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## **Colombia and Aerial Eradication of Drug Crops: U.S. Policy and Issues**

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# Colombia: U.S. Policy and Issues Regarding Aerial Eradication of Drug Crops

## Summary

Aerial eradication, conducted with varying degrees of intensity and U.S. support since the 1980s, seeks to decrease drug supply from Colombia, the largest producer of cocaine and a significant producer of heroin. Also known as “fumigation” or “spraying”, aerial eradication involves dispersing herbicide over coca and opium poppy crops to decrease and discourage their cultivation. Proponents argue that it is an effective means of curbing drug trafficking, an important component of a comprehensive counternarcotics strategy, and a tool to curtail narcotics finances fueling Colombia’s armed conflict. On the other hand, critics question aerial eradication’s effectiveness in curbing drug production and reducing drug consumption, and argue that it harms human health, the environment, licit crops and farmers’ livelihoods.

Aerial eradication is a key counternarcotics element of U.S. assistance to Colombia under Plan Colombia and the Andean Regional Initiative (ARI). The United States has allocated approximately \$265 million to finance aerial eradication since 2000 when U.S. counternarcotics funding and involvement in Colombia expanded. For aerial eradication, the United States finances spray aircraft, maintenance, fuel, herbicide, and related operational expenses, using civilian contractors to carry out missions. The U.S. Congress has conditioned U.S. funding on a determination from the Secretary of State that the herbicide used complies with U.S. and Colombian regulatory requirements, and poses no reasonable risks to human health and the environment. Congress has also required the Secretary to determine that adequate mechanisms exist to process complaints of those who claim harm to health and licit crops due to fumigation. In addition, funds may not be used for fumigation if alternative development programs, that encourage small farmers to abandon illicit crops in exchange for government assistance for alternative crops, are not being implemented. Alternative development is seen as a key component of aerial eradication partly because it builds political support for fumigation and provides incentives that ensure permanent eradication. Since 2000, the United States has allocated \$150.2 million for alternative development programs, administered by the U.S. Agency for International Development (USAID).

As the United States and Colombia continue to promote an eradication program, Congress continues to debate appropriations for, and to maintain oversight of, the aerial eradication program. Some of the issues of interest to Congress include (1) the effectiveness of aerial eradication as a counternarcotics policy; (2) the potential risks to human health and the environment; (3) the effectiveness of alternative development; (4) the socioeconomic consequences of fumigation, particularly its impact on farmers’ livelihoods and Colombia’s security situation; and (5) operational burden sharing between the United States and Colombia.

This report will be updated periodically.

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# Colombia: U.S. Policy and Issues Regarding Aerial Eradication of Drug Crops

## Background

A high priority component of the U.S.-Colombia counternarcotics program, aerial eradication, also known as “spraying” or “fumigation,” involves dispersing herbicide from the air over illicit crops to prevent their eventual processing into narcotics and to discourage their cultivation. Aerial eradication targets coca and opium poppy, original sources of cocaine and heroin respectively, with the overarching goal of decreasing drug supply from Colombia, currently the largest producer of cocaine and a significant producer of heroin consumed in the United States.<sup>1</sup>

Aerial eradication has been conducted in Colombia with varying degrees of intensity and U.S. support since the 1980s, when marijuana crops were the principal concern of eradication efforts. The United States has also supported interdiction and law enforcement counternarcotics efforts in Colombia for decades. Since the mid-1990s, fumigation has intensified with U.S. support as coca and poppy cultivation sharply increased. Spraying is conducted by the Colombian National Police with the support of the State Department’s Bureau of International Narcotics Control and Law Enforcement Affairs (INCLE), the Narcotics Affairs Section (NAS) of the U.S. Embassy in Bogotá, using U.S. citizens, third-country nationals, and Colombian personnel contracted through DynCorp Aerospace Technologies by the State Department.

The Narcotics Affairs Section of the embassy provides technical and scientific advice, herbicide, fuel, spray aircraft, and a limited number of escort helicopters. Spray aircraft are piloted by U.S. citizens, Colombian, or third-country national contractors, and are accompanied by escort helicopters that carry combined U.S. citizen civilian contractors or third-country nationals, and Colombian National Police crews. Spray aircraft use global positioning computer systems to identify locations of crops, with areas for spraying chosen by the Colombian government. There are currently 24 aircraft being used for fumigation: 10 OV-10 Broncos, 6 T-65 Turbo Thrushes, 8 AT-802 Air Tractors.<sup>2</sup> The more recently acquired aircraft can carry

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<sup>1</sup> For more background information on international counternarcotics policy and issues in general, see CRS Issue Brief IB88093, *Drug Control: International Policy and Approaches*, by Raphael Perl.

<sup>2</sup> Prepared statement of Paul E. Simons, Acting Assistant Secretary of State for International Narcotics Control and Law Enforcement Affairs, before the House Committee on Government Reform hearing on “America’s Heroin Crisis, Colombian Heroin, and How We (continued...) ”

twice as much herbicide as older aircraft, and as of August 2002, the Colombian government is allowing the use of a higher strength herbicide mixture that is reportedly improving its effectiveness. The previous administration had reduced the mixture strength in response to environmental concerns. As of January 2003, aircraft are flying missions from three forward operating locations in Colombia.<sup>3</sup>

Since 1998, the United States has provided \$364 million for the aerial fumigation program in Colombia. The budget request for FY2004 proposes a funding level of \$89.2 million, with \$45 million from the State Department's Aviation Office, and \$44.2 million from the Narcotics Affairs Section.

Aerial eradication has proven to be controversial. On the one hand, proponents argue aerial fumigation is an effective means of curbing drug trafficking at the source and a critical component of a broader counternarcotics strategy that includes interdiction and law enforcement. On the other hand, critics question aerial eradication's effectiveness in reducing drug crop cultivation as long as demand for cocaine and heroin exists, noting that it merely springs up in another area. Critics also argue that fumigation harms human health and the environment, destroys licit crops, does little to reduce demand, and has a negative impact on poor farmers' livelihoods.

U.S. and Colombian government officials draw a direct link between drug trafficking and the operation of irregular armies of both the right and left, contending that these groups are supported by the narcotics industry. In testimony before the U.S. Senate International Narcotics Control Caucus in June 3, 2003, Colombian Vice President Francisco Santos-Calderon asserted that the leftist Revolutionary Armed Forces of Colombia (FARC), and the National Liberation Army (ELN), as well as the rightist United Self-Defense Forces of Colombia (AUC) had made the transition from merely taxing coca farmers into producing and distributing pure cocaine. The armed conflict results in political instability, disruptions to the economy and infrastructure, and approximately 3,000 deaths annually. In 2002, Santos-Calderon reported that 62 city council members had been assassinated and that in the last three years, 35 mayors had been killed. Further, he reported that the violence costs Colombia's economy 2% in growth annually. Cutting off the financial resources of guerrilla insurgents and right-wing paramilitaries is a priority for Colombian security policy. It is argued that aerial fumigation is a key component, along with other interdiction efforts, in ending the violence and bringing political stability and economic prosperity to the country.

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<sup>2</sup> (...continued)

Can Improve Plan Colombia," December 12, 2002. As of the end of 2002, 17 aircraft were in the inventory with 7 additional aircraft scheduled for delivery by June 2003. Subsequent testimony by Simons before the same committee on July 9, 2003, confirmed that the final spray planes were delivered.

<sup>3</sup> U.S. General Accounting Office, *Drug Control. Specific Performance Measures and Long-Term Costs for U.S. Programs in Colombia Have Not Been Developed*, June 16, 2003, GAO-03-783.

## Plan Colombia and the Andean Regional Initiative

Aerial eradication is a key aspect of Plan Colombia, a comprehensive Colombian government strategy to end the country's 39-year-old armed conflict, curb drug trafficking and promote economic and social development.<sup>4</sup> In response to this strategy, the United States almost tripled its assistance to Colombia in 2000 when Congress approved Plan Colombia legislation (P.L. 106-246).<sup>5</sup> U.S. funding for aerial eradication increased nearly 50% from \$50.9 million in FY1999 to \$73.4 million in FY2000. In FY2001, the United States allocated \$49.1 million, followed by \$55.8 million in FY2002, an estimated \$86.3 million in FY2003, and a proposed \$89.2 million in 2004. In addition, aerial eradication has been supported by Plan Colombia military counternarcotics brigades which, although mainly tasked with interdiction responsibilities, provide security for spraying missions. Spray planes have been targets of ground fire, reportedly from guerrillas and paramilitaries. Spray aircraft have been the target of 225 incidents of ground fire during eradication operations in 2003.<sup>6</sup>

Since February 2003, five U.S. civilian contractors have died in Colombia in air-related incidents. Reportedly none of these flights were downed by hostile fire. A spray aircraft piloted by a U.S. citizen was shot down on August 25, 2003, resulting in injuries to the pilot.<sup>7</sup> In the first incident in February, a Cessna 208 aircraft carrying both U.S. and Colombian personnel crashed in a FARC controlled region. One American and a Colombian were assassinated, and three are being held by the FARC. Another Cessna 208, with U.S. civilian contractors, crash landed in March during a subsequent search and rescue operation, killing three Americans. A fifth American contractor was killed on April 7 when his T-65 air tractor crashed during a spraying operation.

In the broader counternarcotics context, Colombia has continued to receive high levels of U.S. assistance for aerial eradication, interdiction and law enforcement, as well as economic and social programs under the Andean Regional Initiative (ARI).<sup>8</sup>

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<sup>4</sup> Plan Colombia counternarcotics efforts also include interdiction, law enforcement and voluntary eradication of illicit crops through alternative development. More information available at the Colombian government's official Plan Colombia web-site: [<http://www.plancolombia.gov.co/ingles/index.asp>].

<sup>5</sup> For more information, see CRS Report RL30541, *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*, by Nina M. Serafino.

<sup>6</sup> Prepared testimony of Paul E. Simons, Acting Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, before the House Committee on Government Reform hearing on "Disrupting the Market: Strategy, Implementation, and Results in Narcotics Source Countries," July 9, 2003.

<sup>7</sup> Cesar Garcia, "Rebel Gunfire brings down U.S. drug-spraying plane in Colombia," Associated Press, August 27, 2003.

<sup>8</sup> Launched in 2001, ARI is the Bush Administration's counternarcotics, economic and social assistance package for the Andean region. For more information, see CRS Report RL32021, *Andean Regional Initiative (ARI): FY2003 Supplemental and FY2004 Assistance* (continued...)

Under ARI, the United States allocated \$380 million in FY2002 and \$439 million in FY2003 to Colombia from the Andean Counterdrug Initiative (ACI) account for counternarcotics programs.

U.S. assistance for aerial eradication finances spray aircraft, maintenance, fuel, herbicide, and related operational expenses. Contractors from the United States, Colombia and third countries pilot spray missions, and provide maintenance, training and logistical support to the Colombian National Police (CNP), which conducts the program and covers the salaries of the police personnel involved. According to the State Department, increased funding since FY2000 has been dedicated to increasing the spray aircraft fleet to a total of 17 spray planes by the end of 2002, financing multiple operating locations throughout Colombia (up to three from one in 2000), and intensified spraying. The program's expansion has been made possible in part by Colombian President Álvaro Uribe's ambitious schedule to spray all illicit crops and significantly reduce coca and poppy cultivation by the end of his term in 2006.

## Conditions and Reporting Requirements

The omnibus FY2003 appropriations legislation (P.L. 108-7) requires that no more than 20% of counternarcotics funds can be used for the procurement of fumigation chemicals until the Secretary of State, in consultation with the Administrator of the Environmental Protection Agency (EPA), determines that: (1) the herbicide mixture is being used in accordance with EPA requirements and recommended controls, and with Colombia's Environmental Management Plan; (2) the herbicide mixture does not pose "unreasonable risks or adverse effects to humans or the environment" in the manner in which it is used; and (3) complaints of harm to health or licit crops caused by fumigation are evaluated, and fair compensation is paid for meritorious claims. The State Department submitted such a determination required in FY2002 legislation.<sup>9</sup> (P.L. 108-115) The State Department has not yet issued its determination required under the FY2003 legislation.

The FY2003 legislation also directs the Secretary of State to submit a report to the Appropriations Committees on steps taken to enhance environmental safeguards and train pilots on environmental standards, and plans to monitor the health and environmental effects of fumigation. In addition, the law states that funds may not be made available for fumigation unless alternative development programs are being implemented "where security permits" to help small farmers whose illicit crops are targeted for fumigation.

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<sup>8</sup> (...continued)

for *Colombia and Neighbors*, by K. Larry Storrs and Connie Veillette, and CRS Report RL31383, *Andean Regional Initiative (ARI): FY2002 Supplemental and FY2003 Assistance for Colombia and Neighbors*, by K. Larry Storrs and Nina M. Serafino, which provide details on legislation and conditions.

<sup>9</sup> The State Department determination can be found at [<http://www.state.gov/g/inl/rls/rpt/aeicc/>]. Criticism of the determination can be found at [<http://www.amazonalliance.org/scientific/scientific>] 1.htm.

## **Alternative Development Component**

Alternative development is considered a key component of the aerial eradication program. Alternative development programs seek to create incentives for small farmers of coca and poppy to abandon these crops voluntarily and permanently. Alternative development in Colombia consists of rural infrastructure development, marketing assistance for licit agricultural products, credit, modern technologies for agricultural production and processing, and crop-substitution programs. Crop-substitution programs offer direct transitional assistance to families and communities that sign pacts with the government to replace illicit crops with beans, cacao, cassava, coffee, heart of palm, rubber, tropical fruits, among others. These programs also involve the development of fisheries and cattle industries.

Since 2000, USAID has allocated \$150.2 million for alternative development. These funds support crop substitution programs, rural infrastructure development, natural resource and environmental management, and capacity-building for Colombia's alternative development agency, the National Alternative Development Plan (PNDA or PLANTE), and local organizations. In addition to the \$42.5 million allocated under Plan Colombia, \$52 million in FY2002 and \$56 million in FY2003 were budgeted to expand alternative development in Colombia, and to continue such programs in the southern departments (Colombia's political regions or states) of Putumayo and Caquetá where most coca cultivation and fumigation is concentrated. USAID expects to maintain the same level of funding (\$55.7 million) for alternative development in FY2004. USAID reports that by May 31, 2003, some 44,122 acres of illicit crops had been eradicated under the alternative development program, surpassing the original objective of 37,050 acres of small fields to be eradicated between 2000 and 2005.

## **Issues for Congress**

Since the inception of Plan Colombia and its successor, the Andean Regional Initiative, the U.S. Congress has maintained an interest in these programs, and the operational aspects of U.S. involvement in Colombia.

### **Program Effectiveness**

Whether aerial eradication is an effective means to curb drug trafficking and consumption has been a matter of intense debate. According to Colombia's Narcotics Directorate (Dirección Nacional Antinarcóticos or DIRAN), spraying in 2002 of 321,997 acres of coca and 8,326 acres of opium poppy prevented 756 tons or 561 million doses of cocaine and 3.3 tons or 1.69 billion doses of heroin from entering the market. Several policymakers and organizations argue, however, that aerial eradication fails to reduce drug production because it springs up in other places. They cite U.S. figures that show coca cultivation in Colombia more than tripled from 125,723 acres in 1995 to 419,406 acres in 2001 even though fumigation had been carried out. The Washington Office on Latin America (WOLA), a U.S.-based research and advocacy organization, points out that coca and poppy cultivation skyrocketed while U.S. officials announced record spraying levels. The State



Department reported a 25% increase in coca cultivation in Colombia from 2000 to 2001 even though the number of acres sprayed nearly doubled from 116,090 acres to 232,180 acres.<sup>10</sup>

However, the State Department claims that persistent and intensified spraying in 2002 of 303,057 acres of coca and 7,516 acres of opium yielded a 15% reduction in coca and 25% reduction in poppy cultivation, the first such documented decrease in years.<sup>11</sup> Critics counter that coca cultivation is still higher today than pre-Plan Colombia levels, and that the reported reduction ignores the so-called “balloon effect,” where coca cultivation migrates to alternative locations. The State Department’s International Narcotics Control Strategy Report covering 2002 notes that coca cultivation increased in Peru by 8% and in Bolivia by 23% in 2002, despite prior year decreases. The United States continues to conduct ARI-funded counternarcotics efforts in Peru and Bolivia, including support for alternative development and manual eradication programs, to prevent the rise of illicit cultivation.<sup>12</sup>

Critics also argue that fumigation does little to reduce drug demand. They argue that aerial eradication is ineffective because it fails to affect drug consumption in the United States, considered by many the most important measure of counternarcotics policy success. The Latin America Working Group (LAWG), a U.S. based non-governmental organization, points out that aerial eradication efforts have had no apparent impact on availability or use of cocaine in the United States, citing U.S. National Drug Intelligence Center data showing that cocaine use among Americans has remained steady in recent years, and increased slightly among some sectors of the population in 2002.<sup>13</sup> Proponents counter that aerial eradication is just one of many counternarcotics initiatives, including demand reduction efforts in the United States, that form a multifaceted and comprehensive approach to the complex drug problem. John Walters, Director of the U.S. Office of National Drug Control Policy (ONDCP),

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<sup>10</sup> WOLA. “Aerial Fumigation: Stop U.S.-Sponsored Chemical Spraying in Colombia.” *U.S. International Drug Control Policy: A Guide for Citizen Action*. April 2002; available from [[http://www.wola.org/Colombia/citizen\\_action\\_guide\\_fumigation.pdf](http://www.wola.org/Colombia/citizen_action_guide_fumigation.pdf)].

<sup>11</sup> The CNP recently announced that 86,600 hectares (213,092 acres) of coca have been eradicated so far this year, and that the government is well on target to spray all coca crops by year’s end. It should be noted that DIRAN and State Department estimates differ due to different monitoring mechanisms and procedures. For example, while U.S. figures show a 15% reduction in coca cultivation from 169,800 hectares (419,406 acres) in 2001 to 144,450 hectares (356,792 acres) in 2002, DIRAN figures derived through the United Nations-funded “integrated monitoring system” (Sistema Integrado de Monitoreo de Cultivos Ilícitos or SIMCI) show a 29.5% reduction from 145,000 hectares (358,150 acres) in 2001 to 102,000 hectares (251,940 acres) in 2002.

<sup>12</sup> State Department. U.S. International Narcotics Control Strategy Report. March 2003; available from [<http://www.state.gov/g/inl/rls/nrcrpt/2002/html/>].

<sup>13</sup> Marsh, Betsy. *Top Ten Myths about the U.S. Supported Aerial Coca Eradication Program in Colombia*. LAWG. 2003. See also *National Drug Threat Assessment 2003* issued by the National Drug Intelligence Center of the Department of Justice. [<http://www.usdoj.gov/ndic/pubs3/3300/cocaine.htm>].

has said that aerial eradication, alongside other international counternarcotics efforts are “showing results,” with “signs of stress” in the cocaine and heroin industries.<sup>14</sup>

## Health and Environmental Effects

The possible adverse effect of aerial eradication on human health and the environment is a major source of controversy and congressional concern. In response to FY2002 (P.L. 107-115) reporting requirements on the health and environmental safety of fumigation, the State Department determined in September 2002 that the glyphosate-based herbicide posed no unreasonable risks to human health or the environment.<sup>15</sup> An EPA study attached to the report noted, however, that glyphosate, although not highly toxic, has been known to cause irritation to the skin, eyes and mucous membranes, and that an ingredient in the herbicide formula raised concerns of possible acute eye irritation. Regarding the latter concern, a State Department “Fact Sheet” reports that this herbicide formula has been replaced with a less toxic glyphosate formulation. The State Department also affirms that glyphosate, considered the most widely used and tested herbicide in the world, is “slightly toxic to birds, practically non-toxic to fish and rapidly decomposes in soil and water.”<sup>16</sup> Furthermore, the State Department alleges that coca growers are responsible for environmental damage by cutting down forests for cultivation, and contaminating soil and water with chemicals used for coca cultivation and narcotics processing.<sup>17</sup> By helping reduce coca cultivation, the State Department and Colombian government argue, aerial eradication actually helps prevent environmental degradation caused by coca production.

The 2002 State Department determination was criticized by several organizations and policymakers. The Amazon Alliance, an indigenous rights advocacy organization, published several scientific critiques of the State Department report shortly after its release.<sup>18</sup> They concluded that the State Department failed to assess the potential risks and effects of spraying in Colombia, including, among other things, the impact of spray drift on licit crops and ecosystems. They argue that spray drift may damage licit plants, many of which allegedly are sustenance crops. The State Department contends that spray missions are cancelled when humidity, temperature and wind speed may cause spray drift. The Amazon Alliance also contends that the State Department downplayed EPA observations regarding a lack

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<sup>14</sup> See “Statement from the Office of National Drug Control Policy Regarding the Latest Estimate for Poppy Cultivation in Colombia.” ONDCP Press Release. May 9, 2003; and “Coca Cultivation in Colombia, 2002.” ONDCP Press Release. February 27, 2003; available from ONDCP’s website at [<http://www.whitehousedrugpolicy.gov/news/index.html>].

<sup>15</sup> State Department. “Report on Issues Related to the Aerial Eradication of Illicit Coca in Colombia.” September 2002; available from [<http://www.state.gov/g/inl/rls/rpt/aeicc/>].

<sup>16</sup> See State Department Fact Sheet: “Q&A on Aerial Eradication Program in Colombia”; available from [<http://usinfo.state.gov/topical/global/drugs/03032502.htm>].

<sup>17</sup> See State Department Fact Sheet on the “Environmental Consequences of the Illicit Coca Trade” at [<http://www.state.gov/g/inl/rls/fs/3807.htm>].

<sup>18</sup> The critical reviews of the State Department report are available on Amazon Alliance’s web-site at [<http://www.amazonalliance.org/scientific/scientific1.htm>].

of data that prevented full impact assessments and the finding that a chemical in the herbicide may cause acute eye irritation. The Colombian Human Rights Ombudsman documents that thousands of farmers have sought medical treatment for symptoms allegedly caused by fumigation. The State Department argues that many of these accounts are unverified and may come from disgruntled farmers whose illicit crops have been sprayed. The Ombudsman also argues that fumigation is conducted in violation of Colombian human health and environmental protection laws. In part agreeing with the Ombudsman's assessment, a Colombian court on June 26, 2003 ordered a halt on spraying until a satisfactory environmental assessment is conducted. Despite this ruling, President Uribe has pledged to continue spraying operations while the case is appealed.

## **Progress of Alternative Development**

The U.S. Agency for International Development (USAID), which administers the alternative development funds appropriated through the State Department's international counternarcotics account, maintains that alternative development is essential to achieve U.S. counternarcotics goals. According to USAID, alternative development fosters political support for aerial eradication, and provides the incentives that, coupled with the fumigation disincentive, ensure the permanent eradication of illicit crops.

U.S.-funded alternative development initiatives have confronted serious implementation difficulties. According to a 2002 GAO report,<sup>19</sup> alternative development efforts have been hindered by Colombia's lack of control of illicit-crop-producing areas, where guerrillas and paramilitaries pose threats to the security of alternative development workers. As a result, alternative development programs have lagged behind stepped-up aerial eradication efforts, a fact considered by many as detrimental to farmers. The GAO report also identified problems with monitoring compliance. With weak state presence in regions where alternative development programs are conducted, critics argue, it may be difficult to verify that farmers have complied with their voluntary eradication pledges. Many farmers reportedly have replanted illicit crops after signing voluntary eradication pacts with the government. Some argue that this is due to the inadequate delivery of alternative development assistance, while others contend that poor monitoring is to blame. In its response to the GAO report, however, USAID stated that alternative development programs had been undertaken despite security constraints because they "are essential for achieving eradication goals."<sup>20</sup> USAID also noted that it was reviewing its operations and taking steps to make them more effective.

Another issue identified in the GAO report concerns coordination of aerial eradication and alternative development efforts. The report narrates an incident in which the CNP accidentally sprayed an alternative development site because of poor coordination with PND, the Colombian agency in charge of alternative

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<sup>19</sup> U.S. General Accounting Office Report, *Drug Control: Efforts to Develop Alternatives to Cultivating Illicit Crops in Colombia Have Made Little Progress and Face Serious Obstacles*. February 2002. GAO-02-291

<sup>20</sup> GAO Report, GAO-02-291. p. 48.

development. Critics of aerial eradication have long alleged that licit crops are sprayed. For example, the Ombudsman documented several such incidents in Putumayo and other departments during 2000, 2001 and 2002 spraying campaigns. In addition, a LAWG report states that USAID-funded alternative development projects were sprayed in August and September 2002.<sup>21</sup>

In response to the GAO report, the State Department stated that: (1) claims of sprayed licit crops are often groundless due to interspersed illicit and licit crops; and (2) spraying mechanisms and procedures established by the Colombian government reliably prevent accidental spraying of licit crops.

Some observers are critical of the Colombian government's mechanism for processing complaints of wrongful spraying of licit crops and harm to health due to spraying. Complying with a FY2002 (P.L. 107-115) reporting requirement, the State Department determined that mechanisms and procedures to receive and process complaints of licit crop fumigation, as well as to compensate farmers that present meritorious claims, are in place and are adequate. The Ombudsman and LAWG disagree with the State Department's assessment, claiming that the complaint mechanism is inadequate partly because it places responsibility for investigating claims on the very agencies that conduct the aerial eradication program. They claim that an undue burden of proof is placed on farmers and that only one out of approximately 1,000 complaints presented through the government-established process was found meritorious for compensation. LAWG also notes that no mechanism exists for processing health complaints, a matter it alleges was overlooked in the State Department report.

Some worry that spraying is taking place in regions where alternative development programs are not in place. Addressing the FY2002 (P.L. 107-115) fumigation funding condition on the existence of alternative development programs, the State Department informed Congress that all but one of the 17 departments where fumigation took place contained alternative development programs in 2002. (Fumigation was postponed in Antioquia, where alternative development programs were being negotiated). USAID reports that alternative development programs have benefitted more than 22,829 families and supported some 60,660 acres of licit crops since 2000. In addition, 349 public infrastructure and income-generating projects in 11 municipalities of coca-producing areas have been completed. The State Department, in its response to the GAO's February 2002 report, argued that "it is appropriate and constructive for spraying of illicit crops to be conducted before alternative development programs are initiated in an area," citing instances where interest in such programs by farmers was extremely low until aerial fumigation began.<sup>22</sup>

Some critics also point out that crop-substitution programs simply may not be feasible. They argue that licit crops are not marketable due to poor infrastructure

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<sup>21</sup> Haugaard, Lisa. *Blunt Instrument: The United States' punitive fumigation program in Colombia*. LAWG. October 2002; available from [<http://www.lawg.org/pages/new%20pages/Misc/Publications.htm>].

<sup>22</sup> GAO Report, GAO-02-291, p. 44.

conditions in regions where illicit crops are cultivated. They claim that transporting licit produce in these regions is too costly to ensure that crop-substitution programs are sustainable. Some contend that infrastructure projects that seek to address this problem, such as those funded by USAID, may benefit traffickers as well. In addition, critics point out that drug traffickers have the capacity to encourage or coerce farmers to cultivate illicit crops by (1) paying more for coca, which is relatively cheap vis-à-vis other cocaine production elements and overall narcotics-trade revenues, or (2) coercing farmers to continue illicit cultivation. Proponents counter that sustained joint eradication, interdiction and law enforcement efforts reduce and discourage drug production in the long term. According to the State Department and the U.S. Office of National Drug Control Policy, the 2002 decrease in coca cultivation shows that eradication, such as fumigation and alternative development, are starting to bear fruit. USAID argues that “alternative development is important to sustain eradication achievements” over the longer term.<sup>23</sup> The program should be given more time to show results, such as that witnessed in the reduction of coca cultivation in Colombia in 2002.

## **Socioeconomic Consequences**

Some observers contend that aerial eradication hurts poor farmers that depend on illicit cultivation for their livelihoods or for a significant portion of their income. It has been argued that spraying may oblige many to leave their homes, worsening the already critical problem of internally displaced persons in Colombia. The Office of Human Rights and Displacement (CODHES), a Colombian human rights and internally displaced advocacy group, estimates that 412,553 persons were displaced in Colombia in 2002. Of this total, it is estimated that about 39,397 people were displaced due to fumigation in 2002 and 36,200 in 2001.

Critics also argue that fumigation may inflame Colombia’s armed conflict by encouraging farmers to join the guerrillas or paramilitaries. For example, WOLA argues that aerial eradication feeds political opposition to the government and counternarcotics policies, serving as an indirect recruiting tool for irregular groups. The State Department and Colombian authorities contend, however, that economic hardship does not excuse unlawful activity that helps finance terrorism. Colombian guerrillas, such as the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), and paramilitary groups, such as the United Self-Defenses of Colombia (AUC), draw revenues from the drug trade and are on the U.S. list of foreign terrorist organizations.

## **Dependence on the United States**

Policy makers have expressed the objective for the Colombian government to take over the operation of the fumigation program, as well as other U.S.-supported programs.<sup>24</sup> A June 2003 GAO report found that the Colombian National Police

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<sup>23</sup> GAO Report, GAO-02-291. p. 48.

<sup>24</sup> The House passed FY2004 Foreign Operations Act (H.R. 2800/ H.Rept. 108-222)  
(continued...)

(CNP) has not assumed control of aerial eradication operations, and that U.S.-financed contractors carry most of the operational burden. According to the report, contractor costs (about \$45 million in 2003) will remain relatively constant in the coming years despite greater efforts to transfer operations to the Colombian government. Although the goal of the Narcotics Affairs Section is to turn over responsibility of the program to the CNP by 2006, the GAO study concludes that the CNP will be unable to take over control in the near-term and that the U.S. contribution to aerial fumigation will need to continue at present levels for the foreseeable future.

A provision in the FY2004 Foreign Relations Authorization Act (H.R. 1950/H.Rept. 108-105) passed by the House on July 16, 2003, requires the Secretary of State to ensure “that all pilots participating in the United States opium eradication program in Colombia are Colombians and are fully trained, qualified and experienced pilots, with preference provided to individuals who are members of the Colombian National Police.” The Committee report states that local Colombian police anti-drug pilots are more familiar with the terrain and can be more effective in locating crops, thereby enhancing efforts to eradicate the small but potent opium crop that makes up nearly two-thirds of U.S. heroin use, according to recent United States estimates. It has been reported that opium fields are more difficult to locate given the terrain in which they are planted, and that despite reported reduction in both coca and opium cultivation, opium eradication is taking a backseat to coca.<sup>25</sup>

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<sup>24</sup> (...continued)

includes report language requiring the State Department to submit a report on plans and programs to train Colombian nationals for the purpose of assuming responsibilities for programs currently being executed by U.S. contractors.

<sup>25</sup> Robert D. Novak, “Ignoring Colombia’s Other Illicit Crop,” *The Washington Post*, August 18, 2003.