

REGIONAL RESULTS

COLOMBIA

**GOVERNMENT DEFENCE
ANTI-CORRUPTION INDEX**



2016

Government Defence Anti-Corruption Index – Colombia

Contents

Country Summary	1
Procurement	2
Operations.....	2
Scorecard	3
Full assessment.....	5
Political.....	5
Financial	51
Personnel	66
Operational	96
Procurement.....	106

Country Summary

Colombia's GI ranking is in Band B, indicating a low level of defence corruption risk. The highest risk areas identified are Operations and Procurement (Band C - medium risk).

In the past years, there have been notable efforts by the government to improve transparency and accountability in the defence sector, such as the Ministry of Defence's "Plan to Ensure Integrity and Prevention of Corruption" published in January 2015. Furthermore, the government engaged with the NATO Building Integrity Programme and has conducted a self-assessment on integrity in the defence sector which is publicly available. The Defence Ministry also established a secure, anonymous whistle-blower mechanism to denounce corruption or misconduct by the police, armed forces, or other bodies within the ministry.

In June 2016, the Colombian Army announced a programme of restructuring to increase transparency, including the creation of the Office of the Application of Norms of Transparency in the Army (Dante). This is intended to oversee all aspects of transparency within the institution.

However, there are still significant challenges that the government needs to address to reduce the risk of corruption in the defence and security sector, mostly related to the gaps between existing legislation and implementation in practice (see section on procurement), or the effectiveness of independent oversight.

For example, information about independent oversight over defence expenditure is not easily accessible. By law, congress should oversee all secret and confidential spending but the effectiveness of congress' oversight is questionable. For example, off-budget military expenditure, which is not formally authorised within a country's official defence budget and thus more vulnerable

to corruption risks, is not clearly regulated. And indeed, there have been criticisms over a lack of transparency in some off-budget expenditure, mainly with regard to Plan Colombia under which Colombia received more than \$10 billion from the US in mostly military aid.

Procurement

Procurement is clearly regulated in law but, in practice, often opaque. The default method for public procurement is through open, competitive tendering, but the laws allow for significant exemptions. A 2013 Presidential decree set out a broad range of goods and services which defence entities can procure through direct, single-source contracts rather than a competitive process. The list of exemptions covers items ranging from weapons and munition to hardware, vehicles, armour, and tools for training, and including maintenance contracts

As a result, there is evidence of **significant direct procurement, or single-sourcing**, with the government itself pegging the number at 80% of all purchases. In May 2014, the Consejo de Estado (State Council) suspended the provisions allowing direct procurement, but there is no evidence that this has ended the practice.

Purchases that are not made through an open, competitive process do not need to be made public. Accordingly, 75% of defence purchases are not publicly available. This lack of transparency is exacerbated by the fact that the **defence procurement that is publicly available generally only includes civilian purchases** (e.g. rent, computers, books, etc.).

Operations

In the past decades, the vast majority of military operations took place within Colombia as part of the decade-long war against guerrilla groups, including FARC ('Revolutionary Armed Forces of Colombia'). Since the historic peace agreement was reached with FARC in August 2016, and with a pre-agreement signed with the United Nations in early 2015, **Colombian involvement in international peacekeeping or stabilisation missions is becoming increasingly likely**. The military also faces new internal challenges such as the de-mining process, the relocation and demobilisation of the FARC, the continued existence of the ELN ('National Liberation Army'), and the risk of increased organised crime. .

As they consider deployments, the Colombian forces would benefit from developing guidance and training equipping them to recognise and address corruption as a threat to mission success.

Colombia's military doctrine recognises the importance of individual ethical issues, but not yet of the impact corruption can have on mission success. Going forward, it would be important to establish more explicit links between corruption and operational efficiency, in addition to recognising corruption as a risk the armed forces are vulnerable to. It should furthermore say that the doctrine applies to both national and international operations. In practice, such doctrine would be strengthened by anti-corruption monitors in the field and by dedicated training issued to personnel on managing corruption risks.

Another important aspect that needs reviewing is the use of private military contractors (PMCs). Foreign PMCs, mostly from the US, were involved in Colombia's armed conflict. However, there are no regulations on the use of Colombian PMCs on international missions. **The regulation of the use of PMCs should be treated as an integral part of Colombia's preparation for international deployments.**

Scorecard

Political	Defence and Security Policy	1. Legislative Scrutiny	3
		2. Defence Committee	3
		3. Defence Policy Debated	3
		4. CSO Engagement	4
		5. International AC Instruments	4
		6. Public Debate	4
		7. AC Policy	4
		8. AC Institutions	3
		9. Public Trust	3
		10. Risk Assessments	3
	Defence Budgets	11. Acquisition Planning	2
		12. Budget Transparency & Detail	3
		12A. Budget Scrutiny	3
		12B. Budget Publicly Available	3
		13. Defence Income	3
		14. Internal Audit	4
		15. External Audit	3
	Other Political Areas	16. Natural Resources	4
		17. Organised Crime Links	2
		18. Organised Crime Policing	4
		19. Intelligence Services Oversight	3
20. Intelligence Services Recruitment		2	
21. Export Controls		1	
Finance	Asset Disposals	22. Asset Disposal Controls	4
		23. Asset Disposal Scrutiny	3
	Secret Budgets	24. Percentage Secret Spending	4
		25. Legislative Access to Information	2
		26. Secret Programme Auditing	3
		27. Off-budget Spending in Law	2
		28. Off-budget Spending in Practice	2
		29. Information Classification	2
	Links to Business	30. Mil. Owned Businesses Exist	3
		31. Mil. Owned Business Scrutiny	3
32. Unauthorised Private Enterprise		4	
Personnel	Leadership	34. Public Commitment	4
		35. Measures for Corrupt Personnel	3
		36. Whistleblowing	3
		37. Special Attention to Sensitive Personnel	2
	Payroll and Recruitment	38. Numbers of Personnel Known	4
		39. Pay Rates Openly Published	4
		40. Well-established Payment System	4
		41. Objective Appointments	3
		42. Objective Promotions	3
	Conscription	43. Bribery to Avoid Compulsory Conscription	2
		44. Bribery for Preferred Postings	2
	Salary Chain	45. Ghost Soldiers	4

		46. Chains of Command and Payment	4
	Values, Standards, Other	47. Code of Conduct Coverage	3
		48. Code of Conduct Breaches Addressed	3
		49. AC Training	3
		50. Prosecution Outcomes Transparent	3
		51. Facilitation Payments	2
Operations	Controls in the Field	52. Military Doctrine	3
		53. Operational Training	2
		54. AC Monitoring	1
		55. Controls on Contracting	3
		56. Private Military Contractors	2
Procurement	Government Policy	57. Legislation	3
		58. Transparent Procurement Cycle	3
		59. Oversight Mechanisms	3
		60. Purchases Disclosed	2
		61. Standards Expected of Companies	2
		62. Strategy Drives Requirements	2
	Capability Gap	63. Requirements Quantified	2
		64. Open Competition v. Single-Sourcing	1
	Tendering	65. Tender Board Controls	3
		66. Anti-Collusion Controls	3
		67. Procurement Staff Training	3
	Contract Delivery / Support	68. Complaint Mechanisms for Firms	4
		69. Sanctions for Corruption	2
		70. Due Diligence	3
	Offsets	71. Transparency	1
		72. Competition Regulation	1
73. Controls of Agents		2	
Other	74. Transparency of Financing Packages	1	
	75. Subsidiaries / Sub-Contractors	2	
	76. Political Influence	2	

Full assessment

Political

1. Is there formal provision for effective and independent legislative scrutiny of defence policy?

Score	3
Assessor Comments	<p>Colombia's Congress has the power to scrutinise, amend, and reject legislation, including legislation relevant to defence policy. Its Second Committee, a joint Senate and House committee, is tasked with exercising parliamentary control over the defence sector, as well as other topics including international affairs, foreign trade, and public treaties. It carries out the first debates on bills that fall within these areas. The Second Committee can summon officials from the Defence Ministry and armed forces to provide an account of policy, and there is evidence that it exercises this power. The Senate's Second Committee also has the power to approve or reject high-level appointments to the military and police, and there is evidence of it using this power to delay appointments in 2015.</p> <p>Congress' Third and Fourth Committees exercise budgetary control, with the power to scrutinise, amend, and reject the national budget, including the defence budget. There is no presence of military officials within parliament - under the Constitution, serving members of the military and police cannot hold political office, or vote. However, retired security officials often stand for office.</p> <p>However, in practice there is at times a failure to fully comply with the rules, according to interviewee 1. Due to the long armed conflict, there is at times pressure from the executive to speed up the review, and key aspects may be omitted. There is evidence that even the Constitutional Court has difficulties blocking defence policy decisions. For example, in 2010 the Court declared it unconstitutional for US soldiers to operate out of bases in Colombia, but the US army signed agreements to build within Colombian bases in 2011. Response to reviewers: Score maintained, due to lack of evidence of the quality of all aspects of legislative scrutiny.</p>
Sources	<p>Caracol Radio, "Congreso aplaza ascensos y cita al ministro de Defensa", 25 November 2015. http://caracol.com.co/radio/2015/11/25/politica/1448476049_263422.html</p> <p>Congreso Visible. 'Comisión Segunda.' Last accessed June 11, 2014. http://www.congresovisible.org/comisiones/11/#tab=2</p> <p>CONSTITUCIÓN POLÍTICA DE COLOMBIA 1991 (Art 219) http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=4125</p> <p>El Espectador, "Senador Jorge Robledo exige explicaciones al Gobierno", 15 February 2011. http://www.elespectador.com/noticias/politica/senador-jorge-robledo-exige-explicaciones-al-gobierno-articulo-251237</p> <p>Interview with interviewee 1: Senior Official of the Ministry of Defence, Bogotá, 4 June 2014.</p>

	<p>Jimmy Chamorro. Senador Chamorro cita a debate de control por el tema glifosato. 12 May 2015. http://www.jimmychamorro.com/#!Senador-Chamorro-cita-a-debate-de-control-por-el-tema-glifosato/c16ee/55529df30cf298b2d3b35bb3</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>NYU Global Law, "An Introduction to Colombian Governmental Institutions and Primary Legal Sources". http://www.nyulawglobal.org/globalex/Colombia1.html</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Congress must approve all laws regarding security or other matters. However, the president can declare a state of emergency and rule by decree for 90 days. Recent examples include the 2002 state of emergency that allowed the new president to impose a new wealth tax to finance a large growth in military and police forces (the tax is still in effect); a 2008 state of emergency to address a strike in the judiciary; and similar measures twice in 1992, once in 1994, and twice in 1995. In two of those cases, the constitutional court overruled the state of emergency. Even in a state of emergency, decrees must be sent to Congress and the Constitutional Court for revision.</p> <p>Congress exercises budgetary power as well. The Fourth Committee is responsible for budgeting and fiscal review. However, I found no evidence of Congress successfully blocking a major arms acquisition. The most recent example of an unsuccessful attempt to do so was the 1994 congressional opposition to an Israeli Galil rifle factory.</p> <p>Congress exercises "political control" over the executive - calling members of the executive branch to give information, and holding public debates. One recent example was a debate about a purchase of Sig-Sauer firearms purchased in 2006 in possible violation of Colombian and German laws. The debate was headed by the opposition party Centro Democrático in October 2014, and had no significant impact on government policy.</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>The Comptroller General of the Republic, as an independent body of Congress, reviews compliance with defence policy. This year, an auditing commission reviewed in detail compliance with the policy in security and defense. The product was a report with recommendations from the Commission to the Ministry of Defense. Other agencies such as the Attorney General's Office, the Ombudsman and the Prosecutor General's Office constantly monitor the policy of the sector.</p>

2. Does the country have an identifiable and effective parliamentary defence and security committee (or similar such organisation) to exercise oversight?

Score	3
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Assessor Comments	<p>Congress' Second Committee, a joint Senate and House Committee, is tasked with exercising parliamentary control over the defence sector, as well as other topics including international affairs, foreign trade, and public treaties. It carries out the first debates on bills that fall within these areas. The Second Committee can summon officials from the Defence Ministry and armed forces to provide an account of policy, and there is evidence that it exercises this power.</p> <p>The Senate's Second Committee has the power to approve or reject appointments of generals to the military and police, and there is evidence of it using this power in 2015 to delay appointments, demand more information on those promoted, and call government ministers to give evidence in this regard. The committee includes members from a range of political parties to maintain neutrality. It includes 13 senators and, at present, 18 representatives. As with other congressional committees, the public can access information on its projects and decisions via its website. This lists the projects the members are working on, and how they have voted in the past.</p> <p>The committee can only scrutinise what is presented to it, and although there are plenty of formal checks on defence policy, there are shortcomings in how this is carried out in practice. Matters of defence policy in Colombia have been historically very sensitive, and they are still discussed with care, according to interviewee 2. The think tank Nuevo Arco Iris Foundation has criticised the committee for failing to carry out sufficient oversight of government decisions, while one ex-senator told El País in 2014 that the body "seems like a notary's office because it approves everything". Response to reviewers: Score maintained, given existence of some concerns over commission's ability to exercise oversight. Source added.</p>
Sources	<p>Congreso de la República de Colombia. "Comisión Segunda". http://www.senado.gov.co/comisiones/comisiones-constitucionales/comision-segunda/itemlist/category/115-comision-segunda</p> <p>Congreso Visible. "Comisión Segunda del Senado." http://www.congresovisible.org/comisiones/11/</p> <p>Congreso Visible, "Comisión Segunda de Cámara de Representantes" http://www.congresovisible.org/comisiones/4/</p> <p>Congreso Visible, "Por la cual se desarrolla el inciso 2º del artículo 173 de la Constitución Nacional y se dictan otras disposiciones. [Ascensos militares]" 21 August 2012. http://congresovisible.org/proyectos-de-ley/por-la-cual-se-desarrolla-el-inciso-2-del-articulo-173-de-la-constitucion-nacional-y-se-dictan-otras-disposiciones-ascensos-militares/6930/</p> <p>Corporación Nuevo Arco Iris, "Ascensos a espaldas del país: No se aprendió nada del caso Santoyo", 20 June 2013. http://www.arcoiris.com.co/2013/06/ascensos-a-espaldas-del-pais-no-se-aprendio-nada-del-caso-santoyo/</p> <p>El País "¿Se están politizando los ascensos militares en Colombia?", 14 July 2014. http://www.elpais.com.co/elpais/colombia/noticias/estan-politizando-ascensos-militares-colombia</p>

	<p>Interview with interviewee 2: High-ranking Ministry of Defence official, Chia, 6 June 2014.</p> <p>Senado República de Colombia. "Comisión Segunda aprobó ascensos del Ejército, Armada Nacional, Fuerza Aérea y Policía Nacional". 2 December 2015. http://www.senado.gov.co/sala-de-prensa/noticias/item/23156-comision-segunda-voto-en-bloque-los-ascensos-del-ejercito-armada-nacional-y-fuerza-aerea-nominal-los-de-la-policia-nacional</p> <p>La Tarde, "Citan a MinDefensa a Comisión segunda", 26 November 2015. http://www.latarde.com/noticias/politica/161633-citan-a-mindefensa-a-comision-segunda</p>								
Peer Reviewer 1	Agree								
Peer Reviewer 2	<p>Agree with Comments</p> <p>The Second Committee of the Senate is currently composed of eight members of the government's coalition and five opposition members of Congress - three right-leaning Centro Democrático and two left-leaning (Polo Democrático and ASI) members of Congress. In the Second Committee of the House of Representatives, only four of its 18 members are in parties that are openly in the opposition (two Centro Democrático, one Polo Democrático and one ASI).</p> <p>The Committee proposed a law, passed in 2013, that gave Congress the power to review proposed promotions of generals in the armed forces.</p> <p>A bill can be proposed by the Committee of either house. Its first debate occurs in this Committee, and if it passes it goes to the plenary. If it passes one house, it must do the same (pass debates in Committee and plenary) in the other.</p> <p>The Committee receives a lot of press attention. Some of its members are highly influential. One of the opposition members of the commission, Iván Cepeda, is extremely critical of military forces and has held televised, broadly-watched debates against former president and current Senator Uribe. Another opposition member of the commission, Thania Vega, is the wife of the currently incarcerated Colonel Alfonso Plazas Vega, who led the 1985 Army reaction to the hostage crisis in the Colombian Supreme Court. She is a staunch defender of members of the military and police, supporting those she believe to be falsely accused.</p>								
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Any deficiencies seen in the controls indicated are not indeed deficiencies, whenever they are effective and constant. For example, with regard to political control, this year the Minister has been summoned to and attended the following debates in the Congress of the Republic:</p> <table> <tr> <td>Summons to Congress of the Republic</td> <td>48</td> </tr> <tr> <td>Attendance</td> <td>18</td> </tr> <tr> <td>Excused</td> <td>12</td> </tr> <tr> <td>Date of summons yet to be determined</td> <td>18</td> </tr> </table>	Summons to Congress of the Republic	48	Attendance	18	Excused	12	Date of summons yet to be determined	18
Summons to Congress of the Republic	48								
Attendance	18								
Excused	12								
Date of summons yet to be determined	18								

3. Is the country's national defence policy debated and publicly available?

Score	3
Assessor Comments	<p>In December 2015, the government released its "Defense and Security Policy" for 2015-2018, which is available online and contains detailed information on nine strategic objectives for the period, setting out the changing role of the defence sector in a post-conflict Colombia. This includes more involvement in rural development programmes, tackling emerging forms of organised crime, and eradicating illicit crops.</p> <p>Issues connected to the armed forces are sensitive due to the long-running armed conflict. However, there are initiatives to engage the public in defence issues. These include "Public Audiences" (Audiencias Públicas) - annual meetings where the defence minister and the security forces present their achievements, both in terms of public security and internal issues such as welfare of personnel, and the public can ask questions. These questions and answers are published online for some of these hearings. The most recent was held in July 2015, and documents relating to the upcoming 2016 meeting have been published on the ministry's website.</p> <p>There is also evidence that the defence ministries engage in public forums organised by news outlets such as Semana to defend or explain defence policy. There is also a "chat" section on the ministry website where citizens can post questions and engage with ministry staff in real-time. There was broad public debate over recent proposed reforms to extend the jurisdiction of military courts, which critics warned would increase impunity for members of the armed forces who commit crimes and human rights violations. The government carried out a series of public consultations on the issue but the reform has now been approved despite strong opposition from civil society.</p> <p>In the past, questioning around defence issues sometimes drew public criticism and could even endanger an individual's security. This is demonstrated by the history of threats, attacks, and smear campaigns against human rights defenders, left-wing politicians, and others who question the status quo. Law 850 from 2003 states that any civilian can monitor the performance of any public body through what it is called Veedurias Ciudadanas (Civilian Watchdogs), yet few people opt to do this for the Ministry of Defence due to concerns about security.</p> <p>Response to reviewers: Score adjusted to 3, due to evidence of public debate of defence policy. In order to award a score 4, more evidence of proactive consultation in formulating defence policy would be needed.</p>
Sources	<p>Amnesty International, "Report 2015/2016". https://www.amnesty.org/en/countries/americas/colombia/report-colombia/</p> <p>LEY 850 DE 2003. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=10570</p> <p>El Tiempo, "Los logros y los temas pendientes del Ministerio de Defensa", 29 July 2015. http://www.eltiempo.com/politica/gobierno/ministerio-de-defensa-rendicion-de-cuentas/16169555</p>

	<p>MinDefensa, Chat. https://www.mindefensa.gov.co/SedeElectronica/msg.do?formAction=btPreLoadChat</p> <p>MinDefensa, “Mindefensa anuncia nuevo plan para proteger infraestructura del país”, 12 September 2012. https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/f031dff9-2cdf-2f10-d9ab-884cc5857672.xml</p> <p>MinDefensa, “POLÍTICA DE DEFENSA Y SEGURIDAD TODOS POR UN NUEVO PAÍS”. 3 December 2015. https://www.dimar.mil.co/sites/default/files/attach/politica_de_defensa_y_seguridad_2015-2018_diagramada_feb_17_16.pdf</p> <p>MinDefensa, “Reforma al fuero militar busca más justicia y menos impunidad afirma Mindefensa”, 23 October 2012. https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/90874b27-87ff-2f10-51b5-f38e16ad2e0c.xml</p> <p>MinDefensa, Servicios al Ciudadano > Audiencias Públicas Audiencias Públicas, https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://b1a70b176f19d4fde46f96d18d165392</p> <p>Red Institucional de Apoyo a las veedurias ciudadanas. 'Documento Orientador de la Ley 850 de 2003.'</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 3</p> <p>Defence policy is not always clear or concise but it is broadly debated in public. The press and NGOs have a very strong influence over the most contentious topics. For example, a February 2014 scandal released by Semana magazine that alleged that military intelligence was spying on government negotiators resulted in the removal of two high-ranking officers (a general and a colonel) from their posts. They have not been prosecuted or convicted of a crime, even though the attorney general raided the offices of an intelligence cell, and there has been no evidence presented that espionage had occurred. In fact, the defense ministry since then declared that the intelligence operations were legal.</p> <p>Similar scandals regarding military prisons, acquisitions, and human rights violations result in the quick removal - and often incarceration or transfer from military to civilian prisons - of high-ranking officers. This occurs before officers are granted the right to defend themselves in disciplinary or criminal proceedings, simply as public-relations damage control.</p> <p>Another example of public influence over defense policy is the fact that the Colombian Military is accountable to civilian courts, even for their behaviour in combat. This issue is highly controversial and the military is highly unhappy about the situation. However, the law that would allow military courts to review combat</p>

	<p>cases, proposed by the current president in his first term, has only slowly moved through Congress due to strong press and civil society opposition.</p> <p>Sources:</p> <p>http://www.elcolombiano.com/escandalo_por_supuestas_chuzadas_a_negociadores_de_la_habana-PWEC_280582</p> <p>http://www.vanguardia.com/actualidad/colombia/257402-un-nuevo-escandalo-del-coronel-robinson-gonzalez-del-rio-por-falsos-posit</p> <p>http://lasillavacia.com/historia/los-huecos-en-la-reaccion-de-pinzon-46665</p> <p>http://www.minuto30.com/el-reverbero-de-juan-paz-3/239625/</p> <p>http://www.eluniversal.com.co/colombia/quienes-son-los-oficiales-relevados-150737</p> <p>http://www.semana.com/nacion/articulo/tolemaida-resort/237791-3</p> <p>http://www.elespectador.com/noticias/judicial/reforma-al-fuero-militar-no-busca-impunidad-mindefensa-articulo-529760</p> <p>http://www.eltiempo.com/mundo/ee-uu-y-canada/17-ong-internacionales-contrael-fuero-militar/14879180</p>
<p>Government Reviewer</p>	<p>Disagree, suggested score: 3</p> <p>The Colombian Defence Sector is highly audited (by inspection bodies), judged and publicized (by mass media), plus there are constant checks on it. Consequently, there are numerous public debates to which they can have access. In 2014, the Minister travelled to 15 cities to meet and discuss with representatives from civil society who are interested in defence policy.</p> <p>Sources:</p> <p>Sobre Fuero Militar http://www.eltiempo.com/noticias/fuero-militar y https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/50b5e91a-7aec-2f10-0b8d-856ac9b2c43a.xml.</p> <p>Ascenso de Oficiales https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/40742411-d1aa-3010-2981-87ef3a132b83.xml</p> <p>Sobre Equidad de Género http://www.mindef.gov.ar/publicaciones/pdf/Equidad%20de%20Genero%20EN%20BAJA.pdf</p> <p>Sobre Infraestructura https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/f031dff9-2cdf-2f10-d9ab-884cc5857672.xml</p>

	<p>Debates en el Congreso Recientes: Martes 25 de Noviembre sobre Fuero Militar, 15 de Octubre de 2014 sobre Fuero Miliar, 12 de Noviembre de 2014 sobre Falsos Positivos, Miércoles 26 de 2014 sobre Orden Público</p> <p>Additionally, there are various public debates which discuss issues related to national defense that are available to the public and interested parties from the defense sector, such as:</p> <ul style="list-style-type: none"> • http://www.iiss.org/en/events/cartagena-s-dialogue. • Document containing the speech made by the Minister of National Defense at the IISS. <p>Furthermore, in 2014 the Minister of National Defense held various events focused on interaction with various groups of cattle ranchers, traders, bankers, transporter workers, farmers, coffee growers, church and community action entities as well as the community in general, in:</p> <p>CITIZEN PARTICIPATION COUNCILS:</p> <ul style="list-style-type: none"> • NEIVA – November 7, 2014 • VILLAVICENCIO – November 11, 2014 • SANTA MARTA – November 22, 2014 • CUCUTA – November 28, 2014 • BOGOTA – December 1, 2014 • PEREIRA – December 5, 2014 <p>SECURITY DISCUSSION GROUPS:</p> <ul style="list-style-type: none"> • PITALITO – January 7, 2014 • SARAVERENA – January 10, 2014 • PUERTO TEJADA – January 15, 2014 • MALAGA – January 30, 2014 • PENNSILVANIA – April 19, 2014 • GRANADA – June 5, 2014 • NEIVA – June 7, 2014 <p>SECURITY FORUMS:</p> <ul style="list-style-type: none"> • MEDELLIN – March 11, 2014 • BUCARAMANGA – March 19, 2014 • PASTO – April 25, 2014 • CUCUTA – May 29, 2014 • MONTERIA – July 9, 2014 <p>The above is an example of the amount of public debates on national defense with participation of industries concerned.</p>
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4. Do defence and security institutions have a policy, or evidence, of openness towards civil society organisations (CSOs) when dealing with issues of corruption? If no, is there precedent for CSO involvement in general government anti-corruption initiatives?

Score	4
Assessor Comments	Colombian civil society groups have been strongly critical over defence corruption issues, including the "false positives" killings of civilians to boost military kill counts

during the Uribe government, and illegal wiretapping of government critics by the now-defunct intelligence agency DAS.

During the presidency of Juan Manuel Santos (2010-present), initiatives have been launched to improve the openness of the defence institutions. These include "Public Audiences" (Audiencias Públicas) - annual meetings where the defence minister and the security forces present their achievements, both in terms of public security and internal issues such as welfare of personnel, and the public can ask questions. These questions and answers are published online for some of these hearings. The most recent was held in July 2015, and documents relating to the upcoming 2016 meeting have been published on the ministry's website.

There are examples of civil society groups launching forceful critiques of government policy on defence and security:

- A CSO called Corporación Nuevo Arco Iris, run by Leon Valencia (former guerrilla and activist). He was extremely critical of Uribe's government (and still is), but received multiple contracts from that same government to conduct research.

- In academia, one example is the Advisory Commission on Drug Policy staffed by senior academics and members of CSOs such as Fundación Ideas Para la Paz (FIP) and Dejusticia. The Commission is financed by the government and often publishes reports that are critical of the government's drug policy. Sometimes the government doesn't follow their advice, but they and other similar organisations are clearly part of the public debate about defence and security issues.

- The former president of the Advisory Commission, Daniel Mejia, ran a think tank on drugs and security at Los Andes University. He has published research that opposes aerial spraying of coca crops, and the government reduced aerial spraying from 100,000 hectares in 2012 to fewer than 50,000 in 2013. In 2015, he was appointed as Bogota's sub-secretary for security.

In terms of the general environment for NGOs, Colombia has a strong and vibrant civil society, but there is a high level of violence against human rights defenders, journalists and others who combat crime and corruption. The legal framework protecting CSOs is strong, though its application is weaker. According to the International Center for Non-Profit Law, "The 1991 Colombian Constitution also recognizes the role of CSOs and establishes that the state has the obligation to support them and to recognize them as legitimate actors in the policy process. Changes currently affecting CSOs in Colombia include their increasingly close links with the state, and difficulties arising from a relative lack of funds from sources promoting international co-operation."

The ICNL notes that "Colombia is one of the most dangerous countries in the world in which to be a human rights defender, with dozens of labour rights activists, lawyers, indigenous activists and community and religious leaders being murdered every year."

Note to reviewers: score raised to 4 due to evidence of government defence entities taking part in the National Transparency Index, and government openness to and engagement with civil society organisations. Since Dante's creation, the

	Colombian national chapter of Transparency International (Transparencia por Colombia) has been invited for several meetings and other events.
Sources	<p>Alcaldía Mayor de Bogotá “Los retos del nuevo subsecretario de Seguridad, Daniel Mejía”, 1 May 2016. http://www.bogota.gov.co/article/temas-deciudad-/gestion-publica/los-retos-del-nuevo-subsecretario-de-seguridad-daniel-mejia</p> <p>Corporación Nuevo Arco Iris. "¿Están de vuelta los Falsos Positivos?", 15 February 2015. http://www.arcoiris.com.co/2015/02/estan-de-vuelta-los-falsos-positivos/</p> <p>InfoDefensa. “El Ministerio de Defensa de Colombia rinde cuentas en audiencia pública del año 2013”, 1 October 2013. http://www.infodefensa.com/latam/2013/10/01/noticia-el-ministerio-de-defensa-de-colombia-rinde-cuentas-en-audiencia-publica-del-ano-2013.html</p> <p>International Center for Not-For-Profit Law, “NGO Law Monitor: Colombia”, updated 3 June 2016. http://www.icnl.org/research/monitor/colombia.html</p> <p>MinDefensa, Servicios al Ciudadano > Audiencias Públicas Audiencias Públicas, https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://b1a70b176f19d4fde46f96d18d165392</p> <p>Observatorio de Drogas de Colombia, “Comisión asesora para la política de drogas en Colombia”, 13 May 2015. http://www.odc.gov.co/INICIO/Noticias/ArtMID/2976/ArticleID/1165/Comisi243n-asesora-para-la-pol237tica-de-drogas-en-Colombias</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>The "Fundación para la Libertad de Prensa" (FLIP - Foundation for Freedom of the Press) has been closely following the case of the 'chuzadas' (telephone tapping) during the Uribe administration of groups close to current president Santos. The Administrative Department of Security (DAS) wired opposition leaders, journalists and state officers.</p> <p>The case was confirmed by wikileaks between the Colombian government and American diplomats. This case is also known as 'paramilitarismo informático'. http://www.semana.com/nacion/articulo/el-das-sigue-grabando/100370-3</p>
Peer Reviewer 2	<p>Agree with Comments</p> <p>Politics aside, the relationship between CSOs and the military and police has been strongly focused on human rights issues, and generally adversarial. CSOs are generally successful at blocking weapons acquisitions for human rights reasons by lobbying in seller countries - mostly in the US and Europe. I found no evidence and heard no anecdotes of specific anti-corruption activism holding influence over acquisitions or fiscal matters. In fact, the removal of some US and European sellers due to human rights issues reduces the number of participants in procurement processes and may increase the risk of waste or corruption in some weapons acquisitions.</p>

	<p>The press has released scandals that result in disciplinary action against officers for corruption, but for petty purchases - brooms, mops, air assault gear such as gloves, figure eight rappelling devices, etc. The accusations regarding more expensive weapons systems are usually against the President and Minister, and are less likely to have an effect. For example, the Centro Democrático opposition party has accused President Santos of personally intervening in acquisitions programs on behalf of his best friend Alfonso Jaramillo, who represents some of the largest weapons sellers to Colombia, while Minister of Defense and later as president. Some international press reports have echoed these accusations but they have had no effect. Former president and opposition leader Álvaro Uribe has Tweeted rumors about President Santos wanting to buy F-16 aircraft from Lockheed Martin due to Jaramillo's influence. Santos has denied those claims, but the purchase of the F-16s seems to be on the table.</p> <p>Sources:</p> <p>http://www.slideshare.net/PalomaValenciaLaserna/debate-sig-saur</p> <p>http://www.elnuevoherald.com/opinion-es/opin-col-blogs/article1995811.html</p> <p>http://www.caracol.com.co/noticias/actualidad/rumor-sobre-compra-de-aviones-f16-enfrenta-al-gobierno-con-expresidente-uribe/20130805/nota/1945579.aspx</p> <p>http://www.caracol.com.co/noticias/actualidad/fuerza-aerea-colombiana-entrenara-con-aviones-f16-de-eeuu/20140811/nota/2362115.aspx</p> <p>http://www.semana.com/nacion/articulo/red-de-corrupcion-entre-los-militares/377311-3</p> <p>https://www.es.amnesty.org/uploads/media/contrainforme2009.pdf</p> <p>http://www.wola.org/publications/ending_50_years_of_conflict</p>
Government Reviewer	Agree

5. Has the country signed up to international anti-corruption instruments such as, but not exclusively or necessarily, UNCAC and the OECD Convention? (In your answer, please specify which.)

Score	4
Assessor Comments	<p>Colombia has signed up to various treaties against corruption: The United Nations Convention against Corruption (UNCAC) and the Inter-American Convention Against Corruption (ICAC). In 2013, Colombia and the EU signed an anticorruption treaty worth €9 million euros over the next six years.</p> <p>Colombia has signed up to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (ratified in 2013). An October 2015 implementation report found evidence of compliance and "sincere efforts" to implement the convention although there were some shortcomings in its laws against foreign bribery, and sanctions were insufficient. A February 2016 reform to the 2011 Anti-Corruption Statute aimed to tighten the law on this issue.</p>

	<p>Colombia ratified the Inter-American Convention against Corruption in 1998. The most recent implementation report (December 2013) found that Colombia had made progress with measures including its new Anti-Corruption Statute (2011) and in the training of public officials, but that it continued to fall short on issues such as preventing embezzlement and protecting whistleblowers.</p> <p>Response to reviewers: Score 4 awarded, given evidence of compliant activity.</p>
Sources	<p>El Espectador, “Unión Europea y Colombia firman convenio de lucha contra la corrupción”, 24 September 2013 http://www.elespectador.com/noticias/actualidad/union-europea-y-colombia-firman-convenio-de-lucha-contr-articulo-448441</p> <p>Ministerio de Relaciones Exteriores, “Gobierno Nacional y Unión Europea presentaron convenio suscrito para luchar contra la corrupción”, 24 September 2014. http://www.cancilleria.gov.co/newsroom/news/gobierno-nacional-y-union-europea-presentaron-convenio-suscrito-luchar-contra-la</p> <p>OAS, MESICIC Updates. http://www.oas.org/juridico/english/col.htm</p> <p>OECD, “PHASE 2 REPORT ON IMPLEMENTING THE OECD ANTI-BRIBERY CONVENTION IN COLOMBIA”, October 2015. http://www.oecd.org/daf/anti-bribery/Colombia-Phase-2-Report-ENG.pdf</p> <p>Programa Presidencial de Modernización, Eficiencia, Transparencia y Lucha contra la Corrupción. "Convenios Internacionales." http://www.anticorruccion.gov.co/legal/Paginas/ConveniosInternacionales.aspx</p> <p>Portafolio, “UE y Colombia firman convenio de lucha contra la corrupción”, 24 September 2014. http://www.portafolio.co/economia/convenio-anticorruccion-union-europea-y-colombia</p> <p>Observatorio Colombiano de Contratación Pública, "La Ley 1778 de 2016 modificó el Estatuto Anticorrupción", 10 February 2016. http://occp.co/la-ley-1778-de-2016-modific%C3%B3-el-estatuto-anticorrupci%C3%B3n</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Colombia is responsible with its international commitments. They form part of the constitutional corpus in accordance with Art. 93, which states, “International treaties and conventions ratified by Congress, which recognize human rights and which prohibit their limitation in states of emergency, prevail in internal order. The rights and duties consecrated in this Charter will be interpreted in accordance with the international treaties on human rights ratified by Colombia.” In addition, any guardianship judge may demand compliance with these treaties.</p>

6. Is there evidence of regular, active public debate on issues of defence? If yes, does the government participate in this debate?

Score	4
Assessor Comments	<p>There is vibrant public debate on defence policy in the media, academia, the private sector and CSOs, including over the ongoing peace negotiations with the FARC guerrilla group.</p> <p>It is less clear how far the government engages in this debate, aside from its Public Audiences (Audiencias Públicas) and Congress debates. Public Audiences are annual meetings where the defence minister and the security forces present their achievements, both in terms of public security and internal issues such as welfare of personnel, and the public can ask questions. The most recent was held in July 2015, and documents relating to the upcoming 2016 meeting have been published on the ministry's website.</p> <p>The atmosphere of confidence around debating defence and security has improved under the Santos government, compared to the Uribe government (2002-2010). This was evident during the debate over proposals to extend the jurisdiction of military courts, which critics warned would increase impunity for members of the armed forces who commit crimes and human rights violations. The government carried out a series of public consultations on the issue, but the reform has now been approved despite strong opposition from civil society. There is also evidence that the defence ministries engage in public forums organised by news outlets such as Semana to defend or explain defence policy.</p> <p>There are examples of civil society groups launching forceful critiques of government policy on defence and security:</p> <ul style="list-style-type: none"> - A CSO called Corporación Nuevo Arco Iris, run by Leon Valencia (former guerrilla and activist). He was extremely critical of Uribe's government (and still is), but received multiple contracts from that same government to conduct research. - In academia, one example is the Advisory Commission on Drug Policy staffed by senior academics and members of CSOs such as Fundación Ideas Para la Paz (FIP) and Dejusticia. The Commission is financed by the government and often publishes reports that are critical of the government's drug policy. Sometimes the government doesn't follow their advice, but they and other similar organisations are clearly part of the public debate about defence and security issues. - The former president of the Advisory Commission, Daniel Mejía, ran a think tank on drugs and security at Los Andes University. He has published research that opposes aerial spraying of coca crops, and the government reduced aerial spraying from 100,000 hectares in 2012 to fewer than 50,000 in 2013. In 2015, he was appointed as Bogota's sub-secretary for security. <p>Response to reviewers: Score adjusted to 4, due to strong evidence of debate through open forums, active defence institution websites, etc.</p>
Sources	Alcaldía Mayor de Bogotá "Los retos del nuevo subsecretario de Seguridad, Daniel Mejía", 1 May 2016. http://www.bogota.gov.co/article/temas-deciudad-/gestion-publica/los-retos-del-nuevo-subsecretario-de-seguridad-daniel-mejia

	<p>Corporación Nuevo Arco Iris. "¿Están de vuelta los Falsos Positivos?", 15 February 2015. http://www.arcoiris.com.co/2015/02/estan-de-vuelta-los-falsos-positivos/</p> <p>El Espectador. 'Corte Constitucional tumbó Fuero Penal Militar', 23 October 2013. http://www.elespectador.com/noticias/judicial/corte-constitucional-tumbo-fuero-penal-militar-articulo-454144</p> <p>MinDefensa, Servicios al Ciudadano > Audiencias Públicas Audiencias Públicas, https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://b1a70b176f19d4fde46f96d18d165392</p> <p>MinDefensa, Chat. https://www.mindefensa.gov.co/SedeElectronica/msg.do?formAction=btPreLoadChat</p> <p>Observatorio de Drogas de Colombia, "Comisión asesora para la política de drogas en Colombia", 13 May 2015. http://www.odc.gov.co/INICIO/Noticias/ArtMID/2976/ArticleID/1165/Comisi243n-asesora-para-la-pol237tica-de-drogas-en-Colombias</p> <p>Semana. "Primer debate presidencial sobre corrupción en Colombia", 3 November 2009. http://www.semana.com/politica/articulo/primer-debate-presidencial-sobre-corrupcion-colombia/109410-3</p> <p>Semana, "Proceso de paz: la batalla por la opinión", 18 June 2016. http://www.semana.com/nacion/articulo/plebiscito-por-la-paz-el-pulso-por-el-si-y-por-el-no/478199</p> <p>El Universal. 'Sociedad civil promueve lucha contra la corrupción.' Last accessed 16 October 2014. http://www.eluniversal.com.co/cartagena/politica/sociedad-civil-promueve-lucha-contra-la-corrupcion-67813</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 3</p> <p>I do not believe the defense debate has ever been closed in Colombia. It is persistent, and the government responds.</p> <p>One example is a CSO called Corporación Nuevo Arco Iris, run by Leon Valencia. He is a former guerrilla and activist who specializes in security issues. He was extremely critical of Uribe's government (and still is), but received multiple contracts from that same government to conduct research.</p> <p>Regarding academia, one example of influence is an Advisory Commission on Drug Policy staffed by senior academics of Universities and by members of CSO such as Fundación Ideas Para la Paz (FIP) and Dejusticia. The Commission is financed by the government and often publishes reports that are critical of the government's drug policy. Sometimes the government doesn't follow their advice, but they and other similar organizations are clearly part of the public debate about defense and</p>

	<p>security issues. The former president of the Advisory Commission, Daniel Mejia, runs a think tank on drugs and security at Los Andes University. He has published research that opposes aerial spraying of coca crops, and the government reduced aerial spraying from 100,000 hectares in 2012 to fewer than 50,000 in 2013.</p> <p>I would also add that the "Fuero Militar" debate has been influenced by civil society. Yes, it was challenged by the Constitutional Court, but in the midst of persistent outcries from national and international civil society groups who certainly influence the public debate, and possibly the Constitutional Court decision.</p> <p>Sources:</p> <p>http://www.semana.com/politica/articulo/leon-valencia-incomoda-unidad-nacional/242905-3</p> <p>http://www.elespectador.com/noticias/politica/leon-valencia-defendio-su-contrato-el-gobierno-articulo-283979</p> <p>http://economia.uniandes.edu.co/Profesores/planta/Mejia_Daniel</p> <p>http://www.semana.com/nacion/articulo/renuncia-presidente-de-comision-asesora-de-drogas-daniel-mejia-londono/360638-3</p> <p>https://www.es.amnesty.org/paises/colombia/ampliacion-fuero-militar-un-paso-mas-hacia-la-impunidad/</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>The defense sector is a sector highly observed by civil society due to the conditions of internal conflict. That is why there are ongoing debates in mass media, academia and the Congress of the Republic.</p> <p>Additionally, there are various public debates which discuss issues related to national defense that are available to the public and interested parties from the defense sector, such as:</p> <ul style="list-style-type: none"> • http://www.iiss.org/en/events/cartagena-s-dialogue. • Document containing the speech made by the Minister of National Defense at the IISS. <p>Furthermore, in 2014 the Minister of National Defense held various events focused on interaction with various groups of cattle ranchers, traders, bankers, transporter workers, farmers, coffee growers, church and community action entities as well as the community in general, in:</p> <p>CITIZEN PARTICIPATION COUNCILS:</p> <ul style="list-style-type: none"> • NEIVA – November 7, 2014 • VILLAVICENCIO – November 11, 2014 • SANTA MARTA – November 22, 2014 • CUCUTA – November 28, 2014 • BOGOTA – December 1, 2014

	<ul style="list-style-type: none"> • PEREIRA – December 5, 2014 <p>SECURITY DISCUSSION GROUPS:</p> <ul style="list-style-type: none"> • PITALITO – January 7, 2014 • SARAVENA – January 10, 2014 • PUERTO TEJADA – January 15, 2014 • MALAGA – January 30, 2014 • PENSILVANIA – April 19, 2014 • GRANADA – June 5, 2014 • NEIVA – June 7, 2014 <p>SECURITY FORUMS:</p> <ul style="list-style-type: none"> • MEDELLIN – March 11, 2014 • BUCARAMANGA – March 19, 2014 • PASTO – April 25, 2014 • CUCUTA – May 29, 2014 • MONTERIA – July 9, 2014 <p>The above is an example of the amount of public debates on national defense with participation of industries concerned.</p>
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7. Does the country have an openly stated and actively implemented anti-corruption policy for the defence sector?

Score	4
Assessor Comments	<p>Colombia's Defence Ministry published a "Plan to Ensure Integrity and Prevention of Corruption" in January 2015. This includes plans for implementation that list objectives, activities, the body responsible for them, and deadlines by which they must be implemented.</p> <p>The Anti-Corruption Statute obliges every public entity to publish online a "Plan Against Corruption and for Attention to Citizens", which sets out initiatives to combat and prevent corruption (Article 73), with risk mapping and accountability mechanisms. The Defence Ministry and each of the military and security forces have published these plans, including sections on implementation. The Office of Internal Control of each institution is responsible for monitoring the implementation of the plan.</p> <p>The Defence Ministry has implemented a programme of self-assessment as part of NATO's Building Integrity Programme, intended to strengthen transparency. Colombia produced a self-assessment document on its anti-corruption procedures that is available online, and NATO has carried out two peer review visits to the country, which include meetings with officials to advise them on plans to strengthen transparency and prevent corruption in the defence sector.</p> <p>In March 2016 the Defence Ministry launched a phone line and email address for defence officials and members of the public to anonymously denounce corruption or misconduct by the police, armed forces, or other bodies within the ministry, named the "Line of Honour".</p>

	Response to PR and GR: Score raised to 4 due to existence of openly stated anti-corruption policy, with some evidence of implementation plan.
Sources	<p>Comando General Fuerzas Militares de Colombia. "Mindefensa presenta la línea única anticorrupción del Sector Defensa 'Línea del Honor– 163'", 1 March 2016. http://cgfm.mil.co/-/mindefensa-presenta-la-linea-unica-anticorrupcion-del-sector-defensa-linea-del-honor-163-</p> <p>Ejército, "ATENCIÓN AL CIUDADANO". http://www.ejercito.mil.co/index.php?idcategoria=346047</p> <p>InfoDefensa, "La OTAN ayuda a Colombia a establecer un manual de buenas prácticas en Defensa", 3 March 2016. http://www.infodefensa.com/latam/2016/03/03/noticia-ministerio-defensa-colombiano-reune.html</p> <p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>MinDefensa, "INFORME AVANCE PLAN ANTICORRUPCIÓN A 31 DE JULIO DE 2013"</p> <p>MinDefensa, "PLAN DE ASEGURAMIENTO DE LA INTEGRIDAD Y PREVENCIÓN DE LA CORRUPCIÓN 2014". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_anticorrupcionMDN.pdf</p> <p>MinDefensa, "PLAN DE ASEGURAMIENTO DE LA INTEGRIDAD Y PREVENCIÓN DE LA CORRUPCIÓN 2015". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2015.pdf</p> <p>MinDefensa, "Plan anticorrupción de la Armada". https://www.armada.mil.co/es/content/plan-anticorrupti%C3%B3n-y-de-atenci%C3%B3n-al-ciudadano-2013</p> <p>MinDefensa, "Plan anticorrupción FAC". http://www.fac.mil.co/sites/default/files/2014%20PLAN%20ANTICORRUPCI%C3%93N%20Y%20DE%20ATENCIÓN%20CIUDADANA.pdf</p> <p>MinDefensa "UNIDAD GESTIÓN GENERAL". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/info_avance_plan_anticorrupti%C3%B3n-SEM2013.pdf</p> <p>Policía Nacional. "PLAN ANTICORRUPCIÓN y ATENCIÓN al CIUDADANO". http://www.policia.gov.co/imagenes_ponal/pagina_nueva/pdf/020513_PLAN_ANTICORRUPCION_ATENCION_CIUADANO.pdf</p> <p>Urna de Cristal, "Abecé de la construcción del Plan Anticorrupción", 29 April 2013. http://www.urnadecristal.gov.co/gestion-gobierno/abece-plan-anticorrupcion</p>

Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>There is very little evidence of effective implementation of the anti-corruption statute. All major polls show a noticeable increase in corruption perceptions:</p> <p>Gallup poll: The perception that corruption is getting worse increased from 46% in October 2010 to 78% in October 2014. http://www.elpais.com.co/elpais/colombia/graficos/conozca-resultados-ultima-encuesta-gallup</p> <p>Datexco poll: The approval of President Santos's management of corruption has fallen from 44% in November 2012 to 26% in November 2014 (disapproval of his management of corruption rose from 50% to 67% in the same time period). http://www.wradio.com.co/docs/2014120356bc5385.pdf</p> <p>Ipsos poll: Corruption is mentioned by people surveyed in the November 2014 poll as the third problem that affects them most, after unemployment and insecurity. Trust in institutions is very low - 31% trusts the national government, 21% trusts the courts and 20% trusts congress. The armed forces are the only institutions that have higher trust ratings (50%) than distrust ratings (46%). http://www.noticiasrcn.com/sites/default/files/colombia_opina_2014-1_m10_nov_2014.pdf</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>The MDN has initiated a policy of self-assessment based on NATO self-assessment and on the practices recommended in the NATO Handbook. In addition, the Minister has a specific program directed at all armed forces.</p>

8. Are there independent, well-resourced, and effective institutions within defence and security tasked with building integrity and countering corruption?

Score	3
Assessor Comments	<p>The Office for Internal Control at the Ministry of Defence is the entity within the defence sector in charge of countering corruption. Article 29 of decree 4890 of 2011 stipulates that this office is in charge of creating and implementing strategies to ensure ethical behaviour. Though this is part of the ministry, as with all offices of internal control in Colombian public entities its head is appointed by the president, under the Anti-Corruption Statute of 2011 (Article 8), and most of their staff are civilians rather than military personnel. This is intended to ensure their independence from the institution they monitor.</p> <p>In June 2016, the Colombian Army announced a programme of restructuring to increase transparency, including the creation of the Office of the Application of Norms of Transparency in the Army (Dante). This is intended to oversee all aspects of transparency within the institution, making policy recommendations to its leadership, and working with NATO and other partners.</p> <p>Another important institution is the Action Group for Institutional Transparency (GATRI), created in 2014, which monitors financial transactions within the Defence</p>

	<p>Ministry, and selects those that require additional investigation. There is evidence that this body is effective, such as 2014 reports that ten members of the army had been removed from their positions thanks to a GATRI investigation into misallocation of funds, while two generals were called to give evidence on the case.</p> <p>The national General Inspector's Office (Procuraduría) is in charge of investigating corruption in all public entities. While current inspector general Alejandro Ordóñez is considered to be powerful and independent of government, having removed high-profile figures from office, there are complaints that he overreaches his powers or that he lacks impartiality and may favour the armed forces. Political website La Silla Vacía comments that "the Disciplinary Code is very broad and vague and the inspector general - any inspector general - has a high degree of discretion, which Ordóñez has used in a selective way."</p> <p>Although interviewee 2 from the Defence Ministry commented that the Office for Internal Control is effective, a more senior member of the Ministry (interviewee 1) stated that it performs well on minor cases of corruption but not for more important ones. Interviewee 1 stated that a true inquiry into big cases of corruption could turn the enquirer into a target for some elements in the military.</p> <p>These developments are positive. In order to award a score 4, however, there would have had to be more evidence of effective implementation.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011, Article 8. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>El Colombiano. "Procuraduría investigará caso de corrupción en el Ejército", 17 February 2014. http://www.elcolombiano.com/BancoConocimiento/P/procuraduria_investigara_caso_de_corrupcion_en_el_ejercito/procuraduria_investigara_caso_de_corrupcion_en_el_ejercito.asp</p> <p>Comando General de las Fuerzas Militares. "Manual de Contratación 2014". 1 July 2014. http://www.cgfm.mil.co/documents/10197/179451/MANUAL+DE+CONTRATCION+2014-+DE+ACUERDO+AL+1510+DEL+2013.pdf/15c40ce0-b817-46dc-b1c1-755c60957e51</p> <p>Decreto 4890 del 2011. http://wsp.presidencia.gov.co/Normativa/Decretos/2011/Documents/Diciembre/23/dec489023122011.pdf</p> <p>Freedom House, Freedom in the World, 2015. https://freedomhouse.org/report/freedom-world/2015/colombia</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>Interview with interviewee 1: Senior Official of the Ministry of Defence, Bogotá, 4 June 2014.</p> <p>MinDefensa, "Oficina de Control Interno"</p>

	<p>http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://8c468a8bcbbc5bf9a1bd3d980f239ef0</p> <p>Nuestros Héroes, “Dante, por un Ejército transparente”, 3 June 2016. https://nuestrosheroesejc.com/2016/06/03/dante-por-un-ejercito-transparente/</p> <p>La Silla Vacía, “El fin de la Alcaldía de Petro = ¿el fin de la Procuraduría?”, 9 December 2013. http://lasillavacia.com/historia/el-fin-de-la-alcaldia-de-petro-el-fin-de-la-procuraduria-46277</p> <p>El Tiempo, "Citan a interrogatorio a dos generales por escándalo en el Ejército", 10 December 2014. http://www.eltiempo.com/politica/justicia/generales-investigados-por-contratacion/14952603</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Agree with Comments</p> <p>Colombia is following best practices on NATO anti-corruption policies and recommendations.</p>

9. Does the public trust the institutions of defence and security to tackle the issue of bribery and corruption in their establishments?

Score	3
Assessor Comments	<p>The defence and security institutions have a strong positive image in Colombia. A February 2016 Gallup poll found that the armed forces were the institution with the second most positive image in Colombia, at 66 percent, after the Catholic Church. A December 2015 poll by Colombia Opina put the armed forces as the institution with the most positive image, at 70 percent positive.</p> <p>Of the defence and security bodies, the air force had the most positive image in a March 2015 survey (85 percent), followed by the navy (83), army (78), and police (60).</p> <p>However, in Transparency International's Global Corruption Barometer 2013, 61 percent of respondents thought the police were corrupt, and 49 percent thought the military was corrupt.</p> <p>Perceptions of the defence institutions have suffered major damage after public scandals. The image of the police fell to a historic low after a December 2015 scandal involving allegations of a prostitution ring being run within the force, dropping from 58 percent positive and 38 negative in a Gallup poll in April of that year to 59 percent negative in March 2016. The image of the armed forces was damaged by reports of illegal wiretapping and corruption in procurement in February 2014, falling 16 points in two months.</p> <p>There is evidence that Colombians know little about the government's anti-corruption measures - only 18 percent reported that they knew about the national government's transparency strategies in a 2014 survey by the Citizens' National</p>

	<p>Commission for the Fight Against Corruption (CNCLCC), while 18 percent said that they were ineffective.</p> <p>Response to reviewers: Score adjusted to 3, on the basis of high approval ratings.</p>
Sources	<p>Caracol Radio, "Cae el nivel de aprobación del presidente Santos y del proceso de paz", 3 February 2016. http://caracol.com.co/radio/2016/03/02/politica/1456874186_084395.html</p> <p>El Colombiano, "13% de los ciudadanos ha sido víctima de la corrupción", 15 April 2015. http://www.elcolombiano.com/colombia/13-de-los-ciudadanos-ha-sido-victima-de-la-corrupcion-DY1717027</p> <p>El País, "Escándalos Afectaron imagen de Fuerzas Militares". Last accessed June 11, 2014. http://www.elpais.com.co/elpais/colombia/noticias/escandalos-afectaron-imagen-fuerzas-militares-segun-encuesta-gallup</p> <p>RCN, "Gran Encuesta: Un 65% de los colombianos consideran que las cosas van por mal camino", 7 December 2015. http://www.noticiarscn.com/nacional-pais/gran-encuesta-un-65-los-colombianos-consideran-las-cosas-van-mal-camino</p> <p>El Tiempo, "Fuerzas Armadas, con imagen favorable alta, según encuesta", 7 March 2015. http://www.eltiempo.com/politica/gobierno/fuerzas-armadas-con-imagen-favorable-alta-segun-encuesta/15354035</p> <p>El Tiempo, "Policía quedó con imagen desfavorable del 59 % tras salida de Palomino", 3 March 2016. http://www.eltiempo.com/politica/justicia/imagen-desfavorable-de-la-policia-con-la-salida-de-palomino/16526092</p> <p>Transparency International, "Global Corruption Barometer 2013". http://www.transparency.org/gcb2013/country/?country=colombia</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 3</p> <p>In spite of multiple scandals, the Colombian Army is the institution with the highest poll ratings in the country. Although these polls are not specific to corruption, a public view of prevalent bribery and corruption in the armed forces would be inconsistent with these poll numbers.</p> <p>The October 2014 Gallup poll shows that the Army has a 72% favorable rating - higher even than the 70% of the Catholic Church, much higher than the rating of other institutions such as Congress (25%), the Judiciary (18%), political parties (14%) and the President (45%).</p> <p>Source: http://www.elpais.com.co/elpais/colombia/graficos/conozca-resultados-ultima-encuesta-gallup</p>

	<p>The November 2014 Ipsos poll shows that the Armed Forces have a 50/46% trust/distrust rating, compared to 31/64% for the national government, 21/73% for high courts and 20/75% for Congress.</p> <p>Source: http://www.noticiasrcn.com/sites/default/files/colombia_opina_2014-1_m10_nov_2014.pdf</p> <p>The November 2014 Datexco poll shows that the Air Force has a 85/6% favorable/disfavorable rating, the Navy 83%/8%, the Army 80/16% , and the police 58/38%. These are high compared to other institutions, including Congress (22/68%), the Inspector General (46/43%), the Ombudsman (46/39%), the Attorney General (43/47%), the Supreme Court (35/51%), the Constitutional Court (40/40%), and the President (38/54%).</p> <p>Source: http://www.wradio.com.co/docs/2014120356bc5385.pdf</p>
Government Reviewer	<p>Agree with Comments</p> <p>Based on the NATO anti-corruption plan and their recommendations, the Institutional Transparency Group (GATRI, for its initials in Spanish) has been created. This group reports directly to the National Minister of Defense for matters of high importance. This group coordinates anti-corruption activities with the Office of the Prosecutor General's Office and the Attorney General's Office.</p>

10. Are there regular assessments by the defence ministry or another government agency of the areas of greatest corruption risk for ministry and armed forces personnel, and do they put in place measures for mitigating such risks?

Score	3
Assessor Comments	<p>The Defence Ministry carries out regular assessments of the areas of greatest corruption risk for personnel.</p> <p>Under the Anti-Corruption Statute of 2011, each public body has to create an Anti-Corruption and Attention to Citizens Plan. This includes the Defence Ministry and all the security forces. Under the national guide published in 2012, these plans must include a detailed map of corruption risks, and measures to mitigate them.</p> <p>There is evidence that the ministry and forces have put this in to practice, creating an anti-corruption plan and carrying out monitoring and producing progress reports. For example, the army has published progress reports on its anti-corruption risk map online three times a year since the system was introduced in 2013, including schedules for revising, updating and disseminating its risk maps, and recording progress on each task. The most recent was published in March 2016.</p> <p>It is noteworthy that Colombia is taking part in a NATO Building Integrity Programme to strengthen transparency which demonstrates the defence sector's commitment to anti-corruption and building integrity. NATO has carried out two peer review visits to the country to meet with Defence Ministry officials and monitor transparency and accountability in the sector, one in September-October 2015, and one in February 2016. Colombia's 2014 Self-Assessment for the</p>

	<p>programme sets out the different areas and forms of risk in the defence sector in detail, along with the measures to mitigate them (p.66-75).</p> <p>To award a score 4 for this question, there would need to be more evidence of how effective these efforts are in practice.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Ejército Nacional de Colombia, "Informe avance Plan Anticorrupción". https://www.ejercito.mil.co/?idcategoria=363175</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>NATO, Building Integrity (BI) Programme. http://www.nato.int/cps/en/natolive/topics_68368.htm</p> <p>NATO, "NATO BUILDING INTEGRITY PEER REVIEW VISIT TO COLOMBIA", 2 March 2016. https://buildingintegrity.hq.nato.int/News.aspx?id=522015553</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Agree with Comments</p> <p>There is a Presidential policy on transparency and fight against corruption, and aligned with this is an anti-corruption plan for the defense sector and all of its bodies.</p>

11. Does the country have a process for acquisition planning that involves clear oversight, and is it publicly available?

Score	2
Assessor Comments	<p>In theory the process of planning acquisitions is clear. The Colombian Defence Ministry sets out the process in the Self-Assessment it produced for NATO's Building Integrity Programme. It has five stages. 1) Identification of needs, where each personnel in the area of plans or projects within each force set out their operational requirements 2) Evaluation: Staff from these departments evaluate the needs against the strategic plan of the force. 3) Prioritisation: The needs are ranked by importance, and this ranking is approved by directors of departments within the forces. 4) Budgeting: The costs of the acquisitions are determined and placed</p>

	<p>within a draft budget, limited by the finance assigned to each department. 5) Financing: Resources are assigned in accordance with the budgets set out in the General National Budget Law.</p> <p>The law requires state agencies to publish an Annual Procurement Plan, which: "(...) contains the list of goods, works and services that they intend to acquire during that year. In the Annual Procurement Plan, the State Agency must state the need and, when it knows of a good, work or service that meets that need, it must identify it using the Classifier of Goods and Services, and indicate the estimated value of the contract, the type of resources under which the State Agency will pay for the goods, works or services, the selection mode of the contractor, and the approximate date on which the State Agency will initiate the Hiring Process. (...)" (Article 4, Decree 1510 of 2013).</p> <p>Plans for acquisitions are publicly available and can be found on the Defence Ministry's website, as well as the websites of the various forces. Oversight of the acquisition process is conducted by the Second Committee of Congress.</p> <p>However, recent procurement scandals highlight the shortcomings in transparency and oversight. For example, Semana magazine published evidence in 2014 of a widespread practice of senior officials taking kickbacks of up to 50 percent on contracts. Moreover, for goods and services that fall under confidential procurement, "contratación reservada", which covers much of the Defence Ministry's procurement of military goods, the ministry is not obliged to publish the planning documents.</p> <p>There is not sufficient evidence of the quality of oversight to award a higher score. There would need to be more evidence that the oversight is robust, with a stronger impact on the recent procurement scandals.</p>
Sources	<p>Congreso Visible. "Comisión Segunda." http://www.congresovisible.org/comisiones/11/#tab=2</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Plan anual de adquisiciones del Ministerio de Defensa Nacional 2016". https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://c5e3580ee590eff3f1ade363048d07e3</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p> <p>Semana. 'Exclusivo: Los negocios en el Ejército'. Last accessed 16 October 2014.</p>

	http://www.semana.com/nacion/articulo/red-de-corrupcion-entre-los-militares/377311-3
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>The procurement scandals mentioned above do not reflect the big problems with procurement in Colombia. The primary source - Semana magazine - is the most-read weekly publication in Colombia. It has uncovered many scandals regarding the armed forces, many which die when they make it to the court system. That may be because judges are more lenient, or because Semana is not rigorous in collecting evidence from both sides. In this particular case, I lean towards the latter.</p> <p>The audio clips in the Semana magazine are hardly evidence of the way procurement works in the defense sector. They are conversations between an imprisoned colonel and a civilian associate who are trying - unsuccessfully - to earn money with contracts to the military. They claim in their conversations that they can influence members of the military to give them contracts, but their conversations show that they have been unsuccessful. The contracts they mention are for small, inexpensive products. They mention brooms, mops, air assault gloves (worth about USD 50), and similar items. The imprisoned Colonel mentions "descenders," what the military calls figure eight rappel devices that are worth about USD 40. Semana incorrectly claims that these are "Blackhawk helicopter parts." The 50% figure mentioned by Semana does not refer to bribes taken by senior officials, but rather the mark-up on products that the two people recorded were expecting for harnesses worth USD 40 and gloves worth USD 25. This is not where the big procurement money is.</p> <p>Weapons acquisitions - especially the more expensive weapons systems, such as helicopters, airplanes and frigates - happen under the oversight of the ministry. Generals have a very limited say in these acquisitions, and as revealed by this accusation (http://www.slideshare.net/PalomaValenciaLaserna/debate-sig-saur), the influence over who earns these contracts is exercised at a high level - by the minister, his general secretary and the president. Because the president has excellent relations with the media (in particular, with Semana magazine - it is owned by one of the President's closest friends and directed by the President's nephew), this accusation was hardly picked up by the media.</p> <p>That said, I agree with the assessment of "notable shortcomings in transparency" - just at a much higher level than that mentioned by Semana and echoed by the assessor.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>A specific manual has been drafted recently for the defense sector in order to verify compliance with regard to acquisitions and to improve the quality thereof.</p> <p>As an obligation, the Colombian legal system requires state agencies to publish an Annual Procurement Plan, which: "(...) contains the list of goods, works and services that they intend to acquire during that year. In the Annual Procurement Plan, the State Agency must state the need and, when it knows of a good, work or service that meets that need, it must identify it using the Classifier of Goods and Services,</p>

	<p>and indicate the estimated value of the contract, the type of resources under which the State Agency will pay for the goods, works or services, the selection mode of the contractor, and the approximate date on which the State Agency will initiate the Hiring Process. (...)" Source, Article 4 Decree 1510 of 2013.</p> <p>Likewise, Article 6 of Decree 1510 of 2013, states: "Publication of Annual Procurement Plan. The State Agency must publish its Annual Procurement Plan and all updates regarding this on their website and on the SECOP (...)." The SECOP is the Electronic Procurement System in which not only the Ministry of Defense, but all entities are required to publish procurement processes that will be carried out, this being another tool available to the public; Likewise, through Decree 4170 of 2011, the National Public Procurement Agency - Colombia Efficient Purchase publication was created as a way to strengthen scenarios of transparency and visibility of public contract management, with this agency being responsible for managing the aforementioned SECOP system.</p> <p>In this way, the Colombia Efficient Purchase Agency (which manages the SECOP), is the most suitable tool available to the public in learning about the purchases of goods, works and services that each of the various state entities aim to carry out each year, including the Ministry of Defense.</p>
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12. Is the defence budget transparent, showing key items of expenditure? This would include comprehensive information on military R&D, training, construction, personnel expenditures, acquisitions, disposal of assets, and maintenance.

Score	3
Assessor Comments	<p>Colombia's annual budget is published online by the Treasury. It contains information on the defence budget broken down between the different entities - the Defence Ministry, retirement funds, military hospitals, and logistics bodies. The figures are also broken down by types of spending, with categories including infrastructure construction, acquisitions, health, administration, and training.</p> <p>A more accessible and less detailed budget summary is also published by the Defence Ministry. There is also evidence that the MoD has published documents to help the general public understand defence spending figures, explaining how they are calculated.</p> <p>Score adjusted to 3 on the basis of evidence that a fairly detailed breakdown of the defence budget is published. Sources added.</p>
Sources	<p>MinDefensa, "Estrategia y planeación" http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://f2118adec98535ccbfa31e275fd16d48</p> <p>MinDefensa, "Presupuesto 2016", 13 April 2016. https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://79e4732a9ca22aa966e1205d1dad087a</p> <p>MinDefensa, "Cálculo del Gasto en Defensa y Seguridad – GDS", June 2009. http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas2/anexos/9101_Nota_de_investigacion_01_Calculo_GDS.pdf</p>

	<p>MinDefensa, "METODOLOGÍA PARA EL CÁLCULO DEL GASTO EN DEFENSA Y SEGURIDAD" http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas2/anexos/9057_Metodologia.pdf</p> <p>MinHacienda, "Presupuesto General de la Nación 2016", 24 November 2015, Section 1501. http://www.minhacienda.gov.co/HomeMinhacienda/ShowProperty?nodeId=%2F0CS%2FMIG_46792604.PDF%2F%2FidcPrimaryFile&revision=latestreleased</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 1</p> <p>I would define this defense budget as "highly aggregated", using the same source as the assessor. Each force (Army, Navy, Air Force, Police, and a few decentralized agencies) lists only Personnel Expenses, General Expenses, Transfers (pensions, etc.), and Investment expenses. There are no regular publications of the defense budget in greater detail.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>There is a rigorous budget management information control system audited by external agencies such as the Comptroller General of the Republic and the Office of the Auditor General. Purchases are controlled through a detailed technology system that is reported on the Electronic Public Procurement System (SECOP, for its initials in Spanish).</p> <p>Government Update March 2015:</p> <p>The execution of the Defense Sector's budget has always obeyed principles of transparency and accountability. Budget figures are made public and can be accessed through different links:</p> <ul style="list-style-type: none"> • Budget figures, as well as its execution, are published regularly on the Ministry of Defense's website. Further details can be found here: http://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?guest_user=Guest_MDN&NavigationTarget=navurl://eae0884aef5292095a978f079a7556d3 • Publication on the Ministry of Finance and Public Credit of Draft, Bill, Law, Decree and execution of the national budget in the following links: http://www.minhacienda.gov.co/HomeMinhacienda/presupuestogeneraldelanacion, http://www.minhacienda.gov.co/HomeMinhacienda/presupuestogeneraldelanacion/LeyPresupuestalPGN • On this topic, "The Strongest and Most Modern Armed Forces 2011 - 2015" book was produced and promoted in order to be accountable for the execution of defense sector extraordinary resources, collected from estate tax. This document shows the significant achievements in investment and sector-financed acquisitions from extraordinary resources from 2011-2015, respecting the principles of efficiency and transparency.

	<p>Likewise, in order to contribute to the transparent implementation of extraordinary resources, the Committee on Ethics and Transparency was formed, whose function was conceptualized regarding projects that will be financed with extraordinary resources, supporting the ongoing monitoring in the use of these, generating early warnings and suggesting corrective measures prior to acquisitions. This was conformed by prominent businessmen, former ministers, university presidents, industry presidents recognized across the country, and the Comptroller General and the Attorney General's Office as guests.</p> <p>Additionally, it will participate in international methodologies that show expenditure figures for the different countries in order to create transparency in military spending. The international methodologies that are updated annually are the UN, SIPRI, UNASUR and IISS.</p>
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12A. Is there a legislative committee (or other appropriate body) responsible for defence budget scrutiny and analysis in an effective way, and is this body provided with detailed, extensive, and timely information on the defence budget?

Score	3
Assessor Comments	<p>The defence budget is subject to the same process of congressional oversight as other parts of the budget. A draft budget law, the General Budget Law of the Nation, is presented to Congress when its session begins on 20 July each year. This information is detailed - the draft law is broken down by entities and types of spending.</p> <p>The Third and Fourth Committees - joint Senate and House bodies that oversee economic matters - are responsible for checking, debating, and approving the budget. The committees have until 14 August to determine whether it is lawful. They then approve the total amount, and have between 1 and 20 October to request changes that do not affect the total value. The approved budget is then elaborated in greater detail and published online by 31 December.</p> <p>The Open Budget Survey 2015 found that oversight by the Colombian legislature was adequate, scoring it 83 out of 100. It found that the executive's budget proposal was "substantial", the second-highest classification. However, it noted that "regular consultations on budget matters between the executive and the legislature do not take place". Score maintained at 3 due to lack of evidence of Congress influencing the defence budget.</p>
Sources	<p>El Espectador, "Comisiones económicas aprueban monto de Presupuesto General para 2016", 8 September 2015. http://www.elespectador.com/noticias/economia/comisiones-economicas-aprueban-monto-de-presupuesto-gen-articulo-584731</p> <p>Global Security, "Colombia: Military spending". http://www.globalsecurity.org/military/world/colombia/budget.htm</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>

	"Open Budget Survey 2015: Colombia". http://www.internationalbudget.org/wp-content/uploads/OBS2015-CS-Colombia-English.pdf
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Disagree, suggested score: 4 From the planning of the budget until the expenses are executed, there is strong oversight from the Congress and from the specialized control agencies, such as the Comptroller General of the Republic. In addition, the Law on Information indicates that control entities can have access to information without being subject to the usual restrictions. With regard to the Law on Intelligence, the Second Commission has some access to information to ensure compliance with some of the procedures dictated by Law.

12B. Is the approved defence budget made publicly available? In practice, can citizens, civil society, and the media obtain detailed information on the defence budget?

Score	3
Assessor Comments	<p>Colombia's annual budget is easily accessible online via the website of the Treasury. It contains information on the defence budget broken down between the different entities - including the Defence Ministry, retirement funds, military hospitals, and logistics bodies. The figures are also broken down by types of spending, with categories including infrastructure construction, acquisitions, health, administration, and training.</p> <p>A more accessible and less detailed defence budget summary is also published by the Defence Ministry. There is also evidence that the ministry has published documents to help the general public understand defence spending figures, explaining how they are calculated.</p> <p>In addition, Section 4 of the 2015 military Anti-Corruption Plan specifically addresses public access to information on defence spending, outlining a strategy to improve public access and oversight.</p> <p>Colombia implemented a law on Transparency and Access to Information in January 2015 (Law 1712) that expands and consolidates access to information, building on guarantees in the Constitution and the 1985 Law Ordering the Publicity of Official Acts and Documents. It removes the requirement that applicants explain why they are requesting information, and extends coverage to all entities that provide public services, state contractors, political parties, and some non-governmental organisations. Public bodies must respond to requests within 15 working days. However, it makes broad exemptions for information on defence and national security, which have been criticised by civil society organisations. Though these exemptions were limited by the Constitutional Court, there are still concerns from critics. In addition, the law fails to designate a single agency to implement access to information.</p> <p>A 2015 study by Índice Libertad de Expresión rated access to information at 39.7 out of 100, noting that implementation of the new law had been slow.</p>

Sources	<p>Freedom House, Freedom of the Press 2015. https://freedomhouse.org/report/freedom-press/2015/colombia</p> <p>Freedominfo.org, "Colombia President Signs Information Access Law", 7 March 2014. http://www.freedominfo.org/2014/03/colombia-president-signs-information-access-law/</p> <p>Ley 1712 de 2014. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/LEY%201712%20DEL%2006%20DE%20MARZO%20DE%202014.pdf</p> <p>MinDefensa, "Estrategia y planeación" http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://f2118adec98535ccbfa31e275fd16d48</p> <p>MinDefensa, "Presupuesto 2016", 13 April 2016. https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://79e4732a9ca22aa966e1205d1dad087a</p> <p>MinDefensa, "Cálculo del Gasto en Defensa y Seguridad – GDS", June 2009. http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas2/anexos/9101_Nota_de_investigacion_01_Calculo_GDS.pdf</p> <p>MinDefensa, "METODOLOGÍA PARA EL CÁLCULO DEL GASTO EN DEFENSA Y SEGURIDAD" http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas2/anexos/9057_Metodologia.pdf</p> <p>MinHacienda, "Presupuesto General de la Nación 2016", 24 November 2015, Section 1501. http://www.minhacienda.gov.co/HomeMinhacienda/ShowProperty?nodeId=%2F0CS%2FMIG_46792604.PDF%2F%2FidcPrimaryFile&revision=latestreleased</p> <p>Proyecto Antonio Nariño, "Índice de Libertad de Expresión y Acceso a la Información (ILEAI)". http://indicelibertadexpresion.com/#dimensiones</p> <p>Secretaria de Transparencia, "Ley de Transparencia: Guía para responder a solicitudes de acceso a información pública" http://www.secretariatransparencia.gov.co/prensa/2016/Documents/guia-para-responder-a-solicitudes-de-acceso-a-informacion%20publica_web.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not qualified
Government Reviewer	<p>Agree with Comments</p> <p>The response time to requests is regulated in law by the authorities as 15 working days.</p>

13. Are sources of defence income other than from central government allocation (from equipment sales or property disposal, for example) published and scrutinised?

Score	3
Assessor Comments	<p>As well as funds from the central government, the Defence Ministry has various other sources of income. These are listed in its Self-Assessment for NATO's Building Integrity Programme. They include: resources that entities within the defence sector receive from the sale of goods or services; resources from the National Defence Fund (Fondo de Defensa Nacional), which are generally used to pay compensation and housing for military personnel; and Health Funds within the Military Forces and Police, which come from member contributions and from the state, and finance the healthcare of personnel.</p> <p>All income, including these non-central government sources, is in theory published every year when the Defence Ministry reports to Congress, though this was not present in the most recent report (Memorías al Congreso). The National Comptroller - which scrutinises all public entities - carries out an annual audit of the finances of the Defence Ministry and each of its forces, according to the Self-Assessment for NATO. No recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available.</p> <p>The website Portal of Economic Transparency allows for a search of income of government sectors, including the defence sector. It produces a report of income broken down by entity, month, type, and means of collection - whether in cash or by other means. This includes figures for 2016. Colombia received more than \$10 billion from the US in mostly military aid under Plan Colombia from 2000 onwards. There have been criticisms of the lack of transparency of these resources, and a 2005 report by RESDAL found that the Finance Ministry exercises little control over these resources, as they are normally delivered in kind. Military businesses such as Indumil make up-to-date budgets openly available online, but there is a lack of detail in these documents.</p>
Sources	<p>Contraloría Nacional de la República, "Auditorías Liberadas, Sector Defensa, Justicia y Seguridad". http://www.contraloriagen.gov.co/web/guest/auditorias-defensa</p> <p>Indumil, "Presupuesto y Plan de Acción". https://www.indumil.gov.co/articulo/contenido/379-presupuesto-y-plan-de-acci%C3%B3n</p> <p>Indumil, Presupuesto 2016. https://www.indumil.gov.co/archivos/contenidos/imagenes/ckeditor/files/DESAGREGACI%D3N%202016.pdf</p> <p>MEMORÍAS AL CONGRESO 2014-2015. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/memorias2014-2015.pdf</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>

	<p>Portal de transparencia económica. http://www.pte.gov.co/WebsitePTE/ConsultaIngresos</p> <p>RESDAL, "Transparencia en el presupuesto de defensa: El caso de Colombia", July 2005. http://www.resdal.org/presupuestos/caso-colombia.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 1</p> <p>The Ministry of Defense has very little income from sources other than Central Government allocation.</p> <p>The largest source of this income is Indumil, the Military Industries agency that sells weapons, explosives, and ammunition to the police, military, civilian security agencies, and all individuals who want to own guns legally in Colombia. Indumil's public budget is highly aggregated and the destination of the money received is not disclosed.</p> <p>Some agencies and military/police units have sources of income that do not come from central government allocation. These include stores within military units, the management of sleeping and dining arrangements for officers and non-commissioned officers, management of cattle and horses, and rentals of installations to civilians, such as soccer fields. These sources of revenue are usually managed at the brigade or battalion level - sometimes lower than that - and are very prone to mismanagement and corruption because there is very little oversight.</p> <p>For example, in 2010 the commander general of the armed forces was accused of awarding himself a medal and a scepter made of solid gold, together worth USD 60,000. He also published his memoirs with a cost of USD 130,000. Those resources came from these sources of income - the "fondo interno" of the Military Academy.</p> <p>It is very common for Army and Police schools to charge students for materials, sometimes even paint and other maintenance expenses. It is also common for low-ranking officers to authorize leave to conscript soldiers in return for maintenance materials.</p> <p>Source: http://www.caracol.com.co/noticias/actualidad/piden-investigar-costosas-condecoraciones-de-padilla-de-leon/20101201/nota/1393139.aspx</p>
Government Reviewer	Agree

14. Is there an effective internal audit process for defence ministry expenditure (that is, for example, transparent, conducted by appropriately skilled individuals, and subject to parliamentary oversight)?

Score	4
Assessor Comments	The Defence Ministry's Internal Control Office carries out audits both of the ministry and of the security forces. In addition, each of the entities within the defence sector have their own General Inspection unit, each of which contains an Office of Internal Control.

	<p>The Internal Control Offices of the Defence Ministry and its component forces all produce regular reports on finances. According to the NATO Self-Assessment, these include a quarterly Report on Austerity in Public Spending, an Internal Control Report (Informe Pormenorizado de Control Interno), and a report on the use of the SIIF finance system. The Internal Control Report is published every four months and can be found on the ministry's website.</p> <p>The heads of all Internal Control Offices are directly appointed by the president, rather than the head of the entity they oversee, which is intended to make them more independent, as set out in the 2011 Anti-Corruption Statute. According to the NATO Self-Assessment, "almost all" of the auditing team of these offices are civilian rather than military staff.</p> <p>The Defence Ministry delivers an annual report to Congress setting out its results over the year (Memorias al Congreso), and Congress can call officials to give more information on the sector. However, the most recent report (2015) does not contain detailed financial information.</p> <p>The Defence Ministry also publishes quarterly reports on the execution of the defence sector budget, broken down into: spending on personnel, general spending, transfers, commercial operations, and investment. There is a consolidated end of year report at the end of each financial year that analyses the execution of the budget of the Defence Ministry and each of its component entities.</p> <p>Response to reviewers: Score adjusted to 4.</p>
Sources	<p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. "INFORME PORMENORIZADO DEL ESTADO DEL CONTROL INTERNO - NOVIEMBRE - FEBRERO DE 2015" 22 March 2016. https://www.mindefensa.gov.co/irj/go/km/docs/guid/906561d4-e6ba-3210-ab8c-d144e5e92001</p> <p>MinDefensa. "Memorias al Congreso: 2014-2015". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/memorias2014-2015.pdf</p> <p>MinDefensa, "Ejecución Presupuesto Sector Defensa - primer trimestre 2016". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Planeacion/Presupuesto/Presupuesto_1er_trim2016.pdf</p> <p>MinDefensa. "Informe Consolidado Ejecución Presupuestal". https://www.mindefensa.gov.co/irj/go/km/docs/pccdesign/PortalMDN/ArchivosComunes/Shared%20Content/Otros%20Aspectos%20de%20inter%20C3%A9s/INFORME%20CIERRE%202015.pdf</p>

	MinDefensa. Secretarías > Secretaría de Gabinete > Control Interno > Informes de Gestión https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://8394bc823295e597efa9bd06fcaf1cef
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Disagree, suggested score: 4 Reports from the Office of the Defense Sector are public, as are those from the Comptroller General of the Republic. Inspectors are part of the control and auditing system, but the entire system is directed by the Defence Ministry's Office of Internal Control. Those cases which are suspected to include some degree of corruption are investigated by the GATRI and reported to state control agencies.

15. Is there effective and transparent external auditing of military defence expenditure?

Score	3
Assessor Comments	<p>External auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. This is a powerful body, and is independent of the Defence Ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available.</p> <p>There is evidence that the Defence Ministry acts on the findings of the Comptroller - the Internal Control Office publishes regular progress reports on the "Improvement Plan of the General Management Unit", which is agreed with the Comptroller General's Office.</p> <p>The Defence Ministry delivers an annual report to Congress setting out its results over the year (Memorias al Congreso), and Congress can call officials to give more information on the sector. This is reviewed by Congress' Second Committee. However, the most recent report (2015) does not contain detailed financial information.</p> <p>Response to reviewers: Score maintained, sources added.</p>
Sources	<p>Contraloría Nacional de la República, "Auditorías Liberadas, Sector Defensa, Justicia y Seguridad". http://www.contraloriagen.gov.co/web/guest/auditorias-defensa</p> <p>MinDefensa, "RENDICIÓN DE CUENTAS SECTORIAL 2012-2013". http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://b2548685db90ed00b14ef7b303cf9ab9</p> <p>MinDefensa, "INFORME EJECUTIVO DE AVANCE DEL PLAN DE MEJORAMIENTO", 21 July 2014.</p>

	<p>https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/Planes%20de%20Mejoramiento/Informe%20Ejecutivo%20Avance%20Plan%20de%20Mejoramiento%20UGG30jun2015.PDF</p> <p>MinDefensa. "Memorias al Congreso: 2014-2015". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/memorias2014-2015.pdf</p> <p>La Silla Vacía, "Contraloría: Santos le hace el guiño a Maya, pero los congresistas...", 10 August 2014. http://lasillavacia.com/historia/contraloria-santos-le-hace-el-guiño-maya-pero-los-congresistas-48367</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>Colombia's auditing body is the Contraloría General de la República (Office of the Ombudsman), which is independent of the three branches of government. The Ombudsman is elected by Congress from a list of three candidates, each selected by a high court (Constitutional Court, Supreme Court, and State Court). His office has 4,057 employees, 3,934 of them career employees and 123 appointed by the Ombudsman.</p> <p>On paper, the Ombudsman is independent. However, the election of the most recent Ombudsman showed that President Santos had him elected through his coalition in Congress. President Santos explicitly supported a candidate and had a disagreement with former President Cesar Gaviria, then President of the Liberal Party, over this election. The press persistently referred to the elected Ombudsman, Edgardo Maya Villazón, as President Santos's candidate.</p> <p>The Ombudsman is also vulnerable to pressure from other branches of government. Sandra Morelli, the previous Ombudsman, fled Colombia to Italy after her term, arguing judicial persecution by Colombia's Attorney General.</p> <p>The government does not only act upon recommendations: the ombudsman has the power to act on them himself. The office can impose fines on public servants. In the event that criminal or disciplinary faults are found during the investigation, the Ombudsman submits the evidence to the Attorney General for criminal prosecution or to the Inspector General for disciplinary investigations.</p> <p>Like the Ombudsman, the Inspector General's office (Procuraduría General) is not only independent of the Ministry of Defense - it is independent of the President and Congress, and it is extremely powerful.</p> <p>The Ombudsman and Inspector General both make about twice as much as the highest-ranking generals in the Military or Police, and their bureaucracies are also much better paid than their counterparts in the Ministry of Defense.</p>
Government Reviewer	<p>Agree with Comments</p> <p>Inspectors are part of the control and auditing system, but the entire system is directed by the Defence Ministry's Internal Control Office. Those cases which are</p>

	suspected to include some degree of corruption are investigated by the GATRI and reported to state control agencies.
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16. Is there evidence that the country's defence institutions have controlling or financial interests in businesses associated with the country's natural resource exploitation and, if so, are these interests publicly stated and subject to scrutiny?

Score	4
Assessor Comments	<p>In Colombia, the defence institutions cannot control natural resources or financial interests associated with them. This is set by law. They can own private companies, but these are not associated with the exploitation of natural resources. All financial interests of the Ministry of Defence can be found on their website.</p> <p>External auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. This is a powerful body, and is independent of the Defence Ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available. The website Portal of Economic Transparency allows for a search of income of government sectors, including the defence sector. It produces a report of income broken down by entity, month, type, and means of collection - whether in cash or by other means. This includes figures for 2016.</p> <p>Colombia has relatively strong transparency in its natural resources sector. According to the 2013 Resource Governance Index, "While critical gaps in public access to information remain, Colombia's comprehensive legal framework and independent licensing process earned it a "satisfactory" score of 75."</p>
Sources	<p>Global Witness. "Conflict Minerals." http://www.globalwitness.org/campaigns/conflict/conflict-minerals</p> <p>MinDefensa. 'Finanzas.' http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Finanzas/Manual%20de%20Bienes/Manual%20de%20procedimientos%20administrativos%20y%20Financieros%20para%20el%20manejo%20de%20Bienes%20del%20MDN%202012.pdf</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Revenue Watch, "THE 2013 Resource Governance Index", http://www.resourcegovernance.org/sites/default/files/country_pdfs/colombiaRGI2013.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree

17. Is there evidence, for example through media investigations or prosecution reports, of a penetration of organised crime into the defence and security sector? If no, is there evidence that the government is alert and prepared for this risk?

Score	2
Assessor Comments	<p>In the past there has been penetration of organised crime in the defence and security sectors. Paramilitary groups, which were established to fight guerrillas but moved into the drug trade, received high-level institutional support from the Colombian police and armed forces in the 1990s and 2000s, in terms of weapons and logistics. Retired police General Mauricio Santoyo, who had been security chief for then-President Alvaro Uribe, surrendered to the US drug agency (DEA) in 2012, charged with conspiracy to traffic drugs.</p> <p>There is evidence that the security forces continue to have links, at a lower level, with the BACRIM - criminal groups that inherited the role of the paramilitaries. There are elements in the Colombian military and police that assist organised criminal groups, or turn a blind eye to their operations, but these are today relatively isolated cases as opposed to a manifestation of high-level institutional collusion with organised crime.</p> <p>More recently, the armed forces and police have publicly acknowledged the risk of penetration by organised crime, and this is included in detailed anti-corruption plans and risk assessments created by the Defence Ministry and each of the armed forces and police. For example, speaking at a June 2016 forum on transparency in Bogotá, army commander General Alberto José Mejía Ferrero stated "A soldier should not just be well armed ... but must be impenetrable to corruption, because the challenges of crime and drug trafficking ... pose a moral and ethical challenge to us every day."</p> <p>Some accusations of links with armed crime end in unsatisfactory investigations. The promotion of police General Luis Eduardo Martínez was postponed in December, due to accusations that he had ties to criminal groups, which came in part from the publication of a document, purportedly from a US law firm, that accused the general of giving drug traffickers information on the actions of US law enforcement, and dealing with paramilitaries. The general then retired in February, and the investigation against him was dropped due to lack of evidence.</p> <p>Between 2002 and 2014, 57 members of the police force were convicted of connections to criminal groups.</p> <p>Response to reviewers: Score maintained at 2 given that there is evidence of some penetration but that the government is actively working to tackle the problem. Sources added.</p>
Sources	<p>BBC, "Colombia Gen Santoyo pleads guilty to paramilitary ties", 20 August 2012. http://www.bbc.co.uk/news/world-latin-america-19326809</p> <p>Ejército, "Trasparencia es la espada con la que luchará el Ejército Nacional en cada una de sus actuaciones", 2 June 2016. https://www.ejercito.mil.co/?idcategoria=396923</p>

	<p>El Espectador, “Militares capturados con droga harían parte de un cartel”, 4 February 2013. http://www.elespectador.com/noticias/judicial/militares-capturados-droga-harian-parte-de-un-cartel-articulo-402724</p> <p>El Espectador, “Procuraduría archivó investigación contra el general (r) Luis Eduardo Martínez”, 2 May 2016. http://www.elespectador.com/noticias/judicial/procuraduria-archivo-investigacion-contra-el-general-r-articulo-630149</p> <p>InSight Crime. “Investigation Shows Colombia Military-Criminal Arms Trafficking Ties”, 4 March 2014, http://www.insightcrime.org/news-briefs/investigation-reveals-military-criminal-arms-trafficking-ties-in-colombia</p> <p>InSight Crime, “AUC profile”, http://www.insightcrime.org/colombia-organized-crime-news/auc-profile</p> <p>Semana, “5.749 militares son investigados por la Fiscalía”, 12 November 2014. http://www.semana.com/nacion/articulo/5749-militares-son-investigados-por-la-fiscalia/408854-3</p> <p>El Tiempo, “Las pistas que llevaron a capturar a agente aliado en ataque a Gorgona”, 5 December 2014. http://www.eltiempo.com/politica/justicia/ataque-de-las-farc-en-gorgona/14933337</p> <p>El Tiempo, “Asaltan estación de carabineros; se habrían llevado al menos 14 armas”, 5 December 2014. http://www.eltiempo.com/bogota/asaltan-estacion-de-carabineros-de-suba-y-se-llevan-armas/14934615</p> <p>El Universo, “Colombia someterá al polígrafo a militares para ascensos”, 17 November 2008. http://www.caracol.com.co/noticias/judiciales/capturan-a-seis-militares-cuando-negociaban-600-kilos-de-cocaina-en-antioquia/20120704/nota/1716700.aspx</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>Since 2009 there has been growing attention to the involvement of local authorities and police officers with criminals groups (bandas criminales - BACRIM). In 2012, cases were reported in regions such as Chocó, Antioquia, La Guajira and Huila for defence personnel's alleged links with the Rastrojos band. In addition, members of the police, military and judicial officials in Antioquia, Boyacá, Santander and Córdoba are suspected of links with other BACRIM such as the Urabeños and other local gangs.</p>
Peer Reviewer 2	<p>Agree with Comments</p> <p>The officer corps in the military and police is generally strong and infiltration in high ranks is rare. Some reports by civil society organizations accuse the armed forces of generalized infiltration by organized crime, but the sporadic examples provided of infiltration are of members of the Army caught trafficking drugs. For example, in 18 December 2012 an Army major was captured with 79 kg of marijuana, and in 4 July 2012 a major, a captain and four soldiers were captured trying to sell 600 kg of</p>

	<p>cocaine to a criminal organization. The capture was made by the military as part of a counterintelligence operation.</p> <p>These officers were not active members of criminal organizations, but apparently are corrupted to work on their behalf. They were captured in the attempt. It is possible that there are others who do the same without being captured.</p> <p>In the lower ranks, infiltration is possibly more common. Salaries for soldiers and police in lower ranks are low, but the potential for rent-seeking in some regions is large. There are rumors that people manning checkpoints can triple their salaries (perhaps more) just by ignoring contraband drugs, fuel or food entering from Venezuela, or illegal mining operations. The machinery and explosives needed for illegal mining operations and the success of criminal organizations in hiding them suggests that there is some collusion by authorities at some level.</p> <p>In October 27, 2014, four police officers and a member of the Attorney General's office were captured and accused of receiving monthly payments from a criminal organization (collectively known as BACRIM, an acronym for criminal gangs) in exchange for information about police operatives against the organization. All of them were low-ranking police officers.</p> <p>In December 2014, a police sergeant (intendente) was captured for assisting FARC in attacking a police station in the pacific island of Gorgona, which resulted in the murder of an officer and four wounded policemen.</p> <p>Also in December 2014, a police station was robbed with obvious cooperation from within. Fourteen firearms, including three assault rifles, were stolen. All staff members from the police station were subjected to polygraph testing.</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>There is no evidence that drug trafficking in general has penetrated the defense sector. There have been isolated cases in which the Minister has requested pertinent investigations by the control bodies, which are the ones competent for doing so and which perform constant monitoring.</p>

18. Is there policing to investigate corruption and organised crime within the defence services and is there evidence of the effectiveness of this policing?

Score	4
Assessor Comments	<p>The office in charge of investigating corruption and organised crime within the defence services is the Office of Internal Control. In addition, each of the entities within the defence sector have their own General Inspection unit, each of which contains an Office of Internal Control.</p> <p>The heads of all Internal Control Offices are directly appointed by the president, rather than the head of the entity they oversee, which is intended to make them more independent, as set out in the 2011 Anti-Corruption Statute. According to the NATO Self-Assessment, "almost all" of the auditing team of these offices are civilian rather than military staff.</p>

	<p>There is evidence of the Attorney General's Office carrying out effective investigations of corruption within the armed forces. In April 2015, the body ordered the arrest of 35 people - including 15 serving officers and 14 retired - for taking part in a network to defraud the armed forces' health and pensions systems of 50 billion pesos. Semana praised it as the first time that not only all those responsible for such as network had been arrested, but also that investigators had managed to recoup much of the stolen money.</p> <p>There have been recent attempts to clean up the police force ahead of its potential larger role once the internal armed conflict comes to an end. In May 2016, it was reported that the police had carried out the biggest purge of officers in 20 years, firing 1,400 in 80 days as part of a "zero tolerance for corruption" policy. The head of the police force resigned in February after revelations about a prostitution network operating within the force.</p> <p>The government has demonstrated determination to quickly remove high-level officers accused of misconduct. For example, after Semana reported in February 2014 that army spies had been wiretapping government negotiators at peace talks with the FARC rebels in Cuba, the army's intelligence head, General Mauricio Ricardo Zuniga, and the director of the army's technical intelligence centre, General Óscar Zuluaga, were removed from their posts within days.</p> <p>Response to reviewers: Score adjusted to 4 due to evidence of effective policing.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>BBC. "Colombia army intelligence boss sacked over spying row", 5 Feb 2014. http://www.bbc.co.uk/news/world-latin-america-26041723</p> <p>BBC, "El escándalo de prostitución masculina que forzó la renuncia del director de la Policía de Colombia" 18 February 2016. http://www.bbc.com/mundo/noticias/2016/02/160217_colombia_renuncia_jefe_policia_nacional_rodolfo_palomino_nc</p> <p>Correo Confidencial, "Fiscalía allanó Central de Inteligencia del Ejército en Facatativá", 10 February 2014. http://correoconfidencial.com/archivos/79044</p> <p>Ejército, Comunicado de Prensa, 28 October 2014. http://www.ejercito.mil.co/?idcategoria=371915</p> <p>El País, "Fiscalía captura a militares presuntamente relacionados con espionaje de 'Andrómeda'", 3 October 2014. http://www.elpais.com.co/elpais/colombia/noticias/fiscalia-captura-militares-presuntamente-realacionados-con-espionaje-andromeda</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>

	<p>MinDefensa. "Control Interno". http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://8c468a8bcbbc5bf9a1bd3d980f239ef0</p> <p>Reuters, "Colombia fires more than 1,400 police in corruption crackdown", 11 May 2016. http://www.reuters.com/article/us-colombia-police-idUSKCN0Y220A</p> <p>Semana, "El fin del carrusel de las Fuerzas Militares", 14 May 2016. http://www.semana.com/nacion/articulo/fin-a-carrusel-de-pensiones-en-las-fuerzas-militares/473507</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 4</p> <p>The Army and police know about the potential for infiltration and have taken measures to prevent it. Every battalion, brigade and division has a counter-intelligence office dedicated almost exclusively to preventing infiltration. Officers accused or suspected of wrongdoing are routinely subjected to polygraph tests.</p> <p>Schools that train officers are particularly diligent because they understand the harm that an infiltrated officer can cause. The application process to these schools involves background checks, in-person interviews and home visits for every candidate.</p> <p>The Attorney General's office, which belongs to the Judicial Branch, routinely investigates and imprisons members of the Military and Police for suspicion of involvement in organized crime. It has a National Specialized Directorate for Organized Crime and one of its current stated priorities is to fight organized crime. Between January and June 2014, this office captured and indicted 41 members of security forces including the Police, Army, Prisons Administration (INPEC) and others. The Attorney General's office raids military units and arrests officers without resistance. For example, in February 2014, the Attorney General's office raided an Army Intelligence office suspected of espionage and arrested its occupants. It also raided the Army's Intelligence Battalion in Facativá on the same month.</p> <p>There are no public government reports that specify the number of members of the armed forces that are currently in prison, but the number is likely close to 2,500. While they are not exclusively in prison for relationships with organized crime, it is clear that Colombia's judiciary routinely and independently investigates the armed forces, and if needed they arrest and imprison military personnel without resistance.</p> <p>The Inspector General's office, among the most powerful in Colombia, has 3,869 employees. 68 of them are dedicated exclusively to oversight of the Armed Forces at the national level. 19 are responsible for oversight of the Military, 12 of the Police, 12 for human rights issues, and 25 for general disciplinary issues. In addition, regional, provincial and municipal offices can investigate military and police forces that operate within their jurisdiction.</p> <p>Sources:</p>

	<p>http://www.elpais.com.co/elpais/colombia/noticias/fiscalia-captura-militares-presuntamente-realacionados-con-espionaje-andromeda</p> <p>http://www.ejercito.mil.co/?idcategoria=371915</p> <p>http://www.fiscalia.gov.co/colombia/noticias/mas-de-mil-integrantes-de-bandas-criminales-capturados-en-2014/</p> <p>http://correoconfidencial.com/archivos/79044</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>The investigation of corruption cases is done independently by state agencies C, F and P. Internally, there are several mechanisms: 1. GATRI, which reports to the Minister of Defense. 2. The Office of Internal Sector Control, a position foreseen by the Presidency of the Republic as being external and independent. 3. Inspections of each branch of the armed forces. 4. The Internal and External Disciplinary system.</p> <p>The independence of internal control is evident in Article 1474 Law No. 8 of 2011 where heads of internal control are appointed by the President of the Republic.</p> <p>http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Government Update March 2015:</p> <p>http://www.semana.com/nacion/articulo/caso-hacker-oficial-vinculado-esta-profugo/421516-3</p>

19. Are the policies, administration, and budgets of the intelligence services subject to effective, properly resourced, and independent oversight?

Score	3
Assessor Comments	<p>Oversight of Colombia's intelligence bodies was seriously lacking in previous years. Now-defunct intelligence body, the Department of Administrative Security (DAS), was tarred by its involvement in a number of corrupt and criminal acts. At least 20 officials were jailed over the illegal wiretapping of opponents of the Uribe government in the 2000s, while its head was accused of allowing paramilitary groups to infiltrate the organisation. President Santos ordered the dismantling of the DAS in 2011.</p> <p>In response to the scandals, the government passed the Intelligence and Counterintelligence Statutory Act 1621 in 2013. This was intended to increase oversight of intelligence bodies through the creation of a congressional committee - the Commission to Monitor the Activities of Intelligence and Counterintelligence (Comisión de Seguimiento a las Actividades de Inteligencia y Contrainteligencia).</p> <p>Congress exercises oversight of the intelligence services through this committee, which is tasked with exercising political control and oversight, verifying the effective use of resources, and checking compliance with the Intelligence Law. The Joint Intelligence Council (Junta de Inteligencia Conjunta - JIC) - which brings</p>

	<p>together all of the state's intelligence bodies and is headed by the defence minister, submits an annual report to the Commission which is not made public.</p> <p>However, a Privacy International report notes that the reform does not appear to have stopped the abuse of intelligence powers. In February 2014, Semana reported that army spies had been wiretapping government negotiators at peace talks with the FARC rebels in Cuba. The army's intelligence head Gen Mauricio Ricardo Zuniga was removed from his post within days.</p> <p>There are questions about the effectiveness of the new Congress committee. US NGO the Committee to Protect Journalists reports on allegations that the committee is facing bureaucratic and technical delays, and that, as of mid-February 2016 the commission had yet to receive any reports from the intelligence agencies or produce any public reports about them.</p> <p>The National Intelligence Directorate (Dirección Nacional de Inteligencia - DNI), was established to replace the DAS as the primary intelligence and counterintelligence body in 2011. The various military and police services within the Defence Ministry each have their own intelligence services.</p>
Sources	<p>BBC News, "Colombia President scraps spy agency after scandals", 1 November 2011. http://www.bbc.co.uk/news/world-latin-america-15533091</p> <p>Committee to Protect Journalists, "Are intelligence sector reforms enough to protect Colombia's journalists?" 19 February 2016. https://cpj.org/blog/2016/02/are-intelligence-sector-reforms-enough-to-protect-.php</p> <p>Ley 1621 de 2013. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/2013/LEY%201621%20DEL%2017%20DE%20ABRIL%20DE%202013.pdf</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Privacy International, "Who's watching the Watchers?" 14 November 2014. https://www.privacyinternational.org/node/64</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Agree with Comments</p> <p>The Minister is subject to the Law on Intelligence.</p>

20. Are senior positions within the intelligence services filled on the basis of objective selection criteria, and are appointees subject to investigation of their suitability and prior conduct?

Score	2
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Assessor Comments	<p>The National Intelligence Directorate (Dirección Nacional de Inteligencia - DNI), was established to replace the DAS as the primary intelligence and counterintelligence body in 2011, after the DAS was hit by a series of corruption scandals. When President Santos announced the creation of the new agency in 2011, he said that the creation of a solid career path for staff would be essential to its success with regular, merit-based promotions.</p> <p>The DNI's website lists on its recruitment page: "we seek people who are highly committed, competent, with integrity, to work in a team with a deep sense of responsibility and excellence". It also states that all staff in the entity are freely appointed and removed.</p> <p>There have been questions raised about some high-level intelligence appointments. In December 2014, army General Nicasio de Jesús Martínez Espinel was named to head the army's intelligence body, the Central de Inteligencia del Ejército, despite the fact that his division had been the subject of a scandal around the corrupt use of resources that had been investigated by that intelligence body.</p> <p>In theory, all appointments of public servants are stipulated by the constitutional principles of equality and merit, and must be transparent. This is set out in Law 909 of 2004, which refers to civilians within the defence institutions. For the recruitment of officers and sub-officers and their promotion, decree 1428 stipulates that progression must be meritocratic.</p> <p>Response to reviewers: score adjusted to 2 given the general level of transparency in recruitment.</p>
Sources	<p>Decreto 1428 de 2007. http://www.secretariasenado.gov.co/senado/basedoc/decreto_1428_2007.html</p> <p>Dirección Nacional de Inteligencia, "Trabaje con nosotros", 22 September 2015. http://www.dni.gov.co/index.php?idcategoria=702</p> <p>El Tiempo, "General cuestionado asume la dirección de Inteligencia del Ejército", 11 December 2014. http://www.eltiempo.com/politica/justicia/nuevo-director-de-inteligencia-del-ejercito/14963521</p> <p>Ley 909 de 2004. http://portal.dafp.gov.co/pls/portal/formularios.retrive_publicaciones?no=1832</p> <p>Observatorio Legislativo. 'Agencia Central de Inteligencia Colombiana (ACI). http://www.icpcolombia.org/archivos/observatorio/boletin_144</p> <p>Presidencia, "Hemos decidido crear desde ceros la nueva Dirección Nacional de Inteligencia, anunció el Presidente Santos", 4 November 2011. http://wsp.presidencia.gov.co/Prensa/2011/Noviembre/Paginas/20111104_13.aspx</p> <p>El Universal. "La DNI es la nueva agencia de inteligencia del Estado." 5 November 2011.</p>

	http://www.eluniversal.com.co/cartagena/politica/la-dni-es-la-nueva-agencia-de-inteligencia-del-estado-51890
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Disagree, suggested score: 2 The MDN has nothing to do with payments to the Administrative Department of Security (DAS, for its initials in Spanish). All intelligence agencies are regulated by one law. Regarding the criteria for the assignment of staff to classified intelligence departments, there is doctrine that provides profiles and competencies that apply.

21. Does the government have a well-scrutinised process for arms export decisions that aligns with international protocols, particularly the Arms Trade Treaty (ATT)?

Score	1
Assessor Comments	<p>Though Colombia is a major importer of weapons, it is not a significant exporter. The Small Arms Survey does not include Colombia in its list of countries that have exported small arms worth over \$10 million in at least one year between 2001 and 2013.</p> <p>Colombia signed the ATT in September 2013 but has not yet ratified it, as of July 2016. The country has signed the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms (CIFTA) in 1997.</p> <p>The country has created decree 2535 of 1993 and decree 1809 of 1994 that establish strict control on small arms in the country (see UNODC link page 106). However, Colombia has not signed the Wassenaar agreement, which was established to promote transparency and greater responsibility in the transfer of conventional arms and dual-use goods and technologies (see website).</p> <p>Colombia is a hub for the illegal trafficking of firearms, although the government's own arms manufacturer INDUMIL does have rigorous sale processes.</p> <p>Response to reviewers: Score adjusted to 1 because Colombia has not yet ratified the ATT.</p>
Sources	<p>Arms Trade Treaty Negotiation Mapping Database, updated 12 July 2016. http://armstreaty.org/issue/tracking-the-universalisation-of-the-att/</p> <p>Dialogo, "La industria militar colombiana comercializa armas y tecnología en el escenario internacional", 25 January 2014. http://dialogo-americas.com/es/articles/rmisa/features/regional_news/2014/01/25/industria-militar</p> <p>El Espectador, "Colombia, a la vanguardia en venta de armas en el exterior", 29 March 2012. http://www.elespectador.com/noticias/judicial/colombia-vanguardia-venta-de-armas-el-exterior-articulo-335260</p>

	<p>INTER-AMERICAN CONVENTION AGAINST THE ILLICIT MANUFACTURING OF AND TRAFFICKING IN FIREARMS, AMMUNITION, EXPLOSIVES, AND OTHER RELATED MATERIALS. http://www.oas.org/juridico/english/treaties/a-63.html</p> <p>Semana. 'El liderazgo colombiano en el tráfico de armas.' 1 February 2014. http://www.semana.com/opinion/articulo/el-liderazgo-colombiano-traffic-arms/331373-3</p> <p>Small Arms Survey, "Exporters". http://www.smallarmssurvey.org/weapons-and-markets/transfers/exporters.html</p> <p>United Nations Convention against Transnational Crime and its Protocols. "Status of Ratification". http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en</p> <p>UNODC, "VIOLENCIA, CRIMEN, Y TRÁFICO ILEGAL DE ARMAS EN COLOMBIA", 20 December 2006 http://www.unodc.org/documents/southerncone//Topics_crime/Publicacoes/Violencia20crimen20y20trafico20ilegal20de20armas20en20Colombia20-20420de20Diciembre202006.pdf</p> <p>Wassenaar Agreement, "Participating States". http://www.wassenaar.org/participants/index.html</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Colombia is a hub for illegal trafficking of arms, but mostly as a destination, not source, of illegal arms. There are 750,000 legal gun owners in Colombia, and about 2 million illegal gun owners. Most of these are small arms, and most are used in Colombia or immediately across its borders.</p> <p>Legal exports are increasing, but still low compared to large weapons manufacturing countries. INDUMIL is subject to scrutiny, and its exports are likely to encounter parliamentary debate.</p>
Government Reviewer	<p>Disagree, suggested score: 2</p> <p>INDUMIL has oversight from MDN through guardianship control and an anti-corruption plan. Recently the MDN began to regulate the prohibition on receiving gifts, handouts or benefits from suppliers in companies in the sector. INDUMIL.</p> <p>With regard to the control of arms trafficking, this is considered part of the anti-corruption plan, wherein they seek to minimize the risk of arms being lost or sold illegally, mainly those which have been seized. When any situation of arms trafficking has been discovered, pertinent investigations thereof have been started. These investigations are available to the military, as are cases similar to the aforementioned INDUMIL case.</p>

	<p>The Inspectorate General of the General Command has carried out ongoing reviews of the process of selling arms legally, and the Office of Internal Sector Control has performed audits on the process of controlling seized arms and oversees their destruction. In 2013, they destroyed approx. 44,000 arms. In 2014, they destroyed 18,000 in the first six months, and this week they destroyed 9000. There is documentary evidence of this filed with the pertinent authorities.</p> <p>https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/204112ff-e242-3010-84b2-b6289ce27bd3.xml https://www.mindefensa.gov.co/irj/go/km/docs/documents/News/NoticiaGrandeMDN/f067fe1c-a548-3010-d9ae-9e053996e3ff.xml</p>
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Financial

22. How effective are controls over the disposal of assets, and is information on these disposals, and the proceeds of their sale, transparent?

Score	4
Assessor Comments	<p>There are comprehensive regulations that control the disposal of assets, which can be found in the "Manual de Procedimientos Administrativos y Financieros para el Manejo de Bienes del Ministerio de Defensa Nacional" (2012). Controls exist on where resources from sales must go, destruction of goods in case of obsolescence, verification procedures in the case of missing items, supervision of resources, and a range of other areas.</p> <p>Under the rules, the Defence Ministry can either sell the items itself, or contract it out to an intermediary, but in either case a minimum value must be set for the good, in line with its commercial value, adjusted according to the costs of selling it, taxes, and other considerations. They can be sold either by public auction or through closed-envelope bidding, and should go to the bidder offering the highest price, through an open process. The goods for sale must be listed with their minimum prices through the Sistema Electrónico para la Contratación Pública (SECOP), on the Ministry's website, or in a national newspaper with large circulation.</p> <p>The proceeds from sales must be deposited in the National Defence Fund (Fondo de Defensa Nacional), in a specified bank account named "MDN-Venta de Activos Donaciones", and the Ministry's Dirección de Finanzas must be notified within a month. All proceeds must go towards the official budget.</p> <p>When goods are not in a condition to be sold, and it is determined that they should be destroyed, the chief of storage and properties must give a detailed description of the good and reasons for its destruction to the head of logistics, and produce a resolution that sets out the timeframe for the destruction. They can they be destroyed directly by officials or handed over to a licensed company in the presence of the logistics head and an official from the Office of Internal Control.</p> <p>The Defence Ministry registers and tracks its goods through SILOG, an information system.</p>
Sources	<p>MinDefensa. "Manual de Procedimientos Administrativos y Financieros para el Manejo de Bienes del Ministerio de Defensa Nacional". 27 October 2015. http://www.disanejercito.mil.co/index.php?idcategoria=10534195</p>

	<p>MinDefensa, "Finanzas". http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://899917e3a404ce8ff247e56dd71750f2</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>SECOP https://www.contratos.gov.co/puc/buscador.html</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Agree with Comments</p> <p>There is a goods committee that supervises the procedures for discarding goods.</p>

23. Is independent and transparent scrutiny of asset disposals conducted by defence establishments, and are the reports of such scrutiny publicly available?

Score	3
Assessor Comments	<p>The financial and administrative operations of the Defence Ministry are scrutinised by the General Inspector's Office. External auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. These are powerful bodies, and independent of the Defence Ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website.</p> <p>Internal audits are carried out by the Internal Control Offices of the Defence Ministry, and its component forces produce regular reports on finances. The Internal Control Report (Informe Pormenorizado de Control Interno) is published every four months and can be found on the ministry's website.</p> <p>The Defence Ministry produces an annual report to Congress setting out its results over the year, and Congress can call officials to give more information on the sector. This is reviewed by Congress' Second Committee.</p> <p>Despite these controls, no list of asset disposals was found to be publicly available.</p> <p>Response to reviewers: Score adjusted to 3.</p>
Sources	<p>Contraloría Nacional de la República, "Auditorías Liberadas, Sector Defensa, Justicia y Seguridad". http://www.contraloriagen.gov.co/web/guest/auditorias-defensa</p> <p>MinDefensa. "Memorias al Congreso: 2014-2015". https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/memorias2014-2015.pdf</p>

	<p>MiniDefensa. "Manual de Procedimientos Administrativos y Financieros para el Manejo de Bienes del Ministerio de Defensa Nacional". 27 October 2015. http://www.disanejercito.mil.co/index.php?idcategoria=10534195</p> <p>MinDefensa, "Finanza". http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://899917e3a404ce8ff247e56dd71750f2</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Financial and administrative resources are scrutinized by the Comptroller General of the Republic. Accounting procedures are scrutinized by the Office of the Auditor General. Both are external. These reports are public. Internally, scrutiny is conducted independently by the Office of Internal Sector Control. Inspections are done of each branch of the Armed Forces. They must report their observations to the Ministry and to the Internal Control of the Presidency.</p>

24. What percentage of defence and security expenditure in the budget year is dedicated to spending on secret items relating to national security and the intelligence services?

Score	4
Assessor Comments	<p>Confidential spending, or "gastos reservados" on intelligence, counterintelligence, and protection of witnesses and informants is covered under Law 1097 of 2006, while Law 1219 of 2008 sets out the process for procurement of these items, including requirements for transparency and objective selection of providers. It is important to note that this is distinct from confidential procurement (contratación reservada) that covers a much wider range of defence spending.</p> <p>Confidential spending is overseen by a special unit of the Comptroller General's Office. This was confirmed in public statements in 2014, in response to questions from Congress (Caracol Radio). The audits of these items are themselves confidential. The Office stated that it exercised oversight and auditing over all reserved spending by the national police, defence ministry, and all component entities, including the main intelligence body the National Intelligence Directorate (DNI).</p> <p>The Red de Seguridad y Defensa de America Latina, RESDAL, reported in 2005 that less than 1 percent of the defence and security budget went on these secret items. The 2012 Open Budget Survey stated that the percentage of expenditure on secret items was not available, and calls for more information to be published on this.</p> <p>Response to reviewers: The links provided by the government reviewer did not lead to pages that included the amount of secret spending. Upon request by Transparency International, the Ministry of Defence updated the information and provided the correct link. Score adjusted to 4 as the information on confidential spending, or "gastos reservados" on intelligence, counterintelligence, and protection of witnesses and informants is available online and it does not exceed 1% (in fact, it does not exceed 0.4%). Sources added.</p>

Sources	<p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p> <p>Decreto 1510 de 17 July 2013: http://www.colombiacompra.gov.co/sites/default/files/normativas/decreto_1510_del_17_de_julio_de_2013.pdf</p> <p>International Budget Partnership, "OPEN BUDGET QUESTIONNAIRE", June 2011. http://www.internationalbudget.org/wp-content/uploads/Colombia_Questionnaire_OBS-2012.pdf</p> <p>Ley 1097 de 2006: http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=22089</p> <p>Ley 1097 de 2006 http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=22089</p> <p>Ley 1219 de 2008 http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=31429</p> <p>RESDAL, "Transparencia del presupuesto de defensa: El caso de Colombia", July 2005. http://www.resdal.org/presupuestos/caso-colombia.pdf</p> <p>MinDefensa, "Presupuesto 2013", September 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Planeacion/Presupuesto/MDN-Ejecucion_Presupuesto_2013_final_res.pdf</p> <p>MinDefensa, "Presupuesto 2014", September 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Planeacion/Presupuesto/MDN-Ejecucion_Presupuesto_2014_final_res.pdf</p> <p>MinDefensa, "Presupuesto 2015", September 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Planeacion/Presupuesto/MDN-Ejecucion_Presupuesto_2015_final_res.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Secret expenses are known as "gastos reservados." They are regulated by law 1097 of 2006 and are intended exclusively for purposes of intelligence, counterintelligence, criminal investigations, and protection of witnesses and informants. I found no public mention of the total amount or percentage of security-related expenses that constitutes secret spending. The June 2011 Open Budget Survey states that this information is not publicly available. It recommended that the government publish this figure, but there is no evidence to suggest that this recommendation was considered.</p>

	<p>President Santos regulated public contracting with Decree 1510 of 17 July 2013. Article 78 provides the list of contracts that can be made without public bidding due to their secret nature. It includes all weapons systems, night optical devices, information and communications networks, aircraft and accessories, sea vessels and accessories, all military and police vehicles, civilian armored vehicles, radar and navigation equipment, any purchase intended to protect the President, uniforms, public works related to defense and intelligence, all offsets, and goods and services to protect critical infrastructure. It is difficult to imagine, after reading article 78, any security or defense-related expense that is subject to public tendering.</p>
<p>Government Reviewer</p>	<p>Disagree, suggested score: 4</p> <p>The budget for expenses reserved for the defense sector is less than 1% of the total budget allocated, information that is found in the Approved Budget Act, is public knowledge and is part of the debate over which Congress can exercise control at any time.</p> <p>Rendicion de Cuentas https://www.mindefensa.gov.co/irj/portal/Mindefensa El ente que audita y verifica los gastos reservados es la Contraloría General de la Nación. Dicha entidad emite un informe. No obstante, este es privado. La Contraloría rinde informe al Congreso de la República. El resultado se debate en sesión cerrada.</p> <p>Government Update March 2015:</p> <p>The budget for reserved expenses in the last 4 years amounted to:</p> <p>Appropriation for 2011 105,753 million Appropriation for 2012 113,662 million Appropriation for 2013 114,579 million Appropriation for 2014 97,473 million</p> <p>Accountability https://www.mindefensa.gov.co/irj/portal/Mindefensa</p> <p>The agency that audits and verifies reserved expenses is the Comptroller General's Office, the audits and controls exercised over these expenses are also reserved. Under this legal framework, the Comptroller General of the Republic exercises control and monitoring tasks for spending resources dedicated to the National Police, the Ministry of Defense and each of its implementation units. This entity issues a confidential report.</p> <p>The Comptroller then reports this to Congress. The result is discussed in a closed session.</p>

25. Is the legislature (or the appropriate legislative committee or members of the legislature) given full information for the budget year on the spending of all secret items relating to national security and military intelligence?

Score	2
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<p>Assessor Comments</p>	<p>The Intelligence and Counterintelligence Statutory Law 1621 of 2013 was intended to increase oversight of intelligence bodies through the creation of a congressional committee - the Commission to Monitor the Activities of Intelligence and Counterintelligence (Comisión de Seguimiento a las Actividades de Inteligencia y Contrainteligencia).</p> <p>Congress exercises oversight of the intelligence services through this committee, which is tasked with exercising political control and oversight, verifying the effective use of resources, and checking compliance with the Intelligence Law. The Joint Intelligence Council (Junta de Inteligencia Conjunta - JIC) - which brings together all of the state's intelligence bodies, and is headed by the defence minister, submits an annual report to the Commission, which is not made public.</p> <p>Under Articles 22 of the Law, the committee is responsible for producing an opinion on the report on the audit on reserved spending produced by the Comptroller General's Office, and for asking the Joint Intelligence Council to produce an annual report on the execution of reserved spending, and whether this complies with the objectives set out in the National Intelligence Plan.</p> <p>Confidential spending is overseen by a special unit of the Comptroller General's Office. This was confirmed in public statements in 2014, in response to questions from Congress (Caracol Radio). The audits of these items are themselves confidential. The Office stated that it exercised oversight and auditing over all reserved spending by the national police, defence ministry, and all component entities, including the National Intelligence Directorate (DNI).</p> <p>However, there are questions about the effectiveness of the new Congress committee. The US NGO Committee to Protect Journalists has reported on allegations that the committee is facing bureaucratic and technical delays, and that, as of mid-February 2016 the commission had yet to receive any reports from the intelligence agencies or produce any public reports about them.</p> <p>Response to reviewers: Score adjusted to 2, on the basis that Congress is in theory entitled to detailed information on confidential spending, but there are questions about whether this is yet put into practice.</p>
<p>Sources</p>	<p>BBC News, "Colombia President scraps spy agency after scandals", 1 November 2011. http://www.bbc.co.uk/news/world-latin-america-15533091</p> <p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p> <p>Committee to Protect Journalists, "Are intelligence sector reforms enough to protect Colombia's journalists?", 19 February 2016. https://cpj.org/blog/2016/02/are-intelligence-sector-reforms-enough-to-protect.php</p> <p>Ley 1621 de 2013. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/2013/LEY%201621%20DEL%2017%20DE%20ABRIL%20DE%202013.pdf</p>

	<p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Privacy International, "Who's watching the Watchers?", 14 November 2014. https://www.privacyinternational.org/node/64</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Law 1621, dated April 17, 2013, provides for the supervision and control of reserved expenses through various mechanisms: The Office of the Comptroller General of the Republic. The mandatory audits performed by inspectors from each branch of the armed forces every year must deliver a report to Congress in the Second Commission through the Minister. In addition, all reserved documentation may be audited through a special procedure for all expenses. The areas of defense must respect the procedures and protocols and comply with the manuals (doctrine).</p> <p>Government Update March 2015:</p> <p>Act 1621 of April 17, 2013 states that: "Through which norms are issued to strengthen the legal framework that enables agencies that conduct intelligence and counterintelligence activities to fulfil their constitutional and legal mission and dictate other provisions," contributes to the strengthening of monitoring and control of the execution of reserved expenses. Articles 19 and 20 creates the Legal Commission of Monitoring for intelligence and counterintelligence activities whose function is to verify the efficient use of resources. It also contributes to the control of reserved expenses through several mechanisms: the Office of the Comptroller General of the Republic. Mandatory audits conducted by inspectors of each branch of the armed forces must submit a report to Congress each year in the Second Committee through the Minister. In addition, all reserved documentation can be audited through a special procedure for all expenses. The areas of defense must respect the procedures and protocols and fulfil the manuals (doctrine).</p> <p>This Act strengthens the planning of reserved expenditure since it creates the National Intelligence Plan that meets Government priorities in intelligence and counterintelligence. Additionally, it assigns the function to the Legal Committee of requesting an annual report on the overall implementation of reserved expenses on the achievement of the National Intelligence Plan's objectives.</p> <p>Finally, Act 1097 of 2006 regulates and lays out how reserved expenses are used. This is public information.</p> <p>http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=22089</p>

26. Are audit reports of the annual accounts of the security sector (the military, police, and intelligence services) and other secret programs provided to the legislature (or relevant committee) and are they subsequently subject to parliamentary debate?

Score	3
Assessor Comments	<p>The Intelligence and Counterintelligence Statutory Law 1621 of 2013 was intended to increase oversight of intelligence bodies through the creation of a congressional committee - the Commission to Monitor the Activities of Intelligence and Counterintelligence (Comisión de Seguimiento a las Actividades de Inteligencia y Contrainteligencia).</p> <p>Congress exercises oversight of the intelligence services through this committee, which is tasked with exercising political control and oversight, verifying the effective use of resources, and checking compliance with the Intelligence Law. The Joint Intelligence Council (Junta de Inteligencia Conjunta - JIC) - which brings together all of the state's intelligence bodies, and is headed by the defence minister, submits an annual report to the Commission, which is not made public.</p> <p>Under Articles 22 of the Law, the committee is responsible for producing an opinion on the report on the audit on reserved spending produced by the Comptroller General's Office, and for asking the Joint Intelligence Council to produce an annual report on the execution of reserved spending, and whether this complies with the objectives set out in the National Intelligence Plan.</p> <p>Confidential spending is overseen by a special unit of the Comptroller General's Office. This was confirmed in public statements in 2014, in response to questions from Congress (Caracol Radio). The audits of these items are themselves confidential. The Office stated that it exercised oversight and auditing over all reserved spending by the national police, defence ministry, and all component entities, including the National Intelligence Directorate (DNI).</p> <p>However, there are questions about the effectiveness of the new Congress committee. US NGO the Committee to Protect Journalists has reported on allegations that the committee is facing bureaucratic and technical delays, and that, as of mid-February 2016 the commission had yet to receive any reports from the intelligence agencies or produce any public reports about them.</p> <p>Information on Congress debates on these audits was not found.</p>
Sources	<p>BBC News, "Colombia President scraps spy agency after scandals", 1 November 2011. http://www.bbc.co.uk/news/world-latin-america-15533091</p> <p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p> <p>Committee to Protect Journalists, "Are intelligence sector reforms enough to protect Colombia's journalists?", 19 February 2016. https://cpj.org/blog/2016/02/are-intelligence-sector-reforms-enough-to-protect-.php</p>

	<p>Ley 1621 de 2013. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/2013/LEY%201621%20DEL%2017%20DE%20ABRIL%20DE%202013.pdf</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Privacy International, "Who's watching the Watchers?", 14 November 2014. https://www.privacyinternational.org/node/64</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	<p>Agree with Comments</p> <p>The Law on Intelligence envisages how the resources are controlled. For example, Congressman Iván Cepeda has responded to petition rights with regard to the handling of agreements. Furthermore, Law 1097 of 2006 and Law 1219 of 2008 envisage mechanisms for controlling resources.</p>

27. Off-budget military expenditures are those that are not formally authorised within a country's official defence budget, often considered to operate through the 'back-door'. In law, are off-budget military expenditures permitted, and if so, are they exceptional occurrences that are well-controlled?

Score	2
Assessor Comments	<p>Evidence to suggest that off-budget spending is banned could not be found in existing legislation.</p> <p>Colombia received nearly \$10 billion from the US in mostly military aid under Plan Colombia between 2000 and 2016. There have been criticism of the lack of transparency of these resources and a 2005 report by RESDAL found that the Finance Ministry exercises little control over them, as they are normally delivered in kind. The Stockholm International Peace Research Institute noted in 2012 that Colombia's National Planning Department had exercised some oversight over Plan Colombia funds through producing reports on the programme, but that accountability was limited.</p> <p>Much of Plan Colombia aid was given in-kind the form of transfers of big-ticket equipment and the training of personnel. More than 100 helicopters were delivered, including 20 Black Hawk helicopters; at least 20 spray planes; more than 100 boats; and over 93,000 trainings of military and police personnel (WOLA). However, as the level of funding has reduced in recent years, there have been fewer big-ticket items. This may mean that there is more budgetary oversight by Colombia, as SIPRI noted.</p> <p>According to a 2004 US diplomatic cable released by WikiLeaks, "The only significant off-budget military receipts are those for Plan Colombia, which are audited because the U.S-Colombia cooperation agreement specifically requires that</p>

	audits be performed on such funds. Other off-budget military receipts include the Military Forces, own resources and other international cooperation funds, neither of which represent significant amounts."
Sources	<p>RESDAL, "Transparencia del presupuesto de defensa: El caso de Colombia", July 2005. http://www.resdal.org/presupuestos/caso-colombia.pdf</p> <p>RESDAL, "Atlas Comparativo de la Defensa en América Latina y Caribe / Edición 2012". http://www.resdal.org/atlas/atlas12-14-colombia.pdf</p> <p>SIPRI, "Transparency in military spending and arms acquisitions in Latin America and the Caribbean", January 2012. https://www.sipri.org/</p> <p>Studies in Comparative International Development, "Financing Security Through Elite Taxation: The Case of Colombia's 'Democratic Security Taxes'", December 2014, Volume 49, Issue 4, pp 477-500. http://government.arts.cornell.edu/assets/faculty/docs/flores-macias/FloresMacias_Elite_Taxation_Colombia.pdf</p> <p>WikiLeaks, "TRANSPARENCY OF COLOMBIAN BUDGET/MILITARY SPENDING", 2 November 2004. https://www.wikileaks.org/plusd/cables/04BOGOTA12960_a.html</p> <p>WOLA, "15th anniversary of Plan Colombia: Learning from its successes and failures", 1 February 2016. http://www.wola.org/files/1602_plancol/</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree

28. In practice, are there any off-budget military expenditures? If so, does evidence suggest this involves illicit economic activity?

Score	2
Assessor Comments	<p>Colombia received nearly \$10 billion from the US in mostly military aid under Plan Colombia between 2000 and 2016. There have been criticism of the lack of transparency of these resources, and a 2005 report by RESDAL found that the Finance Ministry exercises little control over them, as they are normally delivered in kind. The Stockholm International Peace Research Institute noted in 2012 that Colombia's National Planning Department had exercised some oversight over Plan Colombia funds through producing reports on the programme, but that accountability was limited.</p> <p>According to a 2004 US diplomatic cable released by WikiLeaks, "The only significant off-budget military receipts are those for Plan Colombia, which are audited because the U.S-Colombia cooperation agreement specifically requires that audits be performed on such funds. Other off-budget military receipts include the Military Forces, own resources and other international cooperation funds, neither of which represent significant amounts."</p>

	However, though off-budget expenditure in the form of US aid might indicate a lack of transparency, this would not in itself indicate illicit economic activity.
Sources	<p>RESDAL, "Transparencia del presupuesto de defensa: El caso de Colombia", July 2005. http://www.resdal.org/presupuestos/caso-colombia.pdf</p> <p>RESDAL, "Atlas Comparativo de la Defensa en América Latina y Caribe / Edición 2012". http://www.resdal.org/atlas/atlas12-14-colombia.pdf</p> <p>SIPRI, "Transparency in military spending and arms acquisitions in Latin America and the Caribbean", January 2012. https://www.sipri.org/</p> <p>Studies in Comparative International Development, "Financing Security Through Elite Taxation: The Case of Colombia's 'Democratic Security Taxes'", December 2014, Volume 49, Issue 4, pp 477-500. http://government.arts.cornell.edu/assets/faculty/docs/flores-macias/FloresMacias_Elite_Taxation_Colombia.pdf</p> <p>WikiLeaks, "TRANSPARENCY OF COLOMBIAN BUDGET/MILITARY SPENDING", 2 November 2004. https://www.wikileaks.org/plusd/cables/04BOGOTA12960_a.html</p> <p>WOLA, "15th anniversary of Plan Colombia: Learning from its successes and failures", 1 February 2016. http://www.wola.org/files/1602_plancol/</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree

29. In law, are there provisions regulating mechanisms for classifying information on the grounds of protecting national security, and, if so, are they subject to effective scrutiny?

Score	2
Assessor Comments	<p>Law 1621 of 2013 provides the legal framework for intelligence and counter-intelligence activities. Article 33 of Law 1621 stipulates that classified information can remain secret for 30 years, but that the president can increase this by 15 years if deemed necessary for reasons of national security. As the peer reviewer points out, the law does not specify who can request for information to be classified or how.</p> <p>Colombia implemented a law on Transparency and Access to Information in January 2015 (Law 1712) that expands and consolidates access to information, building on guarantees in the Constitution and the 1985 Law Ordering the Publicity of Official Acts and Documents. It removes the requirement that applicants explain why they are requesting information, and extends coverage to all entities that provide public services, state contractors, political parties, and some nongovernmental organisations.</p> <p>However, it makes broad exemptions for information on defence and national security, which have been criticised by civil society organisations. Though these</p>

	<p>exemptions were limited by the Constitutional Court, there are still concerns from critics. In addition, the law fails to designate a single agency to implement access to information. Public bodies must respond to requests within 15 working days</p> <p>A 2015 study by Índice Libertad de Expresión rated access to information at 39.7 out of 100, noting that implementation of the new law had been slow.</p> <p>Response to reviewers: Score adjusted due to new transparency legislation.</p>
Sources	<p>Freedom House, Freedom of the Press 2015. https://freedomhouse.org/report/freedom-press/2015/colombia</p> <p>Freedominfo.org, "Colombia President Signs Information Access Law", 7 March 2014. http://www.freedominfo.org/2014/03/colombia-president-signs-information-access-law/</p> <p>Ley 1621 de 2013. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/2013/LEY%201621%20DEL%2017%20DE%20ABRIL%20DE%202013.pdf</p> <p>Ley 1712 de 2014. http://wsp.presidencia.gov.co/Normativa/Leyes/Documents/LEY%201712%20DEL%2006%20DE%20MARZO%20DE%202014.pdf</p> <p>Open Democracy, "The national security blindspot in Colombia's FOI law", 25 June 2014. https://www.opendemocracy.net/opensecurity/emma-kerr/national-security-blindspot-in-colombias-foi-law</p> <p>Proyecto Antonio Nariño, "Índice de Libertad de Expresión y Acceso a la Información (ILEAI)". http://indicelibertadexpresion.com/#dimensiones</p> <p>Secretaria de Transparencia, "Ley de Transparencia: Guía para responder a solicitudes de acceso a información pública" http://www.secretariatransparencia.gov.co/prensa/2016/Documents/guia-para-responder-a-solicitudes-de-acceso-a-informacion%20publica_web.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>I agree with the score because Law 1621 of 2013 is recent and there is no evidence yet of misuse of the process of classifying information. The law itself does not specifically address who can request information to be classified or how.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>The same Law 1621 of 2013 includes control tools such as audits of the different inspection offices and the Colombian National Audit Office. Recently, due to the cases published by the Semana Magazine in February of 2014, the Minister ordered the inspectors to conduct their respective investigations.</p>

30. Do national defence and security institutions have beneficial ownership of commercial businesses? If so, how transparent are details of the operations and finances of such businesses?

Score	3
Assessor Comments	<p>The Defence Ministry has ownership of several commercial firms. The most significant is INDUMIL - the Colombian weapons manufacturer. It also owns SATENA, a regional airline. Additionally, it owns various hospitals, social and sports clubs, and other entities (see SuperVigilancia link).</p> <p>These commercial businesses are publicly declared by the MOD on its website (Entidades del GSED). Each firm is legally required to declare its finances to the same standards as any other commercial company (see Contraloría de la Nación). The Defence Ministry also declares their profits to Congress every year.</p> <p>Moreover, like any other state institution, the Comptroller General oversees the fiscal aspects of these firms, as does the National Audit Office (Auditoría General de la Nación).</p>
Sources	<p>Auditoría General de la Nación. http://www.auditoria.gov.co/</p> <p>Contraloría General de la Nación. http://www.contraloriagen.gov.co/</p> <p>Industria Militar. http://www.indumil.gov.co/</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. "Entidades del GSED". http://www.mindefensa.gov.co/irj/portal/GSED?NavigationTarget=navurl://7e96d5bf1b843c2d8e053f46d433247d</p> <p>Super Vigilancia "Grupo Social Empresarial de Defensa, GSED". http://www.supervigilancia.gov.co/?idcategoria=1151</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not qualified
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Each of the independent companies in the decentralized sector has its own system of internal control and fiscal auditors who are hired publicly. The inspectors have no competency over these companies. Only the Ministry of National Defence has competency.</p>

31. Are military-owned businesses subject to transparent independent scrutiny at a recognised international standard?

Score	3
Assessor Comments	<p>The Defence Ministry's firms are legally required to declare its finances to the same standards as any other commercial company (see Contraloría de la Nación). The Defence Ministry also declares their profits to Congress every year.</p> <p>Moreover, like any other state institution, the Comptroller General oversees the fiscal aspects of these firms, as does the National Audit Office (Auditoría General de la Nación). Their budgets and fiscal statuses can be found on the website of the Defence Ministry and the various firms.</p>
Sources	<p>Auditoría General de la Nación. http://www.auditoria.gov.co/</p> <p>Contraloría General de la Nación. http://www.contraloriagen.gov.co/</p> <p>Industria Militar. http://www.indumil.gov.co/</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. "Entidades del GSED". http://www.mindefensa.gov.co/irj/portal/GSED?NavigationTarget=navurl://7e96d5bf1b843c2d8e053f46d433247d</p> <p>Super Vigilancia "Grupo Social Empresarial de Defensa, GSED". http://www.supervigilancia.gov.co/?idcategoria=1151</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Law 87 of 1993 guarantees independence. The OECD principles are beginning to be applied.</p>

32. Is there evidence of unauthorised private enterprise by military or other defence ministry employees? If so, what is the government's reaction to such enterprise?

Score	4
Assessor Comments	<p>No information was found on unauthorised private enterprise by members of the military.</p> <p>Under Article 13-15 of Law 190 of 1995, all public servants are required to declare their assets and income. Article 15 states that this is a requirement for those holding any public office, and that this includes any participation in companies or organisations, whether profit or non-profit.</p>

	<p>Defence Minister Luis Carlos Villegas Echeverri's declaration of his assets and income is published on the Defence Ministry's website, and lists several companies where he is a shareholder.</p> <p>There are regulations on conflict of interest for public servants, including in the code of conduct (Código Disciplinario Único) that applies to all public employees, including members of the armed forces. This contains comprehensive guidance on issues such as gifts, bribes and conflicts of interest.</p> <p>The institution that enforces the disciplinary code is the Inspector General's Office (Procuraduría), which is charged under the constitution with overseeing the conduct of public officials. It opens disciplinary investigations, and has broad powers to remove officials from office and ban them from holding office for a set period. It is a strong, independent body, and results of its investigations are made public. The Inspector General's Office has launched investigations into high-ranking members of the military.</p> <p>Where breaches of this code amount to a crime, investigations are the responsibility of the Attorney General's Office (Fiscalía).</p> <p>Response to reviewers: Score raised to 4 given recent investigations into high-ranking members of the military.</p> <p>From the government review: There is no evidence known by us of unauthorised private companies by military in Colombia. The link referred to in the comments (trust), is not related to item 32 - unauthorised private enterprise. Nonetheless, we highlight that the corruption allegations mentioned on said link are being investigated. Sanctions for breaking these laws are strong: Articles 341 y 342 of the criminal code contain sanctions for such conduct. The Colombian judicial system is in charge of applying judicial sanctions. The process takes a long time, but the government is implementing improvement measures.</p>
Sources	<p>DECLARACIÓN JURAMENTADA DE BIENES Y RENTAS Y ACTIVIDAD ECONÓMICA PRIVADA. http://www.icetex.gov.co/talento/descargas/bienesrentas.pdf</p> <p>LEY 190 DE 1995. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=321</p> <p>Información de Bienes y Rentas, Luis Carlos Villegas Echeverri. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Documentos_Descargables/espanol/bienes_rentas_mindefensa.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Private enterprise is outlawed in Colombia's disciplinary code, which regulates the behavior of all public employees, and in Colombia's criminal code as well. I found no evidence of unauthorized private enterprise, and I believe the assessor is referring to corruption. However, the primary source is not precise. The 50% figure does not refer to kickbacks that senior officials were taking, but rather the mark-up that two people were seeking in contracts of low amounts with military units for</p>

	rappelling gloves and harnesses. The two people recorded having this conversation were an imprisoned colonel and a civilian associate who were ultimately unsuccessful in securing these contracts, and the credibility of what they said in a private conversation is questionable.
Government Reviewer	Disagree, suggested score: 3 (i) There is no evidence known by us of unauthorised private companies by military in Colombia. The link referred to in the comments (trust), is not related to item 32 - unauthorised private enterprise. Nonetheless, we highlight that the corruption allegations mentioned on said link are being investigated. (ii) Sanctions for breaking these laws are strong: Articles 341 y 342 of the criminal code contain sanctions for such conduct. (ii) The Colombian judicial system is in charge of applying judicial sanctions. The process takes a long time, but the government is implementing improvement measures.

Personnel

34. Do the Defence Ministry, Defence Minister, Chiefs of Defence, and Single Service Chiefs publicly commit - through, for example, speeches, media interviews, or political mandates - to anti-corruption and integrity measures?

Score	4
Assessor Comments	<p>High-level officials in the Colombian armed forces make frequent and strong commitments to anti-corruption and integrity measures. To take just one recent example, speaking at a June 2016 forum on transparency in Bogotá, army commander General Alberto José Mejía Ferrero stated "A soldier should not just be well armed ... but must be impenetrable to corruption, because the challenges of crime and drug trafficking ... pose a moral and ethical challenge to us every day. The Colombian people should have total confidence that their democratic army is going to comply with the law and Constitution."</p> <p>When major corruption scandals are reported, high-level officials generally react rapidly and condemn those involved. After the recent reports of corruption - the wiretapping against peace negotiators and the procurement scandal in 2014 - President Santos called the allegations "unacceptable", declaring himself "outraged". The former Chief of Staff of the armed forces, Freddy Padilla de Leon, condemned the procurement ring, stating "this does a great deal of damage to the troops, and these are the ones doing everything for us" (see El Colombiano link).</p> <p>In March 2016 the Defence Ministry launched a phone line and email address for defence officials and members of the public to anonymously denounce corruption or misconduct by the police, armed forces, or other bodies within the ministry, named the "Line of Honour". Colombia's Defence Ministry published a "Plan to Ensure Integrity and Prevention of Corruption" in January 2015. This includes plans for implementation that list objectives, activities, the body responsible for them, and deadlines.</p> <p>The Anti-Corruption Statute obliges every public entity to publish online a "Plan Against Corruption and for Attention to Citizens", which sets out initiatives to combat and prevent corruption (article 73), with risk mapping and accountability mechanisms. The Defence Ministry and each of the military and security forces have published these plans, including sections on implementation. The Office of</p>

	<p>Internal Control of each institution is responsible for monitoring the implementation of the plan.</p> <p>The Defence Ministry has implemented a programme of self-assessment as part of NATO's Building Integrity Programme, intended to strengthen transparency. Colombia produced a self-assessment document on its anti-corruption procedures that is available online, and NATO has carried out two peer review visits to the country, which include meetings with officials to advise them on plans to strengthen transparency and prevent corruption in the defence sector.</p> <p>Response to reviewers. Score raised to 4 on basis of strong public commitments to anti-corruption measures. Implementation is not relevant to this question.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>El Colombiano, "Expresiones contra la Fiscalía tumbaron al comandante de las Fuerzas Militares." 18 February 2014 http://www.elcolombiano.com/BancoConocimiento/C/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares.asp</p> <p>Ejército, "Trasparencia es la espada con la que luchará el Ejército Nacional en cada una de sus actuaciones", 2 June 2016. https://www.ejercito.mil.co/?idcategoria=396923</p> <p>Infobae, "Colombia inicia cruzada contra la corrupción en el Ejército", 17 February 2014. http://www.infobae.com/2014/02/16/1544183-colombia-inicia-cruzada-contra-la-corrupcion-el-ejercito</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, Linea de Honor. https://www.armada.mil.co/es/content/l%C3%ADnea-del-honor</p> <p>MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>El Universal, "Denuncias de corrupción acorralan al Ejército colombiano", 16 February 2014. http://www.eluniversal.com/internacional/140216/denuncias-de-corrupcion-acorralan-al-ejercito-colombiano</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>The Minister of Defense - Juan Carlos Pinzón - has publicly committed to investigate the case of wiretapping with high level commissions. However, he didn't dismiss</p>

	<p>any generals. He also mentioned that all purchases will be made through the Ministry of Defense in order to curb corruption (Feb 17, 2014)</p> <p>http://www.elmundo.es/internacional/2014/02/17/5302355322601df2018b4579.html</p> <p>The President himself - Juan Manuel Santos - considered said accusations unacceptable and ordered immediate action. He dismissed high ranking officials of the Armed Forces two days after the Semana article was published (Feb 16, 2014)</p> <p>http://www.eluniversal.com/internacional/140216/denuncias-de-corrupcion-acorralan-al-ejercito-colombiano</p>
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>There is evidence of public commitment to fighting corruption by the Minister and President, especially after the corruption scandals. One recent example is a public speech on 5 December 2014 by the Minister of Defense in which he stated that the police would be purged to remove corrupt officers. It occurred after a police sergeant was arrested on suspicion of aiding FARC in attacking a police station in the pacific island of Gorgona which resulted in the murder of the commander of the station and injuries to four more policemen; on the same day, a police station was robbed of 14 firearms in Bogota with evident insider complicity.</p> <p>Purges are common; in February 2014, nine generals from the police, army and air force were dismissed after corruption scandals. But purges seem to be the only response to corruption in the government's repertoire. There are no clear policies to make the defense and security budgets more transparent, subject to public tendering, and to control the influence of agents and intermediaries in large procurement contracts.</p> <p>http://www.elcolombiano.com/colombia/en-la-policia-hay-todo-un-ejercicio-de-depuracion--mindefensa-NK826096</p> <p>http://www.eltiempo.com/politica/justicia/ataque-de-las-farc-en-gorgona/14933337</p> <p>http://www.eltiempo.com/bogota/asaltan-estacion-de-carabineros-de-suba-y-se-llevan-armas/14934615</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>The Minister of National Defence has publicly given express instructions and orders to Commanders of the Military Forces with regard to contingents in Bogotá and in 20 other cities throughout the country, declaring an explicit commitment against corruption, for the call for the internal reporting and for the protection of informants through the "Line of Honor" campaign. The meetings in each city are documented. The commanders have given instructions to their troops regarding the matter and have started ongoing internal campaigns. Above all, there is evidence that the source is the Ministry of National Defence - Office of Internal Sector Control and Inspections.</p>

35. Are there effective measures in place for personnel found to have taken part in forms of bribery and corruption, and is there public evidence that these measures are being carried out?

Score	3
Assessor Comments	<p>There is public evidence that there is an effort being made to address personnel who have committed acts of corruption and have engaged in criminal behaviour. News reports and speeches by President Santos and former members of the armed forces provide evidence that they publicly reject corruption.</p> <p>However, much action against corruption is reactive rather than proactive - officials act swiftly after corrupt acts are publicly revealed by journalists, at times without giving the accused full opportunity to defend themselves, rather than taking sufficient steps to identify and address corruption risk themselves (see Transparency International). Moreover, a Defence Ministry official pointed out in interview that there is "quite a lot of corruption" at the level of generals, but that it is difficult to do anything about it from within, as this could pose a risk to the investigators.</p> <p>Some faults against military discipline fall under the Disciplinary Regime for the Military Forces (Régimen disciplinario para las FFMM), set out in Law 836 of 2003. Sanctions include suspension for up to 90 days, or removal from post. Acts of corruption fall under the Anti-Corruption Statute (Law 1474 of 2011). Sanctions include four to eight years in prison and a fine of 100 to 200 times the minimum legal monthly salaries for embezzlement; and nine to fifteen years in prison and a fine of 100 to 200 the minimum legal monthly salary for bribery, etc.</p> <p>Colombia's NATO Self-Assessment cites figures from the Air Force to demonstrate that anti-corruption action is constant - the force opened 230 investigations for possible acts of corruption in the first six months of 2013.</p> <p>Attempts to pass a law to try military personnel in military rather than civilian courts relate to acts committed in the line of duty and not specifically to corruption matters. The latter would still be dealt with by the Prosecutor General and the General Comptroller.</p> <p>Response to reviewers: Score maintained at 3, due to evidence of measures being implemented. Source added.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Infobae, "Colombia inicia cruzada contra la corrupción en el Ejército", 17 February 2014. http://www.infobae.com/2014/02/16/1544183-colombia-inicia-cruzada-contra-la-corrupcion-el-ejercito</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014.</p>

	<p>http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Transparency International. 'Colombia: sort out the system, not just the scandal.' http://www.ti-defence.org/what-we-do/news-events/blog/263-colombia-sort-out-the-system%2c-not-just-the-scandal.html</p> <p>El Colombiano, "Expresiones contra la Fiscalía tumbaron al comandante de las Fuerzas Militares", 18 February 2014. http://www.elcolombiano.com/BancoConocimiento/C/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares.asp</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>After the Colombian magazine Semana published an article which revealed the operation of a millionaire procurement system and bids, the president of Colombia, Juan Manuel Santos, ordered "strong and exemplary decisions". If it hadn't been uncovered, money that had been awarded to the army in 2012 and 2013 for the purchase of equipment, war material and even gasoline for vehicles would have gone to military inmates' accounts imprisoned for violations of human rights. That money would be used to pay for the defense of such military personnel or to purchase witnesses in cases of false positives (extrajudicial killings of civilians presented as FARC members).</p> <p>Five high ranking officials were dismissed. However, the president said that "no documents certified corruption or cast doubt on his honor and reputation. But they have committed an indiscretion using expressions that cause unacceptable harm to the institution". (Feb 17, 2014)</p>
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>Measures within the Ministry of Defense are drastic, but they are often taken in reaction to scandal and not as part of a balanced disciplinary procedure. High-ranking officers are purged as public relations damage-control, often without a disciplinary procedure where they have an opportunity to present evidence in their defense. The time elapsed between scandals and the dismissal of high-ranking military officers responsible for the unit involved shows that there is no serious investigation.</p> <p>Effective measures happen at the Inspector General's office, where investigation are thorough, independent and not subject to public relations pressure. Investigations at this office take longer. The office is independent of all branches of government and is among the most powerful in Colombia.</p>
Government Reviewer	Agree

36. Is whistleblowing encouraged by the government, and are whistle-blowers in military and defence ministries afforded adequate protection from reprisal for reporting evidence of corruption, in both law and practice?

Score	3
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<p>Assessor Comments</p>	<p>Under Law 734 of 2002 and 906 of 2004 - the Código de Procedimiento Penal - public officials have an obligation to report misconduct or suspected corruption. However, there is a lack of specific protection for them, and no law that offers them compensation for harassment or unfair dismissal. Law 418 of 1997 sets out protection measures for witnesses or victims of crimes. There are no specific laws that apply to the defence sector in this regard. The primary mechanism within the defence sector to address corruption is the Oficina de Control Interno, but this does not provide specific protection for whistle-blowers.</p> <p>In April 2015, the government Transparency Secretariat held a conference along with officials from bodies including the Attorney General's Office on efforts to draft a law that would provide more effective protection for whistle-blowers. The Secretariat's press release noted that this protection was currently lacking, and that it was a requirement of OECD membership - Colombia is currently in the process of accession. It also cited the results of a government survey that found that 25 percent of central government employees would not report corruption out of fear of reprisals.</p> <p>Blueprint for Free Speech, an NGO, said that the draft law would cover government and company employees, and meet OECD and OAS standards.</p> <p>In March 2016 the Defence Ministry publicly launched a phone line and email address for defence officials and members of the public to anonymously denounce corruption or misconduct by the police, armed forces, or other bodies within the ministry, named the "Line of Honour". Its stated aim is to make members of the sector aware of the importance of reporting misconduct to protect the honour of the institution. This is being promoted across the websites and social media of the various forces and the ministry. The campaign was launched internally in 2012, and after 20 months of operation it had received 3,552 calls.</p> <p>There is evidence of military and police officials being targeted for reprisals after reporting corruption, including in the cases of the "false positives" - killings of civilians by elements in the military to boost kill counts - and the reported prostitution ring in the police force.</p> <p>Response to reviewers: Score adjusted to 3. For a score 4, stronger evidence of the protection of whistle-blowers would be necessary.</p>
<p>Sources</p>	<p>Blueprint for Free Speech, "Eyes on the Prize: Colombia Sets Sights on its First Whistleblower Law", 30 April 2015. http://www.anticorruccion.gov.co/Paginas/eyes-on-the-prize-colombia-sets-sights-on-its-first-whistleblower-law.aspx</p> <p>The Guardian, "Colombia acts on massacres – punishing whistleblower and promoting officers", 24 June 2015. https://www.theguardian.com/world/2015/jun/24/colombian-army-killed-thousands-civilians-human-rights-watch</p> <p>Ley 418 de 1997. http://www.secretariasenado.gov.co/senado/basedoc/ley_0418_1997.html</p>

	<p>Ley 734 de 2002. http://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/L-734-02.htm</p> <p>Ley 906 de 2004, Código de Procedimiento Penal. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=14787</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. "Mindefensa presenta la línea única anticorrupción del Sector Defensa 'Línea del Honor– 163'", 1 March 2016. http://cgfm.mil.co/-/mindefensa-presenta-la-linea-unica-anticorrupcion-del-sector-defensa-linea-del-honor-163-</p> <p>OAS, Victim and Witness Protection Cooperation, http://www.oas.org/en/sla/dlc/witness_protection/legis_topic.asp</p> <p>Secretaria de Transparencia, "Agenda Evento Protección de Denunciantes de Corrupción", 23 April 2015. http://www.secretariatransparencia.gov.co/prensa/2015/Paginas/agenda-evento-proteccion-de-denunciantes-de-corrupcion.aspx</p> <p>Semana, "Destituciones a quienes denuncian irregularidades en la Policía" 18 April 2016. http://www.semana.com/nacion/articulo/las-destituciones-a-quienes-denuncian-irregularidades-en-la-policia/470100</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>On 29 December 2013, General Fabricio Cabrera Ortiz, Chief of Army Aviation, presented the Minister of Defense a 15-page document documenting the breaches of contract by the contractor Helicentro, a firm that received 21 contracts between 2009 and 2013 for maintenance and repair of helicopters. The value of the contracts was COP 55 billion (USD 24 million) and they were consistently breached by the firm.</p> <p>Helicentro is owned by Felipe Jaramillo Samper, one of President Santos's closest friends. Helicentro and other firms owned by Jaramillo represent many global companies in acquiring Colombian defense and security contracts, and have increased their success during Santos's ministry and presidency.</p> <p>On 18 February 2014 - roughly a month after submitting the complaint against Helicentro - General Cabrera was dismissed publicly and accused of corruption. He was accused of being mentioned by a colonel that was recorded in conversations where the colonel claimed that he had influence over generals in securing contracts, though the conversations themselves revealed that the colonel had been unsuccessful. The press leaked information about General Cabrera's assets, which included three apartments worth COP 600 million (USD 250,000).</p>

	Whistle-blowers that step on big toes take very large risks.
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>The Ministry of National Defence's anti-corruption plan and policy take form in the "Line of Honor" campaign, through which, at the national level, any member of the Military Forces may report, anonymously and undisclosed, facts that they consider to constitute a crime or practice contrary to Law. There is documented evidence in the Office of Internal Sector Control and Inspections, particularly on reported cases, which amount to 192 from June 27, 2012, to date. One of the main issues of the campaign is the protection of the people who inform.</p> <p>In addition, with regard to cases that constitute crime, the Prosecutor General's Office has mechanisms for criminal enforcement, including for members of the Military Forces, of which there are documented cases.</p>

37. Is special attention paid to the selection, time in post, and oversight of personnel in sensitive positions, including officials and personnel in defence procurement, contracting, financial management, and commercial management?

Score	2
Assessor Comments	<p>In theory, all appointments of public servants are governed by the principles of equality and merit and must be transparent, under law 909 of 2004. This refers to civilians within the defence institutions. For the recruitment of officers and NCOs, decree 1428 stipulates that any progression must be meritocratic. These regulations cover all employees in the defence sector but there are still quite a lot of promotions, especially concerning civilians in the defence sector that happen in a non-meritocratic way according to interviewee 2.</p> <p>In the government's Self-Assessment for NATO's Building Integrity Programme, it noted that the Air Force has a special procedure for filling "critical" roles through internal recruitment. It publishes the vacant positions and invites officials to apply if they fill the requirements. Their applications are then analysed by the chief of personnel and selection staff. The idea of this is to rule out personal influence or favours. However, the assessment does not mention similar procedures for other entities within the defence sector.</p> <p>The assessment also notes that defence personnel are rotated every 24 months, depending on various factors, but does not specify whether this applies specifically to sensitive positions.</p> <p>Individuals who are in line to hold high-level government offices must publish their CVs online for public access, under decree 4567 of 2011, this includes defence institutions. At time of writing, the website where this is posted included the CV of an army lieutenant colonel who was applying for the post of head of the Central Military Hospital.</p> <p>Appointments of high-level military and police officials must be approved by Congress' Second Commission.</p>
Sources	<p>Decreto 1428 de 2007.</p> <p>http://www.secretariasenado.gov.co/senado/basedoc/decreto_1428_2007.html</p>

	<p>Ley 909 de 2004. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=14861</p> <p>Ley 48 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=8633</p> <p>Hojas de vida, https://aspirantes.presidencia.gov.co/</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Senado, "Ascensos militares y policia a consideración de la Comisión Segunda", 19 November 2015. http://www.senado.gov.co/sala-de-prensa/noticias/item/22976-en-comision-segunda-se-escucharon-a-los-aspirantes-de-los-ascensos</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>It is common for the military - especially the Army - to move officers through different staff positions throughout their career - from command positions to intelligence, personnel, public relations and logistics management. Military personnel in sensitive positions in defense procurement and logistics management often do not have a long career in logistics and procurement. Civilian personnel are generally responsible for the legal procedures in procurement, while military personnel are more involved in the technical evaluation of goods and services offered.</p>
Government Reviewer	Disagree, suggested score: 4

38. Is the number of civilian and military personnel accurately known and publicly available?

Score	4
Assessor Comments	<p>Numbers of Defence Ministry personnel are available on its website going back to 2007. As of May 2016, the personnel numbers by force, including both military and civilian personnel, were:</p> <p>Army: 225,355 Navy: 29,377 Air Force: 13,534 National Police: 183,765 Total: 452,373</p> <p>There was no evidence to suggest inaccuracy.</p>

	<p>The Sistema de Información y Gestión del Empleo Público (SIGEP) also has a website that allows for a search of public servants by name and institution.</p> <p>Response to reviewers: Score adjusted to 4.</p>
Sources	<p>MinDefensa, "Información de criminalidad, resultados operacionales, afectación de las propias tropas y pie de fuerza", https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios%20sectoriales/info_estadistica/Avance%20de%20la%20Politica%20de%20Defensa%20y%20Seguridad.pdf</p> <p>SIGEP. http://www.sigep.gov.co/home</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 4</p> <p>This data is published monthly on the Ministry of Defense's website. There are 469.342 members of the military, police and Ministry as of September 2014. The data are specific by Force (Army, Navy, Air Force, and Police) and by type (officer, NCO, soldier, civilian, student, etc.) I have no reason to believe that this data is inaccurate. I have heard no accusations, seen no evidence, heard no anecdotes that question data provided on the number of military personnel.</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>At the level of the Ministry of defence and Armed Forces, there is a specific number of civilians and the positions they hold. There is evidence of all of this in the Ministry and it may be consulted. The curriculum vitae of recruited civilian personnel are published prior to the nomination so that any citizen may make comments on the web site of the Presidency of the Republic. Within the organization of the Colombian state, the DAS (with regard to payment) has no relationship with the Ministry. It is an autonomous and independent body. Only 9 people were transferred from the DAS to the police, none of them from the Ministry or the Military Forces.</p> <p>https://www.mindefensa.gov.co/irj/go/km/docs/documents/Mindefensa/Normatividad/Decretos/d0a99ee5-209f-2d10-6c81-e569b0216811.xml</p> <p>The office of human talent have the following figures:</p> <p>Air Force approximately 5800 Armada approximately 32000 Army 132000</p> <p>Articles 36, 73 Law 1474 2011</p>

39. Are pay rates and allowances for civilian and military personnel openly published?

Score	4
Assessor Comments	Salaries and allowances can be found on the site of the Administrative Department for Public Functions. Decree 0842 of 2012 stipulates salaries for officers and deputy-officers of all armed forces, including the police. Decree 1049 stipulates the salaries for civilians working for the Ministry of Defence. Decree 1017 of 2013

	<p>stipulates the different percentages in relation to the basic salary of officers and sub-officers, including Generals.</p> <p>This is confirmed by Colombia's Self-Assessment for NATO's Building Integrity Initiative.</p>
Sources	<p>Decreto 1049, 2011. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994</p> <p>Decreto 1050, 2011. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994</p> <p>Decreto 0842, 2012. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree

40. Do personnel receive the correct pay on time, and is the system of payment well-established, routine, and published?

Score	4
Assessor Comments	<p>Salaries for personnel in the Defence Ministry and security forces are paid automatically at the end of each month. The payment system is centralised in the ministry's Asesora de Sistemas office, according to the Self-Assessment for NATO's Building Integrity Programme.</p> <p>There have been disputes about the pensions that should be paid to retired personnel, on the basis that service in "states of siege" had not been recognised in calculations. However, this does not indicate irregularities in payment systems.</p> <p>Response to reviewers: Score adjusted to 4 on the basis that there is no evidence of irregularities in payment systems</p>
Sources	<p>El Tiempo. "Abogados ponen a hacer fila a reservistas de las Fuerzas Armadas", 19 December 2013. http://www.eltiempo.com/archivo/documento/CMS-13302340</p> <p>Radio Santa Fe, "Senado y Gobierno buscarán consenso para pagar deudas con activos y retirados de Fuerzas Armadas", 18 May 2011. http://www.radiosantafe.com/2011/05/18/senado-y-gobierno-buscaran-consenso-para-pagar-deudas-con-activos-y-retirados-de-fuerzas-armadas/</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014.</p>

	http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>There is controversy over a decree signed in 2000 which modified the severance payments of the military. Critics claim that the decree is illegal because it could not modify a law, and that modifying benefits packages of the military years after they committed to their careers is unfair. However, this and the examples used by the assessor are not cases of payments not being made, but rather legal disputes about how much should be paid.</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Payments to each of the employees are done in a timely and precise manner with regard to timing and amount. They are done through electronic networks to the corresponding bank accounts. Only a small number of members of the Forces receive payment in cash in rural areas.</p>

41. Is there an established, independent, transparent, and objective appointment system for the selection of military personnel at middle and top management level?

Score	3
Assessor Comments	<p>Law 1405 of 2010 sets out the process of promotions in the armed forces; moreover, all public appointments in Colombia have to go through a legal process where job descriptions are detailed. The CVs of those being considered for high-level positions in the defence sector are also published on the Defence Ministry's website. Every appointment has to be certified as a decree - this is also contained within Law 1405. Regular news on the promotion of military personnel can be found easily in the press and the websites of the forces.</p> <p>Ultimate discretion over promotions in the armed forces and police rests with the president. Those being considered for promotions in the rank of general and up are nominated by boards of generals in each of the military and security forces, and these lists are given to the Defence Ministry for evaluation. The ministry then gives the CVs of the candidates to the Senate's Second Committee for approval or rejection, and the committee can call the candidates to appear and answer questions. Once approved, the motion is then put to a vote in the Senate.</p> <p>Before the Senate considers the candidates, their CVs must have been published on the website of the presidency, along with documents including certificates on their tax records and criminal record, and any disciplinary actions against them by the Inspector General. The report from the Generals' Advisory Board with arguments for the promotion must also be published, and a report from the intelligence chief of the force certifying that their income is consistent with their business interests and salary.</p> <p>There has been criticism in the press that congressional oversight opens up the process to politicisation, with accusations that officials due for promotion attempt to bribe senators. One ex-senator told El País in 2014 that the body "seems like a notary's office because it approves everything". However, in 2015 the Second</p>

	<p>Committee made greater use of its power over promotions, demanding more details on the candidates and calling the defence minister to appear before Congress to give additional information and explanations for the choices. The committee came under pressure from the government to speed up the process, as the delay meant that promotion ceremonies had to be delayed.</p> <p>Some recent high-level nominations have been criticised as the appointees face serious criminal allegations. NGO the Washington Office on Latin America raised concerns to the defence minister about promotions of seven officers, either to general rank or the step below, who are either under investigation, awaiting trial, or facing serious allegations. Their alleged crimes range from extrajudicial killings and illegal wiretapping to a role in the “false positives” murders of civilians. In December 2015, the committee approved a request from the defence minister to postpone the promotion of police General Luis Eduardo Martínez, due to accusations that he had ties to criminal groups. The general then retired in February, and the investigation against him was dropped.</p> <p>Despite these processes, there are still cases where progression might depend on personal connections, as a member of the Ministry of Defence pointed out in an interview.</p>
Sources	<p>Caracol Radio, “Congreso aplaza ascensos y cita al ministro de Defensa”, 25 November 2015. http://caracol.com.co/radio/2015/11/25/politica/1448476049_263422.html</p> <p>El Espectador, “Rebelión del Senado a ascensos de militares”, 25 November 2015. http://www.elespectador.com/noticias/politica/rebelion-del-senado-ascensos-de-militares-articulo-601435</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>Ley 1405 de 2010. http://www.secretariasenado.gov.co/senado/basedoc/ley_1405_2010.html</p> <p>El País, “¿Se están politizando los ascensos militares en Colombia?”, 14 July 2014. http://www.elpais.com.co/elpais/colombia/noticias/estan-politizando-ascensos-militares-colombia</p> <p>Servicios al Ciudadano > Aspirantes https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido?NavigationTarget=navurl://4f30cf9cfaa4c70cb08b155aae1d9c98 https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Documentos_Descargables/hojas_vida/hojas_vida_grales_junio2016.pdf</p> <p>Senado. “Riguroso procedimiento para aprobar ascensos Militares y de policía expide Comisión Segunda”, 26 October 2012. http://www.senado.gov.co/sala-de-prensa/noticias/item/15457-riguroso-procedimiento-para-aprobar-ascensos-militares-y-de-policia-expide-comision-segunda?tmpl=component&print=1</p> <p>WOLA, “COLOMBIA SET TO PROMOTE MILITARY OFFICERS LINKED TO ‘FALSE POSITIVES’ SCANDAL, OTHER ABUSES”, 14 January 2016,</p>

	http://www.wola.org/news/colombia_set_to_promote_military_officers_linked_to_false_positives_scandal_other_abuses
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>The assessor is commenting on promotions rather than appointments. In the officer corps, climbing through the ranks until Major is straight forward and based on seniority. After fulfilling a number of years of service that are determined and published by decree, second lieutenants become first lieutenants, then captains and majors. Because there are fewer people in those ranks than are needed in the military (especially the Army), only people with legal problems (human rights investigations pending and such) would have problems getting promoted.</p> <p>Promotions from major to colonel are more challenging. There are usually fewer colonel positions available than majors expecting a promotion. If a major is not chosen for promotion, his career ends. The process of selecting those who will be promoted is not public. The judicial office of each force determines which ones comply with the legal requirements. Then a council of Generals determines the number of new colonels needed and selects them through a secret voting process. The list is passed to Congress for approval. The process from colonel to general is similar.</p> <p>The process of selecting people for each position is not disclosed to the public. The President and Minister of Defense personally select senior leadership of each force, and the senior leadership of each force selects top management positions from the Generals that are available. People below top management positions are selected almost exclusively by seniority, not necessarily merit.</p>
Government Reviewer	Agree

42. Are personnel promoted through an objective, meritocratic process? Such a process would include promotion boards outside of the command chain, strong formal appraisal processes, and independent oversight.

Score	3
Assessor Comments	<p>Law 1405 of 2013 sets out that promotions in the armed forces must be meritocratic and are conducted through promotion boards that are not outside the chain of command; moreover, all public appointments in Colombia have to go through a legal process where job descriptions are detailed. The CVs of those being considered for high-level positions in the defence sector are also published on the Defence Ministry's website. Regular news on the promotion of military personnel can be found easily in the press and the websites of the forces.</p> <p>The Defence Ministry's Self-Assessment for NATO's Building Integrity Programme gives more information on the processes for promoting both civil and military staff in the defence sector (p.119-120). In terms of civilian personnel for the security forces, each selection process begins by defining the requirements and minimum qualities necessary for the job, and then carrying out an internal and external call for applications. The CVs of candidates are analysed, a series of tests and interviews are carried out, and finally the candidates are security vetted.</p>

	<p>In terms of military personnel, each force has a recruitment office which is responsible for the process. The Assessment states that promotions are decided on the basis of CVs. As in the previous question, there are still cases where progression might depend on personal connections, as pointed out by a member of the Ministry of Defence during interview.</p> <p>Response to reviewers: Score adjusted to 3.</p>
Sources	<p>Ejército, "Ascienden Suboficiales en el Fuerte Militar Larándia", 13 March 2014. http://www.ejercito.mil.co/?idcategoria=359791</p> <p>Fuerzas Militares.org. "Ascienden 59 oficiales administrativos en la Escuela Militar de Cadetes General José María Córdova". http://www.fuerzasmilitares.org/noticias/colombia/ejercito-nacional/3079-ascienden-59-oficiales-administrativos-en-la-escuela-militar-de-cadetes-general-jose-maria-cordova</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>Ley 1405 de 2010. http://www.secretariassenado.gov.co/senado/basedoc/ley_1405_2010.html</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>There is a formal process for promotions, but it is almost entirely based on seniority. Nobody can be promoted without serving a certain time in a rank.</p> <p>In the officer corps, climbing through the ranks until Major is straight forward and based on seniority. After fulfilling a number of years of service that are determined and published by decree, second lieutenants become first lieutenants, then captains and majors. Because there are fewer people in those ranks than are needed in the military (especially the Army), only people with legal problems (human rights investigations pending and such) would have problems getting promoted.</p> <p>Promotions from major to colonel are more challenging. There are usually fewer colonel positions available than majors expecting a promotion. If a major is not chosen for promotion, his career ends. The process of selecting those who will be promoted is not public. The judicial office of each force determines which ones comply with the legal requirements. Then a council of Generals determines the number of new colonels needed and selects them through a secret voting process. The list is passed to Congress for approval. The process from colonel to general is similar.</p>

Government Reviewer	<p>Disagree, suggested score: 3</p> <p>One of the criteria in the assessments for promotions is the ethical component, in accordance with Decree 1490 of 2000. To wit, a committee is formed that is in charge of verifying and assessing the curriculum vitae of the military official or non-commissioned officers throughout his or her military career, including sanctions, congratulations, decorations, units and pending investigations in order to have a component of control against corruption.</p>
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43. Where compulsory conscription occurs, is there a policy of not accepting bribes for avoiding conscription? Are there appropriate procedures in place to deal with such bribery, and are they applied?

Score	2
Assessor Comments	<p>Law 48 of 1993 sets out the practice of compulsory conscription in Colombia. Under the law, citizens can pay a "military compensation fee" to avoid service. This is calculated using the following formula:</p> <p>1 percent of household net worth 60 percent of total monthly income This divided by the number of younger brothers who are studying, up to a maximum of two. + 15 percent of the current legal monthly minimum wage 20 percent of the legal minimum annual salary, if there is a fine for not signing up. 2 minimum monthly salaries for each year if there is a fine for not attending military service.</p> <p>The army's head of recruitment and reserves, General Marco Tamayo, has said that these large sums cause corruption, as people try to avoid them by turning to intermediaries within the army, who then issue false documents. A bill to reform the conscription policies, under consideration by Congress as of May 2016, would cap the amount at 20 times the minimum salary to avoid this problem. It would also make it easier to avoid service on the basis of conscientious objection.</p> <p>This law stipulates various instances that could be described as bribery, and specifies sanctions for them. Title VI of Law 48, Chapter 1, Article 41, stipulates that it is a violation of the law if an individual a) does not fulfil the period of conscription established by law and/or f) tries to stop or hinder the conscription service authorities in any way from fulfilling their work.</p> <p>The penalty for violating a) will be 20 percent of minimum monthly salary for each year or for the fraction of time that this person is out of compulsory conscription. For f) there are sanctions under the penal code or the disciplinary code of the armed forces.</p> <p>Nevertheless, sanctions are rarely applied and bribery or favouritism to avoid conscription are common among students from wealthy backgrounds, although this can happen at all social levels. This was pointed out by interviewee 1 from the Defence Ministry. President Santos has acknowledged the problem, stating in 2014 that "Only the poorest and most vulnerable pay their military service", and said it</p>

	<p>should be scrapped and replaced with compulsory social service. It is reported that 86 percent of conscripts belong to the lowest social classes.</p> <p>The risk that military personnel will "seek money or other goods in exchange for the definition of the military situation of a citizen" is recognised in the army's Corruption Risks plan for 2016, which ranks it as "probable". It sets out the following preventative measures: training commanders of military zones and districts, who are responsible for determining the military situation of Colombian citizens; and opening disciplinary investigations against public servants.</p> <p>Response to reviewers: Score raised to 2 given policy against bribery and plan to avoid it. Sources added.</p>
Sources	<p>Defensoría, "SERVICIO MILITAR OBLIGATORIO EN COLOMBIA: Incorporación, reclutamiento y objeción de conciencia" http://www.defensoria.gov.co/public/pdf/ServicioMilitarObligatorio.pdf</p> <p>Ejército, "Riesgos de Corrupción Ejército Nacional 2016". https://www.ejercito.mil.co/?idcategoria=229937</p> <p>Ejército, "Esto le cuesta sacar su libreta militar". https://www.ejercito.mil.co/?idcategoria=335100</p> <p>El Espectador, "Derogar el servicio militar obligatorio", 7 October 2014. http://www.elespectador.com/opinion/derogar-el-servicio-militar-obligatorio-columna-521088</p> <p>El Heraldo, "Los cambios planteados para el servicio militar", 22 May 2016. http://www.elheraldo.co/nacional/los-cambios-planteados-para-el-servicio-militar-262040</p> <p>Ley 48 de 1993 http://www.ejercito.mil.co/?idcategoria=321983#</p> <p>Ley 1184 de 2008 http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=29146</p> <p>El Tiempo, "'De firmar la paz, eliminaré el servicio militar obligatorio': Santos", 4 June 2014. http://www.eltiempo.com/politica/partidos-politicos/santos-promete-acabar-con-el-servicio-militar-obligatorio/14073875</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>The conscription process is complicated and people do not understand it well. That fuels corruption both within the military units responsible for conscription and with intermediaries who offer families their services to avoid conscription. The intermediaries usually collect payment without doing anything because they understand the system better and they know that in most cases the military only recruits people who want to serve. In other cases they obtain forged medical paperwork or the forged military documentation itself.</p>

Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Bribery to avoid entry into military service or the fraudulent payment of the compensation fee is considered as a risk in the Anti-Corruption Plan for Military Forces. Currently there are criminal and disciplinary investigations against some members. The Office of Internal Sector Control and Inspections performs audits and orders pertinent investigations therein. With regard to students, Law 48 of 1993, envisages that all students, without distinction to class, may delay their military service without being obligated to provide it, as long as they are linked to a university. Therefore, bribery is not possible. The anti-corruption policy is derived from Law 1474 of 2001 and Law 836 of 2003.</p>
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44. With regard to compulsory or voluntary conscription, is there a policy of refusing bribes to gain preferred postings in the recruitment process? Are there appropriate procedures in place to deal with such bribery, and are they applied?

Score	2
Assessor Comments	<p>Law 48 of 1993 sets out the practice of compulsory conscription in Colombia. This law stipulates various acts that could be described as bribery, and specifies sanctions for them. Title VI of law 48, Chapter 1, Article 41, stipulates that it is a violation of the law if a person a) does not fulfil the period of conscription established by law and/or f) tries to stop or hinder the conscription service authorities in any way from fulfilling their work.</p> <p>The penalty for violating a) will be 20 percent of minimum monthly salary for each year or for the fraction of time that this person is out of compulsory conscription. For f) there are sanctions under the penal code or the disciplinary code of the armed forces. The law does not specify with regards to bribery for preferred postings, but treats all bribery to avoid conscription as a whole.</p> <p>The crime of bribery is set out in the Colombian Penal Code (Ley 599 de 2000), Chapter 15: Crimes Against Public Administration. It criminalises those who offer public officials money or other goods to delay or omit an act that should be carried out as part of their job, and the official themselves. Response to reviewers: Score adjusted to 2, due to evidence of anti-bribery policies. However, it was not adjusted to 3, due to a lack of evidence about policies specific to postings. Sources added.</p>
Sources	<p>Ley 48 de 1993. http://www.ejercito.mil.co/?idcategoria=321983#</p> <p>Ley 1184 de 2008. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=29146</p> <p>Ley 599 de 2000. http://www.secretariasenado.gov.co/senado/basedoc/ley_0599_2000.html</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>There is a policy against bribery. To that end, the government signed the Convention of the United Nations against Corruption, which was approved via Law</p>

	<p>1573 of 2012. Audits of the Recruiting Departments of the Forces are being performed on an ongoing basis in order to detect and prevent events of possible bribery. Some reports have been received from the "Line of Honor" campaign, and they have been put through the pertinent procedures. Likewise, counter intelligence contributes to the detection of cases of possible bribery. The Defense Ministry has given clear instructions with respect to these matters.</p> <p>El servicio de reclutamiento y movilización se encuentra reglamentado en Ley 48 de 1993 http://www.ejercito.mil.co/?idcategoria=321983# Ley 1184 de 2008 http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=29146 Decreto 2124 de 2008 http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=30849 Sentencia C – 879 de 2011 http://www.corteconstitucional.gov.co/relatoria/2011/c-879-11.htm Article 140 Criminal Cod</p>
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45. Is there evidence of 'ghost soldiers', or non-existent soldiers on the payroll?

Score	4
Assessor Comments	<p>The strength of payment systems and oversight in the Colombian defence sector suggests that the phenomenon is unlikely to occur. Salaries for personnel in the Defence Ministry and security forces are paid automatically at the end of each month. The payment system is centralised in the ministry's Asesora de Sistemas office, according to the Self-Assessment for NATO's Building Integrity Programme.</p> <p>In addition, the fact that the Colombian army has been actively fighting a war for the last 60 years against rebel groups means that it is heavily scrutinised, and "empty" battalions would not be tolerated.</p> <p>Numbers of Defence Ministry personnel are available on its website going back to 2007. There is no evidence to suggest inaccuracy. As of May 2016, the personnel numbers by force, including both military and civilian personnel, were:</p> <p>Army: 225,355 Navy: 29,377 Air Force: 13,534 National Police: 183,765 Total: 452,373</p> <p>The Sistema de Información y Gestión del Empleo Público (SIGEP) also has a website that allows for a search of public servants by name and institution, though this may not be up-to-date.</p> <p>In an interview with a high-ranking member of the Colombian armed forces, the source stated that in Colombia there is no such thing as ghost soldiers.</p>
Sources	Interview with interviewee 4: High Ranking military member of the Armed Forces, Bogota, 12 June 2014.

	<p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Ministry of Defence. "Logros de la Política Integral de Defensa y Seguridad para la Prosperidad" http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://db63667256507bdd5cf2cccf7d29320b</p> <p>MinDefensa, "Información de criminalidad, resultados operacionales, afectación de las propias tropas y pie de fuerza", 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/estudios%20sectoriales/info_estadistica/Avance%20de%20la%20Politica%20de%20Defensa%20y%20Seguridad.pdf</p> <p>SIGEP. http://www.sigep.gov.co/home</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>There is no evidence of ghost soldiers in Colombia. However, there are cases of 'false positives' i.e. - killing a civilian who is passed off as a rebel - through the use of payments and incentives in the Armed Forces.</p>
Peer Reviewer 2	<p>Agree with Comments</p> <p>There are no ghost soldiers in the Colombian Military or police. I heard no evidence or anecdotes that would suggest that this practice exists.</p> <p>Every battalion holds monthly reviews of personnel and materiel. Companies cross-check each other and they must verify that the soldiers assigned to each company are physically present. Battalions and Brigades also cross-check each other periodically.</p>
Government Reviewer	<p>Agree</p>

46. Are chains of command separate from chains of payment?

Score	4
Assessor Comments	<p>Colombia's Self-Assessment for NATO's Building Integrity Programme states that the processes for paying salaries and pensions are separate from the military chain of command, and that the monthly process for generating the payroll is clearly defined. The human resources office of each force and the Defence Ministry's General Management Unit (Unidad de Gestión General) gather the information for the payroll, and send it to the Oficina Asesora de Sistemas in the unit. The system automatically checks the information and alerts staff to any irregularities. The draft payroll is then checked by officials from each of the forces. Once this has been checked, the total sum is sent to the Dirección de Finanzas for approval and then the final payroll is sent directly to the bank accounts of personnel.</p> <p>The ministry's Internal Control Office and the Inspection Offices of the various forces carry out regular audits of the process.</p>

	Salaries and allowances are set by law under decree 1050 of 2011 and are set by the Departamento Administrativo de la Función Pública (The Administrative Department for Public Functions). Salaries and allowances are available online. Decree 0842 of 2012 stipulates salaries for officers and deputy officers of all armed forces, including the police. Decree 1049 stipulates the salaries for civilians working for the Ministry of Defence. Decree 1017 of 2013 stipulates the different percentages in relations to the basic salary of officers and deputy-officers, including generals.
Sources	Decreto 1049, 2011. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994 Decreto 1050, 2011. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994 Decreto 0842, 2012. http://portal.dafp.gov.co/form/formularios.retrive_publicaciones?no=994 MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree with Comments Payments to each of the employees are done in a timely and precise manner with regard to timing and amount. They are done through electronic networks to the corresponding bank accounts. Only a small number of members of the forces receive payment in cash in rural areas.

47. Is there a Code of Conduct for all military and civilian personnel that includes, but is not limited to, guidance with respect to bribery, gifts and hospitality, conflicts of interest, and post-separation activities?

Score	3
Assessor Comments	<p>The Defence Ministry's General Management Unit (Unidad de Gestión General) and the Air Force both have their own codes of conduct. There is also a general Ethics Code of Military Behaviour (Código de Ética del Comportamiento Militar).</p> <p>The General Management Unit's code appears to date back to pre-2010, and is available online in the form of a scanned photocopy. It briefly covers bribery and gifts, warning personnel against receiving money or other incentives related to their duties, and against "influence trafficking". It states that personnel must report all situations where there is a potential conflict of interest to their immediate supervisor, and avoid transactions in their professional capacity that benefit them, either directly or indirectly.</p> <p>The Air Force's code and the Military Behaviour Code contains general principles of conduct, rather than guidance on how to deal with situations such as bribery or</p>

	<p>conflicts of interest. The Police also have a code of conduct, but it is very brief and does not address any concrete situations.</p> <p>There is a code of conduct (Código Disciplinario Único) that applies to all public employees, including members of the armed forces. This contains comprehensive guidance on issues such as gifts, bribes and conflicts of interest, but it is not specific to the defence sector, and is complex and detailed, rather than accessible. The Inspector General's Office (Procuraduría) is tasked with enforcing it.</p> <p>The Defence Ministry's "Line of Honour" campaign, which includes a phone number for anonymous reports of misconduct, aims to remind service personnel of their ethical responsibilities.</p> <p>Response to reviewers: Score adjusted to 3 due to existence of code of conduct.</p>
Sources	<p>"Código Disciplinario Único", 2011. http://www.procuraduria.gov.co/relatoria/media/file/Codigo_Disciplinario_Unico_2011.pdf</p> <p>FAC, "CÓDIGO DE ÉTICA MILITAR AÉREA (CETMA), 1st edition, 2010". https://www.fac.mil.co/sites/default/files/codigo_de_etica_militar_aerea_-_jed_0.pdf</p> <p>MinDefensa, Unidad de Gestión General, "Código de Ética". https://www.armada.mil.co/sites/default/files/codigo_etica.pdf</p> <p>MinDefensa, "Código de Ética del Comportamiento Militar, 2nd edition, 2005". http://cgfm.mil.co/documents/10197/24522/3.-codigo+etica+19+sep-05+GCFM.pdf/13ade3a1-9e56-4031-981d-c48a7a7065b1</p> <p>MinDefensa, "Linea de Honor" https://www.armada.mil.co/es/content/l%C3%ADnea-del-honor</p> <p>Policía Nacional, "Código de Ética Policial". http://www.policia.gov.co/portal/page/portal/INSTITUCION/Identidad_Corporativa/codigo_etica_policial</p>
Peer Reviewer 1	Not Qualified
Peer Reviewer 2	<p>Disagree, suggested score: 4</p> <p>The Code is called the Código Disciplinario Único and applies to all public employees, including members of the armed forces.</p> <p>(http://www.procuraduria.gov.co/relatoria/media/file/Codigo_Disciplinario_Unico_2011.pdf)</p> <p>Chapter 4 (articles 31-41) specifically address conflict of interest, post-separation activities, and behavior contracting with close family members on behalf of the state. Bribery is addressed in article 48, #3. Article 35, #3, prohibits any kind of gifts or favors in exchange for awarding benefits.</p>

	The institution that enforces the disciplinary code is the Procuraduría General de la República (Office of the Inspector General).
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>The mandatory codes of conduct for uniformed members and civilians are the discipline laws (Law 1474 of 2011, Law 734 of 2002, Law 836 of 2003). These are widely publicized and known by officials. The codes of ethics of the Ministry of Military Forces are complementary standards (soft laws) that specify the principles included in the laws. Each force has one specific code of ethics. There is documentary evidence of these. The doctrine that is taught in schools and in advancement courses specifies the way to apply them. This year, several meetings were held at the national level within the "Line of Honor" campaign in order to recall the need to apply the codes of conduct with regard to regulations, principles and values, attended by the Office of Sector-Based Internal Control and Inspections.</p>

48. Is there evidence that breaches of the Code of Conduct are effectively addressed, and are the results of prosecutions made publicly available?

Score	3
Assessor Comments	<p>The institution that enforces the disciplinary code for civil servants ("Código Disciplinario Único") is the Inspector General's Office (Procuraduría), which is charged under the constitution with overseeing the conduct of public officials. It opens disciplinary investigations, and has broad powers to remove officials from office and ban them from holding office for a set period. It is a strong, independent body, and results of its investigations are made public.</p> <p>The Inspector General's Office has launched investigations into high-ranking members of the military. For example, in February 2016 it opened an investigation into police director general Rodolfo Palomino over allegations of an unexplained increase in assets, spying on journalists and a prostitution ring within the force. As of 2014, the office had more than 90 investigations open against members of the army or police for alleged acts of corruption.</p> <p>There are criticisms that Inspector General Alejandro Ordóñez - an immensely powerful and controversial figure, who has removed hundreds of congress members, mayors, governors and others from office - takes a softer stance towards the military. For example, Ordóñez called for the conviction of retired Coronel Alfonso Plazas Vega for enforced disappearances to be overturned, and declared his belief in the colonel's innocence. Political website La Silla Vacía comments that "the Disciplinary Code is very broad and vague and the inspector general - any inspector general - has a high degree of discretion, which Ordóñez has used in a selective way." However, the inspector general has responded that he has removed more than 200 military personnel over "false positive" killings of civilians.</p> <p>There are delegate inspector general's offices for the armed forces and for the police, which are responsible for hearing appeals over disciplinary processes against non-commissioned officers from these bodies.</p> <p>The Attorney General's Office (Fiscalía) investigates alleged criminal activities by members of the security forces. As of November 2014, the institution had investigations open into 5,749 members of the military or police for alleged serious</p>

	<p>human rights violations or links with criminal groups. Between 2002 and 2014 the civilian justice system found 817 members of the security forces guilty of various crimes. Of these, 749 were soldiers, including three colonels, two lieutenant colonels, and nine majors.</p> <p>Response to reviewers: Score adjusted to 3, on basis of evidence that breaches to the Code of Conduct are investigated and made public. For a score 4, there would need to be strong evidence that breaches of the Code of Conduct are effectively addressed. As seen in Question 51, however, there is evidence that, despite the existing efforts, some low-level breaches are not addressed.</p>
Sources	<p>Queens Latino, "Procurador Ordóñez: 'La paz con impunidad es bonbonbum envenenado'", 2 March 2015. http://queenslatino.com/procurador-ordonez-la-paz-en-colombia-sin-impunidad-es-un-bombonbum-envenenado/</p> <p>RCN "Procuraduría investiga a siete generales del Ejército", 18 February 2014. http://www.noticiascn.com/nacional-pais/procuraduria-investiga-siete-generales-del-ejercito</p> <p>Semana, "5.749 militares son investigados por la Fiscalía", 12 November 2014. http://www.semana.com/nacion/articulo/5749-militares-son-investigados-por-la-fiscalia/408854-3</p> <p>Semana, "Plazas Vega no es responsable de los desaparecidos del Palacio", 12 December 2014. http://www.semana.com/nacion/articulo/procurador-ordonez-plazas-vega-no-es-responsable-por-desaparecidos/411944-3</p> <p>La Silla Vacía, "El fin de la Alcaldía de Petro = ¿el fin de la Procuraduría?", 9 December 2013. http://lasillavacia.com/historia/el-fin-de-la-alcaldia-de-petro-el-fin-de-la-procuraduria-46277</p> <p>Procuraduría, "SENTENCIA C-255/97", http://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/Providencias/97-C-255%20L-4-90.htm</p> <p>Transparency International. 'Colombia: sort out the system, not just the scandal.' Last accessed June 14, 2014. http://lab.org.uk/colombia-sort-out-the-system-not-just-the-scandal</p> <p>El Universal, "Por estos escándalos el general Palomino será investigado por la Procuraduría", 16 February 2016. http://www.eluniversal.com.co/colombia/por-estos-escandalos-el-general-palomino-sera-investigado-por-la-procuraduria-219286</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 4</p> <p>The Inspector General's office (Procuraduría General) is responsible for enforcing the Code of Conduct that covers all government employees. It is independent of the President and Congress, and it is extremely powerful.</p> <p>The Inspector General is appointed by all three branches of government. They can remove public servants from office and suspend them from holding public office or</p>

	<p>having contracts with the government for a maximum of 20 years - a ruling known as "political death". This is not an accusation before a court - the same office investigates and makes the ruling. They can do so even for publicly elected officials. In the first four-year term of the current Inspector General Alejandro Ordóñez (2008-2012), he removed 828 mayors and 49 governors from office, as well as cabinet ministers, members of the military and leaders of intelligence services. Regarding high-ranking members of the military, the Inspector General has removed four generals and seventeen colonels since 2003.</p> <p>The Inspector General's office has 3,869 employees. 68 of them are dedicated exclusively to oversight of the Armed Forces at the national level. 19 are responsible for oversight of the Military, 12 of the Police, 12 for human rights issues, and 25 for general disciplinary issues. In addition, regional, provincial and municipal offices can investigate military and police forces that operate within their jurisdiction.</p> <p>In the event that the breach of the disciplinary code also constitutes a criminal offense, the attorney general can prosecute active members of the military - and often does so. The incarceration rate for members of the military is four times higher than the incarceration rate for civilians. As of December 2014, there are 1,638 active members of the military in 10 centralized military prisons, 650 more in other military prisons (facilities located usually in individual battalions), and over 300 active-duty members of the military in civilian prisons, for a total of over 2,500 incarcerated members of the military. That is about 1% of Colombia's total military personnel, and about 2% of Colombia's total prison population.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>There is a master plan to fight against corruption in the defense sector. One of the lines of action is to fight impunity. The Minister has given express and public instructions to commanders and to inspectors. With regard to sanctions and investigations, there are 793 military officials convicted for and 1102 accused of crimes of corruption, including illegal trafficking and possession of arms (21), embezzlement (13), narcotics trafficking (17), extortion (8), etc. These personnel had been recruited in the various military recruitment centers. The sources may be consulted in the Ministry.</p>

49. Does regular anti-corruption training take place for military and civilian personnel?

Score	3
Assessor Comments	<p>As of 2014, Colombia was not carrying out specific anti-corruption training courses, according to the Self-Assessment for NATO's Building Integrity Programme. However, the staff training programmes include course on ethics and values. There are courses to train staff on the issue of contracting and procurement processes, including a course run by the Office of Internal Control in 2013, according to the document. According to a 2014 OECD report, the national competition authority (Superintendencia de Industria y Comercio - SIC) held two training sessions for procurement officials in December 2012 and February 2013 on ways to fight collusion in procurement processes.</p> <p>The Defence Ministry's Anti-Corruption Plan 2016 notes that the ministry began rolling out plans from 2013 to strengthen the culture of the sector through</p>

	<p>awareness-raising campaigns and training. It also sets out plans to improve the training issued to personnel on managing corruption risks. This includes online training on financial matters, among various other forms of training.</p> <p>The "Line of Honour" campaign, which includes a phone number for anonymous reports of misconduct, aims to remind service personnel of their ethical responsibilities.</p> <p>Response to reviewers: Score adjusted to 3.</p>
Sources	<p>MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>MinDefensa, "Línea de Honor". https://www.armada.mil.co/es/content/l%C3%ADnea-del-honor</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Fighting Bid Rigging in Public Procurement in Colombia" 2014. https://www.oecd.org/daf/competition/Booklet_SIC%20Procurement%20Report_16X23_REV_web.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>A training plan has been in place since 2013 to correct this situation. The Minister ordered that a training plan be made. The entire staff of the Ministry was trained first. The entire personnel of the Military Forces and Deputy Officials began to be trained in 2014. To date, 20 military garrisons considered to be of critical importance have been trained. The information may be consulted in the Office of Sector-Based Internal Control and Inspections.</p> <p>Government Update March 2015:</p> <p>The Armed Forces of Colombia do have doctrine in the field of anti-corruption for operations that they develop. To that end, they have taken several actions that strengthen the matter of transparency, such as:</p> <ul style="list-style-type: none"> • Doctrinal documents of "Ethics and Honor for Military Forces," where personnel for officials, deputy officials and soldiers and professional marine infantry of the Military Forces are trained. • Permanent Directive No. 036 was issued from the General Command of the Military Forces on March 13, 2015. The Directive deals with "The standards and procedures for the generation and updating of Joint Doctrine and the Lessons

	<p>Learned from the Military Forces," wherein Paragraph c, coordination instructions Numeral 3, states that the directive is issued so that each doctrinal document for generation or updating include the sections related to the matter of preventing corruption in all of the fields in which the military forces move.</p> <ul style="list-style-type: none"> • The following Permanent Directive is in the approval process: "Action plan for updating Joint Doctrine and the Forces" issued by the General Command of the Military Forces, which gathers the order in Numeral 9, Paragraph c of the fulfilment of corruption prevention. Thus, the General Command of the Military Forces, following the instructions of the Ministry of National Defense, has updated the doctrine on anti-corruption; the observance in the fulfilment of these provisions is available to any observer.
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50. Is there a policy to make public outcomes of the prosecution of defence services personnel for corrupt activities, and is there evidence of effective prosecutions in recent years?

Score	3
Assessor Comments	<p>The Attorney General's Office (Fiscalía) investigates alleged criminal activities by members of the security forces. As of November 2014, the institution had investigations open into 5,749 members of the military or police for alleged serious human rights violations or links with criminal groups. Between 2002 and 2014 the civilian justice system found 817 members of the security forces guilty of various crimes. Of these, 749 were soldiers, including three colonels, two lieutenant colonels, and nine majors.</p> <p>Many reports on prosecutions of defence personnel for corruption offences are available in the media. In one recent example, an army sergeant was convicted of selling weapons stolen from an army arsenal, and sentenced to 12 years and 6 months in prison. The Attorney General's Office releases multiple press releases on most days, reporting on prosecutions and their outcomes, including against members of the security forces.</p> <p>As of September 2015, 787 members of the army and navy have been convicted in connection with the "false positive" murders of civilians to boost kill counts - these include 11 colonels, 10 majors, 16 captains, and 51 lieutenants.</p> <p>In total, there were 1,895 members of the security forces accused or condemned of a crime related to their service and held in military prisons, As of October 2013, 221 of these were in officer class.</p> <p>Response to reviewers: Score adjusted to 3 on the basis that there are examples of effective prosecutions in recent years, and prosecution outcomes are made public. Sources added.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Caracol Radio, "Fiscalía adelanta más de 15.000 procesos por falsos positivos" 30 September 2015. http://caracol.com.co/radio/2015/09/30/judicial/1443584158_548905.html</p>

	<p>El Tiempo, “Condena ejemplar por robo de armas del Batallón San Mateo”, 17 April 2016. http://www.eltiempo.com/politica/justicia/condena-a-militares-por-vender-armas-incautadas-a-la-guerrilla/16566233</p> <p>Fiscalía General de la Nación » Archivo de Noticias. http://www.fiscalia.gov.co/colombia/todas-las-noticias/</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Semana, “5.749 militares son investigados por la Fiscalía”, 12 November 2014. http://www.semana.com/nacion/articulo/5749-militares-son-investigados-por-la-fiscalia/408854-3</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>The case of 'false positive' in February 2014 proved that some actions are implemented. Five members of the highest ranks in the Armed Forces were discharged, although no clear link to corruption was mentioned, rather indiscretions to the military activities. Colombian President Santos and Minister of Defense Pinzón publicly denounced these cases but it seemed to be a one-off case.</p>
Peer Reviewer 2	<p>Disagree, suggested score: 4</p> <p>The outcomes of prosecutions are routinely made public. It is difficult to comment on whether a prosecution is effective or not without examining the evidence of each individual case - accusations may turn out to be false, or lack evidence for a prosecution to result in conviction.</p> <p>If incarcerating people accused of committing crimes is a measure of an effective prosecution, then yes, there is abundant evidence of effective prosecution against members of the defense and security sectors.</p> <p>The Attorney General's Office (Fiscalía General de la Nación) is part of the judicial branch of government and has the status of a High Court. (Colombia has five high courts: the Attorney General's Office, the Constitutional Court, the Supreme Court, the State Court, and the Superior Council of the Judiciary). The Attorney General is elected by the Supreme Court from a ternary presented by the President.</p> <p>The Attorney General's Office is independent and has the power to prosecute senior members of the judiciary - and does so often. As of November 2014, there were 5,749 members of the military under investigation. The incarceration rate for members of the military is more than 3.5 times higher than the total incarceration rate in Colombia. As of December 2014, there are 1,638 active members of the military in 10 centralized military prisons, 650 more in other military prisons (facilities located usually in individual battalions), and over 300 active-duty members of the military in civilian prisons, for a total of over 2,500 incarcerated members of the military. There are 284,425 active duty members of the military as</p>

	<p>of September 2014, which means that there are 879 prisoners per 100,000 members of the military. Colombia has 118,000 prisoners and 48 million people in total, an incarceration rate of 246 prisoners per 100,000 inhabitants.</p> <p>There is abundant evidence that shows that the outcome of these prosecutions are public. Not only is the outcome public, sometimes the details of the investigation itself is leaked, or the Attorney General himself will publicly tell details of the investigation. One notorious case occurred in 22 May 2006, when an Army platoon killed ten police officers and an informant in Jamundi. The Attorney General declared publicly ten days later that the Army platoon did not make a mistake, but rather committed a crime and did so as a favor to a drug trafficking organization. His office began to leak technical details of the investigation as early as 26 May 2006, four days after the event.</p> <p>What was not made public was the version of the members of the Army platoon - that the police officers were not wearing proper uniforms in a jurisdiction where FARC frequently impersonates security forces, as they did to kidnap members of Cali's city council; that the police officers were making an illegal raid on a house without a warrant and during hours not authorized for raids; that the police officers did not tell the military that they were operating in that jurisdiction, all resulting in a military error that confused the police officers with a criminal organization.</p> <p>Another example is the raid performed by the Attorney General's Office on the office of military intelligence suspected of wiretappings in February 2014 mentioned by the assessor. The scandal was widely publicized, pictures found on the computers were leaked to the press almost immediately after the raid, Generals were removed from their posts. What was not publicized was the side of the story of the people responsible for the intelligence office because the investigation is ongoing. The result is that the Colombian media and public assume that the soldiers are guilty before they have a chance to defend themselves in trial.</p> <p>Cases in which members of the military are convicted for crimes that include corruption are routinely made public.</p> <p>Sources:</p> <p>http://www.semana.com/nacion/articulo/5749-militares-son-investigados-por-la-fiscalia/408854-3</p> <p>http://www.caracol.com.co/noticias/judiciales/nuevos-detalles-sobre-la-masacre-de-jamundi-continuan-descartando-un-error-militar/20060526/nota/290892.aspx</p> <p>http://www.caracol.com.co/noticias/judiciales/fiscalia-asume-la-investigacion-en-caso-de-policias-muertos-por-fuego-amigo/20060523/nota/289783.aspx</p> <p>http://historico.elpais.com.co/paionline/notas/Junio012006/iguaran.html</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>The Minister has given express and public instructions to commanders and to inspectors to counter corruption - there are currently 793 military officials convicted for and 1102 accused of crimes of corruption, including illegal trafficking</p>

	and possession of arms (21), embezzlement (13), narcotics trafficking (17), extortion (8). This reflects the policy of zero tolerance against impunity. Additionally, there are disciplinary procedures against military and civilian personnel. For instance, in 2014 there were 18 civilians charged with corruption. Regarding the recent scandals, the Colombian government has decided that the competent authorities must investigate everyone involved in these cases.
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51. Are there effective measures in place to discourage facilitation payments (which are illegal in almost all countries)?

Score	2
Assessor Comments	<p>Article 406 of the Penal Code regulates the crime of “cohecho impropio”, when public servants accept money or other goods for an act that they should carry out in the performance of their functions. Officials will receive a prison sentence of four to seven years, a fine of 50 to 100 minimum monthly salaries, and will be banned from office for five to eight years. The prison sentence is lighter than for “cohecho propio”, which covers receiving money or other goods for omitting acts that are part of their duties, or carry out acts that are contrary to their duties.</p> <p>An official guidance document for public officials on the prevention of transnational bribery under the OECD convention notes that “facilitation payments are also classed as a crime in Colombia, and can be considered as transnational bribery when they are paid abroad”.</p> <p>Despite the criminalisation of facilitation payments, those receiving small payments may not be prosecuted in practice. The OECD Working Group on Bribery’s Phase 1 Report on Colombia (2012) notes in a discussion of the offence of bribing foreign officials that although Colombia has not made an exception in its legislation for “small facilitation payments ... Colombia considers it unlikely that very small facilitation payments would be prosecuted”. A 2011 briefing by law firm Norton Rose Fulbright notes that Colombia’s Anti-Corruption Statute (2011) does not specifically ban facilitation payments.</p> <p>The results of the 2014 survey on the anti-bribery practices of Colombian companies by Transparency International’s Colombian chapter found that 65 percent of participants said that they made payments to facilitate processes. This was the second most common form of bribery, and the numbers reporting its use had been fairly stable since 2010.</p> <p>Response to reviewers: Score maintained at 2, due to lack of evidence of effective implementation.</p>
Sources	<p>CIRCULAR INTERNA PARA: TODOS LOS FUNCIONARIOS DE: SUPERINTENDENTE DE SOCIEDADES ASUNTO: PREVENCIÓN DEL COHECHO TRANSNACIONAL http://www.secretariatransparencia.gov.co/estrategias/Documents/circular-convencion-anti-cohecho-supersociedades-.pdf</p> <p>Corporación Transparencia por Colombia, “Cuarta encuesta nacional sobre prácticas contra el soborno en empresas colombianas”, April 2015. p.16. https://www.researchgate.net/publication/278019712_Cuarta_encuesta_nacional_sobre_practicas_contra_el_soborno_en_empresas_colombianas</p>

	<p>LEY 599 DE 2000. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=6388</p> <p>Norton Rose Fulbright, "Transparency initiatives in the UK and Colombia coincide", July 2011.</p> <p>OECD, "PHASE 1 REPORT ON IMPLEMENTING THE OECD ANTI-BRIBERY CONVENTION IN COLOMBIA" December 2012 https://www.oecd.org/daf/anti-bribery/ColombiaPhase1ReportEn.pdf http://www.nortonrosefulbright.com/knowledge/publications/59444/transparency-initiatives-in-the-uk-and-colombia-coincide</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Senior Officials of the MOD are equally vulnerable to facilitation payments, and have much more power in determining large procurement contracts than higher ranks of the armed forces. The Defense Minister and his General Secretary, Luis Manuel Neira, are closely involved in large procurement contracts. Neira has held that position since 2005. He was investigated after a June 2011 corruption scandal in which the German Magazine Der Spiegel accused the German company Ferrostaal of paying commissions and favors to the Ministry of Defence official worth 625-850 thousand Euros for the purchase of a Navy Vessel.</p> <p>Source: http://www.caracol.com.co/noticias/judiciales/secretario-general-de-mindefensa-a-interrogatorio-por-presuntas-irregularidades-en-contratos/20110615/nota/1489586.aspx</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Colombia has an instrument and a policy against corruption. Colombia has signed the agreement against corruption and the law 1573 of 2012 ratified this. This agreement is applicable to the Colombian Ministry of National Defence.</p>

Operational

52. Do the armed forces have military doctrine addressing corruption as a strategic issue on operations?

Score	3
Assessor Comments	<p>The vast majority of Colombia's military operations take place within the country, as part of the six decade war against guerrilla groups.</p> <p>Colombia's military doctrine explicitly addresses the risk of corruption. The central document in the doctrine is the General Command of the Armed Forces "Guide to Strategic Planning" (Guía de Planeamiento Estratégico). The 2012-2014 version makes direct reference to corruption as a strategic issue on operations, citing "operational ethics" as one of the "fundamental premises that direct the policies of the command", and stating that "operations at sea, air and land will continue to be developed under the norms and principles that guide operational ethics ... There can be no space for corruption".</p>

	<p>The principles set out in the Guide feed into the Anti-Corruption Plans produced by the Defence Ministry and each of the security forces. These include risks related to operations. For example, the army's corruption risk assessment for 2016 sets out measures taken to mitigate the risk of corruption in logistical operations - the risk areas it identifies are the illegal transport of materials, the loss of material from store houses, and the loss of material from mobile units.</p> <p>Under a permanent directive issued in March 2015, each time the forces or the Estado Mayor adds a document to the military doctrine, or updates one, it should contain a section on addressing corruption "in all environments in which the armed forces operate". However, the doctrine does not distinguish between times of peace and conflict on the issue of corruption, according to the Self-Assessment for NATO's Building Integrity Programme.</p> <p>Members of the armed forces are trained using documents including the Manual of Ethics and Honor for the Military Forces (Manual de Ética Militar y Honor de las FF.MM). Though there are references to this online, the text was not found in publicly accessible form.</p> <p>Colombia's military doctrine is currently in the process of being revised, as announced in September 2015, in order to address new threats connected with the planned peace deal with the FARC guerrillas.</p> <p>Response to reviewers: Score adjusted to 3, on basis of evidence that doctrine addresses corruption risk. To award a score 4, it would have had to be clear that explicit links between corruption and operational efficiency have been made. It must furthermore be clear that the doctrine applies to both national and international operations.</p>
Sources	<p>Comando General Fuerzas Militares, "Guía de Planeamiento Estratégico 2012-2014". http://cgfm.mil.co/documents/10197/178708/GUIA+DE+PLANEAMIENTO+ESTRATEGICO+2012+-+2014.pdf/e7ef59bb-8e0d-4a4f-9f1c-bddb79d0401</p> <p>Comando General de las Fuerzas Militares, Jefatura de Educación y Doctrina Conjunta, Directiva Permanente 035, 13 March 2015. P. 5. http://www.cgfm.mil.co/documents/10197/313078/DIRECTIVA+PERMANENTE+036+DE+DOCTRINA+CONJUNTA+2015.pdf/8b505e8d-b11b-4d58-a1d0-51d3625b5c11</p> <p>Ejército, "Riesgos de Corrupción Ejército Nacional 2016". https://www.ejercito.mil.co/index.php?idcategoria=377622</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>El Tiempo, "Comandante del Ejército anuncia revisión de doctrina militar", 25 September 2015. http://www.eltiempo.com/politica/proceso-de-paz/debate-transformacion-del-ejercito-para-la-paz/16386508</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014.</p>

	<p>http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>Escuela Superior de la Guerra, "Segundo Simposio Internacional sobre ética militar: 'Los retos éticos de las Fuerzas Militares'", 7 October 2013. http://www.esdegue.mil.co/node/3617</p>
Peer Reviewer 1	Not Qualified
Peer Reviewer 2	<p>Agree with Comments</p> <p>The vast majority of military operations in Colombia happen within national borders. Logistics and contracting are highly centralized. The Fondo Rotatorio makes contracting for food and other materiel, the Direction of Engineers contracts public works, and are both centralized in Bogota. Military units have small budgets to contract at a decentralized level. Corruption during operations is more related to permissiveness with organized crime. This problem is well known, but continues.</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Government Update March 2015:</p> <p>The Armed Forces of Colombia do have doctrine in the field of anti-corruption for operations. They have taken several actions that strengthen transparency, such as:</p> <ul style="list-style-type: none"> • Doctrinal documents on "Ethics and Honor for Military Forces," that are used to train officials, deputy officials, soldiers and professional marine infantry of the Military Forces. • Permanent Directive No. 036 was issued from the General Command of the Military Forces on March 13, 2015. The Directive deals with "The standards and procedures for the generation and updating of Joint Doctrine and the Lessons Learned from the Military Forces," wherein Paragraph c, coordination instructions Numeral 3, states that the directive is issued so that each doctrinal document for generation or updating includes the sections related to the matter of preventing corruption in all of the fields in which the military forces move. • The following Permanent Directive is in the approval process: "Action plan for updating Joint Doctrine and the Forces" issued by the General Command of the Military Forces, which gathers the order in Numeral 9, Paragraph c of the fulfilment of corruption prevention. <p>Thus, the General Command of the Military Forces, following the instructions of the Ministry of National Defense, has updated the doctrine on anti-corruption; the observance in the fulfilment of these provisions is available to any observer.</p>

53. Is there training in corruption issues for commanders at all levels in order to ensure that these commanders are clear on the corruption issues they may face during deployment? If so, is there evidence that they apply this knowledge in the field?

Score	2
Assessor Comments	<p>The vast majority of Colombia's military operations take place within the country, due to the six decade war against guerrilla groups.</p> <p>Colombia does not currently carry out specific anti-corruption training courses, and nor does it carry out specific training on corruption risks in the field, according to the 2014 Self-Assessment for NATO's Building Integrity Programme. However, staff at all levels of command within the General Command and each of the armed forces undergo training on ethics, principles and values. These include military virtues, professional ethics, and human rights, and are expected to apply to actions when on deployment. Members of the armed forces are trained using documents including the Manual of Ethics and Honor for the Military Forces (Manual de Ética Militar y Honor de las FF.MM). Though there are references to this online, the text was not found on government websites.</p> <p>The Defence Ministry's Anti-Corruption Plan 2016 notes that the ministry began rolling out plans from 2013 to strengthen the culture of the sector through awareness-raising campaigns and training. It also sets out plans to improve the training issued to personnel on managing corruption risks. This includes online courses on financial matters, among various other forms of training. The NATO Self-Assessment states that a range of officers from all three military forces have taken a course at the Defense Institute of International Legal Studies in the US, titled "Legal aspects of combating corruption".</p> <p>The army's corruption risk assessment for 2016 sets out measures taken to mitigate the risk of corruption in logistical operations - the risk areas it identifies are the illegal transport of materials, the loss of material from store houses, and the loss of material from mobile units. It specifies mitigation measures including meeting with staff to raise their awareness of the risks, and carrying out training of staff, though it doesn't specify commanders.</p> <p>Likewise, the navy's Anti-Corruption Plan sets out areas where there is a risk of corruption on operations, highlighting the diversion of resources or sale of goods related to fuel, munitions, and other goods.</p> <p>Response to reviewers: Score maintained at 2, due to lack of evidence of specific training on corruption risks during deployment.</p>
Sources	<p>Ejército, "Riesgos de Corrupción Ejército Nacional 2016". https://www.ejercito.mil.co/index.php?idcategoria=377622</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Escuela Superior de la Guerra, "Segundo Simposio Internacional sobre ética militar: 'Los retos éticos de las Fuerzas Militares'", 7 October 2013. http://www.esdegue.mil.co/node/3617</p>

	<p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>Armada, "INFORME DE GESTIÓN ARMADA NACIONAL 2012 - 2013". https://www.armada.mil.co/sites/default/files/rendiciondecuentasarmadanacional2013_0.pdf</p>
Peer Reviewer 1	Not Qualified
Peer Reviewer 2	<p>Agree with Comments</p> <p>The vast majority of military operations in Colombia happen within national borders. Logistics and contracting are highly centralized. The Fondo Rotatorio makes contracting for food and other materiel, the Direction of Engineers contracts public works, and are both centralized in Bogotá. Military units have small budgets to contract at a decentralized level. Corruption during operations is more related to permissiveness with organized crime. This problem is well known, but continues.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Recent training sessions were held in cities categorised as critical, where local commanders were instructed in a clear way about how they must work against corruption during their operations. In particular, the Colombian Air Force started a national campaign launched by its Commander on the 24th of November. This campaign considers the whole of military detachments belonging to Colombian Air Force.</p> <p>Government Update March 2015:</p> <p>"The Armed Forces of Colombia do have doctrine in the field of anti-corruption for operations. They have taken several actions that strengthen transparency, such as:</p> <ul style="list-style-type: none"> • Doctrinal documents on "Ethics and Honor for Military Forces," that are used to train officials, deputy officials, soldiers and professional marine infantry of the Military Forces. • Permanent Directive No. 036 was issued from the General Command of the Military Forces on March 13, 2015. The Directive deals with "The standards and procedures for the generation and updating of Joint Doctrine and the Lessons Learned from the Military Forces," wherein Paragraph c, coordination instructions Numeral 3, states that the directive is issued so that each doctrinal document for generation or updating include the sections related to the matter of preventing corruption in all of the fields in which the military forces move. • The following Permanent Directive is in the approval process: "Action plan for updating Joint Doctrine and the Forces" issued by the General Command of the

	Military Forces, which gathers the order in Numeral 9, Paragraph c of the fulfilment of corruption prevention.
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54. Are trained professionals regularly deployed to monitor corruption risk in the field (whether deployed on operations or peacekeeping missions)?

Score	1
Assessor Comments	<p>The Ministry of Defence and each of its forces have an Office for Internal Control that is charged with countering corruption. Their heads are appointed by the president to ensure their independence. They track corruption risks, including corruption risks in the field, and carry out audits. These audits monitor operational processes and check for compliance with the Strategic Planning Guide and Anti-Corruption Plans of each entity. When improvements are needed, they issue recommendations, according to the Self-Assessment for NATO's Building Integrity Programme. However, no evidence was found that staff are deployed to monitor corruption risks in the field.</p> <p>In 2014, Interviewee 4 stated that there were no professionals deployed on fields operations to monitor corruption, though there are officers in the field to make sure the constitution and human rights are respected. The interviewee noted that this does not mean corruption is encouraged or accepted, but there are no personnel designated to monitor it in this setting.</p> <p>The government reviewer states that during military operations there is an officer and a non-commissioned officer in charge of monitoring all aspects of rule of law, but this information was not found in publicly accessible form.</p> <p>Response to reviewers: Score raised to 1 because corruption monitoring seems to take place - even though no personnel for corruption monitoring are specifically deployed.</p>
Sources	<p>Interview with interviewee 4: High Ranking military member of the Armed Forces, Bogotá, 12 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>Contracting and logistics for military operations in Colombia are highly centralized. There are few corruption risks at the operational level because military and police units at the operational level have very small budgets and little influence over contracting and logistics.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Internal control directorates of the Ministry of National Defence and the Colombian Military Forces have to monitor corruption risks. There are internal control directorates at all levels, from General Command to Battalions. On top of this,</p>

	<p>during military operations we have an official and a sub-official in charge of monitoring all aspects of rule of law.</p> <p>There are personnel to monitor corruption. An example of this is the "Observatorio de Transparencia y Anticorrupción de la Procuraduría General de la Nación" http://www.anticorrupcion.gov.co/Paginas/index.aspx</p> <p>Additionally, there is a transparency secretariat: http://wsp.presidencia.gov.co/secretaria-transparencia/Paginas/default.aspx</p> <p>Government Update March 2015:</p> <p>The General Command of the Military Forces, through the Office of Strategic Planning, has Quality Managers responsible for managing risks within the Headquarters and/or Dependencies once trained, and are the appropriate officials to advise Heads of Headquarters and/or Dependencies in monitoring risks through the Vision Suite corporate management tool on a quarterly basis, to track and control activities that mitigate risks and determine if any risk is materialized or not.</p> <p>It offers advice and evidence as part of the structuring of the risks of corruption with fourteen (14) risk advice proceedings attached, five (5) Advisory Formats for personnel who make up each of the Processes of the General Command of the Military Forces and two (2) risk training presentations in force for the year 2015. As a backup for the issuing guidelines are contained in the Quality Manual for the Integrated Management System, code MDN-CGFM-PRODIRES-plaes-MA-33. V14, Annex Risk Management page 32 to 45 and the 2012-2014 Strategic Planning Guide ""Principles of public ethics"" page 18. There are trained professionals deployed regularly to monitor the risk of corruption in the field.</p> <p>The Army has military counter-intelligence leadership specialized in complaints through the establishment of investigations to determine cases of corruption and filtering of information through uniformed and civilian personnel who are part of the institution. This mechanism makes it possible to use information to speed up disciplinary investigations in order to determine the sanctions that may take place within the institution.</p> <p>The group has acquired information systems for the purpose of determining the filtering of information and the handling of resources assigned to the forces for the development of military operations, which make it possible to use information for the development of operational reports to determine and establish the amount of assets used or identified in their development.</p> <p>The Forces also have a website for complaints and claims handled by the Inspector General of the Army which any citizen can access and thereby make known their complaints regarding matters related to corruption, whether in the operational field or in administrative logistics.</p>
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55. Are there guidelines, and staff training, on addressing corruption risks in contracting whilst on deployed operations or peacekeeping missions?

Score	3
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<p>Assessor Comments</p>	<p>The vast majority of Colombia's military operations take place within the country, as part of the six decade war against guerrilla groups. As a result, contracting while on missions is routine.</p> <p>Colombia does not currently carry out specific anti-corruption training courses, and nor does it carry out specific training on corruption risks in the field, according to the 2014 Self-Assessment for NATO's Building Integrity Programme. However, staff at all levels within the General Command and each of the armed forces undergo training on ethics, principles and values. A member of the armed forces and a member of the Defence Ministry stated in interviews in 2014 that there was no specific training on corruption for field operations.</p> <p>The Defence Ministry and each of the security forces has a regularly updated Anti-Corruption Plan and risk mapping, whose implementation is monitored by the Internal Control Offices of each force. These documents include risks linked to contracting. For example, the army's Corruption Risks 2016 notes the risk that staff would accept money or other goods in connection with a contract. It sets out three mitigation measures: producing monthly anti-corruption bulletins, carrying out twice-yearly training on the basis of lessons learned, and twice-yearly training for staff involved in contracting on the transparency and access to information law (Law 1712 of 2014).</p> <p>The Defence Ministry's Anti-Corruption Plan 2016 notes that the ministry began rolling out plans from 2013 to strengthen the culture of the sector through awareness-raising campaigns and training. It also sets out plans to improve the training issued to personnel on managing corruption risks. This includes online courses on financial issues.</p> <p>The security forces have strict guidelines on procurement/contracting and make these public. For example, the army publishes its "Instructivo de buenas prácticas en contratación" on its website.</p> <p>Response to reviewers: Score raised to 3 because the Ministry of Defence does conduct in-depth investigations into corruption risks in contracting.</p>
<p>Sources</p>	<p>Ejército, "Instructivo de buenas prácticas en contratación", https://www.ejercito.mil.co/index.php?idcategoria=391295#</p> <p>Ejército, "Riesgos de Corrupción Ejército Nacional 2016". https://www.ejercito.mil.co/index.php?idcategoria=377622</p> <p>Interview with interviewee 4: High Ranking military member of the Armed Forces, Bogota, 12 June 2014.</p> <p>Interview with interviewee 2: High ranking Ministry of Defence Official, Chia, 6 June 2014.</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>

	MinDefensa, "Plan Anticorrupción y de Atención al Ciudadano: 2016", 6 May 2016. https://www.mindensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 2</p> <p>We have started specific positions training for military personnel on how to prevent corruption practices. We will increase these training programmes to involve operational personnel.</p> <p>Government Update March 2015:</p> <p>The Quality Manual of the Integrated Management System, code MDN-CGFM-PRODIRES-PLAES-MA-33, V14, will include guidelines on the training of personnel faced with identifying corruption risks in the procurement process. This includes the advice and accompaniments Act in the structuring of risks for the Administrative Management Process of the General Command of the Military Forces and two (2) risk training presentations in force for the year 2015.</p> <p>The National Army has developed institutional campaigns such as "Faith in the Cause" and superior ethical behavior, where guidelines are given to personnel in the forces at all levels of command so that they may face and become aware of the risks that may be present in the development of operations such as in the administrative logistics area, particularly with regard to contracting.</p>

56. Are private military contractors employed and if so, are they subject to a similar level of scrutiny as for the armed forces? *Hint: Private Military Contractors (PMCs) usually refer to companies that provide operational staff to military environments. They may also be known as security contractors or private security contractors, and refer to themselves as private military corporations, private military firms, private security providers, or military service providers.*

Score	2
Assessor Comments	<p>Private military contractors (PMCs) are employed in Colombia. There is a large number of Colombian PMC companies - some 740 were registered as of 2014 - which are regulated by the Superintendence of Surveillance and Private Security (Superintendencia de Vigilancia y Seguridad Privada). This body has the power to license, monitor and impose sanctions on PMC companies. Decree 356 of 1994 regulates the operation of PMCs in Colombia - except those contracted under US security aid programme Plan Colombia.</p> <p>Colombian PMC companies generally operate in the field of crime and non-political violence, working for private companies, rather than in the context of the armed conflict (OHCHR).</p>

	<p>Foreign PMCs are involved in Colombia’s armed conflict. Large number of US PMCs have been sent to the country to deliver US security assistance programme Plan Colombia, which has given \$9.94 billion in aid between 2000 and 2016. Between 2002 and 2010 the number of US contractors in the country varied between 104 and 454, peaking in 2006. The number of US PMCs was capped under Colombian law at 400 before 2004, and 600 after that (State Department).</p> <p>These PMCs operate in military environments, carrying out roles such as piloting crop-spraying planes, reconnaissance, and providing logistical support and training to the Colombian security forces. The biggest PMC companies include DynaCorp, which was contracted by the US State Department to support the Police’s programme to eradicate illegal crops.</p> <p>PMCs contracted under Plan Colombia are under the legal control of the US, under the 1962 General Agreement for Economic, Technical and Related Assistance Between the Government of United States of America and the Government of Colombia. Under this agreement they are considered as diplomats, giving them immunity from Colombian law, and removing them from the regulation of Decree 356. As one Colombian NGO notes, the Colombian Congress exerts no political control over the activities of the PMCs, and judicial officials have no jurisdiction.</p> <p>According to a report presented to OHCHR, “there are numerous allegations of human rights violations at the hands of PMSCs operating under Plan Colombia, but none of these violations has been brought to justice either in Colombia or the US”.</p> <p>Response to reviewers: Score maintained at 2, due to lack of evidence of PMCs being sanctioned, and due to evidence that PMCs carry out operational roles in military environments.</p>
Sources	<p>Antoine Perret, “Privatising the war on drugs: PMSCs in Colombia and Mexico”, Sustainable Security, 8 February 2016. https://sustainablesecurity.org/2016/02/08/privatising-the-war-on-drugs-pmscs-in-colombia-and-mexico/</p> <p>Antoine Perret, “Presentation for the Panel on Private Military and Security Companies: Regulations and National Experience”, OHCHR, Working Group on the use of mercenaries, 1 December 2015. http://www.ohchr.org/Documents/Issues/Mercenaries/WG/Event2015/AntoinePerret_December1_2015.pdf</p> <p>Colectivo de Abogados José Alvear Restrepo, PRIVATE SECURITY TRANSNATIONAL ENTERPRISES IN COLOMBIA, 20 March 2008. http://www.colectivodeabogados.org/?PRIVATE-SECURITY-TRANSNATIONAL</p> <p>Global Research. ‘The Privatization of War: Mercenaries, Private Military and Security Companies (PMSC).’ Last accessed June 14, 2014. http://www.globalresearch.ca/the-privatization-of-war-mercenaries-private-military-and-security-companies-pmsc/21826</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014.</p>

	<p>http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>State Department, "Civilian Contractors and U.S. Military Personnel Supporting Plan Colombia", 15 May 2001. http://2001-2009.state.gov/p/wha/rls/fs/2001/3509.htm</p> <p>State Department, "U.S.- Colombia Defense Cooperation Agreement", 18 August 2009. http://www.state.gov/r/pa/prs/ps/2009/aug/128021.htm</p> <p>Superintendencia de Vigilancia y Seguridad Privada. "Decreto 3222 de 2002 - Se Reglamenta Parcialmente el Estatuto de Vigilancia y Seguridad Privada." Last accessed June 14, 2014. http://www.supervigilancia.gov.co/index.php?idcategoria=1763</p> <p>WOLA, "15th anniversary of Plan Colombia: Learning from its successes and failures", 1 February 2016. http://www.wola.org/files/1602_plancol/</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>The contractors mentioned above are foreign defense contractors and their sanctions are covered by government-to-government agreements. These contractors are not present in military operations, but rather logistics and support missions, such as aircraft maintenance and aerial spraying, a practice that was cut in half from 2012 to 2013.</p> <p>Private national security firms are highly regulated and they do not provide operational staff to military environments.</p>
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Colombia has forbidden companies that are equivalent to private armies or "mercenaries". Surveillance and private security companies are regulated by the Colombian Public Agency of Surveillance and Private Security. Dynacorp is not registered as a company authorised to make private security services. This fact can be specified by the Agency. Dynacorp's contracts are under the Colombian law and these are not related to the Ministry of Defence. In Colombia its presence is related to US cooperation in specific aspects such as the technological support to the control of illicit crops that is run by the Colombian National Police.</p>

Procurement

57. Does the country have legislation covering defence and security procurement and are there any items exempt from these laws?

Score	3
Assessor Comments	<p>According to the OECD, though Colombia's public procurement is regulated under a detailed regulatory framework, this is complex, with overlapping rules, and difficult to implement (p.399). The main law that regulates procurement is the General Statute on State Contracting (Estatuto General de la Contratación Estatal) - Law 80 of 1993.</p>

	<p>The other laws that regulate public procurement are the following (NATO Self-Assessment, p.157):</p> <ul style="list-style-type: none"> - Efficiency and Transparency in the General Statute on State Contracting - Law 1150 of 2007 - Regulations of the General Statute on State Contracting - Decree 1510 of 2013 - The Anti-Corruption Statute - Law 1474 of 2011 - The Anti-Paperwork Law (Ley Anti-trámites) - Law 19 of 2012. <p>The laws allow defence entities to procure goods and services outside of the competitive process, through direct, private contracts rather than open tenders, under Article 24 of Law 80 of 1993. This was regulated by a presidential decree in 2013 (Article 78 of Decree 1510) that sets out a very broad range of goods and services for the defence sector that can be purchased via direct, private contracting rather than through a competitive public process, due to their confidential nature. This is a long and comprehensive list of 20 areas of goods and services, ranging from weapons and munition to hardware, vehicles, armour, tools for training, and maintenance of these goods.</p> <p>In May 2014, the State Council (Consejo de Estado) suspended the relevant provisions of Decree 1510, on the grounds that a presidential decree was not sufficient to authorise this process. However, there is no evidence that this has ended direct, private contracting.</p> <p>In 2014, some 60 percent of Colombia’s total public procurement was carried out through “direct” processes (OECD). The OECD commented in a 2016 report that in the past it has been “far too easy for government agencies in Colombia to use exceptions from the competitive tendering process”. It praises the Colombian government’s establishment of Colombia Compra Eficiente (CCE) in 2012 - a central purchasing body, responsible for developing policy on procurement and centralising data. However, the OECD found that that new legislation does not go far enough in limiting the use of these exceptions in procurement.</p> <p>A separate set of regulations cover confidential spending, or "gastos reservados" on intelligence, counterintelligence, and protection of witnesses. This is covered under Law 1097 of 2006, while Law 1219 of 2008 sets out the process for procurement of these items, including requirements of transparency and objective selection of providers. This confidential spending is overseen by a special unit of the Comptroller General’s Office.</p> <p>This legislation has clauses specific to corruption risks in the sense that the Anti-Corruption Statute bans certain individuals and entities from bidding for public contracts, including public officials.</p> <p>Response to reviewers: Score maintained at 3, due to lack of evidence that the legislation is long-established and well tried.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p>

	<p>Ley 1150 de 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678</p> <p>Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>Ley 1219 de 2008. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=31429</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Colombia: Implementing Good Governance", 2013. http://www.keepeek.com/Digital-Asset-Management/oecd/governance/colombia-implementing-good-governance/public-procurement-in-colombia_9789264202177-10-en#page1</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p> <p>Semana, "Mindefensa pierde pelea por 'superpoderes' de contratación", 29 January 2016. http://www.semana.com/nacion/articulo/consejo-de-estado-ratifica-suspension-de-potestados-especiales-del-ministerio-de-defensa/458553</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>Colombia has specific clauses against the corruption risks. All the contracts signed by the Defence Sector are not exempt from this.</p>

58. Is the defence procurement cycle process, from assessment of needs, through contract implementation and sign-off, all the way to asset disposal, disclosed to the public?

Score	3
Assessor Comments	<p>The procurement cycle is defined in law and information on it is available online in the legislation and the NATO self-assessment questionnaire. The process appears to be detailed and the roles and responsibilities of departments are clearly delineated. Due to uncertainty as to how widely this is applied, score 3 has been awarded.</p> <p>In general, procurement by all public entities must be carried out via the Colombia Compra Eficiente portal. This contains the Electronic Public Contracting System (SECOP), which contains the procurement needs and contracts of Colombian state</p>

entities, and is open to the public. Colombia has made significant steps towards transparency in procurement through this e-procurement system (Center for Global Development).

Some procurement by the Defence Ministry and the armed forces public procurement is disclosed on their websites - such as in the annual Procurement Plan (Plan de Compras). Detailed information on contracts is available, with dates, values, and descriptions of the goods or services.

The ministry also reports on its financial status (finanzas and contrataciones) where all its financial transactions are listed. It is quite comprehensive but lacks detail on what assets were sold. There is a field for income from sold items but not what these items were.

However, defence entities also procure goods and services outside of the competitive public process, through direct, private contracting rather than open tenders, for reasons of security. This is called "confidential procurement". For goods acquired in this way, state entities are not obliged to publish the documents from the process.

Article 78 of Decree 1510 sets out a list of goods and services for the defence sector that can be purchased in this way due to their confidential nature. It is a long and comprehensive list of 20 areas of goods and services, ranging from weapons and munition to hardware, vehicles, armour, tools for training, and maintenance of these goods. In 2013, 26 percent of all contracts awarded through a direct process at the national level were from the defence sector (OECD 2016). The OECD commented in a 2016 report that in the past it has been "far too easy for government agencies in Colombia to use exceptions from the competitive tendering process".

According to the 2014 Self-Assessment for NATO, at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles. In 2012, 31 percent of the Air Force's purchases were carried out through a public call for tenders.

In 2014, the State Council (Consejo de Estado) suspended the use of exceptions for defence purchases, on the grounds that a presidential decree was not sufficient to authorise this process. This was upheld on appeal in January 2016. Evidence was not found that this ruling has ended the use of "confidential procurement". According to a 2014 report by ColPrensa, the judgement will not stop defence contracting, as it can continue under other criteria within the law on contracting.

A separate set of regulations cover confidential spending, or "gastos reservados" on intelligence, counterintelligence, and protection of witnesses. This is covered under Law 1097 of 2006, while Law 1219 of 2008 sets out the process for procurement of these items, including requirements of transparency and objective selection of providers.

Response to reviewers: Score adjusted to 2, on basis that much defence procurement is not disclosed to the public.

Sources	<p>Center for Global Development, "Publish What You Buy: The Case for Routine Publication of Government Contracts", August 2012. http://www.opengovguide.com/wp-content/uploads/2013/09/1426431_file_Kenny_Publish_What_You_Buy_FINAL_0.pdf</p> <p>Colombia Compra Eficiente. http://www.colombiacompra.gov.co/</p> <p>ColPrensa, "Consejo de Estado suspendió aspectos de contratación reservada en sector Defensa", El País, 21 May 2014. http://www.elpais.com.co/elpais/judicial/noticias/consejo-estado-suspendio-aspectos-contratacion-reservada-sector-defensa</p> <p>Decree 1510 of 17 July 2013: http://www.colombiacompra.gov.co/sites/default/files/normativas/decreto_1510_del_17_de_julio_de_2013.pdf</p> <p>Ejército, "Procesos Licitación Pública". https://www.ejercito.mil.co/index.php?idcategoria=325179</p> <p>MinDefensa. 'Contrataciones.' Last accessed June 16, 2014. http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://b20b6b6d73eb8e00cc11e68df5560cee</p> <p>MinDefensa. 'Finanzas.' Last accessed June 16, 2014. http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://899917e3a404ce8ff247e56dd71750f2</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 1</p> <p>Most expenses related to security and defense are not made through the normal tendering process or through the procurement portal. There is overuse in Colombia of exceptions that allow these expenses to be made through secret procedures, even when their publication does not necessarily constitute a national security risk.</p> <p>President Santos regulated public contracting with Decree 1510 of 17 July 2013. Article 78 provides the list of contracts that can be made without public bidding due to their secret nature. It includes all weapons systems, night optical devices, information and communications networks, aircraft and accessories, sea vessels and accessories, all military and police vehicles, civilian armored vehicles, radar and navigation equipment, any purchase intended to protect the President, uniforms,</p>

	<p>public works related to defense and intelligence, all offsets, and goods and services to protect critical infrastructure. It is difficult to imagine, after reading article 78, any security or defense-related expense that is subject to public tendering.</p> <p>Decree 1510 of 17 July 2013: http://www.colombiacompra.gov.co/sites/default/files/normativas/decreto_1510_del_17_de_julio_de_2013.pdf</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>In Colombia the general rule is that all the stages of the procurement process from the justification of needs, to contracts, to the liquidation of the contract is public and transparent. Currently, by disposition of the Consejo de Estado (Supreme Tribunal for public matters) the Defence Sector cannot make reserved (secret) direct procurement, meaning it must be totally public. The subjects of the contracts are precise and the acquired goods are catalogued.</p>

59. Are defence procurement oversight mechanisms in place and are these oversight mechanisms active and transparent?

Score	3
Assessor Comments	<p>There are three levels of oversight for defence procurement, according to the Self-Assessment for NATO's Building Integrity Programme. First, each contract is assigned a supervisor to oversee it and ensure that all its provisions are met, producing regular updates on the execution of the contract. This requirement is set out in Article 83 of the Anti-Corruption Statute (Law 1474 of 2011).</p> <p>Second, the Internal Control Offices of the Defence Ministry and its component forces produce regular reports on finances. These include a quarterly Report on Austerity in Public Spending, Internal Control Report, and a report on the use of the SIIF finance system. The Internal Control Report (Informe Pormenorizado de Control Interno) is published every four months and can be found on the Ministry's website.</p> <p>Third, external auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. This is a powerful body, and is independent of the ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available. Confidential spending (gastos reservados) by the defence entities on intelligence, counterintelligence and witness protection is audited by a special unit of the Comptroller General's Office - these audits are themselves classified.</p> <p>The OECD study notes that Colombia Compra Eficiente does not receive complaints or investigate possible cases of conflicts of interest, as these are not included in its mandate.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p>

	<p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p> <p>Contraloría Nacional de la República. http://www.contraloriagen.gov.co/web/guest/resultado-del-proceso-auditor</p> <p>MinDefensa. "INFORME PORMENORIZADO DEL ESTADO DEL CONTROL INTERNO - NOVIEMBRE - FEBRERO DE 2015" 22 March 2016. https://www.mindefensa.gov.co/irj/go/km/docs/guid/906561d4-e6ba-3210-ab8c-d144e5e92001</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	<p>Agree with Comments</p> <p>The Defence Sector has all the possible vigilance tools in all the stages of procurement. Some are very specific and are related to the Defence sector. For instance, the Committee for Purchases with wealth taxes is a stage of proceedings that is led by the Vice minister for Planning and Strategy and joined by all the second commanders of all Colombian Armed Forces. This Committee is responsible for authorising and supervising in detail the purchases made with wealth taxes assigned to the Defence Sector. Additionally, this Committee gives an account on the transparency of the process to the Ethical Commission joined by Colombian entrepreneurs, who are in charge of observing how the wealth taxes are invested. All the process is documented.</p>

60. Are actual and potential defence purchases made public?

Score	2
Assessor Comments	<p>All public entities produce annual procurement plans (Plan de Compras) that are published on SECOP - the online procurement platforms. The plans for the defence entities are detailed. For example, the army's 2016 plan gives a description of each planned purchase, the budget, date, form of contracting (direct, expedited, etc.), and the funds (national resources).</p> <p>However, the planned purchases often appear to be civilian rather than military items - the first page includes rent for residences, desk computers, books and magazines, training material for rifles, software support.</p>

	<p>Defence entities procure much of their goods and services outside of the competitive public process, through direct, private contracting rather than open tenders, for reasons of security. For goods acquired in this way, they are not obliged to publish the documents from the process, according to the NATO Self-Assessment (p.173).</p> <p>Article 78 of Decree 1510 sets out a list of goods and services for the defence sector that can be purchased in this way due to their confidential nature. It is a long and comprehensive list of 20 areas of goods and services, ranging from weapons and munition to hardware, vehicles, armour, tools for training, and maintenance of these goods.</p> <p>According to the 2014 Self-Assessment for NATO, at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles. In 2012, 31 percent of the Air Force's purchases were carried out through a public call for tenders.</p> <p>Overall, 49 percent of contracting processes by value were carried out publicly in 2014, according to figures Colombia Compra Eficiente reported to the OECD.</p> <p>Response to reviewers: Score adjusted to 2, on basis of evidence that many defence purchases are not made public.</p>
Sources	<p>Colombia Compra Eficiente. http://www.colombiacompra.gov.co/es/colombia-compra-eficiente</p> <p>Comando General de las Fuerzas Militares de Colombia, "Plan de compras". http://cgfm.mil.co/plan-de-compras</p> <p>Dinero. 'Colombia renueva armamento.' http://www.dinero.com/pais/articulo/armamento-del-ejercito-colombia/190290</p> <p>MinDefensa. 'Contrataciones.' Last accessed June 16, 2014. http://www.mindefensa.gov.co/irj/portal/Mindefensa?NavigationTarget=navurl://b20b6b6d73eb8e00cc11e68df5560cee</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p> <p>WebInfomil. 'Ejército Colombiano Adquiere 24 blindados GLDS LAV III.' January 2013. http://www.webinfomil.com/2013/01/ejercito-colombiano-adquiere-24.html</p>
Peer Reviewer 1	Agree

Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>The most recent scandal in December 2014 regarding military acquisitions shows that there is very little public disclosure of planned military spending. The Air Force bought a USD 5 million Beechcraft Super King 350 airplane from Chile and President Santos received press criticism because the purchase happened at a time when the government had a USD 6 billion deficit for fiscal year 2015 and was proposing tax reform to cover the deficit. The expense was considered wasteful by some.</p> <p>What is telling about this scandal is that the purchase was made through direct acquisition, i.e. with no public tendering processes, citing security reasons. This is a transport plane. It does not serve a military purpose. There is no justified national security reason to avoid a public tender for this plane. In fact, most procurement of equipment made by the Ministry of Defense is made without a public tender for the same, often unjustified reason.</p> <p>Sources:</p> <p>http://www.eltiempo.com/politica/gobierno/santos-dice-que-compra-de-avion-fue-de-la-fuerza-aerea/14929916</p> <p>http://www.las2orillas.co/santos-estrena-avion/</p>
Government Reviewer	Agree

61. What procedures and standards are companies required to have - such as compliance programmes and business conduct programmes - in order to be able to bid for work for the Ministry of Defence or armed forces?

Score	2
Assessor Comments	<p>Restrictions on bidding for public contracts are set out in Law 80 of 1993 and 1150 of 2007, with further rules in the Anti-corruption Statute (Law 1474 of 2011). For example, Article 8 of Law 80 bans public servants, those who have been banned from public office, and those who are related to other bidders. Article 1 of the Anti-Corruption Statute bans those who have been involved in corruption - including those convicted of transnational bribery or drug trafficking.</p> <p>The Defence Ministry requires companies that it contracts with or who bid for contracts to sign an "Anti-Corruption Commitment", which commits the companies to support transparency and accountability, not to offer bribes, and not to attempt to illicitly affect the bidding process. Some draft contracts available on online procurement portal Colombia Compra Eficiente state that if contractors/bidders are found to have broken the terms of the Commitment, it is sufficient cause to reject their bid, or terminate the contract.</p> <p>Response to reviewers: Score maintained at 2, due to lack of evidence of a requirement for companies to show that they have a compliance programme.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Decreto 1510 de 2013.</p>

	<p>http://bu.com.co/es/noticiasypublicaciones/200</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>Ley 1150 de 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa "Compromiso Anticorrupción". https://www.armada.mil.co/sites/default/files/compromiso_anticorrupcion.pdf</p> <p>Ministerio de Defensa. "Manual de Buenas Practicas." www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/contratos/normatividad/MANUAL_BUENAS_PRACTICAS.PDF</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>Agreements of transparency are obligatory and a requirement before any procurement process. The violation of these agreements implies a demand by the Ministry of Defence or the Colombian Armed Forces. Colombian public procurement law does not allow another exigencies.</p>

62. Are procurement requirements derived from an open, well-audited national defence and security strategy?

Score	2
Assessor Comments	<p>In December 2015, Colombia released its "Defense and Security Policy" for 2015-2018, which is available online and contains detailed information on nine "strategic objectives" for the period. It is not clear that procurement requirements are formally derived from this policy.</p> <p>The entities within the Defence Ministry are responsible for analysing their requirements in terms of goods and services needed, in relation to their strategic objectives of the sector, according to the NATO Self-Assessment. Under the terms of Decree 1510 of 2013, they must produce a preliminary study (estudio previo) to justify the need the purchase would fill.</p> <p>All public entities produce annual procurement plans (Plan de Compras) that are published on SECOP - the online procurement platform, part of Colombia Compra Eficiente. The plans for the defence entities are detailed. For example, the army's 2016 plan gives a description of each planned purchase, the budget, date, form of contracting (direct, expedited, etc.), and the funds (national resources). However, defence entities procure much of their goods and services outside of the</p>

	<p>competitive public process, through direct, private contracting rather than open tenders, for reasons of security, and they are not obliged to publish the documents from the process. Article 78 of Decree 1510 sets out a list of goods and services for the defence sector that can be purchased in this way. According to the 2014 Self-Assessment for NATO, at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles.</p> <p>It is difficult to locate information on these confidential purchases, or to determine whether they have been derived from the national defence policy.</p> <p>Media reports on major purchases made via direct acquisition, with no public tendering process - such as reports in December 2014 that the air force had purchased a \$5 million Beechcraft Super King 350 airplane from Chile - suggest that some purchases are opportunistic rather than derived from strategy. It is likely that many of the big-ticket items provided as part of US security aid programme Plan Colombia were not derived from a national strategy or policy.</p> <p>Response to reviewers: Score adjusted to 2, on the basis of lack of evidence that requirements are derived from a security strategy or policy.</p>
Sources	<p>Comando General Fuerzas Militares Colombia, "Proyectos de Inversión." http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=10252</p> <p>Comando General Fuerzas Militares Colombia, "Contratación - Plan de Compras." http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=502</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. "Política de Defensa y Seguridad", December 2015. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Documentos_Descargables/espanol/politica_defensa_deguridad2015.pdf</p> <p>El Tiempo, "'No he ordenado compra de avión para la Presidencia': Santos", 4 December 2014. http://www.eltiempo.com/politica/gobierno/santos-dice-que-compra-de-avion-fue-de-la-fuerza-aerea/14929916</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Agree with Comments</p> <p>President Santos regulated public contracting with Decree 1510 of 17 July 2013. Article 78 provides the list of contracts that can be made without public bidding due to their secret nature. It includes all weapons systems, night optical devices,</p>

	<p>information and communications networks, aircraft and accessories, sea vessels and accessories, all military and police vehicles, civilian armored vehicles, radar and navigation equipment, any purchase intended to protect the President, uniforms, public works related to defense and intelligence, all offsets, and goods and services to protect critical infrastructure. It is difficult to imagine, after reading article 78, any security or defense-related expense that is subject to public tendering.</p> <p>The most recent scandal as of December 2014 regarding military acquisitions shows that there is very little public disclosure of planned military spending. The Air Force bought a USD 5 million Beechcraft Super King 350 airplane from Chile and President Santos received press criticism because the purchase happened at a time when the government had a USD 6 billion deficit for fiscal year 2015 and was proposing tax reform to cover the deficit. The expense was considered wasteful by some.</p> <p>What is telling about this scandal is that the purchase was made through direct acquisition, i.e. with no public tendering processes, citing security reasons. This is a transport plane. It does not serve a military purpose. There is no justified national security reason to avoid a public tender for this plane. In fact, most procurement of equipment made by the Ministry of Defense is made without a public tender for the same, often unjustified reason.</p> <p>http://www.eltiempo.com/politica/gobierno/santos-dice-que-compra-de-avion-fue-de-la-fuerza-aerea/14929916</p> <p>http://www.las2orillas.co/santos-estrena-avion/</p>
Government Reviewer	<p>Agree with Comments</p> <p>In the process of justification of necessity there is a broad internal discussion about the convenience of the acquirement for the entity conducted by technical committees.</p>

63. Are defence purchases based on clearly identified and quantified requirements?

Score	2
Assessor Comments	<p>The entities within the Defence Ministry are responsible for analysing their requirements in terms of goods and services needed, in relation to their strategic objectives of the sector, according to the NATO Self-Assessment. Under the terms of Decree 1510 of 2013, they must produce a preliminary study (estudio previo) to justify the need the purchase would fill.</p> <p>All public entities produce annual procurement plans (Plan de Compras) that are published on SECOP - the online procurement platform, part of Colombia Compra Eficiente. However, defence entities procure much of their goods and services outside of the competitive public process, through direct, private contracting rather than open tenders, for reasons of security, and they are not obliged to publish the documents from the process. According to the 2014 Self-Assessment for NATO, at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles. Under Article 75 of Decree 1510 of 2013, the preliminary studies for goods and services purchased by the Defence Ministry under reserved procurement are not made public.</p>

	<p>It is difficult to locate information on these confidential purchases, or to determine whether they have been derived from clearly identified and quantified requirements.</p> <p>Media reports on major purchases made via direct acquisition, with no public tendering process - such as reports in December 2014 that the air force had purchased a \$5 million Beechcraft Super King 350 airplane from Chile - suggest that some purchases are opportunistic rather than derived from strategy. It is likely that many of the big-ticket items provided as part of US security aid programme Plan Colombia were not derived from a national strategy or policy.</p>
Sources	<p>Colombia Compra Eficiente. http://www.colombiacompra.gov.co/</p> <p>Comando General Fuerzas Militares Colombia. "Proyectos de Inversión." http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=10252</p> <p>Comando General Fuerzas Militares Colombia. "Plan de Compras." http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=502</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>Dinero. 'Colombia renueva armamento.' http://www.dinero.com/pais/articulo/armamento-del-ejercito-colombia/190290</p> <p>"Ley 80 de 1993". http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Manual de Contratación", 31 July 2014. http://www.cgfm.mil.co/documents/10197/179451/MANUAL+DE+CONTRATCION+2014-+DE+ACUERDO+AL+1510+DEL+2013.pdf/15c40ce0-b817-46dc-b1c1-755c60957e51</p> <p>WebInfomil. 'Ejército Colombiano Adquiere 24 blindados GLDS LAV III.' Last accessed June 23, 2014. http://www.webinfomil.com/2013/01/ejercito-colombiano-adquiere-24.html</p>
Peer Reviewer 1	Not Qualified
Peer Reviewer 2	Agree
Government Reviewer	Agree

64. Is defence procurement generally conducted as open competition or is there a significant element of single-sourcing (that is, without competition)?

Score	1
Assessor Comments	<p>The default method for carrying out public procurement in Colombia is through a competitive process of open tender. However, under certain circumstances alternative methods can be used, including abbreviated procurement, a specific procedure for low-value procurement, and non-competitive direct procurement.</p> <p>Article 24 of Law 80 of 1993 sets out the cases where direct procurement is allowed, including urgency, a lack of competing bidders, and goods and services that are needed for national security. This was regulated by a presidential decree in 2013 (Article 78 of Decree 1510) that sets out a broad range of goods and services for the defence sector that can be purchased via direct contracting, ranging from weapons and munition to hardware, vehicles, armour, tools for training, and maintenance of these goods.</p> <p>In May 2014, the State Council (Consejo de Estado) suspended the relevant provisions of Decree 1510, but there is no evidence that this has ended direct procurement in the defence sector.</p> <p>A separate set of regulations cover confidential spending, or "gastos reservados" on intelligence, counterintelligence, and protection of witnesses, under Law 1097 of 2006.</p> <p>Direct procurement and other less competitive processes are overused in Colombia, including by the defence sector, according to analysis by the OECD. In 2016, the OECD called on Colombia to address the "extensive use of non-competitive methods of contract awards" to create a level playing field and increase efficiency, noting that approximately three of every five contracts in Colombia are awarded through direct contracting.</p> <p>According to the 2014 Self-Assessment for NATO, on average 80 percent of procurement of war material - arms, munitions, and optronics - is acquired through single-sourcing (p.186). In addition, it reported that at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles. In 2012, 31 percent of the Air Force's purchases were carried out through a public call for tenders.</p> <p>Media reports on major purchases made via direct acquisition - such as reports in December 2014 that the air force had purchased a \$5 million Beechcraft Super King 350 airplane from Chile, despite the fact that this vehicle was intended to transport senior officials rather than for direct military purposes - suggest that direct procurement may be overused in cases where security does not demand it.</p> <p>Response to reviewers: Score adjusted to 1, on basis of evidence that the defence sector uses single source contracts for more than 50 percent of its procurement. Sources added.</p>
Sources	Balancemilitar.blogspot.com. 'Colombia solicita cotizaciones a EEUU por 12 cazas F-16 C/D.', 2 May 2014.

	<p>http://balancemilitar.blogspot.com/2014/05/colombia-solicita-cotizaciones-eeuupor.html</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>Infobae. 'Colombia reforzó el armamento militar para proteger su soberanía.' Last accessed June 24, 2014. http://www.infobae.com/2014/01/04/1534970-colombia-reforzo-el-armamento-militar-protoger-su-soberania</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p> <p>Semana, "Mindefensa pierde pelea por 'superpoderes' de contratación", 29 January 2016. http://www.semana.com/nacion/articulo/consejo-de-estado-ratifica-suspension-de-potestados-especiales-del-ministerio-de-defensa/458553</p> <p>El Tiempo, "'No he ordenado compra de avión para la Presidencia': Santos", 4 December 2014. http://www.eltiempo.com/politica/gobierno/santos-dice-que-compra-de-avion-fue-de-la-fuerza-aerea/14929916</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	<p>Disagree, suggested score: 1</p> <p>President Santos regulated public contracting with Decree 1510 of 17 July 2013. Article 78 provides the list of contracts that can be made without public bidding due to their secret nature. It includes all weapons systems, night optical devices, information and communications networks, aircraft and accessories, sea vessels and accessories, all military and police vehicles, civilian armored vehicles, radar and navigation equipment, any purchase intended to protect the President, uniforms, public works related to defense and intelligence, all offsets, and goods and services to protect critical infrastructure. It is difficult to imagine, after reading article 78, any security or defense-related expense that is subject to public tendering.</p> <p>There is evidence of contracts that have been single-sourced being disastrous. In 2011, a USD 8 million maintenance contract for tanks fitted them with the wrong engines; repairs for night optical devices didn't work; and three of the Israeli Kfir fighter jets purchased by the Air Force have crashed during training accidents. All of these contracts were made by either single-sourcing or by including provisions in the public tender that clearly favored a particular company.</p>

Government Reviewer	<p>Disagree suggested score: 4</p> <p>By disposition of the Consejo de Estado (Supreme Tribunal for public matters) the Defence Sector cannot make reserved direct procurement, it means it must be totally public. Therefore, it applies the General Law of Procurement that limits to the maximum the practices against free competition.</p>
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65. Are tender boards subject to regulations and codes of conduct and are their decisions subject to independent audit to ensure due process and fairness?

Score	3
Assessor Comments	<p>Article 27 of Decree 1510 (2013) sets out the regulations for tender boards (comité evaluador). It states that the board can be made up of public servants or private individuals contracted for the purpose. The board must carry out its work in an objective manner, sticking exclusively to the specifications of the tender. The members of the board are subject to the legal regulations under which individuals may be banned from public office, and to regulations against conflicts of interest. If the tender is being carried out under the process for low value contracts (mínima cuantía) the board need not have more than one member.</p> <p>The member of the tender boards are subject to the rules on disqualifications, incompatibilities and conflicts of interest that restricts those who can sign procurement contracts with state entities, set out in laws including the Contracting Statute (Law 80 of 1993). The Defence Ministry's Procurement Manual sets out the obligation on procurement staff to report any such impediments to their supervisors (p.120).</p> <p>The army's Good Practice Manual for procurement sets out principles which all public servants and external advisors involved in the process must follow, including due process, good faith, responsibility, equality, objective selection, with text explaining each one. Law 734 of 2002 sets the Disciplinary Code for public servants, including those dealing with procurement.</p> <p>External auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. This is a powerful body, and is independent of the ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available. Confidential spending (gastos reservados) by the defence entities on intelligence, counterintelligence and witness protection is audited by a special unit of the Comptroller General's Office - these audits are themselves classified.</p> <p>Note to reviewers: Score adjusted to 3, due to lack of evidence of published audits of tender boards.</p>
Sources	<p>Caracol Radio, "Contraloría confirma vigilancia de gastos reservados de Mindefensa y FFMM", 6 February 2014. http://caracol.com.co/radio/2014/02/06/nacional/1391691240_073174.html</p> <p>Contraloría General de la Nación. http://www.contraloriagen.gov.co/</p>

	<p>DECRETO 1510 DE 2013. http://www.colombiacompra.gov.co/es/decreto-1510-de-2013</p> <p>Ejército, "Instructivo de buenas prácticas en contratación", Jefatura de Logística. https://www.ejercito.mil.co/index.php?idcategoria=391295</p> <p>Fondo Rotatorio de la Policía. 'Ley 734 de 2002 Por la cual se expide el Código Disciplinario Único.' http://www.forpo.gov.co/index.php?idcategoria=37129#</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa, "Manual de Contratación", 31 July 2014. http://www.cgfm.mil.co/documents/10197/179451/MANUAL+DE+CONTRATACION+2014-+DE+ACUERDO+AL+1510+DEL+2013.pdf/15c40ce0-b817-46dc-b1c1-755c60957e51</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	Agree

66. Does the country have legislation in place to discourage and punish collusion between bidders for defence and security contracts?

Score	3
Assessor Comments	<p>Under Article 27 of the Anti-corruption Statute (Law 1474 of 2011), anyone involved in colluding with others to attempt to illicitly alter the procurement process will be fined between 200 and 1,000 times the minimum monthly wage, and face imprisonment ranging from 6 to 12 years, and be banned from making contracts with the government for up to eight years. Procurement officials may also be subject to dismissal and be banned permanently from working in public office (OECD).</p> <p>An OECD analysis of Colombian bid-rigging cases found clear indications that Superintendencia de Industria y Comercio (SIC) and the Colombian government were committed to investigating and sanctioning this crime. There was an “exponential” rise in investigations opened since bid-rigging was made a criminal offence in 2011 - between 2002 and 2010 the biggest number of cases opened in any one year was eight, while in 2011, 2012 and the first nine months of 2013 the figures were 34, 52, and 18 respectively. Only seven of these had involved sanctions, at the time of publication (2014) but the fines in two 2013 cases were the largest ever imposed in Colombia for this crime.</p>

	<p>The OECD noted that no individual had yet been subject to a prison term for bid-rigging activity, and suggested a well-publicised case that involved jail would help discourage the practice.</p> <p>There are reports of bid-rigging that suggest this may be an ongoing problem in defence procurement. In October 2015, army Colonel César Henry Rodríguez Giraldo reportedly wrote a letter to the army commander naming officials, lawyers and contractors who he said were involved in irregular awarding of contracts worth 8 billion pesos. As yet, there are no reports of an investigation linked to this case. Semana's report of an alleged corruption ring around military procurement led to the removal of nine generals, including armed forces chief General Leonardo Barrero.</p> <p>Response to reviewers: Score maintained at 3 due to evidence of sanctions being applied in more recent cases.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>El Tiempo, "La carta de un coronel desata alerta sobre contratación militar", 18 October 2015. http://www.eltiempo.com/politica/justicia/ejercito-de-colombia-contratacion/16406234</p> <p>OECD, "Fighting Bid Rigging in Public Procurement in Colombia", 2014. https://www.oecd.org/daf/competition/Booklet_SIC%20Procurement%20Report_16X23_REV_web.pdf</p> <p>Semana. 'Exclusivo: Los negocios en el Ejército.' February 16, 2014. http://www.semana.com/nacion/articulo/red-de-corrupcion-entre-los-militares/377311-3</p> <p>Thomson Reuters Foundation, "Colombians shocked by corruption in Colombian armed forces, presidential purge of top brass accompanies probe of lower ranks", 25 February 2014. http://news.trust.org//item/20140225182643-wzrhj/?source=hpeditorial</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>Semana - a Colombian magazine - revealed audio recordings in which many contracts were manipulated. In addition, there was use of privileged information in order to win bids. As mentioned before, five officials were discharged, and one official stepped down.</p>
Peer Reviewer 2	<p>Disagree, suggested score: 2</p> <p>One notorious case occurred in 2006, when Der Spiegel Magazine accused the German firm Ferrostaal of paying bribes worth EUR 625,000 - 850,000 to decision-makers in the Navy and at the Ministry of Defense. There have been no criminal or civil penalties imposed in Colombia over the issue. In fact, one of the senior members of the Ministry of Defense investigated in the case, the Secretary General of the Ministry, still holds the same position as of December 2014. In 2000, the</p>

	<p>same firm obtained a USD 7.3 million dollar contract to replace submarine batteries which did not serve their intended purpose. Another investigation revealed that another contract with the firm worth 1.5 million dollars was signed without comparing prices in the market and awarded at the price suggested by the contracting firm.</p> <p>Sources:</p> <p>http://www.elespectador.com/impreso/temadeldia/articuloimpreso197653-el-expediente-de-ferrostaal</p> <p>http://www.spiegel.de/international/business/corruption-investigation-germany-s-ferrostaal-suspected-of-organizing-bribes-for-other-firms-a-686513.html</p> <p>http://www.radiosantafe.com/2011/05/03/por-caso-ferrostaal-fiscalia-cito-a-interrogatorio-secretario-general-del-mindefensa/</p>
Government Reviewer	<p>Agree with Comments</p> <p>It is obligatory in all the procurement stages to sign a conflict of interests and collusions declaration.</p>

67. Are procurement staff, in particular project and contract managers, specifically trained and empowered to ensure that defence contractors meet their obligations on reporting and delivery?

Score	3
Assessor Comments	<p>The law empowers procurement staff to ensure that defence contractors meet their obligations. According to the Defence Ministry's Procurement Manual (p.104), a supervisor or inspector is appointed to oversee each contract. Their duties are set out in the manual and in Article 83-86 of the Anti-Corruption Statute. These include monitoring the contract in terms of administration, finance, law, accountancy and technical specifications.</p> <p>They have the power to request reports and explanations over the execution of the contract, and are responsible for informing the contracting entity of circumstances that could constitute acts of corruption, or when there is a risk of the terms not being fulfilled. They must inform the entity within five working days of any grave discrepancy in the fulfilment of the contract, so that the entity can take action. These actions include fines imposed on the contractor.</p> <p>Article 90 of the Anti-Corruption Statute sets out the terms under which contractors can be declared unable to bid for public contracts for repeated failure to fulfil the terms of contracts - if they are fined five times in a single fiscal period, declared to have failed to comply twice in a period, or two fines combined with one declaration.</p> <p>The Defence Ministry's Procurement Manual is readily available online, and contains detailed information on the law and procedures around procurement. Likewise, the army's Good Practice Manual for Procurement is up-to-date (including information on 2015 legislation), and sets out principles which all public servants and external advisors involved in the process must follow, including due process,</p>

	<p>good faith, responsibility, equality, objective selection, with text explaining each one. In addition, Law 734 of 2002 sets the Disciplinary Code for public servants, including those dealing with procurement.</p> <p>In terms of training, there are courses to train staff on the issue of contracting and procurement processes, including a course run by the Office of Internal Control in 2013, according to the Self-Assessment for NATO. The army's 2016 Corruption Risk assessment states that, to mitigate the risk of officials unduly receiving payment in relation to procurement, there will be twice-yearly training on the law on transparency and access to information for personnel involved in contracts, and twice-yearly training on lessons learned.</p> <p>According to a 2014 OECD report, the national competition authority (Superintendencia de Industria y Comercio - SIC) held two training sessions for procurement officials in December 2012 and February 2013 on ways to fight collusion in procurement processes.</p> <p>A 2016 OECD report noted that there was some procurement system training offered by the Inspector General of Colombia (Procuraduría General de la Nación), on an irregular basis. It recommended that Colombia should provide "dedicated and systematic ethics or integrity trainings" on a regular basis, and eventually extend the training suppliers and contractors.</p> <p>There is evidence of defence contractors that repeatedly fail to fulfil the terms of the contract are not barred from receiving further contracts - according to an October 2014 media report, the chief of army aviation wrote to the defence minister to complain that a particular defence company, Helicentro, had received contracts from the army worth 55 billion pesos between 2009 and 2013, mostly for maintenance of combat helicopters, but repeatedly failed to deliver on time. As a result the aviation chief had ceased inviting the company to bid, but months later, Helicentro was awarded three new contracts in that same area.</p> <p>It is evident that there is an effort made to empower procurement staff. For a score 4, however, sustained evidence of procurement staff being empowered is required.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Comando General de las Fuerzas Militares. "Manual de Contratación 2014". 1 July 2014. http://www.cgfm.mil.co/documents/10197/179451/MANUAL+DE+CONTRATCION+2014-+DE+ACUERDO+AL+1510+DEL+2013.pdf/15c40ce0-b817-46dc-b1c1-755c60957e51</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>El Espectador, "El polémico contratista del sector defensa", 28 October 2014. http://www.elespectador.com/noticias/investigacion/el-polemico-contratista-del-sector-defensa-articulo-524761</p>

	<p>Ejército, "Riesgos de Corrupción Ejército Nacional 2016". https://www.ejercito.mil.co/index.php?idcategoria=377622</p> <p>Ejército, "Instructivo de buenas prácticas en contratación", Jefatura de Logística. https://www.ejercito.mil.co/index.php?idcategoria=391295</p> <p>LEY 1474 DE 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Ley 732 de 2002. http://www.procuraduria.gov.co/guiamp/media/file/Macroproceso%20Disciplinario/L-734-02.htm</p> <p>MinDefensa. "Manual de Buenas Practicas." www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/contratos/normatividad/MANUAL_BUENAS_PRACTICAS.PDF</p> <p>OECD, "Fighting Bid Rigging in Public Procurement in Colombia" 2014. https://www.oecd.org/daf/competition/Booklet_SIC%20Procurement%20Report_16X23_REV_web.pdf</p> <p>OECD, "Towards Efficient Public Procurement in Colombia: Making the Difference", OECD Public Governance Reviews, 2016. http://dx.doi.org/10.1787/9789264252103-en</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Agree with Comments</p> <p>All the personnel of the Ministry of Defence have received ethics training between the years 2013 and 2014. We have made two assessments on the impact of this. The groups of procurement and supervision have received training between the years 2013 and 2014 at least; it includes an update of knowledge and the understanding of Procurement Manual.</p>

68. Are there mechanisms in place to allow companies to complain about perceived malpractice in procurement, and are companies protected from discrimination when they use these mechanisms?

Score	4
Assessor Comments	<p>Article 5 of law 80 of 1993 addresses the rights and duties of firms who engage in procurement with Colombian public entities. Firms have the right to go to the authorities to complain and start a process for contracts' violation against the state, if any violation has taken place. They also have the duty to collaborate with the authorities if they have claimed there has been a breach of contract, or any other type of irregularity. In theory, companies are protected against discrimination if they have reported irregularities. The manual the Gestión Precontractual stipulates the rights and duties of firms contracting with Colombian state institutions.</p>

	<p>The Self-Assessment for NATO's Building Integrity Programme sets out four mechanisms through which contractors can file complaints:</p> <ul style="list-style-type: none"> - The Defence Ministry's office for Attention to Citizens (Atención al Ciudadano), which receives all complaints from citizens. - The Offices of Internal Control of the Defence Ministry and the security forces, which audit each stage of the procurement process. - The Grupo de Acción para la Transparencia Institucional, which monitors processes within the ministry and its entities, and highlights any that need additional attention. - The Citizen Watchdogs (veedurías ciudadanas) <p>However, these appear to be general oversight bodies rather than specialised means for contractors to complain.</p> <p>Response to reviewers: Score adjusted to 4, due to evidence of various mechanisms in place.</p>
Sources	<p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>Ministerio de industria, comercio y turismo. 'Manual de la Gestión Precontractual.' http://www.mincit.gov.co/mintranet/publicaciones.php?id=1272</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p>
Peer Reviewer 1	Not Qualified
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>There is evidence that complaints are addressed by the Directorate of Internal Control in several procurement processes. We think the tool works well, and the evidence could be consulted at the Ministry of Defence.</p>

69. What sanctions are used to punish the corrupt activities of a supplier?

Score	2
Assessor Comments	<p>Article 82 of the Anti-Corruption Statute (1474 of 2011) states that if there are any omissions, damages or irregularities of any contract by a contracting party, there will be a legal process in order to have the contractual obligations fulfilled.</p> <p>Sanctions can vary depending on the nature of the corrupt activities of the supplier; from 4 to 8 years in prison and from 10 to 1000 minimum legal monthly salaries - this is for a private supplier; or 4 to 8 years in prison and 100 to 200 minimum legal monthly salaries for embezzlement or between 9 to 15 years in prison and 100 to 200 minimum legal monthly salaries for bribery, etc. Article 1 states that individuals who commit corrupt acts will be barred from contracting with the state.</p>

	<p>A 2014 OECD study found that Colombia had laws in place to effectively deter cartel activity in contracting - i.e. anti-competitive agreements - with sanctions against firms, individuals, and procurement officials. Fine levels were increased by Law 1340 of 2009 - corporations can be fined either 150 percent of the profit from their illegal conduct, or 100,000 times the monthly minimum wage, whichever is higher. Individuals can be fined up to 2,000 times the minimum wage (p.15). Though 54 individuals or companies were fined between 2011 and 2013, at the time of writing nobody had been sent to prison for bid-rigging.</p> <p>It is the responsibility of the Attorney General's Office (Fiscalía) to seek jail sentences for corrupt suppliers (OECD p.15).</p> <p>There is evidence that defence contractors that repeatedly fail to fulfil the terms of the contract may not be appropriately barred from receiving further contracts. According to an October 2014 media report, the chief of army aviation wrote to the defence minister to complain that a particular defence company, Helicentro, had received contracts from the army worth 55 billion pesos between 2009 and 2013, mostly for maintenance of combat helicopters, but repeatedly failed to deliver on time. As a result the aviation chief had ceased inviting the company to bid, but months later, Helicentro was awarded three new contracts in that same area.</p> <p>Response to reviewers: Score maintained at 2, due to evidence that defence contractors that repeatedly fail to fulfil the terms of the contract may not be appropriately barred from receiving further contracts.</p>
Sources	<p>Anti-Corruption Statute, Ley 1474 de 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>El Colombiano. 'Expresiones contra la Fiscalía tumbaron al comandante de las Fuerzas Militares.' Last accessed June 23, 2014. http://www.elcolombiano.com/BancoConocimiento/C/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares/corrupcion_y_chuzadas_tumbaron_al_comandante_de_las_fuerzas_militares.asp</p> <p>El Espectador, "El polémico contratista del sector defensa", 28 October 2014. http://www.elespectador.com/noticias/investigacion/el-polemico-contratista-del-sector-defensa-articulo-524761</p> <p>LEY 1474 DE 2011. Last accessed June 23, 2014. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Ley 1150 de 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>OECD, "Fighting Bid Rigging in Public Procurement in Colombia" 2014. https://www.oecd.org/daf/competition/Booklet_SIC%20Procurement%20Report_16X23_REV_web.pdf</p>

	Semana, February 16, 2014. 'Exclusivo: Los negocios en el Ejército.' Last accessed 28 October 2014. http://www.semana.com/nacion/articulo/red-de-corrupcion-entre-los-militares/377311-3
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>The legal tools have been used by the Ministry of Defence and the Armed Forces when they have been needed. Regarding the mentioned case by the Semana Magazine, the Minister of Defence created an internal commission to investigate the accusations made in the article related to Colombian Military members. In addition, the Minister asked to the competent authorities for pertinent investigations which are ongoing. The Minister also created the GRATI GROUP, which is in charge of these situations, and he ordered an exhaustive revision of contracts in the entire military detachments led by the Ministry personnel.</p> <p>Government Update March 2015:</p> <p>Additionally, within a strict legal context, as a guiding element of public administration actions, Colombia prioritizes the constitutional principle of due process, enshrined in Article 29 of the Constitution: "No one may be tried except in accordance with existing laws for the act they are being accused of, before a competent judge or court and in full compliance with the specifics of each trial" (...) "Everyone is presumed innocent until the court rules as guilty."</p> <p>In that vein, no subject of the administration may take unilateral measures against providers for actions arising from corrupt acts; in cases where acts of corruption are discovered, the public official has a duty to report them pursuant to Article 67 of Law 906 of 2004. Through which the Code of Criminal Procedure issues: ""A duty to report. Everyone must report to the authority the crimes whose commission has any knowledge and of which must be investigated ex officio. The public servant that knows of the commission of a crime that must be investigated ex officio will proceed with the investigation without delay if they are competent to do so; otherwise, they shall immediately report this issue to the competent authority.""</p> <p>The complainant state entity exercises no control over the actions of the investigating authority, that is, the Office of the Attorney General of Colombia.</p>

70. When negotiating offset contracts, does the government specifically address corruption risk by imposing due diligence requirements on contractors? Does the government follow up on offset contract performance and perform audits to check performance and integrity?

Score	3
Assessor Comments	Foreign defence exporters are required to make offset contracts when they sell military goods to Colombia worth over \$1 million, or over \$5 million in the case of

	<p>goods that are perishable or are consumable, such as bullets (Manual de Contratación).</p> <p>There is evidence that there are strong regulations around the process. For each contract, the company must sign an Acuerdo Marco de Cooperación Industrial o Social, including amounts, dates of delivery, and penalties for non-compliance, according to Defence Ministry rules (MinDefensa 2008). The process for approving offset projects indicates that oversight is good, with several stages of review of applications, including by the Office of Planning and Budgets- Offset Group, and by a evaluation committee (comité evaluador), which decides whether to approve the proposal.</p> <p>Offset contracts are regulated by directive 06/MDNVGIOAP-019 (Directive 06/MDNVGIOAP-19 of 2009, March 3, 2009), and by law 1150 of 2007, which applies to contracts by any state entity. Directive 6 also stipulates controls for the performance and outcome of the offset contracts. It does not however address corruption, but contractors are covered by the Anti-Corruption Statute (1474 of 201).</p> <p>Directive 6 addresses the procurement process and follow-up processes, including the financial outcome and benefits in section II - información general (General Information). Additionally, in section III Ejecución (Performance) there are clear guidelines to follow up the contracts. For example, section III,2.b states '[the second in command members at the armed forces], monitor technological advancements to identify investment opportunities that have the advantage of offset contracts.' [page 11]. Section III,2.g '[the second in command members at the armed forces], establish the success index, [in other word what it is meant by project success]' [page 11] (Directive 06/MDNVGIOAP-19 of 2009, March 3, 2009). During an interview with a member of the MOD, the source stated that the regulations for offset contracts are adequate but in practice there are some shortcomings.</p> <p>There is evidence that the Defence Ministry acknowledges the risk of corruption in offset contracts. Its Anti-Corruption Plan cites the risk of corruption in offset contracts, setting as a mitigation activity to “Realizar Conferencia de la Asociación Mundial de OFFSET (G.O.C.A.). HITO”. It notes that the “Procedimiento de aprobación convenios offset” is currently in place to mitigate this risk.</p> <p>External auditing of defence expenditure is conducted by the Comptroller General's Office, which carries out annual audits of the Defence Ministry and its various entities. This is a powerful body, and is independent of the ministry. However, no recent audits of the Defence Ministry were found on the Comptroller's website, though 2014 audits of some component bodies, such as the Maritime Directorate DIMAR, were available. Confidential spending (gastos reservados) by the defence entities on intelligence, counterintelligence and witness protection is audited by a special unit of the Comptroller General's Office - these audits are themselves classified.</p>
Sources	<p>Comando General de las Fuerzas Militares. “Manual de Contratación 2014”. 1 July 2014. http://www.cgfm.mil.co/documents/10197/179451/MANUAL+DE+CONTRATCION+</p>

	<p>2014-+DE+ACUERDO+AL+1510+DEL+2013.pdf/15c40ce0-b817-46dc-b1c1-755c60957e51</p> <p>CONPES. ‘Lineamientos Generales para la Implementación de Acuerdos de Cooperación Industrial y Social - Offsets - Relacionados con adquisiciones en Materia de Defensa en Colombia.’ https://www.dnp.gov.co/CONPES/DocumentosConpes/ConpesEcon%C3%B3micos/2008.aspx</p> <p>Ley 1150 de 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678</p> <p>MinDefensa. ‘Directiva Permanente, 06/MDNVGIOAP-19.’ http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/normatividad/EstrategiaPlaneacion/CienciaYTecnologia/CooperacionIndustrialYSocial/8689_Directiva_6_de_2009.pdf</p> <p>MinDefensa, “Plan Anticorrupción y de Atención al Ciudadano: 2016”, 6 May 2016. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Sobre_el_Ministerio/Control_Interno/info_gestion/plan_aseguramientoUGG2016.pdf</p> <p>MinDefensa, Política de Cooperación Cooperación Industrial y Social – Offset del MDN, March 2008. https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/normatividad/EstrategiaPlaneacion/CienciaYTecnologia/CooperacionIndustrialYSocial/6807_Reunion_Acuerdos_de_Compensacion_Industrial_y_Social.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	Agree

71. Does the government make public the details of offset programmes, contracts, and performance?

Score	1
Assessor Comments	<p>Offset contracts are included under Article 78 of Decree 1510 of 2013, which lists the types of goods and services that the defense sector can purchase through “reserved procurement” (contratación reservada). It states that state entities are not obliged to publish the documents used in the process.</p> <p>In 2014, the State Council (Consejo de Estado) suspended Article 78 and other key terms in this decree, on the grounds that a presidential decree was not sufficient to authorise this process. This was upheld on appeal in January 2016. Evidence was not found that this ruling has ended the use of "confidential procurement". According to a 2014 report by ColPrensa, the judgement will not stop defence contracting, as it can continue under other criteria within the law on contracting. Article 2 of Law 1150 of 2007 also states that the defence sector can use direct procurement to source the goods and services that require confidentiality.</p>

	Note to reviewers: Score adjusted to 1, on basis of evidence that offset contracts are included under confidential procurement.
Sources	<p>ColPrensa, "Consejo de Estado suspendió aspectos de contratación reservada en sector Defensa", El País, 21 May 2014. http://www.elpais.com.co/elpais/judicial/noticias/consejo-estado-suspendio-aspectos-contratacion-reservada-sector-defensa</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>LEY 1150 DE 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678#0</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Semana, "Mindefensa pierde pelea por 'superpoderes' de contratación", 29 January 2016. http://www.semana.com/nacion/articulo/consejo-de-estado-ratifica-suspension-de-potestados-especiales-del-ministerio-de-defensa/458553</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	Agree

72. Are offset contracts subject to the same level of competition regulation as the main contract?

Score	1
Assessor Comments	<p>All offset contracts are regulated by Directive 06/MDNVGIOAP-019, in line with document 3522 by CONPES (National Council of Economic and Social policy), and by law 1150 of 2007, which applies to all contracts by any entity of the state.</p> <p>Offset contracts are included under Article 78 of Decree 1510 of 2013, which lists the types of goods and services that the defense sector can purchase through “reserved procurement” (contratación reservada). It states that state entities are not obliged to publish the documents used in the process, and that the purchase can be carried out “under market conditions” without the need to receive various offers.</p> <p>In 2014, the State Council (Consejo de Estado) suspended Article 78 and other key terms in this decree, on the grounds that a presidential decree was not sufficient to authorise this process. This was upheld on appeal in January 2016. Evidence was not found that this ruling has ended the use of "confidential procurement". According to a 2014 report by ColPrensa, the judgement will not stop defence contracting, as it can continue under other criteria within the law on contracting.</p>

	<p>Article 2 of Law 1150 of 2007 also states that the defence sector can use direct procurement to source the goods and services that require confidentiality.</p> <p>Note to reviewers: Score adjusted to 1, on basis of evidence that offset contracts are included under confidential procurement.</p>
Sources	<p>CONPES. 'Lineamientos Generales para la Implementación de Acuerdos de Cooperación Industrial y Social - Offsets - Relacionados con adquisiciones en Materia de Defensa en Colombia.'</p> <p>https://www.dnp.gov.co/CONPES/DocumentosConpes/ConpesEcon%C3%B3micos/2008.aspx</p> <p>ColPrensa, "Consejo de Estado suspendió aspectos de contratación reservada en sector Defensa", El País, 21 May 2014. http://www.elpais.com.co/elpais/judicial/noticias/consejo-estado-suspendio-aspectos-contratacion-reservada-sector-defensa</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>LEY 1150 DE 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678#0</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa. 'Directiva Permanente, 06/MDNVTGIOAP-19.' 2009. http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/normatividad/EstrategiaPlaneacion/CienciaYTecnologia/CooperacionIndustrialYSocial/8689_Directiva_6_de_2009.pdf</p> <p>Semana, "Mindefensa pierde pelea por 'superpoderes' de contratación", 29 January 2016. http://www.semana.com/nacion/articulo/consejo-de-estado-ratifica-suspension-de-potestados-especiales-del-ministerio-de-defensa/458553</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	Agree

73. How strongly does the government control the company's use of agents and intermediaries in the procurement cycle?

Score	2
Assessor Comments	The Anti-Corruption Commitment that companies must sign to make contracts with the Defence Ministry contains clauses referring to the obligation to enforce its terms on sub-contractors and agents - i.e. not to offer bribes. It obliges companies to instruct all subcontractors and agents to follow Colombia's laws. (Self-Assessment p.192)

	<p>Procurement laws state that it is compulsory that bidders disclose all payments. However, there is no evidence to show how the government controls the interventions of agents, and there is no policy to disclose them. Under law 80 of 1993, law 190 of 1995, and law 1474 of 2011, any association by the bidder is subject to the same laws as the main contractor. No evidence was found of how these controls are enforced.</p> <p>Media reports indicate that agents and intermediaries are often used in defence procurement, and that they can be powerful and influential.</p> <p>Response to reviewers: Score adjusted to 2, on basis that no clear policy on agents and intermediaries was found.</p>
Sources	<p>El Espectador, "El polémico contratista del sector defensa", 28 October 2014. http://www.elespectador.com/noticias/investigacion/el-polemico-contratista-del-sector-defensa-articulo-524761</p> <p>LEY 1474 DE 2011. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=43292</p> <p>Ley 1150 de 2007. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=25678</p> <p>Ley 80 de 1993. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=304</p> <p>Ministerio de Defensa. 'Directiva Permanente, 06/MDNVGIOAP-19.' 2009. http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/normatividad/EstrategiaPlaneacion/CienciaYTecnologia/CooperacionIndustrialYSocial/8689_Directiva_6_de_2009.pdf</p> <p>Ministerio de Industria, Comercio y Turismo. "Manual de la Gestión Precontractual". http://www.mincit.gov.co/mintranet/publicaciones.php?id=1272</p>
Peer Reviewer 1	<p>Agree with Comments</p> <p>There is regulation for private contractors but not for foreign contractors. This is usually put in place through a bilateral agreement without being passed on the National Congress.</p>
Peer Reviewer 2	<p>Agree with Comments</p> <p>Agents and intermediaries are used very often and their political influence weighs heavily on military procurement. Although the bidder has to disclose its payments by law, the bidding company itself is often an intermediary, and the profits it receives from each contract is not disclosed.</p> <p>Felipe Jaramillo Samper is one of the most successful intermediaries in the sector. He is a close friend of President Santos. During Santos's tenure in the Ministry of Defense and as President, Jaramillo's profits have increased dramatically. Jaramillo</p>

and owns Ancla Ltda, Helicentro, and Alfonso Jaramillo y Cia. His companies represent Sig Arms Inc, Bell, Honeywell Bendix, Flir Systems and Cessna, among other firms. But contracts are often not between the Ministry of Defense and Bell, for instance, but between the Ministry and the intermediary, Helicentro.

A 29 December 2013 report detailed the breaches of a USD 50 million contract incurred by Helicentro regarding the maintenance of Bell helicopters. Helicentro argued that the breaches were caused by delays in obtaining parts from Bell. One month after the report was issued to the Minister of Defense, Juan Carlos Pinzón, Helicentro was awarded three more contracts worth USD 2.5 million, also to perform maintenance on aircraft. The General who wrote the report documenting Helicentro's failure to meet the requirements of the contracts, Fabricio Cabrera Ortiz, was accused of corruption and dismissed on 18 February 2014, less than two months after signing the report.

Jaramillo also received a commission on the sale of USD 64 million worth of Sig Sauer handguns for the Army and Police. The purchase was made in violation of German and Colombian laws, without obtaining proper export permits from the German government. Many of the weapons had defective cannons and forged serial numbers. The public tender was cancelled twice in 2006 because the guns offered did not meet the required standards. Then the contract for the firearms was made through a Letter of Offer and Acceptance (LOA) with the US government to avoid a public tender in December 2006, five months after Juan Manuel Santos was appointed Minister of Defense.

Also in December 2006, the Ministry of Defense purchased USD 31 million worth of Flir Safiro III night optical devices for aircraft through an LOA. Technical testing within the Air Force and Police showed that the Flir WESCAM was better suited for the tasks required and officials requested that the LOA be modified to replace the Flir Safiro with the WESCAM. The General Secretary of the Ministry, Luis Manuel Neira, prevented the modification of the LOA by order of Minister Santos. The contract was awarded to the firm represented by Santos's personal friend, Felipe Jaramillo.

Jaramillo's firm Helicentro increased its revenue by 318% in 2006-2011, during Santos's tenure as minister, compared to the years 1996-2006. Its profits increased by 400% comparing the same periods. Alfonso Jaramillo y Cia increased its revenue by 324% and its profits by 1,464% comparing the same periods.

Sources:

<http://international.sueddeutsche.de/post/93766223555/the-dubious-colombia-exports-of-german-arms>

<http://www.elespectador.com/noticias/investigacion/el-polemico-contratista-del-sector-defensa-articulo-524761>

<http://www.elnuevoherald.com/opinion-es/opin-col-blogs/article1995811.html>

http://www.wradio.com.co/escucha/archivo_de_audio/rafael-orozco-representante-de-la-smith-and-wesson-en-colombia-cuestiona-ilegitimidad-de-

	<p>compra-de-pistolas-para-la-policia-porque-no-pasaron-la-prueba-tecnica/20090515/oir/812505.aspx</p> <p>http://www.slideshare.net/PalomaValenciaLaserna/debate-sig-saur</p>
Government Reviewer	<p>Disagree, suggested score: 4</p> <p>In the policy of the Ministry of Defence, included in its Manual of Procurement, it is required that any interested person that claims to be an intermediary representative of a company must show all the documentation with the correct consent from the acting powers. As such, all the contractual obligations affect the intermediary with acting powers as the represented. The evidence of control is found in every contractual process documented.</p> <p>In general the policy of the Ministry of Defense Procurement in their manuals seeks to limit use of subcontractors. This is only permitted with express permission, written under conditions of the Ministry. Consequently, all the obligations contained in integrity pacts extend to subcontractors compulsory. The evidence is available on the website of the Ministry. In 2014 is not filed any case compel us to act on this point.</p>

74. Are the principal aspects of the financing package surrounding major arms deals, (such as payment timelines, interest rates, commercial loans or export credit agreements) made publicly available prior to the signing of contracts?

Score	1
Assessor Comments	<p>In general, procurement by all public entities must be carried out via the Colombia Compra Eficiente portal. This contains the Electronic Public Contracting System (SECOP), which contains the procurement needs and contracts of Colombian state entities, and is open to the public. Colombia has made significant steps towards transparency in procurement through this e-procurement system (Center for Global Development).</p> <p>Some procurement by the Defence Ministry and the armed forces public procurement is disclosed on their websites - such as in the annual Procurement Plan (Plan de Compras). Detailed information on contracts is available, with dates, values, and descriptions of the goods or services.</p> <p>However, defence entities also procure goods and services outside of the competitive public process, through direct, private contracting rather than open tenders, for reasons of security. This is called "confidential procurement". For goods acquired in this way, state entities are not obliged to publish the documents from the process.</p> <p>Article 78 of Decree 1510 sets out a list of goods and services for the defence sector that can be purchased in this way due to their confidential nature. It is a long and comprehensive list of 20 areas of goods and services, ranging from weapons and munition to hardware, vehicles, armour, tools for training, and maintenance of these goods. According to the 2014 Self-Assessment for NATO, at the time of the assessment the Defence Ministry had published 25 percent of its current procurement processes, which were generally the purchase of logistical materials, hardware and software, and motor vehicles.</p>

	<p>In 2014, the State Council (Consejo de Estado) suspended the use of exceptions for defence purchases, on the grounds that a presidential decree was not sufficient to authorise this process. This was upheld on appeal in January 2016. Evidence was not found that this ruling has ended the use of "confidential procurement". According to a 2014 report by ColPrensa, the judgement will not stop defence contracting, as it can continue under other criteria within the law on contracting.</p> <p>Response to reviewers: Score adjusted to 1 because the majority of defence procurement is confidential.</p>
Sources	<p>Center for Global Development, "Publish What You Buy: The Case for Routine Publication of Government Contracts", August 2012. http://www.opengovguide.com/wp-content/uploads/2013/09/1426431_file_Kenny_Publish_What_You_Buy_FINAL_0.pdf</p> <p>Colombia Compra Eficiente. http://www.colombiacompra.gov.co/</p> <p>ColPrensa, "Consejo de Estado suspendió aspectos de contratación reservada en sector Defensa", El País, 21 May 2014. http://www.elpais.com.co/elpais/judicial/noticias/consejo-estado-suspendio-aspectos-contratacion-reservada-sector-defensa</p> <p>Comando General Fuerzas Militares Colombia, "Contratación - Plan de Compras." http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=502</p> <p>Decreto 1510 de 2013. http://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=53776</p> <p>Freedominfo.org, "Colombia President Signs Information Access Law", 7 March 2014. http://www.freedominfo.org/2014/03/colombia-president-signs-information-access-law/</p> <p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>Semana, "Mindefensa pierde pelea por 'superpoderes' de contratación", 29 January 2016. http://www.semana.com/nacion/articulo/consejo-de-estado-ratifica-suspension-de-potestados-especiales-del-ministerio-de-defensa/458553</p> <p>Sistema Electrónico de Contratación Pública. https://www.contratos.gov.co/consultas/inicioConsulta.do</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Not Qualified
Government Reviewer	Agree with Comments

	In general the policy of the Ministry of Defense Procurement in their manuals seek to limit use of subcontractors. This is only permitted with express permission, written under conditions of the Ministry. Consequently, all the obligations contained in integrity pacts extend to subcontractors compulsorily. The evidence is available on the website of the Ministry. In 2014 is not filed any case compel us to act on this point.
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75. Does the government formally require that the main contractor ensures subsidiaries and sub-contractors adopt anti-corruption programmes, and is there evidence that this is enforced?

Score	2
Assessor Comments	<p>The main contractor is required to sign an integrity pact. The Anti-Corruption Commitment that companies must sign to make contracts with the Defence Ministry contains clauses referring to the obligation to enforce its terms on sub-contractors and agents - i.e. not to offer bribes. It obliges companies to instruct all subcontractors and agents to follow Colombia's laws. (Self-Assessment p.192)</p> <p>Response to reviewers: Score maintained at 2 because no evidence was found that sub-contractors are required to have active anti-corruption programmes.</p>
Sources	<p>MinDefensa, "Autoevaluación de Integridad 2014", NATO Building Integrity Programme, April 2014. http://cgfm.mil.co/documents/10197/306343/4.+AUTOEVALUACION+INTEGRIDAD+OTAN+.pdf/8d064193-1d23-4fe5-940a-63b675a2dd16</p> <p>MinDefensa "Compromiso Anticorrupción". https://www.armada.mil.co/sites/default/files/compromiso_anticorrupcion.pdf</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	<p>Disagree, suggested score: 3</p> <p>In general the policy of the Ministry of Defence, including its Manual of Procurement, ensures to limit the sub-contractors. The sub-contractors are only allowed under the written express authorization and the conditions of the Ministry of Defence. It means the whole obligations, including the integrity agreements, are extended to the sub-contractors obligatorily. The evidence can be consulted from the Ministry of Defence.</p>

76. How common is it for defence acquisition decisions to be based on political influence by selling nations?

Score	2
Assessor Comments	<p>Much of Plan Colombia aid was given in-kind in the form of transfers of big-ticket equipment and the training of personnel. More than 100 helicopters were delivered, including 20 Black Hawk helicopters; at least 20 spray planes; and more than 100 boats (WOLA). However, as the level of funding has reduced in recent years, there have been fewer big-ticket items. It is likely that the acquisitions made via Plan Colombia were closely connected to the political influence of the US.</p>

	<p>US government site "export.gov" notes that "The U.S. has had a privileged relationship with Colombia in regards to military equipment acquisitions, with few competitors", and states that the US is estimated to provide about 50 percent of all imports of military equipment.</p> <p>Purchases from Israel have also been linked to political connections between the two nations. Three of the Israeli Kfir fighter jets purchased by the Air Force have crashed during training accidents. According to media reports, all of these contracts were made by either single-sourcing or by including provisions in the public tender that clearly favoured a particular company.</p> <p>Note to reviewers: Score adjusted to 2 given evidence that US heavily influences imports.</p>
Sources	<p>Export.gov, "Military Equipment A Top Export Prospect for Colombia", updated July 2013. http://export.gov/Colombia/marketresearchoncolombia/bestprospectsforu.s.companies/militaryequipment/index.asp</p> <p>Infobae. 'Colombia reforzó el armamento militar para proteger su soberanía.' http://www.infobae.com/2014/01/04/1534970-colombia-reforzo-el-armamento-militar-protoger-su-soberania</p> <p>Defensa.com. 'El Ejército de Colombia recibe blindados 8X8 Stryker M1126 en lugar de los LAV III.' Last accessed June 23, 2014. http://www.defensa.com/index.php?option=com_content&view=article&id=12226:el-ejercito-de-colombia-recibe-blindados-8x8-stryker-m1126-en-lugar-de-los-lav-iii&catid=55:latinoamerica&Itemid=163</p> <p>Vanguardia, "Contratación en el Ejército, bajo la lupa de la Contraloría", 12 August 2011. http://www.vanguardia.com/actualidad/colombia/116987-contratacion-en-el-ejercito-bajo-la-lupa-de-la-contraloria</p> <p>WOLA, "15th anniversary of Plan Colombia: Learning from its successes and failures", 1 February 2016. http://www.wola.org/files/1602_plancol/</p>
Peer Reviewer 1	Agree
Peer Reviewer 2	Agree
Government Reviewer	Agree