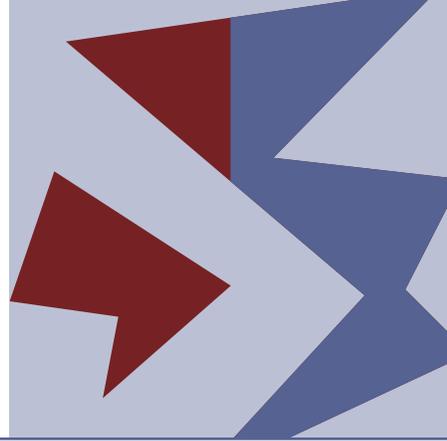


# A Cautionary Tale:

## *Plan Colombia's Lessons for U.S. Policy Toward Mexico and Beyond*



*Working in Washington on U.S. policy towards Colombia since 1998, we have been in ring-side seats observing and participating in debates on the U.S. aid program and policy known as “Plan Colombia.” As we watched another massive multi-year counternarcotics package, the Mérida Initiative for Mexico and Central America, and as we advocated for an approach that protected human rights, we wanted to share some of the lessons we have learned. Although there are some positive lessons, it is mainly a cautionary tale.*

—*Lisa Haugaard and Adam Isacson*

### The Mérida Initiative Launches

In December 2006, Felipe Calderón began his presidency with a virtual declaration of war. As the new President of Mexico, his electoral mandate was weak after having barely won a plurality of the vote, less than a single percentage point over his opponent, Andrés Manuel López Obrador. Seeking to bolster popular support and legitimacy, he seized on a political initiative engineered to take on one of Mexicans' central concerns—violence linked to drug trafficking and the country's deteriorating public security crisis.

More cocaine was transiting through Mexico from Andean source countries to U.S. drug users, and Mexican criminal organizations had taken over the highly lucrative business of transporting the drugs to the United States, supplanting Colombia's weakened

cartels. Violence between these organized crime groups, and their deep infiltration and corruption of government institutions, were approaching emergency levels in several regions of the country.

Drug and organized crime-related violence killed over 2,000 Mexicans in 2006, roughly doubling the annual number of killings attributed to organized crime just 5 years earlier.<sup>1</sup> Opinion polls routinely showed security outranking the economy and corruption among the Mexican people's concerns.<sup>2</sup> The impact of drug and gang violence on people's lives, and the likelihood of being extorted or kidnapped by criminal groups branching out from the drug trade, was growing rapidly.

President Calderón announced that his administration would turn to Mexico's armed forces to fight the country's criminal networks. Mexico's military had been assigned this internal policing role decades ago, but its engagement had never been as far-reaching as what the new president proposed. Recognizing that Mexico's federal, state and local police forces were outgunned and hobbled by their own corruption and lack of professional training, equipment, and capacity to carry out complex operations, Calderón's government deployed what would grow to about 45,000 federal troops, supplemented by federal police, to the streets of cities and the roads of regions hard hit by drug trafficking-related violence. This was a dramatic

*By Lisa Haugaard, Adam Isacson and Jennifer Johnson*

# Lessons from Plan Colombia for U.S. Policy towards Mexico, and Beyond

- 1. Clean your own house.** The United States undermines its own strategy when it fails to invest in prevention and treatment to reduce domestic drug demand—a far more effective and humane strategy than any supply-reduction approach. The United States has also failed to stop the illegal flow of arms into Mexico, act aggressively against money laundering, or pass comprehensive immigration reform. These essential domestic measures require confronting powerful constituencies, but there is no other option.
- 2. Ensure that every element of an aid strategy seeks to strengthen civilian government, curtail impunity, or create opportunity for excluded sectors.** Extending government presence cannot simply mean militarily occupying territory. If government representatives abuse human rights or engage in corruption with impunity, their presence could do more harm than good. Aid strategies must directly benefit the most vulnerable people.
- 3. Know whom you are working with.** Corruption and infiltration by illegal groups or organized crime is a constant threat. But so is a sense that partner nations' elites lack the political will to do the job effectively and with full respect for human rights, or when they fail to make the necessary financial sacrifices. A binational partnership should not be a marriage: maintain critical distance.
- 4. Know whom you are opposing.** Lack of clarity about the adversary can paralyze the response, or can lead to an unbalanced approach that ignores some of the main generators of violence.
- 5. Don't militarize.** The United States should not promote internal roles for militaries, violating the rules that guide it at home and putting human and civil rights in jeopardy. Instead, the United States should support and encourage strategies that strengthen civilian capacities—particularly public security, criminal investigations, and provision of basic services.
- 6. Measure the results that matter.** Don't confuse process goals, like number of hectares of coca sprayed, with actual results, like the harm that illegal drugs do to our societies.
- 7. Know this: With U.S. military aid, human rights abuses may increase.** The right choice is simply: do not fund an abusive military. But if the United States does choose to train and fund a military with a history of abuses, it has an absolute obligation to press for a climate that supports human rights. This includes demanding an end to impunity for military abuses, and urging promotion and incentive policies that reward respect for human rights. It is not just about providing human rights training.
- 8. Strengthening justice is essential, but pay attention to political will.** Pouring resources into the judicial sector is not enough. Programs must be adapted to the specific situation, and accompanied by regular evaluations and benchmarks aimed at reducing impunity. Aid must be paired with tough diplomacy to ensure results.
- 9. Human rights conditions are a flawed but useful tool.** Country-specific conditions tied to security assistance are essential to ensure that the important perspectives of human rights groups are taken into account.

- 10. Even positive human rights and development activities can get subsumed to military goals.** U.S. policymakers must take care to ensure that civilian agencies and programs are not subordinated and undermined by military agencies and priorities.
- 11. U.S. intelligence assistance, even when provided for legitimate purposes, may be used for criminal ends.** Congress must conduct far more vigorous oversight to ensure that intelligence support does not undermine democratic values.
- 12. First and foremost, protect the population.** As the U.S. and partner governments seek to combat drug trafficking cartels or insurgents, protecting the population is often low on their list of objectives. It should be at the top.

expansion of the military deployment through *Operativo Mexico Seguro* (Operation Safe Mexico) initiated by Calderón's predecessor, Vicente Fox.<sup>3</sup>

In Washington, the Bush administration applauded President Calderón's effort. By the end of 2007, the U.S. and Mexican governments had agreed on a \$1.4 billion, three-year package of U.S. aid, three-quarters of it for Mexico's military and police forces. The package was called the "Mérida Initiative," named for the southern Mexican city where the two presidents met in March 2007 to commit to deeper anti-drug cooperation. Due to long-standing sensitivities about sovereignty and distrust of U.S. intervention in Mexico, the Calderón and Bush administrations took pains to present this package not as U.S. meddling in Mexican affairs, but instead an acknowledgment of co-responsibility by the United States and a Mexican-initiated request for intensified cooperation.

Yet at first, the U.S. and Mexican media called the package "Plan Mexico."<sup>4</sup> They were referring to a 2000 aid package to Colombia, a contribution toward an anti-drug strategy known as "Plan Colombia," which provided a framework for \$8 billion in mostly military-police aid to that country over the following decade. Plan Colombia has been controversial because of its mixed results and the severe human rights abuses that Colombia's U.S.-aided security forces committed. With another heavily military package on the way to Mexico, it looked like the Plan Colombia experience was about to repeat itself.

Indeed, both the Calderón and Bush administrations may have had Colombia in mind. The Mexican president was doubtless aware of the results that Colombian President Álvaro Uribe had achieved—on the battlefield and in the polls—with a military offensive he launched against guerrilla groups after his 2002 election. But the Mexican government and civil society groups alike were wary of a name that suggested direct U.S. intervention in Mexican affairs. In Washington, meanwhile, many officials and analysts portrayed Plan Colombia as a "success" to be replicated in U.S. policy toward Mexico.

Nearly four years after the "Mérida Initiative" launched, meaningful improvements in public security have not been achieved. Rather than stemming the violence, the capture or killing of dozens of major organized crime leaders has made violence more generalized. Organized crime groups, their numbers proliferating from approximately six national confederations to twelve today, have taken on the state and each other in a war of all against all.<sup>5</sup> The removal of cartel leaders has caused the groups to fragment, triggering new power struggles that have multiplied the violence.

Since Calderón launched the anti-cartel offensive in December 2006, drug and organized crime-related violence has killed about 40,000 people in Mexico. Organized crime has moved into other illegal activities for profit. Extortion of small and large businesses alike have skyrocketed, pushing many to close doors or, in cities like Ciudad Juárez, to flee. Kidnappings for ransom have exploded. Cartels

have taken control of human trafficking in many border zones and migrant travel routes, kidnapping, extorting and murdering tens of thousands of migrants, many from Central America. Routes leading up to the U.S. border have become notoriously dangerous, and criminal groups now compete for control of cities ever more distant from the border.

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Mexico's National Human Rights Commission received over 4,772 reports of human rights-related complaints committed by members of the military from when Calderón assumed the presidency in December 2006 until March 2011.

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The army, meanwhile, is the subject of an escalating number of reports of human rights abuses. Mexico's National Human Rights Commission (*Comisión Nacional de los Derechos Humanos*, or CNDH) received over 4,772 reports of human rights-related complaints committed by members of the military from when Calderón assumed the presidency in December 2006 until March 2011.<sup>6</sup> These violations—which include arbitrary detention, torture and unlawful killings—reflect an increase of roughly 1000 percent in alleged abuses during the first three years of President Calderón's administration. Moreover, impunity for security force abuses, whether by the army or by the police, is the norm. According to official data, only a single military human rights violation committed during this time period has resulted in a conviction, when a soldier was found guilty of killing a civilian who failed to stop at a military checkpoint and was sentenced in military court to nine months of prison.<sup>7</sup>

By 2011, Calderon's drug-war approach had become unpopular in Mexico, as communities in the northern border region and central Mexico were suffering brutally escalated violence and increased citizen security force abuses without seeing an increase in citizen security. Growing frustration was reflected in opinion polls indicating 49 percent of Mexicans felt that the

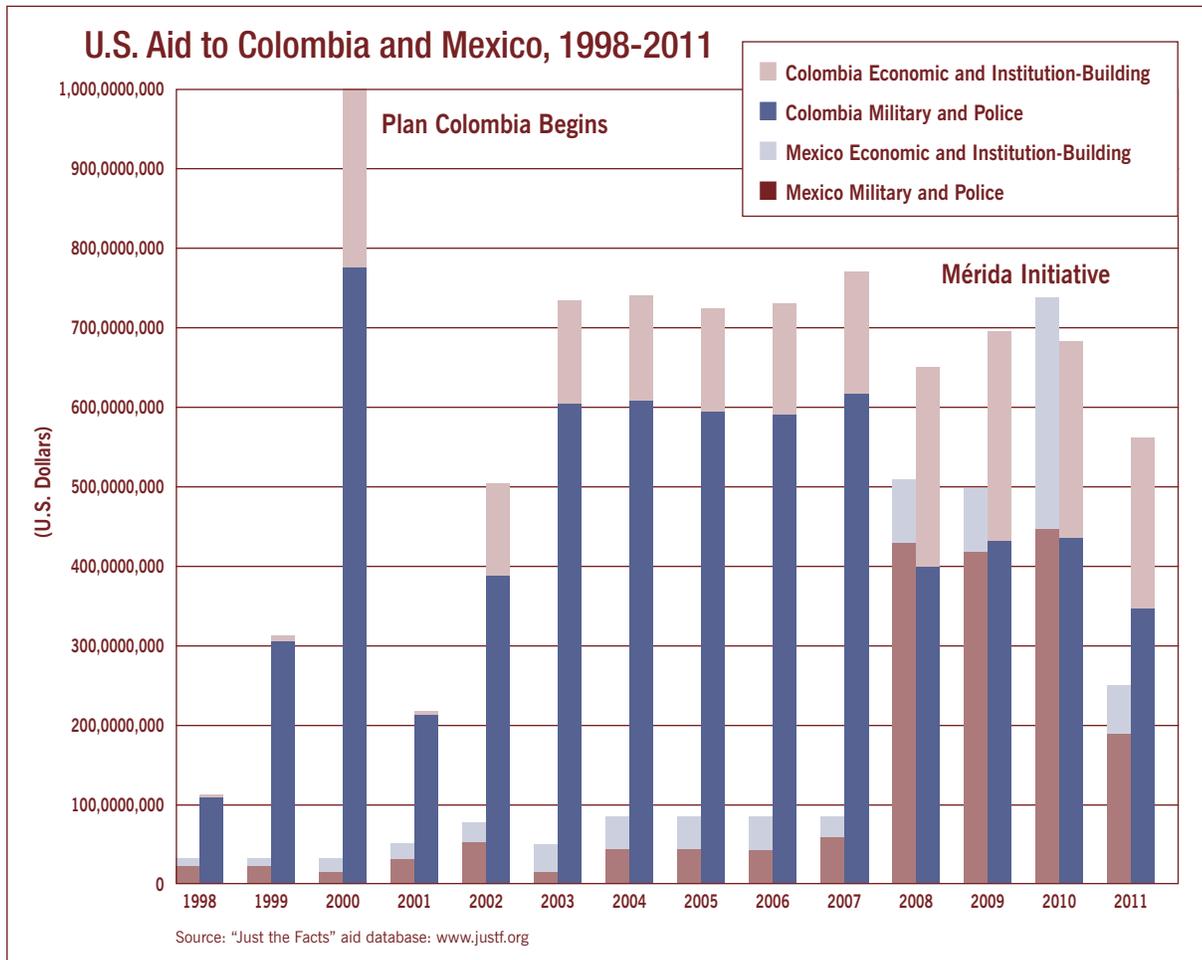
government's efforts against organized crime had been a failure.<sup>8</sup> A series of mass mobilizations in mid-2011 were spurred by the murder of seven young people in Cuernavaca, Morelos, one of whom was the son of acclaimed Mexican poet and author Javier Sicilia. Upon hearing the news that his 24-year-old son had been murdered, Sicilia called for nationwide demonstrations in a stirring open letter to Mexico's "politicians and criminals," declaring that "we will go out into the street: because we do not want one more child, one more son, assassinated."

### Open Letter from Poet Javier Sicilia Upon the Death of his Son

*We have had it up to here with you, politicians... because in your fight for power you have torn apart the fabric of the nation. Because in the middle of this poorly designed, poorly managed, poorly led war that has put the country in a state of emergency, you have been incapable... of creating the consensus that the nation needs to find unity... We have had it up to here because the corruption of the judicial institutions generates the complicity with crime and the impunity to commit it... We have had it up to here because you only have imagination for violence, for weapons, for insults... We have had it up to here because the citizenry has lost confidence in its governors, its police, its army, and is afraid and in pain.*

Sicilia's grief and "cry of indignation" resonated with Mexicans across the country and proved to be a catalyst for unified action.<sup>9</sup> A growing movement of Mexican civil society, ranging from business leaders to intellectuals, youth and women's organizations to religious leaders, called for *No Mas Sangre* (No More Bloodshed). Victims groups, frustrated because their loved ones are too often framed by authorities as mere statistics or collateral damage, or blamed for being involved in drug trafficking themselves, are playing a pivotal role in this movement.

This anger was given an even more public stage when Javier Sicilia and other leaders from the



Movement for Peace with Justice and Dignity (*Movimiento por la Paz con Justicia y Dignidad*) participated in a televised meeting with President Calderón in June 2011. Leaders and victims’ family members shared their personal stories of loss, anger and frustration—and urged the administration to shift its offensive on organized crime away from showy captures and dramatic actions towards a focus on protecting citizens.

### The United States Weighs Its Options

The U.S. government’s concern with the violence in Mexico is growing. It continues to deliver hundreds of millions of dollars’ worth of aid within the Mérida Initiative framework, and despite the U.S. budget crunch it appears that new aid will continue to be approved.

The U.S. government has not settled on one approach in terms of the kinds of aid provided.

After a focus on big-ticket equipment such as helicopters in the initial aid package, FY2010 assistance placed more emphasis on rule of law, including judicial assistance, a shift for which our organizations advocated. But the final FY2011 package cut proposed nonmilitary assistance, shifting the balance back towards the military side of the scale while reducing overall amounts.

Beyond the assistance described in the accompanying chart, there also are intelligence and other kinds of security support that are not easily traceable in foreign aid budgets. The *New York Times* recently reported, “The United States is expanding its role in Mexico’s bloody fight against drug trafficking organizations, sending new C.I.A. operatives and retired military personnel to the country and considering plans to deploy private security contractors in hopes of turning around a multibillion-dollar effort that so far has shown

few results.”<sup>10</sup> The *Times* notes that the U.S. government is sending unmanned drones over Mexican territory to capture video of smuggling routes, and is flying manned planes with eavesdropping capacity. The *Washington Post* reports that “Mexico is at the top of its wish list” for the U.S. military’s Special Operations Joint Command, although “so far the Mexican government, whose constitution limits contact with the U.S. military, is relying on the other federal agencies—the CIA, the Department of Homeland Security, the Drug Enforcement Administration and Immigration and Customs Enforcement—for intelligence collection and other help.”<sup>11</sup>

Some voices in the Washington debate want to ramp up military, police, and even counter-insurgency aid to Mexico. These include congressional Republicans and commentators who are pushing for a U.S. policy that treats Mexico’s criminal groups like “terrorists” or “insurgents.” Others distrust any non-military assistance, arguing that Mexico’s institutions are hopelessly corrupt and dysfunctional, instead advocating more funds for U.S.-side border security efforts. As despair over Mexico’s lack of progress against violence mounts, those who liken its challenges to terrorism or insurgency—and thus favor a counter-terror or counterinsurgency approach—continue to point to Plan Colombia as a model for how to proceed.

U.S. policymakers’ desire for Mexico’s leadership to come together on a coherent, comprehensive strategy is understandable. But the idea of Colombia as an example to follow is troubling. The “success” of the past several years in Colombia is only a partial, and fragile, victory at best—and it has come at an unacceptably high human and institutional cost. Meanwhile the Colombian and Mexican contexts are wildly different. The blueprint and strategy behind the Colombia aid package makes little sense when applied to Mexico.

Plan Colombia does carry a host of lessons for U.S. policy toward Mexico, Central America and other areas of the world. These lessons, though, are not the ones that the “Plan Colombia is a model” crowd might expect to

draw from the Colombia experience. Especially where human rights are concerned, it is mainly a cautionary tale.

## Plan Colombia’s Results

In July 2000, the U.S. Congress approved the Clinton administration’s request for \$1.3 billion in “emergency” aid to Colombia and its neighbors. Of the initial \$860 million for Colombia, three-quarters went to the country’s security forces. Over the next ten years, successive U.S. administrations would provide Colombia with an additional \$6.5 billion, with the same three-quarters going to Colombia’s army, navy, air force and police.

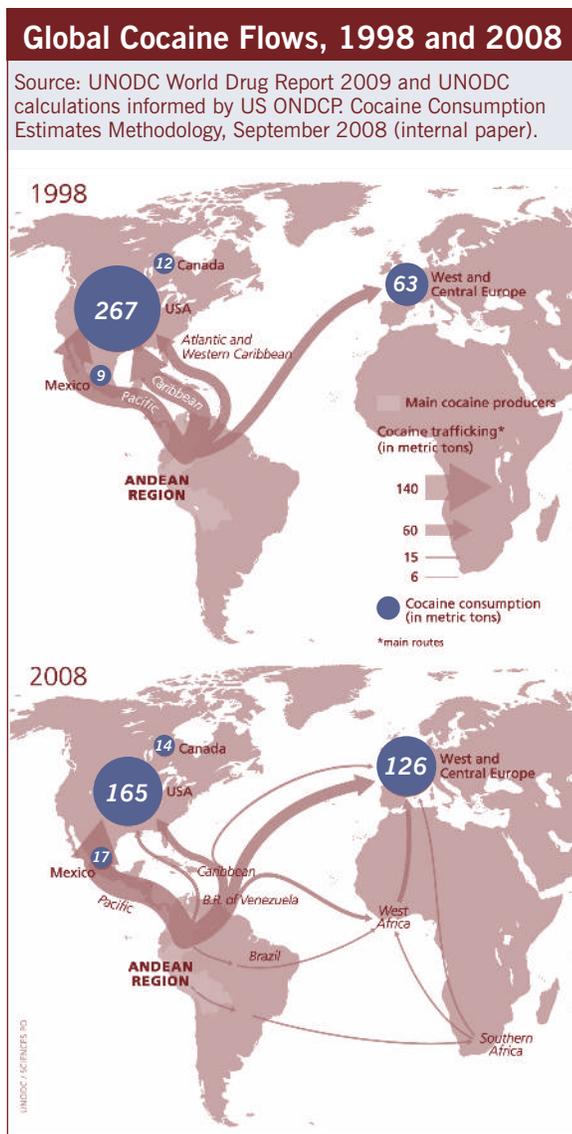
As the Clinton Administration launched U.S. support for Plan Colombia in 2000, Colombia was aflame. The government of President Andrés Pastrana was making no progress in talks with leftist guerrilla groups, whose combined strength exceeded 20,000. They and a similar number of pro-government paramilitary militias massacred, disappeared, displaced, and indiscriminately bombed tens of thousands of Colombian civilians each year, while the military and police stood accused not just of their own murders and tortures, but of widespread collaboration with the brutal, drug-funded paramilitaries. The likelihood of being one of nearly 3,000 yearly kidnap victims had made road travel between major cities impossible, while Colombia produced three-quarters of the world’s supply of cocaine and coca, the plant used to produce it.

By 2002, peace talks with the FARC and ELN guerrillas had fallen apart. Colombians elected a new president, Álvaro Uribe, who promised to take the fight to the guerrillas. His “Democratic Security” policy ratcheted up Colombia’s military budget, with a special tax on the wealthiest, increased the size of the security forces by about two-thirds, and sent them on a nationwide anti-guerrilla offensive. Non-combatants were encouraged to get involved in the conflict by providing intelligence about guerrilla activity in exchange for rewards. Uribe’s government negotiated a deal with the pro-government paramilitaries:

if they agreed to demobilize, most would be amnestied and the worst abusers would have to confess and serve light sentences. President Uribe defended the military from all criticism. In the president's discourse, those who denounced military human rights abuse were sympathizers of the guerrillas—words that put human rights defenders, journalists and opposition politicians in danger.

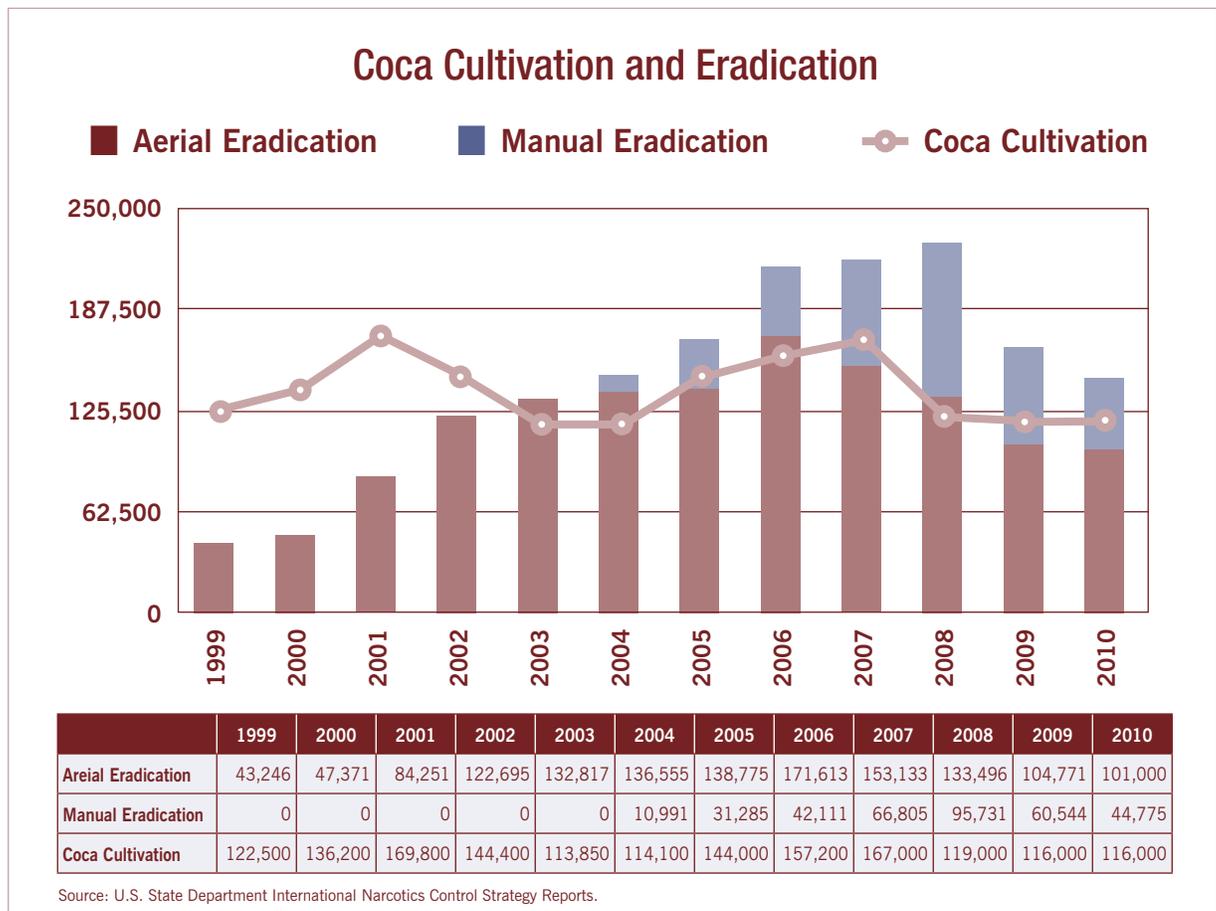
The Bush administration, which was in the process of delivering Plan Colombia aid, was delighted to have a partner who shared its goals. U.S. assistance paid for a massive campaign to eradicate coca by spraying herbicides from aircraft, as well as cocaine interdiction programs, an effort to protect an oil pipeline from guerrilla bombings, the creation of mobile military units, adjustments to Colombian doctrine and strategy, and—by the mid-2000s—accompaniment of large-scale anti-guerrilla military offensives. This aid included the delivery of about 90 helicopters, the spraying of 3.2 million acres of Colombian territory with herbicides, and the training of over 70,000 Colombian military and police personnel.

This massive investment's results on reducing coca production are mixed. Though U.S. and UN estimates differ, both sources show a similar trend: coca and cocaine cultivation have been dropping in Colombia in the last several years, after several years of increases. The most important reductions have occurred since about 2007, however, after the fumigation program—the centerpiece of Plan Colombia at its outset—began to be scaled back in favor of efforts to increase the government's on-the-ground presence in coca-growing zones. Still, Colombia remains the world's number-one producer of coca and cocaine, and Mexican officials say publicly that the flow of cocaine from the Andes has not changed noticeably. While much of their product now ends up quickly in the hands of Mexican cartels, Colombia's drug syndicates, which include “new” paramilitaries and guerrilla fronts as well as narco-criminals, continue exercising economic power, and corrupting the government, in much of the country.



“If you look at Plan Colombia's impact on the total tonnage of drugs that go to the market of international consumers, or the total number of hectares of coca in Colombia, I think that without risk of angering our Colombian friends we can say that Plan Colombia has not had an impact on the mitigation of production or trafficking.”

—Arturo Sarukhan, ambassador of Mexico to the United States, May 2011.<sup>12</sup>



The U.S. and Colombian governments maintain that Plan Colombia has led to a reduction in violence. Comparing the violence now to the levels of the 1990s, it is evident that Colombia's situation has improved in many areas of the country. Kidnappings have been deeply curtailed, and government statistics show that homicides were reduced by a third—though Colombia's murder rate of 34 per 100,000 residents is still nearly double Mexico's. The FARC and ELN have seen their numbers reduced by more than half, and their ability to abuse the population has been reduced as they have been pushed into more remote areas. The paramilitary umbrella organization dominant a decade ago, the United Self-Defense Forces of Colombia (AUC), has disbanded.

But this simple before-and-after comparison is not the full human rights story. First, comparing the 1990s to today leaves out the violence and human rights abuses that took place *during* the U.S.-funded Plan Colombia. From 2000-2004,

paramilitary violence, often with collaboration by the army, spiraled tragically upwards. These were nightmare years for many living in rural areas, with massacres, selected killings, and the high peak of forced disappearances.<sup>13</sup> Between 2000 and 2010, over 3 million people were driven from their homes by violence.<sup>14</sup> Afro-Colombian and indigenous communities were disproportionately affected by displacement and human rights abuses, to devastating effect: Thirty-two indigenous groups are on the verge of extinction, and Afro-Colombian communities make up a disproportionate share of the displaced and the dispossessed. An estimated 12,800 women may have been raped by illegal armed actors, over 1,900 of them raped by members of the army, according to one survey.<sup>15</sup> Under pressure to produce high body counts, soldiers allegedly murdered more than 3,000 civilians, the vast majority between 2004 to 2008.<sup>16</sup> In this “false positives” scandal, soldiers dressed their victims in guerrilla uniforms and claimed them as killed in battle. Institutions

of government were corrupted and democracy undermined as members of Congress, many linked to the governing coalition, colluded with paramilitary leaders. The Uribe administration's presidential intelligence agency spied on and threatened members of the Supreme Court, Constitutional Court, journalists, unions and human rights groups.

Second, some of the security gains may be transitory. While the guerrillas' scope of operations has been reduced, both groups' combined strength is still about 10,000 and they carry out attacks on a daily basis. In 2010, guerrilla actions killed over 450 Colombian military and police personnel, about the same number as 2002. Thousands of former AUC paramilitaries or new fighters have taken up arms again, in a proliferation of "new" paramilitary groups that kill and intimidate any who stand in the way of their narco-trafficking and large-scale theft of agricultural land. There are now five or six major groupings of "new" paramilitaries, totaling 4,000 to 10,000 members.<sup>17</sup> Their increasing activity underlies a leveling-off or reversal in Colombia's drop in violence. Many parts of the country, including major cities like Bogotá, Medellín and Cali, have seen murder rates creeping back up since 2008.<sup>18</sup>

The failure to achieve justice in these cases is one factor allowing violence to spiral anew. The Justice and Peace law governing demobilization of paramilitaries established reduced sentences for paramilitaries who confessed to major crimes, but only four leaders have actually been convicted for mass atrocities, receiving eight-year "alternative" sentences. Nearly thirty of the AUC leaders were extradited to the United States to face drug-trafficking charges,<sup>19</sup> undercutting efforts to have them face some limited justice for mass atrocities. The Colombian government failed to effectively use the demobilization to dismantle the paramilitaries' political and financial support networks. While the Santos Administration that took office in August 2010 has acknowledged the expanding paramilitary successor groups as a problem, it has not yet been able to successfully direct the security forces to devote equal time to confronting these groups and

protecting communities at risk from their violence.

As of 2011, the human rights situation is somewhat improved but still grim. While the "new" paramilitaries' violence is increasing, it is not to the levels of the AUC, and guerrilla capacity to inflict damage to civilians is reduced. Extrajudicial executions allegedly committed by the army have been reduced. The Santos Administration has decidedly turned away from rhetoric that placed human rights activists in danger, and shepherded through Congress a landmark victims' law that promises to provide reparations and land return to victims of all actors in the conflict.

Still, conflict-related violence kills nearly a thousand people each year and displaces hundreds of thousands from their homes, paramilitary successor groups have regrouped and continue to devastate communities, threats and attacks against human rights defenders and community leaders, especially land rights leaders, have escalated, and human rights abuses are still rarely investigated and punished. The civilian justice system's efforts to investigate and punish extrajudicial killings have been slow, often facing fierce resistance from the U.S.-aided military.

## The Contexts

Plan Colombia's mixed results should give pause to any who would view it as a "model" for application in Mexico or Central America. Still, Colombia is the only Latin American country to have significantly reduced violent crime in the past ten years, so the Plan Colombia and Democratic Security recipes may appear tempting to policymakers. The contexts are so different, though, that it would make little sense to prepare the same ingredients in the same way in Mexico or Central America.

Yes, there are some similarities. These countries have some of the world's most unequal distributions of wealth. They suffer from a related phenomenon of chronic impunity: corruption, violence and human rights abuse have rarely been punished when committed

## Policymakers See Plan Colombia as “Model”

*“I see the same kinds of challenges in Afghanistan, and I also see them in Mexico. And there’s a great deal to be learned from the success that has been seen here in Colombia.”*

*—Joint Chiefs Chairman Adm. Mike Mullen, on a June 2010 visit to Colombia.*

*“I know that Plan Colombia was controversial. I was just in Colombia and there were problems and there were mistakes, but it worked. ... And we need to figure out what are the equivalents for Central America, Mexico, and the Caribbean.”*

*—Secretary of State Hillary Clinton, September 8, 2010.*

*“There are lessons that have been learned in Colombia over the past 10 years, some of which can be applied to Mexico. The logic is that Colombia can serve as a trainer and supporter of Mexico and the Mérida Initiative in this regard.”*

*—Assistant Secretary of State for International Narcotics Control William Brownfield, interviewed by the Houston Chronicle in June 2010, when he served as U.S. ambassador in Colombia.*

by the powerful few; this low probability of punishment allowed the drug trade to take root with little initial resistance.

But the contexts’ similarities largely end there. The territorial nature of the violence, and its relationship to the government, are different. Colombia is a democratic state with a weak presence in much of the national territory. Since the mid-1990s—following the demise of the big drug cartels discussed below—its main security challenge has been a mostly rural conflict involving a leftist insurgency and rightwing paramilitary militia network, both funded by drugs and organized as military structures. The conflict is worst in rural territories and urban slums where national and local authorities never bothered to govern, leaving a vacuum that armed groups quickly filled.

By contrast, Mexico is emerging from 70 years of authoritarian rule by a one-party government that, through a combination of repression and co-optation, managed to be strongly present in most of the national territory. This presence was only rarely military: unlike their Colombian counterparts, Mexico’s secretive, aloof armed forces spent most of the 20th century out of the political and social arena, guarding

their institutional prerogatives and, in most territories, interacting infrequently with citizens. Though the civilian state and police were physically present, they tended to be so easily corrupted that organized crime penetrated many institutions, especially along key trafficking corridors like main roads and population centers. As a result, organized crime’s power—and violence—is most keenly felt in areas, like major border cities, where the government is already present. While some parts of rural Mexico are dangerous, particularly trafficking corridors and zones of marijuana cultivation, the geographic coverage, participation and impact of Mexico’s insurgency or paramilitary networks have been far less than those of Colombia’s in recent decades, with a presence notable in only certain regions of central and southern Mexico.

If anything, levels of violence and entrenched corruption in regions of Mexico today bear some resemblance to Colombia long before the Plan Colombia years, during the late 1980s and early 1990s. It is important to remember that “Plan Colombia,” the strategy launched in 2000, was not an anti-cartel effort. By the time Plan Colombia came about, Colombia’s era of big drug cartels was already over. Instead, Plan Colombia in its initial incarnation focused on

eradicating illicit crop cultivation, increasing drug interdiction, and improving the security forces' ability to confront guerrillas.

In the late 1980s and early 1990s, Colombia was experiencing levels of violence nearly as critical as those of the Plan Colombia period a decade later. During this earlier period, the worst of the violence was taking place in populated areas and key trafficking corridors, much like Mexico today.

At the time, guerrillas were viewed as a relatively low-level problem. The Soviet Union was collapsing, leftist guerrilla groups were negotiating peace deals throughout the Americas, and those that remained in Colombia's countryside—the FARC and ELN, which got little money from drugs at the time—were expected to fade away. The most urgent problem on Colombian and U.S. leaders' minds were the big drug cartels, which acted like illegal multinational corporations.

Pablo Escobar's Medellín cartel and the Rodríguez Orejuela brothers' Cali cartel amassed great wealth and power, operating brazenly in zones that appeared to be under the government's control. They did so by corrupting government institutions: the security forces, the judiciary, and local officials. Elite, Bogotá-based police units hunting for fugitive Pablo Escobar went to great lengths to keep "regular" Medellín police at a distance, as they were widely viewed as controlled by the narcos (the police "Search Bloc" hunting Escobar, wrote journalist Mark Bowden in his 2001 book *Killing Pablo*, "didn't dare ask the Medellín police for help, because it was known to be largely on the cartel's payroll").<sup>20</sup> The Calderón government has faced similar challenges in Mexico today, as many state and municipal police units appear to have been thoroughly penetrated (or outgunned and threatened into submission) by the country's big trafficking organizations.

Violence levels steadily rose as the Medellín and Cali cartels fought each other. Then, as the United States prodded Colombia's state to do more to confront them—and especially to extradite their leaders—the cartels began aiming their attacks at the state and civilians.

Escobar's anti-extradition campaign, which included terrorist acts ranging from car bombs to blowing up aircraft to assassinating leading presidential candidates, claimed thousands of civilian lives. As in Mexico today, the government's decision to kick the hornet's nest brought a sharp rise in violence.

By 1995, however, Escobar and most of his top henchmen were dead or in jail, and the Rodríguez Orejuela brothers had been captured. The Medellín and Cali cartels were decapitated and dismantled.

What took the cartels down was not the Plan Colombia model of crop eradication combined with "shock and awe" military offensives. Dozens of helicopters were not needed. All of that came much later. What did the job in the early 1990s was:

- Intelligence work carried out by heavily vetted police units, almost a "police within a police" due to a lack of trust in the larger, corrupted "regular" security forces. Colombia's National Police underwent a major purge later, in the mid-1990s. This improved its reputation and lowered corruption levels, though police corruption at the local level remains a very serious challenge today.
- Units within the justice system, including a prosecutor-general's office (*Fiscalía*) empowered by a new (1991) constitution, played an instrumental role in building cases and unraveling networks.
- Colombia's armed forces, which strongly preferred to focus on the guerrilla war, played only a minimal role, devoting only a small share of their resources to the cartel fight. Unlike Mexico today, Colombia never sent the soldiers into the streets with the same policing powers, or with the goal of supplanting local police.

Of course, as Mexico may yet find, bringing down the cartels proved to be a hollow victory for Colombia. The Medellín and Cali cartels' mid-1990s disappearance registered as little more than a blip on cocaine supplies, prices or purity levels in the U.S. drug market.

U.S. addicts' voracious demand for cocaine persisted, as access to drug treatment remained insufficient at home. The absence of Colombia's state, and its corruption at the local level, persisted as well. As a result, smaller drug-trafficking structures, plus guerrillas and paramilitaries, rushed to fill the vacuum.

Colombia found itself confronting dozens of "baby cartels," small trafficking organizations that, while lacking the fallen cartels' multinational reach, maintained violent control over production or trafficking in specific zones. Today, Mexico may be on the verge of its own "micro-cartel" phenomenon as big criminal syndicates, their top leaders arrested or killed, are fragmenting. Analyst Eduardo Guerrero counted six principal cartels in Mexico in 2007; by 2010, as cartels suffer schisms between mid-level leaders, he found twelve major groups and a host of smaller bands.<sup>21</sup> Journalist Patrick Corcoran calls it "the dominance of a handful of hegemonic groups replaced by a criminal free-for-all."<sup>22</sup>

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The United States is letting Colombia, Mexico and Central America down when it fails to act on drug treatment, arms-trafficking control, and money laundering.

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With the cartels gone, Colombia's violence took on a whole new form as the FARC and the paramilitaries got more deeply involved in the more lucrative parts of the drug trade, production and transshipment. They encouraged coca-growing in the territories they controlled, and gained control of processing laboratories and shipping routes. This quickly brought them a torrent of cash; both the FARC and AUC roughly quadrupled in size during the 1990s. The decades-old conflict escalated sharply, taking violence levels to new heights and spurring the hemisphere's worst humanitarian crisis.

Plan Colombia was developed to take on *that* form of the problem, and as we've seen, it

achieved only mixed results. The strategies that Colombia pursued in its earlier cartel period—specialized police units, intelligence improvements, efforts to increase police and judicial capacities, and a minimal military role—achieved their immediate goal of toppling the big drug organizations, but failed to reduce either drug supplies or levels of violence.

**Instead of a model to be emulated, Colombia—whether in its "Plan Colombia" phase or its earlier anti-cartel phase—is an experience from which to draw lessons.** Often, we would do well to learn from something that was not done, or that had a damaging impact, in Colombia.

Several of these lessons have to do with the overall strategy:

1. Clean your own house.
2. Ensure that every element of an aid strategy seeks to strengthen civilian government, curtail impunity, or create opportunity for excluded sectors.
3. Know whom you are working with.
4. Know whom you are opposing.
5. Don't militarize.
6. Measure the results that matter.

Several more have to do with the strategy's impact on human rights:

7. Know this: With U.S. military aid, human rights abuses may increase.
8. Strengthening justice is essential, but pay attention to political will.
9. Human rights conditions are a flawed but useful tool.
10. Even positive human rights and development activities can get subsumed to military goals.
11. U.S. intelligence assistance, even when provided for legitimate purposes, may be used for criminal ends.
12. First and foremost, protect the population.

The rest of this publication will discuss these lessons.

## Six Lessons for the Overall Strategy

### 1. Clean Your Own House.

The United States' domestic drug demand-reduction efforts were always viewed as peripheral to Plan Colombia. Though an increasing body of studies tells us that access to drug treatment is the most cost-effective way to reduce demand, the Bush administration oversaw a slight reduction in the federal drug-treatment budget during the Plan Colombia years.<sup>23</sup> While policymakers routinely acknowledged the necessity of drug treatment programs, these are administered by an entirely different bureaucracy (Health and Human Services) and funded by entirely different congressional committees. Plan Colombia and drug treatment were never combined as components of a coherent approach. And policymakers have never seriously considered the advantages of moving towards a public health, rather than a criminal justice, approach towards illicit drug users.

As a result, while cocaine use in the United States has declined over the past 20 years as users' preferences have shifted, the United States is still the number-one consuming country. U.S. users consumed approximately 36 percent of the world's supply of cocaine in 2010, according to the UN Office on Drugs and Crime—more than all of West and Central Europe.<sup>24</sup>

America's failure to "clean its house" is perhaps even more evident in the non-response to one of Mexico's chief requests: that the U.S. government do more to control the southbound flow of firearms trafficked from the United States into criminals' hands in Mexico. When President Calderón addressed a joint session of the U.S. Congress in May 2010, he underscored that "there is one issue where Mexico needs your cooperation. And that is stopping the flow of assault weapons and other deadly arms across the border." He urged legislators to renew the federal assault weapons ban that expired in 2004.

U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) data revealed in June 2011 tell us that 70 percent of guns that Mexican

authorities captured at crime scenes in 2009 and 2010 came from the United States, most of them purchased at gun shops and gun shows in border states.<sup>25</sup> The Obama administration finally took a small step forward to address this critical issue, with President Obama announcing in July 2011 a new requirement that obligates firearms dealers in the four southwest border states to report to the ATF if an individual tries to purchase two or more semi-automatic rifles over a five-day period. The outcry from Mexico in response to the controversial ATF gun trafficking sting, Operation Fast and Furious,<sup>26</sup> has drawn attention to not just the staggering number of firearms that flow over the U.S. southwest border, but to loopholes and shortcomings in U.S. policies regarding firearms purchases that have enabled straw purchasers and other gun traffickers in the United States to channel thousands of weapons to organized crime in Mexico. However, the political fallout over the highly flawed Operation Fast and Furious and the NRA's reaction to the Obama Administration's modest step illustrate how difficult it will be to muster the political will in the United States to tackle its contribution to Mexico's devastating gun violence.

The United States also falls short in the effort to stop Mexican traffickers from laundering money. The U.S. Justice Department estimates that Mexican groups manage to bring between \$25 billion and \$40 billion in proceeds from the United States to Mexico every year, an amount similar to Mexico's oil revenues. As much as two-thirds of that may go simply as bulk cash transfers, of which the United States has detected perhaps 3 percent. Though the United States has strong laws like the Bank Secrecy Act and the Patriot Act, enforcement is modest. Money-laundering convictions average no more than 2,000 annually, according to a study by Peter Reuter of the University of Maryland and former U.S. Treasury official Edwin Truman. "Given the suspected scope of the activity," say the authors, "this suggests that money-laundering is not a very risky activity."<sup>27</sup>

The United States is letting Colombia, Mexico and Central America down when it fails to act on drug treatment, arms-trafficking control, and money laundering. Yet U.S. politicians

have shown themselves unwilling to take steps necessary to address these three areas. That is mainly because “cleaning our house” is politically more difficult than sending aid packages.

Increasing access to drug treatment means challenging not only budget hawks opposed to domestic spending, but running afoul of constituents who don’t want treatment centers bringing undesirable addicts to their neighborhoods. Proposing anything that sounds remotely like gun control means taking on the powerful U.S. gun lobby. (Witness the anger of Republican legislators after President Calderón’s 2010 address; “It was inappropriate for President Calderón to lecture Americans on our own state and federal laws,” said Senator John Cornyn (R-Texas). “Moreover, the Second Amendment is not a subject open for diplomatic negotiation, with Mexico or any other nation.”) Finally, increasing money-laundering enforcement will mean taking on the banking sector, another powerful lobby.

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U.S. politicians have avoided these hard choices. Sending helicopters and spray planes is a far easier choice politically, even if the net impact is far smaller. The United States is asking authorities in Colombia, Mexico and elsewhere to take a number of politically difficult, even widely unpopular, steps in the name of fighting drugs and organized crime. We should lead by example and take more politically difficult steps at home.

## 2. Be guided by three goals: strengthening the civilian government, curtailing impunity, and creating opportunity for excluded sectors.

**Strengthening the civilian government** means making sure that, for the first time, none of the

population lives without a government. Stateless areas are not a vacuum: they get occupied by violent groups that menace the population.

The experience of Colombia has made clear that “government” must mean far more than “military or police.” While security is arguably the most basic public good the government can provide, a military occupation cannot create the conditions for economic prosperity or the exercise of basic freedoms. Military occupations of ungoverned areas fail if the rest of the government—teachers, health care workers, road-builders, judges, police—doesn’t arrive quickly.

In its first years, Plan Colombia badly neglected civilian governance. The emphasis was instead on military operations and aerial eradication. Eighty percent of U.S. aid went to those priorities; most of the rest went to hastily arranged, geographically limited crop-substitution programs managed by contractors. Many—likely most—rural inhabitants saw little more than army patrols and spray planes. The coca-growing zones where Plan Colombia began a decade ago, like Guaviare, Putumayo, Caquetá and Nariño, remain as violent and poor as they were then.

In 2004-2006, a large-scale military offensive, with U.S. advice and logistical support, allowed the military to occupy towns throughout a vast region that had been the FARC’s principal stronghold. This offensive, known as “Plan Patriota,” came with no plan to bring in the rest of the civilian government. Military personnel found themselves on their own, playing governance roles for which they had no training. Years later, with a lack of investment leaving the state presence uncertain, this zone is among those in which the FARC remains most active.

During the second half of the decade, some officials began to realize that the civilian governance element was missing. By 2008 the prevailing strategy had shifted toward a concept called “Consolidation.” In several conflictive zones of Colombia, the plan is now for security operations to give way quickly to other, civilian government agencies. Where it has been attempted—and at great cost—

“Consolidation” certainly represents learning over what came before. However, in no zone has the military yet given way to a functioning civilian government. Instead, soldiers are carrying out a host of untraditional, non-combat roles, from paving roads to holding community development meetings.

Bringing in a state presence, meanwhile, can do more harm than good if the government’s representatives can act with impunity. **Curtailing impunity** is vital, and it requires a well-resourced justice system but also political will. Whether they are military or civilian, if officials know they will not be punished for violating human rights, abusing their power, engaging in corruption or working with organized crime, they will be far more likely to do so. Unless it is investigated, tried and punished with swiftness and transparency, abuse or corruption can undermine the entire strategy.

A population that knows no government presence may want to be governed, but a population that sees the security forces colluding with armed groups and criminals may want no part of the state in their territory. That lack of trust is one of the tragic results of Colombia’s unpunished human rights abuses.

**Creating opportunity for excluded sectors of the population** is also vital to the strategy’s success. Smallholding farmers, forcibly displaced people, and unemployed urban youth are unlikely to emerge from poverty through market forces alone. Those with no marketable skills will be ignored by the legal market, but not by the illegal market. It is up to governments to invest in their people, building capacities and encouraging local, small-scale enterprise, to ensure that organized crime no longer appears to be a rational economic choice for so many.

Above all, governments must avoid policy choices that do harm to economically vulnerable populations. Favoring capital-intensive agribusiness, forcibly eradicating coca without alternatives, failing to prevent displacement or help its victims, or neglecting the “*ni-ni*” population (young people who neither study nor hold jobs) can undermine any effort to reduce violence and illegal activity.

A strong state, in more than just the military sense; a justice system that can punish wrongdoing; and an effort to create legal ways to make a living. If an element of the strategy is not supporting these goals, it should be reconsidered. Aerial fumigation, 80-percent-military/police aid packages, downplaying of human rights abuses, and insufficient attention to displaced populations were all hallmarks of Plan Colombia. They did not support these goals, and should have been changed from the start.

The Obama administration’s framework for Mexico aid, based on “four pillars,” appears to recognize the importance of these goals. (These “pillars” are “Disrupt Capacity of Organized Crime to Operate,” “Institutionalize Capacity to Sustain Rule of Law,” “Create a 21st Century Border Structure,” and “Build Strong and Resilient Communities.”) This is a significant shift, especially after the conspicuous emphasis on military hardware during the Mérida initiative’s first years. However, only time—and close citizen and legislative oversight—will tell whether the framework will in fact guide U.S. assistance, or whether the highest profile will be given to strengthening the uniformed part of Mexico’s state. The same concern is paramount for Colombia’s “Consolidation” program.

### 3. Know whom you are working with.

For the United States, achieving these goals requires a close working relationship with the partner country’s government, or at least with key institutions in that government. If that relationship is based on bonds of trust, all the better. But this is not a marriage: it is an arrangement that is meant to be mutually beneficial. A healthy degree of mistrust—or at least, of distance and skeptical support—is needed. The partner government should not be defended if a defense is undeserved.

That of course goes for human rights abuses; as discussed below, the U.S. government’s use of human rights conditions in foreign aid law was far too timid in Colombia. U.S. officials’ uncritical embrace of their Colombian military counterparts led

them to miss completely the “false positives” horror that took place in their midst in the mid-2000s, at least until human rights groups and Colombian media made it impossible for them to ignore.

Corruption, including partner-government officials’ collusion with violent or criminal groups, is another concern about which U.S. policymakers must be more aware lest it undermine the policy. In Colombia, this concern led the United States to fund the creation of special vetted units within, but separate from, the larger security forces. Still, U.S. officials systematically downplayed relations between paramilitary narco-traffickers and Colombia’s military, intelligence, and political agencies.

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U.S. officials must honestly consider their partners’ commitment to strengthening the civilian government, curtailing impunity, and creating opportunity. Are leaders collecting sufficient taxes to fund the violence reduction strategy? Are they taking politically difficult steps necessary to detect and punish human rights abuse and corruption? Do leaders’ actions reflect the urgency of the country’s crisis, or do they appear more concerned with short-term political maneuvering?

Analysts, and occasionally even U.S. officials, express this concern frequently about Mexico today. There exists a perception that many in high government positions lack a sense of urgency, have been infiltrated by corrupt elements, and are unwilling to demand sacrifice in order to deal with the crisis. This sentiment is reflected in numerous U.S. diplomatic cables released through Wikileaks, including a 2010 cable by U.S. Deputy of Chief of Mission in Mexico John Feeley in which he writes:

*Mexican security institutions are often locked in a zero-sum competition in which one agency’s success is viewed as another’s failure, information is closely guarded, and joint operations are all but unheard of. Official corruption is widespread, leading to a compartmentalized siege mentality among “clean” law enforcement leaders and their lieutenants. Prosecution rates for organized crime-related offenses are dismal; two percent of those detained are brought to trial. Only two percent of those arrested in Ciudad Juarez have even been charged with a crime.<sup>28</sup>*

Mexico’s political leaders frequently point to healthy economic growth or portray the violence as confined to a few territories, even as the daily headlines chronicle acts of unspeakable cruelty. Efforts to collect more taxes from the wealthy, or to deepen reforms to the police and justice system, including human rights measures, have been unable to move beyond baby steps; anything significant has stalled in the legislature. (Mexico’s tax collection rates are among the hemisphere’s lowest, similar to those of Guatemala or Honduras as a percentage of the economy.<sup>29</sup>) Many Mexican politicians’ focus has turned to the July 2012 elections, which has greatly reduced the possibility that bold measures might be adopted during Felipe Calderón’s final year.

#### 4. Know whom you are opposing.

Colombia is embroiled in an internal armed conflict against groups “under responsible command, exercise[ing] such control over a part of its territory as to enable them to carry out sustained and concerted military operations,” as laid out in Additional Protocol II of the Geneva Conventions. During the Plan Colombia period, the United States chose to help Colombia’s government fight the leftist FARC and ELN guerrillas.

While the guerrillas’ brutality against civilians has been horrific, the pro-government paramilitaries killed and displaced far greater numbers of civilians during Plan Colombia’s outset. However, the U.S.-supported strategy

put far less emphasis on stopping the paramilitaries, and when President Álvaro Uribe offered them lenient terms for demobilizing, including a process patently unlikely to dismantle their networks, the U.S. government lent support. The “new” paramilitaries that succeeded them have been around for five years, but have only recently begun to gain notice as a security issue for the U.S. and Colombian governments. The country’s urban gangs, though contributing to worsening crime rates in cities, are not at all a U.S. priority.

Regarding Mexico, the lack of clarity about the adversary is so complete that Washington is even debating what to call it. The word “cartel,” a frequent bit of shorthand, doesn’t really fit, as it implies cooperation to control a single economic activity, nor does “drug trafficking organization” as many of these organized crime groups have expanded their operations beyond drugs. The U.S. and Mexican governments seem to be settling on Transnational Criminal Organizations (TCOs).

Some members of Congress, like House Homeland Security Oversight Subcommittee Chairman Michael McCaul (R-Texas), want the groups classified as terrorists and added to the State Department’s list of foreign terrorist organizations alongside Colombia’s FARC, ELN and AUC. Secretary of State Hillary Clinton and Army Undersecretary Gen. Joseph Westphal have angered Mexico by publicly musing that the groups resemble an “insurgency.”

The TCO-insurgent-cartel-terrorist distinction may seem like semantics, but the difference is important. Deciding what they are determines how to confront them—as a law enforcement issue, as a military issue, as a socioeconomic or state-building issue, through a peace negotiation, or a combination of the above. TCOs are best confronted by using civilian intelligence, detective work, community policing and the justice system to dismantle their networks. This means going after upper- and mid-level figures while increasing the state’s presence (increasingly civilian, without impunity) to protect populations, create economic opportunity and make territory inhospitable for TCO operations.

## 5. Don’t militarize the response.

When a security crisis overwhelms police capacities, leaders often turn instinctively to the military to support or even supplant the regular civilian order-keeping forces. The militarization of anti-crime efforts has been a hallmark of unsuccessful “iron-fist” strategies in Central America, but has also taken place nearly everywhere in the region, from Colombia to Venezuela to the *favelas* of Rio de Janeiro to, of course, Mexico even before Felipe Calderón escalated the armed forces’ involvement.

In conflict-ridden Colombia, the line between military and civilian security responsibilities has been blurred for decades. The armed forces and the police are both located in the Defense Ministry. Police are deployed in conflictive zones and often find themselves in combat. Though they lack judicial police powers, Colombia’s army, navy and air force interdict drugs, pursue traffickers, perform wiretaps, searches and seizures, and back up the police in dangerous neighborhoods.

Though the United States supported Colombia’s armed forces during the cold war, Plan Colombia was the first time Colombia’s military got significant aid from U.S. counter-drug accounts. In the early 1990s, the country’s armed forces were reluctant to get involved in the fight against the Medellín and Cali cartels, arguing that the risk of corruption was too great and that their main mission was to fight guerrillas. “In 1992,” notes Robin Kirk, “the Colombian military had flatly rejected a U.S. offer of \$2.8 million to set up army counterdrug units.”<sup>30</sup> By the end of the 1990s, however, the United States had overcome the Colombian military’s resistance to this internal role; a December 1998 agreement paved the way for the creation of the first Colombian Army Counter-Narcotics Battalion.

Encouraging the military to take on policing roles is hugely problematic. First, it is not what the military is trained for: there is a large difference between defeating an enemy with overwhelming violence and serving a population with minimal force. This increases the likelihood of abuse. Second, most military units are not designed to have the investigative capacity to

build criminal cases, to work with the justice system, or to untangle and dismantle complex networks of criminal support and activity. Third, even if they are assigned such roles, soldiers will run into the same frustrations as police if suspects and witnesses are turned over to a badly dysfunctional justice system. Fourth, the effect on civil-military relations can be toxic: once the armed forces are given a role that places them amid the population, civilian leaders may find it hard to get them to give up that role and return to the barracks.

The argument that police capacities are overwhelmed is compelling. But Colombia's thoroughly blurred police and military institutional roles will pose a serious institutional challenge if the country ever moves into a "post-conflict" phase. To stave off this outcome, Mexico needs to devote even more resources to get the civilian security sector up to capacity quickly, so that the soldiers can stand down. Mexico claims to have a plan to do this, but efforts to reorganize and professionalize the police, improve coordination, and combat corruption have made limited progress, and advances have been even more halting for state and municipal forces. Instead, former military officers have been given command of key federal, state and municipal police units and the army sent in to take over control of some municipal police departments.

## 6. Measure the Results that Matter.

In Colombia, U.S. officials repeatedly confused the achievement of "process goals" with actual results. They soon found, though, that there is a great difference between meeting an eradication target and actually affecting drug supplies, or racking up a high body count and actually bringing a functioning state into ungoverned territories.

If the goal is to strengthen the state, curtail impunity and create opportunity, the usual list of achievements tells us little. Body counts, hectares sprayed, tons interdicted, even numbers of high-ranking crime figures arrested are not the measures that matter most. Even murder rates can be deceptive: the experience of Medellín's 2004-2008 public order "miracle"

showed that a drop in homicides might owe in part to a temporary, fragile arrangement between criminal groups.

Better measures of "success" would include public perceptions of whether the government is seen as effective and contributing to a community's well-being, as measured by polling at all levels of society, and the degree of civil-society participation in governance efforts. Rates of impunity (ratio of crimes committed to verdicts and sentences) tell us much more about anti-crime efforts than arrest statistics or numbers of courts constructed or prosecutors trained, as do subsets like impunity rates for official corruption cases or human rights cases. The youth unemployment rate can tell us a great deal about criminal groups' ability to recruit.

Where drug policy is concerned, estimates of price and purity of drugs sold on U.S. streets tell us approximately whether supplies are being affected, although it is hard to tell whether an apparent trend is short-term "noise" or a longer-term "signal." Another, perhaps more important, set of indicators are changes in the "harms" caused by use of drugs, such as the size of the addict population or trends in drug-related crime and health emergencies.

## Six Lessons for Human Rights

### 7. Know this: With U.S. military aid, human rights abuses may increase.

At the start of Plan Colombia, U.S.-based human rights groups cautioned U.S. policymakers that U.S. military aid and training would escalate human rights abuses. From the State Department's human rights and Western Hemisphere bureaus, Clinton administration appointees, the U.S. military Southern Command and many congressional offices, we were met with one answer. Don't worry, U.S. training will include a strong human rights component, and you'll see, the human rights performance of the Colombian military will improve with U.S. aid and training. We were presented with examples of human rights curricula, train-the-human-rights-trainer programs, and laminated cards with human

rights rules on them, which every Colombian soldier was to carry.

And yet at least during 2004-2008, after years of massive U.S. investment in and training of Colombia's armed forces, accompanied by unprecedented levels of human rights training, deliberate killings of civilians by the Colombian Army escalated dramatically.<sup>31</sup>

### **What went wrong?**

Starting in 2004, Colombian human rights groups began to blow the whistle, at first without much impact, on a pattern of deliberate killings by the army. These extrajudicial executions, which became known as “false positives,” typically involved groups of soldiers detaining a civilian who is seen by witnesses, and who later turns up dead, dressed in guerrilla clothing and claimed by the army as killed in combat. In October 2008, the Colombian government was forced to acknowledge this growing practice when the Soacha killings were exposed. Paramilitary or criminal gangs lured poor young men from Soacha, on the outskirts of Bogotá, with the promise of jobs, and then delivered them to distant parts of the country where they were found dead, dressed as guerrillas or paramilitaries and claimed by the army as killed in combat. In a June 2009 mission to Colombia, the UN Special Rapporteur on extrajudicial executions determined that “I have found no evidence to suggest that these killings were carried out as a matter of official Government policy... On the other hand, the explanation favored by many in Government—that the killings were carried out on a small scale by a few bad apples—is equally unsustainable. 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.”<sup>32</sup>

Two major factors contributed to these killings. The first was a system of incentives that was leading army officials and soldiers to carry out these crimes. Soldiers were under pressure, coming from the very top—the President, defense minister and military brass, and, to be

honest, U.S. political and military leaders—to show results in the war. They were offered incentives such as cash bonuses, vacations and promotions for body counts. The second factor was that these crimes remained in impunity. The vast majority of abuses, even when reported, went to military courts, where cases were routinely dismissed.<sup>33</sup>

Military units receiving U.S. aid and training committed numerous extrajudicial executions (although units that did not receive substantial U.S. aid were also implicated). A detailed study of extrajudicial executions in Colombia during this period reveals geographic areas where brigades received substantial U.S. aid coincided with areas that saw high numbers of extrajudicial executions.<sup>34</sup>

Human rights training for soldiers may make a valuable contribution to creating a culture of respect for human rights. The lesson from the Colombia experience, however, is that no amount of standardized human rights training can prevent violations from occurring if the overall climate fosters abuse. Elements of such a climate include incentives and promotions that generate abuses, military and civilian leadership whose discourse projects a disregard for human rights, and systematic lack of accountability for human rights crimes.

## **8. Strengthening justice is essential, but it requires political will.**

The Colombia experience teaches us that one of the potentially best investments—the justice sector—requires not just money, but careful evaluation and political will.

The U.S. Department of Justice and USAID channeled well over 100 million dollars in assistance into Colombia's justice sector, from training for prosecutors in the Attorney General's office, to disciplinary investigations in the Inspector General's office, to human rights reporting and protection programs in the Ombudsman's office. Such funding can potentially have a major payoff in long-term structural reforms that will help to protect human rights while strengthening efforts to combat drug trafficking, illegal armed groups

and organized crime. However, well-designed aid must be continuously evaluated and paired with tough diplomacy to produce the desired results.

Colombia's aid package included the standard assistance that the United States has provided to transition Latin American judicial systems from a written, Napoleonic code to an oral, accusatory system. Mexico, with U.S. support, is undergoing a similar transition today. It also included programs targeted to the country's specific challenges, such as assistance for units investigating assassinations of trade union leaders or extrajudicial executions, and programs to uncover mass graves and investigate paramilitary leaders.

Yet justice is not just a technical problem. Personnel and political will matter. Efforts to address impunity were affected by who was at the helm of specific agencies. Initiatives took a sharp turn for the worse during Attorney General Luis Camilo Osorio's term (2001-2005), before showing modest improvement with Mario Iguarán's leadership and a Supreme Court determined to investigate politicians' paramilitary ties. The Inspector General's office, which administers disciplinary sanctions of public officials and also receives major U.S. funding, is less vigorously pursuing human rights cases involving public officials, after having made advances under previous leadership.

The United States has poured money into the transition to the accusatorial system, yet there are serious problems. Extrajudicial execution cases are moving only slowly, with few cases filed under the new system yet resulting in convictions.<sup>35</sup> Human rights lawyers representing families of victims of extrajudicial executions claim that the new system excludes victims and their lawyers, limiting their access to the case files and their participation in hearings. Restoring the ability of victims' representatives to take part in such cases would help address a serious problem in the new accusatory system. Case management systems are poorly designed, making it difficult to track progress.<sup>36</sup> While in the long run the transition to an accusatorial system will likely be beneficial, there are serious transitional issues that neither the Colombian judicial system nor

the U.S. Department of Justice officials who promoted this transition are acknowledging or dealing with effectively.<sup>37</sup>

U.S. justice sector aid could be improved by more explicit recognition of the element of political will. The Department of Justice (DOJ) should work with USAID and the State Department to ensure that assistance is delivered with a consistent message and tied directly to benchmarks in reducing impunity, developing such benchmarks for each judicial agency. The embassy and State Department should more vigorously use all diplomatic tools at their disposal, including the leverage of the human rights conditions, to achieve the goal of reducing impunity.

Changes should also be made in the kinds of assistance provided. DOJ assistance, while technically proficient, tends to be a standardized package. It can be slow to arrive, fails to adapt flexibly to situations on the ground, and in the Colombian case failed to include evaluation mechanisms that would allow it to identify obstacles to implementing judicial reforms. DOJ-directed aid could be improved if DOJ personnel were more open to exchanging ideas with local nongovernmental human rights experts, who often have recommendations about ways to improve investigations, exhumations and prosecutions in human rights cases. USAID should play a leading role in developing judicial assistance that is more geared to the country's specific human rights problems.

Finally, the question of what to do about the military justice system is important and relevant to Mexico. At the start of Plan Colombia, human rights groups urged the United States to press for shifting human rights cases from military to civilian courts, as required by a Colombian Constitutional Court decision. At first, U.S. policymakers argued, "Wouldn't it be good enough if we just made the military justice system work better? Doesn't our own JAG system work fine, and shouldn't our partner military be able to be judged by its own?" But with the insistence of Congress and human rights groups, the U.S. government encouraged the Colombian government to move human rights cases to civilian courts.

Given the reluctance of the military justice system to punish abusers, this shift may prove to be one of the most positive human rights impacts of U.S. policy in Colombia—and it may prove positive in Mexico too. Congress explicitly conditioned assistance to Mexico on changes in shifting jurisdiction for human rights crimes away from notoriously opaque military tribunals to civilian courts. Although substantial transfer of cases has yet to occur, a historic July 2011 ruling by Mexico’s Supreme Court established that members of the military accused of human rights violations should be tried in civilian courts, not military tribunals. With this promising decision, the Mexican Congress is now obligated to pass a legislative reform that fully complies with the Supreme Court’s judgment.

### 9. Human rights conditions are a flawed but useful tool.

Current foreign aid appropriations come with conditions that limit some aid to the Colombian and Mexican militaries until certain human rights standards are met. These country-specific human rights conditions, even if they have limits, are one of the few valuable tools available to ensure human rights concerns are raised.

At the start of Plan Colombia, members of Congress concerned about human rights, particularly Senator Patrick Leahy and Senator Edward Kennedy, insisted upon including human rights conditions on the aid package. They did this over the objections of the Clinton administration, which like most administrations saw this congressional oversight tool as limiting administration flexibility.

The conditions governing aid to Colombia were designed to address two of Colombia’s major human rights problems: lack of accountability for violations by the military, and collaboration between security forces and illegal paramilitary groups. They included an important mechanism, a consultation at regular intervals between human rights groups and the State Department. In practice, these consultations were carried out both in Washington with U.S. rights groups and in Bogotá with Colombian organizations. These specific “country conditions” operate in addition to the “Leahy

Law” provision barring U.S. aid and training to abusive units of security forces worldwide.

As skeptics of conditions expected, the State Department—under Bill Clinton, George W. Bush, and Barack Obama—has routinely certified that Colombia meets the conditions. It has done so no matter what was occurring on the ground, from systematic collaboration with paramilitaries engaged in escalating massacres and massive displacement; to the 2005 San José de Apartadó massacre of men, women and children by soldiers; to the deliberate killing of over 3,000 civilians in the “false positive” scandal. The State Department certified despite the passionate appeals accompanied by stacks of documentation placed in front of high-level State Department officials several times a year by U.S. and Colombian human rights groups.

And yet over time, the conditions have had an impact. When the February 2005 San José de Apartadó massacre took place and the State Department subsequently certified, Senator Leahy, ranking member of the foreign operations subcommittee, placed a hold upon some of the military aid subject to the conditions. Since that time, the Senate has temporarily held up a portion of assistance at strategic moments.

This congressional pressure has led the State Department to try to leverage changes from the Colombian government. The State Department has delayed certifying until it can document progress in at least some cases, often waiting until the last possible date it can certify without losing funds permanently. This dialogue between the State Department and U.S. Embassy and Colombian counterparts has been one important factor leading to the limited progress against impunity that has taken place.

U.S. pressure, triggered by the conditions, has contributed to progress in emblematic cases of violations by soldiers, including the murder of three trade unionists in Arauca, the killing of a family in Cajamarca, the Mapiripán massacre, the murder of indigenous leader José Edwin Legarda Vasquez, the Santo Domingo bombing of civilians, and the San José de Apartadó massacre. It has also led to the transfer of

hundreds of extrajudicial execution cases from military to civilian courts;<sup>38</sup> a restructuring of army leadership in the wake of the Soacha scandal; issuance of new directives by the Defense Minister intended to minimize the practice of extrajudicial executions; and, most importantly, a sharp reduction in new cases of extrajudicial executions.

This progress is still partial. Even in the highest-profile cases, the intellectual authors of the crimes have never been indicted, much less prosecuted. The incentives that drove extrajudicial executions have not been fully dismantled, and the vast majority of cases remain in impunity. Some extrajudicial executions continue, and human rights groups report an increase in forced disappearances, some of which might be extrajudicial executions by security forces.

Human rights conditions only became a useful lever in extreme circumstances and with enormous effort by human rights groups. In the Colombian case, well-documented patterns of systematic, gross human rights violations emerged. U.S. and Colombian human rights organizations, collaborating closely, made a sustained effort, over years, not only documenting abuses, but continuously engaging with U.S. Embassy and State Department personnel despite the frustrating nature of the certification process. Some State Department personnel demonstrated a real commitment to help correct abuses. This appeared to have had less to do with which administration was in power and more to do with individual career officials who chose to demonstrate genuine interest in human rights problems and a willingness, within the scope of their positions, to do something to address them.

In the Colombian case, human rights conditions did not prevent security force abuses from escalating as U.S. military aid and training flowed. However, the conditions did give human rights groups in the United States and Colombia a forum with which to raise these issues with the State Department and U.S. Embassy, in ways that ultimately forced the U.S. government to convince its Colombian partner to act to curb and prosecute these abuses. Our views would

not have been taken seriously without the edge provided by the conditions and the Senate's willingness to place a hold on military aid.

In 2010, the Obama Administration decided to try a new approach on human rights in Colombia. It created a "High Level Partnership Dialogue" with the intention of crafting a more collaborative bilateral approach on human rights as well as other issues. It is difficult to evaluate this initiative yet. On the positive side, it made clear that human rights issues were of first-order importance, and the topics chosen included those most important to human rights groups, such as extrajudicial executions, the wiretapping scandal, protection for human rights defenders, and land restitution. The first round of dialogue may have helped to reaffirm the Santos Administration's improved rhetoric on human rights and determination to pass the victims' law. But this "partnership dialogue" approach fails to link progress on human rights to assistance or any other tangible benefit. Human rights groups fear that it will produce nebulous discussions rather than specific results.

Implementing the country-specific human rights conditions for Mexico has its own challenges. The Mexican government lobbied hard against human rights conditions, claiming they affected its sovereignty. Some Mexican civil society activists and journalists joined the government, denouncing the conditions as hypocritical and impinging on sovereignty. Members of the U.S. Congress softened the provisions in reaction to Mexican "sensitivities," calling them "requirements" rather than conditions, only permitting the State Department to issue a report rather than formally "certify," and lowering the percentage of funds subject to these requirements.

But the provisions are still one of the few recourses available to human rights groups to call both countries' policymakers' attention to abuses. U.S. and Mexican human rights groups have mobilized in a coordinated fashion to document abuses, monitor the implementation of the human rights requirements, call for specific advances and insist that the State Department use this leverage.<sup>39</sup> In a September 2010 report to

Congress, the State Department stated its intention to hold up a portion of assistance until the Calderón Administration introduced legislation to reform the military code of justice to limit prosecution of human rights crimes in military courts. One month later, in October 2010, President Calderón presented an initiative to the Mexican Senate that would exclude just three human rights violations—forced disappearance, torture, and rape—from military jurisdiction. This flawed proposal has now been rendered moot by the July 2011 Supreme Court decision establishing that human rights crimes committed by the military must be tried in civilian jurisdiction. While Mexico has yet to implement the Supreme Court ruling, there has been movement on this issue. It is an important step forward that the State Department chose to use its diplomacy in favor of civilian jurisdiction, and that it did so publicly.

These specific “country conditions” operate in addition to the “Leahy Law” provision barring U.S. aid and training to abusive units of security forces worldwide. At the start of Plan Colombia, we were assured that the Leahy Law, which requires vetting of foreign security-force units to receive U.S. aid and training, would exclude security force units and individuals with records of abuse.

The Leahy Law can be useful in specific circumstances but provides no guarantee that U.S. aid and training will not go to abusers. Indeed, in Colombia, some of the areas of the country where the largest number of soldiers have been vetted to receive U.S. training were those in which the largest number of extrajudicial executions occurred, according to studies by Amnesty International/Fellowship of Reconciliation and Fellowship of Reconciliation/US Office on Colombia.<sup>40</sup> The Leahy Law was invoked to some effect in banning assistance to certain particularly egregious units, including the 24th and 17th Brigades in Putumayo and Urabá, and the air force unit responsible for the civilians killed in the Santo Domingo bombing case.

Colombia is one of the few countries in the world where human rights groups have actively tried to make the Leahy Law apply. Doing so requires identifying specific security force units

responsible for abuses, and documenting that those units received U.S. aid or training. These requirements are difficult to meet in a timely way, since human rights groups only obtain access to information regarding which units receive U.S. training several years after the fact. U.S. embassies are supposed to maintain Leahy Law databases of abuses, but these databases are often poorly researched and updated. Even in best-case Colombia, they result in relatively few units excluded. Human rights groups’ ability to obtain the information they need to encourage implementation of the Leahy Law or evaluate whether it is being respected is greatly inhibited by an Obama administration decision to classify lists of vetted units. Nonetheless, it is worth encouraging U.S. embassies to develop a serious Leahy Law compliance plan and database, since these can trigger cutoffs of aid and training to egregiously abusive units.

## 10. Even positive human rights and development activities can get subsumed to military goals.

In Plan Colombia, and indeed to date in the Mérida Initiative, two agencies play the dominant role in the U.S. interagency process for aid design and delivery. One is the State Department’s International Narcotics and Law Enforcement Bureau (INL), and the second is the Defense Department. USAID, which carries out the “softer” side of U.S. policy—in Colombia, alternative development programs, human rights, aid to displaced persons and Afro-Colombian and indigenous communities—is often overshadowed by these big brothers in inter-agency debates and public perception.

Within the U.S. embassy, the Narcotics Affairs Section (NAS) director, responsible to INL, tends to play a strong coordinating, if not dominant, role. Yet INL is focused narrowly on the hard side of drug policy: interdiction, destruction of laboratories and drug crops, and in the case of Colombia, the aerial spraying program. In the first years of Plan Colombia, when most funding—including economic aid—was channeled largely through INL, the bureau would direct resources towards fumigation or interdiction, rather than towards alternative development. INL and USAID goals could also

come into direct contradiction, the most blatant example of which were the many times when INL-funded aerial spraying destroyed USAID-funded alternative development projects.

Congress attempted to bolster USAID's authority by channeling funding directly to the agency rather than through INL, and by specifying that USAID should make policy decisions over its funding. Congressional oversight to ensure aid flows through appropriate channels, and to ensure USAID has adequate authority, can help. But USAID must, as it too often fails to do in interagency debates, stand up for the development, humanitarian and human rights goals that should guide its programming. The post-2006 advent of the "Consolidation" program could cede the U.S. and Colombian militaries more control over USAID programs. In an effort to back the Defense Ministry's initiative to "bring the state back in" to areas of the country long abandoned, often to guerrilla control, USAID and Southern Command are funding so-called "Fusion (or Coordination) Centers" and their activities to expand government services in rural areas. While the plan has a certain logic, some Colombian civil society groups fear that this creates a military-led development model that will fail to strengthen local civilian government, will endanger civilian partners by linking them to the army, and will fail to incorporate civil society input.

USAID's human rights program in Colombia provides an interesting example of the perils and possibilities of funding human rights activities while funding a major military aid buildup. Many Colombian human rights groups initially declared that they would not apply for U.S. funding because they viewed "Plan Colombia" as a military strategy, which they rejected. This perception of USAID funding, including of its human rights program, was further solidified when Colombian press revealed in 2004 a USAID policy to prohibit funding groups viewed as critical of the Colombian government or Plan Colombia, a prohibition that would make funding independent human rights activities impossible.

When U.S. human rights groups and congressional oversight staff objected to this litmus test, USAID launched an innovative

consultation process with U.S. and Colombian civil society organizations and reconfigured the program. Hiring U.S. and Colombian experts with serious background in human rights, and engaging in a consultative process lasting over several years, they developed a strategic portfolio of programs. One important quality was USAID's willingness to engage with and learn from civil society organizations that did not accept U.S. funding. The U.S. government would do well to learn from the mistakes and successes of this program as it develops programs in Mexico and elsewhere.

Although the Obama Administration has conceptualized a well-rounded four pronged approach to guide the Mérida Initiative, an overfocus on the first pillar—disrupt the capacity of organized crime to operate—has led to a neglect of the other three. Pillars two and four, "institutionalize capacity to sustain rule of law" and "strong and resilient communities," are critical to gain the public's trust as well as sustain progress in the medium and long term. Yet, it has been challenging to attract the broad political support and commitment for resources for programs pillars two, three and four from many U.S. policymakers who want (and expect) to see results overnight—and believe that fast delivery of military hardware is the best way to achieve this.

### **11. U.S. intelligence assistance, even if provided for legitimate purposes, may be used for criminal ends.**

The Colombian presidential intelligence agency, the *Departamento Administrativo de Seguridad* (DAS), was revealed in 2009 to have been illegally spying on many of the varied forces of Colombian democracy: opposition politicians, including presidential candidates, human rights groups, journalists, clergy, unions, and Supreme Court and Constitutional Court justices. The DAS investigated subjects' homes, daily routines, travels and finances. Not only did DAS personnel spy on their targets, they spied on their families, taking photos of their children, investigating where they went to school, and tapping the phones of parents, siblings and children. The operation, worse than Watergate, went deeper than surveillance, employing a variety of dirty

tricks to “neutralize and restrict” the normal activities of human rights groups and other voices critical of the Uribe administration.<sup>41</sup>

**And it did this with U.S. money.** While U.S. Ambassador William Brownfield admitted that the United States supplied surveillance equipment to the DAS, he claimed that the equipment was not used in illegal surveillance.<sup>42</sup> However, the *Washington Post* contends that “American cash, equipment and training, supplied to elite units of the Colombian intelligence service over the past decade to help smash cocaine-trafficking rings, were used to carry out spying operations and smear campaigns against Supreme Court justices, Uribe’s political opponents, and civil society groups, according to law enforcement documents obtained by the *Washington Post* and interviews with prosecutors and former Colombian intelligence officials.”<sup>43</sup> According to the *Post*, two of the specific units most involved in illegal activities, including surveillance of the Supreme Court and labor leaders, received U.S. support.<sup>44</sup> The *Post* notes that William Romero, who oversaw infiltration of the Supreme Court, “like many of the top DAS officials in jail or facing charges, received CIA training.” According to Romero, “DAS units depended on U.S.-supplied computers, wiretapping devices, cameras and mobile phone interception systems, as well as rent for safe houses and petty cash for gasoline.” “‘We could have operated’ without U.S. assistance, ‘but not with the same effectiveness.’”

The U.S. Congress instituted a ban on funding for the DAS via programs funded by the foreign aid bill, and Ambassador Brownfield subsequently ordered the transfer of all DAS assistance to the Colombian police. However, the U.S. Congress has yet to investigate whether, how much and why U.S. aid was involved in this Stasi-like episode. In Colombia, investigations not only into DAS leaders’ crimes but also into President Uribe’s top advisors for allegedly ordering the operations are ongoing. Legislation to replace the DAS finally passed the Colombian Congress but has yet to be implemented.

While improving intelligence is clearly an important element of controlling drug trafficking,

and was essential to the effort to take down Colombia’s big cartels in the 1990s, it is particularly susceptible to misuse and corruption—and even, as in the Colombian case, a creeping authoritarianism that causes major damage to the fabric of democracy. And given the secrecy in which U.S. intelligence aid is budgeted, appropriated, delivered and implemented, there’s virtually no reliable oversight until the scandal blows sky high.

## 12. First and foremost, protect the population.

As the government seeks to combat drug trafficking cartels or insurgents, protecting the population is often the last objective on its list. It should be the first.

In Colombia, pursuing the guerrillas via a hardline strategy was top on the agenda. Frequently the civilian population would be caught in the crossfire, as well as intentionally targeted. All sides regularly ignored international humanitarian law and human rights law. For the army, that could mean using schools as bases, digging trenches around homes, using children as informants, or detaining and extrajudicially executing rural inhabitants to up body counts or because they were viewed as insurgents for living in a guerrilla-controlled area.

Even with better intentions, redirecting an army focused on all-out war to prioritize protecting civilians is a challenge. As the Santos Administration attempts to carry out a positive land reparations policy, it is finding it difficult to reorient the army to a goal of protecting communities (and police do not cover most rural areas). The army simply does not see that as its job.

In Mexico, the growing civil society movement has urged the government to focus efforts on protecting civilians. According to analysts like Eduardo Guerrero Gutiérrez, the way in which the Mexican government is taking on the cartels, targeting the leadership, has caused an escalation of violence by fragmenting and creating new criminal groups. Gutiérrez suggests a strategy which intentionally

punishes the cartels most severely when they target civilians. “This dissuasive strategy doesn’t imply a ‘pact’ with the criminal organizations,” he observes. “The state reserves its right to pursue all criminal acts,” but chooses to punish some more severely according to its strategy.<sup>45</sup>

Mexican human rights groups and civil society movements have called for the withdrawal of the Mexican military from the streets due to abuses of civilians as they wage war against the cartels. And they have called for military and police abuses of civilians to be brought to justice.

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U.S. assistance will support the rule of law only if there is an explicit, careful, continuous intention by policymakers of all levels to ensure that it does so.

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## A Cautionary Tale

For all the deserved criticism about the effectiveness and responsiveness of U.S. aid programs, it is positive that, unlike the heyday of Plan Colombia, military action is less at the center of U.S. policy in Colombia and Mexico. Rhetorically and even financially, greater priority is going toward building civilian state capacities, strengthening justice systems, and creating more economic opportunity.

Despite the shift in appropriations, however, many plans are still on the drawing board. As our concerns about “Consolidation” in Colombia indicate, the gulf between plans and reality may be substantial. And U.S. officials remain strongly unwilling to be perceived as challenging regional “allies” on issues like corruption and especially human rights.

Moreover, pressure from Congress and from some within the defense bureaucracy could tip the balance more towards military solutions in Mexico. Concerns over the budget, particularly lack of Republican support for “soft” foreign aid, could weaken support for judicial reforms in both countries and rural development programs in Colombia.

The Colombia experience offers cautionary lessons. It demonstrates how U.S. counternarcotics assistance can undercut the rule of law in a recipient country, aggravating existing human rights problems. The right kind of assistance to strengthen civilian institutions delivered with the right messages, however, can also be applied in ways that help to address those very problems. Assistance and diplomacy must be directed with full knowledge of these perils and pitfalls, and with a flexible, continuous reexamination of the human rights obstacles on the ground. It must be designed and implemented with a specific acknowledgment of the element of political will, not just technical solutions. It must have built-in mechanisms for consultation with human rights groups in the United States and on the ground. In short, U.S. assistance will support the rule of law only if there is an explicit, careful, continuous intention by policymakers of all levels to ensure that it does so.

When the United States launches a major aid package, irrespective of which party or ideology dominates, a kind of marriage develops. Policymakers, both in Congress and in the administration, begin to talk about “our partner,” “our best friend in the hemisphere,” “our ally.” Foreign service and military officers see themselves in their counterparts. Friendships form. Failures in the counterpart begin to be seen as reflecting on whether the policy was wise to begin with, and thus are glossed over.

The recipient country invests millions of dollars in lobbying, through U.S. public relations firms and its own embassy efforts. The Colombian government handed out 20,000 yellow roses and coffee to attendees at Washington’s political balls as Plan Colombia was being considered, hiring the actor who played Juan Valdez. The embassy sent birthday cards to congressional spouses and hosted salsa dancing lessons for congressional aides the night before amendments proposing to cut military aid. The Colombian government organized hundreds of visits by Colombian dignitaries to Washington and Wall Street, and brought members of Congress to President Uribe’s Córdoba ranch, showcasing the president on horseback. It toured forty-seven huge plastic hearts featuring

aspects of Colombian culture to Washington and New York, courted congressional votes for the free trade agreement with “Trade and Salsa” sessions—and Juan Valdez handed out yellow roses and coffee once again.

And on the recipient government’s side, there is also a strong pressure to just go along with U.S. wishes, and to tone down criticism of the United States, whether or not particular programs and policies are really the right match. In this context, the Mexican government’s continued willingness to challenge the United States to tackle its contribution to the violence, through illicit drug consumption and failure to curb the flow of arms, is a refreshing change.

Given the natural human tendency to believe in one’s partner, as well as the multi-million dollar charm offensive, maintaining a critical distance proves extraordinarily difficult. Yet if this kind of major aid initiative is to have any beneficial impact, maintaining the distance necessary to voice constructive criticism, cut or tailor programs when needed and apply diplomatic pressure is absolutely essential.

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- <sup>38</sup> For example, the International Crisis Group cited 31 cases transferred from the military to the civilian courts in 2005 increasing to 167 in 2008. International Crisis Group, "The Virtuous Twins: Protecting Human Rights and Improving Security in Colombia," Latin America Briefing No. 21, 25 May 2009, p. 10.
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- <sup>40</sup> Fellowship of Reconciliation and U.S. Office on Colombia, "Military Assistance and Human Rights: Colombia, U.S. Accountability, and Global Implications," July 2010, <http://forusa.org/sites/default/files/uploads/militaryaid100729web.pdf>.
- <sup>41</sup> Latin America Working Group Education Fund, US Office on Colombia, Center for International Policy, and Washington Office on Latin America, *Far Worse than Watergate*, June 2010. <http://www.lawg.org/storage/colombia/farworsethanwatergatefinalfinal.pdf>.
- <sup>42</sup> Noticias Uno, "No hubo equipo americano involucrado," <http://www.noticiasuno.com/noticias/embajador-eeuu.html>.
- <sup>43</sup> Citations from Karen DeYoung and Claudia J. Duque, "U.S. Aid Implicated in Abuses of Power in Colombia," *Washington Post*, August 20, 2011, [http://www.washingtonpost.com/national/national-security/us-aid-implicated-in-abuses-of-power-in-colombia/2011/06/21/gIQAbrZpSJ\\_story.html](http://www.washingtonpost.com/national/national-security/us-aid-implicated-in-abuses-of-power-in-colombia/2011/06/21/gIQAbrZpSJ_story.html).
- <sup>44</sup> These two units, according to the Washington Post, are the National and International Observation Group, which focused on illegal surveillance of the Supreme Court justices, particularly on their investigations and prosecutions of politicians' ties to paramilitaries; it was "dependent on CIA resources," according to former DAS officials. The Group to Analyze Terrorist Organization Media, which "assembled dossiers on labor leaders, broke into their offices and videotaped union activists," received from the U.S. government "tens of thousands of dollars, according to an internal DAS report, and the unit's members regularly met with an embassy official they remembered as 'Chris Sullivan.'" Citations from Karen DeYoung and Claudia J. Duque, "U.S. Aid Implicated in Abuses of Power in Colombia," *Washington Post*, August 20, 2011 ([http://www.washingtonpost.com/national/national-security/us-aid-implicated-in-abuses-of-power-in-colombia/2011/06/21/gIQAbrZpSJ\\_story.html](http://www.washingtonpost.com/national/national-security/us-aid-implicated-in-abuses-of-power-in-colombia/2011/06/21/gIQAbrZpSJ_story.html)).
- <sup>45</sup> Eduardo Guerrero Gutierrez, "La raíz de la violencia," *Nexos en Línea*, June 1, 2011, <http://www.nexos.com.mx/?P=leerarticulo&Articulo=2099328>.

For more information about military aid to Latin America and the Caribbean, including a database of all U.S. assistance to the region, see the CIP/LAWGEF/WOLA "Just the Facts" website: <http://www.justf.org>

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