

The Agony of Álvaro Uribe

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U.S. policy toward Colombia has reached a turning point. Not since the advent of Plan Colombia in 2000, a multi-faceted program to strengthen security and governance in Latin America's third most populous country, has there been as much uncertainty over the nature or future of U.S. engagement. President Álvaro Uribe, reelected in a landslide last year, maintains overall domestic approval ratings of 66 percent, making him one of the most popular presidents in all of Latin America. He has reacted with alarm and indignation over the questioning in Washington of the conduct of his administration and the nature of Colombian politics. A parade of the country's most senior officials—the defense minister, attorney general, vice-president, and Uribe himself—have visited the U.S. capital in rapid-fire succession in recent months, making Colombia's case for an extension of Plan Colombia through 2012 and, even more important, congressional approval of a free trade agreement between Colombia and the United States. Both initiatives, but especially the free trade agreement, have become mired in controversy, victim of costly political mistakes in both Washington and Bogotá as well as of broader trends in the United States that have little or nothing at all to do with Colombia.

Some elements of Colombia's predicament are easy enough to identify. The Uribe administration confronts on Capitol Hill what one Republican Senate aide referred to as a "perfect storm": the seemingly impenetrable Republican majority was swept aside last November when Democrats regained control of both houses of Congress, and President George W. Bush, with whom Uribe has been closely and enthusiastically aligned, is more unpopular than ever, principally due to the war in Iraq. Moreover, the results of the drug war, a key reason for which the United States has provided more than \$5.6 billion in mostly anti-narcotics and military aid to Colombia over the last seven years, are less than stellar: seven years of assistance and have vastly improved security throughout Colombia but the purity of cocaine on U.S. streets has increased while prices have dropped. According to figures released in June by the U.S. Office of National Drug Control Policy, the amount of coca grown in Colombia in 2006 increased for the second year in a row, despite record amounts of crop fumigation that have increased tensions with Colombia's neighbors, especially Ecuador. And throughout the Andean region, the overall acreage devoted to coca cultivation has not decreased since President Bill Clinton launched this latest phase of the drug war in 2000. On the human rights front, almost all indicators of violence—kidnappings, murders, massacres—are down substantially. But Colombia continues to lead the

world in the number of trade unionists killed every year, a statistic that is troubling enough but has taken on enormous significance in light of the debate over free trade.

Uribe's own domestic woes add to the complicated scenario in Washington. Beginning in late 2006, dozens of lawmakers, governors, and local politicians, the vast majority from parties that support Uribe, have been accused by Colombia's Supreme Court and the Attorney General's office of collaborating with the country's paramilitary groups. The accusations range from the financing and equipping of such groups to the leaking the names of individuals to be targeted for assassination. Uribe's cousin, a senator, has been swept up in the scandal, as have the head of the army and the former chief of domestic intelligence, a close political ally of the president. A local Gallup poll conducted in July shows that Uribe's approval ratings, while still high, have fallen about ten percentage points in recent months. The president is still given high marks in Colombia and abroad for improving security in the country and presiding over increased levels of economic growth. But below the surface, cracks appear. The same Gallup poll reveals that seventy-two percent of the public support peace talks with paramilitary groups that have resulted in the demobilization of some 31,000 fighters since 2003. But only 48 percent approve of the way Uribe is handling the process. Similarly, Uribe's overall management of the economy enjoys firm majority support, but the ratings for how he has dealt with such bread-and-butter issues as unemployment and the cost of living are solidly negative.

Uribe administration officials express impatience and even a sense of betrayal over the criticism to which the country has been subjected. They and others maintain that the paramilitary political scandal (the *escándolo para-política*) would not have emerged but for Uribe's bold decision to engage in a peace process with the largest paramilitary group, the *Autodefensas Unidas de Colombia* (AUC), whose leaders have offered lengthy confessions of their crimes under a Justice and Peace Law governing their demobilization. While this is only partly true--some of the most damaging revelations have come from the recovered laptop computer of a senior paramilitary commander, as well as from the testimonies of former government officials-turned-informants—it is certainly the case that many fewer people are dying in Colombia as a result of the paramilitary demobilization. The spectacle of AUC commanders behind bars, offering details that have allowed Colombian investigators to identify hundreds of mass graves containing the remains of as-yet innumerable victims, would have been inconceivable when the AUC process began three years ago. Moreover, the thinking goes, the U.S. Congress's focus on the rights of Colombian trade unionists ignores the far more serious and pervasive violations by guerrillas of the FARC, who just last June, during a botched military operation, murdered eleven departmental lawmakers held hostage along with thousands of other kidnapping victims, including a former presidential candidate.

Understanding why this narrative has failed to take hold requires uncovering not only the counter-narrative, but also the recent history of congressional involvement in Colombia policy. Human rights issues—including the years of collusion between Colombia’s murderous paramilitary groups and the armed forces, the humanitarian crisis of the internally displaced, the appalling statistics of trade unionists and social activists murdered each year, and the chronic impunity that have surrounded such crimes—constitute core concerns of liberal and moderate Democrats as well as Republicans. For Uribe’s critics, the sanctions contained in the Justice and Peace Law—a maximum of eight years in jail for those who are alleged to have committed crimes against humanity—are far too lenient, and the *para-política* scandal reveals just how deeply Colombian political institutions have been penetrated by the criminal networks represented by the AUC. Uribe’s sympathies with the paramilitaries are considered suspect, all the more so given the expansion of paramilitary-like structures known as *Convivirs* during the time that Uribe was governor of Antioquia province. Worse still, the man Uribe hand-picked to head Colombia’s internal security agency, the *Departamento Administrativo de Seguridad* (DAS), was Jorge Noguera, who had worked as Uribe’s campaign manager on the Atlantic Coast. According to a jailed former associate, Noguera allegedly used his position at the DAS to leak to paramilitary groups the names of trade unionists and others to be assassinated.

Even Republican staff members in the Congress now concede that human rights concerns—to the extent that they involved perpetrators other than the FARC guerrillas--were largely ignored for six years by the Republican leadership in Congress as well as by Bush administration officials responsible for negotiating the free trade agreement. Rather, the focus was on supporting Uribe’s security and anti-narcotics programs, both of them centered on combating Colombia’s guerrillas, especially the FARC, who are deeply involved in the drug trade. Labor rights, according to Democratic staff members who have long worked on Colombia, have been an important human rights concern all along, and they take offense at the notion that the current focus on the rights of trade unionists stems from a desire to promote the protectionist agenda of the party’s labor union base. “When year after year, you are the #1 most dangerous place in the world to be a trade unionist,” said one House Democratic staffer, “it gets noticed.” Central to any trade agreement, said another staff member for a senator who supports free trade, “should be the ability of workers to organize and not get killed.”

The depth of the current polarization on Capitol Hill suggests that what has often been described as a ‘bipartisan consensus’ over U.S. policy in Colombia was less a consensus than a patchwork quilt held together by tenuous threads. President Bill Clinton was able to assemble a coalition of support at the beginning of Plan Colombia in 2000 because multiple interests and objectives—counter-narcotics, alternative development, the peace process, human rights, and democratic consolidation—found a home within the ‘big tent’ approach for which Clinton was

so famous. Over time, however—years that saw the collapse of peace negotiations with the FARC, the rise of Álvaro Uribe on a law-and-order platform, and the post-9/11 restructuring of U.S. foreign policy around the war on terrorism —Plan Colombia became principally identified with its counter-guerrilla and counter-narcotics aspects. This approach satisfied some in the bipartisan coalition in Congress—those whose concerns lay principally with stanching the flow of Colombian cocaine to the United States. But others were alienated, especially those for whom human rights concerns have long served as a cornerstone of the U.S. debate over Colombia.

Historically, congressional attention to the human rights issue is rooted in a liberal-driven post-Vietnam critique of U.S. foreign policy, which questioned the pre-eminence of national security concerns over a government's conduct toward its own citizens. Colombia's long tradition of civilian democratic rule spared it the attention directed at the military dictatorships of Latin America's Southern Cone in the 1970s or Central American regimes in the 1980s. But shortly after the administration of President George Bush Sr. launched the War on Drugs in 1989, the administration redirected counter-narcotics aid to the Colombian police rather than the military because of evidence of the army's abusive conduct and corruption. At that point in the early 1990s, and for almost a decade more, U.S. military assistance was limited to counter-drug, not counter-insurgent operations. This distinction—a false one, some claimed, given guerrilla involvement in protecting coca crops and processing labs—nonetheless held as few U.S. officials believed the Congress or public would support deeper involvement in Colombia's increasingly brutal counterinsurgency war.

Attention to human rights violations committed in the course of the internal armed conflict arose shortly after President Bill Clinton took office. In 1993, a Senate subcommittee took note of “continuing human rights abuses on a large scale,” many of which were committed by the Colombian army as it used ostensibly anti-narcotics aid for counterinsurgency purposes. Armed with a report by the General Accounting Office showing that neither the Colombian nor U.S. governments had adequate “end-use monitoring” mechanisms in place to prevent the diversion of U.S. equipment, and without touching a penny of aid, the Congress required the administration to inform four congressional committees before providing economic or military assistance and gave the committees informal authority to block the aid. The author of that provision—Senator Patrick Leahy (D-Vermont)—has over the years remained a key congressional player on Colombia, tying U.S. military training to the human rights conduct of Colombian officers, and requiring the severing of ties between paramilitary commanders and members of the armed forces. With the Democratic takeover of the Senate in 2006, Leahy now chairs the subcommittee that oversees foreign aid as well as the Senate Judiciary Committee. Along with Rep. Nita Lowey (D-New York), who chairs the corresponding subcommittee in the House, he has led the effort this year to alter the priorities reflected in the U.S. aid package.

Ultimately, this year's aid appropriation for Colombia—some half a billion dollars in new money—is likely to survive, but the balance between security and development objectives will shift. In June, the House of Representatives voted to transfer the bulk of resources within Plan Colombia to rural development and social, humanitarian, judicial and other reform programs, not the military and counter-drug purposes around which previous aid packages were constructed. The Senate Appropriations Committee has followed suit, although it is unclear when, or whether, the full Senate might act. Regardless of the complicated timing of spending bills after Congress returns from its August recess, it is certain that the final package will reflect the Democratic Congress's changed priorities. Colombia "is a vital partner and ally of the United States," said a House Appropriations Committee report accompanying this year's legislation. But the time has come to redistribute assistance "to help the Colombian government focus on justice and rule of law as well as address the underlying and pervasive poverty that is the root of many of the problems in Colombia as well as the region."

If this year's funding is likely to survive, the fate of the free trade agreement is far less certain. On the surface, there is little in the contours of the trade relationship between the United States and Colombia that is controversial. What stands out, however, is the relatively greater importance of the U.S. market to Colombian exporters as well as the asymmetries between the economies of the two countries. Colombia's GDP in 2006 (\$132 billion) was about one percent of that of the United States. Overall, Colombia accounts for less than one percent of total U.S. trade, and stands 29th among U.S. export markets. By contrast, in 2006 Colombia sent 40 percent of its exports to the United States, which in turn supplied 26 percent of Colombia's imports.

Colombian exports to the United States--led by crude oil, coal, and coffee--have rapidly expanded in the last decade, growing by 116 percent between 1996 and 2006. U.S. exports to Colombia—led by corn, machinery parts, and data processing machines--have also grown, albeit at more modest levels, resulting in a U.S. trade deficit with Colombia of just over \$2.5 billion. Proponents of the free trade agreement point out that under provisions of the current Andean Trade Preferences and Drug Eradication Act (ATPDEA), over half of Colombian exports to the United States enter the United States duty-free, whereas Colombia maintains tariffs on a wide range of U.S. products, including capital and manufactured goods and many consumer products. Hence, a free trade agreement would, over time, do away with the competitive disadvantages faced by U.S. investors. Analysts at the U.S. Agency for International Development (USAID) further note that such things as expanded U.S. technology transfers in key Colombian service sectors would have feedback effects on Colombian productivity overall, contributing to what one AID official referred to as the free trade agreement's "tangible value in promoting economic

productivity and poverty reduction.” Colombian officials and Uribe himself are working feverishly in what they see as a short time frame—the remaining three years of his administration—to consolidate security gains with an economic alliance with the United States that would set the country on the path to long-term prosperity.

Objective arguments aside, the difficulty is that the free trade agreement has become a proxy for other issues as well as powerful emotions. On the one hand, the agreement is caught in what one State Department official referred to as a “miasma of hurt feelings and newly flexing muscles” among congressional Democrats. On the other, it is trapped in a resurgence of economic populism in the United States, an issue that reverberated through the November 2006 elections, produced significant Democratic gains on Capitol Hill, and resonates as part of a broader national debate over the perceived winners and losers in the process of globalization. In some ways, the symbolic importance of the trade agreement exceeds its economic benefits, and therein lies a good part of the difficulty for both supporters and opponents alike.

For the Uribe administration as well as his backers in Colombia and the United States, the issue is how the United States treats its staunchest allies: whether or not years of hard work, intense sacrifice, and commitment to mutual goals such as eradicating coca, curbing violence, and pushing back the guerrillas will be rewarded with the strategic alliance symbolized the free trade agreement. “What the Democrats are saying,” said Rep. Jerry Weller, a Republican who sits on the House trade subcommittee, “is that Colombia is not ready for an agreement and we’ll tell them when they are.” He added, “Uribe is our best friend, our strongest ally, and our most reliable partner in all of Latin America...If you partner with the United States, you will be shown respect. That is why ratification [of the free trade agreement] is so important.”

For congressional Democrats, however, the lack of bipartisanship over trade matters during the six years in which they were in the minority has poisoned the climate in which the free trade debate unfolds. “For six years,” said a prominent House staffer, “we tried to engage on these issues, and the administration wouldn’t work with us.” According to Republican as well as Democratic staff members, the White House and House Republican leadership time and time again froze Democratic leaders out of the discussion over key trade matters, apparently preferring to blame them for the failure of trade initiatives and thereby portray the Democratic Party as hostile to the private sector.

Human interactions have also played a complicating role. Uribe is widely admired as a committed and austere public servant, but he has made small but costly mistakes vis-à-vis the Congress. During a visit to Washington in the spring of 2007, the Colombian president warmly and emotively greeted Republican members of the House Foreign Affairs Committee that have

counted as his firmest supporters, but was cool, if not diffident, toward the Democratic members present, including the committee's new chairman. On another occasion last May, he erupted in anger during a private dinner with members of Congress and their staff, accusing the director of a prominent U.S. human rights NGO of being a liar and guerrilla sympathizer for raising questions about his administration's ties to paramilitarism. As news of the outburst made the rounds on Capitol Hill, it leant credibility to those who have expressed alarm over Uribe's penchant for attacking his domestic critics as guerrilla 'fellow travelers,' a charge in Colombia with dangerous consequences.

Perceptions and hurt feelings aside, the administration's failure initially to include strong labor and environmental protections in the Colombian free trade agreement—as well as those concluded with Peru and Panama—has proven extremely, and perhaps irretrievably, costly. Since President Bush took office in 2001, trade has enjoyed ever-shrinking margins of support in the U.S. Congress. Even when Republicans controlled the White House and the House and Senate, a renewal of presidential authority to negotiate trade agreements squeaked by only one vote. The Central American Free Trade Agreement (CAFTA), which included purposefully-crafted labor and environmental provisions, passed the House in 2006 by a mere two votes, and only then because House leaders held the vote open for close to an hour in order to round up the necessary votes for passage. (It is worth noting that in the Senate, both of the Democratic front-runners for the 2008 presidential nomination, Hillary Clinton and Barack Obama, voted against CAFTA.) How, in this environment, the White House managed to negotiate additional free trade agreements with Colombia, Peru, and Panama absent strong labor and environmental protections can only be described as profoundly inept or astonishingly arrogant.

The decline in political support for trade runs parallel to the rise in economic populism among U.S. politicians, particularly Democrats. Sandra Polaski, former State Department Special Representative for International Labor Affairs and now a trade specialist at the Carnegie Endowment for International Peace in Washington, has attempted to explain broader trends in the U.S. economy that lie behind the rising opposition to trade. "The concentration of wealth at the top of U.S. society has skyrocketed, to levels unseen since the 1920s," she wrote. At the same time, median and average wages for U.S. workers have stagnated or fallen. Health and pension benefits have also declined, victim of a "gradual collapse of the domestic U.S. political consensus in favor of inclusive growth." By most accounts, the economic insecurity felt by Americans was a major factor in Democratic congressional gains in the November 2006 elections, with the vast majority of freshman Democrats attributing their victories to having taken a "vocal stand against the administration's misguided trade agenda." In a January 2007 letter to House Ways and Means Committee Chairman Charles Rangel, 39 out of 42 new House

Democrats claimed to have offered their voters “real, meaningful alternatives” to the “job-killing agreements” such as CAFTA.

Newly-elected Democrats are not alone in voicing concerns about rising inequality in the United States and its impact on perceptions of the benefits of globalization. Last February, the new chairman of the U.S. Federal Reserve Board, Ben S. Bernanke, gave a major speech in which he noted that “rising inequality is not a recent development but has been evident for at least three decades, if not longer.” Moreover, “the long-term trend toward greater inequality seen in real wages is also evident in broader measures of financial well-being, such as real household income.” In July, House Speaker Nancy Pelosi and other leading Democrats convened a forum on “Globalization, Outsourcing and the American Worker,” featuring research demonstrating that the aggregate gains of globalization have been substantial in the United States, but that the uneven sharing of benefits was adding to the political pressure behind protectionism. Education and Labor Committee Chairman George Miller was quoted in the press as observing that “trade may not be the reason, or the number one reason” for job loss in the United States, but the American people “think it is.”

Last spring, it fell to the new U.S. Trade Representative Susan Schwab to make peace with the Congress. She and a bipartisan group of House members who oversee trade matters unveiled a “New Trade Policy for America” in May, which contained new labor and environmental standards and called for more effective U.S. programs to assist workers in industries adversely affected by trade. The provisions apply to the free trade agreements with Peru and Panama, which are likely to move forward when Congress reconvenes following its August recess. Colombia has been held back, however, pending “concrete evidence of sustained results on the ground.” According to a joint statement in June by House Speaker Nancy Pelosi, Majority Leader Steny Hoyer, Ways and Means Committee Chairman Charles Rangel, and Trade Subcommittee Chairman Sander Levin, “all of us regard Colombia as a crucial ally in a region that deserves our active engagement.” But “there is widespread concern in Congress about the level of violence in Colombia, the impunity, the lack of investigations and prosecutions, and the role of the paramilitary. Issues of this nature cannot solely be resolved through language in a trade agreement...Consequently, we cannot support the Colombia FTA at this time.”

Ultimately, passage of the Colombian free trade agreement will depend on untangling the complicated mix of objective and subjective issues with which it has become burdened. The Bush administration has thus far failed to articulate a strategic vision for why the accord is in U.S. as well as Colombian interests. [As of this writing in late July 2007] No official at the Cabinet level or above has made the agreement a priority, and President Bush’s low levels of popularity suggest that his personal involvement is a liability beyond the confines of the

Republican Party (a core of which consistently votes against free trade). Arguing, as Undersecretary of State Nicholas Burns has done, that the United States must “meet [its] commitment to the Colombian people” no doubt resonates with Colombians wounded and offended by the harsh criticisms leveled in Washington. But the argument substitutes an emotional appeal for a substantive one. While U.S. foreign policy is often sold to the public on the basis of values or moral obligation, still unclear to Democrats who wish to help, not hurt, Colombia, is why this free trade agreement is in the interests of the U.S. and Colombian economies, their private sectors as well as their workers.

Just as it is wrong for Democratic opponents of the agreement to punish Colombia for the partisan arrogance and slights suffered during six years of Republican lock-down of the White House and Congress, it is wrong for Colombians to interpret congressional action on the free trade agreement solely as a referendum on their country. Concerns for the murder of Colombian trade unionists and the impunity which surrounds these crimes are real and important enough. But so is the profound questioning throughout the United States of the distributional benefits of foreign trade, a wider debate in which Colombia is only a bit player. The November 2006 U.S. congressional elections should serve--beyond Iraq’s imposing shadow--as a wake-up call to leaders of both political parties that the American public is deeply skeptical of the balance between winners and losers in the process of globalization. If in the past the common wisdom held that “a rising tide lifts all boats,” it is no longer tolerable that some pull away in yachts and others in rubber dinghys.

For the free trade agreement to survive, President Álvaro Uribe and his administration need to demonstrate a greater willingness to implement concrete reforms that show results. Not all congressional criticism, itself the product of open and plural debate, is an affront to pride or sovereignty; and the steady stream of high-level visits to Washington creates the impression that Uribe and his inner circle believe more in the need for a better sales job than in concrete improvements to cement his legacy. What is needed, in short, is a credible effort to address legitimate concerns—labor rights and impunity among them—that, if successful, would contribute to making Colombia a better place for all of its citizens.

The tasks in Washington are no less critical or urgent. The Bush administration’s failure until very recently to engage Latin America on issues of regional concern has eroded its political capital in the hemisphere and thus, a good part of its credibility on Latin American issues at home. Foreign policy professionals with a long-term stake in constructive U.S.-Latin American engagement need to find common ground with congressional Democrats, to make the case that the free trade agreement makes sense for the United States as well as Colombia. Scare tactics—equating a loss for Uribe with a gain for Venezuelan President Hugo Chávez—will

likely be counter-productive in the already polarized climate surrounding Bush administration foreign policy. The longer-term goals are more complicated: if free trade agreements are to weather not one, but the many “perfect storms” of Washington politics, politicians of all stripes must devise more credible and equitable answers to the question, “who benefits?”

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