



Colombia: Issues for Congress

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Summary

President Juan Manuel Santos took office in August 2010 in Colombia after winning 69% of the vote in a runoff election held in June 2010. Santos defeated Colombian Green Party candidate Antanas Mockus. In his first year in office, President Santos has taken the country in a new direction, building on the accomplishments of his predecessor, Álvaro Uribe, who served for two terms, by pursuing social, economic, and political reforms. He campaigned on a program called “democratic prosperity,” to accentuate security, but also to promote economic development (especially the creation of jobs), and poverty reduction. Santos has strengthened relations with neighboring countries, including Venezuela and Ecuador, which had been strained under Uribe. Early indications are that he wants to broaden the scope of U.S.-Colombian relations to include issues such as energy, human rights, and the environment. Former President Uribe pursued an aggressive plan to address Colombia’s decades-long conflict with the country’s leftist guerrillas and rightist paramilitary groups and to reduce the production of illicit drugs. Uribe is credited with restoring public security and creating a stable environment for investment.

In recent years, Colombia, in close cooperation with the United States through a strategy known as Plan Colombia, has made significant progress in reestablishing government control over much of its territory, combating drug trafficking and terrorist activities, and reducing poverty. The improving security conditions and the weakening of the Revolutionary Armed Forces of Colombia (FARC) guerrillas are evidence that the strategy is working, according to supporters. Critics, however, argue that while pursuing these security gains, 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.

This report provides an overview of recent political developments in Colombia. It reviews the administration of President Uribe (2002-2010), the election of President Juan Manuel Santos, and his first year in office. The report then provides background on the long-standing conflict with internal armed groups that has marked Colombia’s modern development, examining the roots of the conflict and its major actors as well as their present status. The report considers ongoing challenges such as human rights, demobilization and displacement, drug trends, and Colombia’s regional relations. It outlines the National Consolidation Plan which updates Plan Colombia with a whole-of-government approach to eliminate the insurgency, and it describes the U.S.-Colombia Defense Cooperation Agreement.

The report raises some of the major policy issues that the U.S. Congress has had, and will continue to pursue, in relation to U.S.-Colombia policy, such as the pending U.S.-Colombia Free Trade Agreement. For more information on the pending agreement, see CRS Report RL34470, *Proposed U.S.-Colombia Free Trade Agreement: Background and Issues*.

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Recent Developments

On July 7, 2011, the House Ways and Means Committee and the Senate Finance Committee approved draft implementing bills for the pending free trade agreements with Colombia, Panama, and South Korea during the informal or “mock” mark up process. (For more, see “U.S.-Colombia Free Trade Agreement”).

On June 13, 2011, the U.S. Trade Representative announced that Colombia had fulfilled all the necessary steps slated for completion by June 15, 2011 in the Action Plan Related to Labor Rights. The Action Plan announced April 7 consists of a series of measures in defined time frames to improve labor rights protections in Colombia, reduce violence against labor leaders, and combat impunity for violent crimes against labor unionists. (For more, see “Issues Related to Labor Rights in Colombia”)

On June 10, 2011, President Juan Manuel Santos signed into law the victims’ reparation and land restitution law (the “Victims’ Law”) in the presence of United Nations General Secretary Ban Ki-moon who had come to Colombia to affirm his support for implementation of the ambitious new legislation. The bill proposed by the Santos administration was backed by a coalition in the Colombian Congress and provides reparations to victims of the armed conflict and restitution of lands stolen by illegal armed groups. (For more, see “The Santos Election and the First Year of his Administration”).

On May 31, 2011, the United States and Colombia held the second round of working group meetings as part of a continuing High-Level Partnership Dialogue. Five working groups met to discuss topics other than the security relationship, namely: Democracy, Human Rights and Good Governance; Energy; Social and Economic Opportunities; Environmental Protection and Climate Change; and Culture and Education. (For more, see “The Santos Election and the First Year of his Administration”).

On May 9, 2011, Colombia extradited alleged drug trafficking kingpin Walid Makled Garcia to Venezuela to face murder and drug charges rather than to the United States where he was wanted on drug trafficking charges. President Santos maintained that Venezuela made its extradition request before the U.S. request and had a higher priority because the Venezuelan charges included murder. This action was viewed by some as further evidence of warming of Colombian-Venezuelan ties that have been restored under Santos. (For more, see “Relations with Venezuela and Ecuador”).

On April 7, 2011, President Santos and President Barack Obama jointly announced the Action Plan Related to Labor Rights which contains “major, swift and concrete steps” to address outstanding U.S. concerns about labor issues in Colombia. The Action Plan provides a timeline for steps the Colombian government must take before the pending U.S.-Colombia Free Trade Agreement (CFTA) can go into effect.

On February 21, 2011, Mario Uribe Escobar, second cousin to former President Uribe and a close political ally, was found guilty and sentenced to seven and a half years in prison for having links to the country’s paramilitaries. Uribe is the highest ranking elected official sentenced by the Colombian Supreme Court in their ongoing investigation of the para-politics scandal that alleges ties between illegal paramilitaries and Colombian politicians. (For more, see “Para-political Scandal”).

Introduction

U.S. policy toward Colombia takes place in the context of three decades of concern over the large volume of illegal drugs from Colombia available in the United States and elsewhere in the world. In June 2000, the United States approved increased assistance to Colombia as part of what had been initially a six-year plan called Plan Colombia, and it has provided over \$8 billion in assistance from FY2000 to FY2011. In addition to the larger debate over the 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 other 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.¹

Concerns in the 112th Congress regarding Colombia and U.S. policy have centered on those of prior sessions: funding levels for Plan Colombia and its follow on strategies, trade, and human rights. In FY2010, Congress reduced foreign operations funding for Plan Colombia by about 3%. Congress sought 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 8% 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. After a series of short-term continuing resolutions, Congress ultimately enacted a full-year appropriation measure for FY2011 in April 2011 (P.L. 112-10). While final funding by program has not yet been established, the bill specified that not more than \$459 million would be appropriated for Colombia. The Obama Administration's FY2012 request for foreign operations lowers the amount requested for Colombia to roughly \$400 million.

Supporters 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 that has provoked a negative popular reaction in rural areas. They argue for halting aerial fumigation of drug crops, limiting aid to the Colombian military, and stress interdiction rather than eradication so that the direct costs to peasant producers are less. Some critics of U.S. policy support a policy that focuses on providing economic and social aid to combat what they consider to be the conflict's root causes, curbing human rights abuses by paramilitary groups and security forces, providing support for a negotiated end to the fighting, and reducing illicit drug demand in the United States.

¹ Prior to the July 2008 rescue of three U.S. defense contractors who were held hostage by the FARC, securing the release of those hostages had been a key issue of congressional concern.

Some Members of Congress, acknowledging the progress in security conditions in Colombia, have expressed concerns about labor activist killings and labor rights; extrajudicial killings of Colombian civilians by the Colombian military; and the para-political scandal (linking Colombian politicians with paramilitaries). These concerns have delayed action on the pending U.S.-Colombia Free Trade Agreement (CFTA). In his 2011 State of the Union address, President Barack Obama mentioned the importance of opening foreign markets to U.S. exports and strengthening U.S. trade relations with Colombia. On April 7, 2011, President Obama and President Santos announced their agreement to an Action Plan Related to Labor Rights (the Action Plan) that includes a number of “major, swift and concrete steps” the Colombian government agreed to take to address remaining issues of U.S. concern with regard to labor. Measures include steps to reduce violence against labor unionists and bring the perpetrators of such violence to justice. With the mock mark up of draft implementing legislation for the pending CFTA in both the House and Senate in July, it is now likely that the 112th Congress will consider implementing legislation for CFTA signed by both countries in 2006. The pending trade agreement and the associated Action Plan are discussed at the end of the report.²

Background

Colombia is a South American nation of roughly 46 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.³ Colombia has 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 2009, approximately 46% of Colombians lived in poverty, down from 54% in 2002.⁴ Colombia’s ability to reduce poverty in recent years is partly due to increases in the country’s economic growth rates, which reached 7.5% in 2007.⁵ 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.⁶

² In addition, for more information, see CRS Report RL34470, *Proposed U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal and CRS Report RL34759, *Proposed U.S.-Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle.

³ U.S. Department of State, “Background Note: Colombia,” October 4, 2010. 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.

⁴ The statistics, rounded to the nearest whole number, are from the Colombia National Planning Department, the National Administrative Department of Statistics (DANE), and Misión para el Empalme de las Series de Empleo, Pobreza y Desigualdad (MESEP) as reported in the United Nations Economic Commission for Latin America and the Caribbean’s (ECLAC) *Social Panorama of Latin America 2010 Briefing Paper*, November 2010. ECLAC reported that 54% of Colombians lived in poverty in 2002, with 20% living in indigence. By 2009, those poverty and indigence rates fell to 46% and 17%, respectively.

⁵ “Country Report - Colombia,” *Economist Intelligence Unit*, August 2008.

⁶ 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.

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 ransom, 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 were accused of gross human rights abuses and collusion with the Colombian Armed Forces in their fight against the FARC and ELN. New illegally armed groups, including criminal bands some of which include re-armed paramilitaries, are now a problem in Colombian cities and towns.

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 represented in the Colombian Congress include the Liberal, Conservative, Alternative Democratic Pole, National Unity, and Radical Change parties, and several smaller political movements.

The Uribe Years (2002 – 2010)

During his first term (2002-2006), President Uribe began to fulfill his campaign promises to address the paramilitary problem, defeat leftist guerrilla insurgents, and combat narcotics trafficking. He 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 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.

On August 7, 2006, Álvaro Uribe was sworn in for his second term as president. Pro-Uribe parties had won a majority in both houses of congress in the elections of March 2006, giving President Uribe a strong mandate. His government improved the security situation in Colombia, demobilized the AUC, and made headway in defeating the FARC and ELN. According to U.S. State Department figures, kidnappings in Colombia declined by 83%, homicides by 40%, and terrorist attacks by 76% between 2002 through 2008. Police are now present in all of Colombia's 1,099 municipalities, including areas from which they had been ousted by guerrilla groups.⁷ President Uribe oversaw the demobilization and disarmament of more than 31,000 AUC paramilitaries, although the demobilization process has been criticized for failing to provide

⁷ U.S. Department of State, "Charting Colombia's Progress," March 2008.

Figure I. Map of Colombia



Source: CRS.

adequate punishments for perpetrators and provide reparations to victims of paramilitary violence.⁸ 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, 2008, rescue of 15 hostages long held by the FARC, including three U.S. defense contractors and a former Colombian presidential candidate.⁹

Despite this progress under the Uribe government, Colombia faces serious challenges. While the FARC's numbers are dramatically reduced, it still has thousands of fighters capable of carrying out terrorist attacks, kidnappings, and other illicit activities.¹⁰ Not all paramilitaries demobilized, and others have returned to paramilitary and criminal activities since demobilizing. One weakness of the demobilization program has been the difficulty reintegrating demobilized forces into law-abiding civilian life.¹¹ Moreover, a new generation of paramilitaries is forming that is more criminal than political in nature.¹² 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.¹³

Although former 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. Since the 2006 elections, there have been several scandals involving extrajudicial killings by Colombian security forces.¹⁴ The most significant 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 had been dressed by their killers in order to appear to be guerilla fighters to increase military body counts (the "false positives" scandal).¹⁵ 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 many 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 more than 3.5 million displaced

⁸ Latin American Working Group, "The Other Half of the Truth," June 2008.

⁹ The dramatic hostage rescue took place during the period when Juan Manuel Santos was defense minister in the Uribe government. Shortly after his inauguration, President Santos approved a raid on September 23, 2010 that resulted in another government victory over the FARC, the killing of commander Jorge Briceño (or "Mono Jojoy").

¹⁰ The FARC is believed responsible for more than half of the cocaine entering the United States, according to the November 2008 "Background Note on Colombia," by the U.S. Department of State.

¹¹ 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.

¹² 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.

¹³ 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.

¹⁴ "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.

¹⁵ 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.

since 1997. While the number of newly displaced persons in 2010 is a subject of significant disagreement between government estimates and those of NGOs, both assessments recorded a downward trend in 2010 over the prior year.

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 would have had to be amended again. For months, the 2010 presidential election campaign was virtually suspended as Colombians anticipated the possibility of President Uribe running for a third term. 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. President Uribe immediately stated that he "accepted and respected" the court's decision, removing himself as a candidate in the 2010 race.¹⁶

2010 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. 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.¹⁷ The pro-Uribe coalition secured a majority in both the Senate and the Chamber of Representatives. Observers thought this election outcome was a good sign for presidential candidate Juan Manuel Santos (see box), who headed the National Unity party and had been leading in the polls.¹⁸ However, the field of candidates for president was complex. A successful candidate had to win at least 50% of the votes cast, or compete and win in a runoff held on June 20. Antanas Mockus, Green Party candidate and twice former mayor of Bogotá, rose dramatically in popularity between March and May 2010.

Juan Manuel Santos

Santos was elected President on June 20, 2010, and inaugurated on August 7. He had served as defense minister under President Uribe (2006-2009) and in two previous governments as finance minister and minister of trade. As Uribe's defense minister, he oversaw some of the strongest and most significant action against the FARC guerrillas including the 2008 bombing raid inside Ecuador that killed a senior FARC commander, and the July 2008 rescue of 15 prized hostages, including a Colombian presidential candidate and three American defense contractors.

Born in 1951, Santos comes from a well-known political family in Colombia, previous owners of the leading newspaper *El Tiempo* where he worked briefly as a journalist. His great Uncle, Eduardo Santos, from the Liberal Party, served as President (1938-1942). Santos is trained as an economist and studied at the University of Kansas, Harvard University, and the London School of Economics.

¹⁶ "Uribe acepta el fallo y asegura que seguirá trabajando por su país 'desde cualquier trinchera,'" *ABC*, February 27, 2010.

¹⁷ In addition, a new party—National Integration Party, PIN—formed in November 2009 by relatives and ideological supporters of politicians under investigation for links to the paramilitaries did well in the legislative elections, winning eight seats in the Senate and 12 seats in the lower chamber. See Juan Forero, "Colombia voters elect political novices with possible links to death squads," *Washington Post*, March 17, 2010.

¹⁸ While Santos served as Uribe's defense minister during some of the government's biggest victories, he also had poor relations with Venezuela's President Hugo Chávez and led the Colombian military when the so-called "false positives" scandal broke. See, Adam Isacson, "The Next Colombia," *Open democracy.net* at <http://www.opendemocracy.net/adam-isacson/next-colombia>, March 31, 2010.

Other presidential hopefuls included Naomi Sanín of the Conservative Party, Gustavo Petro of the leftwing 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.¹⁹

In the May 30, 2010, election, Santos received more than twice as many votes as did Mockus in an election in which slightly over 49% of eligible Colombians voted. The results were: Juan Manuel Santos (46.6%); Antanas Mockus (21.5%); Germán Vargas Lleras (10.1%); Gustavo Petro (9.2%); Noemí Sanín (6.1%) and Rafael Pardo (4.4%).²⁰ Although Santos came close to winning the majority of votes that were needed to be a first round winner, he had to compete in the June 20 runoff against second-highest vote-getter Antanas Mockus. In the ensuing weeks, Santos won the backing of nearly every candidate who responded to his call to create a government of national unity giving him a strongly favorable position. Mockus fared poorly in the debates and refused to accept a formal alliance with the leftwing Democratic Pole party.

The Santos Election and the First Year of his Administration

On June 20, 2010, Santos won the Colombian presidency by the largest margin in recent history. Santos won 69% of the vote and Mockus received 28%. Santos's landslide victory earned him the backing of a unity coalition made up of approximately 80% of the newly-elected Congress, a stronger mandate than even Uribe had following his two elections.²¹ The ruling coalition includes the center-right Conservative Party, the centrist Radical Change Party, and the center-left Liberal Party. When President Santos was inaugurated on August 7, 2010, he pledged to continue the successful security strategies of his predecessor while pursuing democratic, economic, and social reforms. He stated that the door to negotiations to end the armed conflict was not shut. President Santos has led a unity government and has retained high popularity ratings. In June 2011, his approval rating was at 76% according to an InVamer-Gallup opinion poll, very strong backing but down from the 90% rating reported in December 2010.²² President Santos has sparred with former President Uribe recently. Uribe has questioned some of the key Santos government reforms, the judicial decisions that President Santos has backed, and his administration's diligence on security matters.²³

Nearing the end of his first year in office, President Santos and Vice President Angelino Garzón have promoted a more rigorous protection of human rights than the Uribe administration, and denounced threats against human rights defenders. President Santos has reached out to the judiciary in Colombia, ameliorating tensions that had grown between former President Uribe and the Supreme Court. He secured an anti-corruption law and some labor formalization laws.²⁴ In September 2010, the Santos administration proposed legislation to compensate victims of the

¹⁹ Adam Isacson, "The Next Colombia," Open democracy.net at <http://www.opendemocracy.net/adam-isacson/next-colombia>, March 31, 2010.

²⁰ Other candidates won less than 1% of the vote. See Juantia León, "La Ola Era Naranja. Santos Dobló a Mockus," *La Silla Vacía* website, May 30, 2010, at <http://www.lasillavacia.com/historia/14953>.

²¹ Camila Osorio, "Esta Es la Cara de la Legislatura que Se Posesiona Hoy," *La Silla Vacía* website, July 19, 2010, at <http://www.lasillavacia.com/historia/16740>; "New Congress Grants Santos Huge Majority," *Latin American Weekly Report*, July 22, 2010.

²² Economist Intelligence Unit, *Country Report: Colombia*, January 2011; "Never-ending," *Economist*, July 9, 2011.

²³ See, for example, "Uribe Rains on his Successor's Parade," *LatinNews Weekly Report*, June 16, 2011; "Santos and Uribe Split over Asylum," *LatinNews Daily*, November 25, 2011.

²⁴ U.S. Department of State, "Background Note: Colombia," July 13, 2011.

internal conflict (including victims of state forces) and to restore land to those who were forcibly displaced. The legislation passed the Colombian Congress in May and was signed by President Santos on June 10, 2011.

Addressing the issue of land ownership, the legislation will return property to those forced off their land during the conflict.²⁵ Many observers are eager to see how or if these new policy reforms introduced by the Santos administration will result in actual changes on the ground. While the Victims' and Land Restitution Law has been lauded as historic by international organizations, including U.N. agencies and U.N. General Secretary Ban Ki-moon, others caution that ensuring the safety of the displaced victims who are reclaiming their land will be a major challenge for the Colombian government.²⁶ In the first 10 months of the Santos administration, the pace of assassinations of those advocating land return has increased with at least 11 activists killed.²⁷ Because the law's restitution program is taking place during an ongoing conflict, it also pledges assistance to those who may be victimized from now until 2021. It provides economic reparations to victims of the conflict going back to 1985, and proposes to return land to those who had it stolen after 1991.²⁸ Some U.S. and Colombian nongovernmental organizations (NGOs), however, have criticized the scope of the law maintaining that its definition of victims was not sufficiently broad and identifying other gaps.²⁹

Continuing the reform agenda, in April 2011 the Colombian Congress voted to give the powers to the President to reorganize the Executive branch and split three fused ministries into six over a course of six months. The six new ministries will be: Interior; Justice and the Law; Health and Social Protection; Labor; Environment and Sustainable Development; and Housing, Cities, and Territory. The formation of an independent Labor Ministry to better institutionalize labor protections was a requirement of the Action Plan Related to Labor Rights that was fulfilled by this legislation. (For more, see "Issues Related to Labor Rights in Colombia").

The new administration has also faced an unprecedented natural disaster in Colombia. Following heavy rains and flooding at the end of 2010, the Santos administration took emergency measures to promote reconstruction after thousands of homes and important infrastructure were destroyed and farmland was inundated.³⁰ The rains continued through the first six months of 2011 inflicting an estimated total of \$2.4 billion of damage. An estimated 3.7 million Colombians have had their homes damaged or have been displaced by the flooding and hundreds have been killed. Large tracks of agricultural land have been inundated damaging the flower and coffee industries and

²⁵ Darcy Crowe, "Colombia Tries to Heal Wounds of Long War--President Santos Moves to Build on Security Gains of His Predecessor to Address Root Cause of Conflict: Land Ownership," *Wall Street Journal*, July 7, 2011. The Santos administration has set a goal of returning 2 million hectares of land within its first four-year term. Communication with an official at the Embassy of Colombia, July 13, 2011.

²⁶ Juan Forero, "Colombia to Compensate Victims of Its Long Civil Conflict," *Washington Post*, June 11, 2011; Dan Molinski, "Colombia Victims' Law Could Incite More Violence," *Wall Street Journal*, June 10, 2011; "Colombia: Victims' Law a Historic Opportunity; Bold Measures Needed to Protect Beneficiaries," *State News Service*, June 10, 2011.

²⁷ "The Ghost of Violence Past," *Latin American Andean Group Report*, July 2011.

²⁸ Jim Wyss, "Colombia Hopes to Heal Wounds with Victims' Law; Colombian President Juan Manuel Santos Signed into Law a Sweeping Initiative the Will Offer Reparations to the Victims of Colombia's Violence," *Miami Herald*, June 10, 2011.

²⁹ For example, the Washington Office on Latin America, (WOLA), has criticized the Victims' Law for not addressing "the collective land rights of ethnic minorities." See WOLA, Press Release: "Members of Congress Urge President Obama to Protect Afro-Colombians before Moving Ahead with Colombia Free Trade Agreement." July 7, 2011.

³⁰ Economist Intelligence Unit, *Country Report: Colombia*, January 2011.

resulting in the loss of 115,000 cattle and 600,000 poultry.³¹ The government plans to spend an additional \$1.3 billion on flood relief and reconstruction assistance.

Another feature of the Santos administration's first year in office has been a warming of relations with neighboring Ecuador and Venezuela. The improving relationship with both countries has led to greater cooperation on counternarcotics and security matters, including the controversial extradition of alleged drug kingpin Walid Makled to Venezuela in May 2011. (For more, see "Relations with Venezuela and Ecuador"). The Santos administration has also taken measures to broaden Colombia's relationships with other countries in the region and to diversify the relationship with the United States. Sharing its considerable experience, Colombia has provided counternarcotics and security training to some 14 countries in Latin America.³² On May 31, 2011, the United States and Colombia convened the second round of the High-Level Partnership Dialogue with five bilateral working groups discussing human rights, social and economic opportunities, energy, culture and education, and climate change and the environment. The purpose of the dialogue was to consciously develop new areas of collaboration between the two allies beyond the close counternarcotics and security partnership forged over the past decade.

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. Conflict 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 provided a source of revenue for both guerrillas and paramilitaries. The main paramilitary organization, the AUC, began demobilization in 2003 and disbanded in 2006 in a controversial process devised under the Uribe administration (2002-2010). Uribe also took aggressive measures against the guerrilla insurgency. Major armed groups today are the FARC, the National Liberation Army (ELN), and the new generation of paramilitary groups. In May 2011, the Santos administration announced a new security policy that aims to dismantle all illegal groups by 2014.³³

³¹ Economist Intelligence Unit, *Country Report: Colombia*, June 2011; Adam Liebendorf and Juan Forero, "Biblical Rainfalls Punish Colombia," *Washington Post*, June 27, 2011.

³² U.S. Department of State, "Background Note: Colombia," July 13, 2011.

³³ Economist Intelligence Unit, *Country Report: Colombia*, July 2011.

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.³⁴ 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, tried 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.³⁵ *Plan Patriota* reduced FARC ranks, recaptured land held by the FARC, and confiscated large amounts of material 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 including Raúl Reyes, the terrorist group’s second-highest commander.³⁶ This was the first time in the Colombian 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. Its top commander, Manuel Marulanda, died in March of a heart attack, the FARC later revealed. These deaths dealt a significant blow to the FARC.

³⁴ 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.

³⁵ “Colombia: Executive Summary,” *Jane’s Sentinel Security Assessment*, August 24, 2006.

³⁶ Simon Romero, “Files Released by Colombia Point to Venezuelan Bid to Arm Rebels,” *New York Times*, March 30, 2008.

During the raid in Ecuador, information recovered from captured laptops suggested Venezuela was providing support for the FARC. The files also included information that President Rafael Correa of Ecuador received campaign donations from the FARC in 2006. Both Chávez and Correa vigorously rejected these claims. Venezuelan officials 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.

Tensions persisted between Colombia and Ecuador until relations began to improve in the fall of 2009, and culminated in an exchange of Ambassadors in November 2010. Colombian-Venezuelan relations, which were often strained between Venezuelan President Hugo Chávez and former President Uribe, have grown much closer under the Santos government beginning shortly after its inauguration in August 2010.

Hostage Releases, Escapes, and the July 2008 Hostage Rescue

In 2007-2008, prisoner escapes, hostage deaths, and later hostage releases 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 been held since 2002 were reportedly executed by the FARC.³⁷ In December 2007, Fernando Araujo, a former minister of development, escaped from the FARC after being held 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. On February 27, 2008, the FARC released four former members of the Colombian Congress to Venezuelan officials in Colombian territory.

On July 2, 2008, after months of planning and tracking the FARC, the Colombian military successfully tricked the FARC into releasing 15 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. This successful bloodless rescue was widely cited as an example of the Colombian military's increasing professionalism and intelligence capabilities, which was largely a result of years of U.S. training and security assistance programs provided through Plan Colombia.³⁸ Some press reports indicate that the United States provided millions of dollars to help Colombia find and rescue the hostages, including providing tactical support and training by the U.S. military, and technical assistance supplied by a unit of planners, intelligence analysts, and hostage negotiators based in Bogotá.³⁹

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 conclusion was premature. The FARC lost three of its

³⁷ U.S. Department of State, *Country Report on Human Rights Practices 2007*, March 11, 2008.

³⁸ "Colombian Officials Recount Rescue Plan; Commandos Took Acting Classes to Prepare," *Washington Post*, July 6, 2008.

³⁹ "U.S. aid was a key to the Hostage Rescue," *New York Times*, July 13, 2008.

top commanders in 2008 and suffered humiliating defeats at the hands of the Colombian military. Their communications systems were infiltrated, their leadership was in disarray, and many guerrilla units were reported running short of supplies.⁴⁰ 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.⁴¹ 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.⁴² FARC demobilizations, however, decreased in 2009 by about 30% to 2,128.⁴³ Although the FARC, now led by Alfonso Cano, has indicated some willingness to negotiate with the Santos government, their position continues to weaken.

On the other hand, despite many reverses the FARC remains a serious security threat. While the FARC's leadership is no longer in complete control, the group remains committed to its goal of overthrowing the state. While this is highly unlikely given the FARC's current status, over its 47-year history the FARC has demonstrated a capacity to revive and recover from setbacks. According to one recent report, the FARC, adapting to pressure from the Colombian military, appears to have once again resorted to guerrilla warfare, deepened its involvement in the drug trade in Colombia and other countries, widely deployed antipersonnel mines, and conducted coerced recruitment in impoverished communities, particularly of minors.⁴⁴ The average age of a FARC recruit is reportedly just under 12 years old.⁴⁵

Beginning in 2008, the FARC unilaterally released some hostages in an attempt to win some popular support. According to the U.S. Department of State, between January 1, 2009, and November 30, 2009, the FARC voluntarily released 15 hostages.⁴⁶ In 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.

Unilateral releases continued as the Santos government settled in. In February 2011, the FARC released six more hostages in operations coordinated by former Senator Piedad Córdoba with international assistance.⁴⁷ The remaining FARC "exchangeable" hostages are reportedly 15 members of the Colombian security forces.⁴⁸ The FARC hopes to exchange these individuals for some 500 imprisoned FARC combatants they consider political prisoners. In addition, the FARC continues to kidnap, and it holds a disputed number of other kidnap victims beyond its "exchangeable" hostages.⁴⁹ However, some analysts contend that FARC strategy has shifted from

⁴⁰ Patrick McDonnell and Chris Kraul, "Colombian Rebels Splintering," *Los Angeles Times*, July 5, 2008; "After the War in Colombia," *El País*, July 10, 2008.

⁴¹ International Crisis Group, *Ending Colombia's FARC Conflict: Dealing the Right Card*, Latin America Report No. 30, March 26, 2009.

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

⁴³ U.S. Department of State, *International Narcotics Control and Strategy Report (INCSR) 2010*, March 1, 2010.

⁴⁴ International Crisis Group (ICG), *Improving Security Policy in Colombia*, Latin America Briefing No. 23, June 29, 2010.

⁴⁵ *Ibid.* The ICG reports the average age of a recruit today is estimated to be 11.8 years.

⁴⁶ See U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at <http://www.state.gov/drl/rls/hrrpt/2009/wha/136106.htm>.

⁴⁷ Robert Munks, "Colombian FARC Frees Final Two Hostages in Unilateral Release," *IHS Global Insight Daily Analysis*, February 17, 2011.

⁴⁸ "Colombian Rebels Free 2 Hostages After Delay," *EFE News Service*, February 17, 2011.

⁴⁹ Many human rights organizations estimate this number to be several hundred. See Human Rights Watch, *World* (continued...)

kidnapping to an increasing use of extortion as the preferred strategy for earning income (after drug trafficking).⁵⁰

The Santos administration has kept up strong pressure on the FARC, whose forces have diminished to just under 8,000 today according to the Colombian government.⁵¹ In September 2010, the Colombian military and police bombed the camp of FARC military strategist Victor Julio Suárez Rojas (also known as “Mono Jojoy”), killing him and several other FARC guerrillas. Suárez was the operational second-in-command of the FARC and a member of the ruling Secretariat.⁵² The operation that killed Suárez was a major setback as he was the commander of the FARC’s powerful Eastern bloc. While guerrilla attacks have reportedly increased from 875 in 2009 to 1,007 in 2010, the Santos government maintains that the guerillas have been forced out of some of their traditional lands and are on the defensive.⁵³ In April 2011, the Venezuelan government arrested and extradited to Colombia Joaquín Pérez Becerra who allegedly raised funds in Europe and directed international propaganda for the FARC. His arrest is expected to lower the FARC’s international profile. The Venezuelans also extradited FARC leader Guillermo Torres after he was captured in Venezuela at the end of May.⁵⁴ In late June 2011, Ecuador’s unit against organized crime arrested Fabio Ramirez, alias “Danilo,” head of the FARC’s 48th front at a shopping center in Quito. Both the Ecuadorian and Colombian governments pointed to the Ramirez arrest as evidence of renewed security cooperation and closer bilateral ties.⁵⁵

National Liberation Army (ELN)

The smaller ELN was formed in 1965, inspired by the ideas of Fidel Castro and Che Guevara. With a membership today estimated at under 1,300,⁵⁶ 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 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

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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>.

⁵⁰ Jeremy McDermott, “FARC Massacre 7 Who Impersonated Rebels in Extortion Racket,” *Insight: Organized Crime in the Americas*, July 4, 2011, <http://insightcrime.org>.

⁵¹ Communication with an official at the Embassy of Colombia, January 19, 2011. In the early 2000s, the FARC had as many as 16,000 to 20,000 fighters so they have declined by about half.

⁵² “Colombia Politics: Turning Point?,” *Economist Intelligence Unit—ViewsWire*, September 24, 2010; Sibylla Brodzinsky, “Colombia Troops Kill Top FARC Rebel Leader ‘Mono Jojoy,’” *Christian Science Monitor*, September 23, 2010.

⁵³ Economist Intelligence Unit, *Country Report: Colombia*, June 2011.

⁵⁴ Economist Intelligence Unit, *Country Report: Colombia*, July 2011.

⁵⁵ “The Case that Refuses to Go Away,” *Latin American Andean Group Report*, July 2011.

⁵⁶ According to the Colombian Embassy, the number of ELN force is estimated to be 1,250 based on a communication with the Embassy of Colombia, January 19, 2011. However, some recent reports suggest that the number may be closer to 2,000. See Jeremy McDermott, “Colombia ELN Rebels Climb Back Into the Fray,” *Insight: Organized Crime in the Americas*, June 26, 2011, <http://insightcrime.org>.

ransom. Its size and military strength have been dramatically reduced since the late 1990s.⁵⁷ One measure is the reduction in sabotage attacks on the Caño-Limón pipeline from 171 attacks in 2001 to only five attacks in 2009.⁵⁸

The ELN has expressed some willingness to attempt peace negotiations with the government. In December 2003, President Uribe revealed that he had met with an ELN leader to discuss 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, but this effort ended when the rebel group rejected Uribe's offer of a cease-fire.⁵⁹ 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. Former President Uribe responded by ordering the Colombian military to step up its operations against the ELN.⁶⁰ In April 2011, the ELN commander Nicolas Rodriguez Bautista, alias "Gabino," released a statement expressing interest in finding a "political solution" to the conflict, following on a similar statement made by video in the fall of 2010.⁶¹ Interest in beginning a dialogue with the government has also been voiced by Alfonso Cano, leader of the FARC. Yet neither group appears willing to meet the Santos government's requirements, which include releasing all political hostages and declaration of a ceasefire.

There has been some evidence that the ELN has picked up its attacks in recent months. In a thwarted car bomb attack in mid-June 2011, the police stopped a car loaded with explosives in Popayan, Cauca, but were unable to disarm it before more than a dozen people were injured and one killed. The driver claimed to be part of the ELN. In a clash with the army several days later, four ELN guerillas and three soldiers died. Some analysts believe that the ELN has been able to build up its forces because a truce between the ELN and the FARC signed in December 2009 may have finally gone into effect after years of clashing between the two leftist guerrilla organizations.⁶² The ELN has also allegedly made pacts with some of the criminal bands (or BACRIM, see below) that contain some re-armed paramilitaries but pursue drug trafficking and other criminal activities. The modest "comeback" of the ELN and the stepping up of sniper and landmine attacks by the FARC come at a time when there is a growing threat from former paramilitaries.⁶³

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

⁵⁷ International Crisis Group, "Colombia: Moving Forward with the ELN?" October 11, 2007.

⁵⁸ Carola Hoyas, "Focus on security and investment reaps rewards," *Financial Times*, April 5, 2010.

⁵⁹ Kate Joynes, "ELN Rebels Rebut Colombian Government's Peace Pledge," *WMRC Daily Analysis*, July 12, 2004.

⁶⁰ "Closing the net on the FARC, Striking at the ELN," *Latin American Security and Strategy Review*, July 2008.

⁶¹ Elyssa Pachico, "Brief: ELN Talks Peace," *Insight: Organized Crime in the Americas*, April 17, 2011, <http://insightcrime.org>.

⁶² Jeremy McDermott, "Colombia ELN Rebels Climb Back Into the Fray," *Insight: Organized Crime in the Americas*, June 26, 2011, <http://insightcrime.org>.

⁶³ *Ibid.* Also see, "Never-ending," *Economist*, July 9, 2011.

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.⁶⁴

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.⁶⁵ 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.⁶⁶

Not all paramilitaries demobilized, and still others have returned to paramilitary activities since demobilizing. Some former AUC members continue to be active in the drug trade in spite of the demobilization process.⁶⁷ The U.S. State Department and U.N. both note that the new illegal groups do not share the political objectives of the AUC, which sought to defeat leftist guerrillas, and has shifted to purely criminal purposes such as drug trafficking. Despite their ad-hoc nature, the new illegal groups—labeled “criminal gangs” or *bandas criminales* or BACRIM by the Colombian government and some analysts—pose a threat to Colombian civilians. The Uribe government took steps to combat them, but Human Rights Watch and others argued that the Uribe government’s efforts were insufficient.⁶⁸ 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.⁶⁹ In Medellín, Colombia’s second largest city, for example, where some of the new criminal groups operate, the number of murders doubled from 1,045 in 2008 to 2,189 in 2009.⁷⁰ According to the Annual Report of the U.N. High

⁶⁴ U.S. Department of State, *Country Reports on Terrorism 2005*, and, “Autodefensas Unidas de Colombia,” *Jane's World Insurgency and Terrorism*, August 10, 2006.

⁶⁵ “Only 2% of 30,150 Demobilized Paramilitaries to Stand Trial,” *Associated Press*, April 18, 2006.

⁶⁶ Vicente Castaño, brother of AUC founder Carlos Castaño, remains at large. Vicente Castaño was 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. He was convicted in absentia to 40 years in prison for the murder of his brother in March 2011.

⁶⁷ International Crisis Group, *Colombia's New Armed Groups*, May 10, 2007; WOLA, *Captive States: Organized Crime and Human Rights in Latin America*, October 2007.

⁶⁸ 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>.

⁶⁹ Adam Isacson, “Friday Links, Increasing Violence Edition,” Blog of the Center for International Policy (CIP) Colombia Program, October 23, 2009.

⁷⁰ “Security Update – Colombia,” *LatinNews Daily*, April 14, 2010. Data cited is from Medellín’s municipal ombudsman’s office, Personería de Medellín. The high murder levels declined in 2010, according to the Colombian Embassy, to 1,408 for the year. Communication with an official at the Colombian Embassy, July 13, 2011. Popular (continued...)

Commissioner for Human Rights on the human rights situation in Colombia published in February 2011, the new illegal groups commit murders, threats, extortion, acts of sexual violence and cause individual and collective forced displacement. The report notes with concern the sharp rise in massacres linked to violent disputes among and within these groups.⁷¹

Remaining Political Challenges

Para-political Scandal

A scandal alleging paramilitary ties to politicians, especially 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. Since the scandal broke, numerous Colombian politicians have been charged with ties to paramilitary groups. 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 former President Álvaro Uribe, was arrested for colluding with the paramilitaries. On February 21, 2011, Mario Uribe was convicted of aggravated conspiracy to commit a crime and sentenced to seven and a half years in prison.⁷² Suggesting the widespread fallout from the para-political scandal, the State Department has reported that of Colombia's 2006-2010 Congress, 128 former representatives (out of the 268 total) were accused of having paramilitary ties.⁷³ Of those representatives newly elected to the 2010-2014 Congress, 13 who were re-elected are under investigation by the Supreme Court.⁷⁴

The para-political scandal increased tensions between former 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. Government critics questioned President Uribe's motivation in May 2008 to extradite key paramilitary figures to the United States as intended, in part, 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

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perceptions of rebounding urban crime, however, remain.

⁷¹ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, February 3, 2011.

⁷² "Uribe Sentenced for Parapolitics," *LatinNews Daily*, February 22, 2011.

⁷³ See U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 9, 2010. Available at: http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

⁷⁴ Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, February 3, 2011.

Supreme Court's power to investigate legislators.⁷⁵ The judicial reform bill was withdrawn by the government after it received strong criticism from the courts and from members of Colombia's Congress.⁷⁶ 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 warned that the former Uribe administration had harassed the Supreme Court as it attempted to carry out prosecutions of politicians, security forces and others with alleged paramilitary ties.⁷⁷

The new Santos administration has moved quickly to repair relations between the Executive and the judiciary. The improved relations may have been evident in the election of a new Prosecutor General in December 2010, after an impasse of 16 months when the Supreme Court would not give its approval to anyone proposed by former President Uribe. The new Prosecutor General, Vivianne Morales, is the first woman to hold that position in Colombia.

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. The law would also apply to FARC and ELN fighters if they entered 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 amounted 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.⁷⁸

The merits of the Justice and Peace Law (JPL) have been fiercely debated both in Colombia and the United States. Supporters believe it has been an effective means to end paramilitary activities. The Bush Administration expressed support for the law noting that it facilitated the collective

⁷⁵ 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.

⁷⁶ Sibylla Brodzinsky, "Rights group rips government; Colombia hinders paramilitary prosecutions, a human rights group said," *The Miami Herald*, September 17, 2008.

⁷⁷ Human Rights Watch, *Breaking the Grip?: Obstacles to Justice for Paramilitary Mafias in Colombia*, October 2008.

⁷⁸ "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.

demobilization of more than 31,000 paramilitary members. In addition, under the JPL some 20,000 FARC, ELN, and former paramilitaries have individually laid down their arms. Other supporters of the law observe that paramilitaries must act in good faith and stop further participation in illegal activities in order to benefit from the peace process. The Uribe administration removed some demobilized paramilitaries, including Carlos Mario “Macaco” Jiménez, from the Justice and Peace process due 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.

Nevertheless, 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. In a 2008 report, the International Crisis Group describes its implementation as “lagging.” The report cited 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.⁷⁹ With more than 280,000 victims registered under the JPL through December 2009, many observers have expressed reservations about the Colombian government’s efforts to provide reparations to victims effectively. Human rights organizations are concerned that the paramilitaries have not been held accountable for their crimes and, that by under-reporting illegally obtained assets, have failed to provide adequate reparation to their victims.⁸⁰

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, only 4,162 had been found potentially eligible to receive benefits under the Justice and Peace Law’s framework.⁸¹ 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.⁸² 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.⁸³ 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 were not nearly as heinous as the atrocities they had allegedly committed in Colombia.⁸⁴ In response to concerns raised by nongovernmental organizations (NGOs) that extradited former paramilitaries would stop cooperating in the JPL process and victims would be unable to participate, the U.S. and Colombian governments have collaborated to facilitate the continued participation of extradited individuals through technological hook ups. According to the State Department, several extradited former paramilitaries have continued to participate by providing their

⁷⁹ International Crisis Group, *Correcting Course: Victims and the Justice and Peace Law in Colombia*, Latin America Report 29, October 30, 2008.

⁸⁰ See for example, Latin America Working Group Education Fund, *The Other Half of the Truth*, June 2008.

⁸¹ U.S. Department of State, “Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces,” September 9, 2010. Available at: http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

⁸² U.S. Department of State, “Memorandum of Understanding Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces,” July 28, 2008.

⁸³ “International Criminal Court not to Allow Colombian Paramilitary Members Impunity,” *Noticias Financieras*, August 31, 2008.

⁸⁴ “Militias March Again,” *The Economist*, October 31, 2009.

confessions through teleconferencing.⁸⁵ Still, in his March 2010 report, then-U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, observed “the Justice and Peace Law...has not achieved the transitional justice intended for paramilitary crimes.”⁸⁶ Of the more than 4,000 individuals facing charges under the 2005 law, only three have been convicted.⁸⁷

Human Rights Violations by Colombian Security Forces

For several years, human rights organizations have raised serious concerns about the extrajudicial execution of civilians by the Colombian military. 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, 2008.⁸⁸ Named the “false positives” scandal by the Colombian press, 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.⁸⁹ 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 from pretrial detention by a judge who ruled that the pre-trial procedures had taken too long.⁹⁰ 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 then under investigation 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 (“false positives”). In June 2009, on a 10-day mission to Colombia, then-U.N. Special Rapporteur on Extrajudicial Executions Philip Alston found that the killings were not a result of official government policy.

⁸⁵ U.S. Department of State, “Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces,” September 9, 2010. Available at: http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

⁸⁶ United Nations Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, on his Mission to Colombia (8-18 June 2009)*, March 31, 2010.

⁸⁷ An official from the U.S. State Department confirmed the number of convictions in a communication on July 11, 2011.

⁸⁸ Simon Romero, “Colombian Army Commander Resigns in Scandal Over Killing of Civilians,” *New York Times*, November 5, 2008.

⁸⁹ “Siete de los implicados en ‘falsos positivos’ podrían quedar libres en ocho días,” *El Tiempo*, October 14, 2009. “‘False positives’ arrests in Colombia,” *LatinNews Daily*, October 21, 2009.

⁹⁰ “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.

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.”⁹¹

The State Department’s country report on human rights in Colombia covering 2010, published in April 2011, states that new reports of extrajudicial killings by Colombian military forces continued to decline in 2010. Several NGOs also recorded a marked decline with respect to prior years in the number of newly reported “false positive” cases. The Human Rights Unit in the Prosecutor General’s office has accepted a total of 1,488 cases involving nearly 2,500 victims of extrajudicial killings by the military forces that took place between 1985 to 2010.⁹² In addition, there are reportedly another 500 cases working their way through the military justice system.

Internally Displaced Persons (IDPs)

Colombia has one of the largest populations of internally displaced persons in the world—more than 3 million IDPs—with indigenous and Afro-Colombians disproportionately represented among those displaced. There is some disagreement 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 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.⁹³ In 2008, both the Colombian government and CODHES reported more than 300,000 new IDPs, with CODHES estimating there were 380,000 newly displaced. 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, from 307,223 to 142,299, a 54% decrease compared to their prior year estimate. CODHES and the government also differ on the total number displaced.⁹⁴ The government has registered 3.6 million people as IDPs since 1997, while CODHES estimates more than 5 million have been displaced since 1985.⁹⁵ According to the State Department’s *Country Reports on Human Rights Practices* for 2010, CODHES estimated a slight (2%) reduction in the number of newly displaced during the year to 280,041, while the government registered 95,043 displacements during the year. UNHCR has observed that however IDPs are counted, the number of the displaced in Colombia continues to grow and it has one of

⁹¹ 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>.

⁹² U.S. Department of State, *Country Reports on Human Rights Practices: Colombia*, April 8, 2011. Available at: <http://www.state.gov/drl/rls/hrrpt/2010/wha/154499.htm>.

⁹³ U.N. High Commissioner for Refugees (UNHCR), “Thousands Displaced in Southern Colombia,” August 22, 2008.

⁹⁴ 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.

⁹⁵ U.S. Department of State, *Country Reports on Human Rights Practices 2009*, April 6, 2011.

the largest internally displaced populations in the world. Reportedly, mass displacements are on the rise in 2011.⁹⁶

Landmines

The use of landmines by Colombian guerrilla groups is an ongoing problem. Although Afghanistan and Cambodia continue to have higher rates of landmine casualties (per capita) than Colombia, the International Campaign to Ban Landmines reported that Colombia had the highest number of landmine casualties in the world in 2006, with 1,106 casualties.⁹⁷ Both Human Rights Watch and the International Campaign to Ban Landmines report that the vast majority of landmines are laid by the FARC and ELN.⁹⁸ 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.⁹⁹ Landmine casualties in Colombia declined further in 2008 to 798 and to 674 in 2009.¹⁰⁰ In 2009, nearly one-third of the adult civilian casualties were manual coca eradicators.

U.S. Policy Focus and Concerns

Colombia and Global Drug Trends

Colombia's prominence in the global production of cocaine and heroin has resulted in a U.S. policy focus on anti-narcotics efforts in the Andean region. According to various sources, Colombia produces 60% of the world's cocaine.¹⁰¹ It is the source of almost 90% of cocaine consumed in the United States and 60% of the heroin¹⁰² seized in this country, according to the State Department's *2010 International Narcotics Control Strategy Report (INCSR)*.

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.

However, the U.N. Office on Drugs and Crime (UNODC) reported for 2008 an 18% decrease in coca cultivation in Colombia from 2007 and reported a rise of 4.5% and 5.5% in Peru and Bolivia

⁹⁶ In-person communication with UNHCR officials in Bogotá, Colombia, on March 31, 2011.

⁹⁷ Landmine casualties increased nearly 25% in 2005.

⁹⁸ International Campaign to Ban Landmines, *Landmine Monitor 2007* and Human Rights Watch, *Maiming the People*, July 2007.

⁹⁹ International Campaign to Ban Landmines, *Landmine Monitor 2008*.

¹⁰⁰ International Campaign to Ban Landmines (ICBL), *Landmine & Cluster Munition Monitor*, February 2, 2011. The ICBL data is an update of a previously published number for 2008 of 777 casualties received from the Government of Colombia's Presidential Program for Integral Action against Landmines (PAICMA), provided by an official from the U.S. Embassy in Bogota on October 23, 2009.

¹⁰¹ United Nations Office on Drugs and Crime (UNODC), *Coca Cultivation in the Andean Region*, June 2008.

¹⁰² Even though Colombia produces only a small fraction of global heroin production, it is the leading supplier of heroin in the eastern United States.

respectively.¹⁰³ UNODC's Colombia Coca Cultivation Survey notes the 2008 coca cultivation, reported at 81,000 hectares, approximated the levels reported in the 2004 to 2006 period. In 2007, the U.N. reported an unusual rise of 27% in coca growing in Colombia. According to UNODC's *2010 World Drug Report*, coca cultivation in Colombia dropped further in 2009 to 68,000 hectares. (See **Table 1**). In the same U.N. report, estimates of Colombia's potential production of pure cocaine dropped dramatically from 630 metric tons in 2007 to 450 metric tons in 2008 and decreased further to 410 metric tons in 2009.¹⁰⁴

The area under coca leaf cultivation and the volume of potential production of cocaine are estimates that depend upon making the best assumptions from limited data. The UNODC and the U.S. government have developed varying estimates that are the midpoints of a range of likely cultivation and production, but U.S. and U.N. data often differ considerably. Also, the organizations sometimes modify their estimates after more data is collected. For example, UNODC modified its 2008 calculation upward for production of pure cocaine from 430 metric tons to 450 metric tons. On the other hand, the U.S. government changed its estimate of production of pure cocaine for 2008 downward from 295 metric tons to 280 metric tons. In 2009, the U.S. government found that Colombia's production of pure cocaine declined to 270 metric tons, a 4% decline from 2008. The estimate is in line with a trend of a sharp decline in the amount of pure cocaine produced in Colombia over time, and is a 61% drop in comparison with the 2001 production figure by the U.S. government.¹⁰⁵

Most heroin consumed in the United States comes from Mexico and Colombia. In an October 2008 report on Plan Colombia, the U.S. Government Accountability Office reported that opium poppy cultivation and heroin production had declined in Colombia by about 50% between 2000-2006.¹⁰⁶ In 2008, the U.N. found that opium production dropped to 394 hectares, the lowest figure in the last 14 years of reporting.¹⁰⁷

In recent years, the Colombian government, with significant U.S. assistance, has stepped up its 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 2007.¹⁰⁸ But manual eradication accounts for an increasing percentage of total eradication efforts. ONDCP has credited ongoing aerial spraying and manual eradication programs with recent declines in the cocaine productivity of the coca currently cultivated in Colombia.¹⁰⁹ 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 of coca eradicated.¹¹⁰ In 2009, the U.N. reported a drop to 104,772

¹⁰³ "Fall in Colombia's Coca Crop vs. rises in Peru and Bolivia," *Security & Strategic Review*, June 2009.

¹⁰⁴ U.N. Office on Drugs and Crime (UNODC), *World Drug Report*, 2010.

¹⁰⁵ Office of National Drug Control Policy (ONDCP), "New Data Show Cocaine Market Under Significant Stress," Press Release, December 9, 2010.

¹⁰⁶ 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.

¹⁰⁷ United Nations Office on Drugs and Crime, *World Drug Report 2009*.

¹⁰⁸ U.S. Department of State, *International Narcotics Control and Strategy Report (INCSR) 2008*.

¹⁰⁹ U.S. Office of National Drug Control Policy, "Official U.S. Colombia Survey Reveals Sharp Decline in Cocaine Production," September 10, 2008.

¹¹⁰ 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.

hectares eradicated through aerial spraying and 60,557 hectares eradicated manually.¹¹¹ In the 2011 INCSR, the State Department notes that the eradication efforts goals were set lower based on what was accomplished in 2009. Manual eradication in 2010 declined considerably lower than its goal of 70,000 hectares, when the government managed to manually eradicate about 45,000 hectares of coca “due to budgetary disbursement delays, security concerns, and the dispersion of coca crops to smaller fields.”¹¹² In 2010, the government eradicated nearly 101,000 hectares by spraying, slightly above its stated aerial eradication target.¹¹³

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 Department of Justice’s National Drug Intelligence Center (NDIC) report, *National Drug Threat Assessment 2010*, the average street price for a pure gram of cocaine rose from \$99.24 to just over \$174 in that time period, while average street sale purity declined from 67% to 46%, 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 also measures decreased availability. The NDIC report, published in February 2010, found a sharp decline in cocaine availability in the United States since 2006 that may have been responsible for price increases and purity declines. The report identifies no single factor for the decline in cocaine availability. Rather, a combination of factors, including increased law enforcement efforts in Mexico and the transit zones, decreased cocaine production in Colombia, high levels of drug trafficking organization (DTO) violence, and cocaine flowing to non-U.S. markets all likely contributed to decreased amounts being transported to the U.S.-Mexico border for smuggling to the United States.

Some observers express caution in interpreting recent trends in price, purity, and availability. They maintain that short-term fluctuations are not uncommon and may not be sustainable.¹¹⁴ Other analysts note that over the longer term 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.¹¹⁵ Another likely factor 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 to consumer markets elsewhere in South America.

Colombia and Regional Security

Another U.S. policy focus in the Andean region is helping Colombia deal with armed insurgencies that are involved in drug trafficking and have a destabilizing effect on regional security. 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. With porous borders

¹¹¹ U.N. Office on Drugs and Crime (UNODC), *World Drug Report*, 2010.

¹¹² U.S. Department of State, *INCSR 2011*, March 2011, at <http://www.state.gov/p/inl/rls/nrcrpt/2011/vol1/156359.htm#columbia>.

¹¹³ *Ibid.*

¹¹⁴ “U.S. Drug Czar Claims Cocaine Prices Fall,” Associated Press, November 8, 2007.

¹¹⁵ 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.

amid rugged territory and an inconsistent state presence, all the border regions have been particularly problematic. The conflict in Colombia and its associated drug trafficking have led to spillover effects in Colombia's neighboring countries, especially Venezuela and Ecuador.

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 and in some cases the ELN are strong. The State Department's *2009 Country Reports on Terrorism* report, issued in August 2010, states that Venezuelan territory is regularly used for rest, resupply and the venue for crimes to finance Colombia's FARC and ELN, although the degree to which the Venezuelan government provides support to these groups remains unclear. According to the State Department report, Ecuador's territory is also used for rest, resupply, and training, as well as some coca processing and the Colombia-Ecuador border region is subject to "narco-terrorist influence." The report notes "Ecuador's greatest counterterrorism and security challenge remained the presence of Colombian narcotics, criminal and terrorist groups in the extremely difficult terrain along the porous 450-miles border with Colombia."¹¹⁶

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 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 until late 2010.

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. In late July 2009, Venezuela temporarily withdrew its Ambassador from Colombia and cut off trade resulting in trade dropping by one-third between the two countries by the year's end.¹¹⁷ The Colombian-Venezuelan relationship deteriorated further in the fall of 2009. The signing of a new base agreement with the United States on October 30, 2009, permitting the use by U.S. troops of seven military facilities in Colombia and "use of other facilities and locations" as mutually agreed, further aggravated President Chávez. Tensions escalated as President Uribe and President Chávez accused one another of efforts to destabilize their regimes.

However, after his landslide victory in the June 20, 2010, runoff election, president-elect Santos made several conciliatory moves toward Venezuela and invited President Chávez to his inauguration. In early July 2010, Santos appointed María Ángela Holguín, a former ambassador to Venezuela with whom Chávez is known to have good relations, to be his new foreign minister. Before he left office in a much discussed counter-move, President Uribe released new information that demonstrated FARC and ELN forces had been harbored by the Venezuelan government. On July 22, 2010, the Colombian government presented evidence at a special meeting of the Organization of American States (OAS) that the government of Venezuela was harboring some 1,500 members of the FARC and ELN in several camps located inside its

¹¹⁶ For details, see the report at <http://www.state.gov/s/ct/rls/crt/2008/122435.htm>.

¹¹⁷ Alexander Cuadros and Jens Erik Gould, "Latin American 'Friends' to Ease Uribe, Chavez Spat," *Business Week*, February 24, 2010.

territory.¹¹⁸ President Chávez vigorously denied the allegations and broke off diplomatic relations with Colombia (again), and Chávez did not attend the August 2010 inauguration despite President Santos's invitation.¹¹⁹

Colombia is also concerned that the FARC is 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 that expired in 2009.¹²⁰ 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.¹²¹ However, relations between Colombia and Ecuador have steadily improved under the Santos Administration, a process that began in the later months of the Uribe administration.

In the first six months of the Santos Administration, both Venezuela and Ecuador re-established full diplomatic ties with Colombia. Shortly after his inauguration, President Santos met with President Chávez and relations were normalized in August 2010. On November 26, 2010, Ecuador and Colombia announced the restoration of full diplomatic relations after a 33-month hiatus.¹²² Many analysts see this regional diplomacy as an effort by President Santos to build a more balanced approach to neighboring countries and to end Colombia's relative isolation in the region that had grown during the Uribe administration. Others maintain that future relations with Venezuela are uncertain, given the unpredictability of President Chávez.

As a result of closer ties with both countries, regional counternarcotics cooperation has seemed to increase. As noted earlier in this report, several alleged FARC and ELN operatives have been arrested in both Ecuador and Venezuela since Santos took office, and some have been extradited to Colombia. Notably, alleged drug kingpin Walid Makled Garcia, who was arrested in Colombia on a U.S. warrant in August 2010 and was wanted for extradition by both Venezuela and the United States, became the focal point of a diplomatic struggle over the competing requests. President Santos and the Colombian Supreme Court ultimately favored the Venezuelan request because it was made prior to the U.S. request and because Makled was wanted on murder charges in addition to the drug trafficking charges for which he was wanted in the United States. In November 2010, President Santos announced he had told President Chávez that he would extradite Makled to Venezuela. Ultimately, Makled was sent to Venezuela to fulfill that commitment on May 9, 2011. In a series of jailhouse media interviews, Makled denied the drug trafficking charges against him but asserted he had evidence against numerous Venezuelan officials including several high ranking generals who had been on his payroll. Several U.S. lawmakers had urged President Santos to rethink his plan to honor the Venezuelan request and President Chávez claimed that extradition to the United States would be used to destabilize his

¹¹⁸ "Uribe Accused of Sabotaging Santos' Rapprochement with Venezuela," *Latin News Weekly Report*, July 22, 2010.

¹¹⁹ President Chávez, however, did send his foreign minister to the ceremony. "Another Step Back for Colombia-Venezuela," *LatinNews Daily*, July 23, 2010; Vivian Sequera, "Santos Assumes Colombia's Presidency Amid Conciliation with Venezuela, Ecuador," *AP Newswire*, August 8, 2010.

¹²⁰ 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.

¹²¹ "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.

¹²² "Colombia and Ecuador Restore Ties," *LatinNews Daily*, November 29, 2010.

government. Makled reportedly was questioned by U.S. investigators before his extradition to Venezuela.¹²³

Trade between Colombia and Venezuela—previously Colombia’s second largest export market after the United States—have not yet been fully restored, but it is recovering.¹²⁴ Trade was suspended by Venezuela amid strong political tensions in 2009 and Venezuelan businesses strapped for cash owed nearly \$1 billion that has yet to be fully repaid.¹²⁵ Colombian exporters have found new markets to take their products during the Venezuelan embargo.

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 six-year plan, with Colombia providing \$4 billion of the funding and requesting \$3.5 billion from the international community.¹²⁶ 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 for Plan Colombia and follow on plans annually. President Bush continued support for the plan under the Andean Counterdrug Program (ACP) aid account. The ACP account funded counternarcotics programs in Bolivia, Brazil, Ecuador, Panama, Peru, and, until FY2008, Venezuela. Because narcotics trafficking and the guerrilla insurgency had 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.¹²⁷

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. In FY2008, alternative development (AD) programs were shifted from the ACP account to the Economic Support Fund (ESF) account. U.S. assistance includes human rights training programs for security personnel in response to Congressional concern 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

¹²³ Jim Wyss, “Alleged Venezuelan Kingpin Raises Stakes for U.S. Prosecutors,” *Miami Herald*, April 4, 2011; “The Tangled Web of Goodwill Gestures,” *Security and Strategic Review*, April 2011; Jasmina Kelemen, “Walid Makled’s Extradition Case Highlights Warming Venezuela-Colombia Ties,” *Christian Science Monitor*, April 8, 2011, Jim Wyss, “Alleged Drug Lord Walid Makled Sent to Venezuela,” *Miami Herald*, May 9, 2011; Darcy Crowe, “Alleged Drug Kingpin is Extradited to Venezuela,” *Wall Street Journal Online*, May 9, 2011.

¹²⁴ Economist Intelligence Unit, *Country Report: Colombia*, July 2011.

¹²⁵ “Best Andean Buddies Slow to Deal,” *LatinNews Daily*, May 16, 2011.

¹²⁶ 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, at http://csis.org/files/publication/090930_DeShazo_CounteringThreats_Web.pdf.

¹²⁷ 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.

civilian contractor personnel that can be stationed in Colombia in support of Plan Colombia at 800 and 600 respectively.¹²⁸

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 to identify drug flights from Peru to Colombia and to interdict them by forcing them to land, or, if necessary, by shooting down suspect aircraft. The program was suspended in 2001 after a flight carrying American missionaries was mistakenly 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 number of illegal flights over Colombia by some 73% since 2003.¹²⁹

Beginning in 2008, the U.S. government began working closely with Colombia to turn over operation and funding for selected counternarcotics programs to Colombian control in a process of nationalization.¹³⁰ Since that time, Colombia has nationalized several programs including the ABD program. Nationalization plans are to turn over all Department of State counternarcotics programs with the Colombian army aviation and counternarcotics brigade by 2012. FMF programs, however, would continue and planning would continue for the turn over of additional aviation programs to the Colombian National Police.

Aerial Eradication, Coca Cultivation, and Alternative Development¹³¹

Upon taking office, President Uribe announced that aerial eradication, along with alternative crop development, would form a significant basis of the government's efforts to reduce cocaine production. The Plan Colombia eradication spraying program began in December 2000 with 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 95,732 hectares of coca.¹³² In 2009, aerial eradication declined to 104,772 hectares and to 101,939 hectares in 2010. Manual eradication has also been on a downward trend. In 2009, the Colombian government manually eradicated slightly under 70,000 hectares of coca, and set its target for manual eradication at 70,000 hectares for 2010. According to the 2011 *International Narcotics Control Strategy Report*, manual eradication in Colombia fell to 45,000 hectares in 2010 because of "budgetary disbursement delays, security concerns, and the dispersion of coca to smaller fields." The report notes that 32 manual eradicators (including Colombian police, military and civilian contractors) were killed in manual eradication operations in 2010 down from 40 deaths in 2009.¹³³

¹²⁸ 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.

¹²⁹ U.S. Department of State, *INCSR 2008*.

¹³⁰ U.S. Department of State, *INCSR 2011*.

¹³¹ Also see CRS Report RL33163, *Drug Crop Eradication and Alternative Development in the Andes*, by Connie Veillette and Carolina Navarrete-Frias.

¹³² U.S. Department of State, *INCSR 2011*.

¹³³ *Ibid*.

Table 1. U.N. Office on Drugs and Crime (UNODC) Estimate of Coca Cultivation in Colombia
(in hectares)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Area	163,000	145,000	102,000	86,000	80,000	86,000	78,000	99,000	81,000	68,000
% change	—	-11%	-30%	-16%	-7%	8%	-9%	27%	-18%	-16%

Table 2. U.S. Office of National Drug Control Policy (ONDCP) Estimate of Coca Cultivation in Colombia
(in hectares)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Area	136,200	169,800	144,450	113,850	114,100	144,000	157,200	167,000	119,000	116,000
% change	—	25%	-15%	-21%	0.2%	26%	9%	6.2%	-29%	-3%

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 sometimes different trends as well. **Table 1** and **Table 2** provide U.N. and U.S. data on coca cultivation in Colombia since 2000. The area of cultivation is measured in hectares.¹³⁴ For 2007, the United Nations reported a 27% increase in coca cultivation to 99,000 hectares.¹³⁵ U.S. data from the Office of National Drug Control Policy (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.¹³⁶ In 2008, the area sprayed declined by 13% from the prior year and the area manually eradicated increased by 43% compared with 2007.¹³⁷ Others speculate that another factor resulting in the positive reduction in Colombia's coca crop was the success of Colombian security forces in gaining control of territory from the FARC which could discourage

¹³⁴ A hectare is equivalent to 2.47 acres.

¹³⁵ U.N. Office on Drugs and Crime (UNODC), *World Drug Report 2008*; and "Coca Cultivation in the Andean Region," June 2008.

¹³⁶ Adam Isacson, "2008: Less Fumigation, Less Coca," Blog of the Center for International Policy (CIP) Colombia Program, November 9, 2009.

¹³⁷ "Mixed Signals Among the Coca Bushes," *The Economist*, June 27, 2009.

farmers from replanting.¹³⁸ As shown in **Table 1** and **Table 2**, both the U.N. and the U.S. government showed declining trends in coca cultivation in Colombia in 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.¹³⁹ 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 farmers of illicit crops in the switch from illicit to licit crops, and provides assistance with infrastructure and marketing. The approach includes job creation for rural families in coca-growing and conflict-prone areas with economic development potential. From 2002 through September 2009, the United States completed 1,290 social and productive infrastructure projects with communities that agreed to remain illicit crop free according to the Department of State.¹⁴⁰ The USAID Mission in Colombia reports significant progress since funding started flowing for alternative development through Plan Colombia. By the end of FY2010, alternative development programs had benefitted 479,221 families and supported 476,215 hectares of licit crops (cumulative totals) in both coca and poppy areas.¹⁴¹

The success of alternative development in Colombia has been limited both by security concerns and the limited scope of the program. The 2008 GAO report, among others, that examined the progress of Plan Colombia have identified weaknesses in the program such as 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 regarding drug reduction goals or sustainability. Security concerns were blamed for the proposed withdrawal of USAID assistance from 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. The organization called for a tenfold increase in international donor support for alternative development programs.

In 2006, USAID redesigned its strategy to lure coca growers to geographic zones that offered economic opportunities from zones where coca had been grown.¹⁴² The two core projects 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

¹³⁸ Ibid.

¹³⁹ "Chemical Reactions: Spreading Coca and Threatening Colombia's Ecological and Cultural Diversity," *Washington Office on Latin America*, February 2008.

¹⁴⁰ U.S. Department of State, *INCSR 2010*.

¹⁴¹ USAID/Colombia provided information to CRS on March 15, 2011.

¹⁴² 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.

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 actually a barrier to reaching those impoverished farmers most vulnerable to coca growing.¹⁴³ For example, in one 2009 assessment, researchers conducted interviews with USAID's ADAM and MIDAS project staff and with Colombian government staff implementing a Forest Warden program,¹⁴⁴ 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."¹⁴⁵

Proponents of U.S. policy argue that both eradication and alternative development programs need time to work and that alternative development programs do not achieve drug crop reduction on their own. The Colombia program was designed to support the aerial and manual eradication programs. In FY2009, USAID reported it had targeted communities "vulnerable to coca production," and created nearly 110,000 jobs benefiting over 80,000 families.¹⁴⁶ In FY2010, USAID said it helped rural families produce more than 95,000 hectares of licit agricultural products and to create more than 150,000 jobs.¹⁴⁷ Further, there have been recent reports that U.S.-funded programs have had some success in assisting communities with development projects located in key priority zones under the National Consolidation Plan (NCP) launched in Colombia in 2009.¹⁴⁸ Increasingly, alternative development efforts support municipalities identified as priorities under the NCP. One pilot project in the Macarena region located in the department of Meta—a key cultivation zone—reduced coca growing by 85% between 2005-2009, compared to a 9.5% reduction during the same time period in other regions of Colombia.¹⁴⁹

National Consolidation Plan

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-

¹⁴³ The Uribe government policy conditioned all assistance on total eradication of coca crops from a particular area; even one violation by a single family disqualified 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.

¹⁴⁴ 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.

¹⁴⁵ 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.

¹⁴⁶ U.S. Department of State and USAID, "Colombia U.S. Foreign Assistance Performance Publication FY2009" at http://pdf.usaid.gov/pdf_docs/PDACR027.pdf.

¹⁴⁷ Colombia: USAID FY 2010 Andean Region Alternative Development Performance Results," USAID response to CRS March 11, 2011.

¹⁴⁸ Rafael Romo, "Colombia Farmers Find Safety, Success in Growing Alternatives to Coca," *CNN Broadcast*, January 20, 2011.

¹⁴⁹ Colombia: USAID FY 2010 Andean Region Alternative Development Performance Results," USAID response to CRS March 11, 2011.

2010). The new 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 marginal areas where insurgent activity by 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 then- Colombian defense minister Juan Manuel Santos in March 2009.

Integrated action combines security, counternarcotics, and development in a sequenced approach targeting remote, but strategically important, areas. First, security forces enter a contested zone to stabilize and hold the area so that civilian state institutions can come in to provide social services such as 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.¹⁵⁰

At the national level, the Colombian presidency’s Center for the Coordination of Integrated Action (CCAI) directs the integrated action programs.¹⁵¹ Launched in 2009, the “National Consolidation Plan” applies this comprehensive approach nationally to build a positive 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 regional consolidation centers staffed by civilian, police, and military personnel. The two best-known examples, which have each received U.S. and international support, are the regional coordination centers established in the 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 municipalities and regions in 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.¹⁵²

USAID programs and the U.S. Department of Defense have strongly supported this approach and provided funding to CCAI programs since 2007.¹⁵³ The Colombia Strategic Development Initiative aligns U.S. assistance with the new strategy. 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. According to the 2011 *International Narcotics Control Strategy Report*, in September 2010 President Santos “relaunched” the National Consolidation Plan (NCP) so it dovetails with Colombia’s development plans and targets zones that can become the source of new economic growth in Colombia. The report notes that the goals of the NCP are “to establish a more comprehensive government presence in former conflict and rural areas, deter coca replanting after eradication,

¹⁵⁰ Juan Manuel Santos, “Afghanistan’s challenges—lessons from the Colombian experience,” *NATO Review*, Autumn 2007.

¹⁵¹ 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.

¹⁵² 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.

¹⁵³ 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.

improve interdiction along Colombia's Pacific coastline, and provide alternative livelihoods for those currently engaged in the drug trade."¹⁵⁴

Funding for Plan Colombia

From FY2000 through FY2011, U.S. funding for Plan Colombia and its follow-on strategies totaled over \$8 billion in State Department and Defense Department programs. From FY2000 to FY2009, the United States provided foreign operations assistance to Colombia through the Andean Counterdrug Program (ACP) account, formerly known as the Andean Counterdrug Initiative (ACI), and other aid accounts. In FY2008, Congress continued to fund eradication and interdiction programs through the ACP account, but funded alternative development and institution building programs through the Economic Support Fund (ESF) account. In the FY2010 request, the Obama Administration shifted ACP funds back into the International Narcotics Control and Law Enforcement (INCLE) 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. In its October 2008 report, the GAO stated 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 concluded that while significant security gains were achieved by the Colombian government with U.S. assistance, coca farmers had taken effective countermeasures against eradications, and alternative development programs had not been implemented where the majority of coca is grown.¹⁵⁵ 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.¹⁵⁶

¹⁵⁴ U.S. Department of State, *INCSR 2011*.

¹⁵⁵ 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."

¹⁵⁶ 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.

Table 3. U.S. Assistance for Plan Colombia, FY2000-FY2012

(in millions \$)

	ACI/ACP	ESF	FMF	IMET	INCLE	NADR	Air Wing	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	201.8	55.0	1.7	243.9	4.8	—	122.8	630.0
FY2011 (req)	—	202.9	51.5	1.7	204.0	4.8	—	n.a.	464.9
FY2012 (req)	—	189.1	44.0	1.8	160.6	4.8	—	n.a.	400.3
Total	4,241.4	984.7	648.0	15.9	695.0	59.0	379.1	1,675.5	8,699.0

Sources: Figures are drawn from the annual State Department Foreign Operations Congressional Budget Justifications for fiscal years 2002 through 2012 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 P.L. 480 (Food Aid). Air Wing figures for FY2009 and FY2010 are estimates provided by the State Department. Accounts as follows: ACI/ACP=Andean Counterdrug Initiative/Andean Counterdrug Program; ESF=Economic Support Fund; FMF=Foreign Military Financing; IMET=International Military Education and Training; INCLE=International Narcotics Control and Law Enforcement; NADR=Nonproliferation, Antiterrorism, Demining and Related Programs.

- Includes \$6 million appropriated to FMF but transferred to the ACI account.
- Includes \$93 million in FMF regular appropriations and \$20 million in FMF supplemental funds that were transferred to the ACI account.
- 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.

While some Members of Congress 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 from an estimated \$507 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. However on April 14, 2011, Congress passed legislation to fund government programs for the remainder of 2011 (P.L. 112-10). Because foreign operations funding by account has not yet been established, the amount appropriated in the legislation is not shown in Table 3. Nevertheless, the appropriations measure specified that not more than \$459 million be appropriated for Colombia during FY2011 from State Department accounts. This reflects the gradual reduction in U.S. support as Plan Colombia program management and funding is gradually turned over to Colombia. The FY2012 budget request for foreign operations would further decrease funding to roughly \$400 million, about 13% below the level appropriated in FY2011. **Table 3** provides a more detailed breakdown of U.S. assistance to Colombia from FY2000 through the FY2012 request.

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). The U.S. Congress authorized \$46 million for construction at the Palanquero air base in Central Colombia in the defense authorization for FY2010 signed into law in October 2009 (P.L. 111-84). However, on August 17, 2010, the Colombian Constitutional Court declared the agreement unconstitutional because it had not been submitted to the Colombian Congress for approval. Since then, the Santos administration has not submitted the agreement to Congress, dampening the hostility to the agreement by Colombia's neighbors, Venezuela and Ecuador, and reducing regional tensions.

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 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.¹⁵⁷

On August 18, 2009, Secretary of State Hillary Clinton met with Colombia's Foreign Minister Jaime Bermúdez to discuss the base deal.¹⁵⁸ 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

¹⁵⁷ Oxford Analytica, "Latin America: Regional tensions challenge UNASUR," August 21, 2009.

¹⁵⁸ "Does the US want bases in Colombia?," Latin American Regional Report: Andean Group, August 2009.

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.¹⁵⁹

Some observers believe the agreement was precipitated by the closing of a U.S. forward operating location (FOL)¹⁶⁰ 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 2009.¹⁶¹

According to the U.S. Department of State, the agreement with Colombia was not a replacement for the Manta FOL.¹⁶² The new agreement provided for U.S. and Colombian security cooperation including counternarcotics, counterterrorism, and other "mutually agreed upon activities" *within* Colombia.¹⁶³ The radar-equipped aircraft based at Manta (including P-3 Orions and E-3 AWACS) used for anti-drug surveillance missions over multiple countries had been relocated to other locations in the Western Hemisphere including the United States and other FOLs based in El Salvador and Curacao.¹⁶⁴ The DCA also did not change the cap on the number of U.S. personnel deployed in Colombia which remains the same as set by Congress in 2004 (P.L. 108-375)—800 military personnel and 600 contractors. U.S. personnel presence in recent years has declined to less than half of the authorized 1,400-person cap, which is a trend that is expected to continue.¹⁶⁵

¹⁵⁹ 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>.

¹⁶⁰ The term "forward operating location" or "FOL" has been replaced by "cooperative security location." However, because Manta was called a FOL until the time it was closed the term is retained here.

¹⁶¹ 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.

¹⁶² Communication with State Department Desk Officer on October 9, 2009.

¹⁶³ 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>.

¹⁶⁴ Interview with Department of Defense official on November 9, 2009.

¹⁶⁵ 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."

Figure 2. Military Bases Addressed by the Defense Cooperation Agreement



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

Paramilitary Demobilization

In the 111th Congress, some Members expressed continued concern over the ongoing scandal involving paramilitary ties to Colombian politicians, 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 (FTOs), 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 FY2010 Omnibus Appropriations Act (111-117) provided \$18.6 million to assist in the demobilization of former members of foreign terrorist organizations, pending a certification from the Secretary of State that was issued on August 31, 2010. 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; their 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; 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, and the extent of the investigation and prosecution of such crimes. The State Department's April 2011 human rights report states that the Prosecutor General's Office in Colombia has been assigned 1,488 cases concerning extrajudicial killings by the armed forces alleged to have taken place between 1985 and 2010.¹⁶⁶ Reportedly, progress in reducing the backlog of cases of extrajudicial killing has proceeded slowly.¹⁶⁷ In June 2009, on a 10-day mission to Colombia, the U.N. Special Rapporteur on extrajudicial executions found "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."¹⁶⁸

Since 2002, Congress has required that the Secretary of State certify annually to Congress that the Colombian military and police forces are severing their links to the paramilitaries, investigating complaints of human rights abuses, and prosecuting those against whom credible charges have been made. Congress has made funding to the Colombian military contingent on these certifications which has been made since 2002.¹⁶⁹ In the latest certification, issued on September 9, 2010, Secretary Clinton reported again that the Colombian government and armed forces are meeting the statutory requirements with regard to human rights. The Secretary noted that "Colombia's security situation continues to improve, and years of reforms and training are leading to an increased respect for and understanding of human rights by most members of the Armed Forces...At the same time, however, impunity remains a concern, despite years of improvements to Colombia's judicial system."¹⁷⁰

Congress has also regularly included another mechanism to prevent human rights abuses: 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 that it has committed 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. There have been Colombian units that have been disqualified or "not vetted for cause." Despite these measures, human rights organizations claim that the U.S. government often turns a blind eye to questionable activities of Colombian security forces.

¹⁶⁶ U.S. Department of State, *Country Reports on Human Rights Practices: Colombia*, April 8, 2011. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm>.

¹⁶⁷ 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 9, 2010. Available at http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

¹⁶⁸ 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>.

¹⁶⁹ Today certification is required before 30% of funds to the Colombian military can be released. In prior years, 25% of funds was held back and released upon certification by the Secretary of State. CRS communication with State Department, March 18, 2011.

¹⁷⁰ U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 9, 2010. Available at http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

U.S.-Colombia Free Trade Agreement¹⁷¹

In 2003, the Bush Administration announced its intention 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 separately 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, also called the U.S.-Colombia Free Trade Agreement (CFTA).

The CFTA requires ratification by the U.S. Congress before it can enter into force. Proponents of the pending agreement contend that it would improve market access for U.S. businesses, and that increased bilateral trade would reward a close ally in South America. Proponents maintain that trade opening generated by the agreement would benefit both the United States and Colombia. A study by the United States International Trade Commission found that, upon full implementation of a U.S.-Colombia FTA, U.S. GDP would increase by over \$2.5 billion.¹⁷² For Colombia, a free trade agreement with the United States is part of the government's overall development strategy and efforts to promote economic growth and stability.¹⁷³ Arguments against the pending agreement mostly center on human rights considerations, violence (as described in more detail below), other protections of labor rights in Colombia, and concerns that it may displace Colombian workers in some sectors.

Colombia is a beneficiary country under the Andean Trade Preference Act, which was modified by the Andean Trade-Promotion and Drug Eradication Act (ATPDEA) in 2002.¹⁷⁴ ATPA lapsed on February 12, 2011. The law provided eligible countries with unilateral preferential access to the U.S. market for certain products in order to encourage legitimate economic activity in place of a dependence on the illegal narcotics trade.¹⁷⁵ In December 2009, the 111th Congress extended ATPA trade preferences to Colombia, Peru, and Ecuador through December 31, 2010 (P.L. 111-124), and late in the second session provided a six-week extension (P.L. 111-344) for Colombia and Ecuador until February 12, 2011.

On April 8, 2008, President Bush submitted implementing legislation to Congress for the CFTA. The agreement was negotiated under Trade Promotion Authority (TPA) in which implementing legislation is considered under special rules with limited debate and an up or down vote. The House leadership, however, took the position that President Bush had submitted the legislation to implement the CFTA without adequately fulfilling the TPA requirements for consultation with Congress. On April 10, 2008, the House, by a vote of 224-195, adopted H.Res. 1092, making certain provisions of the expedited procedure inapplicable to the CFTA implementing legislation,

¹⁷¹ See CRS Report RL34470, *Proposed U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal. This report provides analysis and various perspectives on the pending CFTA and the associated Action Plan Related to Labor Rights.

¹⁷² United States International Trade Commission (USITC), *U.S.-Colombia Trade Promotion Agreement: Potential Economy-wide and Selected Sectoral Effects*, Investigation No. TA-2104-023, USITC Publication 3896, December 2006.

¹⁷³ CRS Report RL34470, *Proposed U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal.

¹⁷⁴ See CRS Report RS22548, *ATPA Renewal: Background and Issues*, by M. Angeles Villarreal.

¹⁷⁵ *Ibid.*

effectively putting congressional consideration of the pending U.S.-Colombia Free Trade Agreement on hold.

In the 112th Congress, interest in the CFTA has grown considerably. The Obama Administration has come to back three Bush-era free trade agreements with Colombia, Panama, and South Korea after addressing “key issues” in each agreement, as part of the President’s export development and job growth strategy.

Action in the 112th Congress may be imminent. On June 28, 2011, United States Trade Representative Ron Kirk announced that he welcomed the scheduling of informal or “mock” markups for the three pending agreements, but stated that any movement on the implementing legislation must be accompanied by a renewal of Trade Adjustment Assistance (TAA).¹⁷⁶ The House Ways and Means Committee and Senate Finance Committee approved draft implementing bills for the pending FTAs with Colombia, Panama, and South Korea during the informal or “mock” markup process held July 7, 2011. The draft legislation for the pending U.S.-Colombia FTA includes a retroactive extension of the ATPA from its expiration until July 31, 2013.

Issues Related to Labor Rights in Colombia

Critics of the free trade agreement are concerned about the status of labor rights in Colombia and other human rights considerations such as the ongoing para-political scandal.¹⁷⁷ Critics in the U.S. Congress have been especially concerned about incidents of violence against trade unionists in Colombia. They argue that such violence is excessive and inadequately addressed by the Colombian government.

Addressing concerns about labor issues related to the CFTA, on April 7, 2011, President Santos and President Obama announced they had agreed upon an Action Plan Related to Labor Rights. This detailed plan addressed U.S. concerns about protection of labor rights in Colombia, violence against labor leaders, and improving the investigation and prosecution of labor-related violence. The Obama Administration stated that implementation of most of the measures in the plan, which consists of a series of actions the Colombian government must take within defined time frames, would be a precondition for the President to declare the pending CFTA enter into force. Two of most important deadlines for completion of obligations by the Colombian government were on April 22, 2011 and June 15, 2011. The U.S. Trade Representative, which reviewed the documents submitted by Colombia, announced that Colombia has fulfilled its obligations for both deadlines. The Action Plan can be found on the website of the Office of the United States Trade Representative (USTR).¹⁷⁸

Reaction to the Action Plan has been mixed.¹⁷⁹ Although many contend that the plan, if fully implemented, would represent progress on some of the problems facing labor in Colombia and view it favorably, others are concerned that weak enforcement may limit its prospects.

¹⁷⁶ For more background, see CRS Report R41922, *Trade Adjustment Assistance (TAA) and Its Role in U.S. Trade Policy*, by J. F. Hornbeck and Laine Elise Rover.

¹⁷⁷ Opponents of the trade agreement have raised other human rights concerns including extrajudicial killings by the Colombian Armed Forces, illegal wiretapping of jurists and human rights defenders under the former government, and the protection of the rights, lands, and livelihoods of Afro-Colombian and indigenous people.

¹⁷⁸ *Colombian Action Plan Related to Labor Rights*, April 7, 2011, available at <http://www.ustr.gov>.

¹⁷⁹ For a more detailed description of the major elements of the Action Plan and how unions and others have responded (continued...)

Labor activist killings declined during President Uribe's first term, 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 union members were killed, while the National Labor School (ENS, a respected Colombian NGO) estimated that 72 labor union members were killed. (See **Figure 3**). In 2007, both authorities reported a drop, with the Colombian government reporting 26 labor activists killed and ENS estimating 39 labor activists killed.¹⁸⁰ In 2008, the Colombian government reported 38 murders and ENS reported 51 murders. In 2009, the government reported a decline to 28 murders and ENS reported a slight decline to 47 murders of labor activists.¹⁸¹ In 2010, the Colombian government recorded 34 murders, while the ENS recorded 51. For more information about the reasons for the discrepancy between government and NGO tallies, see CRS Report RL34759, *Proposed U.S.-Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle.

Violence against labor activists is in a context of high violence levels in the society in general. Colombia has greatly reduced the homicide rate over the past decade, but even in 2010 there was more than 15,400 homicides, with a rate of 34 homicides per 100,000 inhabitants (about twice Mexico's rate in 2010).¹⁸² The 51 homicides of labor unionists recorded by ENS in 2010 were less than one half of 1% of total homicides. Critics of the Colombian government's record on protecting labor note that the politically intimidating effect of a labor murder is not equivalent to a random murder. Another area of concern is whether labor activists were killed because of their union activity.

The Colombian government has responded to U.S. concerns by pointing to the improvements in curbing violence overall. Total homicides dropped by 46% from a peak in 2001 to 2010 according to data from the Colombian Ministry of Defense. As presented in **Figure 3**, the reduction in labor union homicides is about a 70% decrease according to the ENS data and more than 80% according to the government data. Some Members of Congress who oppose the CFTA note that the Colombian government has made progress but maintain that continued violence against labor leaders and human rights defenders make it an unfit trade partner at this time.¹⁸³ Other critics are disturbed by continued violence against other vulnerable groups such as Afro-Colombian activists and indigenous leaders.¹⁸⁴

(...continued)

to it in the United States and Colombia, see CRS Report RL34470, *Proposed U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal.

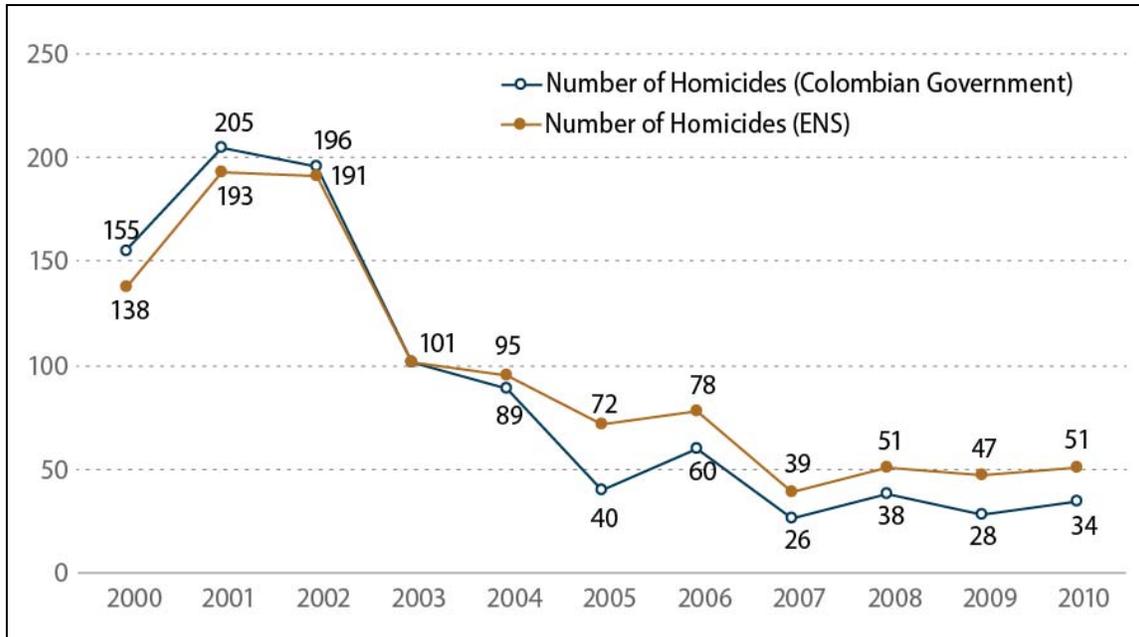
¹⁸⁰ U.S. Department of State, "Charting Colombia's Progress," November 5, 2008. Another possible reason for the decline in murders is the overall decline in labor union membership in Colombia. Unions have dwindled from 13% of the formal labor force in 1965 to 4.4% of the 18.4 million workforce currently. For further discussion of labor violence and trends, see CRS Report RL34759, *Proposed U.S.-Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle. Data on current union membership from U.S. Department of State, *Country Reports on Human Rights Practices: Colombia*, April 8, 2011. Full report at: <http://www.state.gov/g/drl/rls/hrrpt/2010/wha/154499.htm>.

¹⁸¹ U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 9, 2010. Available at: http://www.justf.org/files/primarydocs/100915col_certmemo.pdf. The State Department reports that the ENS revised its figures upward to 47 after initially reporting 39 homicides for 2009.

¹⁸² Colombian data from the Colombian Ministry of Defense provided by the Embassy of Colombia. Communication with the Embassy of Colombia, March 24, 2011.

¹⁸³ See, for example, Representative James P. McGovern, Dear Colleague Letter: "17 Colombian Labor Activists Murdered in 2011," July 14, 2011.

¹⁸⁴ WOLA, Press Release "Members of Congress Urge President Obama to Protect Afro-Colombians Before Moving Ahead with Colombia Free Trade Agreement," July 7, 2011. The press release refers to a letter written by 24 Members (continued...)

Figure 3. Colombian Trade Union Homicides from Two Sources

Source: Government of Colombia; the Escuela Nacional Sindical (ENS, National Labor School); U.S. Department of State

Notes: The ENS is a well-regarded labor think tank in Colombia. The 2010 government figure comes from the Presidential Program for Human Rights as reported in the U.S. State Department's 2010 *Country Reports on Human Rights Practices: Colombia*, April 8, 2011.

A major concern is the long-term impunity for acts of violence against labor leaders. Very few investigations have been completed. More than 2,000 incidents of violence involving killings and threats between 1991 and 2006 have been alleged. A Special Labor Sub-Unit of the Colombian Prosecutor General's office, set up in 2006, now employs 19 prosecutors and 76 investigators assigned to investigate and process 1,387 labor-related cases, including 185 priority cases. A vast majority of the 1,387 cases are either under investigation or in preliminary phases of the prosecutorial process. With regard to the 185 priority cases, as of June 15, 2010, the Sub-Unit achieved 83 convictions in 56 of those cases, convicting a total of 100 individuals.¹⁸⁵ According to the State Department, the Labor Sub-Unit has achieved 344 convictions, including 76 in 2010,

(...continued)

of Congress to President Obama to oppose passage of the U.S.-Colombia free trade agreement until Afro-Colombian and indigenous rights have stronger protections.

¹⁸⁵ U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 9, 2010. Available at: http://www.justf.org/files/primarydocs/100915col_certmemo.pdf.

involving 392 individuals who committed violent acts against trade unionists.¹⁸⁶ Labor groups argue much more needs to be done to end impunity for crimes targeting trade unionists.¹⁸⁷

Several measures in the April 2011 Action Plan Related to Labor Rights include steps to strengthen the Colombian judicial system with regard to labor violence prosecutions.¹⁸⁸ At the High-Level Partnership Dialogue held in late May 2011 in Washington, DC, the Colombian delegation presented the vision of its new Prosecutor General to strengthen the administration of justice and more regularly report on priority cases.

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¹⁸⁶ Communications from the U.S. Department of State to CRS on March 17, 2011.

¹⁸⁷ 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>; AFL-CIO, "Statement of the AFL-CIO on Colombian Labor and Human Rights Document," March 17, 2011 at <http://www.aflcio.org/mediacenter/prsptm/pr03172011.cfm>.

¹⁸⁸ In a section on Criminal Justice Reform, the Action Plan has several milestones for strengthening criminal justice investigations, including: the assignment of 95 judicial police investigators exclusively to criminal cases involving union members and activists; plans to fund and provide additional training for judicial police and prosecutors; improvement of public reporting on criminal cases involving labor violence; and development of a program to reduce the backlog of labor homicide cases.