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Country Visit

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Excerpt from “A Compass for Colombia Policy”

By Lisa Haugaard, Gimena Sánchez-Garzoli, Adam Isacson, John Walsh, and Robert Guitteau
Washington Office on Latin America
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In 2000, the United States launched an ambitious aid program designed to help Colombia combat illicit drugs. The program, known as Plan Colombia or the Andean Counternarcotics Initiative, was also presented as a plan to help our neighbor “regain the citizens’ confidence and recuperate the basic norms of peaceful coexistence,” as well as build “an effective judicial system that can defend and promote respect for human rights.”¹ Nine years later, despite military gains, these goals remain elusive. Colombia’s production of cocaine is virtually unchanged. Peace with Colombia’s guerrillas is still a distant prospect.

And Colombia continues to suffer horrific human rights problems, including one of the world’s highest rates of violent displacement, despite the partial demobilization of one abusive armed group. It is time to reevaluate this program and change course. U.S. policy should use as its guiding compass supporting efforts in Colombia to strengthen human rights and to govern more inclusively. Far from a few changes along the margins, this requires a change of heart. It requires shifting away from a celebratory embrace of a particular administration to a more strategic and calibrated response designed to end impunity and improve life for excluded sectors, especially the rural poor. It entails reshaping aid from a largely military focus to an emphasis on civilian governance. U.S. policy must aim to strengthen Colombia’s institutions, rather than risking broad U.S. policy goals through support of one administration or charismatic leader.

The most potent forces for change are within Colombia, and U.S. policy should consciously support and empower the human rights advocates, victims, judges, prosecutors, government oversight staff, journalists, legislators, union leaders, and Afro-Colombian, indigenous, and other community leaders who are the driving forces towards a more just society. From justice, other goals will advance: towards an end to the conflict, reduced power and corrupting influence of the drug trade, and a more prosperous and stable Colombia.

A Snapshot of Progress and Problems

How has the United States’ \$6 billion investment in Colombia fared in terms of progress towards reducing illicit drug production and trafficking, achieving peace, and strengthening human rights and democracy?

Counternarcotics. By any measure, U.S. drug policy has failed spectacularly in Colombia and the Andes. Colombia and the Andean region produce as least as much cocaine as they did before Plan Colombia began, according to the United Nations.² The U.S. strategy has focused on chemically eradicating poor farmers’ crops in ungoverned areas, while efforts to bring governance, economic opportunities, and food security have lagged behind.³ The result is a cruel policy that has had no effect on cocaine supplies. Within the United States, cocaine continues to be sold at or near all-time low prices. Indications of a price “spike” trumpeted by the White House in 2007 still left cocaine’s price well below its 1990s levels, and history suggests that the apparent spike is likely to be short-lived. A course change is urgent. Failure and frustration will continue to be the hallmarks of our drug policy until our focus shifts to rural governance in Colombia and real demand reduction at home.

Peace. When Plan Colombia began in 2000, and again in 2002 when President Álvaro Uribe launched his hard-line security strategy, our organizations warned that these policies would greatly reduce prospects for a negotiated solution to the conflict. We warned that they would condemn Colombia to many more years of intense violence. It is now 2008, and many years of intense violence

have indeed passed. In the intervening years, Colombia's conflict took over 20,000 more lives and displaced more than two million citizens.⁴

The post-2000 military buildup, which nearly doubled the size and budget of Colombia's security forces, has left the FARC and ELN guerrilla groups weaker and more isolated. Paramilitary groups underwent a demobilization process, though many of their leaders remain powerful and new groups are emerging. But despite progress on the battlefield, peace in Colombia remains far off.

Without a change in direction, a low-intensity war of attrition, fueled on all sides by the drug trade, will continue to rage in Colombia. Though its impact will not be strongly felt in the country's metropolitan centers, the conflict will remain a brutal fact of daily life—and, for thousands, a cause of death—in much of Colombia's national territory for years to come.

Human rights and democracy. Colombia continues to face the most serious human rights crisis in the hemisphere, in a rapidly shifting panorama of violence. The Colombian government points to declining numbers of homicides and kidnappings as signs of success in grappling with this legacy of violence. Some areas saw a decline in killings of civilians due to the paramilitary forces' partial demobilization.

In recent years, kidnapping has also declined as the guerrillas retreated. However, the reality on the ground is far more complex. Gains portrayed as permanent may be merely transitory, and disturbing new trends continue to emerge. Rather than showing a steady improvement in human rights since Plan Colombia's start, killings of civilians expanded dramatically during its first two years, as the paramilitaries' reign of terror, aided and abetted by members of the army, escalated. Then, while massacres declined as the paramilitaries demobilized, selective assassinations and disappearances continued.

Today, civilians in much of the countryside still live in fear of attacks from all quarters. The increase in the number of people displaced from their homes in 2007 and the first half of 2008 reveals that the war, far from ending, rages brutally. Paramilitary groups that never demobilized or have rearmed, along with new armed groups, threaten and attack rural communities.⁵ The FARC and ELN continue to kill, kidnap, plant landmines, and commit other grave abuses. Conflicts among all parties produce displacement. Disturbingly, incidents of extrajudicial executions of civilians by Colombia's armed forces have been on the rise since 2002. The United Nations, human rights groups, Colombian judicial agencies, and the State Department have documented cases from all over the country of groups of soldiers allegedly capturing civilians, killing them, and dressing them in guerrilla clothing to claim as enemy dead.⁶

A largely ignored peril facing Colombia is overconcentration of power. A powerful executive branch has sought to increase its control over the judiciary, in an effort to weaken its authority to investigate politicians' ties to the paramilitaries. The "parapolitics" scandal implicates members of Congress, governors, mayors, cabinet members, and close presidential allies.⁷ Having already reformed the constitution to run for a second term, highly popular President Álvaro Uribe is considering changing it again to run for a third time. While the United States has criticized neighboring countries' similar efforts to weaken checks and balances, it has been silent regarding Colombia.

But the most troubling and unresolved problem facing Colombia is impunity for human rights abuses. This failure of justice lies at the heart of the recurrent cycle of violence that afflicts the country. During Plan Colombia's lifespan, the justice system's commitment to address impunity took a sharp turn for the worse under Attorney General Luis Camilo Osorio (2001-2005), before showing modest signs of improvement with Attorney General Mario Iguarán's leadership and a Supreme Court determined to investigate politicians' paramilitary ties. But these gains are tentative, while some

advances, such as the parapolitics investigations, are at risk of being undermined by the executive branch.

Moreover, Colombia's most valuable resource in the fight against impunity—human rights defenders, judges, journalists, trade unionists, victims, and others willing to stand up and speak out—continue to be stigmatized, threatened, and assassinated. The experiences of other nations in this hemisphere demonstrate that the failure to address a period of intense human rights abuses contributes to continuing violence and the consolidation of organized crime.

The demobilization of Colombia's brutal paramilitary forces is one such pivotal moment. If Colombia fails to allow the full truth to emerge regarding the atrocities committed by paramilitary forces and the military officers, politicians, and businessmen who supported them, and ensure accountability for crimes against humanity, then the cycle of violence and corruption will continue to take its devastating toll. The United States must stand firmly with victims advocating for truth and justice or risk a renewed cycle of violence.

U.S. policy should use as its guiding compass supporting efforts in Colombia to strengthen human rights and govern more inclusively. Far from a few changes along the margins, this requires a change of heart: from a celebratory embrace of a particular administration to a more strategic response designed to end impunity and improve life for excluded sectors, especially the rural poor. It entails reshaping aid from a largely military focus to an emphasis on civilian governance. The most potent forces for change are within Colombia, and U.S. policy should support and empower the human rights defenders, victims, judges, prosecutors, government oversight staff, journalists, legislators, union leaders, and Afro-Colombian, indigenous and other community leaders who are the driving forces for a more just Colombia. From justice, other goals will advance: an end to the conflict, reduced power and corrupting influence of the drug trade, and a more prosperous and stable Colombia.

Seven Steps to a Just and Effective U.S. Policy

1. **A Use U.S. Aid and Leverage for Human Rights and the Rule of Law.** The United States should take a principled stance in favor of protecting human rights and strengthening the rule of law in Colombia. This requires a decided shift in U.S. diplomacy to a tougher approach that helps Colombia end impunity, protect human rights defenders, preserve the judiciary's independence and strengthen its capacity, and improve the security forces' human rights performance. U.S. policy must insist that the Colombian government fully dismantle paramilitary networks and support victims' efforts for truth, justice, and reparations.

2. **Actively Support Overtures for Peace.** Now is a moment when careful, renewed efforts to achieve peace could progress. In a war that threatens to go on indefinitely, the immense suffering of the civilian population demands that Colombia, its neighbors, and members of the international community, including the United States, take risks to achieve peace. The United States must make clear its desire to see a negotiated outcome in the near term, support the involvement of mediators who can lay the groundwork for face-to-face dialogue, and back the Organization of American States and other regional forums that strengthen regional cooperation. Actively supporting peace also means that the United States cannot continue endlessly bankrolling war.

3. **Support Expansion of the Government's Civilian Presence in the Countryside.** The key to peace in Colombia lies in governing rural zones in ways that address poverty and inequality. The U.S. government should reconfigure the Colombia aid package to focus on strengthening Colombia's civilian government, particularly its attention to the rural population. This assistance should include alternative development and rural development programs, expand access to justice, and strengthen local governments' capacity to deliver basic services. But U.S. aid is a temporary fix that should be designed to be phased out. U.S. policy should encourage the Colombian government to devote budget

resources to and deliver sustainable, accountable basic government services to poor rural conflict zones.

4. **Protect the Rights of Internally Displaced Persons and Refugees.** Colombia is second only to Sudan/Darfur in the number of internally displaced people (IDPs). The United States must make prevention of displacement and protection of IDPs a top priority. The U.S. government can help prevent displacement by insisting that the Colombian government dismantle paramilitary networks and that Colombia's armed forces respect the distinction between combatants and civilians. It should increase aid providing durable solutions for IDPs and refugees and encourage the Colombian government to abide by the Constitutional Court's landmark decision about its responsibilities to IDPs. U.S. policy should urge the Colombian government to insist upon return of land illegally held by demobilized ex-combatants.

5. **Protect the Rights of Afro-Colombian and Indigenous Communities.** The U.S. government should protect Afro-Colombian and indigenous communities that have been disproportionately affected by displacement and the ravages of war, with special attention to their vulnerable land rights. It should encourage the Colombian government to complete land titling for Afro-Colombian communities, call for full return of land to displaced communities, and guarantee that U.S. aid projects are not carried out on land obtained by violence. U.S. policymakers should use the human rights conditions in U.S. law to insist that the Colombia's armed forces not violate these communities' human rights and land rights.

6. **Ensure that Trade Policy Supports, Not Undermines, Policy Goals towards Colombia.** The United States should insist on progress in respect for labor rights, especially in reducing violence against trade unionists and ending impunity in such cases, prior to any vote on a trade agreement. Any trade agreement should protect the livelihoods of Colombia's small farmers and make the reduction of poverty a central goal. This is not just a question of fairness: it ensures that a trade agreement will not undermine major U.S. policy goals, such as reducing small farmers' dependence upon coca and poppy, helping the government establish governance in the countryside, and ending the conflict.

7. **Get Serious—and Smart—about Drug Policy.** The United States is overdue for a major course correction in its drug control strategy, in Colombia and the Andean region. The U.S. government must stop bankrolling the inhumane and disastrously ineffective aerial herbicide spray program, which has only served to deepen small farmers' reliance on crops for illicit use. With the goal of gradual and sustainable reductions in coca growing, the U.S. government should invest in alternative development programs designed and carried out in close coordination with affected communities. Drug enforcement efforts should focus higher up the distribution chain, disrupting money laundering, and apprehending violent traffickers and organized crime bosses. Most importantly, the administration and Congress should make improved access to high-quality drug treatment in the United States the centerpiece of American drug policy, with ambitious increases in funding for services and research. Without such a commitment to reducing demand for illicit drugs here at home, even the best efforts in Colombia will make little difference in either country.

“Colombia and Ecuador in 2009: The Rocky Road to Restoring Relations”

By Michael Shifter and Adam Siegel

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The isolated and sparsely populated border region between Colombia and Ecuador has long been notable for its underdevelopment, poverty, high degree of lawlessness, and little access to important government services. Yet on March 1, 2008, all of South America (and indeed, much of the world) turned its attention to this relatively obscure region as it became the staging ground for a deadly Colombian military raid that crossed borders and ignited an extraordinary diplomatic crisis. The tense dispute led to a severing of diplomatic relations between Colombia and Ecuador, putting an abrupt halt to a relationship that had intermittently grown strained as a result of persistent disagreements on fundamental policies.

This article explores the stormy state of Colombia-Ecuador relations in the past year, but suggests that the many problems between the two countries are longstanding and stem from diverging interests that began years before the March 2008 crisis. The standoff derives from many causes, including the negative and unintended consequences of Plan Colombia; the role of Colombia's armed insurgents in Ecuador; and the divergent national interests being pursued by each country's leaders, all of which have made a productive relationship difficult throughout the past decade. As of this writing in late October, Colombia and Ecuador appear to be moving slowly towards a rapprochement, jointly engaging tentative steps that will likely evolve into a significant diplomatic process. Understanding how ties between these neighboring countries deteriorated will be crucial for pursuing a peaceful and more stable relationship in the coming years.

The Colombia-Ecuador relationship, after all, has been marked by rapidly changing ups and downs, influenced by a degree of mutual dependence and shared culture but ultimately driven by each country's sovereignty, security, and national interest. The key clashes of the past decade have been centered on these three themes—Colombia, determined to protect its citizens and prepared to apply military force to do so, and Ecuador, equally determined to prevent Colombia's internal disputes from spilling over their shared border and putting its security at risk. A major reevaluation of this interaction—properly focused on mutual respect and an appropriate balance between security and sovereignty—is crucial as both countries inch towards improving upon their rocky relations of the past years.

An International Controversy: Colombia Raids Ecuador

Colombians live in the midst of a four-decade long war that mainly involves the country's chief guerilla organization Fuerzas Armadas Revolucionarias de Colombia (FARC), Colombian security forces, and right-wing paramilitary groups. This armed internal conflict has substantially shaped both Colombian priorities and the country's interactions with its neighbors, particularly Venezuela to the east and Ecuador to the south. These relationships were significantly altered, however, just after midnight on March 1, 2008, when the Colombian military raided a FARC camp two miles into Ecuadoran territory, in the densely forested region of Sucumbíos. Colombia's incursion into Ecuador was a breach of sovereignty, criticized as such by the Organization of American States (OAS) and for which Colombian President Alvaro Uribe publicly apologized.

Colombian officials authorized the raid to assassinate one of the highest-ranking members of the FARC, Raúl Reyes (ne Luis Edgar Devia Silva), who was a member of the Central High Command and often acted as the organization's official spokesman. Reyes was tracked to a

FARC encampment purposefully situated within what was assumed to be the safer confines of Ecuador's border. The FARC had long been known to operate from within Ecuador, where they used the sanctuary provided by the border to train and regroup. It was not exceptional for Colombian troops to pursue the FARC across the border—during one period between November 2005 and March 2006, for example, Colombian forces breached Ecuadoran territory in pursuit of the FARC four times—but there was no precedent for such a large-scale military operation aimed specifically at one individual.

In the months prior to the raid, Colombian intelligence officials had identified what they believed were over 30 separate FARC camps operating freely in Ecuador and within miles of the Colombian border, but no military action was authorized until credible intelligence verified Reyes' presence in one of the camps. Reyes was most likely located when he briefly used a satellite phone that the Colombian government had been tracking with the help of American intelligence. The Uribe administration was no doubt aware that any use of military force within Ecuador would arouse condemnation and anger from its neighbor, but Reyes—often referred to unofficially as FARC's second-in-command—was an alluring target due to his stature and prominence in the FARC leadership.

The Colombian operation, which involved both air and ground forces, proved efficient and deadly. Twenty-three people at the camp in addition to Reyes were killed, including one Ecuadoran citizen. The forces seized laptop computers from the campsite, which contained explosive but disputed evidence of FARC collaboration with Ecuador. Among the documents later presented by Colombia was a letter from Reyes to other FARC leaders about a meeting he had with Ecuador's Security Minister Gustavo Larrea. The notes detailed ways in which Ecuador's government was prepared to assist the FARC. Though Larrea admitted to the meeting, he called the allegations "false," insisting instead that he had met with the FARC to negotiate the release of hostages. The Correa administration later charged that despite being close to an agreement on the hostages following this meeting, the raid had ruined chances of a resolution.

Yet while Colombia succeeded in killing Reyes (a tactical and morale loss for the group), the border-crossing raid also simultaneously generated a new set of diplomatic challenges that could not be solved with military might. Uribe called Ecuadoran President Rafael Correa in the early morning following the raid to inform him of what had transpired, but this gesture only underscored that Colombia had acted unilaterally and had not trusted the Correa administration enough to alert them or ask permission. Uribe initially explained the raid as stemming from the Colombian army's pursuit of FARC rebels who fled into Ecuador, even though the Ecuadoran army arrived at the campsite to find that many of the dead had probably been asleep when the attack began. This prompted Correa to question whether Uribe had been honest in their phone call, stating that the Colombian president was "either was poorly informed or brazenly lied" during the conversation.

Explaining Colombia's actions in the days following this breach of sovereignty, Uribe argued that "terror has no borders." This echoed the ideology driving the concurrent "War on Terror" being waged by the United States, Colombia's strong ally. Uribe had staked out this justification before; in an October 2006 interview in Colombia's *El Tiempo*, he said that "[t]errorism does not respect borders." Correa has always been skeptical and concerned about this premise, and he rejected the "no borders" explanation following the raid, instead labeling it an "aggression." To demonstrate his extreme displeasure, Correa recalled Ecuador's ambassador, expelled Colombia's from Quito, and ordered troops to the border region where the raid occurred. He then embarked on a regional tour to unite other countries in their support for Ecuador and for an OAS resolution

rejecting Colombia's actions. In his visits Correa managed to secure public condemnations of the raid from a variety of the region's leaders.

Colombia's operation hit a nerve in Latin America. The final OAS resolution, accepted by Colombia, stated that never again "under any circumstances" would Colombia deploy its military outside of its borders in preemptive attacks. Nevertheless, this public veneer of diplomacy and contrition barely hid the intensely negative feelings between Colombia and Ecuador that had manifested after the raid.

Diplomatic relations between Colombia and Ecuador have remained suspended since March 2008, and although low-level contacts were restored by June of 2008, signs pointing to a thaw have been mixed and often contradictory. Feelings of antipathy and great mistrust continued to predominate throughout much of 2009, and there have been many disputes as each country postures politically and domestically. Colombia seized and then released eleven Ecuadoran troops who strayed over the border in August; Uribe and Correa have engaged in an often harsh war of words conducted in the media and at regional meetings; punitive and criminal claims have been filed with the International Court of Justice and Interpol, with Ecuador suing over Colombia's coca eradication policy and petitioning for the arrest of two former Colombian Defense Ministers involved with the raid; and most recently, a flare in tensions erupted over a U.S.-Colombian base deal.

Yet, despite these and other continuing conflicts, the Foreign Ministers of both countries began a series of meetings on the sidelines of the United Nations General Assembly meeting in September 2009 to explore restoring full diplomatic ties. This manner of engagement, alternating between confrontational and more accommodating gestures, is emblematic of the uneven relationship that has characterized Colombia-Ecuador relations for much of the last decade.

Cracks in the Relationship: Unintended Consequences Cause Resentment

Ties between Colombia and Ecuador have traditionally been strong and normalized. Colombians and Ecuadorians have long shared cultural and familial bonds, and economic relations grew increasingly important after the construction of the Pan-American Highway, which facilitated lower costs of transportation between the two countries. Ecuador is Colombia's third most important export destination, and the business community in both countries has attempted to maintain a strong trade connection.

Colombia's principal exports to Ecuador have historically been industrial (such as furniture and medical goods, along with gasoline and rice), and the restrictions (both explicit and implicit) caused by the diplomatic rift have disproportionately hurt Colombia's important industrial production sectors, while Ecuador has had to rely on the European Union as Colombian imports dropped by over 40 percent in 2009. The connection between Colombian producers and Ecuador had become comfortably entrenched since the mid-twentieth century; over 1,000 Colombian businesses operate in Ecuador, and Colombian exports to Ecuador grew substantially even throughout Colombia's periods of elevated violence in the 1990's. These economic ties were crucial in balancing what was otherwise a shaky partnership between the neighbors over the last decade.

Correa was never a personal favorite of the Colombian business community, and the imposition of tariffs on Colombian exports to Ecuador that he announced in July of 2009 did not help the normally-stable economic climate between the two countries. In adding the tariffs on more than 1,300 Colombian products, the Correa administration maintained that the devaluation of the

Colombian peso had cheapened imports and was also hurting Ecuadorian producers, but it was hard not to see post-raid political motives behind the move. This type of economic protectionism is one component of Correa's larger economic agenda, but given that many of the tariffs were later quietly withdrawn, they served mostly to spread feelings of antagonism into the economic sector.

By and large, however, the trade relationship between Ecuador and Colombia has managed to stay relatively routine given the abrupt break in diplomatic contact, which reflects a degree of pragmatism on the part of both countries and suggests that neither has planned for the stand-off to continue in the long term (something that would ultimately be damaging to the bottom line of each country). Still, the lack of formal diplomatic connections has brought collaboration on a number of important projects—such as border security and environmentally-safe anti-narcotics operations—to a standstill, since governors of border states on both sides have ended their previous cooperation with each other.

Perhaps the most critical strains on the relationship have been caused by the policies and unforeseen outcomes of Plan Colombia and the U.S.-backed "War on Drugs," which has made Colombia a central battleground in the past decade. The introduction of Plan Colombia (a joint effort between the United States and Colombia approved by the U.S. Congress in 2000) significantly elevated the drug war in Latin America, and also provided assistance to the Colombian government's related effort of controlling its internal armed conflict. One key aspect of Plan Colombia (as well as Uribe's domestic Democratic Security framework) has been the vigorous pursuit of the FARC and other drug producers in southern Colombia, just above the shared border. This component of Colombia's anti-insurgency, anti-drug strategy has been a major point of contention particularly since 2000, and helps account for many of the tensions that developed along the border region, highlighting Colombia and Ecuador's divergent national interests throughout the last fifteen years.

The most salient example is Uribe's fight against the FARC once he took office in 2002, which engendered great praise in Colombia and strong resentment in Ecuador. The FARC are directly involved in the drug trade and commit terrorist actions targeted against the government and non-combatant citizens of Colombia. In Colombia, the Plan Colombia/Democratic Security strategy for controlling the group has been viewed as very successful, both politically and also demonstrably in terms of declining levels of violence. Recent statistics reflect a significant drop in overall murders, kidnappings, and terrorist attacks since Uribe started his presidency. For example, instances of terror attacks decreased 63 percent between 2002 and 2006. In addition, Colombia's cocaine production has also fallen to some of its lowest levels in a decade, although it is still a major producer of the cocaine and heroin that finds its way to the United States.

Nevertheless, these and other figures show that the operational ability of the FARC within Colombia has been weakened. For Uribe, these measures have been critical to maintaining his popularity and reducing the rampant violence that plagued Colombia for much of the past two decades, and that had reached a particularly alarming level in the late 1990's. Indeed, the reduction in violence has been the key component to Uribe's significant political success as president. At the same time, Plan Colombia and the Uribe administration's overall security approach have resulted in two serious unintended consequences that directly affect Ecuador and have been a major contributor to the worsening of the Colombia-Ecuador relationship.

The first unintended consequence relates to the controversial component of Plan Colombia in which herbicides are sprayed from airplanes as means of eradicating large quantities of remotely

located coca plants and opium poppy. Aerial spraying was a key aspect of the Colombian government's drug reduction strategy since its inception; Plan Colombia's original blueprint called for anti-drug battalions to be based near Colombia's Putumayo department (which borders Ecuador) in order to eradicate over 60,000 hectares of coca. Within a year of Plan Colombia's inception, however, Ecuador was already requesting that Colombia refrain from spraying near the border. Colombia curtailed sprayings within six miles of the border in 2006 after complaints from Ecuador, but they were resumed sporadically in 2007. Ecuador has maintained consistently that chemicals from the herbicides frequently drifted into its territory during periods of spraying near the border, adversely affecting non-coca crops, as well as human and animal health. For many years the Colombian government rejected this claim, which only increased feelings of resentment in Quito and the rest of the country.

Groups such as the Ecuadorian Interinstitutional Committee Against Fumigations (CIF), a coalition of eleven Ecuadorian non-governmental organizations (NGO's), have sought to demonstrate that the chemicals from the herbicides affect people and crops located near the border. Respiratory and digestive ailments, massive numbers of fish deaths, and high stress levels among border campesinos unsure of whether they can plant their crops have all been linked by these studies to the chemical sprayings. In 2003, the Ecuadorian government appointed a commission to examine studies undertaken by concerned NGOs in the region like the CIF, and found that the chemicals being sprayed in Colombia were in fact penetrating up to three miles into Ecuadoran territory. The commission also concluded that Ecuadoran border communities had experienced deaths "days after intense spraying had taken place in Colombia."

Others, like the Inter-American Drug Abuse Control Commission (CICAD), have come to different conclusions. CICAD, an entity affiliated with the OAS, disputed claims that the chemicals were harmful in a 2005 study, saying that those used by Colombia did not harm humans or the environment. While the conclusions of scientists on both sides of the issue have been questioned, the spraying has proven, at the very least, to be politically damaging to Plan Colombia's international stature, and the continuation or curtailing of spraying is a matter on which neither government wants to be seen as having capitulated. Domestic and international sensitivity towards this issue has increased in recent years, and Colombia has reduced instances of spraying near the border. Yet the process of each country producing competing studies, in which the independence and credibility of the others were called into question, only underscores the tense relationship that evolved as a result of this spraying policy.

The second unintended consequence of Plan Colombia for Ecuador has two facets: the forcing of terrorist and trafficking groups like the FARC towards the porous Colombia-Ecuador border, and the resulting displacement of many thousands of Colombian citizens fleeing their presence, as well as accompanying intimidation and violence. This trend is a major humanitarian concern, and has been one of the most troublesome outcomes of Uribe's military strategy against the FARC. Estimates of Colombians displaced internally due to the FARC's presence in these rural areas range from 2-4 million people, and of these millions, a portion has fled into Ecuador. The United Nations High Commissioner for Refugees (UNHCR) estimated that by 2009 130,000 to 140,000 Colombians had migrated to Ecuador, with as many as ten people per day seeking refuge across the border.

This forced exodus has occurred for over a decade, notably increasing tension between the Colombian and Ecuadoran governments. In this sense, Colombia's domestic "success" has been costly for Ecuador, which, according to the UNHCR, now has the largest refugee population in Latin America. Most of these refugees live under very difficult circumstances because their undocumented status means they have little recourse against mistreatment. Considering that

almost all arrive without visas, the refugees often find it extremely hard to support themselves and their families. The resulting instances of crime and poverty have led to a certain degree of resentment among Ecuadorans living in these communities and Ecuadorans generally, where resources and jobs are already in short supply. A United Nations report from 2008 identified three quarters of the Colombians living in northern Ecuador as in need of protection and financial assistance, asserting that “many host communities are being overstretched by the arrivals.”

This reality has led to mounting displeasure with Colombia’s aggressive measures. Ecuadorans feel frustrated to see their country forced into Colombia’s internal war, which has now become a regional issue as accusations of collaboration with the FARC have been publicly leveled at both the Ecuadoran and Venezuelan government by Uribe. In the most basic terms, Ecuadorans want to see the Colombians solve their own problems in a way that does not in turn lead to increased levels of violence, drug trafficking, and insecurity in their own country.

This has been a principal concern for years, and the message has been delivered publicly by many Ecuadoran government officials. For example, in February 2006 Foreign Minister Francisco Carrion told *El Comercio* that “[t]he Colombian government and its Armed Forces should be concerned about acting in their own country rather than doing nothing about their own citizens who are carrying out illicit activities in their own territory, in areas where regrettably the Colombian state’s security forces do not have effective control.” Prominent members of the Correa administration’s foreign policy team have voiced similar reservations. Former Foreign Minister Maria Fernanda Espinosa stated directly that “Our country is an innocent victim of the Colombian conflict from several angles.”

Uribe and Correa have been unable to satisfactorily address the difficulties that stem from this issue. The Ecuadoran government has not shunned the refugees or tried to minimize the problem, but it has few funds to fully tackle it. The Ecuadoran government has been good at acknowledging the untenable situation of the refugees—current Foreign Minister Fander Falconí recently asserted that “[f]or Ecuador, there are no illegal people”—but the sense of urgency from the Ecuadorans for Colombia to assume greater responsibility on this issue has not been consistently reciprocated in Bogotá. Carrion, one of Falconí’s predecessors, succinctly expressed this sentiment in a February 2006 interview with *El Comercio*, saying, “We are in solidarity with Colombia, and have demonstrated it: there are over 10,000 refugees, and more than 500,000 Colombians who have been received... No greater solidarity could be asked of us.”

The aerial fumigations and elevated refugee flows have crystallized the distinct impression in Ecuador that the country has become involved, however unwillingly, in Colombia’s problems. The U.S. use of the Manta Air Base in Ecuador from 1999 to 2009 to launch anti-drug operations was also a constant reminder of how Ecuador was specifically being incorporated into Colombia’s drug war. Although former Ecuadorean President Jamil Mahuad had agreed that the U.S. could use the base for ten years, this rent-free deal was widely resented and criticized in Ecuador. During this same time period, according to some analysts, Ecuadorans’ general perceptions of Colombians shifted somewhat, from the perspective that Colombians were “a naturally ingenious and hard-working people” to a perception more aligned with the “stereotype of dangerous individuals associated with illegal activities and a source of insecurity in [Ecuador].”

Correa’s forceful reaction to the raid was motivated by increasing discomfort with these realities of the past decade. While the intended target was not Ecuador itself, the literal extension of the battlefield into its territory raised the stakes to a higher degree than ever before. As a high-ranking Ecuadoran diplomat said to the Director of the U.S.’s Office of National Drug Control

Policy Gil Kerlikowske during an exchange at a conference in Washington, D.C. in September 2009, Ecuador does not want to become the equivalent of “a Cambodia” in the drug war waged by its neighbors.

Regional Grievances, Domestic Gains

Despite the rupture of diplomatic relations, public disagreements between the two administrations have continued as both Uribe and Correa use the impact of the raid as an impetus for increasing their domestic standing. This deliberate heightening of tensions in the domestic political arena predates the Colombian military operation, although it has escalated in the months since. There are political incentives for both leaders to perpetuate this antagonism despite the economic and diplomatic issues such a contentious relationship threatens to disrupt. Polling data following the raid showed that a vast majority of Colombians approved of their government’s actions and a majority of Ecuadorans disagreed with the raid, but in neither country did a majority of people support the idea of suspending relations.

Correa has expressed public dissatisfaction with specific aspects of Colombian policy since he was a presidential candidate in 2006, and he has consistently protested Colombia’s anti-narcotics strategy. Correa spoke forcefully against Plan Colombia and visited Ecuador’s South American neighbors Argentina, Chile, Brazil, Peru, and Venezuela after his election, though not Colombia. Slightings like these didn’t help the growing tensions between the two countries, but played well for the Ecuadoran electorate because it seemed as if Correa would publicly confront the underlying issues that had made his compatriots increasingly upset over the years. Correa saw a surge in support even from the time he was elected to the day he took office—he won 56 percent of the vote, but enjoyed a 73 percent approval rating upon inauguration, reflecting increased confidence in his leadership abilities after a campaign in which the opposition attacked him as a “dangerous extremist” on issues relating to foreign policy. This jump may not have been directly attributable to his positions on Plan Colombia, but it did show that Correa earned wider support after a period in which he sought to assert Ecuador’s demands on the regional stage.

Despite Correa’s displeasure with aspects of Plan Colombia, the period between the beginning of his presidency and the March 2008 raid was marked by signs of general cooperation. Uribe, in a show of respect, decided at the last minute to attend Correa’s inauguration in January of 2007, which was an auspicious beginning given Correa’s past slights. A year later, just months before the raid, both Colombian and U.S. officials would publicly praise Correa’s efforts in cooperating with Colombia in the drug war. In fact, Colombia-Ecuador relations had been showing improvements leading up to, and during, Correa’s administration after a rockier period at the beginning of the new millennium. In January of 2006, for example, Uribe and Ecuador’s then-president Alfredo Palacio collaborated on a joint strategy to help free trade agreements with the United States. Ecuador’s *El Comercio* newspaper reported that relations with Colombia were being restored to normal and respectful levels (“las relaciones con Colombia empiecen a recuperar la normalidad y el respeto”).

Uribe and Correa maintained a cordial relationship overall, although even this wavered to some degree. Despite the praise he would eventually earn from Colombia for collaborating against drug trafficking, Correa still played to his domestic base after receiving a promise that fumigation planes operating under Plan Colombia would not enter Ecuadoran airspace, claiming that he ordered the Ecuadoran Air Force “to intercept any Colombian or U.S. plane that dares to sully the Ecuadoran airspace.” The March raid only increased the rhetoric coming from Correa, who highlighted the death of the Ecuadoran citizen at the camp and promised swift action, noting that “nothing justifies the murder of an Ecuadoran on Ecuadoran soil.” He declared that the

transgression was so bad that “[Ecuador] would not forget this case,” and he rejected some of Uribe’s initial diplomatic overtures, asking publicly “How can we renew relations if they keep trying to link us to the FARC to justify their aggression?”

Uribe, for his part, apologized to Correa at a Rio Group Summit in the Dominican Republic on March 7. The Rio Summit was critical to defusing tensions between the countries, in part because it gave Uribe the platform to pledge that a similar type of raid would never be authorized again by Colombia. This public mending was an important step in the week following the operation, and was followed by a handshake between Uribe and Correa. This public showing led to a drop in the outward hostility that had quickly developed between the two countries, but it did not hide the personal animus between the two leaders. Correa’s expression with Uribe was very stern, and the handshake was not exactly a heart-warming moment. Correa called Uribe’s allegations that the FARC colluded with Ecuador “a pack of lies,” and he was later interrupted by Uribe, who called him “cynical” and accused him of “communist trickery.”

The Summit also helped tone down Venezuelan President Hugo Chavez’s strong rhetoric; he had talked quite directly of war in the days following the raid. With the urging of Brazil, Chavez agreed to demobilize the troops he had promised to send to the border and he too shook hands with Uribe. A critical component of this public rapprochement, however, was the information on the computers seized by the Colombian military. The files, which were deemed authentic by Interpol, contained information about connections between FARC commanders and Chavez allies. The combination of this evidence and Chavez’s declarations of possible war could have resulted in a much worse crisis had both presidents persisted in their attacks. But by backing off Chavez did not provoke Uribe into revealing the contents of the files—and Uribe did not have to escalate the situation even further.

Uribe did describe evidence from the Reyes’ computers that allegedly showed Ecuadoran connections to the FARC, but he used it almost anecdotally. Referencing it at the summit put Correa on the defensive, but more significantly for the long-term it served notice to the Latin American community that Colombia now possessed important and previously secret information that could potentially prove extensive links to the FARC. Even though Uribe left the Summit having had to apologize for the raid, in some ways the mere mention of the files allowed him to come away with leverage as well. Uribe’s apology was soon overshadowed, however, as his administration continued to criticize Correa, with his press secretary referring to the Ecuadoran president as “contradictory” and saying he demonstrated a “lack of seriousness.”

A contentious war of words continued between Colombia and Ecuador, with various levels of both administrations seeking to play to the domestic base and public opinion as much as possible during the conflict. It is clear that both governments and presidents were complicit in exploiting the worsening relationship for domestic political gain by rhetorically provoking nationalist sentiment towards the other.

Evolving Political Perspectives in Colombia and Ecuador

The key issues driving the Colombia-Ecuador relationship show that the most critical differences have transcended Correa’s presidency, and even Uribe’s. So while it is tempting to interpret the fractured relationship as a product of ideological differences—the conservative Uribe versus the socialist Correa—in reality the conflicts began before the terms of either man. Some of their recent actions reveal, however, the ways in which these two presidents attempted to use the passions surrounding the Colombia-Ecuador conflict for their own political gains.

Uribe and Correa both appear to have benefited domestically from their handling of the crisis that followed the raid, producing a political disincentive to quickly repair relations. Correa assumed the presidency with an approval rating of 73 percent, but it fell closer to 50 percent in the months preceding the raid. The week following the raid, however, the Ecuadoran newspaper *El Universo* found that his approval had already risen significantly, to 66 percent. A Cedatos-Gallup poll also documented a rise in support, finding that Correa's approval rating rose to 62 percent in March from a low of 54 percent in February. Most analysis of these polls asserted that Correa's actions had, at the least, "helped rebound" his numbers after a disconcerting dip. By reacting strongly against the raid (Ecuador had tolerated more covertly executed incursions across the border by Colombian forces searching for the FARC in the past), Correa proved that he could directly challenge the Colombian policies that had upset many Ecuadorans for so long. Correa was ultimately re-elected in April 2009 with 54 percent of the vote, avoiding the need for a second round of elections.

Uribe similarly saw his approval ratings rise after the raid, from 80 percent to 84 percent, although given how high they were already, the change is not quite as dramatic as that of Correa. It is also likely that the political rewards were not equal for both presidents. Even throughout the tense first week of the crisis, almost equal attention in Colombia was paid to Chavez's provocations, and the Colombia-Venezuela relationship is of greater overall political concern for Uribe. Still, like Correa, Uribe had reason to use the Reyes killing as a catalyst for coalescing domestic support. He balanced his public apology with an insistence that the raid had been necessary for Colombia's self-defense. He also sent a clear—and domestically popular—message to the region that Colombia was not afraid to engage with the FARC and its alleged supporters throughout South America.

The resulting approval ratings underscore the divergent political outlooks that have come to define the Colombian and Ecuadoran populace in the decade since the implementation of Plan Colombia. The main points of contention were most recently highlighted in August 2009, during the uproar in South America over U.S. plans to lease Colombian military bases in order to launch anti-narcotics operations in Colombia. Although the initial objections revolved around the lack of transparency exhibited by the U.S. and Colombia in making the deal, the crux of the issue soon became regional fears about the expansion of U.S. military capabilities and the possible threat to countries in South America not allied with the U.S. The controversy over the base deal was provoked by the same competing dichotomy of "sovereignty" and "security" that had divided Ecuador and Colombia following the raid. The issue of using the bases was especially relevant for Ecuador, since it is an unverifiable but commonly held belief among "a large proportion of senior officers" in Ecuador that "the United States was an accomplice in the attack." Increased military collaboration between Colombia and the U.S., therefore, was seen as a possible future threat to Ecuador's sovereignty; Correa commented that the regional implications of the deal "greatly worries me, and I can't accept that a U.S. document [describing possible strategic uses of the base] treats us like a back porch."

The issue of security is similarly paramount in Colombia. In the years directly preceding Plan Colombia's implementation the internal armed conflict seriously threatened the country's stability, and the violence severely tested the public's resolve. Under Uribe's security initiatives, and with the consistent urging of the military to maintain a strong offensive, a consensus ultimately emerged about the most effective way forward for challenging the FARC and other insurgent groups: strengthening the military and police force, modernizing the justice system, and focusing manpower on conflict-ridden urban areas while simultaneously seeking to disrupt drug production in those places. These security achievements are undercut, however, when the FARC receives support from sources outside of the country, so there is great hostility directed by

Colombia towards any governments believed to be actively (or tacitly) supporting the group's operations.

Pursuing Personal Political Strategies

Correa's dismissal of high-ranking military officials in the aftermath of the raid provides one interesting and less well-known example of how the diplomatic crisis created openings for pursuing previously-sensitive policy changes. In the month following the raid, Correa took the bold steps of removing his defense minister, army chief of intelligence, and the commanders of the Army, Air Force, and Joint Chiefs. Correa accused these high-ranking officials of sharing intelligence with Colombia, and also charged that they had been complicit in allowing Ecuador's intelligence network to become infiltrated by the CIA.

This accusation dovetailed convincingly with Ecuadoran concerns about sovereignty following the raid, as Correa insisted that his actions were necessary to ensure that Colombian and American intelligence interests in Ecuador received oversight—and not assistance—from the Ecuadoran chain of command. Citing the case of Franklin Aisalla, the Ecuadoran citizen killed during the raid, Correa expressed anger that information about his death was shared by military personnel with Colombian and American intelligence officials, yet never communicated to him. This oversight (whether purposeful or not) was an intelligence breakdown, but it also provided an opportune political justification for Correa to make changes at the highest levels of the powerful Ecuadoran army, which still retains a great degree of influence in the country and has major roles in education, medical care, customs, law enforcement, and telecommunications.

Uribe has also used the tenuous post-raid situation to advance political goals. In part due to his audacious strike at Reyes, Uribe has deftly cultivated the idea that he is the only one capable of sustaining the battle with the FARC and the foreign governments that protect its members. Uribe's supporters have encouraged the perception that Uribe's continued accusations of FARC collaboration with Ecuador represent bold, principled political leadership. Stopping these accusations is one of Ecuador's conditions for starting negotiations, so the references to FARC and Ecuador have diminished. Still, as recently as July 2009, Uribe harshly accused Ecuador of being "abettors of a torturing, criminal, cynical and sadist group."

In this same time period, Uribe was using his domestic clout and political alliances to pave the way for a constitutional referendum that could ultimately allow him to legally run for a third term as president. By September 2009, Colombia's Senate and lower House of Representatives had both approved a referendum on altering the constitution so presidents could serve three consecutive terms.

Pursuing difficult political goals—in these cases "aggressively confront[ing] Ecuador's military" and changing the Constitution in Colombia—partly within the context of the raid is a precarious strategy for both presidents, as it could impact the coming diplomatic maneuverings necessary for rebuilding trust, and eventually, the Colombia-Ecuador relationship. The latest round of meetings between the Foreign Ministers of Colombia and Ecuador were completed in September 2009, when the two countries announced that they would open direct talks and re-name diplomats at their respective embassies. This announcement shows that neither administration wants to perpetuate the diplomatic standoff indefinitely or be accused of overreaching with their policies following the raid; after all, a September 2009 poll in the Colombian magazine *Semana* found that only 5 percent of Colombians were principally preoccupied by the situation with Ecuador, while 31 percent were worried about relations with Venezuela (46 percent found both situations equally worrisome.)

This is specifically relevant to Uribe, who can see that the weight given to Ecuador by public opinion does not imply that he can expect to see long-term gains from sustaining the standoff as is. Even the fraught situation with Ecuador has a limit for how much political benefit Uribe can derive from keeping up hostility.

The Road Ahead: Restoring Relations

It is in both Colombia and Ecuador's advantage to eventually restore their relationship, and they have begun to move in that direction. Repairing the damage from the raid is only one consideration, and both administrations intend to bring a wide range of issues to the table before resuming relations. Colombian Foreign Minister Jaime Bermudez and his Ecuadoran counterpart Fander Falconi discussed a framework for beginning talks at the U.N. General Assembly meeting in New York, which was capped by the September 24 announcement that bi-lateral talks would begin. This was their third meeting since relations had been officially suspended, and another was scheduled for early November 2009.

As small steps toward normalization are taken, it is becoming clearer which issues will receive the most focus in any negotiations. Colombia comes into these meetings with less prior grievances but one major concern: the FARC, and specifically Ecuador's role—whether due to active support or turning a blind eye—in allowing the group to operate from within its borders. Colombia will look to Ecuador and the Correa administration for a full accounting of Ecuadoran contacts with the group, and will press the Correa government to uphold its promise to dislodge the FARC from within its borders. An Ecuadoran commitment to use its intelligence and resources to dismantle FARC encampments near the border will be a desired condition.

Ecuador too will focus on the FARC within their border, asking for an explicit guarantee that Colombia will “never again” undertake a unilateral and unapproved raid, even if other targets are identified in Ecuadoran territory. The issue of sovereignty is of utmost importance and for the Ecuadorans no talks can move to other underlying issues without this Colombian commitment. The Correa administration will look for a clear repudiation of the Colombian assertion that it had the right to bypass borders in an instance of extraordinary national security circumstances. Correa has also made public a series of conditions for restoring relations, most significantly that Colombia should open its files on the raid to public scrutiny (including releasing video of the raid), that copies of the files recovered from Reyes' computer be given to Ecuadoran intelligence for analysis, that Uribe stop asserting that Correa and his administration are linked to the FARC, and that the major Colombian political parties disavow any doctrine supporting preventative strikes outside of Colombia to fight the FARC.

The Ecuadorans have emphasized that they want to see a greater degree of respect and responsibility from the Colombians on issues like refugees and border security, implying that such issues will likely be considered. In fact, the general attitude on the part of representatives from both countries appears to be that all major issues from the preceding decades are on the table for discussion. Both Ministers also emphasized their preference for proceeding cautiously until a greater measure of trust was established between the two parties.

Still, after a year and a half of rocky progress at best, Colombia and Ecuador are visibly moving—slowly—towards re-engagement. Given the increasingly-volatile nature of politics in Latin America, which experienced a military coup (Honduras) and a major crisis over U.S. involvement in the region (the base deal with Colombia) in the course of just a few months, the introduction of confidence building measures agreed upon by both countries will be necessary

before any significant steps towards resuming relations can be taken. Nevertheless, Falconi and Bermudez may find that both sides desire to address a wide range of problems that can be worked on in a bilateral fashion, including improving living conditions in the border region, bilateral development plans, commerce, immigration control, and tourism.

It is also worth noting the influence that outside actors and forces have had, and will continue to have, as Colombia and Ecuador take the first steps towards renewing their relationship. The U.S.-based NGO known as the Carter Center and the OAS have helped facilitate discussions between the two countries. Their representatives were present in New York for the U.N. General Assembly in September 2009 when the foreign ministers met, and they have also been present at lower-level meetings. The Carter Center effort to increase productive dialogue between the two countries actually began before the raid, in 2007, and both OAS Secretary General José Miguel Insulza and director of the Carter Center's Americas Program Jennifer McCoy have attended meetings between Colombia and Ecuador in late 2009 to facilitate the discussion of sensitive issues.

Events of the summer and fall of 2009 have highlighted the tension in South America caused by Colombia's strong alliance with the U.S., and the repercussions of the base deal announced in the summer were especially pronounced in Ecuador. The U.S. government has not publicly taken an active role in mediating the problematic relationship, and it seems that its Colombia policies of the past and future presence in that country have mostly served to exacerbate anxiety and anger in Ecuador towards Colombia.

Brazil has been involved in mediating the conflict from the day of the raid, and has continually encouraged dialogue as a way to manage this dispute. As the days-old conflict was reaching a dangerous level of tension, foreign affairs advisor Marco Aurelio Garcia promised publicly that "all the forces of the Brazilian diplomacy" would be called upon to "find a long-lasting solution to the problem," and Brazilian president Luiz Inacio Lula da Silva visited Correa in Quito soon after the raid. He has also seemed to earn the trust of Uribe, who otherwise has not found extensive support from South American leaders since the raid. In general, Brazil has tried to play a moderating force throughout the conflict, and Lula has been clear in calling for peace in the face of Hugo Chavez's provocations.

The motivating factor for Brazil is maintaining regional stability, and calming the sometimes belligerent rhetoric that threatens the efficacy of cooperation among the South American countries. This is especially true regarding the Union of South American Nations (UNASUR), an institution that was a Brazilian initiative. This is Brazil's favored forum for dealing with a regional agenda, and it would be greatly undermined should regional polarization increase in the coming years.

Venezuela and President Chavez have also asserted themselves in the aftermath of the raid and throughout the resulting diplomatic crisis. Chavez has been consistent in his support for Ecuador and criticism of Uribe's policies, although the degree of influence he has in Ecuador is hard to ascertain and likely varies depending on the situation (Ecuador did join the Chavez-backed Bolivarian Alliance for the Americas, known as ALBA, in 2009). Chavez immediately recalled his ambassador from Bogotá following the raid as a show of support for Ecuador, and threatened to amass troops at the Venezuela-Colombia border, which escalated the tense situation. Relations were reinstated between the two countries within a week, although their relationship has notably reached an incredibly low point in the year and half since the raid.

Other issues (such as Colombian allegations that Chavez provides logistical and material support for the FARC, and the sharp rhetoric between Chavez and Uribe over U.S. base deal) have come into play and make the Venezuelan actions specifically in response to the raid hard to differentiate from its overall antagonistic posture towards Colombia. Uribe and Chavez have met on a number of occasions to discuss the problems between their countries, and although agreements have been made between the two to pursue a better relationship, they still periodically clash over the FARC and U.S. involvement in the region. Chavez has recalled (and then re-instated) his ambassador to Colombia repeatedly since the March raid for various perceived offenses by the Uribe administration. A nuanced perspective shows the antagonistic relationship to be slightly contradictory; it is defined by mutual distrust but had been tempered by doses of economic pragmatism. Chavez is convinced of a pending attack from Colombia supported by U.S. military power, and Uribe is convinced that Chavez gives military and financial aid to the FARC. And trade between the countries, while at a record high in 2008, has now dropped precipitously after Chavez imposed restrictions as a punishment for the Colombian base deal with the United States. Most observers in both countries agree that relations between the two have overall reached historic lows in 2009.

Conclusion

For a crisis that officially began with a military raid, it is revealing that a resolution will look to much more fundamental issues of sovereignty and security. The question of whether Colombia achieved its goals with the raid—whether the risk was worth it—is almost secondary. It is also hard to answer, because it is unknown to what extent Uribe was prepared to tolerate the anticipated backlash. By most accounts, this was a decision that Uribe would not take back. Reyes' death was important politically for Uribe, psychologically for the country, and tactically for the military; it was a major blow to the FARC. The raid also afforded Colombia some of its most important leverage in its war against the FARC—the computer and files said to belong to Reyes. Colombia has used the contents of this computer, whose authenticity was corroborated by Interpol, to press its case against the FARC and put other governments it suspects of collaboration on the defensive.

In this sense, both Reyes' death and the possession of the tapes have allowed Colombia to press ahead with its strategy. Plus, despite the vocal regional support for Correa following the raid, the evidence Colombia recovered at the FARC camp put a much brighter international spotlight on Ecuador's alleged relationship with the FARC and on the group's pervasive presence (politically, if not physically) throughout South America. At most, this neutralized some of the harsh criticism directed at Colombia for the raid and polished Uribe's image domestically. Still, in Ecuador there are practical reasons to ignore the FARC as well as political ones—a major confrontation could possibly provoke violent retribution from the group.

If Correa's principal objective following the raid was to ensure that his country's sovereignty was never again violated under the pretenses of Colombia's national security, he too has successfully moved towards this goal. For Ecuador, as we have seen, claims of sovereignty trump everything else. Correa's deft diplomatic maneuvering in the days after the raid demonstrated that there was clear regional support for his position. It also helped isolate Colombia politically from most of the other South American governments. Not only was he able to build support with natural allies like Chavez and Lula, but he was also successful in pushing the OAS towards official disapproval of the raid. The OAS, after 14 hours of deliberation, stated that they "reject" the raid, although the report did not go so far as to "condemn" Colombia's actions. At the same time, it is interesting to note that the costs of this censure and regional disapproval were not especially high for Colombia apart from the ruptured relationship with Ecuador.

Strengthening and building confidence in this pledge to never again conduct military operations in Ecuador remains a key component for creating a successful negotiating environment. Given the expectation that diplomatic relationships will eventually be restored, Correa's firm stance on the issue means he will probably be able to secure an agreement from Colombia that Ecuador was not previously in a position to obtain. This new willingness of Colombia to engage on such an issue has become increasingly apparent. At the August 2009 UNASUR meeting, Uribe asserted that Colombia had not sprayed within miles of the Ecuadoran border due to Ecuador's demands, and requested a future "dialogue" about resolving the core components of the long-standing issue ("Desde febrero, marzo de ese año, no hemos fumigado esos 10 kilómetros en territorio colombiano contados a partir de la línea de frontera. Usted nos demandó. Quisiéramos poder tener un diálogo para hablar de los pleitos").

One thorny issue likely to remain unsolved, even with the resumption of relations, is how to address the problem of the FARC. Colombia would of course like to see a full disclosure of any ties between Correa administration members and the FARC, and Uribe also wants a commitment from Correa to cooperate on actual operations that would attempt to push the FARC out of their sanctuaries near the border. This is consistent with the Uribe administration's larger strategy of trying to hold neighboring governments to strict account in their dealings with the FARC. These goals will prove to be more difficult to achieve. The truth of that matter is that several Latin American governments have maintained some level of contact with the FARC over the past decade, a reality of which the Colombian government is aware. The recovered files showed that the FARC was connected to communist parties in Brazil, Argentina, Mexico, Chile, and even Spain. Despite the FARC's recent losses, it is still retains a strong military capacity and continues to be heavily involved in the drug trade.

A more likely compromise might involve displays of good faith on the part of Ecuador to challenge the FARC in their territory, by conducting targeted military operations in border areas known to be frequented by the FARC. Ecuador has been eager to invoke raids they have undertaken in the past, but these efforts have been sporadic and Colombia wants a more consistent commitment that the FARC will be pursued using all the capabilities of the Ecuadoran military and intelligence apparatus. As of this writing, Uribe has made claims of new FARC encampments discovered in Ecuador, and Correa has publicly responded by saying, "Let [Colombian intelligence] tell us where they are and we catch them." He also added, "We can work together like we always have." This type of public dialogue shows that while neither leader is afraid to challenge the other, they are also exploring ways to engage on the absolutely crucial issue of FARC presence in Ecuador in a respectful, deliberate manner.

Reconciliation between Colombia and Ecuador has reached an important stage, but it is unlikely to be a smooth path. In 2010, each country will have to make good-faith gestures and follow through on at least some of the confidence-building mechanisms to show that it is serious about re-engaging with the other. The meetings between Falconi and Bermudez have been encouraging, as are the recent exchanges between Correa and Uribe about aerial spraying and FARC bases in Ecuador. On October 15, however, an Ecuadoran judge issued an arrest warrant stemming from the March raid for General Freddy Padilla de Leon, the commander of the Colombian armed forces. Although Colombia does not concur that the Ecuadoran justice system has jurisdiction to investigate Colombian officials, this type of diplomatic fighting is not conducive to continued reconciliation.

As of this writing, the issuing of the warrant caused a postponement of a planned meeting in Ecuador between Padilla and Ecuadoran General Fabian Varela. The small spat temporarily

scuttled what could have been a productive meeting about how the two countries' militaries could cooperate in a new relationship, but it will not derail the reconciliation process. The judge who issued the warrant is independent of the government, and Falconi indicated that the warrant was not requested by the Correa administration. Nevertheless, this roadblock illustrates the difficulties and obstacles facing both countries as formal talks become more regular. The issuing of the arrest warrant also emphasizes that despite progress in the closing months of 2009, there is still a great deal of anger about the raid and other key issues of Ecuadoran sovereignty waiting to be worked out.

In 2010 it is important that Correa and Uribe maintain conciliatory gestures towards each other. It will be interesting to see the effect that Uribe's possible run for a third term as President will have on the progress between Colombia and Ecuador. Correa was re-elected to a four year term in April, which will also affect his conduct in this time period. Uribe's bid to extend term limits so that he can run again is viable partly because of his popularity from dealing with the FARC and Colombia's neighboring countries aggressively, but it is not likely that Uribe will ratchet up tensions again with Ecuador to gain domestic support. The public progress made to improve the relationship is already such that a worsening of ties would probably not help Uribe, nor would it resonate with the Colombian electorate. A level-headed, deliberate stance from Correa, currently the rotating-president of UNASUR, can also be expected.

Barring a major regional crisis, Colombia and Ecuador appear to be on the path to restoring relations. It is a positive sign that both countries seem serious about ensuring that future relations be contingent on a new paradigm of cooperation and understanding with regards to shared problems and grievances. It is wise for Colombia and Ecuador to move at a steady pace, because in reality, restoring relations is not about returning to the status quo prior to March 1, 2008. As we have seen, the problems in the Colombia-Ecuador relationship transcended the raid, and encompassed key issues for many neighboring countries: sovereignty, security, and mutual respect.

In a region of the world where there is still much polarization and disarray, it is important for Colombia and Ecuador to show that two neighbors, regardless of their ideological differences and admittedly divergent national interests, can build a working relationship to address the key problems facing their citizens. These differences will not disappear, but 2010 is the year in which they can start to be better understood and addressed without undue threats to peace and stability.

“Mediation off before it begins”

Latin American Newsletters – Latin America Weekly Report, page 7
11 March 2010

Venezuela’s foreign minister, Nicolás Maduro, suspended a trip to Santo Domingo on 8 March to meet Dominican President Leonel Fernández, who is leading the mediation efforts of a ‘Group of Friends’ to effect a rapprochement between Venezuela and Colombia. Both countries had agreed to mediation at a Rio Group summit in late February [WR-10-08]. But, this was settled just before Colombia’s constitutional court barred President Alvaro Uribe from seeking re-election, and Maduro made it clear Venezuela was now intent on waiting for the arrival of Uribe’s successor before seeking to improve ties. Uribe reacted by indirectly accusing Caracas of trying to “impose” a candidate and policies on Colombians.

Maduro did not provide a convincing explanation for his decision to postpone his Dominican trip. Venezuela sent a diplomatic note to the Dominican foreign ministry complaining that Fernández was carrying out a “unilateral agenda of mediation”. Fernández met Uribe last week in Colombia and visited the border city of Cúcuta, where he met vendors who complained about restrictions imposed by the Venezuelan government on Colombian imports.

“We have to turn our backs on the past; everybody is thinking about ‘posturibismo,’” Maduro declared on the current affairs programme, José Vicente hoy (named after its host and former Vice-President José Vicente Rangel), a day before his trip was scheduled to take place. He said it was necessary to “wait for the arrival of a new head of state (in August) to move forward,” while focusing on “creating the conditions for that moment”. The foreign affairs committee of the national assembly concurred, arguing that it was pointless to negotiate with a lame duck. If all this was designed to goad Uribe, it worked. He bluntly stated that Colombians must resist the pressure of “foreign governments” and “elect the candidate they want, and the policies they want, not policies others try to impose on us from outside.” Maduro knows, of course, that any talk of ‘post-Uribismo’ is very premature.

Uribe is determined to see his policies re-elected and his bellicose former defence minister, Juan Manuel Santos, is the clear early frontrunner. Santos was formally proclaimed the presidential candidate of the Partido de la U, the largest party in the Uribista coalition, this week to compete in the elections on 30 May. Judging by his announcement of an ambitious 10-year plan of governance, Santos does not envisage an era of ‘post-Uribismo’ any time soon. Santos said his main priorities were consolidating Uribe’s “democratic security policy”, and totally eradicating “narco-terrorist violence,” while extending “democratic prosperity” to poorer, rural areas.

“U.S. Troops in Colombia: A Threat to Peace”

By Gregory Wilpert

NACLA Report on the Americas 42:5, Sep/Oct 2009, page 3

IN AUGUST, A DEAL WAS ANNOUNCED IN WHICH the U.S. military will be granted the use of five military bases in Colombia, in addition to the two it already uses, to fight drug trafficking and guerrillas. This is the latest move in which the U.S. military has raised its profile in Latin America, coming a year after the Bush administration reactivated the U.S. Navy's Fourth Fleet, which continues to patrol Latin American waters under President Obama.

Military spokesman Frank Mora told the Associated Press that the United States would not maintain any "offensive capacity" at the bases. "There's not going to be F-16s flying in or tanks or anything of the sort," he said reassuringly. Yet the main problem is not that the few hundred U.S. troops newly stationed in Colombia will necessarily represent a direct threat to Colombia's immediate neighbors, Ecuador and Venezuela. Rather, the threat is that the U.S. military presence will exacerbate tensions between Colombia and the rest of the region.

While almost all presidents of South America questioned Colombia's acceptance of greater U.S. military presence in its country, Venezuela's Hugo Chavez went much further. After Colombia attempted to justify its decision by repeating its claim that Venezuela supports Colombia's largest guerrilla group, the Revolutionary Armed Forces of Colombia (FARC), Chavez temporarily withdrew his ambassador, threatening to cut off trade with Colombia and to nationalize Colombian companies operating in Venezuela. Thus in no time did the announcement of an increased U.S. military presence in the region contribute to the latest and potentially most damaging crisis in relations between Venezuela and Colombia.

Of course, many blame Venezuela for this crisis, arguing that it is Chavez's supposed support for the FARC that makes heightened tensions inevitable and greater U.S. involvement necessary. Over and over again Colombia's military intelligence service brings forth new electronic "evidence" that Venezuela is supporting the FARC. Leaving aside the highly questionable source of this evidence - laptops recovered from a bombed-out FARC camp - no one has been able to show that Chavez has any interest in supporting Colombia's guerrilla groups. To begin with, Chavez has on several occasions called on the FARC to lay down its arms and declared that a negotiated settlement is the only way to end the Colombian conflict. Chavez knows that Venezuela has nothing to gain but trouble from the continuation of Colombia's civil war.

Yet this is what having more U.S. troops in Colombia is sure to accomplish: heating up the country's civil war, which has spilled over into neighboring countries for years. Venezuela is already home to one of the world's largest refugee populations, with an estimated 4 million Colombians living there who fled their country's violence. Moreover, the conflict regularly causes border clashes between the Venezuelan and Ecuadoran armed forces and Colombian armed groups (military, paramilitary, and guerrillas). It also contributes to lawlessness and crime throughout the Colombian border region.

If mounting tensions lead to a cut-off in trade between Colombia and Venezuela, both economies will suffer - Colombia's probably more so, since it sells about six times as much to Venezuela than vice versa, and since it is generally more difficult to find new markets than it is to find new suppliers. Furthermore, trade is one of the best guarantors of good relations. Without it, the possibility is much greater of a conflict erupting between the two countries, a conflict far more serious than has yet taken place.

Together with the Obama administration's tepid opposition to the coup in Honduras, the increased U.S. military presence in Colombia indicates that the United States is more interested in continuing its long history of fomenting division within Latin America.

“U.S.-Colombia Defense Cooperation Agreement”

U.S. Department of State, Office of the Spokesman

18 August 2009

On August 14, 2009, the United States and Colombian governments reached provisional agreement ad referendum on a Defense Cooperation Agreement (DCA). The agreement is now undergoing final review in anticipation of signature.

The United States and Colombia enjoy a close and strategic bilateral relationship. The anticipated signing of the DCA (formally titled a Supplemental Agreement for Cooperation and Technical Assistance and Security, or SACTA) will deepen bilateral cooperation on security issues. The DCA will facilitate effective bilateral cooperation on security matters in Colombia, including narcotics production and trafficking, terrorism, illicit smuggling of all types, and humanitarian and natural disasters.

The DCA does not permit the establishment of any U.S. base in Colombia. It ensures continued U.S. access to specific agreed Colombian facilities in order to undertake mutually agreed upon activities within Colombia.

The agreement facilitates U.S. access to three Colombian air force bases, located at Palanquero, Apiay, and Malambo. The agreement also permits access to two naval bases and two army installations, and other Colombian military facilities if mutually agreed. All these military installations are, and will remain, under Colombian control. Command and control, administration, and security will continue to be handled by the Colombian armed forces. All activities conducted at or from these Colombian bases by the United States will take place only with the express prior approval of the Colombian government. The presence of U.S. personnel at these facilities would be on an as needed, and as mutually agreed upon, basis.

The DCA does not signal, anticipate, or authorize an increase in the presence of U.S. military or civilian personnel in Colombia.

The presence of U.S. military and associated personnel in Colombia is governed by statute. In October 2004, Congress authorized the permanent or temporary assignment of up to 800 U.S. military personnel and up to 600 U.S. civilian contractors. That cap will continue to be faithfully respected. In fact, in recent years the actual presence of such U.S. personnel has averaged half or less of the authorized number. Consistent with U.S. policy to nationalize U.S.-supported activities by turning them over to Colombian authorities, U.S. personnel presence has been in a gradual decline. It is the United States' expectation and commitment that those trends will continue.

At a technical level, the DCA harmonizes and updates existing bilateral agreements, practices, and arrangements on security matters, and continues to ensure appropriate protections and status for U.S. personnel. Bilateral U.S.-Colombian engagement in the security sphere is governed by conditions set in a number of bilateral agreements, including the 1952 Mutual Defense Assistance Agreement, the 1962 General Agreement for Economic, Technical and Related Assistance, and related subsequent agreements in 1974, 2000, and 2004.

“Leaders Criticize Colombia Over U.S. Military Pact”

By Alexei Barrionuevo and Simon Romero

New York Times

28 August 2009

RIO DE JANEIRO — Left-leaning South American leaders criticized Colombia on Friday for agreeing to allow the United States to increase its military presence on Colombian bases.

At a meeting in Bariloche, Argentina, leaders from Venezuela, Ecuador and Bolivia made clear their vehement opposition to the decision by President Álvaro Uribe of Colombia to expand cooperation with the United States to counteract narcotics trafficking and violence by insurgents.

President Rafael Correa of Ecuador and President Hugo Chávez of Venezuela demanded that Mr. Uribe give the group that was gathered, known as the Union of South American Nations, copies of the signed agreement with the United States. Mr. Correa argued that the accord put the region’s stability at risk.

“You are not going to be able to control the Americans,” Mr. Correa said. In response, Mr. Uribe insisted at the meeting, which was televised, that Colombia would not cede its sovereignty or even a “millimeter” of its territory to the United States. He said that the military bases would remain under Colombian control and that American soldiers would work only to combat drug trafficking and domestic terrorism.

He also told the leaders that a copy of the 20-point accord with the United States was available on the Internet. Despite the heated speeches, the only consensus the presidents reached at the meeting was to support a document that, without referring to the accord, rejects foreign military threats to the sovereignty of the group’s 12 member nations.

At the end of the session, President Luiz Inácio Lula da Silva of Brazil, who leads the region’s rising economic and political power, chastised his colleagues for speaking too much and complained about the rather vague outcome. “When the meeting seemed to have finished,” he said, “it turns out we’re discussing everything again.”

In defending the agreement, Colombia and the United States have said that it simply expands their existing cooperation. American antidrug surveillance flights would rise sharply in Colombia, but American personnel would not be allowed to take part in combat operations in the country.

American and Colombian officials have also said that the accord will not raise the maximum level of American soldiers beyond the 800 already permitted. About 250 American military personnel are currently in Colombia.

The agreement “does not allow the transit of troops or warships because our Constitution prohibits it,” Mr. Uribe said. “This is an arrangement for tactical intelligence and strategy.”

Mr. Correa, with support from Mr. da Silva and President Cristina Fernández de Kirchner of Argentina, suggested meeting with President Obama to discuss the accord. Mr. Uribe contended that the United Nations was a more appropriate forum.

The United States, which is not a member of the regional association, did not send an observer. “We and the Colombians have been clear about the nature of the bilateral agreement,” Charles

Luoma-Overstreet, a State Department spokesman, said in an e-mail message. "We will continue to reach out to our hemispheric neighbors to explain the agreement."

Mr. Chávez had previously described the accord as a step toward war and had said it involved American designs on Venezuelan oil. He has been threatening to break off diplomatic relations with Colombia.

President Alan García of Peru, who has warm relations with the United States, took a shot at Mr. Chávez, noting Venezuela's continued willingness to export oil to the United States.

"Man, why are they going to dominate the petroleum if you already sell it all to the United States?" Mr. García said. The remark drew laughter, though not from Mr. Chávez.

Some countries, including Brazil and Chile, offered a less polarized assessment of the agreement. While some presidents said that they, too, had reservations about the presence of foreign soldiers on the continent, they also said Colombia's neighbors should respect its sovereignty.

In response to criticism that the accord represented the continuation of American imperialism in the region, Mr. Uribe said the American soldiers were needed to help resolve Colombia's four-decade war against guerrillas who have financing from the lucrative cocaine trade. About 90 percent of the cocaine produced in Colombia is smuggled into the United States, despite more than \$6 billion of American security aid to Colombia over the last decade to combat insurgents and trafficking.

Mr. Uribe insisted that the agreement would have no effect on Colombia's neighbors. He acknowledged that relations with Venezuela, Colombia's second-largest trading partner, had become difficult and asked Mr. Chávez to refrain from threatening to use Venezuela's newly acquired arsenal of Russian weapons and aircraft, including Sukhoi fighter jets, against Colombia.

"On various occasions Mr. Chávez has said that at any moment he'd turn on his Sukhois and in a few minutes they are in Colombia," Mr. Uribe said.

Mr. Chávez, for his part, spoke of his deep mistrust of Mr. Uribe and of destabilization plots that he said originated in Colombia; he was referring to about 300 Colombians who were arrested in Caracas and described as paramilitary combatants. Mr. Chávez said the men were planning a coup against him.

Alexei Barrionuevo reported from Rio de Janeiro, and Simon Romero from Caracas, Venezuela.

Excerpt from “Country Report 2009: Colombia”

Freedom House

Political Rights and Civil Liberties

Colombia is an electoral democracy. The 2006 legislative elections, while an improvement over the 2002 contest, were marred by vote buying, district switching, opaque financing, paramilitary intimidation, and violence. That year’s presidential election was, by comparison, fairly peaceful. The 2007 regional and local elections repeated some of the flaws of the congressional polls but also marked an improvement over the last such elections in 2003.

The Congress is comprised of the Senate and the Chamber of Representatives, with all seats up for election every four years. Of the Senate’s 102 members, two are chosen by indigenous communities and 100 by the nation at large, using a party-list system that features a 2 percent national threshold. The Chamber of Deputies consists of 166 members elected by party-list proportional representation in multimember districts. President Alvaro Uribe’s 2006 reelection came after a drawn-out constitutional amendment campaign to allow a second four-year presidential term. During 2008, Uribe would not say whether he would attempt to stand for a third term, causing increased institutional uncertainty. Supporters collected enough petition signatures to launch a constitutional amendment referendum on the issue, but the effort stalled amid serious doubts about its financing, the wording of the question, and the procedures used to move the referendum through Congress.

The traditional Liberal-Conservative duopoly in Congress has in recent years been supplanted by a rough division between anti-Uribe forces on the left and pro-Uribe forces on the right. The shift was partly the result of 2003 reforms designed to open the system and contain the problem of party fragmentation, while also leveling the playing field with regard to campaign financing and media access. Further proposed changes proved controversial in 2008, especially the opposition’s argument that seats vacated by lawmakers implicated in the parapolitics scandal should be left empty rather than filled by the next candidate on their party list. A bill that gained Senate approval in December included provisions to encourage internal party democracy and discourage clientelism, but it was denounced by critics both for laxity regarding parapolitics-linked parties and for the disordered legislative atmosphere in which it was passed.

Corruption affects virtually all aspects of public life. In the most prominent corruption scandal of 2008, the chief prosecutor in Medellin—the brother of the interior minister—was placed under investigation for suspected cooperation with drug traffickers. Also during the year, the demobilization and confession process produced details on the paramilitaries’ plundering of local treasuries in concert with local authorities. Colombia was ranked 70 out of 180 countries surveyed in Transparency International’s 2008 Corruption Perceptions Index.

The constitution guarantees freedom of expression, and opposition viewpoints are commonly expressed. However, crime and conflict make it difficult for journalists to conduct their work. Dozens of journalists have been murdered since the mid-1990s, many for reporting on drug trafficking and corruption; most of the cases remain unsolved. Although none were killed in connection with their work in 2008, aggression and threats against reporters continued, and self-censorship remained common. The Uribe administration has repeatedly questioned the patriotism of journalists and accused them of antigovernment bias or links to guerrillas. Slander and defamation remain criminalized, and the incidence of these charges rose in 2008. The government does not limit or block access to the internet or censor websites.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The authorities also uphold academic freedom, and university debates are often vigorous, although armed groups maintain a presence on many campuses to generate political support and intimidate opponents.

Constitutional rights regarding freedoms of assembly and association are restricted in practice by violence. In 2008, soldiers were captured on video firing at indigenous protesters who eventually marched from southern Colombia to Bogota to voice their grievances. Although the government provides extensive protection to hundreds of threatened human rights workers, numerous activists have been murdered by the military or rightist paramilitary forces. Uribe has called rights workers “spokespeople for terrorism” and cowards. These remarks and the sometimes baseless legal cases brought against human rights defenders are sometimes interpreted as a green light to physically attack them. From 2006 to 2008, at least 20 victims’ rights and land activists were killed; advocates for the displaced face special risk as former paramilitaries seek to smother criticism of their ill-gotten assets.

Over 60 percent of all trade unionist killings occur in Colombia, making it the world’s most dangerous country for organized labor. More than 2,600 union activists and leaders have been killed over the last two decades, with an impunity rate of over 95 percent. In 2008, the number of killings rose to 49, from 38 in 2007, but this still represented a notable decline from the numbers earlier in the decade. Labor leaders are frequently targeted by paramilitary groups, guerrillas, and narcotics traffickers. In 2008, the issue continued to hold up ratification of a bilateral free-trade agreement by the U.S. Congress. In response, the government has worked with the International Labor Organization and formed a special unit of prosecutors that, starting in 2007, substantially increased prosecutions for assassinations of union members. A number of strikes occurred in 2008, including one by judicial employees that was settled only after Uribe declared a “state of internal commotion” that allowed greater leeway to deal with the strikers.

The justice system remains compromised by corruption and extortion. The traditional civil law system has been phased out in favor of an oral, adversarial system. The Constitutional Court and Supreme Court have, on several occasions, demonstrated independence from the executive, which has led to tensions with Uribe. In 2008, the local press reported on a series of meetings between representatives of former paramilitaries and executive branch functionaries, and suggested that they discussed a campaign to discredit the Supreme Court.

The civilian-led Ministry of Defense oversees both the military and the national police. However, many soldiers operating in Colombia’s complex security environment work under limited civilian oversight. The government has in recent years convicted an increased number of military personnel for grave human rights abuses.

Human rights groups in 2007 reported a marked rise in extrajudicial killings by state agents over the past several years. In many cases, soldiers killed civilians, dressed them as guerrillas, and tampered with crime scenes to inflate battle statistics and cover up their actions. In 2008, the problem was shown to be more extensive and systematic than previously understood, with impoverished urban youths in some cases being lured by offers of work, only to show up as dead “guerrillas” within days or weeks. Army chief Mario Montoya and several dozen other officers were fired over the scandal, and hundreds of soldiers remained under investigation at year’s end. The Uribe government was blamed in part for pressuring the military to show results based on body counts.

Right-wing paramilitaries and left-wing guerrillas, some of whom are involved in drug trafficking, systematically abuse human rights. FARC guerrillas regularly extort payments from businesspeople, use hostages as human shields, and lay landmines that maim and kill civilians. Impunity is rampant, and victims often express frustration with the government's level of commitment to obtaining economic reparations and prosecuting perpetrators. In April 2008, the Senate passed a victims' rights bill that was considered a major step forward, but the lower house subsequently watered it down, making it more difficult for victims of state forces to receive reparations. Victims also expressed concern during the year that demobilized paramilitaries had returned just a fraction of the millions of acres of land they seized while ostensibly fighting the guerrillas.

Colombia's more than 1.7 million indigenous inhabitants live on more than 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are contested by the various armed groups. Indigenous people are frequently targeted by all sides, including the security forces. Colombia was the only Latin American country to abstain in the 2007 vote to adopt the Declaration on the Rights of Indigenous Peoples in the UN General Assembly.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest sector of Colombia's 3.8 million displaced people, and 80 percent of Afro-Colombians fall below the poverty line. The displaced population as a whole suffers from social stigma, arbitrary arrest, and exploitation, as well as generalized poverty. The fierce combat in the first half of 2008 resulted in nearly 270,000 newly displaced people, reportedly the largest such increase in over 20 years.

Homosexuals face active discrimination, but in 2007, the Constitutional Court ruled that homosexual couples must be made eligible for various benefits, which were expanded in April 2008.

Child labor is a serious problem in Colombia, as are child recruitment into the armed groups and related sexual abuse. Sexual harassment, violence against women, and the trafficking of women for sexual exploitation remain major concerns. Amnesty International has reported that combatants on all sides treat women as "trophies of war." Almost 60 percent of the displaced population is female. The country's active abortion-rights movement has challenged restrictive laws, and in 2006, a Constitutional Court ruling allowed abortion in cases of rape or incest or to protect the mother's life.

“In Colombia, democracy is stirred but not shaken”

By Robert Kagan and Aroop Mukharji

The Washington Post

9 March 2010

There is plenty of pessimism about democracy these days, and autocrats seem to be on the march on every continent. So we should take note when democracy triumphs over autocratic temptations.

That's what happened in Colombia recently. President Álvaro Uribe had hinted for some time that he might run for a third consecutive term, despite the constitution's two-term limit. Last summer Colombia's House and Senate, controlled by allies of Uribe, passed a bill to change the constitution. The next and final step was a popular referendum in May to endorse Uribe's reelection. If that sounds familiar, it should. It was by popular referendum that Venezuela's Hugo Chávez installed himself as a virtual president-for-life. But late last month Colombia's constitutional court rejected the bill. The referendum is dead, and Colombia's democracy lives.

Uribe would almost certainly have been reelected had he been allowed to run again. He is overwhelmingly popular in Colombia. He has beaten back terrorism and the drug cartels and made even the streets of Medellín safe to walk. If anyone could make a case for a third term, it was Uribe. And if the court decided to approve the referendum, many were prepared to look the other way.

Fortunately, the court took a different view, perhaps understanding that a third term would have been bad for Colombia, bad for the hemisphere and bad even for Uribe. It would have been a blow -- possibly fatal -- to the democracy he has done so much to save.

More than reflecting the immediate desires of the people, a successful democracy must also rest on strong institutional and legal foundations that are above any one man. Especially in a nascent democracy, the integrity of institutions is as important as the will of the people. The Colombian constitution is only 20 years old, and it was already changed four years ago to allow Uribe to run for a second term. Had he been in office four more years, Uribe would have ended up appointing most of the supreme court and the top generals. In effect, a third term would have paved the way for Uribe to build a government around himself.

Some Colombians drew analogies between Uribe and Franklin Roosevelt, the only U.S. president to be elected more than twice. In the 1930s and '40s, however, American democracy was deep-rooted and unchallenged, and the short break from the norm led to strict term limits that have been observed since. Colombia is a young democracy whose future is in doubt.

A better model for those on the cusp of being "presidents for life" would be George Washington. When American democracy was young and fragile, Washington chose to limit his time in office despite his popularity. He understood a fundamental axiom of democracy -- that there is more than one person fit to lead a country through a robust government. In several countries, this principle has been sacrificed for personal ambition and misguided notions of irreplaceability.

The effect of a third Uribe term would have extended beyond Colombia. Democracy is being undermined across South America, where hyper-presidencies and constitutional change have become commonplace. Uribe would have strengthened a trend begun by Chávez, joined by Ecuador's Rafael Correa, Bolivia's Evo Morales and attempted in Honduras by Manuel Zelaya.

Instead, Colombia has pushed back against this wave of autocracy and struck a blow that should resonate. Tempted by easy constitutional change, Colombia chose instead to set a model for durable and peaceful democratic transitions of power.

Uribe is the ultimate hero of this story. Whatever his personal desires, he allowed the court to do its job without interference. Whatever his accomplishments, including defeating terrorists and giving Colombians hope, his greatest gift to his people will be a society and political system based not on the power and appeal of an individual but on the rule of law.

It is hard to know what role the Obama administration played in all this. President Obama had privately urged Uribe against seeking a third term, but the administration had done little in public. It is difficult to say whether this was to avoid the appearance of a heavy hand or because the administration is hesitant to make democracy promotion a priority.

But the Obama administration will soon have opportunities to do more. Egypt, for example, is a democracy in name only, and it is to hold parliamentary elections this year. One hopes that Obama seizes these and other chances to further America's interest in a democratic world. We will not always be able to count on the willingness of powerful men to place themselves under the law.

Robert Kagan, a senior associate at the Carnegie Endowment for International Peace, writes a monthly column for The Post. Aroop Mukharji is a junior fellow at Carnegie.

Excerpt from “International Narcotics Control Strategy Report: Volume I”

U.S. Department of State
2010

Colombia

I. Summary

The Government of Colombia (GOC) continues to make significant progress in its vigorous fight against the production and trafficking of illicit drugs. Citing record coca eradication in 2008, the United States Government (USG) and United Nations separately reported significant declines in cocaine production potential and coca cultivation in Colombia in 2008. The USG estimated that cultivation in 2008 was down 29 percent compared to 2007, from 167,000 to 119,000 hectares.

Crediting sustained aerial eradication and increased manual eradication operations in 2008, it also reported a decline in pure cocaine production potential of 39 percent, from 485 metric tons in 2007 to 295 metric tons in 2008, which is also a 58 percent drop from the 700 metric tons production potential in 2001. Nevertheless, Colombia remains a major drug producing country. Colombia’s National Consolidation Plan, supported by the United States, seeks to integrate security, counternarcotics, alternative development and justice programs in targeted zones to reduce violence and consolidate security and state presence in priority areas.

In 2009, the GOC continued its aggressive interdiction and eradication programs and maintained a strong extradition record for persons charged with crimes in the U.S. According to the Colombian Government, Colombia seized during 2009 over 205 metric tons of cocaine and cocaine base and eradicated approximately 165,000 hectares of illicit coca crops. The GOC also began to address increasing domestic drug consumption and raised the profile of drug prevention and treatment efforts. Colombia is a party to the 1988 UN Drug Convention.

II. Status of Country

Colombia’s capacity to combat the illegal drug trade has significantly increased, in part with the help of assistance from the United States. Major gains in disrupting the drug trafficking structure and drug growing and distribution cycles have been made. Despite an unwavering commitment to combat illegal drugs, Colombia remained one of three principal cocaine producing countries, a leading market for precursor chemicals, and the focus of significant money laundering activity.

The majority of Colombian cocaine was smuggled to the U.S. via maritime means through Mexico and other countries in the transit zone, but a growing percentage is also destined for Europe and Brazil. According to DEA, almost 90 percent of the cocaine and 60 percent of the heroin seized in the United States originates in Colombia.

Narcotics traffickers exploit Colombia’s vast jungles and mountainous terrain for illegal drug production, and use Pacific and Caribbean seaports, multiple international airports, a growing highway system, and extensive river ways to transport illegal narcotics outside Colombia.

While illegal drugs are still primarily exported, domestic consumption is on the rise. With the completion in 2009 of the first National Household Drug Consumption Study since 1996 and the launch of the first National Drug Consumption Reduction Plan for 2009-2010, the GOC established a baseline to measure drug consumption trends in Colombia and devised a comprehensive policy to be implemented nationwide.

The United States has designated three illegal armed groups in Colombia as Foreign Terrorist Organizations (FTOs). The Revolutionary Armed Forces of Colombia (FARC) and, to a lesser degree, the Army of Liberation (ELN) exercise considerable influence over areas with high concentrations of coca and opium poppy cultivation. Their involvement in narcotics fuels armed conflict, insecurity, and generates one of the world's largest internal displacements of rural populations. The third FTO, the United Self-Defense Forces of Colombia (AUC), officially demobilized in 2006, but remnants of these paramilitary forces remained involved in drug trafficking. A comprehensive demobilization and reintegration program for most members of FTOs is being implemented, but a significant number of former mid-level AUC commanders direct the drug trade through their involvement with criminal organizations in areas of former AUC influence.

III. Country Actions Against Drugs in 2009

Policy Initiatives. To address the complexity and inter-connectedness of security, counternarcotics programs and economic development, the GOC launched a "National Consolidation Plan" in 2009 that focuses on priority areas where violence, drug trafficking and social marginalization converge. The National Consolidation Plan centered on increasing territorial control in these areas to provide security for communities; achieve lasting eradication; transfer security from the military to the police; and provides a wide range of government social and economic services. Regional Coordination Centers staffed by civilian, police and military personnel coordinated this comprehensive approach.

A pilot project for the National Consolidation Plan began in late 2007 in the Macarena region of the Department of Meta. Early indications of this effort in 2009 were positive, particularly in mitigating the growth of coca. The United Nations reported that coca cultivation in the Macarena Consolidated Program (PCIM) was down 73 percent in 2008, evidence that GOC consolidation efforts have been successful in reducing coca cultivation there. To consolidate the successes made under Plan Colombia and help the GOC implement its National Consolidation Plan, the United States delivered its comprehensive assistance in a more sequenced approach to help establish a government presence in former conflict and rural areas, deter coca replanting after eradication, improve interdiction along Colombia's Pacific coastline and provide alternative livelihoods for those engaged in the drug trade.

One of the central components to improving local security and government presence was increasing access to justice in Colombia and fighting impunity. The nationwide transition to an oral accusatory system of justice was completed on January 1, 2008, along with implementation of a new Criminal Procedure Code, which greatly assisted in resolving cases in a timely manner and improved conviction rates.

Accomplishments. The GOC's National Directorate for Dangerous Drugs (DNE) reported that Colombian security forces seized a total of 205.85 metric tons of cocaine and cocaine base, 191.6 metric tons of marijuana, 740 kilograms of heroin, over 1.35 million gallons and 3.54 million kilograms of precursor chemicals, while destroying 285 cocaine hydrochloride (HCL) labs and 2,795 coca base labs during 2009.

The Colombian National Police's (CNP) Mobile Rural Police Squadrons (Carabineros) are charged with expanding and maintaining police presence in rural and conflict areas throughout Colombia. In 2009, the Carabineros captured over 6.4 metric tons of cocaine, 1,121 weapons, over 50,000 rounds of ammunition, 1,205 kilograms of explosives and destroyed over 160 base

labs. In addition, Carabinero units captured 1,072 persons, including 51 FARC/ELN members, 228 individuals associated with criminal bands (BACRIM), 64 narcotics traffickers and 729 common criminals. Currently 20 out of 71 Carabinero squadrons are assigned to manual eradication operations providing security for civilian eradicators. The CNP's main interdiction force, the DIRAN's Jungle Commandos (Junglas), or airmobile units, were largely responsible for the significant number of HCL and coca base labs destroyed in 2009.

Law Enforcement Efforts. In light of the growing link between Colombian drug traffickers and narcotics trafficking gangs in Mexico and Central America, the CNP assisted law enforcement agencies throughout Central and South America to improve their abilities to respond to the threat of illegal drug trafficking and drug-related violence and increase coordination among regional law enforcement entities.

Under the Colombia-Mexico Police Cooperation Program, the GOC provided counternarcotics and criminal investigative training as part of the Mexican Secretariat of Public Security (SSP) police reform initiative. These efforts included providing more than 40 Colombian National Police instructors to assist in the international effort to train 10,000 Mexican federal police, training for 61 Mexican senior law enforcement executives at the CNP Academy, and offering specialized CNP training for an additional 240 mid-level SSP officers. Colombia provided state-level CNP training in Mexico, with an abbreviated Jungla course on drug interdiction operations; training Mexican state police in antikidnapping and investigative techniques; and two-months of CNP Junglas' instruction for local Mexican police.

Colombian judicial training for Mexican police has also been part of Colombia's engagement with Mexico.

DIRAN also hosted the "International Jungla Commando Course" two times annually in Colombia.

Police and military units from throughout Latin America routinely send representatives to the training, including Panama, Costa Rica, Belize, Mexico, Argentina, Paraguay, Brazil, Peru, Jamaica and the Dominican Republic. Other CNP assistance in the region included training for representatives from the Dominican Republic, Guatemala and Peru on cargo and passenger control at ports and airports. The CNP helped the United Nations with its ongoing multilateral efforts to improve the Haitian police force.

The DIRAN Judicial Police unit, which began work in 2006 to gather evidence for asset forfeiture proceedings against property owners cultivating or processing illegal crops, is estimated to have seized in 2009 illicitly obtained assets in excess of \$600 million. The seizure of these assets was important to deterring cultivation of illegal crops, but additional legislative and regulatory changes are needed if this process is to have the maximum deterrent effect and provide revenue for counternarcotics and anticrime programs.

Port Security. With the success of air interdiction programs in Colombia, the transport of drugs via Colombia's extensive rivers and coastal ports was a major concern. Significant drug seizures in Colombia's ports were the result of improvements in port security by the GOC and private seaport operators, aided in part by the U.S. In 2009, almost 14 metric tons of cocaine, 154 kilograms of heroin, and 1.8 metric tons of marijuana were seized by DIRAN in the ports and over 70 individuals were arrested on drug-related charges. At Colombia's international airports, DIRAN units confiscated 140 kilograms of heroin, 3.8 metric tons of cocaine, 305 kilograms of marijuana, and arrested 355 people on drug-related charges.

High-Value Targets (HVTs). Because of the FARC's prominent role in the drug trade, over 60 FARC leaders have been indicted since 2005 in the U.S. for conspiring to traffic cocaine into the U.S. After achieving a number of high-level and significant victories against the FARC in 2008, the GOC maintained pressure against the terrorist organization and succeeded in capturing or killing a number of high-level FARC commanders in 2009. Under "Operation Fuerte," Colombian forces killed the commander and captured the deputy commander of the FARC'S "Antonio Narino" urban front. On May 30, Colombian police captured Adela Perez, a senior FARC leader who participated in the 1994 car bomb assassination of a Colombian general and a 2001 assassination attempt against current Colombian President Alvaro Uribe.

On October 25, 2009, the CNP conducted an airmobile assault on the FARC's Teofilo Forero Mobile Column command post in the Department of Caqueta, killing three FARC combatants. One of the dead was one of Colombia's most wanted criminals, Herier Triana, aka Comandante "Pata Mala." In addition to being wanted for extradition to the U.S., "Pata Mala" was one of the FARC leaders most closely associated with narcotics trafficking activities. According to the CNP, he was responsible for the Club Nogal bombing (February 7, 2003), the execution of the Turbay Cote family (December 29, 2000), and the kidnapping and murder of ex-President Gaviria Trujillo's sister, Liliana Gaviria Trujillo (April 2007).

The CNP and Colombian military aggressively pursued drug traffickers in charge of criminal and narcotics trafficking organizations. In 2009, Daniel Rendon Herrera, aka "Don Mario," Colombia's mostwanted narcotics trafficker was captured as a result of an April 9-15 CNP operation that included DIRAN Junglas and multiple police aviation assets. The Junglas captured Don Mario near Uraba, Antioquia, on the northwest Caribbean coast. On October 1, the Junglas also captured Marco Fidel Barba Galarcio, aka "Mateo," the AUC paramilitary leader who led remnants of Don Mario's narcotics trafficking organization. "Mateo" was a member of the demobilized paramilitary AUC Northern Bloc. On October 10, the DIRAN Judicial Police captured Ramon Majona in Covenas, on Colombia's Caribbean coast.

Majona was a major trafficker responsible for setting up cocaine lab networks in northern Colombia and was wanted for extradition to the U.S. Majona entered the AUC demobilization process in 2005, but shortly thereafter he returned to narcotics trafficking.

On September 26, 2009, the CNP Intelligence Directorate (DIPOL) captured Juan Carlos Rivera Ruiz, alias "Zero-Six," who was the head of the North Valle Cartel and a designated kingpin. He had reportedly taken over this organization after assassinating his former boss, then Cartel leader Wilber Varela in January 2008.

Demobilization. To facilitate the dismantling of Foreign Terrorist Organizations (FTOs) and assist in their reintegration, the GOC operated both a collective and individual demobilization program. Under Colombian law, the High Commission for Peace oversees peace negotiations with illegal armed groups and the subsequent collective demobilizations. While available to all FTOs, collective demobilizations have only been implemented with the AUC. The Ministry of Defense managed the individual demobilization or deserter program for FTOs and any other illegal armed group in Colombia. Since 2006, the Office of the Presidential Advisor for Reintegration has directed the GOC Reintegration Program for demobilized combatants from illegal armed groups.

While the number of demobilizations dropped markedly in 2009 due in part to a reduced operational tempo by Colombian Security Forces and an increased tendency for insurgents to

withdraw to more remote areas, 2,638 individuals still demobilized during this reporting period. FARC numbers fell by 30 percent from 3,027 in 2008 to 2,128 in 2009 as ELN demobilization grew by approximately 20 percent with 492 individuals laying down their arms. Between 2002 and 2009, the GOC reports more than 52,000 persons have demobilized—over 20,555 under the individual demobilization program and 31,671 under the collective process.

Under the GOC's Justice and Peace process, 1,952 confessions of demobilized paramilitary members have been taken; 34,869 crimes are in the process of being confessed; out of these, 16,607 crimes have been fully confessed (the vast majority murders); 2,901 victim's remains were exhumed; 786 bodies were returned to relatives and 280,420 victims registered. The U.S. provides assistance to the Colombian Attorney General's Office to carry out the investigation and gather confessions of demobilized paramilitary members, including those extradited to the United States.

Under the GOC's Justice and Peace process, 1,926 confessions of demobilized paramilitary members have been taken; 32,909 crimes confessed—the vast majority murders; 2,666 victim remains exhumed, and 257,089 victims registered. The U.S. provided assistance to the Colombian Prosecutor General's Office to carry out the investigation and obtain confessions of demobilized paramilitary members, including those extradited to the United States.

Corruption. Colombia is party to both the Inter-American Convention against Corruption and the UN Convention against Corruption. The GOC does not, as a matter of government policy, encourage or facilitate the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances, or the laundering of proceeds from illegal drug transactions. Despite this commitment, corruption of some GOC officials occurred. Numerous members of the GOC supported right-wing paramilitary groups. A total of 87 members of the 2006-2010 Congress, 15 current and former governors, and 35 mayors have been investigated in the “para-political” scandal, with 30 congressmen, 11 governors, and 25 mayors jailed as a result of the investigations. Both the Supreme Court and a special unit within the Prosecutor General's office pursued their investigations of alleged paramilitary ties to politicians and other sectors of society.

The Colombian courts handed down two positive decisions in human rights cases. On December 2, 2009, the Colombian Supreme Court sentenced former Sucre Department Governor and Ambassador to Chile Salvador Arana to 40 years in prison for his role in ordering the assassination of a mayor by paramilitaries in 2003. The sentence is the longest handed down by the Supreme Court in the “para-political” scandal.

Separately, on November 26 a Bogota court sentenced former Army General Jaime Humberto Uscategui to 40 years for his failure to make any effort to prevent the 1997 Mapiripan, Meta massacre during which 40 unarmed peasants were killed by AUC forces. General Uscategui appealed the case to Colombia's Supreme Court. In a surprising development, on December 3, the Colombian Supreme Court dropped charges against former Navy Admiral Gabriel Arango Bacci at the request of the Prosecutor General and Inspector General. Arango had been accused of collaboration with narcotics traffickers. Navy Commander Admiral Barrerra, who relieved Arango and referred his case to the civilian criminal courts, is now under investigation for allegedly providing false testimony. Arango had earlier been found guilty by a military tribunal of accepting a bribe of \$115,000 in exchange for alerting drug traffickers to navy patrol coordinates and pulling navy vessels away from smuggling routes.

Revelations of military “false positives,” in which unarmed civilians were murdered and presented as combat deaths, led to the dismissal of 51 officers and soldiers of the Colombian

Army. The Prosecutor General's Office is currently processing more than 1,000 cases of extrajudicial executions, involving approximately 2,000 victims. Prosecutions have been slow but there was progress. At the end of 2008, the Ministry of Defense implemented human rights protocols and changed operating policies in an effort to confront the problem of extrajudicial executions. While sources vary on the exact figures, NGOs, the GOC, and international organizations agree that the number of military extrajudicial executions dropped dramatically in 2009 to between two and 20 from over 300 killings in 2008. The GOC reports that 139 former members of the military have been convicted for extrajudicial executions.

President Uribe announced on September 17 that he favored dismantling the scandal-ridden Administrative Department of Security (DAS), the civilian security service. DAS scandals included alleged illegal wiretapping of Supreme Court Magistrates, opposition politicians, and non-governmental organizations. In a much-anticipated move, President Uribe proposed a much smaller, new entity that would focus on intelligence and immigration services. The DAS' other functions would be transferred to other existing agencies. Legislation to dissolve and assemble a new intelligence service was sent to the Colombian Congress, but no action had been taken by the end of 2009.

Agreements and Treaties. The GOC is a party to the United Nations (UN) Single Convention on Narcotic drugs, 1961, as amended by the 1972 Protocol; the 1971 UN Convention on Psychotropic Substances; 1988 UN Drug Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; the Organization of American States (OAS) Convention on Mutual Legal Assistance; the UN Convention against Transnational Organized Crime, and its Protocol on Trafficking in Persons; and the UN Convention against Corruption. Colombia participated in the Regional Summit on the World Drug Problem, Security, and Cooperation, which promoted information sharing, training and technical assistance under the UN counternarcotics conventions. Separately, Colombia is part of a tri-party group with the U.S. and Mexico that consists of the DEA Administrator, the Colombian Minister of Defense, and the Mexican Attorney General. This group meets to discuss counternarcotics and other issues of mutual interest. The GOC's 2003 National Security Strategy (Plan de Seguridad Democrática) meets the strategic requirements of the 1988 UN Drug Convention and the GOC is generally in line with its other requirements.

A Maritime Ship Boarding Agreement signed in 1997 continued to be successfully implemented by the GOC and U.S. This agreement facilitated timely approval to board Colombian-flagged ships in international waters and improved counternarcotics cooperation between the Colombian Navy (COLNAV) and the U.S. Coast Guard (USCG). Meetings on this issue have expanded and included Ecuador, Panama and Mexico. The COLNAV seized 97.4 metric tons of cocaine, 12.8 metric tons of marijuana and 5.3 kilograms of heroin during 2009. From that total, 16.6 metric tons of cocaine have been seized under this Maritime Ship Boarding Agreement.

The 1999 Customs Mutual Assistance Agreement (CMAA) provides a basis for the exchange of information to prevent, investigate, and repress any offense against the customs laws of the United States or Colombia. As a result of the CMAA and the strong relationship with Colombian Customs, a U.S.- created Trade Based Money Laundering Unit was created to analyze, identify and investigate money laundering utilizing trade between Colombia and the United States.

In 2004, Colombia and the United States signed a revised agreement establishing the Bilateral Narcotics Control Program, which provides the framework for specific counternarcotics project agreements with the various Colombian implementing agencies. This agreement has been amended annually and is the vehicle for the delivery of a majority of U.S. counternarcotics assistance.

On October 30, 2009, the United States and Colombia signed the Defense Cooperation Agreement (formally titled a Supplemental Agreement for Cooperation and Technical Assistance and Security, or SACTA), which is now in force. The Agreement will deepen bilateral cooperation on security issues and facilitate effective bilateral cooperation on security matters in Colombia, including narcotics production and trafficking, terrorism, illicit smuggling, and humanitarian and natural disasters. The Defense Cooperation Agreement does not permit the establishment of any U.S. bases in Colombia, but it ensures continued U.S. access to certain Colombian facilities in order to undertake mutually-agreed upon activities within Colombia.

Extradition and Mutual Legal Assistance. There is no bilateral Mutual Legal Assistance Treaty (MLAT) in force between the United States and Colombia, but the two countries cooperate extensively via multilateral agreements and conventions, including the OAS Convention on Mutual Legal Assistance and the 1988 UN Drug Convention.

Despite several extradition denials by the Colombian Supreme Court since late 2008 (16 denials; more than 75 percent of total denials since 1991), a large number of individuals were extradited to the United States, primarily on drug charges. During 2009, there were 186 extraditions to the United States. Since December 1997, when Colombia revised its domestic law to permit the extradition of Colombian nationals, 1,041 individuals have been extradited to the United States, including 975 since President Uribe assumed office in 2002.

Cultivation/Production. Citing record coca eradication in 2008, the United States and UN reported significant declines in coca cultivation and cocaine production potential in Colombia in 2008. The USG reported that cultivation in 2008 was down 29 percent compared to 2007, from 167,000 to 119,000 hectares—the largest decline ever reported in cultivation by the U. S. and the first reported drop since 2002. The U.S., crediting sustained aerial eradication and increased manual eradication operations in 2008, also reported a decline in pure cocaine production potential of 39 percent from 485 metric tons in 2007 to 295 metric tons in 2008. The UN reported an 18 percent drop in cultivation in 2008, down to 81,000 hectares, and a 28 percent fall in cocaine production potential to 430 metric tons.

While the U.S. and the UN numbers vary because of different methodologies, the trends reflected in both reports have generally been consistent. These reports also indicate that existing coca is less healthy, less dense, and in smaller fields. As the estimated area under cultivation diminished, cocaine productivity from Colombian fields dropped. Nevertheless, illicit cultivation was a serious problem in Colombia's national parks, indigenous reserves, and along the border with Ecuador and Venezuela, where aerial eradication is prohibited. The GOC does not conduct aerial spraying within 10 kilometers of international borders due to objections from neighboring countries. Manual eradication did occur in border areas, yet it was slow and dangerous, due to the often rugged and isolated terrain, as well as the strategic importance of the border and certain parklands to the FARC.

Under the auspices of the President's Agency for Social Action, civilian eradicators, with support from the CNP, Colombian Army and Colombian Marines conducted manual eradication throughout the country. After manually eradicating a record 96,000 hectares of illicit crops in 2008, the manual eradication goal for 2009 was reduced to 70,000 hectares in early 2009 because of funding limitations.

Due to further budgetary constraints, security concerns and the dispersion of coca to smaller fields, the Government of Colombia's manual eradication program eliminated approximately

60,500 hectares in 2009. During 2009, the GOC reported 40 fatalities, in comparison to 26 for 2008, during manual eradication operations due to improvised explosive devices, sniper fire and attacks from drug traffickers.

Dozens of additional manual eradicators and security personnel were injured or maimed during manual eradication. The aerial eradication program sprayed 104,771 hectares, exceeding the spray goal of 100,000 hectares, but amounting to 28,725 hectares less than in 2008.

Opium poppy cultivation and heroin production in Colombia declined about 50 percent from 2000 to 2006 according to the most recent poppy cultivation estimate for Colombia. Colombian public security forces reported seizing 598 kilograms of heroin in 2009, an increase of nearly 200 kilograms compared to 2008 seizures. It is unclear if the increase in seizures is related to rising poppy cultivation since a full estimate of poppy cultivation for Colombia has not been able to be completed since 2006 for technical reasons. In 2009, the GOC manually eradicated 546 hectares of poppy, compared to 361 hectares in 2008 and 375 hectares in 2007.

Environmental Safeguards. The aerial eradication program followed strict GOC laws and regulations, verified twice a year by an inter-institutional complaints committee to evaluate the efficiency and effectiveness of the environmental protection measures. Soil and water samples were taken prior to the commencement of spray operations and afterwards to measure the level of chemical residue. Analysis has shown that residue levels have never fallen outside of the established norms and caused no significant harm to the environment. To respond to human and environmental concerns, the Organization of American States (OAS) published a study in 2005 noting that “the chemicals used to aeri ally eradicate coca did not pose significant risks to humans or most wildlife.”

In a series of follow-up OAS studies published in August 2009, an international team of scientists looked thoroughly at potential risks associated with the aerial application of glyphosate to coca or opium poppy in Colombia. The studies included many aspects of potential exposure and toxicology, i.e., drift during spraying, potentially sensitive amphibian species, and epidemiology studies in the regions where spraying has occurred. The outcome was a series of 10 peer-reviewed scientific papers. The authors concluded that spraying has not caused damage to humans or wildlife, and that damage from drug crop production and processing far outweighs the negligible risk from exposure to glyphosate due to coca or poppy spraying.

The GOC continued to investigate all claims of harm to human health allegedly caused by aerial spraying; however, the Colombian National Institute of Health has not verified a single case of adverse human health effects linked to aerial eradication.

To address incidences where legal crops may have accidentally been sprayed, the GOC, with U.S. support, carried out a complaints resolution program. Since the beginning of the program in 2001, DIRAN has received a total of 12,288 complaints, of which only 1.3 percent were compensated.

Through September 2009, nearly 80 percent of the complaints were dismissed after verification missions determined that spray did not occur or did not damage legal crops, found the presence of illegal crops or the complainants failed to submit all the required information. Approximately 19 percent of the cases were still being processed. While the GOC worked aggressively to resolve all complaints, incomplete complaint forms and possible incidences of eradication opponents and coca producers filing frivolous complaints in mass to backlog the system complicated and burdened this process. The CNP recently acquired a high-resolution camera that is expected to

enhance verification and complaint missions. The camera will begin to support complaint verification missions once pilots and operators have undergone the necessary training.

Drug Flow/Transit. Colombian cocaine and heroin are primarily destined for the United States or Europe. Drugs arriving in the United States from Colombia often departed from Colombia's Pacific coast via go-fast boats or self-propelled semi-submersible (SPSS) vessels. This route entailed offloading the contraband offshore or along the littoral of Central American countries and Mexico for further transshipment overland to the United States. Drugs headed for the United States also departed from ports along Colombia's Caribbean coastline, or utilizing small, non-commercial aircraft that depart from clandestine airstrips in Colombia. During 2009, there were 32 illegal flights detected in Colombia, a reduction of 95 percent compared to 2003. The reduced number of illegal flights in Colombia has allowed air detection assets to perform maritime patrols, resulting in eight vessels impounded and one SPSS scuttled in 2009. An increasing flow of Colombian cocaine for Europe was often transported via air or maritime routes through West African states with lax and/or corrupt law enforcement.

Drug traffickers used SPSS to move multi-ton loads of cocaine. These vessels are constructed of fiberglass or steel, range anywhere from 45 to 82 feet in length, and can transport an average of five to seven metric tons of cocaine. They have a range of 2,000 miles and usually carry three to four crew members. Colombian and U.S. efforts to detect and interdict these vessels improved significantly with 20 SPSSs interdicted or scuttled during 2009. Colombia passed Law 1311 on July 9, 2009, prohibiting the construction, commercialization and possession of SPSS or other types of submersible vessels.

The majority of Colombian heroin originated from the highland areas of Nariño and Cauca. Investigative intelligence indicated that large heroin shipments (5-20 kilograms) from Nariño were being transported via vehicle to Quito and Guayaquil, Ecuador, and then shipped to the U.S. via multiple couriers. Other smuggling routes included vehicle transport along the north Pacific coast to Central America via go-fast boats and then sent by postal courier services to the United States. The shipments that made it to Central America are predominately reaching the United States via Mexico. In addition, smaller amounts of heroin (less than five kilograms) are transported via human couriers in clothing, luggage or ingestion.

Domestic Programs/Demand Reduction. The GOC continued to implement its National Drug Consumption Reduction Plan with UN and U.S. support. The Plan, launched in November 2008, strengthened civil society, supported initiatives by international organizations, led to research that will provide a baseline for drug demand prevention policies in Colombia, and built self-sustaining community drug demand prevention coalitions in Colombia using U.S.-based Community Anti-Drug Coalitions of America (CADCA) trainers.

On December 9, the Colombian Senate approved a law to prohibit the possession and consumption of a minimum (formerly called "personal") dose of illegal drugs. This constitutional reform reversed the 1994 Constitutional Court decision that allowed for the possession and consumption of a "personal dose" of drugs. The modification to the Constitution will still allow for possession and consumption of drugs with a medical prescription for health-related reasons. Subsequent legislation is expected to provide regulations for treatment for drug addicts.

The Colombian National Police Drug Abuse Resistance Education (DARE) program was expanded throughout all 32 departments with USG assistance. In 2009, the program expanded to high schools and parents and provided support for the national drug awareness poster contest, the interactive drug demand prevention bus, and the new DARE office in southwestern Colombia.

A national youth contest to help implement the National Drug Consumption Reduction Plan's goals was launched in 2009. Training for more than 30,000 health professionals from around the country has been provided to prevent drug consumption, treat addiction, and provide rehabilitation options. Colombia also completed a National Household Drug Consumption Survey in 2009, the first drug consumption survey in 12 years. It is one of the most representative surveys in Latin America with almost 30,000 surveys completed and revealed that illegal drug consumption is on the rise in Colombia.

Twenty-three departments have drug addiction treatment centers. In areas of high consumption such as the Nariño, Caldas, Quindío, Cauca and Boyacá departments, a corresponding increase in treatment centers or diversity of treatment has not yet occurred. Drug treatment services in Colombia were provided by private organizations primarily using the therapeutic community and residential models.

IV. U.S. Policy Initiatives and Programs

Policy Initiatives. U.S. counternarcotics and rule of law programs in Colombia focus on disrupting the illicit drug trade, strengthening institutions and transferring additional operational and financial responsibilities to the GOC in a sustained manner. We will continue to support Colombian efforts to consolidate security and social assistance in several key priority areas, further develop the capabilities of rural police, promote the demobilization of former combatants and concentrate eradication resources in those areas where coca growth is the heaviest.

Bilateral Cooperation. Colombia is a valued partner in the fight against illegal drugs. After the successes of Plan Colombia, the U.S. is maintaining a reduced but strong counternarcotics assistance program to solidify these gains. The adoption of new tactics by narcotics traffickers, including shifting coca cultivation and cocaine production to new, remote areas, and expanding cultivation into areas off-limits to the spray program, has enabled them to continue to produce and export cocaine in large quantities. In response, Colombia adjusted its approach to focus on establishing a sustainable government presence and integrated rural development in major coca growing and FARC-controlled regions. As Colombia increases its capacity to take and hold its territory from criminal groups, drug traffickers and terrorists, the U.S. will continue to support the GOC with airlift capacity to ensure support for interdiction and eradication as well as provide training and equipment for specialized and rural police units. Continued U.S. support for Colombia's justice sector will be important to mitigating the drug trade, as well as improving the investigation and prosecution of human rights cases.

Although illicit crop eradication programs were reduced in 2009 because of U.S. and GOC funding constraints, strong aerial and manual eradication programs remained important to achieving U.S. counternarcotics goals. Aerial and manual eradication operations were closely coordinated to complement each other and optimize capabilities. Aerial eradication helped eliminate coca in remote regions and in FARC-controlled areas that were too dangerous for manual eradication, prevents the FARC and other drug trafficking organizations from receiving revenue for coca cultivation, helps improve security in remote regions because of the presence of GOC forces and keeps drugs from flooding transit zone countries like Mexico. Eradication programs that were closely linked to alternative development remain a necessary component of a larger counternarcotics effort in Colombia.

In an attempt to better coordinate the multiple aspects of reestablishing security in former conflict regions, support interdiction and eradication programs and provide socio-economic development,

the U.S. supported the GOC's National Consolidation Plan. To that end, U.S. security, counternarcotics and alternative development assistance was better sequenced in several strategic zones to ensure sustained eradication, permanent government presence and alternative livelihoods for those engaged in drug cultivation.

In light of growing GOC institutional capacity, the U.S. transferred operational and financial responsibility, i.e., "nationalization," for several counternarcotics programs to GOC control. Significant progress in nationalizing aviation programs occurred, and additional support will be turned over to local control in a sustainable fashion over the next several years. Achievements in the nationalization program in 2009 included the title transfer of 17 UH-1N helicopters in the Colombian Army Aviation program, the assumption by the Colombian National Police for both helicopter support packages that are part of the aerial eradication program and the transfer of Air Bridge Denial program to GOC control.

U.S. Immigration and Customs Enforcement (ICE) training activities in 2009 included a three-week International Task Force Agent Training (ITAT) course for 14 CNP DIJIN investigators at the Federal Law Enforcement Training Center in Georgia, with a concentration on money laundering investigations.

ICE supported GOC asset forfeiture efforts to attack transnational criminal organizations and the DIJIN money laundering investigative group that performed financial analysis on targets of interest for multiple U.S. federal law enforcement agencies.

In September 2009, ICE Bogota coordinated an investigation into a multi-national criminal organization dedicated of smuggling bulk cash. This joint effort ultimately resulted in the seizure of \$41 million at the seaport of Buenaventura, Colombia. Additionally, ICE Bogota coordinated efforts with ICE Mexico resulting in additional seizures totaling \$11 million at the seaport of Manzanillo, Mexico.

ICE's Border Enforcement Security Taskforce (BEST) teams are multi-agency teams developed as a comprehensive approach to increasing information sharing among participating agencies in identifying, disrupting and dismantling criminal organizations posing significant threats to U.S. border security. BEST teams incorporate personnel from ICE, U.S. Customs and Border Protection (CBP), Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Bureau of Investigation, U.S. Coast Guard, and the U.S. Attorney's Office along with other key federal, state, local and foreign law enforcement agencies, to include Mexico, Canada, Colombia, and Argentina. ICE will post three Colombian National Police Officers in BEST units in San Diego, New York, and Miami for periods of two years. Cooperation between Colombia and the U.S. Coast Guard remains strong. The bilateral counternarcotics agreement with Colombia is utilized on a regular basis to conduct drug interdictions in the transit zone.

Colombia is an active participant in the Multilateral Counterdrug Summit, which includes the participation of Panama, Mexico and Ecuador to work towards regional counternarcotics interoperability.

In 2009, the bilateral agreement directly facilitated the interdiction of 7 Colombian flagged vessels. Additionally, the U.S. Coast Guard facilitated attendance for members of the Colombian Navy at the International Maritime Officer's Course and the Chief Petty Officer Academy.

Alternative Development. By September of 2009, U.S. and GOC alternative development programs had supported the cultivation of over 659,926 hectares of agricultural, forestry plantation and/or natural forest management activities and had completed approximately 1,290 social and productive infrastructure projects over the last seven years with communities that agree to remain illicit crop free. More than 439,276 families in 18 departments have benefited from these programs. Additionally, these projects have leveraged over \$759 million in private and public sector funding for alternative development initiatives.

Beginning in 2010, U.S. Agency for International Development-assisted alternative development programming will be aligned in large part with the GOC's National Consolidation Plan.

Support for Democracy and Judicial Reform. The U.S. is providing extensive assistance to reform and strengthen the criminal justice system and the rule of law in Colombia. The U.S. provided training and technical assistance to support the new roles of judges, prosecutors, forensic scientists, public defenders, and police investigators under the new accusatory system. This assistance focused on practical training, including crime scene management, investigation and prosecution strategy, interviewing witnesses, and courtroom proceedings. The program provided training to more than 60,000 prosecutors, judges, public defenders, criminal investigators, and forensic experts.

Specialized training and assistance has also been provided to prosecutor and investigator units focusing on criminal cases in the areas of human rights, murder, sex crimes, money laundering, narcotics, corruption, intellectual property, and organized crime. Extensive forensic assistance in the areas of DNA, ballistics, false documents, courtroom testimony, and equipment and enhancement of forensic laboratories has been shared. Particular emphasis has been on the development of exhumation teams to properly exhume mass grave sites connected to investigations and confessions of paramilitary and guerilla groups, as well as to enhance DNA identification of victim remains. Assistance has also been provided for witness protection and court security.

In order to increase access to justice for millions of Colombians, the U.S. assisted in refurbishing or building 45 physical court rooms in urban areas, 14 virtual court rooms in rural zones, and either refurbished or equipped 22 public defender offices. The GOC constructed with U.S. support 59 justice houses throughout Colombia that provided formal and informal justice sector services to over eight million Colombians.

Military Justice. The GOC trained 48 judges and prosecutors in their Military Penal Justice Corps in 2009. This included a one-year course for eight Magistrates and ten certification exams for Military Tribunal Court Justices. The goal of this effort was to build capability for Magistrates and Prosecutors to convene military courts and adjudicate legal violations. The Rules of Engagement and Rules for the Use of Force (ROE/RUF) Initiative was a crucial part of U.S./GOC engagement. In addition, the U.S. is supporting a Colombian Military training program, which by the end of 2010, all Colombian ground troops and commanders will have received new training and support materials, reducing risk of human rights violations associated with military operations.

The Colombian Military's investigative capabilities are carried out by the Inspector General. U.S. assistance provided for the training of 90 Inspectors General (IGs) throughout the country. All U.S. engagement incorporates principles of respect for human rights and international humanitarian law.

The Road Ahead. The U.S. values its strong bilateral relationship with Colombia, including robust counternarcotics cooperation. As Colombia's capacity and stability grows, the U.S./Colombia relationship continues to extend beyond the traditional law enforcement issues that have dominated the bilateral agenda for the last decade to include issues such as energy and trade.

Focusing on drug-related and law enforcement challenges, the GOC, with U.S. support, needs to further weaken the criminal organizations that have emerged in recent years to take over the drug trade from the AUC and former cartels. Maintaining progress on sustainably nationalizing additional counternarcotics programs despite financial limitations will also be central to ensuring continued success in our shared fight against illegal drugs. Addressing the need for more police as the country transitions to a post-conflict environment is a key challenge that will influence lasting success of the National Consolidation Plan. Strengthening government presence in conflict areas, while improving institutional capacity to provide services and economic opportunities, will be important to Colombia's future. Other important challenges for the GOC include regaining control of the vast Pacific coastal zones and border areas, demobilizing and reintegrating ex-combatants, advancing the reconciliation and victim reparations processes and ensuring greater protection of human rights.

“Ending Colombia’s FARC Conflict: Dealing the Right Card”

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26 March 2009

EXECUTIVE SUMMARY

Latin America’s oldest guerrilla organisation, the Revolutionary Armed Forces of Colombia (FARC), is under severe stress. Close to seven years of the Uribe presidency have hurt the FARC’s capability and morale. Several top commanders have been captured, killed in combat, murdered by their own men, or died of natural causes, as in the case of Manuel Marulanda, the FARC’s historic leader. Thousands of foot soldiers have deserted, bringing the guerrillas’ troop strength down by almost half, to perhaps 10,000 today. Still, under its new leader, Alfonso Cano, the FARC has shown renewed internal cohesion and continued capacity to adapt to changes in the security environment. The Uribe government remains wedded to its hardline military approach until the FARC has no option but to negotiate surrender, but this strategy is problematic. President Uribe should keep military pressure up but emphasise devising a political strategy capable of drawing a weakened but still largely intact FARC into peace talks. Priority should also be on strengthening rule of law, protecting human rights and increasing citizen security.

Strong pressure notwithstanding, the FARC still has remarkable adaptive capacity. Key units and some members of the central command (the Secretariat) have withdrawn to strongholds in the jungle and mountains, as well as in neighbouring countries, to evade government offensives and regain strength. The way in which hostage releases and redeployments have been conducted recently suggests that Cano is having some success in reasserting leadership. New tactics rely heavily on ambushes and indiscriminate use of unconventional explosive devices, in a manner that violates international humanitarian law. While command-and-control structures have been decentralised at the tactical level, the FARC Secretariat remains capable of coordinating actions around the country. Still substantial income from drug trafficking enables the insurgents to continue the war but has also led to alliances between some FARC units and Colombia’s many organised criminal outfits and new illegal armed groups (NIAGs).

The successes of the government’s security strategy have resulted in part from the modernisation and growth of its security forces, aided by substantial international technical and financial support, in particular from the U.S. Perhaps even more important have been improvements in the quality and quantity of strategic intelligence, which have enabled precision air raids to kill important rebel commanders and disrupt command-and-control structures. The government is also carrying out an aggressive campaign to undermine rebel morale and induce defections. Still, it is unclear whether Uribe’s effort to splinter the movement will produce positive results. If small FARC groups were driven as a result into the Colombian or even Latin American criminal underworld, it could prove counterproductive.

Further, the Uribe administration has not matched its security strategy – the Democratic Security Policy (DSP) – with an equally rigorous political strategy for ending the conflict. Efforts to consolidate state presence and rule of law throughout the country lack long-term vision and are insufficient to strengthen sustainable civilian institutions at the local level. Counter-drug policies have proven ineffective. Drug trafficking is at the heart of the activities of the organised criminal groups, the FARC, parts of the smaller National Liberation Army (ELN) insurgency and NIAGs, which include rearmed former paramilitaries and paramilitary groups that did not demobilise. Security forces continue to be associated with and responsible for corruption scandals and serious human rights abuses, and the authorities are still a long way from guaranteeing citizen security countrywide.

If Colombia is to end the almost half-century-old FARC conflict, the government should take urgent steps to:

- sustain military pressure but undertake serious efforts to complement it with a strategy for establishing peace negotiations with the still-functioning FARC Secretariat, while seeking to prevent criminalised FARC fragments from joining with organised criminal and paramilitary successor groups;
- keep all options open for swiftly freeing the FARC's remaining hostages, including in a hostages-for-prisoners swap. The numbers and character of any FARC prisoners released should depend on the ultimate release of all hostages in FARC captivity, including hundreds held for ransom, and a rebel agreement to end kidnapping;
- renew and energise efforts to hold direct talks with the FARC Secretariat, while considering international facilitation by governments such as Brazil and possibly Chile to establish communication channels and build confidence; and
- boost efforts to expand rule of law across the country, strongly improve protection of human rights and increase citizen security through effective consolidation of accountable state presence in Colombia's regions.

Bogotá/Brussels, 26 March 2009

“Attacks on the Press 2009: Colombia”

Committee to Protect Journalists

February 2010

Top Developments

- Provincial journalists face threats from all sides in civil conflict.
- Convictions gained in one journalist murder; progress reported in other cases.

Key Statistic

2003: Year that national intelligence agents began spying on journalists and other critics.

The strained relationship between the government and the Bogotá-based independent press worsened after news media revealed that the national intelligence agency had been spying on leading critics, including journalists. The press continued to be caught in the middle of the ongoing civil conflict as officials made loaded accusations and far-right paramilitary and leftist guerrilla groups terrorized provincial reporters. In an important step in the fight against impunity, a court convicted the masterminds in a 2003 journalist killing. While CPJ research has shown a gradual decline in journalist murders over the last five years, one reporter was slain in reprisal for his work in 2009.

The leading Colombian newsweekly *Semana*—known for investigations that have shaken the administration of President Álvaro Uribe Vélez—published a story in February on a spying scheme orchestrated by agents of the Administrative Department of Security (DAS), the national intelligence service. The magazine reported that officials spied on critical journalists, members of the opposition, Supreme Court justices, government officials and international human rights groups. Thousands of e-mails and telephone conversations were intercepted, and the information was alleged to have been passed on to criminal groups, *Semana* reported. The country’s most prominent journalists were among those monitored.

Uribe denied involvement, blaming rogue elements in the intelligence service for the spying. The Attorney General’s office ordered an immediate search of DAS headquarters and an investigation into the charges. Investigators later determined that the scheme stretched from 2003 well into 2009, according to news reports. The Miami-based daily *El Nuevo Herald* reported in June that, among other things, the DAS monitored e-mails and telephone conversations between Colombian journalists and international human rights groups, including CPJ.

In September, after the arrest of 10 high-ranking DAS officials, the Uribe administration introduced a bill before Congress to create a smaller intelligence organization with more limited functions. The DAS, which reported directly to the president, had been plagued by scandal throughout Uribe’s two terms.

Among those in custody in the spying scandal was former DAS Deputy Director José Miguel Narváez, according to local news reports. *Semana* reported that the former DAS official also had links to paramilitary leader Carlos Castaño and was being investigated in connection with the murder of journalist Jaime Garzón. A news host on Caracol and a columnist for the newsweekly *Cambio*, Garzón was shot four blocks from his office in 1999. The following year, authorities charged and convicted the paramilitary leader Castaño in absentia. (Castaño, who disappeared in the early part of the decade, is believed to be dead.) In 2009, under the Law of Justice and Peace, a demobilized paramilitary fighter said Narváez had plotted the killing and had urged Castaño to execute it, according to *Semana*. Under the Law of Justice and Peace, members of illegal armed groups are granted leniency in exchange for demobilization and full confession to crimes.

Narváez was not immediately charged in the Garzón case; the Law of Justice and Peace has been criticized for eliciting false allegations.

Hollman Morris, a reporter known for his critical coverage of the country's civil conflict, came under fire from the government after he traveled to southwestern Colombia to interview guerrilla fighters for a documentary on kidnappings. On February 1, Morris said, members of the leftist guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC) urged him to interview three police officers and a soldier who were being held hostage. The journalist told CPJ that once he realized the hostages' answers had been coerced, he simply asked for their names and their time in captivity. The same day, FARC released the four hostages to a humanitarian mission led by the International Red Cross.

As news of Morris' meeting with the hostages was reported, the government reacted in forceful, rapid-fire fashion. Vice President Francisco Santos Calderón said Morris had acted without "objectivity and impartiality." Then-Minister of Defense Juan Manuel Santos called him "close to the guerrillas." And Uribe accused the journalist of being an "accomplice to terror." Morris told CPJ that the accusations triggered a string of e-mail threats. On February 5, CPJ and Human Rights Watch sent Uribe a letter objecting to the loaded assertions and urging the president to put an end to comments tying journalists to any side in Colombia's armed conflict. CPJ research has shown that such public assertions have endangered journalists. The government has often resorted to such politicized accusations, the New York-based group Human Rights First said at a March hearing of the Foreign Affairs Committee of the U.S. House of Representatives. Colombian prosecutors, the group said, have brought dozens of unfounded and "specious" criminal investigations against Colombians, including journalists and human rights activists.

Journalists working in the provinces faced harassment from all sides of Colombia's five-decade-long civil conflict. In February, the four hostages released by FARC to the humanitarian mission said the guerrillas had declared local journalists "military targets." In March, two alleged members of the paramilitary group United Self-Defense Forces of Colombia (AUC) shot Gustavo Adolfo Valencia Ayala inside his home in the eastern city of Popayán. Valencia, director of national radio station Todelar, suffered a leg wound. In April, six unidentified assailants held Gustavo Álvarez Gardeazábal, host of the political program "La Luciérnaga" on national Caracol Radio, at gunpoint in his home in the western city of Tuluá. The attackers ransacked the journalist's house but did not harm him. A security camera recorded the assailants as they fled, and investigators identified the truck they were driving as a military vehicle. The army denied involvement, and Uribe offered 20 million pesos (US\$10,000) for information on the case.

One journalist was killed in connection to his work. José Everardo Aguilar, 72, a correspondent for Radio Súper in the southern city of Patía and host of a news program on the community radio station Bolívar Estéreo, was gunned down inside his home in April. Colleagues told CPJ that Aguilar had decried links between local politicians and paramilitaries. One man was charged in the slaying, which the Colombian National Police said was in reprisal for Aguilar's reporting, but a local court acquitted the defendant in November.

Two journalists were killed in unclear circumstances. The bullet-ridden body of Diego de Jesús Rojas Velásquez, a reporter and cameraman for Supía TV, was found in September on a highway in the central city of Supía. In December, Hárold Humberto Rivas Quevedo, host of a political commentary show on CNC Bugavisión, was shot shortly after leaving the television station's studios in the western city of Buga. CPJ was examining whether the killings were work-related. Authorities reported progress in an eight-year-old murder case. Two former paramilitary fighters confessed under the Law of Justice and Peace to the 2001 killing of Flavio Iván Bedoya, a

regional correspondent for the Bogotá-based Communist Party daily Voz. Bedoya, shot as he stepped off a bus in the southwestern port city of Tumaco, had published critical reports on ties between local security forces and paramilitary groups in Nariño province. According to an April report by the Bogotá-based press freedom group Fundación para la Libertad de Prensa, paramilitary fighters have confessed under the law to participation in seven other journalist murders.

In a landmark case in the fight against impunity, a court in northern Santander province convicted three former public officials on charges of plotting the 2003 murder of radio commentator José Emeterio Rivas. The prosecution's key witness was demobilized paramilitary fighter Pablo Emilio Quintero Dodino, who confessed to the shooting during a Law of Justice and Peace hearing. Former Barrancabermeja Mayor Julio César Ardila Torres was sentenced to 28 years in prison, while former public works officials Abelardo Rueda Tobón and Fabio Pajón Lizcano each received sentences of 26 years and eight months. Rivas, 44, a commentator for the local Radio Calor Estéreo, was killed in retaliation for his reports on official corruption and links between Ardila's administration and paramilitary groups, the Attorney General's office said.

“Manual teaches intelligence agency employees how to spy on ‘problematic’ journalists”

IFEX

22 December 2009

The weekly "Semana" has just revealed the existence of an instruction manual for employees of the Administrative Department of Security (DAS), Colombia's leading intelligence agency that explains how they should spy on, threaten, intimidate and discredit NGOs, judges and journalists who create problems for the government.

The revelation is the latest in a series of scandals implicating the DAS, coming after phone tapping revelations in February 2009, the discovery in May of a list of media outlets and journalists being kept under surveillance and the disclosure in October that bodyguards assigned to protect journalist Claudia Julieta Duque were in fact spying on her.

"Such methods of surveillance and intimidation are worthy of a police state," Reporters Without Borders said. "The recent dismissal of senior DAS officials has not resolved the problem of abusive practices within the agency. We note that the president's office has so far failed to dissociate itself from these latest ones. And why hasn't the DAS handed over its files on Duque and other journalists to the Constitutional Court, as it is supposed to?"

The national daily "El Espectador" said the spying manual was among the files seized during searches of the DAS offices that were carried out on orders from the National Attorney General's Office. The manual, which is in the form of a PowerPoint document entitled "Political War", includes instructions on how to make anonymous telephone calls and spread false allegations.

One of the manual's most alarming aspects is its use in the case of Duque, the Radio Nizkor reporter whose bodyguards were spying on her for the DAS. The authorities appear to have been worried about Duque's investigative reporting of the 1999 murder of columnist and humorist Jaime Garzón, which may have been carried out by former DAS employees.

Duque's personal details, including her telephone numbers and e-mail addresses, appear at the head of the manual, which recommends how long anonymous calls should last, the kind of place from which they should be made and how the person making the call should travel in a bus and avoid places with surveillance cameras. These recommendations appear to have been followed to the letter in Duque's case since 2004, the year she began receiving calls threatening her and her 10-year-old daughter.

The DAS's activities have never been properly investigated. The Constitutional Court ordered the DAS to hand over all the information it had gathered on Duque, but the agency has yet to respond.

Hollman Morris, who has been covering Colombia's civil war for more than 10 years and who, like Duque, was one of the first journalists to be targeted by the DAS, has brought a complaint against the Colombian state before the Inter-American Commission on Human Rights, calling for an investigation into "those responsible for the threats, harassment, tailing, defamation and political stigmatisation" of himself and his family, which forced them to flee the country.

In the 71-page complaint, prepared with the help of the José Alvear Restrepo lawyers collective, Morris said he received the first threats in 2000, when he was working for the daily "El Espectador". Since then, he has been the target of various forms of harassment, threats and smear campaigns, including by President Alvaro Uribe himself.

“Government implicated in phone-tapping scandal as pressure on media continues”

IFEX

26 February 2010

On 22 February 2010, the attorney-general's office directly implicated four senior intelligence officials and the secretary-general of the president's office, Bernardo Moreno, in the phone-tapping of journalists and other prominent government critics, a scandal that was first exposed in early 2009.

This occurred during the trial of Jorge Noguera, the former head of the intelligence agency known as the Administrative Department of Security (DAS), who is accused of homicide and "links to paramilitaries." The hearing was also the stage for a damning accusation levelled against the DAS itself.

"The DAS was the source of the leaflets and pamphlets targeting journalists, unionists and NGOs," former counter-intelligence chief Jorge Lagos said, referring to campaigns to discredit journalists and others by means of falsified communiqués and videos said to have been issued by the FARC guerrillas.

Speaking at his trial on 22 February, Noguera also acknowledged for the first time that he passed the results of the phone-tapping to the president's office. This will increase pressure on the government, which until now has been sticking by its denials of any role in the phone-tap scandal. (See also a Spanish-language video of former DAS secretary-general Gian Carlo Auque testifying at the trial: http://es.justin.tv/ddhh_colombia#r=VP0b4II~).

These allegations, implicating the highest level of the government in extremely serious violations of freedom of opinion and freedom of information, are likely to have a major impact on the presidential elections scheduled for 30 May, in which the country is still waiting to find out whether President Álvaro Uribe will run for a third term.

People are meanwhile wondering whether the decision by the owners of the weekly "Cambio" to fire its directors, Rodrigo Pardo and María Elvira, and scale back its activities was due solely to economic imperatives.

It was "Cambio" which in 2009 revealed the organised crime links of Guillermo Valencia Cossio, the former public prosecutor in Medellín (Uribe's home town) and the negotiations between Washington and Bogotá for the installation of seven US military bases in Colombia.

Excerpt from “2010 Annual Survey of violations of trade union rights”
The International Trade Union Confederation
June 2010

Population: 45,700,000

/ Capital: Bogotá

ILO Core Conventions Ratified: 29 - 87 - 98 - 100 - 105 - 111 - 138

The historical and structural violence against the Colombian trade union movement remains firmly in place, manifesting itself in the form of systematic human and trade union rights violations. On average, men and women trade unionists in Colombia have been killed at the rate of one every three days over the last 23 years. The year 2009 saw the murder of 48 trade unionists, the worst affected being workers in the agricultural and education sectors. In addition to these assassinations, there were at least 400 attacks on trade unionists’ lives, freedom and physical integrity, including attempted murders and three disappearances. The measures taken by the state have proved ineffective and insufficient, and the murders, disappearances and threats are continuing. The efforts to investigate these crimes are incomplete and the cases reported by trade union organisations are not always taken into account. The law continues to place a range of limitations on trade union rights, despite the recent improvements brought to the labour legislation.

Trade union rights in law

There have been many positive changes to the trade union rights situation in recent years, as new laws and court rulings have improved protection against anti-union discrimination and union interference, the recognition of trade unions, bargaining in the public sector, and have clearly limited compulsory arbitration. Freedom of association is also enshrined as a basic right in the Constitution. However, there are problems related to various contractual agreements, such as workers’ cooperatives, service contracts and civil and commercial contracts, which cover genuine employment relationships but can be used to prevent workers from setting up trade unions.

Furthermore, while the right to collective bargaining is secured, the pension system is not covered by collective bargaining. There is also a possibility to conclude collective “pacts” directly with the workers, which can be used to undermine the position of trade unions.

The right to strike is also included in the Constitution, but the law still prohibits federations and confederations from calling strikes. Laws dating back to between 1956 and 1990, which ban strikes, remain applicable to a wide range of public services that are not necessarily essential.

Trade union rights in practice and violations in 2009

Background: Unemployment rose to 12% during 2009. Informal employment also increased, pushing the share of the active population working in the informal economy up to 58%. The

Standing Committee on Labour and Wage Policies failed to reach an agreement on an increase in the minimum wage for 2010, despite the efforts of the workers' representatives. The government and the military were shown to be involved in a number of extrajudicial executions, as highlighted by the "false positives" scandal, which revealed that the Colombian army had murdered close to 2,000 innocent citizens and passed them off as guerrillas killed in combat. The killings were largely driven by the bonuses awarded to members of the security forces and the intelligence service, DAS, under Decree 1400 passed by the Presidency of the Republic in 2006. The year 2009 also saw the government and its political allies promoting a referendum to change the Constitution once again to allow President Uribe to stand for a third term in 2010.

Legislation contributes to fall in trade union organisations: A number of Colombian laws have contributed to a fall in the number of trade union organisations, such as Act 50 of 1990 providing for fixed-term contracts concluded for periods of less than a year, which stops workers from joining a union under the threat of not having their individual employment contracts renewed. The situation was exacerbated by Act 789 of 2002, supposedly passed by the national government to stimulate the creation of new jobs.

Collective pacts: Although a slight increase was seen in the number of collective agreements signed during 2009, (360, as compared with 280 in 2008, according to Social Protection Ministry figures), employers continue to violate ILO Convention 98. Another 221 collective pacts, used by employers to offer non-unionised workers better conditions and thus prevent unionisation, were signed over the year (the same number as in 2008).

Public workers' collective bargaining rights still limited: The government remains steadfast in its refusal to guarantee public workers the full exercise of collective bargaining rights, despite Colombia having ratified ILO Conventions 151 and 154, and the issuing of Decree 535 in 2009, which only, in fact, makes reference to consultation, not collective bargaining, which is very different.

Increase in labour outsourcing: Labour outsourcing or subcontracting is still on the rise, largely driven by the ever-growing number of "Associated Work Cooperatives". The "associates", not being considered workers, do not enjoy the basic rights enshrined in the labour legislation, being covered by the legislation on cooperatives rather than on employment. Nor are they able to join unions, for a number of reasons, including the fact that they are not considered to be workers.

Practices to obstruct unionisation: Service contracts, also known in Colombia as "service provision orders" (OPS), and civil contracting make it impossible for workers hired in this way to join a union, as they are covered by a legal regime independent of the labour legislation.

Trade unionists murdered:

The year 2009 saw the murder of 48 trade unionists, including at least five women, and 22 trade union leaders, two of whom were women. As regards the suspected authors, there is only evidence pointing to those responsible in 12 cases. Heading the list are the murders committed by paramilitaries, with seven cases, followed by those committed by guerrilla groups, with four cases, and one case of ordinary crime. In addition to these murders, there were at least 500 attacks on Colombian trade unionists' lives, freedom and physical integrity during the year, including 11 attempted murders and three disappearances.

The trade union worst affected by murders in 2009 was the Colombian teachers' federation, Federación Colombiana de Educadores (FECODE), with 19 cases, followed by the national

agricultural workers' federation, Federación Nacional Sindical Unitaria Agropecuaria (FENSUAGRO), which saw 11 of its members assassinated; third in line was the national prison workers' union, Asociación Sindical de Empleados del Instituto Nacional Penitenciario y Carcelario (ASEINPEC), with three cases, and finally, the national hospital workers' union, Asociación Nacional de Trabajadores Hospitalarios de Colombia (ANTHOC), with two cases. As regards the Colombian departments with the highest murder rates, it should be noted that Arauca, Santander and Córdoba accounted for half of all the assassinations committed in 2009, with ten, nine and five cases respectively.

The most notable among these 48 murders are:

Arled Samboni Guaca, a member of the Argelia municipal workers' campesino association, Asociación Campesina de de Trabajadores del Municipio de Argelia (ASCAMTA), affiliated to FENSUAGRO-CUT, was murdered on 16 January. He was leaving his house with his six-year-old son when two gunmen approached them and shot the trade unionist seven times. He had been threatened and forcibly displaced with his family in September 2008 by narco-paramilitaries calling themselves "Los Rastrojos".

Walter Escobar, a member of the Valle education workers' union, Sindicato Único de Trabajadores de la Educación del Valle (SUTEV), was murder on 21 March. His body was found in the municipality of Palmira. He had not been to the school where he worked for eight days.

Prison guard and ASEINPEC member José Alejandro Amado Castillo was murdered by hired assassins on 21 March while travelling in an official vehicle.

Ramiro Cuadros Roballo, a member of SUTEV, was murdered on 24 March. He had been receiving death threats for years.

Hernán Polo Barrera, leader of the education sector administrative workers' union, Sindicato de Trabajadores y Empleados Administrativos al Servicio de la Educación en Colombia (SINTRENAL), was murdered on 4 April. His sixteen-year-old daughter was injured. The trade union leader had led a number of protests in Montería two weeks prior to his assassination.

Asdrúbal Sánchez Pérez, a member of the prison workers' union, ASEINPEC, was murdered on 18 April.

On 22 April, suspected paramilitaries murdered trade union activist Edgar Martínez in the municipality of San Pablo (Bolívar). Martínez belonged to the agro-mining federation of South Bolívar, Federación Agrominera del Sur de Bolívar (FEDEAGROMISBO), which had been receiving threats from paramilitaries and was being harassed by the police.

Teacher Víctor Franco Franco, a member of the Caldas education workers' union, Sindicato de Educadores Unidos de Caldas (EDUCAL), affiliated to the Colombian teachers' federation, FECODE, was murdered on 22 April. He was stopped on the night of 22 April by two armed men who, after torturing him, shot him dead.

Teacher Milton Blanco Leguizamón, a member of ASEDAR, was murdered on 24 April. The murder took place in a completely militarised town, guarded both by the police and the army.

Vilma Cárcamo Blanco, a dentist and member of hospital workers' union, ANTHOC, was murdered on 9 May. She had been heading protests in support of the demand for the payment of wage arrears and the negotiation of the "List of Respectable Demands".

Pablo Rodríguez Garavito of the Arauca teachers' union, ASEDAR, was killed on 9 June by unknown assailants who shot him several times.

On 11 June, unknown assailants murdered Jorge Humberto Echeverri Garro, a teacher at the school in the municipality of Arauquita and a member of ASEDAR.

Rafael Antonio Sepúlveda Lara, a member of ANTHOC, was murdered on 20 June.

Gustavo Gómez, a worker at Nestlé - Comestibles la Rosa S.A. and a member of the food industry union, Sindicato Nacional de Trabajadores de la Industria de Alimentos (SINALTRAINAL), was murdered in his home on 21 August. The assassination coincided with SINALTRAINAL's presentation of a list of demands to Nestlé Purina Pet Care de Colombia S.A.

On 22 August, two assailants on a motorbike murdered Fredy Díaz Ortiz, a member of ASEINPEC, after giving him a brutal beating.

On 23 August, Abel Carrasquilla was murdered, according to witnesses, by members of the paramilitary group "Los Rastrojos". The incident took place following Carrasquilla's efforts to promote affiliation with the Santander agrarian workers' association, Asociación Agraria de Santander (ASOGRAS), at the company where he was working.

Teacher Zorayda Cortés López, a member of the Risaralda education union, Sindicato de Educadores de Risaralda (SER), was murdered on 13 November.

The body of Leny Yanube Rengifo Gómez, a teacher and union activist with the Cauca teachers and education workers' association, Asociación de Institutores y Trabajadores de la Educación del Cauca (ASOINCA), was found on 24 November. She had disappeared on 12 November.

Union bashing at Red Cross: The Colombian Red Cross, and particularly the branches in Cundinamarca and Antioquia, has been implacable in its onslaught against the union formed within the organisation, stepping up its attacks during the months of July, August and September. The abuses were denounced at administrative and judicial level, including before the Supreme Court. The Red Cross in Cundinamarca tried to withdraw a series of fringe benefits from the workers, in retaliation for their having joined SINTRACRUZROJA. The Antioquia branch of the Red Cross requested, without any justification, the lifting of the legal protection (*fuero sindical*) enjoyed by one of the trade union leaders, so that it could dismiss her.

Collective bargaining agreements under Decree 535/09 not fulfilled: The government and the Colombian education workers' federation, FECODE, reached a number of agreements under the new Decree, but the national government has only complied with three of the points agreed on.

Unions continue to suffer for exercising the right to strike: Although the power to declare a strike illegal now rests with the judicial authorities, violations continue to take place due to the existence of national legislation that contravenes ILO conventions. The mining, petrochemical,

agrofuels and energy workers' union, SINTRAMIENERGETICA, at the U.S. mining company Drummond, staged a strike in protest at the health and safety violations that caused the deaths of various workers at the coal mine and plants operated by the multinational in the department of César. Although the strike was initially recognised as legal and legitimate, on appeal, the Supreme Court declared the strike illegal, giving the company the right, in accordance with Article 450 of the Labour Code, to dismiss those who took part in the strike. The supervisory bodies of the ILO have stated that this contravenes the conventions on freedom of association. The holding of a peaceful strike in defence of miners' rights led to the dismissal of 11 SINTRAMIENERGETICA representatives.

Telmex launches fierce attack on right to unionise: On 19 January, telecommunications multinational Telmex initiated a series of unfair dismissals targeting representatives of the Telmex workers' union, SINTRATELMEX, affiliated to the CGT, in a bid to leave the organisation with less than 25 members. Trade union action had to be taken to secure the unfairly dismissed workers' reinstatement, which it succeeded in doing. Telmex initiated special proceedings with the ordinary labour courts, aimed at dissolving the recently created trade union organisation and withdrawing its legal status, but failed. The attack has been taken to such lengths that the company has unfairly dismissed over 30 workers to date, with the sole purpose of undermining the right to form and join a trade union.

Mass lay-offs in education sector in Barranquilla: On 22 January, the Mayor of Barranquilla launched a restructuring process culminating in the dismissal of some 2,300 workers, including 390 teachers belonging to the Barranquilla district education workers' union, SINTRAEDIBA, affiliated to the Colombian workers' confederation, the CTC. Workers were also laid off from municipal bodies and hospitals affiliated to the national trade union centres CGT and CUT. The measure was implemented in an unusual and ruthless manner: school security guards forcibly removed employees from their workplaces and informed them of their dismissal. A peaceful protest organised by the trade union organisations was brutally repressed by the police. Death threats were subsequently issued in the form of a pamphlet signed by a "joint paramilitary front", declaring a list of 20 people, including various trade unionists, military targets.

SINTRAINAGRO members threatened: During the last few days of February and the first half of March, banana workers in the Urabá region belonging to the national agricultural sector union, SINTRAINAGRO, which is affiliated to the national trade union centre CUT, received death threats on pamphlets distributed in the run-up to the start of negotiations on the list of demands related to working conditions.

Serious threats against members of the Colombian Commission of Jurists for their work denouncing the impunity surrounding anti-union violence: On 2 March, Lina Paola Malagón Díaz, a trade union rights lawyer dedicated to the issue of impunity in cases of violence against trade unionists in Colombia, received a fax declaring her a military target. In February, Lina Paola Malagón Díaz had drawn up a report on the impunity surrounding crimes committed against trade unionists on account of their work to defend labour rights. The information in the report was referred to at length at a U.S. House of Representatives hearing on workers' rights and anti-union violence in Colombia, held on 12 February. The ITUC sent a complaint, on 5 March, to the ILO Committee on Freedom of Association, within the framework of Case 1787.

Anti-union policy pursued: On 5 March, the Peruvian drinks multinational, AJECOLOMBIA, unilaterally dismissed a number of union representatives as part of its union-bashing policy against SINTRAAJE, an affiliate of the national labour confederation, the CGT. The company also opened controversial disciplinary cases against union representatives and activists,

culminating in their dismissal. The trade union organisation has initiated proceedings for their reinstatement under the law protecting trade unionists against unfair dismissal.

CUT and CTC phones tapped: In May, wide media coverage was given to the statements of high-ranking government officials regarding the phone tapping conducted by Colombia's intelligence agency, the DAS. The wire tapping operation not only targeted possible government opponents and civil servants, but, first and foremost, High Court judges, the vice president of the Republic and social organisations. Two national trade union centres, the CUT and CTC, were among the organisations being tapped. The DAS was also intercepting the communications of the health and social security workers' union, SINDESS, the Bogotá telephone workers' union, SINTRATELÉFONOS, and the Colombian displaced persons and human rights NGO, CODHES.

President of SINALTRAINAL in Cali arrested: Diego Rodríguez, president of the Cali branch of the national food workers' union, SINALTRAINAL, was arrested along with his two children, sixteen-year-old Diego and fifteen-year-old Laura, during a May Day march in Cali. The three were threatened, intimidated and beaten by officers of the National Police.

Workers dismissed for forming union: On 9 May, Atlas Transvalores in Medellín fired 11 workers who were trying to form a union. Another four were forced to withdraw their membership.

SINALTRAINAL President issued with death threat: On 24 November, Luis Javier Correa Suárez, President of the national food workers' union, Sindicato Nacional de Trabajadores de la Industria de Alimentos (SINALTRAINAL), received death threats to the mobile phone assigned to him by the protection programme of the Interior and Justice Ministry. On 20 November, two calls were made to SINALTRAINAL's landline, one confirming receipt of a fax and another from a man saying that he would call the branch unions to inform them of the fax's content and that Coca Cola had relations and influence "with the government and President Álvaro Uribe's sons". The death threat came just days after the Inter-American Commission on Human Rights (IACHR) gave notification of its decision to extend precautionary measures to SINALTRAINAL members, and at a time when the union was involved in a dispute with Coca Cola bottler, Industria Nacional de Gaseosas S.A., which had refused to sign the collective agreement despite having agreed to negotiate the list of demands presented to the company.

185 workers fired for joining union: On 23 December, 185 out of the 200 workers at Finca Palo Alto joined the agricultural sector union, Sindicato Nacional de Trabajadores de la Industria Agropecuaria (SINTRAINAGRO), and presented a list of demands. The management immediately dismissed the 185 workers, owing them one month's wages and a series of benefits, such as the family subsidy, health and funeral insurance, for which the company had been deducting contributions from their wages without making the payments to the corresponding agencies for the last seven years.



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**Annual report of the United Nations High Commissioner
for Human Rights and Reports of the Office of the
High Commissioner and the Secretary-General**

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, **

Summary

In accordance with the mandate set forth in the 1996 agreement between the Government of Colombia and the Office of the United Nations High Commissioner for Human Rights (OHCHR), the present report analyses the most important developments relating to the situation of human rights and international humanitarian law in Colombia in 2009. It records, among other issues, the significant progress made in terms of a drastic reduction in the number of complaints of extrajudicial executions and the continuous prosecution of members of Congress and public officials for alleged links with paramilitary organizations.

The report recognizes the Government's openness to international scrutiny, which it has demonstrated by receiving four Special Rapporteurs and self-monitoring the recommendations of the universal periodic review. The High Commissioner acknowledges the spirit of cooperation that exists between the Government and OHCHR-Colombia and the commitment of the Government to address human rights challenges.

The report demonstrates how the internal armed conflict continues to pose many challenges for the country, including the complete disregard for international humanitarian law by guerrilla groups. This situation is exacerbated by violence against civilians committed by illegal armed groups that emerged after the demobilization of paramilitary organizations, links between illegal armed groups and drug trafficking, and the particularly acute impact of the internal armed conflict on indigenous peoples and Afro-Colombian communities.

* The present report is being circulated in all official languages. The annex is circulated in English and Spanish only.

** The present document is submitted late in order to reflect the most recent information.

The report further analyses difficulties in the implementation of Law 975 (2005) (the “Justice and Peace Law”), the increase in threats and illegal use of intelligence services against human rights defenders and others. It deals with the polarization between the Government and the human rights community and the Supreme Court. The report also deals with the increase in cases of sexual violence. It addresses significant gaps in the full realization of economic, social and cultural rights and de facto discrimination and marginalization of Afro-Colombian and indigenous populations in several departments.

The present report also summarizes some of the main activities carried out by OHCHR-Colombia and formulates a number of recommendations.

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I. Introduction

1. On 29 November 1996, the Government of Colombia and the Office of the United Nations High Commissioner for Human Rights (OHCHR) agreed on the establishment of an office in Colombia of OHCHR (“OHCHR-Colombia”). This agreement was extended, with no changes, until 30 October 2010.
2. In the framework of its mandate, OHCHR-Colombia observes the situation of human rights and international humanitarian law in order to assist authorities in the development and application of policies, programmes and measures to promote and protect human rights, and submits analytical reports to the High Commissioner. The present report covers 2009 and focuses on a number of priority issues, which were regularly discussed with the Government.
3. In 2009, Colombia demonstrated a high level of openness towards international mechanisms for the protection of human rights. Upon invitation of the Government, visits were made by four special rapporteurs: (a) the Special Rapporteur on extrajudicial, summary or arbitrary executions (8–18 June); (b) the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (22–27 July); (c) the Special Rapporteur on the situation of human rights defenders (7–18 September); and (d) the Special Rapporteur on independence of judges and lawyers (7–16 December).¹
4. The Deputy High Commissioner visited Colombia between 28 November and 4 December 2009 to participate in the Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention). She held meetings with the Vice-President, ministers and high-level public officials, representatives of civil society organizations and the international community. She travelled to Putumayo for a first-hand observation of the local challenges to human rights and international humanitarian law.
5. Three treaty bodies analysed the situation in the country: the Committee on the Protection of the Rights of all Migrant Workers and Members of Their Families (21 and 22 April 2009), the Committee on the Elimination of Racial Discrimination (12 and 13 August), and the Committee against Torture (10 and 11 November).² The Government also underwent the universal periodic review of the Human Rights Council in March, and on 19 August the Secretary-General presented to the Security Council the first report on the situation of children in armed conflict in Colombia pursuant to resolution 1612 (2005).³
6. The main challenge for 2010 is to advance in the effective implementation of the recommendations emanating from these reviews and all previous pending recommendations of the High Commissioner, a process in which OHCHR-Colombia offers its cooperation and advice.

II. Context

7. The full realization of human rights in Colombia continues to be affected by a complex internal armed conflict, which is exacerbated by organized violence, particularly

¹ Colombia was the most visited country in 2009 by special procedures mandate holders.

² The Committee on Economic, Social and Cultural Rights and the Human Rights Committee formulated their lists of issues to be addressed in the review of the periodic reports of Colombia. The actual review of those reports will take place in May and July 2010, respectively.

³ Document S/2009/434.

related to drug trafficking. This situation has negatively affected the functioning of democratic institutions and the socio-economic development of the country. The security improvements of the past years and the overall reduction of homicides in 2009 at the national level were affected by a sharp increase in killing rates in some cities, such as Medellín, a rise in intimidation and the number of death threats against, inter alia, youth and human rights defenders, and the expansion of, and the violence against civilians from, illegal armed groups that emerged after the paramilitary demobilization.

8. Other developments which affected human rights were serious irregularities involving the Department of National Security (DAS); on-going tension between the Government and the Supreme Court, including the impasse in the selection of the Attorney General; difficulties in achieving more releases after the release of, inter alia, various kidnapped policemen and politicians by the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) in the first half of the year; continued disregard for international humanitarian law by guerrilla groups and their attacks on the civilian population; and the political polarization fuelled by the uncertainty around a possible referendum that could allow President Alvaro Uribe to run for a third term.

9. A number of normative advances and policies adopted by the Government have helped improve the human rights situation, including the drastic reduction in the number of complaints of extrajudicial executions attributed to the army.

III. Human rights and international humanitarian law

A. Situation of the judiciary

10. Tension and public disputes between the executive and judicial branches during 2009 may have undermined the independence of the judiciary. OHCHR-Colombia documented public statements by high-level government officials and social and political actors discrediting the Supreme Court and its magistrates, as well as undue interference, direct or indirect, into their functions through lobbying, pressure and threats. These acts could constitute a violation of the United Nations principles of judicial independence⁴ and raise concerns over some magistrates' personal security.

11. Persistent structural problems in the administration of justice⁵ and disagreements within the judicial branch have prompted claims for reform of the judiciary. Any reform should be participatory and transparent to ensure the full realization of the right to a competent, independent, impartial and prompt justice for all.

12. It is essential to strengthen the work of the judiciary, especially the Supreme Court, guaranteeing its ability to exercise its responsibilities with independence, security, freedom and professionalism, without restrictions or pressure.

13. During her visit in December, the Special Rapporteur on the independence of judges and lawyers advocated for better protection for all judicial actors to secure their independence.

⁴ General Assembly resolutions 40/32, 29 November 1985, and 40/146, 13 December 1985.

⁵ OHCHR-Colombia has consistently reported problems such as "the underreporting of crimes to the authorities, difficulties of access to the judicial system, the insufficiency of funds and technological resources (despite increased budgets), the lack of uniform criteria in the application of the law, the high workload of judges and prosecutors, the slow pace of proceedings and cases of corruption" (A/HRC/7/39, para. 12).

B. Intelligence services

14. Information was made public in 2009 that DAS (the national civil intelligence agency reporting directly to the President) had conducted widespread and systematic illegal intelligence operations going at least as far back as 2003. These operations targeted, inter alia, human rights defenders, political opposition leaders, journalists and high-level Government officials, such as the Vice-President. Furthermore, disturbing information appeared in the public domain that even magistrates of the Supreme Court were subject to surveillance. The Inter-American Commission on Human Rights, a United Nations special rapporteur and OHCHR-Colombia itself were targeted as well. These actions, in many cases, had the objective of invalidating the work of the victims, who were considered as “legitimate targets” for being potential opponents to Government policies.

15. Illegal activities by DAS included wiretapping of phones and Internet lines, surveillance, harassment and threats, theft of information and break-ins into offices and homes. This has provoked a climate of fear and insecurity and, in some instances, sabotage and discrediting of the work of human rights defenders. Actions against women included direct threats against their children, at times with violent sexual content.

16. These activities appear to have been carried out by informal structures created by high-ranking officials within DAS, which provided the semblance of legality and hierarchy necessary to obtain, administer and exchange information, as well as access to the human, technical, and financial resources of the institution. In some cases, even DAS protection schemes for human rights defenders and others were used to obtain information.

17. The Procurator General and the Attorney General initiated investigations against approximately 40 DAS officials, including 4 former directors. The Government took measures to restructure DAS, including accepting resignations, conducting internal investigations and separating judicial police functions from intelligence activities. In September 2009, the President ordered the closing of DAS and the creation of a new intelligence agency.

18. Additionally, some members of the public security forces continued to use State intelligence services to conduct illegal and clandestine operations against social and political sectors that were critical of the Government, using similar methods as described above. Such activities were also directed against public officials working in defence of human rights. Illegally obtained information was occasionally used by different units of the Attorney General’s Office to bring charges against human rights defenders and social activists.

19. Of particular concern was a case of theft of information regarding children’s rights from a United Nations staff member by unknown perpetrators.

20. The challenge now is to establish the responsibilities and circumstances that facilitated these illegal DAS activities and to identify those who allowed them to happen and/or benefited from them. Difficulties faced by the prosecutors in the initial phase must be overcome to enable the investigations to continue safely and independently, without pressure or threats. Impunity, as well as a lack of democratic control and oversight of intelligence services, has made such criminal conduct possible.

21. Therefore, beyond the announced closing of DAS, the necessary legal, political and administrative conditions as well as robust controls and oversight of its intelligence services should be established. The new Intelligence Law and its corresponding Decree should be enabling in this regard. The Government is urged to take specific, time-bound and transparent measures for their implementation. In this respect, a plan of action for the creation of a national mechanism to purge files should be expedited by the relevant Government institutions, in consultation with all relevant stakeholders and victims,

facilitating an active role of the Procurator General, as previously recommended by OHCHR-Colombia.

C. Human rights defenders, journalists and trade unionists

22. OHCHR-Colombia has registered cases of, inter alia, killings, threats, arbitrary detentions, sexual offences, break-ins into homes and offices and information theft directed against human rights defenders. These violations have been attributed to members of illegal armed groups that emerged after the paramilitary demobilization and guerrilla groups, in particular FARC-EP, as well as, in some cases, members of security forces.

23. In 2009, there was an increase in intimidation and death threats through pamphlets and e-mail against human rights defenders, social and community leaders, as well as members of marginalized groups. While progress has been made in some investigations, most of the threats remain unaccounted for, and, at times, authorities were quick to dismiss them without prior investigation.

24. Meanwhile, some charges of rebellion, terrorism, defamation and/or slander brought against human rights defenders and journalists who question Government policies or denounce corruption and human rights violations have been promptly investigated. The Attorney General's Office must act with transparency, impartiality and in a timely manner in every case, regardless of whether a human rights defender is a victim or accused of a crime.

25. Of particular concern are the threats against and killings of trade union members,⁶ journalists, lesbian, gay, bisexual and transgender (LGBT) persons and those who promote their rights. Similar concern is held for those advocating for the ethno-territorial rights of Afro-Colombian communities and indigenous peoples. Representatives and supporters of victims in the framework of Law 975 (2005), particularly if they advocate for the restitution of stolen lands, were subject to harassment, and even killed, as were peace activists, community leaders and public officials who promote and defend human rights, such as the analysts of the Early Warning System⁷ and municipal ombudsmen.

26. In the past few years, the Government has invested large amounts of human and financial resources into protection programmes for different groups at risk. This important effort, however, requires better coordination and must be expanded, for instance, to include staff of the Early Warning System, incorporate a gender focus, and expedite and reduce delays between the adoption of protection measures and their implementation. The ongoing transfer of protection schemes to private companies and other related reforms should be made in consultation with beneficiaries, in the understanding that the State obligation to uphold, protect and ensure the full enjoyment of rights within its jurisdiction cannot be delegated.

27. Between April and May 2009, the Government and national networks of human rights, social rights and peace activists agreed on a procedure to discuss the guarantees required by human rights defenders to undertake their work. In April, actively supported by the international community, a national round table was established to this end and a series

⁶ Between January and October, the Presidential Programme for Human Rights registered 27 killings of trade unionists, 14 of which were teachers. In the same period, the Unitary Workers Union (Central Unitaria de Trabajadores, CUT) reported 37 killings, including 4 women.

⁷ The Early Warning System, in its Spanish acronym SAT, is a system housed in the Ombudsman's Office with a mission to produce risk alerts about gross violations of human rights and international humanitarian law.

of discussions took place in approximately half the departments. OHCHR-Colombia welcomes this exercise and the specific commitments reached, and it calls for their prompt implementation by the Government. A number of death threats were received by human rights defenders involved in this exercise. They have yet to be properly investigated.

28. OHCHR-Colombia notes with concern that public officials and military personnel have continued making statements against human rights defenders, accusing or suggesting that their work is contrary to the interests of the State or sympathetic to guerrilla groups. Such statements increase security risks for human rights defenders and can limit their activities, engender self-censorship and deepen the distrust between State and civil society.

29. In this respect, OHCHR-Colombia welcomes regulations issued and statements made by the President, the Vice-President and the Minister of Interior about the legitimacy of the work of human rights defenders.⁸ High-level officials are encouraged to maintain a consistent and active public discourse in support of human rights defenders and lower-level public officials should follow it. The Government and the Procurator General should apply sanctions to public officials who continue to stigmatize human rights defenders.

30. During her visit in September, the Special Rapporteur on the situation of human rights defenders recognized that the Government had undertaken important efforts supporting human rights defenders, but confirmed that they continue to operate in a non-conducive environment of hostility and fear.

31. Some progress has been achieved in the construction of national plans for human rights. The National Round Table on Guarantees is an important step towards a concerted national action plan on human rights and international humanitarian law. The National Plan for Education on Human Rights, which should be promptly implemented in all departments and municipalities by the Ministry of Education, was launched in November 2009.

D. Investigations into alleged links of members of Congress and public officials with paramilitary organizations

32. Since the detention of three members of Congress in November 2006, the number of politicians and public officials investigated for alleged links with paramilitary organizations, or cases of “*parapolítica*”, continued to increase. By November 2009, there were 93 open cases against members of Congress consisting of 268 elected parliamentarians for the period 2006–2010, from 15 different political parties. As of December 2009, there was a total of 13 convicted persons, 5 acquitted and 9 released due to lack of sufficient evidence to proceed.⁹ By November 2009, 249 cases had been initiated against 12 governors, 166 mayors, 13 departmental representatives and 58 councillors.

33. Forty-three members of Congress have resigned in order to be investigated by the Attorney General instead of the Supreme Court. In September 2009, however, the Court ruled that it would continue to exercise jurisdiction when the alleged crime is related to their position and function as members of Congress.¹⁰ The new jurisprudence should promote a more standardized investigation of these cases.

⁸ In a public statement made on 17 September 2009, the President acknowledged that “the defense of human rights is a necessary and legitimate action for democracy”.

⁹ Another five were released after partially completing their sentences.

¹⁰ Providence 27032, Álvaro Araujo Castro, Criminal Court of Cassation, Act No. 291, 15 September 2009.

34. OHCHR-Colombia welcomes measures taken by the Supreme Court that have improved due process, such as the explicit separation of roles within the Court between the investigative and prosecutorial function and adjudication.¹¹ Further measures, however, are still necessary, such as the right to appeal, which the Supreme Court seems to be considering.

35. “*Parapolitica*” cases underscore the need for the State and civil society to closely monitor the electoral processes scheduled for 2010 and 2011, including those at the municipal and departmental levels, to prevent the recurrence of such cases. Relevant authorities should undertake all necessary measures to ensure fair, transparent and democratic election processes.

E. Extrajudicial executions

36. Since November 2008, complaints of extrajudicial executions attributed to security forces, particularly the army, have drastically decreased,¹² primarily as a result of the implementation and monitoring of the measures adopted in October and November 2008 by the President and the Ministry of Defense.¹³ In 2009, new rules of engagement and an Operational Law Handbook, containing important rules for the respect and protection of human rights, were issued by the Ministry of Defense. Total and sustained elimination of extrajudicial killings will require continued efforts by the Ministry of Defense and the army. OHCHR-Colombia welcomes that the Ministry of Defense accepted its offer to monitor the implementation of some of the policy measures aimed at strengthening compliance by the army with human rights and international humanitarian law.

37. The large caseload of alleged extrajudicial executions is a matter of serious concern for the coming years. By September 2009, the National Human Rights and International Humanitarian Law Unit of the Attorney General’s Office had been assigned the investigation of 1,273 cases, with a total of 2,077 victims (122 of them were women and 59 minors) in 29 departments. These figures demonstrate that the alleged executions were not isolated acts and that it is necessary to allocate sufficient human, technical and financial resources for this Unit to effectively function to ensure that the cases do not go unpunished.

38. During his visit in June, the Special Rapporteur on extrajudicial, summary or arbitrary executions acknowledged the efforts undertaken by the Government, but noted with concern the gap between policies and their implementation.

39. Further efforts are required to reinforce full assimilation and adherence by all military personnel to the policies adopted by the Ministry of Defense regarding extrajudicial executions. Indeed, some members of the security forces continued to make statements that discredit those who denounce cases of executions, adopt corrective measures, investigate cases and punish those responsible. Some of these statements suggest that military personnel are frequently faced with frivolous judicial charges of extrajudicial executions with a view to questioning military operations. However, there are 109 indictments, 38 convictions and three acquittals that put into question the validity of such allegations, at least in some cases.

¹¹ Supreme Court agreement number 001, 19 February 2009.

¹² In 2009, the Human Rights and International Humanitarian Law National Unit of the Attorney General’s Office recorded 7 cases compared to 144 in 2008 and 464 in 2007.

¹³ Among other measures, 3 Generals and another 24 officers and sub-officers were separated from service by the President.

40. A series of procedural practices by defence lawyers in legal proceedings have been considered as dilatory and unjustified and a number of private lawyers of military personnel are illegally presenting themselves as officials of the Ministry of Defense and/or the so-called Military Defense (DEMIL) to pressure witnesses into changing their testimonies. These activities openly violate the policies of the military high command and the Ministry of Defense, and should be rejected and duly sanctioned.

41. The military jurisdiction continued to hand over cases of human rights violations to the ordinary justice system.¹⁴ However, the fact that there are 249 jurisdictional disputes yet to be resolved regarding alleged extrajudicial executions demonstrates that these efforts need to be reinforced to ensure that such disputes do not become a systematic practice to unnecessarily delay judicial proceedings. Military jurisdiction should be limited exclusively to cases of service-related offences, as clearly stipulated in the revised Military Criminal Code.

42. In 2009, there was also evidence of serious shortcomings in the protection of the families of victims, witnesses, prosecutors and judges. OHCHR-Colombia registered death threats, a killing and an assassination attempt against two relatives of victims. Threats were received even by active members of security forces who cooperated with the justice process. Together with attempts to discredit or delay judicial proceedings, this could constitute a pattern of harassment to prevent the processes from moving forward. The Government should adopt measures to increase the protection of witnesses, families of victims, and judicial officials, publicly legitimize their work and counteract any actions that promote impunity.

F. Sexual violence

43. Statistics on cases of sexual violence, including those committed in the context of the internal armed conflict, continue to be incomplete and fragmented. According to the National Institute of Legal Medicine, the number of registered cases of sexual violence, occurring in different contexts including the internal armed conflict, increased from 12,732 in 2000 to 21,202 in 2008. It is of particular concern that in almost 86 per cent of these cases the victims were girls, most of whom were between 10 and 14 years (31.5 per cent). Several efforts are under way to address sexual violence and it is imperative to properly assist victims, encourage the pressing of charges and ensure effective reporting and investigation of cases.

44. In 2009, OHCHR-Colombia received an alarming amount of information on cases of sexual violence against women and girls that were attributed to members of FARC-EP and the illegal armed groups that emerged after the paramilitary demobilization. The latter were accused of committing acts of sexual violence and creating networks of prostitution, human trafficking, and sexual slavery, occasionally with the acquiescence and even collaboration of some members of the National Police, particularly in Medellín. OHCHR-Colombia was informed of cases of rape in Tolima and recruitment by FARC-EP of women and girls in Antioquia, who were also victims of forced contraception.

45. Of particular concern are several cases where the alleged perpetrators are members of security forces in Antioquia, Arauca, Bogotá, Bolívar, Cesar, Chocó and Guaviare. In the majority of these cases, the victims were girls. In some cases, military and legal authorities have implemented adequate measures, such as public recognition of wrong-doing and expediting investigations, but, in other cases, members of security forces contributed to the

¹⁴ By November 2009, 251 cases have been handed over to the ordinary justice system.

stigmatization of the victims or pressured them to withdraw their accusations through coercion, threats or payoffs.

46. These cases indicate the need for security forces to undertake firm, clear and definitive measures of “zero tolerance” regarding sexual violence, including separation from service. Without waiting for or excluding the results of prosecutions and disciplinary proceedings, it is necessary to adopt preventive measures, publicly recognize the facts (without exposing or re-victimizing victims) and ensure reparations and minimum guarantees of non-repetition. Some good efforts in this regard include the creation of round tables on gender-based violence organized by the Ministry of Defense and the United Nations and the adoption of measures to assist and protect victims and to prevent sexual violence.

47. Despite the significant efforts by the Attorney General to train his personnel and create special investigative units, impunity for acts of sexual violence remains widespread. The Constitutional Court ruled in its order 036 of 2009 that investigations of 183 cases of sexual violence by the Attorney General’s Office were not satisfactory. Further progress is also needed to implement the court-ordered prevention programmes against sexual violence, which, by November 2009, were still only in the design stage and require the active participation of women.

48. The corresponding Decree should be promptly issued for Law 1257 (2008) on measures for raising awareness and prevention and punishment of all forms of violence and discrimination against women. Meanwhile, there are existing legal provisions, such as non-compulsory conciliation, which should be directly and immediately applied by competent authorities.

G. Torture and other cruel, inhuman or degrading treatment or punishment

49. Colombia continues to lack a reliable source of official data on torture and cruel, inhuman and degrading treatment. The existing data do not seem to reflect either the magnitude or the real impact of the problem. The victims’ fear of reprisals, the lack of trust in institutions, the absence of appropriate legal and psychosocial support, the lack of adequate and differentiated protection, and the social stigmatization of victims hamper the full understanding of the extent of the problem.

50. By June 2009, the Attorney General’s Office was investigating 10,545 cases of torture. These cases relate to both physical and psychological torture and, for the most part, the victims had been tortured in conjunction with other crimes, such as enforced disappearance, kidnapping or sexual violence. That they are associated with other human rights violations do not diminish the gravity of the crime of torture.

51. Some social groups are particularly vulnerable to torture, such as women, children, youth, incarcerated persons, and LGBT persons, in particular in Antioquia.

52. Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as an instrument for prevention and technical cooperation, would contribute to a more efficient protection against this scourge.

H. Enforced disappearance

53. Enforced disappearance continues to be of major concern. By December 2009, the National Registry of Disappeared Persons reported 37,300 cases, of which almost 10,000

were cases of enforced disappearance.¹⁵ Most of these cases remain unsolved, and their perpetrators and motives unidentified. In the fight against criminal gangs, especially in Medellín, there have been a number of cases of enforced disappearance attributed to the National Police.

54. Victims of enforced disappearance continued to be primarily young, unemployed men from poor families, living in shanty towns or in isolated rural areas. The impact on their families, especially on those headed by women, including the suffering from not knowing the whereabouts of their loved ones, has been tortuous.

55. The Attorney General's Office has continued conducting exhumations.¹⁶ By December 2009, under Law 975 (2005), there were 2,520 cases of enforced disappearance, out of a total of 35,664 crimes confessed. As a result, 2,388 graves with 2,901 bodies have been found. However, the identification and return of the remains and bodies continued to be very slow: 910 have been fully identified, of which 796 have been handed over to the families.

56. Investigations prior to the exhumation process are essential to determine the circumstances of the events and identify the victims. However, it is difficult to ensure full participation of the victims' family in the proceedings, as the identity of the person to be exhumed is usually unknown. This requires improved institutional coordination between the Attorney General's Office and national institutions responsible for the search for disappeared persons, in order to exchange and cross-reference all available information. OHCHR-Colombia welcomes the efforts made during 2009 and notes that there is still a long way to go before relatives can fully participate in these processes.

57. The Law to Respect, Locate and Identify Victims of Enforced Disappearance, adopted in November 2009, is a step forward in the recognition of victims' rights. OHCHR-Colombia further welcomes the initial steps taken by the Senate towards the integral and prompt ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, which will require aligning national legislation to international standards.

I. Illegal armed groups which emerged after demobilization of paramilitary organizations

58. Across the country, OHCHR-Colombia notes with great concern the expansion, increasing activities and violence against civilians perpetrated by illegal armed groups that emerged after the demobilization of paramilitary organizations.

59. Among the violent acts perpetrated by these groups in 2009, there were massacres, selective murders, threats, forced displacement and sexual violence. Victims include social leaders, indigenous and Afro-Colombian persons as well as local public officials, in particular if they were involved in processes of restitution of lands or if they controlled public resources. The attacks have targeted those who resisted the demands of these groups, possessed property of interest to a particular group, were seen as collaborating with or belonging to other groups, or happened to be in an area of dispute between rival groups. There are also a number of demobilized persons among victims, due to a "settling of personal scores" or for refusing to join these groups.

¹⁵ National Registry of Disappeared Persons, December 2009.

¹⁶ The National Unit for Justice and Peace coordinates exhumations ordered by prosecutors at the national level, through the Virtual Center for Identification (CUVI).

60. The organized violence perpetrated by these groups in rural and urban areas allows them to enforce visible “social control”, forcing people to directly or indirectly support their activities. They continue to forcibly recruit and use children and youth, through deceit or economic incentives, inter alia, for drug trafficking, killings or intelligence work.

61. Some of these groups operate in similar ways to old paramilitary organizations, participating in criminal activities such as drug trafficking, extortion, stealing of lands, prostitution, and human trafficking, as well as engaging in lawful but at times irregular activities, such as lotteries and security services. Their ranks include demobilized and non-demobilized former members of paramilitary organizations, some recruited voluntarily and others forcibly. Several former paramilitary middle-ranking fighters and former military personnel now hold senior positions in these groups.

62. These groups occasionally reach agreements amongst themselves or with local combat units of FARC-EP or the National Liberation Army (ELN) to facilitate illegal businesses, particularly drug trafficking. They engage in bloody disputes with rival groups or even amongst themselves, generating further violence against civilians who are caught in the middle. OHCHR-Colombia has identified cases of collusion, principally as a result of corruption, but also tolerance and acquiescence, of members of the security forces with these groups.

63. These groups are evolving rapidly and continuously. While the Popular Revolutionary Anti-Communist Army of Colombia (ERPAC), which operates in the Los Llanos region, has a structure similar to that of the former United Self-Defense Forces of Colombia (AUC), other groups have adopted a cellular operational structure, co-opting and contracting criminal organizations to carry out their activities. OHCHR-Colombia is increasingly receiving information about some groups, such as ERPAC or the *Rastrojos*, which, in some regions of the country, would exhibit the operational and organizational capacity typical of armed actors, as defined by international humanitarian law.

64. The scope of organized violence committed by these groups, their substantial economic power, capacity to corrupt authorities and State institutions, links with local authorities and local networks of influence, their impact on social actors and the alarming levels of violence against civilians make them a daunting challenge to the rule of law.

65. Government efforts against these groups have achieved positive results, but the challenge posed by these groups goes well beyond common criminality. The fact that these groups operate in regions where former paramilitary groups once operated, using their economic and political structures, reiterates the need to both redouble preventive mechanisms for the population at risk (especially youth in urban and rural areas) and protect and attend those affected.

J. International humanitarian law

1. Guerrilla groups

66. In recent years, the internal armed conflict has moved towards the periphery and border regions of the country, forcing guerrilla groups to retreat and operate in small groups, at times dressed as civilians, using small arms and anti-personnel mines in a widespread manner. In these areas of retreat, FARC-EP and ELN have had a long-term presence and have been able to obtain resources from illicit crops, smuggling and extensive extortion.

67. In 2009, a large number of civilian killings were attributed to FARC-EP and ELN.¹⁷ Among other breaches of international humanitarian law attributed to guerrilla groups, there were at least 27 massacres,¹⁸ indiscriminate attacks, acts of terrorism, forced displacement, torture, sexual violence against women and girls, hostage takings and attacks on medical missions and on infrastructure. Their victims included elected local public officials, community leaders, teachers, women, children and adolescents. FARC-EP, in particular, has resorted to collective threats in a systematic manner, obstruction of the freedom of movement of persons and goods, and, in general, enforcement of strong social control in areas of their influence, limiting overall freedom.

68. In 2009, the number of killings of indigenous people increased by 63 per cent compared to 2008. Indigenous leaders and representatives were frequently victims of accusations and threats. Some of the most affected communities are located in Antioquia, Caldas, Cauca, Nariño and Putumayo. The two massacres perpetrated against members of the Awá people in February and August, where 23 persons died including 8 children, are tragic examples of the vulnerability of indigenous peoples.

69. In a difficult social context of poverty and lack of opportunities, FARC-EP and ELN continue to recruit children.¹⁹ OHCHR-Colombia continues to call on the guerrilla groups to immediately stop recruiting children and release those already recruited. To prevent this practice, the Inter-institutional Committee for the Prevention of Recruitment has provided technical support to authorities and communities in over 100 municipalities and, as a result of significant efforts by mayors and municipal ombudsmen, at least 61 municipalities now have a policy to prevent recruitment.

70. The planting of anti-personnel mines has generated numerous victims and has led to the isolation of a large number of Afro-Colombian and indigenous communities. According to the Presidential Programme for Comprehensive Action against Anti-Personnel Mines, in 2009, 67 members of the military and 44 civilians died and 373 military personnel and 148 civilians were injured; of the civilians, 11 were women and 49 were minors. In December 2009, the Government hosted the Second Review Conference of the Ottawa Convention in Cartagena.

71. Guerrilla groups also continued kidnapping. In December 2009, the Governor of the department of Caquetá was taken hostage and later murdered by FARC-EP, which continues to keep civilians and members of security forces as hostages under cruel and inhuman conditions, some of whom have been held hostage for over 10 years. Reiterating the call for the release of all without distinction, immediately and unconditionally, OHCHR-Colombia calls on all parties involved to prioritize the interests of those being held in captivity.

2. Security forces

72. To a lesser degree, security forces, and particularly the army, have also been responsible for breaches of international humanitarian law. There are reports of killings, indiscriminate attacks, forced displacement, looting, torture and cruel, inhuman and degrading treatment, threats and arbitrary restrictions to freedom of movement of persons and goods. Occasionally, restrictions on the circulation of food could have affected the levels of malnutrition, in particular of children.

¹⁷ The Presidential Programme for Human Rights recorded 142 killings in Arauca in the first semester of 2009; the majority resulted from confrontations between ELN and FARC-EP.

¹⁸ Presidential Programme for Human Rights, November 2009.

¹⁹ On 6 May, the sixth Front of FARC-EP informed the population of Jambaló, Cauca, that their children could be recruited.

73. Members of security forces continued to intermittently occupy schools, homes or other civilian premises, and set up military posts nearby. To the extent that these are deliberate actions, it is necessary to thoroughly review the reasons why the training received in international humanitarian law is being ignored, and why soldiers on the ground do not comply with directives issued by the Ministry and the army command.

74. In some areas, the progressive militarization of civilian life and the involvement of civilians, including children, in intelligence work or military actions are putting civilians at risk of being threatened and attacked by guerrilla groups. It is thus imperative that the governmental coordination mentioned in Presidential Directive No. 01 of March 2009 on territorial consolidation, which includes civilian and military actors, fully respects the precautionary approach and the “do no harm” principle, securing the humanitarian space necessary to assist civilians.

75. OHCHR-Colombia welcomes Constitutional Court Sentence C-728 of October 2009, which urged Congress to adopt a law on conscientious objection to military service.

K. Forced displacement

76. Forced displacement continued to increase in 2009, although at a lower rate than in past years, with a continuous under-registration of cases. Forced displacement occurred throughout the country, with higher frequency in areas of hostilities. In 2009, the impact of forced displacement by illegal armed groups in the departments of Antioquia, Córdoba, Chocó and Nariño were particularly worrisome.

77. In early 2009, the Constitutional Court issued Order 008 of 2009 to follow up on Sentence T-025 of 2004 evaluating how the Government addressed forced displacement and assisted internally displaced persons. The Order underscored the persistence of the “unconstitutional state of affairs” assessment and noted the absence of effective public policies to prevent displacement. OHCHR-Colombia encourages the processes that have been initiated in response to Sentence T-025, which should include the Procurator General, the Ombudsman and civil society organizations.

78. The Early Warning System continued to be underutilized. Although the number of risk reports issued in 2009 was similar to that in 2008, fewer actions were taken in 2009. There continued to be mass displacements in regions where early warnings and/or risk reports were ignored, or imperfectly implemented by the Inter-institutional Committee for Early Alert. The financial commitment made by the Government in 2009 to cover the budget of the system with national resources is welcomed.

79. Land grabbing by illegal armed groups is a decisive element in many displacement situations. Displaced populations may have lost between 1.2 million to 10 million hectares of land as a direct result of displacement.²⁰ Most of these lands remain in the hands of perpetrators and their proxies. The numerous threats against, and murders of, leaders or participants in processes for the restitution of land that have been registered are a matter of great concern.

²⁰ Follow-up Commission about public policies on forced displacement. Sixth report to the Constitutional Court, National Verification Process, June 2008.

L. Victims' rights and Law 975 (2005)

80. The importance of the Colombian process of transitional justice has been internationally recognized, as recent references in the Secretary-General and the High Commissioner's report on human rights and transitional justice demonstrate.²¹ Based on the analysis of past years, OHCHR-Colombia suggests that judicial and non-judicial mechanisms be tried in parallel to uphold the rights of victims in a timely and comprehensive manner.

81. Despite efforts made by the Attorney General's Office, progress in the realization of victims' rights under Law 975 (2005) has been modest. By December 2009, there had been no convictions under this Law;²² the possibilities for victims to know the truth about what happened to them and their loved ones have been mostly restricted to the voluntary depositions,²³ and no reparations have been provided under these proceedings. This situation has caused, among the victims who participate in the process, increasing scepticism, re-victimization and fractures in their efforts to become organized.

82. However, the need for such a legal instrument to enable individual criminal prosecution remains undiminished. Currently, the right to justice under Law 975 (2005), as previously noted by OHCHR-Colombia, is limited by the excessive leniency in the process of individualization of punishment. Moreover, the introduction of certain procedural changes in the Law should be considered, such as the need to distinguish between crimes "not subject to pardon"²⁴ and less serious and punishable offences; the possibility of collective indictments; or that the Attorney General's Office not be required to prove the veracity of all the crimes mentioned during the voluntary depositions, as currently required by the Law, but rather only those "not subject to pardon".²⁵

83. The right to truth under the Law has achieved some positive results, thanks to the efforts of the Attorney General's Office. There have been important advances in seeking truth, such as in the cases of "*parapolitica*", the more than 6,000 evidences obtained that served to reopen unresolved criminal investigations, and the above-mentioned efforts in the search for disappeared persons. However, the right to truth warrants the implementation of non-judicial mechanisms as well. In this regard, OHCHR-Colombia notes the proposal of the Supreme Court to begin exploring the possibility of a truth commission.²⁶

84. Regarding the right to reparations, Decree 1290 (2008) on the administrative reparations programme does not seem to have yet attained the necessary distribution of financial resources. By December 2009, of the over 275,000 requests received, resources had been approved for 10,593 persons. Other efforts, such as the Regional Commissions for Restitution of Property of the National Commission on Reparations and Reconciliation

²¹ A/HRC/12/18 of August 2009.

²² Between August 2002 and October 2009, 51,992 persons have individually and collectively demobilized; 3,957 are facing charges under the Law 975. By December 2009, 737 voluntary depositions were under way.

²³ As a result of the extradition of the most important paramilitary commanders to the United States of America in 2008, due to the absence of legal cooperation mechanisms with that country, even this was further restricted.

²⁴ It might be necessary to consider a reform of the list of crimes not subject to pardon, in order to incorporate those mentioned in articles 6 to 8 of the Rome Statute of the International Criminal Court.

²⁵ Other aspects are, for example, partial indictments, which were questioned by the Supreme Court, even if they appeared to be an option originally accepted by the Court (Sentence 32022, 21 September 2009). In December 2009, however, the Court reiterated the viability of partial indictments (Sentence 32575, 14 December 2009).

²⁶ Court Sentence 32022.

remain isolated and limited. The Trust Fund for victims provided for in Law 975 (2005) (which is meant to receive cash and properties from perpetrators admitted in the procedures provided by the Law), has not received expected resources.²⁷ In this respect, proceedings for the confiscation of property rights (*extinción de dominio*) should be expedited and property in the hands of paramilitary proxies should be reverted to legitimate owners.

85. A key opportunity was lost when Congress failed to adopt a victims' law in June 2009. Such a law that is consistent with international standards remains a desirable addition to the transitional justice framework for Colombia. It could fill the gaps in the judicial and administrative reparation processes, incorporate mechanisms for restitution of goods and property, including lands transferred to third parties or proxies, and provide for reparations for violations of social, economic, and cultural rights, with differentiated attention according to age, ethnicity and gender.

M. Poverty and economic, social and cultural rights

86. Poverty and extreme poverty, inequality and the internal armed conflict continue to restrict enjoyment of economic, social and cultural rights. It remains an imperative for the Government to fight poverty and to reduce the significant gaps between the rich and the poor. Poverty reduction strategies and policies must seek a fair distribution of the benefits of social development for all.

87. The Mission to Link Employment, Poverty and Inequality Surveys (MESEP) revealed that overall poverty levels have reached 46 per cent of the population and are even higher in rural areas (65.2 per cent). Extreme poverty has reached a national average of 17.8 per cent, but it is almost double in rural areas (32.6 per cent).²⁸ Disparities are also found in other social indicators, such as illiteracy rates.²⁹ Enjoyment of the right to health is also more restricted in rural areas, because of, inter alia, physical obstacles to access to services, lack of infrastructure and information, and the impact of the internal armed conflict. Profound socio-economic disparities can be detected between departments.³⁰ The data on the Millennium Development Goals, disaggregated by region, show that while some departments have achieved their proposed objectives, others are lagging far behind.

88. In the framework of the Millennium Development Goals, some areas require particular attention by decision-makers. Gender equality, environmental sustainability and housing are among the areas that have received fewer resources in departmental development plans.³¹

89. There are an estimated 4.3 million undernourished persons in Colombia, equivalent to 10 per cent of the total population.³² As a result of the internal armed conflict, activities to obtain traditional sources of food, such as fishing and hunting, have been interrupted or

²⁷ By December 2009, funds amounted to approximately Col\$ 27 billion (US\$ 14 million), while the 2009 budgeted amount under Decree 1290 was approximately Col\$ 200 billion (US\$ 100 million).

²⁸ Phase 1, MESEP Labour Market, Poverty and Inequality (2002–2008), executive summary, November 2009.

²⁹ In rural areas, it reaches 14.8 per cent, while the national average is 6.9 per cent (Quality of Life Survey 2008, Departamento Administrativo Nacional de Estadísticas (DANE)).

³⁰ The Human Development Index for Bogotá is 84.3; it is 67.4 for Chocó and 72.2 for Caquetá (National University of Colombia).

³¹ "The Contribution of Departmental Development Plans to Achievement of the Millennium Development Goals", Colombia Líder, October 2009.

³² Food and Agriculture Organization of the United Nations/World Food Programme, *The State of Food Insecurity in the World* (Rome, 2009).

suspended. In some areas, fumigation has damaged subsistence crops (*pancoger*). Food insecurity is particularly acute for internally displaced persons.³³

N. Discrimination

90. In 2009, the Constitutional Court determined in several sentences that persons with disabilities are subject to various human rights violations, especially in the context of the internal armed conflict, and in particular with regard to education, health and work.³⁴ The ratification by Colombia of the Convention on the Rights of Persons with Disabilities in July 2009 is an opportunity to move forward in ensuring differential attention and protection of the rights of these persons. The Government is urged to also ratify the Optional Protocol to the Convention.

91. Attacks against the LGBT community have been on the rise in cities such as Bogotá, Cali, Medellín and Cúcuta. The Constitutional Court, through sentence C-029 of 2009, underlined the lack of protection for same-sex couples.

92. The Government's decision to support the United Nations Declaration on the Rights of Indigenous Peoples, its spirit and guiding principles is welcomed. However, there are still major challenges with respect to ethnic minorities, including the adoption of a law to punish racial discrimination, reaffirming commitments made in the Durban Review Conference of April 2009, and the creation of a statistical system with disaggregated data on indigenous peoples and Afro-Colombians.

93. Available data appears to indicate that indigenous peoples and Afro-Colombian communities are marginalized and subject to de facto racial discrimination. The five departments with the highest percentage of population living below the poverty line or in conditions of extreme poverty (Bolívar, Cauca, Chocó, Córdoba and Nariño) coincide with those where there is a high concentration of Afro-Colombian and indigenous populations.³⁵

94. Several indigenous communities face malnutrition. Cases of death related to child malnutrition were reported in Cauca, Chocó, Nariño and Risaralda.

95. Government efforts to overcome ethnic inequalities have led to the formulation of specific policies for these communities.³⁶ However, some of these efforts did not involve sufficient consultation and lacked an ethnically differential approach. Policies need to be translated into tangible improvements in the living conditions of these groups as soon as possible.

96. Several indigenous and Afro-Colombian communities have reported the lack of free, prior and informed consultation with regard to the "mega-projects" for exploration and exploitation of natural resources in their territories in Antioquia, Caldas, Cauca and Chocó. Some indigenous leaders who participated in consultation processes and consensus-building

³³ Sixteenth Report to Congress of the National Ombudsman in Colombia, July 2009.

³⁴ For example, T-022 (education), T-096 and T-105 (health), T-125 (work).

³⁵ In Chocó, 82.12 per cent of the population is Afro-Colombian and 12.67 per cent indigenous; in Cauca, 21.55 per cent is indigenous and 22.2 per cent Afro-Colombian (DANE 2005 census). In these departments, the child mortality rate is 54/1,000, but in Medellín it is 8/1,000 (National Health Survey (Encuesta Nacional de Salud, ENDS) 2005). The maternal mortality national average is 73 deaths for every 100,000 live births, while in Chocó the rate is 250 and in Cauca 125 (Colombia, *Health Situation in Colombia: Basic Indicators 2007* (Ministerio de la Protección Social, 2007)).

³⁶ For instance, the Comprehensive Long-term Plan for the Black, Afro-Colombian, *Palanquera* and *Raizal* Populations 2005–2007; and the "State Policy for the Colombian Pacific Coast" (Colombia, Consejo Nacional de Política Económica y Social (Conpes) Doc. No. 3491, 2007).

spaces have been killed. In 2009, the Constitutional Court declared the Rural Development Statute invalid, because of the absence of consultation.³⁷ The Government initiative to prepare a draft law to regulate the right to consultation is welcomed. This process must involve consultations with the indigenous and Afro-Colombian communities and guarantee their active participation.

97. In Order 004 of 2009, the Constitutional Court ruled that the internal armed conflict could cause the cultural or physical extermination of many indigenous peoples and ordered the formulation and implementation of plans for ethnic preservation of 34 peoples. To date, and despite efforts undertaken by the Government and indigenous organizations, these plans are still in a preliminary stage and require a significant boost to ensure rapid protection. Moreover, in Order 005 of 2009, the Court declared that the fundamental rights of Afro-Colombian communities were being systematically and continuously ignored.

98. Unlike in 2008, demonstrations promoted by indigenous organizations (*Minga*) in 2009 were conducted in an overall peaceful manner, due to the constructive cooperation between indigenous organizations, governmental authorities and security forces. Investigations into the violence produced during the 2008 *Minga*, however, should be advanced in order to identify and punish those responsible for acts of violence and excessive use of force.

99. Recognizing Government initiatives to promote rights to health, education and territory of indigenous peoples, during his visit in July, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people stressed that all measures should be strengthened and their effective implementation ensured in consultation with the indigenous peoples affected.

IV. Summary of activities of OHCHR-Colombia

100. OHCHR-Colombia continues to fulfil its mandate to observe and promote human rights, as well as to advise and provide technical cooperation. As of 30 December 2009, 1,387 complaints had been received and OHCHR-Colombia had followed up on 1,279. A total of 264 observation missions were undertaken, which represented a total of 788 days in the field. Such missions, frequently undertaken in areas with weak or non-existent State presence, made it possible to monitor regional and municipal situations, support local processes, and provide advice to authorities and civil society organizations. In 2009, the President requested OHCHR-Colombia to support and monitor the investigations into the August massacre against Awá peoples. In response, OHCHR-Colombia travelled to the crime scene, supported victims and the prosecutor in charge of investigations and shared its observations and recommendations with national authorities.

101. OHCHR-Colombia supported the review of the country by treaty bodies as well as the mechanism to follow up on the recommendations of the universal periodic review. It further cooperated with the Government to organize a database for tracking international recommendations and requests for action, including those of OHCHR-Colombia and special procedures mandate holders. It also organized seminars on indigenous justice, the rights of persons with disabilities, and human rights and private business with emphasis on the role of the Global Compact. It provided the Attorney General's Office with expert support in investigations of sexual violence. It undertook or participated in a total of 3,047 meetings: 1,542 with public institutions, 981 with civil society, 263 with United Nations organizations and 261 with the international community.

³⁷ Sentence C-175 of 2009.

102. In November, OHCHR-Colombia and the Government exchanged letters on the cooperation to be provided for the 2010/2011 biennium and made a commitment to monitor measures adopted by the Ministry of Defense to overcome extrajudicial executions.

103. OHCHR-Colombia provided logistical support for the visits of four special rapporteurs and the Deputy High Commissioner, and expresses its thanks for the full cooperation received from the Colombian State and civil society organizations in this endeavour.

104. During 2009, OHCHR-Colombia printed and distributed 103,179 copies of various publications, of which 18 were new and 10 reprinted; 1,008 press notes appeared in mass media about OHCHR-Colombia; 31 press releases were issued; and, for the first time, a 24-hour Internet concert was organized to celebrate International Human Rights Day. OHCHR-Colombia has opened Facebook and Twitter accounts, where news, issues and human rights promotion tools are publicly discussed and disseminated.

V. Recommendations

105. **The High Commissioner reiterates her previous recommendations and again urges the Government, illegal armed groups, and civil society at large to give priority to full respect for human rights and international humanitarian law. Further, the High Commissioner, with a view to contributing to achieve lasting peace through dialogue and negotiations:**

(a) **Reiterates the call on all parties to the conflict to fully accept and abide by international humanitarian law, respecting the life, integrity, property and autonomy of the civilian population, without exception, in particular the most vulnerable, and insists that illegal armed groups release all kidnapped persons immediately and unconditionally, immediately stop child recruitment and release all children recruited;**

(b) **Urges the Government to implement the 15 measures established by the Ministry of Defense in an effective manner, and to protect victims, witnesses and judicial officials involved in the prosecution of extrajudicial executions, and requests strict adherence to the limitations of military jurisdiction;**

(c) **Also urges the Government to guarantee the protection of the civilian population from the organized violence perpetuated by illegal armed groups that emerged after the demobilization of paramilitary organizations, by implementing appropriate strategies to combat them; and recommends increased efforts to prevent, investigate, prosecute and punish, firmly and without ambiguity, any links, tolerance or acquiescence by security forces towards these groups;**

(d) **Encourages the Attorney General to create a system of reliable information collection on the occurrence of acts of sexual violence and gender-based crimes and calls on the Ministry of Defense to undertake a “zero tolerance” policy for these violations, including the separation from service of those responsible;**

(e) **Encourages the relevant authorities to strengthen the work of the Early Warning System to effectively respond to the alerts issued and to provide adequate protection to its members;**

(f) **Invites the Government to form an inter-institutional working group to consider, in a concerted, transparent and participatory manner, thorough structural and procedural reforms to Law 975 (2005), as well as the establishment of non-judicial transitional justice mechanisms;**

(g) Recommends that the Procurator General sanction those public officials whose statements discredit or put at risk the work of human rights defenders, and urges the Government to promptly implement the agreements reached in the National Round Table on Guarantees for human rights defenders;

(h) Calls on the Government to take specific measures to ensure that all intelligence services respect human rights and are subject to strict civilian and legal controls, to move forward in the investigations of the material and intellectual perpetrators of the crimes committed, and to implement an effective mechanism for purging the files with the active participation of the Procurator General;

(i) Exhorts the competent authorities to move forward in the investigations into the origins and perpetrators of threats made in 2009 through pamphlets and e-mail;

(j) Calls for the prompt implementation of plans to protect indigenous and Afro-Colombian communities, as well as concerted measures to effectively ensure free, prior and informed consultation on all matters that affect their life, culture and territories, and encourages the Government to develop and implement further policies.

Annex

Illustrative cases of violations of human rights and breaches of international humanitarian law

As a complement to the High Commissioner's report on the situation of human rights in Colombia, and by way of illustration, a number of cases of human rights violations and breaches of international humanitarian law that have come to the attention of the office in Colombia of the High Commissioner for Human Rights ("OHCHR-Colombia") during the reporting period are described below.

Situation of the judiciary

The following cases illustrate the tension and public disputes between the executive and judicial branches during 2009, as well as the security difficulties sustained by certain magistrates of High Courts:

(a) In a press release issued on 25 November, the Government stated that the President of the Supreme Court had "not told the truth" when he denied that he had informed the President of the Republic that the difficulties identified by the Court to elect the Attorney General had been overcome after the withdrawal of one of the three candidates;

(b) A Supreme Court magistrate, former President of the Court, was subject to illegal surveillance attributed to the Department of National Security (DAS). In May 2009, the Inter-American Commission on Human Rights granted precautionary measures in favour of the magistrate.

Intelligence services

Information was made public in 2009 that DAS (the national civil intelligence agency reporting directly to the President) had conducted widespread and systematic illegal intelligence operations going back at least as far as 2003. These operations targeted, inter alia, human rights defenders, political opposition leaders, journalists and State officials. The cases below illustrate how the operations affected the human rights situation:

(a) On 11 and 13 February, in Santa Fe de Antioquia and Marinilla (Antioquia), several people in plain clothes, without requesting authorization, videotaped prosecutors of the Human Rights National Unit while they were performing official activities relating to cases of extrajudicial executions attributed to the army. When these people were asked who they were by the prosecutors, they identified themselves as members of military intelligence units;

(b) On 27 May, in a rural area of Yopal (Casanare), while prosecutors were performing official activities relating to an alleged extrajudicial execution in which members of the Army Unified Action Groups for Personal Freedom (Spanish acronym, GAULA) were involved, a vehicle with polarized windows, parked in front of the GAULA premises and driven by armed men in plain clothes, was seen on a number of occasions following those prosecutors and staff members of OHCHR-Colombia who were supporting them;

(c) In 2009, OHCHR-Colombia learned that, in 2004 and 2005, the DAS Intelligence Special Team G-3 ordered operations similar to the following, with the intention to instil fear in victims and force them to cease their activities. In 2005, a female lawyer, who is a human rights defender, received at home a package reading “For my beloved daughter” with a puppet and a note: “You have a beautiful family, take care of it and do not sacrifice it”. The puppet had the head and the arms separated from the body, a broken leg and torn clothes. The puppet also had the pelvic area painted in red, like blood, and a cross on the chest, with cigarette burns on one of the arms, the back and the eyes;

(d) A journalist, who is a human rights defender, has been the subject of threats since she started investigating the murder of prominent journalist Jaime Garzón in 1999. As a result, she and her young daughter had to leave the country in 2004. In 2009, OHCHR-Colombia learned that at least one of the threats was ordered and executed by DAS.

Human rights defenders, journalists and trade unionists

The following are illustrative cases of killings, threats, arbitrary detentions, sexual offences, break-ins into homes and offices and information theft directed against human rights defenders, which have been attributed to members of illegal armed groups that emerged after the paramilitary demobilization and guerrilla groups, in particular the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP), as well as, in some cases, members of security forces:

(a) In May, in Arauca, the Attorney General’s Office released a prominent human rights defender, who had been in detention for more than six months on rebellion charges. No evidence was found against him;

(b) In Antioquia and Santander, five peasant leaders were released as evidence was not enough to proceed against them. They were detained for periods between 5 and 16 months;

(c) A human rights defender, who was detained in Sucre more than a year ago, is still in detention. He was accused of criminal association with paramilitary groups, although he himself had denounced these groups. The prosecutor who ordered the detention is under investigation for corruption;

(d) Between February and March, pamphlets proffering threats against sectors of the population appeared in at least 24 of the 32 departments in the country. These pamphlets, designed in a standard format, were distributed in just two weeks in places as distant as Armenia, Barranquilla, Bogotá, Chocó, Cúcuta, Medellín and Valle del Cauca. The document promoted the so-called “social cleansing” of, among others, sex workers, homosexuals, drug addicts and persons with HIV. The pamphlets warned that “[whoever] is found [...] after 10 p.m. [in the streets], we are not responsible”, ordered people to “spend more time with their family” and demanded “forgiveness from society if innocents are killed”;

(e) At the beginning of May, threatening pamphlets were distributed in Cesar, La Guajira and Magdalena. The pamphlets referred to “a gang of lawyers, public officials from Social Action, the Ombudsman’s Office, municipal ombudsmen and leaders of displaced persons” as criminals, because they defended the rights of internally displaced persons. The pamphlets threatened to “eradicate them”;

(f) On 17 and 24 February, unidentified individuals forced their way into the offices of two organizations undertaking social work in Commune 13 and north-eastern Medellín and stole only the hard drives of the computers containing information on their work;

(g) On 11 August, two computers were stolen from the premises of the Ombudsman's Office in Córdoba (Montería), located in the offices of the Regional Ombudsman and the Community Ombudsman of Alto Sinú;

(h) On 24 April, in Patía (Cauca), a journalist from *Radio Super Popayán*, recognized for his work in denouncing abuses, was killed by an unidentified individual who broke into his home and shot him dead;

(i) On 20 May, in Currillo (Caquetá), the director of a local television station, recognized for his work in denouncing abuses, was shot dead by unidentified individuals who violently broke into his home;

(j) Between 15 and 18 June, two men and one woman, members of the National Movement of Victims of State Crimes (MOVICE) in Sucre, received death threats via e-mail, text messages and telephone calls. A few days before, on 12 June, these persons had actively participated in the Regional Round Table on Guarantees for human rights defenders in Sincelejo (Sucre).

Extrajudicial executions

The following cases show that total and sustained elimination of extrajudicial executions, of which complaints have drastically decreased during the reporting period, requires continued efforts, including ensuring that those found responsible are properly punished in an environment of security for all parties involved:

(a) In Salento (Quindío), two men and one 18-year-old woman were killed on 16 January during a joint operation between the Army High Mountain Battalion No. 5 and DAS. The victims were reported by the army as members of FARC-EP killed in combat;

(b) In Tumaco (Nariño), on 23 May, the army allegedly killed a person whom they had previously detained. The Military Criminal Judge of Ipiales (Nariño) was in charge of the investigation for several months;

(c) In Yondó (Antioquia), on 17 October, soldiers from the Army Energy and Highways Battalion No. 7 were allegedly responsible for the death of two teenagers, 15 and 16 years of age. The victims were reported to be travelling on a motorcycle when they were shot several times without any prior warning or order to stop;

(d) In Zaragoza (Antioquia), on 15 May, a retired army sub-officer who had denounced an extrajudicial execution was killed by unknown individuals;

(e) In Bogotá, on 4 February, the brother of a victim of extrajudicial execution was murdered after instigating the investigation of his disappeared brother in Soacha. His brother had been reported as killed in combat by the army in Norte de Santander, shortly after his disappearance;

(f) In Cali (Valle del Cauca), on 10 May, a murder attempt against the brother of a victim of an extrajudicial execution was reported. The attempt was reported five days after the beginning of the judicial hearing against the individuals allegedly responsible for the execution;

(g) In Pitalito (Huila), on 8 March, a police patrol unit with two agents arrived at "Los Pinos" neighbourhood and stopped a man. One of the agents, who stated that he thought that the victim was a criminal, getting out of his vehicle, shot him in the chest. Several neighbours witnessed the scene and claimed that the police agents did not allow them to immediately assist the victim. He died in a hospital two days later;

(h) On 2 June, the Third Penal Court of Montería (Córdoba) sentenced a major, a captain and four soldiers of Army GAULA of Montería to 28 years of imprisonment for the extrajudicial execution of two youths. Their defence included false accusations against the female prosecutor in charge of the case of bribing a witness to testify against the members of the army.

Sexual violence

The cases below exemplify how girls and women are exposed to the sexual violence generated by all parties to the conflict, as well as by illegal armed groups which emerged after the demobilization of paramilitary organizations:

(a) In August, OHCHR-Colombia received information that criminal gangs, “*combos*” (small criminal groups of youth) and unidentified illegal armed groups were recruiting and using children from Communes 5, 6 and 7 of Medellín (Antioquia), for prostitution and sexual slavery activities, drug dealing and collection of extortions payments. It was reported that members of the National Police had a permissive attitude vis-à-vis these activities;

(b) On 16 August, in Puerto Caicedo (Putumayo), a 15-year-old girl was raped, and received death threats if she denounced the abuse. The abuse was allegedly committed by a demobilized paramilitary member, who is currently a member of the illegal armed group “Los Rastrojos”;

(c) In Puerto Asís (Putumayo), it was reported that in May members of the illegal armed group “Los Rastrojos” offered money to girls at their schools to convince them to engage in prostitution activities;

(d) In March, in Riosucio (Chocó), it was reported that the commander of the police station was allegedly responsible for the sexual abuse of two girls, aged 8 and 10;

(e) On 14 June, in the Tercer Milenio park of Bogotá, a junior police officer allegedly raped a displaced girl while other junior officers videotaped the rape;

(f) On 11 August, a 5-year-old Nukak girl from the El Refugio indigenous territory in San José del Guaviare (Guaviare) was sexually assaulted, allegedly by a soldier from the Joaquín París Army Battalion. Four other girls from the same indigenous communities, aged between 13 and 17, were said to have suffered similar assaults and to have been subjected to sexual exploitation by soldiers from the same army battalion;

(g) In March, in Yondó (Antioquia), two 15-year-old girls were allegedly raped by a soldier from the Calibío Army Battalion. The soldier was also accused of having detained the two girls for several hours and injured them;

(h) In March, in the rural area of Casabianca (Tolima), a woman was raped and subjected to other acts of sexual violence, reportedly by members of FARC-EP. In addition, the woman and her children received threats warning they would be killed if the case was reported;

(i) In accordance with the statement of a girl who had been recruited by FARC-EP, it was reported that the 18th Front of FARC-EP forced pregnant young girl members of the group to abort;

(j) In Cauca, through information reported by the health centre in 2009, it was charged that a girl recruited by FARC-EP was forced to use contraceptive measures.

Torture, other inhuman or degrading treatment or punishment

The existing data does not seem to reflect either the magnitude or the real impact of the violation. The cases below are a few examples of the seriousness of the situation:

(a) On 26 January, more than 260 inmates from the Bellavista prison (Medellín) were ordered out of their cells by members of the National Police and the Penitentiary Guards. Around 150 inmates were separated from the group and sent to two different locations within the prison, where they were allegedly held in overcrowded conditions with no access to water, food, toilets and toilette facilities;

(b) On 9 February, it was reported that two handcuffed youths were doused with gasoline and burned alive in a police station in Bogotá;

(c) In Plato (Magdalena), it was reported that, on 21 June, two detained youths were beaten and threatened to death in the police station;

(d) On 26 August, in Medellín (Antioquia), two youths who had been arrested by members of the National Police suffered physical and verbal assaults, cigarette burns, and injuries produced with a steel can, and were doused with aerosol spray on their faces and bodies;

(e) In Mesetas (Meta), on 15 November, a youth was illegally detained and allegedly tortured by three National Police officers, who suffocated him by covering his head with a plastic bag.

Enforced disappearance

Enforced disappearance continues to be a major concern of OHCHR-Colombia. Most of the situations remain unsolved, and their perpetrators and motives unidentified. Below are illustrative cases of this violation:

(a) On 15 February, a woman, member of the trade union SINTRAGRIM, disappeared in Miravalles, El Castillo (Meta), after having denounced that civilians had been ill-treated by members of the Army Battalion 21 Vargas;

(b) On 26 March, in Medellín (Antioquia), a man disappeared after having been arrested by National Police officers allegedly for not carrying ownership documents of the motorcycle he was riding. There is no record of him having been transferred to the police station and he was allegedly handed over to a criminal gang;

(c) On 29 May, in Itagüí (Antioquia), three women were arrested and handed over to a criminal gang, presumably by National Police officers.

Illegal armed groups that have emerged after the demobilization of paramilitary organizations

OHCHR-Colombia notes with great concern the expansion, increasing activities and violence against civilians perpetrated by illegal armed groups that emerged after demobilization of paramilitary organizations, as illustrated below:

(a) On 1 March, five members of the same family, including a man with a disability, a woman and two children aged 2 and 8, were killed in Patía (Cauca), presumably by members of the illegal armed group “Los Rastrojos”;

(b) The killing of two fishermen and the enforced disappearance of another five in Litoral de San Juan (Chocó), on 19 March, were attributed by the authorities to the same illegal armed group “Los Rastrojos”;

(c) Between 2 and 3 November, eight Afro-Colombians, members of the same family, were killed in Barbacoas (Nariño) by individuals who presented themselves as members of the illegal armed group “Águilas Negras”;

(d) In the Bajo Cauca region (Antioquia), during the first semester of 2009, members of the different illegal armed groups in the region were recruiting and using children for logistics activities, intelligence work and selective killings (*sicariato*);

(e) In July, officers of the National Police in Córdoba captured two demobilized paramilitary members, who were travelling in a public bus with 16 newly recruited youths. The youths were recruited to join the different illegal armed groups conducting activities in the south of the department;

(f) In Meta, in mid-2009, the illegal armed group Popular Revolutionary Anti-Communist Army of Colombia (ERPAC) was reported to have been recruiting and using youths from marginalized neighbourhoods from various municipalities, primarily with promises of short-term employment. The families have not heard from these youths since their reported recruitment.

International humanitarian law

Guerrilla groups

Guerrilla groups continued to disregard and reject international humanitarian law, attacking and killing civilians, especially members of indigenous peoples, planting antipersonnel mines, recruiting and using children, causing forced displacements and kidnapping, among other breaches, as exemplified below:

(a) On 4 January, in La Vega (Cauca), members of the National Liberation Army (ELN) were allegedly responsible for the death of an 11-year-old boy who had witnessed the murder of his father at the hands of the same guerrilla group;

(b) On 13 January, in Roberto Payán (Nariño), members of FARC-EP attacked a police station with cylinder bombs, instantly killing two girls and one boy in a sports field;

(c) In Urrao (Antioquia), on 5 February, FARC-EP was reported to have killed two Afro-Colombian youths and to have been responsible for the displacement of 10 families who fled their homes following accusations by FARC-EP of being collaborators of the army;

(d) On 19 February, in Barbacoas (Nariño), members of FARC-EP killed 11 Awá indigenous people, including several children and two pregnant women;

(e) In March and October, during the blockades imposed by armed forces by FARC-EP in Arauca and Putumayo, the civilian population suffered severe restrictions to free movement and access to medicine, food and fuel;

(f) In Villavicencio (Meta), on 6 March, members of FARC-EP were allegedly responsible for attacks against the aqueduct that provides drinking water to the city, leaving its 300,000 inhabitants without water for more than 10 days;

(g) Between April and June, over 180 people from different rural communities in Ituango (Antioquia) remained isolated for two months, as a result of antipersonnel mines laid by FARC-EP;

(h) On 13 April, members of ELN allegedly broke into the hospital of Saravena (Arauca) and shot dead two hospitalized National Police officers;

(i) In May, a 17-year-old boy died as a result of the explosion of several grenades when he was forced by FARC-EP to attack a police station in Putumayo;

(j) In El Tarra (Norte de Santander), on 17 May, a man who was being transported in an ambulance was killed, allegedly by members of ELN. Medical personnel were threatened and, after this incident, the single functioning medical centre in the area suspended its services;

(k) On 26 May, in Carmen de Atrato (Chocó), FARC-EP threatened several people in the indigenous Emera and Katio communities and informed them that a number of antipersonnel mines had been laid around schools, private dwellings and communal places;

(l) On 29 May, members of FARC-EP entered the municipality of Garzón (Huila) and took hostage of an elected municipal official. Two private security guards and one policeman were killed during this action;

(m) In Quibdó (Chocó), on 7 June, members of FARC-EP launched a grenade against a liquor store, supposedly because the owner did not pay an illegal tax imposed by the group (*vacuna*). The attack caused serious injury to six civilians who happened to be there;

(n) In Tame (Arauca), on 11 June, a Makaguan indigenous man was killed, allegedly by members of ELN;

(o) On 21 June, in Teteyé (Putumayo) members of FARC-EP were reported to have killed an Awá indigenous man who belonged to the local Community Action Council;

(p) Between July and August, two girls of 15 and 17 years of age and a boy of 15 years of age were recruited by FARC-EP in Toribio (Cauca);

(q) On 19 August, a 17-year-old boy was killed when transporting explosives to the mayor's office in Guapi (Cauca), reportedly upon orders from FARC-EP;

(r) On 12 October, the chief constable and traditional medicine doctor from the Embera Katio indigenous territory in Puerto Libertador (Córdoba) died after stepping on an antipersonnel mine, allegedly laid by FARC-EP;

(s) On 17 October, the hospital of the municipal capital of Toribio (Cauca) was severely damaged during an attack by members of FARC-EP;

(t) Members of FARC-EP allegedly killed two elected municipal officials from the Liberal Party, on 18 October, in Sumapaz (Cundinamarca);

(u) In Dabeiba (Antioquia), on 5 November, three adults died and two children were injured after stepping on antipersonnel mines allegedly laid by FARC-EP. They were all members of the same family;

(v) On 20 November, members of FARC-EP burned an inter-municipal bus in Nariño, causing the death of seven people, including two children;

(w) On 21 December, for the fifth time since 1987, the 68-year-old Governor of Caquetá was taken hostage by members of the FARC-EP, while he was at home. During this action, two policemen were injured and one killed. The next day, members of the army and the National Police found the body of the Governor, with his throat cut by members of FARC-EP, surrounded by explosives;

(x) During 2009, it was reported that FARC-EP has been recruiting children in Antioquia, Cauca, Cesar, Chocó, Nariño, Putumayo, Tolima and Valle del Cauca.

Security forces

OHCHR-Colombia continued to register complaints about breaches of international humanitarian law by members of the security forces, especially against children:

(a) In February, in several regions of Cauca, the army temporarily occupied a number of schools;

(b) In February and March, in several rural areas of Valle del Cauca, it was reported that the army offered food to children in exchange for information on the whereabouts of illegal armed groups in the region;

(c) On 11 February, in the rural area of Guaviare, two boys and a girl who were attending school were injured by army gunshots discharged in response to an attack by a FARC-EP sniper who had killed a soldier;

(d) In May, troops of the Divisionary Reaction Force (FURED) from the Army Third Division established a camp within the school premises of a village in Florida (Valle del Cauca);

(e) It was reported that in July, the army had restricted free access to food in Frontino (Antioquia);

(f) In Santa Rosa (Bolívar), on 16 November, a 4-year-old child died as a consequence of an armed confrontation between the army and FARC-EP;

(g) In La Macarena (Meta), on 24 November, a farmer travelling with his 5-year-old son was shot dead in the head by a soldier of the Army Mobile Brigade No. 1. The case was presented as a “military error”.

Forced displacement

Forced displacement continued to increase in 2009, although at a lower rate than in past years, with a continuous under-registration of cases, throughout the country, with higher frequency in areas of hostilities. As illustrated below, forced displacement as a result of the internal armed conflict and caused by illegal armed groups was particularly worrying in the departments of Antioquia, Córdoba, Chocó and Nariño:

(a) Following the February massacre by FARC-EP in Barbacoas (Nariño), 500 persons mostly children, were massively displaced;

(b) Between June and July, in Ituango (Antioquia), over 1,000 persons were displaced as a result of landmines allegedly laid by FARC-EP and threats from this group;

(c) On 8 June, a confrontation between the illegal armed groups “Águilas Negras” and “Los Rastrojos” caused the displacement of 513 persons in Tumaco (Nariño);

(d) On 7 July, confrontations between the army and FARC-EP caused the displacement of 49 families in the Zenú indigenous territory in Córdoba;

(e) On 23 July, a displaced population leader was murdered in Santa Fe de Ralito, Tierralta (Córdoba) by unknown individuals. The victim had been working since 2007 on a process to claim over 1,400 hectares of land stolen by former paramilitary members;

(f) In Chocó, on 17 August, 117 people from an Afro-Colombian community were displaced due to confrontations between two illegal armed groups for the control of the Bajo Baudó River area;

(g) Between 5 and 20 September, military operations carried out by the army against the illegal armed group “Los Rastrojos” caused the displacement of approximately 50 families in Bolívar (Valle del Cauca);

(h) During 2009, in Barrancón (Guaviare), several displaced groups from various indigenous peoples (Jiw/Guayabero, Nukak Makú) still lacked access to drinking water and health care was only provided once a month. In addition, the ability of the school to provide education was insufficient to cover all needs.

Poverty and economic, social and cultural rights

As shown below, poverty and extreme poverty, inequality and the internal armed conflict continue to restrict enjoyment of economic, social and cultural rights:

(a) It has been reported that the inhabitants of the rural area of San José del Guaviare, near the Guayabero River (Guaviare), were denied health care by municipal authorities on the grounds that they were members of guerrilla groups or their collaborators;

(b) In some rural areas of Guaviare, several education institutions lack infrastructure and proper sanitary conditions, as well as study materials. Several teachers abandoned such institutions because of fear for their lives, as a result of the intensity of the internal armed conflict in the region.

Discrimination

As shown below, attacks against the lesbian, gay, bisexual and transgender (LGBT) community have been on the rise in cities such as Bogotá and Medellín. Moreover, cases have been registered of attacks and massacres against members of indigenous peoples, as well as lack of and unsuitable free, prior and informed consultation:

(a) Cases of abuse attributed to members of the National Police against the LGBT community in various communes of Medellín (Antioquia) have been reported;

(b) In April, in Bogotá, the manager of a bar regularly attended by members of the LGBT community was physically and verbally assaulted. He also received death threats by unidentified individuals. The victim had previously received a threatening pamphlet from the so-called “Chapinero Social Cleansing Group, for a society free of gays”;

(c) Three indigenous communities of Chocó and Antioquia requested the suspension of the exploratory works for the “Careperro” mine in their territories. In some cases, the requests were made on the basis of lack of prior consultation and, in others, on the basis of irregularities in the process. Furthermore, the army entered the indigenous territories to provide protection to the construction of a heliport on a place considered as sacred by the communities;

(d) On 2 August, an indigenous leader from the Inga Villa Catalina indigenous territory of Puerto Guzmán (Putumayo) was killed by unknown individuals. The victim had been leading a consultation process since 2006 for the exploitation of 18 oil deposits located in the indigenous territory. As a result of the killing, and several threats against other indigenous leaders of the region, the Permanent Working Table of the Inga Indigenous Peoples of Puerto Guzmán withdrew from the consultation process;

(e) On 26 August, in the indigenous territory of Gran Rosario in Tumaco (Nariño), an unidentified group of armed men broke into a private house and fired their guns at close range and without consideration to women or children, against a group of people. Twelve Awá indigenous people, including two girls, five boys and an 8-month-old baby were killed during the attack. Another three people, including a girl, were wounded.

“Colombia: Stop Abuses by Paramilitaries’ Successor Groups”

Human Rights Watch

3 February 2010

(Bogotá) - Colombia needs to respond effectively to the violent groups committing human rights abuses that have emerged around the country in the aftermath of the flawed demobilization of paramilitary groups, Human Rights Watch says in a report released today.

The 122-page report, "Paramilitaries' Heirs: The New Face of Violence in Colombia," documents widespread and serious abuses by successor groups to the paramilitary coalition known as the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC). The successor groups regularly commit massacres, killings, forced displacement, rape, and extortion, and create a threatening atmosphere in the communities they control. Often, they target human rights defenders, trade unionists, victims of the paramilitaries who are seeking justice, and community members who do not follow their orders. The report is accompanied by a multimedia presentation that includes photos and audio of some of the Colombians targeted by the successor groups.

"Whatever you call these groups - whether paramilitaries, gangs, or some other name - their impact on human rights in Colombia today should not be minimized," said José Miguel Vivanco, Americas director at Human Rights Watch. "Like the paramilitaries, these successor groups are committing horrific atrocities, and they need to be stopped."

Based on nearly two years of field research, the report describes the successor groups' brutal impact on human rights in Colombia, highlighting four regions where the groups have a substantial presence: the city of Medellín, the Urabá region of Chocó state, and the states of Meta and Nariño.

The successor groups pose a growing threat to the enjoyment of human rights in Colombian society. The most conservative estimates, by the Colombian National Police, put the groups' membership at over 4,000, and assert that they have a presence in 24 of Colombia's 32 departments. The groups are actively recruiting new members and despite arrests of some of their leaders, they are moving quickly to replace their leadership and expand their areas of operation. The rise of the groups has coincided with a significant increase in the national rates of internal displacement from 2004 at least through 2007. Much of the displacement is occurring in regions where successor groups are active. In some areas, like Medellín, where the homicide rate has nearly doubled in the past year, the groups' operations have resulted in a dramatic increase in violence.

The report documents multiple examples of successor group abuses, including the following:

- While a human rights defender was providing assistance to a victim of the paramilitaries at the victim's home in Antioquia, members of a successor group calling themselves the Black Eagles broke into the house, raped both women, and warned the rights defender to stop doing human rights work. She eventually had to flee town due to continued threats from the group.
- More than 40 people from the Pablo Escobar neighborhood of Medellín were forced to flee their homes between late 2008 and early 2009 as a result of killings and threats by the local armed group, which is partly made up of demobilized paramilitaries.

- In the southern border state of Nariño, most residents in three communities in the coastal municipality of Satinga were displaced after one of the successor groups (then using the name Autodefensas Campesinas de Nariño, or Peasant Self Defense Forces of Nariño) went into one of the towns, killed two young men, and reportedly caused the forced disappearance of a third.

The emergence of the successor groups was predictable, Human Rights Watch said, largely due to the Colombian government's failure to dismantle the paramilitary coalition's criminal networks during the demobilization process, between 2003 and 2006. The government's inadequate implementation of the demobilizations also allowed paramilitaries to recruit civilians to pose as paramilitaries for the demobilization, while keeping portions of their membership active. The report describes, for example, the North Block demobilization, where there is substantial evidence of fraud ordered by AUC leader Rodrigo Tovar (known as "Jorge 40").

The report also expresses concern over alleged toleration of successor groups' activities by some state officials and government security forces. Both prosecutors and senior members of the police said that such toleration was a real obstacle to their work. And in each of the cities and regions Human Rights Watch visited it heard repeated allegations of toleration of successor groups by security forces.

In Nariño, for example, one man complained that "the Black Eagles interrogate us, with the police 20 meters away... [Y]ou can't trust the army or police because they're practically with the guys." In Urabá, a former official said the police in one town appeared to work with the successor groups: "It's all very evident... The police control the entry and exit [of town] and ... they share intelligence." In Meta, an official said he received "constant complaints that the army threatens people, talking about how 'the Cuchillos' [the main successor group in the region] are coming... In some cases, the army leaves and the Cuchillos come in."

Human Rights Watch said that the Colombian government has legal obligations to protect civilians from harm, prevent abuses, and ensure accountability for abuses when they occur.

But the government has failed to ensure that the police units charged with combating the groups, or the prosecutors charged with investigating them, have adequate resources. It has dragged its feet on funding for the Early Warning System of the Ombudsman's Office, which plays a key role in protecting the civilian population. State agencies have at times denied assistance to civilians who reported being displaced by successor groups. And the government has failed to take effective measures to identify, investigate, and punish state officials who allegedly tolerate the successor groups.

"The Uribe administration has failed to treat the rise of the successor groups with the seriousness the problem requires," Vivanco said. "The government has taken some steps to confront them, but it has failed to make a sustained and meaningful effort to protect civilians, investigate these groups' criminal networks, and go after their assets and accomplices."

“The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia”

International Crisis Group, Latin American Briefing No. 21

25 May 2009

OVERVIEW

Over seven years, the government of President Álvaro Uribe has produced important security gains, but these have been accompanied by serious human rights violations and breaches of international humanitarian law (IHL). Colombia is still not close to the end of its armed conflict. The Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), paramilitary successors and new illegal armed groups (NIAGs) – all responsible for multiple atrocities against civilians – can survive with drug financing and, to a degree, due to the state’s inability to extend its legitimate presence into many rural areas. To move toward lasting peace, the Uribe administration must not only maintain its security achievements but also urgently improve its security policy by addressing serious human rights issues and expanding the rule of law and national reach of the state’s civilian institutions. Holding to account senior military involved in extrajudicial killings is a first step but insufficient to curb abuses. International cooperation should focus on supporting the fight to end impunity and protect basic rights.

The Uribe government has argued that the best way to protect human rights is by expanding the presence of security forces. But human rights organisations and international observers have long criticised the negligent or openly abusive actions of those forces. Serious violations include extrajudicial executions of civilians by members of the security forces; the growth of paramilitary successors and NIAGs, at times with acquiescence by security personnel and some government officials; failure of early warning mechanisms to reduce threats and violence against human rights defenders, social leaders, trade unionists and members of Afro-Colombian and indigenous minorities; failure to swiftly transfer human rights cases from the military to the ordinary justice system; and the justice system’s slowness and, at times, inability to punish human rights violators.

Deep-seated, often ideological mistrust between the government and human rights defenders has hindered dialogue on integrating human rights protection and IHL observance into security policy. This is counterproductive and must be overcome through concrete actions by government and civil and political society alike, starting with an end to officials’ repeated efforts to link human rights organisations with the guerrillas. The priorities of government and of human rights defenders are not mutually exclusive but reinforcing. Ending the internal armed conflict requires improved security with full respect for citizens’ fundamental rights. The administration, with international support, should openly engage with human rights organisations on promoting scrupulous defence and protection of human rights. This would increase the credibility and democratic legitimacy of government and state, making security policy more effective and sustainable and enhancing the chance to finally end the lengthy conflict successfully.

Urgent measures by the government, the human rights community and international partners should include:

- committing publicly to Presidential Directive no. 07 of 1999, which instructs public servants to abstain from questioning the legitimacy of the work of human rights organisations and their members as long as they act on the basis of the constitution and the law;
- strengthening security force professionalism, including by (a) rigorously applying the defence ministry’s 2007 policy on human rights and IHL; (b) establishing an evaluation system for human

rights and IHL training of security forces; (c) appointing legal advisers in every army battalion; (d) giving full support to the military inspectors charged with looking into possible human rights and IHL abuses and immediately transferring appropriate cases to the civilian justice system; (e) punishing human rights and IHL transgressors inside the security forces; and (f) conducting new monitoring committee sessions in all army divisions to address torture, enforced disappearance, illegal detention and occupation of civilian property and sexual violence committed by military personnel;

- continued conditioning of international aid to the armed forces on full respect for human rights;
- strengthening the investigative ability of the human rights and justice and peace units of the attorney general's office; training judges and regional attorneys specialised in humanitarian issues; and improving protection programs so as to encourage victims and witnesses to participate in investigations and prosecutions;
- improving coordination between the ombudsman office's early warning system unit (SAT) and the government's interagency early warning committee (CIAT) so the SAT can fully participate in decisions on early alerts, which should clearly determine the responsibilities of local authorities, police and the military, and publishing SAT risk reports under appropriate procedures so as to improve government accountability;
- formally establishing a cooperation protocol pursuant to which the U.S. Department of Justice assists the justice and peace and human rights units of the attorney general's office to ensure that all extradited former AUC paramilitary chiefs continue to complete their confessions and testimony under the Justice and Peace Law about human rights violations in Colombia via video conferencing and are sent back to Colombia once their U.S. sentences are served; and
- reopening constructive dialogue to achieve consensus on and finalise the National Action Plan for Human Rights and IHL. Within the framework of the G-24, Sweden, Spain and the U.S. should take the lead in encouraging a rapprochement between the government and human rights defenders.

“The U.S.-Colombia Free Trade Agreement: Strengthening a Good Friend in a Rough Neighborhood”

By James Roberts

The Heritage Foundation

30 April 2008

Colombia, America's best friend in the Caribbean-Andean region, faces the hostile regimes of Ecuador and Venezuela on its borders, and other unfriendly neighbors are nearby in Cuba, Nicaragua, Argentina, and Bolivia. The main reasons for their animosity are that the Colombian government is solidly committed to its partnership with the United States and is following the same path toward market-based democracy that made the United States the most prosperous nation in world history.

Regrettably, on April 10, 2008, the leadership of the U.S. Congress forced a vote along party lines that has delayed consideration of the U.S.-Colombia Free Trade Agreement (FTA) indefinitely. With this ex post facto change in the "fast track" ground rules that have been a bedrock principle of U.S. trade negotiation policy for the past 35 years, Congress reneged on its pledge that trade agreements would receive a straight up-or-down vote within 90 days of submission.[1] Congress also sent an alarming message to America's trading partners around the world that Congress puts short-term political expediency above the long-term interests of the U.S. and its allies.

Colombians deserve the support of all Americans and better treatment from Congress. Congress should promptly reverse itself and approve the U.S.-Colombia FTA (also called the U.S.-Colombia Trade Promotion Agreement or TPA) to seal the alliance with this great ally and friend of the United States.

Colombia Today

In 2008, Colombia is bustling with people who are excited to see their homeland growing more prosperous and, at last, more peaceful. The vast majority of Colombians are focused on enhancing their peace and prosperity, which will accelerate Colombia's entry into the globalizing economy. The situation is a far cry from the Colombia of a decade ago--a nation wracked by violence and seized with fear, where drug kingpins, narcoterrorist communist guerrillas, far-right paramilitaries, and an assortment of other gangsters ruled with impunity while government, military, and law enforcement officials cowered in their offices.

In the intervening years, many things have changed, but they can be summarized in a few words: Plan Colombia, President Álvaro Uribe, and a new spirit among the Colombian people. Plan Colombia is a bold, multiyear program begun in 1999 by President Bill Clinton and President Andres Pastrana, Uribe's predecessor. Through this plan, the two countries began to rebuild the Colombian state. Plan Colombia has helped the Colombian government to regain control of territory and extend security to the towns and the countryside. Progress has been especially dramatic since 2002, when President Uribe and his center-right, pro-U.S. administration took office.

The restoration of order and civilian authority has allowed President Uribe's free-market policies to bear fruit, and economic growth in Colombia has taken off. The gross domestic product (GDP) has been growing at an increasing rate since Uribe took office, reaching an estimated 7 percent in 2007.[2] Meanwhile, the people enjoy the freedom of safely walking Colombia's once-mean streets for the first time in memory. Uribe's popularity has soared along with the economy, while

the favorable rating of the Revolutionary Armed Forces of Colombia (FARC), the violent narcoterrorist guerrilla group and long-time enemy of Colombian democracy, has plummeted to almost zero.[3]

A Rough Neighborhood

Meanwhile, next door in Venezuela, the other big Caribbean-Andean power, populist President Hugo Chávez has taken his people in precisely the opposite direction since 1999--toward chaos, violence, and growing reliance on an ever more powerful, would-be totalitarian socialist police state. Notwithstanding the hundreds of billions of dollars in oil revenues that have flowed into Venezuela since he took office and his oft-stated claims to the contrary, Chávez has succeeded in keeping his Venezuelan supporters poor and dependent on his regime's ever-expanding and brutal command-and-control machinery. Now he wants to undermine and impoverish his next-door neighbor, Colombia.

Hugo Chávez is on an arms-buying spree. Chávez has already bought \$3.4 billion worth of Russian weapons,[4] including "100,000 AK-103s and AK-104 assault rifles...a munitions factory, 53 helicopters--including a dozen Mi-17 military helicopters--and 24 SU-30MK fighter jets." [5] Venezuela is negotiating a multibillion-dollar, multiyear contract to purchase from Russia "five Project 636 Kilo-class diesel submarines and four state-of-the-art Project 677 Amur submarines" and "advanced Tor-M1 air defense missile complexes." [6] A Chávez military adviser boasts that the Russian submarines will "make Venezuela's navy the strongest in the region," [7] potentially putting the U.S. Navy in harm's way at some point in the future. Some observers worry that Chávez intends to have a devastating first-strike capability against Colombia, especially with the Sukhoi fighter jets. [8]

Evidence from three FARC laptop computers captured during a raid by the Colombian military just inside Ecuador's border in March 2008 has revealed that the FARC depends on substantial financial support from Chávez. [9] The FARC also looks to Chávez to pressure European governments to drop the FARC's terrorism designation in order to give the FARC the political legitimacy that it craves.

Despite the FARC's brutal terrorist acts and inhumane exploitation of hostage situations, its strategists are convinced that they have earned the right to shoot their way into the democratic game in the 2010 Colombian elections. Chávez makes no secret of his desire to use the FARC to topple Uribe and democracy in Colombia so that he can dominate the entire Andean region and fulfill his dream to mimic (falsely) his hero Simón Bolívar.

President Uribe and President George W. Bush want to avert this possibility. One of the main weapons in their "arsenal" of democracy and economic freedom is the U.S.-Colombia FTA that the two governments signed in November 2006.

The U.S.-Colombia FTA is much more than just a simple trade agreement. It would help the United States to complete a contiguous free trade zone along the Pacific Rim from Canada to Chile and to increase U.S. exports to Colombia. More important in the short term, it would also seal a deep partnership between two nations that are long-time friends and great defenders of market-based democracy. The FTA would fortify a bulwark against the rising tide of Chávism that nearly surrounds Colombia and threatens to undermine U.S. hemispheric interests.

Leftist Opposition to the FTA

Big protectionist U.S. labor unions and far-left anti-globalization groups have joined the far-left allies of Hugo Chávez--the Castro brothers in Cuba, Daniel Ortega in Nicaragua, Rafael Correa in Ecuador, Nestor and Cristina Kirchner in Argentina, and Evo Morales in Bolivia--in doing all that they can to block the FTA. They are leading a campaign against its approval by the U.S. Congress.

On the surface at least, their main argument against the FTA is that Colombia's history of violence against trade unions and the government's alleged toleration or even sanctioning of the violence should disqualify Colombia from further consideration for an FTA with the United States. However, these opponents conspicuously ignore the considerable progress that the Uribe government has made in ending that violence.

This paper examines in detail the current situation in Colombia to demonstrate that the left's arguments against the FTA are based either on faulty or outdated assumptions about the reality on the ground in Colombia today or on a destructive and fiercely partisan socialist ideology that would diminish economic freedom for everyone. It also details the many reasons why the FTA is in the best long-term interests of the United States, Colombia, and all of the other democracies in the Western Hemisphere.

Big Labor's Opposition. The AFL-CIO opposed the U.S.-Colombia FTA from the minute negotiations began in 2004. Their opposition reflects the left's overall campaign against all U.S. free trade agreements during the 2008 U.S. election year, despite ample evidence that the North American Free Trade Agreement (NAFTA) and other FTAs have brought huge benefits to all parties.[10]

Numerous press releases and studies have echoed Big Labor's core argument against the FTA:

The AFL-CIO believes that Colombia's atrocious human right[s] record sets it apart from Peru and Panama, and that no renegotiation of the U.S.-Colombia FTA would adequately address the violence confronting trade unionists in that country or the impunity for perpetrators of that violence.[11]

To counter the Bush Administration's push for a floor vote on the FTA before the August 2008 recess, AFL-CIO executive Linda Chávez-Thompson led a "fact-finding" mission to Colombia in mid-February, accompanied by Communications Workers of America President Larry Cohen and United Steelworkers counsel Dan Kovalik, to "gather information to inform the debate over the proposed trade agreement." [12]

Although the AFL-CIO leaders met with government officials in Colombia, including President Alvaro Uribe and some anti-FTA union leaders, they went out of their way to avoid any encounters with the heads of the numerous trade unions that represent many of the hundreds of thousands of Colombians who work in export industries (e.g., cut flowers, mining, petroleum products, coffee, textiles, sugar, and bananas) or who would otherwise benefit from those exports. These unions fervently favor the FTA and the new investments and jobs that it would bring.[13] Apparently, the Big Labor visitors did not want to risk hearing any inconvenient facts from pro-FTA Colombian labor leaders that might contradict their preordained conclusions.

One pro-FTA Colombian union leader's courageous advocacy of the U.S.-Colombia trade agreement apparently cost him his life. Jairo Giraldo Rey was murdered in his hometown of Cali in November 2007, just before he was to travel to

Washington with other pro-FTA Colombian union leaders to lobby Congress to pass the agreement. As reporter Monica Showalter noted, "Giraldo's murder not only silenced an unexpected voice for free trade, it also jacked up union killings data to stoke the case in the U.S. against Colombia's pact." [14]

A History of Violence. Colombia's tragic history of violence goes back to at least 1948 in Bogotá, when a ruthless young Fidel Castro joined others in leading several days of extremely violent rioting by various leftist groups to overthrow the 150-year-old democratic government of Colombia. Many of the rioters, like Castro, were attending an event funded by Argentinean strongman Juan Peron to protest the multilateral meeting then being held in Bogotá, which led to the creation of the Organization of American States. The revolutionaries were also protesting the recent assassination of Jorge Eliecer Gaitan, a lawyer and somewhat populist leftist politician who was running for president against the conservative oligarchy then in power. [15]

Thousands perished in the Bogotazo, as the riots came to be known, including Colombian soldiers, revolutionaries, and innocent bystanders. Colombia's major political parties were unable to put a stop to the extreme levels of violence (La Violencia) triggered by the Bogotazo until a decade later in 1958 after more than 200,000 Colombians had been killed. The 1980s and 1990s saw the rise of leftist guerrilla warfare groups such as the Marxist-oriented FARC and the Colombian Liberation Army (ELN). During this insurgency by the FARC and ELN, the Cali and Medellin Cartels dramatically increased cocaine production and smuggling. By the late 1980s, Pablo Escobar, the notorious leader of the Medellin Cartel, had become the world's seventh-richest man and most feared terrorist. His power was such that he threatened "to usurp the Colombian state." [16]

Long isolated in the Colombian jungles, FARC leaders are out of touch with the 21st century. They reject market-based democracy, individual freedoms, urban life, and modernity in general. Their visions of Colombia's future would follow in the footsteps of the apostles of revolutionary violence from Mao Zedong to Che Guevara. Colombian government officials say that negotiations with the FARC are very difficult, since there is little the government can offer them. Extended negotiations ended in 2002 after the FARC turned a safe haven twice the size of El Salvador into a laboratory for violence, misrule, drug trafficking, and kidnapping. [17]

Colombians' historical penchant for resolving disputes through violence has been analyzed by many sociologists, but that is not the principal theme of this paper. This phenomenon has many root causes, including the long-standing existence of criminal and violent narcoterrorist/trafficking gangs; the Colombian government's historical lack of effective control over much of its vast territory (the combined size of California and Texas); the fiercely independent and stubborn nature of the average hardscrabble Colombian, who must carve out a living from often rough and inhospitable terrain; and the long history of class warfare that has been stoked, organized, and funded by Castro and his ilk for the past 60 years.

Many "Union Killings" for Other Reasons. Anti-FTA opponents in big U.S. labor unions place heavy emphasis on the tragic history of violence against Colombian labor leaders and the alleged impunity of their government assailants. All of Colombian society, including union members, has clearly suffered from the horrifically high murder rate of the past few decades. However, more than half of all union members are in the Colombian public sector, with teachers comprising the largest union in the public sector. Given the nature of their work and the lack of any direct connection to paramilitaries sponsored by large landowners, most killings of teachers were likely the result of "normal" motives (e.g., robbery and crimes of passion).

Over the years, certain labor union members and leaders were undeniably targeted for assassination by paramilitaries and others in Colombia. Yet while the AFL-CIO reports the overall toll of violence against teachers and other union members, it fails to note that the vast majority of the "2,500 murders of trade unionists since 1986"[18] occurred prior to 2001. According to statistics from the Embassy of Colombia, the number of murders of union members in Colombia has dropped drastically since 2001, one year before Colombian President Álvaro Uribe was sworn into office. In 2001 and 2007, union killings totaled roughly 200 killings annually. The number fell by half in 2003 and has declined since then.[19] (See Chart 2.)

By the time President Uribe took office in 2002, almost 29,000 Colombians had been murdered. Many politicians from Uribe's political party were among the dead. While a few teachers were certainly killed because of their leftist ideology, a large number of the killings should not be included in the AFL-CIO's "union killings" figures. Many of the murders involved persons in union members' households, not the union members themselves. A high percentage of them occurred for reasons unrelated to union affiliation. As The Washington Post recently noted:

There were 17,198 murders in 2007. Of the dead, only 39 (0.226 percent) were even members of trade unions, let alone leaders or activists, according to the Colombian labor movement. (Union members make up just under 2 percent of the Colombian population.)[20]

Nevertheless, the leftists categorize all of the killings as "anti-union violence" to further their anti-globalization, protectionist agenda.

Plan Colombia and President Uribe

The FARC continued to pursue the overthrow of the Colombian government during the 1990s, but more worldly FARC members also turned to the lucrative and fast-growing businesses of drug trafficking, kidnapping, and extortion. The resulting violence led some far-right landowners in Colombia to form paramilitaries to protect their property in the absence of effective governmental authority.

The best-known of the paramilitary groups was the United Self-Defense Forces of Colombia (AUC),[21] which waged war against the left and the government in the general chaos generated by the armed left and the drug trade. AUC members engaged in a vicious guerrilla campaign against the FARC, the ELN, drug traffickers, and the Colombian army. Some AUC members were also corrupted by the temptation of easy money from narcotrafficking, and a significant number of large landowners in Colombia who sponsored paramilitaries were drug lords themselves. The combination of FARC, drug traffickers, and paramilitaries nearly destroyed the Colombian state.

In 1999, cooperation between President Pastrana and President Clinton led to the rollout of Plan Colombia, a counterinsurgency program that was subsequently endorsed and supported by President Uribe and President Bush. This bold multiyear commitment to create a viable Colombian state has helped the government to regain control of territory and extend security and social services to the towns and the countryside.

The Office of the U.S. Trade Representative reports that more than 30,000 paramilitaries have been demobilized since 2005, when the Colombian government implemented the Justice and Peace Law, which set the rules for the demobilization process.[22] As the Center for Strategic and International Studies recently noted, the FARC and other drug traffickers are on the run, and

violence is down significantly. The government has “a legitimate state presence in all of Colombia’s 1,099 municipalities,” and “[t]he guerrillas have been driven out of many areas that they previously dominated and their military capability sapped by the resurgence of state security force.”[23]

Another indicator of the success of Plan Colombia—and a development also very helpful to U.S. law enforcement efforts in the war against drugs—is the dramatic increase in the number of significant narcotics traffickers extradited to face prosecution in the United States since President Uribe took office. (See Chart 3.)

Despite the progress of Plan Colombia, the culture of violence continues, and the U.S. remains Colombia’s largest export market for cocaine. Ratification of the FTA will help Colombia to continue to strengthen the government institutions that fight ever more effectively the scourge of illicit drugs.

Dropping Murder Rate. When President Uribe assumed power, violence was ripping the very fabric of the Colombian nation. However, the overall murder rate has dropped by 40 percent, kidnappings are down 83 percent, and terrorist attacks are down 76 percent.[24] Plan Colombia has helped to cut cocaine production and smuggling significantly.[25]

The streets of Medellin, once ruled by Pablo Escobar, are now safe enough for visits by senior Bush Administration and congressional officials.[26] The overall murder rate has dropped by 40 percent, and the number of murders of trade unionists has dropped by 75 percent, [27] with only 11 killings so far in 2008.[28]

Sustained Economic Growth. Along with the Uribe government’s success in reducing violence came the happy consequence of improved economic performance. As the U.S. State Department reported in March 2008:

The Uribe administration seeks to maintain prudent fiscal policies and has pursued tough economic reforms including tax, pension and budget reforms. A U.S. Agency for International Development (USAID) study shows that Colombian tax rates (both personal and corporate) are among the highest in Latin America. The unemployment rate in November 2007 was 9.4%, down from 15.1% in December 2002.

The sustained growth of the Colombian economy can be attributed to an increase in domestic security, the policies of keeping inflation low and maintaining a stable currency (the Colombian peso), petroleum price increases and an increase in exports to neighboring countries and the United States as a result of trade liberalization. The Andean Trade Preference Act, which was extended through December 2008, also plays a pivotal role in Colombia’s economic growth.[29]

As a result of successful efforts to reduce crime and boost economic growth, President Uribe’s approval rating is above 80 percent according to a Gallup Colombia poll cited in El Tiempo.[30]

More Economic Freedom. The 2008 Index of Economic Freedom, published by The Heritage Foundation and The Wall Street Journal, scored Colombia’s economy at 61.9 out of a possible 100 (with 0 equaling “repressed” and 100 indicating “free”), making it the world’s 67th freest economy, up from 79th freest in 2007.[31] Colombia is ranked 15th out of 29 countries in the Americas.[32]

Meanwhile, Uribe's next-door nemesis Hugo Chávez has practically destroyed the Venezuelan economy, which now cannot provide sustainable jobs or prosperity for anyone not connected to the regime. Venezuela's economic performance indicators have been dismal. It ranks near the bottom worldwide—148th out of 157 countries—in the 2008 Index of Economic Freedom. Venezuela has the second-lowest economic freedom score in the Western Hemisphere. Only Cuba scores lower.[33]

Dramatic Drop in Extrajudicial Killings. A constant refrain heard from U.S. and Colombian leftist NGOs and unions is that the paramilitaries can still act with impunity and are protected by the Colombian government. This allegation is false.

While extrajudicial killings are still occurring, they have been greatly reduced. President Uribe made it clear from the day he took office that his government would not tolerate paramilitary activity and would prosecute criminals in the AUC and other far-right groups. In fact, nearly all of the paramilitaries have been demobilized and disbanded under the Uribe administration.

Furthermore, “[t]he Colombian government has tripled spending on protection for unionists, human rights activists, and other at-risk individuals and [has] established a special unit to prosecute crimes against trade unionists.”[34] In 2007, the Colombian government spent \$39.5 million on this security program to protect at-risk individuals. Of the roughly 9,400 individuals benefiting from individual protection schemes—which range from bodyguards and armored vehicles to cell phone networks (see Chart 5)—1,959 are unionists, which is an increase from 2006, when unionists accounted for 1,504 of the 6,097 individuals being protected.[35]

The Prosecutor General's office has led the charge in dealing with past killings, resolving 73 cases of union-member murder and convicting 156 individuals since 2001. A special labor subunit created in November 2006 to focus on labor union killings has resolved 40 cases and convicted 67 people.[36] The unit has 13 prosecutors and more than 70 judicial police investigators, and more will be hired in 2008.[37]

Other Misguided Objections to the FTA

When confronted with this evidence that systematically refutes their major objections, opponents of the U.S.–Colombia FTA fall back on a series of relatively minor complaints. FTA critics, for example, blame the Colombian government for ineffective laws against child labor and insufficient action to ensure safety in the workplace and to assist internally displaced persons (IDPs) in Colombia who have suffered because of decades of guerrilla warfare.

Labor Standards. The AFL–CIO alleges that the Colombian government is “not in compliance with International Labor Organization (ILO) core labor standards.”[38] Yet a November 2007 ILO report concluded, based on a visit to Colombia, that the labor situation in Colombia is positive and that the government has made significant progress. The report specifically praised the “the cooperation of the Government of Colombia with the ILO officials in their work to conclude the Tripartite Agreement on Freedom of Association and Democracy.”[39]

Opponents are also willfully blind to the many successes stemming from a wide variety of substantial USAID programs that are jointly funded with the Colombian government. These programs target development assistance to address the problems that festered during the “lost years” of rampant violence and train all employers—small, medium, and large—in proactively ensuring compliance with all Colombian labor laws on occupational safety, child labor, working hours, and other issues of concern to Colombian workers.

These programs are also intended to bring more workers into the formal economy, where they can receive benefits and contribute to the tax base. USAID and the Colombian government are working cooperatively with business owners, but they are also establishing protocols to enforce laws with a system of fines and incentives, and the Colombian Labor Ministry is funding programs to increase the availability of vocational training programs.[40]

Internally Displaced Persons. Human rights activists opposed to the FTA have faulted the Colombian government for its treatment of IDPs.[41] However, some of those persons labeled as IDPs by the left are actually economic migrants who have gravitated to large cities in search of work and a better life, as is common in many developing countries.

Furthermore, numerous neutral observers have noted tremendous progress on human rights in recent years. Retired General Barry McCaffrey, former commander of the U.S. Southern Command and Director of the White House Office of National Drug Control Policy, visited Colombia in October 2007 and reported that “[t]he human rights situation has improved immeasurably during the President Uribe tenure.”[42]

According to a report from the Colombian government:

- Impressive progress has been made in poverty reduction, education and health since 1999.
- Increased stability has allowed the government to provide more and better services to the country’s poor.
- Social spending represents 40 percent of the national budget.
- Poverty levels have decreased since 1999 from 55 percent to 45 percent.
- Programs have been developed to improve infant nutrition and health, encourage school enrollment, empower women, and provide food for millions of children.
- More than 20 million of the country’s poor receive full or partial health coverage
- Infant and child mortality have decreased.
- Child immunizations have steadily increased.
- Student completion of elementary school has increased to almost 100 percent, while the number of completing secondary school has also significantly risen.[43]

Small Farmers Would Benefit. Anti-FTA activists have also alleged, without any factual basis, that the FTA will hurt Colombia’s small farmers.[44] According to the U.S. agricultural attaché in Bogota, small farmers generally grow high-value-added crops (e.g., coffee and mangoes). These crops would be far superior in quality and lower in price than any coffee or mangoes imported from the U.S., and the FTA would enhance small farmers’ access to niche markets (e.g., organic foods) in the U.S.[45]

Of all the agricultural producers in Colombia, the small farmers “would be the least affected by the FTA,” according to the U.S. Embassy. The agricultural attaché noted that the large landowners in Colombia are inefficiently producing rice, corn, wheat, and other high-volume, low-margin commodities that are currently protected by high tariffs but would face stiff competition from U.S. imports after the FTA is ratified. Lower food prices would more than offset any dislocation actually felt by small farmers due to U.S. agricultural imports. The urban poor would also benefit from cheaper food.

In fact, the whole Colombian economy would benefit because the currently underutilized large landholdings would become attractive investment targets for more efficient, better-funded U.S. agri-businesses, which would bring in advanced technology and better equipment, creating good, sustainable new private-sector jobs in the process.

Some of the large landowners have supported paramilitaries, and some are drug lords. Few Colombians would shed any tears if the FTA caused these owners some economic dislocation. Of course, this would leave the large landowners who have sponsored and funded the paramilitaries with less money to do so in the future. Their potential reversal of fortune would further weaken that source of conflict.

The FTA Is Crucial to Both Colombia and the U.S.

President Uribe already has made impressive strides against poverty in Colombia, as shown in Chart 6, which shows that poverty, as measured both by the Gini Coefficient and by a unique formula devised by an international study team (Mision para el diseno de una Estrategia para la Reduccion de la Pobreza y la Desigualdad—MERPD) that was funded by the United Nations Development Program, USAID, and other international development assistance agencies, has decreased substantially while President Uribe has been in power. The increased trade, investment, and job creation from the U.S.–Colombia FTA would only accelerate this laudable trend.

The FTA will spur additional economic development in Colombia and, just as important, will push the Colombian government to build up and strengthen government institutions and judicial and economic regulation to ensure that continued economic progress will not depend on any particular political personalities. Susan Segal, president of the Council of the Americas, notes:

The U.S.–Colombia Trade Promotion Agreement is our single most effective tool to help bring economic and political security to Colombia. Without this agreement and the investment security it provides, hundreds of thousands of Colombian jobs are in jeopardy of being lost. Each job opens an opportunity for a Colombian worker to enter the formal sector and to build individual economic prosperity—the alternative to narco-trafficking and the direct threat that poses to U.S. national security. Increased foreign investment and export market guarantees would further help to create the right economic conditions.[46]

If Congress were to reject such an agreement, it would be inflicting real pain on Colombian workers and the Colombian economy. As the Cato Institute recently reported:

A recent study by the University of Antioquia shows that not approving the TPA would decrease investment by 4.5 percent in Colombia. Furthermore, it would increase unemployment by 1.8 percentage points, representing a net loss of 460,000 jobs. GDP would go down 4.5 percent, and the poverty level would rise by 1.4 points.[47]

More U.S. Exports to Colombia. U.S. Under Secretary of Commerce Chris Padilla recounts that:

Ninety-two percent of imports from Colombia currently enter the United States completely duty free. It has been that way for 16 years, since Congress first passed the Andean Trade Preferences Act that gave Colombia access to our market as a way to reduce poverty and fight the drug trade.[48]

The FTA would then simply level the playing field and give U.S. exporters access to the Colombian market of 44 million consumers. Padilla describes the current situation:

- [A] can of Colombian coffee comes into the United States duty-free. But [a] bottle of Pepsi, made in the USA, pays a stiff 20% tax when sold in Colombia.
- [B]eautiful Colombian flowers—a major Colombian export—come into our market and pay zero tariffs. But...U.S.-made fertilizer, which helps those flowers grow, is charged up to 15% when exported to Colombia.
- [A] bag of carrots comes into the United States—and onto your dinner table—without paying any U.S. tariffs. But [a] tractor, made by Caterpillar in East Peoria, Illinois, faces a 10 percent duty when sold to a Colombian carrot farmer.
- [A] Pennsylvania apple pays a 15 percent tariff when sold in Colombia. Meanwhile, [a] Colombian banana enters the United States duty-free.[49]

Padilla summarizes that:

Colombian exporters pay tariffs on only 8% of the goods they send to the U.S. Meanwhile, U.S. exporters currently pay tariffs— some as high as 35%—on 97% of the products we sell Colombia....

The U.S. exports more to Colombia than Russia, even though Russia has a population that is three times larger and an economy seven times that of Colombia.[50]

Demonstrating bipartisan support for the FTA, former White House Chiefs of Staff Ken Duberstein (Reagan Administration) and Mack McLarty (Clinton Administration), recently wrote in The Wall Street Journal:

[Under the FTA] U.S. exports to Colombia, from cars to chemicals to consumer products, would grow by an estimated \$1 billion per year—a direct benefit to U.S. workers and their families. From Colombia's perspective, the FTA would add a welcome dimension of certainty to our trading relationship, encouraging investors to commit to Colombia and help create jobs there, too.[51]

As U.S. Secretary of Commerce Carlos Gutierrez reported earlier this year:

In 2007, trade contributed over half a percentage point to total GDP growth—the largest contribution in 16 years. We need to keep up the momentum. Trade agreements are critical to lowering barriers to American exports and creating better-paying American jobs.[52]

With specific regard to the effect of the housing/ subprime mortgage crisis on the U.S. economy, Secretary Gutierrez said that during the second quarter of 2007, U.S. GDP growth of 1.4 percentage points from trade offset a 1.2 percentage point decline in GDP caused by the housing crisis.[53]

Partisan Politics and U.S. National Security. During the presidential primary season, Democrats in the congressional leadership have made one excuse after another to explain their delay and intransigence in acting on the FTA.

The AFL–CIO says that Colombia will just have to wait “until 2009” for a “new” FTA to be negotiated and signed.[54] Big Labor clearly hopes that a Democratic President will take office next year. Practically speaking, a new FTA could not be ready for implementation before 2010. Meanwhile, every day, Colombia will face oil-funded, multipronged assaults and challenges from Hugo Chávez and his Chavista followers in Colombia and neighboring Ecuador and Bolivia. The AFL–CIO wants President Uribe to cool his heels until the end of his term in 2010, but neither Colombia nor the United States can wait to address these problems.

Congress Keeps Raising the Bar. On April 4, 2008, six Bush Cabinet secretaries sent Speaker of the House Nancy Pelosi (D–CA) a letter reminding her of the May 10, 2007, agreement between the White House and the congressional leadership. According to one account:

The letter opens with a reminder that Pelosi stood with [Treasury Secretary Henry M.] Paulson and U.S. Trade Representative Susan C. Schwab last May “to announce an agreement to restore a bipartisan consensus on trade,” and sets out a detailed case for how the Bush Administration has done to [sic] more than enough to hold up its end of the bargain.

“Over the past year, we have continued and intensified our efforts to work directly with you and other Members of Congress to identify a path forward for the United State[s]–Colombia Trade Promotion Agreement,” the officials wrote. “In addition to the private conversations you have had with several members of the President’s cabinet, the Administration has made broad and comprehensive efforts to reach an agreement with House and Senate leadership on a package to consider and approve the Colombia free trade agreement.” [55]

Notwithstanding the May 10 agreement, and even though the Administration agreed to reopen the trade agreements, add onerous and vague new provisions to the labor and environment chapters, and weaken intellectual property rights protection for U.S. companies, the congressional leadership has since said consistently that it wants more from Colombia, but without specifying exactly how much or by when. The congressional leadership appears to have reneged on the May 10 agreement and to have been playing politics with the Colombia FTA, the most important of the three Latin American agreements.[56]

The timing of the opposition suggests that Big Labor is putting partisan politics ahead of national security. The left’s real agenda could be simply protectionism or a desire to deny a “legacy” victory to President Bush and the center-right government of Colombia. Either way, inflicting this kind of economic punishment on a U.S. ally in the Andean region is not in America’s interests. Left-wing populism is fueled by poverty and lack of opportunities, as seen in Venezuela, Ecuador, and Bolivia. To counter this possibility in Colombia, the development of strong democratic institutions must be accompanied by continued economic development and growth.[57]

If Congress votes down the Colombia FTA, it will deliver a major psychological victory to Hugo Chávez, the FARC, and the narcotraffickers that the U.S. has battled for decades in Colombia. It will also seriously jeopardize the progress and momentum made by the Plan Colombia war on drugs on which the U.S. has spent hundreds of millions of dollars since the Clinton Administration.

A defeated FTA might also force Colombia reluctantly into closer ties with a very eager and suddenly conciliatory Hugo Chávez. Venezuela is already Colombia’s second-largest export

market after the U.S., and Colombia cannot afford to ignore it. Chávez's dangling of petroleum carrots will not be ignored by the Colombians. If Colombia is spurned by the U.S., it will continue to seek trade agreements with many other countries (e.g., Canada and Mexico) and trading blocs, such as the European Union, the European Free Trade Association (EFTA), and MERCOSUR (Southern Common Market). This would only further isolate the U.S.

“Yes” to the Peru FTA; Why Not “Yes” to the Colombia FTA? The economies of Peru and Colombia are very similar, yet Congress passed the Peru FTA but holds up the Colombia FTA. Both are Andean countries with significant mineral and other natural resources and a history of chronic poverty and income inequality, especially among their indigenous populations.

Famed Peruvian economist Hernando de Soto has argued that the same rationale that led the U.S. Congress to approve the Peru FTA should be applied to the Colombia FTA. Speaking at The Heritage Foundation, de Soto said that the treaty is “not only about free trade.... We are trying to set up a different model for Latin America. That model is essentially a political one, because we are pro-market.”[58]

In fact, Peruvian President Alain Garcia, a reformed leftist-populist, and Colombian President Uribe are both very capably leading their countries toward stronger, market-based democracies that will become members of the globalized community of trading partners. There is virtually no difference between the two countries, and both are friendly to the United States.

Congress approved the Peru FTA because the congressional leadership is friendlier to center-leftist Garcia than to the center-right Uribe. The congressional leadership also wanted to use the Peru agreement to bind the United States to certain International Labor Organization provisions. According to Senator Orrin Hatch (R-UT):

The Peru FTA requirement to adopt “fundamental labor rights” puts right-to-work, free-domin of association and other major U.S. labor provisions at significant risk. Article 17.2 of the Peru FTA requires both Peru and the United States to “adopt and maintain in its statutes and regulations, and practices there under, the following rights as stated in the International Labor Organization ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (ILO Declaration)”....

The Peru FTA does not provide any definition of these fundamental rights, leaving the interpretation... to a dispute settlement panel appointed by the U.S. and Peruvian Governments.

Given the agreement's reference to the ILO declaration, it is widely expected that such a dispute settlement panel would in fact look at and rely at least partially on the standards of the relevant ILO core conventions associated with these rights.[59]

With their ILO concerns satisfied by approval of the Peru agreement, the congressional leadership apparently feels justified in refusing to consider essentially the same deal with a nearly identical country next door. This schizophrenic approach is unjustifiable and unwise.

President Bush recently warned that failing to approve the Colombia FTA, especially given that Congress approved a nearly identical agreement with Peru, would be an “insult to a friend.” The President quoted Canada's Prime Minister Stephen Harper to the effect that “the biggest fear in South America is not the leader in Venezuela, but the biggest fear for stability is if the United States Congress rejects the free trade agreement with Colombia.”[60]

Interestingly, Eric Farnsworth of the Council of the Americas has reported that, thanks to Peru's FTA with the United States, its sovereign debt has recently been upgraded to investment grade.[61] This will make it easier and less expensive for Peru to borrow and invest to upgrade its infrastructure. Foreign direct investment in Peru also rose with the FTA. The same positive developments can be expected from the Colombia FTA.

A Long-standing, Good Friend of the United States. The U.S.–Colombia FTA is much more than a simple trade agreement. It would seal a strong partnership between two long-time friends. For example, more than 50 years ago, Colombia was the only South American country that sent troops to assist in the Korean War. Colombia is also the oldest continuously functioning democracy in South America.

“Yes” to One-Way Trade; Why Not “Yes” to Two-Way Trade? Congress recently voted over-whelmingly to renew the Andean Trade Preference legislation that grants most Colombian products one-way access to the U.S. market. Thus, by refusing to approve the Colombia FTA, Congress is punishing American workers and businesses, not Colombia, for Colombia's tragic history of violence. American workers can only gain new job opportunities through the increased U.S. exports to Colombia (about \$1 billion per year) that can be realized only if the FTA's two-way trade regime is approved by Congress.

If a majority of Members of Congress vote against the Colombia FTA (or refuse to vote on it), they will effectively be voting for Hugo Chávez. Venezuela's dictator-president and would-be Emperor Simón Bolívar II covets becoming the ruler of a reconstituted Gran Colombia. Consequently, Chávez is even more eager to see Congress reject the Colombia FTA than he was to see Costa Rica reject the United States–Dominican Republic–Central American Free Trade Agreement (DR–CAFTA) during the summer of 2007, when he funded leftist opposition in an unsuccessful attempt to block its ratification there.[62] A defeat in either case would place major obstacles in the path of the United States.

A defeated FTA would be a tremendous loss of face for President Uribe and the entire Colombian nation. As with many smaller countries, Colombian and American perceptions of each other differ. Colombians imagine the U.S. cares about their country much more than it actually does. They see the giant to the north preoccupied with whether or not to pass the Colombia FTA. On the other hand, Americans worry a lot less about the future of Colombia and the Andean region than they should.

When asked recently about Congress's possible failure to pass the Colombia FTA this year, President Uribe said that it would “be a serious setback” in an interview with *The Wall Street Journal*. “I wouldn't know what to say. It would be very serious.”[63]

A failed FTA will lead Colombia and other Latin American countries to conclude that the U.S. is not a reliable partner. It will also fuel a return to nar-cotrafficking and other illicit activity by the urban and rural poor, who would not benefit from the many jobs that would be created by the legitimate alternative economic development that would be created by the Colombia FTA.

What the U.S. Should Do

Congress should promptly reverse itself and approve the U.S.–Colombia Free Trade Agreement so that it can come into force quickly.

The Bush Administration should continue to give high priority to passing and implementing the Colombia FTA. After the FTA is ratified, the Bush Administration and U.S. businesses can begin a new chapter in U.S. economic engagement with Colombia and the region.

Conclusion

In fighting against congressional approval of the FTA, far-left U.S. groups are hurting the very people they claim to be protecting—workers and their families in both the United States and Colombia. A defeated U.S.–Colombia trade agreement would be a tremendous loss of face for President Uribe and the entire Colombian nation and a devastating blow to U.S. prestige and influence in the entire Andean region. Hugo Chávez and his “blood brother,” Iranian President Mahmoud Ahmadinejad, would love to see the FTA defeated.[64]

Colombians deserve the support of all Americans, and Congress should promptly reverse itself and approve the U.S.–Colombia FTA to seal the alliance with this great ally and friend of the United States. Regrettably, the congressional leadership forced a vote along party lines on April 10, 2008, that will indefinitely delay consideration of the pending U.S.–Colombia FTA. With this vote, Congress reneged on its commitment to give trade agreements negotiated by the executive branch prior to June 30, 2007, a straight up-or-down vote within 90 days of submission by the President.

If Congress listens to the AFL–CIO and votes down the U.S.–Colombia FTA, it will have delivered a potential knockout blow to President Uribe, the United States’ best friend in the region. A failed FTA will lead Colombians and people from other countries in Latin America to conclude that the U.S. is not a reliable partner. In effect, it would be a no-confidence vote against the Colombian people and a public relations bonanza for President Chávez and the FARC narcoterrorists, which he is using to undermine the Uribe government. A defeated FTA would also put at risk the considerable progress made by Plan Colombia since 1999.

American exporters would also lose, and significantly. Colombia currently has one-way duty-free access to the U.S. market, but defeat of the FTA would deny U.S. businesses the same two-way access to the Colombian market.

Ultimately, Congress would serve neither U.S. nor Colombian interests by defeating the Colombia FTA. Everyone would lose, especially the Colombian people. Duberstein and McLarty put it best:

[A]s the many Colombian unions that support the trade agreement know, rejecting the agreement will not save a single life— whereas passing it will be a powerful vote of confidence in the democracy Colombians have struggled so hard to protect.[65]

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“Colombia: Who Cares About the Victims of Forced Displacement?”

By Helda Martínez

IPS – Inter Press Service

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Romero, the director of the Consultancy for Human Rights and Displacement (CODHES), was alluding to things like a recent scandal over 113 million dollars in tax-free farm subsidies handed out over the last three years to wealthy business families, some of whom are not even involved in agriculture, under the government's Agro Ingreso Seguro programme.

Many of the beneficiaries have made sizeable campaign contributions towards the re-election of right-wing President Álvaro Uribe to a third term in office. The Ministry of Agriculture is one of the focuses of the investigation by the Attorney General's Office.

The activist was also referring to recent tax cuts for the tobacco industry adopted by the Uribe administration and the huge tax breaks it offers foreign investors.

But Romero's criticism, voiced during the release of the report '¿Salto estratégico, o salto al vacío?' ('Strategic Leap, or Leap into the Void?'), an overview of forced displacement in Colombia between 2002 and 2009, also alluded to society's indifference towards the throngs of poor peasant farmers trying to scratch out a living as street vendors or manual labourers in the cities.

Indifference to the plight faced by the nearly five million people forcibly displaced in Colombia over the last 25 years, including 2.4 million displaced from 2002 - when Uribe's first term started - to 2009.

The report by CODHES, one of Colombia's most respected human rights groups, says 49 percent of the displaced have been forced off their land during the Uribe administration, whose controversial 'democratic security policy' has drawn criticism from human rights groups.

Based on data from Colombia's Catholic Church and bishops' conference, the public prosecutor's office and the government department in charge of providing aid to the internally displaced, Accion Social, as well as daily monitoring of the media, CODHES estimates that 290,000 people were displaced in different regions of the country in 2009, 'as a result of the conflict and other expressions of violence.'

In this South American country, which has one of the largest populations of internally displaced persons (IDPs) in the world, along with the Democratic Republic of the Congo, Iraq and Sudan, people have been forcibly displaced in 69 of the total 1,119 municipalities.

But the hardest hit areas are the northwestern province of Antioquia, a paramilitary stronghold (45,800 IDPs), and the war-torn southwestern province of Nariño (26,000 IDPs), where coca crop spraying has been stepped up in the last few years.

The largest numbers of IDPs have fled to Bogotá, whose reputation as a relatively safer city and the fact that it is the largest city in the country make it the biggest magnet for those seeking safety and a way to make a living.

And although the latest CODHES figures point to a 24 percent drop in the number of people displaced in 2009 compared to 2008, the situation remains serious.

The report says it is appalling that 'civilians in Colombia are still forced to flee from the constant aggression from illegal armed groups, and in many cases from agents of the state who due to action, omission, incapacity or complicity fail to guarantee the basic rights to life, honour and assets as the constitution stipulates.'

Rural populations of black and indigenous people are the most heavily affected by forced displacement, especially in areas where oil palm plantations are expanding.

'It's true that there have been advances for some segments of society, but not for everyone, which casts into doubt the democratic component of (the government's) security policy,' says the report.

The humanitarian and human rights crisis caused by displacement will lead to 'a leap into the void' unless there is some change in terms of 'the internal conflict, theft of land, emergence of new armed groups, increase in illegal drug crops, fragmentation of drug cartels, and a rural development model that accentuates inequality and deepens social injustice in the countryside,' it adds.

Between 1999 and 2007, some 5.5 million hectares of land were seized from 380,000 peasant families, according to the Encuesta Nacional de Verificación, a national survey that periodically follows up on the government's compliance with a landmark 2004 Constitutional Court ruling.

In its unprecedented legal decision, known as T-025, the Court ruled that there were massive violations of the constitutional rights of those displaced from their land by all parties to the conflict - far-right paramilitaries, leftwing guerrillas, and government forces - and that the government is legally bound to guarantee respect for IDPs' rights to health, education, housing, emergency humanitarian aid, and food security.

However, in 2009, public policies once again failed to live up to the Constitutional Court order, said CODHES president Jorge Rojas.

That was borne out by the fact that the rural population shrank by one million people over the last five years, to 9.3 million people.

'Under the current administration, the rural population has declined by at least nine percent, due to causes attributed to the violence and armed conflict and, to a lesser extent, the predominant rural development model,' said Romero.

Among the causes of the rural exodus, the report mentions the resurgence of 'demobilised' paramilitary groups seeking to consolidate control over land taken from peasant farmers.

In addition, the paramilitaries 'control the drug trade, take over the local institutions, and impose guns and money as forms of political control,' said Romero.

In second place in terms of numbers of IDPs are disputed areas where the state is carrying out a military offensive against the FARC (Revolutionary Armed Forces of Colombia) and smaller ELN (National Liberation Army) guerrillas, which are trying to regroup after the setbacks suffered in the past few years.

The third cause of displacement is aerial spraying and forced manual eradication of drug crops by the military, reports CODHES.

The only options available to IDPs are joining one of the illegal armed groups, fleeing to Bogotá or some other city or to a neighbouring country, or trying to find land to grow coca or opium poppies, thus becoming part of the weakest link in the drug trafficking chain.

But people are also fleeing growing levels of urban violence, especially in Antioquia's provincial capital, Medellín, Valle del Cauca's capital Cali, and Bogotá.

In the meantime, the constant threats against activists and organisations working on behalf of the IDPs, including CODHES, continue.

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Regional conservation opportunities in the Amazon Biome

WWF Colombia

July 7, 2009

For centuries, the Amazon has remained in the collective imagination of people as an exotic region and an inexhaustible stream of resources that must be conquered and exploited. Today, these six million square miles represent an invaluable well for humankind survival, just at a time when demand for natural resources exceeds earth's capability to regenerate and deliver. Therefore, the importance of protecting the largest rainforest on the planet does not fall solely on the nine countries of the Amazon Biome, but it is a global matter.

And it is within the framework of this great collective project embodying environmental and socio-ecological alleviation of the Amazon block, that several initiatives at the regional level have been carried in order to put up a common vision among the nine nations, and move forward to a new paradigm of conservation and development for the region. A model not only to combat the threats currently menacing this pool of species and carbon, but one that serves the sustainability purpose –even in economic terms- and help maintain healthy ecosystems essential for cooling the planet. It is worth remembering that the Amazon aside from being an essential provider of ecological and economic services to its 30 million inhabitants; it acts as a stabilizer -through its forests-of the global climate.

Therefore, during the World Conservation Congress held in October 2008 in Barcelona (Spain), the International Union for Conservation of Nature (IUCN) gave the green light to a motion for "Building a Conservation Vision for the Amazonian Biome" aiming greater support and participation of its committees, members and other organizations towards the agenda that is leading the Latin American Network of Technical Cooperation for National Parks, other Protected Areas Flora and Fauna (REDPARQUES), along with the managers and technicians of the protected areas system of the Amazon countries as well as regional and international organizations, all this on the basis of implementing the Convention on Biological Diversity (CBD).

It is in this context that the second workshop was held for Building a Regional Conservation Vision for the Amazon on May 27 and 28 in Bogotá (Colombia), thanks to REDPARQUES organizing role and the support of WWF, the Secretariat of the CBD, the Ramsar Secretariat, IUCN, The Nature Conservancy (TNC), the Amazon Cooperation Treaty Organization (ACTO), the Andean Community of Nations (CAN) through its BIOCAN programme, amongst others.

This second round (the first was held in Bogotá in August 2008) attended by 70 participants representing the Amazonian countries and international organizations, meant to identify key conservation gaps and opportunities at the regional scale in order to maintain the functionality of the Amazon Biome.

After two working days and debate, advancement was made in the development of actions at the regional level setting the sights on preserving the integrity, ecological processes and regional climatic dynamic crucial to withstand the pressures and threats of evolving climate change, as well as the transformation of ecosystems driven by the demand for natural resources and economic development.

In addition, they outlined a roadmap involving joint assembly through a working group led by REDPARQUES with the participation of countries and organizations. This with the purpose to target regional priorities using as a departing point technical information already available and

grabbing WWF prioritization exercises as inputs for later complementation, a methodology that will lead to progress in the short, medium and long term.

"In the Amazon the whole is more than the sum of its parts, developing a vision of conservation and similar exercises in other biomes in Latin America is a main concern", said Julia Miranda, Head of National Parks in Colombia, as Regional Coordinator of REDPARQUES and current Vice President for Latin America of the World Commission on Protected Areas of IUCN. The next SBSTTA meeting and the COP , in Japan 2010, where all parties will assess the execution of the Working Programme on Protected Areas, are emerging as major opportunities to support this regional initiative laying the ground to strengthen the performance of shared actions and commitments by the Amazonian governments, hence guarantee the conservation of ecological processes and functionality of the Biome.

Moreover, it is also clear the progress of this meeting in relation to the work for the Amazon Initiative (ANI) undertaken by WWF a couple of years ago. WWF has been working in the area for three decades with a strong emphasis on the national scale. Consequently, this regional approach through a collective work and partnerships will engine the Initiative's vision fulfilment: "a healthy Amazon Biome maintaining its cultural and environmental contribution to local people, the countries of the region and the world, within a framework of social equity, economic development and inclusive global responsibility".

Therefore, this strategy entails for each country, national and regional organizations, to spot synergies and opportunities striving for a vision that embraces all nine countries, a great prospect, no doubt, both in technical and political terms. "We are pleased with the leadership of REDPARQUES, the countries, the support of the Secretariat for the CBD, the Ramsar Secretariat, ACTO, CAN, IUCN and the rest of organizations involved; we will continue working to make sure these advancements merge with the actions planned at different scales and reinforce joint strategies that contribute to the conservation of one of the most important regions of the planet", stated Ximena Barrera, Head of Public Policy and Corporate Responsibility for WWF Colombia.