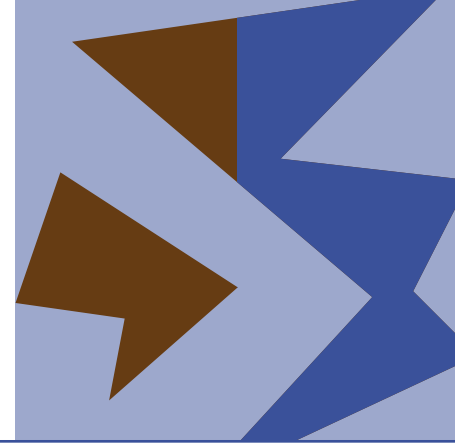


# Blueprint for a New Colombia Policy



**P**lan Colombia, or the Andean Counterdrug Initiative, was originally presented to Congress as a six-year plan to reduce drug crop cultivation, improve human rights and the rule of law, and promote a peaceful end to a decades-old war. Of the \$4 billion in aid provided in the past six years (2000-2005), \$3.2 billion—80 percent—has gone to Colombia's security forces, with the remainder barely making a dent in the country's many other urgent needs. Though Plan Colombia has reached its expiration date, the Bush Administration is requesting FY2006 aid at the same level of more than \$700 million, 80 percent of it military and police aid, maintaining Colombia as the top recipient of U.S. foreign assistance outside the Middle East.

At this five-year marker, reevaluation of the program is imperative. While Colombia's crisis is urgent and the United States can and should help, our priorities must shift. Instead of helping Colombia's military to occupy its territory, we must encourage Colombia's elected leaders to strengthen the rule of law and foster more equitable development, governing for the good of all.

This memo briefly examines progress towards Plan Colombia's stated goals and then presents a blueprint for improving future aid and policy to Colombia.

By some measures, Colombia's performance has improved since 2000, although the human rights situation remains extremely grave. Bogotá government figures show that the number of people kidnapped dropped from 3,372 in July 2001-June

2002 to 1,441 in 2004. Murders have fallen from 28,837 in 2002 to 20,011 in 2004.<sup>1</sup> While nearly 200 of Colombia's 1,092 counties lacked a police presence in 2001, all now have at least a small contingent of police.

Despite these welcome gains, the stated objectives of Plan Colombia have not been achieved. A variety of deeply disturbing trends make plain that this policy is failing. A fundamental re-thinking is urgently required.

## **1. Failure to reduce the availability or use of cocaine and heroin in the United States.**

Despite stable if not rising demand, the U.S. prices of cocaine and heroin continue to decline. The number of current cocaine users is on the rise, including a 13 percent increase from 2002 to 2003.<sup>2</sup> The numbers of new cocaine and heroin users in recent years are considerably higher than during the mid-1990s, and use is beginning at younger ages.<sup>3</sup> Cocaine and heroin use among high school students was actually higher in 2004 than in 2001.<sup>4</sup> Between 1995 and 2002, rates of cocaine- and heroin-related hospital emergencies rose by one-third and one-fifth, respectively.<sup>5</sup> Cocaine and heroin supplies remain robust, and these drugs remain readily available in the United States.<sup>6</sup> Despite considerable efforts to discourage illicit drug use by driving up prices, as of mid-year 2003 the U.S. wholesale and retail prices of cocaine and heroin were at or near their all-time lows.<sup>7</sup> Cultivation of coca within Colombia has actually changed little from 1999-2000, when Plan Colombia began. Coca production increased from 1999-2001

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## Executive Summary: Blueprint for a New Colombia Policy

After five years of a security-first policy in which nearly 80 percent of U.S. resources funded Colombian security forces, the aid package must change substantially to prioritize social aid and consolidate the civilian state's weak institutional presence in rural Colombia. The State Department, U.S. Embassy and USAID must adopt a far more vigorous diplomatic posture towards the Colombian government in favor of human rights and the rule of law. The United States must encourage a negotiated settlement to the armed conflict with truth, justice and reparations.

### Recommendations for U.S. policy:

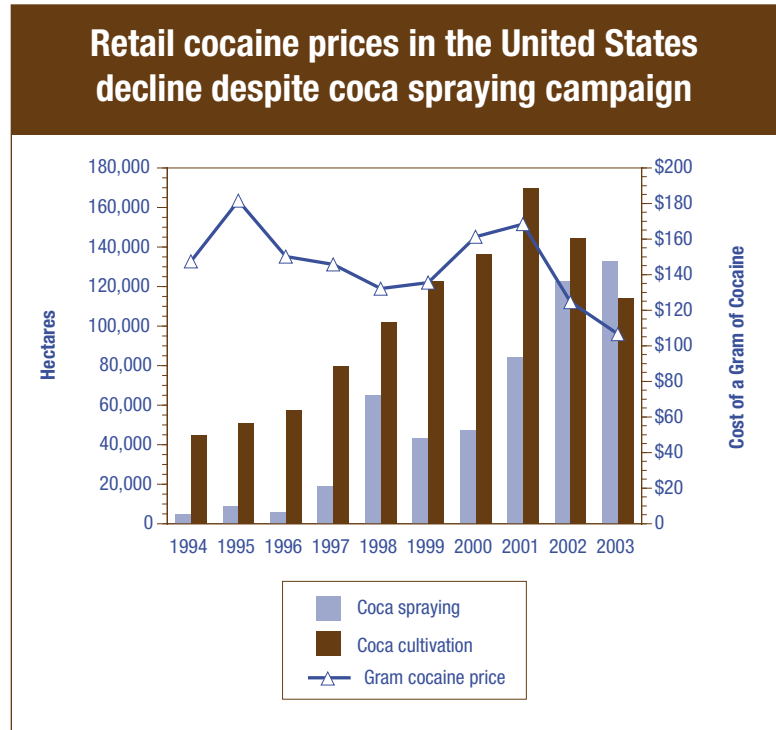
- 1 **Use U.S. leverage far more vigorously in support of human rights and the rule of law.** The vast majority of human rights abuses committed in Colombia—including those involving the security forces—go unpunished. The State Department must do more to help Colombia to overcome this chronic impunity: existing U.S. law already includes tools to condition aid on effective investigation and prosecution of abuses.
- 2 **Support the recommendations of the United Nations High Commissioner for Human Rights** for Colombia as an agreed-upon multilateral framework for improving the rule of law.
- 3 **Insist upon the complete dismantlement of paramilitary forces and structures, within an effective legal framework for justice, truth, and reparations.**
- 4 **Support a strong judiciary and an independent human rights sector.** U.S. aid and policy must focus on reducing impunity, insist upon an effective Attorney General's office, and encourage the independence of the judiciary. U.S. aid should fund Colombia's *Procuraduría* and *Defensoría* and the office of the UN High Commissioner for Human Rights, and should support civil-society groups.
- 5 **Expand alternative development within a comprehensive rural development strategy, and end aerial spraying.**
- 6 **Encourage the strengthening of civilian governance in rural areas.** The United States should work with the Colombian government to increase the presence in conflictive zones of police, courts, schools, public health, agricultural extension, microcredit and other state services. Indigenous and Afro-Colombian communities must be included and consulted.
- 7 **Make trade policy consistent with sustainable drug policy and human rights.** AFTA must include protection for Colombia's small farmers. A shock that could worsen the conflict or force farmers to turn to illegal drug crops must be avoided. The United States should use the AFTA negotiations to leverage progress for worker rights and against impunity for violence against trade unionists.
- 8 **Increase and improve humanitarian assistance, and expand protection, to displaced persons and refugees.**
- 9 **Encourage negotiations with the guerrillas for a just and lasting peace.** The United States should be supportive of any effort to re-start a dialogue with guarantees of truth, justice and reparations.
- 10 **Reduce U.S. demand for drugs through evidence-based prevention strategies and improved access to high-quality treatment.** Proven prevention strategies should be implemented far more widely here at home, especially in schools and communities at highest risk. Treatment works, but not for those who do not seek it or cannot gain access. Closing the treatment gap will require a far more ambitious federal role in funding treatment at the state and local level.

and decreased in 2002-03. However, in 2004, progress stalled, as record levels of aerial herbicide fumigation failed to reduce Colombian coca-growing by even one acre, according to the Office of National Drug Control Policy.<sup>8</sup> According to the State Department statistics, attempted coca-growing – the amount of coca eradicated plus the amount left over—has grown sharply. Aerial herbicide fumigation is not discouraging coca-growers from cutting down new forest and replanting. The base price of cocaine has held steady, indicating that production, while more dispersed than prior to the aerial spraying campaign, remains fairly constant. Simply put, the aerial spraying campaign has been less effective than its supporters insist. Moreover, a decrease in acres planted in one country is not a reliable indicator of drug policy success.

**2. Increased human rights violations committed by the military and continued army-paramilitary collaboration.** Reports of human rights violations by the military, including extrajudicial executions and torture, have increased, according to the United Nations High Commissioner for Human Rights and the Colombian Commission of Jurists (CCJ). The UN reported 374 denunciations of torture, inhumane treatment and other violations of the right to personal integrity in 2003, based on *Defensoría* statistics.<sup>9</sup> The CCJ asserts that the number of torture cases alleged to involve security forces more than doubled from 24 during July 2001-June 2002 to 56 during July 2002-June 2003 and that reports of extrajudicial executions alleged to involve members of the security forces increased from about 120 cases per year 1998-2002 to 184 cases in 2003.<sup>10</sup> Specific cases of extrajudicial killings were described in the UN High Commissioner’s 2004 report.<sup>11</sup> Reports of army-paramilitary collaboration—including in Arauca province, now a central focus of U.S. training efforts—remain abundant. In August 2004, according to Colombia’s Attorney General’s office, soldiers based outside the city of Saravena, Arauca, executed three union leaders in cold blood; senior officials on the base are alleged to have participated in a cover-up. U.S. Special Forces are housed on the same base. The State Department’s 2003

*Country Report on Human Rights Practices* acknowledges that “some members of the public security forces—principally enlisted personnel and NCOs, but also some more senior officials—collaborated with or tolerated the activities of illegal paramilitaries.” Of particular concern is the Colombian government’s failure to enforce the ceasefire agreed to in December 2002 by the United Self-Defense Forces of Colombia (AUC), the main paramilitary grouping. Between December 1, 2002 and August 31, 2004, the CCJ asserts that 1,899 civilians were allegedly killed or disappeared by paramilitary groups.<sup>12</sup> The Colombian government’s human rights ombudsman (*Defensoría del Pueblo*) registered 342 complaints of paramilitary cease-fire violations during the same time period, surveying only eleven of Colombia’s 32 departments.<sup>13</sup>

**3. Moving backwards on impunity.** Due to a notable lack of political will in the Attorney General’s office since Luis Camilo Osorio assumed the position in 2001, Colombia has made no progress toward ending widespread impunity for human rights abusers. In fact, the problem seems to be getting worse. The State Department called impunity the “greatest challenge to the credibility of the Government’s



commitment to human rights” in its *2003 Country Report on Human Rights Practices*. Criminal investigations and prosecutions of military personnel are exceedingly rare in human rights cases. Despite the documented frequency of abuses and collusion with paramilitaries, the number of military personnel under investigation or indictment is remarkably small. The State Department’s last human rights certification memo to Congress could name only 31 military personnel (21 enlisted men and 10 officers) currently under indictment for human rights abuses; of those, only two are above the rank of major (one retired general whose case has dragged on for years, and one lieutenant-colonel who was promoted from major while in detention).<sup>14</sup>

The Attorney General, according to Human Rights Watch and Amnesty International, has systematically dismissed effective prosecutors, particularly when senior-ranking officers have

allowed to walk out of the military brig where he was being held in November 2004.

**4. Attacks and harassment against human rights defenders.** Attacks and threats against human rights defenders and social activists continue at alarming rates. Forty-one of the participants given physical protection measures through the Ministry of the Interior’s human rights protection program have been killed since its inception in the late 1990s.<sup>15</sup> The CCJ asserts that 33 defenders were killed or disappeared in the first two years of the Uribe Administration, compared to 29 in the previous two years.<sup>16</sup> Colombia remains the most dangerous place in the world to be a trade unionist, although the number of assassinations of union leaders has declined from its all-time high in 2002. The frequency of threats against union leaders has increased, and little progress has been made in prosecuting them. Violations against women trade unionists have escalated;

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### Criminal investigations and prosecutions of military personnel are exceedingly rare in human rights cases.

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been or are about to be implicated in criminal investigations into human rights violations. High-profile cases are indicative. In 2004 the Attorney General’s office, according to Amnesty International, archived criminal investigations into the alleged role of former General Velandia Hurtado in the 1987 disappearance, torture and killing of Nydia Erika Bautista de Arellana. In March 2004, the Attorney General dismissed the case against former General Rito Alejo del Río, accused of forming paramilitary groups and one of four generals retired under U.S. pressure in 1999. In January 2005, Colombia’s Supreme Court dismissed a case against Admiral Rodrigo Quiñonez regarding the 2001 Chengue massacre in which paramilitaries killed 27 civilians. Major César Alonso Maldonado, convicted of the attempted assassination of union leader and Congressman Wilson Borja—one of the few cases in which the material authors of a human rights crime were successfully prosecuted—was

for example, Iria Fenilde Meza Blanco was killed in front of her 7-year-old daughter in Arauca on November 9, 2004.<sup>17</sup> Government detentions of human rights and labor activists have significantly increased. President Uribe’s intemperate public statements equating human rights activists with “defenders of terrorism” added to the level of risk. The inflammatory remarks by high-ranking government officials against Colombian and international NGOs who dare to criticize government policy have not ceased. Most recently, Interior Minister Sabas Pretelt equated Human Rights Watch’s critique of the paramilitary demobilization process to a recent scandal in which a Danish group sent cash to the FARC.

**5. Widespread arbitrary detentions and violations of due process.** According to the Colombian Commission of Jurists, from July 1, 2002 to June 30, 2003, approximately



*Barranquilla professor Alfredo Correa was arrested in June 2004 on an informant's evidence. He was released in July and murdered in September.*

4,362 people were detained arbitrarily or with violations of due process, compared to a total of 2,869 people in the six previous years.<sup>18</sup> The great majority of those detained have been subsequently released for lack of evidence. Yet many were presented to the media upon their arrest as members of an armed group, and some have been killed after having the charges against them dropped.<sup>19</sup> Even more disturbing in the long term are changes being sought by the Uribe Administration that would confer judicial police powers upon the army, limit the power of the Constitutional Court and otherwise limit the independence of the judiciary.<sup>20</sup>

#### **6. Paramilitary demobilization without justice.**

The Colombian government proceeded with the demobilization of paramilitary forces in 2004 without a legal framework guaranteeing any measure of justice, truth and reparations. Currently, notes the Colombian newsweekly *Semana*, if any rank-and-file paramilitary fighter “committed a crime against humanity but faces no arrest warrant or judicial process, he can simply hide this information and go home.”<sup>21</sup> As of February 2005, although over 3,000 paramilitary fighters have already been demobilized, the executive branch and Congress are far from reaching agreement on legislation to govern the process. President Uribe has been reluctant to consider serious jail time for leaders involved in major drug trafficking and gross violations of human rights. Top paramilitary leaders who could escape serious sanctions include at least ten individuals wanted by U.S. courts for major drug trafficking.

Without an appropriate legal framework and verification, there is no possibility that the paramilitary forces, and the economic and political networks that sustain them, will be effectively dismantled. There are no safeguards to ensure that paramilitary forces are not simply incorporated into military and private security forces (indeed, combatants from the Bloque Bananero in northwestern Colombia went straight from demobilization into private security companies in the very region where this group is accused of committing grave abuses). Nothing ensures that demobilized members end their involvement in drug trafficking, or return land and property or pay reparations to hundreds of thousands of victims. There is no provision for an independent truth commission incorporating the views of victims, which has been a key element in most serious peace processes and is essential to clarify the state’s responsibility for paramilitary atrocities, as well as the culpability of the guerrilla and paramilitary forces.

#### **7. Persistence of the internal armed conflict.**

The U.S. and Colombian governments have portrayed the war as if a military solution were in easy grasp (while a negotiated settlement is too distant to contemplate). But there is no easy military solution. According to the Congressional Research Service, “Military operations against illegally armed groups have intensified, but the main leftist guerrilla group has neither been defeated, nor brought closer to wanting to enter peace negotiations.”<sup>22</sup> There should be strong skepticism about claims that a guerrilla defeat is imminent, such as former Southern Command Gen. James Hill’s 2004 prediction that the Revolutionary Armed Forces of Colombia (FARC) would be “combat ineffective” by 2006. While it is clear that the Colombian government has regained the offensive and retaken some population centers, Colombia’s guerrillas continue to have thousands of members, recruit and train new ones, control significant territory, and have experienced previous reversals in their forty years of existence. The groups’ leaderships remain largely intact and the frequency of their attacks on military targets and civilians remains high. Colombia’s Security and Democracy Foundation counted 631 guerrilla attacks on military targets in 2004, less than in 2003 (777) but

more than in 2001 (less than 500) and about the same as 2002 (648).<sup>23</sup> The Colombian security forces' "body count" statistics are singularly unhelpful. The Defense Ministry claims that 39,335 guerrillas and paramilitaries were killed, captured or demobilized between August 2002 and December 2004—a number that, if true, would exceed the combined estimated strength of the FARC, ELN and AUC.<sup>24</sup> The humanitarian impact of the war continues to be brutal. According to CODHES, a Colombian research institute that systematically tracks forced internal displacement, 287,581 people were displaced in 2004, an increase of 38.5 percent from the previous year, ending 2003's positive downward trend. Increased displacement occurred especially in areas of high military presence.<sup>25</sup>

To ignore these disturbing trends is to do both the United States and Colombia a great disservice. U.S. priorities must shift if Plan Colombia's stated goals of reducing illicit drug production, strengthening human rights and the rule of law, and fostering peace are to be attained.

## Blueprint

We recommend the following changes in U.S. policy towards Colombia. Three major principles underlie these recommendations:

- ▶ After five years of a security-first policy in which nearly 80 percent of U.S. resources funded Colombian security forces, **the aid package must change substantially to prioritize social aid** and strengthen civilian governance in rural Colombia. The United States and other donors must encourage the Colombian government to increase its own investment in civilian institutions and social programs if any gains are to be sustainable.
- ▶ The State Department, U.S. Embassy and USAID **must adopt a far more vigorous diplomatic posture** towards the Colombian government in favor of human rights and the rule of law.
- ▶ The United States must shift direction to **encourage a negotiated settlement to the armed conflict** that ensures accountability.

Limitless military aid acts as a disincentive to negotiate with the guerrillas and postpones discussion of reforms to ensure the rule of law and foster equitable development—reforms that could lead to a just and lasting peace.

## Recommendations for U.S. policy:

- 1 Use U.S. leverage vigorously in support of human rights and the rule of law.
- 2 Support the recommendations of the United Nations High Commissioner for Human Rights for Colombia.
- 3 Insist upon the complete dismantlement of paramilitary forces and structures, within an effective legal framework for justice, truth, and reparations.
- 4 Strengthen support for a strong, independent judiciary and independent human rights organizations.
- 5 Expand and improve alternative development within a comprehensive rural development strategy, and end aerial spraying.
- 6 Encourage the strengthening of civilian governance in rural areas.
- 7 Make trade policy consistent with sustainable drug policy and human rights.
- 8 Increase and improve humanitarian assistance, and expand protection, for displaced persons and refugees.
- 9 Encourage negotiations with the guerrillas for a just and lasting peace.
- 10 Reduce U.S. demand for drugs through evidence-based prevention strategies and improved access to high-quality treatment.

# 1

## Use U.S. leverage vigorously in support of human rights and the rule of law.

The United States should vigorously use the political clout that comes with providing a massive multiyear aid package to insist upon improvements in human rights and the rule of law. To date, it has dramatically failed to do

so. For example, the year that saw by far the greatest number of dismissals of high-level military officers, in response to U.S. pressure, for alleged collaboration with paramilitaries was 1999, prior to Plan Colombia's enactment. In the five years since, dismissals have been minimal, and cases against high-level officials ground to a halt. However, in the limited instances when the United States has chosen to use this leverage, it has achieved results. Examples include the resignation of Navy Admiral Rodrigo Quiñones in 2002, the 2003 dismissal of officials in the Attorney General's office linked to paramilitaries, and the advancing civilian court case against soldiers implicated in the August 2004 killing of three union leaders in Arauca.

punishes those responsible—regardless of rank—if they occur. To ensure effectiveness, the conditions should apply to all military assistance, not just a percentage of the total.

- b. Get serious about human rights in regions that are a focus of U.S. training.** What does it say about the United States, and the impact of U.S. training, that some of the most serious violations are occurring in places that are the focus of U.S. training efforts? Of particular concern are violations in the department of Arauca in northeastern Colombia, one of the principal centers of U.S. aid and training since early 2003, when the U.S. government launched a

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- a. Use the human rights conditions.** One existing but underutilized mechanism is the human rights conditionality that Congress wisely attached to Plan Colombia. The basic goal of the conditions, to put an end to military-paramilitary collaboration and to improve prosecution of security-force violations, has not been achieved. The State Department has certified in every single instance since 2000 that the Colombian government has complied with the conditions, despite recommendations from international and Colombian human rights groups in every single round that the conditions were not satisfied. On several occasions, the State Department did delay certification until the Colombian government took limited steps. The State Department should use the certification process forcefully and accurately, and Congress should insist that it do so, to ensure that the Colombian military so heavily funded by the United States avoids human rights violations, and

\$100 million-plus program to help the 18<sup>th</sup> Brigade and other units defend an oil pipeline subject to frequent guerrilla attack. Thousands of military and police personnel have been (or are being) trained in Arauca, a zone that the Uribe government has identified as its “laboratory of war.” The many reports of direct military violations, the military's failure to respond to the heavy and highly visible paramilitary presence, and frequent paramilitary threats and attacks against local social leaders—often taking place minutes away from the 18<sup>th</sup> Brigade and Grupo Reveíz Pizarro bases where U.S. training is centered—are unacceptable.

The State Department and U.S. Embassy acted assertively in the case of the August 2004 assassinations of three union leaders by soldiers, but most other cases, particularly those involving collusion with or toleration of paramilitary groups, are not sufficiently investigated. The State Department notes that security concerns prohibit U.S. personnel from leaving

the 18<sup>th</sup> Brigade's base, which prevents embassy personnel from investigating most complaints, or at least limits them to doing so in the company of the Colombian brigade against whom the complaints are raised. It is unacceptable to fail to investigate charges of this nature; these potential Leahy Law violations must be investigated by U.S. personnel or through liaison with the United Nations or local human rights groups. Congress should insist upon thorough investigations of alleged human rights abuses in Arauca by U.S.-trained Colombian troops, and should move to suspend aid to the relevant brigade or other unit if these investigations do not take place.

- c. Use diplomatic persuasion and public statements far more forcefully to encourage human rights advances.** In the last two years, the U.S. Embassy, which seems to be demonstrating an advanced case of “clientitis,” has undermined such progress, maneuvering to get the Colombian government “off the hook” of multilateral pressure. At the February 2005 Cartagena conference of donor nations, for example, the United States worked to soften the governments’ joint position statement; its own statement contained one line about continuing human rights concerns in two pages of glowing praise. Rather than unflagging support for a particular leader, however charismatic, the United States must focus on progress towards specific goals such as strengthening of human rights and the rule of law, as well as reducing the harm caused by illicit drugs.

Diplomatic effort in favor of human rights must be a priority of the U.S. representative to the UN Commission for Human Rights in Geneva and of the U.S. representatives to donors’ conferences. In the last several years, the U.S. position in Geneva and other venues has been to undercut the UN’s efforts and to tone down international criticism of the Colombian government’s human rights record, rather than working

with other governments and the United Nations to ensure progress.

In addition to U.S. Embassy and State Department efforts, members of the U.S. Congress should continue to issue statements and letters that make clear to the Colombian government the importance they place upon human rights progress. Past letters have had a significant impact.

## 2

### **Support the recommendations of the United Nations High Commissioner for Human Rights for Colombia.**

Since 1998, the United Nations High Commissioner for Human Rights has provided specific benchmarks for improvements in human rights and international humanitarian law. These benchmarks were reaffirmed by the Colombian government, the United States, the European Union and other governments in the London Declaration of July 2003 and the Cartagena declaration of February 2005. However, the U.S. Embassy has frequently downplayed the importance of compliance with the recommendations. The Uribe Administration has been slow to act on some recommendations and has actively worked against others, such as by introducing legislation to grant judicial police powers to the military. Key recommendations include breaking links between the military and paramilitary forces, prosecution of civilian and military officials with credible allegations of collaboration with the paramilitaries, and specific measures to protect human rights defenders.

By undercutting the UN recommendations, U.S. officials carelessly weaken an important tool for human rights advancement. Instead, the State Department and U.S. Embassy should use this convenient and accepted multilateral framework to push advances in human rights and institutional strengthening of the justice system. The United States should coordinate closely in this endeavor with the European Union and Latin American embassies and with the Bogotá representative of the United Nations High Commissioner for Human Rights.



### 3

#### **Insist upon the complete dismantling of paramilitary forces and structures, within an effective legal framework for justice, truth, and reparations.**

The real, effective dismantling of the paramilitary forces will help to stop the cycle of violence in Colombia, strengthen the rule of law, and increase the likelihood of productive negotiations with the guerrillas. Paramilitary demobilization done without regard to truth, justice and reparations could guarantee continued high levels of violence and set back the cause of justice in Colombia for years to come. Such a process could simply “legalize” the paramilitary forces, leave victims without recourse, recycle abusive paramilitaries into private security forces, the army and networks of informants, strengthen drug traffickers by granting them amnesty, show Colombian society that victims matter little and abusers are rewarded, and set a poor precedent for negotiations with the guerrillas. The “right” process is not only a moral question, but a fundamental tool for ending a generations-old cycle of violence. Thus the U.S. government position on the paramilitary demobilization is of vital importance.

To date, the U.S. government has sent mixed signals. Officials have issued statements calling for an element of justice and accountability and maintaining the U.S. prerogative to extradite top drug traffickers. But the U.S. Embassy continues to support the demobilizations without an appropriate legal framework in place. Given European skepticism of the process and the Colombian government’s lack of a plan to fund the demobilization at anywhere near adequate levels from its own resources, the U.S. government enjoys considerable leverage, and should use it.

The United States’ goal must be the complete dismantlement of the paramilitary forces. U.S. policy should condition political and financial support for the paramilitary demobilization process on the following:

PHOTO COURTESY OF WINIFRED TATE



*Paramilitary troops.*

**Colombia must develop and implement a legal framework consistent with international standards for crimes against humanity.** This framework must (i) seek to dismantle paramilitary structures, not just demobilize individuals, by requiring those who demobilize to reveal what they know about their command and financial-support networks; (ii) involve victims in the design of an appropriate reparations regime, including a fund administered with victims’ representation; (iii) require paramilitary human rights abusers to make a public admission of their crimes, with penalties for misrepresentation, and to return all of their ill-gotten assets; (iv) require jail time commensurate with the gravity of the crime for gross human rights abusers and major drug traffickers; (v) ensure that the Attorney General’s office pro-actively investigates those being demobilized, not limiting itself to the cases already open; (vi) set up a practical mechanism for the return of land with representation from associations of the displaced; and (vii) make clear that ex-paramilitaries will not be admitted into the Colombian armed forces. Provision should be made for an independent examination of historical memory, including regarding



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Registering paramilitary fighters in a demobilization process.

the state's responsibility for human rights abuses. It is essential that this framework be approved promptly, so that it is in place before further demobilizations occur. The Colombian government must explain how it will ensure that the treatment of those already demobilized will comply with the provisions of the law.

In addition, the United States should advocate for the following.

- ▶ The talks should exclude drug-cartel figures, many wanted by the U.S. government, who have purchased leadership positions in the paramilitaries** since 2000-2001. These include, among several others: Diego Fernando Murillo (nicknamed “Don Berna” or “Adolfo Paz”), who is alleged to have led Medellín’s feared network of hitmen-for-hire and street criminals; Víctor Manuel Mejía Múnera (nicknamed “The Twin”), the nominal head of the paramilitaries in Arauca, who along with his twin brother has long been on FBI most-wanted lists as a high-ranking figure in the Northern Valle cartel; and Guillermo Pérez Alzate, or “Pablo Sevillano,” wanted in connection with a shipment of 11 tons of cocaine and alleged to have coordinated the North Valle Cartel’s “mule” operation

(recruiting women to board planes to the United States after swallowing sealed packets of drugs). If it proves impossible to separate such figures from the process, the Colombian government must guarantee that, after negotiations conclude, these individuals will be taken into custody and tried for their drug-trafficking activities, either in Colombian or U.S. courts. The United States should insist upon extradition for major drug traffickers.

- ▶ The paramilitaries must honor the cease-fire** that the Colombian government has required of them.
- ▶ A serious and comprehensive reintegration program, created as an integral piece of a long-term development strategy, must be designed** to address the economic and social needs of both former paramilitaries and the communities in which they are to be resettled. The implementation of such a program must be monitored by the international community. An improvised reintegration program is unlikely to succeed.

The Colombian government must have a plan to fill the “security vacuums” that demobilizing paramilitaries would leave behind. In the absence of such a plan, the paramilitary demobilization could be of military benefit to guerrilla forces. Nor should these zones remain under the effective control of networks of “former” paramilitaries who continue to exercise threatening power. Providing effective security is more than a question of deploying the military and police. The presence of the judicial system, including the *Fiscalía*, *Procuraduría* and *Defensoría*, must be strengthened in these areas.

A systematic effort must be launched to dismantle structures of paramilitaries not demobilized and to investigate their financing. As a condition for demobilization benefits, Colombian authorities must require that paramilitary fighters share their knowledge about their militias’ command and support networks. A joint taskforce should be created including the *Fiscalía*, *Defensoría*, *Procuraduría*, other relevant state agencies and representatives of civil society to help identify

and dismantle any remaining paramilitary structures as well as their financial, logistical and political support.

Finally, effective, long-term international verification must be in place to ensure paramilitaries are demobilized appropriately, that former fighters do not continue to threaten the population, and that their structures are dismantled. The OAS mission to date has completely failed to provide thorough, objective verification, acting instead as a largely uncritical advocate of the process and minimizing the problems detected so far.

## 4

### **Strengthen support for a strong, independent judiciary and independent human rights organizations.**

The United States' human rights programs should be focused on ending Colombia's most fundamental problem, widespread and systematic impunity. To date, U.S. assistance has focused on developing an accusatory legal system, but U.S. policy and assistance, to a surprising degree, has failed to address impunity. The United States should seek to strengthen independent judicial systems and encourage an independent, strong and diverse human rights community.

#### **a. The State Department, Embassy and USAID should speak out consistently and forcefully against measures that weaken the independence of the judiciary and investigative agencies.**

It makes little sense for the United States to pour assistance into building and training staff for local "Casas de Justicia" —a positive project with the admirable aim of increasing access to legal services—if at the same time the United States stays mute as the Colombian government proposes measures that weaken the judiciary's independence. The U.S. Embassy, State Department and Congress must speak out clearly against proposed measures that would restrict the jurisdiction of the Constitutional Court, restrict the powers of the government ombudsman (*Defensoría del Pueblo*) and

Inspector General (*Procuraduría*), limit the reach of citizen injunctions (*tutelas*), grant judicial police powers to the military, and otherwise lessen the independence of the judiciary and weaken state agencies with an independent investigative role. The State Department and the U.S. Embassy have remained remarkably mute on these issues, although members of Congress have expressed concerns.

The success of judicial sector and human rights funding should not be measured by numbers of dollars invested in projects but by progress on reducing impunity, especially on benchmark cases involving high-ranking members of the security forces and on structural improvements that enhance the judicial system's independence and effectiveness. A GAO investigation that evaluates justice sector funding and overall U.S. policy by its impact on reducing impunity would be helpful.

#### **b. Give greater priority to the judicial sector and oversight agencies.**

- i. Fund the Procuraduría and the Defensoría.* The United States should provide political support and increased funding to the *Procuraduría* and the *Defensoría* to strengthen their oversight, investigative, and managerial capacity. The *Procuraduría* carries out independent evaluations of government programs and imposes administrative (as opposed to criminal) sanctions in cases of government malfeasance.



Colombia's Supreme Court



The *Procuraduría's* human rights office deserves more support, and its investigative and oversight capability should be strengthened. The presence of the *Defensoría* in conflict zones should be expanded, and the capacity of its public defender system should be strengthened. With the implementation of an accusatory criminal justice system and improved training of prosecutors, the weakness of the public defender system has become even more apparent.<sup>26</sup> The United States should also strongly urge the Colombian government to provide adequately for the two agencies in its budget.

- ii. *Increase pressure on the Fiscalía.* The United States has invested millions of dollars in the Attorney General's office (*Fiscalía*). But under the leadership of Attorney General Luis Camilo Osorio, effective investigators have been dismissed, and investigations of high-ranking officials for corruption and human rights abuses have been stalled. Future funding for the Attorney General's office should be contingent on demonstrated progress in combating impunity for human rights abuses. The State Department should use its political leverage to insist that the Attorney General provide the human rights unit with an adequate budget, physical protection for prosecutors and

investigators, and political support for human-rights investigations involving the security forces, including high-ranking officials. The unit's mandate should be focused on gross human rights violations, and there should be clear and transparent criteria for the appointment of the unit's prosecutors. The Embassy and State Department should make clear to President Uribe the paramount importance of appointing an Attorney General with demonstrated commitment to ending impunity. (Osorio's term expires in July 2005, and President Uribe selects the candidates for his replacement.)

Specific programs that merit support, many of which already receive some U.S. aid, include: the human rights unit, contingent on demonstrated commitment to fight impunity in the security forces; anti-corruption efforts; protection for whistleblowers; computers, crime labs, forensic investigations, and vehicles for transportation to facilitate the investigation of crimes in remote zones; security for investigators, witnesses, prosecutors, and judges; and a renewed and rigorous witness-protection program.

**c. Support human rights and nongovernmental sectors.**

The U.S. government should encourage the strengthening of an independent nongovernmental human rights community. USAID's willingness to support independent human rights groups was brought into question in 2004, when the Colombian press revealed a new USAID policy of prohibiting funding of activities that might, in USAID's view, be unconstructively critical of the Colombian government.<sup>27</sup> USAID must make clear that no such political litmus test exists. USAID should make every effort to fund a variety of activities by a range of human rights groups, including those that strongly criticize the government.

- i. *Publicly and visibly support the legitimate role of civil society*

*organizations.* As important as the willingness to fund independent human rights groups is an unequivocal message of support by the U.S. Embassy and USAID for civil society. U.S. Embassy, USAID and visiting State Department officials should interact publicly with human rights organizations, and support a healthy and vigorous public dialogue on human rights. U.S. Embassy and USAID officials should regularly visit the offices of groups under threat—including human rights groups, unions, Afro-Colombian and indigenous organizations. (Embassy personnel have done this in some cases, but should be more consistently and visibly present.) The U.S. Embassy should encourage the Colombian government to view civil society organizations as partners in building a more just society, rather than as obstacles to out-manuever or enemies to contain. The Embassy and the State Department must react strongly at the highest level to statements by Colombian government or security-force officials that seek to de-legitimize nongovernmental organizations, putting them at great risk. U.S. officials should insist that the Colombian government enforce its own directives prohibiting such statements, including by sanctioning violators. In addition, the U.S. Embassy and State Department should urge rapid progress by the Colombian government in carrying out, on a regular basis and with the *Procuraduría* playing a central role, a review of military intelligence files to ensure that false information on human rights, union and other civil society activists and opposition politicians is removed. Such information, leaked to paramilitaries, has been shown to be one of the sources of threats and attacks against human rights defenders.

- ii. *Support the Human Rights Defenders Protection Program.* The U.S. should continue funding the human rights protection program through the Ministry of the Interior, which provides security measures for individuals at risk.

(According to USAID, over 3700 people have received protective measures to date.<sup>28</sup>) Measures must be agreed upon in consultation with the beneficiaries. The recommendations for improving the program developed in a 2002 evaluation should be implemented by the Ministry of the Interior. It is important to note, however, that insisting upon progress in investigating and prosecuting attacks against defenders is at least as important as physical protection measures, and is the only effective long-term solution.

In addition, Labor Department funding for the Solidarity Center program to train Colombian union leaders should continue. This useful program, which provided training and protection by cycling at-risk leaders out of the country, is slated to end this year.

- iii. *Fund the Office of the UN High Commissioner for Human Rights.* One of the best investments the United States can make is to provide substantial direct funding each year to the Office of the United Nations High Commissioner for Human Rights in Colombia, which continues to play an effective, professional and independent role in documenting human rights trends and providing technical assistance to the government to implement specific improvements in human rights policy.
- iv. *Review effectiveness of funding to the Vice President's Office human rights program.* The U.S. human rights program has funneled substantial resources through the Vice President's office, which is designated as the Colombian government's human rights "czar." This is not, in the long term, an institutional solution, since the Vice President's office plays no role in the investigation and prosecution of crimes, and the *Procuraduría* and the *Defensoría* are better placed to monitor and analyze human rights trends. U.S. funding should support long-term, institutional solutions, not the Colombian government's public relations efforts.

## 5

### **Expand and improve alternative development within a comprehensive rural development strategy, and end aerial spraying.**

Effective alternative development within a sound overall rural development plan, and effective demand-reduction in consuming countries, are the only drug policy strategies that promise sustainable, long-term results. The apparent success of illegal crop eradication in Putumayo province, where coca cultivation is greatly reduced from 1999-2000 levels, is due in part to manual eradication with substantial, concentrated investment in development. Strong local government support for manual eradication and alternative development—support so strong that programs have lately proceeded with little interference from the armed groups that dominate rural Putumayo—is a key element.

To be sustainable, alternative development should be part of an overall rural development strategy, embraced by the agricultural ministry and other regular government agencies. It should not be lodged within agencies set up solely to capture external project financing. The United States should continue—and increase—investment in rural development, but should also insist that the Colombian government increase its own investment. Programs should include practical marketing training and support, microcredit, land titling, and the development of rural infrastructure, including farm-to-market roads and potable water. Manual eradication should not proceed before viable development alternatives are available. Greater participation by local government, individual farmers and farmers' associations in the design, implementation and evaluation of programs is essential.

The United States should end the controversial aerial spraying program. Aerial spraying has weakened the Colombian government's standing among populations accustomed to living alongside anti-government groups. It is a short-term fix with serious long-term costs, undermining rural inhabitants' trust in the state and increasing support for the illegal armed actors.

Spraying routinely destroys farmers' food crops, which are intermixed with coca plantings; yet neither the government nor USAID even supplies short-term food aid. Generally applied in the absence of alternative development programs, it has caused hardship and forced displacement of rural families. Indigenous and Afro-Colombian populations have been hard-hit; their communities have been sprayed in violation of their particular right under Colombian law to be consulted. The environmental and health impact of the spray mixture continues to be debated, but the impact of such sustained spraying with high concentrations has never been adequately evaluated. The strategy has encouraged the geographical expansion of drug production from one area to the next, including into the Amazonian frontier, spreading the environmental damage caused by drug production. Moreover, fumigation appears to be showing declining effectiveness in terms of hectares eradicated vs. hectares sprayed. According to the October 2004 resignation letter of Colombian government drug-policy advisor Alberto Rueda, in 2003 a record 132,817 hectares sprayed netted only a reduction of 15,731 hectares, at a cost of \$5,243 per hectare.<sup>29</sup>

Law enforcement efforts to combat illegal drugs should continue, but focused farther up the supply chain where profits are concentrated: on interdiction, disrupting processing inputs, money laundering and trafficking, and destroying coca processing plants.<sup>30</sup>

## 6

### **Encourage the strengthening of civilian government in rural areas.**

The implementation of “Plan Patriota,” a U.S.-supported military offensive launched in early 2004 in the longtime guerrilla strongholds of southern Colombia, has focused primarily on the military retaking territory from the guerrillas, without a plan for extending civilian government presence in areas long abandoned by the state. When reporters from the Colombian daily *El Tiempo* visited the “Plan Patriota” zone in December 2004, they found no evidence of

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non-military aid for the region's residents. "In part, what's happening is good because it is getting rid of this disgraceful crop [coca]," a peasant in Cartagena del Chairá municipality told the reporters. "But the government should think about the poverty here. Those who want to stay and work need credit [to plant legal crops]." <sup>31</sup> The return of police to long-abandoned municipalities—even though this often means sending a few dozen cops to zones as large as small U.S. states—is a step forward, but is inadequate.

The United States should encourage the Colombian government to plan for and invest in the extension of government services to rural conflict areas—including rural police, courts, schools, public health services, and infrastructure. Land titling, assistance in the formation of cooperatives, agricultural extension services and microcredit programs should be provided in the context of a rural development strategy. The Colombian government should be encouraged to increase revenue from its wealthiest citizens (about 16 percent of GDP, less than half of it from income taxes). <sup>32</sup> The Colombian government should also be encouraged to increase revenue sources for municipal and provincial governments, improving their ability to collect taxes and provide services.

This process must begin in the absence of perfect security conditions, and in fact can contribute to the achievement of real security in long-neglected zones. Effective delivery of rural development, health and education services would strengthen support for the Colombian state among the rural population. In the long term, Colombia's major challenges of cutting drug production, permanently resolving the conflict and reducing violence can only be achieved through equitable, sustained rural development.

**Inclusion of Afro-Colombian and indigenous communities.** The United States should specifically encourage the incorporation of historically excluded indigenous and Afro-Colombian communities into the design and implementation of rural development policies. Census data collection should be disaggregated by race to better develop public policy to address the needs of ethnic minorities. Indigenous and Afro-Colombian communities' constitutionally-mandated control over their territories should be enforced. The communities' capacity to administer their territories should be strengthened. <sup>33</sup> The United States should support training of Afro-Colombian and indigenous local governmental authorities and nongovernmental leaders. The United States should also encourage and provide funding through the Colombian

Institute of Rural Development (INCODER) and Afro-Colombian and indigenous authorities and organizations to complete the land titling processes and fully implement law 70/93 (the Black Communities Law).

While the United States cannot be the main funding source for the long-term Colombian national priority of fostering rural development, considerable funding can be made available by shifting the balance between military and non-military assistance in the Andean Counterdrug Initiative account.

## 7

### **Make trade policy consistent with sustainable drug policy and human rights.**

The United States and Colombia, along with Peru and Ecuador, are currently negotiating the Andean Free Trade Agreement (AFTA). The agreement would set new, bilateral rules for international trade and investment between the two countries, going far beyond existing unilateral trade preferences granted under the Andean Trade Preference and Drug Eradication Act (ATPDEA). Under the ATPDEA, the United States extended reduced and duty-free access to Colombian products in the anticipation that such benefits would reduce drug production by diversifying exports and creating employment. But neither goal was fully realized. New export industries, such as cut flowers, have already fully matured and little new employment is expected. The ATPDEA had no effect on drug production, as the jobs created under the act were not located near zones where coca is produced. Under the AFTA, Colombia will also have to reduce its tariff barriers for most imports, as well as agree to new rules on intellectual property, government procurement, investment, labor and environmental protection, among others. There has been little consideration of the agreement's potential impact on overall policy goals in Colombia and the Andean region.

**a. Protect the livelihoods of Colombia's small farmers.** Given the impact of NAFTA on Mexico, there is real reason for concern that the agreement will undermine the

livelihoods of small and medium-sized farmers by reducing barriers to lower-cost imports. According to a July 2004 report issued by the Colombian Ministry of Agriculture:

*[If] ... Colombia [does not take] adequate measures in defense and support of agricultural producers, rural problems could worsen and many of its inhabitants would have only three options: migration to the cities or to other countries (especially the United States), working in drug cultivation zones, or affiliating with illegal armed groups. Thus the agreement, if not adequately negotiated, could worsen these three problems that Colombia is trying to remedy and that would be in the interest of the United States to overcome.<sup>34</sup>*

In addition, deepening the rural economic crisis would make resettling the displaced rural population and reintegrating ex-combatants into civilian life far more difficult.

**b. Use the AFTA negotiations to leverage progress against impunity and for worker rights.** The AFTA, like the CAFTA, does not set or require minimum, internationally-recognized labor standards; instead, it simply requires that governments enforce their own laws. In Colombia, fundamental worker rights—such as freedom of association, the right to organize and bargain collectively, and the right to strike—are routinely violated by weak laws as well as violence, threats and intimidation. The Colombian labor code falls short of international standards, has been weakened in recent years, and needs to be reformed to ensure respect for core labor rights. The Uribe government has also failed to enforce current labor law provisions that do provide some protections. Finally, virtually no progress has been made to investigate and punish those responsible for violence against trade unionists. The virtual certainty of impunity has brought Colombia the world's highest rates of violence against organized labor.

The United States must use the AFTA negotiation to insist that Colombia's laws be brought into line with international



standards, that the government enforce current labor law, and that there be specific progress in investigating and prosecuting violence and threats against trade unionists. The United States should support an ILO Commission of Inquiry, and insist that Colombia enforce constitutional provisions implementing ILO Conventions 151 and 154 and protect the basic rights of public sector workers.

## 8

### Increase and improve humanitarian assistance, and expand protection, for internally displaced persons and refugees.

Aid to internally displaced persons (IDPs) is one of the most positive elements of the current U.S. aid program and should be continued and expanded. But the United States must use its leverage to insist that the Colombian government improve the national response to IDPs.

**a. Acknowledge the extent of the humanitarian crisis.** It is important to recognize that an internal armed conflict exists in Colombia that continues to generate a grave humanitarian crisis, and to acknowledge the extent of internal displacement. The Colombian government has sought to portray the reduction in the numbers of newly displaced persons in 2003 as evidence that internal displacement is becoming a problem of the past, and has sought to deny that an armed conflict persists in Colombia. Advocates for IDPs are concerned that through such word games, the Colombian government is seeking to reduce its responsibility to meet the needs of displaced persons and prevent future displacement. However, according to CODHES, a Colombian research institute that has systematically tracked displacement, 287,581 people were displaced in 2004, an increase of 38.5 percent from the previous year, ending 2003's positive downward trend.<sup>35</sup> Although there is considerable debate over numbers, internal displacement remains a grave, ongoing problem.

**b. Increase assistance.** U.S. government spending on aid to displaced persons declined each year since 2001, from \$36 million in FY2001 to \$21 million in FY2004, according to the GAO. While USAID reports providing assistance to some 2 million IDPs,<sup>36</sup> many of these programs are quite limited in scope.<sup>37</sup> The U.S. government should increase spending for IDPs.

As a major donor to these programs, the United States should urge the Colombian government to significantly increase its own assistance, both emergency and long-term, to the internally displaced. According to the Colombian government's Comptroller General, the Colombian government has cut funding for IDPs each year since 2001. The Comptroller General estimates that the Colombian government reaches only about 30 percent of the IDP population in need, and only contributes 39.2 percent of that limited assistance; 60.8 percent comes from the international community.<sup>38</sup> In January 2004, the Colombian Constitutional Court ordered the Colombian government to provide sufficient aid. According to the Guiding Principles on Internal Displacement, the government has the primary responsibility to protect and assist IDPs, and the international community's role should be complementing state efforts rather than serving as a substitute for the government. One area of particular concern is the lack of access to education for displaced children. The Colombian government must guarantee the inclusion of displaced families' children in primary and secondary school.

**c. Improve assistance.** Protection and assistance programs for internally displaced persons should be strengthened and expanded so that they meet the full range of needs. The U.S. government should encourage the Colombian government to improve its registration system for IDPs. Obstacles to registration—which often lead to months-long waits for “emergency” aid and to many families never being added to the rolls—should be removed so that people can receive

protection and humanitarian assistance quickly and effectively for as long as necessary. At present, as the Colombian agency responsible for coordinating assistance admits, many IDPs are not counted as such, and are unable to access emergency relief.<sup>39</sup> People displaced due to the aerial spraying program should be able to access relief; currently, they are explicitly excluded.

Basic assistance programs targeting IDPs should include assistance to the urban poor living in the same areas as the displaced. To ensure that such programs effectively meet their goals, leaders of

up. The Committee has frequently failed to act. Afro-Colombian and indigenous communities are among the populations at greatest risk, and should receive special attention to prevent displacement. Special attention also needs to be paid to the many “confined communities” that are unable to meet basic needs because armed groups impede their movements. The United States should make public its evaluation of the Early Warning System.

**e. Promote durable solutions for IDPs.**

The choice of remaining in the area of refuge, returning to the place of origin or resettling elsewhere in the country must

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There is a lack of political will to protect communities.

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IDP communities should participate in the design and implementation of the programs. Afro-Colombian and indigenous communities should be carefully consulted to ensure culturally appropriate programs. The United States should increase assistance to Afro-Colombian and indigenous groups working with IDPs to improve nutrition, education, and health care, and provide employment training. Women IDP leaders can best determine the needs of children within a community. The Colombian government should be urged to strengthen meaningful consultation with IDP leaders in development of overall policy.

- d. Improve Prevention.** The United States has provided substantial resources to an Early Warning System to improve government and security force response to communities in danger. While numerous alerts are issued, the response level to such alerts has been completely inadequate. There is a lack of political will to protect communities. The Early Warning System, based in the *Defensoría*, forwards alerts to the Early Warning Interinstitutional Committee, which is charged with following

be made voluntarily by IDPs, and the details of the plan must be worked out in close consultation with IDPs. IDPs who voluntarily choose to return to their areas of origin must be provided with adequate security guarantees and humanitarian and development assistance. The presence of the *Defensoría* and the *Procuraduría* must be extended to conflict areas to enhance the safety and protect the rights of returned populations. Mixed commissions involving IDP community leaders and representatives of local government, UN agencies and nongovernmental organizations can help to ensure safe returns. The removal of landmines from areas of return is essential. People who were forced to sell their lands at low cost under threat and those without secure land titles should also be compensated.<sup>40</sup> It is especially imperative that collective land titles of Afro-Colombian and indigenous communities be protected, and that ethnic minority communities that wish to return to their collective or individual lands are able to do so.

- f. Improve refugee policy.** The United States should provide Temporary Protected

Status (TPS) for Colombians, who face a real threat of violence from guerrilla and paramilitary forces. The U.S. government should stress with Brazil, Costa Rica, Ecuador, Panama and Venezuela that all refugee returns must be voluntary and should encourage them to work closely with the UN High Commissioner for Refugees (UNHCR) to strengthen refugee and asylum policy for Colombians. The United States should increase its contribution to the UNHCR for Colombian refugee assistance, strengthening its field offices.

- g. Condition paramilitary demobilization agreements on a workable mechanism to ensure return of land or compensation.** One estimate concludes that 5 million hectares of land were obtained by paramilitary violence from 1997 to 2003—a “reverse land reform” of astounding proportions.<sup>41</sup> The United States must not aid a process that ends up making this theft official. In addition, funding for the displaced should not be diverted to paramilitary reintegration—which would amount to shifting aid from the victims to the victimizers.<sup>42</sup>

## 9

### Encourage negotiations with the guerrillas for a just and lasting peace.

Though nearly all observers agree that Colombia’s conflict will end at the negotiating table, the U.S. government appears to have consigned the possibility of peace talks with the guerrillas to the distant future. Instead of peace talks, U.S. officials like Gen. James Hill, former chief of the U.S. Southern Command, favor a military campaign against the FARC “that will force them to either demobilize or render them combat ineffective” by 2006—a goal that most security analysts see as too optimistic. The Colombian government’s successful effort to disengage the United Nations by encouraging the withdrawal of the Secretary-General’s Representative James LeMoyne is highly disturbing. Meanwhile, the implicit promise of endless U.S. military

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*Internally displaced families.*

support for counter-insurgency gives the Colombian government a strong disincentive to pursue negotiations.

U.S. policy cannot be to promote a war of attrition designed to force guerrillas to the negotiating table at some moment years from now. The example of the ELN, the smaller of Colombia’s two guerrilla groups, should be instructive. The ELN has been battered and on the defensive since the mid-1990s, particularly by the paramilitaries; the group has won virtually no victories and has been slowly shrinking in size. Yet even today, the possibility of peace talks with the ELN is remote. Imagine the scale of the military effort that would be needed to reduce the FARC even to the ELN’s level of weakness—and the senseless slaughter of civilians that would occur as the war grinds on.

The policy of the United States should be to take advantage of all opportunities that promise to stop the unnecessary deaths of Colombians. The United States should support any efforts that might convince insurgent groups that their goals can more easily be achieved at a negotiating table or within the political system. The United States should actively support a role for the United Nations in this process. In addition, the United States should emphasize the importance of involving the church, victims’ groups and civil society at large in all negotiations with illegal armed groups. Opportunities for talks—to move from war to politics—should be seized. The United

States should also offer financial support to a future peace process with guerrilla groups, under conditions that ensure truth, justice and reparations for victims of violations of international humanitarian law.

Finally, for peace to be achieved, local efforts at peace-building must be encouraged—not seen as threats to central authority. The United States should encourage the Colombian government to accept the “peace communities” that indigenous and other communities have established in conflict zones. These communities bar the presence of and military collaboration with all armed actors—including the security forces—from the areas where their civilian residents work and live. The United States should work with the European Union, the United Nations and the World Bank to provide support for “peace and development” projects, like those included in the network Redprodepaz, which foster peace through community-building and

criminal justice.<sup>43</sup> Significantly shrinking the domestic markets for cocaine and heroin would be of tremendous benefit to the United States as well as to Colombia and other nations suffering the depredations of the drug trade.

Certain school-based prevention programs have demonstrated their value in reducing use rates both of licit substances like alcohol and illicit substances like marijuana and cocaine. The quantifiable benefits of such programs are several times greater than their costs.<sup>44</sup> But such programs’ potential has been limited in practice because only about one-third of school districts are teaching proven, research-based curricula effectively.<sup>45</sup> Whether viewed primarily in terms of public health, education, or criminal justice, effective prevention programming makes for a worthy investment. The federal government should do more to ensure that all school districts—but especially those whose students appear most at risk of substance abuse—have

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Treatment’s effectiveness in reducing drug use is supported by three decades of scientific research and clinical practice.

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collaborative development projects. The United States should recognize and welcome the essential role of churches and other civil society groups in helping to build the climate that leads to serious negotiations, as well as in the negotiations themselves.

## 10

### **Reduce U.S. demand for drugs through evidence-based prevention strategies and improved access to high-quality treatment.**

No matter how well-conceived, alternative development’s potential to discourage drug crop cultivation in the Andean region will be limited unless the United States makes greater progress in reducing the demand for drugs at home. Illicit drug abuse costs Americans more than \$160 billion a year, due to lost productivity, health care expenses and the costs of crime and

the resources and expertise to implement proven prevention programming.

Treatment’s effectiveness in reducing drug use is supported by three decades of scientific research and clinical practice.<sup>46</sup> Moreover, reductions in drug use achieved through treatment bring corresponding reductions in crime and the spread of diseases such as HIV/AIDS, meaning that the benefits of treatment far exceed its costs. A landmark study in California found that every dollar invested in treatment saved the state’s taxpayers \$7 in future costs, primarily by preventing crime.<sup>47</sup> Compared to alternative strategies, treatment is also an exceptionally cost-effective way to reduce drug consumption. In 1994, the RAND Corporation found that as a means of reducing cocaine consumption, treatment for heavy cocaine users is 23 times more effective than drug crop eradication and other source-country programs, 11 times more

**Military and Police Assistance Programs**

(millions of dollars; numbers underlined and italicized are estimates taken by averaging previous two years)

	1997	1998	1999	2000	2001	2002	2003	2004	2005, estimate	2006, requested
International Narcotics Control (INC, also known as "Andean Counterdrug Initiative") State Department-managed counter-drug arms transfers, training, and services	33.5	56.5	200.1	688.1	46.4	254.2	431	324.6	321.8	331.9
Foreign Military Financing (FMF) Grants for defense articles, training and services	30	0	0.4	0	4.5	0	17.1	98.5	99.2	90
International Military Education and Training (IMET) Training, usually not counter-drug	0	0.9	0.9	0.9	1	1.2	1.2	1.7	1.7	1.7
Emergency Drawdowns Presidential authority to grant counter-drug equipment from U.S. arsenal	14.2	41.1	58	0	0	0	0	0	0	0
"Section 1004" Authority to use the defense budget for some types of counter-drug aid	10.3	11.8	35.9	68.7	190.2	119.1	165	122	200	<u>161</u>
"Section 1033" Authority to use the defense budget to provide riverine counter-drug aid to Colombia	0	2.2	13.5	7.2	?	25	3.3	0	3.9	2.9
Antiterrorism Assistance (ATA) Grants for anti-terrorism defense articles, training and services	0	0	0	0	0	2.4	3.4	<u>2.9</u>	<u>2.9</u>	<u>2.9</u>
Excess Defense Articles (EDA) Authority to transfer "excess" equipment	0.1	0	0	0.4	0.5	0	0	0	0	0
Discretionary Funds from the Office of National Drug Control Policy	0.5	0	0	0	0	0	0	0	0	0
<b>MILITARY / POLICE PROGRAMS SUBTOTAL</b>	88.6	112.5	308.8	765.3	242.6	401.9	621	549.7	629.5	590.4
Percentage of total	100%	100%	97%	78%	98%	77%	81%	79%	81%	80%

Included with above

**Economic and Social Assistance Programs**

(millions of dollars)

	1997	1998	1999	2000	2001	2002	2003	2004	2005, estimate	2006, requested
Economic Support Funds (ESF) Transfers to the recipient government	0	0	3	4	0	0	0	0	0	0
Development Assistance (DA) Funds for development projects	0	0	0	0	0	0	0	0	0	0
International Narcotics Control (INC, also known as "Andean Counterdrug Initiative") State Department-managed funding for counter-drug economic and social aid	0	0.5	5.8	208	5.7	120.3	149.2	149.3	152.1	152.2
<b>ECONOMIC / SOCIAL PROGRAMS SUBTOTAL</b>	0	0.5	8.8	212	5.7	120.3	149.2	149.3	152.1	152.2
Percentage of total	0%	0%	3%	22%	2%	23%	19%	21%	19%	20%
<b>GRAND TOTAL</b>	88.6	113	317.6	977.3	248.3	522.2	770.2	699	781.6	742.6

effective than interdiction, and three times more effective than mandatory minimum sentencing.<sup>48</sup> Over the past decade, research has identified those forms of treatment and related services (such as housing, job training, and child care) that strengthen chances for sustained abstinence and recovery.<sup>49</sup>

But even the best treatment cannot work for those who do not seek it, or for those who cannot gain access when they do seek it. Of the 7.3 million Americans who needed treatment for illicit drug abuse in 2003, only 1.1 million (15 percent) received it. Compared to 2002, the number of people receiving treatment for cocaine abuse fell by 41 percent in 2003, from 471,000 to 276,000. Nearly half a million people who sought but did not receive treatment for alcohol or illicit drug abuse in 2003 cited prohibitive costs, insurance limits, and other barriers to access.<sup>50</sup>

Closing the treatment gap will require a more ambitious federal government role in funding treatment at the state and local level, to ensure that all those who seek treatment receive services in a timely manner. But taking greater advantage of treatment's benefits will also require a more proactive role by primary care physicians in recognizing substance abuse and making referrals to treatment;<sup>51</sup> improving substance abuse and mental health treatment benefits in private and public health insurance;<sup>52</sup> strengthening outreach to chronic drug users with little or no history of treatment participation;<sup>53</sup> and increasing treatment's attractiveness and effectiveness by augmenting core treatment services with comprehensive services.<sup>54</sup>

The adequacy of U.S. cocaine and heroin demand reduction efforts must ultimately be measured by progress in reducing the number of new users, closing the gap between those who need treatment and those who receive it, and shrinking overall consumption. To assess

the relative cost-effectiveness of various drug control strategies, policymakers also need to understand accurately the trends in overall federal drug control spending, including how investments in demand reduction efforts compare to U.S. spending on other drug control strategies. Currently, the "restructured" federal drug control budget obscures true spending levels and hides several billion dollars in annual spending on drug-related incarceration.<sup>55</sup> Not coincidentally, this makes the budget *appear* to be nearly evenly balanced between spending on supply control and demand reduction. Congress should insist on a full and accurate accounting of federal drug control spending.

## No Short Cuts

Proposed solutions to Colombia's problems often seem to skirt, or seek short cuts to, the fundamental causes of Colombia's twin demons, the drug trade and the armed conflict. Those causes are the lack of equitable rural development, the failure of the state to govern vast sections of the countryside, and the persistence of widespread impunity. Colombia, with the help of the international community but primarily from its own abundant resources, must strengthen tax collection, provide true rule of law, foster equitable development and fund and deliver basic government services to the countryside and urban slums. There is no way around this dilemma, and there are no short cuts.

The United States also needs to face responsibility for the devastating demand for drugs that fuels social instability in Colombia and the Andean region. Here, too, there are no magic bullets. Sustained investment in drug treatment, education and prevention is imperative. No amount of supply-side success can substitute. There are no quick fixes, but there is hope, if Colombia and the United States invest in the future.

## Endnotes

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- 2 U.S. Substance Abuse and Mental Health Services Administration, (SAMHSA), *National Household Survey on Drug Abuse, 1994-2001; National Survey on Drug Use and Health, 2002-2003*, in John M. Walsh, "Are We There Yet? Measuring Progress in the U.S. War on Drugs in Latin America," Washington Office on Latin America (December 2004), p. 5.
- 3 SAMHSA, National Survey on Drug Use and Health, 2003, cited in "Are We There Yet?" p. 5. There were two-thirds more first-time cocaine users in 2002 than in 1993, and 90 percent more first-time heroin users. The average age at first use of cocaine fell from 22.1 years in 1993 to 20.3 years in 2002, while the average age at first use of heroin fell from 25.5 to 21.4 years.
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- 6 U.S. Department of Justice, National Drug Intelligence Center (NDIC), National Drug Threat Assessment 2004 (April 2004). According to the Justice Department: "Both powder and crack cocaine are readily available throughout the country and overall availability appears to be stable ... Law enforcement reporting indicates that heroin remains readily available throughout most major metropolitan areas, and availability is increasing in many suburban and rural areas, particularly in the northeastern United States."
- 7 The cocaine and heroin price time-series data cited here were prepared for the Office of National Drug Control Policy (ONDCP) by the RAND Corporation, but have not been published by ONDCP. The Washington Office on Latin America (WOLA) obtained the data and presented it in "Are We There Yet?" p. 4. More complete price and purity data tables are available at <http://www.wola.org>.
- 8 Office of National Drug Control Policy, "2004 Coca and Poppy Estimates for Colombia and the Andes," press release, March 25, 2005, <http://www.whitehousedrugpolicy.gov/news/press05/032505.html>.
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- 10 Comisión Colombiana de Juristas, *Colombia: En contravía de las recomendaciones internacionales sobre derechos humanos, Balance de la política de seguridad democrática y la situación de derechos humanos y derecho humanitario*, Agosto de 2002 a agosto de 2004, 15 de octubre, 2004, pp. 22 and 13.
- 11 United Nations, *Informe del Alto Comisionado de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Colombia*, E/CN.4/2004/13, 17 de febrero de 2004, Anexo II, paragraphs 2 and 3.
- 12 Comisión Colombiana de Juristas, *Colombia: En contravía de las recomendaciones internacionales sobre derechos humanos, Balance de la política de seguridad democrática y la situación de derechos humanos y derecho humanitario*, Agosto de 2002 a agosto de 2004, 15 de octubre, 2004, p. 66.
- 13 "Informe de la Defensoría del Pueblo consigna 342 denuncias de violación al cese unilateral de AUC," *El Tiempo* Bogotá, Colombia, 2 de octubre, 2004, [http://eltiempo.terra.com.co/coar/ACC\\_MILITARES/accionesarmadas/ARTICULO-WEB-\\_NOTA\\_INTERIOR-1811159.html](http://eltiempo.terra.com.co/coar/ACC_MILITARES/accionesarmadas/ARTICULO-WEB-_NOTA_INTERIOR-1811159.html).
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- 15 Alianza de Organizaciones Sociales y Afines por una Cooperación Internacional para la Paz y la Democracia en Colombia y Coordinación Colombia-Europa-Estados Unidos, *Seguimiento a recomendaciones de la Alta Comisionada de Naciones Unidas para los Derechos Humanos*, Noviembre-Diciembre de 2004, p. 4.
- 16 Comisión Colombiana de Juristas, *Colombia: En contravía de las recomendaciones internacionales sobre derechos humanos, Balance de la política de seguridad democrática y la situación de derechos humanos y derecho humanitario*, Agosto de 2002 a agosto de 2004, 15 de octubre 2004, p. 80.
- 17 Escuela Nacional Sindical, *Informe sobre la violación a los derechos humanos de los sindicalistas colombianos*. Enero 1—Noviembre 20 de 2004.
- 18 Comisión Colombiana de Juristas, *Colombia: En contravía de las recomendaciones internacionales sobre derechos humanos, Balance de la política de seguridad democrática y la situación de derechos humanos y derecho humanitario*, Agosto de 2002 a agosto de 2004, 15 de octubre, 2004, p. 23. To give an example of this kind of detention, on March 2, 2003, army troops interrupted the assembly of the Sintraova union and detained 56 members (ibid, p. 24).
- 19 An example of a defender killed, presumably by paramilitaries, after having been arbitrarily detained is well-known professor Alfredo Correa de Andreis. Detained on June 17, 2004 in Barranquilla on the basis of an ex-guerrilla informant's testimony, he was held for a month, and assassinated on September 17, 2004.
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- 22 Connie Veillette, *Plan Colombia: A Progress Report*, Congressional Research Service, February 17, 2005, p. 12.
- 23 See [www.seguridadydemocracia.org](http://www.seguridadydemocracia.org).
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- 25 Consultoría para los Derechos Humanos y el Desplazamiento, "Desplazados en el limbo," February 1, 2005, pp. 2 and 5. [www.codhes.org.co/dsemanal.php?informe=54&report=54](http://www.codhes.org.co/dsemanal.php?informe=54&report=54)
- 26 According to the GAO, in 2003 Colombia's only fulltime public defenders were the 15 public defenders in a USAID-funded Bogotá center. General Accounting Office, *U.S. Nonmilitary Assistance to Colombia Is Beginning to Show Intended Results, but Programs Are Not Readily Sustainable*, July 2004, p. 19.
- 27 Letter from USAID Contracting Officer to Management Services for Development, Inc., June 7, 2004. The letter chastises MSD for permitting "documents and/or publications funded under the contract to include language strongly critical of Plan Colombia and/or other USG programs and policy" and stated, "It is not appropriate for stringent criticism to be included in formal publications funded by the program." It further required the contractor to draft the minutes for USAID funded activities involving NGOs "to ensure that USAID funded workshops and meetings under the contract are memorialized in a constructive manner."
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- <sup>36</sup> USAID/Colombia, Progress Report for 4th quarter FY2004, p. 20.
- <sup>37</sup> General Accounting Office, *U.S. Nonmilitary Assistance to Colombia Is Beginning to Show Intended Results, but Programs Are Not Readily Sustainable*, July 2004, p. 17.
- <sup>38</sup> Contraloría General, "Atención a desplazados se queda en buenas intenciones, dice Contraloría," February 2, 2005, [http://www.contraloriagen.gov.co/html/contralor/contralor\\_inicio.asp](http://www.contraloriagen.gov.co/html/contralor/contralor_inicio.asp)
- <sup>39</sup> Even the Colombian government agency responsible for coordinating relief, the Red de Solidaridad Social, acknowledges an under-registration rate of 30%, largely due to IDPs lack of trust in the government and lack of information about programs, according to the Contraloría General, "Atención a desplazados se queda en buenas intenciones, dice Contraloría," February 2, 2005, [http://www.contraloriagen.gov.co/html/contralor/contralor\\_inicio.asp](http://www.contraloriagen.gov.co/html/contralor/contralor_inicio.asp).
- <sup>40</sup> Many people were forced to sell their land greatly under market value or risk being killed. "They told us, you will sell your land to us at this price, or we will negotiate with your widow." Interview by Refugees International, "Colombia: No Incentives to Paramilitary until Victims of Violence Receive Reparations," press release, February 2, 2005.
- <sup>41</sup> "ONG [CODHES] revela que paramilitares se han quedado con 5 millones de hectareas de tierra entre 1997 y 2003, *El Tiempo*, December 21, 2004.
- <sup>42</sup> Tellingly, while government resources dedicated to each demobilized soldier during the 2000-2003 period amounted to \$19.5 million pesos, those dedicated to each IDP family totaled \$5.5 million, according to the Comptroller General. Contraloría General, "Atención a desplazados se queda en buenas intenciones, dice Contraloría," February 2, 2005, [http://www.contraloriagen.gov.co/html/contralor/contralor\\_inicio.asp](http://www.contraloriagen.gov.co/html/contralor/contralor_inicio.asp). The Colombian government requested more from the international community at the February 2005 donor conference to demobilize some 16,000 paramilitaries for the 750,000 displaced persons officially registered by the government. Refugees International, "Colombia: No Incentives to Paramilitary until Victims of Violence Receive Reparations," press release, February 2, 2005.
- <sup>43</sup> Office of National Drug Control Policy (ONDCP), *The Economic Costs of Drug Abuse in the United States, 1992-1998* (September 2001).
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- <sup>53</sup> James A. Inciardi et al., "The Heroin Street Addict: Profiling a National Population," in J.A. Inciardi and L.D. Harrison, eds., *Heroin in the Age of Crack-Cocaine* (Thousand Oaks, CA: Sage, 1998).
- <sup>54</sup> Research indicates that closer supervision of drug-involved criminal offenders on probation or parole could cut total cocaine and heroin consumption even more. For those probationers and parolees who prove unable to abstain from drugs under the threat of frequent drug tests and predictable sanctions, treatment would be offered or required. Such an effort would require re-investing in probation and parole systems, which have been neglected even as budgets for building and operating prisons have swelled, and ensuring ready access to high-quality, community-based treatment. Mark A. R. Kleiman, "Controlling Drug Use and Crime with Testing, Sanctions and Treatment," in Philip B. Heymann and William N. Brownsberger, eds., *Drug Addiction and Drug Policy: The Struggle to Control Addiction* (Cambridge, MA: Harvard University Press, 2001). According to Kleiman, "The relatively small number of offenders who are frequent, high-dose users of cocaine, heroin, and metamphetamine (no more than 3 million all told) account for such a large proportion both of crime and of the money spent on illicit drugs that getting a handle on their behavior is inseparable from getting a handle on street crime and the drug markets." Kleiman calculates that about 60 percent of cocaine consumed in the United States is "sold to persons under (nominal) criminal justice supervision" and argues that efforts to reduce cocaine demand must therefore focus on this group.
- <sup>55</sup> John M. Walsh, "Are We There Yet? Measuring Progress in the U.S. War on Drugs in Latin America," Washington Office on Latin America (December 2004), p. 16-17.

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