

**USAID Consultation with International Civil Society Organizations
Regarding the 2006-2010 Human Rights Program:
Conclusions and Recommendations¹**

**February 24, 2006
Washington DC, USA**

I. Introduction

This report contains the conclusions and recommendations emanating from a meeting held in Washington D.C. with USAID and most of the international civil society organizations working on Colombian human rights issues in the United States. The NGO representatives present were consulted on the development of USAID's future Human Rights Program for Colombia, as well as on the conclusions and recommendations offered by their Colombian counterparts during a prior round of consultative meetings carried out during January 2006 in Bogotá, Colombia.

The U.S. consultation with international non-governmental organizations (INGOs) took place on February 24, 2006 at The George Washington University Law School. Representatives from 17 different organizations attended the event [out of a total of 24 NGOs and experts invited). The list of participants is attached in Annex A. In attendance as well were representatives from USAID led by the Director of USAID/Colombia, Liliana Ayalde, in addition to an observer from the U.S. Department of State.

Like its predecessor events, the U.S. consultation revolved around the discussion of a background document prepared by USAID entitled *Concept Paper for USAID Consultation with Colombian and International Civil Society Organizations* [hereinafter, "*Concept Paper*"]. In addition, the meeting sought to elicit feedback on a series of conclusions and recommendations, collected previously from Colombian civil society organizations (CSOs), which were the subject of a separate publication also made available to participants in advance of the meeting. The discussions were again moderated by Arturo Carrillo, an independent consultant and professor at The George Washington University Law School.

Finally, it should be noted that several of the organizations present at the U.S. consultation subsequently prepared a joint statement on the questions and issues presented. It is attached in its entirety as Annex B. In this regard, the present report does not support, correct, or refute the comments made by the NGOs, nor does it attempt to clarify any misperceptions or misunderstanding of the current human rights program registered. It merely transmits the written comments together with a summary of the discussions occurring the day of the meeting.

¹ This material is a compilation of the consultations that took place in Washington D.C. on February 24, 2006 and is being provided so that the public is aware of the consultations. Any opinions, findings, conclusions or recommendations expressed in this material are those of the participating civil society organizations and do not necessarily reflect the views of USAID.

II. Conclusions and Recommendations: Consultation of February 24, 2006

- Several participants emphasized the importance of supporting legitimate Colombian NGOs working in human rights and strengthening their capacity to operate effectively in key areas.

- They highlighted the need to assist CSO activities directed at documenting cases of gross violations of human rights and crimes against humanity by paramilitary groups whose members are being demobilized.
- Greater support was requested as well for NGOs monitoring the demobilization and reinsertion processes, especially with respect to verifying compliance with the obligations on the part of beneficiaries not to incur in further abuses.
- Participants also stressed the need to work with victims and victims groups to achieve greater levels of respect for their rights to truth, justice and reparations.
- Greater support was requested to promote a more effective dialogue between CSOs and the Colombian authorities, especially around the formulation and implementation of public policies.
- While recognizing that USAID had taken steps to respond to earlier criticisms of the NGO grant-making program, some participants noted that greater efforts by USAID were still necessary to raise public awareness and overcome lingering concerns, especially among the Colombian and international communities.
- In reference to the sustainability of civil society organizations, participants highlighted the need to support the formation and operation of NGO networks at all levels.
 - Support should be provided to CSOs organizing networks at the regional and national levels, as well as between national and international networks of NGOs established to promote the sustainability of the former.

- Several of the representatives recognized the importance of USAID assistance to the Office of the United Nations High Commissioner for Human Rights in Colombia and strongly advocated in favor of greater support for the OHCHR and its activities:

- Recommendations were made to strengthen the UN Office and further increase its operational capabilities, for instance, through the strengthening of their regional offices;
- It was noted that USAID should promote a greater focus on achieving compliance by the Colombian Government with the human rights recommendations formulated by the United Nations.

- Insofar as USAID funding of state and government programs is concerned, numerous participants supported providing greater aid to the oversight authorities of the Colombian Public Ministry, namely the *Defensoría* and *Procuraduría*; also, with some caveats, they urged maintaining and strengthening the protection program of the Ministry of the Interior and Justice.

- Another institution singled out repeatedly for greater support was the *Fiscalía*, though it was understood that this body did not fall within the purview of the Human Rights Program *per se*, but rather was assisted through related but distinct USAID or Department of Justice programs aimed at reforming and strengthening judicial authorities.

- Specifically, several participants pointed to the need to strengthen the *Fiscalía*'s capacity to investigate serious violations of human rights arising in the context of the demobilization and reinsertion process carried out within the framework provided by the Justice and Peace Law.
- It was further recommended that there be greater coordination between the support provided to the *Fiscalía* for anti-impunity initiatives and the activities of the Human Rights Program.
- With respect to the *Defensoría*, one NGO representative highlighted the urgency of supporting the Early Warning System ["EWS"], among other things, by "de-linking" it from the inter-governmental committee known as the "CIAT," which is perceived as stifling the EWS' effectiveness.
 - There was deep concern over the lengthy delay in releasing the report commissioned by USAID to evaluate the EWS, which is still not public, and with respect to the apparent lack of progress in implementing the report's recommendations for reform of the EWS and related procedures.
- Another participant expressed concern that confidential information provided to the Ministry of the Interior and Justice's Protection Program was leaked and used against the very individuals whom the program was protecting.
 - Stricter confidentiality and tougher responses to breaches were demanded to ensure that the Ministry's Protection Program fulfill its mandate.
 - Generally, however, there was support for this Program and calls for increased funding to allow for greater investigative functions and a broader range of protective measures offered to protected persons.

- In general the strengthening of government and state institutions with human rights competencies was recognized as a legitimate goal, but doubts were raised about the manner in which it was being pursued.

- On the one hand, some participants remarked on the apparent imbalance of funding in favor of governmental and state authorities at the expense of local NGOs.
 - One participant suggested that USAID should condition more of its aid to the Government on its increased funding of official human rights programs, thereby freeing up USAID resources for greater investment in civil society organizations.
- The question arose of how to measure the effectiveness of assistance aimed at strengthening government institutions [*fortalecimiento*].
 - A number of the participants insisted that programs aimed at reinforcing government and state activities in the field should adhere to clearly defined standards or benchmarks established in light of recognized human rights norms.
 - Another recommendation in this direction repeated by a number of participants advocated in favor of providing support to institutions investigating the "100 paradigmatic cases of human rights violations" identified with the US Embassy as central to the struggle against impunity.

- At the same time, many of the participants expressed strong criticisms of the programs run out of the Office of the Vice Presidency, in particular the Human Rights

Observatory. They recommended more “leverage” be exercised by USAID *vis a vis* the VP’s Office to ensure that its activities are carried out in conformity with “a rights-based approach.”

- One recommendation was that USAID insist on the formulation and fulfillment of technical “benchmarks” for the VP’s Office that must be met to maintain funding flows; if the VP’s Office did not live up to such criteria, the funding should be cut off.
- Another was to condition assistance to VP’s Office on receiving *bona fide* Government support for the Early Warning System (EWS).

- Several individuals present spoke to the ongoing peace process with the paramilitary groups and other issues related to their demobilization. Many of the participants do not believe the Justice and Peace law adequately addresses or protects the victims’ rights to truth, justice and reparations. Several other issues were raised as well.

- One was the dismantlement of the paramilitary groups’ criminal structures in the regions in which they have traditionally operated. One representative expressed concern about how USAID and donors in general could distinguish between *bona fide* CSOs to support in these regions, and those operating as a front for the paramilitary structures.
- In exchange for funding the National Reparations Commission, USAID should require that the Commission adequately integrate victims’ representatives into its structures and ensure at the same time the participation of victims in all its activities.
- It was further recommended that significant assistance also be provided directly to victims and their representatives engaging in the process of vindicating their rights, as well as to those state institutions (*Defensoría, Procurdaría*) charged with aiding them.
- Another area deemed a priority was the system for managing the redistribution of illegally acquired lands under the Justice and Peace law, and for establishing title and related property rights.
 - It was noted that this area provided another example of why the distinction in defining “fundamental rights” as between rights deemed economic and social, on the one hand, and those viewed as civil and political on the other, was too narrow and should be reevaluated.
- Finally, it was recommended that USAID support the activities of the Inter-American Commission on Human Rights of the Organization of American States [“IACHR”] in its efforts to monitor the demobilization and reinsertion process, especially with respect to the implementation of the Justice and Peace law.
 - Among other key objectives would be encouraging the IACHR’s collaboration with the *Fiscalía* in support of the latter’s investigation of serious human rights violations.

- A number of NGO representatives had questions about the different USAID activities comprising the USAID Human Rights Program in both its current and projected forms, expressing their inability to comment further due to a lack of detailed information.

- One participant affirmed that he was not in a position to provide substantive feedback on the Concept Paper or the Human Rights Program for lack of detailed information on its components or specific activities.

- Another expressed a similar concern regarding a specific project used as an illustration, the communities at risk program.

- As concerns vulnerable sector or groups, some of the speakers observed that there were “excluded voices” of civil society as well as geographic “areas” whose grave problems were not directly addressed.

- Internally displaced persons [IDPs] require greater attention, especially from a rights-based perspective as opposed to the humanitarian one currently the focus of USAID programs.
 - More should be done to address the root causes of internal displacement, especially the lack of security for civilians and victims of internal displacement.
- The rights of women were highlighted, and attention drawn to the underreported but endemic problem of gender based violence.
- Questions were raised about USAID’s capacity to adequately address the problems of ethnic communities, indigenous and afro-Colombian primarily, for lack of expertise and adequate personnel.
 - Technical assistance to these communities was needed, for example, with respect to national legislation affecting their fundamental rights, in particular with respect to land and natural resources.
 - Strengthening of state entities in the regions in which these communities reside should be a priority, namely the *Defensoría*, *Procuraduría* and *Fiscalía*. To this extent a geographic focus could be useful.
 - With respect to these communities and their regions, adopting an integrated rights focus by including social and economic rights as well as the rights to development and conservation was paramount.
- Others felt that a geographic focus that emphasized rural areas was less helpful, as it tended to exclude certain vulnerable groups not located there such as IDPs, and even ethnic groups in many cases.

- A number of participants recognized the significance of the consultation process, noting that it was a useful initiative. At the same time, others observed that there was nonetheless a lack of detailed information circulating on the USAID projects and activities being consulted regarding the 2000-2005 Human Rights Program.

- A number of participants underscored the importance of establishing a follow-up mechanism with Colombian and international civil society to the present consultation to improve communication and input into future stages of the process of implementing the 2006-2010 Human Rights Program.

Annex A:

**USAID Consultation with International Civil Society Organizations
Washington DC**

24 February 2006

Attendees:

1. Erik Manuel Giblin, ***Robert F. Kennedy Memorial Center on Human Rights***
2. Heather Hanson, ***US Office on Colombia***
3. Lisa Haugaard, ***Latin American Working Group***
4. Adam Isacson, ***Center for International Policy***
5. Vinay Jawahar, ***Inter-American Dialogue***
6. Steve Johnson, ***Heritage Foundation***
7. Viviana Krsticevic, ***Center for Justice and International Law (CEJIL)***
8. Eric Lopp, ***Peace Brigades International***
9. Phil McLean, ***CSIS***
10. Luis Gilberto Murillo, ***Lutheran World Relief***
11. Eric Olson, ***Amnesty International***
12. Renata Rendon, ***Amnesty International***
13. Andrea Repetto, ***OAS/Inter-American Commission on Human Rights***
14. Gimena Sánchez, ***Washington Office on Latin America***
15. Mark Schneider, ***International Crisis Group***
16. Kiersten Stiansen, ***US Department of State***
17. Cara Thanassi, ***CARE***
18. José Miguel Vivanco, ***Human Rights Watch***

Annex B: Joint letter from International CSOs/NGOs who participated in the consultation meeting on February 24, 2006 in Washington D.C.

March 6, 2006
Liliana Ayalde
Mission Director
USAID/Colombia
US Embassy/USAID
Cra. 45 #22D – 45
Bogotá, DC Colombia

Dear Ms. Ayalde,

We the undersigned US based non-governmental organizations, who participated in the consultation meeting on February 24, 2006 regarding USAID's 2006-2010 Human Rights Program in Colombia, would like to thank you and your staff for the opportunity to learn more about your programming. We also greatly appreciated the opportunity to dialogue with you and your staff, as well as share our comments and concerns.

While not all of the undersigned organizations work on all of the various issues addressed here, we thought it important to submit to you a summary of the collective concerns and recommendations that were expressed at the meeting. We hope you find these useful, and strongly encourage you to do your utmost to integrate our recommendations into your program.

Our "wish list" is as follows:

Support the Office of the UN High Commissioner for Human Rights in Colombia

We were happy to learn at the meeting that AID is planning to meet UNHCHR in Colombia to see how you can work together in implementing the 26 recommendations made in the High Commissioner's report. With this in mind, we strongly encourage AID to provide financial support to UNHCHR in Colombia. This financial support should go towards strengthening and expanding UNHCHR's field presence in areas where demobilizations have taken place. Much has been made of the OAS's inadequacy in monitoring human rights violations during the demobilization. The UN High Commissioner for Human Rights Office already provides effective, credible monitoring. Such monitoring is crucial to documenting and reporting on whether or not the demobilization process is properly being implemented.

Increase Political Support and Funding to the Defensoría and Procuraduría

It is our view that the biggest obstacle to decreasing human rights violations in Colombia is the great degree of impunity that exists in the country. To combat impunity, Colombia must couple a strong judicial system with institutions that defend the rule of law. Two Colombian government oversight agencies that play an important role in strengthening the rule of law are the *Defensoría* and *Procuraduría*. AID should provide political support for and increase funding to these agencies so they can improve their oversight, investigative and managerial capacity. Strengthening these agencies and their work in the regions will have a more sustainable impact than many other justice sector programs. Please see below the items for specific *Defensoría* and *Procuraduría* programs that should be funded.

Review Effectiveness of Funding to the Vice President's Human Rights Office

A significant amount of resources have been funneled to the Vice President's Human Rights Office. We believe that this funding should be re-directed to the offices of the *Procuraduría* and *Defensoría* and other more effective human rights programs. We do not believe that the VP's office has developed an appropriate institutional role in advancing human rights, nor has it shown sufficient political will to make this the most appropriate channel for funding. The office's response to early warning indicators of pending massacres, displacements and other violations has been woefully inadequate. A recent case that has received much attention whereby clear early warning indicators were ignored is the February 2005 massacre of eight persons (including four minors) in the peace community of San Jose de Apartadó in Urabá (Antioquia).

Further, the VP's office has denounced and made statements attempting to discredit legitimate human rights organizations. This is in violation of Presidential Directive 07 and Ministry of Defense's Directive 09 which order all civilian and military government officials to "to refrain from questioning the legitimacy of human rights organizations and their members; making statements that discredit, persecute, or incite persecution of said organizations; or making public or private declarations that stigmatize the work of these organizations." This also leads to the stigmatization of human rights organizations and it hinders constructive dialogue between civil society and the government. This in turn, results in increased security threats against those who are putting their lives at risk to improve human rights in the country.

We believe that by financing this office, AID is merely supporting the Colombian government's human rights public relations efforts. We have found the office's sporadic publications and website to be generally lacking in substance and offering little new primary information. To correct this sort of problem, the observatory would have to take a clear rights-based approach to data collection issues. Absent this sort of approach, the data they produce will continue to have little impact on improving respect for human rights and ending impunity. Furthermore, we have noted a total lack of follow-up to concerns expressed in past meetings with representatives of the human-rights office. The Vice President's office plays a coordinating role in the investigation and prosecution of crimes through work that supports the investigation of human rights cases. This work

could usefully be strengthened by including clear benchmarks for the office to evaluate progress made on prosecuting the most important human rights cases. If AID continues to finance the VP's office, which we think is unadvisable, we recommend that it make funding contingent upon the office meeting benchmarks that measure whether it is truly fulfilling its obligations. For example, the VP's office could be held accountable for coordinating and guaranteeing progress on key human rights cases, for taking a rights³ based approach to data collection, and for fully supporting an effective protection system (including an Early Warning System and an expanded Protection Program with Ministry of Interior).

Primary Focus of Assistance Should Be Victims

AID programming should strongly prioritize the victims of the conflict. This is not solved by symbolic programs for victims or through funding the Reparations Commission. Rather, it should be reflected throughout the balance of U.S. assistance programs. We appreciate the importance of reintegration programs for ex-combatants. However, they should not be funded at the expense of IDP programs.

Support for *Fiscalía* units charged with identifying and seizing paramilitary leaders' stolen assets could have a big payoff, as it could multiply the amount of resources available for victims (proceeds from seized assets are to go to the national reparations fund), while helping to clear up the very sensitive and complicated issue of land tenure. While this may technically fall under the purview of DOJ aid programs, we nonetheless emphasize it because U.S. support and leverage will likely be necessary to guarantee that Colombian authorities exert sufficient political will to go after paramilitary leaders' ill-gotten fortunes.

Improve the Early Warning System

The Office of the U.N. High Commissioner for Human Rights in Colombia has consistently recommended that the Colombian government develop policies and actions to protect citizens against human rights violations. The U.S.-funded Early Warning System has been designed to do just that. Nevertheless, since the first year of the Uribe Administration, the office in charge of responding to alerts is a low-level office in the Ministry of Interior that has been consistently criticized for failure to develop effective response. The original design, which includes support for trained personnel who conduct monitoring in regional offices of the *Defensoría*, was substantially weakened by imposition of a central committee (the CIAT) to evaluate all reports and decide whether to emit an alert. Trained personnel in the *Defensoría* should be able to directly emit alerts and local officials should be trained and supported in their responses. Failure to inform of threats to civilian populations severely limits the responses of different government offices to take effective preventative action. The CIAT structure should therefore be understood less as a safeguard mechanism than as a severe design flaw that prevents the system from functioning effectively.

AID should support *Defensoría* control of this system and should support changes throughout the Colombian government and security forces to ensure that responding to

alerts of impending threats against civilian populations is a priority. To do this, the past evaluation of the EWS should be made public and the results taken into account in a redesign of the system. Ideally, this system should guarantee that information flows to the appropriate Colombian government agencies so they can take timely action.¹

Support and Improve the Ministry of the Interior's Human Rights Defenders Protection Program

AID should continue funding the Ministry of the Interior's Human Rights Defenders Protection Program, which provides much needed security for individuals at risk. AID must improve the program by ensuring that there is full consultation with the program's beneficiaries when physical protection measures are being determined. The program should work constructively with human rights defenders to find the best way to ensure their protection, and it should fully integrate their suggestions on how to best safeguard their security.

Further, we ask that AID ensure that all officials working for the program are fully screened and asked to sign confidentiality contracts. Any breaches of contract should be fully investigated and those found responsible for leaking any information on human rights defenders' protection measures should be prosecuted. An example of this problem is a leak of the protection file of Robert F. Kennedy Human Rights Laureate Berenice Celeyta, President of the NGO NOMADESC, and her colleagues found in the possession of unauthorized, high-ranking Colombian military officers suspected of planning an assassination plot against them known as "Operation Dragon." We believe this deserves an independent investigation and response from AID.

In addition, the protection measures currently offered are essential but should be seen as short-term measures meant to provide valuable protection while threats to individuals are investigated and perpetrators brought to justice. The protection program could expand to include not only this short-term protection to individuals, but also effective information collection on the source of threats, investigation into threats, and training of local officials regarding their responsibility to protect individuals. In the past, the protection program has included these broader components and has the mandate to take on these functions. By expanding the mandate again, the protection program could have an impact on reducing future threats as well as continue to improve its ability to fulfill the important role of providing short-term protection for those under threat.

Full Integration of USAID's Policy on IDPs into the Human Rights Program

AID's policy on IDPs should be fully integrated into the human rights program. This policy, which is based on the UN Guiding Principles on Internal Displacement (GPs), states that AID serves as the US Government's coordinating agency on IDP issues to ensure that there is a comprehensive human rights and humanitarian response to the problem. This echoes your statement that AID seeks "to look for synergies across projects not only in human rights." Internal displacement is not just a humanitarian and development problem. There are three phases of displacement-- prevention and

protection from displacement, protection and assistance during displacement and protection and assistance during return, resettlement or reintegration. In Colombia, a major concern for IDPs is their lack of physical security throughout all phases of displacement. Implementing AID guidelines based on the GPs guarantees that the human rights program takes into account specific gender protection concerns and the territorial and other rights of ethnic minorities such as Afro-Colombians and indigenous persons. Increased support for the *Defensoría* at the regional level is key to making sure that displacement is prevented and that IDPs are protected.

Increase Funding for Durable Solutions for IDPs

An estimated five million hectares of land changed hands as people fled threats and violence. Rather than simply being displaced by conflict, many Colombians were forced to flee in a deliberate strategy, primarily by paramilitaries, to obtain their land. Large tracts of land have ended up in the hands of paramilitary drug lords. Demobilizing paramilitaries by law are supposed to reveal and return illegally gained assets, but remarkably little land has been turned in during this process. As the Colombian government and international donors invest in reintegrating paramilitary ex-combatants in the countryside, donors may be investing in land obtained by violence. There is no functional mechanism to deal with return of land to even a small percentage of the some 3 million IDPs. It is noteworthy that neither land nor any other type of compensation for IDPs forms part of the Reparations Commission's mandate.

Given this scenario, AID should increase its funding to vulnerable populations, specifying that it is intended for finding durable solutions for IDPs. Funding should go to the *Defensoría*, *Procuraduría*, and the *Fiscalía's* anti-money laundering and illegal asset forfeiture unit (Unidad Nacional para la Extinción del Derecho de Dominio y contra el Lavado de Activos) to identify land that can be returned to the displaced and to increase efforts for protection. Furthermore, AID should carefully check land titles to ensure US aid is not invested in projects on land obtained through illegal means, coercion or violence. We are particularly concerned that the forced and illegal appropriation of lands driven by economic interests such as African oil palm plantations and agricultural interests is taking place in the Medio and Bajo Atrato River region (Chocó). With regard to this matter, we appreciate AID's response to several of our organizations' letter on this matter. In order to ensure that these programs are effective and not producing adverse effects, AID should consult with local community leaders, IDP leaders and their organizations.

Ensure that AID funding for Colombian civil society groups is not politicized

We were encouraged to hear that AID recognizes its funding should be available to a wide range of civil society organizations. AID's willingness to support independent human rights groups was brought into question several years ago when the Colombian press revealed a new AID policy of prohibiting funding of activities that might be viewed as unconstructively critical of the Colombian government or U.S. policy. It is essential that AID should not prohibit funding to organizations that are independent and critical.

Strong critiques of government human rights policy are urgently needed and AID should not shy away from these important voices. Some human rights groups will not choose to seek AID funding, of course; AID and the US Embassy should continue, as they have done to a certain extent, to actively seek the perspectives of these organizations as well as of funding partners in its consultations with civil society.

Ensure Full Participation of Colombian Civil Society into AID and Colombian Government Programs

It is essential that AID programs ensure the full participation and integration of recommendations (from design/planning to implementation and monitoring) made by Colombian civil society into its human rights program. We strongly support the recommendations made by the organizations that participated in the NGO consultation meetings in that took place in Bogotá on January 26-27, 2006*. In particular we would like to emphasize that AID should help strengthen Colombian NGOs' participation in the formulation/implementation of public policies. The agency should help encourage effective mechanisms of dialogue between Colombian officials and NGOs. Also it should urge the Colombian government to make more serious efforts to integrate suggestions from Colombian civil society groups on how authorities can improve the Government's human rights programs.

Integrate Gender Violence into the Program

Women are being directly targeted by the armed actors because they are women. More often than not, Colombian agencies do not respond effectively to their concerns. In some cases, women are only able to access limited health services. At times, women who are raped or sexually assaulted are suspected of being linked to one of the armed groups. Rather than being treated as victims, women are treated as criminals, further adding to their victimization. We were happy to hear from you at the meeting that this is a priority issue of concern for AID. In order for these violations to decrease, we suggest that AID support programs that can lead to the creation of a public policy that specifically addresses violence against women and incorporates gender based analysis and perspectives on violence against women.

Improve AID Assistance to Afro-Colombians and Indigenous Communities

Afro-Colombian and Indigenous territories have been devastated by the intensification of the armed conflict, expansion of coca crop cultivation, and aerial fumigation. Although AID has made some progress on reaching out to these communities, it could do more to take into account the complexity of their situation. AID should specifically encourage the incorporation of these historically excluded social groups into the design and implementation of government policies.

AID ought to support the training of Afro-Colombian and Indigenous local government authorities, non-governmental and grassroots leaders. Specifically, AID should fund

* Letter amended March 10, 2006.

programs that strengthen the institutional capacity of Afro-Colombian and indigenous local governments and provide direct and technical assistance to these ethnic groups' organizations, especially those located in these groups' traditional territories. Further, AID should encourage and provide funding to complete the land titling processes and fully implement the laws that mandate the protection of Afro-Colombian and Indigenous peoples' cultural, social and territorial rights. Also AID must avoid supporting controversial legislation such as the forestry law that risks undermining these rights. To ensure that all of its programs are effective and not creating adverse effects, AID should engage in meaningful dialogue with Afro-Colombian and Indigenous leaders, consult with them and make them active participants in program design, implementation and evaluation.

Focus on alternative development, not aerial spraying

Although aerial fumigation and alternative development are outside the human rights program, we believe that the U.S. counternarcotics program in Colombia raises serious human rights concerns. We strongly oppose aerial fumigation as an inhumane policy that affects small farm families' food security (destroying food crops along with coca) without producing sustainable counternarcotics results. An all-stick-and-no-carrot approach does not yield long-lasting reductions in coca cultivation. AID and DOS should support the expansion of development programs and encourage manual eradication in coca growing areas. It is also important that AID coordinate with DOS and Colombian government agencies to prevent fumigation of alternative development programs. The Cosurca case is one example of how one arm of the US government can undermine another's efforts if there does not exist proper coordination among agencies.

AID Program Should Focus on Rural and Urban Communities

While we appreciate the concern for the rural population in AID's proposed switch in geographic focus, the program should not focus solely on rural and conflict-affected communities. Many vulnerable groups such as Afro-Colombians, IDPs and human rights defenders live in Colombia's urban centers. If AID concentrates its efforts solely on rural communities it will ignore a large sector of Colombian society that is in need of protection and assistance. We are interested in receiving more information on which rural areas in Colombia AID is considering focusing on.

In closing, we would like to thank you once again for this opportunity for consultation. We look forward to your response and to continuing dialogue with your office.

Sincerely,

Heather Hanson
Executive Director
US Office on Colombia

*Lisa Haugaard**
Executive Director
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Adam Isacson
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Gimena Sánchez-Garzoli
Senior Associate on Colombia and Haiti
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Erik Gibling†
Program Officer
Robert F. Kennedy Memorial Center for Human Rights

cc: Arturo Carrillo, Director, Human Rights Clinic Program, George Washington
University School of Law

*signing as individual, organization for identification purposes only

†amended March 10, 2006

As we mentioned in the meeting, please also consider the “Blueprint for a New Colombia Policy” as a submission to the record of this meeting.

¹ Colombian government officials should also be motivated to support the functioning of this system by a clear understanding that it could be a valuable tool for them in their efforts to ensure that in the future they will not face more expensive reparations to victims of human rights violations: in two recent decisions the Inter-American Commission on Human Rights awarded \$13 million of damages to victims.