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U.S. Military Support for Plan Colombia: Adding Fuel to the Fire

by Andrew Miller*

Introduction

Dating back to former U.S. president George Bush's administration, the United States has provided Colombia with hundreds of millions of dollars in counter-narcotics assistance, given primarily to elite counter-drug units of the Colombian National Police. In 2000, however, the United States precipitously increased its support for Colombia's armed forces by providing massive aid for the military—ostensibly to fight the decades-old "War on Drugs." The factors contributing to this rapid shift from police aid to military aid are numerous: an election year in the United States, the public relations efforts of a savvy Colombian president and his able advisors, fears of growing guerrilla military strength and resulting regional instability, exploding coca cultivation, and Colombia's continued strategic and economic importance to the United States.

Given, however, the Colombian military's current intransigence in improving its own human rights performance and that of allied paramilitary groups, U.S. military aid is the wrong signal at the wrong time. In addition to being wholly ineffectual in achieving its stated objective of reducing drug production in Colombia, this aid is likely to propel an already grave situation into a human rights and humanitarian catastrophe.

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A Brief Overview of the Participants in Colombia's Armed Conflict

The Colombian armed conflict is characterized by a universal disregard for basic concepts of international humanitarian law pertaining to internal conflicts, as defined by Common Article 3 of the 1949 Geneva Conventions and its Additional Protocol II of 1977. For every armed combatant killed as a result of the conflict, at least two unarmed civilians also are killed. Amnesty International believes that roughly 3,500 politically-motivated murders took place in 1999 alone.

The country's armed opposition groups—the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN)—are primarily responsible for these gross infractions of international humanitarian law. According to the internationally-respected Colombian Commission of Jurists (CCJ), these groups collectively were responsible for an estimated 19.6 percent of all political killings carried out in 1999. These groups also have used abductions, selective killings of unarmed civilians, and the forced recruitment of minors to achieve their ends.

In addition to the armed opposition groups, the Colombian armed forces—the army, in particular—have a long history of violating human rights and international humanitarian law in the context of social repression and counter-insurgency operations. Although these violations manifested themselves in the 1970s and into the early 80s in the forms of political detentions and torture, the late 80s and early 90s saw a marked shift

The Controversy Over Plan Colombia

In 1999, Colombian President Andrés Pastrana launched his blueprint for foreign assistance: the U.S.\$7.5 billion "Plan Colombia." In response, U.S. Senator Paul Coverdell (R-GA) sponsored the Alliance with Colombia and the Andean Region (ALIANZA) Act of 1999 (S. 1758). Although time ran out in the 1999 legislative calendar, Congress was quick to return to the issue in early 2000. In the House of Representatives, support for Plan Colombia appeared in the emergency supplemental appropriations bill, H.R. 3908, which was passed in late March and included U.S.\$1.7 billion for Colombia. Senate funds were approved in June as part of the regular appropriations process and appeared in S. 2522. On July 13, 2000, President Bill Clinton signed Public Law 106-246, which included U.S.\$1.319 billion in aid to Colombia and other Andean countries for Fiscal Years (FYs) 2000 and 2001.

toward selective killings, disappearances, and massacres. Over this same period, right-wing irregular forces, the self-styled "peasant self-defense forces" or paramilitary groups, began their rise toward infamy. Following a string of massacres, then-president Virgilio Barco outlawed paramilitary groups in July of 1989 with Decree 1149. These groups, however, continued to operate in the 1990s and have expanded rapidly in recent years.

In order to carry out their "dirty war" counter-insurgency campaigns while trying to improve their international human rights image, the Colombian military forces have effectively acted through their paramilitary allies. One symptom of this phenomenon has been the drop in political killings by the armed forces and the commensurate rise in paramilitary massacres. Though emphatically denied by the Colombian State, Amnesty International, Human Rights Watch, the United Nations, and scores of Colombian human rights non-governmental organizations have overwhelmingly documented the strong links between the armed forces and paramilitary groups. Public pronouncements aside, there have been few concrete demonstrations of the political will to dismantle paramilitary groups. The Colombian government offers statistics about incarcerated paramilitary members to prove its efforts at controlling these groups, but have little in the way of specific evidence. Many known paramilitary leaders—the intellectual authors of hundreds of killings—such as Carlos Castaño, Ramón Isaza, and Julian Duque, operate openly and without effective prosecution.

The on-going links between the paramilitary and the government armed forces appear evident in dozens, if not hundreds, of cases each year. One notorious example is the case of *El Salado*, located near the Caribbean coast in the department of Bolívar. From February 18-20, 2000, approximately 300 paramilitary members massacred at least 46 unarmed townspeople. Those persons killed include a six-year-old girl and an elderly woman, as reported in the Data Bank of Human Rights and Political Violence, a joint project of two respected Colombian human rights NGOs. Over the course of the three days, the regional military ignored pleas by the

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townspeople to intervene and instead, set up a roadblock and prevented humanitarian workers from entering the area, effectively assisting the paramilitary activity. Yet Admiral William Porra, second-in-command of the Colombian Navy, continues to claim that the deaths were a result of combat.

United States Support for Plan Colombia

In the last ten years, the United States has been funding the Colombian security forces as part of the U.S. "War on Drugs." Levels of official funding, however, have varied greatly. In the early 1990s, security assistance began to significantly diminish. This decrease was due to the Congressional "de-certification" of then-president Ernesto Samper's administration for non-cooperation in the anti-drug effort. Congressional concern for the Colombian military's abysmal human rights record also played a role in the decline of aid. Starting in 1996, however, figures for aid to the Colombian security forces began to rise. The United States sidestepped the issue of the military's human rights record by giving the counter-narcotics aid to the Colombian National Police instead, which was lead by General Rosso José Serrano. Both Colombia and the United States viewed General Serrano as a hero for his successes in firing thousands of corrupt police officers and for dismantling the Cali Cartel, the infamous cocaine cartel in Colombia, which, according to CNN, was once the world's largest cocaine supplier, generating U.S.\$8 billion per year in cocaine sales.

In 1999, Colombian President Andrés Pastrana launched a new blueprint for attracting massive foreign assistance: the U.S.\$7.5 billion "Plan Colombia." The Plan is said to address five different areas of need: support for Colombia's peace process, fighting drugs, economic relief, strengthening the judicial structure and human rights, and social development of the country. Pastrana's plan called for U.S. assistance in counter-narcotics and, consequently, military hardware and training.

On July 13, 2000, President Bill Clinton signed Public Law 106-246, which included U.S.\$1.319 billion in aid to Colombia and other Andean countries for FYs 2000 and 2001. Of the total U.S.\$1.319 billion in emergency counter-narcotics aid, \$860 million is destined for Colombia. This sum is divided into a number of categories: military assistance (\$519.2 million), police assistance (\$123.1 million), alternative development (\$68.5 million), human rights (\$51 million), law enforcement and rule of law (\$45 million), aid to the internally displaced

The Colombian government should carry out all human rights investigations and trials under civilian jurisdiction, with the full cooperation of the security forces.

(\$37.5 million), judicial reform (\$13 million), and peace (\$3 million).

Public Law 106-246 states, however, that the United States will not begin to distribute this aid until the U.S. State Department certifies that the Colombian government has complied with the following human rights conditions: the Colombian president must direct in writing that Colombian armed forces personnel credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups will be brought to justice in civilian courts (Section 3201(1)(A)(i)); the Commander General of the armed forces must promptly suspend from duty any personnel credibly alleged to have committed gross violations of human rights or to have aided or



A U.S. journalist interviews Colonel Díaz, head of the Colombian Army's 24th Brigade.

abetted paramilitary groups (Section 3201(a)(1)(A)(ii)); the Colombian armed forces must comply fully with (A)(i) and (ii) (Section 3201(a)(1)(A)(iii)); the Colombian armed forces must cooperate fully with civilian authorities in any such investigations, prosecutions, and punishments (Section 3201(a)(1)(B)); the Government of Colombia must vigorously prosecute, in civilian courts, paramilitary group members as well as any Colombian armed forces personnel who aid or abet paramilitary groups (Section 3201(a)(1)(C)); and the Colombian Armed Forces must develop and deploy a Judge Advocate General Corps to investigate armed forces personnel for misconduct (Section 3201(a)(1)(E)).

Although Public Law 106-246 conditioned U.S. aid to Colombia on Colombia's obligation to meet key human rights conditions, the law also included a presidential waiver that the U.S. President could invoke on the vague grounds of national security, such as preserving democracy in Colombia, promoting US interests in economic reform, and protecting US citizens and hemispheric stability. From August 17-18, the U.S. State Department hosted an NGO consultation in Bogotá and in Washington, D.C. to solicit outside input on Colombia's human rights performance. In a joint document, Amnesty International, Human Rights Watch, and the Washington Office on Latin America presented a detailed analysis of the conditions and concluded that the United states should not certify these conditions because they have not been met.

On August 22, 2000, President Clinton certified that Colombia had complied with one condition (Section 3201(1)(A)(i)). Human rights organizations, like Human Rights Watch and Amnesty International, however, reject the President's certification of this provision. Furthermore, also at the protest of human rights organizations, President Clinton waived the remaining conditions set forth in the legislation, claiming that the Colombians did not have sufficient time to make the requisite progress. On August 23, 2000, President Clinton justified this waiver by stating that "[the United States] has protected [its] fundamental interest in human rights and enabled the Plan Colombia to have a chance to succeed, which I think is very, very important for the long-term stability of democracy and human rights in Colombia and for protecting the American people and the Colombian people from drug traffic." This certification process covered funds allocated in FY2000 and will be repeated later this year before FY2001 funds can be sent. It is likely that President Clinton will again waive most of the conditions, as they will not have been met.

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By waiving the human rights conditions of Public Law 106-246, and allowing for the flow of military assistance into Colombia, the United States sends the message that human rights considerations are not a priority and that the Colombian government need only make a superficial effort to address these issues in order to secure future aid. The Colombian authorities, both civilian and military, have mastered the art of such superficial efforts. They have established what is perhaps the most extensive human rights bureaucracy in the world. They have passed extensive human rights legislation, including recent approval of the long-awaited Forced Disappearance Law of 2000 (*Ley 589 de 2000, Ley de Desaparición Forzada*). They have even fired several generals implicated in working with paramilitary groups to commit human rights violations. These efforts, however, have not amounted to much because the Colombian authorities have demonstrated an aversion to implementing concrete measures necessary to end impunity, despite regular recommendations to do so by such bodies as the United Nations and the Inter-American Commission for Human Rights.

Recommendations for Improving Human Rights in Colombia

How the Colombian State should go about improving human rights is an unambiguous and well-understood process. The following are some specific examples of what Colombia could do to demonstrate it has the political will to improve its human rights situation. First, the Colombian government should hold high-ranking (Colonel and General levels) Colombian military officers, paramilitaries, and armed opposition leaders accountable by immediately suspending them after credible allegations of their involvement in human rights violations or collaboration with paramilitary organizations, subjecting them to a full and impartial investigation by civilian authorities, promptly and transparently trying them in civilian courts, and sentencing them commensurate with the severity of their crimes. Second, the Colombian government should dismantle known paramilitary bases, such as Finca “Villa Sandra,” located three kilome-

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ters outside of Puerto Asís, Putumayo. Third, the Colombian government should carry out all human rights investigations and trials under civilian jurisdiction, with the full cooperation of the security forces. Fourth, the Colombian government could protect human rights defenders and others at risk by ending impunity for human rights violations.

U.S. aid to the Colombian military will only contribute to the drug trafficking in Colombia because this aid will trickle down to the paramilitaries, who are heavily involved in the drug trade. The paramilitaries have continued to target coca growing regions, such as the Serranía de San Lucas in the southern part of the Bolívar department, the La Gabarra region of North Santander department, and the Putumayo department—the



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September 2000 protest against Plan Colombia.

epicenter of the U.S. military aid’s effort—in their territorial expansion over the last several years. These offensives have served the dual role of weakening the guerrillas both militarily and politically, while shifting control of coca profits from the guerrillas to the paramilitaries. It is easy to imagine a Plan Colombia-facilitated diminution of guerrilla control of these coca regions, with the simple result of a strengthened paramilitary control of the coca, therefore not solving the drug problem. Essentially, this would represent the worst of both worlds: maintaining the drug production while strengthening the paramilitaries, who will continue to carry out widespread human rights violations with the impunity that they have always enjoyed.

Conclusion

The Colombian and United States governments have publicly recognized the fundamental role that respect for human rights must play in solving the Colombian crisis. For too long, however, they have disregarded human rights in practice for the exigencies of fighting the civil conflict and narrow political and economic interests. It is time to move beyond those words and turn their expressed commitments into concrete actions. Until real indicators of the political will to make difficult decisions appear, human rights advocates will continue to strongly oppose support to the Colombian armed forces. 🌐

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