework. Fieldwork findings suggest that such a framework comprises two essential elements. The first is a bureaucracy that sustains and implements the decisions of the crisis leader, thereby translating them into concrete actions, including the formulation of public policies. This bureaucracy must be positioned at the highest possible level, as the coordinator of the response must have the authority to direct or request actions from ministries, agencies, and local authorities. The case of the BMO—an instrumental office in Colombia's response—exemplifies this point.

The second element is a legal framework that underpins these decisions, enabling the reallocation of resources, the channelling of new resources from international cooperation, and, more broadly, the restoration of rights to those who have been deprived of them. In the case of Venezuelan forced migrants in Colombia, several governmental instruments were

[25] Translated from Spanish
[26] Ibid.

issued at multiple levels—including the Office of the President, ministries, the National Registrar, and the high courts—as shown in Chapter 7 and detailed in Appendix A, with the aim of progressively restoring those rights. However, as this legal framework was largely enacted by the executive, its continuity remains vulnerable, leaving these measures at the discretion of the administration in power, as discussed in the following section.

Capacity Continuity

When, in Colombia, the risk of failing to comply with its obligations towards the human rights of migrants materialised, and despite the absence of prior preparedness, the promotion of migrants' rights became possible as the government progressively developed the necessary capacities. Although these capacities were not established during a preparedness phase (i.e., under normal circumstances as part of a risk management strategy), they were built in the midst of the crisis (between 2017 and mid-2022), thus framing the crisis itself as an opportunity. However, from mid-2022 onwards (as detailed in Chapter 7), the continuity of these capacities was disrupted, leaving many Venezuelan migrants without access to their rights and thereby once again materialising the risk of the Colombian state's non-compliance with its obligations concerning migrants' rights.

Regarding migration politics in Latin America, Acosta, Blouin and Freier (2019, p. 18) identify what they term "the bureaucratic temptation," which may be understood as an obstacle to the continuity of policies aimed at guaranteeing rights. They describe it in the following terms:

> The discretion with which the Executive acts when regulating migration matters, resulting in an *ad hoc* approach to the phenomenon and a preference for temporariness, is compounded by bureaucratic obstacles that are increased without notice in order to access previously announced rights. This is facilitated by a legislative model based, as mentioned, on decrees and other lower-ranking instruments that can be modified at short notice[27] (Acosta, Blouin and Freier, 2019, p. 18).

The Colombian case illustrates that, although the ad hoc approach proved useful in testing and refining the measures adopted during the crisis, once a stable formula had been identified, it should have been consolidated through higher-ranking norms to ensure their continuity. This reliance on *ad hoc* measures, compounded by the "bureaucratic temptation" employed by the Petro administration from mid-2022 onwards, placed migrants' rights at risk and led to further setbacks.

[27] Translated from Spanish

Although, as asserted earlier, policy continuity is not a capacity in itself, it serves as a contextual factor that enables the sustained containment and redress of the crisis, thereby preventing the risk from re-emerging once the crisis has been resolved.

9.5 Revised Risk–Crisis–Rights Model

The literature on risk and crisis management identifies preparedness as a fundamental element for responding to crisis (Boin and Lodge, 2016; Mejía *et al.*, 2017; Ansell and Boin, 2019). It has long been recognised that, in order to respond effectively to transboundary crises, ordinary risk and contingency plans are inadequate (Clarke, 1999, cited in Boin, McConnell and 't Hart, 2021, p. 46). Instead, the literature emphasises the importance of flexibility (Boin, 2009, p. 373) and the development of generic capacities (Boin and Lodge, 2016, p. 291), as well as the need to focus more on the strategic than on the operational level of crisis response (Boin and Lodge, 2016, p. 291). In terms of the response itself, three main capacities are proposed: experience and skills, transboundary integration, and leadership (Ansell and Boin, 2019; Boin, McConnell and 't Hart, 2021). At the strategic level, Ansell and Boin (2019) identify four strategic tasks—sense-making, decision-making, coordination, and meaning-making—and four pragmatist principles—fallibilism, antidualism, experimentalism, and bricolage—as necessary for effective crisis management. I have argued that, in order to promote human rights during crises, both these elements are required in the response. On this basis, the RCR Model was proposed and developed in Chapter 4 (see Figure 4.1).

Although no substantial changes to the RCR Model are required, the findings from the fieldwork, along with the analysis and discussion in this chapter, indicate a minor refinement, which is illustrated in Figure 9.1 and discussed below.

In general terms, I argue that it is possible to promote rights during crises by using risk management as a tool. The RCR Model operationalises this claim as follows. During normal times, risk management actions are carried out by policymakers (and decision-makers more generally) to address threats to the normal functioning of the state. In this context—specifically that of promoting rights—the normal functioning of the state is situated within the compliance with its objective obligations towards rights, which are distinct from the tradable values associated with the subjective dimension of crisis and the perception of risks. However, when a risk event materialises and its consequences escalate to the point of disrupting normality, overwhelming capacities, and requiring urgent action, the material or objective dimension of a crisis can be said to have manifested. In other words, a transition from risk to crisis has occurred. The crisis itself, together with the decisions made to address it, may have adverse effects on human rights. Responding to a crisis requires resorting to measures previously

defined during the risk management stage, in the form of preparedness. Yet, given the growing complexity of crises and their transboundary nature, such preparedness is often expressed less in the form of detailed plans and more in the form of generic capacities. I argue that these capacities (listed below and elaborated in Section 9.4), together with a strategic response, form part of the risk management strategies that support the promotion of rights during crises.

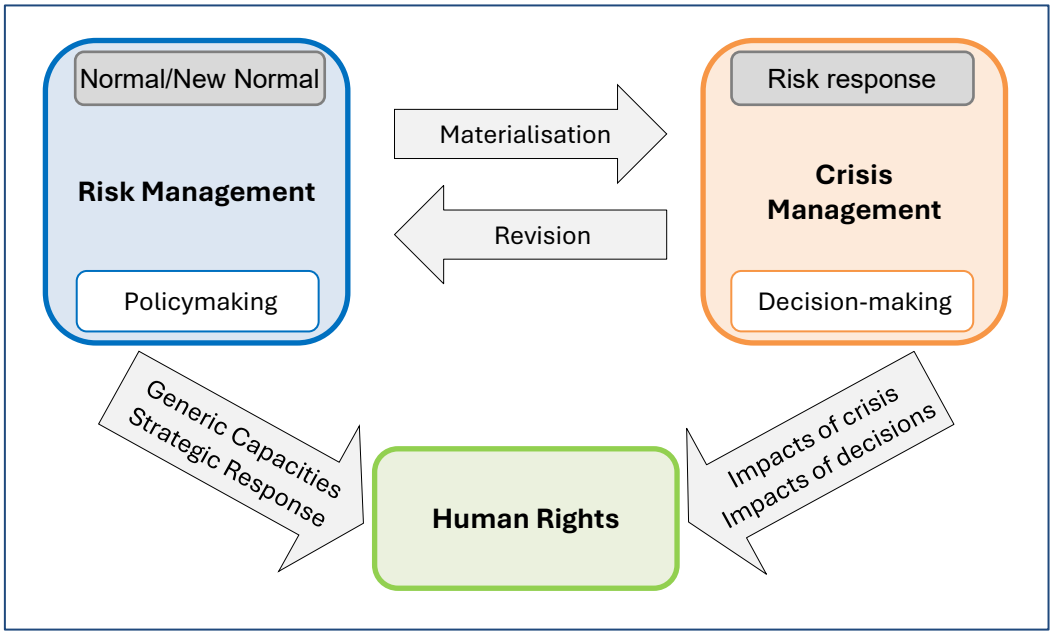

Figure 9.1 Revised Risk-Crisis-Rights Model

In summary, drawing from crisis literature and the findings from the fieldwork, I found that the required capacities are: leadership (which demands a knowledgeable and moral leader), transboundary integration (across political, functional, and temporal dimensions, as well as transnational integration, including regional integration), and an institutional framework comprising the supporting bureaucracies and the legal framework. Additionally, these capacities should be sustained—while adapted where necessary—through continuity as a contextual factor. With regard to the strategic response, and drawing on Ansell and Boin (2019), two aspects can be identified: the strategic tasks and the approach. The strategic tasks are as follows. First, sense-making, which ultimately determines the other aspects of the response, is itself shaped by the underlying drivers of policymakers. These drivers are, in turn, often rooted in the pursuit of legitimacy within the global system. This pursuit can be leveraged to appeal to the notion of 'good citizenship' demanded by the global order—namely, the legitimacy derived from compliance with the duties required by the human rights system. Second, decision-making, which needs to be conducted at a strategic level. Third, coordination, which is closely linked to the capacity for transboundary integration and dependent on leadership. Finally, meaning-making, understood as the interaction between crisis managers and the public to communicate and, in certain respects, justify the actions taken to cope with the crisis. The second aspect of

the strategic response is the approach. Ansell and Boin (2019) propose the principles of fallibilism, antidualism, experimentalism, and bricolage as embodying the pragmatist ethos that should underpin the execution of the strategic tasks. See Figure 10.1 for a Schematic Overview of the Study.

Finally, in terms of the RCR Model, once the crisis has been addressed, there is a return to the risk management mode—that is, a return either to the previous normal or to a new normal. When the crisis response is grounded in rights, the transition to a new normal can be understood as a process of revision or reform, and the crisis itself can therefore be seen as an opportunity. A crisis can also act as a catalyst for opportunity when it arises from the absence or insufficiency of capacities to respond and, particularly in the case of protracted crises, when such capacities are built during the crisis response stage.

Conclusion

This chapter has evaluated the Risk–Crisis–Rights (RCR) Model through the case of the Colombian government's response to the forced migration from Venezuela, thereby addressing the research question posed in section 1.3. By applying the model to a deviant case in the regional and global context—where migration policy often obscures restrictions to rights behind humanitarian rhetoric—the analysis has demonstrated that risk management can actively contribute to the promotion of human rights during crises.

The evaluation revealed that three capacities are essential for such a rights-based response: a moral and knowledgeable leader, transboundary integration, and an institutional framework comprising both supporting bureaucracies and a legal framework. These capacities, once developed, must be maintained and adapted as necessary through policy continuity, which acts as a critical contextual factor. Alongside these capacities, a strategic response—consisting of the four tasks of sense-making, decision-making, coordination, and meaning-making, carried out within a pragmatist ethos (Ansell and Boin, 2019)—is indispensable. The Colombian case further shows that the pursuit of legitimacy within the global order, which often underlies policymakers' drivers and shapes sense-making, can be leveraged to align state action with obligations under the human rights system.

While the Petro administration's dismantling of previously developed capacities illustrates the risks posed by discontinuity, the policies implemented under the Santos and Duque administrations highlight how crises can be reframed as opportunities to strengthen state capacity and promote rights. In this respect, the Colombian experience confirms the RCR Model's proposition that crises, particularly those of a transboundary nature, can serve as

catalysts for institutional reform when addressed through risk management strategies grounded in a pragmatist approach and sustained capacities.

Ultimately, the case study validates the RCR Model while refining it to emphasise capacity continuity as an enabling condition for the sustained promotion of rights during and after crises. This insight not only reinforces the model's conceptual contribution but also offers practical guidance for policymakers seeking to uphold human rights in complex and protracted crisis contexts.

Chapter 10 Conclusions

In this thesis, I address the urgent need to safeguard human rights during crises—in a context where these are increasingly frequent and complex, and are often instrumentalised to restrict rights as a means of consolidating power. My original contribution to this debate is the Risk-Crisis-Rights (RCR) Model, developed in response to the research question of how risk management can support the promotion of human rights during crises. The model analyses the relationship between risks, crises, and rights, and demonstrates that risk management can serve as a means of promoting rights in times of crisis. I argue that, when a crisis is understood as the set of consequences of a materialised risk, two risk management tools are essential: strengthening generic capacities and implementing a strategic response. Within the first of these tools—building on crisis literature and fieldwork findings—three generic capacities for a rights-based response can be identified: moral and knowledgeable leadership, transboundary integration, and an institutional framework that combines enabling bureaucracies with a solid legal basis. Once developed and implemented, these capacities must be adapted when necessary and sustained through policy continuity. In parallel, a strategic response—using the framework proposed by Ansell and Boin (2019), which encompasses the tasks of sense-making, decision-making, coordination, and meaning-making—remains indispensable, provided it is conducted within a pragmatist ethos.

The central contribution of this thesis, therefore, lies in advancing knowledge in the fields of risk management, crisis management, public administration, and human rights. It challenges ingrained and outdated models that constrain both the promotion of rights and the sound management of risks and crises in the public sphere, while updating several existing notions and advancing a single comprehensive model—the RCR Model. By bridging domains of knowledge and practice that have traditionally remained siloed, this thesis establishes itself as a multidisciplinary contribution with lasting impact.

Alongside its scholarly contribution, the results of this thesis underscore the practical necessity of the approach it proposes. States must find ways to uphold their obligations towards rights not only in normal times but, crucially, in moments of crisis. This thesis shows that rights can indeed be promoted during crises, and that doing so is not only a normative obligation but also a source of legitimacy before multiple stakeholders—including rights holders themselves and the international community. Such legitimacy provides human rights advocates with a solid ground from which protection can be demanded. Although the perspective of rights holders was not the primary focus, the overarching point is that rights can and must be guaranteed to all inhabitants of the territory at all times—an aspiration that, while utopian, remains imperative. What follows

is a succinct recapitulation of the thesis and its contributions. Subsequently, the chapter outlines its limitations and explores potential avenues for future research, suggesting directions that could further enrich and expand the insights developed herein.

10.1 Summary of the Thesis

In Chapter 1, the thesis introduced the problem at its core—namely, the recurrent failure to uphold human rights during crises—together with its overarching aims and research question, an overview of the methodology, and the original contributions, before presenting a summary of the thesis structure. Chapter 2 critically examined the concept of risk and proposed a revised and comprehensive definition. Drawing on sociological approaches, it showed how risk is shaped by cultural and political values, and it introduced a new typology in which Non Trade-off Risks (NTRs) became central to the conceptual model developed in the following chapters. Chapter 3 then explored the conceptual and practical relationship between risk and crisis, proposing that crisis be understood as the set of consequences of a materialised risk. It demonstrated that treating crises as separate from risk hindered effective governance and timely response, and therefore advanced a new definition of crisis that integrated both objective (or material) and subjective dimensions. The chapter also conceptualised two transitions—from risk management to crisis response, and from crisis back to normal (or a new normal) as revised risk management—thus outlining a more coherent governance cycle. By applying this definition to various types of crises, it reframed the so-called 'migration crisis' not as a crisis of migration itself but as a 'response crisis' resulting from inadequate state action that undermined migrants' rights. These insights established the second pillar of the Risk-Crisis-Rights (RCR) Model and prepared the ground for its third dimension: rights. Chapter 4 developed this dimension by analysing the interconnections between risk, crisis, and human rights in public decision-making, thereby laying the model's theoretical foundations. It argued that crises both threatened and redefined rights, showing that human rights impacts stemmed not only from the crisis itself but also from the decisions taken in response. The chapter stressed that rights obligations—objective and non-negotiable—must remain central even under exceptional circumstances, while positioning risk management as a critical space for building strategic and generic state capacities to reduce rights harms. It also introduced the pragmatist framework of Ansell and Boin (2019) as a useful approach to crisis governance.

This thesis has conceptualised the Risk–Crisis–Rights (RCR) framework as a theoretical and exploratory analytical model designed to structure and explain the interaction between risk management, crisis dynamics, and human rights outcomes. Drawing on observed regularities in the literature, the model operates as a semantic representation of a specific aspect of reality—

namely, how risks materialise into crises and shape rights—while deliberately reserving empirical testing for a later stage. Its usefulness lies in its exploratory function, as it makes explicit the mechanisms through which institutional capacities, preparedness, and governance arrangements condition crisis responses and their effects on rights, as illustrated through the Colombian case.

In terms of interaction dynamics, the RCR model exhibits three primary patterns: first, a structure of circular causality in which risk management decisions generate negative feedback loops that mitigate future impacts on rights, whilst crisis outcomes feed back into risk management strategies; second, policy feedback effects wherein preparedness actions generate capacities that condition crisis responses, which subsequently inform future strategies through iterative causal chains; and third, conditional amplification dynamics in which inadequate preparedness triggers reinforcing positive feedback loops of deterioration, whereas strategic preparedness activates balancing feedback loops that protect rights and strengthen institutional capacities.

Following this, Chapter 5 outlined the methodological framework guiding the research. Using a deviant case study that evolved from an initial process-tracing approach and centred on Colombia's response to forced migration from Venezuela, the chapter described the process of data collection through documentary analysis and elite interviews, as well as the thematic analysis and ethical considerations, showing how the research question, methods, and empirical strategies aligned to study a complex policy response. Chapter 6 then presented the context of the case study, portraying Venezuelan forced migration as a textbook example of a transboundary crisis. It examined the reported causes of this migration, underlined their significance in shaping the crisis label, and described the institutional framework established in Colombia to respond to the phenomenon, tracing its subsequent evolution.

Chapters 7 and 8 moved to the empirical analysis. Chapter 7 focused on the subjective dimensions of the crisis—sense-making and meaning-making—demonstrating through longitudinal analysis how evolving interpretations, narratives, and labels significantly influenced the character and timing of policy responses. It showed how these processes shaped the Colombian state's responses to Venezuelan migration across four distinct phases, directly affecting institutional capacity and the extent to which migrants' rights were protected. The chapter also highlighted how political discourse, strategic framing, and crisis labelling determined resource allocation and the creation of legal instruments, underscoring the centrality of the subjective dimension in shaping the effectiveness of crisis governance and the realisation of rights. Chapter 8 complemented this analysis by assessing the effectiveness of Colombia's migration response through the lens of the four strategic tasks outlined by Ansell

and Boin (2019): sense-making, decision-making, coordination, and meaning-making. It demonstrated that, between 2015 and mid-2022, these tasks were carried out in ways consistent with the core principles of the pragmatist approach—fallibilism, anti-dualism, experimentalism, and bricolage. This alignment fostered a flexible and adaptive governance model that contributed to the progressive realisation of migrants' rights through mechanisms such as the PEP and TPS. The chapter further showed that capacity continuity and pragmatic leadership were crucial in enabling this process, whereas the erosion of these capacities after 2022 coincided with a weakening of the response, underlining the importance of strategic tasks and leadership in sustaining a rights-based approach to crisis governance.

Finally, Chapter 9 tested the RCR Model against the case study and presented a refined version of the model first proposed in Chapter 4. Drawing on the fieldwork findings and their analysis in light of the migration literature, it offered a more precise answer to the research question. It argued that supporting human rights during crises requires two complementary risk management strategies: generic capacities and a strategic response. The former encompassed a moral and knowledgeable leader, transboundary integration, and a continuous institutional framework, while the latter referred to the four strategic tasks proposed by Ansell and Boin (2019), carried out within a pragmatist ethos.

10.2 Contributions to Knowledge and Policy Implications

This thesis has tackled several gaps identified in the academic literature on risk, crisis, and migration; in the practice of risk and crisis management and public administration; and in policy debates concerning the protection of human rights in crisis contexts. In addressing these gaps, it has pursued its aim and answered the research question: *How does risk management support the promotion of human rights during crises?* It has also responded to calls from scholars, particularly within the fields of crisis management and migration studies.

The contributions to knowledge and policy implications of this thesis speak to distinct audiences. For academic audiences, the thesis offers an integrated conceptual, theoretical, and empirical engagement with risk, crisis, migration, and public administration. Most notably, it develops the Risk–Crisis–Rights (RCR) Model as an analytical framework that establishes a systematic relationship between risk management, crisis dynamics, and human rights obligations, thereby addressing a persistent conceptual fragmentation in crisis scholarship. From an academic policy perspective, this integration clarifies how conceptual choices about risk and crisis shape policy design, institutional responsibility, and the interpretation of human rights obligations in crisis contexts. By reconceptualising crises as the materialisation of risks and reframing so-called 'migration crises' as 'response crises', it embeds human rights at the

centre of crisis governance and advances debates on creeping, transboundary, and protracted crises. In doing so, it provides scholars with analytical tools to critically assess policy responses, challenge securitised framings, and generate policy-relevant knowledge grounded in rights-based crisis governance. These scholarly contributions were examined and substantiated throughout the thesis and are summarised below.

For practitioners and policymakers, this thesis offers a rights-based and practically oriented framework for governing contemporary crises. The RCR Model demonstrates how strategic and pragmatist risk management—centred on leadership, transboundary integration, institutional design, and capacity continuity—can mitigate crisis impacts and actively promote human rights. By shifting the analytical focus from migrants or external shocks to the adequacy of state responses, the study provides concrete guidance for avoiding securitised and reactive approaches and for designing policies that uphold rights during protracted and transboundary crises. The Colombian case illustrates how capacities can be built and consolidated during crises themselves, and why preserving these capacities is essential to prevent crisis recurrence. The practical implications of these findings, and their relevance for policymaking in crisis contexts, are detailed across this section.

I address a conceptual limitation in risk and crisis studies: the lack of a systematic relationship between risk, crisis, and human rights in both theory and practice. To do so, I revisit foundational definitions of risk and crisis and propose new ones grounded in organisational and sociological theory. In this way, I also respond to Quarantelli's (1994, cited in Wolbers, Kuipers and Boin, 2021, p. 385) critique that "'we do not do a good job in the accumulation of knowledge' and that concepts are 'taken for granted and never reexamined in any systematic way'." The lack of conceptual revision has direct practical consequences: it narrows the perspective of decision-makers, making it harder for them to connect crisis responses with their implications for human rights. As a result, policy and practice tend to reproduce limited operational logics that disregard the broader obligations crises impose on states and organisations. To bridge this gap, I develop the RCR Model that integrates these three dimensions, offering a new way of thinking about decision-making during crises upholding obligations towards human rights.

I respond to the call by Boin, Ekengren and Rhinard (2021, p. 176) to address the limited understanding of creeping crises and transboundary events, which represents a significant gap in crisis scholarship. Existing frameworks tend to prioritise sudden and bounded emergencies, thereby overlooking the gradual and cross-border dynamics that define many contemporary crises. This limitation not only constrains the development of comprehensive analytical tools but also has practical consequences, as it weakens the capacity of institutions to anticipate

and respond effectively to crises that unfold slowly or transcend temporal, functional, geographical and political boundaries. Consequently, responses risk becoming fragmented or delayed, with severe implications for affected populations and the protection of their rights. To bridge this gap, I examine the Colombian response to a protracted, creeping, and transboundary crisis, tracing how it evolved through multiple phases, each producing distinct institutional responses and rights implications, and offering insights into how such crises can be managed more effectively.

In this same vein, I address the insufficient attention given to capacity-building in crisis governance and risk management. Traditional approaches have largely focused on developing rigid risk and contingency plans, which often prove inadequate for the complexities of contemporary crises. Building on the RCR Model, I propose a redefinition of the generic capacities required for effective crisis response, in line with the tasks of a strategic response and drawing on the pragmatist approach advanced by Ansell and Boin (2019) and Boin and Lodge (2021).

Another significant gap concerns the underrepresentation of migration in crisis studies. Although migration is often portrayed as a crisis by politicians, the media, and scholars, it has rarely been examined in a systematic way against the conceptual foundations of risk and crisis. This gap has important consequences: the uncritical labelling of migration as a crisis—despite being a human right—reinforces narratives that cast migrants as threats and weakens the protection of those forced to move in search of a dignified life. My thesis addresses this problem by reframing the debate: migration itself is not the crisis, but inadequate or misguided responses can generate crisis conditions. This perspective shifts responsibility away from migrants and places it squarely on decision-makers and policy responses, thereby offering a more accurate understanding of how crises emerge and how rights can be safeguarded. In doing so, it also responds to the call in *The Oxford Handbook of Migration Crises* (Menjívar, Ruiz and Ness, 2019b, p. 9) regarding the limited "empirical and theoretical research on the causes, consequences, and policy responses to migration." Through the Colombian case, this research provides a critical reframing of 'migration crisis' from the perspective of crisis studies, contributes to a rights-based approach to crisis management, and advances knowledge on how South–South migration is addressed in the Latin American context.

More broadly, Boin and Lodge (2016, p. 296) call for more 'knowledge of' crisis management understood as the development of "systematic empirical findings and robust theoretical insights that reflect the context of contemporary governance," and for more 'knowledge in' crisis management defined as "the need to engage in the world of practice, by 'opening up' processes and institutions of crisis management, by speaking (often unpalatable) truths to

power, and by suggesting ways to tame crisis-induced uncertainty that cannot be found through research frameworks developed for 'stable' times." This thesis responds to these calls in two ways. In terms of 'knowledge of' crisis management, it offers systematic empirical findings on how Colombia addressed Venezuelan migration through risk management practices, understood as an effective response to a crisis—in the sense that it promoted the rights of migrants—in which the four tasks for a strategic response to crisis with a pragmatist ethos (Ansell and Boin, 2019) were employed. It also contributes to the reformulation of the generic capacities needed to respond to crises effectively and proposes a new one, thereby generating theoretical insights into the dynamics of crisis governance. The study also reframes the notion of a 'migration crisis' as a 'response crisis,' highlighting that crises are subjectively constructed and politicised through the use of labels (the meaning-making) that divert the focus from states' obligations towards human rights. In terms of 'knowledge in' crisis management, it opens up the institutional and political processes through which decisions were taken, revealing how crisis responses were shaped by the drivers of decision-makers and the pursuit of political legitimacy, while also showing that these dynamics did not lead to either a blame game or securitisation. Finally, this study speaks truths not only to power and crisis management institutions, but also to scholarly circles, where much of the dominant literature on crisis and migration tends to carelessly frame the human right to migrate as a crisis, thereby reinforcing narratives that sustain securitised discourses and weaken the protection of rights, and, on the other hand, positions risk-averse and rights-restrictive approaches from Eurocentric theories as the prevailing standard in these fields, thereby marginalising successful experiences from the Global South, particularly those emerging from the Latin American context. By doing so, the thesis contributes both academic knowledge and practical insights relevant to contemporary crisis governance, while also offering valuable perspectives to the field of public administration and addressing the call made by Boin and Lodge (2016, p. 291) who argue that "overall the field of public administration has paid only limited attention to the issue of 'risk'. This is remarkable, as 'risk' has become central to contemporary governing."

By addressing these gaps and responding to these calls, this thesis makes substantive contributions to knowledge and advances the academic literature in risk and crisis management, public administration, and migration studies. It also offers insights of direct relevance for policy and practice, particularly in relation to safeguarding human rights in crisis contexts. Although some contributions span theoretical, conceptual, empirical, and policy dimensions, this section organises them into separate themes in order to highlight their distinct focus and relevance, as outlined below.

10.2.1 Conceptual contributions

The central conceptual contribution of this thesis is the Risk-Crisis-Rights (RCR) Model, which establishes a systematic relationship between risk, crisis, and human rights. By integrating these dimensions into a single framework, the model provides conceptual and practical tools to guide public policymaking and to uphold rights during crises. Within the RCR Model, I argue that rights can be safeguarded—and even promoted—when a strategic and pragmatist response, together with the building of generic capacities, are employed as risk management tools to address crises. Building on this insight, the thesis makes a further conceptual contribution by redefining the capacities required for effective crisis response. These include: leadership, understood as encompassing skills and experience and as the exercise of a knowledgeable and moral agent; transboundary integration; and the construction of an institutional framework that sustains the response through bureaucratic and legal arrangements.

This thesis makes a conceptual and theoretical contribution by proposing a conceptualisation of risk as *the possibility of occurrence of an event that threatens social structures, composed of the causes with their probabilities of occurrence, and the consequences with their impacts, characterised by uncertainty*. Unlike the most common definitions in the literature, this conceptualisation makes explicit its constituent elements, which is essential for guiding risk management—that is, the need to prevent causes and mitigate consequences. It also demonstrates that risk is an abstract concept that becomes concrete when it materialises and highlights its inherently social nature. In this way, this thesis not only clarifies conceptually what risk is, but also contributes theoretically by providing a more systematic framework to inform both research and practice in risk management.

This thesis makes a conceptual and theoretical contribution by recognising that crises are often conceptualised as isolated or sudden events, disconnected from the underlying risks that precede them. Such conceptual fragmentation constrains the capacity of policymakers to anticipate and prepare for crises in ways that incorporate the protection of rights. I therefore propose to understand crises as *a set of consequences resulting from the materialisation of a risk event whose impact is highly uncertain, disrupts normality, exceeds response capacities, and necessitates urgent action to ensure survival—either in a literal or figurative sense*. By reconceptualising crisis as the materialisation of risk, I provide a more integrated framework for understanding how decisions taken during the risk management phase can significantly shape rights outcomes in times of crisis.

Building on the relationship between risk and crisis, this study makes a conceptual contribution by demonstrating that managing risks inherently contributes to managing crises. Accordingly, it

is through risk management interventions that decision-making processes can be shaped in ways that influence the extent to which fundamental rights are protected during crises.

Although questioning the claim that crises are solely discursively constructed is not entirely new in the literature, this thesis contributes conceptually by advancing a novel interpretation of crises: it demonstrates, through empirical evidence, that failing to recognise a situation as a crisis—despite the presence of material elements such as disruption of normality, overwhelmed capacities, urgent action, and uncertainty—can amount to a breach of the state's human rights obligations. The originality of this contribution lies in showing that crises must be recognised in a timely manner through their objective dimension, thereby promoting a more rights-based approach to crisis response. By supporting the need to desubjectivise crises and prioritise their material elements, this thesis contributes to the depoliticisation of risk and its governance and repositions the socialisation of risk in the rights of rights-holders, rather than in duty-bearers who politicise it.

Another conceptual contribution of this thesis is the reframing of the notion of crises as opportunities. While the literature frequently highlights opportunities in terms of policy change or innovation, I argue that crises can also serve as opportunities through the development of capacities during the crisis itself. This perspective shifts attention from seeing capacities exclusively as pre-existing conditions to recognising their dynamic formation in the midst of crisis. By emphasising that leadership, institutional framework, and transboundary integration can be strengthened and consolidated in real time, this contribution expands the conceptual understanding of how capacities emerge and evolve, and highlights their relevance for safeguarding rights in contexts of uncertainty.

Although human rights have been widely recognised in the literature as objective obligations, their incorporation into the field of risk management constitutes a conceptual contribution of this thesis, as it removes human rights from the category of values—understood as socially constructed and, therefore, tradeable—thereby rendering them non-tradeable. By doing so, decision-makers are precluded from negotiating or compromising these obligations during crises, reinforcing theoretical positions that argue against their suspension or derogation.

This thesis challenges dominant framings of a 'migration crisis' by advancing the concept of a 'response crisis.' Whereas the former constructs migrants as the source of disruption, the latter redirects analytical attention to the shortcomings of state action and governance, particularly regarding the protection of rights. This reconceptualisation expands the analytical notions available to crisis studies by questioning the assumptions underpinning widely used labels and by exposing how the language of crisis can obscure state responsibility. The notion of a

'response crisis' thus provides a sharper tool for identifying when institutional failures, rather than migratory movements themselves, generate or exacerbate crisis conditions.

This study also makes a conceptual contribution by highlighting that the strategic adoption of a crisis label (for example, emphasising the lack of resources to fulfil human rights obligations) can mobilise urgent action and resources. I identify three key considerations for using crisis framing effectively: (1) leveraging the urgency that the label confers to activate responses, (2) focusing on the causes and consequences rather than on the people affected or on attacking an internationally recognised right, and (3) drawing on insights from crisis management to guide state responses.

10.2.2 Theoretical contributions

By conceptualising crises as materialised risks and placing emphasis on the rights impacts that emerge both from crises themselves and from the responses they elicit, this thesis advances theoretical debates across crisis studies, risk management, and human rights. The RCR Model developed here provides an integrative framework that reconceptualises how these domains intersect, offering novel propositions on the ways decision-makers interpret risks, frame crises, and shape outcomes for affected populations. In doing so, it embeds human rights at the centre of crisis governance and demonstrates how inadequate responses can transform risks into full-fledged crises.

A further theoretical contribution lies in the critical re-examination of foundational concepts of risk and crisis through organisational and sociological lenses. The thesis advances a new conceptualisation of crisis as the materialisation of risk, thereby highlighting their interdependence and offering a more systematic basis for theory-building. On this foundation, it develops a typology of risks that introduces *Non Trade-off Risks (NTRs)*—risks that do not stem from deliberate decisions yet carry profound policy consequences.

This research advances theory by demonstrating how reframing the crisis from a 'migration crisis' to a 'response crisis' can critically reorient policy and scholarly debates. This shift challenges securitised and restrictive approaches, highlighting their incompatibility with human rights standards and their ineffectiveness in addressing the actual crisis, thereby providing a theoretical framework for migration response that is more consistent with human rights.

This thesis makes an empirical contribution with theoretical implications, insofar as the findings of the case inform and advance a theoretical debate, by responding to Boin, 't Hart and Kuipers (2018, p. 34) open question regarding whether "if crises tend to serve as triggers of systemic change or if they serve to forestall such change, and to what extent these processes can be

channeled by good crisis governance." The Colombian case demonstrates that 'good crisis governance', advanced through a pragmatist response, tends to trigger change and reform in the form of strengthened state capacities. However, for such change to be durable, the continuity of those capacities must be guaranteed.

In a similar vein, and also combining empirical insights with theoretical implications, this thesis responds to Boin, 't Hart and Kuipers (2018, p. 35) observation that "research could benefit our understanding of the tenuous relation between crisis and change: which type of crises and disasters open a window for structural change (and what must be done to exploit that opportunity)? These research challenges would benefit from a close working relation between crisis and disaster scholars." The Colombian case demonstrates that although a creeping, protracted, and transboundary crisis led to change when the state adopted a pragmatist approach, under a different administration responding to the same crisis, such change was not sustained. The case further shows that the same crisis can generate different outcomes, highlighting that it is not the type of crisis that determines whether change occurs, but rather the decision-maker's pursuit of legitimacy vis-à-vis the actors before whom they seek to be legitimised.

Taken together, these contributions extend the theoretical foundations of risk and crisis studies by integrating rights-based concerns into the very conceptualisation of crisis, while also generating insights of direct relevance for practice.

10.2.3 Empirical contributions

Using Colombia's response to Venezuelan forced migration, this thesis documents how institutional frameworks evolved, how crisis management shaped the protection of rights, and how generic capacities were developed. The case demonstrates that human rights are a moving target, but also shows that two strategies can be used to compel policymakers and decision-makers towards compliance with their obligations: Reframing the crisis by distinguishing between cause and trigger highlights that the crisis is not caused by the trigger itself (in this case, forced migration), but by the state's lack of—or insufficient—response, thereby shifting accountability for the crisis from those whose rights are affected to policymakers and decision-makers.

This thesis makes an empirical contribution by testing Ansell and Boin (2019, p. 1089) framework through the Colombian case. They ask: "Could Pragmatism provide the building blocks for an effective and legitimate approach to strategic crisis management?" This thesis tests their framework through the Colombian case, showing that when a pragmatist ethos guides crisis response, crises can be effectively managed in the sense that the state's

capacities to fulfil its human rights obligations are restored. The legitimacy of this approach is demonstrated in the same way: by responding pragmatically, adverse human rights impacts were neutralised, thereby strengthening the state's legitimacy before the international community.

This thesis contributes to the understanding of crisis governance by showing that even when the message conveyed through the task of meaning-making is not aligned with sense-making, it is ultimately sense-making that determines decision-making. The research further contributes by demonstrating that meaning-making is not only the space where the official narrative is constructed and blame is contained, but also the arena where legitimacy—as the driver of sense-making—is pursued. A key contribution lies in recognising that sense-making shapes the entire crisis response, as it drives strategic decision-making, coordination, and the construction of meaning.

A further contribution, empirical and at the same time conceptual, is the identification of capacity continuity as a contextual factor: the capacities developed to confront a crisis should be maintained to ensure that state obligations towards rights are met and to prevent the re-emergence of the conditions that originally gave rise to the crisis.

Another empirical contribution lies in showing that, contrary to expectations from migration theories, the leftist government's response to Venezuelan migration was less rights-based than that of the two preceding rightist administrations, pointing more to the incumbent president's search for legitimacy within the liberal global order.

Finally, this thesis contributes empirically by showing that while a humanitarian response is a necessary condition for the state to uphold its human rights obligations during crises, it is not sufficient on its own. The findings demonstrate that without a rights-based response, rights are only partially fulfilled and remain a moving target, vulnerable to being curtailed or eliminated at any time. An effective crisis response therefore requires not only a comprehensive rights-based approach but also the preservation of the capacities developed during the crisis, since their removal risks reproducing the very conditions that originally gave rise to it.

Although the model was tested using a migration case in the Global South, I argue that—drawing on a critical revision of the foundational literature, a solid theoretical analysis, and insights from my professional experience in risk and crisis management within the public sector—the findings and contributions of this study can be applied to a wider range of transboundary crises, such as those related to climate change or financial instability, particularly through capacity-building during the preparedness phase of the risk management process. Importantly, in the case of Non Trade-off Risks, regardless of their specific causes, the

crisis ultimately lies in the response: when states fail to uphold their human rights obligations—whether due to lack of capacity or deliberate policy choices—that is what constitutes the crisis. While a Colombian migration case might initially appear to be of limited relevance, it is important to note that around 86% of the world's refugee population currently lives in the Global South, yet most existing scholarship has focused on OECD or 'Northern' receiving states (Hammoud-Gallego and Freier, 2023, p. 454). This thesis contributes to addressing significant gaps in migration studies by selecting a case from the Global South that advances knowledge on policymaking in this field. Beyond its national relevance, the Colombian response provides original insights into the upholding of human rights obligations, while also challenging Northern-centric policy models and illustrating alternative approaches developed in the Global South. The contribution of this research lies in showing how such a case, often overlooked in mainstream scholarship, holds value not only for understanding national or regional dynamics but also for enriching global debates on migration governance, rights promotion, and crisis response more broadly.

10.2.4 Policy Implications

While many of the policy implications of this thesis have already been detailed within the conceptual, theoretical, and empirical contributions, the following section outlines them explicitly in terms of their relevance for policymaking.

A core policy contribution of this thesis lies in advancing the RCR Model to integrate risk management, crisis response, and human rights obligations within a single practical framework for rights-based governance in transboundary crises. It shows that an effective response depends not only on a pragmatist orientation but also on sustained capacity building, underpinned by moral and knowledgeable leadership, transboundary integration, and robust institutional frameworks. This thesis further contributes by underscoring the importance of capacity continuity during protracted crises. Rather than signifying inertia, continuity—when guided by a pragmatist ethos—facilitates the iterative development and adaptation of mechanisms, enabling institutional learning and improved protection of rights over time.

A further policy implication of this study is the imperative of timely recognising and accurately labelling crises, ensuring that the label is associated with the shortcomings of state responses in fulfilling rights obligations, rather than attributing the crisis to the individuals whose rights are being neglected. This shift supports the design of rights-compatible policies that avoid counterproductive securitisation. Situations that meet the material criteria of a crisis must be designated as such, as failure to do so results not only in inadequate mitigation of adverse

effects but also in the failure to uphold human rights obligations. Ultimately, any social crisis should be understood as a crisis of response.

Drawing on the fieldwork, this thesis contributes to policy debates by demonstrating the need for policymaking to be grounded in genuine, substantive participation from the various actors engaged in the relevant fields. Such engagement must go beyond nominal inclusion in order to leverage the full depth of knowledge accrued through practical and theoretical experience. By establishing this contribution, the thesis shows how rights-based policymaking can be strengthened while reducing reliance on constitutional court interventions as the primary driver of policy reform.

Beyond those already emphasised, several additional implications emerge. First, reframing migration not as a 'migration crisis' but as a 'response crisis' directs responsibility towards state action and governance, thereby discouraging narratives that cast migrants as threats and instead guiding policies towards strengthening institutional responses. Second, this thesis shows that capacities are not only preconditions but can also be developed and consolidated dynamically during crises, which has direct implications for policy design aimed at fostering institutional adaptability. Finally, the findings demonstrate that while humanitarian responses are a necessary condition for upholding human rights obligations in crises, they are not sufficient; policies must move beyond short-term humanitarianism towards comprehensive rights-based responses that preserve and extend the capacities built during the crisis itself.

10.3 Limitations

Several limitations of this study should be acknowledged. First, the single-case study design, while appropriate for in-depth analysis and theoretical development, inherently limits the generalisability of the findings. Second, although the fieldwork involved a broad range of elite actors, the absence of direct input from members of the migrant population constrained the exploration of how policies were experienced in practice and how rights were realised on the ground. Third, while the research covers developments up to 2024, the ongoing and evolving nature of the crisis precludes definitive conclusions about the most recent policy changes.

In relation to data collection, particularly the interviews, only one representative from the National Unit for Disaster Risk Management (UNGRD)—a key agency in the humanitarian response—was interviewed. This limitation was due to the agency's involvement in a major corruption scandal at the time of fieldwork, which made further access unfeasible. Similarly, despite multiple attempts, it was not possible to secure interviews with personnel from the United Nations High Commissioner for Refugees (UNHCR), an influential actor in both the

response and in shaping policy through funding and technical assistance. Moreover, no government officials active during the 2022–2024 period responded to requests for interviews, limiting insight into the most recent developments in state action.

Finally, the inconsistency and frequent revisions in official migration statistics, as well as methodological changes in Colombian surveys over time, posed significant challenges. Obtaining accurate and comparable figures—such as the number of refugees and migrants at a given time—proved nearly impossible.

Although the case study was conducted in a Global South context, no conceptual limitations were identified that would hinder the replicability or broader application of the proposed framework. On the contrary, the insights generated contribute to ongoing international debates on transboundary and creeping crisis governance and rights-based policymaking, and may inform crisis responses in similar contexts.

At the time of submitting this thesis, in September 2025, many events have marked an unprecedented surge of governments not merely trading off human rights, but openly ignoring them, committing violations that only a few years ago would have been condemned. The US vetoes at the United Nations Security Council against a ceasefire in Palestine, Trump's policies (along with those of several European countries) criminalising migration, and the authoritarian practices of Nayib Bukele in El Salvador are just a small sample of critical human rights violations that highlight the political limitations of the model when politicians and other decision-makers choose to set aside their objective obligations vis-à-vis human rights. This limitation of the model, although political, is not a technical one.

10.4 Future research

In terms of the research agenda, many avenues remain open. As demonstrated by the fieldwork, language use has been a major determinant in framing migration. This is further complicated by the absence of a consistent terminology and by the negative associations generated by the euphemisms commonly used to describe it—many of which are drawn from disaster-related jargon. This is unsurprising given the frequent linkage between migration and crisis, as well as the predominant focus of crisis literature on disasters (as discussed in Chapter 3). The critical reframing of the term 'migration crisis' thus reveals an urgent need to interrogate and redefine the language through which migration is conceptualised and represented.

This study demonstrates that human rights constitute a moving target. That is, despite their formal concession to vulnerable populations, the state may cease to uphold its obligations at any given moment, leading to a regression in access to those rights. Exploring the mechanisms

and conditions necessary to preserve the integrity and continuity of rights over time remains an important avenue for future research.

As Lakoff (2007, p. 249), cited in McAdam (2014a, p. 42) notes, “Connecting different events may link different skill-sets and approaches that can be carried across from one policy area to another, simultaneously enriching yet streamlining expertise.” Crises are particularly illustrative in this regard, since they not only involve decision-making under exceptional circumstances but also demand responses that cut across multiple policy areas, generating transversal policies. In this vein, it is highly valuable to analyse how the same administration responds to different crises and to explore the drivers that shape its responses, as such an approach can reveal both the extent to which skills and approaches are effectively transferred across policy domains and the conditions under which this transfer may be constrained or reshaped. Similarly, a thorough assessment of human rights in practice is needed and should be evaluated and contrasted in light of the principles of what has been termed an effectively managed crisis.

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In this thesis, I have demonstrated that safeguarding human rights during crises is both necessary and possible, and I have proposed the Risk-Crisis-Rights Model as a framework to achieve this. By analysing the relationship between risks, crises, and rights, and by identifying the generic capacities and strategic responses required, I have advanced a comprehensive approach that bridges theory and practice. My aim has been to contribute to academic debates while offering practical tools for policymakers, showing that rights can and must remain central even in the most challenging circumstances.

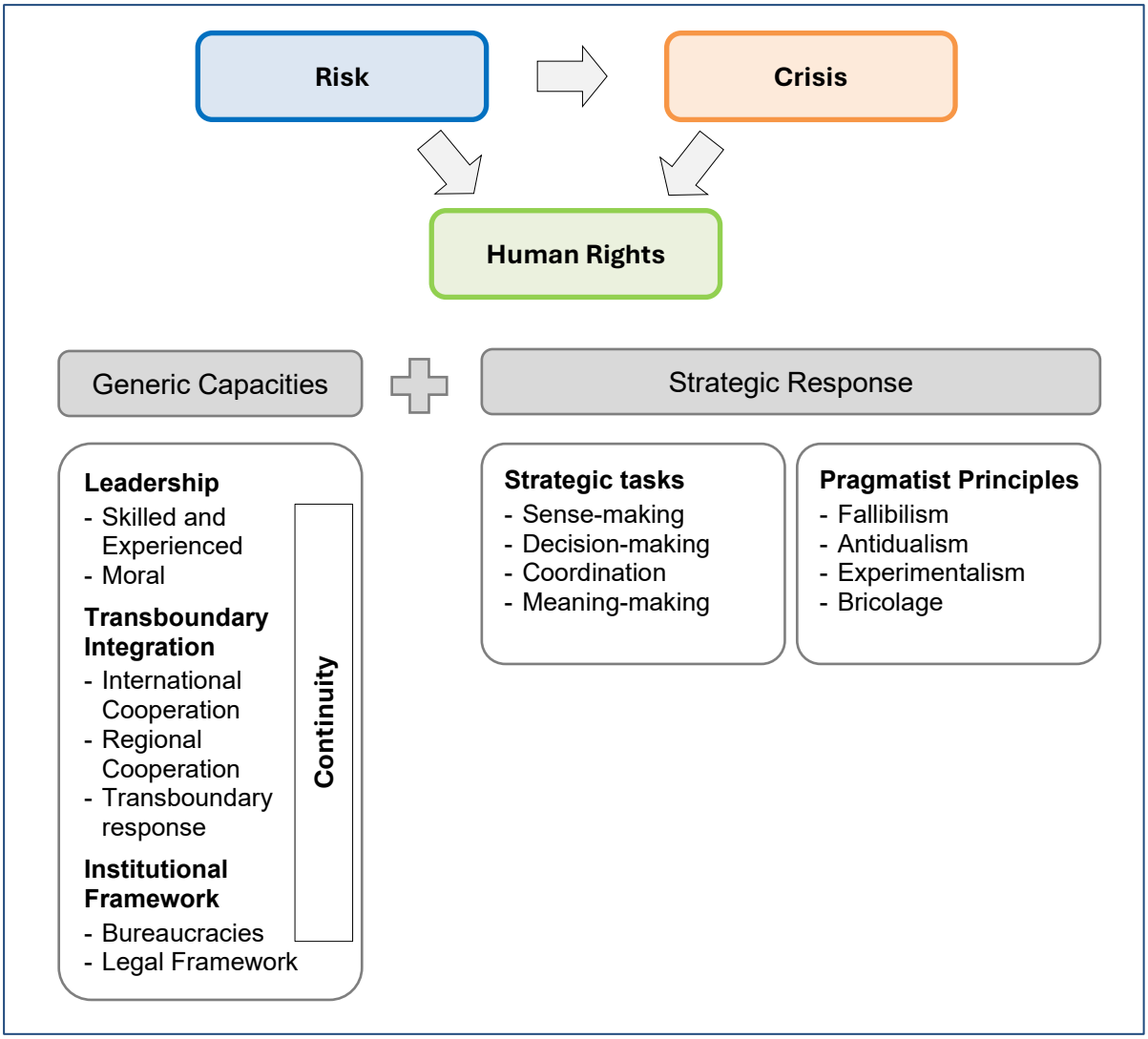

Figure 10.1 Schematic Overview of the Study

Appendix A Legislation Examined

Document	#	Year	Month	Day	Issuer	Aim
Constitución Política	1991	1991	-	-	Congreso de la República	Constitución Política de Colombia
Decreto	4000	2004	11	30	Presidencia	Por el cual se dictan disposiciones sobre la expedición de visas, control de extranjeros y se dictan otras disposiciones en materia de migración.
Decreto	2622	2009	4	13	Presidencia	Por el cual se modifica y adiciona el Decreto 4000 del 30 de noviembre de 2004 sobre la expedición de visas, control de extranjeros y se dictan otras disposiciones en materia de migración.
CONPES	3603	2009	8	24	Consejo Nacional de Política Económica y Social - Dpto Nacional de Planeación	Política Integral Migratoria
Decreto	834	2013	4	24	Presidencia	Por el cual se establecen disposiciones en materia migratoria de la República de Colombia.
Resolución	1112	2013	7	23	UAEMC	Por la cual se reglamenta el Decreto 834 de 2013
Resolución	1701	2013	10	2	UAEMC	Por la cual se adopta la Política Institucional de Derechos Humanos de la Unidad Administrativa Especial Migración Colombia
Opinión Consultiva	OC-21	2014	08	19	CIDH	Corte IDH. Opinión Consultiva OC-21/14, 19 de agosto de 2014, Serie A No. 21, párr. 10 y 226.
Decreto	1768	2015	9	4	Presidencia (Minsalud)	Por el cual se establecen las condiciones para la afiliación al Sistema General de Seguridad Social en Salud de los migrantes colombianos que han sido repatriados, han retornado

Document	#	Year	Month	Day	Issuer	Aim
						voluntariamente al país, o han sido deportados o expulsados de la República Bolivariana de Venezuela.
Decreto	1770	2015	9	7	Presidencia	Por el cual se declara el Estado de Emergencia Económica, Social y Ecológica en parte del territorio nacional
Decreto	1772	2015	9	7	Presidencia (Minexterior)	Por medio del cual se establecen disposiciones excepcionales para garantizar la reunificación familiar de los nacionales colombianos deportados, expulsados o retornados como consecuencia de la declaratoria del Estado de Excepción efectuada en la República Bolivariana de Venezuela
Decreto	1814	2015	9	14	Presidencia (Minexterior)	Por el cual se reglamenta el Decreto 1772 de 2015
Decreto	1067	2015	5	26	Presidencia (Minexterior)	Por medio del cual se expide el Decreto Reglamentario Único del Sector de Relaciones Exteriores
Resolución	1044	2016	7	14	UAEMC	Por medio de la cual se crea el Puesto de Control Migratorio Terrestre de Puerto Santander en Norte de Santander.
Sentencia	T-073	2017	2	6	Corte Constitucional	El Estado colombiano no puede desconocer las normas internacionales en materia de protección de migrantes, por más que estas personas se encuentren de forma ilegal en nuestro territorio. Se deben valorar las razones por las que decidieron venir a Colombia, los riesgos que corren si son expulsadas del país y la situación concreta que enfrentarían en Venezuela en caso de ser devueltas.
Decreto	866	2017	5	25	Presidencia (Minsalud)	Por el cual se sustituye el Capítulo 6 del Título 2 de la Parte 9 del Libro 2 del Decreto 780 de 2016 Único Reglamentario del Sector Salud y Protección Social en cuanto al giro de recursos para las atenciones iniciales de urgencia prestadas en el territorio colombiano a los nacionales de los países fronterizos
Resolución	5797	2017	7	27	Minexterior	Por medio de la cual se crea un Permiso Especial de Permanencia

Document	#	Year	Month	Day	Issuer	Aim
Resolución	1272	2017	7	28	UAEMC	Por la cual se implementa el Permiso Especial de Permanencia (PEP) creado mediante Resolución 5797 del 25 de julio de 2017 del Ministerio de Relaciones Exteriores, y se establece el procedimiento para su expedición a los nacionales venezolanos
Circular	25	2017	7	31	Minsalud	Fortalecimiento de acciones en salud pública para responder a la situación de migración de la población proveniente de Venezuela.
Resolución	3015	2017	8	18	Minsalud	Por medio de la cual se incluye el Permiso Especial de Permanencia - PE como documento válido de identificación en los sistemas de información del Sistema de Protección Social.
Ley	1873	2017	12	20	Congreso de la República	Por la cual se decreta el Presupuesto de Rentas y Recursos de Capital y Ley de Apropiaciones para la vigencia fiscal del 1 de enero al 31 de diciembre de 2018.
Circular	168	2017	-	-	Registraduría Nacional del Estado Civil (RNEC)	Esta circular propone una interpretación restrictiva del concepto de Domicilio, lo cual ha incrementado el riesgo de apatridia, ya que los venezolanos enfrentan múltiples restricciones a la hora de cumplir con los requisitos para demostrar el domicilio. Ver informe 2 del CEM.
Resolución	740	2018	2	5	Minexterior	Por la cual se establece un nuevo término para acceder al Permiso Especial de Permanencia (PEP), creado mediante Resolución número 5797 del 25 de julio de 2017 del Ministerio de Relaciones Exteriores, y se dictan otras disposiciones sobre la materia
Resolución	0361	2018	2	6	UAEMC	Por la cual se implementa un nuevo término para acceder el Permiso Especial de Permanencia (PEP) establecido mediante Resolución 0740 del 5 de febrero de 2018 del Ministerio de Relaciones Exteriores.
Decreto	542	2018	3	21	Presidencia	Por el cual se desarrolla parcialmente el artículo 140 de la Ley 1873 de 2017 y se adoptan medidas para la creación de un registro administrativo de migrantes venezolanos en Colombia que sirva como insumo para el diseño de una política integral de atención humanitaria.

Document	#	Year	Month	Day	Issuer	Aim
Resolución	2	2018	03	02	CIDH	CIDH. Resolución 2/18, Migración Forzada de Personas Venezolanas, 2 de marzo de 2018.
Decreto	1288	2018	7	25	Presidencia	Por el cual se adoptan medidas para garantizar el acceso de las personas inscritas en el Registro Administrativo de Migrantes Venezolanos a la oferta institucional y se dictan otras medidas sobre el retorno de colombianos.
Resolución	6370	2018	8	1	Minexterior	Por la cual se reglamenta la expedición del Permiso Especial de Permanencia - PEP creado mediante Resolución 5797 de 2017 del Ministerio de Relaciones Exteriores, para su otorgamiento a las personas inscritas en el Registro Administrativo de Migrantes Venezolanos, de conformidad con lo dispuesto en el Decreto 1288 del 25 de julio de 2018.
Resolución	2033	2018	8	2	UAEMC	Por la cual se implementa la expedición del Permiso Especial de Permanencia (PEP), creado mediante Resolución número 5797 de 2017 del Ministerio de Relaciones Exteriores, para su otorgamiento a las personas inscritas en el Registro Administrativo de Migrantes Venezolanos, de conformidad con lo dispuesto en la Resolución número 6370 del 1 de agosto de 2018.
Declaración	-	2018	9	4	Países de América Latina	Proceso de Quito - Declaración de Quito Sobre Movilidad Humana de Ciudadanos Venezolanos en la Región.
CONPES	3950	2018	11	23	Consejo Nacional de Política Económica y Social - Dpto Nacional de Planeación	Estrategia para la atención de la Migración desde Venezuela.
Resolución	10064	2018	12	3	Minexterior	Por la cual se modifica el parágrafo 1 del artículo 1o de la Resolución número 6370 de 2018, expedida por el Ministerio de Relaciones

Document	#	Year	Month	Day	Issuer	Aim
						Exteriores. Amplía el plazo para el acceso al PEP "hasta el día 21 de diciembre de 2018.
Resolución	10677	2018	12	18	Minexterior	Por la cual se establece un nuevo término para acceder al Permiso Especial de Permanencia (PEP), creado mediante Resolución 5797 del 25 de julio de 2017 del Ministerio de Relaciones Exteriores, y se dictan otras disposiciones sobre la materia.
Resolución	3317	2018	12	19	UAEMC	Por la cual se implementa un nuevo término para acceder al Permiso Especial de Permanencia (PEP) establecido mediante Resolución número 10677 del 18 de diciembre de 2018 del Ministerio de Relaciones Exteriores.
Resolución	A/RES/73/195	2018	12	19	United Nations	Pacto Mundial para la Migración Segura, Ordenada y Regular - Pacto de Marrakech sobre la Migración.
Sentencia	T-210	2018			Corte Constitucional	Principio de universalidad del servicio de salud-Cobertura para los residentes en todo el territorio nacional.
Resolución	872	2019	3	5	Minexterior	Por la cual se dictan disposiciones para el ingreso, tránsito y salida del territorio colombiano, para los nacionales venezolanos que porten el pasaporte vencido.
Resolución	2540	2019	5	21	Minexterior	Por la cual se reglamenta la expedición del Permiso Especial de Permanencia (PEP) creado mediante Resolución 5797 de 2017, en virtud del Memorando de Entendimiento suscrito entre el Gobierno de la República de Colombia y el Gobierno de la República Bolivariana de Venezuela, de fecha 13 de mayo de 2019.
Resolución	1465	2019	5	23	UAEMC	Por la cual se implementa la expedición del Permiso Especial de Permanencia (PEP), creado mediante Resolución 5797 de 2017, para su otorgamiento a los nacionales venezolanos miembros de las Fuerzas Armadas y Policiales de la República Bolivariana de Venezuela, de conformidad con lo dispuesto en la Resolución 2540 del 21 de mayo de 2019 del Ministerio de Relaciones Exteriores.

Document	#	Year	Month	Day	Issuer	Aim
Resolución	2634	2019	5	29	Minexterior	Por la cual se establece el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP), creado mediante la Resolución número 5797 de fecha 25 de julio de 2017, otorgado entre el 3 de agosto de 2017 y el 31 de octubre de 2017.
Resolución	1567	2019	5	30	UAEMC	Por la cual se implementa el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP), creado mediante la Resolución número 5797 de fecha 25 de julio de 2017, otorgado entre el 03 de agosto de 2017 y el 31 de octubre de 2017.
Resolución	3548	2019	7	5	Minexterior	Por medio de la cual se crea un Permiso Especial Complementario de Permanencia (PECP) (Para quienes les fue negada la condición de refugiado).
Resolución	2278	2019	7	31	UAEMC	Por la cual se implementa el Permiso Especial Complementario de Permanencia (PECP), creado mediante Resolución 3548 del 03 de julio de 2019 por el Ministerio de Relaciones Exteriores, y se establece el procedimiento para su expedición a los nacionales venezolanos.
Resolución	8470	2019	8	5	Registraduría Nacional del Estado Civil	Por la cual se adopta una medida administrativa de carácter temporal y excepcional, para incluir de oficio la nota "Válido para demostrar nacionalidad" en el Registro Civil de Nacimiento de niñas y niños nacidos en Colombia, que se encuentran en riesgo de apatridia, hijos de padres venezolanos, que no cumplen con el requisito de domicilio.
Ley	1997	2019	09	16	Congreso de la República	La cual adiciona un parágrafo al Art. 2º de la Ley 43 de 1993, estableciendo que se presumirá la residencia y ánimo de permanencia (esto es, el domicilio) de los padres de nacionalidad venezolana –"en situación migratoria regular o irregular, o solicitantes de refugio"– con el fin de que sus hijos, nacidos en Colombia a partir del 1º de enero de 2015 adquieran la nacionalidad colombiana por nacimiento."

Document	#	Year	Month	Day	Issuer	Aim
Resolución	3167	2019	10	25	UAEMC	Por la cual se establecen los criterios para el ingreso, permanencia y salida de nacionales y extranjeros del territorio colombiano; además, los mecanismos y normas aplicables en el proceso del control migratorio.
Resolución	6667	2019	12	20	Minexterior	Por la cual se establece el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP), creado mediante la Resolución número 5797 de fecha 25 de julio de 2017, otorgado entre el 7 de febrero de 2018 y el 7 de junio de 2018.
Resolución	3870	2019	12	23	UAEMC	Por la cual se implementa el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP), creado mediante la Resolución 5797 de fecha 25 de julio de 2017, otorgado entre el 7 de febrero de 2018 y el 7 de junio de 2018.
Resolución	8470	2019	-	-	Registraduría Nacional del Estado Civil (RNEC)	Establece el procedimiento a seguir por parte de las oficinas con función registral, con el fin de incluir de oficio la anotación “Válido para demonstrar nacionalidad” en los registros civiles de nacimiento de los menores nacidos en Colombia a partir del 19 de agosto de 2015, cuyos padres no cumplieran con el requisito del domicilio.
Resolución	0240	2020	1	24	Minexterior	Por la cual se establece un nuevo término para acceder al Permiso Especial de Permanencia (PEP), creado mediante Resolución número 5797 del 25 de julio de 2017 del Ministerio de Relaciones Exteriores, y se dictan otras disposiciones sobre la materia.
Decreto	0117	2020	1	28	Presidencia	Por el cual se adiciona la Sección 3 al Capítulo 8 del Título 6 de la Parte 2 del Libro 2 del Decreto 1072 de 2015, Decreto Único Reglamentario del Sector Trabajo, en lo relacionado con la creación de un Permiso Especial de Permanencia para el Fomento de la Formalización – PEPFF.
Resolución	0238	2020	1	28	UAEMC	Por la cual se implementa un nuevo término para acceder el Permiso Especial de Permanencia (PEP), establecido mediante Resolución 0240 del 23 de enero de 2020 del Ministerio de Relaciones Exteriores

Document	#	Year	Month	Day	Issuer	Aim
Resolución	0289	2020	1	30	UAEMC	Por la cual se implementa la expedición del Permiso Especial de Permanencia para el Fomento de la Formalización (PEPFF), creado mediante el Decreto número 117 de 2020 del Ministerio del Trabajo.
Circular	008	2020	2	13	UAEMC	Lineamientos para expedir el Permiso Especial de Permanencia para el fomento de la formalización (PEPFF), cuando el ciudadano venezolano cuente con pre-registro o tarjeta de movilidad fronteriza y se encuentre al interior del país.
Resolución	779	2020	3	6	UAEMC	Por la cual se suspende la prestación del servicio de Migración Automática.
Resolución	380	2020	3	10	Minsalud	Por la cual se adoptan medidas preventivas sanitarias en el país, por causa del coronavirus COVID2019 y se dictan otras disposiciones. establece las medidas de aislamiento e internación de los nacionales y extranjeros en el territorio nacional, para evitar la propagación del COVID-19, por un periodo de 14 días.
Resolución	385	2020	3	12	Minsalud	Por la cual se declara la emergencia sanitaria por causa del coronavirus COVID-19 y se adoptan medidas para hacer frente al virus.
Decreto	402	2020	3	13	Presidencia	Por medio del cual se adoptan medidas para la conservación del orden público.
Resolución	0408	2020	3	15	Minsalud	Por la cual se adoptan medidas preventivas para el control sanitario de pasajeros provenientes del extranjero, por vía aérea, a causa del nuevo Coronavirus, COVID19.
Decreto	412	2020	3	16	Presidencia	Por el cual se dictan normas para la conservación del orden público, la salud pública y se dictan otras disposiciones.
Resolución	414	2020	3	16	Minsalud	Por el cual se establece el protocolo de pasajeros en transferencia o conexión y tripulantes.
Decreto	417	2020	3	17	Presidencia	Por el cual se declara un Estado de Emergencia Económica, Social y Ecológica en todo el territorio Nacional.

Document	#	Year	Month	Day	Issuer	Aim
Decreto	418	2020	3	18	Presidencia	Por el cual se dictan medidas transitorias para expedir normas en materia de orden público.
Resolución	0918	2020	3	19	UAEMC	Por la cual se adoptan medidas extraordinarias temporales para la prestación de los trámites y servicios migratorios a nivel nacional y se dictan otras disposiciones.
Decreto	457	2020	3	22	Presidencia	Se imparte instrucciones en virtud de la emergencia sanitaria generada por la pandemia de coronavirus COVID-19 y el mantenimiento de orden público.
Decreto	491	2020	3	28	Presidencia	Por el cual se adoptan medidas de urgencia para garantizar la atención y la prestación de los servicios por parte de las autoridades públicas y los particulares que cumplan funciones públicas y se toman medidas para la protección laboral y de los contratistas de prestación de servicios de las entidades públicas, en el marco del Estado de Emergencia Económica, Social y Ecológica.
Resolución	1006	2020	4	1	UAEMC	Por la cual se adoptan medidas urgentes y transitorias para garantizar la prestación del servicio y se suspenden términos en procesos y procedimientos adelantados por la Unidad Administrativa Especial Migración Colombia.
Decreto	531	2020	4	8	Presidencia	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavirus COVID-19, y el mantenimiento del orden público.
Resolución	666	2020	4	24	Minsalud	Por medio de la cual se adopta el protocolo general de bioseguridad para controlar, mitigar y realizar el adecuado manejo de la pandemia del Coronavirus COVID – 19.
Directiva	17	2020	4	30	Procuraduría General de la Nación	Se insta a los gobernadores y alcaldes a dar aplicación irrestricta al protocolo y directrices implementados por Migración Colombia, para el traslado de migrantes en el territorio nacional que desean voluntariamente regresar a su país o ingresar a uno vecino, para así evitar el represamiento en puntos de salida o en zonas de frontera, en los que se han habilitado corredores humanitarios.

Document	#	Year	Month	Day	Issuer	Aim
Decreto	637	2020	5	6	Presidencia	Por el cual se declara un Estado de Emergencia Económica, Social y Ecológica en todo el territorio Nacional.
Decreto	636	2020	5	6	Presidencia (Mininterior)	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavirus COVID-19, y el mantenimiento del orden público.
Sentencia	C-145	2020	5	20	Corte Constitucional	Estado de emergencia económica, social y ecológica derivado de la pandemia por COVID-19.
Decreto	689	2020	5	22	Presidencia (Mininterior)	Por el cual se prorroga la vigencia del Decreto 636 del 6 de mayo de 2020.
Resolución	844	2020	5	26	Minsalud	Por la cual se prorroga la emergencia sanitaria por el nuevo Coronavirus que causa la COVID – 19, se modifica la Resolución 385 del 12 de marzo de 2020, modificada por las Resoluciones 407 y 450 de 2020 y se dictan otras disposiciones.
Decreto	749	2020	5	28	Presidencia	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavírus COVID- 19, y el mantenimiento del orden público.
Resolución	1260	2020	5	28	UAEMC	Por la cual se prorroga el término de vigencia de las Resoluciones 0779, 0918 y 1006 de proferidas por la Unidad Administrativa Especial Migración Colombia.
Resolución	1265	2020	5	28	UAEMC	Por el cual se establecen las acciones institucionales para el retorno voluntario de migrantes venezolanos a la República Bolivariana de Venezuela.
Comunicado de prensa	106	2020	05	08	CIDH	CIDH presenta sus observaciones y recomendaciones preliminares tras la histórica visita in loco a Venezuela para monitorear situación de derechos humanos.
Resolución	1667	2020	7	3	Minexterior	Por la cual se establece el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP) otorgado a las personas inscritas en el Registro Administrativo de Migrantes Venezolanos, reglamentado mediante Resolución 6370 de 2018 modificada por la

Document	#	Year	Month	Day	Issuer	Aim
						Resolución 10064 de 2018 y, otorgado entre el 1 de agosto de 2018 y el 21 de diciembre de 2018.
Resolución	1537	2020	7	3	UAEMC	Por la cual se implementa el procedimiento dirigido a renovar el Permiso Especial de Permanencia PEP, creado mediante la Resolución 5797 de fecha 25 de julio de 2017, solicitados y otorgados entre el 01 de agosto de 2018 y el 21 de diciembre de 2018, a los ciudadanos venezolanos inscritos en el Registro Administrativo de Migrantes Venezolanos (RAMV).
Decreto	1109	2020	8	10	Presidencia (Minsalud)	Por el cual se crea, en el Sistema General de Seguridad Social en Salud - SGSSS, el Programa de Pruebas, Rastreo y Aislamiento Selectivo Sostenible - PRASS para el seguimiento de casos y contactos del nuevo Coronavirus - COVID-19 y se dictan otras disposiciones.
Decreto	1168	2020	8	25	Presidencia	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavirus COVID - 19, y el mantenimiento del orden público y se decreta el aislamiento selectivo con distanciamiento individual responsable.
Resolución	2185	2020	8	28	Minexterior	Por la cual se establece un nuevo término para la renovación del PEP otorgado entre el 3 de agosto y el 31 de octubre de 2017, y el 7 de febrero de 2018 y el 7 de junio de 2018, y se dictan otras disposiciones sobre la materia.
Resolución	2018	2020	8	28	UAEMC	Por la cual se implementa el procedimiento dirigido a renovar el Permiso Especial de Permanencia (PEP), creado mediante la Resolución 5797 de fecha 25 de julio de 2017, otorgado entre el 3 de agosto y el 31 de octubre de 2017, y el 7 de febrero de 2018 y el 7 de junio de 2018.
Resolución	1517	2020	9	1	Minsalud	Por medio de la cual se dicta el protocolo de bioseguridad para el manejo y control del riesgo del coronavirus COVID-19 en los sectores aeroportuario y aeronáutico del territorio nacional, exclusivamente para el transporte doméstico de personas vía aérea,

Document	#	Year	Month	Day	Issuer	Aim
						se deroga la resolución 1054 del 2020, y se dictan otras disposiciones.
Resolución	2061	2020	9	1	UAEMC	Por la cual se expide la Resolución Única de Trámites y otras disposiciones del Proceso de Gestión de Extranjería.
Resolución	1627	2020	9	15	Minsalud	Por medio de la cual se adopta el protocolo de bioseguridad para el manejo y control del riesgo del coronavirus COVID-19, para el transporte internacional de personas vía aérea.
Resolución	2223	2020	9	16	UAEMC	Por la cual se reanuda la prestación del servicio y los términos en los procesos y procedimientos adelantados por la Unidad Administrativa Especial Migración Colombia.
Resolución	2232	2020	9	17	UAEMC	Por la cual se adopta el protocolo aplicable a los procedimientos de control migratorio de ingreso y salida, a través de los puestos de control migratorio aéreos a nivel nacional, ante la reapertura de la operación aérea internacional en el contexto del Coronavirus COVID-19.
Resolución	2502	2020	9	23	Minexterior	Por la cual se establece un nuevo término para acceder al Permiso Especial de Permanencia (PEP), creado mediante resolución 5797 del 25 de julio de 2017 del Ministerio de Relaciones Exteriores, y se dictan otras disposiciones sobre la materia.
Resolución	2359	2020	10	6	UAEMC	Por la cual se implementa un nuevo término para acceder el Permiso Especial de Permanencia - PEP, establecido mediante Resolución 2052 <sic, 2502> del 23 de septiembre de 2020 del Ministerio de Relaciones Exteriores.
Decreto	1374	2020	10	19	Presidencia (Minsalud)	Por el cual se optimiza el Programa de Pruebas, Rastreo y Aislamiento Selectivo Sostenible - PRASS, para el monitoreo y seguimiento de casos y contactos de COVID - 19 en Colombia.
Resolución	3789	2020	12	1	Minexterior	Por la cual se establece un nuevo término para la renovación del PEP otorgado entre el 27 de diciembre de 2018 al 27 de abril de 2019, y se dictan otras disposiciones sobre la materia.

Document	#	Year	Month	Day	Issuer	Aim
Resolución	3218	2020	12	21	UAEMC	Por la cual se implementa el procedimiento dirigido a renovar el Permiso Especial de Permanencia PEP, creado mediante la Resolución número 5797 de fecha 25 de julio de 2017, otorgado entre el 27 de diciembre de 2018 y el 27 de abril de 2019.
Libro	-	2020	12	30	Presidencia	Acoger Integrar Crecer. Las políticas de Colombia frente a la migración proveniente de Venezuela.
Sentencia	T-006	2020			Corte Constitucional	Derecho a la nacionalidad de los niños y niñas hijos de extranjeros que se encuentran en riesgo de apatridia en Colombia.
Decreto	109	2021	01	29	Presidencia (Minsalud)	Por el cual se adopta el Plan Nacional de Vacunación contra el COVID - 19 y se dictan otras disposiciones.
Decreto	206	2021	02	26	Minsalud	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavirus COVID - 19, y el mantenimiento del orden público, se decreta el aislamiento selectivo con distanciamiento individual responsable y la reactivación económica segura.
Decreto	216	2021	3	1	Presidencia	Por medio del cual se adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se dictan otras disposiciones en materia migratoria.
Resolución	971	2021	4	29	UAEMC	Por la cual se implementa el Estatuto Temporal de Protección para Migrantes Venezolanos adoptado por medio del Decreto 216 de 2021.
Resolución	0667	2021	5	19	Mininterior	Por la cual se abren los pasos marítimos, terrestres y fluviales de frontera con la República de Panamá, República del Ecuador, República del Perú y la República Federativa del Brasil, a partir de las cero horas (00:00 a.m.) del 19 de mayo de 2021.
Decreto	580	2021	5	31	Presidencia	Por el cual se imparten instrucciones en virtud de la emergencia sanitaria generada por la pandemia del Coronavirus COVID - 19, y el mantenimiento del orden público, se decreta el aislamiento selectivo con distanciamiento individual responsable y la reactivación económica segura.

Document	#	Year	Month	Day	Issuer	Aim
Resolución	0746	2021	6	1	Mininterior	Por la cual se abren los pasos terrestres y fluviales de frontera con la República Bolivariana de Venezuela a partir de las cero horas (00:00 a.m.) del 1º de junio de 2021
Resolución	1175	2021	6	1	UAEMC	Por la cual se adoptan las medidas encaminadas a la apertura gradual de fronteras de la República de Colombia y la República Bolivariana de Venezuela, conforme el Decreto 580 de 31 de mayo 2021 y la Resolución 0746 de 2021 expedida por el Ministerio del Interior, en el contexto de la Pandemia declarada por el Coronavirus COVID-19.
Resolución	2231	2021	6	9	Minexterior	Por la cual se dictan disposiciones para el ingreso, tránsito, permanencia y salida del territorio colombiano, para los nacionales venezolanos que porten el pasaporte vencido, y se deroga la Resolución 872 de 2019.
Ley	2136	2021	8	4	Congreso de la República	Por medio de la cual se establecen las definiciones, principios y lineamientos para la reglamentación y orientación de la Política Integral Migratoria del Estado Colombiano - PIM y se dictan otras disposiciones.
Resolución	2289	2021	9	13	UAEMC	Por la cual se adopta el formato del Permiso por Protección Temporal (PPT) como documento de identificación para los nacionales venezolanos dentro del territorio de la República de Colombia y se dictan otras disposiciones.
Resolución	3271	2021	12	27	UAEMC	Por la cual se autoriza la expedición del Permiso por Protección Temporal a los siguientes ciudadanos venezolanos, en virtud del Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal.
Resolución	3272	2021	12	27	UAEMC	Por la cual se requiere a los siguientes ciudadanos venezolanos solicitantes del Permiso por Protección Temporal, en virtud del Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal.

Document	#	Year	Month	Day	Issuer	Aim
Resolución	1164	2022	3	13	UAEMC	Por el cual se definen los parámetros para tener en cuenta por parte de las Direcciones Regionales de la Unidad Administrativa Especial Migración Colombia, cuando no sea posible efectuar la entrega del Permiso por Protección Temporal (PPT) al migrante venezolano.
Resolución	572	2022	4	8	Minsalud	Por la cual se incluye el Permiso por Protección Temporal — PPT como documento válido de identificación de los migrantes venezolanos en los sistemas de información del Sistema de Protección Social y se definen sus especificaciones.
Directiva	5	2022	5	31	Presidencia	Lineamientos sobre el Permiso por Protección Temporal para migrantes venezolanos como documento válido para acceder a la oferta institucional y trámites del estado colombiano.
Circular Externa	35	2022	7	5	Minsalud	Recomendaciones para el fortalecimiento de la inclusión y atención de la población migrante venezolana en el sistema general de seguridad social en salud.
CONPES	4100	2022	7	11	Consejo Nacional de Política Económica y Social - Dpto Nacional de Planeación	Estrategia para la integración de la población migrante venezolana como factor de desarrollo del país.
Resolución	5477	2022	7	22	Minexterior	Por la cual se dictan disposiciones en materia de visas y se deroga la Resolución 1980 del 19 de marzo de 2014 y la Resolución 6045 del 2 de agosto de 2017.
Resolución	14448	2022	7	25	Mineducación	Por medio de la cual se incorpora el Permiso por Protección Temporal — PPT como documento de identificación en el trámite de Convalidación de títulos de Educación Superior regulado por la Resolución 10687 de 2019.

Document	#	Year	Month	Day	Issuer	Aim
Directiva	003	2022	9	9	Alcaldía Mayor de Bogotá, D.C	Lineamientos para el acceso a la oferta Distrital y el proceso de Integración Social y Económica de la población migrante venezolana a través del Permiso por Protección Temporal (PPT).
Respuesta	-	2023	3	17	UAEMC	Respuesta al cuestionario de la Proposición No. 25 remitida por parte de la Comisión Segunda de la Honorable Cámara de Representantes de fecha 9 de marzo de 2023.
Decreto	1209	2024	9	26	Minexterior	Por el cual se sustituye el artículo 2.2.1.11.2.5. y se adiciona la Subsección 1 en la Sección 2 del Capítulo 11 del Título 1 de la Parte 2 del Libro 2 del Decreto Único Reglamentario 1067 de 2015 para crear y regular el Permiso Especial de Permanencia para representantes legales o custodios de niñas, niños y adolescentes (PEP-TUTOR)
Resolución	12509	2024	12	4	Minexterior	Por la cual se crea una categoría de visa de visitante. Proceso de normalización y regularización migratoria aplicable a los nacionales venezolanos que hayan ingresado al territorio nacional antes de la expedición de la presente resolución.
Sentencia	T-166	2024	-	-	Corte Constitucional	Permiso Por Protección Temporal PPT-Requisitos/Excepción de inconstitucionalidad. Derecho a la salud de los migrantes-Atención médica de urgencias de los migrantes en situación irregular.

Appendix B Reports Examined

Document	Year	Month	Day	Organisation / Author(s)
Doc. A/HRC/41/18 Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en la República Bolivariana de Venezuela	2018	07	04	UN UNHCR
Retos y oportunidades de la migración venezolana	2018	09	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
Venezuela's Humanitarian Emergency. Large-Scale UN Response Needed to Address Health and Food Crises	2019	04	-	Human Rights Watch, Center for Public Health and Human Rights at Johns Hopkins Bloomberg School of Public Health, The Johns Hopkins Center for Humanitarian Health
Nota de orientación sobre consideraciones de protección internacional para los venezolanos.	2019	05	21	ACNUR
Informe del Grupo de Trabajo de la Organización de los Estados Americanos para abordar la crisis de migrantes y refugiados venezolanos en la región	2019	06	-	OEA
Informe 1: La gestión de la migración en Colombia hoy: Propuesta de diálogo para una política pública con enfoque de derechos en educación y salud	2019	07	22	UniAndes-CEM / Carolina Moreno Velásquez; Juan Manuel Amaya Castro; Gracy Pelacani.
Edificando Consensos para la migración 1. Las Migraciones en el Contexto Colombo Venezolano	2019	07	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
Las iniciativas del Gobierno son insuficientes para la crisis migratoria	2019	08	9	UniAndes
Edificando Consensos para la migración 2. El fenómeno migratorio en la zona de frontera y los retos en seguridad	2019	11	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
Edificando Consensos para la migración 3. Migrantes en Colombia: integración sin discriminación	2020	01	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
Covid-19: Decisiones que perpetúan opresión contra niñas y mujeres migrantes	2020	04	14	UniAndes-CEM / Carolina Moreno, Gracy Pelacani y Allison Wolf

Document	Year	Month	Day	Organisation / Author(s)
Informe 2: La apatridia en Colombia: Fragmentos dispersos de una conversación pendiente.	2020	6	20	UniAndes-CEM / Carolina Moreno V., Gracy Pelacani, Juan Manuel Amaya-Castro
4. Retos y oportunidades de la integración migratoria: análisis y recomendaciones para Bogotá	2020	8	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
5. Retos y oportunidades de la integración migratoria: análisis y recomendaciones para Barranquilla	2020	10	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
6. Retos y oportunidades de la integración migratoria: análisis y recomendaciones para Medellín	2020	11	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Hubert Gehring
Frontera y movilidad humana: Recomendaciones para la integración e inclusión de la movilidad humana proveniente de Venezuela en las políticas de recuperación socioeconómica postcovid-19 en las zonas de frontera	2020	12	-	URosario / Francesca Ramos Pismataro; Fundación Konrad Adenauer/ Stefan Reith Christian Krüger Sarmiento, Ronal F. Rodríguez, María Clara Robayo, Laura Mendoza
Comentarios al proyecto de decreto que crea el Estatuto Temporal de Protección para Migrantes Venezolanos: hoy más vigentes que nunca ad portas de la reglamentación	2021	02	23	Centro de Estudios en Migración (CEM), la Clínica Jurídica para Migrantes y el Semillero de Investigación en Derecho y Migración en Colombia de la Facultad de Derecho de la Universidad de los Andes. Pelacani, G., Moreno V., C., Dib-Ayesta, L., Tobón, M., Rojas, L., Laborde, E., Hernández, M., & Wolf, A. B.
Discurso del Alto Comisionado de Naciones Unidas para los Refugiados sobre el nuevo Estatuto de Protección Temporal que Colombia otorgará a los venezolanos y venezolanas en el país	2021	02	08	UNHCR ACNUR
Niñez migrante en Colombia: grises del aclamado estatuto temporal de protección	2021	06	-	Pelacani
Informe 3: Estatuto temporal de protección para migrantes venezolanos: reflexiones de una política de regularización migratoria.	2021	08	01	UniAndes-CEM / Pelacani, Gracy; Moreno V., Carolina; Dib-Ayesta, Laura y Tobón Ospino, Mairene
Consideraciones sobre las necesidades de protección internacional para personas migrantes y refugiadas venezolanas en Colombia	2022	08	30	UCAB-Centro de Derechos Humanos, Dejusticia, Urosario, UniAndes-CEM-CJM, CODHES, Fenalper

Document	Year	Month	Day	Organisation / Author(s)
Recomendaciones para la agenda migratoria del nuevo gobierno	2022	09	-	Personas-migrantes-refugiadasretornadas-OSC-y-academia
Revisión de la agenda migratoria colombiana: Pistas para la construcción de una política pública.	2022	12	01	UniAndes-CEM / Dib-Ayesta Laura; Pelacani, Gracy; Moreno V., Carolina.

Appendix C Questionnaires

The questionnaires that have been designed for the semi-structured interviews are presented below.

Questionnaire for the Ministry of Foreign Affairs and the Special Administrative Unit Migration Colombia civil servants

4. Does the Ministry of Foreign Affairs have formal or informal guidelines and methodologies for conducting risk analyses during the process of issuing norms (regulations, public policy, decrees, etc.)?
5. Does the Ministry have formal or informal guidelines and methodologies to consider fundamental rights in the process of issuing norms?
6. Did the ministry foresee a migration crisis?
7. Was there a formal plan to deal with a migration crisis?
8. Had some type of resource been allocated (financial, personal, infrastructure…) to respond to a migration crisis?
9. Please describe the process for the declaration of the Venezuelan migration crisis, what elements were considered or were decisive for it and who participated in the declaration.
10. Who were the actors involved in the response to the crisis and who coordinated it?
11. Was the previously defined plan to respond to the crisis implemented?
12. Was the plan implementable in its entirety or did adjustments need to be made during the Venezuelan migration crisis?
13. If yes, what were the main types of adjustments made?
14. Was there specific consideration of the human rights impact of decisions taken in response to the crisis?
15. Was there specific consideration of the impact on Venezuelan migrants' access to health services as a consequence of decisions taken in response to the crisis?
16. Were mechanisms defined to monitor the human rights situation of Venezuelan migrants during the crisis? If so, what is done with the results?
17. What elements or situations led to the issuance of the Temporary Protection Statute for Venezuelan Migrants? Are there supporting documents?
18. Is there a documented process for the issuance of the Statute?
19. Is there a risk analysis associated with the issuance of the Statute?
20. Was an impact study on human rights associated with the issuance of the Statute carried out?
21. Was a gender perspective considered in the Statute?

22. Are there impact studies after the issuance of the Statute or monitoring of its implementation?
23. Has there been a revision and adjustment of regulations regarding access to health care for Venezuelan migrants due to or in the context of the COVID-19 pandemic?
24. What elements would be necessary for the Venezuelan migration situation to stop being a crisis for Colombia?

Questionnaire for the Ministry of Health and Social Protection of Colombia and National Unit for Disaster Risk Management Civil Servants

1. Does the Ministry of Health and Social Protection have formal or informal guidelines and methodologies for conducting risk analyses during the process of issuing norms (regulations, public policy, decrees, etc.)?
2. Does the Ministry have formal or informal guidelines and methodologies to consider fundamental rights in the process of issuing norms?
3. Was there a preparation plan to deal with a pandemic?
4. Had resources been allocated (financial, personal, infrastructure…) and what documents support it?
5. What were the specific criteria to determine the start of the Crisis due to the COVID-19 pandemic in Colombia?
6. Who participated in the definition of the crisis?
7. What were the actions, steps or protocols that were carried out when the crisis was decreed? Are they documented?
8. Who were the actors involved in the response to the crisis? who coordinated it?
9. Was risk analysis, formal or informal, carried out during the most critical decision-making processes?
10. Is the consideration of human rights in the decision-making process explicit in any document?
11. Was a gender perspective considered in the decisions made?
12. Was the impact on the migrant population, specifically the Venezuelan population, considered in the decisions made?
13. Did the crisis coordinator issue performance reports?
14. Did the crisis coordinator issue reports on lessons learned?
15. Are there reports, consolidated by any state agency, that account for the impact of crisis decisions on human rights in general?
16. Are there reports, consolidated by any state agency, that account for the impact of decisions on the fundamental rights of migrants, especially Venezuelan migrants?

17. Are there reports, consolidated by any state agency, that account for the impact of decisions on women's rights, in general?
18. Are there reports consolidated by any state agency that account for the impact of decisions on the rights of Venezuelan migrant women?
19. If there are reports of impacts, who produced them, to whom were they presented and what was done with them?
20. What elements were considered to decree the end of the crisis in Colombia?
21. Who participated in the closure of the crisis?
22. Can you describe how was the end of the crisis?
23. Has there been a revision and adjustment of regulations after the pandemic?

Questionnaire for experts and NGOs

1. Do you consider that Colombia was prepared to respond to a migration crisis/pandemic crisis? Please indicate observed strengths and areas for improvement.
2. Does Colombia do sufficient risk assessment in its policymaking process? Should it do so?
3. Does Colombia give sufficient consideration to respect for human rights in its policymaking process?
4. Does Colombia have a gender perspective policy that should be included in the issuing of all norms?
5. In retrospective, how was Colombia's risk analysis of the migration crisis/ COVID-19 crisis like?
6. What risks do you consider having materialised during the migration crisis? Indicate whether they could have been foreseen or not and whether they were a direct consequence of the crisis, or the decisions taken by the government.
7. What risks do you consider materialised during the crisis? Indicate whether they could have been foreseen or not and whether they were a direct consequence of the crisis, or the decisions taken by the government.
8. Could it be said that access to fundamental rights was undermined during the pandemic by COVID-19, considering the specific challenges of the crisis? What could have been done better in terms of rights?
9. Was the fundamental right of access to health infringed as a result of the decisions taken in response to COVID-19?
10. Was the fundamental right of access to health services for migrants infringed as a result of the decisions taken in response to COVID-19?
11. During the COVID-19 pandemic, did women's fundamental rights have a different impact than men's as a result of decisions taken by the government?
12. Did Colombia respond to human rights needs during the COVID-19 crisis?

13. Did Colombia respond to the rights needs of migrants during the COVID-19 crisis?
14. Did Colombia respond to the rights needs of migrant women during the COVID-19 crisis?
15. Do you consider that the declaration of the migration crisis was carried out under political or factual considerations, or both?
16. Do you think that the declaration of the migration crisis was opportune?
17. Do you consider that the declaration of the crisis by COVID-19 was opportune?
18. What elements would be necessary for the Venezuelan migration situation to stop being a crisis for Colombia?

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