

Colombia: Background and U.S. Relations

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Summary

Colombia is the third-most-populous country in Latin America, with roughly 47 million inhabitants. A key U.S. ally in the region, Colombia has endured an internal armed conflict for half a century. Drug trafficking has fueled the violence by funding both left-wing and right-wing armed groups. In the late 1990s, some analysts feared Colombia—threatened by a multi-sided, violent conflict—would become a failed state. The Colombian government countered those predictions, however, through an evolving security strategy known as Plan Colombia, originally a six-year program, but now generally applied to Colombian initiatives carried out over 16 years in close cooperation with the United States.

Focused initially on counternarcotics, and later counterterrorism, the partnership of Plan Colombia has broadened to include more robust efforts for sustainable development, human rights, trade, regional security, and many other areas of cooperation. Some observers maintain that citizen investment in Colombia's recovery, through such means as a security tax, and the commitment of the country's leaders were critical to the Plan's success. The government's long-term strategy has moved from defeating insurgents in combat and consolidating the government's gains with its "whole-of-government" approach, to a new stage of preparing for an anticipated post-conflict period. Colombia has achieved significant gains in citizen security and economic stability. Despite its progress, many observers continue to raise concerns about human rights conditions in the country.

Current President Juan Manuel Santos, first elected in 2010, launched peace talks in 2012 with the Revolutionary Armed Forces of Colombia (FARC), the country's main leftist insurgent group and Latin America's best-financed guerrilla organization. Although previous negotiations with the FARC had failed, this effort with a militarily-diminished FARC has endured over three years and more than 45 rounds of talks. By the end of 2015, negotiators had resolved four topics in a six-point agenda. In September 2015, negotiators announced that both teams had reached a mutually-agreed deadline for signature on a final accord of March 23, 2016, and a breakthrough on transitional justice and victims' reparations that was finalized in December 2015. The remaining issues to be settled include the terms for a bilateral ceasefire and other steps to definitively end the conflict, and how the accord will be approved and verified. If the negotiating teams meet the spring 2016 deadline—a goal that many continue to see as ambitious—a plebiscite potentially would be held to sanction the accord. The FARC, however, has objected to this method to ratify the deal.

Colombia and the United States have one of the closest partnerships in the Western Hemisphere. Between FY2000 and FY2016, the U.S. Congress appropriated more than \$10 billion to fund Plan Colombia and its follow-on programs. However, since FY2008, with the tightening of foreign aid budgets and the planned nationalization of Plan Colombia-related programs by the Colombian government, U.S. assistance levels have declined. In the FY2016 omnibus appropriations measure (P.L. 114-113), foreign aid from the U.S. State Department and the U.S. Agency for International Development amounted to about \$300 million, nearly identical to the estimated level in FY2015. If a peace accord is concluded, Members of Congress may have to consider whether aid should be increased or distributed differently. For some, building a sustainable peace in Colombia may require U.S. support for land restitution, aid to conflict victims, and efforts to fully bring the Colombian government into formerly lawless areas. On the other hand, some observers, weighing the global demands for U.S. assistance, could determine that Colombia, as a middle income country with considerable capacity, could undertake such reconstruction activities on its own.

President Santos has continued the market-oriented, economic policies of prior administrations. During his first term, the U.S. Congress approved the U.S.-Colombia Free Trade Agreement, which went into force in April 2012. The United States remains Colombia's top trade partner. After several years of annual growth exceeding 4%, one of the strongest and steadiest expansion rates in the region, Colombia's growth rate declined to slightly less than 3% in 2015 by most estimates. The decline is largely attributed to lower earnings from energy exports, as Colombia is Latin America's fourth largest oil producer. Colombia's uneven development, continued high levels of rural poverty, and concentrated land ownership have contributed to internal conflict. Precise costs of any post-peace accord development remain uncertain.

In 2016, the chance that the Colombian public may approve a peace deal has raised expectations of the potential benefits of ending the half-century armed conflict. The effort to demobilize the FARC and begin their eventual reintegration into Colombian society was spurred in January 2016 by the U.N. Security Council vote to send a monitoring team to oversee disarmament activities if a peace accord is signed. A campaign to block approval of a peace accord by former president Álvaro Uribe, his followers, and other peace accord opponents makes it difficult to predict how or if a peace accord will ultimately be ratified. Some observers warn of several other obstacles to a sustainable peace that still remain. However, the proposed foreign assistance program announced by the Obama Administration in early February known as Paz Colombia suggests that the U.S. government is optimistic that the accord will take effect. On February 4, 2016, President Obama met with President Santos at the White House and called for a new era of partnership between the two nations.

This report analyzes the political and economic conditions in Colombia and examines major issues in U.S.-Colombian relations that are of interest to Congress. See also CRS Report R42982, *Peace Talks in Colombia*.

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Political and Economic Situation

Political Background and Colombia's Internal Conflict

Colombia, one of the oldest democracies in the Western Hemisphere, has been plagued by a multi-sided civil conflict that has persisted for more than half a century. According to a report presented to the Colombian government in July 2013 by the National Center for Historical Memory, some 220,000 Colombians died in the armed conflict through 2012, 81% of them civilians.¹ The report also provides statistics quantifying the scale of the conflict, which has taken a huge toll on Colombian society: more than 23,000 selective assassinations between 1981-2012; internal displacement of more than 5 million Colombians due to land seizure and violence; 27,000 kidnappings between 1970-2010; and 11,000 deaths or amputees from anti-personnel land mines laid primarily by Colombia's main insurgent guerrilla group, the Revolutionary Armed Forces of Colombia (FARC).² According to the International Crisis Group, 7.6 million Colombians have registered as victims of the conflict, or roughly 15% of the population.

While the violence has scarred Colombia, the country has also achieved a significant turnaround. Once considered a likely candidate to become a failed state, Colombia has in the past decade overcome much of the violence that once clouded its future. For example, between 2002 and 2012, Colombia saw an 89% decrease in kidnappings and a 48% reduction in homicides.³ Coupled with success in lowering violence, Colombia has opened its economy and promoted trade, investment, and growth. Colombia has become one of Latin America's most attractive locations for foreign direct investment. In 2014, the Colombian economy grew by 4.6%, but slowed to just below 3% growth in 2015 according to most estimates, as a result of low oil and other commodity prices.⁴

Colombia at a Glance

Population: 47 million

Area: 1,138,910 sq km, slightly less than twice the size of Texas

Ethnic Composition: Mestizo (mixed heritage, 58%); White (20%); Mulatto (mixed black and white ancestry, 14%); Black (4%); Mixed black and indigenous (3%); and Indigenous (1%)

GDP: \$377 billion (2014, Current U.S. \$, WB)

Per Capita Income: \$7,970 (2014, Current U.S. \$, WB)

Life Expectancy: 74 (2012, WB)

Leadership: President Juan Manuel Santos; Vice President Germán Vargas Lleras; Minister Foreign Affairs, María Angela Holguín; Minister of Finance, Mauricio Cárdenas

Literacy: 93.6% (2011, WB)

Sources: World Bank (WB); U.S. Department of State; Central Intelligence Agency, Economist Intelligence Unit (EIU)

¹ *Basta Ya! Colombia: Memorias de Guerra y Dignidad*, accessed on Center for Historical Memory website at <http://www.centrodememoriahisotrica.gov.co>.

² About half of Colombia's 32 departments (states) have the presence of land mines, and the government has estimated that about 11,000 Colombians have been injured or killed by the weapons since 1990. For more background on a FARC-government pilot effort to remove land mines, see CRS Report R42982, *Peace Talks in Colombia*, by June S. Beittel. Also, some organizations report well over 6 million Colombians have been forcibly displaced since 1995, rather than the figure in the 2013 report by the National Center for Historical Memory.

³ Testimony of William Duncan, Director of Andean Affairs, Bureau of Western Hemisphere Affairs, U.S. Department of State before the Tom Lantos Human Rights Commission, October 24, 2013. Transcript available at http://tlhrc.house.gov/docs/transcripts/2013_10_24_Colombia/Transcript.pdf.

⁴ "Country Report: Colombia," Economist Intelligence Unit (EIU), January 2016. For the full year of 2015, the EIU estimates that the Colombian economy grew by 2.9%, although the government announced in January 2016 that it (continued...)

Another development may influence those projections. In October 2012, the Colombian government opened formal peace talks with the FARC, the country's oldest, largest and best-financed guerrilla organization. The FARC-government talks in the course of three years have produced agreement on most elements of a challenging but streamlined negotiating agenda, raising hopes that in 2016 the government and FARC talks may achieve an end to the five-decade conflict.

Analysts are debating the likelihood and potential scale of any peace dividend, such as increased investment and growth, if a peace accord is concluded and approved. Opponents contend that the peace deal is not supported by the Colombian people and will not be approved if put to a vote. There is some indication that Colombia's second largest guerrilla group, the National Liberation Army (ELN), may launch formal peace talks with the government in 2016 if both parties can agree to terms. However, some observers warn that any peace deal will be undermined if the ELN does not enter into formal peace talks or will be overshadowed by an explosion of criminal groups, such as the ones that sprang up following the demobilization of Colombia's paramilitaries a decade ago. Either of these illegally armed groups might try to take control of former FARC territory and criminal enterprises in a post-accord setting.

Roots of the Conflict

The roots of the present conflict predate the formal founding of the FARC in 1964 as the FARC had its beginnings in the peasant self-defense groups of the 1940s and 1950s. Colombian political life has long suffered from polarization and violence. In the late 19th century and a good part of the 20th century, the elite Liberal and Conservative parties dominated Colombian political life. Violence and competition between the parties erupted in a period of extreme violence in Colombia, known as *La Violencia*, set off in 1948 by the assassination of Liberal presidential candidate Jorge Gaitán. The violence continued for the next decade.

After a brief military rule (1953-1958), the Liberal and Conservative parties agreed to the creation of a form of coalition governing, known as the National Front. Under the arrangement, the presidency of the country alternated between Conservatives and Liberals, each holding office in turn for four-year intervals. This form of government persisted for 16 years (1958-1974). The power sharing formula did not resolve the tension between the two historic parties and many leftist insurgent groups arose in Colombia including the FARC, launched in 1964, and the smaller ELN formed the following year. The FARC and ELN conducted kidnappings, committed serious human rights violations, and carried out a campaign of terrorist activities to pursue their goal of unseating the central government in Bogotá.

Rightist paramilitary groups had formed in the 1980s when wealthy ranchers and farmers, including drug traffickers, hired armed groups to protect them from the kidnapping and extortion plots of the FARC and the ELN. In the 1990s, most of the paramilitary groups formed an umbrella organization, the United-Self Defense Forces of Colombia (AUC). The AUC massacred and assassinated suspected insurgent supporters and directly engaged the FARC and ELN in military battles. The Colombian military has long been accused of close collaboration with the AUC, from ignoring their activities to active support for them. The AUC became increasingly engaged in drug trafficking. In the late 1990s and early 2000s, the U.S. government designated

(...continued)

projected annual GDP growth at 3.2% for 2015. "Las Proyecciones Económicas del Gobierno para Este Año," *Portafolio.co*, January 2, 2016.

the FARC, the ELN, and the AUC Foreign Terrorist Organizations (FTOs).⁵ The AUC was formally dissolved in a collective demobilization between 2003 and 2006 when many of its leaders stepped down. However, former paramilitaries joined armed groups (called criminal bands, or Bacrim, by the Colombian government) that continued to participate in the lucrative drug trade and commit other crimes and human rights abuses. (See also “Current Security Environment” below.)

⁵ For additional background on the FTOs in Colombia and their evolution as part of the multi-sided conflict, see CRS Report R42982, *Peace Talks in Colombia*.

Figure I. Map of Colombia

Source: CRS.

The Uribe Administration (2002-2010)

The inability of Colombia's two dominant parties to address the root causes of violence in the country led to the election of an independent, Álvaro Uribe, in the presidential contest of 2002. Uribe, who served two terms, came to office with promises to take on the violent leftist guerrillas, address the paramilitary problem, and combat illegal drug trafficking that had grown

exponentially in Colombia. During the 1990s, Colombia had become the region's—and the world's—largest producer of cocaine.

At President Uribe's 2002 inauguration, the FARC showered the event with mortar fire signaling the group's displeasure at the election of a hardliner who believed a military victory over the Marxist rebels was possible. The FARC was then reportedly at the apogee of its strength, numbering an estimated 16,000 to 20,000 fighters under arms. Peace negotiations with the FARC under the prior Pastrana Administration (1998-2002) had ended in failure; the FARC had used a large demilitarized zone to regroup and strengthen itself. The FARC had been granted this demilitarized zone by the government as a safehaven, a traditional practice in Colombian peace negotiations, but used it to launch terror attacks, conduct operations, and increase the cultivation of coca and its processing, while failing to negotiate seriously. Many analysts noting the FARC's strength throughout the country feared that the Colombian state might fail. During this time, opinion polling indicated that some Colombians thought the FARC might at some point successfully take power.⁶

In his first term (2002-2006), President Uribe sought to shore up and expand the country's military, seeking to reverse the armed forces' losses by aggressively combating the FARC. He entered into peace negotiations with the AUC, striking an agreement with the paramilitaries in 2003 to demobilize. Uribe's predecessor, President Andrés Pastrana, had refused to negotiate with the AUC, but Uribe promoted the process and urged the country to back a controversial Justice and Peace Law that went into effect in July 2005 and provided a framework for the AUC demobilization. By mid-2006, some 31,000 AUC paramilitary forces had demobilized. Combined with the stepped up counternarcotic efforts of the Uribe Administration and increasing military victories against the FARC's irregular forces, the AUC demobilization helped to bring down violence, although a high level of human rights violations still plagued the country.⁷ Uribe became widely popular for the effectiveness of his security policies, a strategy he called "Democratic Security." Colombians approved a referendum to amend their constitution in 2005 to permit Uribe to run for a second term. He ran and won reelection with strong majorities in both houses of Congress, giving President Uribe a mandate to continue to consolidate Democratic Security in his second term.

Between 2002 and 2008, according to the U.S. State Department, Colombia made progress in domestic security by lowering its homicide rate by 40%, reducing kidnappings by 83%, and preventing terrorist attacks, which declined by 76%. Police regained a presence in all of Colombia's municipalities (counties) as many had previously been ousted by guerrilla forces.⁸ However, human rights organizations criticized the tactics of the Uribe government for abuses and several scandals.

In the battle with the FARC, 2008 was a banner year. In March 2008, the Colombian military bombed the camp of FARC's second-in-command, Raul Reyes (located inside Ecuador a short distance from the border), killing him and 25 others. Also in March, another member of FARC's ruling seven-member secretariat was murdered by his security guard. In May, the FARC

⁶ 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.

⁷ Many Colombians have expressed disappointment in the AUC demobilization which they criticize for failing to provide adequate punishments for perpetrators and adequate reparations to victims of paramilitary violence. It has also been seen as incomplete because those who did not demobilize or those who re-mobilized into criminal gangs have left a legacy of criminality. For a concise history of the AUC, see "AUC Profile," *InSight Crime: Organized Crime in the Americas*, at <http://www.insightcrime.org/colombia-organized-crime-news/auc-profile>.

⁸ U.S. Department of State, "Charting Colombia's Progress," March 2008.

announced that their supreme leader and founder, Manuel Marulanda, had died of a heart attack. The near-simultaneous deaths of three of the seven most important FARC leaders were a significant blow to the organization. In July 2008, the Colombian government dramatically rescued 15 long-time FARC hostages, including three U.S. defense contractors who had been held since 2003 and Colombian Senator and former presidential candidate Ingrid Bentancourt. The widely acclaimed, bloodless rescue further undermined FARC morale.⁹

Uribe's success and reputation, however, were marred by several scandals. They included the "parapolitics" scandal in 2006 that exposed links between illegal paramilitaries and politicians, especially prominent members of the national legislature. Subsequent scandals that came to light during Uribe's tenure included the "False Positive" murders allegedly carried out by the military (primarily the army) in which innocent civilians were executed and then dressed to look like guerilla fighters to increase the military's rebel body count. In 2009, the media revealed another scandal of illegal wiretapping and other surveillance by the government intelligence agency, the Department of Administrative Security (DAS), to discredit journalists, members of the judiciary, and political opponents of the Uribe government. In early 2012, the tarnished national intelligence agency was replaced by Uribe's successor. Despite the controversy surrounding these scandals, President Uribe remained popular and his supporters urged him to run for a third term in 2010. Another referendum was proposed to alter the constitution to allow a third term; however, it was turned down by Colombia's Constitutional Court.

The Santos Government (2010-2014)

Once it became clear that President Uribe was constitutionally ineligible to run for a third term, Juan Manuel Santos of the pro-Uribe National Unity party (or Party of the U) quickly consolidated his preeminence in the 2010 presidential campaign. Legislative elections for all the seats in Colombia's bicameral Congress took place in March 2010, and the results seemed to favor the Santos candidacy. The U Party and the Conservative party won the most seats, which indicated strong support for a continuation of Uribe's policies such as the Democratic Security strategy.

Santos, who had recently served in the Uribe Administration as minister of defense, campaigned on a continuation of the Uribe government approaches to security and economic opening. He called his reform policy "Democratic Prosperity." In the May 2010 presidential race, Santos took almost twice as many votes as his nearest competitor, Antanas Mockus of the centrist Green Party, but he did not win a majority of cast votes. This necessitated a runoff vote in June 2010 that he won handily with 69% of the vote. Santos's "national unity" ruling coalition formed during his campaign included the center-right

Juan Manuel Santos

- Born in 1951, Santos comes from a well-known political family in Colombia that previously owned 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.
- He served as defense minister under President Uribe from 2006 to 2009, and in previous governments as finance minister and minister of trade.
- As Uribe's defense minister, Santos oversaw some of the 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 FARC hostages, including three U.S. defense contractors.

⁹ The rescue operation received U.S. assistance and support. See, Juan Forero, "In Colombia Jungle Ruse, U.S. Played A Quiet Role; Ambassador Spotlights Years of Aid, Training," *Washington Post*, July 9, 2008.

National Unity and Conservative parties, the centrist Radical Change Party, and the center-left Liberal party.¹⁰

President Santos said at his first inauguration on August 7, 2010, that he planned to follow in the path of President Uribe, but that the door to peace talks with armed rebels was not locked.¹¹

Under President Uribe, relations with both neighboring Ecuador and Venezuela had been significantly strained and Colombia had become somewhat isolated. The new administration, however, quickly reestablished diplomatic ties with both governments. Relations with Ecuador became closer and cooperation on cross-border issues improved. Venezuela also increased its counternarcotics and counterterrorism cooperation with the Santos government and repaired economic relations that had deteriorated sharply by a conflict between President Uribe and then-Venezuelan President Hugo Chávez. (Uribe repeatedly accused Chávez of harboring FARC and ELN forces on Venezuelan territory.)

In his first two years in office, President Santos reorganized the executive branch, eliminating the scandal-tainted intelligence agency, the Department of Administrative Security (DAS), and reorganizing three executive-level ministries into six. He achieved some significant legislative victories and launched several reforms including a fiscal reform and a plan to redistribute royalties from land and mineral development. He built on the market opening strategies of the Uribe Administration and secured a free-trade agreement with the United States, Colombia's largest trade partner, which went into effect in May 2012. To address U.S. congressional concerns about labor relations in Colombia, including the issue of violence against labor union members, the United States and Colombia agreed to an "Action Plan Related to Labor Rights" (Labor Action Plan) in April 2011. Many of the steps prescribed by the plan were completed in 2011 while the U.S. Congress was considering the trade agreement.

Significantly, the Santos government maintained a vigorous security strategy and struck hard at the FARC's top leadership. In September 2010, the Colombian military killed the FARC's top military commander, Victor Julio Suárez (known as "Mono Jojoy"), in a bombing raid on his camp in central Colombia. In a November 2011 bombing raid, the Colombian security forces tracked down and killed the FARC's supreme leader, Guillermo Leon Saenz, (aka "Alfonso Cano"). He was replaced by Rodrigo Londoño Echeverri (known as "Timoleón Jiménez" or "Timochenko"), the group's current supreme leader.

The Santos Administration reoriented the Colombian government's stance toward the internal armed conflict with a number of reforms that it proposed to the Colombian Congress. The first, signed by President Santos in June 2011, is the Victims' and Land Restitution Law (Victims' Law), to provide comprehensive reparations to an estimated 4 to 5 million victims of the conflict. Reparations under the Victims' Law include monetary compensation, psycho-social support and other aid for victims, and the return of millions of hectares of stolen land to the displaced.¹² The law was intended to process an estimated 360,000 land restitution cases. The government estimates over its 10-year time frame the Victims' Law will cost about \$32 billion to carry out.¹³

¹⁰ In July 2011, the coalition contained 89 senators out of 102 in the Colombian upper house. However, in late September 2013, the Green Party (renamed the Green Alliance) broke away from the ruling coalition, although it sometimes continued to vote with the government.

¹¹ President Santos said in his inaugural speech, "The door to talks is not locked." See Juan Forero, "Colombia Opens Door for Talks with FARC Rebels," *Washington Post*, August 11, 2010.

¹² The Victims Law covers harms against victims that date back to 1985, and land restitution for acts that happened after 1991.

¹³ Embassy of Colombia, "Victims and Land Restitution Law: Addressing the Impact of Colombia's Internal Armed Conflict," Fact Sheet, January 2013.

The government's implementation of this complex law began in early 2012, and it has received mixed reviews.¹⁴ The Victims' Law, while not a land reform measure, tackled issues of land distribution including the restitution of stolen property to victims of displacement. Given the centrality of land issues to the rural peasant-based FARC, passage of the Victims' Law was a strong indicator that the Santos government shared its interest in addressing land and agrarian concerns.

In June 2012, another government initiative—the Peace Framework Law, also known as the Legal Framework for Peace—was approved by the Colombian Congress. This constitutional amendment provides a structure for transitional justice that could sustain a peace process if the Congress passes enacting legislation.¹⁵ The passage of this controversial legislation before the peace talks were announced signaled there was political support for a peace process.¹⁶

However, another reform proposed by the Santos Administration faltered. It proposed constitutional change to expand the jurisdiction of military courts and was approved by the Colombian Congress in late December 2012 by a wide margin despite controversy.¹⁷ Human rights groups criticized the legislation's apparent shift in the jurisdiction over serious human rights crimes allegedly committed by Colombia's public security forces from the civilian to the military justice system.¹⁸ Human rights groups argue this would increase the likelihood of impunity (lack of prosecution) for such crimes.¹⁹ The military justice reform could have important implications for the future treatment of the Colombian Armed Forces who have fought the FARC, and who may be alleged to have violated international humanitarian law (including war crimes) in a potential post-conflict environment. President Santos, a proponent of the military justice reform, denied that there would be impunity for crimes committed by Colombian security forces under the law. However, in a review of the constitutional amendment, the Colombian Constitutional Court struck down the law over procedural issues in October 2013.²⁰

¹⁴ For example, the limitations of the law's implementation, particularly of land restitution efforts, are analyzed in the following report. Lisa Haugaard, Zoraida Castillo, and Winifred Tate, et al., *Far from the Promised Land: Land Restitution on Colombia's Caribbean Coast*, Lutheran World Relief and Latin America Working Group Education Fund, November 2013.

¹⁵ Leftist rebels under the framework who demobilize could become eligible for reduced or suspended sentences for crimes committed during the course of the conflict, although perpetrators of the most serious crimes (crimes against humanity and war crimes) would be fully prosecuted. The law once implemented could provide for suspended sentences or alternative sentences for confessing to one's crimes and acknowledging responsibility, providing reparation to victims, and releasing hostages and child soldiers. It also allows for combatants who have not been convicted of crimes against humanity to stand for election. See U.S. State Department, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2013*, Country Report on Colombia, March 2014.

¹⁶ In August 2013, the Colombian Constitutional Court ruled that the Peace Framework Law was constitutional. In response to another challenge, the court again upheld the law in August 2014 establishing that demobilized guerrillas who had not committed crimes against humanity could eventually run for political office.

¹⁷ Implementing legislation was passed by the Colombian Congress in June 2013.

¹⁸ Under the law, Colombia's military justice system would try all violations of international humanitarian law with seven exceptions, including sexual violence, forced disappearance and extrajudicial killings. The law narrows the definition of extrajudicial killings, according to Human Rights Watch and other critics, raising the likelihood that such crimes as False Positive killings would be tried by military judges.

¹⁹ See, for example, Jose Miguel Vivanco, "Colombia: Military Justice Law a Blow to Human Rights," Human Rights Watch, June 18, 2013, available at <http://www.hrw.org>. See also "Impunity Feared in Colombia Military Justice Law," Associated Press, October 13, 2013.

²⁰ The bill was reintroduced by the Santos Administration but met vigorous opposition of domestic and international human rights groups. See, for example, an editorial by Human Rights Watch. José Miguel Vivanco and Max Schoening, "Colombia's Compromise with Murder," *New York Times*, November 12, 2014. In April 2015, the government significantly modified what Human Rights Watch calls "the most troubling aspects of its latest proposed (continued...)"

In August 2012, President Santos announced he had opened exploratory peace talks with the FARC and subsequently launched formal peace negotiations in October 2012 in Norway. The countries of Norway, Cuba, Venezuela, and Chile each has an international support role to the talks, with Norway and Cuba serving as peace talk hosts and “guarantors.” Following the formal opening in Norway, the actual negotiations began a month later in mid-November 2012 in Cuba, where the FARC-government talks have been ongoing since that time. The peace talks became the signature policy of the Santos government. Former President Uribe, who became a vocal critic of the Santos presidency soon after his one-time protégé took office, attacked the president over social media during much of his first term, accusing his successor of caving to terrorists by engaging the FARC.

Santos’s 2014 Reelection

The 2014 national elections in Colombia came at a unique moment for the country: in the midst of extended peace negotiations with the FARC. Many analysts saw the elections as a referendum on the peace process. Former President Uribe had launched the right-leaning Democratic Center party in 2013 to oppose President Santos and his policies. The party nominated Óscar Iván Zuluaga, a little-known former finance minister in the Uribe government, as its presidential candidate, who criticized the peace talks and suggested he would halt them during his campaign. On March 9, 2014, Colombian voters elected the 102-member Senate and the 166-member Chamber of Representatives to four-year terms. In the legislative elections, the Democratic Center party won the most seats in the Colombian Senate behind the president’s own party, the National Unity party, or “U” Party.

The Democratic Center party gained 20 seats in the Senate and 19 in the less powerful Chamber of Representatives.²¹ Former President Uribe became a popular senator heading the opposition. His presence in the Senate challenged the new ruling coalition that backed Santos. The coalition contained the center-right “U” Party, the Liberal Party, and the centrist Radical Change Party but lacked the strong numeric majority it enjoyed during Santos’s first term.²² With a safe majority in the Chamber of Representatives, the ruling coalition had to build a working majority in the Senate through alliances with either leftist parties or parties on the right, such as the Conservative Party, that contained supporters of Uribe and supporters of Santos in it.²³

In the first round of the presidential vote held in May 2014, Zuluaga beat the incumbent President by nearly 4 percentage points. In the ensuing runoff race in June 2014, the candidates’ perspectives on security and support for the FARC-government peace talks became the main issue. In a tight but decisive contest, President Santos won reelection in June 2014 with 51% of the vote to Zuluaga’s 45%, with about 4% of voters casting blank ballots, suggesting some disillusionment with the candidates and their campaigns that had both been marred by allegations of scandal. The runoff vote indicated that the parties in the ruling coalition backing the incumbent president managed to mobilize more voters from their areas of support like Colombia’s Caribbean

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constitutional change to broaden military jurisdiction.” Human Rights Watch, *On Their Watch, Evidence of Senior Army Officers’ Responsibility for False Positive Killings in Colombia*, June 24, 2015.

²¹ CNE final results provided to CRS by an official at the Colombian Embassy, July 22, 2014.

²² For much of his first term, President Santos has received the backing of nearly 90% of the Congress in a “national unity” coalition.

²³ In Santos’s first term, the Conservative party was part of the ruling coalition. Now it is divided in its support of the Santos Administration.

region. In addition, Santos received the peace vote of the leftist parties. Santos's victory in the June runoff seemed to indicate a broad coalition favoring the peace talks. However, his second-place finish in the first round, and the voter apathy evident in the relatively low election turnout, could also have demonstrated voters' lukewarm view of the Santos Administration's first term.²⁴

In his inaugural address on August 7, 2014, President Santos declared three pillars for his second term: peace, equality, and education. His clear top priority was to conclude the peace negotiations launched with the FARC in 2012. He celebrated progress but warned the FARC that Colombia's patience to bring the process to a timely end was not "infinite."²⁵ In the period until the June presidential runoff in mid-2014, the negotiations in Havana, Cuba (see "Peace Talks"), had reached tentative agreements on three topics, including land and rural development, FARC's political participation after disarmament, and in May 2014 the scourge that fueled the conflict—illegal drug trafficking. The drug partial agreement was signed just days before the June 2014 vote that secured Santos's reelection. For the next year, however, FARC-government negotiations seemed to stall, although there were several unilateral ceasefires by the FARC and the negotiators took unprecedented steps to involve conflict victims in the peace process by inviting five delegations of conflict victims to address negotiating sessions held from August through December 2014.

Economic Background

Colombia's economy had a gross domestic product (GDP) of \$377 billion in 2014 and is the fourth largest in Latin America after Brazil, Mexico, and Argentina. The World Bank characterizes Colombia as an upper-middle-income country with a per capita income of \$7,790 in 2014.²⁶ The Colombian economy has experienced strong growth since the depth of the global economic recession in 2009. In recent years (2010-2014), annual growth has averaged above 4%. The country's GDP grew by 4.6% in 2014 and is estimated to have expanded by 2.9% in 2015.²⁷

Despite its relative economic strength, high rates of poverty and income inequality have contributed to social upheaval in Colombia over several decades. The poverty rate was slightly above 45% in 2005 but declined to just below 31% in 2013.²⁸ Concentrated land ownership and rural poverty remain a problem. Some 1.2% of the population own 52% of the land,²⁹ while rural poverty levels run about 11 percentage points higher than the national level. Colombia is often described as a country bifurcated between metropolitan areas with a developed, middle-income economy, and some rural areas that are poor, conflict-ridden, and weakly governed. The fruits of the growing economy have not been shared equally with this ungoverned, largely rural "periphery." Frequently these more remote areas are inhabited by ethnic minorities or other

²⁴ Some of the issues of national concern include persistent corruption, public fears about rising crime and insecurity, health care, agricultural policy, and other domestic issues, including an inability to effectively implement the president's policy reforms.

²⁵ Jim Wyss, "Santos Pledges Peace, Equality, Education in Second Term," *Miami Herald*, August 7, 2014; "Santos Presents Three Pillars for his Second Term," *LatinNews Daily Report*, August 8, 2014.

²⁶ World Bank, World Development Indicators.

²⁷ "Country Report: Colombia," Economist Intelligence Unit (EIU), November 2015.

²⁸ In 2013, the extreme poverty rate was 9.1%, down more than a percent from the prior year. The statistics cited are from Colombia's National Administrative Department of Statistics (DANE), as reported in the U.N. Economic Commission for Latin America and Caribbean's (ECLAC), *Social Panorama of Latin America*, 2014.

²⁹ U.N. Development Program, *Colombia Rural: Razones para la Esperanza, Informe Nacional de Desarrollo Humano 2011*, Bogotá, Colombia, September 2011.

disadvantaged groups, such as Afro-Colombians, indigenous populations, or landless peasants and poor subsistence farmers.

Addressing inequality and promoting more equitable growth has been an aspiration of the Santos Administration, which labelled its economic reform agenda for 2010-2014 “Prosperity for All” and declared “equality” as one of three tenets to shape its current term. Unemployment, which historically has been above 10%, fell to a low of 9.1% in 2014. Many Colombians still work in the informal economy, with 49% of the workforce employed in the informal sector by year end in 2014.³⁰ Approximately 4% of the Colombian workforce is unionized. Under the Santos government, domestic spending has increased, particularly with public and private investment in large-scale infrastructure projects and housing construction. Domestic spending has also been spurred by the effort to restore conflict victims through such programs as returning usurped land to those who were forcibly displaced.³¹

Due to the Colombian economy’s dependence on commodities, the sharp fall in the price of oil (an important export) since mid-2014, and the weakening of the peso, Colombia’s growth forecast for 2015 fell to 2.9%.³² The United States is a top destination for Colombia’s oil exports. According to the U.S. Energy Information Administration, Colombia exported on average 400,000 barrels per day of crude oil to the United States between 2011 and 2013. The United States is Colombia’s largest trade partner, providing 28% of Colombia’s total imports and accounting for almost 25% of Colombia’s total exports in 2014.³³ For the United States, Colombia ranked 19th among its export markets in 2014.³⁴

Colombia’s security improvements and a more stable economy have drawn significant foreign direct investment (FDI). At the start of Plan Colombia in 1999, annual FDI to Colombia was below \$2 billion, and in 2014 it is estimated to have reached nearly \$16 billion.³⁵ The Santos Administration has overseen a continued opening of the economy and a diversification of its foreign economic relations. Colombia has secured free-trade agreements (FTAs) with the European Union, Canada, and the United States and has regional trade agreements with most countries in Latin America.³⁶ It has also signed FTAs with some countries in Asia in recent years and has actively sought to deepen those trade ties. Colombia is a founding member of the Pacific Alliance along with other free-trade-oriented countries of Mexico, Chile, and Peru.³⁷ The United States now has observer status at the trade integration group along with about 30 other countries and is interested in expanding trade opportunities by working with the Alliance.

³⁰ U.S. Department of State, *2015 Investment Climate Statement–Colombia*, May 2015.

³¹ U.S. Department of State, *2015 Investment Climate Statement–Colombia*, May 2015.

³² “Country Report: Colombia,” EIU, January 2016.

³³ Data from Colombia’s Dirección de Impuestos y Aduanas Nacionales de Colombia – DIAN, as presented by *Global Trade Atlas*, January 6, 2016.

³⁴ For more information on Colombia’s trade relations with the United States, see CRS Report RL34470, *The U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal.

³⁵ U.S. Department of State, “2015 Investment Climate Statement-Colombia,” May 2015. The State Department notes “... Colombia received a record USD 16.8 billion in FDI in 2013 but there could be a drop off in 2014 to USD 15.8 billion.”

³⁶ For example, Colombia has regional agreements with the Northern Triangle of Central America (Guatemala, Honduras, and El Salvador); Mexico; the Common Market of the South (Mercosur), which includes Brazil, Argentina, Paraguay and Venezuela; and Chile.

³⁷ For more background on the Pacific Alliance, which was formed in 2011, see CRS Report R43748, *The Pacific Alliance: A Trade Integration Initiative in Latin America*, by M. Angeles Villarreal.

Given the Santos Administration's outward-looking, market-oriented approach to the economy and interest in inclusive and sustainable economic growth, many Colombian policymakers and business leaders want to see progress on two fronts. Colombia is not included in the negotiations for the Trans-Pacific Partnership (TPP) because it is not currently a member of the Asia-Pacific Economic Cooperation (APEC), and the other negotiating partners for the TPP have been reluctant to consider those countries that are not currently APEC members. Additionally, Colombia sought accession to the Organization for Economic Cooperation and Development (OECD) and was invited to begin the process of complying with the group's rigorous standards in 2012. Colombians have expressed strong interest in the TPP and are eager to complete the requirements for OECD membership. President Santos says that joining the OECD as full members will constitute recognition of Colombia's attainment of world-class development standards and policies.³⁸

While Colombia is ranked highly for business-friendly practices and has a favorable regulatory environment that encourages trade across borders, it is still plagued by persistent corruption and an inability to effectively implement the institutional reforms it has undertaken, particularly in regions where government presence is weak. Nevertheless, Colombia rose to the top position for Latin America in the World Bank's 2015 "Doing Business Report." It ranked 34 out of 189 countries for ease of doing business, just above Peru and displacing Chile from the top position for Latin American countries. The World Bank credited Colombia with greater ease in transferring property, securing access to credit, and providing other assistance to entrepreneurs. In the World Bank's 2016 Doing Business report, Colombia was also cited for its significant improvements in such areas as access to credit and was identified as the top country in the region for improvement in the areas measured by the report.

According to the U.S. State Department in its analysis of national investment climates, Colombia has demonstrated a political commitment to create jobs, develop sound capital markets, and achieve a legal and regulatory system that has international norms for transparency and consistency. Some of the problems in its business environment include weaknesses in its complicated tax system, a high corporate tax burden, and a continuing issue with piracy and counterfeit products.³⁹ In addition to strengthening Colombia's business-friendly environment, the Santos government has focused on more inclusive growth and formal job creation. Nevertheless, social protest in Colombia led by farmers and others in the rural sector produced strikes and blockades in 2013 and 2014 with a frequency that reportedly Colombia had not experienced in decades. Many observers have pointed to the need for long-term and integrated agricultural reform in a country with one of the most unequal patterns of land ownership in the world.⁴⁰

The Current Security Environment

Colombia faces a complex security environment. Illegally-armed groups include two violent leftist insurgencies, the FARC and the ELN, and the groups that succeeded the AUC following its demobilization during the Uribe Administration. The FARC, whittled down by the government's military campaign against it, continued to conduct a campaign of terrorist activities during

³⁸ "Ingresa a la Oede es como la clasificación de Colombia al Mundial de Fútbol: Santos," *El Heraldo*, October 25, 2013; Carl Meacham, "Why Is Colombia Not in the Trans-Pacific Partnership?" Center for Strategic & International Studies, July 2, 2013, at <https://csis.org/publication/should-colombia-join-trans-pacific-partnership>.

³⁹ U.S. Department of State, "Investment Climate Statement 2015: Colombia," May 2015, <http://www.state.gov/e/eb/rls/othr/ics/2015/241520>.

⁴⁰ Jim Wyss, "Colombia: Amid a Tightening Election, Santos Faces Farmer Strike," *Miami Herald*, April 30, 2014.

negotiations with the government though mid-2015 because the talks have proceeded without a bilateral ceasefire (although the FARC urged a ceasefire and at times imposed temporary unilateral ceasefires). In July 2015, the FARC imposed a lasting ceasefire and the government stopped air strikes against FARC forces, leading to a de facto ceasefire with occasional violations or exceptions. The Colombian government currently estimates the FARC has about 8,000 combatants, operating in various locations throughout Colombia but concentrated in remote areas near the borders with Venezuela and Ecuador. According to the State Department's 2014 Terrorism Report released in mid-2015, FARC attacks on infrastructure declined in 2014 compared to 2013, and the FARC concentrated on low-cost and high-impact attacks. The report notes that the Colombian government kept up military pressure on the armed insurgents in 2014 and that guerrilla fighters were captured and demobilized in slightly higher numbers than in the previous year. In 2015, terror attacks at first spiked after a violation of the FARC's declared unilateral ceasefire in April 2015, but declined to a low after a new ceasefire imposed by the FARC went into effect in July 2015, reaching the lowest level of attacks since the mid-1970s by late 2015.

The ELN, with diminished resources and reduced offensive capability, has declined to fewer than about 2,000 fighters. The FARC and ELN are deeply involved in the drug trade and use extortion, kidnapping and other criminal activities to fund themselves.⁴¹ In early 2015, the ELN leadership undertook exploratory peace talks with the Santos government in Ecuador, but the discussions have not, as of early February 2016, progressed to formal peace negotiations. Reportedly, there is disagreement between the Santos government and the ELN leadership concerning which country should host the talks. Notably, the ELN has continued its practice of kidnapping and extortion at least sporadically.⁴²

The loosely-affiliated national umbrella organization of paramilitaries, the AUC, officially disbanded a decade ago, and the organization was removed from the State Department's list of Foreign Terrorist Organizations in July 2014. More than 31,000 AUC members demobilized between 2003 and 2006, and many of the AUC's leaders stepped down. However, many former AUC paramilitaries continued their criminal activities or re-armed and joined criminal groups—known as Bacrim (from the term “criminal bands” in Spanish). Viewed by many observers as successors to the paramilitaries,⁴³ the Bacrim are seen by the Colombian government as the biggest threat to security in Colombia today. Human rights groups maintain these successors to the paramilitaries are responsible for widespread abuses against civilians. The Bacrim are primarily involved in drug trafficking, but also extortion and many other violent crimes.

Some critics maintain that Colombian security forces are indifferent to the prosecution of the Bacrim. Nevertheless, the Santos government has taken an aggressive and coordinated approach to removing key leaders of the Bacrim. According to the government, Colombian authorities have arrested several of the top leaders of the most influential Bacrim organizations and successfully dismantled several Bacrim syndicates. In 2013, Los Urabeños emerged as the dominant Bacrim

⁴¹ The FARC has traditionally used kidnapping, but claimed to end the practice in early 2012 in an overture to begin peace negotiations with the government. The FARC has diversified into illegal mining (particularly gold mining), cattle rustling and other illicit businesses. The ELN has focused on extortion and kidnapping business executives from oil, gas, and mining operations.

⁴² “Colombia's Peace Process,” *Latin American Newsletter*, January 2016.

⁴³ According to some analysts, all but one of the major Bacrim have their roots in the AUC. See, Jeremy McDermott, “The BACRIM and Their Position in Colombia's Underworld,” *InSight Crime, Organized Crime in the Americas*, May 2, 2014.

(sometimes referred to as the Clan Úsuga), gaining nearly 3,000 members by 2015.⁴⁴ The Urabeños organization is heavily involved in cocaine trafficking as well as arms trafficking, money laundering, extortion, gold mining, human trafficking, gambling, and prostitution.⁴⁵ The FARC and ELN have been willing to cooperate with Bacrim groups in defense of drug trafficking and other illicit activities. According to a Colombian NGO Indepaz report, the Bacrim had a presence in about one-third of Colombian municipalities (counties) as of late 2014. The report anticipates that there could be a territorial reorganization of the “narco-paramilitary groups” in the aftermath of a peace accord with the FARC.⁴⁶

Peace Talks⁴⁷

Peace talks between the Santos Administration and the FARC formally opened in Norway in October 2012. After moving to Cuba in November 2012, negotiators representing the FARC and the government reached tentative agreements over the course of 45 negotiating rounds on four topics in a six-point agenda. Those included land and rural development (May 2013), the FARC’s political participation after disarmament (November 2013), illegal drug trafficking (May 2014), and victims’ reparations and transitional justice (finalized in December 2015). In 2016, President Santos requested that the negotiators go into a continuous session to try to meet the ambitious deadline for a final accord of March 2016 that was announced in September 2015.

Initially, in an effort to keep the details of the peace talks confidential, the parties announced the outlines of the partial agreements but kept the actual agreements private. Each partial agreement operated under the tenet in the framework agreement for the peace process that posited nothing is agreed until a final agreement is concluded. In September 2014, however, the government began to publish the partial agreements on the peace talks website. The announcement that the talks will meet continuously in 2016 suggests that the effort to finish the agreement by March 23, 2016, while ambitious, is still a goal of the negotiating teams in Cuba. Nevertheless, complex issues lie ahead for the FARC-government talks on how to end the conflict, including reinsertion of rebel forces into civilian life following demobilization of FARC forces.⁴⁸

Although not a party to the talks, the United States and many countries in the region across the political spectrum have expressed their strong support for bringing the peace process to a successful resolution. The Obama Administration has expressed continuous support for the peace talks and in February 2015 named Bernard Aronson, a former U.S. assistant secretary of state for Inter-American affairs, as the U.S. Special Envoy to the Colombian peace talks.

Many factors are likely to influence the outcome of the peace talks with the FARC. Among them are the public’s support for the talks as they continue into their fourth year after periodic expressions of deep pessimism in public polls and a vocal minority opposing the peace process;

⁴⁴ The group members sometimes refer to themselves by an old name, Autodefensas Gaitanistas de Colombia (AGC), or as part of the umbrella organization of paramilitaries, the AUC, that demobilized formally between 2003 and 2006.

⁴⁵ President Obama identified Los Urabeños as a Specially Designated Narcotics Trafficker pursuant to the Foreign Narcotics Kingpin Designation Act in May 2013, and the Treasury Department froze the assets of 17 leaders and criminal associates of Los Urabeños along with six businesses in Colombia pursuant to the Kingpin Act. See U.S. Department of the Treasury, “Treasury Sanctions Los Urabeños Leadership,” July 23, 2014; “The Urabeños—The Criminal Hybrid,” *InSight Crime: Organized Crime in the Americas*, May 2, 2014, and “Urabeños Targeted in First-ever Bombing,” *Latin American Security and Strategic Review*, November 2015.

⁴⁶ Indepaz, *XI Informe de Presencia de Grupos Narcoparamilitares en 2014*, December 8, 2015.

⁴⁷ For a more detailed discussion of the peace talks, see CRS Report R42982, *Peace Talks in Colombia*, by June S. Beittel.

⁴⁸ The terms for “ending the conflict” will encompass disarmament, demobilization, and reintegration (DDR).

the unity or fragmentation of FARC forces (whether or not there is a final peace deal); and the activities of “spoilers” who wish to see the talks fail. Furthermore, there is concern about the timing of formal peace negotiations with Colombia’s smaller insurgent group, the ELN. While negotiators from the ELN and the Santos government embarked on preparatory or exploratory peace discussions in Ecuador in 2015, the ELN and the Colombian government did not announce the start of formal negotiations during the year.

As conditions have unfolded, analysts have debated the viability and future of the peace process. Some predict that the negotiations are likely to fall apart given the FARC’s intransigence and its potential for criminal fragmentation. Others see the significant progress made thus far as pointing toward a successful resolution in 2016. Some observers raise concern about the complexity of the remaining issues to be resolved and the difficulty of meeting soaring public expectations if efforts to implement an accord fail, do not show enough early success, or go awry.

Ongoing Domestic Challenges: Human Rights Issues

Colombia’s multi-sided internal conflict over the last half century has generated a lengthy history of human rights abuses. Violence targeting noncombatants, including killing, torture, kidnapping, disappearances, forced displacement, forced recruitment, massacres and sexual violence has been committed by the various actors in the conflict such as the guerillas, the paramilitaries and their successors, and some elements of the Colombian security forces. While it is widely recognized that Colombia’s efforts to reduce violence, combat drug trafficking and terrorism, and strengthen the economy have met with success, many nongovernmental organizations (NGOs) and human rights groups continue to report significant human rights violations. Colombia continues to experience murders and threats of violence against journalists, human rights defenders, labor union members, social activists like land rights leaders, and other at-risk groups. Crimes of violence against women, children, Afro-Colombian and indigenous leaders and other vulnerable groups continue at high rates.

The report by the Center for Historical Memory issued to the Colombian government in July 2013 analyzes the human rights abuses that took place during the past 50 years as a result of the internal conflict. As noted earlier, the report states that of about 220,000 people who died in the conflict through 2012, 81% of the victims were civilians. It traces those responsible for violations, including the guerrillas (the FARC and ELN), the AUC paramilitaries and successor paramilitary groups, and the Colombian security forces. For example, analyzing nearly 2,000 massacres between 1980 and 2012 documented in the Center’s database, the report maintains that 58.9% were committed by paramilitaries, 17.3% by guerrillas, and 7.9% by public security forces. The remaining 14.8%, according to the report, were committed by unidentified armed groups. In addition, the report states that through March 2013 the government has registered more than 25,000 disappearances, 1,754 victims of sexual violence, and more than 6,400 children and adolescents forcibly recruited by armed groups.⁴⁹

According to the U.S. State Department’s annual report on human rights covering 2014, Colombia’s most serious human rights abuses were the consequence of “impunity, an inefficient judiciary, forced displacement, corruption, and societal discrimination.” The report cited as significant issues extrajudicial and unlawful killings; slow prosecution of extrajudicial killings; military collaboration with members of illegal armed groups; forced disappearances; overcrowded and insecure prisons; harassment of human rights groups and activists, including

⁴⁹ *Basta Ya! Colombia: Memorias de Guerra y Dignidad*, accessed on Center for Historical Memory website at <http://www.centrodememoriahistorica.gov.co>.

lethal violence and death threats; violence against women and girls; and trafficking in persons. In addition to the State Department, numerous sources report regularly on human rights conditions in Colombia. (See **Appendix**.)

The following prominent human rights issues, involving homicides and threats of violence, remain relevant and illustrate the scale of the human rights problem still facing the Colombian government. Each reflects constraints of the Colombian judicial system to effectively prosecute crimes and overcome impunity.

Extrajudicial Executions and “False Positives”

For many years, human rights organizations have raised concerns about extrajudicial executions committed by Colombian security forces, particularly the military. In 2008, it was revealed that several young men from the impoverished community of Soacha—who had been lured from their homes to another part of the country with the promise of employment—had been executed. When discovered, the Soacha murder victims had been disguised as guerrilla fighters in order to inflate military claims of enemy body counts, resulting in the term “False Positives.” Following an investigation into the Soacha murders, the military fired 27 soldiers and officers, including three generals, and the commander of the Army resigned. Criminal investigations by the Prosecutor General in Colombia of soldiers and officers who allegedly participated in the Soacha executions have proceeded quite slowly. Some 48 of the military members who were originally charged with involvement in the Soacha cases have been released due to the expiration of the statute of limitations. While some soldiers have received long sentences, few sergeants or colonels have been successfully prosecuted.⁵⁰

In 2009, the False Positive phenomena was investigated by the U.N.’s Special Rapporteur on Extrajudicial Executions, who issued a report concluding there was no finding that such killings were sanctioned as official government policy. However, the Special Rapporteur did find, “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.”⁵¹ The majority of the cases occurred after 2000 and between 2004 and 2008, when U.S. assistance levels peaked. In recent years, the number of new cases has declined steeply, but human rights NGOs have reported a few cases in 2012 through 2015.

According to a June 2015 Human Rights Watch report on False Positives, prosecutors in the Human Rights Unit of the Prosecutor General’s office in more than 3,000 False Positive homicide cases allegedly committed by army personnel have resulted in about 800 convictions, mostly of lower-ranking soldiers.⁵² Only a few of those convictions involved former battalion or other tactical unit commanders, and none of the investigations of 16 active and retired army generals have produced charges. Most cases remain in the preliminary stages, according to Human Rights Watch, although their report indicates there are some 180 battalions (part of 41 brigades) that allegedly committed extrajudicial killings between 2002 and 2008. Some human rights observers

⁵⁰ For example, as of mid-2013, 18 colonels were accused of links to the crimes committed in Soacha; two had been convicted. See U.S. Department of State, *Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces*, September 11, 2013.

⁵¹ 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/hurricane.nsf/view01/C6390E2F247BF1A7C12575D9007732FD?opendocument>.

⁵² Human Rights Watch, *On Their Watch: Evidence of Army Officers’ Responsibility for False Positive Killings in Colombia*, June 23, 2015. (Hereafter: HRW, *On Their Watch*).

maintain that the low number of convictions has resulted in the impression that the security forces enjoy impunity for the crime of extrajudicial execution.⁵³ The Colombian government has reiterated its commitment to successfully prosecute all human rights cases and is especially concerned to achieve a just outcome in the False Positive cases.

Human Rights Defenders and Journalists

Although estimates diverge, according to the annual report of *Somos Defensores* (“We are Defenders”), a Colombian NGO that tracks violence against defenders and is cited by the State Department and others, the number of human rights defenders murdered rose in 2013 to 78, up from 69 in 2012.⁵⁴ According to the annual report of Frontline Defenders, which is an international organization based in Ireland, 54 Colombian human rights defenders were murdered in 2015.⁵⁵ Human rights activists are generally pleased with the tone of the Santos government’s policies and statements on human rights that have frequently denounced attacks, but they have been critical of inadequate prosecution of such crimes. Few, if any, of those accused of making threats and ordering or carrying out assassinations have been prosecuted. According to these activists, perpetrators have little fear of legal consequences.

Violence against land rights activists has risen sharply with the start of implementation of the Victims’ Law in early 2012. A September 2013 report by Human Rights Watch pointing to the rise in violence against land activists and claimants maintained that the environment had become so threatening that claimants who had received land judgments were too frightened to return to their restituted land, and more than 500 serious threats against claimants had been received by the government just since January 2012. According to Human Rights Watch, many of the threats and killings have been conducted by paramilitary-influenced criminal bands (Bacrim), although the Bacrim may be operating at the behest of third-party landowners who are trying to protect their land from seizure.⁵⁶

For more than a decade, the Colombian government has addressed violence against groups facing extraordinary risk through its National Protection Unit (UPN). Colombia’s UPN provides protection measures, such as body guards and protective gear, to at-risk groups including human rights defenders, journalists, trade unionists, and others.⁵⁷ However, according to international and Colombian human rights groups, the UPN has been plagued by corruption issues and has inadequately supported prosecutions of those responsible for attacks. The UPN had a budget in 2014 of roughly \$140 million to protect some 7,527 at-risk individuals, including 622 human rights activists, according to the State Department’s Human Rights Practices for 2014.⁵⁸

⁵³ HRW, *On Their Watch*, concludes: “Seven years after the false positives scandal erupted, there is abundant evidence indicating that numerous senior army officers bear responsibility and it is imperative that the government do more to ensure they are held accountable.”

⁵⁴ Human rights defenders include community leaders, land rights activists, indigenous and Afro Colombian leaders, and women’s rights defenders.

⁵⁵ Frontline Defenders, *Annual Report 2016*, January 6, 2016, at <http://www.flipsnack.com/CampaignsFLD/front-line-defenders-annual-report-2016.html>.

⁵⁶ Miriam Wells, “BACRIM the Greatest Threat to Colombia Land Restitution: HRW,” *InSight Crime: Organized Crime in the Americas*, September 19, 2013.

⁵⁷ Human Rights Watch, Colombia chapter, *World Report 2014*, January 21, 2014.

⁵⁸ According to an official at the Colombian Embassy in Washington, DC, the budget for the UPN rose to \$144.5 million in 2015. CRS communication with an official at the Embassy of Colombia, February 5, 2016.

Journalists, a group long receiving protection measures from the UPN, continue to operate in a dangerous environment in Colombia. According to the Committee to Protect Journalists (CPJ), 47 journalists in Colombia have been killed in work-related circumstances since 1992. NGOs working in Colombia have reported that two journalists were killed in 2015. In addition, according to a CPJ ranking of impunity Colombia was not included for the first time in their ranking for 2014 of countries where “journalists are slain and killers go free.” Colombia exited the group because it did not have five or more unsolved journalist homicides that had occurred between 2005 and 2015. CPJ acknowledged some recent improvement in prosecuting cases in Colombia and murders of working journalists have declined. It added hopefully that this phenomenon may be receding into the country’s violence-torn past.⁵⁹

Violence and Labor

The issue of violence against the labor movement in Colombia has sparked controversy and debate for years. Many human rights groups and labor advocates have maintained that Colombia’s poor record on protecting its trade union members and leaders is one reason to avoid closer trade relations with Colombia. The U.S. Congress’s approval of the U.S.-Colombia Free Trade Agreement (also known as the U.S.-Colombia Trade Promotion Agreement) could not be enacted without addressing the deep concern of many Members of Congress that Colombia enforce basic labor standards and especially measures to mitigate the alleged violence against trade union members and bring perpetrators of such violence to justice.

In April 2011, the United States and Colombia agreed to an “Action Plan Related to Labor Rights” (the Labor Action Plan, LAP) which contained 37 measures that Colombia would implement to address violence, impunity, and protection of workers’ rights. Before the U.S.-Colombia Free Trade Agreement entered into force in April 2012, the U.S. Trade Representative determined that Colombia had met all the important milestones in the LAP to date.⁶⁰ Some U.S. and Colombian labor groups contend that progress on the plan’s objectives as of 2014 had been minimal and urge that the United States and Colombia continue to cooperate for an additional four years.⁶¹

Despite the programs launched and measures taken to implement the LAP, human rights and labor organizations claim that violence targeting labor union members continues. (Some analysts continue to debate whether labor activists are being targeted because of their union activities or for other reasons.) The government of Colombia has acknowledged that violence and threats continue, but points to success in reducing violence generally and the number of homicides of labor unionists specifically. Violence levels in general are high in Colombia, but have steadily been decreasing. According to the data reported by the U.N. Office on Drugs and Crime (UNODC) in its annual report on homicide, rates have decreased dramatically since 2002, when the homicide rate was at 68.9 per 100,000.⁶² The Colombian government reported in 2014 that the homicide rate declined to 27 per 100,000.⁶³

⁵⁹ “Getting Away with Murder: CPJ’s Global Impunity Index Spotlights Countries Where Journalists are Slain and the Killers Go Free,” Committee to Protect Journalists, October 8, 2015.

⁶⁰ U.S. Trade Representative (USTR), “FACT SHEET: Historic Progress on Labor Rights in Colombia,” April 15, 2012, at <http://www.ustr.gov/about-us/press-office/fact-sheets/2012/april/historic-progress-labor-rights-colombia>.

⁶¹ See recommendations in AFL-CIO, *Making the Labor Action Plan Work for Workers*, April 2014.

⁶² UNODC, *Global Study on Homicide, 2013*, March 2014.

⁶³ See Colombian Embassy to the United States, “Progress and Achievements on Security,” May 2015. InSight Crime in an article providing a regional survey of homicides rates stated that Colombia’s rate declined even further, to 26.1 (continued...)

In this context of an overall steady decline in homicides, the number of labor union killings has also declined. For many years, the government and the leading NGO source that tabulates these crimes did not agree on the number of labor union murders because of using different methodologies. Both sources recorded a decline, but the government generally saw a steeper decline. According to the Colombian labor rights NGO and think tank, the National Labor School (*Escuela Nacional Sindical*, ENS), there has been a significant decline from 191 labor union murders in 2001 to 20 reported in 2012.⁶⁴ One element of the Action Plan was that the government and ENS would meet to develop a single methodology to define, identify, and provide information on cases involving crimes against trade union members. While this process of unifying their approaches has been slow, the U.S. State Department and other official sources now frequently report the ENS figure. For 2015, ENS reported 17 labor homicides as of the end of August.⁶⁵

In addition, labor advocates note that tracking homicides does not capture the climate of intimidation faced by labor unions in Colombia. Besides lethal attacks, trade union members face rising numbers of death threats, arbitrary detention, and other types of harassment. Measures to strengthen the judicial system to combat impunity for such crimes are also part of the Labor Action Plan. Nevertheless, many analysts maintain there remains a large backlog of cases yet to be investigated and prosecuted involving violent crimes against union members. According to the State Department's country report on Colombia covering human rights in 2014, while some prominent cases were resolved the pace of investigations and convictions for trade unionist homicides "remained slow and high rates of impunity continued." This has been especially true regarding recent cases. Of the 121 cases of trade unionist killings committed since 2011, the government has won only nine convictions as of September 2014, according to Colombia's Office of the Prosecutor General.⁶⁶ The State Department country report maintained that in 2014, as in previous years, teachers in Colombia comprised the largest group of organized workers, and union members who are teachers continued to be the most likely victims of violence by illegal armed groups.

Internal Displacement

The internal conflict has been the major cause of a massive displacement of the civilian population that has many societal consequences, including implications for Colombia's poverty levels and stability. Colombia has one of the largest populations of internally displaced persons (IDPs) in the world. Most estimates place the total at more than 5 million IDPs, or greater than 10% of Colombia's estimated population of 47 million.⁶⁷ This enormous number of Colombians,

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per 100,000 in 2014. See David Gagne, "InSight Crime 2014 Homicide Round-Up," *InSight Crime: Investigation and Analysis of Organized Crime*, January 12, 2015, <http://www.insightcrime.org/news-analysis/insight-crime-2014-homicide-round-up>.

⁶⁴ ENS reported 20 trade unionist killings in 2012, but the figures change as more information becomes available. Later in 2013, they asserted 22 trade union murders had occurred in 2012. See data in *U.S.-Colombia Labor Action Plan: Failing on the Ground*, A Staff Report on behalf of U.S. Representatives George Miller and Jim McGovern to the Congressional Monitoring Group on Labor Rights in Colombia, October 2013.

⁶⁵ The ENS estimate for January through August 2014 was reported in Human Rights Watch (HRW), *World Report 2016*, January 2016. For more on the ENS reporting, see U.S. Government Accountability Office, *Free Trade Agreements: U.S. Partners Are Addressing Labor Commitments, but More Monitoring and Enforcement are Needed*, November 2014.

⁶⁶ Ibid, HRW, *World Report 2016*.

⁶⁷ Under its single registry for victims, the Colombian government reported more than 5.1 million victims of forced (continued...)

forcibly displaced and impoverished as a result of the armed conflict, continues to grow and has been described by many observers as a humanitarian crisis. Indigenous and Afro-Colombian peoples make up an estimated 15% - 22% of the Colombian population.⁶⁸ They are, however, disproportionately represented among those displaced. The leading Colombian NGO that monitors displacement, Consultancy for Human Rights and Displacement (CODHES), reports that 36% of the victims of forced displacement nationwide in 2012 came from the country's Pacific region. Afro-Colombian and indigenous people, who live predominantly in the Pacific coastal departments of Nariño, Cauca, Valle del Cauca, and Chocó, (see map, **Figure 1**), were the most affected.⁶⁹

The Pacific region, historically inhabited by ethnic minorities, has been largely marginalized as a result of weak central government presence and societal discrimination. (Some 84% of the land in the Pacific region is subject to collective-title rights granted to Afro-Colombian and indigenous communities.)⁷⁰ Illegal armed groups are active in usurping land in this region, which is valued for its proximity to a major port and drug trafficking routes, and the Afro- and indigenous communities are also caught in the middle of skirmishes between illegal groups and Colombian security forces.

IDPs suffer stigma and poverty and are often subject to abuse and exploitation. Besides the disproportionate representation of Colombia's ethnic communities among the displaced, other vulnerable populations, including women and children, have been disproportionately affected. Women, who make up more than half of the displaced population in Colombia, can become targets for sexual harassment, violence, and human trafficking. Displacement is driven by a number of factors, most, but not all, 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 they confront Colombian security forces. Violence that uproots people includes threatened or actual child recruitment or other forced recruitment by illegal armed groups, as well as physical, psychological, and sexual violence. Other contributing factors reported by NGOs include counternarcotics measures such as aerial spraying, illegal mining, and large-scale economic projects in rural areas. Inter-urban displacement is a growing phenomenon in cities such as Buenaventura and Medellín, which often results from violence and threats by organized crime groups.

The Victims' Law of 2011, which began to be implemented in 2012, is the major piece of legislation to redress Colombian victims of displacement with the return of their stolen land. The historic law provides restitution of land to those IDPs who were displaced since January 1, 1991. The law aims to return land to as many as 360,000 families (impacting up to 1.5 million people)

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displacement as of December 2013. Many NGOs have reported higher numbers. For example, the Consultancy for Human Rights and Displacement (CODHES), maintains that more than 6 million Colombians have been displaced since 1985. United Nations High Commissioner for Human Rights, *Annual Report of the United Nations High Commissioner for Human Rights, Human Rights Council, Addendum: Situation of Human Rights in Colombia*, January 24, 2014.

⁶⁸ The percentage of the Colombian population who are Afro-descendent or indigenous is highly contested. The estimate of nearly 15% comes from the U.S. Agency for International Development (USAID), "USAID's Work in Colombia," Fact Sheet, October 7, 2013, at <http://www.usaid.gov/news-information/fact-sheets/usaid-work-colombia>. See text box, "Colombia at A Glance," for other estimates. In addition, some NGOs and human rights groups estimate that indigenous people and Afro-Colombians may make up 25% or higher of the Colombian population.

⁶⁹ Helda Martinez, "Despite Peace Talks, Forced Displacement Still Climbing in Colombia," *Inter Press Service*, June 4, 2013.

⁷⁰ "More Than Perfume, Please," *Economist*, November 8, 2014.

who had their land stolen. But the law thus far has been applied during a time of ongoing violence and many observers have noted it is far from reaching its promised goals. The government notes that some 50% of the land to be restituted has the presence of land mines and that the presence of illegally armed groups in areas where victims have presented their applications for land restitution has slowed implementation of the law.⁷¹

Some of Colombia's IDPs have fled across international borders, becoming refugees in neighboring states. The U.N. High Commissioner for Refugees (UNHCR) reported that more than 400,000 Colombians were refugees or in refugee-like situations in Ecuador, Venezuela, Costa Rica, and Panama.⁷² Relative to its size, Ecuador has by far the largest population, with 54,800 refugees officially recognized by Ecuador's government (98% of them Colombians) as of September 2013, according to the UNHCR.⁷³

The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) released a report in 2015 on *Humanitarian and Peace Trends – Colombia (November 2012 – June 2015)* chronicling trends since the government-FARC peace process began over three years ago. The OCHA report notes that within the two-and-a-half year time frame covered in the report, the government agency known as the Victims Unit maintained that there were more than 541,000 new forced displacements, or IDPs, in Colombia, mostly concentrated in the Pacific coast region and in the department of Antioquia. OCHA estimates given several factors that the U.N. agency takes into account that there were actually closer to 648,000 forced displacements or new IDPs. The report cites several reasons for this large continuing wave of displacements, including a significant increase in violent confrontations between “post-demobilization” crime groups (often called Bacrim) in later 2013. On the positive side, OCHA notes between late 2012 and June 2015, a period punctuated by unilateral ceasefires by the FARC, the country experienced a significant decline in mass displacements.⁷⁴

Regional Relations and Security

Colombia shares long borders with neighboring countries, and some of these border areas have been described as porous to illegal armed groups that threaten regional security. Colombia has a 1,367-mile border with Venezuela, approximately 1,000-mile borders with both Peru and Brazil, and shorter borders with Ecuador and Panama. Much of the territory is remote and rugged and suffers from inconsistent state presence. While all of Colombia's borders have been problematic and subject to spillover effects from Colombia's armed conflict, the most affected are Venezuela, Ecuador, and Panama.

Over the years, Colombia's relations with Venezuela and Ecuador have been strained by Colombia's counter-insurgency operations, including cross-border military activity. The FARC and ELN insurgents have been present in shared border regions and in some cases the terrorist groups have used the neighboring country to rest, resupply, and shelter. Former President Uribe

⁷¹ Op cit. Lisa Haugaard, Zoraida Castillo, and Winifred Tate, et al; Government of Colombia, “Victims and Land Restitution Law: Addressing the Impact of Armed Conflict within Colombia,” November 2013.

⁷² The breakout is as follows: more than 200,000 in Venezuela, more than 170,000 in Ecuador, more than 20,000 in Costa Rica, and more than 16,000 in Panama. U.S. Department of State, *Memorandum of Justification Concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces*, September 17, 2014.

⁷³ U.N. High Commissioner on Refugees (UNHCR), “2014 UNHCR Country Operations Profile–Ecuador,” at <http://www.unhcr.org/pages/49e492b66.html>.

⁷⁴ According to the U.N., a mass displacement typically involves the force displacement of 50 people or 10 families in a single event.

accused the government of Venezuela's Hugo Chávez of harboring the FARC and ELN and maintained that he had evidence of FARC financing of the 2006 political campaign of Ecuador's President Rafael Correa. Under President Uribe, the Colombian military bombed a FARC camp inside of Ecuador in March 2008. Ecuador severed relations with Colombia for 33 months. In support of Ecuador, Venezuela also broke off relations with Colombia and sent troops to its border with Colombia. Relations between Venezuela and Colombia remained tense for many years.

Claiming damages to Ecuadorian residents affected by spray drift from Colombia's aerial eradication of drug crops, Ecuador filed a suit against Colombia in the International Court of Justice (ICJ). In September 2013, on the eve of the final hearing of the ICJ case, Colombia reached an out-of-court settlement awarding Ecuador \$15 million. However, relations between Colombia and Venezuela and between Colombia and Ecuador, which had been tense for much of the Uribe Administration, markedly improved under President Santos. Soon after coming to office in 2010, President Santos reestablished diplomatic ties with both countries.

During President Santos's first term (2010-2014) cooperation greatly increased between Colombia and Venezuela on border and security issues despite the State Department's concerns about Venezuelan links to the FARC. According to the State Department's Country Reports on Terrorism 2013, published in April 2014, Venezuela has not taken action against senior level government officials who were designated as Foreign Narcotics Kingpins by the United States. Some officials were also sanctioned for links to the FARC's drug-trafficking and arms-smuggling activities in 2011. The State Department's 2013 terrorism report maintained that the FARC and ELN continued to use Venezuela as a safe haven and to make incursions into Colombia.⁷⁵ In August 2013, the Venezuelan and Colombian governments committed to jointly combat narcotics trafficking and the activities of illegal armed groups along the porous Venezuelan-Colombian border.

Venezuela in 2014 continued not to take action against senior Venezuelan government officials sanctioned by the U.S. Treasury Department for directly supporting the narcotics and arms trafficking activities of the FARC. Yet, Venezuela remained a supporting government of the FARC-government peace talks (along with Chile, Norway, and Cuba), even after former President Chávez passed away in March 2013. (In 2015, Ecuador's government hosted exploratory talks between the ELN and the Santos Administration, but these have not evolved into formal talks as of early February 2016).

The State Department's 2014 terrorism report maintained that the number of terrorist incidents in Colombia—perpetrated largely by the FARC and the ELN—decreased during the year compared to 2013 and that government statistics showed that infrastructure sabotage was down. According to the report, the FARC reportedly focused on low-cost high-impact attacks, such as firing mortars at police stations or the military, placing explosive devices near roads or paths, and carrying out sniper attacks. The report also notes that the Colombian government kept up military pressure on the armed insurgents during 2014 and that guerrilla fighters were captured and demobilized in slightly higher numbers than in the previous year.⁷⁶

Fighting between the FARC and the security forces escalated sporadically during 2015, with terrorist attacks at one point reaching the highest level since the peace negotiations began in November 2012. Notably, the FARC attacked electric grids and oil pipelines, causing blackouts

⁷⁵ U.S. Department of State, *Country Reports on Terrorism 2013*, April 2014.

⁷⁶ For more background, see CRS Report RS21049, *Latin America: Terrorism Issues*, by Mark P. Sullivan and June S. Beittel.

and environmental damage. Popular support for the talks reached a nadir, and the president warned that public patience with the peace process might be exhausted. Yet the government and FARC remained at the negotiating table.

For many years, the region in Panama that borders Colombia, the Darien, was host to a permanent presence of FARC soldiers who used the remote area for rest and resupply as well as a key area for transit of drugs north. In the Darien, a small number of FARC members from the group's 57th Front were using the area as a safe haven. Panama's government has stepped up its efforts in recent years to confront the FARC, and as a result the 2014 terrorism report asserts that the FARC can no longer maintain a permanent militarized presence in Panamanian territory. The security threat posed by the FARC inside Panama has been curbed by the actions of Panama's National Border Service (SENAFRONT). Nevertheless, the remote Darien region still faces challenges from smaller drug trafficking organizations and criminal groups and experiences problems with human smuggling with counterterrorism implications. SENAFRONT's successes in downgrading the FARC's presence are supplemented by other Panamanian government efforts to assert a positive state presence and support underserved populations living in the remote border region with Colombia to assist them in resisting recruitment efforts by terrorist groups.

Colombia's Role in Training Security Personnel Abroad

When Colombia hosted the Sixth Summit of the Americas in April 2012, President Obama and President Santos announced a new joint endeavor, the Action Plan on Regional Security Cooperation. This joint effort, built on ongoing security cooperation, addresses hemispheric challenges such as combating transnational organized crime, bolstering counternarcotics, strengthening institutions, and fostering resilient communities.⁷⁷ The Action Plan focuses on capacity building for security personnel in Central America and the Caribbean by Colombian security forces (both Colombian military and police). To implement the plan, Colombia undertook 39 cooperation activities in 2013 to train more than 700 individuals from Panama, Honduras, El Salvador, and Guatemala. Under the Action Plan in 2014, Colombia conducted 152 activities, reportedly training more than 6,500 security personnel from the same countries and also Costa Rica and the Dominican Republic. According to the Colombian government, the cooperation activities for 2015 numbered 215 in all six countries.⁷⁸

Colombia has increasingly trained military and police from other countries both under this partnership and other arrangements, including 24,000 officials from 71 countries. According to the Colombian Ministry of Defense, around 80% of those trained were from Mexico, Central America, and the Caribbean. U.S. and Colombian officials maintain that the broader effort is designed to "export" Colombian expertise in combating crime and terrorism while promoting the rule of law and greater bilateral and multilateral law enforcement cooperation. Critics of the effort to "export Colombian security successes" maintain that human rights concerns have not been adequately addressed.⁷⁹ Some observers question the portion of these activities that are funded by the U.S. government and want to see more transparency.⁸⁰ In one analysis of the training, a

⁷⁷ U.S. Department of State, "Joint Press Release on the United States-Colombia Action Plan on Regional Security Cooperation," April 15, 2012, at <http://www.state.gov/r/pa/prs/ps/2012/04/187928.htm>.

⁷⁸ Colombian Embassy to the United States, "Colombia: Exporter of Security and Stability," March 2015.

⁷⁹ See, for example, Sarah Kinoshian, John Lindsay-Poland, and Lisa Haugaard, "The U.S. Should not Export Colombia's Drug War 'Success,'" *InSight Crime: Investigation and Analysis of Organized Crime*, July 9, 2015.

⁸⁰ For example, critics have raised concerns that such programs circumvent congressionally-imposed human rights restrictions on U.S.-funded security cooperation, such as vetting participants to identify and bar human rights violators. See Adam Isacson, Lisa Haugaard, and Abigail Poe, et al., *Time to Listen: Trends in U.S. Security Assistance to Latin* (continued...)

majority of the training was provided by Colombian National Police rather than the Colombian Army, in such areas as ground, air, maritime and river interdiction; police testimony; explosives, intelligence operations; psychological operations; and Comando JUNGLA, Colombia's elite counternarcotics police program.⁸¹

Other analysts praise the Colombian training as a way to “multiply” U.S. security assistance and its impact with partner nations. They maintain that Colombian trainers provide partner nations in Latin America in particular with experts who are fluent in their language and familiar with the crime and security challenges facing the region. If the peace talks end in an accord approved by the Colombian populace, these observers contend that Colombia's regional role in combating transnational organized crime through training security personnel in other nations, both in the region and elsewhere, should continue to expand. They maintain that U.S. assistance has helped to train, professionalize, and expand the Colombian military to make it the region's second largest. As that highly-trained military shifts from combating the insurgency and the Colombian National Police take the dominant role in guaranteeing domestic security, it should play a greater role in regional security and even in coalition efforts internationally.⁸²

U.S. Relations and Policy

Colombia is a key U.S. ally in the region. With diplomatic relations that began in the 19th century following Colombia's independence from Spain, the countries have enjoyed close and strong ties. Because of Colombia's prominence in the production of illegal drugs, the United States and Colombia forged a close partnership over the last 16 years. Focused initially on counternarcotics, and later counterterrorism, a program called Plan Colombia laid the foundation for a strategic partnership that has broadened to include sustainable development, human rights, trade, regional security, and many other areas of cooperation. Between FY2000 and FY2016, the U.S. Congress appropriated more than \$10 billion in assistance from U.S. State Department and Department of Defense accounts to carry out Plan Colombia and its follow-on strategies. During this time, Colombia made notable progress combating drug trafficking and terrorist activities and reestablishing government control over much of its territory. Its economic and social policies have reduced the poverty rate and its security policies have lowered the homicide rate.

Counternarcotics policy has been the defining issue in U.S.-Colombian relations since the 1980s because of Colombia's preeminence as a source country for illicit drugs. Peru and Bolivia were the main global producers of cocaine in the 1980s and early 1990s. However, successful efforts there in reducing supply pushed cocaine production from those countries to Colombia, which soon surpassed both its Andean neighbors. The FARC and other armed groups in the country financed themselves primarily through narcotics trafficking, and that lucrative illicit trade

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America and the Caribbean, Latin America Working Group Education Fund, Center for International Policy, and the Washington Office on Latin America, September 2013. For more on the Leahy Law provisions that seek to bar assistance to human rights violators, see CRS Report R43361, “*Leahy Law*” *Human Rights Provisions and Security Assistance: Issue Overview*, coordinated by Nina M. Serafino.

⁸¹ See interview with Professor Arlene Tickner at “Security Diplomacy Centerpiece of Colombia's Foreign Policy,” *World Politics Review*, September 5, 2014.

⁸² Colombia signed a memorandum of understanding (MOU) with NATO focused on future security cooperation and consultation. According to the Colombian Embassy in Washington, DC, although the Colombian Constitutional Court rejected the MOU after it was ratified by the Colombian Congress on some minor procedural issues, it will be reintroduced and is likely to gain approval. CRS consultation with official at the Colombian Embassy, September 1, 2015.

provided the “gasoline” for the decades-long internal armed conflict at least since the 1990s.⁸³ Colombia emerged to dominate the cocaine trade by the late 1990s. National concern about the crack cocaine epidemic and extensive drug use in the United States led to greater concern with Colombia as a source. As Colombia became the largest producer of coca leaf and the largest exporter of finished cocaine, heroin produced from Colombian-grown poppies was supplying a growing proportion of the U.S. market.⁸⁴ Alarm over the volumes of heroin and cocaine being exported to the United States was a driving force behind U.S. support for Plan Colombia at its inception.

Bipartisan support for the policy endured through three U.S. Administrations—that of President Bill Clinton, President George W. Bush, and President Barack Obama. Plan Colombia came to be viewed by some analysts as one of the most enduring and effective U.S. policy initiatives in the Western Hemisphere.⁸⁵ Some have lauded the strategy as a model. In 2009, William Brownfield, then-U.S. Ambassador to Colombia, described Plan Colombia as “the most successful nation-building exercise that the United States has associated itself with perhaps in the last 25-30 years.”⁸⁶ Other observers, however, were critical of the policy as it unfolded. Many in the NGO and human rights community maintained the strategy, with its emphasis on militarization and security, was inadequate for solving Colombia’s persistent, underlying problems of rural violence, poverty, neglect and institutional weakness. Nevertheless, it appears that improvements in security conditions have been accompanied by substantial economic growth and a reduction in poverty levels over time. Measured exclusively in counternarcotics terms, Plan Colombia has been a mixed success. Colombia remained the dominant producer of cocaine for more than a decade and still supplies more than 90% of the cocaine seized in the United States, according to State Department.⁸⁷ While enforcement, eradication, and improved security have squeezed production in Colombia, in 2012 Peru reemerged as the global leader in cocaine production, surpassing Colombia.⁸⁸

The evolution of Plan Colombia took place under changing leadership and changing conditions in both the United States and Colombia. Plan Colombia was followed by successor strategies such as the National Consolidation Plan described below, and U.S.-Colombia policy has reached a new phase anticipating the possibility of a post-conflict Colombia.

Plan Colombia and Its Follow-On Strategies

Announced in 1999, Plan Colombia originally was a six-year strategy to end the country’s decades-long armed conflict, eliminate drug trafficking, and promote development. The counternarcotics and security strategy was developed by the government of President Andrés

⁸³ Nick Miroff, “Colombia Is Preparing for Peace. So Are Its Drug Traffickers,” *Washington Post*, February 2, 2016.

⁸⁴ According to State Department testimony, by 2001 Colombia was providing 22% to 33% of the heroin consumed in the United States. Paul E. Simons, Acting Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, Testimony before a Hearing of the House of Representatives, Committee on Government Reform, December 12, 2002.

⁸⁵ See, for example, Michael Shifter, “Plan Colombia: A Retrospective,” *Americas Quarterly*, Summer 2012.

⁸⁶ “Colombia to Aid U.S. in Taliban Fight,” CBS Evening News, July 27, 2009.

⁸⁷ U.S. Department of State, *2014 International Narcotics Control Strategy Report (INCSR)*, Vol. 1, March 2014.

⁸⁸ Jeremy McDermott, “4 Reasons Why Peru Became World’s Top Cocaine Producer,” *InSight Crime: Organized Crime in the Americas*, December 25, 2013. The author states that the U.S. government first announced Peru’s return to the top spot in late 2011, and this was confirmed by data released by the United Nations Office on Drugs and Crime (UNODC) in its annual estimates of coca cultivation and cocaine production in September 2013.

Pastrana in consultation with U.S. officials.⁸⁹ Colombia and its allies in the United States realized that for the nation to gain control of drug trafficking required a stronger security presence, the rebuilding of institutions, and extending state presence where it was weak or nonexistent.

Initially, the U.S. policy focus was on programs to reduce the production of illicit drugs. U.S. support to Plan Colombia consisted of training and equipping counternarcotics battalions in the Colombian Army and specialized units of the Colombian National Police, drug eradication programs, alternative development and other supply reduction programs. The original plan announced by President Pastrana in 1999 had a goal to reduce “the cultivation, processing, and distribution of narcotics by 50%” over the plan’s six-year timeframe. The means to achieve this ambitious goal were a special focus on eradication and alternative development; strengthening, equipping and professionalizing the Colombian Armed Forces and the police; strengthening the judiciary; and fighting corruption. Other objectives were to protect citizens from violence; to promote human rights; to bolster the economy; and to improve governance. U.S. officials expressed their support for the program by emphasizing its counterdrug elements (including interdiction). The focus on counternarcotics was the basis for building bipartisan support to fund the program in Congress because some in Congress were leery of involvement in fighting a counterinsurgency, which they likened to the “slippery slope” of the war in Vietnam.⁹⁰

President George W. Bush came to office in 2001 and oversaw some changes to Plan Colombia. The primary vehicle for providing U.S. support to Plan Colombia was the Andean Counterdrug Initiative, which was included in foreign operations appropriations. The Bush Administration requested new flexibility so that U.S.-provided assistance would back a “unified campaign against narcotics trafficking, terrorist activities, and other threats to [Colombia’s] national security” due to the breakdown of peace talks between the FARC and the Pastrana government in February 2002.⁹¹ Congress granted this request for a unified campaign to fight drug trafficking and terrorist organizations as Members of Congress came to realize how deeply intertwined the activities of Colombia’s terrorist groups were with the illicit drug trade that funded them.⁹² However, Congress prohibited U.S. personnel from directly participating in combat missions. Congress placed a legislative cap on the number of U.S. military and civilian contractor personnel who can be stationed in Colombia, although the cap was adjusted to meet needs over time. The current limit (specified in the National Defense Authorization Act, as amended) caps total military personnel at 800 and civilian contractors at 600, although numbers deployed have been far below the 1,400-person cap in recent years.⁹³

⁸⁹ For a nuanced description of U.S. involvement in the development of Plan Colombia, see Stuart Lippe, “There is No Silver Bullet and Other Lessons from Colombia,” *Interagency Journal*, vol. 5, no. 3 (Fall 2014).

⁹⁰ *Ibid.*

⁹¹ Cynthia J. Arnson, “The Peace Process in Colombia and U.S. Policy,” in *Peace, Democracy, and Human Rights in Colombia*, eds. Christopher Welna and Gustavo Gallón (Notre Dame, IN: University of Notre Dame Press, 2007), pp. 132-164.

⁹² Congress granted the expanded authority requested by the Bush Administration in an emergency supplemental appropriations bill (H.R. 4775, P.L. 107-206), which gave State Department and the Department of Defense flexibility to combat groups designated as terrorist organizations as well as to fight drug trafficking. The legislation was signed into law on August 2, 2002. Congress granted this new authority in the aftermath of terrorist attacks on the United States on September 11, 2001, and during a period when there was growing support in the U.S. Congress to combat terrorism.

⁹³ The FY2005 National Defense Authorization Act (H.R. 4200; P.L. 108-375) raised the military cap from 400 to 800 and the civilian cap from 400 to 600. The number of U.S. personnel has declined significantly from the peak years of 2005-2007, reflecting the gradual nationalization of U.S.-supported programs.

President Uribe (2002-2010) embraced Plan Colombia with an aggressive strategy towards the insurgent forces that prioritized citizen security. His Democratic Security Policy, implemented first in a military campaign called Plan Patriota, relied on the military to push the FARC forces away from the major cities to remote rural areas and the borderlands. Like his predecessor, President Pastrana, Uribe continued to expand the Colombian military and police. He enhanced the intelligence capacity, professionalization, and coordination of the forces, in part with training provided by U.S. forces. His strategy resulted in expanded state control over national territory⁹⁴ and a significant reduction in kidnappings, terrorist attacks, and homicides. In 2007, the Uribe Administration announced a shift to a “Policy of Consolidation of Democratic Security.” The new doctrine was based on a “whole-of-government” approach to consolidate state presence in marginal areas that were historically neglected—vulnerable to drug crop cultivation, violence, and control by illegal armed groups. Called a strategic leap forward by then-Defense Minister Juan Manuel Santos, in 2009 the new strategy came to be called the National Consolidation Plan.

Colombian support for Plan Colombia and for the nation’s security program grew under Uribe’s leadership. President Uribe levied a “wealth tax” to fund Colombia’s security efforts, taxing the wealthiest taxpayers to fund growing defense and security expenditures. Overall U.S. expenditures on Plan Colombia were only a modest portion of what Colombians spent on their own security. By one 2009 estimate, U.S. expenditures were not more than 10% of what Colombians invested in their total security costs.⁹⁵ In 2000, Colombia devoted less than 2% of its GDP to military and police expenditures and in 2010 that investment had grown to more than 4% of GDP. One assessment notes “in the end there is no substitute for host country dedication and funding” to turn around a security crisis as Colombia faced at the beginning of the millennium.⁹⁶

In 2008, congressional support for Plan Colombia and its successor programs also shifted. Some Members of Congress believed that the balance of programming was too heavily weighted toward security. Prior to 2008, the emphasis had been on “hard side” security assistance (to the military and police) compared to “soft side” traditional development and rule of law programs. Members debated if the roughly 75% / 25% mix should be realigned. Since FY2008, Congress has reduced the proportion of assistance for security-related programs and increased the proportion for economic and social aid. As Colombia’s security situation improved and Colombia’s economy recovered, the United States also began turning over to Colombians operational and financial responsibility for efforts formerly funded by the U.S. government. The Colombian government “nationalized” the training, equipping, and support for Colombian military programs, such as the counterdrug brigade, Colombian Army aviation, and the air bridge denial program. U.S. funding overall began to decline. The nationalization efforts were not intended to end U.S. assistance, but rather to gradually reduce it to pre-Plan Colombia levels, adjusted for inflation.⁹⁷

National Consolidation Plan and Beyond

The National Consolidation Plan (renamed the National Plan for Consolidation and Territorial Reconstruction (PNCRT, by its Spanish acronym)) is designed to coordinate government efforts

⁹⁴ Although Democratic Security evolved over Uribe’s two-terms in office, the strategy is credited by some analysts for its coherence. “Uribe and his advisors developed a coherent counterinsurgency strategy based on taking and holding territory, protecting local populations, controlling key geographic corridors ... and demobilizing the paramilitary forces that threatened democracy and state authority as much as did the FARC.” Op cit. Stuart Lippe.

⁹⁵ Op cit. Peter DeShazo, Johanna Mendelson Forman, and Phillip McLean.

⁹⁶ Op cit. Stuart Lippe.

⁹⁷ U.S. Department of State, *Report on Multiyear Strategy for U.S. Assistance Programs in Colombia, Report to Congress*, April 2009.

in regions where marginalization, drug trafficking, and violence converge. The whole-of-government PNCRT integrates security, development, and counternarcotics to achieve a permanent state presence in vulnerable areas. Once security forces take control of a “contested area,” government agencies in housing, education, and development would regularize the presence of the state and reintegrate the municipalities of these marginalized zones into Colombia. The PNCRT was refocused on specific municipalities in seven priority regions under President Santos (2010-present).⁹⁸ The plan has been restructured several times by the Santos government.

The United States has supported the Colombian government’s consolidation strategy through an inter-agency program called the Colombia Strategic Development Initiative (CSDI). CSDI provides U.S. assistance to “fill gaps” in Colombian government programming. At the U.S. Embassy in Colombia, CSDI brings together the efforts of the U.S. Agency for International Development (USAID), the State Department’s Narcotics Affairs Section, the U.S. Military Group, and the Department of Justice to assist Colombia in carrying out the consolidation plan through the expansion of state presence and promotion of economic opportunities in priority zones.⁹⁹ It combines traditional counternarcotics assistance for eradication, interdiction, alternative development, capacity building for the police, military and justice sector institutions with other economic and social development initiatives.

As the peace negotiations between the FARC and the government move forward, the focus of U.S. assistance to Colombia is shifting again. It builds on the work done to advance consolidation, but over the next few years the focus will be on assisting with post-conflict planning and assisting Colombia’s transition to peace. The current U.S. assistance program recognizes the substantial ability of Colombia to maintain security and retains flexibility concerning changes if the peace talks are successfully concluded. Specific programs to support the peace process will emphasize the importance of strengthening democratic institutions, protecting human rights, racial and ethnic minorities, promoting reconciliation, and strengthening economic opportunities. According to the U.S. State Department’s FY2015 budget request, foreign assistance to Colombia will concentrate on the following: (1) drug crop eradication and interdiction; (2) citizen participation in the licit economy; (3) land restitution; (4) demobilization and reintegration of ex-combatants and child soldiers; (5) human rights promotion; (6) protection for, and services to, internally displaced persons, Afro-Colombians, indigenous populations, and other vulnerable citizens; (7) initiatives to address global climate change; and (8) humanitarian assistance and reparations for conflict victims and other vulnerable populations.¹⁰⁰

USAID’s country cooperation strategy for 2014-2018 anticipates the Colombian government reaching a negotiated agreement with the FARC, but is flexible if an agreement is not signed. It can be scaled up to assist Colombia to meet the “extraordinary demands” associated with implementing an agreement, especially in the first 24 months after signature. USAID anticipates that, after five more years of assistance, the development program will wind down as Colombia will transition from aid recipient to provider of technical assistance to neighbors in the region.¹⁰¹

⁹⁸ U.S. Department of State, “The Colombia Strategic Development Initiative (CSDI): Building on Progress,” Fact Sheet, 2013.

⁹⁹ Ibid.

¹⁰⁰ U.S. Department of State, *Congressional Budget Justification for Foreign Operations, Appendix 3: Regional Perspectives, Fiscal Year 2015*, April 2014.

¹⁰¹ USAID/Colombia, *Country Development Cooperation Strategy 2014-2018, A Path to Peace*, June 13, 2014.

Critics contend that even if a peace accord is signed, the Colombian government will have difficulty reclaiming ungoverned space or territory where the insurgents have been in control. The process of consolidating state authority and presence in the rural areas with weak institutions will continue to be a challenge; the challenge may increase following an agreement to disarm, demobilize, and reintegrate the FARC and possibly other insurgent forces. In particular, critics of the “consolidation” efforts of the Colombian government maintain that the Santos Administration has demonstrated a lack of commitment to the process and an inability to hand off targeted areas from the military to civilian-led development and achieve locally led democratic governance.¹⁰² Consolidation efforts have lacked political support, suffered from disorganization at the top levels of government, and failed to administer national budgets effectively and efficiently in more remote areas, among other challenges.

Funding

The U.S. Congress initially approved legislation in support of Plan Colombia in 2000, as part of the Military Construction Appropriations Act of 2001 (P.L. 106-246). Plan Colombia was never authorized by Congress, but it was funded annually through appropriations. From FY2000 through FY2016, U.S. funding for Plan Colombia and its follow-on strategies exceeded \$10 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.

With tightening foreign aid budgets and the nationalization of Plan Colombia-related programs, U.S. assistance has gradually declined since FY2008. In FY2014, in line with other foreign assistance reductions, funds appropriated to Colombia from State Department accounts declined to slightly below \$325 million. In FY2015, Congress appropriated \$300 million for bilateral assistance to Colombia in foreign operations. The Obama Administration’s request for Colombia in FY2016 was for roughly \$285 million, according to the FY2016 Congressional Budget Justification. In the FY2016 Omnibus Appropriations bill (P.L. 114-113) assistance to Colombia from foreign aid accounts of the U.S. State Department and U.S. Agency for International Development was about \$300 million, nearly identical to the estimate for FY2015. Projected assistance in FY2016 for the Department of Defense is almost \$59 million.

Tables below show U.S. assistance provided in support of Plan Colombia and its follow-on strategies from FY2010 through FY2016. The source for **Table 1** is the U.S. State Department and USAID foreign operations account data from the annual international affairs congressional budget justification documents. The information in **Table 2** about programs funded by the U.S. Department of Defense (DOD) was provided to CRS by analysts from the Department of Defense in December 2015.

¹⁰² See, for example, Adam Isacson, *Consolidating “Consolidation,”* Washington Office on Latin America, December 2012.

Table I. U.S. Assistance for Colombia by State Department Foreign Aid Account: FY2010-FY2016

In millions of current U.S. dollars

Account	FY2010 (Actual)	FY2011 (Actual)	FY2012 (Actual)	FY2013 (Actual)	FY2014 (Actual)	FY2015 (Est.)	FY2016 (Estimate, Omnibus)	TOTAL
ESF	201.8	184.4	172.0	152.3	141.5	133.0	133.0	1118.0
IMET	1.7	1.7	1.7	1.5	1.5	1.5	1.5 ^a	11.1
INCLE	243.9	204.0	160.6	165.9	149.0	135.2	135.2	1193.8
NADR	4.8	4.8	4.8	5.0	4.3	4.3	4.3 ^a	32.3
FMF	55.0	47.9	40.0	28.9	28.5	27.0	27.0	254.3
Total	507.2	442.8	379.1	353.6	324.8	300.0	300.0	2,607.5

Notes: ESF = Economic Support Fund; IMET = International Military Education and Training; INCLE = International Narcotics Control and Law Enforcement; NADR = Nonproliferation, Anti-Terrorism, De-mining and Related Programs; and FMF = Foreign Military Financing. Figures are drawn from the annual International Affairs Congressional Budget Justifications (FY2010 – FY2014); FY2015 653 (a) estimates report to Congress; FY2016 Omnibus Appropriations, H.R. 2029/P.L. 114-113 (Division K), Statement of Conferees. Table I does not include P.L. 480 (also known as Food for Peace).

a. These account funding level estimates for FY2016 have not been confirmed by State Department.

**Table 2. U.S. Assistance for Colombia from the Department of Defense:
FY2010-FY2016**

In millions of current U.S. dollars

Program	FY10	FY11	FY12	FY13	FY14	FY15	FY16 projected	TOTAL
Counter Terrorism Fellowship Program	0.94	1.07	0.97	1.19	0.71	1.12	0.89	14.36
Humanitarian Assistance Program	2.48	1.19	3.23	0.27	1.40	1.00	1.17	10.75
Humanitarian Mine Action						1.50	1.50	3.00
Traditional Commanders Activities	0.25	0.26	0.25	0.20	0.30	0.57	0.65	2.47
Defense Institution Reform Initiative (DIRI) ^a	1.20	1.29	1.33	1.11	2.13	2.06	1.51	10.62
Defense Institute for International Legal Studies (DILLS) ^b	0.14	0.03	0.22	0.09	0.39	0.13	0.17	1.17
General Purpose Forces Training ("Section 1203") ^c	0.00	0.00	0.00	0.00	0.00	0.00	0.02	0.02
Counternarcotics ^d	129.37	110.40	58.72	60.06	38.60	52.50	51.90	501.54
TOTAL	134.37	114.24	64.72	62.91	43.53	58.88	57.81	536.45

Source: Counter Terrorism Fellowship Program (CTFP) - Defense Security Cooperation Agency (DSCA), with Military Group (MILGRP) FY10 mod; Humanitarian Assistance (HA)- DSCA; Humanitarian Mine Action (HMA) - DSCA; Traditional Commanders Activities – U.S. Southern Command (SOUTHCOM); Defense Institution Reform Initiative (DIRI) - Office of the Secretary of Defense for Policy, OSD (P); Defense Institute for International Legal Studies (DILLS) - DSCA; 1203 - OSD(P); Counter narco-terrorism (CNT) - OSD (P) via U.S. Southern Command (SOUTHCOM).

- In early FY2014, the Peru program was shut down, and funds were diverted to Colombia.
- Portions of some DILLS activities are funded by other accounts like CTFP and by State accounts such as IMET.
- General Purpose Forces Training of the United States Armed Forces with Military and Other Security Forces of Friendly Foreign Countries: FY2014 National Defense Authorization Act (NDAA), P.L. 113-66, Section 1203. It authorizes U.S. general purpose military forces to train with the military forces or other security forces of a friendly foreign country and DOD to pay up to \$10 million per fiscal year in incremental expenses incurred by participating foreign forces.
- The CN data reflect non-budget quality estimates of DOD, and counternarcotics support provided or efforts in these nations/regions. DOD budgets the CN program by projects, not by regions/countries. CN is allocated from the Central Transfer account in Defense appropriations for "drug interdiction and counter-drug activities."

Counternarcotics Efforts

A key goal of Plan Colombia was to reduce the supply of illegal drugs produced and exported by Colombia. With Colombia's predominance as the source for cocaine destined for U.S. markets and its status as the second-largest producer of heroin consumed in the United States, eradication of coca bush and opium poppy (from which heroin is derived) was an urgent priority and became

the preferred tool for controlling the production of these drugs. Another critical component of the supply reduction effort was alternative development programs funded by the U.S. Agency for International Development to assist illicit crop cultivators to transition to licit crop production and livelihoods.

Analysts have long debated how effective was Plan Colombia and its follow-on strategies in combating illegal drugs. Although Plan Colombia failed to meet its goal of reducing the cultivation, processing, and distribution of illicit drugs by 50% in its original six-year timeframe, Colombia has sustained significant reductions in coca cultivation in recent years. According to U.S. estimates, cultivation of coca declined from 167,000 hectares in 2007 to 78,000 hectares¹⁰³ in 2012.¹⁰⁴ (Poppy cultivation declined by more than 90% between 2000 and 2009.) According to U.S. government estimates, Colombia's potential production of pure cocaine fell to 170 metric tons in 2012, the lowest level in two decades. Although Colombia's production rose again slightly in 2013 to 190 metric tons according to U.S. estimates, it was a significant decline from 2007 when Colombia's estimated pure cocaine production was 485 metric tons (more than a 60% drop).¹⁰⁵

Drug Crop Eradication

Both manual eradication and aerial eradication (or spraying) were central components of Plan Colombia to reduce coca and poppy cultivation. Manual eradication is conducted by teams, usually security personnel, to uproot and kill the plant. Aerial eradication involves spraying the plants from aircraft with an herbicide mixture to destroy the drug crop, but it may not kill the plants. In the context of Colombia's continuing internal conflict, manual eradication was far more dangerous than aerial spraying. U.S. and Colombian policy makers recognized the dangers of manual eradication and, therefore, employed large-scale aerial spray campaigns to reduce coca crop yields, especially from large coca plantations. Colombia is the only country globally that aeriaily sprayed its illicit crops and the practice has been controversial for health and environmental reasons.

Aerial spraying in Colombia on hundreds of thousands of hectares of illicit crops provoked questions regarding its safety for humans and risk of causing environmental damage. Since 2002, as a condition for fully funding the program, Congress regularly directed the State Department, after study and consultation with the U.S. Environmental Protection Agency and other relevant agencies, to certify that the spraying did not "pose unreasonable risks or adverse effects to humans or the environment." This certification requirement was included most years in the annual foreign operations appropriations legislation.¹⁰⁶

¹⁰³ A hectare is about 2.5 acres.

¹⁰⁴ Using a different methodology than the U.S. government, the United Nations Office of Drugs and Crime (UNODC) reports a similar decline over the same time period, from 99,000 hectares in 2007 to 48,000 hectares in 2012. In 2013, Colombia's cultivation of coca plants remained stable at 48,000 hectares, according to the UNODC's annual survey. See UNODC, "UNODC 2013 Survey: Coca Cultivation Area Unchanged in Colombia, Prices and Value of Crop Markedly Down," Press Release, June 26, 2014.

¹⁰⁵ The estimates of pure cocaine production potential have been adjusted over time. The 2007 U.S. government estimate of 485 metric tons was reported in the State Department's 2010 INCSR. U.S. Department of State, *2010 INCSR*, Vol. 1, March 1, 2010. The 2013 estimate was reported by the Office of National Drug Control Policy (ONDCP). ONDCP, "ONDCP Releases Survey of Cocaine Production in Colombia and Peru," Press Release, June 26, 2014.

¹⁰⁶ For example, in the Consolidated Appropriations Act, 2014, (P.L. 113-76) enacted on January 17, 2014, it states that "10 percent of the funds appropriated by this Act for the Colombian national police for aerial drug eradication programs may not be used for the aerial spraying of chemical herbicides unless the Secretary of State certifies to the (continued...)"

The dangers of manual eradication in the context of ongoing conflict are evident in the more than 60 manual eradicators reportedly killed since 2009.¹⁰⁷ Aerial spraying, largely of coca, remains controversial in Colombia for its perceived health and environmental consequences. Some analysts have also raised questions about the monetary and collateral costs of aerial eradication compared to other drug supply control strategies, its effectiveness, and its limited effect on the U.S. retail price of cocaine.¹⁰⁸

U.S. State Department officials attribute Colombia's decline in recent years of coca cultivation to the persistent aerial eradication of drug crops in tandem with manual eradication where viable.¹⁰⁹ Between 2009 and 2013, Colombia aerially sprayed roughly 100,000 hectares annually. In 2013, however, eradication efforts declined. Colombia aerially eradicated roughly 47,000 hectares. It manually eradicated 22,120 hectares, short of its manual eradication goal of 38,500 hectares. This reduction had a number of causes: the U.S.-supported spray program was suspended in October 2013 after two U.S. contract pilots were shot down, rural protests in Colombia hindered manual and aerial eradication efforts, and security challenges also limited manual eradicators working in border areas.¹¹⁰ In late 2013, Ecuador won an out-of-court settlement in a case filed in 2008 before the International Court of Justice in The Hague for the negative effects of spray drift over its border with Colombia.¹¹¹ In negotiations with the FARC, the government and the FARC provisionally agreed in May 2014 that voluntary manual eradication would be prioritized over forced eradication. Aerial eradication remained a viable tool in the government's drug control strategy, according to the agreement, but would be permitted only if voluntary and manual eradication could not be conducted safely.

In 2015, the Santos Administration announced early in the year it had decided to terminate the controversial practice of aerial eradication of coca plants with glyphosate and noted the quickening pace of the peace talks with the FARC. In October 2015, the government ended the spraying operations and began to implement a new approach for reducing illicit drug production. A month earlier, the Colombian government had released a new counternarcotics strategy

(...continued)

Committees on Appropriations that the herbicides do not pose unreasonable risks or adverse effects to humans, including pregnant women and children, or the environment, including endemic species [... and ...] any complaints of harm to health or licit crops caused by such aerial spraying shall be thoroughly investigated and evaluated, and fair compensation paid in a timely manner for meritorious claims."

¹⁰⁷ Another 387 have been injured according to press reports. See Adam Isacson, "Time to Abandon Coca Fumigation in Colombia," Washington Office on Latin America (WOLA), October 7, 2013, at http://www.wola.org/commentary/time_to_abandon_coca_fumigation_in_colombia.

¹⁰⁸ Research has focused on a number of issues including the limited effectiveness of aerial spraying in the face of mitigation efforts by coca crop farmers; its effects on exacerbating displacement; and its limited impact on cocaine price.

¹⁰⁹ U.S. Department of State, *International Narcotics Control Strategy Report* (INCSR), Vol. 1, March 2013. For a discussion of eradication as a drug policy tool see CRS Report RL34543, *International Drug Control Policy: Background and U.S. Responses*, by Liana W. Rosen.

¹¹⁰ Chris Kraul, "Anti-coca Spraying Halted in Colombia after 2 U.S. Pilots Shot Down," *Los Angeles Times*, December 16, 2013; U.S. Department of State, *2014 INCSR*, Vol. 1, March 2014. State Department officials confirmed that the spray program suspension in the fall of 2013 was temporary, but that a restart would only take place after an accident investigation was completed. (CRS communication with State Department, February 11, 2014).

¹¹¹ Ecuador received \$15 million in compensation from Colombia for alleged health and environmental harms, and the formal imposition of a ban on spraying in the 10 kilometer zone up to the border with Ecuador. "Ecuador Wins Favorable Settlement from Colombia, Terminates Aerial Spraying Case in International Court of Justice," *Business Wire*, September 19, 2013; Pablo Jaramillo Viteri and Chris Kraul, "Colombia to Pay Ecuador \$15 Million to Settle Coca Herbicide Suit," *Los Angeles Times*, September 16, 2013.

intended to reduce the cultivation of coca crops and improve the lives of poor farmers who have cultivated the illicit crops in the marginal regions of the country either under FARC control or dominated by other illegal groups. The State Department in its 2015 *International Narcotics Control Strategy Report* (INCSR) notes that illicit cultivation is continuing or increasing in areas long off-limits to aerial spraying including national parks, a buffer zone with Ecuador where aerial eradication has been restricted, and in indigenous or protected Afro-Colombian territories.

While few believe a peace agreement will be the end of drug production and trafficking in Colombia, there is some optimism that FARC traffickers (often estimated to control about 60% of Colombia's cocaine output) will decline in number in post-conflict Colombia. While generally robust and successful, the partnership between Colombia and the United States in counternarcotics efforts nevertheless has at times been limited by corruption among officials in the Colombian military and police, sometimes in collaboration with criminal groups, such as the Bacrim, who began to proliferate a decade ago following the demobilization of Colombia's paramilitaries. U.S. and Colombian officials cite a U.S.-funded effort to enable the Colombian police and military to "export" their expertise in combating drug-related crime and terrorism while promoting the rule of law has been a noted success.

Colombian interdiction practices are deemed some of the most effective in the world. The Colombian government reported seizing more than 207 metric tons (MT) of cocaine base in 2014. The Colombian government also seized 301 MT of marijuana and nearly 350 kilograms (kg) of heroin. The Colombian security forces destroyed nearly 2,150 cocaine base laboratories and some 214 cocaine hydrochloride (HCl) laboratories. In addition, in cooperation with the U.S. Coast Guard, the Colombian government seized one submersible and two semi-submersible vessels for transporting drugs. According to the 2015 INCSR, Colombia has committed itself to making the interdiction of drugs a key national priority.

Alternative Development

USAID funds and runs alternative development programs in Colombia to assist communities' transition from a dependency on illicit crops to licit employment and livelihoods. Alternative development was once focused narrowly on crop substitution and assistance with infrastructure and marketing. Since the Colombian government's shift to a consolidation strategy, USAID has supported "consolidation and livelihoods" programming in 40 of the 58 strategically located, conflict-affected municipalities targeted by the government's National Consolidation Plan (now PNCRT). In 2013, USAID reported it had established 1,200 activities that were either "rapid impact" or sustainable rural development in focus. (Rapid response activities are supported in areas recently brought under military control to signal the arrival and commitment of the state, such as establishing schools, health clinics, sports facilities, and tertiary roads.)

USAID assistance to the consolidation municipalities is in four areas: government institution strengthening, economic development, civil society, and reduction in coca cultivation. For example, municipalities are provided planning resources to win public and private funding for municipal infrastructure projects. (USAID estimates the public works projects spawned by this support will serve 249,000 people living in the underserved municipalities.) Under economic development, USAID funds initiatives that assist farmers and others shift from coca growing to licit economic opportunities. These activities strengthen small farmer producer organizations, improve their productivity, and connect them to markets. USAID also promotes broadening access to financial services. Under civil society activities, in 2013 USAID initiated 110 rapid response infrastructure projects valued at \$48 million to help rebuild conflict-torn communities. In all, the civil society strengthening activities serve an estimated 160,000 people. These activities

work in tandem with eradication measures. Between 2010 and 2012, consolidation municipalities experienced a 25% decrease in coca cultivation compared to 23% nationally.¹¹²

Human Rights Conditions on U.S. Assistance

Some Members of Congress have been deeply concerned about human rights violations in Colombia, and especially by any recipients or potential recipients of U.S. assistance. In Colombia's multi-sided, 50-year conflict, there have been serious violations by all sides: the FARC and ELN, the paramilitaries and their successors, and by Colombia's security forces. Colombians have endured generations of noncombatant killings, massacres, kidnappings, forced displacements, forced disappearances, land mine casualties, and acts of violence that violate international humanitarian law. The extent of the crimes and their prosecution have overwhelmed the Colombian judiciary which some describe as "inefficient" and overburdened. The United Nations and many human rights groups maintain that while some prosecutions have gone forward, most remain unresolved and the backlog of cases has been reduced slowly. Besides the problem of impunity for such serious crimes, continued violations remain a problem.

Since 2002, Congress has required in the annual foreign operations appropriations legislation that the Secretary of State certify annually to Congress that the Colombian military are severing ties to paramilitaries, that the government is investigating complaints of human rights abuses, and meeting other human rights statutory criteria. (The certification criteria have evolved over time.¹¹³) For several years, the human rights certification was required before 30% of funds to the Colombian military could be released. In the FY2014 appropriations legislation, the requirement is that 25% of funding under the Foreign Military Financing (FMF) program be held back pending certification by the Secretary of State. Some human rights groups have criticized the regular certification of Colombia, and maintain that evidence they have presented to the State Department has contradicted U.S. findings. However, even some critics have acknowledged the human rights conditions on military assistance to Colombia as "a flawed but useful tool" because the certification process requires regular consultation with Colombian and international human rights groups by the U.S. government. Over time, they acknowledge that conditionality can improve human rights compliance.¹¹⁴

Another tool for monitoring human rights compliance by Colombian security forces receiving U.S. assistance are the so-called "Leahy Law" restrictions, which Congress first enacted in the late 1990s prior to the outset of Plan Colombia. First introduced by Senator Patrick Leahy (D-

¹¹² U.S. Agency for International Development (USAID) response to CRS inquiry, July 22, 2014.

¹¹³ For example, the Consolidation Appropriations Act, 2014, (P.L. 113-76) requires the Secretary of State certify that "(1) cases involving members of the Colombian military who have been credibly alleged to have violated human rights, or to have aided, abetted, or benefitted from criminal or illegal armed groups are subject only to civilian jurisdiction during investigation and prosecution, and the Colombian military is not opposing civilian jurisdiction in such cases and is cooperating with civilian prosecutors and judicial authorities; (2) the Government of Colombia is upholding its international obligations by investigating, prosecuting, and punishing persons responsible for crimes against humanity, war crimes, and other gross violations of human rights, and is not offering amnesty to such persons, and (3) the Government of Colombia is taking effective steps to dismantle paramilitary successor groups and to protect the rights of human rights defenders, journalists, trade unionists, and other social activists, and protecting the rights and territory of indigenous and Afro-Colombian communities."

¹¹⁴ 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."

VT), these provisions deny U.S. assistance to a foreign country's security forces if the U.S. Secretary of State has credible information that such units have committed "a gross violation of human rights." The provisions apply to security assistance provided by State Department and the Department of Defense and occur in two places: in Section 620M of the Foreign Assistance Act of 1961 (FAA), as amended, and as a regular provision of the DOD's Authorization bill, (most recently in the Consolidated Appropriations Act, 2014 (Division C, Section 8057, P.L. 117-76)). The FAA restrictions apply to State Department's assistance to foreign security forces. The DOD Leahy provisions, which for years applied only to DOD training, were modified in the 2014 appropriations measure to include a broader range of assistance, including equipment.¹¹⁵

Both the State Department and DOD Leahy provisions require the State Department to review and clear—or vet—foreign security forces to determine if any individual or unit is credibly believed to be guilty of a gross human rights violation. Leahy vetting is typically conducted by U.S. embassies and State Department headquarters. Reportedly on an annual basis about 1% of foreign security forces are disqualified from receiving assistance under the Leahy provisions; although many more are affected by administrative issues and are denied assistance until those conditions can be resolved. Tainted security force units that are denied assistance may be remediated or cleared, but the procedures for remediation differ slightly between the DOD and State (or FAA) provisions.

Due to the large amount of security assistance provided to Colombian forces (including the military and police), the State Department reportedly vets more Colombian candidates for assistance than in any other country.¹¹⁶ In the late 1990s, poor human rights conditions in Colombia were a driving concern for developing the Leahy law provisions.¹¹⁷ The U.S. Embassy in Bogotá, with nearly two decades of experience in its vetting operations, has been cited as a source of best practices for other embassies seeking to bring their operations into compliance or enhance their performance. State Department officials have cited Colombia as a model operation that has, over the years, helped Colombia to improve its human rights compliance.

Some human rights organizations are critical of the Leahy vetting process in Colombia, however, and cite the prevalence of extrajudicial executions allegedly committed by Colombian military units as evidence that these restrictions on U.S. assistance failed to remove human rights violators from the Colombian military. A human rights nongovernmental organization, Fellowship of Reconciliation, has published a couple reports alleging an association between "False Positive" killings and Colombian military units vetted to receive U.S. assistance by State Department.¹¹⁸ However, some have questioned the methodology of this group's analyses.

In Colombia, the vetting operations conducted by State Department have disqualified units and denied them U.S. assistance. Despite these measures, some human rights organizations contend that the U.S. government has tolerated abusive behavior by Colombian security forces without taking action or withholding assistance.

¹¹⁵ For more background, see CRS Report R43361, "*Leahy Law*" Human Rights Provisions and Security Assistance: Issue Overview, coordinated by Nina M. Serafino.

¹¹⁶ See "Colombia Case Study" in CRS Report R43361, "*Leahy Law*" Human Rights Provisions and Security Assistance: Issue Overview, coordinated by Nina M. Serafino.

¹¹⁷ The first enactment of the Leahy provisions restricted international narcotics control assistance in an amendment to the 1997 Foreign Operations Appropriations Act (P.L. 104-208).

¹¹⁸ See Fellowship of Reconciliation and U.S. Office on Colombia, *Military Aid and Human Rights: Colombia, U.S. Accountability, and Global Implications*, 2010; Fellowship of Reconciliation and Colombia-Europe-U.S. Human Rights Observatory, *The Rise and Fall of "False Positive" Killings in Colombia: The Role of U.S. Military Assistance, 2000-2010*, May 2014.

U.S.-Colombia Economic Relations

Economic relations between Colombia and the United States have deepened in recent years. The U.S.-Colombia Free Trade Agreement (FTA)¹¹⁹ entered into force in May 2012.¹²⁰ It will eventually eliminate tariffs and other barriers to bilateral trade between Colombia and the United States, its largest trade partner. Since the U.S.-Colombia FTA went into force, the stock of U.S. investment in Colombia has increased, rising from \$7.4 billion in 2012 to \$7.8 billion in 2013, concentrated mostly in mining and manufacturing.¹²¹ Since the agreement has been in effect for less than five years, it may be too early to evaluate the effect of the FTA on U.S.-Colombia trade since it is difficult to isolate the effects of the trade agreement from other variables that affect trade. Both governments, however, contend that the agreement has strengthened bilateral trade and opened up new opportunities.

According to the U.S. Department of Commerce, U.S. exports to Colombia exceeded \$20 billion in 2014 (9.7% higher than 2013), and Colombia was the 19th largest market for U.S. exports.¹²² However, in 2015 (through November), U.S. exports to Colombia fell by more than 16%. Major U.S. exports to Colombia include oil (non-crude oil products including gasoline); machinery, agricultural products, organic chemicals and plastic. U.S. imports from Colombia, declined by 17.5% in 2014 and fell again by more than 22% in 2015.¹²³ Because 65% of U.S. imports from Colombia are crude oil imports, much of the decline in value was caused by sharply declining oil prices. Major U.S. imports include crude oil, gold, coffee, cut flowers, textiles, and bananas. Congressional interest in Colombia now extends far beyond security and combating narcotics and has grown in the area of bilateral trade following implementation of the U.S.-Colombia trade promotion agreement. Broader trade partnerships are also being explored given Colombia's leadership role in the Pacific Alliance.

Outlook

Incumbent President Santos narrowly won reelection in a 2014 runoff after coming in second in the initial field of five candidates. He successfully rallied the electorate to his peace platform, the central theme of his campaign for a second term. Since his inauguration in August 2014, he has organized his administration around the conclusion of a peace deal with the FARC. Some observers see prospects for reaching a peace accord as still distant. The peace negotiations face numerous obstacles, including strong opposition led by former President Uribe (now Senator) and his Democratic Center party. The public remains skeptical about FARC's commitment to the process. Other complexities, even if an accord is signed, include the possibility that the FARC will fragment and be unable to carry out its commitments; the difficulty of gaining agreement by Colombian voters; and the challenges of successful implementation beginning with disarmament, demobilization, and reintegration (DDR) of insurgent combatants, as well as other costly and demanding activities required to carry out the accord.

¹¹⁹ The agreement is officially known as the U.S.-Colombia Trade Promotion Agreement.

¹²⁰ For more background, see CRS Report RL34470, *The U.S.-Colombia Free Trade Agreement: Background and Issues*, by M. Angeles Villarreal.

¹²¹ U.S. Department of Commerce, "U.S. Direct Investment Abroad Tables," *Survey of Current Business*, September 2014.

¹²² This information was obtained from the U.S. Department of Commerce website Export.gov at http://export.gov/colombia/marketresearchoncolombia/countrycommercialguide/eg_co_026630.asp.

¹²³ U.S. trade statistics are from the Department of Commerce, as presented by *Global Trade Atlas*, accessed in January 2016.

Despite public ambivalence, the successful conclusion of a peace accord could yield greater stability, increased economic growth, and a possible reduction in drug trafficking and other crime, as well as benefits in regional security. Many observers assert that a final agreement would be a significant step in reducing terrorist threats and attacks in Latin America. An agreement would also have many costs as identified by President Santos during a visit to Washington, DC, in early February 2016. Not only does Colombia have to contend with the expense of reparations to conflict victims and modernizing and expanding its overwhelmed justice system, Colombia will have to bear the as-yet-undetermined costs of its commitments in a final agreement, ranging from DDR to rural development and land restitution, de-mining to viable crop substitution and alternative development.

The annual level of assistance appropriated by Congress has gradually declined as U.S.-funded programs are nationalized and Colombians increasingly pay for their own security and development. In the event a peace accord is signed and ratified, Congress is likely to consider how the makeup and level of U.S. assistance might change to address Colombia's needs as it transitions to a post-conflict situation. Congress may consider increased support as Colombia faces the challenge of reclaiming governance in areas long held by the guerrillas following demobilization. As close allies, the United States has provided extensive training to Colombia's armed forces helping to professionalize a force that some argue has become one of the most highly trained and effective in the region. Congress might consider how the U.S. government can assist its partners in the Colombian military to reshape their core mission away from combating the insurgency.

Whether the peace talks succeed or not, Congress is likely to continue to closely monitor Colombia's security situation. It will also exercise continued oversight over such issues as drug trafficking and Colombia's effort to combat other illegal armed groups such as Bacrim, the status of human rights protections, and expanding health, economic, environmental, energy, and educational cooperation. The U.S. Congress remains interested in expanding investment and trade opportunities both bilaterally with Colombia and within regional groupings such as the Pacific Alliance. Congress will likely continue to consider Colombia's growing role in providing training and leadership in regional security.

Appendix. Selected Online Human Rights Reporting on Colombia

Organization	Document/Link
Amnesty International	https://www.amnesty.org/en/countries/americas/colombia/
Committee to Protect Journalists	http://cpj.org/americas/colombia/
Human Rights Watch Colombia	http://www.hrw.org/americas/colombia
Latin America Working Group	http://www.lawg.org/our-campaigns/stand-by-colombias-victims-of-violence
Programa Somos Defensores (We Are Defenders Program)	http://www.somosdefensores.org/index.php/en/
United Nations High Commissioner for Refugees (UNHCR)	http://www.unhcr.org/pages/49e492ad6.html
U.S. Department of State, <i>Country Report on Human Rights Practices, 2014</i>	http://www.state.gov/documents/organization/236888.pdf
Washington Office on Latin America (WOLA)	http://www.wola.org/program/colombia

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