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Fit for purpose: how to make UK policy on Colombia more effective

A contribution from ABColumbia



ABColumbia is a group of leading UK and Irish organisations with programmes in Colombia. We work on questions of human rights, development and forced displacement. ABColumbia's members are CAFOD, Christian Aid (UK and Ireland), Oxfam GB, SCIAF and Trócaire. Amnesty International and Peace Brigades International are observer members.

ABColumbia develops the collective advocacy work of members. Our members work with around 100 partner organisations in Colombia, most of them with little access to decision-making forums nationally or internationally.

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Coverage of work of ABColumbia members by department



Front cover (top): Guerrilla fighter. (Fundación Dos Mundos – OACNUDH, Colombia Imágenes y Realidades, C. Rubio, J. García, M. Moreno)

Front cover (bottom): Farmer selling mangoes. (Aída Pesquera / Oxfam GB)

Foreword: getting the analysis right

One of the difficulties in defining the right course for British policy towards Colombia is gaining an accurate reading of what is really happening – while all countries can claim to be complex, Colombia is more complex than most.

In recent years, two main strands of analysis have emerged. According to one line of thought, Colombia is entering a post-conflict period of economic growth and prosperity, with violence levels down and living standards rising. The British government has, in the past, broadly aligned itself with this optimistic analysis.¹ However, ABColumbia agencies have never shared it and we welcome the more realistic approach that the British government has recently begun to adopt. Our partners in Colombia, from victims' movements, churches and human rights organisations, to communities struggling to survive, communicate to us their daily reality of human rights abuses, threats, armed conflict and increasing inequality.

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Executive summary

The context

More than 70,000 people have been killed in Colombia in the past 20 years as a result of an extremely violent conflict in which all sides target the civilian population.² The military campaign carried out by the Colombian army since 2002 has achieved an important shift in the strategic balance of the conflict with the Revolutionary Armed Forces of Colombia (FARC). Meanwhile, the present administration's strategy of negotiation and amnesty for thousands of paramilitaries has resulted in a reduction in the number of human rights abuses committed by these previously highly organised and brutal groups. The security situation in larger urban centres and on the country's principal highways has improved.

However, despite some welcome gains, many aspects of Colombia's economic, social and political life are deteriorating. Small improvements in poverty levels as a result of recent economic growth are unlikely to be sustainable in a downturn, as structural causes have not been addressed. Poverty levels in rural areas are still as high as 62 per cent. Meanwhile, inequality has worsened considerably. Land distribution, a root cause of the conflict, is more unequal than ever, with 0.4 per cent of landowners now owning 61 per cent of rural land.

Colombia is suffering one of the worst humanitarian and human rights crises in the world, finding its clearest expression in the continuation of the world's second worst internal displacement crisis (after Sudan). Colombians are forced to flee by armed groups seeking to establish territorial and economic control, or are simply caught up in the violence. Between 3 and 4 million people have fled their homes in the past two decades, and Colombians make up the third largest refugee population in the world. In 2008 there was a sharp increase in forced displacement.

Civil society organisations, trade unionists and journalists seeking to expose crimes and human rights violations, or calling for different development policies, do so at the risk of violence and death, as Colombia continues to be one of the most dangerous places in the world in which to carry out these activities. Despite the paramilitary demobilisation, a new generation of paramilitary groups is consolidating power at local and national levels. Selective assassination, disappearances, massacres and threats against human rights defenders, trade unionists, social leaders and political activists are commonplace.

Though there have been some advances in high-profile cases following international pressure, impunity for these crimes remains the norm in Colombia. Almost no threats

against human rights defenders have resulted in a conviction. The Colombian judicial system is under-resourced and overwhelmed; it can also be corrupt and inefficient when there is a lack of political will. The only sustainable way to reduce levels of threats and violence is to bring perpetrators to justice.

Although weakened, the main guerrilla groups continue to commit serious violations of international humanitarian law, including the deliberate killings of civilians, kidnappings, the use of antipersonnel mines and the recruitment of children. Colombia now has the highest number of landmine victims in the world, recently overtaking Afghanistan.

One of the most troubling aspects of the Colombian human rights crisis, particularly considering the human rights training provided to the Colombian army by the British government, is the killing by soldiers of young people or community leaders outside combat. Another is the stigmatisation campaign against human rights defenders being carried out by government representatives.

The conflict in Colombia has changed in some very significant ways. But talk of a 'post-conflict' situation is misguided and unhelpful, partly because it avoids difficult questions about the need to address the root causes of the conflict. Instead, it is essential that the international community makes clear its desire to see a negotiated outcome, leading to the resolution of long-standing social and economic grievances.

British government policy

The British government has two stated objectives in Colombia: to support efforts to reduce human rights abuses in Colombia, and to reduce the flow of cocaine coming into the UK.³ Unfortunately, progress on the second of these areas has been as disappointing as on the first. Despite some high-profile seizures and arrests, cocaine prices are falling in the UK, implying that supply is as plentiful as ever.⁴ Colombian government policies, such as fumigation and manual eradication of the coca plants, have failed to stem cocaine production, which stands at an estimated 600 tonnes per year, about 60 per cent of world cocaine production in 2007.⁵

ABColumbia recognises the efforts that have been made on some fronts by the Colombian government. And we support the broad objectives of the British government in Colombia. However, we believe that the strategies being pursued by both the Colombian and UK governments to achieve their objectives are flawed, ignoring as they do the roots of the problems, and responding in the main to the symptoms alone. While

the UK government carries out some very important work defending the rights of Colombians to freedom of opinion and association, and supporting the work of ABColombia agencies in the country, it will not achieve its stated objectives without deepening its analysis of the roots of the problems, and a consequent adjustment of its strategy.

In particular, both the British and Colombian governments need to respond to the root causes and fuel of the conflict: inequality, political exclusion and the repression of dissent. Cocaine production, human rights abuses and the continuing armed conflict will not be ended by military responses or protective measures alone. Rather, a significant shift in economic and social policies is required to reduce poverty and inequality, including the participation of the most vulnerable sectors of the Colombian population. Only then will the cycle of violence that has blighted the lives of so many Colombians, especially the poorest and most marginalised, be interrupted.

In this context, the British government must pay special attention to the role British business plays in Colombia, and ensure that it is supporting human rights and poverty reduction, not undermining these objectives. Equally, the UK needs to open its books on the controversial assistance programme to the Colombian military.

In recent months there has been a change of government in the United States (US) and, thanks to strong civil society advocacy in Colombia and the US, the US government has announced a shift towards more development assistance and less military assistance in the context of Plan Colombia. There is a new British ambassador in Bogotá and a new UK Foreign and Commonwealth Office (FCO) minister with responsibility for Latin America. In Colombia the 2010 presidential election is already looming large on the political landscape. These changes open a window of opportunity for important shifts in policy towards Colombia and make the moment opportune for ABColombia to publish its contribution to that endeavour.

We urge the British government to use all the tools at its disposal to defend human rights and promote sustainable, pro-poor development in Colombia.

Recommendations to the British government

The Colombian government needs to make a fundamental change in its approach to conflict resolution and poverty reduction, placing far more emphasis on the inclusion of minorities and alternative viewpoints, and on systematically reducing the inequality of opportunity and outcome that has for too long scarred this country and fuelled its conflict. Repressive measures, the tacit support for repression, or the failure to punish repression in the courts, must be rooted out, and a development model established that benefits primarily the poorest and most excluded.

The UK has an important role to play to support this agenda for change. If it wants to achieve its stated objectives in Colombia it needs to strengthen its commitment in some areas and modify its approach in others.

Based on an analysis of the UK's stated objectives, its areas of added value and expertise, and the social, economic and political context of the country, we recommend that the British government prioritises the following four areas that play to its strengths as a force for progress in Colombia. In each of these areas the British government should use the well-developed links it has forged both with British non-governmental organisations (NGOs) working in Colombia, and with the Colombian government and state institutions.

1. Develop a focus on poverty and inequality

The absence of engagement by the Department for International Development (DFID) with Colombia, rooted in direct experience of staff on the ground, has contributed to a weak analysis of 'development' issues. The UK cannot hope to make a serious impact on the areas it wants to influence without deepening its understanding of poverty and exclusion in Colombia. Apart from their importance in and of themselves, if these issues are not tackled, attempts to support human rights and reduce the flow of drugs coming to the UK will be in vain.

Some parts of the international community have argued that they do not want to comment on economic and social policies in Colombia. ABColombia believes that, just as with civil and political rights, where pressure from the international community has strengthened the hand of those in power who want to see progress, so international pressure on respect for economic, social and cultural rights is vital to Colombia's future as a democracy.

The British government should:

1.1 Carry out a thorough revision of its policy towards Colombia, starting by looking again at the causes of the conflict and the critical human rights situation: poverty, exclusion and the repression of dissent.

Using expertise it has gained in many other countries, and working with ABColombia member agencies among others, it should produce an in-depth research paper analysing the link between rural poverty, coca cultivation and conflict.

1.2 Support the Colombian government to establish a rural development strategy that promotes equality and inclusion, and that benefits small producers, Afro-Colombians and the indigenous peoples.

It should continue to support the full return of illegally occupied lands to their rightful owners and encourage the Colombian government to complete land titling to Afro-Colombian and indigenous communities.

1.3 Engage with and monitor more closely the work of multilateral donors such as the European Union (EU), the World Bank and the Inter-American Development Bank (IDB), ensuring that British money is used to pursue policies that reduce inequality and conflict and support vulnerable groups.

About a fifth of the EU's €160 million aid budget in Colombia is financed by the UK.⁶ Meanwhile, DFID channels aid to Colombia through multilateral agencies such as the World Bank and the IDB, and through partnership agreements with 12 international NGOs.

2. Reinforce its support to human rights defenders

The British government has frequently been an important ally in supporting individual cases of human rights defenders under threat and communities at risk in Colombia. At times, however, it has been silent when it should have spoken out. The Colombian government has demonstrated that it does respond to international pressure, as have some illegal armed groups.

We urge the British government to be even bolder in its condemnation of human rights violations in Colombia, and in its unequivocal stance in favour of victims and human rights defenders. It should emphasise that the conflict is ongoing in Colombia, that paramilitary groups continue to operate, and that the repression of alternative viewpoints is still embedded in the political process. The British government should play a leading

role within the EU to accelerate a systematic implementation of the EU guidelines on human right defenders in Colombia.

The British government should:

2.1 Work with ABColombia agencies and our partners to develop a strategy of support for human rights defenders and communities at risk. This strategy should include:

- close collaboration on protection measures for a selection of key cases to ensure continued security for those at risk
- collaborative monitoring of selected important cases under investigation by the authorities, to ensure due process is followed and impunity reduced
- systematic monitoring of legal proceedings against human rights defenders
- more frequent visits to organisations and communities under threat
- joint projects and advocacy initiatives.

2.2 Insist boldly and publicly that the Colombian government stop its stigmatisation campaign against human right defenders.

2.3 Re-engage with the London-Cartagena-Bogotá process. It should use this forum to:

- push for the effective implementation of the United Nations High Commissioner for Human Rights and Human Rights Council Universal Periodic Review recommendations
- explore the implications of the Paris Declaration for donor policy towards the state and civil society
- push for more government support for human rights defenders, and the development of a meaningful National Human Rights Plan between the government and civil society
- push for a negotiated settlement of the conflict in Colombia
- ensure that the EU engages with Colombian and European civil society during the mid-term review of its Colombia strategy.

3. Ensure that UK and EU business interests support human rights and poverty reduction

The British public expects British companies not only to abide by formal law but also to ensure that they are not making profits at the expense of poor communities. People working

for British companies and the British government share this ideal, but it is hard to achieve in a context such as Colombia. British companies have demonstrated an ability in some cases to be leaders in corporate accountability, but concerns about links between British investments and human rights violations remain very serious, especially in the extractive industries. Progress can be made through a combination of better regulation, dialogue and public pressure.

The British government should:

3.1 Make ethical business practice an explicit priority in Colombia. This should include maximum openness and transparency by British businesses operating in Colombia and a clear public commitment by companies to respect core labour standards, in particular rights of freedom of association and collective bargaining.

3.2 Work with British businesses to ensure that proper social, environmental and human rights audits take place and that consultations are on the basis of free, prior and informed consent so that no British business profits from displacement or other human rights abuses. The burden of proof must be on the companies to show that no displacement has taken place, and that communities have been properly consulted, rather than vice versa.

3.3 Establish a dialogue process involving the British Embassy, British companies and British NGOs. This process should develop a shared approach to the monitoring of social and environmental impacts in Colombia.

3.4 Ensure that EU trade policy towards Colombia complements and does not undermine efforts to support the peasant-farmer economy, food and land security, alternative development projects and respect for human rights. Any trade accord should ensure civil society participation and the protection of trade union rights, and be fully cognisant of potential human rights violations that may be committed as a result of European commercial activity.

3.5 In the context of its climate change campaign, ensure that British involvement in the trade in agrofuels is consistent with its climate change policy and that it does not displace the civilian population or increase food insecurity. The agrofuels industry must also demonstrate that it respects labour, social and environmental standards.

4. Make military assistance transparent

Human rights violations carried out by the Colombian military are on the increase. In this context, the support given by the British government to the Colombian military has been the subject of much controversy, partly because of the lack of information made available to those interested in monitoring the success or otherwise of this use of taxpayers' money.

ABColombia agencies are not against working directly with armed groups to help improve their human rights record. Nor are we against assisting police forces or armies to enforce the law. However, in a highly volatile and complex conflict zone, it is important for all government-to-government assistance to be transparent, whether or not it involves the army. When this is not possible for valid security reasons, serious questions should be asked about whether the support is appropriate, or whether British funds should be used to support equally important, but less controversial, activities.

There are presently no guarantees that individuals trained by the UK in human rights are not involved in human rights violations such as extrajudicial executions. British and Colombian citizens have a right to know more about what these training programmes look like, and the methods used to evaluate their success.

The British government should:

4.1 Make public the names of army and police personnel trained using British money, and the results of any evaluations of such training.

4.2a Consider whether it is appropriate to be providing support for military or police counter-narcotics work.

In a context where it is impossible to demonstrate that such work is separate from counter-insurgency operations, it must consider putting its resources elsewhere.

4.2b If it does continue to support counter-narcotics work, it should make more information available:

- how much has been spent and on what, in general terms
- further details as soon as possible after the operations have ended (possibly one or two years) and without putting anyone's security at risk.

1 The causes of conflict: poverty and exclusion

Afro-Colombian displaced community in Rio Sucio, Chocó



ABC Colombia

Social conflict in Colombia is caused by an extremely unequal distribution of land and wealth and the violent repression of movements seeking to alter this imbalance. Since the 1960s this social conflict has been expressed in the form of a more or less traditional armed conflict between guerrilla groups and the state, often supported by, or actively using, paramilitary groups. The arrival of cocaine as a major source of income for the illegal armed groups has provided both the incentive and the fuel needed to keep the conflict going, as has a lack of viable economic alternatives to illegal crop cultivation in many areas of the rural peasant economy. While the current administration's 'democratic security' policies have led to military gains, the underlying causes of the conflict must be addressed if Colombia is to find sustained peace and a significant reduction in the influence of illegal armed groups.

In many ways, the violence in Colombia is an extreme expression of the way power is exercised and society polarised in the rest of Latin America. Elites have not only dominated national and local politics, but have also used the apparatus of the state to repress social movements, trades unions, political opposition parties and other expressions of social change. A variety of illegal armed groups have gained strength economically and politically during more than four decades of armed conflict as a result of the power vacuum left by a weak state in many parts of the country.

Extreme poverty pushes young people to join armed groups.

'When I [joined the FARC] they gave me everything I needed... including sanitary towels... People come here because there are no opportunities in the countryside, and we cannot choose our future. Here we have everything and we are as important as the men are.' *Young woman recruited by the FARC*⁷

The human rights crisis that the British government wants to help resolve does not exist in a vacuum but results from the struggle of poor and marginalised people to be heard and to exercise their rights. The British government's analysis of these causes of the conflict has been disappointing in recent years. One senior British government representative argued in a meeting in 2008 that rural poverty can be expected to grow at Colombia's stage of development.⁸ The comment demonstrated a lack of understanding about the links between poverty and exclusion, human rights violations and coca cultivation. Rural poverty has been used by the guerrillas to justify violence, and the lack of economic alternatives in the licit economy drives people towards illicit livelihoods such as coca cultivation or joining illegal armed groups.

Trócaire and SCIAF work in Morelia and Belén with their partner Vicaria del Sur on issues of food security and community organisation. Many communities are six hours' walk from the nearest road.

'If we grow bananas, by the time we pay to transport them you don't have much left; but with coca you can just put it in your handbag so you can transport it very easily.' *Female peasant farmer, community of La Esperanza, municipality of Morelia*



Peasant farmer from the municipality of Morelia, Caquetá

CHRIS MACKLINTOCK/SCIAF

Inequality is worsening

Colombia is the third most unequal country in Latin America in terms of income, and the ninth most unequal in the world.⁹ In 2005 the poorest 20 per cent of the population shared 2.5 per cent of Colombia's income while the richest 20 per cent shared 62.7 per cent.¹⁰ This stark and structural income inequality has not changed for decades.¹¹ As growth tails off in an expected global recession, it is likely that the poorest will be hit hardest.

Moreover, development within Colombia is very uneven, varying between urban and rural areas. While 49 per cent of urban homes live in poverty, 70 per cent of rural homes are poor.¹² Children living in rural areas are particularly affected by these discrepancies. Infant mortality before the age of five is 19 out of 1,000 in urban areas and rises to 30 out of 1,000 in the rural areas.¹³ Overall about 50 per cent of the population live below the poverty line,¹⁴ with indigenous and Afro-Colombian groups being particularly affected – according to the European Commission (EC), 80 per cent of their basic needs are not met, 74 per cent earn less than the minimum wage and illiteracy is three times higher than for the rest of the population.¹⁵

The Colombian economy has grown quite robustly for decades, except for a brief recession in the late 1990s. In 2007 it grew at around 7 per cent, above the Latin American average.¹⁶ But while this sustained growth is producing wealth for some, historical patterns of exclusion and power mean that a majority of women and men are living in increased marginalisation and inequality. Inequality of both income and wealth constitutes the most critical factor in social exclusion in Colombia because it limits social mobility, the capacity of the poorest to take part in policy-making processes, and the potential for growth to overcome structural poverty and reduce dependency on social welfare.¹⁷ Changing this dynamic is possible with public policies that make use of periods of growth to invest in inclusive and sustainable development.

Land

Land distribution in Colombia is among the most unequal in the world, and is at the heart of the country's conflict.¹⁸ Attempts to reform Colombia's exaggeratedly unfair land distribution failed in the 20th century, and in the past two decades the expropriation of land by illegal armed groups, in particular the paramilitaries (between 4 and 6 million hectares in the past ten years¹⁹) has led to a counter-agrarian reform of unprecedented proportions, greatly concentrating land ownership.²⁰ It is estimated that while 0.5 per cent of the population owned 30 per cent of the territory in the mid-1980s, the same percentage

own 60 per cent today.²¹ Displacement has accelerated normal processes of urbanisation and economic migration, swelling the ranks of the urban poor.

The presence of indigenous and Afro-Colombian communities in areas of economic and strategic military interest have made them particularly vulnerable to violence and displacement. Opportunities exist to secure a more profound inclusion of these communities in economic and political systems. For example, the legislation that recognises the right of the Afro-Colombian communities to collective ownership of uncultivated land in the regions they inhabit, known as Law 70, was adopted in 1993. Nevertheless, it is necessary to ensure the implementation of key provisions regarding education, economic development and local governance.²²

For the past two decades, the economic model has been export led and resolutely focused on liberalisation. During the 1990s, the opening of the economy, combined with the collapse of international markets for key export crops such as coffee, had a devastating effect on the agricultural sector, which contributed to mass migration to urban areas.

The unequal distribution of wealth, the clearest expression of which is the land issue, can also be seen in urban areas where 1 per cent of people own 58 per cent of urban property.²³ Moreover, a stock market that is inaccessible to 90 per cent of Colombian households is dominated by a tiny minority – 0.21 per cent of shareholders own 80 per cent of stock market capital.²⁴

Colombia has successfully attracted a significant amount of foreign investment over the past five years, a key part of its development plan. But while foreign investment tends to be associated with economic growth, its links with poverty reduction and respect for human rights are less clear. In some circumstances it can play a positive role, especially when foreign companies bring leading thinking on corporate accountability, but it can often be divisive and damaging, exacerbating present inequalities.

Public policies to reduce inequality

In response to this entrenched inequality, a comprehensive government plan is required at a range of levels to strengthen civilian governance in rural areas and support a peasant-farmer economy that is inclusive, legal and sustainable. It is possible to ensure economic alternatives for small producers that would eliminate the inefficiencies and injustices of the internal markets. Central to this should be a participative process with the communities, the sustainable use of resources and the protection of food security. Public policies that focus on

redistributing wealth are needed in order to enable Colombia to take advantage of the economic gains made in periods of economic boom and cover the shortfalls in economic downturns. These include the need for better access to assets such as land, credit and education for the poor.²⁵ Such policies will encourage a fairer, more equal distribution of wealth, and a corresponding drop in levels of poverty and extreme poverty.

Unfortunately, the policies of the present administration are doing very little to strengthen rural communities and are continuing to undermine their viability. The 2006-2010 National Development Plan (NDP) starts from the premise that poverty in Colombia will be overcome by a combination of economic growth and welfare policies. In this model it is taken for granted that economic growth will automatically lead to a reduction of poverty. But Colombia continues to follow a pro-rich development model, where the incomes of the rich rise faster than those of the poor. Tax contributions of wealthy sectors are far below what they should be.²⁶ Government policies are geared towards extensive agriculture or the exploitation of rural areas for their natural resources such as oil, coal, wood or minerals. Small-scale rural farmers are not among the government's priorities for economic growth.

The introduction of free trade agreements with the US, Canada and the EU will destroy local markets and the incomes of poor peasant farmers (including vulnerable groups such as poor women farmers and indigenous and Afro-Colombian communities) unless adequate measures are taken. Without financial and technical assistance for their small-scale agricultural production and access to markets, even more poor rural people will be forced to migrate to the cities or surrender to the exploitation of illicit war economies or insecure work in other sectors.

Small rural producers are currently responsible for 40 per cent of Colombia's food. If this production is undermined, inequality will rise and the country will see a deterioration in its food security. Other international trade agreements demonstrate that this loss in national production in favour of imported goods does not even lead to lower food prices for consumers.²⁷ By strengthening small producers through public policy and eliminating some of the inefficiencies on the route to market, the Colombian government could contribute both to reducing rural poverty and to guaranteeing lower-priced food.

Work done by Oxfam in Boyacá brings small-scale producers closer to urban consumers (thus increasing their bargaining power) and establishes food security policies with local governments. Small-scale producers are receiving 62 per cent more for their produce, while consumers in Bogotá are paying 15 per cent less for the same products.

'Before, we struggled to have enough to eat. Now we can afford to pay, for example, for my children's school fees. Now that I see I can earn money, and that I am capable, I am thinking of doing something bigger. I am going to begin to keep rabbits and chickens in a more serious way.' A female small-scale producer from Boyacá



A small-scale producer from the Municipality of Cachipay sells directly to consumers in Bogotá

The main government programme to assist families living in extreme poverty is its 2007 plan to extend social services to 1.5 million families through the pilot phase of the Social Protection Network for Overcoming Extreme Poverty (JUNTOS). Through this programme, beneficiaries receive cash subsidies on condition that children attend school and go for medical services. According to the Office of the UN High Commissioner for Human Rights (OHCHR), its impact on the reduction of overall poverty and inequity is contingent on further advances in an integral policy against poverty.²⁸ These unsustainable short-term state assistance programmes need to be replaced by a coherent and integral public policy to fight poverty that includes market access and urban food security programmes, which bring long-term benefits to poor people in both rural and urban areas.

If the basic rights of poor people living in the middle of the conflict are not met by the state, inequalities between rich and poor people will increase, further fuelling the regressive power dynamics of the armed conflict. In addition, the expansion of the agro-industrial model on land formerly farmed by small-scale farmers producing basic food staples could severely reduce Colombia's capacity to feed its own people. Greater dependence on food imports will leave poor people, particularly in cities, vulnerable to rises in international food prices.

Cocaine

Cocaine use among young adults has doubled in the UK in the past ten years, and the UK remains Europe's largest cocaine market in absolute terms and second largest – after Spain – in terms of prevalence.²⁹ Eighty per cent of the cocaine bought in the UK comes from Colombia, so it is natural that the reduction of cocaine imports into the UK from Colombia should be a key objective of the British government's diplomatic endeavours in the country.³⁰

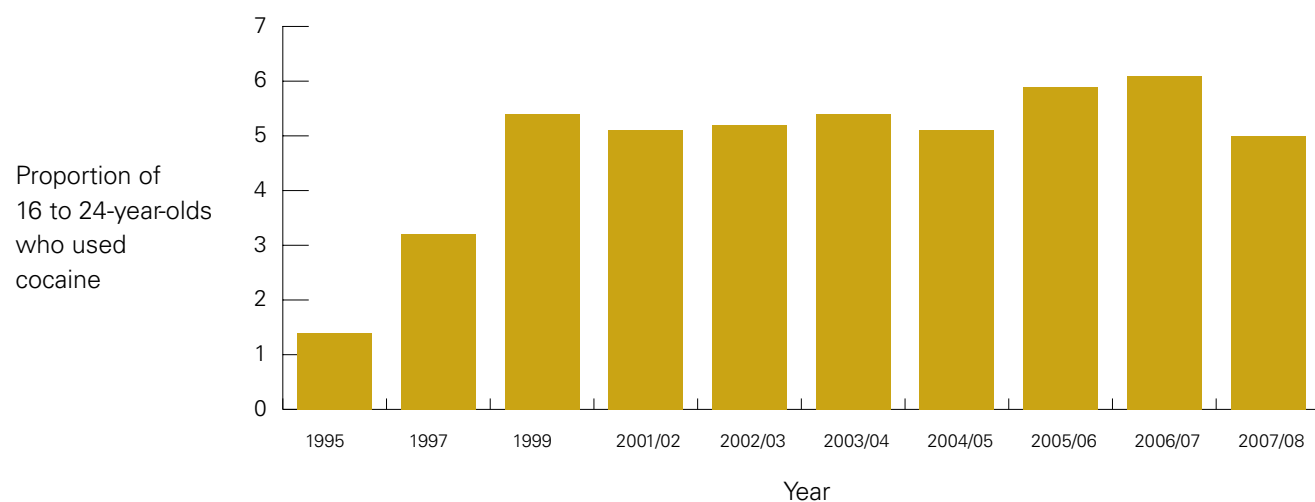
Colombia grows most of the world's cocaine, producing 600 tonnes in 2007.³¹ The cocaine trade has fuelled the Colombian conflict for many years now, and there is no sign that it is diminishing in importance. Armed and civil groups, whether with political ideologies or for simple economic gain, continue to keep the trade alive.

Oxfam works with its partner CIMA in Cauca, supporting small-scale producers to find sustainable alternatives to coca crops. In March 2006, the project supported Aurelia, a local farmer, to borrow a piece of land. But then fumigations started in the area.

'Since we did not own land, my children had to work in the nearby farms where they earned around US\$7 a day. If they work harvesting coca crops they can earn US\$15 a day. But it scares me; if they start working with coca they may join the guerrillas. I am participating in this programme because I am trying to make a better life for my children... Because of fumigations we have lost our crops, especially the plantains, which is our main source of food, and also the big production crops, the ones we sell, papaya, watermelon, cantaloupes, the crops that give us an income. Now, three of my seven children have gone to the mountains to harvest coca.'

The UN Office of Drugs and Crime (UNODC) says that almost 100,000 hectares of coca were planted in 2007, up 27 per cent on 2006, with a sharp increase in cultivation in the Pacific and Central regions.³² Fumigation has also led to what is known as a 'balloon effect', the atomisation of coca cultivation. Coca is cultivated in 23 of Colombia's 32 departments. There was also a 19 per cent rise in the number of households involved in coca production in 2007 (from 67,000 to 80,000).

Figure 1: Use of cocaine among young adults (16-24) in the UK



Source: British Crime Survey 2007-08 England and Wales

A number of measures have also been taken by coca growers to improve the productivity of their coca fields by using new fertilisers and leaf-picking systems and increasing the density of the coca bushes.³³

The Foreign and Commonwealth Office (FCO) website acknowledges that its response to the drugs problem should be multifaceted as the issue stretches beyond law and order to include 'social development, human rights and political stability'. However, the UK's work in Colombia centres around 'gathering information on the drug trade, training and support for Colombian law enforcement agencies and legal authorities and law enforcement operations against shipments of cocaine from Colombia to the UK'.³⁴

Some progress has been noted in the disruption of trafficking routes to the US, which has led to price rises over the past 21 months, while the purity of the cocaine has decreased according to the US Drug Enforcement Administration (DEA).³⁵ However, cocaine in the UK appears to be getting cheaper, implying an increase in supply. In 2000, a gramme of cocaine cost £65, but in 2008 it was possible to buy a gramme for £40-50.³⁶

Some of the strategies employed to curtail coca cultivation are causing great harm to some of Colombia's most vulnerable people. Plan Colombia – the Colombian government's drug strategy bankrolled by the US since 2000 – relies heavily on the chemical eradication of coca crops using aerial fumigation. This strategy has had dramatic consequences on rural

communities, causing displacement and loss of livelihood and cultural identity.³⁷ For example, 5,000 indigenous people living in the Barranco Siare (Vichada Department) have been forcibly displaced to nearby cities since January 2008 as a result of aerial fumigation and forced manual eradication of crops. Some communities say that children have died from hunger caused by food insecurity during this period.³⁸

ABColumbia has neither the mandate nor the expertise to comment on what policies should be in place to reduce demand for cocaine in Western countries, the main driver of the cocaine trade, although the evidence appears to demonstrate that present policies are proving ineffective. However, our analysis of the supply side, influenced by our close work with partners and communities working in coca-growing areas, leads us to insist that criminalising peasant farmers is counter-productive, since their involvement in drugs is related to coercion and a lack of alternative sustainable options. The only way to deal with the supply side of the drug problem in Colombia is to alleviate economic and social inequality via the development of sustainable livelihoods in remote regions. Alternative development programmes should be accompanied by voluntary manual eradication programmes. They should be developed in parallel with municipal and provincial development plans and have a clear focus on food security. Real alternatives are necessary to help farmers switch from illicit crops.

The effect of aerial fumigation on peasant farmers' livelihoods and lives. Trócaire and SCIAF work with Vicaria del Sur in the region of Caquetá on issues of food security and community organisation.

Gilberto Triana's farm in the village of Monterrey, Caquetá, has been fumigated three times even though he does not have any coca plants. His cocoa crop was left completely burnt and ruined. In neighbouring villages in the Caquetá region fumigation has destroyed much of the maize, banana, manioc root and other vegetables of poor farming communities. According to the spokesperson of the municipality of San José del Fragua, people have been protesting about the destruction of food crops and the development of illnesses in the population such as skin damage or respiratory problems, 'These complaints have been sent to the anti-narcotics unit in Bogotá but we have received no response'.³⁹

Christian Aid works with its partner CISCA in Catatumbo on the Venezuelan border, supporting the regeneration of community organisations after their repression at the hands of paramilitaries working closely with the army.

'My farm is really valuable because I have high parts and low parts so I can grow a wide range of products from plantain to beans. It is important that we don't end up with monoculture because it puts our land at serious risk. If we depend on just one product, especially if it is coca, which could be pulled up at any time by the state, we are far more likely to be displaced, as we don't have food security. But if we grow our own food it will take violence to displace us. Coca is very dangerous for us. Even many of the people who grow it want to find a way to get out of it. In the short term you can't deny that it has brought benefits for farmers – people who used to live in palm huts now live in concrete houses, they have water and electricity. But the long-term consequences are severe.'

Ezequiel, a farmer in Catatumbo

2 The state of human rights: conflict, democracy and the rule of law



CAFOD/Amie Bungeroth

Peace march organised by the Catholic Church

The Colombian state is exercising greater military control over its territory than before, and there is increased security among certain sectors of the population, particularly the middle and upper classes living in cities. Over the past six years security forces have increased the number and intensity of military offensives and severely reduced the logistical capacity and territorial control of the guerrillas.⁴⁰ Guerrilla involvement in narco-trafficking, kidnapping and other forms of violence against the civilian population has brought their support in Colombia to an all-time low.

Counter-insurgency and counter-narcotics policies have had a devastating impact on the security and livelihoods of civilian communities living in the middle of the conflict. Colombian civilians are expected to take the side of the state in the war against the guerrillas, even if this means giving up their right to distinction and protection under international humanitarian law.⁴¹ Mass arbitrary detentions, extrajudicial executions, enforced disappearance, torture and stigmatisation campaigns against communities that try to exercise their rights as civilians by staying out of the conflict are all common.

Around 700 people are presently being held hostage by the FARC, often in appalling conditions.⁴² In addition, Colombia now has the highest number of landmine victims in the world with 895 casualties in 2007 (193 people killed and 702 injured).⁴³ Twenty-nine candidates were killed in the run-up to the October 2007 local elections – the FARC was blamed for most of the killings.⁴⁴ There has been a reduction in deaths in combat and kidnappings.⁴⁵ However, there were still over 600 acts of war carried out by the FARC in 2007, considerably more than during most of the 1990s.⁴⁶ The figures for the army show a similar trend.

David Miliband, the British foreign secretary, recently summarised the UK government's vision for its human rights work in Colombia.

'We want to help the Colombian government improve the difficult human rights situation in Colombia, and to promote stability, prosperity, democracy and the rule of law. Those guilty of abuses – whoever they are – must receive justice for their actions. Colombia's people – particularly those most vulnerable: indigenous communities, the displaced, human rights defenders and trade unionists – deserve the full protection of the law, and the support of both the Colombian government and its international partners.'⁴⁷

Right: Scars from landmine injuries

While some commentators claim that the FARC has suffered an irreversible fall in its influence in recent years, ABColombia organisations are more circumspect. There have been peaks and troughs in the armed conflict in Colombia before. As successive governments have failed to respond effectively to the reality of poverty and political exclusion, violence has emerged again in different forms, and with new confluences of armed groups. Moreover, for some years the guerrillas have been able to continue operating despite lack of public support due to the lucrative trade in cocaine.

The conflict in Colombia has changed in some very significant ways. But talk of a 'post-conflict' situation is misguided and unhelpful, partly because it avoids difficult questions about the need to address the root causes of the conflict. Instead, it is essential that the international community makes clear its desire to see a negotiated outcome, leading to the resolution of longstanding social and economic grievances.

Landmines – the story of Olga. CAFOD's partner the Social Department of the Bishop's Conference (SNPS) supports landmine victims in Caquetá.

In 2006, 65 children were injured by landmines.⁴⁸ Olga stepped on a landmine in the region of Caquetá when she was eight years old. She lost her leg but she was too afraid to admit that a landmine had caused her injury, telling the hospital instead that it was a snake bite. The guerrilla groups in the region had threatened to kill anybody claiming to have been injured by a landmine, and the army was suspicious of anybody arriving at the hospital with landmine injuries, believing them to be possible supporters of the guerrillas. Today, Olga cannot access rehabilitation or a prosthesis because she is not on the official list of landmine victims.



Caritas Internationalis/Michelle Hough

Paramilitary power

The paramilitary demobilisation process has led to a significant reduction in the kind of headline-grabbing atrocities common in the late 1990s and early 2000s, of which paramilitaries were the lead authors. But while some paramilitaries have disarmed, new groups have emerged and others have regrouped and continue to limit the movement of the civilian population and implement social and economic control, threatening social, community, church, union and student leaders.⁴⁹ Collusion between some elements of the army and paramilitary groups continues. Estimates of armed paramilitary members presently operating vary widely from 3,000 to 9,000.⁵⁰ Although their modus operandi sometimes differs, they should not be dismissed as mere 'criminal gangs' as the Colombian government does.⁵¹

Paramilitary structures must be recognised if they are to be defeated.

'It is very difficult to denounce them [the paramilitaries] when they say they no longer exist.' Member of the Organización Feminina Popular (OFP), a women's organisation in Barrancabermeja⁵²

The demobilisation process has allowed paramilitaries to consolidate and even legalise their economic and political power in many parts of the country. A reduction in violence in those areas is actually a symptom of the fact that paramilitary groups now hold political and economic power, and no longer have to fight for it.⁵³ The scale of the 'parapolitical' crisis in Colombia emerged through a dynamic combination of media, outspoken politicians and grassroots action by victims, followed up by the Supreme Court. As of March 2009, 70 members of the Colombian national legislature are either under formal investigation for ties to the paramilitaries (41), or have been detained (29). The fact that a quarter of Colombia's bicameral parliament, mostly members of the pro-government coalition, are detained or under investigation calls into question the functioning of democracy in Colombia. A similar situation in the UK would equate to more than 400 MPs and Lords being probed or arrested for charges linked to conspiracy to commit kidnapping, homicide and massacres, making secret pacts with paramilitary death squads and laundering money. Those accused of links to paramilitarism took part in the adoption of the legislation that led to paramilitary demobilisation.

Truth, justice and integral reparation

Rather than establish an independent truth commission, the 'Justice and Peace' law negotiated with the paramilitaries relies on the testimonies given by paramilitaries seeking the benefits allowed by the law. Victims and their representatives are not allowed to intervene.⁵⁴ There is therefore little hope that the whole truth about the atrocities committed by paramilitaries, and their links with third parties (state institutions at the national and local level, businessmen, the army and the police), will emerge in the near future. It is vital that victims' voices are heard and their needs taken into account in the elaboration and application of programmes that relate to their right to truth, justice and reparation.

Most demobilised paramilitaries were not subject to the Justice and Peace law and simply walked away without confessing to abuses or providing any information on their crimes.⁵⁵ The Colombian judicial system struggles in the face of woefully inadequate financial, technical and human resources. There are only 23 prosecutors in the Justice and Peace unit of the Attorney General's Office, each with an average caseload of more than 800 victims. In the three years since the Justice and Peace law came into force, only nine of the 3,431 cases that have emerged through the testimonies of demobilised fighters have been brought to a conclusion.⁵⁶ Significant international pressure is needed to ensure that one of the most brutal periods of Colombian history is not simply erased from official memory, as has happened previously, and that justice is done.

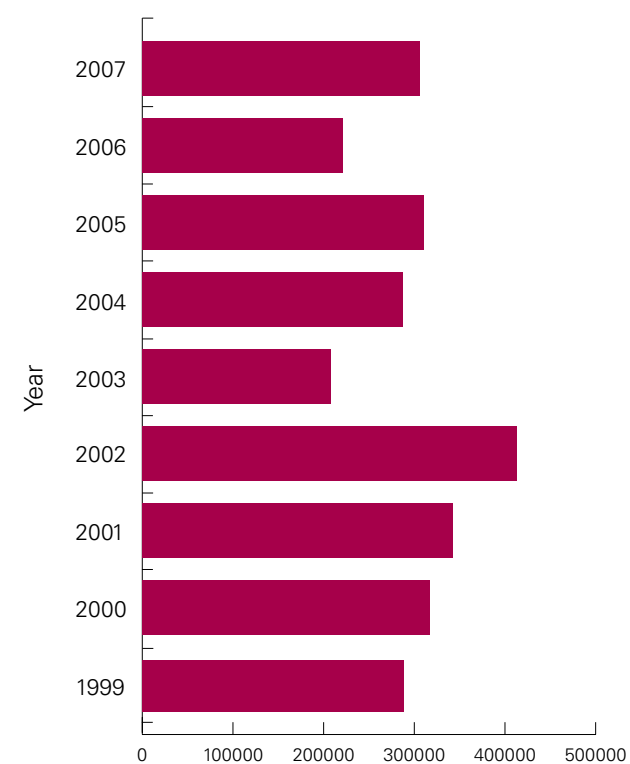
Paramilitaries have obtained enormous wealth and millions of hectares of land through violence and extortion. However, the Justice and Peace process has resulted in very limited progress towards providing reparations for victims. So far, paramilitary leaders have handed over only US\$2 million of an estimated US\$5,000 million collective fortune.⁵⁷ Less than 6,000 hectares of land has been returned.⁵⁸ Very limited reparation funds are now set to come from the Colombian taxpayer and international donations. ABColombia is concerned that the present focus on financial compensation tacitly implies that paramilitaries will not return stolen land, thus cementing a vast counter-agrarian reform.

Internally displaced people

In 2008 Colombia had the second highest number of internally displaced people,⁵⁹ and the third largest refugee population living in other countries.⁶⁰ Between 3 and 4 million people have been forcibly displaced since 1985, many of them Afro-Colombian, indigenous peoples or poor peasant farmers who have been pushed off collective lands through a combination of intimidation and extreme violence.

Some analysts have sought to diminish the importance of the continuing displacement crisis, arguing that people are simply moving around the country for economic reasons.⁶¹ However, this way of thinking should be resisted. In the first six months of 2008, 270,000 people fled their homes to escape violence according to the main NGO tracking displacement in Colombia (Consultoría para los Derechos Humanos y el Desplazamiento – CODHES); a 41 per cent increase on the same period in 2007.⁶² While displacement is falling in certain regions, it is increasing alarmingly in others, such as Patia, the Pacific coast of Nariño, the north of Valle and Arauca.⁶³

Figure 2: Newly displaced persons



Source: Consultoría para los Derechos Humanos y el Desplazamiento

Juana, displaced by the conflict, is receiving emergency support and advice in San Pablo from the Jesuit Refugee Service (SJR), a Trócaire partner.

All Juana wanted was to 'bring up her children in the countryside' with her husband in Monterrey in the south of Bolivar. They moved to Tamocondo where things appeared relatively calm except for the comings and goings of armed groups. One day Juana realised that her younger brother had joined one of the paramilitary groups 'to do something and so that they would pay me'. The guerrillas found out and gave her an ultimatum to abandon her home or she would suffer the consequences of being a 'paramilitary collaborator'. The situation became even worse when her husband received death threats because a brother of his had also joined the paramilitaries. He was forced to leave their home and he left his wife and children behind. One day Juana returned home to find that her few belongings had been burnt and her animals slaughtered. She decided to flee to San Pablo with just one bag of possessions and her five children.

The Colombian government's response to this crisis has been totally inadequate. More than ten years after the adoption of an advanced and comprehensive legal framework there is still a dramatic gap between what has been pledged and what is actually happening. The Colombian Constitutional Court has reiterated its judgment that, despite an increase in the budget allocation to attend to the needs of displaced people, the Colombian state is failing in its legal obligations. ABColombia is concerned that, rather than respond as it should to the crisis, the government is trying to reduce the number of people it recognises as displaced in order to demonstrate positive results.

The right of individuals and communities to return to their homes almost always goes unfulfilled. The very few returns implemented by the government have not respected the international principles of security, dignity and voluntary return and many families who return to their places of origin are once again displaced or suffer persistent attacks against their lives and livelihoods.

The policies of the present administration are neither preventing forced displacement nor reversing the vast theft of land that has taken place in recent years. Present economic development policies favouring large-scale agriculture and natural resource extraction may be partly to blame for the increases in displacement seen in recent years.⁶⁴



Basic facilities: a settlement for displaced people

Caritas Internationalis/ Michelle Hough

CAFOD works with the SNPS in Huila and Caquetá to support victims of displacement in their efforts to rebuild their lives.

For those caught up in the conflict, life is precarious. As well as dealing with the trauma of their ordeal, the majority of people end up living in shantytowns on the outskirts of cities, erecting precarious dwellings out of cardboard and plastic sheeting. Antonio Vélez, 33, lost his home in Caquetá and all his possessions after being threatened by guerrillas. ‘We had to run for it with just a bag of clothes. We were being threatened,’ he remembers. ‘We couldn’t sleep. I was terrified my family would be killed.’ Antonio’s family ended up in a town in Huila, where they struggled to make ends meet. With support from CAFOD and backed by EU funding, he is now running a shoe-making business – one of the 24 community businesses set up by the project.

Christian Aid partner Justice and Peace accompanies communities returning to land violently stolen by paramilitaries.

In 2007 Colombian state authorities recognised the territorial rights of the displaced communities of the Curvaradó and Jiguamiandó river basins and declared that the lands should be restored to their legitimate owners. However, the Colombian government has so far failed to implement this decision. In June 2008, the Afro-Colombian communities began the land demarcation phase to ensure that the land is returned and the further expansion of illegal African palm plantations is prevented. Efforts by the displaced communities to return to their land have been met by intimidation and murder from armed groups associated with the plantation owners. The communities could be displaced again.

Extrajudicial executions

One of the most disturbing elements of the present manifestation of the Colombian human rights crisis is the killing by the army of young people or community leaders, claiming they have been killed in combat. ABColombia organisations helped fund an international observer mission on these ‘extrajudicial executions’ in Colombia, which revealed 535 such killings between 1 January 2007 and 30 June 2008 alone.⁶⁵ This shows an alarming increase on earlier figures, which record just 1,122 cases from July 2002 to December 2007.⁶⁶

Attempts by human rights organisations to alert Colombian authorities to this phenomenon have sometimes been dismissed as having ulterior motives, such as de-legitimising the army, or even supporting the guerrillas,⁶⁷ but in 2007 the Colombian government started taking some measures to curb these army executions. In November 2007 the general command of the armed forces finally ended the link between the numbers of people killed in combat and extra pay and holiday for soldiers. Most recently, in September 2008, following the discovery of the bodies of 19 young men from Bogotá, killed by the army and buried in mass graves hundreds of miles away, three army generals and 24 other officers were dismissed. The army commander, General Mario Montoya, resigned on 4 November amid this controversy.

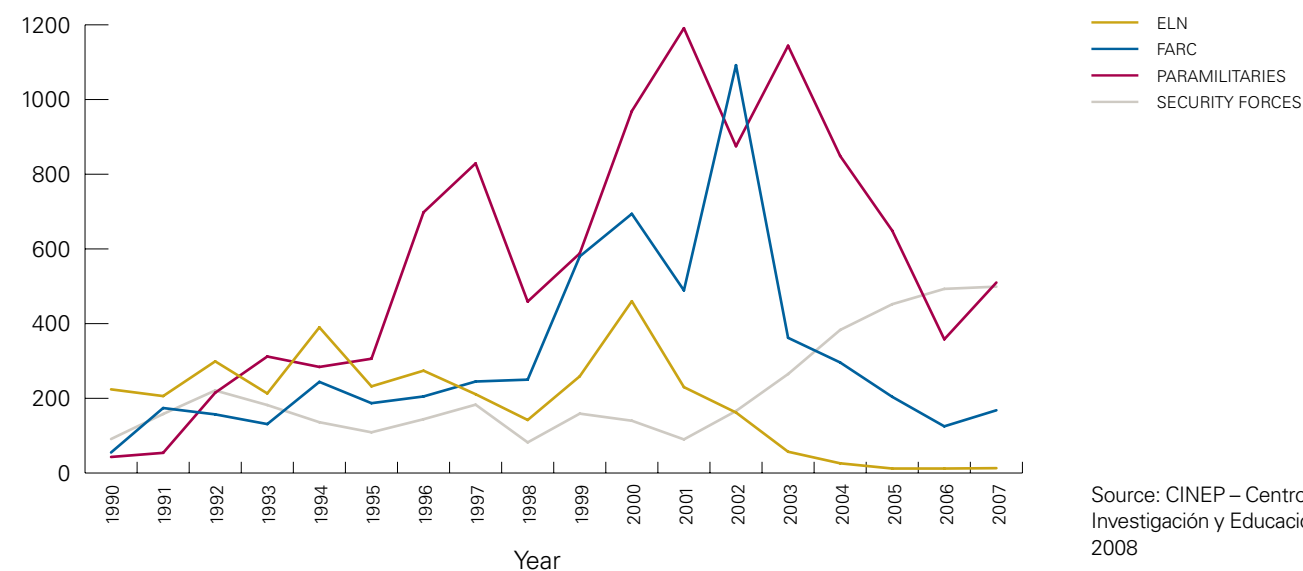
These positive developments, which were spurred by widespread media coverage and international pressure, including a British government statement,⁶⁸ must be followed by systematic investigation and conviction of the guilty parties. There also has to be constant monitoring of potential benefits that could tempt soldiers to kill civilians. In many cases of suspected extrajudicial killings the military justice system still claims jurisdiction over the investigation instead of providing the public prosecutor’s office with all the resources it needs to act immediately.

Attacks on human rights defenders

Colombia has never been a safe place to be a human rights defender, and politicians, trades unionists, journalists, church personnel, community and social leaders, and ordinary people resisting violence and displacement continue to be threatened and murdered. In addition to the human tragedies this causes, this repression sends a clear message to ordinary people not to organise themselves in defence of their rights.

In some areas, the demobilisation of paramilitaries led to more political space in which citizens groups could operate, but in 2008 the context for those seeking to defend the rights of the most marginalised and vulnerable Colombians has deteriorated. According to international human rights watchdogs, Colombia

Figure 3: Violations of international humanitarian law by armed groups 1990-2007



Source: CINEP – Centro de Investigación y Educación Popular, 2008

is one of the most dangerous countries in the world for human rights defenders, trades unionists and journalists.⁶⁹ Eighty-six human rights defenders were killed between July 2002 and December 2008.⁷⁰ Killings of trades unionists rose again in 2008, despite having fallen in recent years. Forty-six trades unionists were assassinated or disappeared in 2008, while 125 received death threats.⁷¹ Nineteen journalists have been killed since October 2002, although murders have fallen in the past five years. Press freedom remains limited, especially in the provinces – the media risk reprisals in tackling sensitive topics such as drug-trafficking, the armed conflict or corruption.⁷²

Fifteen representatives of victims' organisations participating in the Justice and Peace process had been killed as of July 2007, and a further 200 had been threatened.⁷³ The Constitutional Court has judged the protection programme for victims and witnesses involved in the Justice and Peace process to be deficient and has ordered its reform.⁷⁴

Representatives of victims killed – the case of Yolanda Izquierdo

Yolanda Izquierdo, head of the People's Housing Association (OPV in its Spanish acronym) had taken on the leadership of a group of victims of paramilitary crimes to help them participate in the Justice and Peace tribunals. Yolanda started receiving threats. She alerted state authorities and asked for protective measures but did not receive a response. On 31 January 2007 Yolanda was assassinated.

In 2008, 7,505 Colombians were direct beneficiaries of the government's flagship protection programme, which offers some high-profile human rights defenders, trade unionists and other threatened individuals bodyguards, armoured cars and communication equipment.⁷⁵ However, the vast majority of human rights defenders, particularly in remote, rural areas, are unknown and, although they are officially part of the state protection programme, the security measures provided to them are woefully inadequate. This programme has saved lives, and ABColombia organisations emphasise the need to redouble efforts to ensure the physical integrity of our partners and all who are doing valuable human rights or political work in Colombia.

Impunity

The only sustainable way to reduce the levels of threat and violence is to bring the perpetrators to justice, thus sending the message that the situation will no longer be tolerated. Sadly, impunity remains the norm. According to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), impunity in cases of violence against trade unionists is nearly total (at 96 per cent).⁷⁶ Almost no threats against human rights defenders have resulted in a conviction. The recent decision by the Ministry of the Interior to set up a Regional Human Rights Unit in the Prosecution Office is a positive step forward.⁷⁷

The Colombian judicial system is under-resourced and overwhelmed; it can also be corrupt and inefficient when there is a lack of political will. Following pressure from the international community and human rights groups, a few of the most high-profile cases have advanced, although many others remain in impunity. It is clear that international pressure needs to remain focused to ensure that advances are made not just in emblematic cases but across the board.

Positive developments in recent years, including the Supreme Court taking a leading role in uncovering politicians' paramilitary ties and the Constitutional Court's rulings on the displaced population, are at risk of being undermined if the executive branch succeeds in its apparent attempts to increase its control over the judiciary.

Public discourse

The context for human rights defenders is further endangered by the irresponsible statements of leading government officials, including the President, which seek to stigmatise human rights defenders and undermine their work. Despite a presidential resolution⁷⁸ that prohibits declarations by public servants that put the security of human rights defenders and other civil society actors at risk, senior public officials continue to label them as terrorist sympathisers, effectively giving a green light to armed groups, paramilitaries and others to murder and threaten. Those responsible for making unsubstantiated allegations against human rights defenders have not been sanctioned.

In a democracy, opposition voices should be protected at all costs. We condemn the use of this language as dangerous and irresponsible as it stigmatises legitimate individuals and groups who challenge human rights abuses, inhibiting freedom of speech and the development of an open and democratic society.

The most effective strategy for protecting human rights defenders would be for the government to legitimise their work by giving them unequivocal public support, and to make statements of intent to thoroughly investigate and punish those who would threaten or murder them. The British government could make a real difference to the safety of human rights defenders by pressing the Colombian authorities to provide this political support.

Unfounded legal proceedings

The work of human rights defenders is frequently impeded by unsubstantiated charges brought against them based on false allegations or false information contained in military intelligence reports, rather than on evidence gathered in the course of impartial criminal investigations by the civilian authorities.⁷⁹ Legal proceedings often include prolonged arbitrary detention. This not only stigmatises legitimate human rights defenders as criminals or terrorists, it also diverts their resources (human and financial) away from their important work defending other people's human rights. In the worst cases, such charges and detention can put them at risk of reprisal attacks by armed groups.

The case of Ever González from the Comité de Integración del Macizo Colombiano (CIMA), an Oxfam partner.

Human rights defender Ever González was killed on 20 September 2008 while investigating cases of extrajudicial executions in the Department of Cauca. Ever had benefited from precautionary measures from the Inter-American Commission on Human Rights since 2003 and had been included in the Ministry of the Interior's protection programme, which consisted of being given a mobile phone with 300 minutes per month. Nevertheless, he was arrested and accused of sedition in 2004 during massive detentions in the Cauca region. His innocence was proved but his arrest, in the middle of the armed conflict, stigmatised and inevitably increased the risk to Ever's life.

Military intelligence files: false information on human rights defenders – the case of MINGA, a Christian Aid partner.

In September 2008, one of the main Colombian TV channels, CM&, quoted military intelligence files purporting to show that MINGA, a highly respected human rights organisation, had helped members of the FARC and National Liberation Army (ELN) to emigrate to Canada. The charge is wholly unsubstantiated and puts MINGA's important work and its team at risk.

Particularly vulnerable groups

Indigenous and Afro-Colombian populations

Over 3 per cent of the Colombian population identifies itself as indigenous and over 10 per cent as Afro-Colombian.⁸⁰ These communities have often borne the brunt of the conflict in Colombia. Despite legal protection, the lands these communities inhabit have been coveted by armed groups and economic interests for their resources or strategic positioning. According to the Office of the UN High Commissioner for Refugees (UNHCR) in Colombia, practically all of the 1 million indigenous people living in Colombia have been victims of forced displacement or threats due to the internal armed conflict.⁸¹ Displacement has a particularly devastating impact on indigenous communities as their economic, social and cultural survival is deeply linked to their ancestral land. Seventy-nine per cent of Afro-Colombian people live outside their ancestral territories.⁸²

Efforts by Afro-Colombian and indigenous groups to demand their fundamental rights be respected have been met with oppression from all sides, as such organisation is seen as a challenge to the authority of other structures in the area. An indigenous mobilisation in October 2008 was violently repressed by the Colombian police and a number of assassinations have followed.⁸³ Indigenous and Afro-Colombian

SCIAF works with the Community Council of the People's Peasant Organisation of Alto Atrato (COCOMOPOCA) in Chocó, one of the most deprived regions of the country, supporting Afro-Colombian community leaders in their legal fight for land titling.

'We are fighting hard for our right to live peacefully and productively on our lands. It has been 15 years since our right to these ancestral territories was recognised in the Colombian constitution but we are still struggling to get the land titled. In the meantime we have to face illegal logging and mining companies causing environmental devastation. Our lives and our livelihoods are constantly at risk. As well as defending ourselves from violence, we also have to fight the laws that could threaten our future, like the reforms to the Mining Code. Through the project with SCIAF we have been able to push forward the legal processes needed for land titling here and also in Bogotá and we have been able to ensure that the 46 communities know their rights and are better able to defend them.' *Jozefa, a community legal representative of COCOMOPOCA*

people suffer from marginalisation and discrimination. Life expectancy is much lower than the national average⁸⁴, and many ethnic groups are in danger of extinction.⁸⁵

Women

Despite a supportive legal framework⁸⁶, Colombian women continue to face discrimination and special threats to their rights, particularly in a context of armed conflict.⁸⁷ Sexual violence against women and girls, in the form of rape, sexual slavery, forced prostitution and forced abortion is widespread and is used by armed groups to terrorise and destabilise communities.⁸⁸ According to the 2007 OHCHR report, sexual violence against women has been committed both by members of illegal armed groups and the armed forces.⁸⁹ But such crimes remain largely invisible to the public. Few or no specific protection measures for women have been put in place by the state, and the issue is overlooked by the Justice and Peace law despite the fact that over 60 per cent of the 130,000 victims who have filed reports under the law are women.⁹⁰ Of these women, only 96 have been catalogued as victims of sexual crimes. It is very difficult for women to denounce cases of sexual violence because more often than not they cannot identify the perpetrator, there is no 'evidence' as such and authorities deem rape to be a minor crime.⁹¹



Jozefa, a community legal representative of COCOMOPOCA

Sexual violence against women and impunity – the case of Mónica. Trócaire supports Corporación Mujeres que Crean in Medellín, which works with women victims of sexual violence and human rights abuses

Mónica Giraldo accompanied victims of political violence in eastern Antioquia. In February 2007, while she visited a woman whose husband had been killed by the paramilitaries, Mónica was aggressively interrogated and sexually abused by three men who identified themselves as 'Águilas Negras' [Black Eagles, a new paramilitary grouping]. They told Mónica that they did not want to hear any more about her working in the area. Mónica decided not to denounce what had happened for fear of retaliation. But a group of men came back and took her against her will in a van to a remote place. She was told she had 15 days to abandon her home. In the days that followed, she went to various organisations to denounce the violence and continued persecution, but was told that the Justice and Peace process would not take on any cases that had occurred after the paramilitary demobilisation.

Women and children make up around 73 per cent of the displaced. A recent Constitutional Court judicial decree on the rights of women displaced by the conflict made an explicit link between displacement and sexual violence.⁹² It called on the government to establish programmes to protect women displaced by the conflict.⁹³ According to the human rights ombudsman's office, 17.7 per cent of women victims of displacement reported sexual violence as the cause of displacement.⁹⁴

According to the National Reparation and Reconciliation Commission (CNRR):

'The "typical" victim of the conflict in Colombia is a poor woman, [the] single head of household. She earns [the] minimum wage, only has minimum primary school-level education and has been displaced by violence.'⁹⁵

Children and young people

In Colombia more than 1 million children have had to flee their homes due to the conflict. Around one-third of them do not have access to the national education system, often because they cannot afford school uniform, transportation or school books. Children who have fallen out of the school system are the most vulnerable to forced recruitment by armed groups.⁹⁶ Between 11,000 and 14,000 children are thought to have been recruited by illegal armed groups over the period of the conflict, some as young as eight years old.⁹⁷ Despite government policy to the contrary, a 2007 report of the UN secretary-general noted that children have been used by government armed forces for intelligence purposes.⁹⁸ The Committee on the Rights of the Child expressed serious concern over the increasing number of children living in poverty and extreme poverty.⁹⁹ UNICEF estimates that approximately 29 per cent of civilian victims of antipersonnel landmines are boys and girls.¹⁰⁰

In Bogotá, Christian Aid's Small Projects Fund supports Artifices youth theatre.

A group of young people from a poor neighbourhood in the South of Bogotá decided to set up a community theatre to talk about social issues and promote non-violence. They talk openly about their fear of the armed groups operating in their neighbourhood, the lack of opportunities in their area, the stigmatisation of young people as guerrilla sympathisers and forced recruitment. Following a play they put on in 2006 on the controversial issue of enforced disappearances they received threats. Rather than give in they found an ingenious way of getting their messages across less directly but even more powerfully: through mime.

3 The UK and Colombia

Homes constructed largely from corrugated iron in a displaced community



i. British government support for civil society

The British government's support to civil society in Colombia has two main components: small bilateral projects handled by the British Embassy, and political advocacy with the Colombian government and other institutions.

Small bilateral projects

The British Embassy in Bogotá funds a modest programme of bilateral aid that focuses on:

- strengthening the criminal justice system
- ending discrimination against minorities, women and people with disabilities
- promotion of civil society
- freedom of expression and media.

Colombia is also a priority country in a number of areas of the British Foreign Office's Global Human Rights and Democracy Strategic Programme Fund, including criminal justice, equality, improving electoral processes, promoting and protecting civil society, and freedom of expression.

Total bilateral assistance channelled to small-scale projects in Colombia – not including assistance to the Colombian military – was £384,000 in 2007-08 and has been increased to £931,000 for the period 2008-09.¹⁰¹ These projects have provided important support to civil society organisations, and ensure that the embassy receives information about the state of human rights in Colombia from a variety of well-informed sources.

Political pressure

Many, if not most, of the steps to protect human rights in Colombia in the past six years have been taken under pressure from the international community, rather than emanating from within the present Colombian administration. Put another way, without international pressure, the human rights situation in Colombia would be even worse than it is at present.

Political pressure exerted by the British government on human rights makes a real difference for Colombians suffering from human rights abuses and threats. It is a key player among European embassies in advocating for the respect of human rights, and demonstrating its commitment by actions taken at crucial moments. For example:

- following the massacre of eight members of the San José de Apartadó Peace Community, including human rights defender Luis Eduardo Guerra on 21 February 2005, the UK played a leading role in a diplomatic visit to the community
- in 2007 the British Embassy visited a human rights organisation in Medellín just after a leader, Judith Vergara, was killed

- in November 2008, the UK again led support for a diplomatic visit to Curvaradó (Chocó) following death threats to members of Justice and Peace, a Christian Aid partner, and the killing of community leader Walberto Hoyos.

This political (and sometimes physical) accompaniment has been critical for human rights defenders and threatened communities. Armed groups think twice about attacking when they know that the international community is watching, and the potential victims feel safer and seek to defend their rights more boldly.

In Europe, diplomatic actions taken by the UK with its European partners have resulted in the issuing of *démarches* (diplomatic protests), censuring the Colombian government for violations of human rights. These actions have been important steps in the fulfilling of obligations under the EU guidelines on human rights defenders.

Because it has broadly supported the policies of the present administration, the British government has been slower than it should have been at times to defend human rights. Often it has chosen the diplomatic tool of back-door diplomacy in preference to speaking out in public. The strength of the UK's commitment to defend human rights in Colombia should not depend on national politics but on the upholding of internationally agreed norms, regardless of the government in power. We are pleased that in 2008 the UK became stronger in its insistence on high human rights standards and we hope this trend continues. In particular, we urge the British government to work with British NGOs to develop better strategies of support to communities at risk, victims and threatened human rights defenders.

The London-Cartagena-Bogotá process

The British government played a leading role in involving civil society organisations in the first 'London-Cartagena-Bogotá' conference in London in 2003. The governments of the 24 countries present at the meeting formed the Group of 24 (G-24) to follow through on commitments made in the London Declaration.¹⁰² The tripartite structure of these meetings (Colombian government, diplomatic community, civil society) continues to boost trust and cooperation in a very divided society, and is a mechanism that can hold the Colombian government to account as it integrates human rights criteria in the development and cooperation agenda. We therefore urge the British government to re-engage with the London-Cartagena-Bogotá process.

ii. British business

The Paris agenda

The Paris Declaration, signed in 2005 by most governments that either give or receive international aid, sets out ways to improve the quality of aid. According to the declaration, recipient countries should exercise strong and effective leadership over their own development policies and strategies, supported but not led by donors. In many developing countries this emphasis is vital, but in the Colombian context, where internal armed conflict and ongoing human rights violations are rife, directly funding government agencies could reduce the room for manoeuvre and access to resources for civil society organisations that are working to hold the state to account.

The EU is increasingly channelling funds via government agencies such as Acción Social as a move towards encouraging greater ownership by partner governments. But many national and international civil society organisations choose not to access such funds. As the Colombian state is a party to the internal armed conflict, taking state funds might affect the impartiality (or the perception of impartiality) of civil society organisations, resulting in the loss of access to humanitarian aid to highly vulnerable communities in conflict areas.

We therefore urge the British government to take the lead in pressing the EU to continue direct support for national and international civil society organisations working in Colombia. In addition, it should ensure that the EU engages with Colombian and European civil society during the mid-term review of its Colombia strategy.

Britain and Colombia have had a long trading relationship, ever since England played a role in supporting Simón Bolívar's independence struggle against the Spanish. Today, British-Colombian ties are still strong, with British investment in Colombia at over US\$17 billion. SAB Miller is the country's largest foreign investor; followed by BP.¹⁰³ British interests in the mining sector are particularly strong. British companies are the major stakeholders in the Cerrejón mine in the north of Colombia, the world's largest open-cast coal mine, and they lead exploration elsewhere in the country for other minerals such as gold and emeralds. British imports of Colombian palm oil, both as an agrofuel and for other uses, have increased rapidly in recent years, tying the UK into the Colombian government's drive to expand palm oil production in the next few years.

The promotion of British business is a key priority for the British Embassy in Bogotá. ABColombia agencies support the deepening of trade and investment links between Colombia and the UK; both the British and Colombian people can benefit from such links. However, we also work with communities threatened because of the presence of natural resources in, on or near their land. We start from the conviction that communities should benefit significantly from natural resources extracted from their land. Instead, what is all too common in Colombia is the displacement of people from their land, often through violent means, so that the land can be exploited by Colombian or foreign investors.

The role played by foreign businesses in Colombia's conflict has been varied. Few companies go so far as to make payments to armed actors, although several examples (and even more accusations) of such collusion exist.¹⁰⁴ However, all businesses that choose to invest in Colombia (especially in industries that require large amounts of land such as mining, timber, agriculture and oil and gas) inevitably have some kind of interaction with or impact on the conflict.

Christian Aid supports Fedegromisbol, an association that works in Sur de Bolívar to strengthen local mining and farming communities.

'Since March 2006, when the community said no to the multinational interests of AngloGold Ashanti and its subsidiary Kedadha SA, there has been a strong military presence in the Sur de Bolívar. Miners and their communities have been threatened, houses burned down and even food for school lunches stolen in an attempt to "persuade" us to welcome the multinationals.' *Teofilo Acuña, president of Fedegromisbol*¹⁰⁵

Some major British companies have come under concerted international pressure to improve their social, environmental and political impacts on poor communities near their operations, and on Colombian society as a whole. BP's operations in Casanare and the Cerrejón mine in La Guajira (a joint venture owned by Anglo American, BHP Billiton and Xstrata) are cases in point.¹⁰⁶ Nevertheless in both these cases and many others, ABColombia partners continue to express concern about the potential negative economic, social and cultural impacts of multinational activities.

Trade policy

The UK also has a key role to play in influencing the trade policies of the EU towards Colombia. The EU became the largest foreign investor in Colombia in 2000, with a balance of US\$528.6 million, bigger than the US, with a balance of US\$158.2 million.¹⁰⁷ Following the stalling of negotiations on an 'Association Agreement' with the Andean Community of Nations, the EU is now negotiating a bilateral agreement with Colombia. Using its position as a key commercial player in Colombia and its importance in EU forums, the UK should be a force for positive change and become a leader for ethical investment and trade in Colombia.

Climate change and agrofuels

In 2008 the British Embassy in Bogotá launched a climate change campaign.¹⁰⁸ This is a positive move and ABColombia agencies will seek to work with the embassy to realise its objectives to counter global warming and support adaptation. However, the issue of agrofuels needs to be taken fully into consideration.

The increasing international demand for agrofuels is linked to the fight against climate change as it has been seen by many as a 'cleaner' source of energy than fossil fuels. In this context, President Álvaro Uribe announced in June 2007 that African palm cultivation would increase in Colombia to 400,000 hectares that year.¹⁰⁹ The EU is the largest market for Colombian palm oil, accounting for 85 per cent of the country's exports, with the principal importer being the UK, accounting for almost half of all Colombian palm oil exports.¹¹⁰

Though agrofuels have previously been seen as a green alternative to fossil fuels, a number of recent studies have questioned this analysis, arguing that the agrofuel industry is resulting in vast amounts of carbon dioxide being released into the atmosphere and doing little or nothing to halt climate change.¹¹¹ Following these warnings the British government has decided to slow its push for agrofuels.¹¹²

The human consequences of the expansion of the agrofuels industry in Colombia are even more concerning. Communities around Colombia, from Chocó to Cauca to Catatumbo, are facing forced displacement by groups that want to grow agrofuel crops on their land. There are also grave food and water security implications that are only now coming into focus.



Soldiers guard an area at Curvaradó where African palm is growing

iii. British military assistance

According to the British government,¹¹³ it engages with the Colombian military in three ways:

- de-mining assistance
- human rights training
- counter-narcotics assistance.

In 2008-09 £190,000 was spent on the first two of these areas.¹¹⁴ Figures showing how much is spent on counter-narcotics work are not disclosed to the public.

De-mining assistance

In 2007 there were more victims of antipersonnel mines in Colombia than anywhere else in the world.¹¹⁵ The UK's decision to focus support on this area is strategic, given the scale of the suffering caused, the expertise of the British army in this field, and the commitment made by the Colombian government under the Ottawa Convention to removing the remaining 29 government-controlled minefields, as the security situation permits.¹¹⁶ Approximately 8 per cent of the Ministry of Defence's (MOD) financial assistance to Colombia (a little under £20,000) focused on providing explosive ordnance disposal training to clear minefields in 2007-08.¹¹⁷

The British government mentions the use of landmines only by illegal armed groups. However in its last report on human rights, the US State Department mentions that 'both governmental and non-governmental actors used landmines'.¹¹⁸ In this context it is important that the British government steps up the pressure on the Colombian government to remove the remaining 29 minefields. The cooperation provided should be used as an opportunity to ensure that the Colombian government provides adequate support for landmine victims and strengthens mine-risk education activities in high-risk areas.

Human rights training

The UK is providing capacity-building training to the Colombian armed forces and police on human rights, international humanitarian law, and the rule of law within the military. The training is designed to help participants 'comprehensively to abide by international human rights norms' and is carried out by UK trainers funded by the joint FCO-DFID-MOD Conflict Prevention Pool. The UK also supports a number of UN projects giving human rights training to Colombian officers.

Rather than work with whole army units, the UK works with individuals.¹¹⁹ There is currently no public information on who receives human rights training. The UK is resisting the introduction of a 'human rights tagging' system, as developed by the US, which would identify which individual officers have been trained. It is therefore impossible to know whether individuals trained by the UK are committing human rights violations or colluding with paramilitary forces.

The British government claims that the training it is giving is having positive effects, but this is very hard to verify, as there is little information on the mechanisms used to evaluate whether the training has been successful. What we do know is that human rights abuses committed by the Colombian military and police are on the increase. As a percentage of breaches of international humanitarian law in Colombia, the army now commit 41.5 per cent (2007) compared with 4.3 per cent in 2001 before the partial paramilitary demobilisation.¹²⁰ Collusion between the Colombian military and paramilitary groups continues at the local level in much of the country.

The British government points to renewed statements of commitment from high-ranking Colombian military and civilian personnel, and insists that there is goodwill in high places. ABColombia welcomes statements of commitment, but agrees with the OHCHR that 'there is an abundance of guidelines within the military, and an expanded policy of training in human rights and international humanitarian law. Nevertheless, there is still much to be done towards the effective implementation of these principles within the security forces'.¹²¹

Counter-narcotics assistance

The most worrying aspect of the UK's support to the Colombian military is the operational support it gives to what it calls 'counter-narcotics assistance'. In Colombia it is very difficult to separate counter-narcotics from counter-insurgency operations, given that so much coca production is controlled by the FARC. The Colombian army is engaged in a war against insurgent groups, paramilitary groups and drug traffickers. These groups frequently overlap. The US's Plan Colombia started out as an explicitly anti-drugs war but very soon the distinctions became blurred and remain so today.

The FCO says that the UK does not provide the Colombian military with budgetary or weapon support,¹²² and that the UK's direct work on drugs in Colombia is mainly related to supporting interceptions and arrests.¹²³

The British government also says it monitors its counter-narcotics work closely to 'ensure the highest operational, ethical and human rights standards are maintained' by the people with whom it works.¹²⁴ It considers its work to be successful but does not disclose any information on it because of the 'risk to the people concerned'.¹²⁵

We therefore have no way of monitoring whether British money is being used effectively nor whether it may be linked to counter-insurgency operations, thus involving the British government in the present administration's controversial military policies. In the present Colombian context, asking for assurances about how this money is spent to be taken on trust is unrealistic and unsustainable. As long as such secrecy continues, so will rumour and suspicion about the role the British government is playing in the armed conflict in Colombia.

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