



Colombia: Issues for Congress

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Summary

In the last decade, Colombia—a key U.S. ally in South America—has made significant progress in reestablishing government control over much of its territory, combating drug trafficking and terrorist activities, and reducing poverty. Since the development of Plan Colombia in 1999, the Colombian government has stepped up its counternarcotics and security efforts. The U.S. Congress has provided more than \$7 billion to support Colombia from FY2000 through FY2010. In October 2009, Colombia and the United States signed a defense agreement that provides U.S. access to Colombian military bases for counter-terrorism and security-related operations for the next decade. The improving security conditions in the country and the weakening of the Revolutionary Armed Forces of Colombia (FARC) guerrillas are cited as evidence that the strategy is working by supporters. Critics, however, argue that while pursuing these security improvements, U.S. policy has not rigorously promoted human rights, provided for sustainable economic alternatives for drug crop farmers, or reduced the amount of drugs available in the United States.

First elected in 2002, President Álvaro Uribe initiated an aggressive plan to reduce violence. He has made substantial progress in addressing both Colombia's 46-year conflict with the country's leftist guerrillas and the rightist paramilitary groups that have been active since the 1980s. Uribe, who enjoys wide popular support, was reelected with a strong majority in 2006. He is credited with restoring public security and creating a stable environment for investment. Backers of the president helped to organize a referendum to change the constitution again (after it was changed in 2005 to allow a second term) so the president could run for a third term. The Colombian Constitutional Court, however, ruled on February 26, 2010, that the referendum was unconstitutional citing several irregularities. President Uribe immediately accepted the ruling and removed himself as a candidate for president in the election slated for May 30, 2010.

Concerns in the 111th Congress regarding Colombia continue those of prior sessions: funding levels, and U.S. policy regarding Plan Colombia, trade, and human rights. In FY2010, Congress reduced overall funding for Plan Colombia by about 3%. Congress continues to seek an almost even balance between social and economic aid (including rule of law programs) and security-related assistance (i.e., equipment and training to the Colombian military and police). In the FY2011 request, the Obama Administration asked for 9% less than what was enacted in FY2010 with the balance between “soft-side” traditional development assistance and “hard-side” security and counternarcotics assistance closer to 50/50.

While acknowledging the progress in security conditions in Colombia, some Members of Congress have expressed concerns about labor activist killings and labor rights in Colombia; extrajudicial killings of Colombian civilians by the Colombian military; the para-political scandal (linking Colombian politicians with paramilitaries); and the domestic security agency (DAS) scandal concerning unauthorized spying on President Uribe's political opponents and human rights activists. These concerns have delayed consideration of the pending U.S.-Colombia Free Trade Agreement (CFTA). President Obama in his State of the Union address in January 2010 supported strengthening trade ties with Colombia, but prospects for the CFTA in the 111th Congress remain uncertain. For more information, see CRS Report RL34470, *The Proposed U.S.-Colombia Free Trade Agreement: Economic and Political Implications* and CRS Report RL34759, *Proposed Colombia Free Trade Agreement: Labor Issues*.

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Recent Developments

On March 30, 2010, the Revolutionary Armed Forces of Colombia (FARC) released Sergeant Pablo Emilio Moncayo, thought to be the insurgents' longest held hostage who spent over 12 years in captivity. A few days before, another soldier who had been held for 11 months was released. The FARC declared it would be their last "unilateral hostage release" until the government of Colombia agreed to a "humanitarian exchange" of political prisoners (the FARC hold an estimated 22 Colombian soldiers and police hostage, while the Colombian government holds some 500 FARC guerrillas in prison).

On March 14, 2010, congressional elections took place in advance of the May 2010 presidential election. Indicating strong popular support for continuity with the policies of the Uribe administration, the two parties in the ruling coalition, the National Unity Party (also known as the Partido de la U or the U Party) and the Conservative Party, won the most seats. Together with other parties in Uribe's center-right coalition, they secured a majority in both houses of Congress. (For more, see "Congressional and Presidential Elections.")

On February 26, 2010, the Colombian Constitutional Court ruled by a 7 to 2 majority to deny a referendum to allow President Uribe to run for a third term. This ended months of speculation that had frozen the campaign for president for the elections scheduled for May 30, 2010.

On February 11, 2010, during a visit to Washington to lobby for continuation of support for Plan Colombia, Colombia's Defense Minister Gabriel Silva stated that he had been told by U.S. State Department officials that the planned \$55 million cut in aid to Colombia in the FY2011 budget request will not undermine cooperation between the United States and Colombia and simply reflected an "across the board belt tightening."

On January 8, 2010, 17 alleged perpetrators of the extrajudicial executions of young men from the Bogota slum of Soacha were released. A Colombian judge dismissed the charges against the army personnel who allegedly murdered the Soacha victims and disguised them as guerilla fighters (to increase body counts) on the grounds that the pre-trial procedures had taken too long. Six additional soldiers, of the more than 40 implicated in the Soacha murder case, were released on January 12. The representative of the U.N. High Commissioner for Human Rights in Colombia expressed concern about the negative repercussions of the Soacha ruling on the investigation of extrajudicial executions by the Prosecutor General's human rights team involving at least 1,200 cases.

For earlier developments in 2009, see **Appendix A** at the end of this report.

Introduction

Colombia is a South American nation of roughly 45 million people, the third-most populous country in Latin America. It is an ethnically diverse nation—58% of the population is mestizo, 20% white, 14% mulatto, 4% black, 3% black-Amerindian, and 1% Amerindian.¹ Colombia has

¹ U.S. Department of State, "Background Note: Colombia," May 2009. For more discussion on Afro-Colombian issues, see CRS Report RL32713, *Afro-Latinos in Latin America and Considerations for U.S. Policy*, by Clare Ribando Seelke and June S. Beittel.

one of the oldest democracies in Latin America, yet it has been plagued by violence and a conflict that has lasted over 40 years. The country's rugged terrain historically made it difficult to establish state control over large swaths of the nation's territory. High rates of poverty have also contributed to social upheaval in the country. In 2008, approximately 43% of Colombians lived in poverty, down from 52% in 2002.² Colombia's ability to reduce poverty in recent years is at least partly due to increases in the country's economic growth rates, which reached 7.5% in 2007.³ Security improvements and a more stable economy have attracted foreign direct investment (FDI), which grew from roughly \$6.5 billion in 2006 to some \$9 billion in 2007, largely in the oil, manufacturing and mining sectors. Nevertheless, income inequality and land ownership concentration are still significant problems.⁴

Drug trafficking has helped to perpetuate Colombia's conflict by providing earnings to both left- and right-wing armed groups. The two main leftist guerrilla groups are the FARC and the National Liberation Army (ELN), both of which kidnap individuals for ransoms, commit serious human rights violations, and carry out terrorist activities. Most of the rightist paramilitary groups were coordinated by the United Self-Defense Forces of Colombia (AUC), which disbanded in 2006 after more than 30,000 of its members demobilized. Members of the AUC have been accused of gross human rights abuses and collusion with the Colombian Armed Forces in their fight against the FARC and ELN.

Colombia is a democratic nation with a bicameral legislature. The Liberal and Conservative parties, which dominated Colombian politics from the 19th century through much of the 20th century, have been weakened by their perceived inability to resolve the roots of violence in Colombia. In 2002, Colombians elected an independent, Álvaro Uribe, as president, largely because of his aggressive plan to reduce violence in Colombia. The major political parties currently represented in the Colombian Congress include the Liberal, Conservative, Alternative Democratic Pole, National Unity, and Radical Change parties, as well as several smaller political movements. To some observers, the legitimacy of the Colombian Congress has been undermined because 87 of its 268 members, many from pro-Uribe parties, have either been jailed or placed under investigation for ties to illegal paramilitary groups.⁵

² The 2008 statistics are taken from a Colombia National Planning Department and the National Administrative Department of Statistics (DANE) household survey as reported in the United Nations Economic Commission for Latin America and the Caribbean's (ECLAC) *Social Panorama of Latin America 2009 Briefing Paper*, November 2009. ECLAC reported that 52% of Colombians lived in poverty in 2002, with 25% living in indigence. By 2008, those poverty and indigence rates fell to 43% and 23%, respectively.

³ "Country Report - Colombia," *Economist Intelligence Unit*, August 2008.

⁴ ECLAC reports that Colombia is now the fourth most unequal society in Latin America and the Caribbean, after Bolivia, Brazil, and Honduras. Colombia also has one of the most unequal land tenure patterns in Latin America, with 0.4% of land holders owning 61% of registered rural property. See ECLAC, *Social Panorama 2006*; J.D. Jaramillo, *El Recurso Suelo y la Competitividad del Sector Agrario Colombiano*, 2004.

⁵ Frank Bajak, "Head of Colombian Governing Party Arrested for Alleged Paramilitary Ties," *Associated Press*, July 25, 2008; "Parapolitics: Power and Democracy Seized by Mafias," presentation at the Inter-American Dialogue, December 9, 2008, by Claudia López. The number currently under investigation (as of the end of 2009) is from U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

Figure 1. Map of Colombia



Source: CRS

Political Situation

The First Uribe Administration

During his first term (2002-2006), President Uribe took steps to fulfill his campaign promises to address the paramilitary problem, defeat leftist guerrilla insurgents, and combat narcotics trafficking. President Uribe took a hard-line approach to negotiations with illegally armed groups, declaring that the government would only negotiate with those groups who were willing to give up terrorism and agree to a cease-fire. These included paramilitary groups with which former President Pastrana had refused to negotiate. Negotiations with the AUC paramilitaries resulted in a July 15, 2003, agreement in which the AUC agreed to demobilize its members by the end of 2005. President Uribe endorsed a controversial Justice and Peace Law that provided a framework for those demobilizations. Uribe also built up the strength of the Colombian military and police, which stepped up their counternarcotics operations and activities against the FARC. High public approval ratings, largely due to reductions in violence as a result of his security policies, prompted Colombia to amend its constitution in 2005 to permit Uribe to run for reelection.

The Second Uribe Administration

On August 7, 2006, Álvaro Uribe was sworn into his second term as president. Pro-Uribe parties won a majority in both houses of congress in the elections of March 2006, giving President Uribe a strong mandate as he started his second term. The domination by pro-Uribe parties, most of them new, appears to have further weakened the traditionally dominant Liberal and Conservative parties. Nevertheless, there is not a high level of unity among the pro-Uribe parties.

Now in the final months of his second presidential term, President Uribe retains widespread support in Colombia although his support has dipped somewhat due to the economic decline. His popularity derives from the progress his government has made in improving the security situation in Colombia, demobilizing the AUC, and defeating the FARC and ELN. According to U.S. State Department figures, kidnappings in Colombia have declined by 83%, homicides by 40%, and terrorist attacks by 76% since Uribe took office in 2002. Police are now present in all of Colombia's 1,099 municipalities, including areas from which they had been ousted by guerrilla groups.⁶ President Uribe has overseen the demobilization and disarmament of more than 31,000 AUC paramilitaries, although the demobilization process has been criticized for failing to provide adequate punishments for perpetrators and reparations to victims of paramilitary violence.⁷ On March 1, 2008, the Colombian military raided a FARC camp in Ecuador killing a top FARC leader and capturing his computer files. This was followed by the July 2 rescue of 15 hostages long held by the FARC, including three U.S. defense contractors and a former Colombian presidential candidate.

Despite this progress, Colombia faces serious challenges. While FARC's numbers have been dramatically reduced, it still has thousands of fighters capable of carrying out terrorist attacks, kidnappings, and other illicit activities.⁸ Not all paramilitaries demobilized, and others have

⁶ U.S. Department of State, "Charting Colombia's Progress," March 2008.

⁷ Latin American Working Group, "The Other Half of the Truth," June 2008.

⁸ The FARC is believed responsible for more than half of the cocaine entering the United States according to the (continued...)

returned to paramilitary activities since demobilizing. One weakness of the demobilization program has been the difficulty reintegrating demobilized forces into law-abiding civilian life.⁹ Moreover, there are credible reports that a new generation of paramilitaries is forming that is much more criminal than political in nature.¹⁰ An estimated 4,000 to 9,000 new fighters have formed and as many as 15% to 20% of the troops of the new paramilitary groups may consist of former combatants.¹¹

Although President Uribe has not been personally implicated, the Colombian Supreme Court is investigating suspected links between Colombian politicians, many from pro-Uribe parties, and paramilitary groups. Ongoing peace talks with the ELN have yet to yield any tangible results. Since the 2006 elections, there have been several scandals involving extrajudicial killings by Colombian security forces.¹² The latest of these scandals broke in October 2008 when 27 soldiers and military officers (including three generals) were fired over the discovery that 13 murdered civilians who had been dressed by their killers to appear to be guerilla fighters to increase military body counts.¹³ As a result, General Mario Montoya, the commander of the Colombian army, stepped down on November 4, 2008.

Drug production and trafficking continue to generate millions of dollars annually for illicit groups. As a result of the conflict and drug-related violence, Colombia has one of the largest populations of internally displaced persons in the world, with a reported 380,000 people displaced in 2008 alone.¹⁴

Constitutional Court Ruling and Uribe's Prospective Third Term

President Uribe's high approval ratings led many of his supporters to urge him to seek a third presidential term. For Uribe to be reelected, the Colombian constitution had to be amended again (as it was in 2005) to allow him to seek a third term. Uribe's supporters delivered a petition with 5

(...continued)

November 2008 "Background Note on Colombia," by the U.S. Department of State.

⁹ Jonathan Morgenstein, *Consolidating Disarmament: Lessons from Colombia's Reintegration Program for Demobilized Paramilitaries*, United States Institute of Peace, Special Report 217, Washington, DC, November 2008.

¹⁰ Those concerns are cited in the U.S. Department of State, *Country Reports on Human Rights Practices 2007*, March 2008. See also: International Crisis Group (ICG), "Colombia's New Armed Groups," May 2007; Chris Kraul, "In Colombia, Paramilitary Gangs Control Much of Guajira State," *Los Angeles Times*, August 31, 2008.

¹¹ Chris Kraul, "New gangs run Colombians off their land; The government says paramilitary groups no longer exist. But more and more people are being displaced," *Los Angeles Times*, December 3, 2008; "Militias March again," *The Economist*, October 31, 2009.

¹² "Amnesty Says all Sides in Colombia Have Bloody Hands," *EFE*, May 28, 2008; Chris Kraul, "Colombia Military Atrocities Alleged," *Los Angeles Times*, August 20, 2008.

¹³ In addition to the 27 officers dismissed in October 2008, 24 other officers were subsequently dismissed under the Commander of the Armed Force's discretionary authority, bringing to a total of 51 members of the Colombian armed forces dismissed in connection with the Soacha murders. See U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 8, 2009.

¹⁴ The figure for 2008 was reported by the Consultancy for Human Rights and Displacement (CODHES), a non-governmental agency in Colombia. The CODHES figures are frequently higher than those reported by the Colombian government. However, the government's agency, Social Action, reported a slightly higher figure of 389,967 displaced persons for 2008. See <http://www.accionsocial.gov.co/Estadisticas/publicacion%20junio%20de%202009.htm>. According to an official at the Colombian Embassy, the Social Action total for IDPs in 2008 was greater because, for the first time, it included those displaced in prior years who were registering in 2008.

million signatures to Colombian election authorities urging them to convoke a referendum to reform the constitution to allow a third Uribe term. In December 2008, the Chamber of Representatives (or lower house) of Congress passed an ambiguously worded bill authorizing President Uribe to run in either 2010 or 2014. Legislation to explicitly permit him to run in 2010 passed the Senate. The different versions of the bill were reconciled in a bicameral committee to allow President Uribe's reelection in 2010. In August 2009, the Senate passed the reconciled bill and in September the bill was approved by the Chamber of Representatives. The next step of the process was for the legislation to be reviewed by Colombia's Constitutional Court.¹⁵

For months the 2010 presidential election campaign was virtually suspended as Colombians anticipated the possibility of President Uribe running for a third term. While his supporters urged him to run and polls indicated he would easily win the referendum and the election, the president was criticized both domestically and internationally for ambitions to a third term that could potentially undermine Colombia's democratic institutions, erode constitutional checks and balances, and continue to concentrate power in the executive.¹⁶

But on February 26, 2010, Colombia's Constitutional Court ruled 7 to 2 to deny a referendum to allow President Uribe to run for reelection. In its decision, the Court cited irregularities from the financing of the petition calling for the referendum that would lead to a constitutional amendment to permit a third term to other irregularities including how the legislation passed through the Colombian Congress.¹⁷ President Uribe immediately stated that he "accepted and respected" the court's decision, removing himself as a candidate this year.¹⁸

Congressional and Presidential Elections

Legislative elections for the entire 268-member bicameral Congress took place on March 14, 2010. The elections were the least violent of recent times with a high turnout of more than 13 million voters. But the election was marred by some reports of vote buying, other irregularities, and a slow count. The electoral outcome was unsurprising overall; voters gave a strong victory to pro-Uribe parties, indicating their support for continuing President Uribe's democratic security policies. Two parties in the pro-Uribe coalition, the National Unity Party (also known as the Partido de la U or the U Party), and the Conservative Party won the most seats. The pro-Uribe coalition secured a majority in both the Senate and the Chamber of Representatives.

Observers thought the election outcome was a good sign for Uribe's former defense minister, Juan Manuel Santos, who heads the National Unity party and had been leading in the presidential polls. However, the field of candidates for president is complex.¹⁹ A successful candidate must

¹⁵ "Uribe on course for a third term in Colombia," *Latin American Regional Report: Andean Group*. September 2009.

¹⁶ Patricia Markey, "Colombia's Uribe Mulls Reelection, but Will he run?" *Reuters*, August 22, 2008; "Editorial: Mr Uribe's Choice," *New York Times*, August 22, 2008; Sibylla Brodzinsky, "Is Colombia's Uribe pulling a Chavez on term limits?," *Christian Science Monitor*, September 2, 2009; Diana Delgado, "Foreign Investors See Risk in Colombia Pres' Possible 3rd Term," *Dow Jones Newswires*, September 4, 2009.

¹⁷ "Colombian court rules against reelection," *LatinNews Daily*, March 1, 2010.

¹⁸ "Uribe acepta el fallo y asegura que seguirá trabajando por su país 'desde cualquier trinchera'," *ABC*, February 27, 2010.

¹⁹ Mr. Santos was defense minister in the Uribe administration during some of the government's biggest victories against the country's main guerilla movement, the FARC (such as the July 2008 rescue of 15 hostages). He also had poor relations with Venezuela's President Hugo Chávez as minister and lead the military when the so-called "false positives" scandal broke. See, Adam Isacson, "The Next Colombia," Open democracy.net at (continued...)

win at least 50% of the cast votes; a runoff on June 20 is likely. The Conservative Party's successful primary candidate, Noemí Sanín, is running against Mr. Santos. Sanín narrowly won the Conservative Party primary held March 14, potentially threatening the unity of the Conservative Party and the stability of the ruling coalition. In the first Gallup poll since the legislative elections, the then-leading candidates (Santos and Sanín) were shown to be the likely competitors in a runoff. However, Antanas Mockus, Green Party candidate and twice former mayor of Bogotá, has been rising in popularity. In a Datexco poll released on April 9, 2010, Mockus has surged passed Sanín. The poll, which was only conducted in Colombia's principal 13 cities, had the following results: Santos (29.5%), Mockus (24.8%), and Sanín (20%), suggesting Mockus might compete with Santos in the June 20 runoff.²⁰ Other presidential hopefuls include Gustavo Petro of the Democratic Pole; Germán Vargas Lleras, a right wing Senator who split with Uribe over his bid for a third term; and Rafael Pardo of the Liberal Party.²¹

A new party—National Integration Party, PIN—was formed in November 2009 by relatives and ideological supporters of politicians under investigation for links to the paramilitaries. It did well in the legislative elections, winning eight seats in the Senate and 12 seats in the lower chamber.²² Because the Urbista vote in the presidential contest is split between Santos and the Conservative Party candidate, it may be necessary to gain the support of the PIN in order to win. Santos claims the mantle of Uribe—though he has not been publicly backed as Uribe's choice—and he may be reluctant to include the PIN in his coalition given its linkages to the most unsavory features of Colombia's political past including death squads and narcotics trafficking.²³

Progress in Addressing Colombia's Internal Conflict

Roots of the Conflict

Colombia has a long tradition of civilian, democratic rule, yet has been plagued by violence throughout its history. This violence has its roots in a lack of state control over much of Colombian territory, and a long history of poverty and inequality. Conflicts between the Conservative and Liberal parties led to two bloody civil wars—The War of a Thousand Days (1899-1903) and The Violence (1946 to 1957)—that killed hundreds of thousands of Colombians. While a power sharing agreement (the so-called National Front pact) between the Liberal and Conservative parties ended the civil war in 1957, it did not address the root causes of the violence. Numerous leftist guerrilla groups inspired by the Cuban Revolution formed in the 1960s as a response to state neglect and poverty. Right-wing paramilitaries formed in the 1980s when wealthy landowners organized to protect themselves from the leftist guerrillas. The shift of cocaine production from Peru and Bolivia to Colombia in the 1980s increased drug violence, and

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<http://www.opendemocracy.net/adam-isacson/next-colombia>, March 31, 2010.

²⁰ Mockus appears to have built his support from a low of 3% in February by conducting an innovative campaign in the Green Party primaries, portraying his candidacy as corruption free, and adding Sergio Fajardo, former mayor of Medellín and another centrist candidate, to his ticket as vice president on April 12. For more on the Mockus candidacy, see "Mockus bursts into contention for Colombian presidency," *Latin American Weekly Report*, April 15, 2010.

²¹ Isacson, "The Next Colombia," March 31, 2010.

²² "Colombians vote for continuity," *Latin American Regional Report – Andean Group*, March 2010.

²³ Juan Forero, "Colombia voters elect political novices with possible links to death squads," *Washington Post*, March 17, 2010.

provided a source of revenue for both guerrillas and paramilitaries. The main paramilitary organization, the AUC, began demobilization in 2003 and disbanded in 2006. Major armed groups today are the FARC, the National Liberation Army (ELN), and the new generation of paramilitary groups.

Revolutionary Armed Forces of Colombia (FARC)

The FARC can trace its roots to armed peasant self-defense groups that had emerged during “the Violence” of the 1940-50s. By the 1960s, those groups—located in the remote, mountainous regions between Bogotá and Cali—had developed into a regional guerrilla movement. In 1964, the guerrillas announced the formation of the FARC, a group dedicated to rural insurgency.²⁴ The FARC is the oldest, largest, and best-equipped and financed guerrilla organization in Latin America. It mainly operates in rural areas, but has shown its ability to strike in urban areas, including Bogotá. It conducts bombings, murders, mortar attacks, kidnappings, extortion, and hijackings mainly against Colombian targets. The FARC is fully engaged in the drug trade, including cultivation, taxation of drug crops, and distribution, from which it reaps significant profits. In recent years, the FARC has increased its activities along Colombia’s borders with Ecuador and Venezuela.

The Pastrana Administration (1998-2002) entered peace negotiations with the FARC in which FARC was granted control of a Switzerland-size territorial refuge during the peace process. With continued FARC military activity, including kidnapping a Colombian senator, President Pastrana halted the negotiations and ordered the military to retake control of the designated territory. During the inauguration of President Uribe on August 7, 2002, the FARC launched a mortar attack on the presidential palace that killed 21 residents of a nearby neighborhood.

In mid-2003, the Colombian military’s *Plan Patriota* campaign to recapture FARC-held territory, began operations with a largely successful effort to secure the capital and environs of Bogotá. In 2004, military operations by up to 17,000 troops, turned to regain territory from FARC in the southern and eastern regions of the country. The FARC responded with a tactical withdrawal, but launched a counter-offensive in February 2005. The conflict with the FARC has largely remained in the countryside. The FARC was unable to disrupt President Uribe’s August 7, 2006, inauguration. In 2006 the FARC controlled an estimated 30% of Colombian territory.²⁵ *Plan Patriota* reduced FARC ranks, recaptured land held by the FARC, and confiscated large amounts of materials used to process cocaine. Despite these advances, critics pointed out that large numbers of civilians were displaced during the campaign.

Colombia’s March 2008 Raid of a FARC Camp in Ecuador

On March 1, 2008, the Colombian military bombed a FARC camp in Ecuador, killing at least 25 people; among them were Raúl Reyes, the terrorist groups’ second-highest commander (whose real name is reportedly Luis Edgar Devia Silva), four Mexican students visiting the camp, and one Ecuadorian citizen reportedly tied to the FARC.²⁶ This was the first time in the Colombian

²⁴ Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, Center for Strategic & International Studies, Washington, DC, September 2009.

²⁵ “Colombia: Executive Summary,” *Jane’s Sentinel Security Assessment*, August 24, 2006.

²⁶ Simon Romero, “Files Released by Colombia Point to Venezuelan Bid to Arm Rebels,” *New York Times*, March 30, 2008.

military's 44-year struggle against the FARC insurgency that it had killed a member of the FARC's seven-member ruling secretariat. A few days later, Ivan Rios, another member of the FARC's secretariat, was murdered by his own security agent. These high-level killings dealt a significant blow to the FARC, particularly following a FARC announcement in May 2008 that its top commander, Manuel Marulanda, died in March of a heart attack.

During the raid in Ecuador, information on captured laptops suggested Venezuela was providing support for the FARC, including information that the Chávez government was planning to provide millions of dollars in assistance to the FARC for weapons purchases. The files also included information that President Rafael Correa of Ecuador received campaign donations from the FARC in 2006. Both Chávez and Correa vigorously reject these claims. Venezuelan officials have dismissed the data as having been fabricated even though Interpol verified in May 2008 that the files had not been tampered with since they were seized. In a welcome turn of events on June 8, 2008, President Chávez called for the FARC to release all hostages unconditionally and to cease military operations, maintaining that guerrilla warfare "has passed into history," signaling a major change in his public stance.²⁷ Tensions persisted between Colombia and Ecuador until an improvement in relations began in the fall of 2009. Colombian-Venezuelan relations remain strained despite a temporary rapprochement with President Chávez.

Hostage Releases, Escapes, and the July 2008 Hostage Rescue

Since 2007, prisoner escapes, hostage deaths, and later hostage releases have focused international attention on the plight of hundreds of hostages held by the FARC. In April 2007, Colombian police officer Jhon Frank Pinchao escaped after eight years in FARC custody. In June 2007, 11 departmental deputies who had held since 2002 were reportedly executed by the FARC.²⁸ In August 2007, President Uribe authorized leftist Senator Piedad Córdoba and Venezuelan President Hugo Chávez to conduct dialogue with the FARC to secure the release of some 45 high-profile hostages, including the three American contractors held since 2003. Negotiations stalled in November 2007 due to the FARC's failure to provide proof of life of the hostages and allegations that President Chávez inappropriately contacted the head of the Colombian Army. However, the Colombian government did find over a dozen proof of life videos, including videos of the three American contractors, in a November 2007 raid on the FARC. In December 2007, Fernando Araujo, a former minister of development, escaped from the FARC after being held as a hostage for more than six years. From February through July 2008, Araujo served as Colombia's foreign minister.

Six hostage releases occurred during early 2008. In January 2008, two hostages were released to a delegation led by President Chávez and the Colombian government was able to successfully reunite one of the hostages with a son born to her in captivity that the FARC had turned over to the Colombian foster care system more than two years ago. A day after the two hostages' release, Chávez's call for the international community to no longer label the FARC and the ELN as terrorist groups prompted widespread condemnation. Nevertheless, his role in the release of hostages continued. On February 27, 2008, the FARC released four former members of the Colombian Congress to Venezuelan officials in Colombian territory.

²⁷ "Analysis: Chávez Reverses FARC Stance, Domestic Moves Ahead of Elections," *Open Source Center*, June 19, 2008.

²⁸ U.S. Department of State, *Country Report on Human Rights Practices 2007*, March 11, 2008.

On July 2, 2008, after months of planning and tracking the FARC, the Colombian military successfully tricked the FARC into releasing 15 of their prized hostages. Those hostages included three U.S. defense contractors—Marc Gonsalves, Thomas Howes, and Keith Stansell—held since February 2003 and former Colombian presidential candidate Ingrid Betancourt, held since February 2002. The success of the bloodless hostage rescue was widely cited as an example of the Colombian military's increasing professionalism and intelligence capabilities, which has occurred largely as a result of years of the U.S. training and security assistance programs provided through Plan Colombia.²⁹ Some press reports indicate that the United States provided millions of dollars to help Colombia find and rescue the hostages, including tactical support and training provided by the U.S. military and technical assistance supplied by a unit of planners, intelligence analysts, and hostage negotiators based in Bogotá.³⁰

Current Status of the FARC

Many analysts hailed the successful July 2008 hostage rescue as evidence that the FARC was disintegrating, but others maintained that it was premature to draw that conclusion. The FARC lost three of its top commanders in 2008 and suffered a series of humiliating defeats at the hands of the Colombian military. Their communications systems were infiltrated, their leadership was in disarray, and reports indicated that many guerrilla units were running short of supplies.³¹ Demobilization of FARC combatants rose sharply in 2007 to 2,480 from less than half that number the prior year. In 2008, 3,027 FARC combatants were reported demobilized.³² Many rebels reportedly hoped to take advantage of the Colombian government's offer to allow the Justice and Peace Law's provisions to apply to those who surrender.³³ Although the FARC, now led by Alfonso Cano, is still unwilling to negotiate with the Uribe government, their position is much weaker.

FARC has hoped that the government would exchange captured FARC guerillas for hostages held by the FARC, but the Uribe government has never done so.³⁴ But FARC has begun unilaterally releasing some of its hostages. In March 2009, the FARC released the last foreign hostage they were holding, a 69-year-old Swedish national who had suffered a stroke during captivity. According to the U.S. Department of State, between January 1, 2009, and November 30, 2009, the FARC voluntarily released 15 hostages.³⁵ In late March 2010, the FARC unilaterally released two of their high-value "exchangeable" hostages: Corporal Jesús Daniel Calvo Sánchez, who had been in captivity for 11 months, and Sergeant Pablo Emilio Moncayo, who had spent 12 years in captivity, one of the world's longest-held hostages. Moncayo's father had raised awareness about

²⁹ "Colombian Officials Recount Rescue Plan; Commandos Took Acting Classes to Prepare," *Washington Post*, July 6, 2008.

³⁰ "U.S. aid was a key to the Hostage Rescue," *New York Times*, July 13, 2008.

³¹ Patrick McDonnell and Chris Kraul, "Colombian Rebels Splintering," *Los Angeles Times*, July 5, 2008; "After the War in Colombia," *El Pais*, July 10, 2008.

³² International Crisis Group, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, March 26, 2009.

³³ "Closing the net on the FARC, Striking at the ELN," *Latin American Security and Strategy Review*, July 2008.

³⁴ The Uribe government has not ruled out an exchange, but it has always objected to a FARC pre-condition that any hostage-exchange talks take place in a small demilitarized zone. Relayed in a communication from Adam Isacson, April 2010.

³⁵ See U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

his son's plight and those of other hostages in walks around Colombia wearing chains. Following the unilateral release of Moncayo on March 31, 2010, there were a few calls for a humanitarian exchange between the government of Colombia and the FARC primarily by the government's leftist critics.³⁶ All the remaining FARC "exchangeable" hostages (reportedly 21 or 22 individuals) are members of the Colombian security forces that the FARC hopes to trade for some 500 imprisoned FARC combatants they consider political prisoners.³⁷ In addition, the FARC continues to kidnap and hold perhaps hundreds of other kidnap victims beyond its "exchangeable" hostages.³⁸

National Liberation Army (ELN)

The smaller ELN was formed in 1965, inspired by the ideas of Fidel Castro and Che Guevara. With a membership of about 3,000, it is less active than the FARC, but has still been able to carry out high profile kidnappings and bombings. In addition to terrorizing the rural civilian population, the ELN has also targeted the country's infrastructure, especially its oil and electricity sectors. Its operations are mainly located in the rural areas of the north, northeast, the Middle Magdalena Valley, and along the Venezuelan border. The ELN earns funds from the taxation of illegal crops, extortion, attacks on the Caño-Limón pipeline, and kidnapping for ransom. Its size and military strength have been dramatically reduced since the late 1990s.³⁹ One measure is the reduction in sabotage attacks on the Caño-Limón pipeline from 171 attacks in 2001 to only five attacks in 2009.⁴⁰

In recent years, the ELN has shown more willingness to attempt peace negotiations with the government. In December 2003, President Uribe revealed that he had met with an ELN leader to discuss possible peace initiatives, but a subsequent ELN statement ruled out any possibility of demobilization. However, in 2004, the ELN and the Colombian government accepted an offer from Mexican President Vicente Fox to facilitate peace negotiations. In June 2004, Mexico named Andres Valencia, a former Mexican ambassador to Israel, as its facilitator. Meetings with Valencia and the ELN occurred, but the rebel group rejected Uribe's offer of a cease-fire.⁴¹ In April 2005, the ELN rejected further Mexican facilitation after Mexico voted to condemn Cuba at the U.N. Human Rights Commission. The Colombian government and the ELN held several rounds of exploratory talks in Havana, Cuba between December 2005 and August 2007. In June 2008, the ELN announced that it would not continue negotiating with the Uribe government for the time being. President Uribe responded by ordering the Colombian military to step up its operations against the ELN.⁴²

³⁶ Hernando Salazar, "Acuerdo humanitario, esquivo en la campaña electoral de Colombia," *BBC Mundo*, April 8, 2010.

³⁷ Vivian Sequera, "Uribe changes tack on release of rebels' hostages," *Associated Press*, September 21, 2009; "Farc releases longest-held hostage," *Latin American Weekly Report*, March 31, 2010.

³⁸ Human Rights Watch, *World Report 2009*, January 2009. According to the government's National Fund for the Defense of Personal Liberty (Fondelibertad) the FARC continues to hold only 66 kidnapping victims. However, human rights groups, both inside and outside Colombia, contend that the number is far higher. See section on "Disappearance" in U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

³⁹ International Crisis Group, "Colombia: Moving Forward with the ELN?" October 11, 2007.

⁴⁰ Carola Hoyas, "Focus on security and investment reaps rewards," *Financial Times*, April 5, 2010.

⁴¹ Kate Joynes, "ELN Rebels Rebut Colombian Government's Peace Pledge," *WMRC Daily Analysis*, July 12, 2004.

⁴² "Closing the net on the FARC, Striking at the ELN," *Latin American Security and Strategy Review*, July 2008.

Paramilitaries

Paramilitary groups originated in the 1980s when wealthy ranchers and farmers, including drug traffickers, organized armed groups to protect themselves from kidnappings and extortion plots by the FARC and ELN. The largest paramilitary organization, the AUC, was formed in 1997 as an umbrella organization for a number of local and regional paramilitary groups operating in the country. As discussed in more detail below, the AUC disbanded in 2006. Not all paramilitary groups had joined the AUC umbrella. The AUC massacred and assassinated suspected insurgent supporters and directly engaged the FARC and ELN in military battles. The Armed Forces of Colombia have long been accused of turning a blind eye to these activities. The AUC, like the FARC, earned most of its funding from drug trafficking. *Jane's World Insurgency and Terrorism* estimated that in 2006 paramilitaries handled 40% of Colombian cocaine exports.⁴³

On July 15, 2003, the AUC agreed with the Colombian government to demobilize its troops by the end of 2005. At that time, the State Department estimated that there were between 8,000 and 11,000 members of the AUC, although some press reports estimated up to 20,000. The demobilization begun in 2004 officially ended in April 2006. By that time, over 30,000 AUC members had demobilized and turned in over 17,000 weapons.⁴⁴ AUC leaders remained at large until August 2006 when President Uribe ordered them to surrender to the government to benefit from the provisions of the Peace and Justice Law.⁴⁵

Not all paramilitaries demobilized, and still others have returned to paramilitary activities since demobilizing. Moreover, there are credible reports that a new generation of paramilitaries has formed and are recruiting former paramilitaries. Some former AUC members continue to be active in the drug trade in spite of the demobilization process.⁴⁶ *Jane's World Insurgency and Terrorism* reports that since the demobilization, the AUC's purpose has shifted from combating the FARC and ELN to protecting drug trafficking networks and preventing the extradition of leaders wanted on drug trafficking charges in the United States. The State Department and U.N. both note that the new illegal groups do not share the political objective of the AUC, which sought to defeat leftist guerrillas. Despite their ad-hoc nature, the new illegal groups—labeled “criminal gangs” or *bandas criminales* by the Colombian government and some analysts—pose a threat to Colombian civilians. While the Uribe government is taking steps to combat them, Human Rights Watch and others argue that the current government's efforts are not sufficient.⁴⁷ Some observers attribute a recent increase in violence in Colombia (following years of decline) in part to the growing prevalence of the new criminal groups and competition between them.⁴⁸ In

⁴³ U.S. Department of State, *Country Reports on Terrorism 2005*, and, “Autodefensas Unidas de Colombia,” *Jane's World Insurgency and Terrorism*, August 10, 2006.

⁴⁴ “Only 2% of 30,150 Demobilized Paramilitaries to Stand Trial,” *Associated Press*, April 18, 2006.

⁴⁵ Vicente Castaño, brother of AUC founder Carlos Castaño, remains at large. Vicente Castaño is under investigation by Colombian authorities for ordering the 2004 murder of his brother who reportedly planned to turn paramilitary leaders over for extradition to the United States as part of peace negotiations.

⁴⁶ International Crisis Group, *Colombia's New Armed Groups*, May 10, 2007; WOLA, *Captive States: Organized Crime and Human Rights in Latin America*, October 2007.

⁴⁷ U.S. Department of State, “Memorandum of Understanding Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces,” July 28, 2008, available at <http://justf.org/files/primarydocs/080728cert.pdf>. A 2010 report points to the shortcomings of the Uribe government's response to the new paramilitary organizations including tolerance of their abuses by Colombian security forces. See: Human Rights Watch, *Paramilitaries' Heirs: The New Face of Violence in Colombia*, February 2010, available at <http://www.hrw.org/node/88060>.

⁴⁸ Adam Isacson, “Friday Links, Increasing Violence Edition,” Blog of the Center for International Policy (CIP) (continued...)

Medellín, for example, where some of the new criminal groups operate, the number of murders doubled from 1,045 in 2008 to 2,189 in 2009.⁴⁹ The homicide rate in Medellín, Colombia's second-largest city, has continued to rise in 2010 and reportedly has matched the murder levels of 2003.

Remaining Political Challenges

Para-political Scandal

A scandal alleging paramilitary ties to politicians, including current members of the Colombian Congress, erupted in November 2006. On November 9, 2006, the Colombian Supreme Court ordered the arrest of three congressmen for their alleged role in establishing paramilitary groups in the Caribbean state of Sucre. Since the scandal broke, numerous Colombian politicians, including several past and current members of the Colombian Congress, have been charged with ties to paramilitary groups. Former Foreign Minister Maria Consuelo Araujo was forced to resign due to the investigation into her brother's and father's connections to the paramilitaries and their involvement in the kidnapping of Álvaro Araujo's opponent in a Senate election. In December 2007, Congressman Erik Morris was sentenced to six years in prison for his ties to the paramilitaries, the first member of Congress sentenced in the ongoing scandal. In February 2008, the former head of Colombia's Department of Administrative Security (DAS), Jorge Noguera, was formally charged with collaborating with paramilitaries, including giving paramilitaries the names of union activists, some of whom were then murdered by the paramilitaries. In April 2008, Mario Uribe, a former senator, second cousin, and close ally of President Álvaro Uribe, was arrested for colluding with the paramilitaries. By November 2008, more than 30 congressmen from pro-Uribe parties had been indicted for links to the paramilitaries.⁵⁰ The State Department's *Country Reports on Human Rights Practices* for Colombia covering 2009 notes the widespread fallout from the para-political scandal with 87 members of the Colombian Congress, 35 mayors, and 15 governors implicated in crimes.⁵¹

The para-political scandal increased tensions between President Uribe and the Supreme Court, which is charged with investigating the politicians accused of having paramilitary ties, many of whom are from pro-Uribe parties. In July 2008, representatives from the two branches met to discuss President Uribe's concern that the paramilitary investigations were advancing too quickly. Despite those meetings, the Supreme Court ordered the arrest of Senator Carlos Garcia, head of Uribe's main coalition party, in late July. Tensions escalated in August when the press reported that two of President Uribe's advisers had met with representatives of Don Berna, the top paramilitary leader, at the presidential palace in April.⁵² Government critics questioned President

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Colombia Program, October 23, 2009.

⁴⁹ "Security Update – Colombia," *LatinNews Daily*, April 14, 2010. Data cited is from Medellín's municipal ombudsman's office, Personería de Medellín.

⁵⁰ Economist Intelligence Unit, *Colombia risk: Government effectiveness risk*, November 14, 2008.

⁵¹ See U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>. The report notes that by the end of 2009, 66 politicians had been detained and 18 politicians in total had been convicted for their ties to paramilitary groups.

⁵² "Uribe Squares up to Supreme Court and Liberals as Parapolitical Scandal Deepens," *Latin American Weekly Report*, August 28, 2008.

Uribe's motivation in May 2008 to extradite key paramilitary figures to the United States as partially intended to thwart investigations into government-paramilitary ties. They also questioned the motives behind a judicial reform package submitted by Uribe to the Congress that would remove the Supreme Court's power to investigate legislators.⁵³ The judicial reform bill was withdrawn by the government after it received strong criticism from the courts and from members of Colombia's Congress.⁵⁴ In October 2008, Human Rights Watch released a report that examined the government's efforts to investigate and prosecute paramilitaries and those who collaborated with them. It warns that the Uribe administration has harassed the Supreme Court as it has carried out prosecutions of politicians, security forces and others with alleged paramilitary ties.⁵⁵

The Justice and Peace Law and Demobilization

As part of the paramilitary demobilization process, President Uribe introduced a Justice and Peace Law granting conditional amnesties to illegal combatants. As written, the law could also apply to FARC and ELN fighters if they enter into negotiations with the government. Colombia's Congress approved the legislation in 2005. The Justice and Peace Law called on demobilized fighters to provide an account of their crimes and to forfeit illegally acquired assets in exchange for an alternative penalty of up to eight years' imprisonment. If the accused was found to have intentionally failed to admit to a crime, the alternative penalty could be revoked and the full sentence for the concealed crime would be imposed. Critics contended that the penalties were too lenient and amount to impunity. The Uribe Administration argued that without the inducement of the new law, paramilitary leaders and fighters would be unwilling to demobilize and violence would continue.

In July 2006, Colombia's Constitutional Court upheld the constitutionality of the law. In the ruling, however, the Constitutional Court limited the scope under which demobilizing paramilitaries can benefit from the reduced sentences. Paramilitaries who commit crimes or fail to fully comply with the law will have to serve full sentences. The law affirmed that paramilitaries must confess all crimes and make reparations to victims using both their legally and illegally obtained assets. Paramilitary leaders reacted by stating that they would not comply with the law. In response, President Uribe ordered paramilitary leaders to turn themselves in. By October 2006 all but 11 paramilitary leaders had complied with this order.⁵⁶

The merits of the Justice and Peace Law have been fiercely debated both in Colombia and the United States. Supporters believe it has been an effective means to end paramilitary activities. The former Bush Administration expressed support for the law noting that it facilitated the demobilization of more than 31,000 paramilitary members. Supporters of the law observe that paramilitaries must act in good faith and avoid further participation in illegal activities in order to benefit from the peace process. The Uribe Administration has removed some demobilized paramilitaries, including Carlos Mario "Macaco" Jiménez, from the Justice and Peace process due

⁵³ Juan Forero, "U.S. Extraditions Raise Concerns in Colombia," *Washington Post*, August 19, 2008; Human Rights Watch, "Colombia: Proposal Threatens 'Parapolitical' Investigations," August 4, 2008.

⁵⁴ Sibylla Brodzinsky, "Rights group rips government; Colombia hinders paramilitary prosecutions, a human rights group said," *The Miami Herald*, September 17, 2008.

⁵⁵ Human Rights Watch, *Breaking the Grip?: Obstacles to Justice for Paramilitary Mafias in Colombia*, October 2008.

⁵⁶ "Country Report - Colombia," *Economist Intelligence Unit*, October 2006; Human Rights Watch, "Colombia: Court's Demobilization Ruling Thwarts Future Abuses," July 19, 2006; "Gobierno colombiano abrirá debate público sobre decretos reglamentarios de ley de Justicia y Paz," *El Tiempo*, August 29, 2006.

to their continued participation in illegal activities. In May 2008, Uribe extradited Jiménez, Salvatore Mancuso, and 13 other paramilitary leaders who had violated the terms of the law to the United States to stand trial on drug trafficking charges.

Despite these results, the OAS Mission to Support the Peace Process in Colombia and other observers have expressed concern about the institutional frailty of the Justice and Peace process. Although more than 155,000 victims have registered since the law's passage, the International Crisis Group describes implementation as "lagging." Their report cites lack of interest in victim's rights by the Uribe government, inadequate support for the implementing institutions, and the persistence of armed conflict and threatening presence of new illegal armed groups.⁵⁷ Human rights organizations are also concerned that the paramilitaries have not been held accountable for their illegal activities and, that by under-reporting illegally obtained assets, have failed to provide adequate reparation to their victims.⁵⁸

Other observers are concerned that many paramilitaries have not participated in the Justice and Peace process. Of the more than 31,000 paramilitary members that had demobilized, just 3,751 had been found eligible to receive benefits under the Justice and Peace Law's framework.⁵⁹ In response to concerns that the Justice and Peace Unit investigating and prosecuting the paramilitaries was severely understaffed, the Uribe government in spring 2008 authorized a tripling of its staff.⁶⁰ The International Criminal Court is monitoring the investigations and prosecutions of former paramilitaries to ensure that those who are guilty of human rights abuses are held accountable for their crimes.⁶¹ In August 2009, the Colombian Supreme Court suspended further extraditions of paramilitary leaders to the United States because the crimes for which they stand accused in the United States such as drug trafficking are not nearly as heinous as the atrocities they have allegedly committed in Colombia.⁶²

Human Rights Violations by Colombian Security Forces

Human rights organizations have raised serious concerns about the extrajudicial execution of civilians by the Colombian military for several years. This issue received prominent attention when more than a dozen young men from the impoverished community of Soacha were lured to another part of the country with a promise of jobs and then murdered. In October 2008, the armed forces were linked to the murders of civilians whose bodies had been disguised as guerillas in order to inflate military body counts. As a result, the government fired 27 soldiers and officers (including three generals) and the commander of the Colombian army, General Mario Montoya, resigned on November 4, 2008.⁶³ Named the "false positives" scandal by the Colombian press,

⁵⁷ International Crisis Group, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report 29, October 30, 2008.

⁵⁸ Latin America Working Group Education Fund, *The Other Half of the Truth*, June 2008.

⁵⁹ U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 8, 2009, available at: <http://justf.org/files/primarydocs/090908cert.pdf>.

⁶⁰ U.S. Department of State, "Memorandum of Understanding Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," July 28, 2008.

⁶¹ "International Criminal Court not to Allow Colombian Paramilitary Members Impunity," *Noticias Financieras*, August 31, 2008.

⁶² "Militias March Again," *The Economist*, October 31, 2009.

⁶³ Simon Romero, "Colombian Army Commander Resigns in Scandal Over Killing of Civilians," *New York Times*, November 5, 2008.

there have been continuing revelations about this problem as the Colombian military has worked to revise a policy that rewarded high guerrilla body counts. Many observers believe that justice in the Soacha murder cases, and in other cases, has lagged.⁶⁴ In January 2010, more than 20 soldiers accused of carrying out the Soacha murders (of the more than 40 implicated in the case) were released by a judge who ruled that the pre-trial procedures had taken too long.⁶⁵ The representative of the U.N. High Commissioner for Human Rights in Colombia expressed concern about the negative repercussions of the ruling on the more than 1,200 cases of extrajudicial executions being investigated by the Prosecutor General's human rights team. Victims' families announced they would pursue the case in the International Criminal Court.

The State Department's *Country Reports on Human Rights Practices* for Colombia covering 2009 stated that "political and unlawful killings remained an extremely serious problem," and that "there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict," although the number had decreased since the prior year. In its 2009 State of the World Human Rights report, Amnesty International asserted that between June 2007 and June 2008, at least 296 civilians were extrajudicially killed by Colombian security forces and many were disguised as guerillas who had been killed in combat. In June 2009, on a 10-day mission to Colombia, the U.N. Special Rapporteur on extrajudicial executions found that the killings were not a result of official government policy. Nevertheless, according to the Special Rapporteur, "the sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military."⁶⁶

Internally Displaced Persons (IDPs)

Colombia has one of the largest internally displaced populations in the world—more than 3 million IDPs—with indigenous and Afro-Colombians disproportionately represented among those displaced. There is some discrepancy over the current rate of displacement. The Colombian government registered over 250,000 IDPs in 2007, a decline of about 8,000 from 2006. Some IDPs do not register with the Colombian government out of fear and procedural barriers. Therefore, estimates of new displacements put forth by NGOs tend to be higher than government figures. For example, the Consultancy for Human Rights and Displacement (CODHES), a Colombian NGO, estimated that some 305,000 people were displaced in 2007, about 27% more than the number CODHES recorded in 2006. Although still concerned by the overall numbers of individuals displaced, international NGOs found that the rate of mass displacements decreased in 2007. In 2008, the U.N. High Commissioner for Refugees (UNHCR) expressed particular concern about new displacements occurring along southern Colombia's Pacific Coast.⁶⁷ In 2008, both the Colombian government and CODHES reported more than 380,000 new IDPs.⁶⁸ This was an increase of over 24% over the prior year's total, according to CODHES.

⁶⁴ "Siete de los implicados en 'falsos positivos' podrían quedar libres en ocho días," *El Tiempo*, October 14, 2009.
⁶⁵ "False positives' arrests in Colombia," *LatinNews Daily*, October 21, 2009.

⁶⁶ "Uribe at odds with judiciary over human rights," *Latin America Weekly Report*, January 14, 2010. According to this report, 17 soldiers were released on January 8 and another 6 were released on January 12, 2010.

⁶⁷ United Nations, Press Release, "Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions – Mission to Colombia, 8-18 June 2009." Available at: <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/C6390E2F247BF1A7C12575D9007732FD?opendocument>.

⁶⁸ U.N. High Commissioner for Refugees (UNHCR), "Thousands Displaced in Southern Colombia," August 22, 2008.

⁶⁹ The figure for 2008 was reported by the Consultancy for Human Rights and Displacement (CODHES), a non- (continued...)

In 2009, CODHES estimated that 286,389 people were displaced, a 24% reduction below the CODHES estimate for 2008. The government projected an even greater drop in the number displaced in 2009. CODHES and the government differ on the total number displaced. The government has registered 3.3 million people as IDPs since 1995, while CODHES estimates as many as 4.9 million have been displaced since 1985.⁶⁹ There is more consensus on the trend that mass displacements decreased in 2009. According to the State Department, “the government, international humanitarian organizations assistance organizations, and civil society observed that the rate of mass displacements declined during the year.”⁷⁰

Landmines

The use of landmines by Colombian guerrilla groups is an ongoing problem in the country. Although Afghanistan and Cambodia continue to have higher rates of landmine casualties (per capita) than Colombia, the International Committee to Ban Landmines reported that Colombia had the highest number of landmine casualties in the world in 2006, with 1,106 casualties.⁷¹ Both Human Rights Watch and the International Committee to Ban Landmines report that the vast majority of landmines are laid by the FARC and ELN.⁷² In 2007, *Landmine Monitor* cited a decline in landmine casualties to 895, the first decline since 2002. The change was attributed to setbacks suffered by the FARC.⁷³ Landmine casualties in Colombia declined further in 2008 to 777.⁷⁴

Colombia and Global Drug Trends

Colombia’s prominence in the production of cocaine and heroin justifies the U.S. focus on anti-narcotics efforts in the Andean region. According to various sources, Colombia produces 60% of the world’s cocaine.⁷⁵ It is the source of almost 90% of cocaine consumed in the United States and 60% of the heroin⁷⁶ seized in this country, according to the State Department’s *2010 International Narcotics Control Strategy Report*.

(...continued)

governmental agency in Colombia. The CODHES figures are frequently higher than those reported by the Colombian government. However, the government’s socio-economic development agency, Social Action, reported a slightly higher figure of 389,967 displaced persons for 2008. See: <http://www.accionsocial.gov.co/Estadisticas/publicacion%20junio%20de%202009.htm>.

⁶⁹ CODHES bases its estimates on fieldwork, and from information gathered from the media and civil society. The government bases its figures on registered IDPs whose applications for recognition have been accepted. For more discussion, see U.S. Department of State, *Country Reports on Human Rights Practices 2009*, February 2010.

⁷⁰ Ibid.

⁷¹ Landmine casualties increased nearly 25% in 2005.

⁷² International Committee to Ban Landmines, *Landmine Monitor 2007* and Human Rights Watch, *Maiming the People*, July 2007.

⁷³ International Committee to Ban Landmines, *Landmine Monitor 2008*.

⁷⁴ Statistic from the Government of Colombia’s Presidential Program for Integral Action against Landmines (PAICMA). Information provided by official from the U.S. Embassy in Bogota on October 23, 2009.

⁷⁵ United Nations Office on Drugs and Crime (UNODC), *Coca Cultivation in the Andean Region*, June 2008.

⁷⁶ Even though Colombia produces only a small fraction of global heroin production, it is the leading supplier of heroin in the eastern United States.

The world's supply of cocaine is produced by just three countries: Peru, Bolivia, and Colombia. Until the mid-1990s, Peru and Bolivia were the two major producers. Colombia eclipsed Bolivia in 1995 and Peru in 1997, the result of increased eradication programs in those two countries and the displacement of coca cultivation to Colombia. Cocaine production in Colombia increased fivefold between 1993 and 1999. UNODC reported for 2008 an 18% decrease in coca cultivation in Colombia and reported a rise of 4.5% and 5.5% in Peru and Bolivia respectively.⁷⁷ These changes are from the level in 2007 when the U.N. reported an unusual rise of 27% in coca growing in Colombia. The UNODC's Colombia Coca Cultivation Survey notes the 2008 coca cultivation reported at 81,000 hectares approximates the levels reported in the 2004 to 2006 period. The report also notes an even larger decline in "potential" production of cocaine of 28%, from 600 metric tons in 2007 to 430 metric tons in 2008.⁷⁸

Most heroin consumed in the United States comes from Mexico and Colombia. In its October 2008 report, the U.S. Government Accountability Office reported that opium poppy cultivation and heroin production had declined by about 50% between 2000-2006 in Colombia.⁷⁹ In 2008, the U.N. found that opium production dropped to 394 hectares, the lowest figure in the last 14 years of reporting.⁸⁰

In recent years, the Colombian government, with significant U.S. assistance, has stepped up its eradication efforts, with manual eradication accounting for an increasing percentage of total eradication efforts. In 2007, the Colombian government eradicated over 219,529 hectares of illicit coca crops, up from 215,421 hectares eradicated the previous year. Aerial eradication accounted for 70% of the coca crops destroyed in 2007.⁸¹ ONDCP has credited ongoing aerial spraying and manual eradication programs with recent declines in the cocaine productivity of the coca currently cultivated in Colombia.⁸² The U.N. reported in 2008 that the Colombian government eradicated 133,496 hectares through aerial spraying and 96,115 hectares through manual eradication for a total of 229,611 hectares.⁸³

After a long period of stable prices, purity, and availability of illegal drugs in the United States, evidence indicated that the price of cocaine rose significantly between January 2007 and September 2009. According to the *National Drug Threat Assessment 2010*, the price for a pure gram of cocaine rose from \$99.24 to just over \$174 in that time period. Based on data from the System to Retrieve Information from Drug Evidence (STRIDE) database, purity also declined from 67% to 46% in the same time period, a drop of more than 30%. The supply of drugs is often judged by changes in price, with higher prices signifying decreased supply. Declining purity is also a measure indicating decreased availability. The *National Drug Threat Assessment 2010*,

⁷⁷ "Fall in Colombia's Coca Crop vs. rises in Peru and Bolivia," *Security & Strategic Review*, June 2009.

⁷⁸ United Nations Office on Drugs and Crime (UNODC), *Colombia: Coca Cultivation Survey*, June 2009.

⁷⁹ U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, GAO-09-07, October 2008.

⁸⁰ United Nations Office on Drugs and Crime, *World Drug Report 2009*.

⁸¹ U.S. Department of State, *International Narcotics Control and Strategy Report (INCSR) 2008*.

⁸² U.S. Office of National Drug Control Policy, "Official U.S. Colombia Survey Reveals Sharp Decline in Cocaine Production," September 10, 2008.

⁸³ UNODC, *Colombia: Coca Cultivation Survey*, June 2009. The manual eradication figures reported for 2008 were slightly higher than the U.S. Department of State in its INCSR Report published in February 2009. The U.N. reported 96,115 hectares and the INCSR Report stated 95,732 hectares were eradicated manually, a difference of 383 hectares.

published in February 2010, found sharp decline of cocaine availability in the United States since 2006 that may have been responsible for price increases and purity declines. The report states

although no single factor for the decline in cocaine availability can be identified, a combination of factors, including increased law enforcement efforts in Mexico and the transit zones, decreased cocaine production in Colombia, high levels of cartel violence, and cocaine flow to non-U.S. markets likely contributed to decreased amounts being transported to the U.S.-Mexico border for subsequent smuggling to the United States.

Some observers have expressed caution in interpreting government figures on price, purity, and availability. They maintain that short-term fluctuations are not uncommon and may not be sustainable.⁸⁴ Other analysts note that retail cocaine prices have dropped dramatically since the mid-1980s. Even with the significant increase in price for a pure gram of cocaine between 2007 and 2009, the price has still not surpassed the level of 2001 (a year after the inception of Plan Colombia) when it was \$194 per gram.⁸⁵ Another possible explanation for the declining cocaine supply in the United States is that cocaine is being diverted to Europe (a highly profitable market with the Euro markedly more valuable than the dollar) or South America.

Colombia and Regional Security

Another justification of current U.S. policy in the Andean region is that drug trafficking and armed insurgencies in Colombia have a destabilizing effect on regional security. With porous borders amid rugged territory and an inconsistent state presence, border regions are particularly problematic. Colombia shares a 1,367-mile border with Venezuela, approximately 1,000 miles each with Peru and Brazil, and much smaller borders with Ecuador and Panama. The conflict in Colombia and its associated drug trafficking have led to spillover effects in Colombia's neighboring countries, especially Ecuador and Venezuela.

Relations with Venezuela and Ecuador

Colombia's relations with its neighbors have been strained by the spillover from Colombia's counter-insurgency operations, including cross-border military activity. Colombia has asked both Venezuela and Ecuador for assistance in patrolling border areas where the FARC is strong. The State Department's *2008 Country Reports on Terrorism* report, issued in April 2009, states that the Venezuelan government did not systematically police its border with Colombia to prevent the movements of groups of armed terrorists or to interdict arms or the flow of narcotics. According to the State Department report, Ecuador's territory is also used for rest, resupply, and training, as well as some coca cultivation and processing primarily by the FARC. Because of poverty in the area near Ecuador's northern border with Colombia, the region is especially susceptible to "narcoterrorist influence" and a contraband economy has developed.⁸⁶

Following the March 2008 raid on a FARC camp inside Ecuador by Colombian military forces, Ecuador broke off diplomatic ties with Colombia. In a show of solidarity, Venezuela broke

⁸⁴ "U.S. Drug Czar Claims Cocaine Prices Fall," Associated Press, November 8, 2007.

⁸⁵ For a discussion critiquing government price and purity claims, see Coletta A. Youngers and John M. Walsh, *Development First: A More Humane and Promising Approach to Reducing Cultivation of Crops for Illicit Markets*, Washington Office on Latin America, Washington, DC, March 2010.

⁸⁶ For details, see the report at <http://www.state.gov/s/ct/rls/crt/2008/122435.htm>

diplomatic and trade ties with Colombia and sent 10 battalions of troops to Venezuela's border with Colombia. After a diplomatic intervention, Venezuela restored diplomatic relations with Colombia although Ecuador's President Rafael Correa remained angered by the affair and did not.

Ties between Venezuela and Colombia were severed again in July 2009 when it was reported that Swedish-made military equipment—sold to the Venezuelan government in the 1980s—had been found in a FARC camp. On July 27, 2009, Venezuela temporarily withdrew its Ambassador from Colombia and cut off trade. Venezuela's hostile actions were attributed to the implied relationship between the Venezuelan government and the FARC, and President Chávez's outspoken opposition to the military base agreement with the United States announced by the Colombian government earlier in the month. President Chávez subsequently agreed to send his Ambassador back to Bogota, but has left in place the trade restrictions against Colombian exports. Trade between Venezuela and Colombia exceeded \$7 billion in 2008 with Venezuela as Colombia's second largest trading partner after the United States. China became Colombia's second largest trade partner in late 2009, as trade fell dramatically between Colombia and Venezuela. Overall for 2009, trade between Colombia and Venezuela—largely consisting of Colombian exports to Venezuela such as food and vehicles—fell by 34%.⁸⁷

The Colombian-Venezuelan relationship deteriorated further in the fall of 2009. The signing of the new base agreement on October 30, 2009, permitting the use by U.S. troops of seven base facilities in Colombia and "use of other facilities and locations" as mutually agreed, further aggravated President Chávez. Additional incidents in late 2009 continued to inflame the relationship including the kidnapping and murder of 10 members of an amateur Colombian soccer team in Venezuela; Venezuela's arrest of two Colombian nationals for allegedly spying; and the killing of two members of Venezuela's National Guard at a roadside checkpoint in Táchira state near the border. President Chávez ordered some 15,000 National Guard troops to the border with Colombia and in early November made remarks in a weekly broadcast that were interpreted by Colombia as a threat of war.⁸⁸ In response, Colombia filed a protest with the U.N. Security Council. President Chávez later ordered two footbridges in the border area to be blown up.

Tensions escalated as the leaders accused one another of efforts to destabilize their regimes. In December 2009, Chávez accused Colombia of sending unmanned spy planes over Venezuela. Colombia accused Venezuela of illegally sending a Venezuelan helicopter into Colombian airspace. Chávez repeatedly accused Uribe of providing the United States with support for a planned U.S. invasion of Venezuela. Uribe has accused Chávez of imposing an "embargo" on Colombian products much like the U.S. embargo of Cuba. At the Rio Group Summit meeting held in Cancún, Mexico, in late February 2010, the leaders reportedly exchanged insults. However, out of the meeting, both leaders accepted a group of mediators to intervene to help them overcome bilateral differences. President Chávez has indicated that he will consider a new beginning with Colombia after the May presidential election (and after President Uribe was barred from the race by the Constitutional Court on February 27, 2010). Chávez recently reacted strongly to frontrunner Juan Manuel Santos' remark that he was proud of his leadership of the Colombia bombing raid into Ecuador in 2008 in a presidential debate held on April 18, 2010.

⁸⁷ Alexander Cuadros and Jens Erik Gould, "Latin American 'Friends' to Ease Uribe, Chavez Spat," *Business Week*, February 24, 2010.

⁸⁸ Michael Shifter, "Calm Down, Chávez," *Foreign Policy*, November 10, 2009.

Colombia is concerned that the FARC are using Ecuadorian territory to launch attacks. Leftist Ecuadorian President Rafael Correa opposes U.S. involvement in Colombia, and he did not renew the United States' 10-year lease on the Manta air base for regional counternarcotics operations.⁸⁹ Ecuador is also concerned that aerial spraying of coca crops in southern Colombia is reaching into Ecuador potentially damaging licit Ecuadorian crops. Other concerns between the countries relate to high numbers of refugees from Colombia's conflict.⁹⁰ However, relations between Colombia and Ecuador have recently improved despite many areas of ongoing and significant sensitivity.

Ecuador has yet to fully restore relations with Colombia but a distinct thawing has taken place. Colombia's foreign minister in a "side meeting" met with the Ecuadoran foreign minister during a U.N. General Assembly in New York in late September 2009 and several times in October 2009 in an effort to repair relations. One important step toward repairing ties between the two governments were the decisions to exchange charges d'affaires in November 2009 and to reactivate the binational border commission (Combifron).⁹¹ Colombia has offered Ecuador intelligence about FARC camps on the Ecuadorian side of the border. In its present overtures to Ecuador's government, Colombia's foreign ministry has downplayed ties between the FARC and Ecuador's President Rafael Correa and stressed the Colombian government's long time concern about FARC operations inside of Venezuela and Ecuador.

In early 2010, the two nations demonstrated improved coordination in security operations in the difficult-to-control border region when they reported near-simultaneous actions against the FARC.⁹² However, on January 23, 2010, the Ecuadorian government denied it would be conducting joint military operations with the Colombian military and said their intention was to cooperate in intelligence sharing to avoid mistakes and fulfill their sovereign duty to patrol their borders and dislodge armed groups.⁹³ In response to the April 18 presidential debate in Colombia, where candidates were asked about the controversial air raid into Ecuador and Santos responded he was "proud" of his role in it, Ecuador's foreign minister immediately condemned the candidate's response.⁹⁴ Efforts to restore bi-national ties are likely to wait until the outcome of the presidential race is clear.

Issues for Congress

Debate on U.S. policy toward Colombia takes place in a context of significant concern over the sheer volume of illegal drugs available in the United States and elsewhere in the world. The United States approved increased assistance to Colombia as part of a six-year plan called Plan

⁸⁹ For ten years (1999-2009), the United States had troops stationed at an air base in Manta, Ecuador, which served as one of three forward operating locations for regional counterdrug activities. President Correa kept a campaign promise not to renew the Manta base lease, and the last counterdrug flight flown from Manta took place in July 2009.

⁹⁰ "Ecuador Moves Colombians from Border," *LatinNews Daily*, August 28, 2007; "Some 50,000 Colombians in Ecuador to be Registered Under Un-backed Scheme," *States News Service*, December 12, 2008.

⁹¹ "Trilateral dynamic changes," *Latin American Weekly Report*, November 5, 2009.

⁹² "Ecuador, Colombia coordinate border," *LatinNews Daily*, January 21, 2010.

⁹³ "Ecuador rules out joint military operations with Colombia," *EFE News Service*, January 23, 2010.

⁹⁴ Notably in the televised debate on April 18, Antanas Mockus, who has since surged in the polls, ruled out a cross-border action as a violation of international law. See, Christian Völkel, "Colombian Presidential Candidate Angers Venezuela, Ecuador," *IHS Global Insight Daily Analysis*, April 22, 2010.

Colombia in June 2000, and has provided over \$7 billion in assistance from FY2000 to FY2010. The United States from FY2000 to FY2009 provided assistance to Colombia through the Andean Counterdrug Program (ACP) account, formerly known as the Andean Counterdrug Initiative (ACI), and other aid accounts. In the FY2010 request, the Obama Administration shifted ACP funds back into the International Narcotics Control and Law Enforcement (INCLE) account. The Obama Administration FY2011 request reduces overall funding to Colombia by about 9% as Plan Colombia program management and funding is gradually turned over to Colombia.

In addition to the larger debate over what role the United States should play in supporting Colombia's ongoing struggle against drug trafficking and illegally armed groups, Congress has repeatedly expressed concern with a number of specific policy issues. These include continuing allegations of human rights abuses; the health and environmental consequences of aerial eradication for drug control; the progress of alternative development to replace drug crops with non-drug crops; judicial reform and rule of law programs; and the level of risk to U.S. personnel working in Colombia. Prior to the release of the three U.S. hostages held by the FARC in early July 2008, securing the release of those hostages was also a key issue of congressional concern.

In October 2008, the GAO released a report stating that Plan Colombia had only partially fulfilled its drug reduction goals. In the years 2000-2006 coca cultivation and production of cocaine had actually increased by about 15% and 4%, respectively. The report concludes that while significant security gains were achieved by the Colombian government with U.S. assistance, coca farmers had undermined eradication goals by taking effective countermeasures and alternative development programs had not been implemented in the areas where the majority of coca is grown.⁹⁵ Moreover, the report criticized the "nationalization" of Plan Colombia programs—the transfer of U.S.-administered programs to the Colombians—as too slow and lacking coordination.⁹⁶

Proponents of the current U.S. policy towards Colombia point to the progress that has been made in improving security conditions in Colombia and in weakening the FARC guerrillas. They favor maintaining the current level of security assistance to Colombia in order to help Colombian security forces continue to combat the FARC and ELN, solidify their control throughout rural areas, and eradicate illicit narcotics. They also believe that guerrilla forces regularly cross borders using neighboring countries' territory for refuge and supplies, and that this has a potentially destabilizing effect in the region.

Opponents of current U.S. policy in Colombia respond that the counterdrug program uses a repressive approach to curbing drug production which could provoke a negative popular reaction in rural areas. They argue for halting aerial fumigation of drug crops, limiting aid to the Colombian military, and stressing interdiction rather than eradication so that the direct costs to peasant producers is less. Some critics of U.S. policy support a policy that focuses largely on economic and social aid to combat what they consider to be the conflict's root causes, curbs human rights abuses by paramilitary groups and security forces, provides vigorous support for a

⁹⁵ According to the report: "...alternative development is not provided in most areas where coca is cultivated and USAID does not assess how such programs relate to strategic goals of reducing the production of illicit drugs or achieving sustainable results."

⁹⁶ U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07.

negotiated end to the fighting, and emphasizes illicit drug demand reduction in the United States.⁹⁷

Plan Colombia and the Andean Counterdrug Program (ACP)

Plan Colombia was developed by former President Pastrana (1998-2002) as a plan to end the country's 40-year-old armed conflict, eliminate drug trafficking, and promote development. The initial plan was a \$7.5 billion three-year plan, with Colombia providing \$4 billion of the funding and requesting \$3.5 billion from the international community. The U.S. Congress approved legislation in support of Plan Colombia in 2000, as part of the Military Construction Appropriations Act of 2001 (P.L. 106-246) providing \$1.3 billion for counternarcotics and related efforts in Colombia and neighboring countries. Plan Colombia was never authorized by Congress and subsequent funding has been approved annually. President Bush continued support for the plan under the ACP aid account. The ACP account funded counternarcotics programs in Bolivia, Brazil, Ecuador, Panama, Peru, and, until recently, Venezuela. Because narcotics trafficking and the guerrilla insurgency have become intertwined problems, in 2002 Congress granted the Administration flexibility to use U.S. counterdrug funds for a unified campaign to fight drug trafficking and terrorist organizations.⁹⁸

Formerly, the ACP and Foreign Military Financing (FMF) accounts supported the eradication of coca and opium poppy crops, the interdiction of narcotics shipments, and the protection of infrastructure through training and material support for Colombia's security forces. U.S. assistance supports alternative crop development and infrastructure development to give coca and opium poppy farmers alternative sources of income, and institution building programs to strengthen democracy. Alternative development (AD) programs were shifted from the ACP account to the Economic Support Fund (ESF) account in FY2008. U.S. assistance includes human rights training programs for security personnel in response to Congressional concerns about human rights abuses committed by Colombian security forces. Congress has prohibited U.S. personnel from directly participating in combat missions and has capped the number of U.S. military and civilian contractor personnel that can be stationed in Colombia in support of Plan Colombia at 800 and 600 respectively.⁹⁹

The United States also supports the interdiction of drug shipments through the Air Bridge Denial (ABD) Program. The Air Bridge Denial program began as a joint interdiction effort between the United States, Peru, and Colombia that sought to identify possible drug flights and to interdict them by forcing them to land, and if necessary to shoot down the aircraft. The program was suspended in 2001 after a flight carrying American missionaries was shot down over Peru. Following the establishment of new safeguards against accidental shootdowns, the program was renewed in Colombia in 2003. The State Department credits the ABD program with reducing the

⁹⁷ Julia E. Sweig, *Andes 2020: A New Strategy for the Challenges of Colombia and the Region*, Council on Foreign Relations Center for Preventive Action, January 2004.

⁹⁸ The State Department and the Department of Defense explain expanded authority as providing them with flexibility in situations where there is no clear line between drug and terrorist activity.

⁹⁹ The FY2005 National Defense Authorization Act (H.R. 4200; P.L. 108-375) raised the military cap from 400 to 800 and the civilian cap from 400 to 600. The cap does not apply to personnel conducting search and rescue operations, or to U.S. personnel assigned as part of their regular duties to the U.S. embassy. According to the State Department, military personnel levels between 2005-2008 have ranged from 136 to 563 military and 173 to 454 civilian contractors, averaging 250 of each.

number of illegal flights over Colombia by some 73% since 2003.¹⁰⁰ In 2008, the U.S. government began to transfer control of the ABD program to the Colombian government. In 2009, nationalization efforts proceeded with the title transfer of 17 UH-1N helicopters in the Colombian Army Aviation program, the transfer to the Colombian police of the helicopter support packages that are part of the aerial eradication program and the transfer of the Air Bridge Denial program to the control of the Colombian government.¹⁰¹

Aerial Eradication and Alternative Development¹⁰²

Upon taking office, President Uribe announced that aerial eradication, along with alternative crop development, would form a significant basis of the government's efforts. The Plan Colombia eradication spraying program began in December 2000 with operations by the U.S.-funded counternarcotics brigade in Putumayo. It should be noted, however, that spraying does not prevent, although it may discourage, the replanting of illicit crops. During 2008, the Colombian government sprayed 133,496 hectares of coca and manually eradicated 96,113 hectares of coca and poppy.¹⁰³

The United Nations and United States use different methodologies to estimate annual coca cultivation levels in Colombia. The different methodologies yield results that not only show different levels of cultivation, but different trends as well. **Table 1** and **Table 2** include United Nations and United States data on coca cultivation in Colombia since 2000. The area of cultivation is measured in hectares.¹⁰⁴ For 2007, the United Nations reported a 27% increase in coca cultivation to 99,000 hectares.¹⁰⁵ U.S. data from the ONDCP showed a 6.2% increase in coca cultivation in 2007. Some of the 9% increase in cultivation that ONDCP reported for 2006 may be attributed to the fact that the area surveyed increased significantly from the previous year.

In 2008, both the United Nations and the United States showed a decline in coca cultivation (they each measured a downward trend but their estimates of hectares cultivated differed). The 2008 estimates in each case approximated the cultivation levels of 2004. Analysts have attributed the decline to greater eradication pressure. Some observers say the relative reduction in aerial spraying compared with the more labor-intensive manual eradication in 2008 caused coca cultivation in Colombia to decline.¹⁰⁶ In 2008, the area sprayed declined by 13% from the prior year and the area manually eradicated increased by 43% compared with 2007.¹⁰⁷ Others speculate that another factor resulting in the positive reduction in Colombia's coca crop was the success of

¹⁰⁰ U.S. Department of State, *INCSR 2008*.

¹⁰¹ U.S. Department of State, *INCSR 2010*.

¹⁰² Also see CRS Report RL33163, *Drug Crop Eradication and Alternative Development in the Andes*, by Connie Veillette and Carolina Navarrete-Frias.

¹⁰³ U.S. Department of State, *INCSR 2009*.

¹⁰⁴ A hectare is equivalent to 2.47 acres.

¹⁰⁵ U.N. Office on Drugs and Crime (UNODC), *World Drug Report 2008*; and "Coca Cultivation in the Andean Region," June 2008.

¹⁰⁶ Adam Isacson, "2008: Less Fumigation, Less Coca," Blog of the Center for International Policy (CIP) Colombia Program, November 9, 2009.

¹⁰⁷ "Mixed Signals Among the Coca Bushes," *The Economist*, June 27, 2009.

Colombian security forces in gaining control of territory from the FARC which could discourage farmers from replanting.¹⁰⁸

Table 1. UNODC Coca Cultivation in Colombia
(in hectares)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Area	163,000	145,000	102,000	86,000	80,000	86,000	78,000	99,000	81,000
% change	—	-11%	-30%	-16%	-7%	8%	-9%	27%	-18%

Table 2. U.S. ONDCP Coca Cultivation in Colombia
(in hectares)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Area	136,200	169,800	144,450	113,850	114,100	144,000	157,200	167,000	119,000
% change	—	25%	-15%	-21%	0.2%	26%	9%	6.2%	-29%

Notes: U.S. government estimates for 2008 from the U.S. Embassy in Bogotá, November 6, 2009.

Aerial eradication has been controversial both in Colombia and the United States. Critics charge that it has unknown environmental and health effects, and that it deprives farmers of their livelihood, particularly in light of a lack of coordination with alternative development programs.¹⁰⁹ With regard to environmental and health consequences, the Secretary of State, as required by Congress, has reported that the herbicide, glyphosate, does not pose unreasonable health or safety risks to humans or the environment. In consultation for the certification, the U.S. Environmental Protection Agency confirmed that application rates of the aerial spray program in Colombia are within the parameters listed on U.S. glyphosate labels. However, press reports indicate that many Colombians believe the health consequences of aerial fumigation are grave, and many international non-governmental organizations criticize the certification for being analytically inadequate.

The U.S. Agency for International Development (USAID) funds alternative development programs to assist illicit crop farmers in the switch from illicit to licit crops, and provides assistance with infrastructure and marketing. Through September 2009, the United States has completed 1,290 social and productive infrastructure projects. These programs have benefited more than 439,000 families in 18 departments.¹¹⁰ The USAID Mission in Colombia reports significant progress since funding started flowing for alternative development through Plan Colombia. In an October 2008 fact sheet, USAID states that to date there have been 238,263

¹⁰⁸ Ibid.

¹⁰⁹ "Chemical Reactions: Spreading Coca and Threatening Colombia's Ecological and Cultural Diversity," *Washington Office on Latin America*, February 2008.

¹¹⁰ U.S. Department of State, *INCSR 2010*.

hectares of licit crops supported in areas that illicit crops once predominated, and more than 280,000 jobs have been created.¹¹¹

The success of alternative development in Colombia has been limited both by security concerns and the limited scope of the program. Various reports, including the recent GAO report that examined the progress of Plan Colombia, have identified weaknesses in the program including that a majority of the USAID alternative development projects were not located in areas where the majority of coca is grown in Colombia and they have not been evaluated with regard to drug reduction goals or sustainability. Security concerns were blamed for the planned withdrawal of USAID assistance to five departments where coca production was increasing, according to a USAID memo leaked to the press in October 2006. UNODC reported in June 2006 that alternative development programs have been successful, but only reach 9% of Colombian coca growers and called for a tenfold increase in international donor support for alternative development programs.

In 2006, USAID redesigned its strategy to lure coca growers to specific geographic zones that offered economic opportunities with an effort to keep these zones free of illicit crops.¹¹² The two principle projects that form the core of the current USAID strategy are More Investment for Sustainable Alternative Development (MIDAS) and Areas for Municipal Level Alternative Development (ADAM). As noted, both projects have generated thousands of hectares of licit crops and jobs, but the USAID projects have been criticized for not reaching those most vulnerable to coca cultivation nor providing adequate income substitution during the comparatively long time needed for alternative crops to mature and generate sufficient and sustainable income. Several assessments of USAID's alternative development program under Plan Colombia cite the "zero coca" policy of the Colombian government as a barrier to reaching those impoverished farmers most vulnerable to coca growing.¹¹³ In one recent assessment, researchers conducted interviews with USAID's ADAM and MIDAS project staff and with Colombian government staff implementing a Forest Warden program,¹¹⁴ and they were told "alternative livelihoods assistance reaches only a small segment of the population in need, i.e. either cultivating coca or vulnerable to coca cultivation."¹¹⁵ Proponents of U.S. policy argue that both eradication and alternative development programs need time to work. USAID has argued that alternative development programs do not achieve drug crop reduction on their own, and that the Colombia program was designed to support the aerial eradication program and to build "the political support needed for aerial eradication efforts to take place."¹¹⁶

¹¹¹ USAID/Colombia, "Program Overview: Alternative Development," Fact Sheet, October 2008.

¹¹² U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07, pp. 48-49.

¹¹³ The Uribe government policy conditions all assistance on total eradication of coca crops from a particular area; even one violation by a single family disqualifies a locality from receiving government assistance or assistance from international partners such as USAID. See: U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*; Vanda Felbab-Brown et al, *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, April 17, 2009.

¹¹⁴ The Forest-Warden Families Program identifies families eligible for a monthly stipend to keep their land free from illegal crops. It is run by the Colombian government agency Social Action and is not supported by USAID.

¹¹⁵ Vanda Felbab-Brown et al, *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, a report produced for review by the U.S. Agency for International Development (USAID), April 17, 2009.

¹¹⁶ Joshua Goodman, "U.S. Pulling Economic Aid from Colombia's Coca Infested South," Associated Press, October (continued...)

Integrated Military/Civilian Strategy

In early 2007, the Colombian Ministry of Defense announced a “Policy of Consolidation of Democratic Security” to guide security policy for the Uribe administration’s second term (2006–2010). The strategy was intended to consolidate the gains of the Democratic Security policies that were successful in reducing violence in the first term and to consolidate state presence in areas where insurgent activity by FARC and other illegal armed groups, drug trafficking and violence converged. Led by civilian and defense officials in the Ministry of Defense, this major shift in approach was based on an “integrated action doctrine” and was declared to be a “strategic leap” forward by former Colombian Defense Minister Juan Manuel Santos in March 2009.

Integrated action is a sequenced military and counternarcotics strategy in high priority geographic zones designed to reestablish Colombian government control of marginalized areas. It has been promoted as a model to guide future U.S. assistance to Colombia, especially as funding for Plan Colombia gradually winds down. Under this approach, security forces enter a contested zone to stabilize and hold the area so that civilian state agencies can come in rapidly behind to provide social services including justice, education, health, and housing to assert a positive state presence. The doctrine is based on the premise that all military and social actions are interdependent and no efforts can be successful if the others are not.¹¹⁷

At the national level, the Colombian presidency’s Center for the Coordination of Integrated Action (CCAI) directs the integrated action programs.¹¹⁸ Now part of a “National Consolidation Plan,” the coordinated military/civilian efforts are focused on building a state presence in the highest priority areas seen as strategic to the FARC. At the local level, application of this strategy is carried out at comprehensive fusion centers—renamed “regional coordination centers” in mid-2009—which are physical locations within consolidation zones where military, police, economic development, social and judicial activities are coordinated. The two best-known examples, which have each received some U.S. and international support, are the regional coordination centers established in La Macarena in the Meta department and Montes de María near the central Caribbean coast. Both are intended to function as models for CCAI efforts in other regions of Colombia. Critics argue that the blurring of lines between military and civilian activities poses some dangers and that there is a need for increased civilian leadership and greater representation of local interests.¹¹⁹

(...continued)

12, 2006; United Nations Office on Drugs and Crime (UNODC), “Coca Cultivation in Andes Stabilizes in 2005,” June 20, 2006; UNODC, *Coca Cultivation in the Andean Region*, June 2006; and, UNODC, *Colombia Coca Cultivation Survey*, June 2007.

¹¹⁷ Juan Manuel Santos, “Afghanistan’s challenges—lessons from the Colombian experience,” *NATO Review*, Autumn 2007.

¹¹⁸ CCAI is an interagency group that works out of the President’s office bringing together members from 15 government ministries and other state agencies for the purpose of coordinating government efforts to introduce state presence to priority areas where it had not existed or was weak. See: Peter DeShazo, Phillip Mclean, Johanna Mendelson Forman, “Colombia’s Plan de Consolidación Integral de la Macarena: An Assessment,” Center for Strategic & International Studies, June 2009.

¹¹⁹ For a thorough analysis of the strategy based on visits to the regional coordination centers in La Macarena and Montes de María, see: Adam Isacson and Abigail Poe, *After Plan Colombia: Evaluating “Integrated Action,” the next phase of U.S. assistance*, Center for International Policy, International Policy Report, Washington, DC, December 2009.

USAID programs and the U.S. Department of Defense have strongly supported this approach and provided funding to CCAI programs since 2007.¹²⁰ According to the State Department, the U.S. government collaborated with Colombia in 2008 to pilot integrated counternarcotics initiatives in three regions that combined security, eradication and development. In 2009 in order to support successes made under Plan Colombia and to help in implementation of the government's National Consolidation Plan, "the United States delivered its comprehensive assistance in a more sequenced approach to help establish a government presence in former conflict and rural areas, deter coca replanting after eradication, improve interdiction along Colombia's Pacific coastline and provide alternative livelihoods for those engaged in the drug trade."¹²¹

Funding for Plan Colombia

From FY2000 through FY2010, U.S. funding for Plan Colombia and its follow-on strategies totaled over \$7 billion in State Department and Defense Department programs. Most U.S. assistance was provided through the ACP account, although this account was consolidated into the INCLE account in the Obama Administration's FY2010 request. In FY2008 Congress funded eradication and interdiction programs through the ACP account, and funded alternative development and institution building programs through the Economic Support Fund (ESF) account. In previous years, alternative development and institution building were funded through the ACP account. In addition, support for aerial eradication programs is provided from the State Department's Air Wing account. The Defense Department requests a lump sum for all counternarcotics programs worldwide under Sections 1004 and 1033, and under Section 124, of the National Defense Authorization Act. DOD can reallocate these funds throughout the year in accordance with changing needs. While not considered a formal component of the ACP Program, the Defense Department has provided Colombia with additional funding for training and equipment for a number of years, as well as the deployment of personnel in support of Plan Colombia.

In 2008, there was significant debate in Congress about the proper balance between so-called "hard side" security assistance (i.e., equipment and training to the Colombian military and police) and "soft-side" traditional development and rule of law programs. While some Members supported the Bush Administration's emphasis on security-related assistance to Colombia, others expressed concerns that the Administration put too much of an emphasis on the security assistance component. Many Members have expressed a desire to see a more rapid transfer of responsibility for the military operations associated with Plan Colombia from the United States to Colombia. Since FY2008, Congress has reduced and rebalanced assistance between security-related programs and economic and social aid in the annual foreign assistance appropriations legislation. In the Administration's FY2011 budget request for foreign operations, aid to Colombia is proposed to decline by approximately 9%, from an estimated \$512 million appropriated in FY2010 (not including DOD assistance) to \$465 million requested for FY2011, with the balance between "soft-side" development assistance and "hard-side" security and counterdrug assistance moving closer to 50/50. **Table 3** provides a more detailed breakdown of U.S. assistance to Colombia from FY2000 through the FY2011 request.

¹²⁰ U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07.

¹²¹ U.S. Department of State, *INCSR 2010*.

Table 3. U.S. Assistance For Plan Colombia, FY2000-FY2011

(in millions \$)

	ACI/ACP	ESF	FMF	IMET	INCLE	NADR	AirWing	DOD	Total
FY2000	60.1	—	—	—	—	—	38.0	128.5	226.6
P.L. 106-246	832.0	—	—	—	—	—	—	100.7	932.7
FY2001	48.0	—	—	—	—	—	38.0	190.2	276.2
FY2002	379.9 ^a	—	—	—	—	25.0	38.2	117.3	560.4
FY2003	580.2 ^b	—	17.1	1.2	—	3.3	41.5	164.8	808.1
FY2004	473.9	—	98.5	1.7	—	.2	45.0	178.2	797.5
FY2005	462.8	—	99.2	1.7	—	5.1	45.0	155.3	769.1
FY2006	464.8	—	89.1	1.7	—	—	45.0	140.5	741.1
FY2007	465.0	—	85.5	1.6	—	4.1	37.0	129.4	722.6
FY2008	244.6	194.4	55.1	1.4	41.9	3.7	39.0	119.9	700.0
FY2009	230.1	196.5	53.0	1.4	45.0	3.2	12.4	127.9	669.5
FY2010 (est)	^c	201.7	55.0	1.7	248.9 ^d	4.8	—	122.8	634.9
FY2011 (req)	—	202.9	51.5	1.7	204.0	4.8	—	n.a.	464.9
Total	4,241.4	795.5	604.0	14.1	539.8	54.2	379.1	1,675.5	8,303.6

Sources: Figures are drawn from the annual State Department Foreign Operations Congressional Budget Justifications for fiscal years 2002 through 2011 and the State Department's Washington File, "U.S. Support for Plan Colombia, FY2000 Emergency Supplemental Appropriations," July 5, 2000. DOD data for FY2002-FY2010 provided by DOD in response to CRS request, received April 22, 2010.

Notes: For FY2000 and thereafter, Plan Colombia funds are assigned to the State Department's International Narcotics and Law Enforcement Bureau (INL) or the Andean Counterdrug Initiative (ACI). The State Department transfers funds to other agencies carrying out programs in Colombia, of which USAID has received the largest portion. Defense Department data reflects non-budget quality estimates of DOD counternarcotics support provided. DOD requests one sum for programs around the world and adjusts its regional allocations as needed. Table 3 does not include Public Law 480 (Food Aid). Air Wing figures for FY2009 and FY2010 are estimates provided by the State Department.

- a. Includes \$6 million appropriated to FMF but transferred to the ACI account.
- b. Includes \$93 million in FMF regular appropriations and \$20 million in FMF supplemental funds that were transferred to the ACI account.
- c. U.S. Department of State has subsequently reallocated sums to different accounts in the FY2010 Congressional Budget Justification for Foreign Operations. In the FY2010 request, funds previously shown in the Andean Counterdrug Program moved to the State Department's INCLE account.
- d. This figure includes approximately \$12.9 million for Air Wing contract costs attributable to Colombia.

U.S.-Colombia Defense Cooperation Agreement

On October 30, 2009, the United States and Colombia signed an agreement to provide the United States access to seven military facilities in Colombia to conduct joint counternarcotics and anti-terrorism operations over a 10-year period. The seven facilities include three Colombian air force bases at Palanquero, Apiay, and Malambo; two naval bases; and two army installations (see **Figure 2** for base locations). In the United States, \$46 million of funding for construction at the

Palanquero air base in Central Colombia was included in the defense authorization for FY 2010 signed into law October 2009 (P.L. 111-84).

The disclosure regarding the negotiations and elements of the base agreement in mid-July 2009 resulted in a strong reaction from countries in the region led by President Hugo Chávez of Venezuela, who claimed that he saw the placement of U.S. troops in Colombia as a threat and described the base agreement as fanning “the winds of war” across the region. Colombian President Uribe toured seven Latin American countries in early August 2009 to meet with heads of state in an effort to diffuse opposition to the agreement and allay concerns. Following this outreach effort, Brazil and Chile toned down their opposition to the agreement and cited Colombia’s sovereignty in the matter, but only Peru’s President Alan Garcia expressed outright support for the pending agreement.¹²²

On August 18, 2009, Secretary of State Hillary Clinton met with Colombia’s Foreign Minister Jaime Bermúdez to discuss the base deal.¹²³ The same day, the U.S. State Department released a press announcement naming the pending agreement the U.S.-Colombia Defense Cooperation Agreement (DCA). Through the announcement and at the meeting, officials noted that the DCA did not establish any new U.S. bases in Colombia, but would provide access or continue to provide use of seven Colombian military facilities to deepen existing security cooperation and that the agreement harmonizes and updates existing agreements. Negotiations for the agreement concluded August 14, 2009, followed by a review of the provisional agreement by both countries.¹²⁴

Some observers believe the agreement was precipitated by the closing of a U.S. forward operating location (FOL) at a coastal air base in Manta, Ecuador, used for regional counterdrug operations. The FOL at Manta allowed U.S. forces to patrol the Pacific. The 10-year lease (1999-2009) was not renewed by Ecuador’s President Rafael Correa following up on his campaign promise to decrease U.S. presence in the region. The final U.S. mission from Manta was flown in July and the U.S. forces left Manta in September 2009.¹²⁵

According to the U.S. Department of State, the agreement with Colombia is not a replacement for the Manta FOL.¹²⁶ The new agreement provides for U.S. and Colombian security cooperation including counternarcotics, counterterrorism, and other “mutually agreed upon activities” *within* Colombia.¹²⁷ The radar-equipped aircraft based at Manta (including P-3 Orions and E-3 AWACS) used for anti-drug surveillance missions over multiple countries have been relocated to other locations in the Western Hemisphere including the United States and other FOLs based in El Salvador and Curacao.¹²⁸

¹²² Oxford Analytica, “Latin America: Regional tensions challenge UNASUR,” August 21, 2009.

¹²³ “Does the US want bases in Colombia?,” Latin American Regional Report: Andean Group, August 2009.

¹²⁴ U.S. Department of State, “U.S.-Colombia Defense Cooperation Agreement,” August 18, 2009. See <http://www.state.gov/r/pa/prs/ps/2009/aug/128021.htm>.

¹²⁵ Juan Forero, “U.S. Plan Raises Ire in Latin America,” *Washington Post*, August, 8, 2009; “U.S. military operations in Ecuador to be transferred to five bases in Colombia,” *BBC Monitoring Americas*, July 10, 2009.

¹²⁶ Communication with State Department Desk Officer on October 9, 2009.

¹²⁷ Italics added. See: U.S. Department of State, “U.S.-Colombia Defense Cooperation Agreement,” October 30, 2009. Available at <http://www.state.gov/r/pa/prs/ps/2009/oct/131134.htm>.

¹²⁸ Interview with Department of Defense official on November 9, 2009.

Even with the new agreement, the cap on the number of U.S. personnel deployed in Colombia will remain the same as set by Congress in 2004 (P.L. 108-375)—800 military personnel and 600 contractors. According to the State Department, the 1,400-personnel limit “will continue to be faithfully respected.” U.S. personnel presence in recent years has declined to less than half of the authorized number which is a trend that is expected to continue.¹²⁹ Every operation undertaken by U.S. personnel from the bases must receive prior approval from the Colombian government according to the signed agreement.¹³⁰

¹²⁹ U.S. Department of State, “U.S.-Colombia Defense Cooperation Agreement,” October 30, 2009. Available at <http://www.state.gov/r/pa/prs/ps/2009/oct/131134.htm>. According to the announcement: “Consistent with U.S. policy to nationalize U.S.-supported activities by turning them over to Colombian authorities, U.S. personnel presence has been in a gradual decline. It is the United States’ expectation and commitment that those trends will continue.”

¹³⁰ For the text of the U.S.-Colombia base agreement see: <http://www.state.gov/documents/organization/131654.pdf>.

Figure 2. Military Bases Addressed by the Defense Cooperation Agreement

Source: Adapted by CRS from information provided by U.S. Southcom.

Paramilitary Demobilization

The 111th Congress remains concerned over the ongoing scandal involving paramilitary ties to Colombian politicians. Some Members of Congress have expressed concern about both the AUC demobilization process and the overall demobilization framework under the Justice and Peace Law approved by the Colombian Congress in 2005. (For background, see “Para-political Scandal” and “The Justice and Peace Law and Demobilization.”)

The FY2006 Foreign Operations Act (P.L. 109-102) provided \$20 million to assist in the demobilization of former members of foreign terrorist organizations, provided that the Secretary of State certified that the assistance only went to individuals who had verifiably renounced and

terminated membership in the FTO; that the Colombian government was cooperating with the United States on extradition; that the Colombian government was working to dismantle FTO structures; and that the funds would not be used to make cash payments to individuals. The FY2009 Omnibus Appropriations Act (P.L. 111-8) provided \$16.7 million to assist in the demobilization of former members of foreign terrorist organizations (FTOs), pending a certification from the Secretary of State that was issued on October 16, 2009. In that certification, Secretary of State Clinton certified to Congress

- That assistance will be provided only for individuals who have verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups, and are meeting all the requirements of the Colombia demobilization program, including disclosure of past crimes; the location of kidnapped victims and bodies of the disappeared; and, knowledge of FTO structure, financing, and assets; and are not involved in criminal activity.
- That the Colombian government is fully cooperating with the United States to prosecute the extradited leaders and members of FTOs who have been indicted in the United States for murder, torture, kidnapping, narcotics trafficking, or other violations of United States law.
- That the Colombian government is not knowingly taking steps to legalize titles of land or other assets illegally obtained by FTOs, their associates, or their successors; and that the Colombian government has established effective procedures to identify such land and assets; and is seizing and returning such land and assets to their rightful owners and occupants.
- That the Colombian government is dismantling the organizational structures of FTOs and successor armed groups.
- That funds will not be used to make cash payments to individuals, and funds will only be available for any of the following activities: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

Human Rights

Debate in the U.S. Congress has continued to focus on allegations of human rights abuses by the FARC and ELN, paramilitary groups, and the Colombian Armed Forces. The State Department's February 2010 human rights report states that the Prosecutor General's Office in Colombia has been assigned 1,302 cases concerning extrajudicial killings by the armed forces allegedly taking place between 1985 and 2009.¹³¹ Reportedly, progress in addressing the backlog of cases concerning extrajudicial killings has proceeded slowly.¹³² In June 2009, on a 10-day mission to Colombia, the U.N. Special Rapporteur on extrajudicial executions found the killings were not a

¹³¹ U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

¹³² This is one finding in U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 8, 2009. Available at: <http://justf.org/files/primarydocs/090908cert.pdf>. For example in the continuing investigations of the Soacha murders, the report notes that family members of the victims have been threatened while 75 members of the armed forces were being investigated in connection with the murders.

result of official government policy. Nevertheless, according to the U.N. official, “the sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military.”¹³³

Congress has annually required that the Secretary of State certify to Congress that the Colombian military and police forces are severing their links to the paramilitaries, investigating complaints of abuses, and prosecuting those who have had credible charges made against them. Congress has made funding to the Colombian military contingent on these certifications. In the latest certification, issued on September 8, 2009, Secretary Clinton asserted that the Colombian government and armed forces are meeting the statutory requirements with regard to human rights. The Secretary noted that “Colombia remains a country in transition,” and that “while the security situation has vastly improved in the last decade, fighting between the Armed forces and illegal armed groups continues to harm the country’s citizens, especially its most vulnerable groups: the displaced, indigenous, and Afro-Colombians.”¹³⁴

Congress has also regularly included the so-called Leahy amendment in foreign operations appropriations legislation that denies funds to any security force unit for which the Secretary of State has credible evidence of gross human rights violations. (The restriction was codified as Section 620J of the Foreign Assistance Act, as amended, in the FY2008 Consolidated Appropriations Act, (P.L. 110-161).) The Secretary may continue funding if she determines and reports to Congress that the foreign government is taking effective measures to bring the responsible members of these security forces to justice. Congress released its last hold on \$52.5 million in FY2007 assistance in mid-2009, but reportedly some \$19.54 million of FY2008 funds and \$15.6 million of FY2009 funds for the Colombian military remain on hold.¹³⁵ Despite these actions, human rights organizations claim that the U.S. government often turns a blind eye to questionable activities of Colombian security forces.

U.S.-Colombia Free Trade Agreement¹³⁶

In 2003, the Bush Administration announced its intentions to begin negotiating an Andean region free trade agreement (FTA) with Colombia, Peru, Ecuador, and Bolivia. In its announcement, the Administration asserted that an FTA would reduce and eliminate barriers to trade and investment, support democracy, and fight drug activity. After regional talks broke down, the United States pursued bilateral trade agreements with Colombia and Peru. The United States and Colombia signed the U.S.-Colombia Trade Promotion Agreement on November 22, 2006, now called the U.S.-Colombia Free Trade Agreement (CFTA); the agreement must now be ratified by both nations’ congresses. Colombia, Ecuador, and Peru currently benefit from the Andean Trade-Promotion and Drug-Eradication Act (ATPDEA), which in 2002 replaced the former Andean

¹³³ United Nations, Press Release, “Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions – Mission to Colombia, 8-18 June 2009.” Available at: <http://www.unhchr.ch/huricane/huricane.nsf/view01/C6390E2F247BF1A7C12575D9007732FD?opendocument>.

¹³⁴ U.S. Department of State, “Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces,” September 8, 2009. Available at: <http://justf.org/files/primarydocs/090908cert.pdf>.

¹³⁵ Information provided by State Department official, November 12, 2009.

¹³⁶ See CRS Report RL34470, *The Proposed U.S.-Colombia Free Trade Agreement: Economic and Political Implications*, by M. Angeles Villarreal.

Trade Preference Act (ATPA).¹³⁷ In December 2009, the 111th Congress extended ATPDEA trade preferences to Colombia, Peru, and Ecuador through December 31, 2010 (P.L. 111-124). The law, signed by the President on December 28, 2009, extends unilateral preferential access to the U.S. market for certain products.¹³⁸ If the CFTA is not approved this year, Congress could take action to extend the ATPDEA benefits.¹³⁹

Critics of the free trade agreement are concerned about the status of labor rights in Colombia and the ongoing para-political scandal. Critics argue that violence against labor activists in Colombia is excessive and inadequately addressed by the Uribe government. Labor activist killings declined under President Uribe, but increased in 2006. Data on the number of labor leaders murdered in any given year vary by source. In 2006, the Colombian government estimated that 60 labor activists were killed, while the National Labor School (ENS, a Colombian NGO) estimated that 72 labor activists were killed. In 2007, both groups reported a drop, with the Colombian government reporting 26 labor activists killed and ENS estimating 39 labor activists killed.¹⁴⁰ In 2008, the Colombian government reported 38 murders and ENS reported 49 murders. In 2009, the government reported a decline to 28 murders and ENS reported a decline to 39 murders of labor activists.¹⁴¹ For more information about the reasons for the discrepancy between government and nongovernmental organizations' tallies, see CRS Report RL34759, *Proposed Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle.

Another area of concern is whether labor activists were killed because of their union activity. Very few investigations have been completed. More than 2,000 incidents of violence involving killings and threats between 1991 and 2006 have been alleged. At least 470 union murders are alleged to have occurred since President Uribe first took office in 2002. According to the State Department's human rights report covering 2009, the Colombian Prosecutor General's office has obtained 234 convictions (209 for murders) of 334 perpetrators of violent crimes against trade unionists since 2000. In January 2007, the Prosecutor General's office set up a Special Labor Sub-Unit of 13 prosecutors and 78 investigators to investigate 187 priority cases. Of the priority cases, 18 cases have resulted in convictions of 69 individuals.¹⁴² Assigned a total of 1,344 cases, the Special Labor Sub-Unit has obtained 184 convictions including 69 in 2009. However, a vast majority of the 1,344 cases are either under investigation or in preliminary phases of the prosecutorial process. Labor groups argue much more needs to be done to end impunity for crimes targeting trade unionists.¹⁴³

On April 8, 2008, President Bush submitted implementing legislation to Congress for the CFTA. The 2002 Trade Promotion Authority procedures stipulated that Congress must vote on that implementing legislation within 90 legislative days of its introduction. But on April 10, 2008, the

¹³⁷ See CRS Report RS22548, *ATPA Renewal: Background and Issues*, by M. Angeles Villarreal

¹³⁸ *Ibid.*

¹³⁹ Economist Intelligence Unit, *Country Report: Colombia*, March 2010.

¹⁴⁰ U.S. Department of State, "Charting Colombia's Progress," November 5, 2008. Another possible reason for the decline in murders is the overall decline in labor union membership in Colombia. Unions have dwindled from 13% of the formal labor force in 1965 to 4% currently. For further discussion of labor violence and trends, see CRS Report RL34759, *Proposed Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle.

¹⁴¹ U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

¹⁴² Communications from the U.S. Department of State to CRS.

¹⁴³ U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm>.

House voted 224-195 in favor of changing those procedures, effectively putting congressional consideration of the U.S.-Colombia Free Trade Agreement on hold. It is unclear whether and how the 111th Congress will consider implementing legislation for the pending CFTA in the future. It could be considered pursuant to the usual rules or the House could restore TPA-like "fast track" procedures.¹⁴⁴

The likelihood of reintroduction and passage of the CFTA under the Obama Administration is also unclear. During his campaign, President Obama favored delaying consideration of the trade agreement in order to pressure the Colombian government to further reduce labor violence.¹⁴⁵ President Obama met with President Uribe at the White House in June 2009, and after that meeting he stated to reporters that he had asked U.S. Trade Representative Ron Kirk to work closely with the Colombian government to see how the two countries could proceed on the pending FTA. President Obama praised President Uribe for progress in addressing trade union violence. In November 2009, the U.S. Commerce Secretary Gary Locke announced that the President's legislative agenda was so full with health care, financial regulation, and alternative energy that pending trade agreements including the CFTA would have to wait.¹⁴⁶ However, in his January 2010 inaugural address, President Obama spoke about strengthening trade relations with Colombia, Panama, and South Korea (all with pending trade agreements with the United States) as part of his plan to double exports in the next five years. On April 22, 2010, House Majority Leader Steny Hoyer said the pending CFTA is unlikely to be taken up in the House this year.¹⁴⁷

¹⁴⁴ For more information on procedures, see CRS Report RL34470, *The Proposed U.S.-Colombia Free Trade Agreement: Economic and Political Implications*, by M. Angeles Villarreal. The author notes: "The CFTA implementing legislation...could still be re-introduced in the 111th Congress under the general rules of both houses, and could be considered in the House under a TPA-like procedure pursuant to a special rule reported by the Committee on Rules and approved by the House."

¹⁴⁵ Obama for America, "A New Partnership for the Americas," press release. May 2008, available at: http://obama.3cdn.net/f579b3802a3d35c8d5_9aymvyqpo.pdf.

¹⁴⁶ Alex Kennedy, "US Commerce Secretary: Trade Pacts Must Wait," *Associated Press*, November 13, 2009.

¹⁴⁷ Billy House, "Hoyer: Colombia, Panama Deals Unlikely," *Congress Daily/P.M.*, April 22, 2010.

Appendix A. Key Developments in 2009

On December 23, 2009, Caquetá department Governor Luis Francisco Cuellar, who had been kidnapped by the FARC on December 22, was found murdered. On January 4, 2010, the FARC claimed responsibility for the murder, the highest level assassination since the 2006 reelection of President Uribe.

On October 30, 2009, U.S. Ambassador to Colombia William Brownfield and Colombian Foreign Minister Jaime Bermúdez signed the U.S.-Colombia military base agreement in Bogotá that provides the United States access to seven Colombian military bases for 10 years (see “U.S.-Colombia Defense Cooperation Agreement”).

On September 22, 2009, the Colombian Supreme Court rejected all three candidates put forward by President Uribe to fill the position of Prosecutor General. The Prosecutor General is a constitutionally independent position that investigates common crimes as well as suspected crimes by former paramilitaries and drug traffickers and accusations against the military. The outgoing Prosecutor General, Mario Iguarán, was considered independent and effective.

On September 17, 2009, President Uribe announced that he favored dismantling the scandal-plagued Department of Administrative Security (DAS) and would create a new agency with fewer responsibilities. The 50 year-old DAS, the Colombian Presidency’s internal intelligence agency, has faced numerous controversies forcing the departure of previous DAS Directors for links to paramilitary leaders. The DAS drew new scrutiny in 2009 over charges that it conducted illegal wiretapping of President Uribe’s political opponents including human rights advocates, journalists and Supreme Court justices.

On September 1, 2009, the lower house of the Colombian Congress approved the reelection referendum bill that would permit President Uribe to run for an unprecedented third term. Passed by a single vote over the simple majority needed, the referendum bill which had been approved by the Senate in August went to the Constitutional Court for its review. The approval by Congress moved the controversial reelection project forward.

On August 27, 2009, the 12-member Union of South American States (UNASUR) met in Bariloche, Argentina to discuss common security issues including the pending U.S.-Colombia base agreement, dubbed the Defense Cooperation Agreement (DCA), by the U.S. Department of State. Controversy over the proposed agreement persisted but condemnation of Colombia by UNASUR members was more muted than previously. President Uribe sidestepped demands by Brazil and others to produce a copy of the pending agreement and to provide guarantees that the DCA would not allow U.S. military personnel to operate beyond Colombia’s borders.

On August 4, 2009, President Álvaro Uribe started a seven-country regional tour to explain to his counterparts provisions of a pending U.S.-Colombia military base agreement.

On July 27, 2009, Venezuela withdrew its Ambassador from Colombia following allegations that Swedish-made anti-tank weapons sold to the Venezuelan government had shown up at a FARC camp in 2008, suggesting that the Venezuelan government had some role in arming the guerillas. President Hugo Chávez threatened to take additional measures that would damage bilateral trade with Colombia, an important trade relationship for both countries.

On July 16, 2009, the Uribe government announced that it was holding negotiations with the United States to provide access to seven of its military bases to house U.S. military counternarcotics units. Regional opposition to the announcement of the U.S.-Colombian agreement was led by President Hugo Chávez of Venezuela, although Brazil, Chile, Argentina, Ecuador, and Bolivia also expressed concerns. Both the U.S. government and the Uribe administration noted that the United States would not be acquiring its own bases but would obtain increased access to Colombian facilities.

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