

United States General Accounting Office

Report to Congress on

DEPT. OF JUSTICE

OPERATIONS OF THE

DEPT. OF JUSTICE

AND



134362

U.S. Department of Justice
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134362

National Security and
International Affairs Division

B-244138

September 30, 1991

The Honorable John Conyers, Jr.
Chairman, Committee on
Government Operations
House of Representatives

The Honorable Frank Horton
Ranking Minority Member
Committee on Government Operations
House of Representatives

The Honorable Sam Nunn
Chairman, Permanent Subcommittee
on Investigations
Committee on Governmental Affairs
United States Senate

NCJRS

FEB 6 1992

ACQUISITIONS

As you requested, we reviewed U.S. programs to assist Colombia in interdicting cocaine production and trafficking. This report describes the uses and amounts of U.S. aid and our observations on efforts to plan, monitor, and evaluate the use of the assistance.

Background

In August 1989, the President approved the Andean Drug Strategy, which increased military and law enforcement aid to Bolivia, Colombia, and Peru. In April 1990, the executive branch developed a strategy for Colombia, which produces most of the cocaine entering the United States. The strategy's objectives include supporting Colombia's efforts to disrupt the drug trade by (1) increasing the effectiveness of its military and law enforcement operations against traffickers and (2) dismantling drug organizations and arresting key personnel. The State Department coordinates international drug control policy overseas and administers aid for law enforcement agencies, including narcotics police. The Defense Department administers aid for the military and provides assistance to the police, through the State Department.

Between August 1989 and September 1990, the United States provided \$65 million worth of emergency assistance for Colombia's military and

police and programmed an additional \$87 million worth in grant aid.¹ In addition, under the Anti-Drug Abuse Act of 1988, the United States provided Colombia with \$84 million in loan guarantees from the Export-Import Bank for purchasing equipment.

Results in Brief

U.S. legislation and drug policy allow flexibility in using counter-narcotics aid. The executive branch's Andean Drug Strategy permits Colombia to use U.S. aid against both drug traffickers and insurgents involved in the drug trade. According to both U.S. and Colombian officials, the situation in Colombia requires this flexibility and such use is consistent with the Congress' intent. We agree.

Although U.S. officials are taking action to improve program management, we found that the necessary management oversight of U.S. aid was not in place. Without such oversight, there is no assurance that the aid is being used effectively and as intended. U.S. officials have not finalized plans for (1) designating how the aid should be used by military units, (2) monitoring how the military aid is used, and (3) evaluating the effectiveness of the aid in achieving counternarcotics objectives.

U.S. Policy on Using Aid Is Flexible

Section 3 of the International Narcotics Control Act of 1989 and section 481 of the Foreign Assistance Act of 1961, as amended, authorize military and law enforcement aid to help Colombia control narcotics production and trafficking. Although the Congress expressed its intent that the aid not be used as a new funding source to fight insurgencies, the legislative history indicates that the Congress was aware that it may be necessary for the executive branch to use the aid against narcotics traffickers and insurgents who are denying the Andean governments' capability to control drug producing areas.

U.S. officials believe that a flexible policy is needed to allow aid to be used against insurgent groups when their activities (1) impede effective government action to combat narcotics trafficking or (2) are clearly intertwined with those of the narcotics traffickers. According to U.S.

¹This does not include \$30.9 million in military grant aid that was reprogrammed from Peru's share of the military aid package authorized by the International Narcotics Control Act of 1989. The administration reprogrammed the aid on September 30, 1990, because Peru did not accept the military aid in fiscal year 1990. The \$30.9 million will be used to fund a portion of U.S. military aid to Colombia for fiscal year 1991.

and Colombian officials, some insurgents collect "taxes" and "protection" payments from traffickers and are involved in cocaine production. The Defense and State Departments' reports present strong evidence that insurgent groups are involved in cocaine production and have relationships with traffickers in many areas of the country.

Both U.S. and Colombian officials believe it would be difficult to dedicate resources exclusively for counternarcotics missions in areas where drug production or trafficking is occurring and insurgents are operating. For example, in fiscal years 1990 and 1991, about \$9.6 million will be provided for a military communications system, primarily for counternarcotics missions and other missions to include counterinsurgency. U.S. officials stated that restricting the use of the system for antidrug purposes is not cost-effective or operationally prudent.

The Colombian police have used U.S. aid against insurgents. For example, in January 1991, narcotics police, at a base in northern Colombia built with U.S. aid, were called to reinforce a national police unit under attack by insurgents while the unit was performing a counternarcotics operation. While returning to the base, 10 narcotics police were killed in an ambush. Further, narcotics police in southern Colombia said they have frequently used U.S.-funded weapons and supplies to combat insurgents encountered during drug raids.

Lack of Oversight Hinders Assurances That Aid Is Being Used as Intended

Even though we believe that aid can be used against insurgents in certain situations, we believe that it is necessary for the executive branch to improve its oversight over how the aid is distributed and used to provide assurances that the aid is being used as intended. Current legislation also provides that counternarcotics assistance cannot be provided to Colombia if its armed forces and law enforcement agencies engage in a consistent pattern of human rights abuses.

U.S. officials had not established program plans and controls to ensure that aid would be used efficiently and effectively to meet the intended objectives. Specifically, they (1) did not have comprehensive plans describing specific roles for the military and police, (2) had not decided how to monitor the Colombian military's use of the aid, and (3) had not developed a reliable system to evaluate the effectiveness of U.S. assistance. The Departments of State and Defense are in the process of addressing these weaknesses.

Development of Detailed Plans

In April 1990, the executive branch approved a plan for implementing the Andean strategy approved by President Bush in August 1989. The plan was designed to implement the first year of the strategy. The plan for Colombia generally described the roles and missions of military and law enforcement agencies, but does not identify specific units, their roles and missions, and their locations. Although the plan included input from the U.S. Embassy, U.S. officials stated that the plan was designed to justify the funds initially approved in the strategy rather than on a detailed analysis of specific missions, operational concepts, and requirements of military and law enforcement organizations.

Although the U.S. Embassy developed numerous plans for using the fiscal year 1990 aid, it did not develop an approved integrated country plan for administering U.S. assistance until November 1990. In December 1990, more specific plans were developed for ground, air, and river operations. Both State and Defense Department officials recently told us that these plans are being revised to ensure better control of U.S. counternarcotics aid to the military and to ensure that the Colombian military can better conduct counternarcotics operations when needed. However, these officials stated that they did not know when these plans would be finally approved.

Monitoring Use of Counternarcotics Aid

The State Department has recognized the importance of monitoring how counternarcotics aid will be used by Colombia's military and law enforcement agencies. In August 1990, the State Department directed U.S. embassies in the Andean countries to develop monitoring procedures to ensure that counternarcotics assistance is used for its intended purposes and not to abuse human rights.

The State Department has established policies and procedures for monitoring counternarcotics funds provided to law enforcement agencies. It requires each embassy to prepare annual monitoring plans and reports on how the recipient country's police forces are using U.S. aid. Both U.S. and Colombian police officials stated that these monitoring requirements should assist U.S. officials in deciding whether Colombia is using the aid as intended.

No similar procedures have yet been implemented for monitoring military aid allocated by the Departments of State and Defense, and U.S. military officials had not monitored its use. In January 1991, the U.S. Embassy proposed a program for counternarcotics aid that (1)

relies on the inspectors general of each of the Colombian military services to monitor use of the aid, (2) establishes periodic reporting requirements for U.S. and Colombian officials, and (3) includes criteria for the types of equipment that will be monitored. Under the proposal, U.S. military personnel from the Security Assistance Organization in Colombia will periodically monitor the military aid, while U.S. civilian personnel will continue to monitor law enforcement aid.

On April 30, 1991, the United States and the Colombian military reached agreement for monitoring counternarcotics aid to the military. The Colombian military services are currently developing policies and procedures for monitoring counternarcotics aid. In July 1991, an official from the Defense Security Assistance Agency stated that U.S. military personnel in Colombia have developed procedures to monitor military aid, but that eight additional military personnel will be required to ensure that the monitoring system becomes fully operational. This official also stated that the results of monitoring military aid will be included in the Department of State's annual end-use monitoring report.

In our opinion, U.S. officials need to ensure that the monitoring system (1) when implemented, focuses on whether U.S. aid is being used primarily for counternarcotics purposes and (2) becomes fully operational as soon as possible. Until the system becomes fully operational, we do not believe that U.S. officials will have sufficient oversight to provide assurances that the aid is being used as intended for counternarcotics purposes and is not being used primarily against insurgents or being used to abuse human rights.

Evaluation Criteria

Adequate criteria do not exist to evaluate effectiveness. Because of this, it is difficult to assess how U.S. assistance has improved the effectiveness of Colombia's counternarcotics military and law enforcement programs and if the aid is resulting in reduced Colombian production and shipments of cocaine. U.S. officials rely on statistics such as the number of cocaine seizures, arrests, and processing labs destroyed to evaluate Colombia's programs. Statistics show that the amount of cocaine seized and the number of arrests and processing labs destroyed were substantially greater in 1990 than in 1989. For example, according to State Department data, cocaine seizures in Colombia increased from 37 metric tons in 1989 to 53 metric tons in 1990. Officials acknowledged, however, that these statistics do not indicate if the programs are reducing the production and shipment of cocaine, and they are

attempting to develop additional criteria to measure program effectiveness. To be most useful to U.S. decisionmakers, the performance criteria should include reliable indicators of changes in Colombia's production and shipments of cocaine. Developing such indicators is important because the provision of future U.S. aid will depend on the effectiveness of Colombia's programs, and decisionmakers need to know if the aid is helping to win the war on drugs.

Colombia Has Not Received Much of Planned Counternarcotics Aid

Between August 1989 and September 30, 1990, the United States allocated about \$236 million in counternarcotics aid and loan guarantees to Colombia. The U.S. aid for Colombia's police and military consists of military supplies and equipment, such as aircraft and parts, weapons and ammunition, personal gear, and training. All of the emergency assistance (about \$65 million) and equipment provided through Export-Import Bank loan guarantees (about \$84 million) has reached Colombia. According to Embassy officials, the aid has been received by military and law enforcement agencies. However, most of the \$87 million in fiscal year 1990 military and law enforcement aid has not arrived in Colombia. Much of the equipment is not expected until sometime in 1992 or beyond because equipment and supplies were being procured through lengthy State and Defense contracting procedures. The Colombian military will receive about 82 percent of the aid.

Human Rights Remains a Concern

To qualify for counternarcotics aid, the International Narcotics Control Act of 1989 requires that Colombia must have a democratically elected government and its law enforcement agencies must not consistently violate human rights. Assistance agreements with Colombia have also required that human rights not be violated. Although Colombia has a democratically elected government, it has experienced increased violence because of the drug traffickers and insurgents. This violence has led to numerous reports of human rights abuses of innocent civilians committed by groups associated with the drug traffickers, insurgents, and the government. Critics of increased U.S. aid are concerned that Colombia's military and law enforcement agencies may commit further human rights abuses. U.S. and Colombian officials are also concerned about the human rights situation and are taking actions to improve human rights conditions. U.S. actions include discussing human rights issues with Colombian military and law enforcement personnel in various training and education courses. Colombia's efforts include the establishment in 1989 of an agency responsible for investigating human rights abuses.

Scope and Methodology

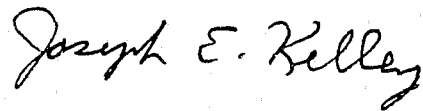
We reviewed military and law enforcement assistance programs at the Departments of State and Defense in Washington, D.C. We also conducted work at the Drug Enforcement Administration in Washington, D.C., the U.S. Southern Command in Panama, and the U.S. Embassy in Bogota, Colombia. We interviewed U.S. officials at these locations who are responsible for managing U.S. counternarcotics programs and corroborated their views with available documentation. We interviewed Colombian military, law enforcement, and civilian officials to obtain their views on U.S. counternarcotics aid and human rights. We also visited police and military bases in Colombia to obtain information on how U.S. aid was being used.

We interviewed various individuals not associated with the Colombian government to obtain their views on U.S. aid and its potential impact on human rights. Some of these individuals were specifically suggested by the Chairman of the Government Operations Committee.

We were requested not to obtain formal agency comments on the report. However, we did discuss a draft of this report with appropriate officials from the State and Defense Departments, the Drug Enforcement Administration, and the Office of National Drug Control Policy. During these discussions, these officials generally agreed with the data and observations in the report. We have incorporated agency views as appropriate. We conducted our review between August 1990 and July 1991 in accordance with generally accepted government auditing standards.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will send copies to the Secretary of State; the Secretary of Defense; the Attorney General; and the Director of the Office of National Drug Control Policy. We will also make copies available to other interested parties upon request.

If you have any questions about matters discussed in this report, please call me on (202) 275-4128. Major contributors to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Joseph E. Kelley". The signature is written in a cursive style with a large, stylized 'J' and 'K'.

Joseph E. Kelley
Director, Security and International
Relations Issues

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Abbreviations

DEA	Drug Enforcement Administration
FARC	Colombian Revolutionary Armed Forces
GAO	General Accounting Office

U.S. And Colombian Agencies Involved in Counternarcotics Programs

A principal objective of U.S. national drug control strategy is to reduce the flow of illegal narcotics into the United States. To accomplish this objective, U.S. agencies have significantly increased the amounts of military and law enforcement assistance to the Andean countries, with special emphasis on Colombia. Colombia is the main source for refining and transporting cocaine to the United States and is the home of major drug trafficking organizations.

U.S. Agencies Involved in Counternarcotics Programs

Recognizing that drug trafficking poses a potential danger to U.S. national security, a principal foreign policy objective of reducing the flow of illegal narcotics into the United States was established. On August 21, 1989, the President approved a National Security Directive that established a counternarcotics strategy, commonly referred to as the Andean Initiative, for the countries of Bolivia, Colombia, and Peru. The strategy, which places special emphasis on Colombia, substantially increased the amounts of military, law enforcement, and intelligence assistance to Colombia and the other two Andean countries.

Several departments and agencies are involved in providing narcotics control assistance to Colombia's military and law enforcement agencies. The Departments of State and Defense are responsible for providing most of the assistance. Other agencies include the Drug Enforcement Administration (DEA), Customs, the U.S. Coast Guard, and the Bureau of Alcohol, Tobacco, and Firearms.

State Department

The State Department, through the Assistant Secretary for International Narcotics Matters, is responsible for formulating and implementing international narcotics control policy and for coordinating narcotics control activities of all agencies operating overseas. The Assistant Secretary also manages the International Narcotics Control Program for Colombia, which has been in operation since the early 1970s, through the Narcotics Affairs Section located in the U.S. embassy in Bogota, Colombia. The section is staffed with 24 U.S. and Colombian personnel.

In addition to managing specific projects supporting Colombian law enforcement agencies, section personnel participate in planning narcotics operations with DEA and police personnel and accompany them on some operations. U.S. personnel also monitor how the police use equipment but not how the military uses aid.

Defense Department

The Department of Defense, through the Assistant Secretary of Defense for International Security Affairs and the Director of the Defense Security Assistance Agency, is primarily responsible for providing aid such as equipment, training, and other defense services to Colombia's military and for providing assistance to police through the State Department. Other defense agencies and the military services support Defense's efforts. Although the Defense Department has provided equipment and training to Colombia's military since the early 1950s, its role greatly expanded when the President approved the National Security Directive in August 1989. U.S. officials stated, as a result of the Directive, Defense Department personnel became more actively involved in helping Colombia's military after the country decided in 1989 to increase the role of Colombia's military in fighting drug traffickers.

The Defense Department, under the National Defense Authorization Act for 1989, is also responsible for detecting and monitoring aerial and maritime drug trafficking. In fiscal year 1990, the U.S. and Colombian governments agreed to temporarily establish radar operations in Colombia. The purposes of these operations were to develop information on air routes of drug traffickers and provide training to Colombia's air traffic controllers. U.S. military personnel were assigned on temporary duty to train and assist the Colombians.

The U.S. Southern Command in Panama is the Defense Department's principal liaison with Latin American governments for implementing security assistance programs. It also coordinates with other U.S. agencies involved in counternarcotics operations to ensure that logistical support is provided. Counternarcotics programs in Colombia are monitored by three military officers located within the Deputy Directorate of Narcotics at Howard Air Force Base. Military staff are complemented by one Coast Guard officer, one Customs agent, and one DEA agent.

The Security Assistance Organization, located in the offices of Colombia's Ministry of Defense, is responsible for providing equipment and training to Colombia's military and law enforcement organizations. It also provides logistical support to U.S. agencies involved in counternarcotics operations. It is staffed by six permanent military personnel and by additional military personnel who are on temporary duty for up to 179 days. U.S. military personnel, unlike personnel from the Narcotics Affairs Section or DEA, are prohibited by Defense Department policy from observing or accompanying Colombian military on counternarcotics operations. However, these personnel can conduct field visits to military locations as part of their advisory activities.

In addition to the Security Assistance Organization, other military personnel also provide support to Colombia for counternarcotics operations. The Defense Attache's Office has military personnel assigned to collect intelligence on issues related to narcotics, insurgents, and Colombia's military forces. Since early 1989, the Southern Command has provided tactical analysis teams on temporary duty to the U.S. Embassy to coordinate intelligence operations.

Drug Enforcement Administration

DEA's objectives are to reduce the flow of drugs into the United States, collect intelligence regarding the organizations involved in drug trafficking, and support worldwide narcotics investigations. In fiscal year 1990, the agency budgeted \$4.4 million to support the work of 64 DEA personnel, including 33 agents, located in Colombia. Colombian police officials also attend DEA courses in the United States and Colombia. Training costs are primarily paid for through International Narcotics Matters funds.

DEA personnel work with the national police, not the military. They routinely accompany national police units on counternarcotics raids to obtain information that can be used in current or future investigations. Although DEA regulations require agents to monitor the use of aid, DEA officials in Colombia said they conduct such monitoring only when they accompany Colombian officials during selected operations. However, they stated that they have not seen police use U.S.-provided aid for anything other than counternarcotics purposes.

Other Federal Agencies

Other agencies, including Customs, the U.S. Coast Guard, and the Bureau of Alcohol, Tobacco, and Firearms also provide assistance. For example, one Customs official is assigned to assist DEA in collecting intelligence and providing training to Colombian customs officials. A Coast Guard officer is assigned to the Embassy and administers a program designed to improve the computer capability of Colombian agencies involved in customs control. The officer also serves as a liaison to ensure that Colombian police officials receive the necessary training. Training is funded through International Narcotics Matters funds. An agent from the Bureau of Alcohol, Tobacco, and Firearms collects intelligence on illegal sources of firearms and explosives.

Coordination of U.S. Programs

Each agency involved in counternarcotics in Colombia is under the direction of the U.S. Ambassador. The Deputy Chief of Mission is primarily responsible for the daily coordination of counternarcotics programs and operations. The Ambassador has established a Narcotics Coordinating Committee, composed of representatives from each agency, which meets periodically to discuss counternarcotics activities of U.S. and Colombian agencies. Embassy officials described coordination as generally satisfactory and said that operational problems had been minimized as a result of the Committee's work.

U.S. officials also stated that the tactical analysis teams have improved intelligence coordination between DEA and other agencies involved in counternarcotics operations. However, these officials stated that intelligence coordination is still limited among U.S. agencies and between the United States and Colombia because agencies fear that their sources may be compromised.

Colombia's Antidrug Programs

Despite the significant level of drug trafficking in Colombia, U.S. officials consider Colombia to be the most dedicated of the Andean countries to reducing the production and shipment of cocaine. Various law enforcement agencies, such as the national police, the Department of Administrative Security, the Judicial Technical Police Corps, and the military, are involved in operations to interdict the production and flow of cocaine.

Colombian National Police

The Colombian national police is under the direction of the Ministry of Defense, and according to the U.S. Embassy, the police has approximately 87,000 personnel. The Directorate of Anti-Narcotics, formed in 1987, is the principal organization within the national police for narcotics enforcement. The Embassy has reported that the Directorate has 2,200 personnel who are assigned from other police organizations for no more than 2 years in an attempt to minimize the risk of corruption. Embassy reports indicate that the Directorate is divided into three operational branches—the special service for controlled substances, intelligence groups, and the Air Service.

- The special service for controlled substances currently consists of 12 field companies organized and equipped as light infantry companies. Each company is authorized 110 personnel. The companies can perform limited independent paramilitary actions such as patrols, base defense, and roadblocks. The companies are generally armed with Israeli Galil

7.62mm assault rifles, U.S. M-60 machine guns, 40mm grenade launchers, hand grenades, and antipersonnel mines. The United States also provides radios, field gear, and pickup trucks.

- Fourteen intelligence groups are located throughout Colombia; each group is authorized nine personnel. The Directorate plans to expand from 14 to 20 groups when personnel are available.
- The Air Service has approximately 300 uniformed and civilian personnel assigned to it. Its primary missions are to transport and otherwise support the Directorate's tactical units and provide general support to other Ministry of Defense elements as needed. Embassy files indicate that the service has 49 aircraft, including 20 fixed-wing aircraft and 29 rotary-wing aircraft, that are used to perform assault, troop transport, logistics support, reconnaissance, runway destruction, spraying, rescue and evacuation, and flight training missions. Of the total, 1 fixed-wing and 2 rotary-wing aircraft were on loan from the State Department; 5 fixed-wing and 7 rotary-wing aircraft were donated by the State Department; 12 rotary-wing aircraft were donated by the Defense Department; 6 rotary-wing aircraft were purchased by the government of Colombia; and 14 fixed-wing and 2 rotary-wing aircraft were confiscated by the police.

The Directorate also directly controls an elite strike force of 60 personnel. The force is used as a special assault element in large operations and as a quick response unit in the vicinity of Bogota.

Department of Administrative Security

The Department of Administrative Security is separate from the national police and reports directly to the President of Colombia. Although the Department does not participate directly in narcotics investigations, it coordinates international intelligence regarding narcotics operations. U.S. officials stated that the Department is similar to the Federal Bureau of Investigation.

Judicial Technical Police Corps

The Judicial Technical Police Corps is a relatively new agency created to assist a panel of judges that will investigate and prosecute major crimes, including narcotics trafficking operations. It is expected to consist of 100 trained investigators.

Military

The Colombian armed forces have traditionally been responsible for protecting Colombia from perceived external threats and providing internal security from insurgents' threats. In 1988, then President Barco directed

the Colombian military to become more actively involved in counternarcotics operations. In 1989, the military increased its operations against drug trafficking as a result of the assassination of a Colombian presidential candidate.

U.S. and Colombian officials believe that military involvement is necessary for reducing the flow of drug trafficking in Colombia. Unlike Peru where most drug activity occurs in one area, Colombia has drug trafficking activities and insurgent activities spread throughout the country. U.S. officials stated that the military had to become more involved in counternarcotics operations because (1) the police do not have the resources needed to adequately conduct counternarcotics operations and (2) the military already has a greater capability than the police in terms of available personnel, equipment, and training to conduct counternarcotics operations throughout the country. U.S. officials stated that because the number of police involved in antidrug operations is minimal, more military personnel are needed to support these operations.

The military is under the Ministry of National Defense. The Army, the Air Force, and the Navy, which includes the Marine Corps, are separate services under a single military commander. The military has approximately 140,000 personnel.

- The Army is the lead force against counterinsurgent threats as well as counternarcotics operations in insurgent-dominated zones, where traffickers' firepower exceeds that of the police, or in distant areas where no police capability exist. There are four Army divisions composed of 19 operational and support brigades.
- The Navy is principally responsible for controlling the drug traffic on Colombia's shorelines and adjacent sea, and the Marine infantry forces are responsible for controlling the river systems. The Navy's ocean-based assets include missile frigates, submarines, and fast attack craft based on the Atlantic and Pacific coasts. The Marines have assets that include gunboats and smaller patrol craft. The United States has provided two large patrol boats. The largest river bases are in the interior at Puerto Leguizamo on the border with Peru and Puerto Orocué in eastern Colombia.
- The Air Force is responsible for monitoring air routes and denying traffickers free access to them. It also provides transport, airlift, and defense support to the other military and police services. The Air Force has combat aircraft and armed helicopters. The combat elements of the

Air Force include Mirage V fighter/ground attack aircraft, Kafir aircraft, a squadron of Lockheed AT-33A trainer/light strike aircraft, Cessna A-37 light attack planes, and C-130 aircraft.

Colombian Coordination

U.S. officials stated that historically the police and the military have not coordinated their counternarcotics efforts because each views the other as untrustworthy. However, the officials stated that recent improvements have been made in coordination and cooperation between the military and police. For example:

- In October 1990, the U.S. Embassy reported that the police conducted a major counternarcotics operation in the Amazonas region during September that resulted in large numbers of labs, chemicals, and other assets being either seized or destroyed. The report indicated that the operation was successful because of the increasing joint cooperation between the police and the Air Force.
- The Air Force and police recently signed a memorandum of understanding that requires the Air Force to provide the police with a minimum number of flying hours on a C-130 aircraft each month.

Policy Governing Use of Aid

Legislation and agreements between the governments of Colombia and the United States require that military and law enforcement aid be used for counternarcotics purposes. U.S. policy allows aid to be used against both the cartels and the insurgents involved in the drug trade under certain conditions. U.S. and Colombian officials believe that the policy can be supported by intelligence reports that show the relationships between cartels and insurgents and is consistent with legislative intent.

U.S. Policy Provides Flexibility for Using Aid

Section 3 of the International Narcotics Control Act of 1989 specifies that military and law enforcement assistance should be provided to the government of Colombia to enhance its abilities to control illegal narcotics production and distribution. Although the Congress did not clearly define uses of this assistance, the legislative history indicates that the Congress intended to provide the administration with some flexibility in using the assistance for counternarcotics purposes. In addition, according to a House report,¹ the executive branch should use military aid to reduce drug trafficking in the Andean countries through specific antinarcotics programs. The Committee report noted that some of the aid might have to be used to engage insurgent groups who were denying Andean governments control of drug-producing areas. Further, the Committee stated that the antidrug aid should not be used for counterinsurgency programs.

U.S. counternarcotics policy clearly states that military and law enforcement assistance can be used against both the cartels and insurgent groups. Defense officials stated that counternarcotics activities in certain areas of Colombia are threatened by subversive groups whose activities (1) impede effective government action to combat narcotics trafficking and (2) are clearly intertwined with those of narcotics traffickers. In these instances, U.S. officials believe that counterinsurgency actions are justified as part of counternarcotics activities.

Insurgents Are Linked to Drug Trafficking Activities

In recent years, U.S. officials have reported incidents in which certain insurgent groups were supporting cartel operations. The largest, best-trained, and best-equipped insurgent group involved with the cartels is the Colombian Revolutionary Armed Forces, or FARC. Defense and State reports indicate that U.S. officials have sufficient evidence that insurgent groups are involved in the drug trade. For example:

¹International Narcotics Control Act of 1989, House Report 101-342, House Committee on Foreign Affairs, (Washington, D.C.: Nov. 9, 1989).

- According to a 1990 Defense Department report, most of the FARC's fronts were involved with narcotics, and others were suspected of being involved. The report stated that in 1989 the FARC earned millions of dollars from narcotics trafficking. The report also stated that the FARC was increasing its control of the cultivation, processing, and commercialization of cocaine sales for the international market; maintaining FARC-owned cocaine labs; establishing a cocaine monopoly in its areas of control; acquiring a fleet of aircraft for smuggling; and directly using its leadership to provide direction and supervision of narcotics finances. The report also stated that the underlying relationship between the insurgents and traffickers is based upon the insurgents' control over areas where coca is grown and processed.
- U.S. officials have identified various cocaine labs and airfields controlled by insurgents and that the FARC is either protecting the areas or receiving a tax from the traffickers. The police cannot reach many of these labs or conduct operations because the labs and airfields are located in areas that are not controlled by the government of Colombia.
- A Defense Department report stated that during a December 9, 1990, military attack on the FARC headquarters at Casa Verde, in the northern part of Colombia, the Colombian Army seized encrypted message logs and codes. After the messages were decoded, U.S. officials concluded that the FARC received money that could only have come from drug activities.

In 1988, we reported that the level of violence by insurgents and cartels affected U.S. and Colombian efforts to curb narcotics processing and trafficking.² The continued alliance between insurgents and cartels increases the risk to military, police, and civilian government officials. The U.S. Embassy reported that 420 policemen were killed and 537 wounded during 1990. In February 1990, the Embassy also reported that cooperation between the insurgents and drug traffickers was evident in recent kidnappings of Colombian journalists.

The U.S. counternarcotics strategy is designed to assist Colombia's military, police, and intelligence officials in regaining control of their country from the insurgents and drug traffickers. Both U.S. and Colombian officials believe that it is difficult to use the aid to successfully achieve U.S. objectives if they are restricted to fighting drug cartels and not fighting insurgent groups involved in the drug trade. For example, U.S. officials are providing about \$1.2 million in aid to procure engines for training aircraft. A U.S. military official stated that although the aid

²Drug Control: U.S.-Supported Efforts in Colombia and Bolivia (GAO/NSIAD-89-24, Nov. 1, 1988).

is not directly linked to current counternarcotics missions, it is designed to improve the training of pilots who will fly antidrug missions in the future. Furthermore, U.S. military aid will be used to provide about \$8 million worth of ammunition in fiscal year 1990 to the Colombian Army. A U.S. Army official stated that although the aid will be used for counternarcotics purposes, the Colombian Army may have to use the ammunition against insurgents involved in the drug trade.

The Colombian police has also used U.S. aid against insurgents. For example, in November 1990, a police unit was conducting a counternarcotics operation when the Colombian Army requested it to provide a helicopter to evacuate a soldier wounded by the insurgents. The helicopter, provided with U.S. aid, was damaged by insurgent fire.

The positions of both U.S. and Colombian officials has been supported by staff of the House Committee on Foreign Affairs. In July 1990, staff visiting the Andean countries prepared a report to the Chairman of the Committee regarding U.S. counternarcotics programs. The report concluded that it was difficult to separate traffickers from insurgents and that no meaningful line could be drawn between counternarcotics and counterinsurgency efforts in Colombia. The staff also reported that such distinctions should be avoided if U.S. objectives were to be achieved.³

U.S. officials believe, and we agree, that the legislation allows U.S. officials some flexibility to use U.S. aid to fight insurgents involved in the drug trade and that it is frequently difficult to distinguish traffickers from insurgents during counternarcotics operations. However, as we discuss in appendix III, U.S. officials have not established sufficient management oversight to ensure that the aid is being used for its intended purposes.

³Summary of Findings and Recommendations of Recent Staff Mission to South America, House Committee on Foreign Affairs, (Washington D.C.: July 19, 1990).

Observations on Program Management

During the first 13 months of implementing the Andean strategy, U.S. officials concentrated on ensuring that U.S. aid would be used to provide equipment and training to Colombian military and police units. However, the aid was provided without a detailed and integrated plan that identified what specific military and law enforcement units would be involved in counternarcotics operations, where these units would be located, and when these units would be operational. Furthermore, U.S. officials had not developed policies or procedures for monitoring the end use of aid by Colombian military units. Finally, U.S. officials had not developed criteria for evaluating the government of Colombia's success in meeting U.S. counternarcotics objectives. However, it appears that U.S. officials are taking actions to improve the management of U.S. aid.

Detailed Plans Are Being Finalized

U.S. officials were slow in developing detailed plans that provide information on what specific military and law enforcement units would be involved in counternarcotics operations. However, as of July 1991, such plans were in the final stages of development.

U.S. Officials Were Slow in Developing Plans to Implement Andean Initiative

As part of the Andean Initiative, the executive branch approved country implementation plans in April 1990—almost 8 months after President Bush approved the strategy. The Colombian plan included broad objectives for the military and law enforcement agencies and established funding levels. However, the plan did not include information on specific military or law enforcement agencies that would be involved in counternarcotics.

According to the July 1990 staff report for the House Committee on Foreign Affairs, U.S. officials funded military requirements that were not based on clearly defined counternarcotics roles and missions for the military. The report criticized both U.S. and Colombian officials for not developing and articulating such plans before funding military and law enforcement requirements.

In November 1990, U.S. officials were still reporting problems regarding the lack of adequate planning. A draft report by the National Security Council concluded that U.S. officials tended to use funding levels for procuring certain numbers of boats rather than basing their numbers on specific missions and tasks to be accomplished.

Detailed Plans Are Being Developed

In November 1990, the U.S. Embassy developed an initial plan describing the roles and missions of the Colombian military and law enforcement agencies and operational concepts. (See appendix I for a summary of these roles and missions.) On December 22, 1990, the Embassy provided further details for ground, air, and river operations for use in planning counternarcotics programs specified in the April 1990 implementation plan. These plans include information on the numbers of units that will be involved in counternarcotics activities, their possible locations, and equipment requirements. In July 1991, State and Defense Department officials said the ground plan is being revised to better enable the United States to control counternarcotics aid and to allow the Colombian military to have more effective operational control over counternarcotics mission. Defense Department officials stated that U.S. and Colombian officials are in the process of finalizing plans to implement these changes but they did not know when the plans would be finally approved and implemented.

Policies Exist for Monitoring Police Assistance, but Officials Are Still Developing Them for the Military

When we completed our fieldwork in Colombia in January 1991, policies existed for monitoring counternarcotics assistance to the Colombian national police, but not the military. U.S. officials were in the process of developing end-use monitoring policies for the Colombian military counternarcotics assistance.

State Policies and Procedures Provide for Monitoring Assistance to the Police

U.S. officials in Colombia have implemented State Department policy and procedures for monitoring U.S. aid to Colombia's national police. Under this policy, project agreements must include a provision that U.S. personnel can inspect and audit U.S. aid for up to 3 years after a project is completed. The policy requires U.S. officials to monitor all commodities that are highly susceptible to misuse or that exceed \$25,000. State also requires each embassy to prepare a monitoring plan at the beginning of each calendar year that identifies (1) the employees responsible for monitoring projects, (2) the primary focus of the monitoring efforts, (3) the frequency of visits to police locations, and (4) other documentation that will be used when visits cannot be made. Each embassy is also required to issue an annual report on the results of its monitoring efforts at the end of each calendar year.

Our review of the annual end-use reports for fiscal years 1989 and 1990 indicate that the narcotics police in Colombia generally use the aid for its intended purposes. However, they do show that the United States is having some difficulties in providing spare parts and other support.

**No Requirements Existed
for Monitoring Assistance
to Colombia's Military**

The State and Defense Departments had not developed policies or procedures for monitoring counternarcotics assistance to Colombia's military. U.S. military personnel stated that they did not monitor end use of counternarcotics assistance because legislation authorizing aid for fiscal year 1990 did not require them to do so.

**Country-Specific
Procedures Are Being
Developed to Monitor
Military Assistance**

U.S. officials are developing a monitoring program that is specific to Colombia. Although U.S. Embassy officials had not developed program policies and procedures when we completed our fieldwork in January 1991, we were informed by the Embassy that:

- The monitoring program will be jointly developed and implemented by both U.S. and Ministry of Defense officials. The military inspectors general will designate staff to inspect and manage the program, and U.S. officials will review periodic reports and conduct site visits.
- U.S. officials will track items that (1) have a value of over \$30,000; (2) are susceptible to misuse, theft, or pilferage; and (3) are susceptible to terrorist, guerrilla, or narcotics uses. They will also track other items such as munitions, arms, computer items, vehicles, and consumables. In some cases, all items will be inventoried and monitored, while other items will be subject to spot checks or partial inventories of representative samples.
- The United States will require the Colombians to provide periodic reports that include information on the maintenance and usage of items and missions conducted and will also require periodic inspection reports by Colombia's inspectors general. U.S. personnel conducting site visits or inspections will also be required to file a written report.

The Ambassador has assigned monitoring responsibility to one Embassy official for ensuring that the monitoring system will be properly implemented. According to Embassy officials, any problems will be discussed with the Ministry of National Defense and resolved in a manner consistent with U.S. policy. On April 30, 1991, the Ministry of National Defense signed a bilateral agreement with the U.S. Embassy that requires the Colombian military to develop policies for systematically

reviewing and reporting on the use of counternarcotics aid. It also allows for U.S. officials to visit various military locations to determine how the aid is being used. According to a U.S. Embassy official, as of July 1991, the Ministry of Defense was in the process of implementing policies and procedures with each of the services. However, this official did not know when the system would become operational.

In July 1991, an official from the Defense Security Assistance Agency said the Security Assistance Organization had recently developed procedures requiring military personnel to monitor military aid. He stated that these procedures will require eight additional military personnel being assigned to the Security Assistance Organization. This official stated that these personnel will be needed for the system to become fully operational.

System for Evaluating Performance Has Not Been Implemented

According to the Andean implementation plan, the level of counternarcotics assistance will be based on the effectiveness of Colombia's antinarcotics programs. The United States and Colombia agreed to link funding levels with performance measures on February 15, 1990, when President Bush met with the presidents of the Andean countries at the drug summit in Cartagena, Colombia.

Measurable Criteria Has Not Been Developed for Evaluating Effectiveness

U.S. officials in Colombia believe that the Andean implementation plan is too broad and general to measure Colombia's performance. For example:

- One objective of U.S. assistance is to improve the ability of Colombia to block shipments of key essential chemicals. To help that effort, U.S. assistance will be used to provide Colombia with vehicles and establish a Colombian marine river force; expand the river force capability of the national police; train, equip, and man marine river forces; and expand and focus intelligence collection resources on identifying major storage sites. However, the plan for Colombia does not include criteria for measuring program success or long-term results.
- The plan envisions providing military and law enforcement assistance to Colombia for destroying labs and processing centers. The criteria for measuring performance will be (1) improved aircraft availability and readiness rates to allow simultaneous multiple strike capabilities, (2) capability of forward operating and support bases to act as regional centers for counternarcotics activities, and (3) evidence of reduced cocaine processing capability.

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- The plan provides assistance to Colombia to help control its key air corridors. The criteria for measuring performance includes (1) evidence of trafficker efforts to develop alternatives to sources, import methods, and air movements of narcotics and material and (2) diminished availability and higher prices of cocaine and precursor chemicals.

U.S. officials in Colombia stated that the criteria in the plan were not useful for evaluating performance because they lacked specific time frames and quantitative goals.

Other Measures Are Incomplete and May Be Unreliable

In addition to the criteria developed in the plan, U.S. officials also use various statistics to measure the effectiveness of Colombia's counternarcotics operations. These statistics include such measures as the amount of cocaine seized, the number of arrests made, and the number of labs destroyed. These statistics are similar to those used by other law enforcement agencies to measure program effectiveness.

U.S. officials use these statistics to demonstrate that Colombia is making progress in its efforts to disrupt and dismantle drug trafficking activities. Monthly embassy reports on counternarcotics activities in Colombia indicate that the amounts of cocaine seized, the number of labs destroyed, and the number of arrests made were significantly greater in 1990 than in 1989. For example, according to State Department data, Colombian cocaine seizures increased from 37 metric tons in 1989 to 53 metric tons in 1990. U.S. officials believe that the increase in activity is a measure of U.S. aid as well as the Colombian government's commitment to fighting the drug war. U.S. officials stated that the Colombian government is the most committed of the Andean nations in helping the United States meet its counternarcotics objectives.

Despite the use of such statistics to demonstrate success, U.S. officials in Colombia stated that such statistics, by themselves, are of limited usefulness in measuring program effectiveness. For example:

- The number of persons arrested, per se, does not indicate program success. Such statistics do not provide information on who is arrested, their importance to the drug trafficking organization, or what happens to them after they are arrested. Such information is particularly important because of Colombia's recent decision to prosecute drug traffickers in Colombia and not to extradite them to the United States. Critics feel that this decision will not result in sufficient punishment to the traffickers and may reflect a diminished Colombian commitment to the drug war.

- Information about the amount of cocaine seized or the number of labs destroyed does not indicate a pattern of activity, particularly when deciding if one country is more effective than another. For example, one country may have seized 10 metric tons of cocaine on the only operation police conducted during the year, while a second country may have seized the same amount of cocaine on numerous raids. According to Embassy officials, it is difficult to determine which country is more effective without knowing more information about the pattern of activities between countries.

We previously reported that although law enforcement agencies measure success in terms of seizures or arrests, these measures are unreliable indicators of reducing drug supplies.¹ In our opinion, if such statistics are unreliable for evaluating U.S. law enforcement or military drug interdiction efforts, they are also unreliable for measuring Colombia's interdiction efforts.

Section 4 (a)(1) of the International Narcotics Control Act of 1990 requires the President to determine that the Andean countries are conducting counternarcotics activities in accordance with a bilateral agreement containing quantitative and qualitative performance criteria for these activities before military and economic aid is provided. State and Defense officials stated that they were developing criteria for measuring effectiveness but had not made a final decision on what criteria would be used or when it will be used to evaluate performance.

To be most useful to U.S. decisionmakers, the performance criteria should include indicators of changes in Colombia's production and shipment of cocaine. Developing such indicators is important because (1) the provision of future aid will depend on the effectiveness of Colombia's programs and (2) decisionmakers need to know if the aid is helping to win the war on drugs.

¹Drug Control: Issues Surrounding Increased Use of the Military in Drug Interdiction (GAO/NSIAD-88-156, Apr. 29, 1988). Drug Interdiction: Funding Continues to Increase but Program Effectiveness is Unknown (GAO/GGD-91-10, Dec. 11, 1990).

Status of Counternarcotics Assistance

The administration has provided approximately \$152 million in grant aid to Colombia's military and police using a variety of funding sources, including sections 506 (a)(1) and (a)(2) of the Foreign Assistance Act of 1961, as amended; the International Narcotics Control Program, authorized by section 481 of the Foreign Assistance Act of 1961, as amended; and the Foreign Military Financing Program, authorized by section 3 of the International Narcotics Control Act of 1989. In addition, Defense Department and other funds were also used to provide grant aid for counternarcotics purposes. Table IV.1 shows the principal funds used to provide grant aid to Colombia's military and law enforcement agencies between August 1989 and September 30, 1990.

Table IV.1: Assistance Provided to Colombia's Military and Law Enforcement Agencies

Dollars in millions	
Funding source	Amount
506(a)(1) Emergency drawdown authority	\$65.0
506(a)(2) Emergency drawdown authority	20.0
Foreign Military Financing Program	48.8
State international narcotics control	10.0
Defense Department funds	5.5
Other financing assistance	3.0
Total	\$152.3

Note: The Foreign Military Financing Program figure does not include fiscal year 1990 funds reprogrammed from Peru to fund a portion of fiscal year 1991 assistance.

In addition to grant aid, the Anti-Drug Abuse Act of 1988 authorized the administration to provide up to \$200 million in credit through Export-Import Bank loans. At the time of our review, approximately \$84 million had been used to provide helicopters and other support. Colombia can use these loans to procure equipment from the Defense Department, directly from U.S. contractors, and from other sources.

We estimate that the military will receive about 82 percent of the grant aid and loan guarantees. The law enforcement agencies will receive the remaining 18 percent. Although the police have traditionally been the principal agency responsible for conducting antidrug operations, U.S. officials stated that the police could not effectively use much more aid than they will receive. The military will receive most of the assistance so that it can become more involved in the drug war than it has been in the past by increasing its capability to conduct counternarcotics operations and provide support to police operations. A high ranking Colombian official stated that the level and distribution of U.S. aid was adequate. Both U.S. and Colombian officials also stated that neither the

police nor the military could conduct effective antidrug operations without this assistance.

Section 506 (A)(1) Assistance

On August 25, 1989, under section 506 (a)(1) of the Foreign Assistance Act of 1961, as amended, the President approved \$65 million in emergency assistance to Colombia after one of its presidential candidates was assassinated. The act gives the President the authority to approve an emergency drawdown of U.S. military defense goods and services to a foreign country.

Defense Security Assistance Agency data show that, of the \$65 million worth of aid, the Colombian military received about \$47 million and law enforcement agencies received about \$10.8 million in equipment and training. The remaining \$7.2 million covered Defense Department charges for transportation, packing and handling, and training assistance. Table IV.2 shows the value of the equipment provided to military and law enforcement agencies.

Table IV.2: Equipment Provided Under
Section 506(A)(1)

Dollars in millions				
Item	Colombian recipient			Law enforcement
	Army	Air Force	Navy/Marines	
Ammunition	\$2.6	\$2.2	\$2.0	\$0.3
Weapons	1.1	0.4	0.9	0.5
Vehicles	2.8	0.7	0.0	0.2
Boats/small crafts	0.1	0.0	6.9	0.0
Radio/ communications	0.2	0.0	0.1	0.0
Individual equipment	10.2	0.4	2.1	0.7
Aircraft	0.0	13.9	0.0	7.2
Body armor	0.0	0.0	0.0	0.2
Miscellaneous	0.0	0.6	0.0	1.7
Total	\$17.0	\$18.2	\$12.0	\$10.8

Note: The following are examples of each item listed above: ammunition—explosives, grenades, and bullets; weapons—machine guns and rifles; vehicles—jeeps and ambulances; boats/small crafts—assault boats and accessories; communications—radios and batteries; individual equipment—clothing and night vision goggles; and aircraft—C-130, A-37, and helicopters.

As table IV.2 shows, the Air Force received the greatest percentage of the assistance, which consisted principally of aircraft (three C-130s and eight A-37s) and sustainment parts. The police received 12 UH-1H helicopters that, according to Embassy officials, were greatly needed to improve their airlift capabilities.

Although all of the items were shipped to Colombia by February 1990, a U.S. military official stated that many of the items are being stored in Colombian warehouses because of missing parts or accessories. According to the official, for example, guns were missing shoulder straps and ammunition loaders, helmets were missing chin straps, and parachutes were missing harnesses. These parts will be provided with fiscal year 1990 funds. We did not review records to determine the quantity or types of equipment that were being stored in warehouses.

Under section 506 (a)(1) authority, the Defense Department also provided U.S. military personnel to train Colombian military personnel. Twelve teams of military personnel, called mobile training teams, were temporarily assigned for about 120 days to provide training in logistics, tactics, aircraft maintenance, weapons, and military operations to military units.

Section 506 (A)(2) Assistance

On August 20, 1990, the President approved an additional \$20 million for Colombia under section 506 (a)(2) of the Foreign Assistance Act of 1961, as amended. Like section 506 (a)(1), the equipment and training will be provided from existing Defense Department stocks. According to U.S. military personnel in Colombia, the military will receive approximately \$17 million, and law enforcement agencies will receive the remaining \$3 million. Of the \$17 million, the Marines will receive about \$4 million, the Army about \$9 million, and the Air Force about \$4 million.

As of July 1991, \$12 million worth of the aid had been delivered. The aid included one C-130 aircraft, spare parts, six 22-foot patrol boats, and other military equipment. Eight mobile training teams conducted training in such areas as operations and maintenance of C-130 aircraft and logistics. During late 1990 and early 1991, much of the aid, such as ammunition, was being delayed because it was being diverted to U.S. troops in the Persian Gulf. A Defense Security Assistance Agency official stated because U.S. troops no longer need the equipment, all of the aid should be delivered to Colombia by the end of fiscal year 1991.

Foreign Military Financing Program Assistance

Among other things, section 3 of the International Narcotics Control Act of 1989 authorized the President to provide counternarcotics law enforcement and military aid to Colombia under the Foreign Military Financing Program. In fiscal year 1990, the United States allocated about \$48.8 million worth of aid to Colombia. Data supplied by

U.S. Embassy personnel indicate that the Defense Department will provide equipment and training for the following law enforcement and military programs:

- About \$10 million is to provide spare parts and support for UH-1 helicopters provided to the police under section 506 (a)(1). The police will receive training in Colombia and in the United States; special tools, components, and parts support for the helicopters; and publications.
- About \$4.7 million is to provide a radar command and control center; tactical intelligence command, control, communications, and intelligence systems; and secure communications for joint command programs.
- About \$17.8 million is to equip and train Army strike companies. Funds will provide mobile training teams, a firing range, weapons and ammunition, communications equipment, troop clothing and equipment, individual equipment, outboard motors, missing components of equipment provided under section 506 (a)(1), and ground transportation vehicles.
- About \$4.8 million is to improve the Marines' river assault capabilities by providing 22-foot boats, maintenance support and training, fuel, spare parts, publications, uniforms, ammunition, mobile training teams, technical assistance, and communications equipment.
- About \$11.5 million is to provide the Air Force with weapons and munitions for radar site security, fuel for helicopters and fixed-wing aircraft, spare parts for C-130 and A-37 aircraft, repairs and overhauls of engines and helicopters, weapons systems to upgrade helicopters and fixed-wing aircraft, air navigation aids, construction materials and equipment, and training and technical support.

In July 1991, the Defense Security Assistance Agency estimated that about \$18 million in aid will be shipped to Colombia by the end of fiscal year 1991. However, most of the remaining aid will not be available until sometime in 1992 or later. According to U.S. officials, reasons for the delays include:

- The Congress did not pass authorizing legislation until the first quarter of fiscal year 1990 and did not approve release of the funds until April 1990 because of concerns that aid would be used for counterinsurgency purposes and concerns about human rights. As a result, the Embassy did not know the amount of funds available for use in negotiating bilateral military and police project agreements.
- Existing security assistance policy requires that these agreements be signed before security assistance funds can be used to provide specific assistance. U.S. officials stated that it normally takes several months to

sign these agreements because of the various levels of review required by the Departments of State and Defense.

- Defense and State Department policy also require that once bilateral agreements are signed for military aid, letters of offer and acceptance must be signed between the United States and the recipient country before the Defense Department can procure equipment or provide services. These letters contain information on the type and quantity of equipment and service that will be provided along with the cost. They are reviewed by various organizations within the State and Defense Departments to ensure that the equipment or service can be provided and that it is consistent with U.S. arms control and other policies before it is presented to the host country for their review and approval. This process also takes several months.
- After approving the letters, the Defense Department can use existing contracting procedures to obtain equipment and services. U.S. officials stated these procedures are extremely time consuming because of the numerous rules and regulations that must be followed.

U.S. officials stated that the only way to expedite the delivery of aid is to change the requirements for providing aid. Most officials believe that without U.S. assistance, the military and police could not make much of an impact on drug trafficking. According to U.S. officials, drug traffickers have access to better weapons, airplanes, communication systems, and other equipment than the Colombian military and police have in their inventory.

State International Narcotics Control Assistance - Section 481

Pursuant to section 481 of the Foreign Assistance Act of 1961, as amended, the State Department provides funds under the International Narcotics Control Program to foreign law enforcement agencies. In fiscal year 1990, State allocated \$10 million to Colombia for several counternarcotics projects. Although project agreements require the police aid to be used for counternarcotics purposes, U.S. officials stated that the police could use the aid to fight insurgents or to support the military, if required. The project agreements allow U.S. audits to be conducted.

Approximately \$8 million was allocated to the national police project, which is designed to improve the capabilities of the police to disrupt drug trafficking. Funds will be used to purchase such equipment as spare parts and tools to support and sustain aircraft, communication equipment, training, construction of facilities, and other operation and maintenance.

About \$1 million will be spent on judicial protection and about \$.2 million on public awareness and education programs. The remaining \$.8 million will be used to cover such overhead expenses as supplies and salaries of U.S. contractors and foreign personnel.

According to U.S. officials, most of these funds will not be obligated until sometime in fiscal year 1991 or later because most project agreements were not signed by U.S. and Colombian officials until the last quarter of fiscal year 1990. These officials also stated that many construction projects associated with police projects will not be available until late in 1991 or beyond because of lengthy State Department contract procedures.

Defense Department Assistance

The Andean implementation plan requires the Defense Department to provide \$5.5 million worth of aid from its fiscal year 1990 funds for increasing the intelligence capabilities of military and law enforcement agencies involved in counternarcotics. The Defense Department will provide a wide variety of equipment such as computers, office equipment, and vehicles.

U.S. officials did not expect the equipment to be available for several years because of procurement delays. According to these officials, without the intelligence equipment, Colombia will be unable to increase its abilities to block shipments of precursor chemicals, destroy existing labs and processing centers, and identify and apprehend key drug leaders.

Other Foreign Military Financing Program Assistance

Pursuant to sections 569(a)(3) and (a)(5) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990, the State Department allocated approximately \$3 million worth of equipment, ammunition, and weapons for police helicopters. This amount includes about \$.4 million that State allocated to Colombia's police from the counternarcotics program in Mexico. Embassy officials stated this money would be used to provide equipment for police units involved in counternarcotics and will be provided by the Defense Department.

Export-Import Bank Loans

Pursuant to section 4703 of the Anti-Drug Abuse Act of 1988, the administration is authorized to provide Colombia with \$200 million in loan guarantees from the Export-Import Bank between fiscal years 1989

and 1991 for procuring equipment and other items for counternarcotics purposes. According to the agreement between the United States and Colombia, the Export-Import Bank will guarantee 85 percent of the value of the loan if Colombia can guarantee the remaining value. Colombia has purchased \$84 million worth of equipment, such as Blackhawk helicopters and helicopter sustainment items, through the Export-Import Bank loan guarantees. According to a U.S. military official, the equipment went to the military.

The government of Colombia is negotiating with the Export-Import Bank to obtain an additional \$54 million loan. However, the Bank will not agree to the loan until Colombia can obtain the needed financing from commercial banks to guarantee 15 percent of the loan value. Colombia will use the loans to purchase equipment to increase the Army's mobility and river patrol launchers for the Marines to improve their capability to interdict narcotics traffickers. Defense Department officials said they are not aware of any requirement to monitor how Colombia is using the equipment purchased with these funds.

Human Rights and U.S. Assistance

Section 3 of the International Narcotics Control Act of 1989 states that U.S. aid authorized by the act may be provided to Colombia as long as the government is democratically elected and law enforcement agencies do not consistently violate human rights. Assistance agreements with Colombia also require that human rights not be violated. Although Colombia is recognized as a democratic government, it has developed a reputation for violating human rights. Critics are concerned that U.S. aid will increase the political power of the military and police forces in Colombia and could increase human rights violations.

Concerns About Human Rights Violations

Human rights organizations such as America's Watch and the Washington Office on Latin America have recently reported increased violence associated with Colombia's antidrug actions. In December 1990, America's Watch reported that drug traffickers and insurgents had been involved in political killings, kidnapping, assassinations, and paramilitary operations. The report also details numerous examples of human rights abuses such as political killings, disappearances, torture, and other types of inhumane actions by military and police units in both counternarcotics and counterinsurgency operations. For example, the report accused the Army of twice using helicopter machine guns to fire on the roofs of houses during insurgency operations on January 6 and 7, 1990. In addition, Amnesty International linked the use of U.S. military helicopters, sold to Colombia through Export-Import Bank loan guarantees, to the murders of several Colombian political dissidents by Colombian military personnel.

The State Department's annual human rights report is the principal method for monitoring human rights abuses by both the military and police as well as by drug traffickers, insurgents, and right wing paramilitary groups. For example, its February 1991 Human Rights Report on Colombia concluded that the main causes of the current violence and human rights violations were powerful narcotics traffickers, leftist guerrilla movements, and right-wing paramilitary groups that sometimes operate with the support or acquiescence of regional or local military and police officials. The report further states that members and units of the Army and the police participated in a disturbing number of human rights violations, including extrajudicial executions, torture, and massacres, and that the Army is reluctant to distinguish between guerrillas and noncombatants during counterinsurgency operations. Human rights officials we interviewed said the State Department report accurately reflects the human rights situation in Colombia.

As a result of the human rights situation, critics of the administration's drug strategy in Colombia are concerned about relying on increased levels of military and law enforcement assistance to fight the drug war. Personnel from human rights organizations, the Andean Commission of Jurists, and other critics said that involving the military in the drug war will only increase human rights violations and could result in a more powerful military that threatens the democratically elected government. They also said that relying on military and law enforcement is doomed to failure because such a strategy does not recognize the socioeconomic factors that cause cocaine to be a major problem in Colombia. Top State and Defense Department officials at the Embassy in charge of the counternarcotics aid programs said the United States will not tolerate the aid being used under the guise of counternarcotics to fight insurgents and kill innocent civilians.

U.S. Efforts to Influence Human Rights

U.S. military personnel who provide training to Colombia's military and police counternarcotics units are required to receive human rights training prior to their assignment in Colombia. According to U.S. military personnel, training provided to mobile training teams is intended to ensure that the trainers can demonstrate, articulate, and cultivate respect for human rights. These officials said that U.S. military trainers incorporate elements of human rights issues, such as the proper treatment of captured prisoners of war, into their training materials.

U.S. military officials are also required to report human rights abuses they observe. Military officials stated that no such reports were submitted because U.S. trainers have not observed any human rights violations by either the military or police. According to the top U.S. Air Force representative in Colombia, it is highly unlikely that a Colombian military or police unit receiving training from U.S. personnel would commit such abuses in their presence. According to the U.S. Military Group Commander in Colombia, the only way to ensure that human rights abuses do not occur is to assign a U.S. military official to any Colombian unit conducting an operation. However, Defense Department policy currently prohibits assigning U.S. military personnel to any operation where their lives may be threatened. In addition, the Commander said that the staffing required to perform such a task would be extremely large. Furthermore, he said that the Colombian military may view the assignment of U.S. military personnel to be an infringement on their national sovereignty.

Human Rights Awareness Is Provided in U.S. Schools

Colombian military personnel receive human rights training through the International Military Education and Training Program. This program provides professional military education and training to selected foreign military personnel at military schools within the United States. A principal program objective is to increase the awareness of participants to internationally recognized human rights. Topics include the treatment of civilians and captured combatants as prescribed by the Geneva Conventions, the Law of Land Warfare, and the relationship between military and civilian governments. The Embassy has sent police to the same types of U.S. schools as military personnel. U.S. officials could not provide us with the actual numbers of military or police officials trained under the program because they did not maintain training records.

According to U.S. personnel, this training has had a positive impact on Colombian military and police dealings within their own organizations as well as with the civilian population. However, they said that much more training would be needed to make a long-term and lasting improvement in the human rights performance of Colombian military and law enforcement agencies.

Government of Colombia Actions to Improve Human Rights

Over the past several years, the government of Colombia has taken action to ensure that military and police units are made aware of human rights concerns and that human rights abuses will not be tolerated. These include establishing a civilian organization for investigating human rights abuses and processing cases against military and police officials and issuing and disseminating a human rights policy for these organizations.

Civilian Agency to Investigate Human Rights Violations

In 1989, the government of Colombia created an independent prosecutor within the Procuraduria General de la Nacion. This agency is responsible for overseeing the activities of the government and its organizations and investigating human rights allegations. A team of investigators within the Procuraduria is responsible for reviewing and investigating human rights accusations made against military and police officers. Each military service has a team devoted to reviewing its program problems and allegations. According to the agency's Director, his office has a good working relationship with the leaders of the military and police.

Both U.S. and Colombian officials indicated that the agency has had a positive impact on increasing military and police awareness of human rights. According to the agency's Director, Ministry of Defense officials

are more aware of human rights when planning programs and can take immediate action to prevent these violations from occurring. According to the State Department, during 1990 the agency sharply stepped up investigations into allegations of government involvement in specific human rights abuses and ordered the dismissal of some military and police officers and enlisted personnel.

Views of various nongovernment officials also indicated that creation of the Procuraduria was a positive step toward improving the human rights performance of the military and law enforcement agencies. These personnel stated that some military and police officials found guilty of committing human rights abuses were dismissed from the forces, but few were actually prosecuted in a court of law.

Minister of Defense Issues Human Rights Policy

In 1988, the Minister of Defense issued a policy stating that the military would support respect for individual human rights and that it would not tolerate any violations. The Minister of Defense stated that he does not condone human rights abuses within his ministry. According to the Colombian Army Deputy Commander, respect for human rights is communicated to all military levels through training programs and operation planning briefs.

U.S. officials, including the Ambassador, stated that this policy shows that the Colombian military is strongly committed to improving the human rights situation in the military and law enforcement agencies. However, personnel from the Andean Commission of Jurists in Colombia said that, although the military had a policy to respect human rights and military leaders did not condone human rights abuses, lower level military officials continued to commit human rights abuses. According to U.S. officials, few military and police officials accused of human rights abuses are brought to trial because the Colombian judicial system is ineffective.

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