



HOUSE OF COMMONS  
CANADA

**CONFLICT, HUMAN RIGHTS AND  
DEMOCRACY IN COLOMBIA:**

**A CANADIAN AGENDA**

**Standing Committee on Foreign Affairs  
and International Trade**

**Jean Augustine, M.P.  
Chair**

**Beth Phinney, M.P.  
Chair  
Sub-Committee on Human Rights and International Development**

**May 2002**

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**Sub-Committee on Human Rights and International Development**

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# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL TRADE**

has the honour to present its

## **EIGHTEENTH REPORT**

In accordance with its mandate under Standing Order 108(2), your Committee established a sub-committee to study issues relating to human rights and international development. Following completion of its study on Colombia, the Sub-Committee submitted its Fourth Report to the Committee.

Your Committee adopted the report, which reads as follows:



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# CONFLICT, HUMAN RIGHTS AND DEMOCRACY IN COLOMBIA: A CANADIAN AGENDA

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## EXECUTIVE SUMMARY

In February 2002 the Sub-Committee on Human Rights and International Development visited Colombia as the last phase of its public hearings on the complicated and tragic situation in that country. Decades of savage conflict in Colombia have killed thousands of civilians; displaced approximately two million others; seen widespread and continuing human rights abuses by all sides; severely strained Colombian democracy; and potentially threatened the stability of the whole Andean region through the spillover of violence, refugees and drug production. This report contains the Sub-Committee's recommendations for Canadian government policy toward that country.

Over the past decade Canada has significantly increased its engagement in the Americas, a process highlighted by its hosting of the Third Summit of the Americas in Quebec City last year. At that time Canada said that it wanted to be a leader in the Americas, and Colombia is unfortunately where many of the hemisphere's problems persist. The basic lines of the Canadian policy on Colombia are correct, yet Sub-Committee members believe that Canada can and should do more in a number of areas both through democratic institutions in Colombia and internationally.

### ***Democracy and Conflict***

As Jan Egeland, the then-Special Advisor to the United Nations (UN) Secretary General on Colombia, told the Sub-Committee in the fall of 2001:

There is great competition from many other troubled areas, but Colombia is the biggest conflict in the Western hemisphere. It has the biggest human rights problem of the Western hemisphere; it has the biggest displacement problem of the Western hemisphere; and it has the biggest drug problem of the Western hemisphere.<sup>1</sup>

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<sup>1</sup> House of Commons, Sub-Committee on Human Rights and International Development of the Standing Committee on Foreign Affairs and International Development, *Evidence*, 31 October 2001 (a.m.), p. 2. (Further references will be to *Evidence*). At the same meeting, the Sub-Committee also met the current acting Special Advisor, James LeMoyné.

At the time of the Sub-Committee's visit, in addition to the protection and promotion of human rights, the Canadian government was also closely involved in facilitation of the peace talks between the Government of Colombia and the largest of that country's insurgent groups, the Revolutionary Armed Forces of Columbia (FARC). Within days of the Sub-Committee's return to Ottawa, the peace process ended and conflict increased once again.

This has demanded a change in immediate priorities, which must now be to protect Colombian civilians, support the democratic Government of Colombia and, although Canada and other countries have no contacts with the guerrillas or the "paramilitary" groups, urge an end to kidnapping and the targeting of civilians. (Such humanitarian principles might hopefully form the basis of a new round of peace talks in the future). While more difficult now given the resumption of full-scale conflict and an upcoming presidential election in Colombia, Sub-Committee members continue to believe that a negotiated solution is still ultimately the best approach.

In addition to being willing to assist in the search for a just peace in Colombia, Canada and other members of the international community must do all they can to help the Colombian government increase its power, capacity and credibility with all sectors of society. Strengthening Colombian democracy will require increased assistance to the justice system, and support for civil society in Colombia, which ideally would be part of an eventual comprehensive peace negotiation.

International investment and trade will be important to Colombia as it struggles to address its serious poverty and other challenges, and Canadian firms have already made important investments in telecommunications, energy and other sectors there. It is critical to ensure that both Canadian firms operating in Colombia and the Export Development Corporation continue to maintain the highest standards of corporate social responsibility.

### ***Protecting and Promoting Human Rights***

The human rights situation in Colombia is deplorable, particularly that of human rights defenders, trade unionists and indigenous peoples. The Government of Colombia has made significant progress in establishing structures for the protection and promotion of human rights, yet impunity remains almost total. More difficult is the case of the Colombian armed forces, which have traditionally had a poor human rights record. The number of direct human rights complaints against Colombian military personnel has dropped substantially in recent years, and the Government of Colombia has adopted a policy of combating right wing "paramilitary" groups. These achievements are real and must be commended, yet there continues to be evidence that, at a minimum, mid-level Colombian officers too often continue to look the other way in the face of paramilitary activities.

An important development in the human rights situation in Colombia was the establishment of a UN Human Rights Office there. While the Colombian government requested the establishment of this office, its relationship with it has not always been easy, and Colombian President Andres Pastrana told Sub-Committee members in Bogotá that the government did not always feel it was treated fairly in reports from this office.

It is understandable that the Government of Colombia feels that its real progress on human rights is ignored by non-governmental organizations (NGOs) and others it believes are predisposed to criticize. At the same time, it must understand that Canada and other states will continue to view the professional work done by the UN Human Rights Office in Colombia as an independent evaluation of its progress on human rights. While acknowledging this progress, Canada and other friends of the democratic Government of Colombia will continue to hold it to a higher standard than those it is fighting — who have already shown their disrespect for the democratic process and the rights of civilians — and insist on the full implementation of recommendations made by the United Nations, the Inter-American Commission on Human Rights and other bodies. This will not be easy, but Colombia will not have to do it alone.

### ***Combatting the Drug Trade***

While the drug trade is not the origin of the political violence and conflict in Colombia, it does fuel it both directly and indirectly, and also contributes more generally to impunity, corruption and a weakened democracy. The United States has led in counter-narcotic assistance in Colombia, and counter-narcotic operations and results have increased substantially since the beginning of U.S. assistance as part of “Plan Colombia.” At the same time, aerial spraying and other policies employed by the Government of Colombia have led to significant criticism in Europe and elsewhere. Beyond specific action to combat money laundering and restrict the export of precursor chemicals, Canada and other nations must take action to reduce the consumption of drugs within their borders. They should also support scientific study of aerial spraying, and encourage coordinated international action on alternative development and other aspects of the drug trade.

### ***Humanitarian and Development Assistance***

Decades of conflict have left Colombia with real humanitarian challenges, the most important of which is the overwhelming crisis of displacement. Beyond humanitarian needs, Colombia also faces significant poverty and other challenges. The Canadian International Development Agency (CIDA) has recently been developing what Canada’s highly respected Ambassador to Colombia, Guillermo Rishchynski, told the Sub-Committee were more “people-centred” kinds of programming for Colombia. The Sub-Committee welcomes these changes in CIDA’s orientation, and believes that Canadian bilateral and multilateral assistance to that country should be increased.





# CONFLICT, HUMAN RIGHTS AND DEMOCRACY IN COLOMBIA: A CANADIAN AGENDA

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*...Colombia is not a country of drug lords, savages or people who are genetically inclined to war. Colombia is a country which, in spite of a gross inequity and the circumstances of abuse created within and outside the country by a minority, has one of the most creative diversities of people who have a right to live in this world, as Garcia Marquez said ...(when receiving the Nobel Prize for Literature in 1982)*

Emmanuel Rosenthal  
Spokesperson, Pueblos Hermanos Lazos Visibles,  
Ottawa, December 1999<sup>2</sup>

*Canada has consistently condemned all forms of terrorism. No cause or requirement can ever justify innocent civilian casualties.*

Canadian Foreign Minister Bill Graham,  
Statement to the Standing Committee on  
Foreign Affairs and International Trade,  
18 April 2002<sup>3</sup>

## PREFACE

In February 2002, the Sub-Committee on Human Rights and International Development visited Colombia as the last phase of its hearings into the complex and tragic situation in that country.<sup>4</sup> At the time of this visit, Canada and other like-minded countries in the G-10 Facilitation Commission had recently worked with the acting Special Advisor to the UN Secretary General on Colombia, James LeMoyne — whom the Sub-Committee had met in Ottawa — to help convince the Government of Colombia and the largest of the country's armed insurgent groups, the 17,000-strong Revolutionary Armed Forces of Colombia (FARC), not to abandon peace talks begun in 1998.<sup>5</sup> Continued FARC attacks had hardened public opinion, however, and many of those the

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<sup>2</sup> House of Commons Standing Committee on Foreign Affairs and International Trade, *Evidence*, 2 December 1999, p. 23. (Further references will be to *Evidence*).

<sup>3</sup> April 18 SCFAIT Presentation by the Honourable Bill Graham, Minister of Foreign Affairs, *The Situation in the Middle East*, p. 3.

<sup>4</sup> This report will not attempt to summarize the testimony heard by the Sub-Committee on Human Rights and International Development, but members urge those interested in reading it to visit <http://www.parl.gc.ca/>.

<sup>5</sup> In addition to Canada, the G-10 countries are: Sweden, France, Cuba, Mexico, Venezuela, Norway, Spain, Italy and Switzerland. Canada was also a member of the Support Group for the Peace Process, which includes 26 countries plus the United Nations and the Vatican, and the informal but high-level Brussels Group. Apart from the FARC process, less formal talks were underway with the second largest Marxist insurgent group, the ELN (National Liberation Army).

Sub-Committee met in early February believed, at a minimum, that the peace process would change significantly following the election of a new and probably more hard-line Colombian government in May 2002.

Following a hijacking and the kidnapping of a prominent Colombian Senator on 20 February, President Andres Pastrana announced the end of the peace process, and ordered the Colombian military to retake a large “demilitarized” zone he had ceded to the FARC to encourage peace talks. The weeks that followed saw both military operations and increased FARC attacks — mainly on infrastructure. While both civilian and military casualties rose, however, this fortunately did not constitute the immediate “bloodbath” many had feared.

These developments have changed the current situation in Colombia, and therefore immediate priorities, which must be to protect Colombian civilians — in particular the victims of the conflict — and to encourage an agreement on humanitarian principles, such as an end to kidnapping and the targeting of civilians, which might eventually form the basis for another round of peace talks. Given that fighting with the FARC has increased and a new government will be elected in the coming months, it is also critically important that, in addition to protecting civilians from attacks by the guerrillas, the Government of Colombia redouble its efforts to combat right-wing “self-defence” — more often called “paramilitary” forces — which are generally held to be responsible for the majority of human rights abuses in Colombia.

While the focus of the Sub-Committee’s work has been the human rights situation in Colombia, in order to properly frame its recommendations for long-term Canadian policy, it has been necessary to consider related issues such as conflict resolution, strengthening democracy and combating the drug trade.

After many hearings and discussions in Ottawa and Colombia, Sub-Committee members believe that the general lines of Canadian policy on Colombia are correct: strong support for Colombia’s democratic government and for a negotiated settlement of the armed conflict, the energetic protection and promotion of human rights both on the ground in Colombia and internationally, and humanitarian assistance. Given its diplomatic capital in the region and other resources, however, members believe that Canada can and should do even more. Specific recommendations follow, and, more generally, Canada should be more forceful in telling the story of Colombia on the international stage.

The Colombian government argues that, as a democracy facing well-armed “narco-terrorists,” it should be helped by other countries rather than criticized for what it admits are human rights and other problems. The Government of Canada and members of the Sub-Committee condemn all acts of terrorism. Yet while Sub-Committee members acknowledge the very difficult position of the Government of Colombia as it struggles to increase its capacity, power and credibility with all sectors of society, they stress that it does not have to do so alone. Friendly countries such as Canada will continue to support

democratic institutions in Colombia, and will cooperate with it both bilaterally and multilaterally through key mechanisms such as the United Nations. If Colombia is to resolve its many problems and reap the rewards of its rich natural and human resources, Canada and other members of the international community must increase their actions in this regard.

Sub-Committee members who visited the country were impressed with the leadership shown by Canada's Ambassador to Colombia, Guillermo Rishchynski, and the dedication and competence of the entire Canadian embassy team in Bogotá. Yet policy must go beyond individuals, and the Sub-Committee hopes this report will serve as a marker for current and future Canadian policy toward Colombia.



## I. INTRODUCTION TO THE COLOMBIAN CONFLICT

Despite the fact that it has long been a formal democracy, Colombia's history of inequality, political turmoil and violence is also a long one. In particular, the decade of violence known as *La Violencia* which began in the 1940s saw over 200,000 killed and ended with a political power sharing agreement between the Liberal and Conservative parties that lasted for some 30 years. The current armed conflict between the government and Marxist guerrillas — the 17,000 strong Revolutionary Armed Forces of Colombia (FARC) and the 3,500-strong National Liberation Army (ELN) — began in the early 1960s over such issues as the distribution of political power and the lack of land reform, and for years remained a low-level one largely confined to rural Colombia. The growing drug trade affected all sides in the conflict, however, and the government's inability to protect citizens throughout the country was one of the reasons for the formation of private right-wing vigilante or paramilitary groups, the most important of which is the 10,500 (and fastest-growing) — strong United Self-Defence Forces of Colombia (AUC).<sup>6</sup>

The late 1990s saw another upturn in the conflict, and significant gains by the insurgents. Ironically, these were at least partly due to jockeying for position following the decision of Colombian President Andres Pastrana in 1998 to cede a large “demilitarized zone” to the FARC as a gesture of goodwill designed to encourage a broader peace process. Although this move did bring FARC to the negotiating table, many Colombian military officers and others argued that this zone allowed it to strengthen itself both militarily and financially, through increased kidnapping and drug trafficking.

Some progress had been achieved since 1998, such as the beginning of a formal peace process between the government and the FARC and the increased involvement of the international community. However, this period also saw the worsening of the long-running conflict which has killed thousands of civilians (some 3,000-3,500 people were killed last year); displaced approximately two million others; seen widespread and continuing human rights abuses by all sides; severely strained Colombian democracy; and potentially threatened the stability of the whole Andean region through the spillover of violence, refugees and drug production.

While the Colombian conflict is often referred to as a “civil war,” this is incorrect since the armed insurgent groups have little popular support. The one sense in which the term does unfortunately reflect Colombia's reality, however, is the fact that the burden of the conflict falls disproportionately on the civilian population. As President Pastrana told Sub-Committee members in Bogotá, “We are not in a civil war, but a war against civil society.” In testimony before the Sub-Committee, Colombia's Ambassador to Canada, Fanny Kertzman, pointed out the shocking scale of the violence in Colombia in this way: in 2000, some 26,000 Colombians were killed from a population of 40 million, which is

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<sup>6</sup> Dean Stephen Randall of the University of Calgary noted in testimony before the Sub-Committee that the paramilitaries have “grown astronomically in the last couple of years.” *Evidence*, 30 January 2002, p. 6.

65 deaths per 100,000 inhabitants. In Canada, 570 people died violently in a population of 30 million, for 1.9 violent deaths per 100,000 inhabitants — 32 times less than in Colombia.<sup>7</sup>

Yet Colombia remains a functioning democracy, as shown by the fact that roughly 10 million Colombian voted in congressional elections held on 10 March 2002, despite the increased risks. Public opinion has hardened, however, and the May 2002 presidential election will undoubtedly be a referendum on how the government should deal with the situation.

## II. CANADA-COLOMBIA RELATIONS AND “PLAN COLOMBIA”

As Jan Egeland, the then-Special Advisor to the UN Secretary General on Colombia, told the Sub-Committee in the fall of 2001:

*There is great competition from many other troubled areas, but Colombia is the biggest conflict in the Western hemisphere. It has the biggest human rights problem of the Western hemisphere; it has the biggest displacement problem of the Western hemisphere; and it has the biggest drug problem of the Western hemisphere.*<sup>8</sup>

Witnesses were unanimous that the situation in Colombia is very important to Canada, and that this country could play an even greater role there. Canada has had unbroken bilateral relations with Colombia for almost five decades, and a bilateral cooperation program since the 1960s. In 1999, the two governments signed a new bilateral cooperation agreement, and the number of high-level visits between them has increased.<sup>9</sup>

From a foreign policy point of view, Colombia is important to all three of Canada’s stated foreign policy objectives:

- *prosperity and employment*— Colombia is a significant and growing market, and Canadian firms have already made important investments there;
- *security within a stable global framework*— increased conflict in Colombia could lead either to the collapse of the country or regional conflict, with refugee and other implications; and

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<sup>7</sup> *Evidence*, 26 September 2001, p. 5-6.

<sup>8</sup> *Evidence*, 31 October 2001 (a.m.), p. 2.

<sup>9</sup> Contact has also increased at the non-governmental level; for example, in the summer of 2001, the Edmonton YMCA hosted two groups of students from the Bogotá YMCA.

- *the projection of Canadian values* — Colombia represents the most significant challenge in the hemisphere to such Canadian values as human rights and good governance.<sup>10</sup>

In addition to these specific elements, Colombia is more important than ever to Canada because it represents a test case for this country's commitment to the Americas and its ability to promote human security and good governance in that part of the world. This is a role Canada solidified as a key player in the successful action through the Organization of American States (OAS) in 2000 to preserve democracy in Peru, and as host of the Third Summit of the Americas in Quebec City in 2001. The Government of Canada said at that time that it wanted to be a leader in the Americas, and Colombia is unfortunately where many of the hemisphere's problems persist. Given the history of the region, it is also undoubtedly true that many states in the Americas look to Canada as an alternative North American voice.

The position of the United States has been key to the international debate surrounding Colombia. American priorities have been to reduce the supply of narcotics entering the United States from Colombia and to ensure the stability of the country. Much of its assistance has been delivered as part of "Plan Colombia." Developed by the Government of Colombia in close cooperation with the United States, Plan Colombia is a three-year US\$7.5 billion program which combines both counter-narcotic (military) and development elements. Some \$4 billion of the funding was to be provided by the Government of Colombia, and it was hoped that \$3.5 billion would come from the international community. The US\$1.3 billion American contribution to Plan Colombia has been largely focused on counter-narcotics (74%), mainly through training and supply of the Colombian military. Given the traditionally poor human rights record of the Colombian military, even strict limits imposed by the U.S. Congress to ensure that this assistance would only be used for counter-narcotics operations has not stopped strong criticism of Plan Colombia in Europe and elsewhere.

In recognition of the need to see the problems of Colombia in a more regional perspective, in 2001 the Bush administration introduced the Andean Regional Initiative, a US\$782 million plan which again combines both counter-narcotics as well as democracy and development programs. In this case, about half of the funding was to go to Colombia, and half to the neighbouring countries of Peru, Bolivia, Ecuador, Brazil, Panama and Venezuela.<sup>11</sup>

While the FARC, the ELN and the AUC had all been included on the U.S. government's annual list of terrorist organizations before the September 11, 2001 terrorist attacks on the United States, these attacks obviously led to a change of perspective in

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<sup>10</sup> See Government of Canada, *Canada in the World*, Ottawa, 1995.

<sup>11</sup> See "Fact Sheet: Andean Regional Initiative," U.S. Department of State, *Washington File*, 25 March 2002.

Washington — not least on “narco-terrorism.” In November 2001, Canada also included these groups on its list of those linked to terrorism whose assets were frozen, and could now be seized under new legislation.

Following continued attacks on oil pipelines and other infrastructure, in January 2002 President Pastrana requested that United States broaden its assistance to Colombia beyond counter-narcotics. In early February 2002, President Bush proposed moving beyond counter-narcotic assistance to spend some US\$98 million to train and equip Colombian forces to protect critical infrastructure, beginning with a major oil pipeline used by an American corporation. Following the end of the peace process, the Bush administration has proposed removing restrictions on the use of American military assistance, although it has not suggested the use of American military forces in Colombia.

As Judy Meltzer of the Canadian Foundation for the Americas (FOCAL), who testified before the Sub-Committee, noted in late 2001:

The debate surrounding the Colombian conflict within Canada has tended to be polarized with concerned human rights advocates advocating against militarized approaches and paramilitary impunity on the one hand, and the Canadian government advocating for negotiated peace and democracy through support of the Colombian government and non-military components of Plan Colombia on the other.<sup>12</sup>

Ms. Meltzer’s comments accurately described the Sub-Committee’s hearings in Ottawa. This is unfortunate, because both perspectives must be part of Canadian policy. As Ambassador Rishchynski told Sub-Committee members, “...a political solution to the Colombian conflict is the only viable alternative for the country. Military solutions, in our estimation, are simply not viable, given the geography of the country and the length of the conflict over the course of the last 50 years.”<sup>13</sup> Even following the end of the peace process, Sub-Committee members believe that, while more difficult, a negotiated solution is still ultimately the best approach.

Many witnesses in Ottawa and Bogotá criticized what they referred to as the “military component” of Plan Colombia, and recommended that Canada take a strong public stance opposing it. As then-Secretary of State for Latin America and Africa, David Kilgour, noted before the Sub-Committee, “...the ‘military component’ refers to funding intended to assist the Colombia military in regaining control of the drug-producing regions.”<sup>14</sup> As well, a number of witnesses criticized what they saw as a “loophole” in Canada’s arms export policy that allowed the U.S. Department of State to purchase surplus helicopters from the Canadian Forces and later send them to Colombia. Canada

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<sup>12</sup> Judy Meltzer, “The Enduring Colombian Conflict: A Canadian Perspective,” Ottawa, FOCAL *Policy Paper* FPP-01-12, November 2001, p. 10.

<sup>13</sup> *Evidence*, 20 September 2001, p. 6.

<sup>14</sup> *Evidence*, 14 March 2001, p. 4.



does not sell offensive military equipment to Colombia — and in fact sold no military equipment to it at all in 2000 according to the latest annual report on the *Export of Military Goods from Canada* — although Colombian Ambassador Kertzman asked Sub-Committee members to support Colombian requests to purchase surveillance and other “protection equipment” from Canada.<sup>15</sup>

In response to questions, David Kilgour told the Sub-Committee in March 2001 that, although the Government of Canada has been “very sceptical” about the military or anti-drug component of Plan Colombia, “we neither support nor condemn.”<sup>16</sup> Some assume that this is simply deference to the U.S. position on Colombia, yet the military component of Plan Colombia is fully supported by Colombia’s government as well, which told members of the Sub-Committee that it was very important. It may be that public opposition to this domestic policy would limit Canadian access to, and influence on, the Government of Colombia. In any event, Plan Colombia has probably been neither as good as its proponents hoped, nor as bad as its opponents feared.<sup>17</sup>

### III. DEMOCRACY AND CONFLICT

*We express our confidence that the dialogue and the political negotiations, based on the primacy of law and on respect for international humanitarian law, will lead to a stable, just, firm and lasting peace, putting an end to the violence and human suffering caused by the conflict.*

*Declaration in Support of the Peace Process in Colombia,  
Third Summit of the Americas,  
Quebec City, 22 April 2001*

*Democracy always gives hope. The ironic thing is that amidst this great turmoil and ongoing civil war there has continued to be democracy in Colombia. And many within government, at the presidential and other levels, have sought to take important steps toward human rights reform, have made strong statements, have adopted things...*

Alex Neve,  
Amnesty International,  
November 2001<sup>18</sup>

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<sup>15</sup> Evidence, 26 September 2001, p. 24, See also *Export of Military Goods from Canada: Annual Report 2000*, Ottawa, 2001.

<sup>16</sup> Evidence, 14 March 2001, p. 12 and 16.

<sup>17</sup> Professor Hal Klepak told the Sub-Committee in May 2001 that, “Plan Colombia is a blow, but one which will not be decisive. This committee has probably already seen that both in Washington and in Bogota, there’s a tendency to make a big hoopla as if things were moving forward very well, but even the greatest optimists are talking about wiping out 20% of the guerrillas’ financial sources, or at least of the most significant guerrillas. At the end of the day, a 20% drop in the revenues of these organizations is really almost laughable.” Evidence, 16 May 2001, p. 7.

<sup>18</sup> Evidence, 7 November 2001, p. 18.

According to one Canadian observer who testified before the Sub-Committee, “Colombia represents one of the toughest challenges to our thinking about democratization in the hemisphere.”<sup>19</sup> Decades of savage conflict and increasing narco-trafficking have led to pervasive violence, corruption and impunity, putting severe strain on both the institutions and the processes of Colombia’s democracy. At the same time, the worst recession in more than 50 years has increased unemployment and even further reduced the government’s ability to address its significant poverty and other development challenges. Yet the fact that President Pastrana was able to campaign on and begin a peace process shows that the country does still function as a democracy. Professor Hal Klepak of the Royal Military College agreed in his testimony before the Sub-Committee that Colombia was a “weak democracy.” He added, however, that:

This government is a democracy that, by Latin American standards, is not so bad. It’s in wartime circumstances of dramatic consequences over decades. Britain in 1940 would have been in a hell of a shape by today if it were trying to conduct a war, particularly of this savagery, and to maintain at least the trappings, and I think more than the trappings, of democracy.<sup>20</sup>

While the beginning of a peace process and the decision to finally involve the international community were achievements in themselves, progress in the peace talks was unfortunately minimal. Generally speaking, although all parties in Colombia formally agree on the need for peace and deep reform of the Colombian political system, none seem sufficiently ready to make the compromises necessary to achieve them. As Professor Klepak argued before the Sub-Committee, “...there is nothing very powerful that presses either of the... sides... to any bargaining table with a real desire to negotiate a peace. I don’t think we’re at that stage yet.” In his view, the Colombian “elite” does not feel the need to compromise on major issues, and the guerrillas and paramilitaries are secure and doing too well financially and militarily to do so.<sup>21</sup> Dean Stephen Randall of the University of Calgary was even more pessimistic, arguing that, as a result of the drug trade and other factors, neither the guerrillas nor the paramilitaries really want peace.<sup>22</sup>

Continuous violence permeates Colombian society. Ambassador Kertzman began her testimony before the Sub-Committee by showing a video of Colombian news reports of attacks. In her words, “...whatever I can tell you about my country, it’s different if you see the images, and we in Colombia have to watch these images in the news every single day.”<sup>23</sup> While this judgement is subjective, some members believe that even beyond the news, violent television programming in Colombia helps desensitize youth and others to the ongoing violence, and that either regulations or, at a minimum, a public relations campaign would be useful.

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<sup>19</sup> Ms. Meltzer, *The Enduring Colombian Conflict: A Canadian Perspective*, p. 4.

<sup>20</sup> *Evidence*, 16 May 2001, p. 13.

<sup>21</sup> *Ibid.*, p. 6.

<sup>22</sup> *Evidence*, 30 January 2002.

<sup>23</sup> *Evidence*, 26 September 2001, p. 2.

In addition to the deaths of thousands of Colombians, the continuing violence has encouraged widespread corruption and undermined the judicial system, leading to almost total impunity. Impunity represents a key to Colombia's human rights and democratic challenges, and was the focus of a December 1999 report by the Standing Committee on Foreign Affairs and International Trade, which dealt with the response of the Government of Colombia to a terrible 1998 massacre in the northern city of Barrancabermeja.

Although the Government of Colombia must be held accountable for its failings to protect — or avenge — its citizens through the legal system, it does largely lack both the capacity and the credibility to do so. Ambassador Kertzman told the Sub-Committee in the fall of 2001 that:

Some people would like you to believe that the government is responsible for the rampant violence and terrorist acts that scourge my country. Nothing could be further from the truth. The reality is that the state is not present in every corner of Colombia.

We are modernizing our justice system, we are investing in health and education, and we are building roads in remote areas. We are doing our best with very limited resources. But tell me about any other country in the world that has to contend with the challenges of development and with the threats posed by three terrorist organizations, funded by narcotrafficking, with jeopardizing its democratic system. There are times like these when governments that believe in democracy have to stand together against the threat of terrorism.<sup>24</sup>

An important responsibility of any democracy is ensuring the personal security of its citizens, yet the Government of Colombia is simply incapable of doing this. As Ambassador Kertzman noted, "The Colombian government, unfortunately, doesn't have the capacity to take care of, protect, and secure every single citizen in Colombia."<sup>25</sup> While the National Police have a relatively good human rights record, she pointed out that, following repeated attacks, in 2001 more than 200 small towns in Colombia did not have a police presence. The military is also incapable of ensuring security throughout the country. According to Professor Klepak, "Many observers even on the left and historically in Colombia have said that the problem in Colombia is not that the army is too strong, as in other parts of Latin America one might name, but that the army is so weak. It's a sedentary army. It doesn't go out and bash anybody. It sits and waits. The Americans get incredibly frustrated with it because it has no active policy."<sup>26</sup>

Most agree that a strong and democratic Colombia will require a competent military, and the Colombian military has improved considerably in recent years. Yet attempts to use international assistance to increase the capabilities of the Colombian military are complicated by long-standing proof of links between some Colombian military

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<sup>24</sup> Ibid., p. 3-4.

<sup>25</sup> Ibid., p. 21.

<sup>26</sup> *Evidence*, 16 May 2001, p. 15.

officers and paramilitary groups that carry out human rights abuses, although the situation is improving. This partially explains why U.S. bilateral assistance focused on training and equipping the Colombian military under Plan Colombia has been widely criticized.

Alleviating the suffering of Colombia's citizens must take first priority, yet true security will only be assured by the resolution of the armed conflict. It is up to Colombians to eventually make the necessary compromises to achieve a just peace there. Canada and other states, particularly the G-10 group of countries that were invited by both the Government of Colombia and the FARC to facilitate the peace process, have shown that the international community can play an important role in supporting Colombians in their search for peace, and they must remain ready to do so. The United Nations itself could also play an even greater role in the search for peace in Colombia, although realistically this would depend on the Government of Colombia either requesting or supporting such an initiative.

The Sub-Committee believes that Canada and the rest of the international community must continue to advocate a peace process in Colombia, which should be adopted as a state policy rather than that of individual presidential administrations. It may also be useful to develop an official international role in the process beyond that of observation and facilitation. The recent end of the peace process has complicated the situation, however, since Canada and other countries have no contact with the FARC, and the most productive avenue is probably to continue to support the Government of Colombia while encouraging an end to kidnapping and the targeting of civilians by the insurgents. Agreement on such principles might hopefully form the basis for a new round of peace negotiations in the future.

Interested states must also support Colombia's democracy by helping to strengthen its democratic institutions, and encouraging a culture of dialogue and reconciliation. Given that it is a democracy, however, in human rights and other matters the Government of Colombia must, and will, continue to be held to a higher standard than those it is fighting, who have already shown their disrespect for the democratic process and the rights of civilians.

Beyond conflict resolution, strengthening democracy in Colombia will require a strengthened justice sector, and Canada should continue its assistance in this area. It will also require even greater participation by civil society and minority groups in the politics of the country, including, ideally, in any comprehensive peace negotiations. Yet a number of civil society groups in Colombia, and those which visited Ottawa as part of the "Invisible Struggles Tour," have expressed concerns to the Sub-Committee about their ability to do so. The Canadian government has supported civil society groups and NGOs in Colombia in the past, and the Sub-Committee believes this element of Canadian policy should be strengthened even further.

## RECOMMENDATION 1

**The Government of Canada should continue to work with international organizations and institutions as well as with like-minded countries to support the Government of Colombia and encourage all parties in the Colombian conflict to pursue agreement on humanitarian principles and a negotiated solution. Canada should also make itself available to continue facilitating such negotiations, which would ideally become a state peace policy and include a formal international role. In order to strengthen Colombia's democracy, it should also continue to support civil society groups there, as well as encourage efforts at grassroots reconciliation.**

International investment and trade will be very important to Colombia if it is to address its serious problems of poverty and strengthen its democracy overall, especially given that only 20% of the Colombian population pays taxes. As noted, Colombia's traditionally strong economy entered a significant recession along with the rest of Latin America in 1998, although it began growing again by 2000. Stephanie Allard of the Canadian embassy in Bogotá told Sub-Committee members in Ottawa that, despite real security concerns which increase costs, the Colombian economy remains an attractive one.<sup>27</sup> Colombia is already Canada's fourth-largest export market in Latin America, with bilateral trade amounting to over C\$600 million in 2000. Canada is also a leading foreign investor in Colombia, with upwards of C\$5 billion in direct investment, in such key areas as the telecommunications and energy sectors.<sup>28</sup>

Sub-Committee members welcome the potential for mutually beneficial trade and investment between Canada and Colombia, and for this reason are pleased that their sister Sub-Committee on International Trade, Trade Disputes and Investment will include Colombia in its current study of The Free Trade Area of the Americas and Canada's Economic Relations with Latin America and the Caribbean. However, they were also concerned to discover whether or not there was evidence that Canadian corporations have been complicit in human rights or other abuses in Colombia. Thankfully, this does not seem to be the case, and, in fact, according to evidence presented to the Sub-Committee both in Ottawa and in Colombia, the Canadian business community active there takes its corporate social responsibilities very seriously.

In addition to receiving assurance from Ambassador Rishchynski about Canadian firms and corporate social responsibility, Sub-Committee members also posed the question of Canadian corporate complicity to the Honourable Warren Allmand while he was reporting on a mid-2001 mission to Colombia focused on indigenous issues. In his

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<sup>27</sup> *Evidence*, 21 November 2001.

<sup>28</sup> Enbridge Inc. is one of the major Canadian players in the energy sector in Colombia. Although it did not appear before the Sub-Committee, Enbridge Inc. did provide a written *Submission of Enbridge Inc. to the Sub-Committee on Human Rights of the Standing Committee on Foreign Affairs and International Trade*, House of Commons, Ottawa, December 5, 2001.

words, “We went there with the aim of trying to find out if there was, but we couldn’t. I’d have to say, with all honesty, we didn’t find any horror cases or any bad actors. But we think you have to keep a careful watch on things.”<sup>29</sup>

This last echoed the advice of Dr. Kai Alderson, a former academic who has worked on the issue of corporate social responsibility. Dr. Alderson is now Vice-President for Research and Corporate Engagement for a socially responsible investment firm in Canada. In his words:

We would exclude no Canadian company operating in Colombia...we would not bar any of the Canadian companies operating in Colombia on the basis of their operations in Colombia...I think the issue is less about whether we have evidence that there is a problem, and more about a recognition that there are risks and dialoguing with companies on whether they have the management systems in place to deal with those risks.<sup>30</sup>

He added that “...security issues and security relations are one of the key points that socially responsible investors are looking at.”<sup>31</sup>

These concerns were echoed by Dr. Randy Gossen, Vice-President for Safety, Environment and Social Responsibility at NEXEN, a Canadian oil firm which has pursued expanding oil exploration interests in Colombia since 1994. According to Dr. Gossen, NEXEN operations in Colombia are based on the *International Code of Ethics for Canadian Business*, a voluntary code drawn up in response to a 1996 challenge by then-Minister of Foreign Affairs Lloyd Axworthy. The code addresses business ethics, human rights, environmental protection and safety, and community involvement. According to Dr. Gossen:

That document is basically the overall point document that guides our activities wherever we operate. But it’s just words. I think what’s very critical here is that one be perceived as walking the talk, as well as engaging in regular reporting and monitoring and subjecting oneself to some form of external verification. So it’s not just the words. You’re prepared to stand up behind those words. You’d better be prepared to run the whole course in public scrutiny.<sup>32</sup>

While it has not been accused of complicity in human rights or other abuses, however, Export Development Canada (EDC) (formerly the Export Development Corporation) has been criticized by some for its 1994 involvement in the Urra Dam project in northern Colombia. In its response to the 1999 report of the Standing Committee on Foreign Affairs and International Trade, the Government of Canada noted that EDC’s participation amounted to only some 2.6% of this \$700 million Scandinavian-led project.

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<sup>29</sup> *Evidence*, 31 October 2001, (p.m.) p. 13.

<sup>30</sup> *Evidence*, 21 November 2001, p. 10.

<sup>31</sup> *Ibid.*, p. 14.

<sup>32</sup> *Ibid.*, p. 2.

In a November 2001 submission to the Sub-Committee, the EDC said that it had taken measures to ensure that the environmental and social commitments undertaken as part of the project are respected.<sup>33</sup>

This case is particularly troubling since, as the Sub-Committee was told in Colombia by representatives of the Embera Katío indigenous people, while some eventually supported the construction of the dam, others did not, and this has seriously divided the community. Consultations were carried out according to Colombian law, yet many believe that these were insufficient, and did not fulfill, for example, the requirements contained in the International Labour Organization's Convention 169. In the fall of 2001, the Standing Committee on Foreign Affairs and International Trade reviewed the new *EDC Act*, and the case of EDC activities in Colombia was raised a number of times in the debate over the adequacy of environmental and human rights review by EDC's Board.

Overall, while corporate social responsibility is an area in which the Canadian embassy in Bogotá and parliamentarians in Ottawa must continue to be proactive, the Canadian business community currently active in Colombia is setting a positive example for the future.

## **RECOMMENDATION 2**

**Since trade and investment will be important elements of Canada's bilateral relationship with Colombia, the Government of Canada should continue to be proactive in encouraging corporate social responsibility on the part of both Canadian firms operating in Colombia and Export Development Canada.**

## **IV. PROTECTING AND PROMOTING HUMAN RIGHTS**

*We can argue over what percentage of daily crimes are the work of the government, of the paramilitaries, or the guerrilla or simple criminals, but that argument will not advance the cause of peace very far. The basic fact is that the Colombian state has neither the power nor the credibility to provide the kind of security for the average citizen that Canadians, for instance, take for granted.*

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<sup>33</sup> Export Development Corporation, *Export Development Corporation and Human Rights Due Diligence*, Statement Prepared for the Sub-committee on Human Rights and International Development, Ottawa, 21 November 2001.

*Yes, there is widespread violation of human rights, but let me be very clear that the main instigator of such violations is not the government, as much as there have been serious violations over the years by the military.*

Stephen Randall  
University of Calgary  
November 29 2001<sup>34</sup>

The human rights situation in Colombia is deplorable, ranging from abuse of the right to life through murder, to disappearances, kidnapping and forced displacement and abuse of the right of association on the part of trade unionists, including teachers, mine workers and others. In addition to these abuses, which result both from the conflict itself and the general level of impunity, insurgent groups continue to carry out significant violations of international humanitarian law.

In the case of trade unionists, as Sheila Katz of the Canadian Labour Congress put it before the Sub-Committee: "Industrial relations is not an illegal activity in Colombia...but it is definitely dangerous." She continued:

*It is a dangerous activity to be a trade unionist in Colombia. It is a high-risk occupation...In fact, Colombia is the most dangerous country in the world for a trade unionist. Of all of the assassinations, murders, and attacks against trade unionists in the world, 90% take place in Colombia. It is not a very proud record for a country to have.*<sup>35</sup>

Apart from trade unionists, significant human rights problems exist in the area of the rights of women and of children. Also, while Colombian society is reasonably tolerant of homosexuals, Sub-Committee members were also told in Bogotá that gays and lesbians in Colombia had been the target of serious attacks. The Government of Colombia must ensure full protection and respect for all people of Colombia irrespective of sexual orientation.

Although some abuses in Colombia are likely to continue as long as the conflict does, the Government of Colombia and its international partners cannot simply wait for a peace settlement to deal with the human rights situation. Jan Egeland argued before that Sub-Committee that it was important "...to do as much as possible to prevent human rights abuses by doing as much as possible to exert moral pressure on all parties and actors in the conflict." He continued:

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<sup>34</sup> "Colombia: The Context and Recommendations for Canadian Policy," Presentation to the Sub-Committee on Human Rights and International Development of the Standing Committee on Foreign Affairs and International Trade, Stephen J. Randall FRSC, Dean, Social Sciences, University of Calgary, 29 November 2001, p. 2. Dr. Randall updated this presentation in testimony before the Sub-Committee on 30 January 2002.

<sup>35</sup> *Evidence*, 6 June 2001, p. 3.



All actors are responsible for grave human rights abuse. According to reports that both we and NGOs have made, paramilitary forces are responsible for the majority of human rights abuse against civilian populations. But the guerrillas also are responsible for grave and widespread and systematic human rights abuse, including the industry of kidnapping, which affects large segments of the population.

He added that, “We believe the Colombian government can do more to prevent human rights abuse, perhaps especially by the paramilitary forces but also by the guerrillas...” He also noted a growing consensus on the need for a global humanitarian accord “to protect the civilian population, because by far the greatest number of victims of this conflict are women, children and refugees. They are not soldiers on either side.”<sup>36</sup>

As UN High Commissioner for Human Rights Mary Robinson noted before the UN Commission on Human Rights in March 2002, “Unfortunately, throughout 2001 there was a significant deterioration in the human rights situation.”<sup>37</sup> In her 2001 report on the human rights situation in Colombia, prepared by the UN Human Rights office there, she placed particular emphasis on paramilitary activity. According to the report:

During 2001, the Office continued to observe that paramilitary activity was strengthening and spreading throughout much of the country’s territory. The Office noted the limited effectiveness of the measures taken against paramilitary groups to curb their activities, contain their advance and respond to their aggressions, as well as the fickle commitment on the part of the State in this struggle. The members of the paramilitary groups continued to be the main parties responsible for the increase in human rights violations. They also greatly contributed to the deterioration in the conflict through their systematic use of violence and terror against the civilian population in zones under their control and in areas affected by their raids. Toleration, support and complicity on the part of public servants, as well as non-fulfilment of their duty to safeguard rights, with respect to several acts by these groups, mean that the State continues to bear responsibility.<sup>38</sup>

There is little agreement on statistics related to human rights and international humanitarian law abuses in Colombia — for example, the Government of Colombia points out that the Colombian Commission of Jurists does not include kidnapping as a human rights violation.<sup>39</sup> Yet the trend is clear. First, the number of direct human rights complaints against members of the Colombian military has decreased significantly over the past several years — from over 3,000 in 1998 to 447 in 2001, according to the Colombian government. While the United Nations and others agree that most massacres are carried out by paramilitary forces, the FARC and the ELN also carry out terrible abuses, particularly of international humanitarian law. As John Jones of Amnesty International noted in November 2001:

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<sup>36</sup> *Evidence*, 31 October 2001 (a.m.), p. 3.

<sup>37</sup> “U.N. Rights Chief Accuses Colombia’s Rightist Gangs,” Reuters, 19 March 2002.

<sup>38</sup> *Report of the United Nations High Commissioner for Human Rights on the Human Rights Situation in Colombia*, United Nations Economic and Social Council, E/CN.4/2002/17, 28 February 2002, Paragraph 202.

<sup>39</sup> *Evidence*, 26 September 2001, p. 15.

We have to distinguish between international human rights law and international humanitarian law. The international human rights law is the right to life, not to be killed, not to disappear, not to be tortured.

The guerrilla is by far the biggest infringement of international humanitarian law—for example, kidnapping people, taking people for hostage. Typically, every day in Colombia ten people are kidnapped, and of these, over half are the work of either the FARC guerrilla or the ELN guerrilla. It is a fund-raising device, but it is a gross infraction on international humanitarian law. It's not just a question of kidnapping people; also, the guerrillas do kill people.<sup>40</sup>

The Government of Colombia has made significant strides in terms of establishing structures for the protection and promotion of human rights, particularly ombudsmen, and are to be commended for this. Much more remains to be done, however, both in terms of increased resources and changed mindsets, before these structures can live up to their full potential. As well, key elements such as a national plan of action on human rights, which the Colombian government undertook to develop in 1994, has still not been produced.

Alex Neve of Amnesty International argued before the Sub-Committee that although President Pastrana and other officials in the Government of Colombia have taken important action on many fronts to address human rights concerns, these have not been fully implemented, and much more remains to be done. He added:

The problem, of course, is the degree to which the military continues to be a very powerful institution in the country and therefore able to counter and block, ignore, overlook many of the initiatives the government may seek to bring forward...

That's why issues such as impunity, issues such as dismantling the paramilitary groups, and issues around weapons transfers to the country need strong central concerted international pressure to make sure the international community is doing everything it can to diminish the sense of power and hold that the military has in Colombia and strengthen the ability of democratic institutions to do the work, which many of them very much want to do, to promote and improve human rights.<sup>41</sup>

Members of the Sub-Committee who visited Colombia met with senior military commanders in Barrancabermeja, a city which is effectively controlled by paramilitary forces. In response to questions as to why they did not do more to dismantle these forces, the senior army officer argued that unless his men saw a crime take place or paramilitary forces carrying weapons, he was unable to do so legally, and doing so illegally would violate human rights rather than protect them.

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<sup>40</sup> *Evidence*, 7 November 2001, p. 6.

<sup>41</sup> *Ibid.*, p. 19.

Given concerns about the Colombian military and links to paramilitary forces, Canada has also worked to increase the Colombian military's knowledge of, and respect for human rights. More than 1,000 Colombian officers and non-commissioned officers have undergone training based on a Canadian human rights curriculum. In addition, embassy personnel, including a new resident Canadian defence attaché, work on a daily basis to ensure the Colombian military understands the importance of human rights, as well as the need to sever all links with paramilitary groups. This is an area where Canada can, and should, do more.

The recent posting of a Canadian defence attaché in Colombia has increased the direct lines of contact between the two militaries, which will be very useful in strengthening human rights work. The Colombian government has also now posted a senior Colombian officer to Ottawa as defence attaché, and this will also be helpful to continuing human rights cooperation. While the Government of Colombia would certainly ensure that any officer sent to Canada had not been credibly linked to human rights or other abuses, it is evident that Canadian, Colombian and international human rights organizations will scrutinize this individual closely.

Canada and other nations have worked to protect and promote human rights in Colombia through a number of programs, and Canada has the largest refugee program in Colombia. Mr. Neve acknowledged the good work done by the embassy in Bogotá to support the work of human rights defenders, and told Sub-Committee members in Ottawa that Amnesty International's priority recommendation would be to protect human rights defenders. As he noted, "When there's a strong sense of the international community standing with and behind and around these individuals and groups as they do their work, the degree of protection they enjoy increases dramatically."<sup>42</sup>

One human rights issue with particular resonance for Canadians is the plight of indigenous peoples in Colombia, whose stated position is one of neutrality in the conflict. As Ambassador Rishchynski told Sub-Committee members in Ottawa:

To me, the plight of the indigenous in Colombia is one of the greatest tragedies of the conflict. These communities, which spent most of the 1980s and into the new constitution of the 1990s fighting for recognition of their inherent rights to land and territory, as communities now find themselves, if one can use the term so crassly, as the ham in the sandwich, in the Colombian conflict...<sup>43</sup>

He added that indigenous peoples in Colombia need protection, as well as evidence that the international community sees them as a priority. In November 2001, the Honourable Warren Allmand of Rights and Democracy came before the Sub-Committee to discuss the report of a delegation organized by Rights and Democracy with the cooperation of the Assembly of First Nations and including the Chair of the

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<sup>42</sup> Ibid., p. 19.

<sup>43</sup> *Evidence*, 20 September 2001, p. 27-28.

Sub-Committee, Mrs. Beth Phinney, M.P. He told Sub-Committee members that: "We call upon the Canadian government and the international community to use every means available to denounce the gravity of the situation facing the survival of Colombia's indigenous people and see that their specific concerns and proposed solutions are acted upon."<sup>44</sup> According to Ambassador Rishchynski:

I think the visit of the AFN was extremely important to them. Subsequent to that, Rigoberta Menchu of Guatemala came to Colombia and she said she hoped that somehow her organization, Indigenous Initiative for Peace, and the AFN and other Canadian groups might perhaps be able to play a much larger role in terms of supporting their brothers in Colombia. I think this is the kind of international action necessary in terms of keeping their struggle as an absolute front-burner priority for the international community.<sup>45</sup>

A concrete example of the dangers facing indigenous leaders in Colombia is the case of Kimy Pernia Domico, who testified to the Standing Committee on Foreign Affairs and International Trade in 1999 to explain the concerns of the Embera Katío people. Tragically, just days after meeting the Rights and Democracy/AFN delegation in Colombia, he "disappeared," and many fear he is dead. While this case is not unique, it is one that resonates particularly with Canadians. The police investigation has not gone well, and the Canadian government has pressed the Government of Colombia for more progress, and should continue to do so. More generally, Sub-Committee members met with representatives of the Embera Katío and other indigenous groups while in Colombia, and agree that their situation is one Canadians and others must continue to highlight.

An important development in the human rights situation in Colombia has been the opening of a UN Human Rights Office there. The Office has a wide mandate, and sees its role as one of helping the Colombian government to improve the human rights situation in the country. While the Government of Colombia requested that the UN establish this Office in 1996, its relationship with it has not always been easy. A major element of the work of this Office is an annual report on the human rights situation in the country, which has generally been critical of the actions of the Colombian government, particularly on the lack of sufficient action to combat paramilitary groups. President Pastrana told members in Bogotá that the Government of Colombia did not always feel it was treated fairly in these reports, adding that he has spoken to UN Secretary General Kofi Annan about this.

Jan Egeland observed that the opening of a human rights office in Bogotá was a major step forward. As he put it: "It's active, it has a presence, and it's going to step up its work with regional offices. There is an annual report that is very clear and very explicit. As well, there is, after all, a chairman's statement that comes with very concrete recommendations that should be followed up."<sup>46</sup> The UN Human Rights Office in

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<sup>44</sup> *Evidence*, 31 October 2001 (p.m.), p. 5. See also *Report: Mission to Colombia to Investigate the Situation of Indigenous Peoples, May 27-June 3, 2001*, Organized by Rights and Democracy with the Cooperation of the Assembly of First Nations (Canada), Montreal, Rights and Democracy, 2001.

<sup>45</sup> *Evidence*, 20 September 2001, p. 28.

<sup>46</sup> *Evidence*, 31 October 2001 (a.m.), p. 16.

Colombia has recently expanded its work, opening additional offices in Medellin and Cali. Canada has been a strong supporter of this Office, and has dispersed approximately \$1.6 million in support of its activities over the past four years.. This Office remains funded totally by voluntary contributions by member states, however, and some members believe the Government of Canada should encourage the UN to establish core funding instead.

The Government of Colombia feels that its real progress on human rights is ignored by NGOs and others it characterizes as predisposed to criticize. Yet while Canada and other states will continue to support and work to strengthen the democratic Government of Colombia, that government must understand that they will also continue to view the professional work done by the UN Human Rights Office in Colombia as an independent evaluation of its progress on human rights, and will continue to insist that its recommendations, and those of other bodies such as the Inter-American Commission on Human Rights, be implemented. UN human rights mechanisms in both Colombia and elsewhere are part of the solution to the human rights crisis in Colombia, not part of the problem.

While acknowledging progress where merited, Canada, European nations and others have strongly criticized the human rights situation in Colombia, particularly at the UN Commission on Human Rights in Geneva. The Commission acts by consensus, and sometimes appoints special rapporteurs and adopts condemnatory Resolutions to deal with countries facing difficult human rights situations.

This has not been the case with Colombia, however. As Adèle Dion of the Department of Foreign Affairs and International Trade explained to the Sub-Committee in March 2001, ... “the Government of Colombia has demonstrated, in a number of UN forums and bilaterally, its willingness to tackle its very serious problems.”<sup>47</sup> Instead of a condemnatory Resolution, therefore, in recent years the Commission has instead used the Canadian-developed mechanism of a Chairperson’s Statement — developed on a tripartite basis by the Chair of the Commission, concerned member states, and the country in question — to both recognize Colombia’s cooperation and higher level of commitment, and to underline continuing concerns. While the lack of a stronger Resolution disturbs many, the Commission can only adopt a Resolution on Colombia if it finds consensus to do so among members. Even if this is not the case, members can still adopt an even stronger Chairperson’s Statement on Colombia.

Although its resource constraints are real, the Government of Colombia will be held responsible for implementing policies designed to improve its country’s human rights situation. In particular, it must increase its actions to combat paramilitarism, and ensure that civilian courts deal with both civilian and military violations of human rights. Other states have a responsibility as well, however, for ensuring they both assist it and maintain the pressure on it to do so.

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<sup>47</sup> *Evidence*, 21 March 2001, p. 17.

### RECOMMENDATION 3

**The Government of Canada should continue to strengthen its human rights work in Colombia. In particular, Canada should increase support for the UN Human Rights Office in Colombia and insist even more forcefully that the Government of Colombia work to combat both guerrilla and paramilitary groups. Finally, the Canadian embassy in Bogotá should continue to focus on the protection of human rights defenders and indigenous peoples, as well as increase its human rights work with the Colombian military.**

## V. COMBATTING THE DRUG TRADE

Political violence and conflict occurred in Colombia long before the emergence of the drug trade in the 1960s and 1970s. Yet although drugs are not the cause of conflict in Colombia, they certainly fuel it, in two ways: directly — as guerrilla and paramilitary groups (the latter known in Spanish as *autodefensas*) fight for control of territory for the cultivation of cocaine and finance their operations from drug profits; and indirectly — as corruption and organized crime further weaken the state and its ability to end the conflict. As one witness put it, “All of Colombia is narcotized, it’s not just the guerrillas. The country is under the impact of this...the *autodefensas*...are in no way clean on this, nor is congress, nor is the judiciary, nor is anybody — the left is guilty too.”<sup>48</sup>

Drug addiction is a relatively new and growing problem in Colombia itself, but the country’s primary role in the international drug trade continues to be as the source of the majority of the world’s cocaine and a growing amount of its heroin. The illegal drug trade is a multi-billion dollar business, and generates the vast majority of the income of both the paramilitaries and, along with kidnapping, the guerrillas. In addition to direct violence and crime the purchase of land for drug cultivation has set back the issue of land reform. This is very important, given that the majority of land in Colombia continues to be owned by a small majority, and land reform continues to be a requirement for a just peace in Colombia.

The Pastrana government has taken a strong stand against the drug trade, and made it a key element of Plan Colombia. Given U.S. assistance, the anti-narcotic side of Plan Colombia, has progressed much more quickly than the social-policy side. Several Sub-Committee members visited the headquarters of Joint Task Force South, a special military counter-narcotics command, at Tres Esquinas in southern Colombia. They were told that counter-narcotics operations and results have roughly tripled since the beginning of Plan Colombia assistance.

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<sup>48</sup> *Evidence*, 16 May 2001, p. 13.

One of the more controversial aspects of Plan Colombia is the aerial spraying of large areas of Colombia, beginning in the south, in a bid to destroy narcotics. Drug production itself produces significant environmental damage, since, as Sub-Committee members saw at the Tres Esquinas, the production of cocaine involves large quantities of dangerous chemicals such as sulphuric acid, acetone (paint thinner), caustic soda and gasoline, as well as cement. Among other areas, this is having a devastating effect on the Amazon basin. Yet critics argue that such spraying is counterproductive, since it also produces environmental damage, does not distinguish between drugs and other crops and threatens the health of the peasant population in the areas being sprayed. One critic of the effects of aerial spraying is Colombia's *Defensor del Pueblo*, (Human Rights Ombudsman), Mr. Eduardo Cifuentes, whom members met in Bogotá. Given the debate over this issue, the United Nations has suggested studying the issue of aerial spraying, although some believe that the Organization of American States (OAS) could better carry out such a study. Whatever the vehicle, given the importance of the health and other issues involved, Sub-Committee members believe that such a study could be of great value.

A further complication is that while much of Colombia's drug production is carried on by large-scale criminal operations, which are responsible for the sophisticated labs and the eventual distribution of the drugs, an increasing amount is carried out by small-scale farmers who are pressured to grow drugs or are simply unable to grow anything else of equal (or near) value. All drug production is illegal. Yet, as Canadian Ambassador Rishchynski told Sub-Committee members in Ottawa, while the large-scale criminal production should be addressed through law enforcement means, any consideration of small-scale production must take into account the social and economic conditions which exist in Colombia, and provide economic alternatives to farmers.<sup>49</sup> One example of "alternative development" is through crop substitution programs, but no one model is likely to solve the numerous problems associated with the drug trade in Colombia, and much work remains to be done in this area. For example, while infrastructure and other problems would remain, it will be important for Canada and the international community to continue to reduce trade barriers as a way of encouraging alternative development in Colombia.

Finally, beyond the need to take action to monitor the export of precursor chemicals through import and export permits, and to take action to combat money laundering — perhaps through RICO (Racketeer-Influenced and Corrupt Organizations) like legislation — it has become increasingly clear in recent years that the drug trade involves both the supply of drugs and the demand for them. From this perspective, a reduction in the demand for drugs in North America and Europe would help address the problem in Colombia. As Warren Allmand pointed out before the Sub-Committee, "...sad to say, it is the cocaine and marijuana users of North America who principally finance the violence and death in Colombia."<sup>50</sup>

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<sup>49</sup> *Evidence*, 20 September 2001, p. 22.

<sup>50</sup> *Evidence*, 31 October 2001 (p.m.), p. 3.

A larger debate on the proper approach to the international trade in drugs is now beginning, but will not be resolved quickly. In the meantime, Canada continues to pursue a “balanced” approach which focuses on both supply and demand reduction, and which supports international efforts to address this issue through the United Nations and other mechanisms. In recent years, the OAS has also done important new work on developing a hemispheric approach to the issues of the drug trade — such as the development of a Multilateral Evaluation Mechanism (MEM) to evaluate the anti-drug actions of OAS states. Efforts along these lines deserve continued Canadian support.

#### **RECOMMENDATION 4**

**The Government of Canada should continue to work with other states in developing an international approach to combating the drug trade. In particular, Canada should reinforce OAS efforts to develop regional cooperation on this issue, and should also support the proposal for a scientific study of aerial spraying under the auspices of either the OAS or the United Nations.**

#### **VI. HUMANITARIAN AND DEVELOPMENT ASSISTANCE**

As noted above, Canada and Colombia have increased their bilateral contacts in recent years, and the Canadian embassy in Bogotá is well respected for its work on human rights and other issues. Given the importance of this work, the Sub-Committee believes that with more resources, it could do even better.

Although Canada and other states must provide humanitarian assistance for the immediate needs of the Colombian people, they must also continue development assistance, which is a broader investment in Colombia’s future. The country has real poverty and other development challenges which must be met (almost half of the population lives in poverty), and any progress in this area might also help alleviate some of the root causes of its conflicts.

A key humanitarian issue in Colombia is the tragic situation faced by the increasing number of displaced people, who cannot be adequately helped under existing Colombian or international programs. Jan Egeland told Sub-Committee members that this was the most underestimated and forgotten problem that Colombia has today. In his words:

These are the forgotten victims of the conflict. These are very humble people. These are peasants, and very little attention is given to them.... Some are driven out by paramilitary forces and some by guerrillas, some are driven out by criminals, and some are driven out by the drug cultures. They all have stories to tell, and Canada



has played a leadership role in providing political asylum to human rights campaigners and threatened people. This is something we would really like to pay tribute to, and something we hope you can be doing also in the future...<sup>51</sup>

While Canada has supported the efforts of the Office of the UN High Commissioner for Refugees to help the displaced outside of Colombia, however, it has not supported that Office's coordinating function within the country. Having discussed the plight of the displaced in Ottawa and Colombia, and particularly having met with victims of displacement in Barrancabermeja, the Sub-Committee agrees that this is an area which merits strong Canadian engagement.

The situation in Colombia has deteriorated since the programming strategy of the Canadian International Development Agency (CIDA) was last revised in 1995. CIDA has therefore been developing what Ambassador Rishchynski called more "people-centred kinds of programming as opposed to the more institutional nature of our programming that had evolved over the course of the 1980s and early 1990s."<sup>52</sup> CIDA officials testified before the Sub-Committee in the fall of 2001 to explain the logic behind their proposed changes. They added that the Agency planned to continue spending the same amount in Colombia — some C\$60 million over five years, or \$12 million annually.<sup>53</sup> Having discussed these changes in both Ottawa and Colombia, and in particular having visited a number of small projects assisted by CIDA's C\$550,000 Canada Fund — which is administered through the embassy in Bogotá, and is therefore very flexible — the Sub-Committee welcomes the change in CIDA's focus.

While it is important to ensure that increased resources would be effectively used, the needs in Colombia are real. Accordingly, we believe that the government should increase CIDA assistance to Colombia, particularly that targeted toward assisting the displaced. Development and humanitarian needs exist across the country, yet members of the Sub-Committee also believe that it may be useful for CIDA to focus a significant amount of its assistance on one area or community — for example Barrancabermeja, which suffers from the presence of paramilitary groups and a large number of displaced peoples, but which is admittedly not typical due to the fact that the country's largest oil refinery is located there — in order to demonstrate the impact that properly targeted assistance can have, and therefore encourage further international assistance.

## **RECOMMENDATION 5**

**In order to build on the already good work being done by Canadian embassy staff in Bogotá on human rights, humanitarian and other issues, the Government of Canada should increase CIDA funding for Colombia, particularly that targeted to addressing the crisis of**

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<sup>51</sup> *Evidence*, 31 October 2001 (a.m.), p. 6.

<sup>52</sup> *Evidence*, 20 September 2001, p. 26.

<sup>53</sup> *Evidence*, 31 October 2001(p.m.), p. 24.

**displacement, which particularly affects indigenous and Afro-Colombian communities, strengthening the judicial system, and improving human rights training for the Colombian military. Beyond addressing these issues on a national basis, the Canadian government should also consider undertaking a CIDA pilot project focusing on one area or community.**

## **LIST OF RECOMMENDATIONS**

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### **RECOMMENDATION 1**

The Government of Canada should continue to work with international organizations and institutions as well as with like-minded countries to support the Government of Colombia and encourage all parties in the Colombian conflict to pursue agreement on humanitarian principles and a negotiated solution. Canada should also make itself available to continue facilitating such negotiations, which would ideally become a state peace policy and include a formal international role. In order to strengthen Colombia's democracy, it should also continue to support civil society groups there, as well as encourage efforts at grassroots reconciliation.

### **RECOMMENDATION 2**

Since trade and investment will be important elements of Canada's bilateral relationship with Colombia, the Government of Canada should continue to be proactive in encouraging corporate social responsibility on the part of both Canadian firms operating in Colombia and Export Development Canada.

### **RECOMMENDATION 3**

The Government of Canada should continue to strengthen its human rights work in Colombia. In particular, Canada should increase support for the UN Human Rights Office in Colombia and insist even more forcefully that the Government of Colombia work to combat both guerrilla and paramilitary groups. Finally, the Canadian embassy in Bogotá should continue to focus on the protection of human rights defenders and indigenous peoples, as well as increase its human rights work with the Colombian military.

### **RECOMMENDATION 4**

The Government of Canada should continue to work with other states in developing an international approach to combating the drug trade. In particular, Canada should reinforce OAS efforts to develop regional cooperation on this issue, and should also support the proposal for a scientific study of aerial spraying under the auspices of either the OAS or the United Nations.

## **RECOMMENDATION 5**

**In order to build on the already good work being done by Canadian embassy staff in Bogotá on human rights, humanitarian and other issues, the Government of Canada should increase CIDA funding for Colombia, particularly that targeted to addressing the crisis of displacement, which particularly affects indigenous and Afro-Colombian communities, strengthening the judicial system, and improving human rights training for the Colombian military. Beyond addressing these issues on a national basis, the Canadian government should also consider undertaking a CIDA pilot project focusing on one area or community.**

## APPENDIX A LIST OF WITNESSES

Associations and Individuals	Date	Meeting
<b>ASOPRICOR</b> Augustin Reyes, Founder	14/03/2001	1
<b>Autonomous Afrocolombian Movement</b> Carlos Rosero, National Leader		
<b>“Barrancabermeja’s Organizacion Femenina Popular (OFP)”</b> Dora Guzman		
<b>Canada-Colombia Solidarity Campaign 2001</b> Pablo Alejandro Leal		
<b>Cauca province (southern Colombia)</b> Ezequiel Vitonas Talanga, Indigenous Leader		
<b>CUT</b> Patricia Buritica, Leader of CUT (union federation)		
<b>Department of Foreign Affairs and International Trade</b> Ron Davidson, Director, South America Division		
<b>“Ruta Pacifica de Mujeres” (Women’s Path to Peace)</b> Maria del Pilar Cordoba		
<b>Canadian Foundation for the Americas</b> Judy Meltzer, Policy Analyst Gerd Schonwalder, Deputy Director	09/05/2001	3
<b>Rights and Democracy</b> Eleanor Douglas, Consultant Mary Durran, Communications Officer		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Carleton University</b> Cristina Rojas, Assistant Professor, Norman Patterson School of International Affairs	16/05/2001	5
<b>Peace Brigades International</b> Luis van Isschot, North American Representative, Colombia Project		
<b>Royal Military College of Canada</b> Hal Klepak, Professor of History and Strategy		
<b>Canada-Colombia Solidarity Campaign 2001</b> Pablo Leal	30/05/2001	6
<b>Centre for Research in Latin America and the Caribbean</b> Emmanuel Rozental-Klinger, Research Fellow		
<b>Inter-Church Committee on Human Rights in Latin America</b> Bill Fairbairn, South America Program Coordinator Lilia Solano		
<b>As an Individual</b> Kimberly Inksater, Consultant		
<b>Canadian Auto Workers Union</b> Ken Luckhardt, National Representative	06/06/2001	7
<b>Canadian Council for International Cooperation</b> Normand Comte, Development and Peace	06/06/2001	7
<b>Canadian Labour Congress</b> Sheila Katz, National Representative for the Americas		
<b>Embassy of Colombia</b> Her Excellency Fanny Kertzman, Ambassador		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Department of Foreign Affairs and International Trade</b> Ron Davidson, Director, South America Division Guillermo Rishchynski, Canadian Ambassador to Colombia	20/09/2001	8
<b>Embassy of Colombia</b> Her Excellency Fanny Kertzman, Ambassador	26/09/2001	9
<b>Canadian Ecumenical Justice Initiatives (KAIROS)</b> Nelly Albaran, Representative of the Asamblea Permanente de la Sociedad Civil por la paz (Permanent Assembly of Civil Society for Peace) Ricardo Esquivia Balletas, Director of the Commission of Human Rights and Peace Counsel of Protestant Churches of Colombia Kathy Price, Latin America Human Rights Researcher and Policy Advocate, Kairos Jorge Rojas, Representative, Paz Colombia	23/10/2001	12
<b>United Nations</b> Jan Egeland, Special Advisor to the Secretary General of the United Nations on Colombia Angela Kane, Director, Division of Americas and Europe of the Department of Political Affairs James LeMoyne, Deputy Special Advisor to the Secretary General on Colombia	31/10/2001	13
<b>Canadian International Development Agency</b> Bob Anderson, Vice-President, Americas Claude Beauséjour, Senior Program Analyst, Brazil, Southern Cone and Colombia, South America Division Romy Peters, Acting Director, Brazil, Southern Cone and Colombia, South America Division	31/10/2001	14
<b>Rights and Democracy</b> Warren Allmand, President Mary Durrán, Communications Officer		
<b>SINTRA Minercol and CUT</b> Francisco Ramírez		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Amnesty International (Canada)</b> John Jones, Coordinator, Colombia Alex Neve, Secretary General, English Section	07/11/2001	15
<b>Department of Foreign Affairs and International Trade</b> Stéphanie Allard, First Secretary, Commercial and Trade Program Manager, Canadian Embassy in Colombia	21/11/2001	16
<b>Nexen Inc.</b> Randy Gossen, Vice-President, Safety, Environment and Social Responsibility		
<b>Real Assets Investment Management</b> Kai Alderson, Vice-President, Research and Corporate Engagement		
<b>Department of Foreign Affairs and International Trade</b> Louise Crosby, Desk Officer, Colombia, South America Division Ron Davidson, Director, South America Division Michael Harvey, First Secretary (Political Affairs), Canadian Embassy in Colombia	30/01/2002	18
<b>University of Calgary</b> Stephen Randall, Dean of the Faculty of Social Sciences		



## WITNESSES IN COLOMBIA

### **Alcatel CID**

Pat Ostaszewski, Director

### **Andes University**

Arleene Tickner, Center for International Studies

### **ASFADDES — Association of Family Members of Detained and Disappeared**

Rocio Bautista

Gloria Herney Galindez, President

### **ASOCOFLORES — Colombian Flower Exporters Association**

Ana Cristina Bueno

### **“Battallón Nueva-Grenada”**

Colonel Lucio Javier Latorre Rojas, Commander of the Nueva Grenada (Army) Battallion,  
Barrancabermeja

### **Canada-Colombia Chamber of Commerce (CCCC)**

Graciela Lemos, Executive Secretary

Fernando Suescún, President

### **Canadian Red Cross**

Lilly Montano, Delegate

### **“Centro Docente Belen”**

Rosalba Jiménez, Director

Carmen Cecilia Ortiz Florez

### **CIDA — Canadian International Development Agency**

Barbara Karpinski, Program Manager

### **CINEP — Research and Education Centre**

Father Alejandro Angulo, Director

William Bastidas, Investigator of Human Rights

Javier Giraldo, Coordinator of Human Rights data banks

### **CODHES — Human Rights Consultancy**

Moisés Molano

Jorge Rojas

**“Colectivo De Abogados” — Lawyers Collective**

Luis Guillermo Pérez, Human rights lawyer

Alirio Uribe, Human rights lawyer

Reinaldo Villalba, President

**Colombian Ambassador to Canada**

Her Excellency Fanny Kertzman

**“Comisión Colombiana de Juristas” — Colombian Commission of Jurists**

Gustavo Gallón, Director

**“Comision de Conciliacion Nacional” — National Reconciliation Commission**

Alvaro Campos

**“Consortio de Desarrollo y Paz del Magdalena Medio” — Development and Peace for the Magdalena**

Father Francisco de Roux

**CREDHOS — Regional Committee of Human Rights Defenders**

Francisco Campo

Regulo Madero, President

**CSPP — Committee for Solidarity with Political Prisoners**

Augustin Jiménez, President

**CUT — Association of Trade Unions**

Patricia Buriticá

Miguel Antonio Caro, President

Eberto Díaz Montes

**“Defensoria Del Pueblo” — Human Rights Ombudsman**

Eduardo Cifuentes

**Embera Katío Representatives from the Alto Sinú**

Martha Domicó

Wilson Domicó

Maria Alicia Vergara

**“Equipos Cristianos De Acción Por La Paz” — Christian Peacemaker Teams**

William Payne

Pierre Shantz

**Externado University of Colombia**

Maria Teresa Aya

Laura Gil

**FECODE — Union of Education Workers**

Gloria Ines Ramirez

Tarcisio Rivera

**FEDECAFE — National Coffee Growers Association**

Maria Fernanda Concha Escobar

Emilio Echeverry

Martha Moreno

**FESCOL — Fondation Friedrich Ebert of Colombia**

Angie Stucker

**“G & M de Colombia Abogados” — Gay and Lesbian Rights**

German Humberto Rincón Perfetti

**ILSA — Latin American Alternative Legal Services**

Jesús Anibal Suárez

**International Committee of the Red Cross**

Kathleen Graf

Jan Roemer

**Joint Task Force — South, Tres Esquinas**

Brigadier-General Roberto Pizarro Martínez, Commander

**“JUSTICIA Y PAZ” — Justice and Peace**

Reinaldo Jaimes

Padre Carlos Julio Rozzo

**Mayor of Barrancabermeja**

Dr. Julio Cesar Ardila

## **MEMBERS OF CONGRESS:**

### **“SENADO DEL REPUBLICA”**

Piedad Córdoba, Human Rights Committee, Senate  
Flora Sierra de Lara, Senator  
Dieb Maloof, Chairman of Human Rights Committee, Senate  
Rafael Orduz, Human Rights Committee, Senate

### **“CAMARA DE REPRESENTANTES”**

Pompilio Avendaño, Human Rights Committee, Congressman  
Jorge Gómez Celis, Chairman Human Rights Committee, Congressman  
Rafael Guzmán Navarro, Human Rights Committee, Congressman  
Gustavo Petro, Congressman  
Miguel Angel Zambrano

## **MINGA**

Martha Cecilia Monroy

All these organizations c/o MINGA:

### **“ASOPRICOR — Asociación Pequeños Productores Agrícolas” (Association of Small Agricultural Producers)**

Maria Gilma Reyes

### **“CRIC — CONSEJO REGIONAL INDÍGENA DEL CAUCA” (Regional Indigenous Council of Cauca)**

Ezequiel Vitona

### **“HERMANAMIENTO MEDELLÍN” (Brotherhood Medellín) — 20 Organizations for Peace**

Javier Marqués

### **“PCN — PROCESO COMUNIDADES NEGRAS” (Process for Black Communities)**

Carlos Rosero

## **Ministry of Foreign Affairs**

Paul de Bedout, Advisor to the Vice- Minister  
Clemencia Forero, Vice-Minister

**Ministry of the Interior, Human Rights Office**

Marcela Bravo, Director of Indigenous Issues

Rafael Bustamante, Director of Human Rights Office

German Sánchez, Coordinator of Prevention in Human Rights

**National University of Colombia**

Alejo Vargas

**Nortel Networks de Colombia S.A.**

Luis Alberto Bocanegra, President

**Nexen Petroleum Colombia LTDA**

Richard Jensen, President

Ed Mastel

Jean-Yves Pineault

**OCENSA — Central Pipelines S.A.**

John Gerez, Vice-President of Operations

Fernando Larotta, President

**OIM**

Fernando Puerto

**ONIC — Umbrella Organization of Indigenous Groups**

Fernando Castrillon, “Asesor”

Armando Valbuena, President

**“Organización Popular Femenina” — Popular Women’s Organization**

Matilde Vargas

**“País Libre” / Free Country**

David Buitrago, Legal Director

Olga Lucia Gómez, Psychology Director

Luis Alfonso Manrique, Legal Representative

**Peace Brigades International**

Peter Clark

**“Planeta Paz” — Peace Planet**

Astrid Flores

Gregorio Mesa

Daniel Garcia Peña

Carlos Salgado

**“Pontificia Universidad Javeriana” — Javeriana University**

Ernesto Borda, Director of Human Rights Institute

Padre Gabriel Izquierdo, Director of Think-Tank Institute

**President of the Republic**

Andres Pastrana

**Project Counselling Services**

Betty Pedraza

**“Proyecto de Produccion y comercialización de zapatos” / Shoe Production and Commercialization Project**

Aurora Solano, Manager of the Project

**Redepaz — Network of Peace**

Ana Teresa Bernal, National Coordinator

Fernando Hernández

Luis Emil Sanabria

Luis Sandoval

Alvaro Villarraga

**“Renacer” — Rebirth**

Luz Stella Cárdenas, Director

Timothy Ross, Volunteer

**Representatives from Embassies**

Brazil, France, Japan, Norway, Sweden, United Kingdom, United States and Venezuela

**“Servicio Jesuita A Refugiados”**

Ledys Bohórquez

**Sintraminercol Miner’s Union**

Francisco Ramírez Cuellar, President

**Talisman Energy**

Pedro A. Martinez Uribe, General Director

**United Nations High Commission for Refugees**

Carmen Garcia

Leila Lima

Antonio Menéndez

Cecilia Stromblat

**United Nations High Commissioner for Human Rights in Colombia**

Amerigo Incalcaterra, Deputy Director

Anders Kompass, Director

**United Nations Office for Drug Control and Crime Prevention**

Klaus Nyholm

**U.S.O. NaI — National Worker's Trade Union**

Alirio Rueda Gómez

**USO — Oil Worker's Union**

Hernando Hernandez, President

**World Vision**

Samuel Albarracin, Emergency and Rehabilitation Coordinator





## **APPENDIX B LIST OF BRIEFS**

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Amnesty International

Canada-Colombia Solidarity Campaign

Canadian Ecumenical Justice Initiatives (KAIROS)

Canadian Foundation for the Americas (FOCAL)

Canadian International Development Agency

Canadian Labour Congress

Canadian Union of Postal Workers

Centre for Research in Latin America and the Caribbean

Department of Foreign Affairs and International Trade

Enbridge

Export Development Corporation

Kimberly Inksater

Inter-Church Committee on Human Rights in Latin America

International Centre for Human Rights and Democratic Development

Nexen

Peace Brigades International

Stephen Randall

Cristina Rojas

The North-South Institute



## **REQUEST FOR GOVERNMENT RESPONSE**

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this report.

A copy of the relevant Minutes of Proceedings (*Meeting no. 74 including this report*) is tabled.

Respectfully submitted,

Jean Augustine, M.P.  
*Chair*



# **Dissenting Opinion**

## **SCFAIT Sub-Committee on Human Rights and International Development Report on Colombia**

Svend J. Robinson, MP

While I acknowledge and value the dedication and hard work of my Sub-Committee colleagues in holding extensive hearings and travelling to Colombia to witness first hand the tragic situation in that country, in a number of important respects I believe that the final Report of the Sub-Committee must be strengthened. In some cases I dissent from the conclusions drawn by my colleagues, in others I find that the conclusions of the Report do not accurately reflect the evidence heard by the Sub-Committee. Like my colleagues, I want to thank all of the witnesses who appeared before us, both in Ottawa and in Colombia. Their evidence, particularly that of Colombian witnesses, was powerful and moving. There is no question that the crisis in Colombia is by far the gravest in this hemisphere, as Jan Egeland has noted, from many different perspectives. I want to underscore the pride that I and other members of the Sub-Committee feel in the great contribution to protecting human rights and nurturing the peace process made by our respected Ambassador Guill Ryschinski. As well, I would pay tribute to the dedicated Canadian non-governmental organizations and individuals who have been working so long for peace and justice in Colombia.

The most important conclusion drawn by all members of the Sub-Committee is that a military solution to the conflict is “not viable”, and that there must be a negotiated solution. It is essential that the dialogue for peace based upon economic and social justice not just involve the armed combatants of the guerilla and the state, but include broad representation from civil society, particularly from women and indigenous peoples. As the Sub-Committee notes as well, Colombia is a profoundly inegalitarian society, with huge gaps between the rich and the poor, and a comprehensive peace with justice must mean major economic redistribution of wealth and power and land reform. Indigenous peoples and Afro-Colombians must be particularly targeted in these areas...they are the poorest of the poor. Neo-liberal economic “reforms” such as structural adjustment and privatization and de-regulation have had a harsh impact on the Colombian people, leading to greater levels of poverty and concentrating the nation’s wealth in the hands of fewer and fewer people — a situation that only serves to fuel the armed conflict and undermine efforts to achieve peace. Colombian democracy has been lauded in the Report, but I would note that it is fragile indeed. The bloody experience of the Patriotic Union, with over 3000 killed, and the recent claims by paramilitary leader Salvatore Mancuso that many of the newly elected members of the

Legislature are AUC supporters are disturbing evidence of this. As well, the fact that the Legislature has to this day not debated Plan Colombia, and that the Human Rights Commissions are largely dormant, is further evidence of this weakness.

The following are the key areas in which I believe that the majority Report must be changed or strengthened:

- The report gives far too much credit to the Colombian government for its alleged achievements in establishing structures to protect human rights. While credit should be given where due, the evidence provided by many witnesses and the findings of the United Nations High Commissioner for Human Rights provide compelling evidence that the main problem as regards human rights is not an absence of laws or institutions, but a repeated failure by the government of Colombia to use them and thus an absence of tangible decisions, actions and results.
- The Report is not tough enough on the Colombian government's failure to actively combat paramilitaries, and grossly understates the well documented ties between the state forces and the AUC. Far from improving, as the Report suggests, the UN has documented that the situation is getting worse. The UN notes the sharp contrast between the Colombian government's tough discourse against the paramilitary groups and both its actions and failure to assess the extent of public servants' ties to these groups, describing the Colombian government's commitment to counteracting paramilitary groups as "weak and inconsistent". Key military officers accused of complicity with the AUC remain in active duty and the security forces continue to promote soldiers and policemen whose conduct is being investigated for human rights violations and paramilitary activities, sending a contradictory message to civil society with regard to the manner in which the State fulfils its international obligations. Impunity reigns.
- A number of witnesses raised concerns about the role of the Canadian corporate sector in Colombia, including the North-South Institute, Canadian churches and both Canadian and Colombian trade unionists. As well, the role of the EDC in the Urra Dam financing was harshly criticized. The report glosses over much of this, and should be much stronger in calling for Canada to lead on monitoring and promoting corporate social responsibility. The Report should also be much clearer on the damning testimony of Kimy Pernia on the EDC role, and condemning the weak investigation into his disappearance.
- Canada should strongly condemn the military component of Plan Colombia, as urged by many witnesses and as been done by the European Parliament and others. The report is unacceptable in this area. As well, we should call for immediate suspension of all aerial spraying, at the very least until an independent inquiry has been conducted to show no adverse health impacts.
- The Report should call for an increase of the Canada Fund to \$1 million.

These are the key areas in which I believe the Report should be strengthened.

# MINUTES OF PROCEEDINGS

Wednesday, April 24, 2002  
(Meeting No. 23)

The Sub-Committee on Human Rights and International Development of the Standing Committee on Foreign Affairs and International Trade met *in camera* at 3:37 p.m. this day, in Room 208, West Block, the Chair, Beth Phinney, presiding.

*Members of the Sub-Committee present:* Colleen Beaumier, Antoine Dubé, Marlene Jennings, Beth Phinney, Svend Robinson.

*Acting Members present:* Mark Assad for Sarkis Assadourian, Hedy Fry for Irwin Cotler, Keith Martin for Deepak Obhrai.

*In attendance: From the Library of Parliament:* James Lee, Research Officer.

Pursuant to Standing Order 108(2), the Sub-Committee resumed consideration of its study of human rights, development and other matters in Colombia.

The Sub-Committee resumed consideration of its draft report.

It was agreed — That the Draft Report, as amended, be concurred in as the Fourth Report of the Sub-Committee and that the Chair or her designate be authorized to present it to the Standing Committee on Foreign Affairs and International Trade at the earliest opportunity.

It was agreed — That pursuant to Standing Order 109, the Sub-Committee recommends that the Standing Committee request that the government table a comprehensive response to this report within one hundred and fifty (150) days.

It was agreed — That the Chair be authorized to make such typographical and editorial changes as may be necessary without changing the substance of the report to the Standing Committee.

It was agreed — That the Sub-Committee recommend to the Standing Committee on Foreign Affairs and International Trade the printing of dissenting opinions as an appendix to this report, immediately following the signature of the Chair.

It was agreed — That any dissenting opinions be limited to no more than 2 pages.

It was agreed — That any dissenting opinions be received by the clerk, in both official languages, no later than 12:00 p.m. (noon) on Monday, April 29, 2002.

At 5:36 p.m., the Committee proceeded to the consideration of its future business.

It was agreed — That the Sub-Committee on Human Rights and International Development request the permission of the Standing Committee on Foreign Affairs and International Trade to travel to the Sudan in relation to its study pursuant to Standing Order 108(2) of human rights, development and other matters in the Sudan from November 12, 2002 to November 22, 2002 and that the necessary staff accompany the Committee.

It was agreed — That the budget of \$ 208,438.00 be accepted by the Sub-Committee for the trip to Sudan and be presented to the Standing Committee on Foreign Affairs and International Trade for its approval.

At 5:48 p.m., the Committee adjourned to the call of the Chair.

Elizabeth Kingston  
*Clerk of the Sub-Committee*



Thursday, May 2, 2002  
(Meeting No. 74)

The Standing Committee on Foreign Affairs and International Trade met at 9:14 a.m. this day, in Room 308, West Block, the Chair, Jean Augustine, presiding.

*Members of the Committee present:* Sarkis Assadourian, Jean Augustine, Aileen Carroll, Stockwell Day, Marlene Jennings, Stan Keyes, Francine Lalonde, Diane Marleau, Pierre Paquette, Bernard Patry and Svend Robinson.

*Acting Members present:* Beth Phinney for John Harvard; John Godfrey for Pat O'Brien; Alan Tonks for Bernard Patry; Joe McGuire and Anita Neville for George S. Baker.

*Associate Member present:* Beth Phinney.

*In attendance: From the Parliamentary Research Branch of the Library of Parliament:* Gerald Schmitz and James Lee, research officers.

*Witnesses: From the Kennedy School of Government, Harvard University:* Joseph Nye, Dean. *From the Canadian Institute of International Affairs:* Robert Edmonds, Past Chair, National Capital Branch.

Pursuant to Standing Order 108(2), the Committee resumed its Study of North American Integration and Canada's Role in the Light of New Security Challenges. (See *Minutes of Proceedings of Tuesday, October 16, 2002, Meeting No. 31*)

The witnesses made statements and answered questions.

At 11:02 a.m., the sitting was suspended.

At 11:07 a.m., the sitting resumed.

Svend Robinson moved, — That the Standing Committee on Foreign Affairs and International Trade call upon the Government of Canada

- to support Taiwan's participation in the World Health Organization at the upcoming World Health Assembly
- to support the establishment of a UN working group to facilitate Taiwan's effective participation in the WHO, reaping benefits for both the international community and the Taiwanese through shared knowledge and equality of access to health care information.

Debate arose

Francine Lalonde moved, — That the motion be amended by inserting between the words "participation" and "in" the words "with observer status".

After debate, the question was put on the amendment, it was agreed to.

The question was put on the motion and it was negatived on the following recorded division:

YEAS — 5

Sarkis Assadourian	Francine Lalonde
Stockwell Day	Svend Robinson
Antoine Dubé	

NAYS — 6

Aileen Carroll	Anita Neville
John Godfrey	Beth Phinney
Marlene Jennings	Alan Tonks
Diane Marleau	

The Committee proceeded to consider reports of sub-committees.

Beth Phinney presented the Third Report of the Sub-Committee on Human Rights and International Development which is as follows:

Third Report of the Sub-Committee on Human Rights and International Trade.

Your Sub-Committee requests permission of the Standing Committee on Foreign Affairs and International Trade to travel to Sudan from November 12 to 22, 2002 in relation to its study pursuant to Standing Order 108(2) of human rights, development and other matters in Sudan.

A copy of the budget, as well as the relevant Minutes of Proceedings and Evidence is tabled for your consideration.

On a motion by Beth Phinney, the Third Report was concurred in and the Committee adopted a budget for transmission to the Budget Sub-Committee of the Liaison Committee for travel by the Sub-Committee on Human Rights and International Development to Sudan from November 12 to November 22, 2002.

Beth Phinney presented the Fourth Report (*Conflict, Human Rights and Democracy in Columbia: A Canadian Agenda*) of the Sub-Committee on Human Rights and International Development.

Beth Phinney moved, — That the Fourth Report of the Sub-Committee on Human Rights and International Development be adopted as a report of this committee.

After debate, the question was put on the motion and it was agreed to.

By unanimous consent, it was agreed, — That the Chair be authorized to make such typographical changes as necessary without changing the substance of the report.

By unanimous consent, it was agreed, — That pursuant to Standing Order 108(1)(a), the Committee authorize the printing of brief dissenting opinions, to be submitted in the two official languages to the clerk.

By unanimous consent, it was agreed, — That the Chair or her designate be authorized to present the report to the House.

By unanimous consent, it was agreed, — That pursuant to Standing Order 109, the Committee request that the government table a comprehensive response.

At 11:58 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
*Clerk of the Committee*

