Question for the Record Submitted to

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Senator Diane Feinstein (#1to #6)

Senate Caucus on International Narcotics Control

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**Questions 1a, 1b and 1c:**

The U.S. and Colombian governments have been working together for more than 15 years to address coca production. Despite a $10 billion investment, today Colombian coca production is greater than it was before the inception of Plan Colombia.

1. Which components of Plan Colombia worked best, which components failed, and what changes can be made to improve future results?
2. Do you believe the Colombian government will be able to achieve measurable and sustained reductions in coca production with its current counternarcotics plan?
3. In your opinion, what should be the focus of U.S. assistance in coming years – should it focus broadly on the peace agreement, be narrowly tailored to only focus on counternarcotics, or focus on some combination of supporting the implementation of peace and counternarcotics?

**Answer to Questions 1a, 1b and 1c:**

U.S. assistance through Plan Colombia was instrumental in paving the way for Colombia’s historic peace accord with the FARC by strengthening the nation’s capacity to defend its democratic institutions, safeguard its citizens, and improve the lives of the Colombian people. Violence in Colombia is at its lowest level in 40 years, including a 50 percent drop in homicides and a 90 percent decline in kidnappings since 2002. U.S. support through Plan Colombia helped Colombia expand and professionalize its armed forces and police, strengthen investigations of organized crime and human rights violations, implement a landmark Victims and Land Restitution Law, provide opportunities to Afro-descendant and indigenous communities, and establish a program to protect journalists, labor leaders, human rights defenders, and other vulnerable individuals.  Improved security conditions in Colombia and enhanced police and military expertise allows Colombia to train thousands of security forces in Central America and the Caribbean, which combat transnational criminal groups and gangs, such as MS-13.

Plan Colombia’s success stemmed from three principal factors. First, the program enjoyed strong bipartisan support in Congress.  Second, U.S. support was sustained throughout the life of the initiative, through three Administrations from both political parties.  Third, Colombians took the lead, investing their own resources and demonstrating the political will to make tough decisions.  The U.S. contribution of nearly $10 billion since 2000 represented just 5 percent of Colombia’s total expenditure on Plan Colombia.

Still, Colombia faces significant challenges, including a sharp rise in coca cultivation and cocaine production. Coca cultivation has surged by more than 130 percent and cocaine production by more than 200 percent since 2013. The United States is working closely with the Colombian government to target implementation of its counternarcotics and development strategy in the areas most affected by narcotics production and trafficking through the Strategic Operational Centers (CEOs in Spanish). The CEOs concept emphasizes a whole-of-government approach to counternarcotics that brings together security forces and civilian agencies, with assistance from U.S. counterparts to support coca reduction efforts, including eradication and interdiction, rural development, and the expansion of state presence and services.

The Colombian government increased eradication efforts in 2017. With 33,093 hectares forcibly eradicated as of September 25, Colombian security forces will likely meet or exceed the government’s 50,000 hectare forced eradication goal for 2017. Colombia has already eradicated more in eight months than in all of 2016. With these eradication efforts, sensible and targeted substitution programs, and enhanced interagency coordination through the CEOs to support real alternatives to coca cultivation, Colombia can achieve sustained reductions in coca growth.

The United States strongly supports the Colombian government’s efforts to secure a just and lasting peace for the Colombian people. Successful implementation of the peace accord will advance our shared security and counternarcotics efforts. As was the case with Plan Colombia, U.S. assistance to Colombia as it consolidates peace will be a fraction of the overall investment. Continued U.S. assistance funding will help Colombia advance its counternarcotics goals and expand state presence to former conflict areas. Security assistance will also help with the transformation of Colombia’s military from an insurgency-fighting force to a more traditional defense institution.

Achieving our shared goals will not be easy, nor quick, but we are confident we are working effectively with the Colombian government to reverse the upward trend for coca cultivation and cocaine production and make strategic gains against transnational organized crime.

**Question 1d:**

d. Would there be a value to conditioning future funding for Colombia on decreases in

coca production? Would doing so have unintended consequences?

**Answer 1d:**

Conditioning U.S. government resources at this stage would significantly hamper Colombian National Police and Army eradication operations, which could lead to continued increases in coca cultivation and cocaine production. Both entities rely on U.S. government air assets and equipment to conduct eradication operations, particularly as their operating budget has been cut by 50 percent over the last two years. Interdiction operations would be similarly impacted, leading to an increase of cocaine flowing through the transit zone and ultimately, to the United States.

**Question 2:**

Seizure rates by both the U.S. and Colombian governments have increased. For example, in 2016, the Colombian government increased its cocaine seizures by 46 percent compared to the previous year. It also increased the number of cocaine labs it destroyed by 26 percent.

Similarly, between 2014 and 2016, the number of Colombian cocaine labs seized with DEA support increased 53 percent. In 2016, the U.S. Coast Guard interdicted record levels of cocaine. And, in 2017, State Department assistance has contributed to the destruction of 693 labs.

What do you attribute these increased rates of seizures to? Is it simply due to the fact that more cocaine is being produced, and therefore more is being seized, or have the U.S. and Colombian governments changed their strategies?

**Answer 2:**

The increase in cocaine seizures can be attributed to two factors. The Government of Colombia made interdiction its main tool to disrupt the flow of cocaine to the United States in 2016 and 2017. In 2017, Colombia’s superb interdiction effort has continued, making use of skills and resources developed over a generation of U.S. assistance. Through the end of August, 2017, the Colombian government achieved a ten percent increase in seizures compared to the same time period in 2016. Colombia has also increased solid precursor chemical interdictions by 40 percent and liquid precursor chemical interdictions by 29 percent compared to the same time period in 2016. While we applaud these efforts, the United States government maintains that the increase in interdictions is also due to a surge in cocaine being produced by Colombian transnational organized criminal groups. We continue to stress to our Colombian counterparts that interdictions are not keeping up with production.

**Question 3:**

Colombia’s new counternarcotics strategy is largely predicated on alternative development programs coupled with voluntary and forced, manual eradication. When my staff visited Colombia in June, they were told that the Colombian government only had enough funds to support approximately 13 percent of the projected costs for the alternative development program. I also understand that aerial eradication has been banned, the Colombian police force is not operating at full capacity, and the Colombian military may be forced to reduce its size due to budgetary constraints.

1. With these facts in mind, do you believe that the Colombian government will be able to achieve its goal of eradicating – either through voluntary means or forced, manual eradication – 100,000 hectares by the end of this year?
2. Outside of alternative development, how else might the U.S. and Colombian governments achieve reductions in coca production?
3. As a follow up, could a new Colombian administration reinstate aerial eradication? If so, would the U.S. State Department be able to support this program? If not, why not?

**Answer 3:**

To date, the Government of Colombia reports that its forced eradication efforts are on pace to reach the 2017 goal of 50,000 hectares eradicated. Unfortunately, efforts to eradicate an additional 50,000 hectares via crop substitution are not meeting expectations due to a number of factors. The Colombian government lacks the sufficient funds; the government is signing more umbrella agreements than it can implement or monitor; and the proper human capital is not in place. We expect the combined goal of eradicating 100,000 hectares will not be met.

The Colombian government can reduce coca cultivation by de-conflicting voluntary and forced eradication efforts. By signing more agreements than the government can implement or monitor, thousands of hectares are being protected from forced eradication. The United States government will continue to engage Colombian officials to find a method to address this challenge.

As the May 2018 Colombian presidential elections approach and a new administration takes power in August 2018, there is a window of opportunity to find new ways to address the coca cultivation and cocaine production surge. It is possible a new Colombian administration would consider an aerial eradication program, but the decision to use such a method is a sovereign decision of the Government of Colombia and could be limited by Colombian court decisions. If Colombia were to re-start aerial eradication, it should be a Colombian-led effort, which the U.S. government could consider supporting, if requested.

At current International Narcotics Control and Law Enforcement (INCLE) funding levels, the U.S. would not be able to support an aerial eradication program. An aerial eradication program operating at the same level as the previous INL program would require over $100 million in start-up costs and significant additional financial resources to operate every year. We estimate it would take up to two years to bring the program back to full operational capacity, although aerial spray could likely begin within the first year on a limited basis.

**Question 4:**

The U.S. State Department designated the FARC as a Foreign Terrorist Organization and a Specially Designated Global Terrorist. The U.S. Treasury Department designated the FARC as a Significant Foreign Narcotics Trafficker under the Kingpin Act. The consequences of these designations can include asset freezes, and immigration and travel restrictions. Throughout the peace negotiations, President Santos asserted that the FARC should be removed from these lists if they sign and abide by the peace accord.

a. If the FARC abides by the peace agreement, should they be removed from these designation lists?

b. Would removing these designations harm U.S. counternarcotics efforts in Colombia?

**Answer 4:**

The FARC is a designated Foreign Terrorist Organization (FTO) under section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist (SDGT) under section 1(b) of Executive Order 13224.  A review of each FTO designation is conducted at least every five years, as required by statute.  However, the Secretary of State has the authority to review a designation at any time.  Any review of the FARC’s status as an FTO will take into account new facts, including, for example, whether through implementation of the peace agreement the FARC disarm, engage in peaceful activities, and give up violence. Further, the Department constantly monitors the activity of groups designated under E.O. 13224 for any new information. For additional information on the Department of Treasury’s designations, we refer you to Treasury.

During the peace negotiations with the Government of Colombia, the FARC encouraged farmers to grow more coca.  Since finalizing the peace agreement in November 2016, some demobilized FARC and FARC dissidents have continued to actively engage in narcotrafficking activities in Colombia.  Moreover, the FARC has in many ways not fulfilled its obligations under the peace accord to sever ties with illicit activities and provide information to the government on drug trafficking networks.  The FARC’s behavior has diminished its credibility as an entity genuinely attempting to transition to a legitimate political organization.  As a result of these factors, the U.S. government is not considering reviewing the FARC’s designation as a Foreign Terrorist Organization at this time.

**Question 5:**

Extradition is a strong and feared procedure. It has been a critical tool in disrupting organized criminal networks in Colombia for more than two decades. However, the recently signed peace agreement stipulates that FARC members who committed drug trafficking crimes in connection with the conflict and who are currently participating in the transitional justice system cannot be extradited to the United States if they admit to the full-extent of their crimes; commit to reparations to victims; and agree not repeat or engage in future criminal activity.

How has this stipulation impacted your ability to bring those who manufacture and traffic Colombian cocaine to justice?

**Answer 5:**

The United States and Colombia enjoy an outstanding law enforcement, security, and extradition relationship that has benefited the victims of transnational crime in both countries. Colombia extradited 2,051 individuals to the United States from 1997 through August 2017 – far and away the largest number of extraditions to the United States from any country in the world during that period.

The extradition process depends on decisions by two sovereign nations. The United States will continue to seek extraditions of those who break U.S. laws, including the FARC, wherever they might reside or travel, so they can be held accountable in U.S. courts.

In the peace accord signed by the Colombian government and the FARC, the Colombian government committed not to extradite former FARC members who cooperate with the transitional justice mechanism for crimes committed before the signing of the final peace accord, including for drug trafficking crimes. Crimes committed for personal gain are excluded from this exemption from extradition. FARC and former FARC members remain eligible for extradition to the United States for crimes committed after the signing of the final peace accord; thus, Embassy law enforcement agencies have prioritized investigations related to any post-accord offenses.

Law enforcement agencies continue to seek the extradition of any individual wanted in the United States, regardless of their inclusion or potential inclusion on any FARC lists, even as we recognize that in some cases this request may be denied due to the provision of the accord. In addition, the Embassy has requested the Colombian government develop a distinct process for additional review of any individuals for whom extradition is sought, in order to ensure all mitigating factors are taken into account.

**Question 6:**

The Drug Enforcement Administration has worked with the Colombian government to establish vetted units that are responsible for investigating narcotics cases. However, the judges, prosecutors, and their staffs who are responsible for trying these cases are not subject to similar vetting. This can jeopardize the narcotics cases that the vetted units have put together.

Between March and July of this year, at least 36 prosecutors or officials in various prosecutors’ offices throughout Colombia were arrested for their ties to drug trafficking organizations or for taking bribes in exchange for reduced sentences, and the Director of the Attorney General’s anti-corruption unit was arrested and extradited to the U.S. on corruption charges.

1. Would it be helpful if the U.S. and Colombian governments jointly established a vetting process for judges, prosecutors, and their staffs involved in trying narcotics-related cases investigated by vetted units?
2. What additional steps can the United States take to both protect U.S. investments in Colombia from corruption and to increase the capacity of the Colombian government to prevent corruption?

**Answer 6:**

Reducing corruption and enhancing integrity in justice sector institutions is a cornerstone of INL’s programming in Colombia.  The United States has a robust process in place for vetting judges and prosecutors who receive U.S. government training or assistance. Should the Colombian government decide to establish its own program for vetting judges, prosecutors, and their staff, the U.S. vetting process could serve as a starting point for Colombia as it implements its own formal process. Developing a culture of ethics within the Colombian government requires a holistic approach focused on punitive and preventative measures.  INL supports both, through assistance to the Colombian National Police to conduct corruption investigations, and through planned ethics training for judges, to help develop judicial integrity, impartiality, and independence as a means to prevent corruption.