

November 15, 2004

Adolfo Franco  
Assistant Administrator, Bureau for Latin America and the Caribbean  
U.S. Agency for International Development  
Ronald Reagan Building  
Washington, D.C. 20523-1000

Dear Mr. Franco:

For many years our organizations have closely monitored and advocated improvements to U.S. assistance to Colombia. This work has included building support, both in Congress and among the general public, for the non-military component of Plan Colombia and the Andean Counter-Drug Initiative. We have consistently sought to ensure that USAID is given sufficient resources and authority to administer these programs.

In particular, we have supported USAID support for human rights, an important non-military aid objective since Plan Colombia's inception in 2000. While assistance to government institutions with human-rights responsibilities is important to this objective's achievement, we have been particularly encouraged by USAID's choice to support Colombian non-governmental human-rights organizations. An effective, independent NGO sector is indispensably necessary to keep democratic space open for those who seek reforms by working within the system. It is also necessary to keep the Colombian government accountable for its human rights performance.

For that reason, we wish to express deep concern about recent developments in USAID's human-rights promotion programs in Colombia, which were documented in the October 3 issue of the Colombian newsweekly *Semana* and were the subject of communications this summer between USAID and congressional appropriators.

We refer to exchanges between USAID and its contractor for several human rights initiatives, Management Services for Development (MSD). Specifically, we were troubled by language in a June 7 letter from USAID Contracting Officer Yvette Feurtado to MSD President Alfredo Cuellar. While much of the letter's content involved personnel and procedural issues that do not concern us, the following statements raised red flags.

- The letter reprimands MSD personnel for supporting Colombian organizations that have criticized Plan Colombia in writing. "While USAID welcomes constructive criticism of Plan Colombia, USG policies and/or the Government of Colombia during debates and open policy forums supported by the human rights program implemented through MSD, it is nonetheless not appropriate for stringent criticism to be included in formal publications funded by the program. MSD has, however, permitted documents and/or publications funded under the contract to include language strongly critical of Plan Colombia and/or other USG programs and policy."

It had long been our understanding that recipient human-rights organizations' positions on Plan Colombia would not be a precondition for U.S. support. Indeed, many of Colombia's

most reputable and respected human rights organizations have expressed misgivings about Plan Colombia.

Though unclear – the distinction between oral and written criticism is particularly confusing – the above excerpt can be interpreted as reflecting a rather dramatic change in policy which, taken to extremes, would require Colombian NGO recipients either to suppress their opinions of U.S. policy or to pass a "litmus test" based on their views of Plan Colombia. Even if no dramatic change was intended, the result may be that, in the future, USAID grantors will err on the side of caution and avoid assisting groups known to be critical.

- The letter reprimands MSD employees for having "taken meetings considered by the CTO [the USAID contract officer] to be contrary to U.S. government policy (for example, the recent Humanitarian Accord meeting with the French Embassy)." The implication of this statement is unclear, though a cautious official or USAID contractor might draw some disturbing conclusions. Does it mean that USAID contract employees cannot "take meetings," even with representatives of governments with which the United States maintains good relations, if the agenda involves policy proposals the United States opposes? Does it mean that USAID contract employees must avoid meetings with all critics of U.S. policy, Plan Colombia and the Colombian government's U.S.-supported Democratic Security policy?
- The letter instructs MSD to "include a strategy and approach for ensuring that events supported under the contract are supportive of USAID objectives. ... For example, ... as USAID's strategy for strengthening human rights in Colombia is focused upon strengthening the GOC's capacity in this area, work with the NGO community should be targeted to that support which advances this objective."

Though the letter does not make this clear, "advancing this objective" must include more than just offering encouragement to the GOC's existing policies and programs. It should be evident that "strengthening the GOC's capacity" to guarantee the basic rights of all of its citizens is a central goal of most Colombian human-rights NGOs' aggressive research, documentation, case advocacy – and, of course, their criticisms. By pointing out the often wide gaps between the Uribe government's stated policy and actual practice, and by recommending steps that need to be taken, these groups are encouraging a whole range of improvements in the Colombian state's human rights performance. This is the role that independent NGOs have come to play, on a whole range of issues, in every functioning democracy. Remaining independent – and, thus, credible – means speaking truth to power, saying things that neither the U.S. nor the Colombian government particularly wants to hear.

A defense of the letter's stance might argue that it only seeks to restrict what recipient NGOs do and produce with U.S. funds. Even if this is the case, however, it is difficult to imagine Colombian human rights groups that receive U.S. assistance compartmentalizing their arguments and muting their positions depending on the source of their projects' funding. That is certainly not a standard that other donor governments impose.

The USAID letter to MSD is disturbing because it indicates that U.S. support to Colombian NGOs may be becoming conditioned on what recipient organizations say or believe. We hope that this situation has changed substantially since June.

If the issues discussed here have not been resolved adequately, we must understand this to be a significant change in USAID policy. As it affects recipient organizations' independence and ability to fulfill their missions, such a change in policy would leave us no choice but to reconsider our support for USAID's human rights programs.

Finally, we wish to express two concerns about the Colombia human-rights program that are unrelated to the June 7 letter.

- It appears that the Colombian government's USAID-supported Early Warning System, after several institutional changes, is yielding few effective responses to alerts about imminent abuses. We are concerned that too often, alerts go without serious responses or follow-up, other than perhaps a local security meeting convened by the mayor or governor. We strongly recommend that USAID and the USG do more to encourage responsible Colombian government agencies to institute a serious response mechanism; a credible alert about an imminent abuse is something that deserves attention at the highest levels.
- The Vice-President's Human Rights program has received an additional \$650,000 from USAID this year. We understand that these funds are to be used to address the UN recommendations and to formulate related human rights policies. Since the Vice President's office has an uneven record in formulating policy and effectively addressing the UN recommendations, we hope that this significant contribution does not end up supporting a collection of disconnected activities, many of which have faced criticism for having too great a public relations component.

Thank you for your consideration of these concerns. We believe that USAID's role in Colombia is of decisive importance and we look forward to continuing a dialogue.

Sincerely,

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Tim Rieser, Minority Staff, Senate Foreign Operations Appropriations Subcommittee  
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