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Andean Regional Initiative (ARI): FY2002 Assistance for Colombia and Neighbors

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Andean Regional Initiative (ARI): FY2002 Assistance for Colombia and Neighbors

Summary

In April and May 2001, the Bush Administration proposed \$882.29 million in FY2002 economic and counter-narcotics assistance, as well as extension of trade preferences and other measures, for Colombia and regional neighbors in an initiative called the “Andean Regional Initiative” (ARI).

Critics of the Andean Regional Initiative argue that it is a continuation of what they regard as the misguided approach of last year’s Plan Colombia, with an overemphasis on military and counter-drug assistance, and with inadequate support for human rights and the peace process in Colombia. Supporters argue that it continues needed assistance to Colombia, while providing more support for regional neighbors and social and economic programs.

In action on the FY2002 Foreign Operations Appropriations bill (H.R. 2506), the House passed the bill on July 24, 2001, with \$826 million for the ARI, of which \$675 million is for the counter-narcotics “Andean Counterdrug Initiative” (ACI) portion, a reduction of \$56 million from the President’s ACI request. The Senate passed the bill on October 24, 2001, with \$698 million for the ARI, of which \$547 million is for the ACI, a reduction of \$184 million from the President’s ACI request. The conference version of H.R. 2506, as approved by the House on December 19, and the Senate on December 20, includes \$625 million for the ACI, \$106 million less than the President’s ACI request, with \$215 million earmarked for AID programs and a variety of conditions, including an alteration of the cap on military and civilian contractors serving in Colombia.

In action on the Foreign Relations Authorization Act for FY2002-FY2003, the House passed H.R. 1646 on May 16, 2001, with four reporting requirements on activities in Colombia and a prohibition on the issuance of visas to illegal armed groups in Colombia. The Senate Foreign Relations Committee reported out S. 1401 on September 4, 2001, with a requirement for a report that outlines a comprehensive strategy to eradicate all opium cultivation at its source in Colombia. No further action occurred on either of these bills in the first session of the 107th Congress.

In action on the National Defense Authorization Act for FY2002, the House passed H.R. 2586 on September 25, 2001, with a cap of 500 on the number of U.S. military personnel in Colombia, with some exceptions. This provision was not retained in the conference version, S. 1438, S.Rept. 107-333, passed by both chambers on December 13, 2001.

In action on the Andean Trade Preference Act, on November 16, 2001, the House passed H.R. 3009, the Andean Trade Promotion and Drug Eradication Act, which would extend and expand the ATPA through December 31, 2006. The Senate Finance Committee reported a more limited version, S. 525, on November 29, in the context of other legislation.

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Andean Regional Initiative (ARI): FY2002 Assistance for Colombia and Neighbors

President Bush's Andean Regional Initiative

In April 2001 budget submissions, President Bush requested \$882.29 million in FY2002 economic and counter-narcotics assistance for Colombia and regional neighbors in an initiative called the "Andean Regional Initiative," with \$731 million of the counter-narcotics assistance called the "Andean Counterdrug Initiative." According to the Administration, there are two distinctive features of this program, compared to last year's Plan Colombia assistance,¹ both of which aim to promote peace and to stem the flow of cocaine and heroin from the Andean region. The differences are that the assistance for economic and social programs is roughly equal to the assistance for counter-narcotics programs, and that more than half of the assistance is directed at regional countries that are experiencing the spill-over effects of illicit drug and insurgency activities.²

In the presentation of the International Affairs budget, the Administration noted that the Andean Counterdrug Initiative would build upon the resources provided in the FY2000 Emergency Supplemental Appropriations for Plan Colombia and ongoing regional funding. It set as counter-narcotics goals to reduce Colombian coca production by 30% in 2000-2002, to eliminate all illicit coca production in Bolivia by the end of 2002, to negotiate revised coca and poppy control goals with the new

¹ "Plan Colombia" refers to the \$1.3 billion in FY2000 emergency supplemental appropriations approved by the 106th Congress in the FY2001 Military Construction Appropriations bill (H.R. 4425, P.L. 106-246) for counternarcotics and related efforts in Colombia and neighboring countries. There was no limitation on the fiscal year in which the funding could be obligated or spent; see Appendix C for a chart on the obligation of this and other funding to Colombia in FY2000 and FY2001. For more detail, see CRS Report RL30541, *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*.

² President Bush also requested \$31.250 million from the International Affairs account for international narcotics control funding for Other Western Hemisphere countries, with \$12 million for Mexico, \$12.5 million for the Latin American Regional program, \$4 million for Guatemala, \$1.550 million for Jamaica, and \$1.2 million for the Bahamas. He also committed to fully fund the Western Hemisphere Drug Elimination Act as incorporated into the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998 (P.L. 105-277) by providing \$278 million to upgrade drug interdiction efforts of the U.S. Coast Guard and Customs Service in Transportation and Administration of Justice accounts. See the Administration's February 2001 Blueprint for New Beginnings, and April budget submission documents.

Peruvian Government, and to set aggressive and achievable goals by mid-August 2001 with other countries in the region.

In presenting the broader Andean Regional Initiative to Andean regional leaders at Summit of the Americas III in Quebec City, Canada, in mid-April 2001, President Bush said: “The United States is responsible to fight its own demand for drugs. And we will expand our efforts to work with producer and transit countries to fortify their democratic institutions, promote sustainable development, and fight the supply of drugs at the source The United States appreciates the difficult challenges [Andean countries] face in fighting drugs – and stands ready to be their partner.”³

Requested ARI funding of \$882.29 million is to be distributed as follows, taking into account only international affairs funding:

Colombia: \$399 million

- Socio-economic aid: \$146.5 million for programs such as alternative development, judicial reform, human rights, anti-corruption measures, and support for the peace process.
- Counter-narcotics aid: \$252.5 million for aviation and infrastructure support for air assets provided under Plan Colombia, training and equipping security forces, and interdiction and eradication efforts.

Peru: \$206.15 million

- Socio-economic aid: \$128.15 million for alternative development, promotion of democracy, health and education programs.
- Counter-narcotics aid: \$78 million for upgrading helicopters and riverine interdiction efforts, eradication, and demand reduction and policy development.

Bolivia: \$143.48 million

- Socio-economic aid: \$88.48 million for programs such as alternative development, judicial reform, poverty alleviation, health and environment.
- Counter-narcotics aid: \$55 million for ground-based and air interdiction support, eradication efforts, counter-narcotics training, and narcotics awareness and prevention programs.

Ecuador: \$76.48 million

- Socio-economic aid: \$56.48 million for border area development, poverty reduction, judicial reform, and environmental programs.
- Counter-narcotics aid: \$20 million for northern border security, law enforcement and border checkpoints, and sea and airport control efforts.

³ See U.S. Department of State International Information Programs Washington File, Fact Sheet: U.S. Andean Regional Initiative, April 21, 2001, and Appendix A in this report.

Brazil: \$26.18 million

- Socio-economic aid: \$11.18 million for health and environmental programs.
- Counter-narcotics aid: \$15 million for training and equipping border counter-narcotics forces, and for drug awareness and demand reduction programs.

Panama: \$20.5 million

- Socio-economic aid: \$8.5 million for judicial reform, watershed management, and economic growth opportunities.
- Counter-narcotics aid: \$12 million for upgrading interdiction and law enforcement forces, and for modernizing criminal justice institutions.

Venezuela: \$10.5 million

- Socio-economic aid: \$0.5 million for legal and judicial reform.
- Counter-narcotics aid: \$10 million for law enforcement and interdiction reforms, efforts to counter money-laundering, and demand reduction.

Another aspect of the Andean Regional Initiative is U.S. support for the extension and broadening of the Andean Trade Preferences Act (ATPA), expiring at the end of this year, that gives duty free or reduced-rate treatment to the products of Bolivia, Peru, Ecuador and Colombia. This was the centerpiece appeal of Colombian President Pastrana at his mid-April 2001 meeting with the President Bush, and the U.S. President replied that he favored extension of the Act and would work with Congress to broaden the coverage. President Bush repeated that pledge when he met with Andean leaders at the Summit of the Americas meeting in Canada. Colombia especially wants textiles and apparel to be covered, while Ecuador wants tuna to be covered. The countries are looking for parity with Central American and Caribbean preferences, provided in last year's U.S.-Caribbean Trade Partnership Act, which would prevent a diversion of trade and investment from the Andean region to Mexico, Central America, or the Caribbean.⁴

In a mid-May 2001 briefing on the Andean Regional Initiative, Administration spokesmen noted that democracy is under pressure in all regional countries, that economic development is in doubt, and that Andean countries pose a direct national security threat because they produce virtually all of the world's cocaine and increasing amounts of heroin. The policy makers suggested three overarching goals in the Andean Ridge that could be called the three D's – democracy, development, and drugs. The first goal is to promote and support democracy and democratic institutions by support for judicial reform, anti-corruption measures, human rights improvement, and the peace process in Colombia. The second goal is to foster sustainable economic development and trade liberalization through alternative economic development, protection of the environment, and renewal of the Andean

⁴ For information on ATPA see CRS Report RL30790, *The Andean Trade Preference Act: Background and Issues for Reauthorization*, by J.F. Hornbeck. For information on the U.S.-Caribbean Trade Partnership Act and other regional free trade agreements, see CRS Issue Brief IB95017, *Trade and the Americas*, by Raymond J. Ahearn.

Trade Preference Act (ATPA). The third goal is to significantly reduce the supply of illegal drugs to the United States at the source, while simultaneously reducing U.S. demand, through eradication, interdiction and other efforts.⁵

The Administration's Andean Regional Initiative if enacted as requested will significantly increase funding to some Latin American drug producing countries. It would place Colombia, Peru, and Bolivia among the top eight U.S. foreign aid recipients in FY2002, with Colombia in third place, Peru in fifth place, and Bolivia in eighth place.⁶

Critics of the Andean Regional Initiative argue that it is a continuation of what they regard as the misguided approach of last year's Plan Colombia, with an overemphasis on military and counter-drug assistance, and with inadequate support for human rights and the peace process in Colombia. They argue that support for the military will weaken and undermine the peace process as the only viable solution, particularly if the military's ties to the para-military groups and human rights abuse are not ended. They also argue that forced eradication of crops through aerial spraying will cause environmental damage and internal displacement in the entire region, and is likely to fail ultimately as new sources of supply emerge elsewhere. Supporters argue that the Andean Regional Initiative continues needed assistance to Colombia when Plan Colombia assistance is just beginning to take effect, while providing more support for endangered regional neighbors and more assistance for social and economic programs.⁷

Situation in Colombia and Neighboring Countries

The Andean Regional Initiative is designed to provide assistance to seven important countries in the broadly defined Andean region⁸, or what the Administration

⁵ See U.S. Department of State International Information Programs Washington File, Fact Sheet: U.S. Policy Toward the Andean Region, and Transcript: State Department Briefing on Andean Regional Initiative, May 17, 2001, also available at the following website [<http://usinfo.state.gov/regional/ar/colombia/>].

⁶ See CRS Report RL31011, *Appropriations for FY2002: Foreign Operations, Export Financing, and Related Programs*, p. 9, by Larry Nowels. For more information on past international narcotics control efforts by the United States, see CRS Issue Brief IB88093, *Drug Control: International Policy and Options*, by Raphael Perl.

⁷ For critical comments, see statements on the Center for International Policy's Colombia Project website [<http://www.ciponline.org/colombia/>] under CIP Analyses, under U.S. Military and Police Aid (especially Other Groups' Analyses) and under U.S. Government Information (especially Legislators). For supportive comments, see statements on the same website under U.S. Military and Police Aid (especially Other Groups' Analyses), and U.S. Government Information (especially statements from Officials and Legislators).

⁸ Panama and Brazil are not normally considered to be part of the Andean region; Bolivia is an Andean country but it does not share a border with Colombia. For usage of the term "Andean Ridge" see citations under Plan Colombia on the website of the State Department's

(continued...)

has called the Andean Ridge: Colombia (the major producer of cocaine and the central challenge); Peru and Bolivia (where past successes in reducing cocaine production could be threatened by expected progress in Colombia); Ecuador (the most exposed neighbor because of its proximity to Colombian areas controlled by drug producers and guerrillas); and Brazil, Venezuela and Panama (where the threat is primarily confined to common border areas with Colombia).

This area has some of the most heavily populated countries in Latin America, including the first (Brazil), third (Colombia), fifth (Peru), sixth (Venezuela), and eighth (Ecuador) most populous. It includes three major drug producing countries (Colombia, Bolivia, and Peru) where virtually all the world's cocaine, and more than two thirds of the heroin consumed in the U.S. East Coast are produced. It also includes two major oil producing countries (Venezuela and Ecuador) which supply significant quantities of oil to the United States and are members of the Organization of Petroleum Exporting Countries (OPEC). While the designated countries have diverse trading relationships, the United States is the major trading partner by far for all of them. For the five traditional Andean countries (Colombia, Venezuela, Ecuador, Peru, and Bolivia) the Andes mountain range that runs through South America poses geographical obstacles to intra-state and inter-state integration, but the countries are linked together in the Andean Community economic integration pact. While Colombia and Venezuela have largely European-Indian mixed race (mestizo) populations, Bolivia, Peru, and Ecuador have significant indigenous populations.

Colombia

With a population of 42.8 million, Colombia is the third most populous country in Latin America after Brazil and Mexico, with a largely mixed race (mestizo) population, and a spacious territory separated by three parallel mountain ranges. It is known for a long tradition of democracy, but also for continuing violence, including guerrilla insurgency dating back to the 1960s, and persistent drug trafficking activity. Negotiated settlements were achieved with some of the guerrilla groups in the 1980s, but fell apart by 1990 when former guerrillas participating in political activities were assassinated. Recent administrations have had to deal with a complicated mix of leftist guerrillas, rightist para-military forces, and drug traffickers associated with both forces.

President Andres Pastrana was elected and inaugurated in 1998 for a four year term largely on the basis of pledges to bring peace to the country by negotiating with the guerrillas, strengthening the Colombian military and counter-narcotics forces, and seeking international support for these efforts and other reforms to address the country's unusually serious economic difficulties.⁹

In 1999, President Pastrana, with U.S. assistance, developed a \$7.5 billion plan called Plan Colombia, with \$4 billion to come from Colombia and \$3.5 billion to come

⁸ (...continued)

International Information Programs [<http://usinfo.state.gov/regional/ar/colombia/>].

⁹ For information on the multi-faceted conditions in Colombia, see CRS Report RL30330, *Colombia: Conditions and U.S. Policy Options*, by Nina M. Serafino.

from international donors, although funding from Colombia and the international community has been lagging. In response to Colombian requests, the Clinton Administration developed and the U.S. Congress approved a \$1.3 billion package of assistance in 2000, also called Plan Colombia assistance. Some \$860.2 million or 67% of this assistance was to support programs in Colombia, with \$416.9 million for helicopter, training, and other assistance to three Colombian Army counternarcotics battalions. This plan was targeted mainly at Colombia and expenses for big ticket items were weighted toward support for military and counter-narcotics activities, although there was funding for alternative development, governance, and human rights programs, and conditions to encourage an improvement in the military's human rights performance.¹⁰

President Pastrana is approaching the end of his term, which expires in August 2002, and the selection process to determine his successor is under way. While peace talks had been reinvigorated by President Pastrana's direct talks with Revolutionary Armed Forces of Colombia (FARC) guerrilla leader Manuel Marulanda in February 2001, prospects are still very uncertain. Although many elements of Plan Colombia counter-drug assistance were just beginning to be put in place, the State Department reported in March 2001 that Colombian production of cocaine had increased 11% in the year 2000. Despite the FARC's murder in late September 2001 of the popular former Minister of Culture, President Pastrana decided in early October 2001 to extend the demilitarized zone through January 20, 2002, after the FARC agreed to stop random highway kidnappings and to discuss a ceasefire. Shortly thereafter, however, the Army accused the FARC of kidnapping six people on a highway in Narino province, and killing four others in an attack on a small town there.

While international support for Plan Colombia had been lagging, with European countries previously pledging only about \$200 million for social development (not military) projects, the shift in focus of the U.S. Andean Regional Initiative gained wider diplomatic support. In part because of the change in emphasis, the international community pledged an additional \$580 million at the third meeting of the International Support Group for the Peace Process in Colombia on April 30, 2001, although some double counting may be involved. The European Union pledged \$297 million, the United States pledged \$146 million, the Andean Development Corporation pledged \$100 million, and other countries pledged \$37 million.

Under the Andean Regional Initiative, Colombia would receive \$399 million, with \$146.5 million in socio-economic aid for programs like alternative development, judicial reform, human rights, anti-corruption measures, and support for the peace process; and \$252.5 million in counter-narcotics aid for aviation and infrastructure support for air assets provided under Plan Colombia, training and equipping security forces, and interdiction and eradication efforts.

¹⁰ For information on U.S. "Plan Colombia" assistance in FY2000-FY2001, including all Congressional action and congressionally imposed conditions, see CRS Report RL30541, *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*, by Nina M. Serafino. This report also contains charts detailing U.S. assistance to Colombia since 1989.

Peru

With a population of 25.7 million (45% Indian, 37% mestizo, 15% European), Peru is the fifth most populous country in Latin America. It has been in flux since the constitutionally questionable third term re-election in June 2000 of President Alberto Fujimori. Although President Fujimori had considerable support during his presidency (1990-2000) for restoring the economy, defeating the guerrilla insurgency, and reducing drug trafficking activity, he was criticized for corruption, human rights violations, and authoritarian tendencies. The political uncertainty in Peru was compounded when President Fujimori suddenly resigned and fled into exile in December 2000, following allegations of corruption associated particularly with security chief Vladimiro Montesinos.

Peru was governed by Acting President Valentin Paniagua during a transition period until president-elect Alejandro Toledo was inaugurated as President on July 28, 2001, following the well regarded two-round presidential elections in April and June 2001. Toledo, a longtime anti-Fujimori opposition leader, was elected on June 3, 2001, with 53% of the valid vote, against former left-leaning Peruvian President Alan Garcia with 47% of the vote.¹¹ President Toledo has promised to end corruption and to stabilize the economy, and most observers worry that the expectations of the populace, especially poor, indigenous groups, are almost impossible to achieve.

Representatives of Peru and the United States launched an investigation into the circumstances and procedures leading to an accident on April 20, 2001, when a Peruvian military plane shot down a small plane, killing an American missionary woman and her infant daughter, after a CIA surveillance plane indicated that the small craft might be involved in drug trafficking activities. As a result of this accident, U.S. surveillance of drug-related flights in Peru and Colombia were suspended pending clarification of procedures. The State Department released the report of the U.S.-Peruvian investigative team on August 2, 2001, concluding that “communications systems overload” and “cumbersome procedures” played a role in the accident.

Peru is viewed as a success story in counter-narcotics efforts because six years of joint U.S.-Peru air and riverine interdiction operations, aggressive eradication efforts, and promising alternative development programs have reduced coca production by 70%. However, Peruvian spokesmen have worried about spillover effects of illicit drug activities from Colombia into Peru, and a possible increase in coca production. They have denounced Colombian plantings of coca and poppies in Peru, and international trafficking of arms through Peru to FARC guerrillas in Colombia. Because of these threats, Peru has moved a fleet of MI-17 helicopters from its border with traditional rival Ecuador, where tensions have diminished, to the border with Colombia.

As part of Plan Colombia funding, Peru received \$25 million for KMAX helicopters for the Peruvian National Police, and benefitted from regional interdiction funding .

¹¹ For more details, see CRS Report RL30918, *Peru: Recovery from Crisis*, by Maureen Taft-Morales.

Under the Andean Regional Initiative, Peru would receive \$206.15 million in assistance, with \$128.15 in socio-economic aid for alternative development, promotion of democracy, health and education programs; and \$78 million in counter-narcotics aid for upgrading helicopters and riverine interdiction efforts, eradication, and demand reduction and policy development.

Bolivia

With a population of 7.9 million (roughly 60% indigenous and 40% mestizo and European), Bolivia is the eleventh most populous country in Latin America. It has been governed by President Hugo Banzer, elected and inaugurated in 1997, who was serving the second time as President, this time as a democratically elected President, following his earlier period of military rule in the 1970s. In late June 2001, President Banzer was diagnosed with lung and liver cancer and flew to the United States for treatment. Banzer resigned on August 6, and Vice President Jorge Quiroga became President on August 7, 2001, vowing to continue the economic reforms and to rid the country of coca production in line with his predecessor's promises.

With a large indigenous population, Bolivia experienced a significant social revolution under one party in the 1950s with sweeping land reform, universal suffrage, rural education, and nationalization of the country's important tin mines. The period of military control ran from the mid-1960s to the mid-1980s and was followed by a series of ineffective and largely corrupt governments with linkages to drug traffickers. Beginning in the mid-1990s, reformist governments in Bolivia carried out major privatization programs and put the country on a sound economic footing. President Banzer continued the economic reforms and set the goal of eliminating illegal coca cultivation and narco-trafficking during his five year term. While Bolivia is actively involved with the Andean Community, it is an associate member of the Southern Common Market (Mercosur) formed by Brazil, Argentina, Paraguay and Uruguay. In support of Bolivia's counter-narcotics efforts, the United States has provided significant interdiction and alternative development assistance and it has forgiven all of Bolivia's debt for development assistance projects, and most of the debt for food assistance.

Bolivia, like Peru, is viewed by many as a counter-narcotics success story, with joint air and riverine interdiction operations, successful eradication efforts, and effective alternative development programs reducing coca cultivation to the lowest level in five years, with a net reduction of approximately 70%. Bolivia does not have a common border with Colombia, but the principal concern in Bolivia is that the successes of the last few years could be turned back and coca cultivation and drug trafficking could return to Bolivia to meet world-wide demand if counter-narcotics efforts are successful in Colombia. Some critics have also charged that, while eradication has been successful in dramatically reducing coca cultivation, it has hurt the overall economy.

As part of Plan Colombia funding, Bolivia received \$25 million for regional interdiction assistance and \$85 million in alternative development assistance.

Under the Andean Regional Initiative, Bolivia would receive \$143.48 million. This includes \$88.48 million in socio-economic aid for programs such as alternative

development, judicial reform, poverty alleviation, health and environment; and \$55 million in counter-narcotics aid for ground-based and air interdiction support, eradication efforts, counter-narcotics training, and narcotics awareness and prevention programs.

Ecuador

With a population of 12.6 million, Ecuador is the eighth most populous country in Latin America. While more than half of the population is mixed race mestizo, about a quarter of the population is indigenous. Ecuador is the most exposed neighbor in the region because it is situated adjacent to southern Colombian areas that are guerrilla strongholds and heavy drug producing areas. Ecuador is led by President Gustavo Noboa, the former Vice President who took office in January 2000, after an uprising by elements of the military and indigenous groups. He is the fifth president in five years, with several of the previous presidents leaving as a result of corruption charges. The country has experienced hyperinflation for several years in the past, and is still struggling with economic austerity following dollarization of the currency in early 2000.

According to press reports, Colombian guerrillas pass into Ecuadoran territory for rest, recuperation, and medical treatment, and there are reports that Colombians are buying ranches and farms in the Ecuadoran border region, possibly for drug cultivation. Ecuadoran officials say they have uncovered and destroyed several small cocaine processing labs in the area. The Ecuadoran border region is experiencing a constant flow of Colombian refugees into the poor areas, and fighters with Colombian paramilitary organizations have been arrested for running extortion rings in Ecuadorian border regions. The FARC has been accused of kidnaping people in Ecuador, although the FARC denies the allegations.¹²

As part of last year's Plan Colombia funding Ecuador received \$20 million in U.S. assistance, of which \$12 million is to support drug interdiction efforts, and \$8 million is for alternative development assistance. Another \$61.3 million has been allocated for the construction of a Forward Operating Location in Manta, Ecuador for counter-narcotics aerial surveillance. There have been numerous press reports that Ecuadoran officials have been requesting significantly increased U.S. assistance for some time.

Under the Andean Regional Initiative, Ecuador would receive a total of \$76.48 million in assistance, with \$56.48 million in socio-economic aid for border area development, poverty reduction, judicial reform, and environmental programs; and \$20 million in counter-narcotics aid for northern border security, law enforcement and border checkpoints, and sea and airport control efforts.

¹² For more information, see CRS Report RS20494, *Ecuador: International Narcotics Control Issues*, by Raphael Perl.

Brazil

With a population of 170 million (of European, African, and mixed stock), Brazil is the largest and most populous country in Latin America, with most of the population concentrated in the more developed southeastern areas of the country and along the Atlantic coast. The country is led by President Fernando Henrique Cardoso who is approaching the end of his second and final term. He is credited with leading the country into a period of growth after ending years of inflation with his Real Plan and after weathering the international financial crisis with IMF assistance in late 1998 and 1999. New presidential elections are approaching in 2002, with doubts about whether the governing coalition can hold together and carry out needed reforms. Brazilians have long been concerned about the sparsely populated territory in the huge Amazon region, and they have been fearful historically of foreign designs and intervention in this territory.

In an effort to exercise control over this vast territory Brazil has constructed a \$1.4 billion radar project called the Amazon Vigilance System, or SIVAM from its acronym in Portuguese, and it has offered to share data from this system with neighbors and the United States. It has established a military base at Tabatinga, with 25,000 soldiers and policemen, with air force and navy support, to deal with spillover effects from Colombia. Press accounts suggest evidence of Colombian drug traffickers encouraging indigenous communities in Brazil to plant coca, and the threat of FARC incursions along the border. In one example in late 1998, the FARC captured a city on the Colombian border, forcing Colombian troops to withdraw into Brazilian territory, before recapturing the city. In another example, a plane from Suriname with arms for FARC guerrillas was discovered when it was forced to make an emergency landing in Brazil.

Brazil is not an illicit drug producing country, but it is a growing transit area for cocaine moving from the Andean Ridge to Colombia. Although Brazil was not designated as a recipient of Plan Colombia assistance, under the Andean Regional Initiative it would receive \$26.18 million. This includes \$11.18 million in socio-economic aid for health and environmental programs; and \$15 million in counter-narcotics aid for training and equipping border counter-narcotics forces, and for drug awareness and demand reduction programs.

Venezuela

With a population of 23.5 million (of largely mestizo stock), Venezuela is the sixth most populous country in Latin America. The country is presently led by President Hugo Chavez, a former disgruntled military leader and a populist, who was initially elected in late 1998 on a campaign to rewrite the constitution, rid the country of corruption, and more adequately meet the needs of the people. During 1999, at Chavez's request, Venezuelan voters approved the creation of a National Constituent Assembly, elected members of the new assembly, and approved the newly written constitution which lengthened and expanded presidential powers. On July 30, 2000, in a so-called mega-election, President Chavez easily won election to a new six year

term of office.¹³ Because of his previous attacks on the legislature and other institutions, many observers fear that he has authoritarian tendencies somewhat like those of disgraced former President Fujimori in Peru. Chavez has established close ties with Fidel Castro and other leftist leaders, and he often employs anti-U.S. rhetoric. He has denounced Plan Colombia as a U.S.-dominated military strategy, and he has denied the United States overflight rights over Venezuela territory. Reports persist that he has established friendly relations with Colombian guerrillas.

At the April 2001 Summit of the Americas in Quebec City, President Chavez reserved the position of Venezuela in the Declaration of leaders committing to move forward to achieve a Free Trade Area of the Americas (FTAA) by January 2005, and he also expressed alternative views on U.S. policy and Plan Colombia.

Venezuela is not an illicit drug producing country but it is a transit route for cocaine and heroin from neighboring Colombia to the United States and Europe. Despite various policy disagreements with the United States, the Chavez government has cooperated with the United States in counter-narcotics efforts. While Venezuela was not designated specifically as a recipient of Plan Colombia assistance, under the Andean Regional Initiative, it would receive \$10.5 million. This amount includes \$0.5 million in socio-economic aid for legal and judicial reform; and \$10 million in counter-narcotics aid for law enforcement and interdiction reforms, efforts to counter money-laundering, and demand reduction.

Panama

With a population of 2.8 million (of largely mestizo and West Indian stock), Panama is the twentieth most populous country in Latin America. Its history has been heavily influenced by its strategic location and the transit of commerce through the Panama Canal in the center of the country where the major cities are located. It is led by Mireya Moscoso, elected and inaugurated in 1999, who has been dealing with economic difficulties in Panama, and Panamanian responsibilities for the Panama Canal since the U.S. withdrawal on the last day of 1999. Despite considerable effort in the period leading up to the U.S. withdrawal, Panama was unwilling to allow the United States to retain a formal military presence in Panama for counter-narcotics surveillance purposes.¹⁴ This forced the United States to develop the Forward Operating Locations in El Salvador, Aruba/Curacao and Ecuador as substitute locations for such activities. Panama has been the scene of cross-border incursions by Colombian guerrillas and by Colombian paramilitary groups, and there is some evidence that paramilitary groups are being founded in Panama, with support from Colombian groups, because of the perception that the Panamanian government has left some areas unprotected.

¹³ For more details, see CRS Report RS20978, *Venezuela under Chavez: Political Conditions and U.S. Relations*, by Mark P. Sullivan; and Scott Wilson, "Chavez's Unfinished Revolution; Venezuelan's Accomplishments Fall Short of His Rhetoric," *Washington Post*, May 21, 2001, p. A1.

¹⁴ For more detail, see CRS Report RL30981, *Panama-U.S. Relations*, by Mark P. Sullivan and M. Angeles Villarreal.

Panama is not an illicit drug producing country, but it is a major transshipment point for illicit drugs, especially cocaine, smuggled from South America. In recent years Panama has cooperated with the United States in bilateral counter-narcotics efforts, seizing significant amounts of illicit drugs and passing anti-money laundering legislation. While Panama was not designated as a recipient of Plan Colombia assistance, under the Andean Regional Initiative, it would receive \$20.5 million. This includes \$8.5 million in socio-economic aid for judicial reform, watershed management, and economic growth opportunities; and \$12 million in counter-narcotics aid for upgrading interdiction and law enforcement forces, and for modernizing criminal justice institutions.

Major Legislative Activity on Andean Regional Initiative and Related Issues

Foreign Operations Appropriations, FY2002

Conference Action. The conference version of H.R. 2506, passed by the House on December 19, 2001, and by the Senate on December 20, includes \$625 million for the “Andean Counterdrug Initiative” of the ACI. (This is \$50 million less than the House’s \$675 million, but \$78 million more than the Senate’s \$547 million in ACI funding.) Of the conference version amount, \$215 million is earmarked for U.S. Agency for International Development (AID) economic and social programs, and no more than \$14.2 million may be used for administrative expenses of the Department of State, and no more than \$4.5 million for AID’s administrative expenses.

Authority is also provided to transfer up to \$35 million to the ACI from other International Narcotics Control and Law Enforcement funds in this and in prior foreign operations appropriations acts, subject to regular notification procedures. The managers’ statement of the conference report (H.Rept. 107-345) notes that, “In the event of such a transfer, the managers intend for the funds to support interdiction, alternative development, or other economic assistance to the Andean countries. The managers emphasize that there are other funds for Andean nations in this Act that may be made available for the Andean Regional Initiative (ARI).”

The conference version of H.R. 2506 contains several conditions on the use of funds. These include the following.

- *Fumigation and Alternative Development.* No funds can be used for aerial coca fumigation programs until the Secretary of State reports to the Appropriations Committees on four matters: the first, after consultation with the heads of the Environmental Protection Agency (EPA), the Department of Agriculture, and if appropriate, the Center for Disease Control and Prevention, is that such programs are being carried out according to EPA regulatory controls that pertain to programs in the United States; the second, after consultation with the Colombian government, is that such programs are in accordance with Colombian laws; the third is that the chemicals used in the fumigation

programs and the manner in which they are applied do not pose unreasonable risks or adverse effects to human beings or to the environment; and the last is that procedures are in place to provide fair compensation for valid claims by local citizens that their health was harmed or their licit agricultural crops were damaged by such spraying. The funds are not to be available after six months from the date of enactment unless alternative development programs have been put in place in consultation with communities and local authorities.

- *Peruvian Interdiction.* No funds can be used for a Peruvian air interdiction program until 30 days after the Secretary of State and the CIA Director certify to Congress that enhanced safeguards and procedures are in place for any air interdiction program that permits the shutdown of aircraft.
- *Limitations on Personnel in Colombia.* Limits on U.S. personnel in Colombia established for previous Plan Colombia funding are modified, with a cap of 400 set on both the number of U.S. military personnel and U.S. civilian contractors supported by funding from the ACI account.
- *Helicopters.* Any helicopter procured with this funding is to be immediately returned to the United States if it is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative.
- *Human Rights.* Section 567 (a) of the bill provides that the Secretary of State must determine and certify to Congress that the Colombian armed forces are meeting three human rights criteria before any of the funds by this act or prior foreign operations appropriations acts can be made available to Colombia's armed forces. These criteria are: (1) that the Colombian Commander General is suspending soldiers and officers credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups ; (2) that the Colombian armed forces are cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts any members credibly alleged to be involved in such offenses; and (3) that the Colombian armed forces are taking steps to sever links with paramilitary groups and to execute outstanding orders for the capture of their members. After such a determination and certification, no more than 60% of such funds can be made available to the Colombian armed forces through May 31, 2002. After June 1, 2002, the balance of such funds may be obligated if the Secretary determines and certifies that the Colombian armed forces are continuing to meet those criteria. Every 120 days after the bill's enactment, the Secretary must report to the appropriations committees regarding the Colombian armed forces' observance of these criteria.

- *Denial of Visas to Supporters of Colombian Illegal Armed Groups.* No alien shall be issued a visa if the Secretary of State has determined that he or she (1) has willfully provided any support to either of Colombia's two major leftist guerrilla groups (the FARC and the ELN) or to the rightist illegal self-defense group (the AUC), or (2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights in Colombia, unless the issuance of such a visa is necessary to support the Colombian peace process or for urgent humanitarian reasons.

House Action. On July 10, 2001, the House Appropriations Committee approved H.R. 2506, with a reduction of \$55 million in the ACI portion of the ARI, after defeating several amendments to reduce the funding even more. On July 24, 2001, the House approved H.R. 2506, reducing counter-drug assistance by an additional \$1 million, and approving amendments relating to caps on personnel in Colombia and a required report on the April 20 accidental shutdown of a missionary plane in Peru. As passed by the House, the bill provides \$826 million for the ARI, of which \$675 million is for the ACI, a reduction of \$56 million from the President's request.

Subcommittee Action. On June 27, 2001, the House Appropriations Committee's Foreign Operations Subcommittee marked up and passed a \$15.2 billion FY2002 foreign operations funding bill, which contained funding for the Bush Administration's Andean Regional Initiative (ARI). The subcommittee action funded the entire bill at the level requested by the President, but considerably reduced funding for the Andean Counterdrug Initiative portion of the ARI.

The subcommittee action would provide \$55 million less than the President's \$731 million request for the State Department's International Narcotics Control "Andean Counterdrug Initiative" portion, funding that account at \$676 million. The subcommittee did not specify which among the initiative's programs were to be affected by the funding reduction. This would reduce funding for the total ARI from \$882 million to \$827 million.

Two amendments regarding Colombia were offered and withdrawn during the subcommittee mark-up. The Pelosi amendment would have limited funding for Colombia's military to no more than \$52 million, and transferred the other approximately \$100 million of funding requested for the Colombian military to a Child Survival account for infectious diseases. The Rothman amendment would have placed a temporary moratorium on U.S. supported fumigation efforts in Colombia until the State Department presented Congressional appropriations committees with conclusive evidence that the United States and Colombian governments had commenced implementation of viable alternative development plans in 75% of all communities that have signed alternative development pacts.

Committee Action. On July 10, the House Appropriations Committee passed H.R. 2506, retaining the subcommittee-approved \$827 million funding level for the ARI, with the \$676 million funding level for the Andean Counterdrug Initiative. The Committee provided no explanation in the report (H.Rept. 107-142) for its action, but recommended there that the \$55 million reduction "should be evenly distributed

among all programs, projects, and activities referred to in the Administration's request for the Andean Counterdrug Initiative." The bill itself recommends a limit of \$14.24 million for administrative expenses. As reported by the committee, the bill also would exempt any programs supported through the ACI funds from the cap of 300 on civilian contractors established by the Plan Colombia legislation (Section 3204(b)(1)(B), P.L. 106-246). (It does not, however, exempt the cap of 500 on the number of U.S. military personnel in Colombia established by the same legislation.) The bill would also exempt ACI funds from the prohibition under Section 482 (b) of the Foreign Assistance Act of 1961, as amended, on the use of funds for the procurement of weapons and ammunition, with exceptions for counternarcotics activities. The exceptions, requiring an advance notification to Congress, apply to the defensive arming of aircraft used for counternarcotics activities, and the provision of firearms and related ammunition for defensive purposes to Department of State employees or contract personnel engaged in such activities. The Section 482(b) exemption was also contained in the Plan Colombia legislation.

The full committee rejected two Colombia-related amendments: (1) the Pelosi amendment, which had been withdrawn in subcommittee, to transfer approximately \$100 million from the Colombian military to the Child Survival account, failed 22 to 39; and (2) the Obey amendment, to withdraw all Andean counter-drug funding and shift it to domestic drug treatment and prevention programs, failed 18 to 43.

In H.Rept. 107-142, however, the Committee adopted language requiring the Secretary of State to report to the appropriations committees by January 1, 2002, and quarterly thereafter, on the human health and environmental effects of the materials used in aerial eradication of coca and opium poppy in Colombia, and of the spraying of those illegal narcotic crops in Colombia. "Such reports shall include a description of the areas sprayed, materials and methods used, compliance with the spray guidelines, and the human and environmental impacts of such spraying."

The Committee also requested two semi-annual reports from the Secretary of State, both beginning March 1, 2002. One would provide information on all aircraft, vehicles, boats, and lethal equipment transferred to military and police forces under the ACI. This report is also to include the number of U.S. military personnel deployed or assigned to duty in the Andean region or other countries using fund provided under the ACI during the previous 180 days, and the length, purpose, costs, and risks of their deployment or assignment. Another would provide information on "the specific efforts being made by AID, the State Department and the Colombian government to expedite the delivery of non-cash assistance to communities in Colombia that have signed pacts to voluntarily eradicate their coca crops." This report is to include the percentages of available alternative development funds disbursed to Colombian communities that have signed such pacts.

The Appropriations Committee report also contains extensive language on Colombia and other Andean countries. On Colombia, the Committee stated that it believes that a negotiated settlement "offers the only viable resolution to the complex conflict" in Colombia, and that efforts to reduce the cultivation of illegal crops "will continue to face enormous challenges" until a peace accord is reached. The Committee strongly urged the Secretary of State "to work with all parties in the talks to encourage rapid progress toward a firm and lasting peace." Noting that "stronger

trade between Colombia and the United States is crucial to managing the vulnerabilities of the Colombian economy,” the Committee urged the President “to seek renewal and expansion of the Andean Trade Preference Act (ATPA).” It expressed concern that alternative development projects were not being implemented in a timely fashion in Southern Colombia.

For the Andean region in general, the Committee report called on the Department of State to ensure that all U.S. laws regarding human rights, including Section 556 of the bill, “are strictly applied in Colombia and each of the Andean nations.” Regarding Bolivia, the Committee took “special note” of the country’s progress in counternarcotics efforts, and stated that its “enormous success” was due “in large part, to the support of the U.S. Government.” It urged the Administration to continue to strongly support Bolivia “when deciding on its allocation of aid.”

Floor Action. On July 24, the House adopted H.R. 2506, by a vote of 381-46. It reduced the ACI account by \$1 million from the level approved by the Appropriations Committee, to \$675 million, despite efforts to reduce it by much larger amounts, and altered committee provisions regarding the cap on civilian contractors. (See the first bullet under approved amendments, below.)

In floor action on July 24, three amendments pertaining to the ARI were approved, two were defeated, and two were withdrawn. Nine others, which had been printed in the record and therefore were eligible for debate under the initial rule were barred from debate under an order of procedure adopted in the course of floor consideration.

The three amendments **approved** were:

- An amendment offered by Rep. Conyers to allow the President to waive the 300 person cap on civilian contractors set by the Plan Colombia legislation, provided that the President certifies that the aggregate ceiling of 800 personnel (for military personnel and civilian contractors combined) set by that legislation would not be exceeded, and if Congress is informed of the extent to which the 300 civilian contractor limitation is exceeded. Agreed to by voice vote.
- Amendment 44 offered by Rep. Hoekstra to withhold \$65 million of ACI funds until the Secretary of State submits to Congress a full report on the April 20, 2001, aircraft shootdown by the Peruvian Air Force in which U.S. missionary Veronica “Roni” Bowers and her daughter were killed. Agreed to by voice vote.
- A substitute Kolbe amendment (to amendment 12 offered by Rep. Crowley) to transfer \$1.0 million from the ACI to the International Disaster Assistance account. (The Rep. Crowley amendment would have transferred \$10 million.)

The two amendments **defeated** were:

- Amendment 26, offered by Rep. Lee, to transfer \$60 million to the Child Survival and Health Programs fund, where it was to be available for HIV/AIDS programs. Of the \$60 million, \$38 million would be taken from the ACI. Failed 188-240.
- Amendment 27, offered by Rep. McGovern, to reduce ACI funding by \$100 million, and transfer half of that funding to the infectious diseases account to combat tuberculosis and the other half to the child survival and maternal health account. (In a floor speech, Rep. McGovern stated that the intent of the amendment was that the full \$100 million should be cut from funding for the Colombian military.) Failed 179-249.

The two amendments **withdrawn** were:

- Amendment 47 offered by Rep. Jackson-Lee to transfer \$100 million from the ACI to the Child Survival and Health Programs Fund. Withdrawn by unanimous consent.
- Amendment 11 offered by Mr. Conyers to prohibit the use of funds provided as part of Plan Colombia and the ACI for aerial fumigation to eradicate illicit crops in Colombia. Withdrawn by unanimous consent.

On July 19, during the first day of consideration of H.R. 2506, two amendments regarding Colombia were offered and **withdrawn** after points of order were raised.

- Rep. Souder offered and withdrew Amendment 35 to earmark \$27 million of International Narcotics Control and Law Enforcement funds for the purchase of two Buffalo transport/supply aircraft for the Colombian National Police, \$12 million for the purchase of six Huey II patrol helicopters for the Colombian Navy, and \$5 million for assistance in purchasing operating fuel for drug interdiction along Colombia's north coast and its on rivers. In effect, this would supplement funding for Andean regional counterdrug efforts that would be made available through the ACI.
- Rep. Delahunt offered and withdrew Amendment 17 to require quarterly reports from the Secretary of State on the implementation of the Colombian national security legislation passed by the Colombian Congress on June 20, 2001. According to Rep. Delahunt, that legislation "contains ambiguous provisions that could threaten civilian oversight of the military in Colombia and place at risk the progress that has been made toward reforming the military..."

Senate Action. The Senate Appropriations Committee marked up its version of the Foreign Operations Appropriations bill on July 26, and reported out H.R. 2506, with an amendment in the nature of a substitute (S.Rept. 107-58) on September 4, 2001, reducing ACI funding by \$164 million, and imposing conditions on the safety of aerial fumigation programs in Colombia, and requiring reports on human rights

conditions in the country. The Senate passed H.R. 2506 on October 24, 2001, after defeating on a point of order an amendment to fund the ACI and the ARI at the level requested by the President, and approving two amendments that transferred \$20 million from the ACI to other programs. As passed by the Senate, the bill provides \$698 for the ARI, of which \$547 is for the ACI, a reduction of \$184 million from the President's request, and includes conditions on the safety of aerial fumigation and the implementation of alternative development programs..

Committee Action. In the July 26 mark-up, the Senate Appropriations Committee cut \$164 million from the President's requested ACI funding, and earmarked not less than \$200 million of the total of \$567 million that would remain in that account for direct apportionment to the U.S. Agency for International Development (AID) for economic and social programs. The ACI cut would bring total ARI funding down to \$718 million.

The committee bill would condition the release of funds to purchase chemicals used for the aerial coca fumigation program. To release those funds, the Secretary of State, in consultation with the Secretary of the Department of Health and Human Services and with the Surgeon General, would have to determine and report to Congress on the human health and safety effects of the chemicals and the manner of their application. Specifically, the Secretary would have to report that 1) "the chemicals used in the aerial fumigation of coca, [and]...the manner in which they are being applied, do not pose an undue risk to human health or safety;" and 2) that the fumigation "is being carried out according to the health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals." The Secretary would also have to report that "effective mechanisms are in place to evaluate the claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims."

In contrast to House action, the Senate Appropriations Committee incorporated by reference in its bill the Plan Colombia legislation's cap of 500 on the number of U.S. military personnel and 300 on the number of U.S. civilian contractors in Colombia (Section 3204(b) of P.L. 106-246). The Committee also included a Plan Colombia human rights restriction, requiring the immediate return to the United States of any helicopter purchased with ACI funds that "is used to aid or abet the operations of any illegal self-defense groups or illegal security cooperative." Like the House, however, it would waive the restrictions of Section 482(b) of the Foreign Assistance Act of 1961. The Committee would limit by law funding for Department of State administrative expenses to \$14.24 million, whereas the House bill merely recommends that limit.

In the report accompanying the bill (S.Rept. 107-58), the Committee stated that it "recognizes some progress on human rights" in Colombia, but also expressed concern about "the surge in paramilitary violence, persistent reports of cooperation between the military and the paramilitaries, and the impunity of military officers who order or commit atrocities." It stated that the U.S. government should make it a priority to promote "far more aggressive action...by the Colombian Government and the military, to thwart it." Deploring the "ongoing abuses by the FARC," the

Committee called on other nations, “particularly Mexico and the Scandinavian countries, to exert greater influence on the FARC to repudiate these tactics and participate seriously in negotiations toward a settlement of the conflict.”

The Committee also called for the Secretary to State to submit to the appropriations committees reports containing information on several areas of human rights and other concerns. The Committee would expect the first report within 60 days of enactment and every 120 days after that.

This report would include information on two human rights topics for which reporting was also required by the Plan Colombia legislation. These are:

- the extent to which the Colombian armed forces have suspended members credibly alleged to have committed gross violations of human rights, and are providing civilian prosecutors and judicial authorities requested information on the nature and cause of suspension; and
- the extent to which the Colombian armed forces are cooperating with civilian authorities, including providing access to witnesses and relevant military information, in prosecuting and punishing in civilian courts those members credibly alleged to have committed gross violations of human rights or aided or abetted paramilitary groups.

Two other human rights topics are also to be included:

- the extent to which the Colombian armed forces are severing links, including intelligence sharing, at the command, battalion, and brigade levels, with paramilitary groups, and executing outstanding arrest warrants for members of such groups; and
- the extent to which attacks against human rights defenders, trade unionists, and government prosecutors, investigators and civilian judicial officials are being investigated, and alleged perpetrators brought to justice.

The report would also be expected to provide information on the actions taken by the United States, Colombia, and other governments to promote and support peace negotiations, and on financial support for Plan Colombia provided by the Colombian government and the international community.

A second report including information on other areas of human rights concerns would be expected only if national security legislation passed by the Colombian Congress on June 20, 2001, were to become law. In that case, the Secretary of State would be expected to submit a report within 90 days of enactment of the security law and 120 days thereafter on incidents of and any rising trend in arbitrary and prolonged incommunicado detention by members of the Colombian armed forces and police; an assessment of the effectiveness of investigations conducted by military personnel under the new security law compared to investigations by civilian authorities; and an

analysis of the security law's implications for Colombia's commitments under international treaties.

The Committee also expressed concern in its report about the spill-over effects of the Colombian narcotics trade into Bolivia, Ecuador, and Peru.

Floor Action. After considering H.R. 2506 for two days, the Senate approved the measure on October 24, 2001, largely retaining the basic features of the bill relating to the ARI as reported by the Senate Appropriations Committee. Five amendments relating to the ARI were approved, with the last two reducing ACI funding by \$20 million; and one amendment, seeking to restore funding cuts, was defeated on a point of order.

The five amendments that were **approved** were:

- Senate Amendment 1929 by Senator Leahy that not less than \$101 million of ACI funds be made available for Bolivia, and not less than \$35 million of ACI funds be made available for Ecuador.
- Senate Amendment 1942 by Senator Helms that up to two million of ACI funds be made available to support democracy-building activities in Venezuela.
- Senate Amendment 1951 by Senators Feingold and Wellstone that added another condition relating to aerial fumigation upon which the Secretary of State is to report, namely that alternative development programs be in place in areas where fumigation is being implemented.
- Senate Amendment 1960 by Senators Hutchison and Inouye that reduced ACI funding by \$10 million, and made those funds available for the prevention, treatment, and control of tuberculosis.
- Senate Amendment 1961 by Senator Bingaman that reduced ACI funding by \$10 million, and made those funds available for relief and reconstruction assistance for victims of earthquakes and drought in El Salvador and elsewhere in Central America.

The amendment that was **defeated** on a point of order was Senate Amendment 1950 by Senators Graham, Hagel, and Dodd to increase funding for the Andean Counterdrug Initiative to \$731 million, the amount of the President's request, which would have effectively overridden the Committee-reported cut of \$164 million in that portion of the ARI. Proponents of the amendment argued that full support was necessary to assist troubled Colombia and to deal with the flow of drugs to the United States. Opponents argued that extensive assistance was being provided to the region, that needs elsewhere in the world were great, and that evidence of progress was lacking despite the major contribution of resources in recent years. A point of order was raised by Senator Leahy that the amendment was in violation of the Congressional Budget Act for failing to identify offsets for the proposed \$164 million increase in funding, and a motion by Senator Graham to waive the requirements of the Budget Act was defeated 27-72, thereby defeating the amendment.

Foreign Relations Authorization, FY2002-FY2003

House Action. The House International Relations Committee reported out H.R. 1646 on May 4, 2001, with four reporting requirements on Colombia and a prohibition on the issuance of visas to illegal armed groups in Colombia. The bill was passed by the House on May 16, 2001, without additions or modifications in that area. The required reports relate to the elimination of Colombian opium, the effects of Plan Colombia on Ecuador, alternative development and resettlement programs, and the Colombianization of counter-narcotics activities.

Committee Action. H.R. 1646 was introduced by Representative Hyde on April 27, 2001, with two reporting requirements concerning the elimination of Colombian opium poppy crops and the effect of Plan Colombia on Ecuador (see below for details). The measure was referred to the House Committee on International Relations. When the Committee marked up the bill on May 2, it adopted by voice vote two amendments offered by Representative Delahunt: the first imposed reporting requirements on Department of State activities and on the “Colombianization” of counternarcotics activities; the second prohibited the issuance of visas to supporters of Colombian illegal armed groups (see below for details). The bill was reported out amended (H.Rept. 107-57) by the Committee on May 4.

Floor Action. After floor consideration on May 10 and 16, with no additional amendments on Colombia or the Andean region, H.R. 1646 was approved by the House on May 16, and sent to the Senate on May 17, with the following provisions relating to the Andean Regional Initiative:

- **Reporting Requirement Concerning Elimination of Colombian Opium.** Sec. 204 requires the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, to submit, not later than 60 days after enactment, a report which outlines a comprehensive strategy to address the crisis of heroin in the United States due to opium originating from Colombia, including destruction of opium at its source.
- **Reporting Requirement Concerning Effect of Plan Colombia on Ecuador.** Sec. 211 requires the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, to submit, not later than 60 days after enactment, a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.
- **Reporting Requirement on Department of State Activities.** Sec. 213 (a) requires the Secretary of State to submit within 180 days of enactment, and every 180 days thereafter, a report on State Department funded and authorized activities to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. This report would include summaries of activities undertaken during the previous 180 days, estimated timetables for the next period, an

explanation of any delays in meeting planned timetables, and an assessment of steps to be taken to correct such delays.

- **Reporting Requirement on the “Colombianization” of U.S. Funded Counternarcotics Activities.** Sec. 213 (b) states that U.S. policy “encourages” the transfer of counternarcotics activities in Colombia now carried out by U.S. businesses under agreements with the State Department to Colombian nationals, “in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.” It also requires the Secretary of State to report within 90 days of enactment and subsequently not later than March 1 on the counternarcotics activities carried out by U.S. businesses under State Department agreements. The report must include the names of such businesses, the total State Department payments to each business, a statement justifying the agreement, an assessment of risks to personnel safety and potential involvement in hostilities incurred by employees of each such business, and a plan to provide for the transfer of these activities to Colombians.
- **Denial of Visas to Supporters of Colombian Illegal Armed Groups.** Sec. 236 prohibits the issuance of visas to any alien who the Secretary of State determines has wilfully provided direct or indirect support to either of the two leftist guerrilla groups (the Revolutionary Armed Forces of Colombia, i.e., the FARC, and the National Liberation Army, i.e., the ELN) or to the rightist United Self-Defense Forces of Colombia (the AUC); or “has wilfully conspired to allow, facilitate, or promote the illegal activities of any of those groups. A waiver is provided for cases where a visa “is necessary to support the peace process in Colombia, for urgent humanitarian reasons, for significant public benefit, or to further the national security interests of the United States.”

Senate Action. The Senate Foreign Relations Committee approved the Senate version of the Foreign Relations Authorization for FY2002-FY2003 (S. 1401) on August 1, 2001, and reported out the bill on September 4, 2001, with a requirement for a report outlining a strategy to eradicate opium in Colombia..

Committee Action. The Committee on Foreign Relations reported out S. 1401 on September 4, 2001, with a provision in section 606, similar to a provision in the House version of the bill, requiring the Secretary of State to submit to appropriate congressional committees within 60 days after enactment a report that outlines a comprehensive strategy to eradicate all opium at its source in Colombia.

National Defense Authorization Act, FY2002

House Action. The House Armed Services Committee marked up H.R. 2586 on August 1, 2001, and reported out the bill (H.Rept. 107-194) on September 4,

2001, with a provision containing a cap on U.S. military personnel in Colombia, and this was retained when the House approved the bill on September 25, 2001.

Committee Action. As reported by the House Armed Services Committee, the FY2002 defense authorization bill, H.R. 2586, would cap the number of U.S. military personnel on duty in Colombia that could be supported from Department of Defense funding at 500. This provision, Section 1208, would exclude any military personnel in Colombia (1) serving tours of duty of 30 days or less for the purpose of rescuing or retrieving U.S. military or government personnel, (2) serving with the U.S. Embassy in Colombia as an attache or as part of the security assistance office or Marine Corps security group, (3) participating in natural disaster relief efforts, or (4) traveling through Colombia but not involved in operations there.

Floor and Conference Action. After floor consideration on September 20, 24-25, the House approved H.R. 2586 on September 25, 2001, with the Committee-reported cap on military personnel in Colombia. The Senate bill, S. 1438, had no corresponding provision. This House provision was not retained in the conference version, S. 1438, S.Rept. 107-333, passed by both chambers on December 13, 2001.

Andean Trade Preference Act (ATPA)

(For details on this legislation, see the CRS Trade Briefing Book section on the Andean Trade Preference Act, [<http://www.congress.gov/brbk/html/ebtra127.html>].)

House Action. On November 16, 2001, the House passed H.R. 3009, the Andean Trade Promotion and Drug Eradication Act, which would offer expanded trade benefits to the Andean region through December 31, 2006.

Committee Action. On October 5, 2001, the House Ways and Means Committee approved and ordered reported H.R. 3009, the Andean Trade Promotion and Drug Eradication Act, that would extend the ATPA through December 31, 2006, and provide duty-free treatment to selected apparel, tuna, and other products previously excluded. The bill would also expand the conditions countries would have to meet to remain eligible for program benefits.

Senate Action. No floor action thus far.

Committee Action. On November 9, 2001, the Senate Committee on Finance reported H.R. 3090, the Economic Security and Recovery Act, which includes in Title V a six-month extension of the ATPA through June 4, 2002. On November 29, that committee approved S. 525, the Andean Trade Preference Extension Act, with similar, but more limited benefits than the House's H.R. 3009.

Appendix A. Map Showing Andean Regional Initiative Countries

(Colombia, Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela)



Map Adapted from Magellan Geographix by CRS June 2001. mlc

Appendix B. Bush Administration's Proposed FY2002 Andean Regional Initiative (ARI) by Purpose and Functional Accounts

(\$ millions)

Country	Total ARI	ARI Proposed Funding By Purpose		ARI Proposed Funding By Account				
		Economic/ Social/ Governance	Counter- narcotics and Security	International Narcotics Control (Andean Counterdrug Initiative)	Development Aid	Child Survival and Diseases	Economic Support Fund	Foreign Military Financing
Colombia	399.00	146.50	252.50	399.00	0	0	0	0
Bolivia	143.48	88.48	55.0	101.00	25.08	6.40	10.00	1.00
Brazil	26.18	11.18	15.0	15.00	3.38	7.80	0	0
Ecuador	76.48	56.48	20.00	39.00	6.48	0	30.00	1.00
Panama	20.50	8.50	12.00	11.00	4.50	0	4.00	1.00
Peru	206.15	128.15	78.00	156.00	28.65	10.50	10.00	1.00
Venezuela	10.50	0.50	10.00	10.00	0	0	0.50	0
Totals	882.29	439.79	442.5	731.0	68.09	24.7	54.5	4.00

Source: ARI Reference Sheet, 150 Account, provided by the Department of State, May 14, 2001.

Appendix C. FY2000-FY2001 U.S. Assistance to Colombia

(Obligations and authorizations, \$ millions)

Category of Foreign Aid or Other Assistance to Colombian Programs	FY2000 Regular Approps.	Plan Colombia (P.L. 106-246) FY2000	FY2001 Reg. Approps.	Plan Colombia (P.L. 106-246) FY2001
<i>State Department/INC account^a</i>	50.0		48.0	–
<i>State Department INC Air Wing</i>	31.3	768.5	28.0	–
<i>Agency for International Development (AID)^a</i>	4.0	–	4.0	–
<i>International Military Education and Training (IMET)</i>	0.9	–	1.0	–
<i>Foreign Military Financing/Grant</i>	–	–	–	–
Department of Defense/Section 1004	68.7	4.5	49.8	101.2
Department of Defense/Overlapping Sections 1004/124	1.6	6.0	1.8	0.0
Department of Defense/Section 1033 account or projects funded under Section 1033-type authority	7.2	17.4	8.1	13.0
Department of Defense/Section 506 Drawdown authorized	None		None thus far	
Other Section 506 Drawdown (i.e., Departments of Transportation, Justice, State, and the Treasury) authorized	None		None thus far	
TOTALS	163.7	796.4	140.7	114.2
	960.1		254.9	
Related Spending: Department of Defense/ Section 124	11.1	13.0	14.4	0.0

Note: For detail on Plan Colombia and pre-Plan Colombia funding, see CRS Report RL30541, *Colombia: Plan Colombia Legislation and Assistance (FY2000-FY2001)*.

Sources: General Accounting Office (GAO -01-26), Department of State, Congressional Budget Justification for Foreign Operations for FY2001; U.S. Agency for International Development Budget Justification for FY2001, Annex IV; and information provided by Department of State and Department of Defense officials. This chart includes direct U.S. foreign assistance (i.e., the categories usually counted as U.S. foreign aid, which are in italics), as well as the costs of goods and services provided to Colombia from other U.S. government programs supporting counternarcotics efforts in Colombia. The United States also provides a small amount of DOD Excess Defense Articles (EDA) to Colombia. Other funds are spent in Colombia on counternarcotics and other activities that are considered part of U.S. programs: for instance, the Drug Enforcement Administration (DEA) spends its own funds on joint operations in Colombia. Figures on FY2000 and FY2001 State Department INC funding provided January 10-11, 2001. Figures on DOD Sections 1004, 124, 1004/124, and 1033 funding provided June 29, 2001. DOD Sections 124, 1004, and 1033 funding is taken from regional accounts and the tentative allocations for Colombia can be shifted to respond to developing needs in other areas. (Section 124 covers U.S. operated radar systems in Colombia and elsewhere, and other costs of U.S. detection and monitoring of drug flights.)

^a FY2000 non-DOD Plan Colombia supplemental funds were all assigned to the State Department INC account; the State Department is transferring them to the other agencies carrying out programs in Colombia with those funds. The AID FY2000 and FY2001 figures are all ESF. These AID figures do not include funds provided to AID from the INC account.

Appendix D. Controversy over Spray Eradication Efforts in Southern Colombia

The following discussion of the controversy over spray eradication (i.e., fumigation) of illegal coca crops in southern Colombia was prepared in response to the controversy over this effort in southern Colombia. This short synopsis of available information on the effects of fumigation of coca crops in Colombia is only meant to provide a summary of various claims; it is not a judgment on their validity.

In its U.S.-supported coca eradication program, the government of Colombia sprays coca crops from aircraft with a mixture of the herbicide glyphosate, manufactured by the U.S. company Monsanto and marketed as “Roundup,” and two additives or “adjuvants.”¹⁵ According to the State Department (in its report of January 23, 2001, submitted to Congress consistent with the provisions of the Statement of Managers accompanying Title III, Chapter 2 of the Emergency Supplemental Appropriations Act. P.L. 106-246, which provided funding for Plan Colombia), the Environmental Protection Agency (EPA) has found that “the use of glyphosate, as labeled for use in the U.S., is acceptable provided that the regulatory controls required by the EPA – the labeled instructions – are followed.” The State Department also claims that the ingredients in the two additives (COSMO FLUX-411F, a surfactant, and COSMO-iN-D, an anti-foaming additive¹⁶), both produced in Colombia, are on an EPA list of acceptable chemicals “for use on food crops when the label instructions are followed.” This report states an EPA review of “adequate scientific studies” shows that when properly used glyphosate “will not cause adverse effects in humans,” and “does not cause risks of concern for birth defects, mutagenic effects, neurotoxic effects, reproductive problems, or cancer.” It does, however, state that “splashes” of glyphosate “can cause transient irritation to skin and eyes,” although at the same level of irritation as baby shampoo according to one cited study. For its conclusion that there are “no grounds to suggest concern for human health” from the spray mixture used in Colombia, the State Department cited a recent study published in *Regulatory Toxicology and Pharmacology*.¹⁷

¹⁵ The active ingredient in Roundup is isopropylamine salt of N-(phosphonomethyl) glycine, commonly known as glyphosate, Chemical Abstract Registration Number 38641-94-0, EPA Registration Number 000524-004445. “Adjuvant” is a term for an ingredient that facilitates or modifies the action of the principal ingredient.

¹⁶ COSMO FLUX-411F, according to the State Department report, “increases the herbicide penetration through the waxy layer of the coca leaf by allowing ore of the spray to stick to the plant. When more of the spray solution sticks to the plant, the herbicide becomes more effective which means it can be applied in smaller doses.” COSMO-IN-D “is used to minimize the foam created by the mixture-circulating pump inside the aircraft spray hopper” in order to avoid the creation of a vacuum within the spray pressure pump which could shut off the spray system during flight.

¹⁷ Gary M. Williams, Robert Kroes, and Ian C. Munro. Safety Evaluation and Risk Assessment of the Herbicide Roundup and its Active Ingredient, Glyphosate, for Humans. *Regulatory Toxicology and Pharmacology*. Vol. 31, No. 2, April 2000. Available through [<http://www.ciponline.org/colombia/12301.htm>] from a hyperlink at the bottom of the text of the State Department’s January 23, 2001 report. This publication is the official journal of the

Since spraying began in December 2000 in Colombia's Putumayo province (where it is now indefinitely suspended), however, there have been many allegations that the spray mixture has caused extensive harm to humans, other crops, and livestock. The ill health effects on thousands of children and adults most commonly reported in the areas of Putumayo fumigation include fever, eye and gastrointestinal irritation, and skin and bronchial irritation and infections. There have also been allegations of increased incidence of brain damage in children in these areas since fumigation was started. In addition, critics claim, many crops other than coca have been sprayed, depriving peasants of food crops and other sources of income, and livestock reportedly have suffered ill effects, including hair loss in cattle from moderate exposure, abortion among pregnant cows (possibly due, one source notes, from stampedes caused by the noise of overhead helicopters) and the death of fowl from spraying or drinking contaminated water. (The effects on livestock and fowl are taken from the "Counter-Fact Sheet" of February 9, 2001, prepared by Acción Andina, a non-governmental organization, and posted at [<http://usfumigation.org/Literature/FactSheets/ContraDoS/AA-IPS-RAPAL%20Fact%20Sheet%20-English.htm>].) Supporters of aerial fumigation, however, state that negative health and environmental effects can be attributed to drug producers themselves, whom, they claim, also use Roundup to suppress weeds around coca bushes, and who pollute Colombian rivers with chemicals used in processing and refining coca into cocaine in their drug labs.

Some U.S. officials assert that many of the complaints come from those with an interest in continuing coca production, especially as aerial spraying of coca crops has taken place for many years in other areas of Colombia without the outcry that the spraying in Putumayo has produced. However, according to a *Washington Post* article of January 7, 2001, about the spraying in Putumayo: "Until recently, spraying focused almost entirely on remote industrial-sized coca and poppy plantations....Now the planes are targeting more populous farming areas...where coca...is often grown side by side with corn, yucca, pineapple and livestock. Often it shares a plot next to the farmer's tin-roofed shack." ("Aerial Attack Killing More than Coca," by Scott Wilson.) Regarding crop damage, the *Post* reporter stated that his "inspection of fields in the area suggested that food crops have been hit at least as hard as coca." Critics have attributed food crop damage to the side-by-side plantings of legal and illegal crops in Putumayo, but also charge that spray planes fly higher than normal for crop dusting operations elsewhere in order to avoid ground fire, and under unacceptable wind conditions, thus leading to the dispersion of spray beyond intended targets.¹⁸

¹⁷ (...continued)

International Society of Regulatory Toxicology and Pharmacology.

¹⁸ One website's ([<http://www.farmsource.com>]) discussion of the use of Roundup (accessed through the Monsanto website, [<http://www.monsanto.com>]) notes that Roundup should "only be applied from aircraft when the potential for drift to adjacent sensitive areas (e.g. residential areas, bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when the wind is blowing away from sensitive areas)." It gives detailed instructions for aerial applications, including the maintenance of an appropriate buffer zone from "any desirable vegetation or crops," i.e., normally some 100 feet, but 500 feet if the wind

(continued...)

Some analysts, however, have noted that complaints of ill effects to humans and animals may not be entirely inconsistent with State Department assertions of safety under controlled circumstances as the health and environmental effects could vary depending on the exact formulation of the spray mix, the manner of its application, and the conditions under which it was used. Some critics have argued that Roundup is not being applied in a manner consistent with U.S. usages and with the manufacturer's recommendations, and that not all issues related to ingredients used in the mixture applied in Colombia have been explored.

- The World Wildlife Fund, in an October 30, 2000 statement, "Comments on Glyphosate," states that existing studies "may not be adequate to assess the impacts resulting from Plan Colombia's actual use of glyphosate (aerial applications, product formulation, frequency and rate of application, etc.), especially given the soils, topography, climatic conditions (temperature, rainfall, etc.) plant and animal species found in Colombia." (Online at: [<http://www.ciponline.org/colombia/103001.htm>]).
- In a February 9, 2001 statement calling for the end of aerial eradication, representatives of three non-governmental organizations claimed that "there is evidence that herbicide concentrations much higher than ones recommended are being applied in Colombia" and that "there are no toxicological studies...regarding the effects of mixing the Cosmoflux-4111F surfactant with pesticides."¹⁹ The statement also noted that Roundup Ultra (which opponents say is the actual variety of Roundup being used in Colombia, although the State Department report cited above does not refer to either trade name) "contains other ingredients besides glyphosate and the two adjuvants." The World Wildlife Fund, in the October 2000 statement cited above, found that studies on the effects of Roundup "focus on the pesticide active ingredient alone, not the combination of inert ingredients actually applied, thereby giving an incomplete assessment of the toxic threat," and asserted that "the inert ingredients mixed with the Roundup to increase its effectiveness can be as, or more, toxic to humans, wildlife and foodwebs than the pesticide itself." The Monsanto website states that the "new ingredients" in Roundup Ultra are on an EPA approved list (#4B), but the specific "new" ingredients are not named.
- An analysis by agronomist Elsa Nivia, identified as associated with the non-governmental *Red de Acción en Plaguicidas y Alternativas - América Latina*, RAP-AL. PAN-Colombia (Pesticide Action Network), claims that the aerial fumigation of illegal crops in

¹⁸ (...continued)

is blowing up to five miles an hour, and more at greater windspeeds.

¹⁹ *Forced Aerial Eradication of Illicit Crops: A Reply to the State Department*, signed by Ricardo Vargas M. of Acción Andina Colombia, Martin Jelsma of Transnational Institute, TNI, and Elsa Nivia of RAPALMIRA. Posted at [<http://www.usfumigation.org>].

Colombia with Roundup is “very different from the recommended agricultural use in the United States,” citing the concentration as 26 times greater than that recommended, with negative effects intensified by the use of Cosmoflux 411F. Even though the authors of the report cited by the State Department had found glyphosate and Roundup to be at most mildly toxic, Ms. Nivia’s conclusion from their discussion of the effects of accidental and occupational exposures to higher concentrations, and of the doses that proved lethal in people attempting suicide, is that higher than recommended concentrations or applications could help to explain the severe ill effects reported in the fumigated areas. (See *Las fumigaciones aéreas sobre cultivos ilícitos si son peligrosas - Algunas aproximaciones*, by Elsa Nivia. Paper given at a conference on The Wars in Colombia: Drugs, Guns and Oil, held at the University of California at Davis, May 17-19, 2001, accessible through [<http://www.usfumigation.org>].)

The State Department is funding a study, with design assistance supplied by the Center for Disease Control (CDC) and the EPA, of the health effects of aerial eradication in Putumayo Department. Results are anticipated by late 2001.