

**ASSESSING THE COLOMBIA PEACE PROCESS: THE
WAY FORWARD IN U.S.-COLOMBIA RELATIONS**

HEARING

BEFORE THE

SUBCOMMITTEE ON WESTERN
HEMISPHERE, TRANSNATIONAL CRIME,
CIVILIAN SECURITY, DEMOCRACY, HUMAN
RIGHTS, AND GLOBAL WOMEN'S ISSUES

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CONTENTS

| | Page |
|--|------|
| Rubio, Hon. Marco, U.S. Senator from Florida | 1 |
| Menendez, Hon. Robert, U.S. Senator from New Jersey | 4 |
| Brownfield, Hon. William R., Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, U.S. Department of State, Wash- ington, DC | 6 |
| Prepared statement | 7 |
| Responses to Additional Questions for the Record Submitted to Hon. William Brownfield by Senator Marco Rubio | 47 |
| Palmieri, Francisco, Acting Assistant Secretary, Bureau of Western Hemi- sphere Affairs, U.S. Department of State, Washington, DC | 9 |
| Prepared statement | 11 |
| Responses to Additional Questions for the Record Submitted to Francisco Palmieri by Senator Marco Rubio | 47 |
| Cárdenas, José, Former Acting Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development, Washington, DC | 28 |
| Prepared statement | 29 |
| Gonzalez, Juan, Associate Vice President, The Cohen Group, Washington, DC . | 32 |
| Prepared statement | 35 |
| Responses to Additional Questions for the Record Submitted to Juan S. Gonzalez by Senator Marco Rubio | 51 |
| ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD | |
| Statement Submitted by Hon. Camilo Reyes, Ambassador of Colombia | 52 |
| Statement Submitted by José Miguel Vivanco, Executive Director of the Americas Division, Human Rights Watch | 55 |
| Statement Submitted by Alvaro Uribe Vélez | 56 |

**ASSESSING THE COLOMBIA PEACE
PROCESS: THE WAY FORWARD
IN U.S.-COLOMBIA RELATIONS**

WEDNESDAY, AUGUST 2, 2017

U.S. SENATE,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY,
HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:05 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Marco Rubio, chairman of the subcommittee, presiding.

Present: Senators Rubio [presiding], Gardner, Menendez, Udall, Shaheen, and Kaine.

**OPENING STATEMENT OF HON. MARCO RUBIO,
U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Good morning. This is a hearing of the Subcommittee of the Western Hemisphere. I will give you the whole title: Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues. We have to come up with a good acronym.

The title is, "Assessing the Columbia Peace Process: The Way Forward for U.S.-Colombia Relations."

We are going to have two panels. The first is a government panel. Mr. William Brownfield is the Assistant Secretary of State at the Bureau of International Narcotics and Law Enforcement; and Mr. Francisco Palmieri is the Acting Assistant Secretary of State in the Bureau of Western Hemisphere Affairs.

The second panel will be non-government witnesses who have extensive government experience. Mr. José Cárdenas, three decades of experience in the Western hemisphere in inter-American relations. He served in senior positions in the U.S. Department of State, the National Security Council, the U.S. Agency for International Development, where he served as the Assistant Administrator for Latin America and the Caribbean; and Mr. Juan Gonzalez, who has spent 16 years in government service focused on Latin America and the Caribbean with the State Department, the National Security Council, and the Office of the Vice President.

I welcome all the witnesses here today.

I am going to abbreviate my comments. We have a vote at 11:00, and so I want to get through this as quickly as possible because at some point there will be an interruption.

But let me just say that since the '90s we know that Colombia has fought a battle against narco-terrorist organizations that threaten the very existence of the Colombian state. At one point it was on the verge of collapse. The road to recovery for that nation has been long and arduous, one that has unfortunately claimed far too many victims along the way.

With the full support of the Colombian Government, beginning with President Uribe, and broad bipartisan support in the United States, the U.S. Government has played a crucial role in aiding and training and equipping the Colombian Government in their fight against the insurgencies that were brought about by the FARC, the ELN, and other groups.

Through Plan Colombia, the United States provided foreign aid and military assistance that included strategies to increase security and to eradicate coca, and the cooperation between the U.S. and Colombia has been critical over the past 16 years. It has been supported by Republicans and by Democratic administrations, and the success of the plan has reduced drug-related violence while aiding in the restoration of rule of law and reviving the Colombian economy.

I do think it is important to add here that while the U.S. assistance has been critical, the bulk of the sacrifice, the work and the dedication has been on the shoulders of the Colombian people and their leaders, and they deserve extraordinary credit. But the United States has played an invaluable role.

The result of it is the Colombian military is now the best armed and trained in Latin America. It is a reliable security partner for the United States. It is also exporting its expertise to help build the capacity and the capability of other countries in the region, particularly in Central America.

The success of this cooperation led to the culmination in 2012 of talks between the Colombian Government and the Revolutionary Armed Forces of Colombia, better known as the FARC, still designated, and rightfully so, as a terrorist organization. Our joint efforts and the determination and leadership of former President Uribe and its current President Santos, and Villegas, Minister of Defense, created the space for these negotiations to even be possible.

These negotiations led to an agreement that was initially rejected in the national referendum but that nevertheless passed through the Colombian legislature after the fact. The core provisions in this agreement include land and rural development, the FARC's political participation, efforts to counter illicit crops and drug trafficking, work on victim reparations and transitional justice, and the demobilization and disarmament of the FARC and a bilateral ceasefire.

Now, while obviously it is the sovereign decision of a sovereign nation to determine whether the peace deal is a good idea and how to move forward on it, as American policymakers we now have to determine, as this is being implemented, what role we will play in

continuing assistance to Colombia and whether our interests are aligned with the work that is being done.

There have already been two provisions in the agreement implemented. The FARC has demobilized, or allegedly demobilized into 26 rural concentrated zones. Some claim that up to 7,000 combatants have turned in their arms, but there are still many concerns that remain unresolved. Despite the agreement, more FARC rebels than the Colombian Government initially thought are deciding not to participate in the agreement. Remnant groups of the FARC, such as the ELN and BACRIM, are rushing to fill the void left by the FARC in areas where they have demobilized, and they are now occupying territory that was once controlled by the FARC.

There are other troubling signs. There are reports that 60 leading rights defenders were killed in 2016, a significant increase from the 41 in 2015. The vast majority of these threats occurred in the zones that were previously occupied by the FARC. These numbers are alarming, and they cannot be ignored in this process.

Further drawing on the element of the security is the illicit drug trade. In the past couple of years, Colombia has experienced a drastic increase in the coca crops. According to reports issued this year by the State Department, Colombia has had a 42 percent increase in illegal coca cultivation since 2014 through 2015, and the same report attributes the increase to a number of factors, including the Government's decision, the Santos Government's decision to terminate coca eradication through aerial spraying.

The result is that Colombia, sadly, is once again the world leader in coca production and illicit narcotics trafficking, with record amounts of both helping to fuel violence in Central America and Mexico, and the repercussions are being felt throughout the region, including our own borders where, according to U.S. Customs and Border Protection, the amount of cocaine seized in the nation increased dramatically in 2014 and 2015 to coincide with the dramatic increase in cultivation. Just two weekends ago, the Costa Rican Ministry of Public Security reported they have intercepted 9.4 tons of cocaine just this year. Of course, this flow of cocaine is only furthering corruption and security concerns in the region.

So while I applaud the efforts made by the Colombian Government to reach a peaceful agreement with those who once tormented and destabilized the country, I think there are concerns about the way this plan is being implemented, and more importantly, how U.S. foreign policy and U.S. assistance overlays with the current agreement.

Clearly, more work remains in order to truly achieve not just peace but security. Peace without security is not peace. The support of the Colombian people in this transition and the assurance of justice to the victims of this conflict, particularly the victims of these narco-terrorists, is essential.

So I look forward to hearing from our witnesses today as we begin to assess the way forward on the U.S.'s participation with Plan Colombia and to hear their recommendations for the administration and for Congress as we look to address the growth in narcotics trafficking and support our allies, the Colombian Government, in securing their country, because in many ways the most difficult part of this job remains ahead.

And now I recognize the ranking member, Senator Menendez.

**STATEMENT OF HON. ROBERT MENENDEZ,
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Thank you, Mr. Chairman, for holding a very important hearing today. I know that you and I both have a keen interest in the implementation of the peace accords in Colombia and how they impact overall security and stability in our hemisphere.

I am very pleased that we have administration witnesses, which is a rarity so far in this Congress, and esteemed ones at that, who will be able to offer insight and expertise on the issues that we will discuss today.

Over the past few decades the United States and Colombia have had a productive, cooperative, successful relationship. We have worked together to address shared challenges, including the scourge of narco-trafficking, working to promote regional cooperative programs, including the Caribbean Energy Security Initiative, and recently speaking with one voice about the importance of preserving democratic institutions and peace in Venezuela.

While we could have an entire hearing on our trade relationship and the importance of protecting labor rights, suffice to say when we have challenges in our relationship, we have the foundation of a strong relationship and strong institutions through which to address them.

Today, however, we are focusing on the implementation of Colombia's peace plan and implications for regional security and stability. Building off misguided ideological movements of the mid-1900s, the FARC, the ELN, right-wing paramilitary groups and other spoilers ravaged the Colombian population and country for decades. Many consider the Colombia peace accords one of the greatest achievements in the region in recent memory, providing the opportunity to end the region's longest war and bring stability and prosperity to the entire country.

While some, including some in Colombia, may have wanted to see different final terms of an agreement, as a recent Atlantic Council Task Force report, which I commend to anyone who may be interested, put it, "Applied robustly, the peace accord represents an historic opportunity to extend state presence and democratic institutions throughout Colombia's territory, with corresponding peace dividends, security, stability, counter-narcotics, economic development, and measures to address the long-term roots of violent conflict that cost more than 220,000 lives. Applied poorly, the agreement may sap government resources while leaving gross war crimes unpunished and allowing new illegal armed groups to appropriate the FARC's territory and illicit activities."

So I am eager to hear from our witnesses their assessment of implementation so far and what we can do to ensure that we are rigorously and robustly assisting in the implementation of this plan.

Of course, the Colombian people have borne the burden of the previously seemingly intractable insurgency. Women, Afro-Colombians, indigenous communities, rural Colombians have disproportionately suffered and shed blood for this internal conflict. It is incumbent upon the Colombian Government to uphold commitments

to those Colombians who suffered the most at the hands of the FARC. Millions of Colombians are still mourning the death of family members as thousands are still searching for disappeared loved ones. Many are still suffering from the trauma of violence.

In order to fully realize the potential of a grand bargain, the Government must invest in roads, hospitals, schools, and promote a better future for all of its citizens, many of whom have suffered under years of neglect and lack of investment. Criminal networks and guerilla operations were successful in part because they exploited an absence of responsible government.

At the same time, the Government cannot exclusively focus its efforts on what it considers the positive components of the peace accord. I have been deeply alarmed by reports over the past few years that coca production is surging in Colombia. Official numbers show that coca production increased 18 percent between 2015 and 2016. It would appear that the Government is so focused on its peace deal with the FARC that it runs the risk of overlooking the dangerous actors who are still too eager to exploit their departure from the lucrative, disruptive, and dangerous narco industry.

The Colombian Government must seriously address this growing crisis as we in the United States continue to combat demand. It must clearly delineate roles for the military and the police, and it must equip these forces with the resources they need to not only go after traffickers but at the root level the Government needs to work with farmers to provide viable crop alternatives and economic opportunities.

At the mid-level of government, with the support of the United States, it must explore the supply chain and the financial networks that facilitate the cultivation and exportation of these programs. Transnational criminal organizations operate like businesses, and we must holistically address them to combat this problem effectively. Banks and financial institutions need resources to track the money of criminal actors and to recover assets that can be used towards promoting better practices.

The peace deal will leave a vacuum in the fields of Colombia, and we must ensure it is not refilled with coca. There is a real need to ensure we build the capacity of Colombian institutions to cut off the body of the snake as well as the head. As Plan Colombia proved, U.S. engagement; sustained, reliable investment focused on combatting criminal narco trafficking; economic development; and supporting democratic institutions that will ultimately guarantee peace, security, and accountability in the long term is critical for success.

So I am interested to hear from our witnesses about ongoing efforts to transfer from a war-ending effort to a peace-building one. The fact is a lasting and enduring peace is in the national interest of both Colombia and the United States. Keeping in mind the historically important and strong relationship we have with Colombia, it is my hope that we can find productive and positive ways to address these challenges and focus on a more prosperous and secure future for both of our countries.

Thank you, Mr. Chairman.

Senator RUBIO. Thank you.

Let us begin with our witnesses.

Secretary Brownfield, thank you for being here.

STATEMENT OF HON. WILLIAM R. BROWNFIELD, ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. BROWNFIELD. Thank you, Mr. Chairman. Chairman Rubio, Ranking Member Menendez, Senator Shaheen, thank you for the opportunity to appear today to discuss the Colombia peace process and counter-narcotics efforts after the peace agreement.

It is impossible not to celebrate the end of 50 years of armed conflict. In fact, the accord was facilitated by generous support from this Congress and the United States. Since the inception of Plan Colombia, homicides dropped by more than 50 percent, kidnappings by 90 percent, and until 2013 cocaine by 60 percent. Fueled by security success, foreign investment and economic growth boomed in Colombia.

But as we celebrate the accord, we must not forget that one of the parties to the accord has been designated for years as a foreign terrorist organization and a drug trafficking organization. In fact, in the final three years of the negotiations, coca cultivation in Colombia grew 130 percent, and cocaine production more than 200 percent. I do not lay all of this at the FARC's feet. The Government itself reduced the eradication by ending aerial spraying in 2015. But the FARC was a key enabler of the cocaine explosion. They aggressively encouraged planting more coca in their regions of influence, hoping to receive more economic assistance from the Government. They established front groups to resist eradication and crop control efforts. They refused to assist law enforcement in bringing to justice drug trafficking organizations by providing evidence and information, and to this day they decline to reveal their revenue and assets acquired during decades of criminal activity.

We now have a crisis not just in Colombia but in the United States. I have visited Colombia twice in the past two months to address this crisis. In each visit I acknowledged publicly that the Colombian police and armed forces have done a heroic job of interdiction. Their 2016 seizures grew 40 percent from the year before, to more than 421 metric tons.

But Colombia cannot interdict its way out of this problem, and we have discussed six steps we can take together to reverse the trends.

First, a serious Colombian national strategy to address the crisis.

Second, designating a national coordinator for a whole-of-government effort. President Santos wisely placed his vice president in charge of this effort.

Third, an expanded and robust budget for counter-narcotics.

Fourth, enhanced eradication efforts, including areas previously off-limits to forced eradication.

Fifth, a strategy to deal with the political realities of coca growers' protests driving away eradicators.

And sixth, a commitment to continue to use extradition as a tool against those involved in drug trafficking.

Mr. Chairman, members of the subcommittee, eradication has picked up in 2017. I am moderately optimistic that this year will

cap the increase in Colombian cocaine production and maybe begin a downward trend line. It is in the national interest of neither country that Colombia continue its surge in coca and cocaine production. I believe we will solve this latest drug crisis because we are close partners and friends for more than 17 years. But we have a long way to go, and the FARC has not made it easy for us.

Thank you, Mr. Chairman, and I look forward to your questions and your comments.

[Mr. Brownfield's prepared statement follows:]

PREPARED STATEMENT OF HON. WILLIAM R. BROWNFIELD

Chairman Rubio, Ranking Member Menendez, distinguished members of the subcommittee, thank you for the opportunity to appear before you today to discuss counternarcotics efforts in Colombia after the peace agreement. Implementation of an effective counternarcotics plan for Colombia is more important now than ever. At a time when the Colombian Government is implementing a peace accord that promises to keep the Revolutionary Armed Forces of Colombia (FARC) off the battlefield and out of the illicit economy, we have a limited window of opportunity to roll back the recent troubling narcotics trends that threaten the safety and health of citizens here in the United States as well as in Colombia and throughout the rest of the Western Hemisphere.

The Government of Colombia has been our strong partner in the fight against crime and narcotics for more than two decades. Since 2000, the United States has invested more than \$10 billion to improve citizen security, disrupt the drug trade, and combat criminal networks to advance peace and prosperity. Working with our Colombian partners, our joint efforts have produced positive results. Since 2002, homicides in Colombia have fallen by more than 50 percent and kidnappings have dropped by 90 percent; in 2016, Colombia had its lowest reported homicide rate in 40 years. Our shared successes in the security realm also brought the FARC, which is extensively involved in the drug trade, to the negotiating table and helped make possible the conclusion of a peace accord.

However, after years of progress in combatting coca cultivation and cocaine production, Colombia is once again the world's largest producer of cocaine and is the origin of approximately 90 percent of the cocaine seized in the United States, according to the DEA Cocaine Signature Program. Between 2013 and 2016, coca cultivation in Colombia increased by more than 130 percent, from 80,500 hectares (ha) in 2013 to 188,000 ha in 2016. Perhaps more troubling, pure potential cocaine production surged by more than 200 percent in the same time period, from 235 metric tons produced in 2013 to 710 metric tons in 2016. Cocaine use and overdose deaths in the United States also are on the rise. Following a dramatic decline in cocaine overdose-related deaths in the United States since 2006, this figure has steadily increased since 2012, reaching 6,784 overdose-related deaths in 2015, the highest on record since 2006.

This surge is due to multiple factors. These include Colombia's decision in 2015 to end the U.S.-supported aerial coca eradication program as well as countereradication techniques implemented by coca growers. Widespread reporting indicates FARC elements urged coca growers to plant more coca, purportedly motivated by the belief that the Colombian Government's post-peace accord investment and subsidies would focus on regions with the greatest quantities of illicit crops. The Colombian Government also reduced forced manual eradication operations in areas controlled by the FARC to lower the risk of armed conflict as the parties negotiated a final peace accord. Finally, Colombia's manual eradication budget has declined by two-thirds since 2008, resulting in a 90 percent reduction in the number of manual eradicators in 2016 compared to 2008.

In the lead up to the official cessation of the aerial eradication program in September 2015, Colombian President Juan Manuel Santos announced a counternarcotics strategy laying out three priority areas: rural development programs to reduce drug cultivation, including voluntary eradication and crop substitution for coca growers; enhanced law enforcement efforts to dismantle organized crime groups; and public health approaches to address domestic drug consumption. These priorities conform to the counternarcotics-related aspects of the peace accord, which focus on a national crop substitution and alternative development plan to be implemented in 44 municipalities where 60 percent of the coca is cultivated.

The voluntary eradication and crop substitution plan includes the creation of a coordination and communication mechanism for crop substitution; hiring technicians to help implement this plan; granting of land titles to program participants; and cash payments for food subsidies, medium-term employment contracts for infrastructure projects, and other payments for long-term crop substitution such as cacao. The United States is not currently supporting the Colombian Government's voluntary eradication and crop substitution program because the FARC is involved in some aspects of the program and remains designated as a Foreign Terrorist Organization under several U.S. laws and sanctions regimes.

The Colombian Government is operationalizing its counternarcotics strategy through the Ministry of Defense (MOD)-led Centros Estratégicos Operacionales/Strategic Operational Centers, or "CEOs," concept, which is an integrated, whole-of-government approach to counternarcotics and rural development. In early January, the Colombian Government began implementing the CEO concept in the municipality of Tumaco—a critical area for coca cultivation and cocaine production and other illicit activity. The Government plans to expand this effort to a total of four CEOs servicing the 11 departments with the highest levels of coca cultivation. Embassy Bogota continues to support the Colombian Government in this effort.

To date, the results of Colombia's counternarcotics strategy have been mixed. In 2016, Colombia's land and maritime interdiction of cocaine and cocaine base increased over 40 percent from 2015 to a record high of approximately 421 metric tons, according to Colombian official statistics. Additionally, 4,613 cocaine base labs and 229 cocaine hydrochloride labs were destroyed in 2016. Colombian efforts led to the extradition to the United States of major transnational organized criminals, including Nidal Ahmed Waked-Hatum, and the taking down of narcochiefs, including Victor Ramon Navarro-Cerrano (a.k.a. Megateo).

While these efforts are impressive and the commitment and sacrifice of the Colombia security services to this mission cannot be overstated, significant challenges remain. Chief among them is that drug seizures are simply not keeping pace with the explosion in coca cultivation, which must be addressed with the same vigor as the interdiction mission.

Colombian leadership must find a way to implement a robust forced manual eradication effort to create a disincentive to coca cultivation and an incentive to participation in the Government's crop substitution effort. Making manual eradication work includes overcoming the persistent social protests that disrupt forced eradication operations. Without a permanent solution to the social protest issue, forced eradication efforts are unlikely to have a significant effect on coca cultivation levels in 2017. In 2016, 675 attempted eradication operations were cancelled in the field due to restrictive rules of engagement that prevented security forces from engaging protestors. In 2017, the protests continue. On March 28, the Ministry of Defense-led CEO in Tumaco launched a successful eradication operation along the border with Ecuador. To date, approximately 6,000 hectares have been eradicated. However, the operation has been marred by social protests and violence, resulting in the injury of two police officers and the death of a third. The security forces must be empowered to eradicate in national parks, indigenous areas, and the no-fly zones around the FARC disarmament zones, where coca cultivation is at industrial levels. Additionally, proper military-civilian coordination continues to be weak, and the proper financial resources to implement the CEO concept are still inadequate.

To be successful, the Colombian Government's voluntary eradication and crop substitution program needs adequate financial and human resources as well as a clear implementation plan to succeed. Currently these are lacking. We are strongly encouraging the Colombian Government to limit the number of voluntary eradication agreements they negotiate and sign to make implementation feasible. Voluntary eradication agreements must also have expiration dates so the security forces can forcibly eradicate in farms where coca growing communities fail to meet their obligations.

In addition to eradication and crop substitution efforts, we have also called on the Colombians to preserve the use of extradition as a law enforcement tool, to ensure narcotraffickers do not fraudulently use the peace accord's transitional justice measures to avoid extradition.

I visited Colombia twice in the past several months, once in March and again in June, to discuss these challenges and outline a plan for moving forward together. First, the U.S. Ambassador to Colombia, Kevin Whitaker, and I led a U.S. Government delegation for a Binational Technical Working Group (BTWG) on counternarcotics in March. The delegation met with senior Government of Colombia officials and conveyed our government's continued concerns regarding the worsening narcotics situation in Colombia. We stressed the urgent need to operationalize a whole-of-government strategy to counternarcotics and rural development in strategic

areas of concern. Subsequent to the BTWG, we also met with President Santos and then incoming-Vice President Oscar Naranjo to reinforce these messages. Counternarcotics was a key topic of discussion during President Santos' May 18 meeting with meeting with President Trump, who underscored our deep and growing concern and urged immediate action.

On June 14, Vice President (VP) Naranjo convened a day-long strategic drug policy workshop bringing together a dozen Colombian agencies for a comprehensive assessment of their collective counternarcotics efforts and to lay the groundwork for a "unified vision" to address illicit crops. During the event, which was notable for its participation, structure, and candid conversation, VP Naranjo said disparate counternarcotics strategies had failed because they focused solely on interdiction and eradication programs, and never addressed structural problems causing families to replant coca. He repeatedly stressed Colombia needed a paradigm shift to promote an integrated, whole-of-government approach. We could not agree more.

While concerns persist, my June visit to Colombia with my colleagues on The Interdiction Committee revealed a clear improvement in the direction of Colombia's counternarcotics efforts, and this can almost certainly be attributed to the positive effects of Vice President Naranjo's meeting earlier that month. The most encouraging development during our visit was the clear signal that Colombia is readying its various ministries to launch a second CEO in Antioquia.

The Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) continues to assist the Government of Colombia with its interdiction and coca eradication operations; strengthening the country's rule of law capacity to counter money laundering and prosecute and convict organized criminals; and supporting the expansion of government presence to rural areas to prevent organized criminal groups from gaining a foothold where state presence is weak. As was the case with Plan Colombia, U.S. assistance to support implementation of Colombia's counternarcotics strategy is a fraction of Colombia's overall investment.

The dramatic increase in coca cultivation and cocaine production in Colombia is deeply concerning, and we remain committed to helping the Colombian Government deal with this challenge. The stakes could not be higher. Not only will failure to counter drugs jeopardize the hard won gains under Plan Colombia, but emboldened organized criminal groups and huge inflows of illicit earnings will erode citizen security, increase corruption, foment increased illegal immigration, and destabilize neighboring states and Colombia itself, thus undermining the legacy and legitimacy of the peace accord. The Colombian Government has been our steadfast partner in the fight against crime and narcotics since before the start of Plan Colombia in 1999. Achieving our shared goals will not be easy, nor quick, but we are confident that we will continue to effectively work together to tackle the considerable challenges before us.

Senator RUBIO. Thank you.
Secretary Palmieri?

STATEMENT OF FRANCISCO PALMIERI, ACTING ASSISTANT SECRETARY, BUREAU OF WESTERN HEMISPHERE AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, DC

Mr. PALMIERI. Chairman Rubio, Ranking Member Menendez, members of the subcommittee, thank you for convening this hearing to discuss Colombia. Colombia is a strategic U.S. partner at a critical time who works with us to advance U.S. national security and economic prosperity interests in the hemisphere and around the world. We are working with the Colombian Government on its efforts to implement its peace accord with the FARC.

Colombia is one of our most willing and capable partners in the region. A Colombia at peace will strengthen its ability to support mutual priorities, including promoting a stable and democratic region and countering narcotics trafficking, transnational crime, terrorism, and illegal migration.

As conditions deteriorate in Venezuela, further instability has the potential for tremendous negative impact on its neighbors and the region. The situation in Venezuela carries special risks for Colombia. Every day, thousands of Venezuelans cross the border and

return home after purchasing basic goods in Colombia. Colombia has joined the United States and other OAS member states in issuing statements offering to assist the people of Venezuela in addressing their political, economic, and humanitarian crises. We will continue to work with Colombia and other regional partners to promote a peaceful, democratic resolution to Venezuela's challenges.

As you all know, the Colombian Government finalized a peace accord with the FARC in November 2016. Colombia has made some important progress implementing the accord. Nearly 7,000 FARC rebels peacefully relocated to 26 U.N.-monitored disarmament zones. U.N. officials confirmed the rebels completed the surrender of the fighters' individual weapons June 27, a significant step in the parties' ongoing efforts to implement the accord. The parties agreed to decommission more than 900 weapons caches outside the zones by September 1. The Colombian Government passed key peace accord-implementing legislation, including an amnesty law, a law on political participation, and laws to set up the Special Jurisdiction for Peace. The SJP is designed to hold accountable those most responsible for war crimes, crimes against humanity, and gross human rights violations.

Colombia is investing heavily in its own future and will cover 90 percent of the peace accord implementation costs. Our critical contribution will provide U.S. expertise to enhance the implementation efforts. Our programming in Colombia focuses assistance on security, the expansion of state institutions and presence in former rebel areas, on economic development and humanitarian demining, and justice services and other support for victims.

We also continue to provide bilateral assistance to support Colombia's efforts to dismantle illegal armed groups which have been responsible for violence against civil society activists. We are coordinating with the Colombian Government to see how our support can be most helpful.

Our programs will also expand humanitarian demining operations across the country, supporting the U.S.-Norway-led Global Demining Initiative for Colombia, to facilitate rural economic development, land restitution, and victims' reparations.

We are also making progress in promoting human rights in Colombia, though there are significant challenges. We are deeply concerned by reports of increased killings and threats against human rights defenders and social activists. It is essential to quickly and thoroughly investigate and prosecute those responsible for these crimes. We welcome Colombia's recent advances to prioritize investigations of killings and threats against human rights defenders and civil society activists. Concrete results, including convictions, are critical to prevent future violence.

The support of the U.S. Congress has been instrumental to everything the United States has achieved with Colombia, and your support will be needed now more than ever as Colombia attempts to find a real and lasting peace.

Chairman Rubio, Ranking Member Menendez, members of the subcommittee, thank you for the opportunity to meet with you today and for your continuing commitment to helping advance U.S. national security and economic prosperity in Colombia and across this entire hemisphere.

I look forward to your questions.
[Mr. Palmieri's prepared statement follows:]

PREPARED STATEMENT OF FRANCISCO PALMIERI

Chairman Rubio, Ranking Member Menendez, members of the subcommittee, thank you for convening this hearing to discuss Colombia. Colombia is a strategic U.S. partner at a critical moment in its history. We are working with the Colombian Government on their efforts to implement its peace accord with the FARC. Colombia is one of our most willing and capable partners in the region. A Colombia at peace will strengthen its ability to support mutual priorities, including promoting a stable and democratic region and countering narcotics trafficking, transnational crime, terrorism, and irregular migration.

As conditions deteriorate in Venezuela, further instability has the potential for tremendous negative impact on its neighbors and the region. The situation in Venezuela carries special risks for Colombia. Every day, thousands of Venezuelans cross the border and return home after purchasing basic goods in Colombia. Colombia has joined the United States and other OAS member states in issuing statements offering to assist the people of Venezuela in addressing their political, economic, and humanitarian crises. We will continue to work with Colombia and other regional partners to promote a peaceful, democratic resolution to Venezuela's challenges.

As you all know, the Colombian Government finalized a peace accord with the FARC in November 2016. Colombia has made some important progress implementing the accord. Nearly 7,000 FARC rebels peacefully relocated to 26 U.N.-monitored disarmament zones. U.N. officials confirmed the rebels completed the surrender of fighters' individual weapons June 27, a significant step in the parties' ongoing efforts to implement the accord. The parties agreed to decommission more than 900 weapons caches outside the zones by September 1. The Colombian Government passed key peace accord implementing legislation, including an amnesty law, a law on political participation, and laws to set up the Special Jurisdiction for Peace (SJP). The SJP is designed to hold accountable those most responsible for war crimes, crimes against humanity, and gross human rights violations.

The mandate for the U.N. Security Council-authorized special political mission to oversee the bilateral ceasefire and the FARC's disarmament expires in September. The U.N. Security Council unanimously approved a resolution July 10 authorizing a follow-on U.N. special political mission, which will begin September 26 and focus on monitoring and verifying implementation of security guarantees and FARC's reintegration into Colombian society.

Colombia is investing heavily in its own future and will cover 90 percent of the peace accord implementation costs. Our critical contribution will be providing U.S. expertise to enhance Colombia's own implementation efforts. Our programming in Colombia thus focuses U.S. assistance on: (1) security, including counternarcotics efforts and reintegration of ex-combatants; (2) the expansion of state institutions and presence in former rebel areas, including rural economic development and humanitarian demining; and (3) justice services and other support for victims.

We also continue to provide bilateral assistance to support Colombia's efforts to dismantle illegal armed groups, which have been responsible for violence against civil society activists. We are coordinating with the Colombian Government to see how our support would be most helpful. A stronger, stable Colombia that protects human rights is in the U.S. interest, and we are committed to supporting Colombia's continuing efforts to strengthen the rule of law, promote transparency and accountability, combat crime, and increase respect for human rights.

We are monitoring risks to peace plan implementation and working to help the Colombians mitigate them. The surge in coca cultivation and cocaine production is the greatest threat to peace, but also is a threat to the United States and the region. Record levels of coca cultivation and production strengthen illegal armed groups operating in Colombia, undermine rural security, and corrupt Colombia's institutions down to the local level. As President Trump told President Santos during his visit to Washington in May, the drug epidemic is poisoning too many American lives and more concentrated efforts are critical in order to reverse these alarming trends.

On counternarcotics cooperation, we are working together to implement a whole-of-government plan, first in the critical drug-producing region of Tumaco and then in other areas, to help reduce cocaine production. Our efforts over the last 15 years have proven that attacking cartel organizations, interdiction, and eradication operations should be front and center in their efforts and must be linked with alternative development to make a durable effect on communities affected by the drug trade. Unity of effort across Colombia's security and civilian agencies and continued

cooperation with the United States will be critical to successfully combat narco-trafficking and solidifying the peace.

Our programs will also expand humanitarian demining operations across the country—supporting the U.S.-Norway-led Global Demining Initiative for Colombia—to facilitate rural economic development, land restitution, and victims’ reparations. In addition, we are supporting the Government’s work to restore more than 84,516 hectares of land to 11,401 displaced persons, while USAID assists the development of licit economic opportunities and alternatives to coca with programs for small businesses.

We are also making progress in promoting human rights in Colombia, though there are significant challenges. We are deeply concerned by reports of increased killings and threats against human rights defenders and social activists. Increased attacks on civil society activists are also a threat to peace. It is essential to quickly and thoroughly investigate and prosecute those responsible for these crimes. We welcome Colombia’s recent advances to prioritize investigations of killings and threats against human rights defenders and civil society activists. Concrete results, including convictions, are critical to prevent future violence.

The investments we have made in Colombia over close to two decades—whether through foreign assistance, messages of bipartisan political support in Washington, or time invested building relations with the Colombian Government and people—have benefited the United States in security, economic, and political gains. The support of the U.S. Congress has been instrumental to everything the United States has achieved with Colombia, and your support will be needed now more than ever as Colombia attempts to find a real and lasting peace.

Chairman Rubio, Ranking Member Menendez, members of the subcommittee, thank you for the opportunity to meet with you today and for your continuing commitment to helping advance U.S. national security and economic prosperity in Colombia.

I look forward to your questions.

Senator RUBIO. We thank you both for being here.

Secretary Palmieri, let me begin with this, and you alluded to it in your opening statement, about how the instability in the neighboring nation of Venezuela has an impact on Colombia. As you know, this Sunday there was an election or a purported election in Venezuela that sought to replace the National Assembly that had been democratically elected by the people with this new Constituent Assembly.

Is it the position of the Department of State that the election on Sunday and its results are legitimate?

Mr. PALMIERI. The election on Sunday was a flawed attempt to undermine democratic institutions in Venezuela, and we support the democratically elected National Assembly in its efforts to promote an enduring peaceful solution to the crises in Venezuela.

Senator RUBIO. So just to be clear, is it the position of the administration that the vote that occurred on Sunday is illegitimate?

Mr. PALMIERI. The vote—the election was a flawed election that did not follow the constitutional precepts for such an election, and as such the results are in question. Yes, sir.

Senator RUBIO. Okay. Let me try it this way. [Laughter.]

Senator RUBIO. The election on Sunday is going to put in place as early as today a Constituent Assembly which has elected, according to them, 535 people. They are going to wipe out the National Assembly, which you have just said is legitimate, and they are going to replace it with this Constituent Assembly of 535 supporters of Maduro. Is that Constituent Assembly legitimate?

Mr. PALMIERI. The only legitimately elected, democratically elected representatives of the Venezuelan people is the National Assembly. The Constituent Assembly is a flawed process that undermines

any progress toward an enduring peaceful solution to the crisis there.

Senator RUBIO. I understand that. But—

Mr. PALMIERI. We do not recognize the seating of that Constituent Assembly.

Senator RUBIO. So without using the term illegitimate,” if you say that the only legitimate elected is the National Assembly, and you do not recognize the Constituent Assembly, I understand you are limited by what you have been authorized to say because you speak for the administration and the State Department, you do not make these decisions, although you certainly have input, but from that I take it that we do not recognize the Constituent Assembly as a legitimate representative of the people.

Mr. PALMIERI. It is a flawed process. It will not contribute to—

Senator RUBIO. It is not the process. I know the process was flawed. It is the outcome. It is this new Constituent Assembly. Are they a legitimate—there cannot be a legitimate National Assembly and a legitimate Constituent Assembly. They are in conflict with one another. If the National Assembly is the only legitimate entity, the Constituent Assembly, by definition, is illegitimate.

Mr. PALMIERI. I take your point, Senator. Yes, sir.

Senator RUBIO. So you are not authorized today to say that they are illegitimate. You are just authorized to say that the process was flawed and the National Assembly is legitimate.

Mr. PALMIERI. We will not recognize the seating of the Constituent Assembly and its usurpation of the powers of the duly elected National Assembly.

Senator RUBIO. The reason why I am drilling down on this is because I know this issue is about Colombia, but Venezuela has a direct impact on Colombia. I think Secretary Brownfield would absolutely agree with that.

There is an article and an interview that was given by Mr. Fitzpatrick, the manager of South America in the State Department. I do not know if that is the right title, but that is what is said here. It was given to FAFE, which is a Spanish-speaking outlet from Spain, and it basically said that “while the United States believes that Venezuela is a dictatorship, it still considers the Government of Nicolas Maduro to be legitimate and would not recognize a possible parallel executive formed by the opposition.”

So the problem that we have with that statement is if the Constituent Assembly is, in essence, according to Maduro, the new government, it would be the equivalent of an administration in the United States holding a vote to wipe out the existence of Congress and replacing Congress with a whole new set of people, all loyal to the executive.

So if the National Assembly is legitimate, the Constitutional Assembly we do not recognize is now the new form of government, and they are going to move forward now to rewrite the constitution, how can we argue or how can the position be that Nicolas Maduro is legitimate even if the Government that he has now put in place is one we do not recognize?

Mr. PALMIERI. I am not sure I understand the question, sir.

Senator RUBIO. Maduro argues there is a new government in Venezuela, but the existing government no longer exists. A new

government is taking over through the Constituent Assembly, and we do not recognize it. That is what you just said. So how can we argue that Maduro's Government is legitimate if Maduro himself is saying the Government he has put in place is one that you say you do not recognize?

Mr. PALMIERI. It is clear that with this effort to seat a Constituent Assembly, the Maduro Government is proceeding to greater and greater authoritarian rule in the country. The seating of—the attempted seating of a Constituent Assembly will be met with swift and strong action by this administration to ensure that the democratically elected institutions in Venezuela are protected, including the role of the National Assembly.

Senator RUBIO. Well, I am going to turn it over to the Ranking Member, but here is my advice. You have a new government in Venezuela. As early as today, they are going to nullify completely the existence of a National Assembly, which we recognize as legitimate, correct?

Mr. PALMIERI. Yes.

Senator RUBIO. They are going to basically say you are no longer the National Assembly, you no longer exist. We have this new government under a Constitutional Assembly. We do not recognize them. As early as some point today that is going to be, according to Maduro, the new government of Venezuela. That was the whole purpose of this vote.

I do not know how we are going to be able to continue to argue that we recognize the legitimacy of the Maduro Government if the Maduro Government, as early as today, is going to formally announce that it is something we do not recognize. So I think that issue needs to be flushed out here pretty quickly because the Constituent Assembly is now the new government of Venezuela, according to Maduro, and we do not recognize it. So if we do not recognize it, how can we argue that it is legitimate? I think that is a point that the State Department is going to have to clarify here probably in the next few hours, if not later today, when they finally try to seat these people.

The Ranking Member?

Senator MENENDEZ. Thank you, Mr. Chairman. I do echo some of your concerns.

Who is Mr. Fitzpatrick? What is his role at the State Department?

Mr. PALMIERI. Michael Fitzpatrick is the Deputy Assistant Secretary for South America.

Senator MENENDEZ. Deputy Assistant Secretary. Is he acting or is he actually the Deputy Assistant Secretary?

Mr. PALMIERI. He is the Deputy Assistant Secretary, sir.

Senator MENENDEZ. For South America. So let me just say that from my perspective, I think Ambassador Haley gets it right. She called the Maduro Government illegitimate, and it is illegitimate. A Constituent Assembly that, at the end of the day, we do not recognize that is flawed is not only flawed, it is illegitimate.

One of our challenges in foreign policy, whether it be in Venezuela or elsewhere in the world, is sometimes we just will not call it what it is. An invasion is an invasion of Ukraine. It is not usurpation, it is an invasion. And the illegitimacy of a dictatorship,

which now the administration has recognized that the Maduro Government is a dictatorship, something I applaud, is an illegitimate government.

So when Ambassador Haley says Maduro's sham election is another step toward dictatorship, we will not accept an illegitimate government, I think that speaks volumes about what we should be doing, and that is why I applaud her work.

Let me ask you—and this was important because the potential overflow into Colombia is destabilizing, as well as for the region. Do you believe—and you can both give me yes or no answers to this. Do you believe it is in the United States' interest to support democracies that promote the rule of law and justice?

Mr. PALMIERI. Yes, sir.

Mr. BROWNFIELD. As do I, Senator.

Senator MENENDEZ. Do you believe it is in our interest to fund foreign assistance programs that support democracy and human rights programming?

Mr. PALMIERI. Yes, sir.

Mr. BROWNFIELD. As do I.

Senator MENENDEZ. Has our engagement with Colombia in these priorities produced positive results that directly promote the security and prosperity of the United States?

Mr. PALMIERI. Yes, it has, sir.

Mr. BROWNFIELD. Yes.

Senator MENENDEZ. Okay. Thank you. We don't get administration witnesses that often, so I just want to create certain templates here.

Ambassador Brownfield, let me ask you, can you give us a better update on efforts to confront Colombian criminal organizations, the ELN or the Bandas Criminales, as they step into areas of coca cultivation previously controlled by the FARC? And can you speak, either you or Secretary Palmieri, can you speak to that under the terms of the peace accord FARC members who committed lesser crimes are eligible for amnesty under certain conditions, and the Colombian Government has signaled it will not comply with extradition requests? However, many FARC members are wanted in the United States for serious crimes related to murder, kidnapping, and drug trafficking. Can you discuss the ongoing efforts with the Colombian Government on extradition requests? I understand, for example, the embassy may have recently raised the case of Julio Enrique Moreno. So speak to those two things for me, I guess on the first part Secretary Brownfield, and then Mr. Palmieri on the second.

Mr. BROWNFIELD. In fact, I will take a crack at both of them—
Senator MENENDEZ. Fine.

Mr. BROWNFIELD [continuing]. Senator Menendez, and then let Paco add on as he thinks best.

What is their approach in terms of taking down the drug trafficking organizations and ELN, which also is a drug trafficking organization, in the aftermath of the peace accord? They have developed a national strategy, which is called the SAO Strategy, the Operational Strategic Center Strategy. The strategy defines four principal drug-producing zones in Colombia, in the southwest around Narino, in the upper east around Upper Antioquia, in the

northeast near the Venezuelan border, and in the east center in the province of San José del Guaviare.

The concept is to do a whole-of-government comprehensive approach that includes both voluntary and forced eradication, government support, and police and military presence to ensure government control in those zones. It is not a bad strategy. It is, however, going at it piece by piece. They started in the southwest. They were very heavy on voluntary, not so heavy on involuntary, and it is so far producing, as I suggested in my statement, better results than we saw in 2016, but they are going to have a tough time meeting their own self-announced objectives for 2017.

Senator MENENDEZ. Better results than 2016 is a low threshold.

Mr. BROWNFIELD. It is. It is setting the bar extremely low. I could not agree with you more in that regard. They have set their objective of 50,000 hectares, about 120,000 acres, for involuntary eradication in 2017. I would be pleased if they made that result. I am not certain that they are going to.

Amnesty and extradition. You have hit an issue that causes us collectively, me personally, a great deal of frustration, and let me use the specific case that you referred to. It was a case that I knew back in my day, in 2009, when I was in Colombia, as the Padron case. Padron was a U.S. citizen who was living in Panama. He was kidnapped for revenue, basically for ransom, by an individual who was part of the FARC 57 Front, but was not operating in Colombia. He was operating in Panama. There is no evidence that he had FARC command or authority direction to perform this kidnapping. He earned a substantial amount of money. I have heard a figure of up to \$2 million from this kidnapping, and I have seen no evidence that would suggest he shared this with the FARC.

Okay. He comes into the custody of the Colombian national police earlier in this year. He goes through the process. The argument that we made, somewhat emphatically, is this gent is surely outside of the purview of the amnesty that applies to FARC members who conduct or commit crimes while operating as active FARC members. He was outside of Colombia. He did it for personal gain. He did it against a foreign citizen. There was obviously an active request for the extradition of that individual.

The judicial process concluded that, in fact, he was covered.

This is bad news because during my two trips to Colombia earlier this year, the agreement that I had hoped we had reached was that we would try to keep individuals outside of the amnesty. In other words, the objective, if there is a means of saying this individual should not be covered by the peace accord and its amnesty, that is what we should aspire to, to have as few covered rather than as many to keep extradition an effective tool.

We are not there yet. We need to work more on this issue. It is not a simple issue. At the end of the day, it was the Supreme Court who made this decision, but it is an excellent example of the problems that we still have.

Senator MENENDEZ. Thank you.

Senator RUBIO. Thank you to the Ranking Member.

Senator Shaheen, if you would just indulge me for a moment, I want to put this on the record because we were talking about this.

There are now 40 democratic countries that have announced they do not recognize the Constituent Assembly in Venezuela. They are as follows: Canada, Argentina, Brazil, Chile, Colombia, who we are talking about today, Costa Rica, Mexico, Panama, Peru, Paraguay and Austria, Belgium, Bulgaria, Croatia, Denmark, Slovakia, Slovenia, Estonia, Finland, France, Greece, Holland, Hungary, Ireland, Northern Ireland, Italy, Lithuania, Luxembourg, Malta, Poland, Portugal, the Czech Republic, England, Romania, Switzerland, Sweden, Spain, Norway. I may have missed a couple. This is a growing list. We are not alone in that calculation.

Senator Shaheen?

Senator SHAHEEN. Well, thank you, Mr. Chairman, and thank you both for being here and for your service to the country.

Secretary Brownfield, I want to go back to your discussion about what is happening with coca production and with the drug trade in Colombia. A number of us senators had a chance to meet with President Santos when he was here earlier this year, and we, I think, uniformly expressed concern about increased production, coca production in 2016 and 2015 and what that meant. He expressed a continued commitment to try and address that.

For me and for my home state of New Hampshire, this is a very personal issue. We have the second-highest overdose death rates in the country. So whatever we can do to help interdict those drugs, to help reduce the production of illegal drugs, is going to be very important to us.

As I am sure you all heard yesterday, the President's commission on the opioid epidemic recommended declaring a national health emergency around the opioid epidemic, which I fully support.

So what more can be done? You described that six-point plan that sounds good in the abstract, but it is hard for me to see how that is really going to have much impact. So what more can we do to encourage anti-drug coca production efforts in Colombia, and what do you see being done between Colombia, Mexico, and the United States to address drugs coming into this country?

Mr. BROWNFIELD. Senator, I am in the uncomfortable position of agreeing with everything that you have said.

Senator SHAHEEN. I am sure you do.

Mr. BROWNFIELD. And actually wanting to reinforce some of your points.

First, your meetings and discussions with Juan Manuel Santos, the President of Colombia, he is a gentleman that I respect enormously. I have known him since I served as ambassador and he was the minister of defense in 2007 to 2009. If he were not the president, I would say that we were friends. You are not allowed to be friends unless you are another president with a president, but that is the degree of respect I have for President Santos.

He has a difficult situation to deal with. He is trying to bring peace and end a 50-year armed conflict that has taken tens of thousands of lives in his country, and we have to respect that and honor that. And he believes that he needs to address the drug issue in a way that is not going to complicate his peace objectives.

Fine. He has come up with some ideas, more voluntary eradication, more alternative development with assistance, literally eco-

conomic and social development assistance by the Government to the coca growers, and I think those are noble objectives.

The problem is 40 years of counter-narcotics efforts around the world have taught me, at least, that you cannot use just a single element in a formula to produce the results. We have tried that in the past. We have tried to just do a lot of eradication and that will cut off all drug importations into the United States. It did not work in the 1980s. It is not going to work today.

We have tried crop substitution. We have tried alternative development. We have tried comprehensive development. If that is the only thing we are offering, the campesino takes the assistance and continues to grow coca or opium poppy. There has to be a hard edge to the policy as well.

So at the end of the day, our problem is maintaining a balanced approach, heavy work by the police who are going to say you have 30 days to eradicate your own coca or we are going to come in and do it for you, and if you want to get the money from the Government, you had blipping well better eradicate now. That is the nature of the argument that we are having.

You have put your finger, second, on what is today the worst drug crisis that affects and has affected the United States for at least 40 years, since the crack cocaine crisis of the 1980s, and we are all old enough, more or less, to remember that and what the impact on us was at that particular point in time.

Now, the good news, I guess, from the Colombia perspective is that very little of that is coming out of Colombia. Very little heroin is now being produced in Colombia, as you well know because you have had these conversations a number of times with my colleagues in the counter-narcotics community. The overwhelming majority of heroin that is consumed in the United States comes from Mexico, a different problem set, but you put your finger with your third point on how to work that issue trilaterally—U.S., Colombia, Mexico.

The truth is we are kind of three of the four or five major countries in the Western hemisphere that are working well together on certain issues. We are working well together in Central America in terms of exporting security capabilities and training and law enforcement skills into Central America. We are working more cooperatively in terms of how to address maritime and aerial trafficking that goes from Colombia, frankly a lot of it via Venezuela, up, over, through or around Central America and into Mexico. We are making progress there, Senator.

But I am going to close my answer by saying something that I say all the time because I am an old fart now and I am allowed to say this sort of thing. I have been in this business for 39 years. I realize and I have learned that it takes us many years to get into these messes and these crises, and it is going to take us a good number of years to get out of them. Hold me accountable for long-term objectives, but at the end of the day I am not going to be able to produce a result or an outcome for you by lunch today or even lunch tomorrow.

Senator SHAHEEN. Well, my time is up, but I certainly appreciate that. I also think the point that you make that there is not a silver bullet answer to this problem, just as we address the opioid epi-

demic in this country there is not one answer, it takes a variety of approaches and a real collaborative effort, and we need to continue that and reward good behavior when it occurs and punish bad behavior where it occurs. So, thank you very much.

Thank you, Mr. Chairman.

Senator RUBIO. Thank you. And just for the record, I am 46. I do remember it. Senator Gardner is only 42, so you may have to talk to him about the crack epidemic.

Mr. BROWNFIELD. I was making eye contact with no one, Mr. Chairman, absolutely no one. [Laughter.]

Senator RUBIO. I remember when there were Saturday morning cartoons. [Laughter.]

Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

Thank you to the witnesses for being here today.

I think several months ago, I guess the last Congress, after the retirement of General Kelly from SOUTHCOM, he came to our conference and addressed the conference about his experience leading SOUTHCOM. Senator Rubio was there, and I do not know if he remembers the exact number that General Kelly used, but in this conversation with the conference General Kelly said it was his experience at SOUTHCOM that we had eyes on 90 percent. Again, 90 percent may or may not have been the number, but a very high percentage of the drug flow from South Central America to the United States. It was just a resource issue and how to deal with it.

Could you expound on that, or maybe whether you agree or disagree with that? Do we have eyes on that high of a percentage of what is happening, what is coming in, and it is just a resource issue?

Mr. BROWNFIELD. Senator, I learned never to disagree with General and then Secretary and now Chief of Staff Kelly. He is a very smart fellow. I presume that the point he was making—and if this was his point, I agree with it absolutely and completely—is that we have a much better picture and a great intelligence understanding of what is moving, how it is moving, where it is moving, and when it is moving than we have assets to address that. In other words, General Kelly has said his successor, Admiral Tidd, has said the commander of the Joint Interagency Task Force South, headquartered in Key West, has said a number of times we have more targets out there that we could actually take down than we have assets available to take them down.

The point that they are making and that General Kelly has made in the past is that if he had more aircraft, boats, cutters, ships, and for that matter ground-based assets, as well as aviation assets, he would be able to have a much greater impact in terms of what is moving through. That, I think, is the idea he was trying to transmit, and I agree with that completely.

Senator GARDNER. So assets, boats, ships, cutters, what does that cost and what kind of a percentage dent would it make?

Mr. BROWNFIELD. Yep, a fair question. I mean, I am not going to give you a cost estimate. At the end of the day, that would come out of General Kelly's former department in terms of that estimate, as well as the Department of Defense in terms of what it would

cost. You know as well as I do it costs a great deal. His position over the years had been that there are cheaper ways to do this. You can, for example, use assets that are otherwise performing other missions, such as DOD or military missions, and while they are transiting a particular zone, or while they are engaged in training, use them for these purposes so you get multiple value out of the same asset, and I agree with that as well.

My own team at INO, we maintained the State Department's air wing, and I have to tell you, I have to tell each and every one of you senators that what we have in our inventory is aircraft that have first been processed through the armed forces and discharged because they are no longer of interest to them, provided to the National Guard, who used them for as long as they wished, and when they no longer believe they have value we then get them.

We are still able to use these assets. We have the largest number of original-issue UH-1 helicopters, I suspect in the entire world. They are all probably as old as I am, or at least approaching that. That is not particularly young, by the way, Senator, and we are able still to get value out of them. In other words, there are cheaper ways of doing it, is my point.

Senator GARDNER. The coordination that you talked about, the coordination of those assets that are in the region, I mean, is that a matter of just a bureaucratic interaction or an agency interaction? I mean, is it coordination that they could pursue on their own? Is it a matter of congressional legislation that we need to allow it to happen or force it to happen?

Mr. BROWNFIELD. I will offer my own views based upon off-and-on—I guess I first came into this business in 1992 on the drug side, so that is 25 years of experience. It is a combination of several things.

One, relative priorities. In other words, different departments and different agencies have their own priority list, and the drug issue will fit somewhere on that priority list.

Second will be—and this is natural—any agency or any institution, including my own, wishes to be able to control its own assets and not be told by others what they are supposed to do.

Third is an authorities issue. And I have learned that when people do not want to do certain things, they will find that it is not within their legal authorities in order to do it. That third point eventually, I guess, would be a congressional issue if we want to get there.

But my own view is it is a coordination issue, and it is a matter of making the decision that we will use the assets that we have in the most efficient and effective manner. That is one opinion.

Senator GARDNER. If the Chairman would allow me to ask one final question, you mentioned Mexico in your previous answer to Senator Shaheen. Are the reforms through the judiciary in Mexico making a difference in how they are able to prosecute and enforce drug narcotic issues?

Mr. BROWNFIELD. I will let the esteemed Dr. Palmieri have his own opinion on this if he wishes. My own view, Senator, would be it is a bit—it is still early to say. The new system has come into play in virtually all of the states. And remember, like in the United States, 90 percent of all law enforcement and justice is performed

at the state level in the united Mexican states. So it has come on-line.

The long-term objective, as you know, is to have a much more effective and efficient system that processes cases in a matter of weeks or, at most, months that these days take years and years to process.

When we are in a position to see those results and that outcome, I think the answer to your question is going to be yes, but I think they are still in the early stages, and I am not yet prepared to say that it is having the impact that we expect.

Mr. PALMIERI. I would agree entirely that it is in the early stages of implementation, and the proof would be in the effectiveness of that implementation and the adoption of the new reforms so that there is a more efficient and effective judicial process.

Senator MENENDEZ [presiding]. Senator Kaine?

Senator KAINE. Thank you to the witnesses, to my colleagues on the committee. My colleagues have asked many of the questions I wanted to. I want to focus on one area that we have not talked about enough in my view, and that is as we talk about the way forward in the Colombia peace process, I was struck visiting Colombia in February of 2015. President Santos at that point and some of his colleagues said to me it will be easier to stop the war than to win the peace, and the cessation of active war leaves much to be done.

We focused on the narcotics eradication aspect of the current challenge that they have, but as they described the challenge at that time to me, the decades-long civil war left some parts of the country sort of untouched by government services, under-invested in economically, poor infrastructure. So part of this winning the peace was not just the eradication of narcotics, but it was going into parts of the country that really had not seen a functioning civil government and building that in those regions of the country.

Talk to me a little bit, each of you, about how you view the Colombian Government's effort to tackle that part of the challenge. And I know it is related to the eradication issue because some of the substitution, et cetera, is about economic development. But talk about these other aspects of building out civil government in the formerly FARC-controlled areas of the country.

Mr. PALMIERI. I think the Colombian Government has made that a priority as it begins to implement the peace accord. They understand that they need to reestablish government services and government presence in these areas to ensure that the peace accord is effectively implemented.

They have a plan. They are putting resources to it. U.S. assistance can complement those efforts, and I think that is exactly right in addressing the socioeconomic factors as a part of a successful implementation of the peace accord. It will be critical.

Senator KAINE. Ambassador Brownfield?

Mr. BROWNFIELD. If I could just add to that, Senator Kaine, I mean, I agree with the premise of your question, and I also agree with what President Santos has said to you, and he said it to me, and he said it to almost anyone who asked him: the solution is not just eradication. But we have known this for 30 or 40 years.

To be successful, a drug strategy has to address all elements of the problem. Now, some may be higher priority than others. Some may get more resources than others. But you do education. You do alternative development. You do eradication. You do laboratory takedowns. You go after the organizations. You do interdiction, and you eventually get at their financial networks and go after money laundering. You have to address all elements of the chain. If you leave one completely untouched, you will not succeed, and that is the argument that I am making to a certain extent.

My concern is that if you put too much of your effort strictly into alternative development and offering financial inducements to stop growing coca, what we have learned in decades past is that the campesino, who is not a stupid individual, may be very poorly educated in a classic sense but knows exceptionally well what is going on around him, he will take the money and perhaps eradicate right near the road, but 200 yards off the road he will continue to grow.

There has to be the threat of eradication along with the alternative development. That has been my concern.

Senator KAINE. And let me ask you one other question because your testimony gets at this, and I wonder if it is a binary choice of just yes or no. On page 2 of your written testimony, you talk about the voluntary eradication and crop substitution plan, which includes hiring technicians to implement granting of land title to program participants, cash payment for food subsidies, and employment contracts for infrastructure projects.

But then you have this line: "The United States is not currently supporting the Colombian Government's voluntary eradication and crop substitution program because the FARC is involved in some aspects of the program and remains designated as a foreign terrorist organization under several U.S. laws and sanctions regimes."

Is this a binary choice? We should not be supporting the alternate economic development plan at all because the FARC may be involved in some aspects of it, or we should regardless of that, or we should do it with conditions? If you were advising us based on your experience, what is your advice?

Mr. BROWNFIELD. Senator, it is not binary, it is at least trinary, and I will explain it in 15 seconds or less.

We have a legal problem so long as they are listed on the foreign terrorist organizations list. We are prohibited by law from engaging with the FARC or organizations that are under the FARC's control and/or influence. What we are trying to do, because the FARC has, to a certain extent, captured the alternative development process through several front organizations which have for the first time in the history of Colombia organized the cocaleros, the coca growers into organizations, as you see in Bolivia to a considerable extent, in Peru to a lesser extent, that then complicates our ability to deal with them.

Tranche 1 in this four-stage Colombian strategy was the southwest, down in Tumaco and the Province of Marino. We are unable to support that because the FARC has, in a sense, captured the alternative development part of that.

The next step is going to be up in Antioquia. That is further to the north and slightly to the west, but still central Colombia. There we are trying to work specifically an arrangement whereby the

Government will work directly with the campesinos themselves, the individual farmers, and we have told the Government we will support alternative development. We will provide ample funding, generously provided by the United States Congress to the Department of State and INL, and we will support alternative development there.

We will then, ladies and gentlemen, have a test. We will see how it worked in the southwest with the FARC largely running the process, how it works up in Antioquia with the FARC out of the process, and then we will reach some conclusions, what works best.

That is how I want to address your question, and I would hope by the end of this year we will have some quantifiable data that we could offer in terms of which works best.

Senator KAINE. Excellent. Thank you.

Thanks, Mr. Chair.

Senator RUBIO. [presiding] For the record, those 15 seconds took two minutes, but that is good by Senate standards. That is very good by Senate standards. [Laughter.]

Senator RUBIO. Senator Udall?

Senator UDALL. Thank you, Chairman Rubio. I appreciate it very much.

When I visited President Santos earlier this year, he stressed the importance of roads as a key factor to bring government services to rural areas and to give rural citizens a way to connect to the rest of the country and the world economically.

In your opinion, how important are these projects for sustaining peace? And if the U.S. cuts assistance, as proposed by the Trump administration, would this have a negative impact on infrastructure projects and other efforts to maintain peace in former FARC territories?

Mr. Palmieri, you start.

Mr. PALMIERI. Yes, sir. Clearly, the ability to build roads into these areas is a part of the Colombian Government's efforts to enhance government presence to deliver the range of social services, education, health services that will win this population over and establish government authority in those regions.

They also need to create jobs that will provide alternative economic means for these communities, and they have to also promote financial investment in these areas so they have the capital to create new opportunities.

Mr. BROWNFIELD. I would just add one thing, Senator, and that is—and I will be as blunt as possible—if we do not have an adequate and functioning road system, counter-narcotic strategy will not succeed for the very simple reason that the campesino, the farmer that we are trying to convince to stop growing coca and to grow something legitimate, if he cannot get his crop to market, he is going to go back to growing coca because there the buyers come and pick it up and he does not need to worry about roads. No roads, no successful alternative development. It is just that simple.

Senator UDALL. Thank you, Mr. Chairman.

Senator RUBIO. The ranking member had one question.

Senator MENENDEZ. Well, one comment and one question.

I am disappointed, Secretary Brownfield, in you. When you said that most of us are old enough, more or less, and only looked at the Chairman, I thought you might have given me a break and—

Mr. BROWNFIELD. I deny that. I deny that, Senator. [Laughter.]

Senator MENENDEZ. On a serious note, Mr. Palmieri, let me ask you, Secretary Brownfield talked about the totality of what we need to do to deal with the coca production and the drug trafficking, and I agree with him. It is either holistic or we do not achieve success.

Having said that, the part that the United States has been engaged with on strengthening democratic institutions, economic development in rural areas of Colombia, AID support for a crop substitution plan, that element of it, how is that working under the present efforts?

Mr. PALMIERI. Well, I hesitate to speak for the Agency for International Development, but they do have programs that are designed to provide this kind of complementary assistance to the Colombian—

Senator MENENDEZ. No, I am not asking you to speak for them, I am asking you as the Acting Assistant Secretary of the Western Hemisphere to make an assessment as to what that is doing.

Mr. PALMIERI. As implementation gets underway, we have some programs that historically have produced positive results in those three areas that you have mentioned. We are confident that those programs can yield additional results in these demobilization zones and support of the Colombian peace plan, the Colombian implementation of the peace plan.

Senator MENENDEZ. My last point is that when President Santos was here, I had the opportunity to be part of the members that met with him, and I get the difficult challenge he has, I get it. But by the same token, I get a sense that the question of coca production is sort of like a wink and a nod and, okay, we will deal with it, but it is not a priority as he deals with the rest of the implementation of the peace plan.

And as someone who has supported Plan Colombian from my days as the Chairman of the Western Hemisphere in the House of Representatives, from the beginning of it when it was not popular to support assistance to Colombia at the time, and who has consistently maintained that support moving to the United States Senate, I have a problem in U.S. taxpayer money continuing to flow to Colombia if extradition is not going to be seriously dealt with in a way that the United States law needs to be responded to, and with coca production, if it is just a tertiary consideration as we move forward.

So, you know, I am strongly supportive of our efforts to help Colombia, but Colombia has to be reciprocal, at least from my perspective, in these two issues if it wants to continue to have strong support from members of Congress.

Senator RUBIO. Thank you. I just have a follow-up question, and then I think the Ranking Member is going to go. I just want to keep this rolling to the extent possible, and we will start with that second panel. Then when he gets here, I will go vote, and then we will go from there. If there is somehow a pause in there, it will be brief.

We are wrapped up here. I just have two quick questions for Secretary Brownfield.

The first is—well, let me just ask this, because we are going back to Venezuela again because of the impact it has on Colombia. In the role that you are currently in now, the Bureau of International Narcotics and Law Enforcement, we have seen numerous arrests, extraditions, and reports about the role that narco-terrorism and narco-trafficking plays in the Government of Venezuela, and in particular high-ranking figures and the family members of high-ranking figures. The current vice president is currently sanctioned for that. We have seen reports in multiple publications around the world about the role that Carrera plays in narco-trafficking and the Cartels of the Sun.

Could you describe for us the role of narco-trafficking in the Venezuelan Government and in those in power, and the impact that has on Colombia?

Mr. BROWNFIELD. I will, Mr. Chairman, and I will answer your question directly and not gloss too much over it.

I would say to you that over the last 15 years, the Venezuela route has become, for a while, the preferred for the majority of all cocaine that was exiting Colombia exited through Venezuela and then was flown or shipped out of Venezuela en route to market, either to North America or to Europe. I believe in recent years more of that flow has begun to shift to both southwest and northern Colombia in terms of departing the country by maritime routes, but nevertheless a substantial amount still goes through Venezuela.

Now, how does that happen? Obviously, it does not happen unless they have a network in Venezuela, a network of officials who will look the other way or support or agree, because they are moving tons and tons of product through Venezuela. And beginning in the early years of the last decade, that network began to penetrate to increasingly higher levels of the Venezuelan Government, up to the point where I would say by the end of the last decade there was almost no institution in Venezuela that was involved in security or law enforcement affairs that had not been penetrated to some extent by professional drug trafficking organizations. I believe you could say that 10 years ago. I believe you can say it today. I believe that is the basis for many of the sanctions that have been announced under the Drug Kingpin Act, which by definition requires a strong nexus to drug trafficking over the last year or two years here in Washington. At the end of the day, that is the reason—that is yet another reason why the Venezuela problem today is exceptionally complicated.

Senator RUBIO. So just to summarize what you have said, there is a substantial amount of drugs, even to this day, exiting Colombia and other parts that traffic through Venezuela. It would be impossible for that to happen without not just the knowledge but the in-depth cooperation of figures at a high level in the Venezuelan Government; correct?

Mr. BROWNFIELD. I would say that is true, factually true. Could they have done it without having penetrated to the highest levels? Maybe. But in my opinion, they have penetrated to the highest levels, making the issue moot.

Senator RUBIO. And the fact that they have penetrated to the highest levels was not—they did not do that as a favor, in essence. If, in fact, high levels of the Venezuelan Government have allowed this to happen, they have done so for a profit. They have taken their fee and they have been paid, and therefore if that is all true, it explains the extraordinary amount of wealth that has increased and accumulated in the hands of a handful of individuals linked to or in the Government.

Mr. BROWNFIELD. I will not give you a precise figure, Mr. Chairman, but I would say multiples of billions of dollars is what I would calculate.

Mr. PALMIERI. Mr. Chairman, in addition to the Vice President, the current Interior Minister also has been sanctioned under the Kingpin Act.

Senator RUBIO. Without going into anything we cannot talk about in this setting, is it fair to say that there are still people in or around government in Venezuela involved in this who have yet to be sanctioned?

Mr. PALMIERI. Yes.

Mr. BROWNFIELD. Yes is the correct answer.

Senator RUBIO. Okay. One last point. I have here a memorandum from the previous president of Colombia who, as we would all agree, was a key figure in the implementation of Plan Colombia, Alvaro Uribe Velez, who is now in the Senate in Colombia, and it is an extensive memo. We obviously cannot go through it all, but one of the claims that he makes and I have heard made repeatedly by others is that one of the causes of this increase in cocaine production in Colombia is the Colombian Government's unwillingness to continue eradication efforts.

When you talk to President Santos, when you talk to people in the administration in Colombia, they tell you that this was because some of this was in national parks. They also say that it is because the people on the ground figured out how to coat the coca leaves, that they were resistant to the aerial spraying. If you talk to President Uribe, or Senator Uribe now, and those who share his point of view, including a large number of people in Florida who keep tabs on this issue, they argue that this stopped, the eradication effort stopped as a concession to make peace possible with the FARC.

Secretary Brownfield, no one knows about this more than you do on our side. Would you care to opine on that debate?

Mr. BROWNFIELD. I will be uncharacteristically careful, Mr. Chairman, because just as I admire and respect enormously President Santos, I also admire and respect enormously former President Uribe. I believe they are two extraordinary men, and I hope when they both cease to be president I can call each of them a friend.

I opposed the decision to end aerial eradication in 2015. I acknowledge, however, that it was a sovereign decision for the Government of Colombia and that the Government concluded that it had to do so as the result of a Supreme Court decision. I regret that.

I do believe it had an impact in terms of the explosion of coca cultivation in Colombia. I believe, for example, the entire issue of social protest, which is to say the community where coca growers

are located rally when eradication missions arrive, block the highway, the policy back-off because they are concerned about being prosecuted in the event that they use force against the community. That was not a problem that they had when they were doing aerial eradication. You cannot protest from the ground an airplane that is flying over a coca field and killing the coca from the air.

Those who defend the decision are correct when they say that the coca growers had learned by the year 2015 how to avoid most of the eradication efforts. They consciously grew and cultivated in national parks, in indigenous reserves, near the borders of Ecuador and Venezuela, and in areas where the FARC had a presence, or at least had some degree of influence.

This was supposed to stop with the peace accord when the FARC committed, in Chapter 4, I believe, to become an active player in combatting, resisting, and eliminating drug trafficking and cultivation, something that I call upon them today to do. And in addition, during my two visits to Colombia earlier this year, I felt we had an understanding that they would open up areas previously closed to forced eradication near the borders, in the national parks, in the FARC-influenced zones, and in indigenous reserves, and start to hit the areas that had not been hit before. That is an area where we still need to do work.

Do we need to get back to aerial eradication? I cannot do it right now, Mr. Chairman. All of the equipment that we had as of 2015 has been either turned over to the Colombians or we have passed it off to other buyers. From a standing start, it would take us, optimistically, between a year and two years before we could be operational again, and we would still confront the legal problem that led the Colombian Government to terminate aerial eradication two years ago.

Senator RUBIO. Well, I want to thank both of you for being here.

Two housekeeping items.

Thank you both for being here.

This is my statement, not yours, but I want it to be on the record. I am going to ask you about the sanctions. I deeply believe that there are individuals in the Venezuelan Government today, sanctioned and unsanctioned, who will one day be indicted or have been indicted, and I believe will one day be extradited to the United States and face charges in this country for their participation in the drug trade, and I want that to be clear and on the record because that will happen. I do not know if it will happen next year or five years from now, but it does not end well for them. Beyond their human rights violations, they have also played a role, in my view, in destabilizing Colombia through the assistance and space they created for the FARC and the narco-trafficking groups that continue to try to undermine the Colombian state. Hence, the interrelationship of these two matters.

But I thank you both for being here.

What I am going to ask now is for the second panel to begin to transition over. I have to go vote because if I do not, and they write an article about how I missed a vote, then you guys are going to have to be my witnesses that I tried to get there.

But if Senator Menendez arrives before I get back, I am going to ask him to open up the second panel so we can get going, because we also have a nomination right behind it.

But I thank you both for being here.

While you guys adjust, we are going to be in a brief recess while I go vote, and then either Senator Menendez will open up the second panel or, if I make it back before he does, I will do that.

So, thank you both for being here.

We will recess for a few minutes. [Recess.]

Senator MENENDEZ. [presiding] The committee can come back to order. The Chairman has gone to take a vote and has asked me to begin our second panel, which he introduced previously, and we are pleased to have both of your experience here.

And with that, we will start with Mr. Cárdenas.

STATEMENT OF JOSE CARDENAS, FORMER ACTING ASSISTANT ADMINISTRATOR, BUREAU FOR LATIN AMERICA AND THE CARIBBEAN, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, WASHINGTON, DC

Mr. CÁRDENAS. Thank you. Thank you, Senator Menendez. It is an honor and a privilege to appear before you today to discuss the critical issue of the Colombia peace process and its implications for U.S. policy.

I am going to try to speed-read through my oral testimony so we can get to discussion. But I want to begin by saying that the narrative of Colombia as a success story should not breed complacency about the serious challenges the country continues to face. Colombia may be at peace, on paper at least, but the process continues to be burdened by the lack of political consensus in Colombia, an untrustworthy partner in the FARC, continued organized criminality, and a politically weak, lame-duck president.

To consolidate the achievements of a decade of U.S. support, it is imperative that the United States remains engaged to target the significant challenges to establishing a real and lasting peace.

I describe the challenges more fully in my written testimony, but I wanted to note two in particular. First is the lack of popular support for the peace agreement due largely to the Colombian people's profound lack of trust in the FARC as an honest interlocutor. Thanks to its 50-year record of murder, kidnapping, extortion and drug trafficking, it is difficult to over-estimate the animus the Colombian people have for the group. This continued distrust poses a serious challenge to implementation of the agreement, especially the reintegration of guerillas into society and its acceptance as a legitimate political movement.

Let me just add that the burden to changing this situation is not on the Colombian people and not on the Government but on the FARC, who must demonstrate tangibly their supposed change of heart.

Secondly, the peace accord will be undermined by continued criminality in Colombia. The demobilization of thousands of FARC guerillas does not mean the end of conflict and criminality in Colombia. Major organized criminal groups continue to engage in drug and human trafficking, illegal mining and kidnapping, while perpetrating attacks against military and civilian targets.

If these groups continue to impede the pacification, stabilization and development of the rural areas, then we are merely running in place as far as the long-term prospects for peace and combatting the drug trade.

With so much blood and treasure invested in Colombia by the United States over the past 15 years, we have no choice but to help Colombia secure the peace so that the hard-fought-for gains of the past decade are not lost. In particular, we cannot simply allow the agreement to undermine longstanding U.S. counter-narcotics efforts in Colombia, as we heard during the first panel.

I would advise Congress also to be circumspect about dramatically increasing aid to Colombia without heightened oversight to ensure that, in particular, it is used creatively and purposefully on behalf of Colombian efforts to develop self-government and licit economies in areas once controlled by the FARC. Empowering rural Colombians and providing them a stake in their country's future will, in the end, do more to ensure peace than 1,000 Nobel peace prizes.

Also, to pick up on something you were saying during your earlier remarks about these programs, alternative development, crop substitution, self-government in the areas controlled by the FARC, the rural areas, I think that what the difference is today is that if we are to follow the logic of President Santos' agreement, then we will have for the first time an opportunity for these programs to really work, because what is being suggested is that the FARC will no longer be in a position to spoil these efforts, because what has hampered, what has hindered, and what has blocked the success of many of these programs, of alternative development and crop substitution, has been the FARC's ability to undermine these programs, block these programs, because they do not want rural Colombians to be able to develop licit economies or engage in self-government.

I would add that the United States should also continue to provide robust intelligence and technical assistance, monitoring FARC leaders to ensure they are otherwise complying with their commitments and are not playing a double game.

We should also assist Colombia in helping to uncover FARC assets hidden abroad. That dirty money should not be used to build a political profile and a political agenda, a political movement for the FARC.

Let me just conclude by saying that whatever anyone thinks about President Santos' decision to seek peace with the FARC, the United States must continue to maintain common cause with millions of skeptical Colombians who are otherwise resigned to give peace one more chance. We have come too far together at this point to abandon the journey.

Thank you.

[Mr. Cárdenas's prepared statement follows:]

PREPARED STATEMENT OF JOSÉ CÁRDENAS

Mr. Chairman, Ranking Member Menendez, distinguished members of the subcommittee, it is an honor and privilege to appear before you today to discuss the critical issue of the Colombia Peace Process and its implications for U.S. policy.

The U.S.-Colombian strategic partnership has been one of the most successful U.S. foreign policy initiatives since the end of the Cold War. A country that was

bordering on failed-state status in the late 1990s is once again being hailed as a stable, vibrant democracy. But the narrative of Colombia as a success story should not breed complacency about the serious challenges the country continues to face.

President Juan Manuel Santos surprised both Colombians and the international community in 2012 by announcing his intention to enter peace negotiations with the narco-terrorist FARC (Fuerzas Armadas Revolucionarias de Colombia), whose five-decade war against the Colombian state had resulted in some 260,000 deaths of Colombian citizens, with seven million displaced and another 60,000 unaccounted for. After four contentious and controversial years of negotiations held in Cuba, an agreement was struck on September 26, 2016.

On paper at least, Colombia is now at peace. For millions of people in the areas of past conflict, life has improved in tangible ways. However, serious questions remain about the longer-term prospects for peace in Colombia and the underlying issues that have plagued Colombia. Burdened as the process is by the lack of a political consensus, an untrustworthy partner in the FARC, continued organized criminality and violence perpetrated by remaining criminal groups and FARC dissidents, and a politically weak lame duck president, to consolidate the achievements of a decade of U.S. support it is imperative that we target the significant challenges of establishing a real and lasting peace.

A Divided Country

Colombians overwhelmingly support peace for their country; but they are divided as to how much they are willing to concede in order to achieve it, as was demonstrated by the October referendum on the accord. Those divisions and concerns were never fully addressed and now continue to divide the country as it approaches the 2018 presidential elections. Many believe that the agreement grants FARC leaders impunity by not demanding more justice and accountability for their long record of crimes against the Colombian people.

The arrogant attitude adopted by the FARC throughout years of negotiations and continued since reaching the accord aggravated this sentiment. FARC leaders never evinced any real remorse or contrition for their crimes, acting instead as though they were fully justified in their actions and on the same moral plane as the Government. Many Colombians believe that the FARC changing from *camo* to civilian dress signifies not a renouncement of their Marxist Leninist aims, but merely a change of tactics to make use of electoral democracy to achieve their objectives.

Yet even the most vocal opponents of the accord talk about the need to preserve the accord and address its problematic elements during the implementation rather than simply discard it.

Perhaps the most controversial provisions in the agreement relate to transitional justice, or to how FARC leaders accused of genocide and other war crimes will be held accountable. Critics are indignant that the accused can avoid jail time by confessing before a special tribunal (separate from the Colombian judicial system) and being sentenced to “restricted liberty” to be served out specially designated geographic zone (about the size of a rural hamlet or urban neighborhood) rather than in prison. To assuage concerns of a developing a “parallel” judiciary, the deal will limit the tribunals to ten years’ operation and all cases before them must be presented within the first two years. Additionally, tribunal decisions may be appealed to the country’s constitutional court.

Another particular contentious point is the guarantee of political representation for the FARC in the Colombian Congress: a minimum of five seats in the House and five in the Senate for two legislative periods. Former President Alvaro Uribe, now a Senator and leader of the organized opposition to the accord, had argued that those convicted of crimes against humanity should be barred from holding public office (as had Human Rights Watch), but those demands were not accepted. According to Santos, “The reason for all peace processes in the world is precisely so that guerrillas leave their arms and can participate in politics legally.”

The status of the FARC’s financial assets is also a point of major concern. According to the Colombian Defense Ministry, the FARC made as much as \$3.5 billion a year from its involvement in drug-trafficking, illegal mining, kidnapping, and extortion. Opponents of the deal feared that the FARC would hide those funds for later use in political campaigns and bribery. The revised agreement requires an “exhaustive and detailed” accounting of the FARC’s financial assets, which must be turned over to the Government to pay for reparations for victims of the conflict.

Despite those principal revisions, however, critics are still not mollified. Nor were they reassured when the Santos Government bypassed another referendum and immediately sent the revised agreement to congress, where Santos’ coalition controls both houses. (Some 30 lawmakers allied with Uribe protested by walking out of Congress right before the vote; hence Santos’ unanimous victory.)

Yet, beyond every dot and dash in the 300-page agreement lies a more fundamental problem for securing the peace. That is, the Colombian people's profound lack of trust in the FARC as an honest interlocutor. Quite simply, they have seen this movie several times before, and it always ends the same: with FARC duplicity. This continued distrust and hatred poses a serious challenge to the reintegration of guerrillas into society.

Thanks to the FARC's 50-year record of murder, kidnapping, extortion, and (later) drug trafficking, it is difficult to overestimate the animus the Colombian people have for the group. According to a Gallup poll in May, 82 percent of Colombians have a negative opinion of the FARC. Genuine peace would require the FARC to take dramatic steps to overcome the deep suspicions with which Colombians view them, so that they might see them as legitimate political actors in South America's oldest democracy. The burden for this is not on the Colombian people or the Government. The FARC leaders must show that they are truly committed to peaceful reintegration and acknowledge the terrible suffering that their actions have put the country through. Until that happens, the FARC might never earn broad acceptance as a bona fide political force.

Challenges to Implementation

The FARC's estimated 7,000 foot soldiers have moved into 27 specially designated zones around the country, where they are reportedly relinquishing their weapons to a U.N. verification force—although it is important to point out that they are only turning in weapons they self-reported to the Government and U.N. Numerous weapons caches are being seized by U.N. officials, but more than half of those reported to officials remain hidden and we can assume that many more have not been reported.

Additionally, coca cultivation has exploded and Colombia is now producing more than ever before. According to the latest numbers from the U.N., cocaine production in 2016 increased by 34% from the year before while coca cultivation increased by 52%.

The peace accord's implementation will be undermined by continued criminality in Colombia. It is important to note that the demobilization of thousands of FARC guerrillas does not mean the end of conflict and criminality in Colombia. As a recent report from the American Enterprise Institute explains, major organized criminal groups such as the ELN and the paramilitary Clan del Golfo continue to engage in drug and human trafficking, illegal mining, and kidnapping while perpetrating attacks against military and civilian targets. These groups are also actively seeking to reoccupy the spaces left by the demobilization of the FARC.

Furthermore, the worrying appearance of supposed FARC "dissidents" portends a direct continuation of the FARC's criminality, albeit with a reduced capacity. The existence of an organized FARC dissident group with hundreds of members also raises serious concerns about the possibility of remaining ties—including financial relationship—between the FARC political movement and "dissidents" who remain engaged in lucrative criminal activity.

Problems from the Government's fulfillment of the accord have also sparked complaints from the FARC. These complaints range from insufficient food and supply deliveries in the demobilization zones to the lack of progress on the release of guerrillas jailed prior to the accord.

That any process as complex and controversial as this would be subject to fits and starts, progress and reversal, unplanned complication after unplanned complication is not surprising. Still, the Santos Government hasn't always appeared adequately prepared for contingencies and other problematic developments, raising questions about its capacity to manage the implementation phase. These challenges have continued into the implementation phase with controversies, delays, and multiple accusations of a failure to adhere to the agreement coming from all sides. The FARC can be counted on to game the situation to its advantage at every turn to increase their political power. The Colombian Government will continue to require strong support and accountability from the United States and the international community to ensure the implementation goes as smoothly as possible.

The U.S. Role

As Latin America's fourth largest economy and the largest recipient of U.S. assistance, what happens in Colombia matters to the United States. Under both Republican and Democratic administrations, Washington has provided more than \$10 billion in aid to Colombia since 2000 to combat drugs and drug-related violence. Colombia has also become a key ally in the fight against transnational organized crime throughout the region.

The Obama administration supported the Santos Government throughout the negotiations with the FARC, pledging some \$400 million in further assistance under a new framework called Paz Colombia (Peace Colombia) to help implement the peace plan, including the demobilization of guerrillas, demining, and expansion of alternative development and good governance programs in the conflict zones.

In a May 2017 meeting with President Santos, President Donald Trump affirmed his willingness “to assist Colombia’s strategy to target and eliminate drug trafficking networks, illicit financings, coca cultivation, and cocaine production, of which there is far too much.” He also noted, however, he was “highly alarmed” by the reports of record highs in coca cultivation and cocaine production, “which, hopefully, will be remedied very quickly by the President. We must confront this dangerous threat to our societies together.”

With so much blood and treasure invested in Colombia by the United States over the past 15 years, we have a significant stake in what happens in this strategic ally. Some of us may have deep reservations regarding President Santos’s decision to seek peace with the FARC, but we recognize that the United States has no choice but to remain fully engaged with the Colombian Government to ensure the implementation goes as smoothly as possible. We simply cannot allow the agreement to undermine long-standing U.S. counter-narcotics efforts in Colombia.

Congress and the Trump administration are right to be circumspect about dramatically increasing aid to Colombia amidst the uncertainty surrounding the deal’s implementation. Both should recognize the need to secure the peace so that the hard-fought gains of the past decade are not lost. There will remain profound suspicion of the FARC demanding heightened oversight of U.S. assistance to ensure that it is used creatively and purposefully on behalf of Colombian efforts to develop self-government and licit economies in areas once controlled by the FARC.

The United States should also continue to provide robust intelligence and technical assistance monitoring FARC leaders—not to mention assisting Colombia in helping to uncover FARC assets hidden abroad—to ensure they are complying with their commitments to abandon criminal activities and are not otherwise playing a double-game. Congress might want to consider the need to provide additional authority that any recovered FARC assets could be allocated to U.S. security and economic assistance to Colombia and other countries impacted by this criminal activity. The U.S. should also assist in the fight against other drug trafficking groups such as the ELN. There is also some concern that the Colombian Government has not provided adequate funding to ensure that its military has the capacity to confront criminal bands and residual guerrilla groups.

Conclusion

In short, the United States’ common cause should be with the millions of Colombians who also have deep reservations about peace with the FARC, but are willing to try one more time. There is much yet to be done. It will require that the Colombian Government accomplish things it has never achieved in its history: for example, establishing a government presence throughout its entire territory, including in regions previously controlled by the FARC. Providing marginalized Colombians with government services and economic opportunities will spell the success or failure of an enduring peace. Developing infrastructure, creating markets, building schools and clinics, and modernizing and strengthening local governance—for example, with the type of programs carried out by the International Republican Institute and the National Democratic Institute—and providing for public security will not be cheap; Colombian estimates place the cost at some \$30 billion. It will also not be accomplished overnight.

Yet this is what is ultimately necessary to achieve a lasting and durable peace in Colombia. For 50 years, the FARC has recruited or kidnapped young people on the margins of society. Protecting and empowering these people by securing their local communities, providing alternative ways to prosper, and giving them a stake in their country’s future will, in the end, do more to ensure domestic peace than 1,000 Nobel Peace Prizes. But first you have to reach them, and that requires a disarmed and demobilized FARC no longer in a position to spoil the effort.

STATEMENT OF JUAN GONZALEZ, ASSOCIATE VICE PRESIDENT, THE COHEN GROUP, WASHINGTON, DC

Mr. GONZALEZ. Good afternoon, Ranking Member Menendez. Thank you, members of this committee, for this opportunity to come and testify about Colombia. It is an honor to be sitting next to my former distinguished colleague, José Cárdenas.

I would like to summarize the remarks that I submitted for the record, but start out by underscoring that the amazing success of the U.S.-Colombia strategic partnership is a product of the long-standing bipartisan consensus in favor of Colombia that exists in this body. Indeed, it was thanks to the leadership and oversight of the U.S. Congress that the United States was able to provide sustained support for Plan Colombia throughout the years, and to continue that support for Peace Colombia with \$450 million in Fiscal Year 2017 to help the country implement an historic peace agreement with the Revolutionary Armed Forces of Colombia.

On a personal level as a Colombian American, it was the leadership by this body that inspired me into public service, because it demonstrated the transformational nature of U.S. foreign policy when combined with Colombian political will. So, thank you for your continued leadership and for inspiring a young Colombian American like myself to serve his country for over 17 years.

I had the good fortune to serve on the National Security Council when President Santos began to set the stage for negotiations with the FARC. By then, the United States had stood by Colombia on the battlefield for over a decade, so for us there was no question that we would continue our support for Colombia as it pursued a negotiated peace.

The rationale was simple: we recognized that supporting a sustainable and just peace presented the best policy option for the United States to achieve a strategic victory against the Colombian drug trade, and that entering into negotiations also offered an opportunity for the Colombian Government to delegitimize the FARC for the narco-terrorist organization that it is, masking itself as a belligerent movement by separating its political component from the criminal elements.

Taking the long view, the prospects of a Colombian peace also offered an opportunity for the country to fulfill its full potential as a regional leader and an exporter of security. Successfully addressing the domestic security situation would also allow Colombian foreign policy to embrace a broader international vision that includes developing a 21st century military, establishing an active partnership role with NATO, accession to the OECD, and increasing its already robust participation in international fora.

Peace also offered an amazing potential for U.S. businesses to benefit while also investing in the broad-based prosperity of Colombia and its people. But we also knew that Colombia would need our help with implementation if the talks succeeded, but perhaps more so if they did not. That is why in 2012 we agreed to establish the U.S.-Colombia High-Level Strategic Security Dialogue as a high-level mechanism for two-way communication between our respective national security teams on everything from peace negotiations, the country's security challenges, and military transformation. It was the first time since the initial years of Plan Colombia that the United States and the Colombian Governments were engaged at such a high level on national security matters and to think about what the bilateral relationship could look like post-Plan Colombia.

Our initial focus was on the counter-insurgency strategy which represented an integral part of the Government's efforts to lay the groundwork for negotiations with the FARC. Under the leadership

of then-Minister Juan Carlos Pinzon, the Government took the fight to the FARC's traditional safe havens and targeted its financial infrastructure, increasing the incentive for the group to negotiate in good faith for the first time since its creation. We made human rights a central part of every conversation, used the dialogue to convey our expectations with regard to continued cooperation, and our respective justice counterparts engaged actively on matters related to extradition and transitional justice.

We also developed a regional plan for cooperation in Central America under the leadership of Assistant Secretary Brownfield.

A lot has happened since 2012. At first, we were not represented in Havana, but when talks advanced to critical issues, President Obama and Secretary Kerry agreed to send the distinguished Bernard Aronson as a special envoy in 2014. It took several years of negotiations, but the FARC and the Government finally reached a peace agreement in November 2016, but the hard part is just beginning.

All those years of painstaking work are now at risk for two reasons. One is the political battle between the current and former president of Colombia in the run-up to next year's legislative and presidential elections, and a spike in cultivation following the suspension of aerial eradication in 2015. In that context, the August 13 visit of Vice President Pence to Latin America, which includes Colombia, is incredibly important and could determine the course of U.S.-Colombia cooperation over the next several years.

I was just in Colombia and had an opportunity to meet with several senior officials and presidential candidates, and if I was in my former job advising Vice President Pence to go down on his way down to Colombia, I would tell him a couple of things, very briefly.

First, the question of whether or not to follow through with the implementation of the peace agreement will become central to next year's elections in Colombia, but that debate should be behind us. A lot of the current debate reflects preparations for the elections next year. The focus of the United States should remain on robust implementation.

Second, the problem of increased coca cultivation is simple arithmetic: more coca, more money to Colombian criminal groups. But aerial eradication is not the only answer. It was originally developed as a short-term solution to create a space for the Colombian Government to establish the presence of the state. Right now we are at a time when the Colombians are as alarmed as we are by the spike in coca cultivation, and the focus should be on helping them do it their way and achieve results through increased law enforcement operations, rural development, manual eradication, and a focus on public health.

Third, as my colleague, José Cárdenas, said, the FARC must come clean with regard to its finances. They have a fortune that is estimated in the billions of dollars. And we also have to get better as a U.S. Government in tackling the financial aspects of the drug trade, and this is where the Congress can play an important role in helping the administration develop the necessary tools.

Fourth and lastly, and I will finish here, Senators, the Colombian national police needs all the support it can get to fill the vacuum. As part of the peace agreement, the military is supposed to cede

the space to the police, and they will have to hire a significant amount of people, but they also need technical expertise and training if they are to succeed.

And last but not least, sir, back to where I started, which is the bipartisan support of Colombia. I would urge Congress to signal that support, that continued support through the 2018 budget. The President reduced that request for Colombia from \$391 million to \$250 million, which suggests the United States is walking away from Colombia. When compared to the billions of dollars the United States spends in the Middle East every week, the impact of \$10 billion over the life of Plan Colombia represents a better return on investment, and I will leave it there.

Thank you very much.

[Mr. Gonzalez's prepared statement follows:]

PREPARED STATEMENT OF JUAN SEBASTIAN GONZALEZ

Mr. Chairman, Mr. Ranking Member, distinguished members of the committee, thank you for this opportunity to testify before you today on "Assessing the Colombia Peace Process: The Way Forward in U.S.-Colombia Relations." It is an honor to testify beside my distinguished former colleague Mr. José Cárdenas.

The amazing success of the U.S.-Colombia strategic relationship is a direct result of the longstanding bipartisan consensus in favor of Colombia that exists in this body. Indeed, it was thanks to the leadership and oversight of the U.S. Congress that the United States was able to provide sustained commitment to Plan Colombia through the years, and to continue that commitment by supporting Peace Colombia with \$450 million in Fiscal Year 2017 as the country works to implement a historic peace agreement with the Revolutionary Armed Forces of Colombia (FARC). As a Colombian American, it was this leadership that inspired me into public service, because it demonstrated the transformational nature of U.S. foreign policy when combined with Colombian political will. So, thank you for your continued leadership and for inspiring a young Colombian American to serve his country just over 17 years ago.

U.S. Support for the Colombian Peace Process

During my service with the Obama administration, I served on the National Security Council (NSC) when President Juan Manuel Santos began to set the stage for peace negotiations with the FARC. By then, the United States had stood by Colombia on the battlefield for over a decade, so there was no question that we would continue our support as Colombia pursued a negotiated peace. From our perspective, supporting a sustainable and just peace presented the best policy option for the United States to achieve a strategic victory against the Colombian drug trade. Entering into negotiations also offered an opportunity for the Government to delegitimize a narco-terrorist organization masking itself as a belligerent movement by separating its political component from the criminal elements.

As the administration considered its policy options, it was clear that Colombia would continue to need our help with implementation if the talks succeeded, but perhaps more so if they did not. Taking the long view, the prospect of a Colombia at peace also offered an opportunity for the country to fulfill its full potential as a regional leader and an exporter of security. Successfully addressing the domestic security situation would free up the Government to pivot toward a broader international vision that included developing a 21st century military, establishing an active partnership role with NATO, achieving accession to the OECD, and increasing its already robust participation in international fora. Peace also offered amazing potential for U.S. businesses to benefit while investing in the broad-based prosperity of Colombia and its people. Without a doubt, supporting peace negotiations was the right choice for the United States and for the Colombian people. The modalities were another question.

At the beginning, we decided against joining the negotiating teams in Havana, even though both the Colombian Government and the FARC wanted us there. We knew the presence of the United States would distract negotiators from the fundamental points of the agenda, including land reform and end-of-conflict. Instead, we agreed to establish the U.S.-Colombia High-Level Strategic Security Dialogue (HLSSD) in 2012 as a high-level mechanism to communicate U.S. national security interests and to provide the Colombians with a direct channel on matters related

to peace negotiations, security challenges, and military transformation. It was co-chaired by the Deputy National Security Advisor and the Colombian Minister of Defense, with the participation of our respective national security Departments and Agencies. It was the first time since the initial years of Plan Colombia that the U.S. and Colombian Governments were engaging at such a high level on national security matters and starting to think about what the bilateral relationship could look like post Plan Colombia.

Our initial focus was Colombia's revised counter-insurgency strategy, which represented an integral part of the Government's efforts to lay the groundwork for negotiations with the FARC. Under the leadership of then-Minister Juan Carlos Pinzon, the Government took the fight to the FARC's traditional safe havens and targeted its financial infrastructure to degrade its capabilities and increase the incentive for the group to negotiate in good faith for the first time since its creation. We made human rights a central part of every conversation, used the HLSSD to convey our expectations with regard to continued counternarcotics cooperation, and our respective justice counterparts engaged actively on matters related to extradition and transitional justice. We also developed a regional plan for cooperation in Central America under the leadership of Assistant Secretary William Brownfield and his team.

I left the NSC in 2013 to advise Vice President Joe Biden on regional matters but remained actively involved in the HLSSD up until 2014, when peace talks reached an advance stage and delved into difficult topics, including aerial eradication; and disarmament, demobilization, and reintegration. At that point, the locus of coordination on peace negotiations for the administration shifted to the Department of State, where Secretary John Kerry took an active personal role. His decision to name Bernard Aronson as U.S. Special Envoy to the negotiations helped accelerate the talks by demonstrating to the FARC that while the United States stood with the Government, it was also willing to listen to the other side. Aronson successfully navigated the difficult task of serving as the voice of the U.S. Government while avoiding getting pulled into the negotiations as a party to the talks. He also, as Colombia's peace commissioner told the Washington Post, helped the FARC understand that the world had changed. The FARC had lost perspective in the jungles of Colombia, and it was necessary to help them establish baseline realities about what was and was not possible at the negotiating table.

Implementing the Peace Agreement

Following several years of negotiations, the Colombian Government and the FARC concluded a wide ranging peace agreement in November 2016, but the hard part is just beginning and there are already two serious threats against its successful implementation: the political battle between the current and former president of Colombia and the spike in coca cultivation following the suspension of aerial eradication. As Colombia prepares for legislative and presidential elections next year, the United States will again need to carefully avoid picking sides as it seeks to advance U.S. national security interests. In that context, the August 13-18 visit of Vice President Mike Pence to the region, with stops in Cartagena and Bogota, is incredibly important and could determine the course of U.S.-Colombia relations for the next several years.

I was just in Colombia, and had the opportunity to meet with Vice President Oscar Naranjo, Director of the Colombian National Police (CNP) General Jorge Hernando Nieto Rojas, current and former officials from the ministry of defense, and several of the Colombian presidential candidates. The meetings provided me with important insights into the charged political dynamics in Colombia today. And if I were travelling with Vice President Pence on the Air Force 2 flight to Colombia, I would tell him this:

First, the question of whether or not to follow through with the peace agreement itself will become central to next year's Colombian election, but that debate is already behind us. Much of the friction today between President Juan Manuel Santos and his predecessor Alvaro Uribe is politically charged, which detracts from what should be a conversation about how to address the valid concerns with the accord and its implementation. The diverging positions on those components of the agreement covering human rights accountability and the FARC's political participation are prominent examples, and should be addressed by Colombia's strong democratic institutions. But abandoning the agreement at this juncture would set Colombia back by a decade, significantly hurting the country's economic prospects and undermining U.S. national security. The focus of the United States should remain on ensuring robust implementation.

Second, the problem of increased coca cultivation is simple arithmetic: more coca, more cocaine to the United States, more money for Colombian criminal groups, but

a return to aerial eradication is not the only answer. An estimated one quarter of the \$10 billion provided by the United States for Plan Colombia went to spraying coca crops when factoring air time, ground troops, the cost of glyphosate, etc. There's no question regarding the initial success of aerial spraying but it was always intended as a short-term solution that would allow the Colombian Government to re-establish rule of law in the countryside. Perhaps the Colombian Government's greatest mistake in negotiations with the FARC was to end spraying unilaterally in September 2015 without first placing responsibility on the FARC to produce results on voluntary crop substitution. That said, the Colombians are equally alarmed by the spike in coca production, and the focus of the United States should be to help them do it their way: through increased law enforcement operations, rural development, manual eradication, and a focus on public health to tackle the country's increased coca consumption.

Third, the FARC must come clean with regard to its finances. Colombia's Attorney General estimates the FARC's fortunes to be somewhere in the billions of dollars, which the group vehemently denies. As a matter of policy, the United States should pursue every avenue to prevent the FARC from using its funds for anything other than upholding its accord-based commitment to compensate victims of the country's internal conflict. The United States also needs to do a better job of working with our regional partners to tackle the financial component of the drug trade, regardless of the currency. Congress should consider leading a dialogue with the administration on possible legislative tools to strengthen the ability of U.S. law enforcement to tackle criminal financial networks.

Fourth, the CNP needs all the support it can get if it is to successfully fill the vacuum left by the Colombian Military. The CNP needs to hire and train thirty thousand more police personnel over the next ten years, but they will also need air mobility to project force throughout the country, the technical capabilities to tackle complex criminal networks, and a community-based approach to maintain rule of law in rural areas. Colombia's military is one of the best trained in the hemisphere, and the U.S. should work to get the CNP to the same level.

None of this is possible without the leadership and oversight of the U.S. Congress. I would urge the distinguished members of this committee to engage personally and often on Colombia, including visits to see firsthand the progress in implementation. My former colleagues at the Department of State and esteemed former counterparts in the Colombian Government may not like to hear it, but conditionality on human rights needs to remain a necessary component of U.S. support to Colombia. Congress also should defend against any abrogation of U.S. law enforcement efforts related to Colombia—let us not forget the horrible crimes perpetrated by the FARC, including the kidnapping of American citizens and facilitating the flow of cocaine to our shores. The FARC may be able to enjoy the beaches of Cartagena, but never Miami.

Lastly, please continue to send a signal of bipartisan support for Colombia through the Fiscal Year 2018 budget. The President reduced the request for Colombia from \$391 to \$250 million, which suggests that the United States is walking away from Colombia. When compared to the billions of dollars spent in the Middle East every week, the impact of \$10 billion over the life of Plan Colombia represents a much better return on investment.

Senator MENENDEZ. Thank you both very much.

I think I will start asking questions in order to move the hearing along and when the Chairman arrives yield to him.

So, let me ask you, could the United States effectively help Colombia promote stability and work productively with our partners there without sustained American investments through the State Department and USAID?

Mr. CÁRDENAS. I think that we bring an essential complementary role. I agree with the implication that this is a problem that the Colombian people are going to have to address fully. I think, if I am not mistaken, I saw figures as high as \$30 billion that the Colombian Government expects will be required for the full implementation of the peace plan, including the rural development and occupying the spaces that historically have not.

But I think the United States plays an essential role, first of all because we—

Senator MENENDEZ. But can we play that?

Mr. CÁRDENAS. Yes.

Senator MENENDEZ. My question, for the sake of time, is can we play a significant role if we are not, in addition to our engagement, engaged with some resources here both on the rule of law, economic stability, economic development, and the State Department's diplomacy engagement?

Mr. CÁRDENAS. Yes. We have key and essential expertise to offer in terms of developing economies, in terms of linking those rural areas with the rest of the country, and in terms of the self-governance, improving our programs through IRI, NDI. These bring a special expertise to filling that space.

Senator MENENDEZ. Mr. Gonzalez?

Mr. GONZALEZ. Senator, I would say the answer is no, for a couple of reasons. First, over the course of Plan Colombia, the synergy that has developed between our militaries, between our police forces, and even at the diplomatic level, has become incredibly close. So if our strategic interest is to preserve that alignment with Colombia, we need to have a seat at the table.

Secondly, when it comes to—no matter how successful the implementation of the peace agreement is, and there is no debate that there are aspects of that agreement, including human rights and transitional justice and how members of the FARC may participate in political life—there will be criminal elements that have no interest in actually being a part of that process. There is no other government or country in the world that can help Colombians achieve a strategic victory over these criminal elements like the United States.

Senator MENENDEZ. And for that we need to have resources to do it.

Mr. GONZALEZ. Yes, sir. But I would add that the new element would be that the private sector, the U.S. private sector can bring significant resources to bear in the development of Colombia's infrastructure in the countryside. So that should be an added element of complexity to the entire process.

Senator MENENDEZ. So, now, let me ask you, I hear you both say we need to stay the course, and I largely agree. But as a policymaker, what would you be saying to me if extraditions of wanted criminals in the United States does not take place; if coca eradication, however you devise the broad-based plan, not just aerial eradication, substitute crops, police enforcement, all of the elements that one would agree is necessary, does not take place? At what point does one consider success is peace ultimately the goal in the absence of all other things from a United States perspective? Maybe from a Colombian perspective it might be. But from me going to a United States taxpayer and saying we should give hundreds of millions of dollars, continue to give hundreds of millions of dollars to the Colombian Government, even in the face of criminals not being extradited, even in the face of coca still growing significantly, and we have not even had a real chance to talk about human rights, which I think is very important as well, how do I justify that to American taxpayers?

Mr. CÁRDENAS. Senator, I think the word you used earlier was reciprocity, and I take a back seat to nobody in insisting on the fact

that U.S. interests remain protected and remain central to our engagement with Colombia. I disagree totally with the slow walk on extraditions. I disagree with ending aerial fumigation. I think that in our engagements with Colombian officials we continue to need to insist on respect for U.S. interests in this.

We do have, obviously, overall bilateral interests or joint interests in suppressing criminality and suppressing drug trafficking with Colombia, but we also have some very specific interests, and these have to be protected as we go forward with Colombia. We will see a new government taking office next year in Colombia, and I think that is where we pick up with the new candidates, is an insistence on defending U.S. interests in this bilateral relationship.

Mr. GONZALEZ. Senator, just very briefly, I think that it is a balance of strategic patience and rigorous oversight, which we have a long history of advancing in the region. Certainly, the bipartisan consensus in favor of Colombia exists on the pillars of eradication of coca, of the active extradition relationship, and the respect of human rights. And all three are potentially in peril as Colombia looks to implement the peace agreement.

I think that, in terms of using taxpayer money effectively, we should have that conversation with the Colombians in a way that on the one hand respects that only Colombians can find the right balance between justice, peace, and truth; but also saying that if the United States is going to be there in support, that we have certain expectations with regard to international humanitarian law, with regard to the rule of law and the active extradition relationship, and that they need to demonstrate results on the coca front. But I think the Colombians do recognize this. They recognize the urgency of it.

So I think an active dialogue, but also, secondly, my former colleagues at the Department of State will shudder when I say this but the conditionality that the U.S. Congress includes in the appropriations legislation has been instrumental in the success of Plan Colombia and should continue.

I think lastly, sir, just considering additional tools for law enforcement would be something I think that would help increase the synergy between law enforcement in the United States and law enforcement in Colombia to achieve gains.

Senator MENENDEZ. I, for one, am of the view that the conditionality is important here to achieve what I believe are mutual goals. But certainly sometimes some of the hardest elements of what your work is are the ones that we avoid for as long as we can, and for so long as aid continues to flow and a “yes, I get it, but you do not actually do something” works, then that is what will happen. At some point my own view is, as a long-term supporter of this, is that conditionality is going to be important to meet the three pillars of justice—i.e. extradition, work on narcotics trafficking, and a promotion of human rights—as elements of our policy.

Mr. Chairman, thank you.

Senator RUBIO. [presiding] Thank you, and thanks for starting it up so we would not have to waste anyone’s time.

Let me first begin with a sort of—you guys have both watched the sort of internal debate going on in Colombia between the—and I just characterize it this way because it is the easiest way to do

so, the sort of people of the old view that President Uribe holds and who by and large I think are represented in the Colombian-American community, that the peace deal, they want peace, but they want peace with security, that in many ways this peace deal is illusory, and that in many ways it perhaps contributes to a lack of security.

The flip side, of course, is the Santos Government's view that this is a good thing and that we need to continue to move forward on it. Obviously, there will be new presidential elections coming up soon.

What is your take on how central an issue that is going to be in that campaign? It certainly was the central issue in the referendum vote that occurred a couple of years ago, but how has that played out since then, and what role will that play in the next presidential national election in Colombia? Do you view it as the central issue that will be debated?

Anyone? Do you want to go in alphabetical order, Mr. Cardenas?

Mr. CÁRDENAS. Thank you, Mr. Chairman. I think that my sense is, in watching the ebbs and flows of Colombian politics as they head into an election year, is that there is a tremendous amount of fatigue, fatigue with the cacophony of yelling and shouting about the peace process.

I think that my own sense is that as difficult as it was for many Colombians to swallow, they are willing to see how the process evolves. In other words, no one, I believe, is going to campaign on a strict platform of tearing up the agreement. I think that perhaps there will be efforts to sharpen up enforcement, some of the aspects, more controversial ones.

But I also think that, speaking generally about Colombia, that there is a popular frustration that President Santos has put so much effort into, has expended so much local capital and attention into the peace process that other problems of Colombia have been ignored that you see in a stagnant economy, you see complaints about social services, you see complaints about education.

So a candidate coming next year is going to have to come up with—and also that has led to a frustration with the traditional political parties in Colombia. So candidates next year are not going to campaign up or down on the peace process. They are going to campaign on who can best provide a positive pathway forward for the country as a whole in terms of economic growth, in terms of, again, improving services.

So no one that I see at this point is going to be campaigning up or down on the peace process, but there will be efforts, I would predict, to sharpen up.

Mr. GONZALEZ. Mr. Chairman, if I may just digress briefly on Venezuela. As a former government official, one of the liberating parts is that I do not have to clear what I have to say, and I just want to say that the legitimacy of a government is based on its ability to protect fundamental freedoms and rights. By that measure, Nicolas Maduro is an illegitimate leader of Venezuela. And secondly, by rigging this election and packing the members of the Constituent Assembly with loyalists to the Government, he has equally I think held illegitimate elections and the current government is illegitimate.

The way forward has to be an electoral one, but at this moment the U.S. Government should come out vociferously saying as such.

On the peace process, one of the things I said in my opening is that one of the dangers right now to the peace process is the debate between the current and former presidents, which in many ways is highly politically charged in advance of next year's election. In some ways, that is par for the course when it comes to politics in Colombia, but it is distracting from the real conversation about how do you make sure that the FARC stands by its commitment to spend its money to compensate victims is actually something that they deliver on, as well as the questions of transitional justice and human rights, and the questions of FARC's political participation.

Human Rights Watch has come out and said that it is unfathomable for a FARC member who has pending charges to run for office. I would agree with that.

So it is not right now a question of whether or not the agreement should stand but how Colombians can get to the most effective implementation.

The challenge, though, is a political one, because since most Colombians live in urban centers, to them the war has been over for a while. They have not had to suffer from violence of the FARC. So when they see on television that the FARC is getting paid or that people in the countryside who were growing coca are being compensated above the minimum wage, they are right to be upset. The danger is that whoever comes in as a new president will see the increase in violence that will be a consequence of the implementation in the short term, and sees the unpopularity of some parts of this agreement, and then decides to walk it back. I think that would be a mistake, because the right way to do this is to have robust implementation and to find a balance that works for the Colombian people and to address some of the fundamental imbalances of inequality, of lack of presence of the state in Colombia.

Senator RUBIO. And just to further elaborate on that point, it has always been my position that Colombia is a sovereign nation that has elected representatives who have to respond to their people for the decisions they make. So I have never opined on whether I am in favor or not in favor of the peace agreement. That belongs to the Colombian people. They voted against it, but through their constitutional process they got it through the congress in Colombia, and they will have an election and people will be held to account for how they voted and what their positions might be.

Where I do think we have a role to play is how it impacts U.S. foreign policy, and the first thing I have outlined—I was asked about it in the hallway. We have to go to our colleagues every year and justify the amount of money that we are putting towards this effort, and do so now in an environment where you see an uptick in cocaine production and coca cultivation. So I could see where my colleagues would say to us, well, why are we spending more money if it is getting worse, not better, and if it implicates the peace deal as a result, it endangers it? So that is the first thing.

The second thing it touches upon is the standing of the FARC. We still designate them, and rightfully so, as a terrorist group. There is the example that I ran out of time to ask for our govern-

ment witnesses, but on the 13th of February of 2003 there were four Americans, Department of Defense contractors. They were on a counter-narcotics flight mission. They were shot down by the FARC. The pilot, who was a retired member of the U.S. Army's Delta Force, was executed on the spot. There were three Floridians who were captured. They were held captive. They were tortured for over five-and-a-half years until they were rescued by the Colombian Army.

So as we talk about the future of the Colombian peace accord and the demobilization of the FARC for the good of the Colombian people, we also have a group of Americans, all of whom were former U.S. military, and their families who were subjected to atrocities and crimes at the hands of the FARC. And to see people in any way associated with this wearing a suit and coming up to Washington as elected representatives of Colombia is a very difficult thing for anybody to tolerate here, not to mention a very difficult thing to justify in terms of our relationship and our funding.

The other concern is that there are people who we worked with, hand in hand, with this effort who could now potentially find themselves standing trial before a FARC kangaroo court, where some of them are granted immunity and the like. So these things begin to impact our ability to seek the funding.

So I have always pursued this not through the lens of what the Colombian people decide. They are going to have elections, unlike in Venezuela, which are legitimate. But how do we come back here and justify how that program is outlined?

I think I walked in when the Ranking Member was talking about conditionality. There is, at least for our money—it has to be clear that our money cannot be used to reward the FARC. It should not even be used to pay compensation for victims. The FARC should be paying that, and the like. And also, obviously, what is the point of getting rid of the FARC if the territory they once held and the industry they once ran has simply been replaced by another group, be it dissident members of the FARC, the ELN, the BACRIM, the Gulf Clan, or the like?

The second question related to this—and I think we need to start thinking about it in these terms—we need to start thinking within our planning about what does instability in Venezuela mean to Colombia? In the short term, migratory pressures from a catastrophic meltdown that continues to happen humanitarian-wise—I know the Colombians should be very concerned about that.

So my question to both of you is, number one, as we look forward on Plan Colombia, should there be elements of that that take into account some potential issues at the border with migration and the like? And the second is long term, start thinking about what would it mean if Nicolas Maduro is actually able to pull this thing off, hold on to power, him or someone like him remains in power?

And you saw just two nights ago after the fraudulent elections, which, by the way, the voting machine people, the company, the CEO of Smartmatic said that those things were tampered with to affect the number of people voting. They did not have to affect the outcome because everybody voting, everybody running was in favor of Maduro, but maybe they messed with that as well.

But you have here from BBC this morning the CEO of the company that provided the voting machines saying the voting machines were tampered with. So, there you go.

But going back to the point of them being able to hold on to power, one of the things you heard them talking about that night in their speeches is imagine if they did a Constituent Assembly in Colombia, imagine if they did a Constituent Assembly in Brazil, in Mexico, in Argentina, almost to imply that once we hold on to power here and we stabilize the situation, we are going to use our resources to support people just like us in all of these other countries. And imagine a decade from now a Venezuela-style regime in Colombia, in Honduras and Guatemala and Panama, in Costa Rica. You already kind of have that in Nicaragua. So you can just begin to imagine how problematic this is.

So I guess my question on that point is what should we be doing as part of Plan Colombia to help Colombia in the short and long term with regard to what is happening in Venezuela?

Mr. GONZALEZ. Mr. Chairman, I would say that in addition to—I do think the FARC does want to drive Colombia toward a Constituent Assembly, but the country's democratic institutions are strong enough and will survive. In Venezuela, since Chavez, they have reduced their institutional rubble and are not able to grapple with something like this.

But you mentioned the hostages taken by the FARC. I was in Colombia a couple of weeks ago and I visited El Nogal, which was a nightclub that was bombed in 2002. There are memorials there to the 65 people that were killed by a car bomb that the FARC set off that included two American citizens that were killed.

So it reminds you that the FARC is a narco-terrorist organization, and as such they may have some sort of arrangement with regard to transitional justice in Colombia, but they should never, ever be able to go to the beaches of Miami, and the United States and the U.S. Congress should never allow the abrogation of U.S. judicial claims, law enforcement claims over these individuals.

At the end of the day, when you look at peace processes around the world, the balance between peace, justice and truth is never perfect, and it is often a matter of perspective or where you have been on the side of, particularly when it comes to protracted conflicts like the one in Colombia. I think only the Colombians will know that exact balance, but you are right to say that the U.S. Congress has a voice in that debate, and particularly when it comes to international humanitarian standards.

So that is something that needs to continue to be emphasized, even as I know you have a good relationship with President Santos and President Uribe and President Pastrana. It is something that is, when you have a close friend, you have to have that direct conversation.

On top of all of this, you have a Colombia that has an enormous task of implementing a peace deal with a potential humanitarian disaster right at its border. The first thing that will happen if there is a meltdown of the Venezuelan economy is that Venezuelans are going to go to Colombia, much like Colombians went to Venezuela in the late 90s. That is a humanitarian issue. I know that Colombians have been preparing for this. I know the U.S. Government

has been preparing for this. But up until now, the Venezuelan Government has not allowed the delivery of food, of international humanitarian assistance, and that needs to change. I think U.S. pressure should try to get them to that point.

The second thing is you may have non-state actors that have access to some of the military equipment that exists in Venezuela. They have surface-to-air missiles. They have several military assets that in the wrong hands could cause a regional problem. So I think that is a regional solution that I think the United States and the administration and the Congress should be having with our regional partners to ensure that those challenges are contained.

Senator RUBIO. Just suffice it to say that—and I know we are going to run out of time because we have an ambassador hearing that we have to take up here at the conclusion of this. But just to be clear, as we understand how other elements have empowered themselves in the region, they run for office, they get elected as a minority party, they use democratic processes to gain power and then begin to govern undemocratically. We are under no illusion that that would be the goal of the FARC once they become engaged politically, is to engage themselves in the political life first through the legitimate organs of the democratic process, but eventually to gain power, and once there, go in the direction the Sandinistas and Ortega have taken Nicaragua and that Chavez and now Maduro have taken Venezuela. Certainly having a Maduro regime next door supportive of them would make them stronger in that effort, not weaker.

I would ask you, Mr. Cardenas, about it, but I think I heard that embedded in both of your statements and testimony today.

Mr. CÁRDENAS. I will be very quick, Mr. Chairman. I think you described the political agenda of the FARC to a tee. I do not believe there has been any profound change of heart among the FARC. I think that they are merely changing their camo garb for civilian dress merely as a tactic to achieve political power. And then, as you have correctly noted, they would emulate the same agenda as we have seen others.

And I think what is key to this, to impeding their plan or otherwise making them earn whatever political legitimacy they aspire to, is to go after the money. Find their offshore accounts and seize that money so that it is not employed directly to either suborn democratic institutions in Colombia, or buy off political support, as Chavez did with the oil windfall.

Both you and the Ranking Member mentioned about having to continue to justify U.S. assistance to Colombia. I would urge the Trump administration to make political appointments to get political in some of these jobs, to appoint a strong ambassador in Bogota, to push the U.S. agenda, our interests, in our bilateral relations, to achieve the successes that we want to see without compromising on the kind of expectations that we have for the taxpayer money.

Venezuela is a disaster for Colombia. It is not only regarding the narco trafficking, the consolidation of a narco state next door, what impact that will have on the coca growers and the traffickers in Colombia but also, as you know, Mr. Chairman, the humanitarian cri-

sis of Venezuelans pouring over the border into these very same rural areas that the Colombian Government and partners like the United States are setting out to pacify and stabilize. It is an unmitigated disaster. Here you have Venezuela and Cuba as co-guarantors of the peace agreement. It just goes to show that when you go to the local Mafia don for a favor, you are basically at his mercy for the rest of your life.

Senator RUBIO. Well, on that uplifting note—[Laughter.]

Senator RUBIO. We want to thank both of you for being here. We apologize for the disruption and the back and forth.

I do want to ask unanimous consent to include for the record of this hearing a statement from former Columbian President Uribe, which I referred to earlier, and also a statement from Jose Miguel Blanco from Human Rights Watch, which I believe Mr. Gonzalez referred to a moment ago in his testimony.

[The information referred to above is located at the end of this hearing transcript.]

Senator RUBIO. And again, I want to thank everyone for being here today.

The record of the hearing will remain open for 48 hours.
And with that, this hearing is adjourned.

[Whereupon, at 12:00 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
WILLIAM BROWNFIELD AND FRANCISCO PALMIERI BY SENATOR MARCO RUBIO

On Eradication

Question 1. One of the unintended consequences of the peace process in Colombia may end up being a wave of cocaine coming towards our borders. Both the U.S. Government and the United Nations have estimated a dramatic spike in Colombia's coca cultivation and cocaine production, in part due to the Santos Government ceasing aerial eradication efforts.

- Do you foresee a surge in Colombian cocaine coming to the U.S.?
- Do you see crop substitution and manual eradication as viable tools to decreasing coca crops in Colombia?
- How can the U.S. Government best support the Santos Government in its counternarcotics efforts?

Answer. The alarming surge in Colombian cocaine production since 2013 has already increased the volume of Colombian cocaine coming to the United States, according to U.S. Government estimates. To curb the over 130 percent increase in coca cultivation in Colombia since 2013, the U.S. Government is supporting Colombia's implementation of a comprehensive, multi-year, whole-of-government strategy. Vice President Oscar Naranjo is leading Colombia's implementation of this strategy.

Forced eradication and interdiction both increased this year thanks to Colombian commitment and strong Colombian capabilities developed with sustained assistance from the United States. The Colombian Government's coca crop reduction plan includes forced eradication and crop substitution coordinated through Strategic Operations Centers (CEOs in Spanish). The CEOs are strategically placed in high coca growing and narco-trafficking regions throughout Colombia and, if properly resourced and effectively implemented, could address coca cultivation. We continue to encourage President Santos' administration to address protestors who hamper forced eradication efforts and to maintain the use of extradition as a tool against narco-traffickers.

On Targeting of Civil Society:

Question 2. One troubling trend has been the targeting of civil society activists, including trade unionists and human rights activists. According to the U.N. High Commissioner for Human Rights, in 2016 alone there have been nearly 400 attacks on activists, including 127 murders.

- What is the Santos Government doing to protect civil society activists?
- Is this violence related to the peace plan?
- Do you expect there to be increases in "score settling" between former combatants?
- If yes, is the Santos Government prepared to deal with a spike in violence? Could this violence destabilize the peace plan?

Answer. We are deeply concerned by reports of killings and threats against civil society activists and human rights defenders in Colombia. In its 2016 annual report, the UN Office of the High Commissioner for Human Rights in Colombia reported 59 verified killings of human rights defenders and 389 aggressions, which include killings, threats, infringement of the rights to property and privacy, enforced disappearances, and sexual violence. We support the Colombian Government's efforts to quickly and thoroughly investigate and prosecute those responsible for these crimes. Concrete results will be critical to prevent future violence and will affect peace accord implementation. The Colombian Attorney General's Office has prioritized investigations of recent killings of human rights defenders under the "Plan Esperanza" initiative. The first conviction in Colombia for a case involving threats against human rights defenders, in May 2017, was also a positive step forward. Furthermore, human rights groups have recognized the Attorney General's progress in prosecuting attacks on activists; though more work remains to be done

to end impunity for political violence, which is a direct threat to democratic peace. We continue to engage the Colombian Government on these issues at the highest levels and urge concrete results.

In the accord, the Colombian Government recommitted to ensuring security for all residents through new mechanisms and measures, including improvements to the National Protection Unit (UNP), which provides protection measures to at-risk citizens. In 2016, the UNP provided protection measures to 6,501 at-risk individuals. High-level Colombian officials, including President Santos, offer political protection to civil society activists through public statements condemning aggressions against them and supporting the work of these activists. President Santos inaugurated on February 23 the National Commission on Security Guarantees provided for in the peace accord, which will design and monitor interagency policies aimed at dismantling criminal organizations that threaten social movements, human rights defenders, and individuals engaged in peacebuilding. The Government also reactivated the Mesa Nacional de Garantías, a forum for the Government to meet with human rights defenders to discuss strategies, actions, and investigations in support of advocacy. In June 2017, the Office of the Inspector General released a new directive outlining how the Government should respond to protect activists.

Though challenges remain with respect to violence against civil society activists, Colombia has made important advances. The bilateral ceasefire and peace accord between the Government and the FARC have resulted in an overall reduction of violence in Colombia. The Conflict Analysis Research Center reported that in 2016 levels of violence in the country fell to their lowest in 52 years in terms of the number of victims, combatants killed and injured, and the number of violent acts. In 2016, Colombia had its lowest reported homicide rate in at least 40 years.

We agree on the importance of adopting effective measures to protect social activists, human rights defenders, Afro-Colombian and indigenous leaders, and members of the political opposition who remain at risk with respect to threats and violence by illegal armed groups. We believe an integrated civilian-military government peace accord implementation plan that prioritizes expanding the state's presence to conflict-affected areas is critical to success and the protection of civil society leaders. We have underlined with the Colombian Government that more needs to be done to dismantle the illegal armed groups responsible for these crimes. The Colombian Government requested specific international "accompaniment" of the peace accord, including U.S. support for a provision in Section 3.4.4 of the accord providing for the creation of a special unit within the Attorney General's Office to focus on dismantling organized criminal groups. We are coordinating with the Colombian Government to see how our support would be most helpful.

Dismantling illegal armed groups responsible much of the violence against civil society activists will also be essential to prevent potential "score-settling." In addition, the security guarantees in the peace accord provide for a comprehensive national strategy and new institutions to protect demobilized combatants, as well as human rights defenders, unionists, political actors, ethnic communities most affected by the conflict, and civil society leaders.

The greatest near-term threats to accord implementation are inadequate government efforts to address continued criminality, attacks on rights defenders, and lack of government presence in rural Colombia. Effective civilian agencies that provide government services in remote areas will be important to sustain the peace.

On FARC Demobilization

Question 3. On FARC Demobilization: The demobilization is a massive effort. The UN reports that the FARC has turned in more than 7,000 arms and thousands of former fighters have entered camps.

- Would you provide an update on the demobilization process?
- Has this process gone as you expected?
- What percentage of weapons do you think the FARC has turned in? What do you believe happened to the rest? Are they sitting in a bunker somewhere? Buried in the jungle? Sold to narco-traffickers?
- Is any of the \$391 million for Colombia going to support FARC members who have not demobilized? How are you ensuring that U.S. dollars are only going to those who are participating?

Answer. The United Nations and the Government of Colombia remain committed to disarming the FARC rebels and decommissioning more than 900 weapons caches outside the 26 UN-monitored disarmament zones. The UN has extracted roughly 218 of these caches as of July 24, and caches remaining after September 1 will be removed by the Government of Colombia. Outside these unrecovered arms caches, the number of FARC militia weapons remaining outside of UN control is unknown.

Additionally, nearly 7,000 FARC members turned over their personal arms by June 27. That day, UN officials confirmed the rebels completed the surrender of almost all fighters' individual weapons. The United States strongly supports these achievements, which collectively represent a huge step towards peace after 52 years of conflict. They are also the culmination of more than 16 years of bipartisan U.S. support for peace in Colombia.

The Security Council unanimously adopted Resolution 2366 on July 10, establishing a second Special Political Mission (SPM) to verify implementation of several measures of the final agreement, including the political, economic, and social re-incorporation of the FARC as well as security programs and protection measures for communities and organizations in conflict-affected areas. This transition to a second SPM demonstrates progress in monitoring and verifying the laying down of arms by the FARC and the bilateral ceasefire and cessation of hostilities.

The Department will continue to implement its foreign assistance activities in accordance with applicable U.S. laws. The United States provides technical assistance to Colombian reintegration agencies, which are providing former combatants services such as rehabilitation and education, as part of the reintegration process. This assistance will also help Colombia advance its counternarcotic and countertransnational organized crime strategies by bolstering rural police presence, expanding security aviation, increasing maritime interdiction, and helping ensure demobilized FARC combatants do not return to the battlefield or criminality.

Question 4. Given the FARC's narcotrafficking past, do you expect some of the demobilized combatants to themselves have drug problems? If so, is the Colombian Government prepared to deal with an increase in those needing drug rehabilitation?

Answer. The Colombian Ministry of Justice assesses that demobilized combatants are vulnerable to the abuse of drugs and alcohol due to difficulties and the shock of adapting to mainstream society. According to the Ministry of Justice, the country is not prepared to provide widespread treatment to overcome addiction in remote regions or small communities in the country where demobilized zones are located. The Colombian Ministry of Health created but has not yet implemented a reincorporation plan to deal with health issues, including the use of psychoactive substances, in these rural areas.

On the ELN

Question 5. Do you believe that the Santos Government will be able to reach a deal with the ELN?

- What do you think the broad outline of that peace deal may look like? Would it be similar to the FARC deal?
- Are you concerned that the ELN's leadership structure—much more horizontal than the FARC—makes striking a deal observed by most ELN members much more difficult?

Answer. We welcome efforts by the Colombian Government and people to pursue the just and lasting peace Colombia deserves. The United States is not a party to the talks between the Colombian Government and the ELN. The Colombian Government has not requested U.S. Government involvement in the talks with the ELN, as it did in the case of the FARC, which led to the appointment of a U.S. Special Envoy.

The agenda and the process of the ELN talks differ from that of the FARC peace process. When the Colombian Government and the ELN announced peace talks in March 2016, the parties said negotiations would focus on: (1) participation of society in constructing peace; (2) democracy for peace; (3) transformations for peace; (4) victims; (5) the end of armed conflict; and (6) implementation.

The ELN's ideological intransigence and diffuse organizational structure could pose challenges to striking a deal. We are not in a position, however, to predict whether the Santos Government will reach a deal with the ELN.

Question 6. Has the ELN taken over parts of the FARC's cocaine empire? How much has the ELN gained from the FARC peace plan?

- How is the Colombian Government dealing with the ripple effect, as other groups fill the void the FARC is leaving behind?

Answer. Since the ratification of the peace accord, the ELN has clearly expanded its narcotrafficking activities near the Colombian border with Venezuela in Catatumbo, Norte de Santander Department. The ELN's narcotics-related and other criminal activities also increased in areas where it has traditionally had a presence, such as Arauca, Cauca, Bajo Cauca, Antioquia, and others. As a general matter, in areas where the ELN and FARC shared territory, the ELN now controls more territory. Other criminal groups, especially the Clan del Golfo, have increased their

criminal penetration into areas previously operated by the FARC, notably in Antioquia and Chocó.

To deal with the threat of expansion of the ELN, Clan del Golfo, and other bandas criminales (BACRIMs), the Colombian Ministry of Defense, launched or expanded named operations with the objective of dismantling the persistent threat posed by these organizations. Additionally, through Strategic Operations Centers (CEOs in Spanish), the Government of Colombia not only plans to curb coca cultivation and cocaine production, but is also expanding state presence in rural areas to prevent proliferation of new criminal organizations, increase access to justice and licit economic opportunities, and other social government services.

While the ELN and other groups continue to fill the territorial void left by the FARC, we believe some demobilized FARC and certainly FARC dissidents continue to actively engage in narco-trafficking activities throughout Colombia. We continue to urge the Colombians to preserve the use of extradition as a law enforcement tool to ensure narco-traffickers do not fraudulently use the peace accord's transitional justice measures to avoid extradition.

On FARC Atrocities Committed against Americans:

Question 7. On February 13, 2003, four Americans who were Department of Defense contractors on a U.S. Government counter-narcotics flight mission in Colombia were shot down by the FARC. The pilot, Tom Janis, a retired member of the U.S. Army's Delta Force, was executed on the spot and three Floridians—Keith Stansell, Mark Gonzalez, and Tom Howes—were captured. They were held captive and severely tortured for over five and a half years, until they were rescued by the Colombian Army.

While these Americans and the Janis family obtained a judgement in 2010 under the Anti-Terrorism Act for damages against the FARC to compensate them for the FARC's acts of terrorism during their captivity and the execution of one American, there are no FARC assets in the United States besides drug money of FARC agents, traffickers, and money launderers. These assets are frozen under the Foreign Narcotics Kingpin Designation Act. Under current law, victims cannot access frozen assets under the Kingpin Act. In the 114th Congress, I co-sponsored legislation the Clarifying Amendment to Provide Terrorism Victims Equity Act (CAPTIVE Act) to change current law. While the bill passed the House by unanimous consent last year, it was stalled in the Senate when the Obama administration raised concerns about the bill that they failed to disclose during the House's consideration. In the meantime, the victims have been waiting 14 years for justice and have received little help from the U.S. Government that they served heroically.

- Ambassador Brownfield and Secretary Palmieri, do these men and their families deserve justice? What would you say to them and their families?

Answer. The four U.S. Department of Defense contractors shot down by the FARC in 2003 were victims of a heinous crime, and they and their families deserve justice. Our highest priority is to protect the lives and interests of U.S. citizens.

Question 8. How can we work together to find justice for them? What is the State Department's current view of the CAPTIVE Act?

Answer. We agree it is essential to pursue meaningful justice and accountability on behalf of victims of the conflict, especially protecting the interests of U.S. victims of the conflict. We also have met with, briefed, and provided information to families of U.S. victims who have contacted us. We have explained how our foreign assistance provides technical assistance and capacity building support for Colombian institutions, including the Government's Victims' Unit and Colombian NGOs, which in turn provide essential services to conflict victims and advocacy on their behalf.

In terms of the CAPTIVE Act, we are aware that the legislation has been reintroduced in the House and are monitoring efforts in this regard. We believe the FARC's stated commitment to making reparations to conflict victims and disclosing the full truth about its crimes should include the disclosure of information about their illicit finances. In an October 1 statement, the FARC committed to forfeit all assets-including monetary and non-monetary resources, such as land-in order to fund victim reparations. The Department remains committed to deepening our law enforcement and intelligence collaboration with Colombia to combat financial crimes, including with respect to the FARC's illicit finances.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
JUAN S. GONZALEZ BY SENATOR MARCO RUBIO

On Upcoming Elections

Question 1. Congressional elections in Colombia are scheduled for March 2018, with a presidential election following in May 2018.

- Will the peace plan play a major role in the campaigns?

Answer. Definitely. Already, the peace plan between the Government and the FARC has dominated Colombia's political discourse—and served as the main point of friction between the current and former president—since the negotiations began several years ago.

Question 2. How do you see the 2018 Colombia presidential election affecting the peace process? If so, how?

Answer. The peace process could very well determine the out come of the 2018 Colombian presidential election. Polls show that Colombian electorate overwhelmingly supports peace but is also highly skeptical of the agreement. The main candidates also agree—with varying degrees of nuance—on the need to continue implementing the agreement. The winner of the election will be the candidate who can articulate a way forward for ensuring accountability for the FARC, maintaining a central focus on the victims of the conflict, advancing consensus on the FARC's political participation, and addressing the rising cultivation of coca in Colombia. The challenge, however, will be in advancing a vision for peace in a way that does not prompt the FARC to retake up arms or undermine negotiations with the ELN.

Question 3. Do you think that the ELN peace talks will be slowed down because of the upcoming elections?

Answer. For various reasons, it is reasonable to expect the Colombian electoral calendar to delay talks with the ELN. The first is that the campaign will eat up a lot of the political bandwidth of the outgoing Colombian administration. The second, is that the ELN may want to evaluate the next president's position with regard to the agreement with the FARC. But most importantly, the next president of Colombia will have a lot on their plate, including finalizing tax reform, deciding whether to support a four-year renewal of the peace/war tax that since 2003 has supported the work of Colombia's security forces, all the while needing to take steps to reduce the fiscal deficit to under 2 percent by 2022 as required by law.

On the FARC

Question 4. The demobilization and reintegration is going to be very difficult. It's going to be hard logistically, it's going to be hard culturally-FARC members just spent decades in the jungle, relatively removed from Colombian society-and, especially, emotionally. There are people who have lost fathers, sons, mothers, daughters, and siblings to the decades of war. That can't just be turned off because politicians sign a piece of paper.

- Do you believe that the Peace Accords will succeed?

Answer. It took several years for the Colombian Government to reach an agreement with the FARC, but it will take at least generation to successfully implement the agreement and for Colombia to finally achieve reconciliation following a 50-year internal conflict. The accords will succeed with the following ingredients: First, the sustained bipartisan support of the United States. We are Colombia's strongest ally and they need us more now than ever. That doesn't mean the U.S. Congress should write Colombia a blank check, but we need to be actively present. Second, there needs to be a presence of the state in rural Colombia. That means the Colombian National Police needs to be able to fill the vacuum left by the military to guarantee the country's domestic security. It also means the Government needs to provide access to rule of law institutions to guarantee that anyone who breaks the law will face the consequences. Lastly, Colombia needs to grow economically, to continue reducing still-high levels of inequality, and to ensure access to quality education—so that the son or daughter of a reintegrated member of the FARC can forge a different path.

Question 5. What are the most difficult parts of the Peace Accords?

Answer. The most difficult part of the accord is reconciliation, because so many have been affected by what was the hemisphere's longest running internal armed conflict. That process will take time, and other such processes around the world tell us that not everyone will support the final balance between peace, justice, and truth. Countries like El Salvador and Argentina continue to struggle with the legacy of their peace accords.

Question 6. What do you think the FARC's long game is?

Answer. Unarguably, the FARC's priority is to undo Colombia's economic model and forge a Marxist state, but they've been in the jungles of Colombia far too long and have lost touch with the Colombian people. The FARC today is very unpopular and will struggle to find footing in Colombia's political system. Particularly if the Colombian Government can make significant inroads in reducing poverty and inequality, the FARC will be reduced to a fringe political element.

Question 7. Pope Francis is expected to visit Colombia this year. How do you think this will impact the implementation of the Peace Accord?

Answer. The visit of Pope Francis has the potential to unify Colombians behind a common vision for peace. Colombia has the largest percentage of Roman Catholics in Latin America, and his affirmative support for staying the course could refocus the current political friction toward a debate on how to implement the best agreement for Colombia.

STATEMENT SUBMITTED BY HON. CAMILO REYES, AMBASSADOR OF COLOMBIA

The hearing held today by Senator Rubio comes at a pivotal moment in Colombia's history, as we implement a historic Peace Agreement that brought more than a half-century of conflict to an end. For the first time in half a century, Colombia is a nation working to build stable and lasting peace. The path to peace has not been easy. Endeavors of this size and significance rarely are. We know that we face a number of challenges on Peace Agreement implementation. We also know that we are resolute in our commitment to peace for Colombia, and now, more than ever, further strengthening the bilateral alliance between Colombia and the United States is key. The U.S.-Colombia partnership is critical to advancing peace and prosperity in the Western Hemisphere and around the world.

We will continue all of our efforts to strengthen our Armed Forces and combat crime as we implement the Agreement.

The Success of the U.S.-Colombia Partnership

Colombia is the peaceful, stable nation it is today thanks in large part to the United States. The United States made a remarkable investment in Colombia's future with the Plan Colombia initiative in 2000. Plan Colombia has proven to be the most successful bipartisan U.S. foreign aid effort to date.

With Plan Colombia, my country went from the brink of failure to the most dynamic economy in Latin America. Plan Colombia also set the stage for peace. Today, Colombia has record investment from the world's leading companies and industries and is an innovation hub, a tourism hotspot and home to a competitive economy and workforce—and is on the verge of acceding to the OECD. Colombia has stepped in to help nations in Central America, the Caribbean and around the world confront security challenges—from regional initiatives to NATO. That is the power and promise of the U.S.-Colombia partnership.

Colombia is the United States' strongest ally in Latin America, and together, we have been able to promote security, peace and prosperity in both of our countries. We are equally committed to continue working with the Northern Triangle countries—El Salvador, Guatemala and Honduras—to share lessons Colombia has learned through experience and much sacrifice—with the ultimate goal of achieving peace and prosperity throughout the Western Hemisphere.

With a Peace Agreement secured and implementation firmly underway, Colombia is taking another historic leap on the path to sustained peace and prosperity.

Peace Agreement Implementation

Peace Agreement implementation began as scheduled following the November 2016 conclusion of the Agreement. Many critical milestones have already been achieved. On June 27, 2017, the FARC, as scheduled, delivered more than 7,100 weapons to the United Nations (UN). Earlier this week, the UN collected the first container of additional FARC weapons. After the extraction of the containers, the UN will proceed to destroy some of the arms and use the remaining portion to construct three monuments by melting them down. These monuments will be erected in Colombia, at the UN headquarters in New York City and in Havana, Cuba.

In addition to the Colombian Agency for Reincorporation and Normalization and other government entities, on July 10, 2017, the UN announced it will oversee former FARC members' reintegration into civilian life and civil society. Land and other agricultural reforms will continue to transform local communities throughout the country.

The Government bears the ultimate responsibility for implementation of the Agreement, and is committed to successful implementation that includes citizen participation and promotes dialogue among different sectors of society to build trust and social inclusion. The transition to peace will continue to demand a great amount of time, resources and leadership in Colombia—as well as the continued support of the international community, including the United States.

Both the Colombian Government and Colombian people are behind Peace Agreement implementation, and just as Colombian taxpayers covered 90 percent of the costs associated with Plan Colombia, the same will be true with the transition to peace.

Ensuring Justice

As part of the Peace Agreement, a Special Jurisdiction for Peace (JEP by its Spanish acronym) was established as the mechanism for ensuring justice. The JEP exceeds international standards and justice measures in other peace accords, complies with our international obligations and is consistent with the Colombian legal framework for peace—the legal foundation on which our Congress established the Peace Process.

The JEP does not permit amnesty for the most serious international crimes, such as genocide, extrajudicial killings, forced displacement, etc. It creates an accountability system with a national tribunal. With this mechanism, we are setting a precedent for the international community, which may provide hope for addressing other armed conflicts across the globe.

It is important to note that failure to comply with the Peace Agreement exposes FARC members not only to exclusion from the special treatment provided by the JEP and to face criminal proceedings before the regular criminal justice system, but also to losing all of the benefits of reincorporation.

In addition, if conditions under the Peace Agreement—truth, reparation and non-repetition—are not complied with, FARC members have to go to jail and may be extradited. In Colombia, extradition is a presidential political decision, and you can be assured, it is a matter that will be considered with the highest degree of seriousness.

Combatting Drug Trafficking

We know that combatting drug trafficking is one of the many challenges we must solve in order for Peace Agreement implementation to be successful. Fighting illicit drugs was one of the driving reasons for embarking on this Peace Agreement, and the world can be sure we are focused on and committed to combatting drug trafficking as we work to implement the Peace Agreement. No nation has suffered the scourge of illicit drugs more than Colombia.

The Government recognizes the importance of increasing national and regional efforts and maintaining pressure on all links in the drug trafficking chain. Peace Agreement implementation is transforming territories and providing solutions to the problem of illicit drugs.

In addition to combatting drug trafficking through Peace Agreement implementation, we have launched a robust three-year counter-narcotics strategy, which includes three key components: transformation and development of communities and territories; interdiction and crime policies; and consumption prevention and treatment of addiction.

The Presidency's High Counselor for the Post-Conflict has established a new agency, the Department for Comprehensive Attention in the Fight Against Drugs. This Department is leading efforts to significantly increase crop substitution agreements by involving all individuals in affected areas, allowing for inter-agency cooperation through coordination among local and regional communities, governments and the private sector, incentivizing communities to completely abandon all connections to drug trafficking.

The Defense Ministry will focus its strategy on strengthening naval, fluvial, aerial and terrestrial interdiction; eradication of illicit crops; and also taking action against criminal organizations by attacking their logistic and financial infrastructure in efforts to improve the wellbeing of communities.

The goal is to eradicate 100,000 hectares of coca crops—50,000 hectares through forced eradication and 50,000 hectares through crop substitution agreements. Every 50,000 hectares of illicit crops eradicated results in the elimination of 300 tons of cocaine production; 750 million fewer doses; and stops nearly \$10 billion from going to criminals.

Recently, the Government has achieved a number of advances in the fight against drug trafficking. Between January and July 2017, the National Police and the Armed Forces eradicated 23,000 hectares of coca, which represents 48 percent of the

total goal for the year. On drug interdiction, last year Colombia seized 50 percent of all cocaine produced in the country and was responsible for 34 percent of cocaine seized worldwide. Looking at the year to date, Colombian authorities have seized 221 tons of cocaine, an 11-percent increase compared to the same time period in 2016. Destruction of drug production laboratories is also on the rise, as 4,864 were destroyed in 2016, a 24-percent increase over 2015. In addition, thus far in 2017, another 2,235 labs destroyed have added to our success. When comparing the period from January—July 2016 and January—July 2017, in 2017, eradication is up 107 percent, cocaine seizures are up 13 percent and seizures of chemical drug inputs are up 35 percent.

Regarding the crop substitution program, the Government has also signed 43 collective agreements that cover 91,000 families who will voluntarily substitute 76,617 to 80,000 hectares of coca in 13 departments.

Of all of Colombia's municipalities, 83 percent are free of illicit crops—leaving 17 percent of municipalities as the areas of focus for eradication and substitution efforts. Nearly half (48 percent) of all illicit crops are located in 1 percent of municipalities. These advances will only increase as we move forward with implementation of the Peace Agreement and our new counter-narcotics strategy.

Colombia's fight against coca cultivation and cocaine production is long-standing, continual and far from over, as the latest production numbers show. Colombia is more committed than ever to ending the flow of drugs—from seed to shipment—and we remain a partner with the United States in this effort.

A Bipartisan Roadmap Forward for the U.S.-Colombia Partnership

The issues discussed during today's hearing were the focal point of a report released in May by the Atlantic Council's bipartisan Colombia Peace and Prosperity Task Force. The Task Force is composed of members of Congress from both parties, former senior foreign policy experts from every administration since President Reagan, as well as the private sector and the leading think tanks on Latin American policy in the United States.

Co-chaired by Senators Roy Blunt (R-MO) and Ben Cardin (D-MD), the Task Force issued recommendations on the roadmap for the future of the U.S.-Colombia partnership, including:

1. Establish Peace Colombia as the ongoing strategic framework for U.S. policy.
2. Recognize that robust peace accord compliance and implementation are critical to U.S. national security interests and regional stability.
3. Put forward policies that expand U.S.-Colombia cooperation in order to achieve concrete victories against transnational criminal networks.
4. Deepen U.S. commercial and economic cooperation through Peace Colombia and the existing Trade Promotion Agreement framework.
5. Expand the shared security portfolio in international hotspots where Colombian military and peace-building expertise can play a pivotal role to advance U.S. interests globally.

It is important to emphasize the bipartisan process that produced this road map. The U.S.-Colombia alliance is built on a solid foundation of bipartisan support. Successive Colombian Governments have worked with U.S. presidents from both political parties as well as with Republican- and Democrat-controlled Congresses, and we look forward to continuing to advance the bilateral partnership with strong bipartisan support. It was strong bipartisan support that made Plan Colombia—a U.S.-Colombia effort that helped transform Colombia—the most successful U.S. bilateral initiative with a foreign nation; and it is strong bipartisan support that will make the next phase of Plan Colombia—the Peace Colombia initiative—successful as well.

Conclusion

In conclusion, as a nation at peace, Colombia now has the opportunity to reinforce the security gains our nations have achieved together and usher in a new era of cooperation that will deepen the U.S.-Colombia partnership. Colombia's progress benefits Colombians and Americans and helps ensure stability and security across the entire Western Hemisphere. The partnership with the United States that has helped make Colombia a beacon of hope and an example for other countries in the region can be shored up through our continued partnership. Given our history of success and progress, Colombia and the United States are well positioned to achieve even more together.

STATEMENT SUBMITTED BY JOSÉ MIGUEL VIVANCO, EXECUTIVE
DIRECTOR OF THE AMERICAS DIVISION, HUMAN RIGHTS WATCH

Mr. Chairman, committee members, Thank you for the invitation to appear before the Senate Committee on Foreign Relations on behalf of Human Rights Watch (HRW) to discuss our assessment of the justice component of the peace accord between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC) guerrillas. I would like to submit, for the record, my written testimony.

Let me first stress that HRW applauds the efforts of the Colombian Government to bring an end to the country's long and bloody conflict which has caused so much suffering to its people. The peace accord signed on November 12, 2016, undoubtedly poses a landmark opportunity to advance the protection of fundamental human rights in the country. Indeed, since the ceasefire amongst the parties to the accord, Colombia has benefited from a very significant decrease in reports of human rights abuses.¹

Human Rights Watch, however, has very serious concerns regarding the justice component of the accord, which could seriously undermine the prospects for a sustainable peace.

The FARC committed systematic atrocities for more than five decades, beginning in the 1960s. Its forces killed and abducted civilians, took hostages, carried out enforced disappearances, used child soldiers, conducted grossly unfair trials, forcibly displaced civilians, and subjected captured combatants to cruel and inhuman treatment.

Army soldiers also engaged in atrocities. Between 2002 and 2008, army brigades across Colombia killed more than 3,000 civilians, in what are known as "false positive" cases. Under pressure from superiors to show "positive" results and boost body counts in the war against guerrillas, soldiers abducted victims or lured them to remote locations under false pretenses. The soldiers killed them, placed weapons on their bodies, and reported them as enemy combatants killed in action.

Human Rights Watch is concerned that, as it stands, the justice component of the accord could allow those responsible for many of these atrocious crimes to escape meaningful justice. The key shortcomings in the justice component of the accord include the following:

Sanctions

First, the accord provides that war criminals who fully and promptly confess their crimes would be exempt from any time in prison and would be subjected to modest and vaguely-defined "restrictions of rights and liberties." While the final accord reached in November provided a little more clarity regarding these sanctions, there are still a range of ambiguities and loopholes that can and should be addressed in the implementing legislation of the accord to ensure that war criminals are not allowed to escape meaningful punishment.²

As they stand, such sanctions could run counter to Colombia's obligation under international law to provide sentences that reflect the gravity of the offense. Indeed, Human Rights Watch knows of no precedent from other courts or tribunals adjudicating war crimes where those most responsible for the worst crimes did not face custodial sentences.

Command responsibility

Second, the agreement includes a clause that would make it possible for military commanders to escape responsibility for the atrocities committed by their troops by claiming they did not know about them. But under the international law principle of "command responsibility" prosecutors do not need to prove that commanders actually knew about the crime—which is often impossible—but only that they had reason to know and should have known.³

What is worse, in April 2017, the Colombian congress passed a constitutional amendment establishing a special definition of "command responsibility" for army soldiers that, if accepted by the country's Constitutional Court, would require prosecutors to prove several additional conditions—such as showing that the criminal

¹ See, e.g., Human Rights Watch, World Report 2017 (New York: Human Rights Watch, 2017), Colombia chapter.

² See Human Rights Watch, "Letter to President Santos on the new peace agreement with the FARC," November 23, 2016.

³ See Human Rights Watch, "Letter to President Santos on the new peace agreement with the FARC," November 23, 2016.

actions were committed within a commander's area of responsibility—that are not required under international law.⁴

These changes would introduce new and indefensible barriers to accountability for armed forces personnel. In particular, they could allow senior officers responsible for “false positive” killings to escape justice. While more than 1,000 soldiers have been convicted for these crimes, few commanders who led brigades responsible for the killings and later rose through the military ranks have been held accountable. Amongst the officers who commanded brigades responsible for multiple killings are General Juan Pablo Rodríguez Barragun, who is currently the country's top commander, and retired General Jaime Alfonso Lasprilla Villamizar, who at least until recently was—and as far as we know still is—Colombia's defense attaché in Washington.⁵

Third, the justice component of the accord includes a broad provision allowing FARC guerrillas to seek or hold public office even while serving sentences for grave abuses. We understand that a fundamental aim of the peace process is to allow the former FARC guerrillas to pursue their political objectives within the democratic arena. But allowing people convicted of war crimes or crimes against humanity to run for and hold political office while serving their sentences would severely undermine the credibility and seriousness of the sanctions imposed by the Special Jurisdiction for Peace.

Amnesty law

Finally, while the accord provides that amnesties would not cover serious human rights violations, an amnesty law passed last December includes language that could allow people responsible for atrocities to benefit from amnesties. For example, the law allows those responsible for certain war crimes to benefit from amnesties if they are able to show that their crimes were not committed in a systematic manner. Colombia, however, has an obligation to investigate, and where appropriate prosecute, all war crimes, regardless of whether these were systematic.⁶

In the upcoming months, Colombian authorities have a chance to fix these shortcomings ideally through implementing legislation, or, failing that, through the Constitutional Court—which, in the past, played a key role in ensuring justice for victims of the armed conflict. Only by addressing these issues would Colombia be able to achieve a just and sustainable peace.

Mr. Chairman and committee members, thank you for your attention to this critical issue.

STATEMENT SUBMITTED BY ALVARO URIBE VÉLEZ

Below are some comments, from my point of view, on the current situation in Colombia and the peace deal reached by and between the Santos administration and FARC.

It is important to repeat that the Colombian Government ignored the triumph achieved by the No vote supporters in the plebiscite. The polling threshold was lowered by the Government, from 50 percent to 13 percent of YES votes. This victory was achieved by the No vote supporters in spite of the widespread international support, the unlimited amounts of money, and the propaganda machine in favor of the Yes vote. The Colombian Government did not substantially change the deals and, with the incomprehensible support from the Constitutional Court of Colombia, ratified the deal by means of a proposal in the Colombian Congress, clearly contradicting the plebiscite results.

1. *Production of narcotics.* Coca crops were reduced from 170,000 hectares in 2001 to 78,000 in 2012. Nowadays, according to White House's estimates, there are 188,000 ha, which is the highest figure in Colombian history. Drug use and addiction, criminality, and blackmail figures have simultaneously increased. Our economy is not in recession owing to the plague of drug trafficking.

⁴See Human Rights Watch, “Letter on ‘Command Responsibility’ in the Implementing Legislation of the Peace Agreement,” January 25, 2017. Human Rights Watch, “Colombia: Amicus Curiae regarding the Special Jurisdiction for Peace,” July 17, 2017.

⁵For more information on these and other commanders see Human Rights Watch, *On Their Watch: Evidence of Senior Army Officers' Responsibility for False Positive Killings in Colombia*, June 24, 2015. See also Kevin G. Hall and Brittany Peterson, “Why was this Colombian general posted to his country's Washington embassy?” *The Miami Herald*, April 11, 2017.

⁶See Human Rights Watch, “Letter to President Santos on the Amnesty Bill,” December 25, 2016.

2. *The cause of this dangerous trend.* The Colombian Government stopped fumigating illegal crops in order to please FARC terrorists. Manual eradication was reduced and progresses only if permitted by communities, which are continuously subject to pressure by FARC.

Even though illegal crops increased by 141 percent in Colombia from 2012 through 2016, this increase started as of 2013, which is the year after talks were started by and between Santos administration and FARC, with an increase of 3.2 percent. The highest increases were 39.1 percent and 42 percent in 2014 and 2015 respectively, which were the years where aerial crop dusting was banned and the lack of penalties for narcoterrorists was confirmed.

Unfortunately, Colombia became again the world's biggest producer of illegal crops.

3. *Justice scheme for FARC.* FARC group has designed its own justice scheme. Justices will be appointed by people who are renowned for their support to terrorism and share the alleged FARC's ideology. According to Act 01 dated 2017, FARC ringleaders and their assistants have been granted impunity and eligibility for politics, whatever the crime committed. Atrocious crimes, such as recruiting minors and assaults on women, will continue to go unpunished. Ringleaders' freedom is somewhat restricted. That penalty is inappropriate and inapplicable because culprits will not serve jail sentences and, simultaneously, may run for Congress or any other public office. The idea that rebellion was funded by drug trafficking became the excuse for accepting this crime as one related to political crimes committed by FARC guerrillas who will enjoy total impunity and eligibility for politics and cannot be extradited. Alias Simón Trinidad is serving a sentence in the United States for drug trafficking and the kidnapping of three American citizens. However, his accomplices are enjoying impunity in Colombia.
4. *FARC group will not give up their illegal fortune.* According to Presidential Decree 903 dated 2017, FARC are allowed to finance their political proselytism by using illegal funds from drug trafficking and kidnapping, etc., instead of paying reparations to their victims.
5. *FARC members may be elected for public office.* According to Act 03 dated 2017, FARC members will have their own political party funded by more money than any other political party in Colombia. And, what is more, President Santos gave FARC 10 seats in the Congress and public funds for their think tank. Additionally, they would have a seat in the Colombia's National Electoral Council (Colombia's highest body in charge of organizing the elections), which is a benefit that older parties have never enjoyed.
6. *Constitution replaced.* Colombian Constitution has been replaced by the deal reached with FARC. According to article 1 of Act 02 dated 2017, by which an interim article is added to the Constitution, "the State's institutions and authorities must bona fide honor the provisions set forth in the Final Deal" and, therefore, any regulations passed "must be consistent with and integral to what has been agreed" with FARC, for the next 12 years.
7. *Children and weapons.* Out of more than 11,000 children who were recruited, only few of them (less than 90) have gone back to their families' home. FARC recently announced that they would not release any more minors. And, what is worse, guerrilla leader alias Iván Márquez, when asked two days ago by a journalist on the release of minors recruited, replied: "What do they want if weapons have already been given up and FARC is no longer an armed organization? That is just to bother, to disturb, and just to try to cause controversy."

Our intelligence services estimated some years ago that 40,000 weapons are kept by FARC. Colombian President recently stated that such a terrorist organization was going to give up 14,000 weapons. The Minister of Defense of Colombia said that 11,000 of those weapons were rifles. Nevertheless, FARC members decommissioned just 7,132 weapons. No information has been given on missiles and other dangerous weapons owned by FARC.

In 2016, a military intelligence source, with expertise in armaments, asked by the El Colombiano newspaper, estimated that the 80 guerrilla squads, together with their support networks, might be keeping more than 45,000 weapons of all kinds: "there might be around 30,000 long guns, i.e. rifles or machine guns, while there might be around 15,000 or 20,000 handguns, such as pistols. However, most of such arsenal may not be in good condition," the official said.

Recently, Juan Carlos Pinzon, former Colombian ambassador to the United States, posted on his Twitter 'PinzonBueno:' "It is a mistake to celebrate the laying

down of the arms as though this were done in its entirety. It is clear that FARC and their dissident groups are keeping arms. More transparency, please!”

Governor of Antioquia, Luis Pérez Gutiérrez, reported on July 25 that some FARC guerrillas who were expelled from or abandoned town district rural areas are now members of new armed groups who have benefited from the arsenal hidden in the above-mentioned guerrilla group’s underground storerooms in Antioquia:

“We have been informed that, in the rural areas of the towns of Dabeiba and Ituango, at least 14 guerrillas who know where such arsenal is have been expelled from or have abandoned those areas, resulting in arming those two new illegal groups. Now the authorities must go after those crooks.”

8. *Present and future.* In oppressing democracy, independence of institutions, and warranties for the private sector, the current Juan Manuel SANTOS administration has not gone too far as Mr. Maduro in Venezuela, but the former’s legacy will allow any potentially weak or pro-FARC governments to go on the same track in the future. The poor—since they are desperate, deprived of opportunities due to the lack of private investment, and suffering due to violence—will not distinguish the difference between our Rule of Law and the neighboring tyranny. Colombia needs profound changes, otherwise we are condemned to become Mr. Maduro’s second version.

Yours truly and respectfully,
Alvaro Uribe Vélez

