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Summary

Colombia, a key U.S. ally, has made measurable progress in providing security despite having endured the longest internal armed conflict in the Western Hemisphere. It has long been a source for both cocaine and heroin. Drug trafficking has helped to perpetuate civil conflict by funding both left-wing and right-wing armed groups. Over the years, Colombia and the United States forged a close partnership focused initially on counternarcotics and later counterterrorism. Building on that cooperation, the U.S.-Colombia partnership has broadened to include development, human rights, and trade. Colombia has emerged as a regional leader providing training in security and counternarcotics throughout the hemisphere and elsewhere.

President Juan Manuel Santos, inaugurated in August 2010, has governed with the backing of almost 90% of the Colombian Congress in a "national unity" coalition. In a policy he calls "democratic prosperity," Santos has continued the mission of his popular predecessor of accentuating security, while promoting economic development, creation of jobs, and poverty reduction. He has repaired relations with Ecuador and Venezuela, which had been strained under the former government. He has promoted legislative reforms, including a landmark law to compensate victims of the internal conflict; a justice reform bill that ultimately failed; and controversial "peace framework" and military justice reforms that appeared to be laying the groundwork for an eventual peace settlement. In October 2012, formal peace talks opened with the dominant leftist guerrilla organization, the Revolutionary Armed Forces of Colombia (FARC), following a surprise announcement that the government had been conducting secret exploratory talks for months.

Colombia, in close collaboration with the United States, through a strategy known as Plan Colombia, has made significant progress in reestablishing government control over much of its territory, combating drug trafficking and terrorist activities, and reducing poverty. Between FY2000 and FY2012, the U.S. Congress appropriated more than $8 billion in assistance to carry out Plan Colombia and its follow-on strategies. As Colombia's security and development conditions improved, former U.S.-supported programs have been nationalized to Colombian control. Consequently, U.S. assistance with its counternarcotics, counterterrorism, judicial reform, economic development, humanitarian, and human rights components has gradually declined. The National Consolidation Plan, the current Colombian security strategy, updates Plan Colombia with a whole-of-government approach that integrates security, development, and counternarcotics by consolidating state presence in previously ungoverned areas.

The 112th Congress has maintained a strong interest in Colombia's progress in trade, security, counternarcotics, and human rights. In October 2011, the U.S. Congress approved implementing legislation for the U.S.-Colombia Free Trade Agreement, which went into force on May 15, 2012. Members of Congress will continue to monitor the associated Action Plan Related to Labor Rights that addressed U.S. concerns related to labor rights and violence in Colombia. In addition to the larger debate about what role the United States should continue to play in Colombia's ongoing struggle with drug trafficking and illegal armed groups, Congress has expressed concern with a number of related issues. These include funding levels for Plan Colombia's follow-on strategies; continuing allegations of human rights abuses; and the effectiveness of counternarcotics policies such as aerial eradication and alternative development. Members will likely monitor Colombia's peace negotiations and their effect on security conditions in the country. For additional information, see CRS Report RL34470, *The U.S.-Colombia Free Trade Agreement: Background and Issues*.

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Recent Developments

On November 19, 2012, the Revolutionary Armed Forces of Colombia (FARC), the country's largest and oldest guerrilla organization, announced a two-month unilateral ceasefire as peace talks continued in Havana, Cuba. A month earlier, the Colombian government began formal peace talks with the FARC in Oslo, Norway. (For more details, see "Peace Talks" below.)

On September 18, 2012, Colombian drug kingpin Daniel Barrera (also known as "El Loco") was captured in Venezuela in a joint Colombian-Venezuelan operation assisted by the U.S. and British intelligence agencies, with support from the U.S. Drug Enforcement Administration. The Barrera arrest—hailed as the demise of the "last of the great kingpins" by President Santos—signifies intensified counternarcotics cooperation between Venezuela and Colombia. (See "Relations with Venezuela and Ecuador" below.)

On September 4, 2012, President Santos and FARC leader Rodrigo Londoño Echeverri, (also known as "Timochenko") announced that official peace talks would begin in Oslo, Norway, and continue in Cuba. In late August, President Santos surprised many when he announced that the government had begun "exploratory peace talks" with the FARC. President Santos said that the Colombian military would retain its presence in every part of the country and that a smaller insurgent group was interested in joining in the negotiation process. (See "Peace Talks" below.)

On July 30, 2012, the U.S. Office of National Drug Control Policy (ONDCP) announced that in its estimates Colombia's potential cocaine production capabilities had fallen below Peru's. According to the estimate, Colombia's 2011 potential cocaine production fell to 195 metric tons, 25% below the prior year estimate and 72% below the U.S. government estimate for 2001. (See "Colombia and Global Drug Trends" below.)

On June 27-28, 2012, the Colombian Congress, in a special session, voted to annul judicial reform legislation just approved in the prior regular session. President Santos refused to sign the final bill, which he claimed had been altered with "surprise" amendments. The legislation, which was widely criticized, would have restricted the Supreme Court from investigating crimes committed by legislators, among other provisions. The government had originally sponsored the judicial system reform. (See "Reforms under the Santos Administration" below.)

On May 15, 2012, the U.S.-Colombia Free Trade Agreement (CFTA) went into force. Implementing legislation for the bilateral trade agreement had been approved by the U.S. Congress in October and signed by President Obama on October 21, 2011 (P.L. 112-42). (See "U.S.-Colombia Free Trade Agreement" below.)

On April 14-15, 2012, Colombia hosted democratic leaders from 30 Latin American countries, the United States, and Canada at the sixth Summit of the Americas held in Cartagena.

On April 2, 2012, the FARC released its last 10 military and police hostages, some of whom had been held in the jungle for more than a dozen years. The release of these kidnap victims, announced in February, was intended to show FARC's willingness to engage in a peace process to end the armed conflict. (See "Current Status of the FARC" below.)

Figure 1. Map of Colombia

Source: CRS.

Overview of Colombian Developments

Colombia is a South American nation of roughly 47 million people, the third-most populous country in Latin America. It is an ethnically diverse nation—58% of the population is mestizo, 20% white, and 14% mulatto. According to the U.S. Department of State, official statistics suggest that Afro-Colombians and indigenous people are about 10% of the population, with 3% of the people self-identifying as indigenous. At the same time, some nongovernmental organizations (NGOs) and human rights groups estimate that indigenous people and Afro-Colombians may make up 25% or higher.[1]

Colombia has one of the oldest democracies in Latin America, yet it has been plagued by violence and a conflict that has lasted nearly five decades. The country's rugged terrain historically made it difficult to establish state control over large swaths of the nation's territory.

High rates of poverty have also contributed to social upheaval in the country. But Colombia's economic picture has in recent years improved fairly steadily. In 2011, approximately 34% of Colombians lived in poverty, down from 50% in 2002.[2] Colombia's economic growth rates have been strong, reaching 5.9% in 2011 and projected at 4.4% in 2012.[3] Security improvements and a more stable economy have attracted foreign direct investment (FDI), which more than doubled in five years from roughly $6.5 billion in 2006 to more than $14 billion in 2011, largely in the oil, manufacturing, and mining sectors. Nevertheless, income inequality and land ownership concentration are still significant problems.[4] The unemployment rate has hovered near or above 11% over the last five years, but is forecast to fall below 10% in 2012 according to some analysts. The large, unregulated informal sector accounts for 50% to 60% of Colombian workers.

Drug trafficking has helped to perpetuate Colombia's conflict by providing earnings to both left- and right-wing armed groups. The two main leftist guerrilla groups are the FARC and the National Liberation Army (ELN), both of which kidnap individuals for ransom, commit serious human rights violations, and carry out terrorist activities. Most of the rightist paramilitary groups were coordinated by the United Self-Defense Forces of Colombia (AUC), which disbanded in 2006 after more than 31,000 of its members demobilized. All three groups (the FARC, ELN, and AUC) were designated Foreign Terrorist Organizations (FTOs) by the U.S. government in the late 1990s and early 2000s. Members of the AUC were accused of gross human rights abuses and collusion with the Colombian Armed Forces in their fight against the FARC and ELN. New

[1] U.S. Department of State, "Background Note: Colombia," July 13, 2011. For more discussion on Afro-Colombian issues, see CRS Report RL32713, *Afro-Latinos in Latin America and Considerations for U.S. Policy*, by Clare Ribando Seelke and June S. Beittel.

[2] The statistics, rounded to the nearest whole number, are from the National Administrative Department of Statistics (DANE) of Colombia, as reported in the United Nations Economic Commission for Latin America and the Caribbean's (ECLAC) *Social Panorama of Latin America 2012 Briefing Paper*, November 2012. ECLAC reported that 50% of Colombians lived in poverty in 2002, with about 18% living in indigence. By 2011, those poverty and indigence rates fell to 34% and 11%, respectively. (These data do reflect adjustments to the measure of poverty made in 2011.)

[3] Economist Intelligence Unit, *Country Report: Colombia*, November 2012.

[4] Colombia's level of inequality as measured by the Gini coefficient (a measure of inequality in which 1 represents total concentration of wealth) is 0.58, one of the highest in the world. Data is from the National Planning Department. See Departamento Nacional de Planeación, *Bases del Plan Nacional de Desarrollo. Prosperidad para Todos*, 2011. Colombia also has one of the most unequal land tenure patterns in Latin America, with 1.15% of Colombia's population owning 52.2% of the land, according to a recent U.N. Development Program (UNDP) report. See: UNDP, *Colombia Rural: Razones para la Esperanza*, Informe Nacional de Desarrollo Humano 2011, Bogotá, Colombia, September 2011.

illegally armed groups, including criminal bands some of which include re-armed paramilitaries, are now a significant challenge in Colombian cities and towns.

Drug production and trafficking continue to generate many millions of dollars annually for illicit groups. As a result of the conflict and drug-related violence, Colombia has one of the largest populations of internally displaced persons in the world, with more than 3.9 million displaced since 1997.[5]

From the 19th century through much of the 20th century, the Liberal and Conservative parties have dominated Colombian politics. But in recent years, these parties were weakened by their perceived inability to resolve the root causes of the violence in the country. In 2002, Colombians elected an independent, Álvaro Uribe, as president, largely because of his aggressive plan to reduce violence in Colombia. Uribe served two terms. In 2010, Juan Manuel Santos was elected president from the National Unity party (described below). The major political parties represented in the bicameral Colombian Congress include the Liberal, Conservative, Alternative Democratic Pole, National Unity, Green and Radical Change parties, and several smaller political movements. The leftist Alternative Democratic Pole is the only major party in opposition to a "national unity" coalition that backs the Santos government.[6]

The Uribe Years (2002-2010)

During his first term (2002-2006), President Uribe began to fulfill his campaign promises to address the paramilitary problem, defeat leftist guerrilla insurgents, and combat narcotics trafficking. He took a hard-line approach to negotiations with illegally armed groups, declaring that the government would only negotiate with those groups who were willing to give up terrorism and agree to a ceasefire. These included paramilitary groups with whom former President Andrés Pastrana had refused to negotiate. Negotiations with the AUC paramilitaries resulted in a July 15, 2003, agreement in which the AUC agreed to demobilize its members by the end of 2005. President Uribe endorsed a controversial Justice and Peace Law that provided a framework for those demobilizations. Uribe also built up the Colombian military and police, which stepped up their counternarcotics operations and activities against the FARC. High public approval ratings, largely due to reductions in violence as a result of his security policies, prompted Colombia to amend its constitution in 2005 to permit Uribe to run for reelection.

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

[5] By the end of 2011, the Colombian government had registered more than 3.9 million persons displaced since 1997. Human rights NGOs estimate the number of displacements is higher and is likely to exceed 5 million persons.

[6] Economist Intelligence Unit, *Country Report: Colombia*, February 2012.

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

paramilitary violence.[8] On March 1, 2008, the Colombian military raided a FARC camp in Ecuador killing a top FARC leader and capturing his computer files. This was followed by the July 2, 2008, rescue of 15 hostages long held by the FARC, including 3 U.S. defense contractors and a former Colombian presidential candidate.[9]

Despite this progress under the Uribe government, Colombia faces serious challenges. While the FARC's numbers are dramatically reduced, it still has thousands of fighters capable of carrying out terrorist attacks, kidnappings, and other illicit activities.[10] Not all paramilitaries demobilized, and others have returned to paramilitary and criminal activities since demobilizing. One weakness of the demobilization program has been the difficulty reintegrating demobilized forces into law-abiding civilian life.[11] Moreover, a new generation of paramilitaries has formed that is more criminal than political in nature.[12] These groups, which contain many former combatants as well as new recruits, are involved in drug trafficking, kidnapping, extortion, and other violent crime and reportedly have a presence in about one-third of Colombian municipalities.[13]

Although former President Uribe has not been personally implicated, the Colombian Supreme Court is investigating suspected links between Colombian politicians, many from pro-Uribe parties, and paramilitary groups. Since the 2006 elections, there have been several scandals involving extrajudicial killings by Colombian security forces.[14] The most significant of these scandals broke in October 2008 when 27 soldiers and military officers (including three generals) were fired over the discovery that 13 murdered civilians had been dressed by their killers in order to appear to be guerilla fighters to increase military body counts (the "false positives" scandal).[15] As a result, General Mario Montoya, the commander of the Colombian army, stepped down on November 4, 2008.

President Uribe's high approval ratings led many of his supporters to urge him to seek a third presidential term. For Uribe to be reelected, the Colombian constitution would have had to be amended again. For months, the 2010 presidential election campaign was virtually suspended as Colombians anticipated the possibility of President Uribe running for a third term. But on

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

[9] The dramatic hostage rescue took place during the period when Juan Manuel Santos was defense minister in the Uribe government. More than two years later, shortly after his inauguration, President Santos approved a raid in September 2010 that resulted in another government victory over the FARC, the killing of Commander Jorge Briceño (or "Mono Jojoy"), a top FARC military leader.

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

[11] Jonathan Morgenstein, *Consolidating Disarmament: Lessons from Colombia's Reintegration Program for Demobilized Paramilitaries*, United States Institute of Peace, Special Report 217, Washington, DC, November 2008.

[12] Those concerns are cited in the U.S. Department of State, *Country Reports on Human Rights Practices 2007*, March 2008. See also: International Crisis Group (ICG), "Colombia's New Armed Groups," May 2007; Chris Kraul, "In Colombia, Paramilitary Gangs Control Much of Guajira State," *Los Angeles Times*, August 31, 2008.

[13] For example, according to a study by the Colombian NGO Indepaz (Institute for Studies for Development and Peace) criminal groups known as Bacrim were present in 406 of Colombia's 1,103 municipalities in 2011. Christopher Looft, "Study: BACRIMs Continue Steady Expansion Across Colombia," Insight Crime: Organized Crime in the Americas, February 22, 2012, http://insightcrime.org.

[14] "Amnesty Says all Sides in Colombia Have Bloody Hands," *EFE*, May 28, 2008; Chris Kraul, "Colombia Military Atrocities Alleged," *Los Angeles Times*, August 20, 2008.

[15] In addition to the 27 officers dismissed in October 2008, 24 other officers were subsequently dismissed under the Commander of the Armed Force's discretional authority, bringing to a total of 51 members of the Colombian armed forces dismissed in connection with the Soacha murders. See U.S. Department of State, "Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 8, 2009.

February 26, 2010, Colombia's Constitutional Court ruled 7 to 2 to deny a referendum to allow President Uribe to run for reelection. President Uribe immediately stated that he "accepted and respected" the court's decision, removing himself as a candidate in the 2010 race.[16]

2010 Congressional and Presidential Elections

Legislative elections for the entire 268-member bicameral Congress took place on March 14, 2010. The elections were the least violent of recent times with a high turnout of more than 13 million voters. Voters gave a strong victory to pro-Uribe parties, indicating their support for continuing President Uribe's democratic security policies. Two parties in the pro-Uribe coalition, the National Unity Party (also known as the Partido de la U or the U Party) and the Conservative Party, won the most seats.[17] The pro-Uribe coalition secured a majority in both the Senate and the Chamber of Representatives. Observers thought this election outcome was a good sign for presidential candidate Juan Manuel Santos (see box), who headed the National Unity party and had been leading in the polls.[18] However, the field of candidates for president was complex. A successful candidate had to win at least 50% of the votes cast, or compete and win in a runoff held on June 20. Antanas Mockus, Green Party candidate and twice former mayor of Bogotá, rose dramatically in popularity between March and May 2010. Other presidential hopefuls included Naomi Sanín of the Conservative Party; Gustavo Petro of the leftwing Democratic Pole; Germán Vargas Lleras, a right wing senator who split with Uribe over his bid for a third term; and Rafael Pardo of the Liberal Party.[19]

Juan Manuel Santos

Santos was elected president on June 20, 2010, and inaugurated on August 7. He had served as defense minister under President Uribe (2006-2009) and in two previous governments as finance minister and minister of trade. As Uribe's defense minister, he oversaw some of the strongest and most significant action against the FARC guerrillas, including the 2008 bombing raid inside Ecuador that killed a senior FARC commander and the July 2008 rescue of 15 high-profile hostages, including a Colombian presidential candidate and 3 American defense contractors.

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

In the May 30, 2010, election, Santos received more than twice as many votes as did Mockus in an election in which slightly over 49% of eligible Colombians voted. Although Santos came close to winning the majority of votes, he had to compete in the June 20 runoff against second-highest vote-getter Antanas Mockus. In the ensuing weeks, Santos won the backing of nearly every

[16] "Uribe acepta el fallo y asegura que seguiará trabajando por su país 'desde qualquier trinchera,'" *ABC*, February 27, 2010.

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

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

[19] Adam Isacson, "The Next Colombia," Open democracy.net at http://www.opendemocracy.net/adam-isacson/next-colombia, March 31, 2010. By late 2012, Gustavo Petro was elected Mayor of Bogotá, Germán Vargas was appointed Minister of Interior early in the Santos Administration and later Minister of Housing, and Rafael Pardo became the new Minister of Labor in November 2011.

candidate who responded to his call to create a government of national unity, giving him a strongly favorable position. Mockus fared poorly in the debates and refused to accept a formal alliance with the leftwing Democratic Pole party.

The Santos Administration

On June 20, 2010, Santos won the Colombian presidency by the largest margin in recent history, taking 69% of the vote. Santos's landslide victory earned him the backing of a unity coalition in Congress, providing him a stronger mandate than even Uribe had following his two elections.[20] The ruling coalition included the center-right National Unity and Conservative parties, the centrist Radical Change Party, and the center-left Liberal Party. (In July 2011, the centrist Green Party left the opposition and joined the governing coalition.)[21] When President Santos was inaugurated on August 7, 2010, he pledged to continue the successful security strategies of his predecessor while pursuing democratic, economic, and social reforms. He stated that the door to negotiations to end the armed conflict was not shut.

Reforms under the Santos Administration

In general terms, President Santos and Vice President Angelino Garzón have promoted a more rigorous protection of human rights than the Uribe Administration, and denounced threats against human rights defenders.[22] President Santos has reached out to the judiciary in Colombia, ameliorating tensions that had grown between former President Uribe and the Supreme Court. He secured an anti-corruption law and some labor formalization laws.[23] He has led a reform of the executive branch that included fiscal reforms, and the redistribution of royalties from land and mineral development so that funds were distributed nationwide, not just to producing regions.

The Santos Administration proposed legislation in 2010 to compensate victims of the internal conflict (including victims of state forces) and to restore land to those who were forcibly displaced. The Colombian Congress approved the Victims' and Land Restitution Law (hereinafter Victims' Law) in May 2011, which was signed by President Santos in June. The legislation calls for the return of property to those forced off their land by armed groups during the conflict.[24] Many observers are eager to see how these reforms will result in actual changes on the ground. While the Victims' Law has been lauded as historic by international organizations, including U.N. agencies and U.N. General Secretary Ban Ki-moon, many caution that ensuring the safety of the

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

[21] This provided support from an overwhelming majority of Congress. For example, by July 2011, 89 Senators out of 102 were part of the governmental coalition. See Rodrigo Uprimny, *Countries at the Crossroads: Colombia*, Freedom House, 2011.

[22] Some human rights groups maintain that the Santos Administration has a mixed record on human rights. See, for example, Washington Office on Latin America (WOLA) blog, "With FTA Secured, Colombia Takes Steps Backwards on Human Rights," December 20, 2011.

[23] U.S. Department of State, "Background Note: Colombia," July 13, 2011.

[24] Darcy Crowe, "Colombia Tries to Heal Wounds of Long War--President Santos Moves to Build on Security Gains of His Predecessor to Address Root Cause of Conflict: Land Ownership," *Wall Street Journal*, July 7, 2011. The Santos Administration has set a goal of returning 2 million hectares of land within its first four-year term. The Victims' Law is expected to compensate roughly 4 million Colombians over its 10-year term. Communication with an official at the Embassy of Colombia, July 13, 2011.

displaced victims will be a major challenge.[25] Since President Santos came to office, the pace of assassinations of land return advocates has not diminished.[26] The government said it will increase protection for these leaders and has been providing protection to some 393 land rights leaders and activists as of October 2012.[27] Because the law's restitution program is taking place during an ongoing conflict, it also pledges assistance to those who may yet be victimized, through 2021. It provides economic reparations to victims of the conflict going back to 1985, and proposes to return land to those who had it stolen after 1991.[28] The government has estimated over its 10-year time frame that the initiative will cost $30.5 billion to implement.[29]

In January 2012, implementation of the Victims' Law was launched with the handover of lands to displaced families in the northern department of Córdoba. The policy is expected to meet resistance from local officials and others who may have played a role in the illegal land seizures that the law is attempting to reverse. Some U.S. and Colombian nongovernmental organizations (NGOs), however, have criticized the scope of the law, maintaining that its definition of victims was not sufficiently broad and identifying other gaps.[30] The U.S. government announced $50 million of support to strengthen the law's implementation in July 2012.[31]

Establishing the institutions to deliver both the reparations and land restitution programs will be an ongoing administrative challenge with 37 national agencies playing a part.[32] The Colombian government has developed a Victims Unit within the Department of Social Prosperity to coordinate compensation and services[33] and a Land Restitution Unit within the Ministry of Agriculture to coordinate the restitution of land to the dispossessed. A new court system to

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

[26] Lisa Haugaard, Zoraida Castillo, and Annalise Romoser, *Still a Dream: Land Restitution on Colombia's Caribbean Coast*, Latin America Working Group Education Fund; Lutheran World Relief, September 2012. According to this report, between August 2010 when President Santos was inaugurated and August 2012 some 25 land return activists have been murdered.

[27] Information provided in a communication with the Colombian Embassy, November 9, 2012.

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

[29] The government issued a CONPES (National Council for Economic and Social Policy) document that estimated that 60% of the budgeted funds will go to reparations and land restitution, and 40% for basic victim support services such as education, health care, and psycho-social counseling. In its 2012 budget, the government earmarked $3.2 billion for the implementation of the Victims' Law. Figures were provided in a communication with the Colombian Embassy, August 31, 2012. See also, "Colombian Law on Victim Compensation Takes Effect," *Colombia Reports*, January 2, 2012.

[30] For example, the Washington Office on Latin America, (WOLA), has criticized the Victims' Law for not addressing "the collective land rights of ethnic minorities." See WOLA, Press Releases: "Members of Congress Urge President Obama to Protect Afro-Colombians before Moving Ahead with Colombia Free Trade Agreement." July 7, 2011; "With FTA Secured, Colombia Takes Step Backwards on Human Rights," December 20, 2011. See also, Amnesty International, *Colombia: The Victims and Land Restitution Law: An Amnesty International Analysis*, London, April 2012.

[31] The three-year $50 million commitment by the U.S. Agency for International Development (USAID) will provide: institutional strengthening, physical and psychological assistance to victims, assistance tailored to ethnic groups and women more severely affected by the conflict, and support of the Transitional Justice Committees and other transitional justice processes. See USAID/Colombia, "Fact Sheet: Victims Programs: Institutional Strengthening Activity," August 2012.

[32] "Colombian President Says Reparations Path to Reconciliation," *BBC Monitoring Americas*, June 18, 2012.

[33] Under the law, victims are eligible for up to $12,000 in compensation.

adjudicate land claims is to be established, and municipal and departmental (state) coordination for handling victims' compensation requires participation from multiple layers of government. By late October 2012, approximately 113,000 Colombians who were registered as victims of violence received compensation, totaling approximately $360 million.[34] The Colombian government reported that 755 Regional Transitional Justice Committees had formed in 31 of Colombia's 32 departments. These committees, which are to have victims represented on them, are critical for the implementation of the law at the local level. However, early reports are that victims are sometimes not involved, or only selectively, and some victims have been threatened because of their participation. As of late October 2012, more than 26,000 claims had been filed for land restitution, although the first judgments to resolve the claims are just beginning to be issued according to the government.[35]

In April 2011 the Colombian Congress authorized President Santos to reorganize the executive branch and split three ministries into six. The new ministries are Interior, Justice, Health, Labor, Environment, and Housing. The formation of an independent Labor Ministry to better institutionalize labor protections was a requirement of the Action Plan Related to Labor Rights jointly announced by President Obama and President Santos on April 7, 2011. The plan included a number of "major, swift and concrete steps" that the Colombian government agreed to take to address remaining issues of U.S. concern with regard to labor. Measures included steps to reduce violence against trade unionists and to ensure prosecution of such violence. (For more, see "U.S.-Colombia Free Trade Agreement.") As part of the government reorganization, the discredited Department of Administrative Security (DAS) was dissolved. The scandal-plagued national intelligence agency, charged with ties to paramilitary groups and conducting a campaign of illegal wiretapping, was replaced in early 2012 by a new, considerably streamlined intelligence agency, with fewer personnel and more oversight.[36]

Other reforms spearheaded by the Santos Administration include a peace framework law passed by the Colombian Congress in June 2012. The law is a constitutional amendment that provides a transitional justice structure for an eventual peace process if the Colombian Congress passes enacting legislation. Under the framework, leftist rebels are recognized as combatants in an internal conflict, and may become eligible for a reduced sentence if they demobilize. Cases against perpetrators of the most heinous crimes would be prioritized and fully prosecuted.[37] Although controversial with critics on both the left and the right, the measure passed with a large

[34] Data provided in communication with the Colombian Embassy, November 9, 2012.

[35] The land restitution process under the Victims' Law is being administered by the Land Restitution Unit (LRU) within the Ministry of Agriculture. There are two phases to the process: administrative and judicial. To conduct the administrative part of the process, the Land Restitution Unit has opened 17 regional offices. The judicial procedures, will be conducted by newly appointed specialized judges. The Superior Judicial Council named 23 judges and 15 magistrates to work on land restitution cases in coordination with the LRU. (Information on implementation of the Victims' Law provided by the Colombian Embassy in communications with CRS on August 31, 2012 and November 9, 2012.)

[36] The new agency is responsible for intelligence alone, and will no longer have judicial arrest authority or a number of other functions that the DAS performed. See "Colombian Paper says Intelligence Agency to Avoid 'Clumsy Espionage,' Corruption," *BBC Monitoring Americas*, November 16, 2011, (originally published in *El Espectador*, November 12, 2011); Economist Intelligence Unit, "Colombia Politics: New State Intelligence Agency to be Launched," December 1, 2011; Juan Forero, "Taking Apart Colombia's Spy Agency," *Washington Post*, December 5, 2011.

[37] The legislation could potentially apply to other actors in the conflict including state forces and paramilitaries, but not those gangs designated by the government as "Bacrim." (See section "Paramilitaries and Their Successors" for more on the Bacrim).

majority on its final vote in the congress that signaled there was political support for a future peace process.

One major reform effort of the Santos government ended in political controversy. A proposal to reform the clogged justice system was amended to a point, such that when it passed Congress in June 2012, the president found it unacceptable. One amendment limited the Supreme Court's power to investigate legislators suspected of crimes, and another weakened rules for unseating convicted legislators. Santos called Congress into an extraordinary session in late June requesting that the law be annulled, and Congress complied. As a result, the national unity coalition backing President Santos was strained, his relations with Congress were weakened, and his popularity suffered. During the affair, Santos's justice minister was pressured to resign.[38]

The Santos government has backed another constitutional reform bill, likely to be voted on by Colombian Congress before the end of 2012, which would expand the jurisdiction of military courts.[39] Several of the bill's provisions have been criticized by human rights advocates for shifting jurisdiction of serious human rights crimes allegedly committed by public security forces from the civilian courts back to military courts increasing the likelihood of impunity for such crimes.[40] According to current conditions on U.S. military aid, human rights cases involving Colombian Armed Forces must be transferred to civilian courts.[41]

Former President Uribe has become his successor's strongest critic. The former president has questioned some of the key Santos government reforms, his appointments, and his administration's security approach.[42] As President Santos passed the two year mark in office, feuding between the two former allies sharpened. Uribe's criticism of the Santos government centers on what he sees as a conciliatory approach to the FARC and the government of Venezuela, but Uribe has also expressed negative views on the judicial reform that was initially backed by the Santos government, the law to compensate victims of the internal conflict, and the peace framework law passed by the Colombian Congress in June 2012. The former president has even reportedly launched an effort to block President Santos from a second term if he chooses to run.[43]

President Santos retained high popularity ratings during his first year and a half in office, sometimes exceeding 70%. In mid-2012, however, his support fell to 47% in July due to the perception of growing insecurity and the judicial reform effort that floundered and was later

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[38] "Monkey Business: A Much-Needed Judicial Reform Misfires," *Economist*, June 30, 2012; Brandon Barrett, "Colombian Congress to be Investigated for Passing of Justice Reform Bill," *Colombia Reports*, July 2012.

[39] Originally, this amendment was part of the larger justice reform bill but it was re-introduced as a stand-alone bill in March 2012 after it was criticized by human rights groups and removed from the larger bill.

[40] See, for example, letters by Human Rights Watch articulating objections to different versions of the bill such as: Jose Miguel Vivanco, "Colombia: Letter to President Santos Criticizing the Expansion of Military Jurisdiction," October 25, 2012, at http://www.hrw.org/sites/default/files/related_material/HRW-Letter%20to%20President%20Juan%20Manuel%20Santos-%20October%2025%202012.pdf.

[41] The human rights certification criteria have evolved in the various annual foreign operations appropriations measures. For example, in the joint explanatory statement of the Consolidated Appropriations Act of 2012, (P.L. 112-74), the Secretary of State must certify that "(1) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or other illegal armed groups; *all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are not opposing civilian jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.* (italics added).

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

[43] John Otis, "In Colombia, the War Between the Presidents," *Time*, July 13, 2012.

voided.[44] President Santos announced a major cabinet re-shuffle in late August, reportedly to bolster sagging popularity.[45] Some observers speculate that fissures in the national unity coalition may restrain President Santos from completing his reform agenda. Nevertheless, polling done in September and October 2012 indicated his approval ratings had recovered somewhat following his announcement of new peace talks.

Peace Talks

On August 27, 2012, President Santos disclosed that exploratory discussions to end the nearly half century internal conflict were underway with the FARC, which confirmed widely circulated rumors. In a brief statement, he said that three principles guided his conduct in searching for peace: (1) the errors of past negotiation efforts would not be repeated; (2) all measures would be taken to end the conflict and not to prolong it; and (3) the Colombian military would not cede any territory (which was widely interpreted to mean there would not be a demilitarized zone inside the country as in past peace talks). He also acknowledged that the smaller rebel group, the National Liberation Army (ELN), may also join the peace process.[46] An ELN leader later said he welcomed joining unconditional peace talks but that the ELN would not end its military campaign prior to such negotiations.[47] While there was broad albeit cautious public support for the peace initiative according to early polls, former President Uribe decried the effort as a concession to terrorists that would demoralize the military.[48] The initiative received praise from the U.S. State Department, from the Secretary General of the Organization of American States (OAS), and from U.N. Secretary General Ban Ki-moon.

In early September 2012, the government and the FARC's supreme leader, Rodrigo Londoño (also known as "Timochenko"), announced that formal talks would begin in October in Oslo, Norway, and then move to Cuba. Subsequently, both sides announced their negotiating teams (5-member lead negotiators to represent a 30-member team). The FARC urged a ceasefire, but the government did not agree to one. A framework agreement for the talks signed by both parties identified the principal themes for the talks: (1) rural development policy; (2) guarantees on political participation once FARC guerrillas laid down their arms; (3) illegal drug trafficking; (4) ending the armed conflict, including a plan to integrate the guerrillas into civil society; and (5) support for the rights of victims of the armed conflict. The framework agreement also identified a role for the countries of Norway and Cuba as "guarantors" of the talks, and Venezuela and Chile to "accompany" the talks.[49] The official talks are the first in a decade since the FARC held talks

[44] Economist Intelligence Unit, *Country Report: Colombia*, July 2012.

[45] In the cabinet reorganization, President Santos retained some key ministers, while others were re-assigned or replaced. The President also named a new minister of social dialogue to handle government relations with social movements, Luis Eduardo Garzón. He will serve as an interlocutor between the government and the peace talks with the FARC. Grant Hurst, "Colombian President Elects Interlocutor for FARC Peace Talks," *IHS Global Insight*, August 29, 2012; "Santos Confirms, Appoints Several Ministers as Cabinet Change Moves Forward," *Business News Americas*, August 29, 2012.

[46] Sibylla Brodzinsky, "Colombia Sets the Stage for FARC Peace Talks," *Christian Science Monitor*, August 28, 2012; Juan Forero, "Colombia is Exploring Peace Negotiations with FARC Rebels," *Washington Post*, August 29, 2012.

[47] Helen Murphy and Luis Jaime Acosta, "Exclusive: Colombia's ELN Rebels Offer Peace Talks," *Chicago Tribune*, August 28, 2012.

[48] "Uribe: El Gobierno Está Más Interesado en Díalogo con el Terrorismo que en Seguridad," *El Nuevo Herald*, October 28, 2012; "Colombia's Former President Alvaro Uribe Blasts Peace Negotiations with the FARC, *Univision News*, October 18, 2012; "Colombians Support Peace Talks with FARC: Poll," *Colombia Reports*, August 31, 2012.

[49] For an English version of the framework agreement, see Appendix B, of International Crisis Group, *Colombia: Peace at Last?*, Latin America Report, Number 45, September 25, 2012.

with the government of President Andrés Pastrana between 1998 and 2002. President Santos also announced that he envisioned the peace process taking months rather than years, and that if progress toward ending the conflict was not made he would shut down the negotiations.[50]

In mid-October 2012, the peace negotiations formally began in Oslo. In a press conference held at the opening of the talks, the FARC spokesperson made some strident remarks about the organization's many grievances with the Colombian government beyond the scope of the negotiated framework, dimming the hopes of some optimists.[51] The brief opening ceremonies held in Norway were followed by a month interlude as the talks moved to Cuba. Since the announcement of the peace initiative, civil society groups stepped up their mobilization to have their perspectives on the peace process represented in the negotiations. A minor delay of the peace talks' start-up in Cuba was attributed to arranging civil society participation in the talks, according to a joint statement issued by both sides.[52] On November 19, 2012, as peace talks resumed in Cuba, the FARC announced a two-month, unilateral ceasefire they described as a goodwill gesture. The government responded it would continue normal operations against rebel forces.[53]

The Santos peace initiative is seen by many as a political gamble for the president, although polling suggests that a majority of Colombians are cautiously optimistic. In a poll conducted for some leading media outlets in Colombia in early September (released September 11, 2012), 77% of Colombians approved of the president's decision to engage in peace negotiations with the FARC. However, not as many respondents thought the talks were likely to succeed.[54] While popular support has moderated some since that time—a Gallup poll found in late October 2012 that 72% supported the talks—public opinion is certain to fluctuate as the closed-door meetings proceed in Cuba. The agreed-upon first topic for discussion, providing rural populations with access to land, illustrates the ambition of the negotiators to address some of the profoundly contentious issues that are at the root of the decades-long internal conflict.

Foreign Affairs and Trade

A hallmark of the Santos Administration has been improving relations with neighboring Ecuador and Venezuela. Improved relationships with both countries have led to greater cooperation on trade, counternarcotics, and security. The Santos Administration has also broadened Colombia's relations with other countries in the region. Sharing its considerable experience, Colombia has

[50] President Santos asserted that he anticipated results from the peace process in a timeframe ending in April-July 2013 –a matter of months not years—or he would halt the process. The FARC has rejected this approximate deadline, and many observers have noted that a longer timeframe may be more realistic. See Grant Hurst, "FARC Leader Rejects Deadline for Colombian Peace Process," *IHS Global Insight,* September 20, 2012.

[51] Vivian Sequera, "Radically Divergent Visions on Display as Colombian Peace Talks Launch in Norway," *Associated Press*, October 18, 2012; Darcy Crowe and Kjetil Malkenes Hovland, "Colombian Rebels Slam Government Policies," *Wall Street Journal*, October 19, 2012.

[52] "Colombia Peace Talks Delayed until Next Week," *Agence France Presse*, November 13, 2012; "Colombian Rebels Urge Clear Procedures for Society to Take Part in Peace Talks," *BBC Monitoring Americas*, November 8, 2012.

[53] William Neuman, "Rebel Group in Colombia Announces Ceasefire," *New York Times*, November 19, 2012; Hannah Stone, "What is Behind the FARC's Ceasefire?," Insight Crime: Organized Crime in the America's, November 20, 2012, http://insightcrime.org.

[54] The Ipsos Napoleón Franco poll also found Colombians cautious in their optimism. 68% of Colombians polled said they opposed giving pardons to FARC fighters (even if they demobilize), and 78% said they opposed pardons for FARC leaders. See "Colombians Optimistic about Peace Talks," *LatinNews Daily Report*, September 12, 2012; "El 77% de los Colombianos Aprueba Inicio de Díaologos de Paz," *Semana.com*, September 11, 2012. . For a summary of the survey results in Spanish, see http://www.semana.com/documents/Doc-2331_2012911.pdf.

provided counternarcotics and security training to more than a dozen countries in Latin America, including Mexico, Haiti, Honduras, Guatemala, and others.[55] Colombia's rising leadership in regional affairs was demonstrated when it hosted the sixth Summit of the Americas in Cartagena on April 14-15, 2012, with the participation of 30 of the 34 democratically elected leaders in the region. At the summit, President Obama and President Santos announced that the U.S.-Colombia Free Trade Agreement (FTA), approved by the U.S. Congress in October 2011, would enter into force on May 15, 2012. The agreement will drop nearly all tariffs and barriers to bilateral trade over the next decade.

Beyond the FTA with the United States, the Santos government has sought to diversify regional relations and continued the market-opening strategies of former President Uribe. In late May 2011, Colombia, Peru, and Chile opened an integrated stock market. The same three countries, along with Mexico, have launched a trading block called the Pacific Alliance to facilitate the free flow of investment, trade, and people.[56] As tension with Venezuela has eased, trade between the two countries has significantly recovered from an embargo imposed by President Hugo Chávez in 2009. The Santos government has actively pursued and concluded free trade agreements. A free trade agreement with the European Union is expected to be implemented by the end of 2012, and an agreement with Canada went into effect in August 2011. A free trade agreement was concluded with South Korea in 2012 and a conclusion with Japan is pending. A number of agreements signed with China have strengthened bilateral ties.

Colombia's Internal Conflict

Roots of the Conflict

Colombia has a long tradition of civilian democratic rule, yet has been plagued by violence throughout its history. This violence has its roots in a lack of state control over much of Colombian territory, and a long history of poverty and inequality. Conflict between the Conservative and Liberal parties led to two bloody civil wars—The War of a Thousand Days (1899-1903) and The Violence (1946 to 1957)—that killed hundreds of thousands of Colombians. A power sharing agreement (the so-called National Front pact) between the Liberal and Conservative parties ended the civil war in 1957, but it did not address the root causes of the violence. Numerous leftist guerrilla groups inspired by the Cuban Revolution formed in the 1960s as a response to state neglect and poverty.

Right-wing paramilitaries formed in the 1980s when wealthy landowners organized to protect themselves from the leftist guerrillas. The shift of cocaine production from Peru and Bolivia to Colombia in the 1980s increased drug violence, and provided a source of revenue for both guerrillas and paramilitaries. The main paramilitary organization, the AUC, began demobilization in 2003 and disbanded in 2006 in a controversial process devised under the Uribe Administration. Uribe also took aggressive measures against the guerrilla insurgency. Major armed groups today are the FARC, the ELN, and the new generation of paramilitary groups. In May 2011, the Santos Administration announced a new security policy that aimed to dismantle all illegal groups by 2014.[57] Nevertheless, as discussed above, President Santos revealed in August 2012 that exploratory peace talks had begun with the FARC, surprising many although rumors about

[55] U.S. Department of State, "Background Note: Colombia," July 13, 2011.

[56] Economist Intelligence Unit, *Country Report: Colombia*, February 2012.

[57] Economist Intelligence Unit, *Country Report: Colombia*, July 2011.

government contacts with the FARC had been widely circulated. He later said that preliminary talks with FARC's leadership had been underway for about six months to establish a framework for the formal peace talks that would open in Norway in October and then move to Cuba.[58] The announcement of official negotiations marked the fourth attempt in 30 years to negotiate with the insurgents. Some observers were optimistic about conditions for the new effort. For example, the International Crisis Group, an NGO that focuses on conflict resolution, maintains that the military superiority of the government and the relative weakness of the FARC provide "a more promising constellation" of conditions than existed during the last negotiations effort that ended in failure a decade ago.[59]

Revolutionary Armed Forces of Colombia (FARC)

The FARC can trace its roots to armed peasant self-defense groups that had emerged during "the Violence" of the 1940-50s. By the 1960s, those groups—located in the remote, mountainous regions between Bogotá and Cali—had developed into a regional guerrilla movement. In 1964, the guerrillas announced the formation of the FARC, a group dedicated to rural insurgency.[60] The FARC is the oldest, largest, and best-equipped and financed guerrilla organization in Latin America. It mainly operates in rural areas, but has shown its ability to execute attacks in urban areas, including Bogotá. It conducts bombings, murders, mortar attacks, kidnappings, extortion, and hijackings, mainly against Colombian targets. The FARC is fully engaged in the drug trade, including cultivation, taxation of drug crops, and distribution, from which it reaps significant profits. In recent years, the FARC has increased its activities along Colombia's borders with Ecuador and Venezuela.

The Pastrana Administration (1998-2002) attempted to negotiate a peace agreement with the FARC during which FARC was granted control of a Switzerland-size territorial refuge during the peace process. The FARC was widely perceived to use the demilitarized zone as a way to re-arm, regroup, and build up its forces. With continued FARC military activity, including the hijacking of a commercial airliner and the kidnapping of a Colombian senator, President Pastrana halted the negotiations in early 2002 and ordered the military to retake control of the designated territory.[61] During the inauguration of President Uribe on August 7, 2002, the FARC launched a mortar attack on the presidential palace that killed 21 residents of a nearby neighborhood.

In mid-2003, the Colombian military's *Plan Patriota* campaign to recapture FARC-held territory began with a largely successful effort to secure the capital and environs of Bogotá. In 2004, military operations by up to 17,000 troops tried to regain territory from FARC in the southern and eastern regions of the country. The FARC launched a counter-offensive in February 2005. The conflict with the FARC has since largely remained in the countryside. The FARC was unable to disrupt President Uribe's August 2006 inauguration. In 2006 the FARC controlled an estimated 30% of Colombian territory.[62] *Plan Patriota* reduced FARC ranks, recaptured land held by the

[58] Darcy Crowe and Jose de Cordoba, "Colombia Sets Agenda for Peace Talks," *Wall Street Journal*, September 5, 2012; "Santos, Timochenko Confirm Peace Talks," *LatinNews Daily Report*, September 5, 2012.

[59] International Crisis Group, *Colombia: Peace at Last?*, Latin America Report, Number 45, September 25, 2012.

[60] Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, Center for Strategic & International Studies, Washington, DC, September 2009.

[61] Marc Chernick, "The FARC at the Negotiating Table," in *Colombia: Building Peace in a Time of War*, ed. Virginia M. Bouvier (Washington, DC: United States Institute of Peace, 2009).

[62] "Colombia: Executive Summary," *Jane's Sentinel Security Assessment*, August 24, 2006.

FARC, and confiscated large amounts of material used to process cocaine. Despite those advances, critics pointed out that large numbers of civilians were displaced during the campaign.

Colombia's March 2008 Raid of a FARC Camp in Ecuador

On March 1, 2008, the Colombian military bombed a FARC camp in Ecuador, killing at least 25 people including Raúl Reyes, the terrorist group's second-highest commander.[63] This was the first time in the 44-year struggle against the FARC insurgency that the Colombian military killed a member of the FARC's seven-member ruling secretariat. A few days later, Ivan Rios, another member of the FARC's secretariat, was murdered by his own security agent. FARC's top commander, Manuel Marulanda, also died in March, of a heart attack. These three deaths dealt a significant blow to the FARC.

During the raid in Ecuador, information extracted from captured laptops suggested Venezuela was providing support for the FARC. The files also included information that President Rafael Correa of Ecuador received campaign donations from the FARC in 2006. Both Presidents Chávez and Correa vigorously rejected these claims. Venezuelan officials dismissed the data as having been fabricated even though Interpol verified in May 2008 that the files had not been tampered with since they were seized.

Hostage Releases, Escapes, and the July 2008 Hostage Rescue

In 2007-2008, prisoner escapes, hostage deaths, and later hostage releases focused international attention on the plight of hundreds of hostages held by the FARC. In June 2007, 11 departmental deputies who had been held since 2002 were executed by the FARC.[64] In December 2007, Fernando Araujo, a former minister of development, escaped from the FARC after being held hostage for more than six years. From February through July 2008, Araujo then served as Colombia's foreign minister. Six hostage releases occurred during early 2008. On February 27, 2008, the FARC released four former members of the Colombian Congress to Venezuelan officials in Colombian territory.

On July 2, 2008, after months of planning and tracking the FARC, the Colombian military tricked the FARC into releasing 15 of its prized hostages. Those hostages included three U.S. defense contractors—Marc Gonsalves, Thomas Howes, and Keith Stansell—held since February 2003 and former Colombian presidential candidate Ingrid Betancourt, held since February 2002. This bloodless rescue was widely cited as an example of the Colombian military's increasing professionalism and intelligence capabilities, which was largely a result of years of U.S. training and security assistance programs provided through Plan Colombia.[65]

Current Status of the FARC

Most government estimates are that FARC forces have declined to between 8,000-9,000 fighters today. The FARC is roughly half of what it was at its peak in the early 2000s, when the FARC had as many as 16,000 to 20,000 members. The decline has come along with government victories in taking out some of the guerrilla organization's top leadership.

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[63] Simon Romero, "Files Released by Colombia Point to Venezuelan Bid to Arm Rebels," *New York Times*, March 30, 2008.

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

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

Despite many reverses over its 48-year history, the FARC has shown a capacity to revive itself and continue to pose a serious security threat. The State Department's *Country Reports on Terrorism 2011* (issued in July 2012) maintains that Colombia faced increased attacks by the FARC in 2011 and a decrease in the number of FARC troops that demobilized, or who were killed or captured.[66] The successful reversion to the hit and run tactics of guerrilla warfare, despite the government's taking down two of the FARC's top leaders in 2011, resulted in increased casualties.

The Santos Administration has kept up strong pressure on the FARC yet some public concern persists that the administration has faltered on security. In September 2010, the Colombian military and police bombed the camp of FARC military strategist Jorge Briceño (also known as "Mono Jojoy"), killing him and other guerrillas. Briceño was the operational second-in-command of the FARC and the military leader of its powerful Eastern bloc.[67] In early November 2011, the Colombian government killed the FARC's top leader, Alfonso Cano.[68] A week later, the FARC announced their new leader would be Rodrigo Londoño Echeverri (known as "Timoleón Jiménez" or "Timochenko"). The new leader quickly made overtures to open a political dialogue with the Santos government, including an announcement in late February 2012 that it would release all high-value hostages and halt future kidnapping.[69]

In recent years, the FARC has unilaterally released some hostages in an attempt to win popular support. For example, in March 2010, the FARC unilaterally released two of their high-value "exchangeable" hostages, including Sergeant Pablo Emilio Moncayo, who had spent 12 years in captivity. Unilateral releases continued as the Santos government settled in. In February 2011, the FARC released six more hostages in operations coordinated by former Senator Piedad Córdoba with international assistance.[70] However, on November 27, 2011, the FARC killed four hostages who were members of Colombia's security forces who had been held hostage for more than a decade. The FARC executed the men as the Colombian military approached a FARC camp in a remote part of southern Colombia. A fifth hostage, Luis Alberto Erazo, survived the melee and escaped. Erazo, a police sergeant, had been held since 1999.[71] In response there was wide public outcry. On December 6, 2011, demonstrations involving thousands of demonstrators in cities across Colombia expressed widespread public disgust with the FARC.[72]

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[66] U.S. Department of State, "Country Reports on Terrorism 2011," July 31, 2012, available at http://www.state.gov/j/ct/rls/crt/2011/index.htm.

[67] "Colombia Politics: Turning Point?," *Economist Intelligence Unit—ViewsWire*, September 24, 2010; Sibylla Brodzinsky, "Colombia Troops Kill Top FARC Rebel Leader 'Mono Jojoy,'" *Christian Science Monitor*, September 23, 2010.

[68] Cano, whose real name was Guillermo León Sáenz, had replaced FARC founder and top commander Manuel Marulanda who died in 2008. In a revival under Alfonso Cano, the FARC returned to guerrilla warfare, deepened its involvement in the drug trade, deployed antipersonnel bombs widely, and conducted forced recruitment in rural communities. International Crisis Group (ICG), *Ending Colombia's FARC Conflict: Dealing the Right Card,* Latin America Report No. 30, March 26, 2009.

[69] At the time, President Santos said there would not be a peace process until the FARC released all hostages and called a ceasefire. Economist Intelligence Unit, *Country Report: Colombia*, February 2012.

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

[71] Chris Kraul, "FARC Rebels Execute 4 Captives: The Colombians Had Been Held Prisoner since the Late 1990s: a Fifth Hostage Survives," *Los Angeles Times*, November 27, 2011.

[72] "Mass Turnout for Colombia's 'Freedom March,'" *LatinNews Daily*, December 7, 2011; Carlos Osorio, "Rebels Vow Hostage Release after Colombia Protests," *Agence France Presse*, December 7, 2011.

In early April 2012, the FARC released its 10 remaining police and military hostages, following through on its announcement weeks before. The FARC had held individuals from the Colombian military and police as "exchangeable" hostages who they hoped to trade for some 500 imprisoned FARC combatants they considered political prisoners.[73] However, the FARC continues to hold a disputed number of other kidnap victims beyond its "exchangeable" hostages.[74] Reportedly, the FARC has diversified from kidnapping into illegal mining and logging, cattle rustling, and extortion to supplement its income after drug trafficking.[75]

FARC's leader Timochenko expressed interest in opening a dialogue with the government, although he did not appear to be ready to meet possible government demands such as the release of all hostages, implement a ceasefire, or ban the use of landmines. In 2011 and the first half of 2012, the FARC and ELN reportedly increased their attacks.[76] According to the State Department's 2011 *Country Reports on Terrorism*, the FARC alone was responsible for 377 attacks in 2011 (79% of all terrorist attacks in the Western Hemisphere).[77] There has been a sharp increase in infrastructure attacks. Pipeline attacks reportedly grew by more than 250% between the first half of 2011 and 2012, for example. Targets of the recent spate of attacks include electricity infrastructure, trains carrying coal, and gas pipelines. These attacks threaten the energy sector, a key source of the country's booming economy. (The energy and mining sectors generate about 70% of the country's exports with oil alone accounting for about 12% of the country's gross domestic product.)[78] In 2012, the FARC and the Santos government began secret exploratory talks that led to the September 2012 announcement that formal peace talks would commence. (For more on the status of the negotiations, see "Peace Talks.")

National Liberation Army (ELN)

The smaller ELN was formed in 1965, inspired by the ideas of Fidel Castro and Che Guevara. The ELN today is estimated to have less than 2,000 fighters (some observers suggest the membership may be under 1,300), but the group has still been able to carry out high profile kidnappings and bombings.[79] In addition to terrorizing the rural civilian population, the ELN has

[73] Economist Intelligence Unit, "Colombia: The FARC Raises the Stakes," January 16, 2012.

[74] Many human rights organizations estimate this number to be several hundred. See Human Rights Watch, *World Report 2009*, January 2009. According to the government's National Fund for the Defense of Personal Liberty (Fondelibertad) the FARC continues to hold only 66 kidnapping victims. However, human rights groups, both inside and outside Colombia, contend that the number is far higher. See section on "Disappearances" in U.S. Department of State, *2009 Country Reports on Human Rights Practices: Colombia*, March 11, 2010. Full report at http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136106.htm.

[75] "FARC Vow to Free Military, Police Hostages, Halt Kidnappings," *Reuters*, February 27, 2012; "Colombian Politics: FARC Concession Spurs Scepticism," *Economist Intelligence Unit: ViewsWire*, February 29, 2012; Naomi Mapstone, "Gang Rivals Reinvent Themselves as Partners in Crime," *Financial Times*, May 8, 2012.

[76] For example, the Colombian think tank Corporación Nuevo Arco Iris reported an increase in FARC attacks in 2011. Another think tank, Centro Seguridad y Democracia (CSD), also reported an increase in attacks by 24% (against the military) and 32% (against the country's infrastructure) in comparing data between January and November of 2010 and 2011. See, Economist Intelligence Unit, *Country Report: Colombia*, January 2012.

[77] U.S. Department of State, "Country Reports on Terrorism 2011," July 31, 2012, available at http://www.state.gov/j/ct/rls/crt/2011/index.htm.

[78] Vivian Sequera, "Colombian Rebels Increase Attacks on Oil Pipelines, Energy Towers as Country Ramps up Industry," *Associated Press*, September 16, 2012.

[79] According to January 2011 communication with the Colombian Embassy, the number of ELN force was estimated to be lower than 1,250. However, some recent reports suggest that the number may be closer to 2,000. See Jeremy McDermott, "Colombia ELN Rebels Climb Back Into the Fray," Insight: Organized Crime in the Americas, June 26, 2011, http://insightcrime.org.

targeted the country's infrastructure, especially its oil and electricity sectors. Its operations are mainly located in the rural areas of the north, northeast, the Middle Magdalena Valley, and along the Venezuelan border. The ELN earns funds from the taxation of illegal crops, extortion, attacks on the Caño-Limón pipeline, and kidnapping for ransom. Its size and military strength have been dramatically reduced since the late 1990s.[80] One measure is the reduction in sabotage attacks on the Caño-Limón pipeline from 171 attacks in 2001 to only five attacks in 2009.[81] However, infrastructure attacks began to rise again in 2011 and early 2012.

Over the years, the ELN has periodically engaged in peace discussions with the Colombian government. The last round of talks ended in June 2008, after which former President Uribe stepped up operations against the insurgent group.[82] In the first two years of the Santos Administration, the ELN commander Nicolas Rodriguez Bautista, alias "Gabino," has repeatedly expressed interest in a "political solution" to the conflict.[83] Following the president's announcement of the FARC-government peace talks, Gabino expressed interest in the ELN joining the peace negotiations; this was acknowledged by President Santos in his late August broadcast announcing the exploratory talks. The ELN leader offered to participate but stated that there would be no ceasefire or cessation of kidnapping and extortion before talks got underway.[84] Later, in November 2012, the ELN announced it was interested in joining the peace talks "without preconditions." How and when the ELN might participate in the FARC-government formal talks remains to be further defined.[85]

As mentioned above, there has been recent evidence that the ELN has raised its level of violence. Some analysts believe that the ELN has been able to build up its forces because a truce between the ELN and the FARC agreed to in December 2009 may have finally gone into effect in 2011 following years of clashes between the two leftist guerrilla organizations.[86] The ELN has also reportedly made pacts with some of the criminal bands (or Bacrim, see below) that pursue drug trafficking and other criminal activities.[87] The modest "comeback" of the ELN and increased attacks by the FARC in 2011 and 2012 come at a time when there is a growing threat from former paramilitaries.

Paramilitaries and Their Successors

Paramilitary groups originated in the 1980s when wealthy ranchers and farmers, including drug traffickers, organized armed groups to protect themselves from kidnappings and extortion plots by the FARC and ELN. In 1997, local and regional paramilitary groups felt the need for an umbrella organization and formed the AUC, which became the largest paramilitary group. As

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

[81] Carola Hoyas, "Focus on Security and Investment Reaps Rewards," *Financial Times*, April 5, 2010.

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

[83] Elyssa Pachico, "Brief: ELN Talks Peace," Insight: Organized Crime in the Americas, April 17, 2011, http://insightcrime.org.

[84] Helen Murphy and Luis Jaime Acosta, "Colombia's ELN Rebels Offer Peace Talks," *Chicago Tribune*, August 28, 2012.

[85] Hannah Stone, "Will ELN Join Colombia's Peace Talks?," Insight: Organized Crime in the Americas, November 16, 2011, http://insightcrime.org.

[86] Jeremy McDermott, "Colombia ELN Rebels Climb Back Into the Fray," Insight: Organized Crime in the Americas, June 26, 2011, http://insightcrime.org; Elyssa Pachico, "Rebels Step Up Actions as Colombian Conflict Enters 48th Year," Insight: Organized Crime in the Americas, February 9, 2012, http://insightcrime.org.

[87] Christopher Looft, "Arrests Highlight ELN-Rastrojos Alliance in Southwest Colombia," Insight: Organized Crime in the Americas, January 27, 2012, http://insightcrime.org.

discussed in more detail below, the AUC disbanded in 2006. Not all paramilitary groups had joined the AUC umbrella. The AUC massacred and assassinated suspected insurgent supporters and directly engaged the FARC and ELN in military battles. The Armed Forces of Colombia have long been accused of ignoring and at times actively collaborating with these activities. The AUC, like the FARC, earned most of its funding from drug trafficking. *Jane's World Insurgency and Terrorism* estimated that in 2006 paramilitaries handled 40% of Colombian cocaine exports.[88]

On July 15, 2003, the AUC agreed with the Colombian government to demobilize its troops. At that time, the State Department estimated that there were between 8,000 and 11,000 members of the AUC, although some press reports estimated up to 20,000. The demobilization, begun in 2004, officially ended in April 2006. By that time, more than 31,000 AUC members had demobilized and turned in over 17,000 weapons.[89] AUC leaders remained at large until August 2006 when President Uribe ordered them to surrender to the government to benefit from the provisions of the Peace and Justice Law.[90]

Not all paramilitaries demobilized. Some former paramilitary fighters have re-joined or re-organized into paramilitary groups since demobilizing. Some former AUC members continue to be active in the drug trade in spite of the demobilization process.[91] The U.S. State Department and U.N. both note that the new illegal groups do not share the political objectives of the AUC, which sought to defeat leftist guerrillas, but have shifted to purely criminal purposes, predominantly drug trafficking, extortion, kidnapping and other crime. Despite their ad-hoc nature, the new illegal groups—labeled "emerging criminal gangs" or "Bacrim," (the Spanish acronym), by the Colombian government—pose a threat to Colombian civilians.

The level of violence generated by these paramilitary successor groups and their expansion and consolidation have led many observers to consider them the primary security threat to Colombia today.[92] According to the Annual Report of the U.N. High Commissioner for Human Rights (UNHCHR) covering 2010, these groups commit murders, massacres, threats, extortion, and acts of sexual violence, and cause individual and mass displacement.[93] Several human rights groups have raised concern that the Bacrim are tolerated by Colombian security forces and some local authorities due to corruption, intimidation, and threats.[94] Police reports indicate that more than 50% of the members of these groups who have been captured or killed to date had been demobilized paramilitaries, according to the UNHCHR in its 2011 annual report issued in January 2012.[95] Another issue raised in the report is the control by Bacrim or successor groups of illegally

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[88] U.S. Department of State, *Country Reports on Terrorism 2005*, and, "Autodefensas Unidas de Colombia," *Jane's World Insurgency and Terrorism*, August 10, 2006.

[89] "Only 2% of 30,150 Demobilized Paramilitaries to Stand Trial," *Associated Press*, April 18, 2006.

[90] Vicente Castaño, brother of AUC founder Carlos Castaño, remains at large. Vicente Castaño was under investigation by Colombian authorities for ordering the 2004 murder of his brother who reportedly planned to turn paramilitary leaders over for extradition to the United States as part of peace negotiations. He was convicted in absentia to 40 years in prison for the murder of his brother in March 2011.

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

[92] "Criminals with Attitude," *Economist*, January 14, 2012.

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

[94] See for example, Human Rights Watch, *World Report 2012: Colombia*, available at: http://www.hrw.org/world-report-2012/colombia

[95] Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*, January 31, 2012.

seized land (either because it was re-stolen by the successor groups or it was acquired through their links to paramilitary networks). According to the report, these groups have violently defended their control of land and pose a threat to the government's land restitution program under the Victims' Law. Leaders of land return efforts and others involved in land restitution processes have been targeted and killed by the Bacrim. One group calls itself the "Anti-Land Restitution Army" and has made threats against land restitution activists in northern Colombia.[96]

In early 2012, one of the most powerful Bacrim groups, Los Urabeños, staged an armed strike that paralyzed businesses and shut down transportation in six northern departments of Colombia for two days in response to the killing of their leader Juan de Dios Usaga by the Colombian police.[97] The armed strike cost local businesses and governments millions of dollars. A series of terror attacks in early February 2012 may have resulted from collaboration between the FARC and criminal bands such as the Rastrojos according to the government.[98] There are about a half dozen dominant Bacrim groups including Los Urabeños, Los Ratrojos, the Popular Revolutionary Anti-Terrorist Army of Colombia (ERPAC), Los Machos, Los Paisas, and the Aguilas Negras. It is unclear how many smaller groups there are. As noted, the organized criminal groups both compete and cooperate with the FARC and the ELN. The Santos government has adopted an integrated strategy to target these groups and has captured or killed some of its main leaders. Nevertheless, the violence they generate, and the growing number of massacres and victims attributed to this violence, suggests that government success in dismantling the Bacrim structures has been limited.[99] Reportedly the Bacrim groups are present in more than a third of Colombia's 1,100 municipalities.[100]

Remaining Political Challenges

Para-political Scandal

A scandal alleging paramilitary ties to politicians, especially members of the Colombian Congress that erupted in November 2006 has continued to affect Colombian politics after more than five years. On November 9, 2006, the Colombian Supreme Court ordered the arrest of three congressmen for their alleged role in establishing paramilitary groups. Since then, numerous Colombian politicians have been charged with ties to paramilitary groups in what is called the "para-political" scandal. In April 2008, Mario Uribe, a former senator, second cousin, and close ally of former President Uribe, was arrested for colluding with the paramilitaries. On February 21, 2011, Mario Uribe was convicted of aggravated conspiracy to commit a crime and sentenced to seven and a half years in prison.[101] Illustrating the widespread fallout from the para-political scandal, the State Department has reported that of Colombia's 2006-2010 Congress, 128 former

[96] Edward Fox, "Colombia's Anti-Land Restitution Army," Insight: Organized Crime in the Americas, July 12, 2012, http://insightcrime.org.

[97] "Criminals with Attitude," *Economist*, January 14, 2012.

[98] Chris Kraul and Jenny Carolina Gonzalez, "Colombia's Unholy Allies: Criminal Gangs and Leftist Rebels with Drug-running Ties have Launched Fatal Attacks," *Los Angeles Times*, February 4, 2012.

[99] One example of limited success was a partial surrender by a large Bacrim group. In December 2011, part of the ERPAC surrendered and a large number of the demobilizing forces were not prosecuted or received light sentences. For more details, see International Crisis Group, *Dismantling Colombia's Illegal Armed Groups: Lessons from a Surrender*, Latin America Report. Number 41, June 8, 2012.

[100] Christopher Looft, "Study: BACRIMs Continue Steady Expansion Across Colombia," Insight Crime: Organized Crime in the America's, February 22, 2012, http://insightcrime.org.

[101] "Uribe Sentenced for Parapolitics," *LatinNews Daily*, February 22, 2011.

representatives (out of the 268 total) were accused of having paramilitary ties.[102] Of the representatives elected to the 2010-2014 Congress, 13 who were re-elected were under investigation by the Supreme Court.[103]

The para-political scandal increased tensions between former President Uribe and the Supreme Court, which is charged with investigating the politicians accused of having paramilitary ties, many of whom were from what were then pro-Uribe parties. In July 2008, representatives from the two branches met to discuss President Uribe's concern that the paramilitary investigations were advancing too quickly. Despite those meetings, the Supreme Court ordered the arrest of Senator Carlos Garcia, head of Uribe's main coalition party, in late July. Government critics questioned President Uribe's decision in May 2008 to extradite key paramilitary figures to the United States, suggesting it was intended, in part, to thwart investigations into government-paramilitary ties. They also questioned the motives behind a judicial reform package submitted by Uribe to the Congress that would remove the Supreme Court's power to investigate legislators.[104] The judicial reform bill was withdrawn by the government after it received strong criticism from the courts and from members of Colombia's Congress.[105] In October 2008, Human Rights Watch released a report that said that the Uribe Administration had harassed the Supreme Court as it investigated politicians, security forces, and others with alleged paramilitary ties.[106]

The Santos Administration moved quickly to repair relations between the executive and the judiciary. The improved relations may have been demonstrated by the prompt election by the Supreme Court of a new Prosecutor General in December 2010. There had been an impasse of 16 months during which the Supreme Court would not approve anyone proposed by President Uribe. (However, in late February 2012, the Council of State decided to unseat the prosecutor general because of irregularities in the voting procedure which put her in office.)[107] In late March 2012, Santos's nominee to be prosecutor general Luis Eduardo Montealegre Lynett was again elected promptly by the Colombian Supreme Court.

In February 2008, Jorge Noguera, the head of Colombia's Department of Administrative Security (DAS) during President Uribe's first term, was formally charged with collaborating with paramilitaries, including giving paramilitaries the names of union activists, some of whom were subsequently murdered. Noguera was convicted in September 2011 by the Colombian Supreme Court for the murder of a university professor and conspiracy with illegal paramilitary death squads and other charges; he received a 25-year prison sentence.[108] Noguera has been at the center of a scandal involving the DAS's illegal wiretapping and other criminal activities. The

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

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

[104] Juan Forero, "U.S. Extraditions Raise Concerns in Colombia," *Washington Post*, August 19, 2008; Human Rights Watch, "Colombia: Proposal Threatens 'Parapolitical' Investigations," August 4, 2008.

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

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

[107] "Tribunal Anula Elección de Fiscal General," *Reuters*, February 29, 2012; "Colombian Prosecutor that Jailed Uribe Officials Ousted," Agence France Présse, February 29, 2012.

[108] Simon Romero, "Ex-Spy Chief of Colombia is Sentenced to Prison," *New York Times*, September 14, 2011; "Noguera's Conviction, a Bad Omen for Uribe," *LatinNews Daily*, September 15, 2011.

"DAS scandal" generated other investigations and convictions and led to the dismantling of the DAS by the Santos Administration.

In August 2012, General Mauricio Santoyo, chief of security for President Uribe between 2002 to 2006, pled "guilty" to collaborating with illegal paramilitaries. While he admitted to cooperation with the AUC, he rejected drug trafficking charges in U.S. court. Santoyo is the highest ranking Colombian official to be extradited to the United States to face criminal charges. He is now collaborating with U.S. authorities in an ongoing investigation. The para-political scandal and other abuses of power related to paramilitary influence continue to reverberate in Colombian politics.

The Justice and Peace Law and Demobilization

As part of the paramilitary demobilization process, President Uribe proposed a Justice and Peace Law (JPL) granting conditional amnesties to illegal combatants. The law would also apply to FARC and ELN fighters if they entered into negotiations with the government. Colombia's Congress approved the legislation in 2005. The Justice and Peace Law requires demobilized fighters to provide an account of their crimes and to forfeit illegally acquired assets in exchange for a penalty of up to eight years' imprisonment, as an alternative penalty to longer terms usually imposed for murder, kidnapping, terrorism and other crimes. If the accused was found to have intentionally failed to admit to a crime, the alternative penalty could be revoked and the full sentence for the concealed crime would be imposed. Critics contended that the penalties were too lenient and amounted to impunity. The Uribe Administration argued that without the inducement of the new law, paramilitary leaders and fighters would be unwilling to demobilize and the violence would continue.

In July 2006, Colombia's Constitutional Court upheld the constitutionality of the law. In the ruling, however, the Constitutional Court limited the scope under which demobilizing paramilitaries can benefit from the reduced sentences. Paramilitaries who commit crimes or fail to fully comply with the law will have to serve full sentences. The law affirmed that paramilitaries must confess all crimes and make reparations to victims using both their legally and illegally obtained assets. Paramilitary leaders reacted by stating that they would not comply with the law. In response, President Uribe ordered paramilitary leaders to turn themselves in. By October 2006 all but 11 paramilitary leaders had complied with this order.[109]

The merits of the Justice and Peace Law have been fiercely debated in Colombia and the United States. Supporters believe it has been an effective means to end paramilitary activities. The George W. Bush Administration supported the law, noting that it facilitated the collective demobilization of more than 31,000 paramilitary members. In addition, some 20,000 FARC, ELN, and former paramilitaries have individually laid down their arms.[110] Other supporters of the

[109] "Country Report - Colombia," *Economist Intelligence Unit*, October 2006; Human Rights Watch, "Colombia: Court's Demobilization Ruling Thwarts Future Abuses," July 19, 2006; "Gobierno colombiano abrirá debate público sobre decretos reglamentarios de ley de Justicia y Paz," *El Tiempo*, August 29, 2006.

[110] The JPL and the demobilization law provided a "two-track" process or legal framework for demobilizing. All members of FTOs (including the FARC, ELN, or AUC) could demobilize collectively or individually under Law 782/2002 (which was extended and modified in December 2006). This law established programs to assist deserters with their reintegration into civil society. The JPL (Law 975/2005), on the other hand, offered an alternative sentence with reduced penalties to demobilized FTO members who confessed to major crimes committed while a member of an FTO. (Information provided by the Department of State, March 5, 2012.)

law observe that paramilitaries must act in good faith and stop further participation in illegal activities in order to benefit from alternative sentencing.

Nevertheless, the OAS Mission to Support the Peace Process in Colombia and other observers have expressed concern about the institutional frailty of the Justice and Peace process. Today more than 377,000 victims have registered under the JPL.[111] Many observers have expressed reservations about the Colombian government's efforts to provide reparations to victims effectively. Human rights organizations are concerned that the paramilitaries have not been held accountable for their crimes and, that by under-reporting illegally obtained assets, have failed to provide adequate reparation to their victims.[112]

Other observers are concerned that many paramilitaries have not participated in the Justice and Peace process. Of the more than 31,000 paramilitary members that had demobilized, only 4,153 had been found potentially eligible to receive benefits under the Justice and Peace Law's framework.[113] In response to concerns raised by NGOs that extradited former paramilitaries would stop cooperating in the JPL process and victims would be unable to participate, the U.S. and Colombian governments have collaborated to facilitate the continued participation of extradited individuals through telecommunications links. According to the State Department, several extradited former paramilitaries have continued to participate by providing their confessions through teleconferencing.[114]

Of the more than 4,000 individuals who were eligible for alternative prosecutions under the 2005 law, more than 1,800 demobilized paramilitaries are incarcerated while awaiting trial while only 14 individuals have been convicted under the JPL in seven years.[115] In his March 2010 report, then-U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, observed "the Justice and Peace Law ... has not achieved the transitional justice intended for paramilitary crimes."[116] Alston's observations seem to have continuing validity. In response to concerns about the JPL's many implementation challenges, the Colombian Congress passed a reform of the law in October 2012 to speed up its judicial processes. According to proponents, the reform reduced the number of hearings required to achieve sentencing under the law, clarified reasons for exclusion from the benefits of the JPL sentencing, and took other steps to increase the effectiveness of the Justice and Peace process.[117]

Human Rights Violations by Colombian Security Forces

For several years, human rights organizations have raised serious concerns about the extrajudicial execution of civilians by the Colombian military. This issue received prominent attention when

[111] U.S. State Department, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012, p. 42.

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

[113] U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012, p. 40.

[114] Ibid.

[115] CRS communication with U.S. Embassy staff in Bogotá, November 1, 2012.

[116] United Nations Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, on his CRS communication with U.S. Embassy staff in Bogotá, November 1, 2012.Mission to Colombia (8-18 June 2009)*, March 31, 2010.

[117] CRS communication with U.S. Embassy staff in Bogotá, November 1, 2012. The reform as approved reduced the number of hearings, clarified causes for exclusion, extended the law's validity, and streamlined case prioritization and reparation to victims.

more than a dozen young men from the impoverished community of Soacha were lured to another part of the country with a promise of jobs and then murdered. In October 2008, the armed forces were linked to the murders of civilians whose bodies had been disguised as guerillas in order to inflate military body counts. As a result of an investigation, the government fired 27 soldiers and officers (including three generals), and the commander of the Colombian army, General Mario Montoya, resigned in November 2008.[118] Named the "false positives" scandal by the Colombian press, there have been continuing revelations about this problem as the Colombian military has worked to revise a policy that rewarded high guerrilla body counts. Many observers believe that justice in the Soacha murder cases, and others, has lagged.[119]

In January 2010, more than 20 soldiers accused of carrying out the Soacha murders (of the more than 60 soldiers now implicated in the case) were released from pretrial detention by a judge who ruled that the pre-trial procedures had taken too long.[120] Reacting to this ruling, the representative of the U.N. High Commissioner on Human Rights in Colombia expressed concern about the ruling's negative repercussions on the large backlog of cases of extrajudicial killings being investigated by the Prosecutor General's human rights team.

The State Department's *Country Reports on Human Rights Practices* for Colombia covering 2009 stated that "political and unlawful killings remained an extremely serious problem," and that "there were periodic reports that members of the security forces committed extrajudicial killings during the internal armed conflict," although the number had decreased since the prior year. In its 2009 State of the World Human Rights report, Amnesty International asserted that between June 2007 and June 2008, at least 296 civilians were extrajudicially killed by Colombian security forces and many were disguised as guerillas who had been killed in combat ("false positives"). In June 2009, on a 10-day mission to Colombia, then-U.N. Special Rapporteur on Extrajudicial Executions Philip Alston found that the killings were not a result of official government policy. Nevertheless, according to the Special Rapporteur, "the sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military."[121]

The slow pace of bringing the Soacha murder cases to trial (it has been more than four years) suggests to some that the Prosecutor General's office may be overwhelmed. The first convictions in the Soacha trials came in June 2011 when eight soldiers were convicted of two murders of young Soacha residents, receiving sentences ranging from 28 to 54 years in prison.[122] In 2012, there was another false positive case in which six soldiers were sentenced for the murder of a young man from Soacha to between 35 to 52 years in prison. According to the State Department's latest human rights certification, several cases involving victims from Soacha are pending as of

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[118] Simon Romero, "Colombian Army Commander Resigns in Scandal Over Killing of Civilians," *New York Times*, November 5, 2008.

[119] "Siete de los implicados en 'falsos positivos' podrían quedar libres en ocho días," *El Tiempo*, October 14, 2009. "'False positives' arrests in Colombia," *LatinNews Daily*, October 21, 2009.

[120] "Uribe at Odds with Judiciary over Human Rights," *Latin America Weekly Report*, January 14, 2010. According to this report, 17 soldiers were released on January 8 and another 6 were released on January 12, 2010.

[121] United Nations, Press Release, "Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions – Mission to Colombia, 8-18 June 2009." Available at http://www.unhchr.ch/huricane/huricane.nsf/view01/C6390E2F247BF1A7C12575D9007732FD?opendocument.

[122] U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," September 7, 2011. Available at http://www.lawg.org/component/content/article/76-stand-by-colombias-victims-of-violence/926-us-state-department-document-justifying-certification-of-human-rights-conditions-on-assistance-for-the-colombian-armed-forces-.

August 2012.[123] The extrajudicial killings Sub-Unit of the Prosecutor General's office has been assigned over 1,700 cases (involving more than 3,500 victims) of extrajudicial killings allegedly committed by members of the Colombian Armed Forces between 1985 through June 2012. According to some human rights advocates, the high level of incomplete cases is evidence that impunity remains the norm. There has been progress, however, in reducing the number of new cases. As noted, the number of new cases fell in 2009 and 2010, and no new cases "fitting the false positives profile" were reported in the most recent human rights certification issued by the State Department in August 2012.[124]

Internally Displaced Persons (IDPs)

Colombia has one of the largest populations of internally displaced persons in the world—most estimates placing the total between 4 million to 5 million IDPs—with indigenous and Afro-Colombians disproportionately represented among those displaced. There is some disagreement over the rate of displacement. Some IDPs do not register with the Colombian government out of fear and because of procedural barriers. Therefore, estimates of new displacements put forth by NGOs tend to be higher than government figures.

For 2011, the government maintained there were 143,116 new displacements (a 7% increase over 2010). The Consultancy for Human Rights and Displacement (CODHES), a Colombian NGO, reported 259,146 displacements. Many humanitarian organizations and the Colombian government reported a significant increase in mass displacements during 2011.[125]

CODHES and the government also differ on the total number displaced. The government has registered 3.9 million people as IDPs since 1997, while CODHES estimates more than 5 million have been displaced since 1985.[126] The U.N. High Commissioner for Refugees (UNHCR) has observed that however IDPs are counted, the number of the displaced in Colombia continues to grow and is one of the largest internally displaced populations in the world.

Displacement is driven by a number of factors, most linked to the internal armed conflict. It occurs frequently in more remote regions of the country where armed groups compete and seek to control territory or where armed groups confront Colombian security forces. Violence that uproots people includes threatened or actual child recruitment or other forced recruitment, and physical, psychological, and sexual violence. Other contributing factors reported by NGOs include counternarcotics measures such as aerial spraying, illegal mining of minerals and ore, and large scale economic projects in rural areas. There are increasing reports of "interurban" displacement in cities such as Medellin, resulting from violence and threats by organized crime groups.

Landmines

The use of landmines by Colombian guerrilla groups is a very serious ongoing problem. Although Afghanistan and Cambodia continue to have higher rates of landmine casualties (per capita) than

[123] U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012, p. 32. For more about the human rights certification issued annually by the U.S. State Department, see "Rights" section below.

[124] U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012, p. 5.

[125] U.S. Department of State, *Country Reports on Human Rights Practices for 2011,* May 24, 2012.

[126] Ibid.

Colombia, the International Campaign to Ban Landmines reported that Colombia had the highest number of landmine casualties in the world in 2006, with 1,106 casualties.[127] Both Human Rights Watch and the International Campaign to Ban Landmines report that the vast majority of landmines are laid by the FARC and ELN.[128] In 2007, *Landmine Monitor* cited a decline in landmine casualties to 895, the first decline since 2002. The change was attributed to setbacks suffered by the FARC.[129] Landmine casualties in Colombia declined further in 2008 to 798, and to 741 in 2009 and 512 in 2010.[130] In November 2012, the Colombian Minister of Agriculture maintained that much of the land being claimed for return under the Victims' Law (see "Reforms under the Santos Administration") that was in FARC control had been mined. He noted that demining the land will be slow and costly.[131]

U.S. Policy Focus and Concerns

Colombia and Global Drug Trends

Colombia's prominence in the global production of cocaine and heroin has long been a U.S. focus of counternarcotics efforts in the Andean region. On July 30, 2012, the U.S. Office of National Drug Control Policy (ONDCP) announced that in its estimates Colombia's potential cocaine production capabilities had fallen below Peru's and Bolivia's. According to the estimate, Colombia's 2011 potential cocaine production fell to 195 metric tons, 25% below the prior year estimate and 72% below the U.S. government estimate for 2001. Nearly the entire world's supply of cocaine is produced by just three countries: Peru, Bolivia, and Colombia. The major components of U.S. strategy have been drug crop eradication, interdiction, and alternative development programs, all with an eye to reducing the drug supply at its source.

Until the mid-1990s, Peru and Bolivia were the two major producers. Successful eradication and interdiction efforts in the 1980s and 1990s of coca and cocaine in Peru and Bolivia inadvertently pushed cultivation to Colombia. Colombia eclipsed Bolivia in 1995 and Peru in 1997. Cocaine production in Colombia increased fivefold between 1993 and 1999. But by 2010, cultivation of coca had decreased in Colombia according to estimates published by the United Nations, and pushed back into Peru and Bolivia. This suggests the so-called "balloon effect" may be responsible. This occurs when producers working to supply the illicit drug market move their operation to locations they perceive to have less enforcement—that is pressure in one part of the "balloon" moves the trade to another—yet total global production is mainly unaffected.

The estimates of the area under coca leaf cultivation and the volume of potential production of pure cocaine depend upon making assumptions from limited data. The United Nations Office on Drugs and Crime (UNODC) and the U.S. government have developed varying estimates that report midpoints in a range of likely cultivation and production, but U.S. and U.N. estimates often differ considerably. The organizations also sometimes modify their estimates after more data is collected. For example, UNODC modified its 2008 calculation upward for Colombia's

[127] Landmine casualties increased nearly 25% in 2005.

[128] International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2007* and Human Rights Watch, *Maiming the People*, July 2007.

[129] ICBL, *Landmine Monitor 2008*.

[130] ICBL, *Landmine Monitor 2011*, released November 23, 2011. The ICBL data is an update of a previously published number for 2008 of 777 casualties received from the Government of Colombia's Presidential Program for Integral Action against Landmines (PAICMA), provided by an official from the U.S. Embassy in Bogota on October 23, 2009.

[131] Remarks made at the Inter-American Dialogue, "Land Restitution and Rural Development in Colombia: A Conversation with Minister of Agriculture Juan Camilo Restrepo," Washington, DC, November 8, 2012.

production of pure cocaine from 430 metric tons to 450 metric tons. On the other hand, the U.S. government changed its estimate of production of pure cocaine for 2008 downward from 295 metric tons to 280 metric tons.

In its annual coca cultivation survey for Colombia published in June 2012, UNODC reported that 64,000 hectares of coca were grown in the country in 2011. This was a slight increase over the 62,000 hectares of coca detected in 2010. However, the UNODC also estimated for 2011 that Colombia's potential production of cocaine fell by 1% to 345 metric tons in 2011. In contrast, the U.S. government estimates for coca cultivation registered a 17% decline from 100,000 hectares in 2010 to 83,000 hectares in 2011. The White House Office of National Drug Control Policy announced that the U.S. government estimate for potential production of cocaine had in 2011 declined to 195 metric tons, a 72% reduction over the high point in 2001 of an estimated 700 metric tons. The new U.S. production estimate placed Colombia behind both Peru and Bolivia in pure cocaine production.[132] Some observers maintain the divergent estimates are contradictory and do not present a coherent picture.[133] Nevertheless, according to the State Department's *2012 International Narcotics Control Strategy Report (INCSR)* published in March 2012, Colombia produces about 95% of the cocaine seized in the United States.[134]

In recent years, the Colombian government, with significant U.S. assistance, has stepped up its eradication efforts. ONDCP has credited ongoing aerial spraying and manual eradication programs with recent declines in the cocaine productivity of the coca cultivated in Colombia.[135] In the *2011 INCSR*, the State Department notes that the eradication efforts goals were set lower based on what was accomplished in 2009. Manual eradication in 2010 declined considerably to below its goal of 70,000 hectares, when the government managed to manually eradicate about 45,000 hectares of coca "due to budgetary disbursement delays, security concerns, and the dispersion of coca crops to smaller fields."[136] In 2010, the government eradicated nearly 102,000 hectares by spraying, slightly above its stated aerial eradication target. In 2011, according to the latest *INCSR*, Colombia manually eradicated 34,592 hectares and sprayed slightly over 102,000 hectares.[137]

After a long period of stable prices, purity, and availability of illegal drugs in the United States, evidence indicated that the price of cocaine rose significantly between January 2007 and September 2010. According to the Department of Justice's National Drug Intelligence Center (NDIC) report, *National Drug Threat Assessment 2011*, the average street price for a pure gram of cocaine rose from $97.71 to just under $165 in that time period, while average street sale purity declined from 67% to 47%, a decline of 30%. The supply of drugs is often judged by changes in price, with higher prices signifying decreased supply (or increased demand which does not appear to be the case in the United States). Declining purity also measures decreased availability. The

[132] Office of National Drug Control Policy, "Survey Shows Significant Drop in Cocaine Production in Colombia," Press Release, July 30, 2012; U.S. Office of National Drug Control Policy (ONDCP), *Coca in the Andes*, http://www.whitehouse.gov/ ondcp/targeting-cocaine-at-the-Source.

[133] See, for example, Adam Isacson, "UN and U.S. Estimates for Cocaine Production Contradict Each Other," Washington Office on Latin America (WOLA) blog, July 31, 2012, http://www.wola.org/commentary/un_and_us_estimates_for_cocaine_production_contradict_each_other

[134] The 2012 *INCSR* cites the results of the U.S. Department of Justice's 2010 Cocaine Signature Program. U.S. Department of State, *2012 International Narcotics Control Strategy Report (*INCSR), March 2012.

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

[136] U.S. Department of State, *INCSR 2011*, March 2011.

[137] U.S. Department of States, *INCSR 2012*, March 2012.

NDIC report, published in August 2011, found a sharp decline in cocaine availability in the United States since 2006 that may have been responsible for price increases and purity declines. The report identifies no single factor for the decline in cocaine availability. Rather, a combination of factors, including decreased ability to move cocaine from South America due to intercartel fighting in Mexico and counterdrug activity, decreased production of cocaine in Colombia, and cocaine flowing to non-U.S. markets (such as Europe), all likely contributed to decreased amounts being smuggled into the United States.

Some observers express caution in interpreting recent trends in price, purity, and availability. They maintain that short-term fluctuations are not uncommon and may not be sustainable.[138] Analysts note that over the longer term retail cocaine prices have dropped dramatically since the mid-1980s. Even with the significant increase in price for a pure gram of cocaine between 2007 and 2010, the price has still not surpassed the level of 2001 (a year after the inception of Plan Colombia), when it was $194 per gram.[139]

Most heroin consumed in the United States comes from Mexico and a lesser quantity from Colombia. In an October 2008 report on Plan Colombia, the U.S. Government Accountability Office (GAO) reported that opium poppy cultivation and heroin production had declined in Colombia by about 50% between 2000 and 2006.[140] In 2008, the U.N. reported that opium production dropped to 394 hectares in Colombia, the lowest figure in the last 14 years of reporting.[141] In 2009 and 2010, the number of hectares under cultivation continued to decline dropping to a low of 346 hectares in 2010.

Colombia and Regional Security

Another U.S. policy focus in the Andean region is helping Colombia deal with armed insurgencies that are involved in drug trafficking and have a destabilizing effect on regional security. Colombia shares a 1,367-mile border with Venezuela, approximately 1,000 miles each with Peru and Brazil, and much smaller borders with Ecuador and Panama. With porous borders amid rugged territory and an inconsistent state presence, all of Colombia's border regions have been particularly problematic.[142] The conflict in Colombia and its associated drug trafficking have led to spillover effects in Colombia's neighboring countries, especially Venezuela and Ecuador.

Relations with Venezuela and Ecuador

Colombia's relations with its neighbors have been strained by the spillover from Colombia's counter-insurgency operations, including cross-border military activity. Colombia has asked both Venezuela and Ecuador for assistance in patrolling border areas where the FARC and, in some cases, the ELN are strong.

Cooperation between Colombia and its neighbors, Venezuela and Ecuador, who had tense relations with the Uribe Administration, has markedly increased under President Santos. Both

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[138] "U.S. Drug Czar Claims Cocaine Prices Fall," Associated Press, November 8, 2007.

[139] For a discussion critiquing government price and purity claims, see Coletta A. Youngers and John M. Walsh, *Development First: A More Humane and Promising Approach to Reducing Cultivation of Crops for Illicit Markets*, Washington Office on Latin America, Washington, DC, March 2010.

[140] U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, GAO-09-07, October 2008.

[141] UNODC, *World Drug Report 2009*.

[142] For a fuller discussion of terrorism in the region, see CRS Report RS21049, *Latin America: Terrorism Issues*, by Mark P. Sullivan and June S. Beittel.

governments re-established diplomatic relations with Colombia following the Santos inauguration.

Ties with Ecuador were severed for 33 months because of the 2008 bombing raid by the Colombian military on a FARC camp located inside Ecuador near the border. In response to that raid, Venezuela also broke off relations and sent troops to its border with Colombia. Following a diplomatic intervention, Venezuela restored relations. Personal relations between Venezuelan President Hugo Chávez and President Uribe were quite tense as both leaders accused one another of undermining their governments. In July 2009, Venezuela withdrew its ambassador and imposed a trade embargo following Colombian accusations that Venezuelan government military equipment had been discovered in a FARC camp. By the year's end, bilateral trade fell by one-third as a result of the trade cut off, weakening one of Colombia's most important trade relationships. In October 2009, a U.S.-Colombia base agreement that was signed that permitted U.S. troops to use seven military facilities in Colombia further inflamed President Chávez. He claimed that the placement of U.S. troops in Colombia was a threat and described the now stalled base agreement as "fanning the winds of war" across the region. In its last month in office, in July 2010, the Uribe government presented evidence at the Organization of American States (OAS) that the Venezuelan government was harboring FARC and ELN fighters in numerous camps inside its territory. These charges brought relations to a nadir.[143]

After President Santos took office, Venezuela and Colombia restored diplomatic ties in late August 2010, and Ecuador renewed full diplomatic relations with Colombia in December 2010. Since then, bilateral cooperation on issues such as trade, cross-border crime, and counternarcotics has been strengthened. In 2011, several FARC operatives have been captured in both countries and extradited to Colombia. A number of alleged drug kingpins wanted in Colombia have been arrested in Venezuela, including Maximiliano Bonilla (known as "Valenciano") in November 2011 and Daniel Barrera (alias "El Loco") in September 2012. Barrera's arrest in the Venezuelan border state of Táchira involved a joint Venezuelan-Colombian operation with support from U.S. and British intelligence agencies. Barrera was allegedly deeply involved in drug trafficking for more than two decades and served as a bridge between leftist insurgents, rightwing paramilitaries, and some of Colombia's largest drug trafficking organizations.[144]

The State Department's *Country Reports on Terrorism 2011*, issued in July 2012, cites the increasing bilateral cooperation of Venezuela and Colombia on security. According to the report, President Chávez made statements that illegal armed groups will not be tolerated on Venezuelan territory. However, the report also notes that four Venezuelan government officials are targets of U.S. sanctions for their direct links to the FARC's drug and arms trafficking activities. Despite government denials, many observers believe that Venezuela is used for rest, resupply, and drug transit by the FARC and to a lesser degree the ELN.

To Colombia's south, the report states "Ecuador's greatest counterterrorism and security challenge remained the presence of Colombian terrorist groups in the extremely difficult terrain along the porous 450-mile border with Colombia."[145] Ecuador's ability to combat these groups has been limited by resources and capabilities. Ecuador has other issues with Colombia. It receives high numbers of refugees from Colombia's conflict and opposes aerial spraying of coca in southern Colombia that it fears drifts into Ecuador and damages licit Ecuadorian crops.

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

[144] William Neuman and Jenny Caolina González, "Unlikely Joint Effort by U.S. and Venezuela Leads to a Drug Lord's Arrest," *Washington Post*, September 23, 2012; "Narco's Capture Boon for Colombia & Venezuela," *LatinNews Daily Report*, September 19, 2012.

[145] For details, see the report at http://www.state.gov/j/ct/rls/crt/2011/.

However, relations between Colombia and Ecuador have steadily improved under the Santos Administration, a process that began in the later months of the Uribe Administration.

Many analysts see this regional diplomacy by President Santos as an effort to build a more balanced approach to neighboring countries and to end Colombia's relative isolation in the region that had grown during the Uribe Administration. Others maintain that future relations with Venezuela are uncertain, given the unpredictability of recently re-elected President Chávez and concerns about his health. The supportive role of Venezuela to the peace negotiations with the FARC also elevates the relationship, which is decried by former President Uribe and other critics of the peace talks. The rapprochement with Venezuela has had its trade offs for the United States. When drug kingpin Walid Makled Garcia was arrested in Colombia on a U.S. warrant in August 2010 and requested for extradition by both Venezuela and the United States, the Colombian government honored the Venezuelan request and returned Makled to Venezuela in May 2011.[146]

Plan Colombia and the Andean Counterdrug Program (ACP)

Plan Colombia was developed by President Pastrana (1998-2002) as a strategy to end the country's 40-year-old armed conflict, eliminate drug trafficking, and promote development. The initial plan was a $7.5 billion six-year plan, with Colombia providing $4 billion of the funding and requesting $3.5 billion from the international community.[147] The U.S. Congress approved legislation in support of Plan Colombia in 2000, as part of the Military Construction Appropriations Act of 2001 (P.L. 106-246) providing $1.3 billion for counternarcotics and related efforts in Colombia and neighboring countries. Plan Colombia was never authorized by Congress. Subsequent funding has been appropriated for Plan Colombia and follow-on plans annually. President Bush continued support for the plan under the Andean Counterdrug Program (ACP) aid account. The ACP account funded counternarcotics programs in Bolivia, Brazil, Ecuador, Panama, Peru, and, until FY2008, Venezuela. The U.S.-Colombian partnership, initially focused on counternarcotics, shifted in 2002. Because narcotics trafficking and the guerrilla insurgency had become intertwined problems, Congress granted the Administration flexibility to use U.S. counterdrug funds for a unified campaign to fight drug trafficking and terrorist organizations.[148]

Formerly, the ACP and Foreign Military Financing (FMF) accounts supported the eradication of coca and opium poppy crops, the interdiction of narcotics shipments, and the protection of infrastructure through training and material support for Colombia's security forces. U.S. assistance supports alternative crop development and infrastructure development to give coca and opium poppy farmers alternative sources of income, and institution building programs to strengthen democracy. In FY2008, alternative development programs were shifted from the ACP account to the Economic Support Fund (ESF) account. U.S. assistance includes human rights training programs for security personnel in response to Congressional concern about human rights abuses committed by Colombian security forces. Congress has prohibited U.S. personnel from directly participating in combat missions. It has also capped the number of U.S. military and

[146] President Santos explained his decision to honor the Venezuelan request because it was made prior to the U.S. request and included charges of murder in addition to the drug trafficking charges for which he was wanted in the United States. Diego Moya Ocampos, "Colombia Extradites Suspected Drug Lord with Alleged Links to Top Officials to Venezuela," *IHS Global Insight Daily Analysis*, May 10, 2011.

[147] Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean, *Countering Threats to Security and Stability in a Failing State: Lessons from Colombia*, Center for Strategic & International Studies, Washington, DC, September 2009, at http://csis.org/files/publication/090930_DeShazo_CounteringThreats_Web.pdf.

[148] This expanded authority provided the State Department and the Department of Defense flexibility in situations where there is no clear line between drug and terrorist activity.

civilian contractor personnel who can be stationed in Colombia in support of Plan Colombia at 800 and 600 respectively, although numbers deployed have been well below the 1,400-person cap in recent years.[149]

The United States also supports the interdiction of drug shipments through the Air Bridge Denial (ABD) Program. The Air Bridge Denial program began as a joint interdiction effort between the United States, Peru, and Colombia to identify drug flights from Peru to Colombia and to interdict them by forcing them to land, or, if necessary, by shooting down suspect aircraft. The program was suspended in 2001 after a small airplane carrying American missionaries was mistakenly shot down over Peru. Following the establishment of new safeguards against accidental shootdowns, the program was renewed in Colombia in 2003.

In 2008, the United States began turning over operational and financial responsibility for Plan Colombia programs to the Colombians in a process of nationalization. Over the last four years, as U.S. funding for Plan Colombia has gradually declined, several programs were successfully nationalized, including the ABD program and several police and military aviation operations. The nationalization efforts are not intended to end U.S. assistance, but rather reduce it to pre-Plan Colombia levels adjusted for inflation.[150]

Aerial Eradication, Coca Cultivation, and Alternative Development[151]

Upon taking office, President Uribe announced that aerial eradication, along with alternative crop development, would form a significant basis of the government's efforts to reduce cocaine production. The Plan Colombia eradication spraying program began in December 2000 with the U.S.-funded counternarcotics brigade in Putumayo. It should be noted, however, that spraying does not prevent, although it may discourage, the replanting of illicit crops. According to the *2012 International Narcotics Control Strategy Report*, manual eradication in Colombia fell to 45,000 hectares in 2010 and was just over 34,000 hectares in 2011 not reaching the targets set due to "security concerns, budget issues, and the dispersion of coca to smaller fields." The report notes that 9 manual eradicators were killed in 2011 (and 32 injured) due to attacks from traffickers and other illegally armed groups.[152]

As discussed above, the United Nations and United States use different methodologies to estimate annual coca cultivation levels in Colombia. The different methodologies yield results that not only show different levels of cultivation, but sometimes different trends as well. The area of cultivation is measured in hectares, and a hectare is equivalent to 2.47 acres. The UNODC maintains that if an adjustment is made for the prevalence of small fields that Colombia's coca

[149] The FY2005 Ronald W. Reagan National Defense Authorization Act (H.R. 4200; P.L. 108-375) raised the military cap from 400 to 800 and the civilian cap from 400 to 600. The cap does not apply to personnel conducting search and rescue operations, or to U.S. personnel assigned as part of their regular duties to the U.S. embassy. According to the State Department, military personnel levels between 2009-2011 have ranged from 85 to 294 military and 84 to 342 civilian contractors, averaging 181 for military personnel and 197 for civilian contractors. The number of U.S. personnel has declined significantly from the peak years of 2005-2007, reflecting the gradual nationalization of U.S.-supported programs.

[150] U.S. Department of State, *Report on Multiyear Strategy for U.S. Assistance Programs in Colombia*, Report to Congress, April 2009. The 2009 report maintains that future assistance will support "high impact" programs such as police interdiction and eradication, support for police aviation, the rural police program and maritime interdiction.

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

[152] U.S. Department of State, *2012 INCSR*, March 2012.

cultivation declines from a base estimate of 73,000 hectares in 2009 to 62,000 hectares in 2010.[153] According to the State Department's *2012 INCSR*, the U.S. government estimated that Colombia's coca cultivation declined from 116,000 hectares to 100,000 hectares in 2010, a 14% decline. The U.S. government estimates for 2011 show another decline to 83,000 hectares whereas the UNODC showed a slight increase to 64,000 hectares.[154]

Aerial eradication has been controversial both in Colombia and the United States. Critics have long charged that it has unknown environmental and health effects, and that it deprives farmers of their livelihood, when carried out without coordination with alternative development programs.[155] With regard to environmental and health consequences, the Secretary of State, as required by Congress until FY2012, has reported that the herbicide, glyphosate, does not pose unreasonable health or safety risks to humans or the environment. In consultation for the certification, the U.S. Environmental Protection Agency has confirmed that application procedures and concentration of the aerial spray program in Colombia are within the parameters listed on U.S. glyphosate labels. Nevertheless, press reports indicate that many Colombians believe the health consequences of aerial fumigation are grave, and many international NGOs criticized the prior certification process for being analytically inadequate.[156]

The U.S. Agency for International Development (USAID) funds alternative development programs to assist farmers of illicit crops in the switch from illicit to licit crops, and provides assistance with infrastructure and marketing. The approach includes job creation for rural families in coca-growing and conflict-prone areas with economic development potential. From 2002 through September 2009, the United States completed 1,290 social and productive infrastructure projects with communities that agreed to remain free of illicit crops according to the State Department.[157] The USAID Mission in Colombia reports significant progress since funding started flowing for alternative development through Plan Colombia. By the end of FY2010, alternative development programs had benefitted 479,221 families and supported 476,215 hectares of licit crops (cumulative totals) in both coca and poppy areas.[158]

The success of alternative development in Colombia has been limited both by security concerns and the limited scope of the program. The 2008 GAO report, among others, that examined the progress of Plan Colombia identified weaknesses in the program.[159] For example, a majority of the USAID alternative development projects in Colombia were not located in areas where the majority of coca is grown and they have not been evaluated for meeting drug reduction goals or for their sustainability. Security concerns were blamed for the proposed withdrawal of USAID assistance from five departments where coca production was increasing, according to a USAID memo leaked to the press in October 2006. UNODC reported in June 2006 that alternative development programs have been successful, but only reach 9% of Colombian coca growers. The

[153] UNODC, *World Drug Report 2011*, June 2011.

[154] U.S. Office of National Drug Control Policy (ONDCP), *Coca in the Andes*, http://www.whitehouse.gov/ondcp/targeting-cocaine-at-the-Source; UNODC, *Colombia: Coca Cultivation Study*, June 2012.

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

[156] Although the requirement for a certification to release gyphosate was not included in the Consolidated Appropriations Act of 2012 (P.L. 112-74), the measure does require that complaints of harm to health or licit crops be thoroughly investigated and fair compensation paid for "meritorious claims."

[157] U.S. Department of State, *INCSR 2010*.

[158] USAID/Colombia provided information to CRS on March 15, 2011.

[159] U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07, pp. 48-49.

organization called for a tenfold increase in international donor support for alternative development programs. In 2006, USAID redesigned its strategy to lure coca growers to relocate to geographic zones that offered economic opportunities from zones where coca had been grown.[160]

The two core projects of the USAID strategy that ran between 2006 and 2011[161] were the More Investment for Sustainable Alternative Development (MIDAS) and Areas for Municipal Level Alternative Development (ADAM). Both projects have generated thousands of hectares of licit crops and jobs. In FY2010, USAID reported that it helped rural families produce more than 95,000 hectares of licit agricultural products and to create more than 150,000 jobs.[162] However, the USAID projects have been criticized for neither reaching those most vulnerable to coca cultivation nor providing adequate income substitution during the comparatively long time needed for alternative crops to mature and generate sufficient and sustainable income. Several assessments of USAID's alternative development program under Plan Colombia cite the "zero coca" policy of the Colombian government as actually a barrier to reaching those impoverished farmers most vulnerable to coca growing.[163] For example, in one assessment, researchers were told "alternative livelihoods assistance reaches only a small segment of the population in need, i.e. either cultivating coca or vulnerable to coca cultivation."[164]

Proponents of U.S. policy argue that both eradication and alternative development programs need time to work and that alternative development programs do not achieve drug crop reduction on their own. Alternative development in Colombia was designed to support the aerial and manual eradication programs. An integrated approach to alternative development was one element of the National Consolidation Plan officially launched by the Colombian government in 2008.

National Consolidation Plan

In early 2007, the Colombian Ministry of Defense announced a "Policy of Consolidation of Democratic Security" to guide security policy for the Uribe Administration's second term (2006-2010). The new strategy was intended to consolidate the gains of the Democratic Security policies that were successful in reducing violence in the first term and to consolidate state presence in marginal areas where insurgent activity by illegal armed groups, drug trafficking, and violence converged.

Called "integrated action" and later the National Consolidation Plan (PNC), the strategy combines security, counternarcotics, and development in a sequenced approach targeting remote,

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[160] U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07, pp. 48-49.

[161] The MIDAS and ADAM programs were awarded in 2005, began in 2006, and ran through 2010, with a limited extension granted until September 2011 to cover some of the gaps between those programs and the ones that succeeded them.

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

[163] The Uribe government policy conditioned all assistance on total eradication of coca crops from a particular area; even one violation by a single family disqualified a locality from receiving government assistance or assistance from international partners such as USAID. See U.S. GAO, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance;* Vanda Felbab-Brown et al., *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, April 17, 2009.

[164] Vanda Felbab-Brown et al., *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, a report produced for review by the U.S. Agency for International Development (USAID), April 17, 2009.

but strategically important, areas where illegal armed groups continue to operate. First, security forces enter a contested zone to stabilize and hold the area so that civilian state institutions can come in to provide social services such as justice, education, health, and housing to establish a positive state presence. The doctrine is based on the premise that all military and social actions are interdependent and no effort can be successful if the complementary efforts are not.

Led by civilian and defense officials in the Ministry of Defense, this major shift in approach was declared to be a "strategic leap" forward by then- Colombian Defense Minister Juan Manuel Santos in March 2009. At the local level, this strategy is carried out at regional consolidation centers staffed by civilian, police, and military personnel. The two best-known pilot projects, which have each received considerable U.S. and international support, are the regional coordination centers established in the Macarena in the Meta department and Montes de María near the central Caribbean coast. Both are intended to function as models for consolidation efforts in other municipalities located in priority zones in Colombia. Six municipalities in the Macarena region (formerly a high coca growing area) reduced their coca cultivation by 85% between 2007 and August 2012 with minimal replanting, suggesting the consolidation efforts have been effective. Early critics argued that the blurring of lines between military and civilian activities poses some dangers and that there is a need for increased civilian leadership and greater representation of community interests.[165]

USAID programs and the U.S. Department of Defense have strongly supported this approach and provided funding to consolidation programs since 2007.[166] The Colombia Strategic Development Initiative aligns U.S. assistance with the new strategy. According to the State Department, the U.S. government collaborated with Colombia since 2008 to pilot integrated counternarcotics initiatives in three regions that combined security, eradication and development. In September 2010, President Santos "relaunched" the National Consolidation Plan so it dovetails with Colombia's development plans and targets zones that can become the source of new economic growth in Colombia. The PNC has been refocused to concentrate on 51 priority municipalities (out of a national total of 1,100), and the current USAID "consolidation and livelihoods" programming goes to 40 of the priority municipalities.[167]

According to the *2012 INCSR*, the U.S. government provides alternative development assistance for communities as they transition in the consolidation process. In zones that have recently been recovered, the U.S. government provides support for immediate and short-term activities designed to meet immediate needs, such as quick impact projects to establish roads, bridges, health posts, and electrification to help communities recover from the impact of conflict and eradication. For PNC municipalities that have been in the program longer, the U.S. government assistance includes strengthening producer associations, increasing marketing opportunities for licit crops, and technical assistance to Colombian civilian agencies that are working to establish a

[165] For an early analysis of the strategy based on visits to the regional coordination centers in La Macarena and Montes de María, see Adam Isacson and Abigail Poe, *After Plan Colombia: Evaluating "Integrated Action," the Next Phase of U.S. Assistance*, Center for International Policy, International Policy Report, Washington, DC, December 2009. For background on the strategy as it was implemented in three consolidation zones in 2011, see Center for International Policy; Washington Office on Latin America; Instituto de Estudios para el Desarrollo y la Paz; Asociación MINGA, *Waiting for Consolidation: Monitoring Colombia's U.S.-Aided Counterinsurgency and Development Program*, February 2012.

[166] U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07.

[167] USAID is providing consolidation support to 40 municipalities. USAID response to CRS inquiry, November 6, 2012. For more on the initiative, see USAID/Colombia, "Program Overview: Consolidation and Livelihoods (CL)," August 2012.

permanent presence.[168] The *2012 INCSR* comments that coca cultivation and cocaine production reductions in Colombia have demonstrated the success of a counternarcotics strategy that uses an "integrated, broad-based approach." It also warns, however, that Colombia's counternarcotics gains are not irreversible.[169]

Funding for Plan Colombia

From FY2000 through FY2012, U.S. funding for Plan Colombia and its follow-on strategies totaled over $8 billion in State Department and Defense Department programs. From FY2000 to FY2009, the United States provided foreign operations assistance to Colombia through the Andean Counterdrug Program (ACP) account, formerly known as the Andean Counterdrug Initiative (ACI), and other aid accounts. In FY2008, Congress continued to fund eradication and interdiction programs through the ACP account, but funded alternative development and institution building programs through the Economic Support Fund (ESF) account. In the FY2010 request, the Obama Administration shifted ACP funds into the International Narcotics Control and Law Enforcement (INCLE) account. In addition, support for aerial eradication programs is provided from the State Department's Air Wing account. The Defense Department requests a lump sum for all counternarcotics programs worldwide under Sections 1004 and 1033, and under Section 124, of the National Defense Authorization Act. DOD can reallocate these funds throughout the year in accordance with changing needs. While not considered a formal component of the ACP Program, the Defense Department has provided Colombia with additional funding for training and equipment for a number of years, as well as the deployment of personnel in support of Plan Colombia.

In its October 2008 report, the GAO stated that Plan Colombia had only partially fulfilled its drug reduction goals. In the years 2000-2006 coca cultivation and production of cocaine had actually increased by about 15% and 4%, respectively. The report concluded that while significant security gains were achieved by the Colombian government with U.S. assistance, coca farmers had taken effective countermeasures against eradications, and alternative development programs had not been implemented where the majority of coca is grown.[170] Moreover, the report criticized the "nationalization" of Plan Colombia programs—the transfer of U.S.-administered programs to the Colombians—as advancing too slowly and lacking coordination.[171]

In 2008, there was significant debate in Congress about the proper balance between so-called "hard-side" security assistance (i.e., equipment and training to the Colombian military and police) and "soft-side" traditional development and rule of law programs. While some Members of Congress supported the Bush Administration's emphasis on security-related assistance to Colombia, others expressed concerns that the Administration put too much of an emphasis on the security assistance component. Many Members have expressed a desire to see a more rapid transfer of responsibility for the military operations associated with Plan Colombia from the United States to Colombia. Since FY2008, Congress has reduced assistance for security-related programs and increased economic and social aid in the annual foreign assistance appropriations legislation. For example in the FY2012 foreign operations appropriations measure, the balance

[168] U.S. Department of State, *2012 INCSR*, March 2012.

[169] U.S. Department of State, *2012 INCSR*, March 2012.

[170] According to the report: "… alternative development is not provided in most areas where coca is cultivated and USAID does not assess how such programs relate to strategic goals of reducing the production of illicit drugs or achieving sustainable results."

[171] U.S. Government Accountability Office, *Plan Colombia: Drug Reduction Goals Were Not Fully Met, but Security Has Improved; U.S. Agencies Need More Detailed Plans for Reducing Assistance*, October 2008, GAO-09-07.

between “soft-side” traditional development and rule of law assistance and “hard-side” security and counterdrug assistance was close to 50/50.

Table 1. U.S. Assistance for Plan Colombia, FY2000-FY2013

(in millions $)

	ACI/ACP	ESF	FMF	IMET	INCLE	NADR	Air Wing	DOD	Total
FY2000	60.1	—	—	—	—	—	38.0	128.5	**226.6**
P.L. 106-246	832.0	—	—	—	—	—	—	100.7	**932.7**
FY2001	48.0	—	—	—	—	—	38.0	190.2	**276.2**
FY2002	379.9[a]	—	—	—	—	25.0	38.2	117.3	**560.4**
FY2003	580.2[b]	—	17.1	1.2	—	3.3	41.5	164.8	**808.1**
FY2004	473.9	—	98.5	1.7	—	.2	45.0	178.2	**797.5**
FY2005	462.8	—	99.2	1.7	—	5.1	45.0	155.3	**769.1**
FY2006	464.8	—	89.1	1.7	—	—	45.0	140.5	**741.1**
FY2007	465.0	—	85.5	1.6	—	4.1	37.0	129.4	**722.6**
FY2008	244.6	194.4	55.1	1.4	41.9	3.7	39.0	119.9	**700.0**
FY2009	230.1	196.5	53.0	1.4	45.0	3.2	12.4	127.9	**669.5**
FY2010	[c]	201.8	55.0	1.7	243.9	4.8	12.9	129.4	**649.5**
FY2011	—	184.4	47.9	1.7	204.0	4.8	3.6	110.4	**556.8**
FY2012 (est)		179.0	37.0	1.7	160.6	4.8	8.3	97.9	**489.3**
FY2013 (req)	—	155.0	30.0	1.6	142.0	3.3	N.A.	85.6	**417.5**
Total	**4,241.4**	**1,111.1**	**667.4**	**17.4**	**837.4**	**62.3**	**403.9**	**1,976.0**	**9,316.9**

Sources: Figures are drawn from the annual State Department Foreign Operations Congressional Budget Justifications for fiscal years 2002 through 2013 and the State Department's Washington File, "U.S. Support for Plan Colombia, FY2000 Emergency Supplemental Appropriations," July 5, 2000. DOD data for FY2002-FY2010 provided by DOD in response to CRS request, received March 21, 2011. DOD data for FY2011-FY2013 provided in response to CRS request, received February 17, 2012.

Notes: For FY2000 and thereafter, Plan Colombia funds are assigned to the State Department's International Narcotics and Law Enforcement Bureau (INL) or the Andean Counterdrug Initiative (ACI). The State Department transfers funds to other agencies carrying out programs in Colombia, of which USAID has received the largest portion. Defense Department data reflects non-budget quality estimates of DOD counternarcotics support provided. DOD requests one sum for programs around the world and adjusts its regional allocations as needed. **Table 1** does not include P.L. 480 (Food Aid). Air Wing figures for FY2010 and FY2011 are estimates provided by the State Department. Accounts as follows: ACI/ACP=Andean Counterdrug Initiative/Andean Counterdrug Program; ESF=Economic Support Fund; FMF=Foreign Military Financing; IMET=International Military Education and Training; INCLE=International Narcotics Control and Law Enforcement; NADR=Nonproliferation, Antiterrorism, Demining and Related Programs.

a. Includes $6 million appropriated to FMF but transferred to the ACI account.

b. Includes $93 million in FMF regular appropriations and $20 million in FMF supplemental funds that were transferred to the ACI account.

c. U.S. Department of State has subsequently reallocated sums to different accounts in the FY2010 Congressional Budget Justification for Foreign Operations. In the FY2010 request, funds previously shown in the Andean Counterdrug Program moved to the State Department's INCLE account.

Total assistance in support of Plan Colombia includes significant DOD support. The combined estimated assistance appropriated to Colombia from State Department and DOD in FY2012 was $490 million (see **Table 1**). In FY2013, the State Department's budget request, in line with other foreign aid cuts, fell to about $332 million, approximately 13% lower than the amount

appropriated for State Department accounts in FY2012. **Table 1** provides a more detailed breakdown of U.S. assistance to Colombia from FY2000 through the FY2013 request.

The Obama Administration's FY2013 budget request of roughly $332 million for Colombian foreign assistance from State Department accounts has broad support. The Senate Appropriations Committee version of the FY2013 foreign aid appropriations measure, S. 3241, would provide additional funding exceeding the request in economic support and slightly more in counternarcotics (including funds targeted at strengthening the Colombian Prosecutor General's office). The House Appropriations Committee version of the bill, H.R. 5857, would provide an additional $10 million over the request for Foreign Military Financing (FMF), and would increase support under the International Narcotics Control and Law Enforcement (INCLE) account by $18.6 million to fund security and counternarcotics training and technical support by the Colombian government to partners regionally and worldwide. In September 2012, Congress passed a Continuing Appropriations Resolution (CR) FY2013 (H.J.Res. 117, P.L. 112-175), which was signed into law on September 28, 2012 and which expires on March 27, 2013. Under the CR, regular aid accounts are funded at the same level as in FY2012 plus .612%.

U.S.-Colombia Defense Cooperation Agreement

On October 30, 2009, the United States and Colombia signed the Defense Cooperation Agreement (DCA) to provide the United States access to seven military facilities in Colombia to conduct joint counternarcotics and anti-terrorism operations over a 10-year period. The U.S. Congress authorized $46 million for construction at the Palanquero air base in Central Colombia in the defense authorization for FY2010 signed into law in October 2009 (P.L. 111-84). However, on August 17, 2010, the Colombian Constitutional Court declared the agreement unconstitutional because it had not been submitted to the Colombian Congress for approval.[172] Since then, the Santos Administration has not submitted the agreement to Congress. The agreement had generated hostility toward Colombia from some neighboring countries, such as Venezuela and Ecuador. Not moving ahead with the agreement appears to have lowered regional tensions.

The DCA did not change the cap on the number of U.S. personnel deployed in Colombia which remains the same as set by Congress in 2004 (P.L. 108-375)—800 military personnel and 600 contractors. U.S. personnel presence in recent years has declined to a level below half of the authorized 1,400-person cap, which is a trend that is expected to continue.[173]

[172] The court decision put the expenditure of the Palanquero construction funds on hold, pending approval by the Colombian Congress. CRS communication with the DOD, February 28, 2012.

[173] U.S. Department of State, "U.S.-Colombia Defense Cooperation Agreement," October 30, 2009. Available at http://www.state.gov/r/pa/prs/ps/2009/oct/131134.htm. According to the announcement: "Consistent with U.S. policy to nationalize U.S.-supported activities by turning them over to Colombian authorities, U.S. personnel presence has been in a gradual decline. It is the United States' expectation and commitment that those trends will continue."

Human Rights

Debate in the U.S. Congress has continued to focus on allegations of human rights abuses by the FARC and ELN, paramilitary groups, and the Colombian Armed Forces, and the extent of the investigation and prosecution of such crimes. For example, as previously discussed (see "Human Rights Violations by Colombian Security Forces"), the Prosecutor General's office has been assigned over 1,700 cases (involving more than 3,500 victims) of extrajudicial killings allegedly committed by members of the Colombian Armed Forces between 1985 through June 2012. The United Nations and many NGOs and human rights groups are deeply concerned that progress in reducing the backlog of cases of extrajudicial killing has proceeded slowly.[174] They are also alarmed that while allegations of extrajudicial executions by the security forces have declined sharply in recent years, there continues to be reports that the practice has continued.

Since 2002, Congress has required that the Secretary of State certify annually to Congress that the Colombian military and police forces are severing their links to the paramilitaries, investigating complaints of human rights abuses, and prosecuting those against whom credible charges have been made.[175] Since 2002, Congress has made funding to the Colombian military contingent on these certifications.[176] In the latest certification, issued on August 20, 2012, Secretary Clinton reported again that the Colombian government and armed forces are meeting the statutory requirements with regard to human rights. Over the years, many NGOs have criticized the positive certifications and report that they have presented evidence to U.S. State Department officials that contradict U.S. findings. Some human rights groups have called the human rights certification "a flawed but useful tool" because the certification process requires regular consultation with Colombian and international human rights groups by the U.S. government, and because over time the conditionality can improve human rights compliance.[177]

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[174] See U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012.

[175] The criteria have evolved in the various annual foreign operations appropriations measures. For example, in the joint explanatory statement of the Consolidated Appropriations Act of 2012, (P.L. 112-74), the Secretary of State must certify that "(1) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or other illegal armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are not opposing civilian jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities. (2) The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or other illegal armed groups. (3) The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from paramilitary organizations or other illegal armed groups, and by returning the land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners. (4) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations."

[176] For several years, certification was required before 30% of funds to the Colombian military could be released. In the FY2012 appropriations measure, the requirement is that 25% of funds be held back pending certification by the Secretary of State.

[177] Lisa Haugaard, Adam Isacson, and Jennifer Johnson, *A Cautionary Tale: Plan Colombia's Lessons for U.S. Policy Toward Mexico and Beyond*, Latin America Working Group Education Fund, Center for International Policy, Washington Office on Latin America, November 2011. The authors caution that the benefits of the certification are only present under certain conditions: "Human rights conditions only became a useful lever in extreme circumstances and with enormous effort by human rights groups."

Congress has also regularly enacted another mechanism to prevent human rights abuses: the so-called Leahy Amendment in foreign operations appropriations legislation.[178] Specifically, this provision states that units of a foreign country's security forces are prohibited from receiving assistance if the Secretary of State receives credible evidence that such units have committed "a gross violation of human rights." (The restriction had been designated as Section 620J of the Foreign Assistance Act, but re-designated as Section 620M and amended by the Consolidated Appropriations Act of 2012, (P.L. 112-74)). The Secretary may continue funding if she determines and reports to Congress that the foreign government is taking effective measures to bring the responsible members of these security forces to justice. A similar provision applies to DOD training of foreign security forces if the Secretary of Defense receives "credible information" that units of foreign security forces have committed "a gross violation of human rights." The most recent restriction on DOD funding appears in Section 8058 of P.L. 112-74. There have been Colombian units that have been disqualified from receiving assistance and training under these provisions, or "not vetted for cause." Despite these measures, human rights organizations contend that the U.S. government often ignores questionable activities of Colombian security forces.

U.S.-Colombia Free Trade Agreement[179]

In 2003, the George W. Bush Administration announced its intention to begin negotiating an Andean region free trade agreement (FTA) with Colombia, Peru, Ecuador, and Bolivia. In its announcement, the Administration asserted that an FTA would reduce and eliminate barriers to trade and investment, support democracy, and fight drug activity. After regional talks broke down, the United States separately pursued bilateral trade agreements with Colombia and Peru. The United States and Colombia signed the U.S.-Colombia Trade Promotion Agreement on November 22, 2006, also called the U.S.-Colombia Free Trade Agreement (CFTA). Nearly five years later, the U.S. Congress approved implementing legislation for the CFTA (H.R. 3078/S. 1641) on October 12, 2011, and President Barack Obama signed the measure on October 21, 2011 (P.L. 112-42).

Congressional approval of the implementing legislation for the agreement was delayed because of controversy. Proponents argued that the FTA with Colombia would improve market access for U.S. businesses, increase bilateral trade in a way that benefited both countries, and reward a close ally in South America. Critics of the agreement countered that Colombia had a weak record on labor rights, unacceptably high levels of violence allegedly targeted at union members, and that perpetrators of such crime were rarely investigated or prosecuted (as described in more detail below). In congressional debate, human rights considerations raised by opponents included the victimization of labor activists and other human rights defenders. Some opponents also pointed to concerns that Colombian workers in some sectors would be displaced. Proponents maintained that Colombia had made progress over the past decade in reducing violence and enhancing security overall.

The Obama Administration, as part of its export development and job growth strategy, indicated an interest in 2011 in concluding pending Bush-era free trade agreements with South Korea, Panama and Colombia once "key issues" in each agreement were addressed. The Administration

[178] This provision was first introduced by Senator Patrick Leahy as an amendment to the 1997 Foreign Operations Appropriations Act (P.L. 104-208) restricting International Narcotics Control assistance to foreign security forces found to have committed gross human rights violations.

[179] See CRS Report RL34470, *The U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal. This report provides background and analysis of the CFTA and the associated Action Plan Related to Labor Rights.

introduced implementing legislation for the three agreements in early October 2011. On a same-day vote on October 12, 2011, Congress approved the U.S.-Colombia agreement with a bipartisan vote of 262-167 in the House and 66-33 in the Senate. Debate surrounding passage of the agreement centered on labor issues, including allegations of violence against trade unionists and inadequate government prosecution of such violence. As part of the CFTA legislation, Congress renewed the Andean Trade Preference Act (ATPA) through July 2013 for Colombia and Ecuador. The law provides eligible countries with unilateral preferential access to the U.S. market for certain products to encourage legitimate economic activity in place of a dependence on the illegal narcotics trade.[180] The ATPA renewal, which along with other trade preference measures allows about 90% of Colombian imports to enter the United States duty free, gave Colombia time to transition while awaiting the CFTA's entry into force.

Acknowledging that one of the key concerns of opponents of the U.S.-Colombia Free Trade Agreement involved the status of labor rights in Colombia,[181] on April 7, 2011, President Santos and President Obama announced they had agreed upon an Action Plan Related to Labor Rights (Action Plan). This detailed plan addressed U.S. concerns about protection of labor rights in Colombia, violence against labor leaders, and improving the investigation and prosecution of labor-related violence. The Obama Administration stated that implementation of most of the measures in the plan, which consists of a series of actions the Colombian government must take within defined time frames, would be a precondition for the President to declare the CFTA's entry into force. The Action Plan can be found on the website of the Office of the United States Trade Representative (USTR).[182]

Reaction to the Action Plan has been mixed.[183] Although many contend that the plan, if fully implemented, would represent progress on some of the problems facing labor in Colombia and view it favorably, others are concerned that weak enforcement may limit its prospects.[184]

On April 15, 2012, at the Summit of the Americas held in Cartagena, Colombia, President Obama and President Santos announced that the CFTA would enter into force on May 15, 2012. They affirmed that the commitments of the Action Plan Related to Labor Rights had been substantially met and that both countries had reviewed and revised their laws and regulations to meet their obligations under the agreement.[185] Following its entry into force in May, the trade agreement immediately eliminated duties on 80% of the U.S. exports of consumer and industrial products, and will eliminate most remaining tariffs within 10 years of implementation. Although it is too early to evaluate its impact, U.S. investment in Colombia and trade between the two countries has grown since the agreement entered into force.

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

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

[182] *Colombian Action Plan Related to Labor Rights,* April 7, 2011, available at http://www.ustr.gov.

[183] For a more detailed description of the major elements of the Action Plan and how unions and others have responded to it in the United States and Colombia, see CRS Report RL34470, *The U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal.

[184] After six months of implementation, Colombia's National Labor School (Escuela Nacional Sindical, ENS) issued a critical assessment of the Action Plan in October after welcoming the plan in April as a significant advance. See Escuela Nacional Sindical (ENS), "The Action Plan Related to Labor Rights: A New Frustration?," October 7, 2011, at http://www.usleap.org/files/ENS%20Report%20on%20Labor%20Action%20Plan_English.pdf.

[185] Office of the United States Trade Representative (USTR), "United States, Colombia Set Date for Entry into Force of U.S.-Colombia Trade Agreement, press release, April 15, 2012, at http://www.ustr.gov.

Issues Related to Labor Rights in Colombia

The predominant concern that the Action Plan addressed was violence against labor unionists. Labor activist killings in Colombia declined during 2002-2005, but rose again in 2006 (see **Figure 2**).[186] Data on the number of labor unionists murdered in any given year vary by source. In 2009, the government reported a decline to 28 murders and the National Labor School (a respected Colombian NGO) reported a slight decline to 47 murders of labor unionists.[187] In 2010, the Colombian government recorded 34 murders, while the ENS recorded 51. For more information about the reasons for the discrepancy between government and NGO counting of these murders, see CRS Report RL34759, *U.S.-Colombia Free Trade Agreement: Labor Issues*, by Mary Jane Bolle. In 2011, both the government and ENS recorded a drop in labor unionist homicides. For the year in which the Action Plan was signed, ENS reported 29 homicides, but a continuing pattern of threats, including death threats, violence, harassment, and other practices against trade union representatives that inhibited their ability to exercise their right to free association including to engage in union activities.[188]

Violence against labor union members is in a context of high violence levels in the society in general. Colombia has greatly reduced its homicide rate over the past decade, but even in 2010 there were more than 15,400 homicides, with a rate of 34 homicides per 100,000 inhabitants (far exceeding Mexico's rate of 18.1 per 100,000 in 2010).[189] The 51 homicides of labor unionists recorded by ENS in 2010 were less than one-half of 1% of total homicides. Critics of the Colombian government's record on protecting labor note that the politically intimidating effect of a labor murder is not equivalent to a random murder. One unknown related to the controversy about these crimes is whether individual labor union members were killed because of their union activity or for some unrelated issue.

The Colombian government has responded to U.S. concerns by pointing to the improvements in curbing violence overall. Total homicides dropped by 46% from a peak in 2001 to 2010 according to data from the Colombian Ministry of Defense. As presented in **Figure 2**, the reduction in labor union homicides from a peak in 2001 to 2010 is about a 70% decrease according to the ENS data and more than 80% according to the government data. Some Members of Congress who opposed the CFTA concede that the Colombian government has made progress but maintain that continued violence against labor leaders and human rights defenders make it an unfit trade partner.[190] Other critics have raised concerns about the continued high rates of violence endured by other

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

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

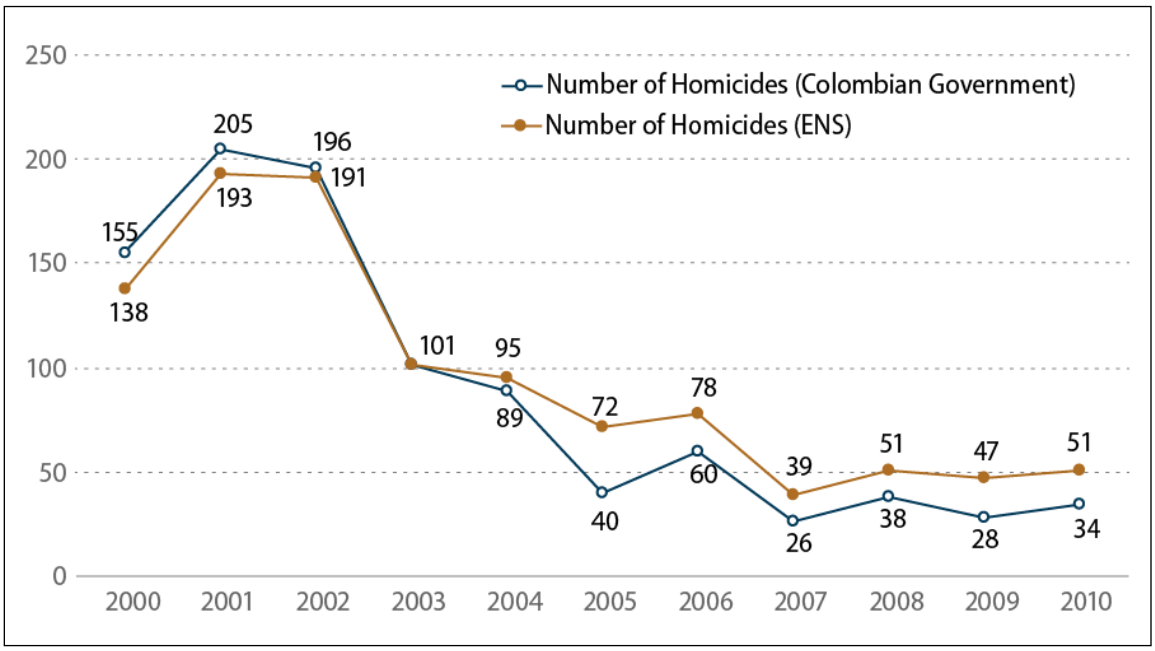
[188] U.S. State Department, *Country Reports on Human Rights Practices for 2011*, May 24, 2012. Full report at http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper.

[189] Colombian data from the Colombian Ministry of Defense provided by the Embassy of Colombia. CRS communication with the Embassy of Colombia, March 24, 2011. Mexico data is from U.N. Office on Drugs and Crime, *Global Study on Homicide: Trends, Context, Data*, 2011.

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

vulnerable groups, such as Afro-Colombian activists, land return advocates, and indigenous leaders.

Figure 2. Colombian Trade Union Homicides from Two Sources



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

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

A major concern is the impunity for past acts of violence against labor leaders. Very few investigations have been completed. More than 2,000 incidents of violence involving killings and threats between 1991 to 2006 have been alleged. A Special Labor Sub-Unit of the Colombian Prosecutor General's office, set up in 2006, employs 25 prosecutors and 150 investigators[191] as of August 2012 assigned to investigate and process 1,465 labor-related cases. A vast majority of these labor cases are either under investigation or in preliminary phases of the prosecutorial process.[192] According to the State Department, the Labor Sub-Unit has achieved 499 convictions against 597 individuals who committed violent acts against trade unionists (including 91 convictions in 2011).[193] Labor groups argue much more needs to be done to end impunity for crimes targeting trade unionists.[194] Human Rights Watch in its *World Report 2012* notes that

[191] According to the August 2012 human rights certification, 50 of the investigators were from the technical investigation corps (CTI) and 150 of the investigators from the Colombian National Police (CNP).

[192] U.S. Department of State, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012.

[193] For the number of convictions in 2011, see U.S. State Department, *Country Reports on Human Rights Practices for 2011*, May 24, 2012. Full report at http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper.

[194] See, for example, AFL-CIO, "Statement of the AFL-CIO on Colombian Labor and Human Rights Document," March 17, 2011 at http://www.aflcio.org/mediacenter/prsptm/pr03172011.cfm.

closure of recent cases has been especially difficult. Out of the 195 trade unionist killings that Human Rights Watch reports occurred since 2007 when the Labor Sub-unit became operational, the unit has only achieved convictions in six cases.[195]

Several measures in the April 2011 Action Plan include steps to strengthen the Colombian judicial system with regard to labor violence prosecutions.[196] Until investigations and prosecutions are completed, it is very hard to determine the motive behind killings and if indeed labor union members are targeted. Several human rights organizations, including Human Rights Watch, have urged the Colombian government to resolve labor cases that have languished in impunity.[197] In addition to the Action Plan's measures to prevent violence against labor activists, and to strengthen the prosecution of such violence, the Action Plan sets out steps to protect internationally recognized labor rights. For instance, the Action Plan restricts the use of Colombian "labor cooperatives" (a form of labor contracting that can be exploitative which is frequently found in the sugar, flower, palm oil, mining and port industries)[198] and imposes sanctions on businesses that are violating Colombian laws. It requires an increased presence of the International Labor Organization (ILO), an invitation that the ILO has accepted. One of the few incomplete steps laid out in the Action Plan is the hiring of an additional 380 labor inspectors which must be accomplished by 2014.

When President Obama announced the U.S.-Colombia Free Trade Agreement's entry into force he asserted that most of the requirements of the Action Plan had been substantially met. The U.S. Trade Representative's office, tasked with reviewing the documentation to ensure that Colombia has completed the Action Plan steps, maintained that Colombia had met all the important milestones to date.[199] Technical meetings between the two governments and meetings between senior labor officials from each country are being held through 2013 to ensure ongoing compliance. In the U.S. Congress, some Members have expressed continuing concern about Labor Action Plan implementation.[200]

Concluding Policy Perspectives

With approval by the U.S. Congress of the U.S.-Colombia Free Trade Agreement in 2011 and its entry into force in May 2012, the U.S.-Colombia partnership passed a major milestone. Congress

[195] Human Rights Watch, *World Report 2012*, January 2012. See Colombia country summary at http://www.hrw.org/world-report-2012/colombia.

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

[197] See letter from José Miguel Vivanco to Attorney General Viviane Morales, September 29, 2011, available at http://www.hrw.org.

[198] A "labor cooperative" or an "associated workers cooperative" is an enterprise that supplies workers to a business. According to the Colombian government, such cooperatives are required to provide health benefits, workers' rights benefits, and pensions. Critics claim that these work arrangements have been consistently abused and that they undercut union wages, prevent workers from joining unions, and have reduced or eliminated health, pension, and other unionized worker benefits. The misuse of labor cooperatives has been prohibited by Colombian law.

[199] USTR, "FACT SHEET: Historic Progress on Labor Rights in Colombia," April, 15, 2012, at http://www.ustr.gov.

[200] In November 2011, a group of Members in the House of Representatives formed the Congressional Monitoring Group on Labor Rights in Colombia committed to continuing to monitor that Action Plan commitments become "reality on the ground." See "Members of US Congress Reaffirm their Commitment to Labor Rights in Colombia," September 11, 2012, at http://www.wola.org/sites/default/files/CMG%20statement%209.11.12_0.pdf.

is currently engaged in oversight of continued implementation of the related Labor Action Plan in addition to its oversight of overall U.S. policy toward Colombia.

Supporters of the current U.S. policy towards Colombia continue to express the importance of Colombia as a regional partner of the United States in the counternarcotics effort. Colombia has also emerged as a regional leader, providing police and justice training to nations around the world including many in Latin America. Proponents point to the progress that has been made in improving security conditions in Colombia and in weakening the FARC guerrillas. They favor maintaining security assistance to Colombia in order to help Colombian security forces continue to combat the FARC and ELN, solidify their control throughout rural areas, and eradicate illicit narcotics. Many supporters accept a gradual decline in U.S. assistance in line with across-the-board foreign aid reductions and the gradual "nationalization" of Plan Colombia programs. At the same time, they remain concerned about the use of neighboring countries' territory for refuge and re-supply by the leftist guerrillas, and that this has a potentially destabilizing effect in the region.

Critics of current U.S. policy in Colombia respond that the counterdrug program has used a repressive approach to curb drug production that has provoked a negative popular reaction in some rural areas. They argue for halting aerial spraying of drug crops and limiting aid to the Colombian military. They maintain that interdiction and reducing illicit drug demand in the United States, rather than eradication, are more effective and less costly to peasant producers. Some critics of U.S. policy support a policy that focuses on providing economic and social aid to address what they consider to be the conflict's root causes, on curbing human rights abuses by successor paramilitary groups and security forces, and on providing support for a negotiated end to the fighting.

Some Members of Congress, acknowledging the improvement in security conditions in Colombia, continue to have grave concerns about labor activist killings and labor rights; extrajudicial killings of Colombian civilians by the Colombian military; and the para-political scandal (linking Colombian politicians with illegal paramilitaries). Many of these human rights issues were central in the debate over the CFTA that took place in the fall of 2011 and will likely remain part of Congress's oversight agenda.

Author Information

June S. Beittel
Analyst in Latin American Affairs

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