

ANNEX TO THE  
GENERAL AGREEMENT FOR ECONOMIC, TECHNICAL AND  
RELATED ASSISTANCE  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

Recognizing that the illicit cultivation, production and trafficking in narcotic drugs and psychotropic substances, as well as terrorist acts and other criminal activities have had major negative impacts on Colombian efforts to achieve economic and social progress, under the democratic rule of law, and

Whereas under the General Agreement for Economic, Technical and Related Assistance between the Government of the United States of America and the Government of the Republic of Colombia signed in 1962 ("1962 Agreement"), the Government of the United States of America has agreed to assist the Government of the Republic of Colombia with such economic, technical and related assistance as may hereafter be requested by representatives of appropriate entities of the Government of the Republic of Colombia, and

Whereas the Government of the United States of America agrees to furnish financial, material, economic, technical and related assistance to the Government of the Republic of Colombia designed to strengthen the capability of the Government of the Republic of Colombia in support of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, to which both the Republic of Colombia and the United States of America are Parties, the 2000 United Nations Convention Against Transnational Organized Crime and other conventions against terrorist activities subscribed under the framework of the United Nations and the Organization of the American States, to which both countries are signatories, the 2001 Resolution 1373 of the United Nations Security Council, and the Democratic Security and Defense Policy of the Republic of Colombia, including its social component, and

Whereas in accordance with United States of America law and policy, no assistance or funds of the Government of the United States of America will be provided under this Annex to or for the use by a unit of the security forces of the Government of the Republic of Colombia if the United States of America Secretary of State has credible evidence that such a unit has committed gross violations of human rights, unless the Secretary of State of the United States of America determines that the Government of the Republic of Colombia is taking effective measures to bring the responsible members of the Public Force to justice.

Therefore, the Government of the Republic of Colombia and the Government of the United States of America (hereinafter each individually a "Party" and, collectively, the "Parties") hereby agree to establish and support a bilateral narcotics control program, to include, when authorized by the Parties, an integral program against narcotrafficking, terrorist activities and other threats to the national security of the Republic of Colombia, under the terms set forth in the 1962 Agreement and the terms in this Annex.

The actions to be taken and the resources to be provided by the Government of the Republic of Colombia, after fulfilling all the internal requirements, and the Government of the United States of America in support to this program as determined below, are accepted by the signatory Parties as firm commitments

CB

WEN

unless otherwise amended by mutual agreement. The initial funds to be granted by the Government of the United States of America (US\$252,760,368.00) under the terms of this Annex are specified in face sheets. Future funding for this program is contingent upon the authorization and appropriation of funds by the Congress of the United States of America, and the approval by the Government of the United States of America.

The National Strategic Objectives contained in the Democratic Security and Defense Policy of the Government of the Republic of Colombia, and the Goals of those Objectives that the Government of the United States of America agrees to support, are included in the Sub-Annex.

Modification to this Annex will be made as jointly agreed by the signatories Parties and issued as amendments to this Annex.

#### Article I. General

1. To accomplish the goals of the United Nations Convention Against Illicit Traffic of Drugs and Psychotropic Substances, to which both the Republic of Colombia and the United States of America are Parties, the 2000 United Nations Convention Against Transnational Organized Crime, and other conventions against terrorist activities subscribed under the framework of the United Nations and the Organization of the American States, to which both countries are signatories, the 2001 Resolution 1373 of the United Nations Security Council, and the Democratic Security and Defense Policy of the Republic of Colombia, including its social component, the two governments are committed to provide such resources and take such actions as specified in this Annex, to the degree authorized by their respective internal legislation.

2. The Parties recognize and agree that the protection of human rights is an important element of this bilateral Annex, which will be executed according to the internal legislation of each country. To this end, the Parties understand and agree that:

a. The assistance of the Government of the United States of America to the Government of the Republic of Colombia under this Annex is conditioned on the Government of the Republic of Colombia actively protecting human rights in Colombia; and

b. The Parties understand that in assessing whether the Government of the Republic of Colombia is actively protecting human rights, the Government of the United States of America will consider, among other things, that before the initial delivery of the assistance to be provided to a unit of the security forces of the Government of the Republic of Colombia, and every six months thereafter, the receiving Colombian institution will provide the Embassy of the United States of America a certification issued by the corresponding Colombian authority on formal investigations or on-going process for gross human rights violations respect each member of such unit, and the punishments imposed by those violations.

CB

MSH

## Article II. Project Description

1. The Parties agree to negotiate and conclude individual sub-agreements, which will become Appendices to this Annex, which shall detail the specific projects to be funded under this Annex. These Appendices will be made between the Embassy of the United States of America, agency or appropriate institution of the Government of the United States of America, and the appropriate ministry and/or institution of the Government of the Republic of Colombia that is responsible for the project.
2. The appendices to be developed under this Annex by the entities of the Government of the Republic of Colombia should be consulted with the Ministry of Foreign Affairs prior to signature with the Government of the United States of America. The appendices will:
  - a. Include the description of the project to be implemented, according to the law and regulations of both Parties;
  - b. Indicate objectives, goals, measures of achievement and actions to be taken;
  - c. Indicate the obligations for each entity which is part of the project;
  - d. Identify the resources to be provided;
  - e. Establish the verification and evaluation mechanism; and
  - f. Designate the Operative Parties
3. The rights and obligations set forth in this Annex shall be incorporated and made expressly part of each appendix.
4. The entities of the Government of the Republic of Colombia will develop with the respective agency or institution of the Government of the United States of America, as they consider it convenient, an operative regulation to include the framework procedures that will govern the appendices to be subscribed. This regulation will be totally subject to this Annex.

## Article III. Funding

1. Funds granted by the Government of the United States of America under the terms of this Annex will be provided from funds authorized and appropriated to the Department of State (Bureau of International Narcotics and Law Enforcement Affairs) or to other Departments or agencies of the Government of the United States of America.
2. Continued support of the Government of the United States of America for this program ~~is conditioned upon regular and measurable progress by the Parties toward the objectives foreseen in this Annex.~~
3. Disbursement of funds of the Government of the United States of America obligated under the terms of this Annex will be destined for procurement of goods and acquisition or contracting of services, including audits (hereinafter "Property").
4. Funds obligated by the Government of the United States of America under the terms of this Annex, that have not been used within twelve months following the close of that government's fiscal year in which the applicable agreement has been signed, may be deobligated by the Government of the United States of America. The Government of the United States of America may grant an extension of the sub-obligation period, if requested.

5. The Government of the Republic of Colombia will ensure effective and continuous operation of the entities of the Government responsible for the specific projects undertaken under this Annex.

6. The Government of the Republic of Colombia shall make such reasonable efforts as are necessary to ensure that funds or other support provided under this Annex are used only in support of the objectives of this Annex.

#### Article IV. Title

1. Title to all property, procured with funds provided by the Government of the United States of America, shall be in the name of the receiving institution of the Government of the Republic of Colombia, unless otherwise specified in the corresponding document, in which case, this property will be incorporated to that entity's inventories.

2. Notwithstanding the above, the Government of the United States of America will maintain title for all aircraft provided to the Government of the Republic of Colombia under the terms of this Annex, unless otherwise specified.

#### Article V. Property

1. The property to be provided by the Government of the United States of America will be given to those institutions of the Government of the Republic of Colombia as previously agreed by the Parties; equally, the assistance provided cannot be transferred to any institution of the Government of the Republic of Colombia other than the one to which it was provided initially, unless there is a mutual agreement between the Parties.

2. All requests for property will be submitted in writing by the requesting institution of the Government of the Republic of Colombia to the supporting section of the Government of the United States of America.

3. Any property furnished to an institution of the Government of the Republic of Colombia through financing by the Government of the United States of America shall be devoted to the designated project, and thereafter shall be used to further the project's objectives. The property may not be transferred or reassigned, whether temporarily or permanently, without the express written consent of the agency of the Government of the United States of America involved. The Government of the Republic of Colombia agrees to reimburse or return to the Government of the United States of America for any property obtained through financing by the Government of the United States of America which is not used in accordance with this Annex, unless the Parties agree to transfer or reassign the property to another organization of the Government of the Republic of Colombia that is supported by the Government of the United States of America. Should the property be sold, funds derived from the sale will be used in the furtherance of activities in agreement with the objectives of this Annex. Funds resulting from any insurance payment or settlement for damaged equipment provided by the Government of the United States of America shall be deposited in special accounts established for the projects that support this Annex.

4. The Government of the Republic of Colombia will maintain all property furnished and will control the inventory of that property in no less rigorous manner than if the property was acquired by the Government of the Republic of Colombia with its own funds, and will agree to follow the regulations and guidelines of the

Government of the United States of America on monitoring and control of the equipment.

5. The Government of the Republic of Colombia will grant the most expeditious rules of importation to the property that may be brought under the terms of this Annex.

6. The entity or institution of the Government of the Republic of Colombia that subscribes the appendix, when so agreed, will process the nationalization of property.

7. Donations of Excess Property accepted by the Government of the Republic of Colombia under the framework of this Annex, shall be accepted in the as is condition.

8. Under this Annex, the Government of the United States of America may provide property from its active inventory under the provisions set for in the Foreign Assistance Act of 1961, as amended.

#### Article VI. Training of Personnel

1. Before receiving scholarships, fellowships or participant training funded under the terms of this Annex, personnel proposed by the Government of the Republic of Colombia must execute a certification that he/she has not been convicted of a narcotics offense or been involved in narcotics trafficking within the last ten years.

2. Keeping in mind the investment in training and instruction, the receiving institution of the Government of the Republic of Colombia must intend to minimize the rotation of personnel who have received training under this Annex and, if possible, to retain such trained personnel in an assignment related to the project for a minimum of two years after completing such training, unless earlier reassignment is in the best interests of the Parties, for example for disciplinary reasons or to ensure the orderly personnel promotion. The designated institution of the Government of the Republic of Colombia will develop and maintain a database of trained personnel, updated regularly, to permit review of this requirement and to assist in personnel management.

#### Article VII. Evaluation

1. Each Party, or its designated representative, shall have the right: (1) to examine any property furnished or funded by that Party under this Annex to determine that such property is being used in accordance with the terms of the Annex; and (2) to inspect and audit any records and accounts with respect to funds, property and service contracts furnished by that Party, funded under this Annex, to determine that such funds, property or services are being utilized in accordance with the terms of this Annex.

2. The Parties agree to monitor the progress of the projects and all personnel assigned thereto jointly at regular intervals during the life of the project. Each Party will assign fully qualified personnel to participate in the monitoring and evaluation process.

LB 3. Each Party shall furnish the other with available information, as necessary, to evaluate the effectiveness of project operations under the terms of this Annex. At the termination of the project, a completion report shall be issued as integral part WAT

of this process. This report shall include a summary of the project contributions by the Government of the Republic of Colombia and the Government of the United States of America, a record of activities performed, objectives achieved and related basic data.

#### Article VIII. End Use Monitoring

The institutions of the Government of the Republic of Colombia which have received assistance under this Annex will facilitate periodic audit visits, coordinated with the Embassy of the United States of America in Bogotá, in order that the Parties, jointly review and inventory the equipment, supplies, and material purchased by the Government of the United States of America to allow end-use monitoring. The period of monitoring will depend on the item and agreement between the Parties.

#### Article IX. Applicable Laws

1. The Parties shall expend funds and support achievement of objectives of this Annex in accordance with the internal laws and regulations of each Party.
2. The procurement of goods with funds of the Government of the United States of America will be under the regulations and policies established by that Government, unless otherwise provided for in the project appendix.

#### Article X. Final Provisions

1. The provisions of this Annex will be interpreted in a consistent manner with the 1962 Agreement, the provisions of which, especially those established in Articles III, IV and V, are incorporated to this Annex.
2. This Annex supersedes the Annex signed on September 27, 2000. The Amendment and Appendices to that Annex continue in force, unless they have been completed or replaced.
3. Without prejudice to that indicated in Article X, numeral 4, related to payments to third parties, each Party may suspend the obligations of the Appendices to this Annex, after completing a consultative process to resolve the causes that originated such determination.
4. This Annex shall enter into force when signed by the authorized representatives of both governments. ~~Either Party may terminate this Annex by giving the other Party a 90-day written, advance notice of intent. Termination of this Annex shall cancel any obligations of the two Parties to make contributions pursuant to this Annex, except for payments for commitments entered into with third parties prior to the notice of cancellation of the Annex.~~
5. The Government of the United States of America reserves the right to terminate part of or all assistance provided under this Annex immediately upon notice, or to take any other appropriate measures if an agency of the Government of the Republic of Colombia, to or through which assistance is being provided under this Annex, or a key individual of such agency, or any recipient of scholarships, fellowships or training furnished or funded under this Annex, is found to have been convicted of a narcotics offense, or to be or have been engaged in drug trafficking in conformance with its internal legislation.

6. It is expressly understood that the obligations under Article V of this Annex, related to the use of property, will continue in force after the termination of this Annex.

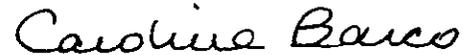
Signed in the city of Bogotá in Colombia on August 30, 2004, in duplicate in the English and Spanish languages, each text being equally authentic.

For the Government of the  
United States of America

For the Government of the  
Republic of Colombia



William B. Wood  
Ambassador



Carolina Barco  
Minister of Foreign Affairs

SUB-ANNEX TO THE  
ANNEX TO THE  
GENERAL AGREEMENT FOR ECONOMIC, TECHNICAL AND  
RELATED ASSISTANCE  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

**OBJECTIVES AND GOALS: 2004**

The Government of the United States of America agrees to provide support to the following national strategic objectives, contained in the Democratic Security and Defense Police of the Government of the Republic of Colombia:

- I. Consolidation of State Control Throughout Colombia
- II. Protection of the Population
- III. Elimination of the Illegal Drug Trade in Colombia

The Government of the United States of America agrees to provide support to the following goals, among others, established for the development of the above strategic objectives. These goals can be revised as agreed by the Parties.

**I. Consolidation of State Control Throughout Colombia**

Goals:

- Enhance the security for Public Force operations
- Enhance the security for Public Force installations

**II. Protection of the Population**

Goal:

- Greater public security for the citizens living in the areas supported by projects financed by the Government of the United States of America.

**III. Elimination of the Illegal Drug Trade in Colombia**

Goals:

- Increase aerial and manual eradication of illicit coca and poppy cultivation throughout Colombia.
- Increase intelligence-focused, interdiction operations against narcotics production, processing, and transportation nodes.
- Detect, deter, disrupt and dismantle drug trafficking organizations through arrest their leaders and seizures of drugs, assets and profits, in both the Republic of Colombia and the United States of America.

CB

MS