Here is the definition for individual mercenaries quoted by the Congressional Research Service (CRS) from Protocol 1, Article 47, to the Geneva Convention (1977):

A mercenary is any person who:

- (a) Is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) Does, in fact, take a direct part in the hostilities;
- (c) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
 - (d) Is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict;
 - (e) Is not a member of the armed forces of a Party to the conflict;
- (f) Has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces. (See CRS Report for Congress: Private Security Contractors in Iraq: Background, Legal Status, and Other Issues. Updated July 11, 2007. Order Code: RL32419.9)

The General Assembly has long acknowledged the legitimacy of service in the military and of resistance to such service in conscience-driven pacifism. The need for sincerity of purpose in military service is also affirmed in the confessions; for example, along with a version of the Just War theory, in the Second Helvetic Confession: "And if the public safety of the country and justice require it, and the magistrate of necessity wages war, let them [the citizens] even lay down their life and pour out their blood for the public safety ... in the name of God willingly, bravely and cheerfully" (*The Book of Confessions*, 5.258).

Item 11-18

[The assembly approved Item 11-18 with amendment. See pp. 45, 47.]

Report on Human Rights in Colombia—From the Advisory Committee on Social Witness Policy and the Presbyterian Peacemaking Program

The Advisory Committee on Social Witness Policy (ACSWP) and the Presbyterian Peacemaking Program (PPP) recommend that the 218th General Assembly (2008) of the Presbyterian Church (U.S.A.) do the following:

- 1. Call on the members and congregations of the PC(USA) to study the situation in Colombia, diligently pray for the work of the Presbyterian Church of Colombia, and advocate with senators, representatives, and the president of the United States to lay down the weapons of violence and support the nonviolent struggle of the churches and civil society of Colombia and those in the U.S. who stand beside Colombians to end the violence by:
 - a. Withdrawing military support to the government of Colombia.
- b. Reorienting U.S. policies toward Colombia in such a way as to encourage a more equitable distribution of that country's immense wealth, and to protect the rights of groups threatened by the interests of large corporations, including indigenous people, Afro-Colombians, labor leaders, human rights workers, and many campesinos.
- c. Ending the aerial fumigation for coca crops and focusing on programs that provide higher levels of support for farmers to convert to alternative crops and that reduce demand for drugs in the United States.
 - d. Transferring U.S. support to the growing civil society committed to democracy and nonviolence.
 - e. Providing aid to strengthen health care, education, and nutrition, especially among the displaced.
 - f. Increasing aid for resettlement of displaced persons in their homelands.
 - g. Channeling aid through nongovernmental organizations.
- h. Supporting the commendable work of the United Nations in Colombia, especially the work of the high commissioner of refugees with internal refuges, displaced women, and threatened indigenous communities.
 - i. Ratifying and urging Colombia to also ratify, the United Nations Convention Against Corruption.

- 2. Direct the World Mission's ministry area, in consultation with the appropriate entities of the General Assembly Council (GAC) and the Office of the General Assembly (OGA), to continue to monitor the situation in Colombia, and to keep the whole church abreast of these findings; and to offer advice and counsel, as needed, about how this denomination can continue to support the peacekeeping efforts of our partners in Colombia.
- 3. Direct the Presbyterian Washington Office (PWO) to continue to educate the members of the Presbyterian Church (U.S.A.) and their representatives in the Congress of the United States of America about the effect of American legislation on the lives of individual Colombian citizens with particular emphasis on Plan Colombia and the Free Trade Agreement.
- 4. Direct the Presbyterian United Nations Office (PUNO) to continue to represent the concerns of the Presbyterian Church (U.S.A.) to the committees and delegates of the United Nations.
- 5. Affirm and further encourage the work of the Accompaniment Program of the Presbyterian Church (U.S.A.) that watches over and shadows vulnerable and threatened Colombia citizens as they seek justice for their most threatened and needy populations.
- [6. Direct the General Assembly Council (GAC)—through appropriate offices, including World Mission, the Advisory Committee on Social Witness Policy (ACSWP), and the Office of the General Assembly (OGA)—to continue to communicate support to the United Church of Christ in the Philippines and to advocate for full respect for human rights, including the suspension of military aid to forces associated with the death, brutal treatment, and arbitrary imprisonment of ministers, other church members, and other Philippine citizens.
- [7-3] [6.] Direct the appropriate entities of the General Assembly Council (GAC), in consultation with the Office of the General Assembly (OGA), to continue to monitor and address human rights violations in the United States, and in other nations brought to their attention by the members of this denomination and/or the partner churches.
- [7. Direct the Stated Clerk to write to the members of Congress of the United States of America, urging them not to ratify the Free Trade Agreement with Colombia, which would have grave consequences for workers, indigenous and Afro-Colombian populations, and the environment.]

Rationale

These recommendations are in response to the following referral: 2006 Referral: Item 07-09. Commissioners' Resolution. On the Presbyterian Accompaniment Program in Colombia, Recommendation 5.The 217th General Assembly (2006) Referred Recommendation 5 to the Advisory Committee on Social Witness Policy and the Peacemaking Office with a Request to Include a Report in Their Next Human Rights Update Report—From the 217th General Assembly (2006) (Minutes, 2006, Part I, pp. 16–17, 580–81).

Recommendation 1, above, is taken verbatim from Recommendation 5 of Item 07-09 (*Minutes*, 2006, Part I, pp. 580-81).

The 217th General Assembly (2006) commended the bravery of the accompaniment teams in Colombia who, by their ministry of presence, have reduced the number of church workers targeted by paramilitary forces. That assembly, however, wanted more study of the situation in Colombia to support further recommendations.

The Advisory Committee on Social Witness Policy (ACSWP) and the Presbyterian Peacemaking Program (PPP) consulted with the World Mission's South America Office and individual members involved with the Presbyterian Accompaniment Program in Colombia on the assembly's referral. These consultations found that the actions called for are consistent with previous policy positions taken by the PC(USA) on Colombia and with the church's general human rights policy. Therefore, the Advisory Committee on Social Witness Policy (ACSWP) and the Presbyterian Peacemaking Program (PPP) make the above recommendations.

A. Introduction

In this report the Advisory Committee on Social Witness Policy and the Presbyterian Peacemaking Program respond primarily to the specific human rights concerns cited in Item 07-09, Recommendation 5—the directive from the 217th General Assembly (2006) concerning the country of Colombia. Among the many countries suffering from outright war, ethnic and religious "cleansing" or persecution, and grievous poverty and disaster, Colombia unfortunately continues to be marked by long-term military stand-off with rebels who occupy 40 percent of the country. Although groups within the rebel "party" are responsible for kidnappings, the larger source of violence has been paramilitary forces linked to large landowners and the owners of factories. As this brief assessment indicates, these forces are responsible for much of the internal displacement of

approximately four million persons and the consistently terrifying practice of killing labor union leaders who seek better working conditions.

The Advisory Committee on Social Witness Policy (ACSWP) and the Presbyterian Peacemaking Program (PPP) notes the significant parallels between the pattern of violence in Colombia and the pattern in the Philippines, another major recipient of U. S. antiterrorism training and technology. In both cases, official military forces have used counterinsurgency techniques against innocent civilians and have been linked to paramilitary death squads by Amnesty International and Human Rights Watch. In the Philippines, the ministers and members of the United Church of Christ in the Philippines (UCCP—our partner denomination) have become a particular target.² Of twenty-five persons and lay workers killed since 2001, most have been from the UCCP, though Methodists and Catholic priests have also been killed.³ Others have been tortured, and several held in prison without due process. The government of President Gloria Macapagal-Arroyo has moved at times toward martial law.

The issue in Colombia and the Philippines (and elsewhere) is whether U. S. policy is relying too much on military assistance and slighting the development aid, human rights support, and democratic example that has been at the core of our good reputation in the world. In 2008, the sixtieth anniversary of the UN Declaration of Human Rights, it is important to reemphasize this basic area where international and domestic rule of law come together.

The 217th General Assembly (2006) called on the Philippine government to "bring to justice the killers of ... pastors, other church workers, and other Filipinos similarly executed and/or tortured by paramilitary forces" (*Minutes*, 2006, Part I, p. 584). We also are aware that within the last two years the World Mission's Asia-Pacific area and the Office of the General Assembly (OGA), in consultation with other entities of the General Assembly Council (GAC), have monitored and responded to human rights concerns in the Philippines.

In July 2006, the Asia-Pacific Office sent a letter to members of the UCCP with the action approved by the 217th General Assembly (2006) on *Commissioners' Resolution. On the Denial of Human Rights in the Philippines (Minutes*, 2006, Part I, pp. 584–86). That assembly expressed this denomination's support for the efforts of the UCCP to address the human rights violations in that region and its witness and ministry with and to the families affected by this violence. In 2007, the Reverend Clifton Kirkpatrick, Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.), sent letters to President Gloria Macapagal-Arroyo, and to members of the United States Congress expressing this denomination's concern about human rights violations in this region. In April 2007, the Reverend Joan Gray, Moderator of the 217th General Assembly (2006) of the Presbyterian Church (U.S.A.), visited the Philippines. Moderator Gray met with Bishop Eliezer Pascua, general secretary of the UCCP, and others and assured them that amid the violence they are experiencing, the Presbyterian Church (U.S.A.) stands in solidarity with the UCCP.

B. An Overview of the Presbyterian Church's Mission Partnership in Colombia

For more than 152 years, the Presbyterian Church (U.S.A.) and its predecessors have been engaged in ministry with our Christian sisters and brothers in Colombia. In 1856, the first Presbyterian church was founded in Bogotá. The early Presbyterian missionaries established schools that have educated generations of respected citizens. Today, the educational advocacy efforts of this denomination in this region are moving forward through the dedicated service of this denomination's World Mission's area personnel and other agencies. (For more information on the ministry performed by the World Mission's areas on behalf of the whole church, visit http://www.pcusa.org/worldwide.)

The Presbyterian Church of Colombia gives strong and vital witness to the teachings and ministry of Jesus Christ and this church has called on us for support in its ministries with the displaced and most impoverished communities. Its assembly has made declarations that warn of the damages from the Plan Colombia and the grave consequences that approval of a free trade agreement would have for broad sectors of Colombia's population. Pastors and members of the church continue to put themselves at risk. Some have been martyred in order to witness faithfully to the demands of the gospel by serving those most in need and the victims of the violence.⁴ (For more information about the ministry and witness of the Presbyterian Church in Colombia, visit the PC(USA)'s Colombia web site at http://www.pcusa.org/worldwide/colombia)

C. Recent General Assembly Statements in Support of the Human Rights of the Colombian People

Within the last decade, the General Assembly of the Presbyterian Church (U.S.A.) has reaffirmed this denomination's efforts to support the human rights of the Colombian people. These actions include:

• The 210th General Assembly (1998) of the Presbyterian Church (U.S.A.) called upon the Colombian government to "make strenuous efforts to curtail the violence and provide protection and assistance to those affected" (*Minutes*, 1998, Part I, p. 663). In addition, the assembly encouraged "access for international human rights organizations and the office of the United Nations High Commissioner for Human Rights and humanitarian assistance" (*Minutes*, 1998, Part I, p. 663).

- The 213th General Assembly (2001) responded to the United States involvement in the crisis in Colombia. Specifically, the assembly "declare[d] it morally repugnant for the U.S. and its allies to grant large amounts of aid to a military with Colombia's grievous human rights record, while waving the obligation of the Colombian government to meet acceptable standards of human rights as a condition of continued aid (*Minutes*, 2001, Part I, pp. 54, 471).
- The 216th General Assembly (2004): "Join[ed] with the Presbyterian Church in Colombia, other Christian churches, and other Christian organizations in calling for the redirection of United States Military aid into social, educational, health, and developmental assistance in the hope that peace would be restored. ... Decr[ied] the characterization of human rights workers as terrorists" (*Minutes*, 2004, Part I, pp. 70–71, 861).

Through the Accompaniment Program in Colombia, actions taken by the General Assemblies of the Presbyterian Church (U.S.A.) regarding this area are being implemented. The Accompaniment Program in Colombia is a joint ministry supported by the World Mission's area, the Presbyterian Peacemaking Program, and the Presbyterian Peace Fellowship. It includes teams of volunteers that are giving bodily representation to the PC(USA)'s concern for the suffering of the Colombian people, and lending protection to threatened communities and a church that has been a victim of surveillance and has experienced threats to its leaders and pastors invested in working for human rights. (For more information about the accompaniment program, visit the Presbyterian Peace Fellowship Website at http://www.presbypeacefellowship.org/colombia/; for more information about the ministry of the Presbyterian Peacemaking Program, visit http://www.pcusa.org/peacemaking/.)

D. Specific Human Rights Issues

1. Plan Colombia: Flawed Anti-drug Policy

The foreign policy of the United States has a major impact on developments within Colombia. The United States government has identified this region as a key strategic ally in the Western Hemisphere. In the year 2000, Plan Colombia was developed by the Colombian and United States governments in an attempt to address major challenges: to eradicate the coca crops in order to reduce the flow of cocaine to the United States, and to seize control from the guerilla forces that controlled about 40 percent of Colombia's land mass. Plan Colombia has been financed by \$5.4 billion from the United States⁵, distributed until this year with approximately 80 percent for military aid (which includes the coca eradication efforts) and 20 percent divided between alternative development, human rights programs, aid to displaced persons, and judicial reform.⁶

This well-intentioned plan has not resulted in any decrease in the cultivation of coca or the supply of cocaine to the United States, and it has had unforeseen consequences. The practice of aerial fumigations intended to diminish coca cultivation has only caused an ecological crisis and harm to civilians. In recent years, the conflict that Colombia has endured for nearly fifty years has intensified with the military aid provided by the United States. Paramilitary groups estimated to be responsible for 70 percent of human rights violations in the country established themselves with the support of large landholders and sectors of the armed forces. Guerrilla groups have maintained their war tactics, with the Revolutionary Armed Forces of Colombia (FARC) currently holding about fifty hostages, three of them citizens of the United States who worked for Plan Colombia.

Since the implementation of Plan Colombia, more than two million Colombians have been displaced from their homes. This number, when added to those previously reported displaced in this region, is nearly four million, giving Colombia the third largest internally displaced population worldwide. The displaced seek refuge in slums, which surround many of the major cities, ¹⁰ occasioning the greatest humanitarian crisis in the hemisphere, according to the United Nations. ¹¹

2. Free Trade Agreement: Will It Protect Factory Workers, Small Landholders, and the Environment?

While the current appropriations for Plan Colombia enacted by the U.S. Congress for 2008 (56.6 percent military and police aid and 44.4 percent for humanitarian work, most of this shift due to the reduction of harmful aerial fumigation)¹² are a major improvement over previous versions, another problem is taking center stage—the potential for a United States-Colombia Free Trade Agreement. This free trade agreement has not been ratified due to pressure from religious, labor, and political organizations in the United States and Colombia. Colombia continues to be the most dangerous country in the world for trade unionists. In 2006 alone, seventy-two trade unionists were assassinated in Colombia, out of 136 killed globally. That same year, 244 Colombian union members received death threats, in addition to forced displacement, violent intimidation, arbitrary detention, kidnapping, harassment, and torture. Witnesses in Colombia have linked U.S. corporations to violence against unionists, who have initiated lawsuits against such U.S. companies as Coca-Cola, Chiquita Brands, and Drummond Coal.¹³ These forms of violence not only victimize workers, but families and entire communities.

The agreement also poses major threats to the rights of indigenous and Afro-Colombian groups, particularly around issues of land control. Afro-Colombians, 30 percent of Colombia's population, began to settle in free-towns as escaped slaves by the year 1600. They settled in isolated territories of the Pacific and Caribbean coasts—considered undesirable at the time—further populating them after winning liberation in the 1860s. Legally, their right to their collectively titled lands is

recognized, but it is ineffectively enforced. In recent years, the value of this land's vast natural resources has become apparent to multinational companies, which, through dubious or outright illegal means, take possession of the land. Some of the most bio-diverse, old growth forests in the world are found in Afro-Colombian territories. But since 1997, they are being forcibly seized, clear-cut of centuries-old hardwoods, and cultivated into large-scale plantations of African palm for the production of palm oil for biofuel. Afro-Colombians are dispossessed of the lands that they have cared for and held for hundreds of years, and irreplaceable biodiversity is destroyed. The Free Trade Agreement privileging multinational companies will intensify this violence and destruction.

The Free Trade Agreement limits itself to demanding that Colombia comply with its own very lax environmental laws, which have been aggressively weakened in recent years. Moreover, the agreement's stipulations override the democratic processes of both the United States and Colombia. With corporations permitted to sue for damages when local regulations and laws are considered to diminish their profits, either nation might be required to ignore its own sovereign laws and even provisions of its constitution. Only those who possess money and power benefit under this current model of trade: international corporations and government elites.

Perhaps the most alarming aspect of this particular agreement is the ongoing collusion between the administration of President Alvaro Uribe and the criminal apparatus in Colombia. Collaboration between paramilitary groups, narcotraffickers, the Colombian military, and the political establishment has been extensive, as has been demonstrated in recent months by the arrests of members of the Colombian Congress and President Uribe's cabinet. Ratification of a trade agreement with Colombia will send a clear signal that the United States is willing to support a government linked with narcotraffickers and human rights abusers.

3. Justice and Peace Law: Needs a Reassessment

The government of President Alvaro Uribe has attempted to address the injustices committed by the paramilitary forces by enacting the Justice and Peace Law in 2006. This law creates a legal framework for the demobilization of armed paramilitary groups within the country, and large numbers have taken part. However, the framework has been widely criticized by international human rights groups because, after disarming paramilitary personnel, it fails to ensure that they do not rearm themselves.

There is evidence that paramilitary leaders continue their involvement in narcotrafficking from their places of confinement. They also control armed groups with new names composed of the same former members. The Justice and Peace Law created for the paramilitary demobilization process leaves intact the structures of these armed criminal groups that have caused so much violence. It does not guarantee reparations to the victims who continue to suffer persecution and assassinations when they dare to denounce the crimes committed against them.

4. Conclusion

As Christians we are called to respond to injustices, wherever they may occur: healing the sick, feeding the poor, denouncing injustice, and ministering to those in need are values set before us in the teaching and actions of Jesus Christ (Refer to Mt. 25:31–40, NRSV and the *Book of Order*, G-3.0300c(3)). Therefore, while it is fitting that we recommit to assist beleaguered Colombia, now more than ever it is important that we work with the religious, political, and social networks within our own country to contribute to a future that is just and fair for all of Colombia's citizens. The World Mission's South America Office, the Presbyterian Peacemaking Program, and the Presbyterian Peace Fellowship are three resources available to the members of the Presbyterian Church (U.S.A.) who want to join with our sisters and brothers in Colombia as they work to end the patterns of internal violence that are tearing this country apart.

Finally, as stated in the introduction of this report, the World Mission's ministry areas and the Presbyterian Peacemaking Program, in consultation with the Office of the General Assembly and other entities of the General Assembly Council, are available to help the members of the Presbyterian Church (U.S.A.) in exploring ways to respond effectively to human violations around the world. Some of these concerns may be similar to the human rights violations occurring in Colombia—such as the paramilitary violations in the Philippines. Some may be as complex as the ongoing ethnic conflicts taking place in parts of the African continent. Others may be as enduring as the struggle to achieve lasting peace with justice in the Middle East. Regardless of the human rights issue, the Presbyterian Church (U.S.A.) is committed to "sharing with Christ in the establishing of his just, peaceable, and loving rule in the world" (*Book of Order*, G-3.0300c(3)(e)).

Endnotes

1. Andrew Palmer, "Global Security and Terrorism: The Main Terrorist Groups," *Negotiation.biz*, September 20, 2005, (http://www.negotiation.biz/artman/publish/article 26.shtml).

- The Website of the UCCP Philippines is: http://www.uccp.ph/. The church sends out regular alerts and requests for prayer concerning disappeared and victimized individuals. A key liaison and leader in the PC(USA) is the Reverend Larry Emery of Walnut Grove Presbyterian Church, whose dedication deserves commendation.
- 3. Philippine Churches to file complaints on killings with U.N." by Maurice Malanes, *Ecumenical News International*, August 25, 2006 (reprinted by *Presbyterian News Service*). The complexity of the paramilitary and corruption issues in the Philippines is related to the enduring role of powerful local families, as well as the misapplication of counterinsurgency tactics. See "Family Ties Bind Philippine Government," Carlos H. Conde, *The New York Times*, May 12, 2007. A broader context of the use of military force against civilians is given in "Killings of Leftists Are Rising in Philippines, Groups Say," Seth Mydans, *The New York Times*, August 25, 2006.
- 4. Alexa Smith, "Death-Defying Ministry: Protestant leaders practice grassroots justice—and keep a low profile." *Christianity Today*, February 5, 2007, (http://ctlibrary.com/ct/2007/february/30.110.html).
- 5. Latin America Working Group, Colombia page (http://www.lawg.org/countries/colombia/intro.htm).
- 6. Joshua Goodman, Associated Press: "Colombia V.P. casts doubt on drug war" *USA Today* September 9, 2007, (http://www.usatoday.com/news/topstories/2007-09-09-1236501208_x.htm).
- Joshua Goodman, Associated Press: "Coca production increases in Colombia" The Washington Post (available at http://www.washingtonpost.com/wp-dyn/content/article/2006/06/20/AR2006062000728.html). Also, Adam Isacson, Center for International Policy's Colombia Program, "US: Colombia grew more coca last year" June 4, 2007 (http://www.cipcol.org/?p=409).
- 8. Betsy March, Latin America Working Group: "Going to Extremes: The U.S. Funded Aerial Eradication Program in Colombia" March 2004 (http://www.lawg.org/docs/extremes.pdf).
- 9. Steven Dudley, "Colombia's Death Squads: The US is dishing out \$1.3 billion to help Colombia's military fight leftist rebels and drug growers—but in doing so, it may also be helping murderous right-wing paramilitary groups" *Mother Jones* August 31, 2000, (http://www.motherjones.com/news/feature/2000/08/paramilitaries.html).
- 10. Church World Service, "Afro-Colombians: Promoting Alternatives to Violence, Displacement, and Impoverishment" February 2004, (http://www.churchworldservice.org/pdf files/EA/ColombiaResource3.pdf).
- 11. New York Times, "Crisis Facing Colombians Is Called Worst in Hemisphere" May 11, 2004 (http://www.november.org/stayinfo/breaking2/Humanitarian.html orhttp://query.nytimes.com/gst/fullpage.html?res=9C00E4DE133CF932A25756C0A9629C8B63).
- 12. Adam Isaacson's blog, available at http://www.lawg.org/docs/08 appropriations analysis.pdf.
- 13. Gerardo Reyes and Steven Dudley, "Witnesses Link U.S. Company, Colombian Paramilitaries" *The Miami Herald* June 25, 2007, (http://www.miamiherald.com/579/story/147574.html).
- 14. Church World Service, "Afro-Colombians: Promoting Alternatives to Violence, Displacement, and Impoverishment" February 2004, (http://www.churchworldservice.org/pdf_files/EA/ColombiaResource3.pdf).
- 15. An example of the high levels of personnel involved: "Colombia Army Chief Linked to Outlaw Militias," Paul Richter and Greg Miller, Los Angeles Times, March 25, 2007. The next day, Reuters reported, "Colombia Rejects Times Report," March 26, 2007, but itself noted:

Most of Colombia's paramilitaries have demobilized under a deal with Uribe, but revelations are surfacing about ties to the political elite. Rights groups have long charged that some military officers have cooperated with the militias in a brutal counterinsurgency campaign. Eight pro-Uribe lawmakers and a state governor have been arrested on criminal charges involving alleged collusion with paramilitary commands, which were set up in the 1980s to help fight Marxist rebels. U. S. officials brand the militias as drug-trafficking terrorists.

16. Juan Forero, "New Chapter in Drug Trade" *Washington Post* September 5, 2007, (http://www.washingtonpost.com/wp-dyn/content/article/2007/09/04/AR2007090402018.html?nav=rss world/southamerica).

Item 11-19

[The assembly approved Item 11-19. See pp. 45, 47.]

The General Assembly Council recommends that the 218th General Assembly (2008) approve the Commitment to Peacemaking:

1. Commends those sessions, presbyteries, synods, and other entities that have adopted the "Commitment to Peacemaking."