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# **U.S. HUMAN RIGHTS ACTIVISM AND PLAN COLOMBIA**

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## **EL ACTIVISMO ESTADOUNIDENSE EN DERECHOS HUMANOS Y EL PLAN COLOMBIA**

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**Winifred Tate\***

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## Resumen

Las organizaciones no gubernamentales dicen que juegan un papel central en definir las políticas internacionales estadounidenses, en particular sobre el tema de derechos humanos. Aquí, examinaré la influencia de los derechos humanos y grupos humanitarios en los debates sobre la política internacional hacia Colombia, enfocándome en el diseño y las apropiaciones adicionales subsecuentes para el Plan Colombia, un paquete de asistencia multibillonario que comenzó en el año 2000. Propongo que ONGs fueron capaces de usar el legado del activismo por los derechos humanos del pasado que se concentraba en América Latina, pero que no logró una movilización popular alrededor de éste tema. Examino los problemas estructurales que limitan ese tipo de movilización, así cómo exploro la manera en que las ONGs sí usaron las condiciones legislativas que se colocaron al paquete de asistencia para que la preocupación sobre los derechos humanos se mantuviera como parte de los debates acerca de las políticas Estadounidenses. Este caso de estudio contribuirá al registro histórico sobre cómo las políticas se establecen y desarrollan, para ser parte de la literatura creciente que explora la manera en que reclamos de derechos humanos se transforman en políticas gubernamentales específicas.

**Palabras clave:** movilización popular, ONG, asistencia militar, relaciones colombo-estadounidenses.

## Abstract

Non-governmental organizations claim to play a central role in defining U.S. foreign policy, particularly in the field of human rights. Here, I will examine the role of human rights and humanitarian groups in the debates over U.S. foreign policy towards Colombia, focusing on the design and subsequent additional appropriations for Plan Colombia, a multi-billion dollar aid package beginning in 2000. I argue that NGOs were able to build on the legacy of prior human rights activism focusing on Latin America, but failed to achieve significant grassroots mobilization around this issue. I examine the structural issues limiting such mobilization, as well as exploring how NGOs did leverage legislative conditions placed on the assistance package to keep human rights concerns part of the debates over U.S. policy. This case study will contribute to the historical record of how policy is made and developed, adding to the growing literature exploring how human rights claims translate into specific governmental policies.

**Keywords:** grassroots mobilization, NGOs, military assistance, U.S.-Colombia relations

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## Introduction

**N**on-governmental organizations claim to play a central role in defining U.S. foreign policy, particularly in the field of human rights. Here, I will examine the role of human rights and humanitarian groups in the debates over U.S. foreign policy towards Colombia, focusing on the design and subsequent additional appropriations for Plan Colombia, a multi-billion dollar aid package beginning in 2000. I argue that NGOs were able to build on the legacy of prior human rights activism focusing on Latin America, but failed to achieve significant grassroots mobilization around this issue. I examine the structural issues limiting such mobilization, as well as exploring how NGOs did leverage legislative conditions placed on the assistance package to keep human rights concerns part of the debates over U.S. policy. This case study will contribute to the historical record of how policy is made and developed, adding to the growing literature exploring how human rights claims translate into specific governmental policies.

### 1. Methods and Scope

This work, like my previous study of Colombian human rights activism (Tate 2007), grows out of what I describe as my “embedded” experience with activism. In addition to my formal fieldwork and training as an anthropologist, I have also worked over the past two decades in a variety of capacities for human rights and policy advocacy organizations, as well as currently serving on the board of directors of the Latin America Working Group. During the initial Plan Colombia debates, I worked as a senior fellow and Colombian analyst

for three years at the Washington Office on Latin America. Founded in 1974 following the Chilean coup by a small cohort of activists with extensive experience in Latin America, WOLA is dedicated to changing U.S. policy towards Latin America to promote social justice. While at WOLA, I researched the impact of U.S. policy on political violence and the illicit drug economy in Colombia, and led advocacy efforts with a coalition of U.S.-based NGOs as well as holding frequent meetings with policymakers. The analysis presented here has emerged from my notes and recollections of this experience, as well as fieldwork conducted over the past three years while a post doctoral fellow at the Watson Institute for International Studies at Brown University and as a visiting research fellow at the National Security Archive. During this fieldwork, I have examined public and declassified government documents, and conducted interviews with officials and activists who participated in the debates over appropriate U.S. policy towards Colombia. This research is part of a larger project examining U.S. policy towards Colombia and the origins and evolution of Plan Colombia.

While activism against Plan Colombia initially appeared an inevitable successor to the Central American peace movement, major grassroots mobilization never materialized. At least in part because of these structural factors discussed below, there were insufficient existing channels to resonate with calls for activism. In my account, I stress the structural factors in which these efforts take place. My intention in presenting this account is not to dismiss the efforts to foster activism in response to U.S. policy towards Colombia, but to illuminate the process, and in this case, the

obstacles, to the practice of activism. This study contributes to a growing body of work, primarily produced by political scientists, that examine when and how particular issues become the focus of human rights activism (Bob 2005; 2008). While a number of studies have expanded on Keck and Sikkink's important work (1998) examining how and why transnational campaigns succeed or fail, scholars are only now turning to why campaigns fail to materialize around specific issues (Carpenter 2007).

This case study also contributes to a growing ethnography literature on human rights work (Goodale 2007; Merry 2006; Speed 2007; Tate 2007). Here, my analysis complicates the understanding of human rights work as "mobilizing shame." Activists claim that human rights discourses work in the world by mobilizing the shame of citizens and governments, who will react and reform to prevent further exposure of their abuses, typified in the work of Human Rights Watch. Academic work theorizing this conception of human rights work has focused on the media-spectator relationship (Keenan 2004; McLagan 2005; Drinan 2001). Rather than view human rights activism as the spontaneous result of exposure to injustice—the 'mobilizing shame' paradigm of such work—I believe that we must shift the focus to include the collective processes that channel the subjectivities mobilized into action. In her analysis of Southern Cone human rights organizations, sociologist Mara Loveman stressed the importance of "dense yet diverse interpersonal networks... embedded within broader national and transnational institutional and issue networks" as well as external support (Loveman 1998, 477). Historian James

Green reached similar conclusions in his work on U.S. solidarity with Brazilian victims of the dictatorship (Green 2003). An ethnographic, rather than philosophical or media-centric, approach allows us to consider the collective identities and material processes that are critical to mobilizing activism. For activists, this analysis is important in order to understand the windows of political opportunity in which activism can thrive, in order to be able to more realistically assess the possibilities (rather than simply to assert the necessity) of grassroots response to particular human rights crises, and how such responses can be built over the long term.

Within the more restricted universe of such organizations focused on advocating for specific policies towards Colombia, there are a range of NGOs that I will not focus on here, most notably the U.S. Colombia Business Partnership. Founded in 1997 and initially convened by the Colombian embassy during the certification crisis of the Samper administration to bring the perspective of business community to the debates, they actively supported the aid package for Colombia, and are now lobbying for the Free Trade Agreement. According to the *Wall Street Journal*, the Colombian embassy pays approximately USD 100,000 a month to public relations firms for lobbying in support of additional assistance to Colombia (Davis 2007). Here, I focus on a much smaller subset of groups, largely self-identified as politically progressive and concerned with human rights and humanitarian issues, and who function as a loose coalition known as the Colombian Steering Committee (CSC). Founded in 1998, the CSC is chaired by the Latin American Working Group and the

U.S. Office on Colombia, and includes more than 30 organizations.<sup>1</sup> The CSC has been the central location for strategizing how to promote grassroots mobilization around human rights issues in Colombia and policy initiatives intended to improve the human rights situation. CSC member organizations have been active in a number of human rights issues in Colombia, including internal displacement, violence against religious communities, Afro Colombians, unions, and the impact of multinational corporations in Colombia, including Coca-Cola and coal mining. Scholars of these efforts have begun exploring the myriad challenges faced by such efforts (Gill 2005; 2007; Chomsky and Striffler 2008). Here, I will focus on Plan Colombia debates, and the elite lobbying strategy that developed in response to the failure of major grassroots mobilization efforts, in particular the emphasis on the Leahy Law as a means to push for human rights reforms in the context of escalating military assistance.

## **2. U.S. Policy Towards Colombia and The Legacy of Central American Activism**

U.S. based human rights and social justice groups began to focus their interest on Colombia in the late 1990s, as the United State government began to increase military and other kinds of assistance to the Colombian government. In 2000, the U.S. Congress passed a USD

1.2 billion dollar aid package for Colombia, since extended in yearly appropriations to more than USD 5.4 billion in as part of ongoing efforts to strengthen the Colombian state and reduce the amount of illicit coca production. The package was designed by an interagency task force convened by the Clinton Administration involving a range of U.S. agencies including the Defense and State Departments. While the Plan Colombia aid package offered a dizzying area of programs designed “for democracy and the strengthening of the state,” the vast majority of the aid was destined for fumigation efforts and military assistance. The extensive military hardware and training made the Colombian army the primary U.S. operational partner and was the biggest single shift in U.S. policy which had long favored the Colombian National Police (Crandall 2002). This shift put human rights and the nature of paramilitary violence squarely into the U.S. policy debates.

The majority of Americans (as opposed to immigrant Colombians) came to the issue of human rights in Colombia with the Central American peace movement as their primary reference point. During the 1980s, the Reagan Administration funded billions of dollars to the Salvadoran military and the Nicaraguan contra forces despite their egregious human rights abuses. Thousands of people joined a range of solidarity organizations, participating in a range of pro-

1 The member organizations of the Colombia Steering Committee include: the American Friends Service Committee, Americans for Democratic Action, Catholic Relief Services, the Center for Justice and International law (CEJIL), the Center for International Policy, Church World Service, the Due Process of Law Foundation, the Federation of American Scientists, the Franciscan Washington Office on Latin America, the Friends Committee on National Legislation, Global Exchange, Institute for Policy Studies, International Labor Rights Fund, Jesuit Refugee Services, Latin America Working Group, Lutheran Immigration and Refugee Services, Lutheran Office for Government Affairs, Lutheran World Relief, Maryknoll Office on Global Concerns, Mennonite Central Committee, Peace Brigades International - Colombia Project, RFK Memorial Center for Human Rights, U.S. Committee for Refugees, U.S./Labor Education in the Americas Project, Washington Office on Latin America, Witness for Peace, World Vision, Amnesty International, Colombia Human Rights Committee/Network DC, Presbyterian Church USA Washington Office National Ministries Division, Christian Aid. (List found at the U.S. Office on Colombia website, <http://www.usofficeoncolombia.com/USOC%20Partners/>, accessed April 18, 2008).

test practices and providing humanitarian assistance to refugees and victim communities (García 2006). The organizations that developed during this period ranged from radical supporters of the revolutionary groups to moderate groups pushing for limiting military aid and promoting negotiated settlement to the conflicts. There is a growing literature considering this history, including accounts of the Sanctuary Movement within the U.S., broader activist participation, and activist memoirs (Cunningham 1995; 2001; Hildreth 1994; Smith 1996).

One central legacy of the Central America movements was the consolidation of a repertoire of practices intended to develop activist identities and promote the practice of activism in particular ways.<sup>2</sup> This repertoire did not emerge simply from Central American causes, of course, but was built on a long history of activist practices within the United States (Rabben 2003). These included ways in which activists were recruited and given the analytical tools to understand U.S. policy as a grievance that must be remedied through action. Educational efforts included “witnessing” tours, political tourism orchestrated by non-governmental organizations in order to spark personal transformation, or bringing activists and survivors on speaking tours within the U.S. This training also included conferences and teach-ins, which often featured instruction in the practice of activism in addition to forming the identity of activists. These workshops included education in media outreach (such as how to build media contacts, provide interviews

to reporters and write op-eds), lobbying your member of Congress, and connecting with and expanding existing activist networks. Many of these educational efforts also provided activists with the particulars of policy advocacy, including how to develop specific policy goals, the range of foreign policy instruments, and information about specific pieces of legislation, amendments and Congressional debates. Many of these efforts focused on Congress, historically only a marginal foreign policy actor, because of the leadership role the Democratically-controlled House of Representatives played in opposition to the Republican Reagan Administration. Organizations also developed emergency response networks, devoted to immediate letter writing campaigns responding to threats against activists.

Groups organizing in response to Plan Colombia inherited these activist practices. LAWG, itself a coalition of religious, humanitarian and solidarity organizations, was founded in 1983 as the Central American Working Group, and had until the early 1990s focused entirely on building citizen activism to oppose U.S. policy in El Salvador and Nicaragua and promote policy reforms. Working with five paid staff in the Washington office, LAWG expanded their work to focus on support for implementation of peace accords, humanitarian and development assistance and disaster relief, opposing the Cuba embargo, and Colombia. Many other groups that emerged in the 1980s focused on Central America also went on to make Colombia policy a major focus in the late 1990s, and many

2 I do not mean to suggest here that this process was seamless or uncontested. In practice, there were a range of competing visions over the appropriate response of U.S. activists to the challenges presented by U.S. foreign policy, and profound differences among activists within different religious and political traditions.

of the now professional policy advocates involved in Colombia began their work as activists focusing on Central America in the 1980s. The legacy of organization around Central America remained strong even for a new generation of activists who had been too young to participate directly in those campaigns. For the younger generation of activists who were in college in the 1990s and early years of 2000s, the Central America solidarity movement became a central touchpoint in the history of U.S. leftist politics. Many went to Latin America for study abroad and learned about these efforts in college courses and from older activists.

For activists schooled in the Central American peace movement, the debates over U.S. policy towards Colombia had many similarities with the policy towards El Salvador in the 1980s: The U.S. appeared to be strengthening an abusive military with a history of well publicized collusion with paramilitary forces, taking sides against long running Marxist insurgencies. However, activists would soon discover there were significant differences between the Central America and Colombia policy that made mobilization of large scale grassroots activism difficult.

### **3. Political Context: The Cold War and the War on Terror**

One of the most important differences between activism over the past three decades has been shift in the fundamental paradigms of U.S. foreign policy, from the cold war to the war on terror. During the cold war, the meta narrative of U.S. foreign policy divided the globe into two super powers battling for world supremacy, with proxy wars such as Central America fought in the name of the domino theory in which regions

were vulnerable to Communist takeover. Within Central America, concern over the possible export of the Cuban Revolution (1959) and the successful Sandinista Revolution (1979) fueled the Reagan administration's obsession with the region, as did the proximity to the United States. U.S.-sponsored military initiatives in Central America were front page stories and considered policy priorities for more than a decade.

The post cold war context signified a lack of central coherent meta-narrative of U.S. foreign policy, without the urgency of the apocalyptic visions of a Soviet triumph, or the possibilities of socialist social change. The Clinton administration and other policymakers were attempting to redefine the U.S. global role from the position of the single remaining super power. Some pundits suggested that human rights could now play a more central role in foreign policy, while others engaged in remapping the national security threats facing the United States to include immigration, narcotics trafficking, and terrorism. These discussions opened up space for a less overtly politicized debate of the role of human rights in foreign policy, and for some to argue that in the post cold war context, human rights concerns could play a more central role in policy. However, Latin America was no longer the focus of human rights debates, which prioritized the complex conflicts in Africa and the Balkans. As the 1990s progressed, the failure of the U.S. and Europe interventions, including in some cases the failure to intervene, prompted debates over the validity of the human rights framework (Cmiel 1999). Latin America, rarely in the U.S. news, was largely viewed as a continent that was on the path to successful transitions to democracy, and no longer in



need of major U.S. attention. Following the attacks of 9/11, the U.S. invasion of Iraq and public support for the Bush administration's use of the attacks to justify a complete withdrawal for support of human rights issues, greatly reduced the political terrain for human rights advocacy in the U.S. Rather than abide by previous efforts to restrain government abuses, the Bush administration sanctioned the use of torture and secret and indefinite detention. By the mid-decade, many activists prioritized action against the war in Iraq.

#### 4. U.S. Readings of the Colombian Conflict

The nature of the issues within Colombia also made generating significant activist constituencies difficult. Colombia was widely stereotyped within U.S. popular culture as an 'inherently violent' culture primarily centered on drug trafficking. Within the United States, drug war politics made critiquing counternarcotics policies extremely difficult. Numerous scholars have discussed the development of the bipartisan consensus view of drug policies as a so-called "third rail" issue within Washington, an issue that cannot be touched without being electrocuted. (Bertram et al. 1996; Boyum and Reuter 2005; Massing 1998). Being seen as tough on drugs is widely viewed as important in electoral politics, with support for zero tolerance politics (particularly those targeting people of color, women and the poor) having deep roots in American political culture (Monroe 2003). The growing number of federal and state agencies benefiting from drug war resources resulted in economic interests in promoting counternarcotics efforts. As one of the country's most important drug policy historians

observers in describing the evolution and escalation of the drug war in the late 1980s, "Thus drug policy, no longer tied primarily to concerns about heroin, ceased to be tied exclusively to drugs at all, having evolved into a reelection, crime-prevention, revenue-transferring, culture-war omnibus" (Courtwright 2001, 179). Congressman Jim McGovern (D-MA), one of Plan Colombia's most important critics, recalled in a 2008 interview the importance of drug war spending, particularly to the Republican leadership in Congress that supported the aid package. "[Speaker of the House Dennis] Hastert was a champion of the war on drugs, his attitude was 'give me what I want or you are going to face a 30 second campaign ad in your district saying that you are soft on drugs, that you don't want to stop drugs that are coming from Colombia into your district'."

The perceived differences between the nature of the internal conflicts within Colombia, El Salvador and Nicaragua also influenced the degree to which the issue resonated with American activists. In Nicaragua, the Sandinista government took power from a brutal dictator in a relatively short revolution, and began to institute social reforms that, while ultimately unsuccessful in fundamentally transforming the country's economy, inspired American supporters hoping to participate in revolutionary change. The U.S. government's blatant support for abusive forces attempting to overthrow the Nicaraguan government further galvanized even some of the revolutionary regime's critics to oppose U.S. policy. In El Salvador, the united guerrilla front FMLN maintained popular support throughout much of the country during the 1980s (Wood 2003), and was receptive to international pressure calling for respect for

human rights. Even groups that rejected the revolutionary violence of Salvadoran insurgent groups advocated a negotiated settlement to the conflict, believing that the leadership could be trusted as good faith negotiators. In the Colombian context, such views of insurgents have been impossible given the escalating brutality of the conflict, declining popular support for guerrilla groups, and widespread criminality within their ranks (including criminality developed as part of their military strategy, such as the FARC's use of profits from kidnapping and drug production to finance their military expansion in the 1990s). Colombian guerrillas have consistently rejected human rights standards and international humanitarian law, and have been largely unresponsive to international pressure. The FARC has held a number of Americans hostage over the years, including several who are presumed to have died in captivity and three who have remained in their power for more than eight years, and they killed three American indigenous rights activists in 1999.<sup>3</sup> There is little evidence, particularly following the collapse of the most recent peace talks with the FARC in February 2002, that there is much interest in negotiations on the part of the remaining leadership. Colombian paramilitary groups are also substantially different than the Central American death squads that operated during the 1980s. In both cases, human rights groups documented substantial ties with military forces; however, in Colombia, revenues from drug trafficking provided these forces a greater degree of autonomy and offensive military capabi-

lity. Human Rights Watch documented areas, for example, in which local paramilitary leaders paid military commanders rather than the reverse (Human Rights Watch 2000). Colombia's complicated political panorama made it more difficult to recruit American activists (who, like policymakers), often desire black and white scenarios with clear "good guys" and simplistic solutions.

### **5. Lack of connections between the U.S. and Colombia**

The United States has a long history of direct intervention in Central America; following the construction of the Panama Canal, relations with Colombia were more cordial and more distant. As one Congressional aid who closely follows Colombia observed, compared to Central America, "Colombia feels a lot more distant [than Central America], geographically and psychologically." Colombia was not felt through the presence of a large refugee population; nor do Americans have the range of ties to the country that they developed to Central America over the previous century. This lack of historic connection between the countries meant there were few established channels to serve as the foundation for activist connections.

The presence of millions of Central American refugees in the United States brought compelling stories of persecution by U.S.-funded military forces directly to American audiences, and galvanized the Sanctuary movement (García 2006). Refugees could travel relatively cheaply, arriving by land on well-traveled

3 The nationally known activist Ingrid Washinawatok, a member of the Menominee nation and co-chair of the Indigenous Women's Network; Hawaiian-Mohawk Lahe'ena'e Gay, a representative of the Pacific Cultural Conservancy International, and U'wa supporter Terence Freitas, an environmental activist. The three had traveled to Arauca in support of the U'Wa people's attempts to limit oil exploration in their territory. The three were kidnapped by the FARC and later killed.

immigration routes. Large refugee camps in Mexico and Honduras provided the opportunity for further direct engagement on a large scale. No such population arrived from Colombia. In part, this was the result of resources; there is no land route from Colombia to the United States because of the Darien Gap, the jungle separating Panama from Colombia is the only remaining break in the Pan American highway. Rather than gather in large refugee camps, most Colombians fleeing violence and instability left their homes as individual family units resettling informally in shanty towns within Colombia, creating one of the world's largest—but largely invisible—internally displaced population. Even in areas where the United Nations and others anticipated large refugee populations, like along the border with Ecuador, shelters stood empty, for a range of reasons including the strength of Colombia's economy compared to the neighbors, growing urbanizations and the long history of internal displacement in the face of political violence. (Increasing international awareness of the humanitarian crisis during the 1990s led to an increase of international organizations providing humanitarian assistance within the country.) The population of Colombians emigrating to other countries did increase (including Spain, Ecuador, and the U.S.), but they were largely educated middle class, often identified with the government and were not natural allies of U.S.-based activists protesting U.S. assistance to the Colombian military. Within the U.S., their primary political agenda was the provision of favorable immigration status, such as Temporary Protective Status, for Colombians.

There were also fewer connections between religious communities within the U.S. and Colombia, parti-

cularly within Catholic and mainline Protestant denominations that played a central role in the Central America solidarity movement. Catholic lay missionaries inspired by Liberation Theology with a long history of work in Central America constituted an extensive network of Americans with significant on the ground experience viewed as credible (non-radical, in many cases non political, and non biased) when they expressed dissent regarding official accounts of political violence in the region (Nepstad 2004). These religious activists served as the foundation for many solidarity networks (Smith 1996; also in Peru, Youngers 2003). Colombia did not have the extreme poverty that brought Liberation Theology-inspired religious workers to other parts of the Andes (such as Peru and Bolivia) and Central America, and featured a conservative Catholic hierarchy that was less receptive to the concerns of Liberation Theology. Unlike Central America Colombia was a net exporter of priests and religious workers, sending many to other parts of Latin America and Africa.

Other typical U.S.-Latin America connections were also not present in Colombia. As a relatively well developed middle income country, the nation was host to few humanitarian workers until the IDP crisis of the late 1990s. The Peace Corps program in Colombia lasted from 1961 to 1981, with a relatively large number of total volunteers compared to Central America (4,600) but without the annual flow of new volunteers returning to form a critical base of interest in the country. Colombia has historically maintained relatively few academic connections with U.S. universities, preferring to send students to Europe, particularly France and England. Within the U.S., there are relatively few Colombianistas, given the real

and perceived dangers of fieldwork and the general view that Colombia remains an exception to the academic models and theories of the region.

## 6. Activist Response

This is not to say that there has been no activist response to U.S. policy towards Colombia. In this section, I will outline efforts to organize activism in opposition to Plan Colombia, and highlight the achievements of the lobbying strategy adopted by the NGOs that focused on U.S. policy towards Colombia, in particular the conditions placed on U.S. assistance to Colombia, and the Leahy amendment. I will conclude with some of the critiques of this strategy, and some lessons for thinking about human rights activism in the 21<sup>st</sup> century.

It is important to locate these efforts within the larger context of the professionalization of human rights activism. Much of the recent research on human rights activism has stressed professionalization as a contested process (Tate 2007; Merry 2006; Goodale 2006; 2007). Some groups, typified by the approach of Human Rights Watch, have attempted to completely divorce their activism to promote human rights from social movements and so-called “politicized” human rights activism. “Human rights work cannot be confused with solidarity groups,” one former senior Human Rights Watch staff member told me. The organization devoted their substantial resources to publishing reports, promoting the use of international human rights legal standards, and elite lobbying targeting the media and policymakers. However, the majority of professional human rights activists attempted, to a greater or lesser degree, to foster grassroots interest and mobilization, generally employing the repertoire of

tactics described above. Amnesty International, founded in 1961, remained a membership organization who included grassroots mobilizing and letter-writing campaigns among their central strategies to promote human rights. On a much smaller scale, the Washington Office on Latin America, founded in 1974, was a critical link for grassroots groups within the U.S. and Latin America interested in influencing U.S. policy. All these organizations including Human Rights Watch used both volunteer and paid staff; regardless of their status, all that I interviewed referred to themselves as “activists.”

In U.S. policy debates, Colombia had long been considered a drug policy issue, not a human rights issue, and was a low priority for these institutions throughout the 1990s until Plan Colombia focus on military assistance made human rights a more salient issue. The major human rights groups (including Amnesty International, Human Rights Watch, and on a much smaller scale, WOLA) had conducted periodic research missions to Colombia, and published regular reports for more than a decade. Beginning in the late 1980s, two Colombian immigrants, both married to Americans and settled in the U.S., established human rights committees in Washington (the Colombia Human Rights Committee) and Madison, WI (the Colombia Support Network). These committees have been important outposts of U.S.-based activism on Colombia, serving as a base for speaking tours of Colombian activists throughout U.S. While membership in these committees has varied, in general they have maintained a small core of participants who are a mix of progressive Colombian immigrant and U.S.-born activists; they have also inspired activists to create associated small committees in other cities. They have also

partnered where possible with interested policymakers and analysts and academics. In one of the first major expressions of interest among NGOs that previously had not addressed Colombia, in January 1998 I helped organize a delegation to Colombia of NGO leaders from Washington. The group included the director of WOLA, a senior associate from the Center for International Policy, and the then Deputy Director of the Latin America Working Group as well as religious representatives from the United Church of Christ. All went on to make Colombia advocacy and activism a major focus. In their lobbying on Plan Colombia, concern about paramilitary abuses, their ongoing links with officials, and impunity for past abuses were the central concerns.

## **7. Limited Grassroots Mobilization**

All the members of the Colombia Steering Committee employed tactics learned from previous activism and other groups. Much of their work organized to target sympathetic members of Congress to lead opposition (almost all Democratic) to Colombian military assistance. One of their central allies was Congressman Jim McGovern (D-MA). As a Congressional aid, he had traveled to El Salvador in the 1980s to investigate impact of U.S. military aid there and worked on the Congressional commission investigating the murder of four Jesuit priests, their housekeeper and her daughter by an elite squad of U.S.-trained Salvadorian soldiers in 1989. His foreign policy aid, Cindy Buhl, had served as the director of Central America Working Group in the 1980s, and was also very active on the Colombia issue. McGovern sponsored a series of amendments to reduce military assistance to Colombia. According to one

activist working with an advocacy group, “the main goal of getting a better vote on the McGovern amendments, and making sure that the vote was seen as a message to the Colombian government, to the paramilitaries and to the military, to clean up their act.” Activists working within LAWG would identify swing voters and attempt to mobilize people in their district to lobby the member of Congress. They would then contact membership organizations (including religious groups, Amnesty International, labor unions, and other grassroots organizations). Efforts to educate constituents on Colombian issues including bring speakers to tour those districts and convening public meetings. In some cases, they attempted to reach out to particular constituencies with news of targeted Colombians from those groups, such as African Americans, women, unions, teachers, and religious people. Attempting to draw established activists into Colombia work had limitations, however. One activist concluded, “I don’t think we had a significant impact. ... In a lot of cases, with a lot of people, I think the people we would go to were the go-to activists on a lot of different issues, and Colombia never became their priority issue.”

There were a number of relatively large events organized to mobilize interest in Colombia between 2000 and 2003, many centered around college campuses and through existing activist networks. One AI activist recalled hundreds of people attending events organized on the west Coast and Midwest teach-ins. “You could tell there was growing grassroots interest because there were large crowds at these events. And because of the growing support for the McGovern amendments. There was that kind of thing going on all the time, until September 11.” Activists

agree that the 9/11 attacks, and particularly the 2003 invasion of Iraq, had a profound impact on efforts to generate grassroots interest in Colombia.

## 8. Elite Lobbying Strategies

Despite these setbacks, human rights activists continued their elite lobbying efforts, working with allies within the government and Congress. Throughout the 1990s, a growing bureaucratic infrastructure within the government developed to address human rights concerns.<sup>4</sup> Human rights policy tools developed by policymakers include private diplomatic discussions; public statements by government officials; documenting abuses in the annual State Department reports; reporting on specific human rights issues as required by legislation; prioritizing aid to reflect human rights goals; human rights training programs for military, police, government officials; sanctions; support for human rights cases moving through the legal system; participation in verification and promotion missions; support for human rights work at the Organization of American States

and the United Nations (although the U.S. is not a signatory to the majority of human rights treaties); and military intervention (such as the 1994 Operation Uphold Democracy in Haiti). Despite significant effort devoted to development of some policy tools, to date there is no consensus regarding the long-term impact of these policies or which are most effective (Mertus 2004; Sikkink 2004). For example, some officials argue that the most appropriate policy towards abusive government is engagement, including financial assistance which increases U.S. leverage, while others argue that cutting off assistance to governments involved in violating human rights avoids implicating the U.S. in abuses and demonstrates the importance of respect for human rights. It is important to note that unlike Western Europe and Canada, where governmental human rights agencies address domestic issues, U.S. governmental human rights efforts are considered foreign policy initiatives and devoted exclusively toward attempting to influence the behavior of other governments.<sup>5</sup>

4 The broader context for this is, of course, that U.S. policies have in many cases contributed to human rights abuses as the U.S. offered support, and in some cases, direct participation, in the overthrow of democratically elected governments (such as in Guatemala 1954 and Chile in 1973) as well as supporting abusive military forces throughout the continent. The military regimes that replaced them engaged in the most serious abuses of the past century, including the disappearance and murder of hundreds of thousands of Latin Americans. The military regimes that took power in Brazil (1964–1985), Uruguay (1973–1985), Chile (1973–1990), and Argentina (1976–1983) employed significant political violence against their real and perceived opponents, while enjoying U.S. support. U.S. policy also contributed to human rights abuses during the Central American civil wars of the 1980s, when the Reagan administration provided military assistance to abusive governments in El Salvador and Guatemala, and provided support for the Nicaraguan Contra forces.

5 The only U.S. state human rights agency is the State Department's Bureau of Democracy, Human Rights and Labor, the lead federal agency charged with implementing U.S. foreign policy and representing U.S. interests abroad. Originally called the Bureau of Human Rights and Humanitarian Affairs, the division was created in October 1977 by Congressional mandate and reflected Carter's emphasis on human rights. The office was staffed with career Foreign Service Officers, while the first leaders were political appointees who had been active in the civil rights movement. The agency faced numerous obstacles including considerable resistance from other bureaus within the State Department. With only 20 staff members in 1979, President Ronald Reagan weakened the bureau. President Bill Clinton changed the name to the Bureau of Democracy, Human Rights and Labor (DHL) and expanded the mandate in 1998. Each March, by Congressional mandate, the DRL must produce hundreds of pages addressing a growing range of human rights issues in almost every country in the world; the 2004 report was 5,000 pages long and covered 194 countries. Embassy human rights officers draft the reports, which then are revised by DHL staff in Washington. These reports were often accused of political bias, particularly during the Reagan administration; by the end of his term, U.S. based human rights groups the Lawyer's Committee for Human Rights was publishing critical evaluations and counter-reports. The office also provides assistance to human rights programs abroad through USAID funded programs (Denzer 2000).



U.S. government human rights policy was in part the result of dedicated officials, but would not have made the limited progress it did without considerable pressure from domestic advocacy groups promoting human rights in Latin America. International non-governmental organizations including the religious organizations, solidarity groups, and human rights groups provided training, support and public awareness for human rights groups throughout the continent. Following Congressional concern over the accuracy of information from the executive following the Vietnam War and the Watergate scandal, members of Congress began taking a more activist orientation towards foreign policy and international affairs. Congress included Section 502B in the 1974 Foreign Assistance Act, requiring that security assistance to governments which grossly violated human rights to be restricted; in 1976 a provision was added allowing the president to continue aid to abusive governments under "extraordinary circumstances." Section 116 of the 1976 Foreign Assistance Act required human rights conditions be considered in economic aid as well. However, these measures have never been applied. Country-specific conditions on human rights assistance were applied to numerous countries including Argentina, Chile, Uruguay and Colombia. The Congressional Human Rights Caucus was founded in 1983 to organize briefings and Congressional testimony on human rights issues. In 1996, the Leahy Amendment barred U.S. counternarcotics assistance units

credibly alleged to have participated in gross violations of human rights abuses; the amendment was subsequently amended to all foreign military assistance and made into permanent law. In part because of its more limited scope, this law has been more widely applied, and military units in Colombia, Bolivia and Mexico have been suspended from receiving U.S. assistance.

Professional advocates, most of them based in Washington, achieved some significant results through their elite lobbying strategy. In addition to documenting abuses, this work involved developing lobbying strategies, relationships with government allies, designing specific materials for use in Washington lobbying, and providing testimony and questions for members in hearings. Elite lobbying required detailed knowledge of policy processes, including the positions and motivations of distinct agencies and policymakers, as well as legislative and committee schedules and procedures. In some cases, activists were able to get their concerns written into the legislation, through conditions placed on assistance and the Leahy Law.

When Plan Colombia was passed by Congress in 2000, the legislation included human rights conditions focused mainly on severing the links between the security forces and paramilitary groups.<sup>6</sup> These measures required that the State Department certify that the president of Colombia has issued a directive that cases involving soldiers and officers be tried within the civilian court system, and the officers in ques-

6 An additional condition included in the legislation required the implementation of a strategy resulting in the total elimination of coca and opium by 2005.

tion suspended from duty, and that the security forces are fully cooperating with these measures and with investigations, and the development of Judge Advocate General Corps. Activists involved in creating the conditions had drawn on previous examples implemented in the cases assistance to Serbia and Peru. In the first year, the Clinton administration waived the conditions on the national security grounds; subsequently the Bush administration simply certified over the objections of human rights groups. Despite the failure of the conditions to impact aid delivery, activists argued that the conditions served several important functions. First and foremost, the conditions kept human rights issues in the debate, and forced a yearly discussion of the human rights situation in Colombia. The certification process also provided an important incentive for Colombian government action on specific cases in order to provide justification for the annual certification. Unlike general human rights legislation, the conditions were written specifically in response to the situation in Colombia, and were modified as the legislation went through the yearly appropriation process. NGO activists complained, however, that the Colombian government would present statistics claiming to represent progress in terms of human rights but without the real substantive changes in policy. But in the words of one activist, "until September 10, we had something going. We were players, the human rights community was in the game, we mattered. We didn't get everything we wanted, we didn't even get half of what we wanted, but we were relevant in a way that we hadn't been seven or ten years before."

What became the Leahy Law began as the Leahy Amendment, first passed in 1996. The genesis of the bill was activist concern over military assistance to abusive units in Colombia. A 1994 Amnesty International report included cases of human rights abuses in Colombia involving 13 specific military units. AI staff sent copies of the report and a letter requesting information about the assistance and U.S. monitoring efforts to U.S. government officials but received no reply. However, the U.S. embassy did prepare a analysis revealing that 12 of the 13 units mentioned in the report had received U.S. assistance; a sympathetic official leaked the list to an investigative journalist, who then passed it to AI staff in Washington. Meanwhile, a Senate staffer concerned about the issue began an email exchange with the AI Washington director, who modified her proposal and sent them to Tim Reiser, Senator Patrick Leahy (D-VT) staff on the foreign relations committee with a profound commitment to human rights issues.

The Leahy Law began as requiring the U.S. to suspend counternarcotics assistance to units credibly alleged to have participated in abuses where the government is not taking corrective measures. The law was designed to be narrower than Section 502B in that aid was only suspended to particular units rather than cut off to an entire country, and although it did not include a waiver option the aid could be continued if the recipient government demonstrated that they were engaged in corrective measures (such as investigations of the allegations). The measure was expanded to cover the entire foreign appropriations bill and eventually the Defense



Department; the amendment was also made into permanent law. The major debates over implementation have focused on the interpretation of specific wording, most importantly what constitutes a “unit.” If an entire division, battalion, or company of military personnel were to be trained, clearly that would constitute a unit and the entire group would have to be vetted. For individuals attending training, the debate was over whether or not his group had to be vetted. Eventually, the interpretation was ruled to be that the “unit to be trained is the unit to be vetted;” thus even individual soldiers from abusive units may participate in training unless abuse can be traced to their name. Both AI staff and the Congressional aids that worked on the legislation feel this interpretation violates the intention of the bill.

The law was extremely controversial within the Colombian military establishment; General Bonnett, then head of the armed forces, refused to sign the required memorandum of agreement with the U.S. State Department stating that he would comply with the conditions for almost a year. Some U.S. officials also objected to the law. In one of the most notorious examples, declassified embassy cables revealed that Speaker of the House Dennis Hastert told Colombian military officials, saying he would work to “remove conditions on assistance” and complained about the previous years of “leftist” influence in the U.S. Congress that “used human rights as an excuse to aid the left in other countries.” Hastert promised to promote counternarcotics assistance and recommended that Colombian officials should “bypass the U.S. executive branch and communicate directly with Congress” (Evans 2002).

The Leahy Law has had a substantial impact on U.S. policy in Colombia, although not always in the ways in which the original authors of the bill may have wanted. Senior State Department and Defense Department officials who participated in the design and implementation of the first years of Plan Colombia agreed that the military strategy promoted by the United States was determined in part by the Leahy amendment requirements. Throughout the 1990s, the majority of U.S. assistance was provided to the Colombian National Police. In 1998, the U.S. signed a new inter-military cooperation agreement, and began training and funding the first counternarcotics battalion of the Colombian army. With Plan Colombia, the development of counternarcotics battalions became the centerpiece of the “Push into Southern Colombia”, with military assistance making up approximately 80% of the package. As one senior policymaker told me, “They made the decision that no unit that existed could meet the standard, so they started from scratch. There were three new units created, and then they watched them like hawks.” Leahy requirements meant aid intended for some existing battalions, including the 17<sup>th</sup> brigade and the 24<sup>th</sup> brigade, were suspended.

According to Leahy supporters, the provision sent a very important message that human rights issues are important to the U.S. Congress. The law encouraged conscientious officials, along with investigative journalists and activists, to pursue cases; it also required tracking military assistance and vetting its recipients. Activists and Congressional staff concerned about Leahy implementation used the Senate confirmation

of ambassadors and public hearings to ensure compliance, as well as to emphasize the importance of the human rights message. According to one former Congressional aid, “my experience was that with career ambassadors before the Senate, [if] you make any fuss or hint that their confirmation could be in jeopardy[,] you can get them to really pay attention. Working on the senate foreign relations committee, the committee had an unbelievable leverage point.” All embassies were required to comply with the measure; some of the other well publicized cases in which compliance with the Leahy Law led to the suspension of aid include Mexico, Turkey and Sri Lanka.

However, even Leahy supporters acknowledge that the measure has severe limitations. First, it places the burden on the victims of human rights violations to identify their attackers, arguably creating an incentive for the establishment of irregular forces, disguising the identity of military forces during operations and the formation of paramilitary groups. Second, there is a clear loophole, employed by the U.S. in the case of Colombia: creating new units to bypass the vetting requirements. Rather than restricting aid until the entire military force was sufficiently reformed to pass Leahy requirements, the U.S. opted to create new military units geographically isolated from the rest of the force. It’s also important to note that the Leahy Law requires not a complete end to abuses, but the absence of allegations or the lack of corrective measures including investigations. Assessing the role of Leahy in encouraging the investigation, prosecution and incarceration for those responsible is also extremely difficult;

given current figures provided by human rights activists and journalists in Colombia, it is difficult to see progress on this front. According to one of the law’s first promoters, “I am not aware of any place where the Leahy Amendment ended up being an anti-impunity law.” However, Leahy supporters insist that the measure has been a useful tool to continue to bring human rights pressure on the U.S. government and their military allies.

Activists within the United States remain divided over the appropriate strategies to best promote social change and human rights in the U.S. and in Colombia. Activists within grassroots organizations critique elite advocacy requiring compromises and ‘insider’ strategies employed by NGOs in Washington, believing their mandates to be more confrontational and protest oriented, with little interest in negotiating their demands for dramatic changes in U.S. policy. Others take issue with the high turn over and relatively short institutional memories of NGOs, characterized by low pay and long work hours, with many activists focused on political analysis rather than direct grassroots organizing. Such divisions have long been common within activist coalitions, as scholars of social movements have observed in other cases.

## Conclusions

Academics and practitioners seeking to understand the possibilities and limitations of human rights activism need to look beyond the “mobilization of shame” to the study of social movements in order to better understand why some human rights crises generate grassroots responses abroad and others do not. As I have presented here, the

political context for such movements play a significant role in the international response, above and beyond the seriousness of the political violence in question. Thus, I argue that international human rights activism must be understood as the product of local political cultures, along with the cultural and material resources available to producing such activism. Despite these limitations, and the criticisms offered by both activists and scholars, the increasing professionalization of human rights activism has generated some significant policy responses, even in cases of limited grassroots mobilization. Professional human rights defenders, working with allies within the U.S. Congress, made the Leahy Amendment prohibiting assistance to abusive military units into permanent law. They also incorporated human rights conditions into legislation. However, assessing the impact of such efforts is difficult. The State Department first waived, and then certified their adherence to, the human rights requirements in the legislation despite the objections of human rights researchers. The Leahy law changed U.S. military strategy, leading to the creation of new military units. Activists argue that such measures keep human rights concerns in the policy debates, and create mechanisms for pressure on the Colombian government for investigations on specific cases. There still is a significant debate within the human rights community, however, over how to best promote human rights and governmental policy reforms. A more complete understanding of the longer term impact of such measures will require time, while observers measure the governmental human rights responses over the coming decades.

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