

**Congress of the United States**  
**Washington, DC 20515**

December 23, 2022

The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
Washington, DC 20420

Dear Secretary Blinken,

We write to commend the Biden Administration’s rapid tempo of engagement with the new government of President Gustavo Petro and Vice President Francia Márquez in Colombia and to highlight areas of U.S. engagement in matters that mutually benefit the Colombian and American people. We appreciate the actions taken during your October visit to Colombia and the many meetings and discussions, public and private, you and your delegation participated in during that time. We anticipate seeing these commitments reflected in increased resources and concrete proposals in the President’s Fiscal Year 2024 Budget Proposal.

The U.S. government should take advantage of the historic opportunity to advance steps to consolidate peace and move towards a democracy that delivers results for broader and more diverse sectors of the Colombian people. The United States should find ways to support the new government’s stated goals to address climate change, combat corruption, advance racial and social inclusion, and promote human rights, all of which are central elements of President Biden’s foreign policy, and which you also emphasized in October.

We urge you to consider the following areas as priorities for U.S. policy attention and resources:

**Implementation of the 2016 Peace Accord**

We applaud the Biden Administration’s support for the historic 2016 Peace Accord, and we encourage the State Department and USAID to use the new government’s commitment to fully implement the accord as an opportunity to increase investment and reenergize areas of weak implementation.

**Rural reform.** The U.S. should increase its support for the peace accord’s “comprehensive rural reform,” an ambitious and essential effort to build the presence of a functioning state, governing historically abandoned territories. Lack of state presence and rule of law underlie the persistence of armed groups, illicit crops, and other illegal activity in Colombia. Solutions are found in the 2016 peace accord’s first chapter, which commits the Colombian government to involve and provide benefits for historically excluded groups, including Afro-descendants, Indigenous communities, poor farmers, women, and LGBTQ+ persons. Over a 15-year period, Colombia

should be spending the equivalent of roughly 1 percent of its GDP on a phased consultative effort to bring the presence of the entire state into 170 historically abandoned municipalities. We encourage the State Department and USAID to continue engaging on these initiatives with the new government and to provide increased resources from the United States.

**Ethnic Chapter.** Many of us have been especially strong supporters of the Ethnic Chapter of the peace accord. We found particularly meaningful your standing with Vice President Márquez, Colombia's first Afro-Colombian Vice President, at the Fragmentos Museum to jointly sign an agreement for the United States to be the first international accompanier to the Ethnic Chapter of the Peace Accord. We strongly support such high-level engagement and commitment on the protection of individual and collective land rights of Afro-Colombian, Palenquero, Raizal, and Indigenous peoples and we look forward to seeing how this agreement translates into increased U.S. resources and concrete programs on-the-ground in the coming months. Areas of U.S.-Colombian collaboration that can be strengthened include advancing law 70 of 1993 of the Black communities, the prior consultation process, fortifying ethnic communities' efforts to protect the environment, and addressing negative impacts from climate change. The U.S.-Colombia Racial Action Plan (CAPREE) should be reinvigorated and complement U.S. policies and programs designated for ethnic communities.

**Transitional justice.** The arrival of a government more supportive of the peace accord's transitional justice system offers the Biden Administration an important opportunity, through strengthened funding and diplomatic support, to help Colombia achieve accountability for crimes that all sides committed during nearly 50 years of conflict. The Special Jurisdiction for Peace (JEP) is at a key moment, taking on ambitious new "macro-cases" as it prepares to hand down its first sentences. The Unit to Search for the Disappeared, though lacking resources, has been helping thousands of families of conflict victims to achieve closure and merits greater support from the United States. The Truth Commission, having released thousands of pages of shocking findings, is now completing its work to communicate those findings and recommend measures to guarantee the conflict's non-repetition. The U.S. government should increase resources for the work of the JEP and the Unit to Search for the Disappeared. It should support the Truth Commission's recommendations and efforts to disseminate its findings. Further, the Biden administration should give a swift and positive response to the Truth Commission's outstanding requests for declassification of U.S. documents related to human rights abuses and the U.S. role in the conflict, including documents from U.S. intelligence agencies.

**Drug policy.** Congress is united in wanting to end drug trafficking in Colombia. We recognize that the Biden Administration has begun cautiously moving in the direction of developing a more holistic global counter-drug strategy. A new government in Bogotá offers an ideal moment to accelerate this shift and make counternarcotics policy more effective. This might begin with stopping measuring success according to the previous year's "hectares" and, in the context of rural reform and state presence, moving toward a permanent solution to Colombia's nearly fifty years of illicit drug production. It also includes working more intensively and cooperatively with Colombia's small farmers to replace coca crops with sustainable livelihoods, as outlined in the peace accord and far more tightly linked to the accord's comprehensive rural reform plans.

**Social leaders.** The peace accord's second chapter calls for new protections for political participation. Yet killings of social leaders soared following the signing of the 2016 accords. Colombia remains one of the most dangerous countries in the world in which to be a human rights defender or local civil society leader. In 2021 the UN High Commissioner for Human Rights received an alarming 202 allegations of murdered human rights defenders, of which it was able to verify 100. Colombia's Human Rights Ombudsman (*Defensoría*) counted another 136 such murders during the first 8 months of 2022.

We urge the State Department and USAID, which have made crucial investments in efforts to protect social leaders, to work with the new government to explore new and renewed protection efforts. This should start with offering strategic support to the human rights community's Emergency Plan to Protect Social Leaders, Human Rights Defenders, and Signers of the Peace Accord, which the Colombian government has begun to adopt.

Colombia's innovative civil society has promoted numerous unique protection and self-protection mechanisms that the Petro government is integrating into its policies. These include the collective protection measures for ethnic groups (the *Cimarrona* and Indigenous Guards) and regional humanitarian agreements such as the *Acuerdo Humanitario Ya* in Chocó. Efforts to meet the specific needs of communities and consider regional dynamics is important. We encourage you to work with the Colombian government, international, and non-governmental actors to implement such innovative approaches to the protection of civil society leaders.

Colombia must also increase the probability of swift judicial punishment for those who plan, fund, order, and carry out threats and attacks against civil society leaders. Improving the track record of the Special Unit to Dismantle Organized Crime and Paramilitary Successor Groups within Colombia's Attorney General's Office (*Fiscalía*), which already receives U.S. support, is a vital piece of addressing, reducing, and ending these human rights crimes.

## **Security strategies to tackle corruption and break links with violent actors**

Colombia's judges, prosecutors, investigators, and protected witnesses are central to any effort to weaken armed groups and organized crime. Even as past Colombian governments have killed or captured "high value targets" in the criminal and armed-group underworld, their structures – or their successors – have thrived on relationships with corrupt officials at all levels of government, including the security forces.

The Petro government has placed its best-known judicial anti-corruption figure, former magistrate Iván Velásquez, at the head of its Defense Ministry. It has prioritized breaking corrupt links between government, security forces, and organized crime. This provides an unprecedented opportunity for U.S. security goals in Colombia and a rare opportunity to support civilian control of security policymaking and address persistent abuses within Colombia's military and police.

We urge you to provide increased resources and technical and political support that encourage reforms to the armed forces that respect human rights, emphasize protecting the population in still-conflicted areas, and ensure a rights-respecting civilian police force. We

further strongly urge that the State Department take the lead with other U.S. departments and agencies, including the Departments of Defense and Justice and U.S. intelligence agencies, to ensure that the U.S. speaks and acts with one voice on these critical security reforms.

## **Initiating new negotiations**

**The ELN peace process.** Just as we recommend work with the new government to implement the 2016 accord with the former FARC, we encourage the Biden administration to support the Petro government's effort to bring a negotiated end to 58 years of fighting with the National Liberation Army (ELN). On October 4<sup>th</sup>, in Caracas, Venezuela, the Colombian Government and the ELN announced the re-establishment of negotiations after more than four years of suspension, with Cuba, Norway, and Venezuela serving as guarantor states. These peace talks merit political and technical support from Washington. From news reports, it is our understanding that the Petro government made specific requests during your October visit on how the U.S. might help support and advance these negotiations. Further, on November 25<sup>th</sup>, it was reported that the parties and guarantors reached out through diplomatic channels to the United States seeking to gauge U.S. willingness to participate in the process and send a special envoy as it did during Colombian negotiations with the FARC. We urge you to give each of these requests fair and serious consideration and provide the Colombian government a timely response.

**“Total peace.”** The Petro government is also proposing to negotiate with other armed and criminal groups around the country. Its “total peace” framework would negotiate sentence reductions—likely including non-extradition to the United States—in exchange for demobilization of their structures, reparations to victims, revelation of the truth about their past actions and support networks, and an accountable justice mechanism.

While it is too early to judge whether there are adequate guarantees that various armed groups' memberships will remain demobilized after negotiations conclude, we urge the State Department to consider flexibility on extraditions if the situation warrants. The Petro government is not opposed to extradition, having already transferred custody of several Colombians indicted by U.S. courts to the United States, so the flexibility we are recommending is within a context of negotiated demobilization and justice mechanisms. We also encourage the State Department to offer political support to preliminary “humanitarian accords” that commit armed groups to respect and safeguard the rights and integrity of civilian non-combatants. Finally, we emphasize that any focus on demobilizing these current armed groups must build a comprehensive state presence in their territories if a “total peace” is to provide a lasting solution.

## **Refugees and Migration**

We support and appreciate the attention and support the Biden Administration has given to the ongoing humanitarian and refugee crisis in Venezuela, including those residing in Colombia. We welcome the September 22<sup>nd</sup> announcement of \$376 million more to address the humanitarian crisis inside Venezuela and the refugee crisis in neighboring countries.

Colombia continues to shelter the greatest number of Venezuelan refugees. Close to 2.5 million Venezuelans have settled in Colombia. We are pleased that President Petro has announced that he will continue the policies of his predecessor to provide 10-year residency protections, visas, and services for Venezuelan refugees in Colombia. However, these policies have yet to be matched by sufficient economic or other support. Penniless migrants and refugees are vulnerable to trafficking and other exploitation. Many have little choice but to rely on informal work and are vulnerable to recruitment into illegal armed groups or street gangs.

We urge the State Department to continue to collaborate with relevant Colombian government, international, and non-governmental agencies and provide funds and other assistance for Venezuelan citizens integrating into communities where they are settling and for those host communities. We also recommend that the U.S. encourage the Petro government to uphold its stated intention not to honor any request from the Venezuelan regime to extradite opposition figures. Finally, redoubling efforts for a negotiated political solution to restore Venezuelan democracy and relaxing U.S. sanctions that adversely affect ordinary Venezuelans would further ease the flow of new migrants.

## **Climate Change**

The Petro government's stated commitment to fight climate change offers a new opportunity for the Biden Administration to build hemispheric support to address this global challenge. If the Colombian government requests, the U.S. government can provide technical support to strengthen Colombia's environmental agency and expand renewable energy alternatives that are fully consulted with communities they affect. The U.S. can support work with Colombia's judicial system to break corrupt ties between government and criminal groups that result in environmental crimes such as clear-cutting forests and illegal mining. We caution against support for militarized plans that would send soldiers to treat small-scale farmers as environmental "enemies" while turning a blind eye to more politically connected large-scale deforesters or extractive industries. We underscore that expanding consultation with affected communities over extractive and other large-scale projects and increasing protection for Colombia's environmental and land rights activists are essential parts of climate-change action.

This is a historic moment for Colombia to address longstanding challenges, many of them foreseen in the 2016 peace accord for which the United States provided crucial support. Many of Colombia's pending needs are urgent, so we do not counsel "patience": the new Colombian government will have to move quickly. We encourage the State Department to continue its robust engagement, to offer generous economic and technical support now and in its FY 2024 budget request to the priorities highlighted here, and to stand ready with an extended hand as opportunities present themselves.

Thank you for your serious consideration of these recommendations. We look forward to working together to advance U.S.-Colombian relations in the months to come.

Sincerely,



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James P. McGovern  
Member of Congress



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Mark Pocan  
Member of Congress

/s/

Barbara Lee  
Member of Congress

/s/

Susan Wild  
Member of Congress

/s/

Henry C. "Hank" Johnson, Jr.  
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Joaquin Castro  
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Raúl M. Grijalva  
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Alan Lowenthal  
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Mark DeSaulnier  
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Earl Blumenauer  
Member of Congress

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Ilhan Omar  
Member of Congress

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Peter Welch  
Member of Congress

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Rashida Tlaib  
Member of Congress

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Eleanor Holmes Norton  
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