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Counterpoint: Plan Colombia and Human Rights

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COUNTERPOINT

Plan Colombia and Human Rights

by Ambassador Luis Alberto Moreno*

Plan Colombia is a national program to address Colombia's major problems in a highly-coordinated, comprehensive manner. Plan Colombia contains four central components: first, economic recovery, trade, and fiscal issues; second, strengthening of state institutions; third, national security and counter-narcotics; and fourth, the Colombian peace process. Plan Colombia is based upon the realistic assumption that the only way to finally put an end to the difficult human rights situation is to negotiate a final peace agreement with the Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) guerrilla movements and to strengthen the Colombian State. The Colombian State includes the judicial and legislative branches, as well as the Attorney General's and the Prosecutor General's Offices. In order to accomplish this agenda, Colombia must confront the drug trade head-on by destroying the drug-traffickers' infrastructure, thereby disrupting the enormous amounts of money fueling armed illegal group activity in Colombia. This is why Plan Colombia has a military component.

In order to adequately discuss Plan Colombia and the U.S. aid package, one first must understand the situation in Colombia. I have learned that it is very easy to reach the wrong conclusions about Colombia when you lack crucial information.

The first thing I must say is that Colombia is not experiencing a civil war where half the population is fighting the other half. Rather, the situation in Colombia is an internal conflict generated by approximately 30,000 individuals (less than 0.06 percent of the country's population of 39.6 million), consisting of both guerrilla organizations and illegal self-defense groups. These groups are totally alienated from mainstream Colombian society. In all public opinion polls done by private, independent pollsters in Colombia, including several polls done by international institutions, it is very clear that the population of Colombia does not support the guerrillas, or consider them legitimate. Although numbers vary, close to 88 percent of Colombians have a negative opinion of the guerrillas (only 4 percent have a positive opinion). Colombians do not support the illegal self-defense groups either. Furthermore, these groups are well armed, well trained, and most importantly, well financed. The resources for these groups stem from

the fact that they "tax" the illegal drug trafficking industry in remote areas of the country in exchange for protection from government law enforcement.

The country has such a difficult human rights situation precisely because these guerrillas and illegal self-defense groups have demonstrated a flagrant disregard for human rights and international humanitarian law. Neither my government nor the United States government, nor human rights non-governmental organizations (NGOs) dispute that the vast majority of all incidents of human rights violations, as well as violations of international humanitarian law, are attributable to these groups.

Since coming to office in August 1998, President Andrés Pastrana has placed the issue of human rights at the very forefront of his agenda. He has continually stated, in the clearest possible terms, that he will not tolerate human rights abuses. At a Colombian Mayor's Conference in February 2000, President Pastrana stated, "my government and I are fully committed to the defense of human rights. Human rights abuses will not be tolerated, because peace in Colombia is impossible without the full application of international humanitarian law." He has welcomed domestic and international scrutiny of Colombia's human rights policies. For instance, the Office of the United Nations High Commissioner for Human Rights operates

under President Pastrana's permission in Colombia, and her staff works closely with the government of Colombia. Its members, as well as all NGOs that visit the country, have government permission to operate and move freely through any area, and to verify accusations or incidents of human rights abuses. Additionally, the Colombian government regularly cooperates and provides information to human rights organizations. Colombian Vice President Gustavo Bell, who is in charge of human rights issues in the government, meets regularly with representatives of all human rights NGOs that work in Colombia. Representatives of human rights NGOs sit side-by-side with Colombian government officials as members of the Committee for Human Rights Protection, which is part of the Ministry of the Interior.

As one of his first actions in office, President Pastrana appointed General Fernando Tapias, a reform-minded leader

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Point/Counterpoint is an occasional feature of the *Human Rights Brief*. The purpose of Point/Counterpoint is to encourage meaningful, intellectual discussion on contemporary issues in human rights and humanitarian law through the presentation of two diverse, though not necessarily opposing, opinions on the subject at hand. Opinions for Point/Counterpoint are generally solicited by the *Brief*; the Editorial Board, however, welcomes all submissions, comments, and suggestions. Point/Counterpoint does not allow authors to review the opposing opinion prior to publication.

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dedicated to improving the Colombian military's record on human rights, to head the armed forces. Over the last year and a half, the Colombian armed forces, which includes the Colom-

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bian National Police, have made notable, indeed dramatic improvements. In poll after poll across the country, the armed forces are continually cited as the most admired government institution. Complaints against state security forces have decreased by about 80 percent from 1996 to 1998. The state security forces are comprised of the Administrative Department for Security and the armed forces. Today, only three percent of all reported human rights violations in the country are attributed to the armed forces. President Pastrana is determined to do everything he can to eliminate such incidents entirely.

In order to reform and professionalize the armed forces, President Pastrana has taken several steps: he has reformed the Military Penal Code to include provisions that require an independent judge advocate, rather than unit commanders, to judge subordinates; President Pastrana has prohibited the drafting of minors under 18 years old; and he has provided the commander general, who commands the Colombian military, with discretionary power to dismiss servicemen at any time. President Pastrana has also instituted a substantial increase in the instruction, education, and training activities for both commissioned and non-commissioned officers on human rights and international humanitarian law; he has established a National Coordination Center, consisting of the Colombian armed forces and the offices of the Prosecutor General and the Attorney General, to combat self-defense organizations; he signed into law, on July 24, 2000, a new Civil Penal Code in conformity with international humanitarian law; and he signed the Forced Disappearance Law of 2000 (*Ley de Desaparición Forzada*), a measure that criminalized forced displacements, forced disappearances, genocide, and torture. The Forced Disappearance Law also created a Special Commission, composed of several state institutions and human rights NGOs, to locate all victims of forced disappearance in Colombia.

The Colombian State is committed to fighting all criminal activities in Colombia, including the activity of illegal self-defense groups. In fact, in 1999, the number of arrest warrants, detentions, preventative arrests, and accusatory resolutions against illegal self-defense group members equaled 1,135 out of approximately 5,500 members nationwide (20.3 percent of their total ranks).

The armed forces have also contributed to the effort against illegal self-defense groups. Since August 1998, when President Pastrana came to power, 341 members of illegal self-defense groups have been killed in action by Colombian armed forces. By contrast, there were 281 legal measures (arrest warrants, detentions, preventative arrests, and accusatory resolutions) against guerrilla members, out of a total population of 25,795 (less than 1 percent of their total ranks). This statistic shows that, unlike what many NGOs often imply, the Colombian State is not biased against left-leaning criminal organizations when it comes to applying the law. The Colombian State has done its best to bring to justice guerrilla and self-illegal defense groups. The

reality is that Colombia's justice system is often overwhelmed by the volume of criminal activity, and it does its best under the circumstances to punish both the guerrilla and illegal defense groups that have committed crimes against citizens and the government.

The challenges ahead remain enormous. Drug-traffickers are destroying vast tropical forests in the southeastern part of the country, mainly in the departments of Putumayo, Caqueta, and Guaviare. Armed guerrillas and illegal self-defense groups control this territory and tax the huge coca plantations there. There is little or no government presence in such regions because, until recently, the region was a dense, unpopulated jungle. Poor peasants, however, have begun inhabiting this jungle region in an attempt to make a living by cultivating coca. When these communities emerged, the guerrillas and illegal self-defense groups quickly assumed control of the region and started taxing the drug industry in exchange for "protection" from counter-narcotics operations. Furthermore, these regions have no roads, no communications, no health centers, and no schools. Such factors, combined with the general lawlessness of these regions and the fighting between guerrillas and illegal self-defense groups, bring about terrible human rights violations where innocent civilians are the principal victims. As can be seen, Colombia's problems are all interconnected; one problem cannot be resolved without addressing the others.

President Pastrana's response to this situation has been to create Plan Colombia. Plan Colombia is a U.S.\$7.5 billion dollar initiative, 75 percent of which is comprised of institutional strengthening, alternative development, and social safety-net programs, and 25 percent of which is the military, anti-drug component. Of the total cost, Colombian taxpayers will pay for U.S.\$4 billion, and international financial institutions will provide loans for another U.S.\$900 million. The Colombian government is seeking foreign assistance for the remaining U.S.\$2.6 billion. The U.S. Congress recently approved a U.S.\$1.3 billion assistance package for Plan Colombia.

The United States Aid Package

Most of the proposed U.S. assistance to the Colombian military will be given to two new counter-narcotics battalions. These battalions will consist of individuals who the Colombian government and the U.S. State Department, through extensive background checks and polygraph tests, have carefully vetted for past human rights abuses. Members of these units will also receive extensive human rights education and training. Under safeguards already put in place, no U.S. assistance will be given to military units suspected of human rights abuses. Some argue

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that U.S. assistance to Colombia's military will worsen the human rights situation in the country. This assertion is not true. By strengthening the institutions of the Colombian government, U.S. and all other international aid will enhance the protection of human rights in Colombia. This is the most important point I want to emphasize.

Some human rights NGOs and other commentators argue that because there are problems in Colombia, the international community should refrain from helping, or that because three

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percent of all reported human rights violations still are attributed to the armed forces, the U.S. aid package, which provides assistance to the Colombian military, is a bad idea. I believe quite the contrary; it is precisely because there are problems that we need help. Colombia alone cannot defeat a U.S.\$500 billion international drug industry or prevent its terrible effects on Colombia and the whole Andean Region.

Luckily, I am not the only one who thinks so. The Independent Task Force on Colombia (Task Force), a group of experts formed by the Council on Foreign Relations, and the Inter-American Dialogue, co-chaired by Senator Bob Graham of Florida and General Brent Scowcroft, President of the Forum for International Policy and former national security adviser to former president George Bush, released a report on October 12, 2000, entitled "Toward Greater Peace and Security in Colombia: Forging a Constructive U.S. Policy." This report provided recommendations on U.S. policy towards Colombia. After a year of analyzing the situation in Colombia, the Task Force recommended greater U.S. commitment toward Colombia, including expanding U.S. aid to six years (the recently approved U.S. aid package is a two-year initiative). The Task Force also recommended "providing the Colombian [government with the] capability to protect its citizens . . . by professionalizing its military, and expanding aid to all branches of the armed forces." They summarized their conclusions by saying "there are risks to deeper engagement, but these can be held in check. The risks of not engaging are even greater."

Of course, U.S. and all foreign aid to Colombia must and will be supervised by the international community to make sure that the Colombian State is expanded and strengthened, while also making it more transparent and responsible. The U.S. Embassy in Colombia will supervise the implementation and use of all military and non-military aid. Most of the institutional strengthening, alternative development, and judicial reform projects will be implemented by Colombian and foreign NGOs, not the government of Colombia. Each donor country under Plan Colombia can choose the type of projects that it wishes to fund. In this sense, the U.S. aid package is generous—of approximately

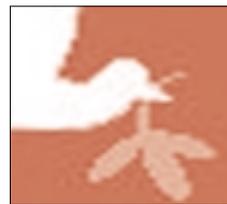
Colombia alone cannot defeat a U.S.\$500 billion international drug industry or prevent its terrible effects on Colombia and the whole Andean Region.

U.S.\$232 million of institution building and alternative development resources, the aid package allocates \$122 million for support of human rights and judicial reform. This includes \$4 million to protect human rights workers with basic measures such as bodyguards, bullet-proof vests, and armed vehicles. It also includes \$7 million for technical assistance and support for civil society organizations working in human rights, including training on how to document human rights violations and monitor individual cases. The aid package also includes \$25 million to establish and train new Colombian law enforcement task forces at the attorney general's office that will specialize in the investigation and prosecution of alleged human rights violations. It is very important that Colombian citizens, the armed forces, and the international community fully trust our judicial system so that all accusations against military servicemen are thoroughly and justly investigated. To this end, \$3.5 million of the

U.S. aid package is specially earmarked for training judges, and another \$2 million for training public defenders.

Regardless of all the negative media attention focused on the U.S. aid package—aimed mostly toward its military component—recent polls show that a vast majority of Colombians support both the U.S. aid package and Plan Colombia. A Gallup Poll published on September 2, 2000, by *El Tiempo*, the largest newspaper in Colombia, shows that 62 percent of Colombians are in favor of the U.S. aid package and only 34 percent are against it. The people of my country know this is our big chance to solve our many inter-related problems. They understand that the Colombian armed forces face many challenges, among them to become a modern and professional fighting force that respects and upholds international humanitarian law and basic human rights. Colombians also understand, however, that this will never happen if we decide not to help them change and simply walk away. As Ambassador of Colombia, I hope the rest of the world understands that too. 🌐

** Ambassador Luis Alberto Moreno is the Colombian Ambassador to the United States, appointed by President Pastrana in 1998.*



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