

**MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS**

RC

TWENTY-FIFTH MEETING OF CONSULTATION  
OF MINISTERS OF FOREIGN AFFAIRS  
March 17, 2008  
Washington, D.C.

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**REPORT OF THE OAS COMMISSION  
THAT VISITED ECUADOR AND COLOMBIA**

## **REPORT OF THE OAS COMMISSION THAT VISITED ECUADOR AND COLOMBIA**

### **I. Origin and mandate**

By a note dated March 2, 2008, the Government of Ecuador requested that a special meeting of the OAS Permanent Council be convened to consider “the incursion into Ecuador of Colombian armed forces to conduct an operation against members of the Revolutionary Armed Forces of Colombia (FARC).”

The OAS Permanent Council held that special meeting on March 4 and 5, 2008. On March 5, it adopted resolution CP/RES. 930 (1632/08), “Convocation of the Meeting of Consultation of Ministers of Foreign Affairs and Appointment of a Commission,” in which it resolved:

*“1. To reaffirm the principle that the territory of a state is inviolable and may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatsoever.*

*“2. To constitute a commission, headed by the Secretary General and composed of four ambassadors designated by him, to visit both countries, traveling to the places that the parties indicate, to submit the corresponding report to the Meeting of Consultation of Ministers of Foreign Affairs, and to propose formulas for bringing the two nations closer together.*

*“3. To convene, under the provisions of Articles 61, 62, and 63 of the Charter of the Organization of American States, a Meeting of Consultation of Ministers of Foreign Affairs, to be held on Monday, March 17, 2008, at OAS headquarters, to examine the facts and make pertinent recommendations.”*

[See Annex 1- OAS Permanent Council resolution CP/RES. 930 (1632/08.)]

Pursuant to operative paragraph 2 of that resolution, the OAS Secretary General invited the following four permanent representatives to the OAS to serve on the Commission: Ambassador Rodolfo Gil from Argentina, Ambassador Osmar Chohfi from Brazil, Ambassador Arístides Royo from Panama, y Ambassador María Zavala from Peru. In addition, the Ambassador from The Bahamas, Cornelius Smith, was part of the Commission in his capacity as Chair of the OAS Permanent Council.

The Commission departed from Washington, D.C., in the early morning of March 9 in a Brazilian Armed Force aircraft that the Government of Brazil had made available for that purpose. The Commission began its work in Ecuador, on March 9 and 10. On March 10 at night it traveled to Colombia. Then, on March 12 in the afternoon, it set out on its return journey to Washington. As established in the Permanent Council resolution, the Commission visited the places and held the meetings proposed to it by each of the governments of the states concerned.

The Commission would like to express its appreciation for the broad cooperation that the officials of both governments extended to it and for all the information provided to enable it to carry out its mandate. Likewise, it thanks the Governments of the Republic of Colombia and the Republic of Ecuador for providing the delegation with hospitality and transportation in each of the countries.

The Commission also wishes to express its appreciation to the Government of Brazil for providing a Brazilian Armed Force aircraft enabling it to travel from Washington, D.C., to the capitals of Colombia and Ecuador and thus carry out the mission entrusted to it. This made it possible for the Commission to travel to both countries in accordance with its established agenda and to return to Washington.

It should be mentioned that during the time period between the adoption of the OAS Permanent Council resolution and the start of the Commission's mission, the XX Summit of the Rio Group was held in the Dominican Republic, on March 7, 2008. At that meeting, the Heads of State discussed tensions in the region extensively. Following that discussion, they adopted a resolution supporting the work entrusted to the Commission by the OAS [See Annex 2 – Declaration of the Heads of State and Government of the Rio Group on the recent events between Ecuador and Colombia].

It bears noting that the Secretary-General of the United Nations, Ban Ki-moon, publicly expressed that organization's support for the efforts of the OAS to bring about a rapprochement between Ecuador and Colombia. In that regard, in a press release dated March 6, the United Nations Secretary-General extended his full support for the mediating efforts of the Organization of American States to address the crisis between Colombia and Ecuador and said that the resolution adopted by the OAS Permanent Council on that topic "provides (an) impartial mechanism to clarify events and offers both countries a path to resolve their differences peacefully and cooperatively." [See Annex 3 – United Nations Press Release.]

## **II. Visit to Ecuador**

Upon its arrival in the country, as set out in its agenda, the Commission met with the President of the Republic of Ecuador, Rafael Correa; members of his cabinet; and other senior government officials. [See Annex 4 – Agenda in Ecuador]. President Correa expressed his appreciation to the OAS and the Commission for the speed with which the latter had initiated its work. He explained that the incident had been resolved at the Rio Group Summit from a political point of view and that, as a result, tensions between the two governments had started to abate, even though it would be very difficult for him, from a personal point of view, to rebuild trust in his Colombian counterpart. However, he reiterated that it was essential to ascertain the truth about what had occurred with regard to all facets of the Colombian military incursion and to determine whether international humanitarian law had been complied with. In that connection, he emphasized that the Commission's work was important because it would make it possible to verify what had happened on March 1 and, on that basis, to propose mechanisms or measures to avoid its recurrence in the future.

President Correa raised a few specific concerns about the incident: (1) whether the bombing took place during a flyover of Ecuadorian territory; (2) what type of aircraft and technology was used for it; (3) how long the Colombian Air Force incursion into Ecuadorian territory lasted; (4) how the presence of Luis Edgar Devia Silva, alias “Raúl Reyes,” was detected and why he was put down in Ecuadorian territory; (5) what the condition was of the bodies of the deceased members of the FARC found in the camp; and (6) as some of those who had died had bullet wounds in the back and had been shot at close range, whether the rules of international humanitarian law were obeyed.

With regard to the operations of the Binational Border Commission between the Republic of Ecuador and the Republic of Colombia (COMBIFRON), President Correa expressed his strong desire to see that body reactivated and strengthened so that diverse border security matters could be resolved in that context.<sup>1</sup> Lastly, a video was shown depicting the state of the FARC camp when the Ecuadorian officials and armed force officers arrived. [See Annex 6 – List of documents received by the Commission].

After a luncheon hosted by the Minister of Foreign Affairs of Ecuador, María Isabel Salvador, the Commission held a working meeting at which the following presentations were made:

- General information on the border area, operations against irregular groups carried out by the Armed Forces of Ecuador, prior incursions by the Colombian Armed Forces into Ecuadorian territory: presentation by the Minister of National Defense, Mr. Wellington Sandoval
- Military technical report on the bombing site giving detailed information on the locations hit by bombs and the type of bombs used: presentation by Air Force pilot Major Santiago Galarza and Air Force Technical Captain Eduardo Narváz
- Activities conducted by the Departments of Criminology and Forensic Medicine of the Ecuadorian National Police with regard to the incident in the province of Sucumbíos-Angostura sector: presentation by Lieutenant Colonel Milton Zárate of the National Police’s Criminology Department
- Legal analysis of the consequences of the Colombian incursion into Ecuadorian territory: presentation by Minister of Foreign Affairs, Trade, and Integration (acting) – José Valencia

Documents, which may be found in the annexes, were presented on all of these topics. [See Annex 6 – List of documents received by the Commission].

The Commission visited the Military Hospital where the three injured women—two of them Colombian and the other Mexican—who had survived the attack on the camp were hospitalized, and questioned two of them. The young Mexican woman, Lucía Andrea Morett, was still in a state of shock and her version was very confused. The

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<sup>1</sup> COMBIFRON was established on November 21, 1996, by the Ministers of National Defense of Ecuador and Colombia. It “coordinates, evaluates, and supervises compliance with military and police-related border security commitments signed by both countries, and proposes mechanisms for helping to solve problems in this area in a timely fashion and to strengthen relations between these institutions.” Statute of COMBIFRON.

Colombian, Marta, relived with great clarity the explosions that awakened her in the middle of the night, the moment at which she realized she was injured, the noise and the moaning that she heard over a period of several hours, the arrival of the helicopters and soldiers, her encounter with them when they asked her about Reyes, the shooting and screaming, and the announcements that Reyes had been found. Later she heard that they had found a computer. The soldiers came to her assistance. First they told her that they would take her away and they put her on a stretcher, and later she felt that they had gone away. Then she waited for several hours, with the Mexican woman close by, until the Ecuadorian personnel arrived.

At the end of the day on March 9, the Commission also met with Ecuadorian civil society representatives, with the participation of the Minister for Policy Coordination, Ricardo Patiño.

On March 10, the Commission took an Ecuadorian Air Force (FAE) aircraft to go to Lago Agrio (Nueva Loja) in the province of Sucumbíos. From there it traveled by helicopter to the scene of the events located in the Angostura sector, 1,800 meters from the Colombian border. The Commission members went through the camp with Ecuadorian officials, who showed them the craters produced by the impact of the bombs dropped by Colombian aircraft, the trees with bullet marks, the locations of the *Direct TV* antennas, the different areas used by the FARC members (kitchen, sleeping areas, a schoolroom, power generators, a mess area, a corral, and dug-out pools for bathing), and the area where the bodies and injured victims were found. The camp is located in a remote forest zone, with very tall trees, dense vegetation, and no inhabited areas in the vicinity. According to the Minister of Defense of Ecuador, Wellington Sandoval, the camp was two to three months old. It accommodated some 20 to 30 people and received people who came from outside. AK-47 and M-16 rifles and one machine gun were found there.

Before leaving the country, the Secretary General and some Commission members held a meeting with the Ecuadorian chapter of the Colombia-Ecuador Dialogue Group, sponsored by the Carter Center with support from UNDP.

The Commission also held a press conference for national and international media to inform them of the activities carried out during its stay in the country. That very night, the Commission traveled to Bogotá.

### **III. Visit to Colombia**

On March 11, the Commission, in keeping with its agreed agenda [See Annex 5 – Agenda in Colombia] held a working meeting with officials from the Ministry of Defense and the Colombian Armed Forces in the Military Transport Air Command (CATAM). At that meeting, presentations were made on the location of radars, communications between Colombia and Ecuador at the foreign ministry level and COMBIFRON, and the description of Operation Phoenix (*Operación Fénix*), which are contained in this

document, and other information, which may be found in the respective annex. [See Annex 6 – List of documents received by the Commission].

Following the presentations, the Commission departed for Puerto Asís in the Department of Putumayo in a Colombian Air Force aircraft. There the Commission held a brief meeting with the Government of the Department of Putumayo, with three demobilized FARC members and a local Teteyé leader. Later on, the Commission conducted flew by helicopter over the border zone with Ecuador. During the flight, the Colombian officials indicated the location in Colombian territory from which, according to Colombian officials, the bombing had taken place. Later the aircraft landed in an area where illicit coca crops are eradicated by hand.

The Commission then went to Puerto Ospina, located on the Colombian bank of the Putumayo River, the natural border between the two countries, where it held a working meeting on board the river patrol boat ARC “Pastrana” with the Colombian Government delegation and some of that vessel’s officers, who reported on the border river patrol’s activities. Upon its return to the Department of Putumayo, it met with the Minister of Foreign Affairs of the Republic of Colombia, Fernando Araujo.

On March 12, the Commission had a working breakfast with the President of the Republic of Colombia, Álvaro Uribe Vélez, which was attended by cabinet members and military officers. President Álvaro Uribe thanked the Commission for its presence and drew attention to the support the OAS extends to the peace process in Colombia through the MAPP. He recalled that the Colombian Constitution assigned two main responsibilities to the President of the Republic: (1) the conduct of international relations; and (2) leadership of the Armed Forces of Colombia in order to guarantee citizen security. He pointed out that respect for territorial sovereignty must be tied to respect for citizen security. He expressed the need to move beyond political agreements that are necessary to ease tension between the two countries, by identifying concrete mechanisms that ensure that existing bilateral and cooperation agreements are complied with.

Following the meeting with President Uribe, the OAS Secretary General and some Commission members held a brief meeting with members of INTERPOL who had come to Colombia at the request of that country’s government to conduct an expert examination of three computers, three USBs (portable memory), and three hard disks, which, according to the Colombian officials, had been found in the FARC camp. The INTERPOL delegates, accompanied by officials from the Administrative Security Department (DAS), informed the Commission that the results of their investigation would be ready in late April.

The Secretary General and some Commission members met with the Colombian chapter of the Colombia-Ecuador Dialogue Group, sponsored by the Carter Center with support from UNDP. Lastly, the Commission held a press conference for national and international media to inform them of the activities it carried out during its stay in the country. That same afternoon, the Commission began its return journey to Washington.

#### **IV. Versions of the facts**

At 00:25 hours on Saturday, March 1, 2008, Colombian planes bombed a FARC camp located at Angostura, in the province of Sucumbíos, on Ecuadorian territory, 1,800 meters from the frontier with Colombia, which borders on the Department of Putumayo.

The Government of Colombia indicates that the operation was initially planned to take place in Colombian territory because, according to intelligence information, Raúl Reyes was going to be at that camp that night. At 22:30 hours on Friday, February 29, they received human intelligence information to the effect that Raúl Reyes was at a camp located in Ecuadorian territory. For that reason they decided to carry out a dual operation on both of the identified camps. The two operations were carried out using different planes. During its flight over the area, the Commission was shown the location of the camp on Colombian territory and a map showing where the bombs were released [See Annex 6 – List of documents received by the Commission].

The Government of Ecuador expresses doubts about the –in its view—very short period of time in which the Colombian authorities decided to carry out the operation and regards it as unlikely that it was done on the basis of human intelligence data because of the precision of the bombing. The Government of Ecuador also states that, according to the investigation carried out by its Air Force technical staff, six 500-pound GBU12 bombs were dropped by planes flying from South to North and four more were dropped by planes flying in a North-South direction, from Ecuadorian air space. It also points out that, judging by the remains of the bombs found at the camp, their delivery required advanced technology, which, they say, the Colombian Air Force does not possess.

For its part, the Colombian Government maintains that 10 bombs were dropped, which it classified as conventional. It also specifies that they were delivered from Colombian air space by five Super Tuscan aircraft and three A37 airplanes. The A37s dropped GPS-guided bombs, while the five Super Tuscan aircraft had sufficient technological capacity to drop bombs on targets with a 5-meter margin of error. The Government of Colombia adds that, technically, it is possible to verify the flight and delivery of the bombs in the information stored in radars located in Colombian territory and in the aircraft computers. When the Air Force operation was over, Colombian military and police flew into Ecuadorian territory in helicopters in order to recover the body of “Raúl Reyes,” which was the objective of what was called Operation Phoenix. According to what the Government of Colombia went on to say, when they were landing on Ecuadorian territory, the Colombian military clashed with some members of the FARC who had not been killed by the bombs. Having identified the body of “Raúl Reyes,” they proceeded to take it to Colombian territory together with the body of a person who, it was presumed, could be Guillermo Enrique Torres, alias “Julián Conrado,” an assumption that was subsequently discarded. They also transferred the body of one Colombian soldier killed in the operation. Hours later, the Colombian military together with personnel from the Public Prosecutor’s Office examined the material found in the camp and the state of the people found there.

According to information provided by the military authorities in Ecuador on March 1 at 06:15., the Colombian military authorities informed them that, on that same day, at 00:30 there had been a clash between the Colombian Armed Forces and a Colombian irregular armed group in its territory. Along those lines, President Correa said that he had received President Uribe's first call informing him that this clash had taken place and that it had begun in Colombian territory and had been continued in Ecuadorian territory, in a what was called a "hot" pursuit, resulting in the deaths of 17 irregular forces, the wounding or capture of 11, and the death of one Colombian soldier. The Commander of the Fourth "Amazonas" Jungle Division, having received the information from the Colombian side, ordered Jungle Brigade No. 19 Napo to go to that location. Because the initially provided coordinates were incorrect, that Brigade took longer than expected to arrive, which it did, finally, at 13:00 hours on that day. That was when the first Ecuadorian military contingent arrived. It was followed at 17:40 hours by the Ecuadorian Public Prosecutor from Lago Agrio, who on March 3 and 4, ascertained the existence of 22 bodies, some wearing only underwear --, three wounded women, and a number of rifles. If the two bodies found by the Colombian Army were added in, the total would be 24 victims. Added to this is the body buried near the camp found on March 7 in a state of decomposition, which, according to the forensic information available, has most likely been a victim of the bombing a few days earlier. [See Annex 6 – List of documents received by the Commission].

The preliminary study by the National Police of Ecuador found that there were three sets of causes of death:

- “1. From the blast of the explosions.*
- 2. Mixed cause of death due to the blast and to penetration (with entry and exit orifices) of bullets shot from firearms.*
- 3. Penetration (with entry and exit orifices) of bullets shot from firearms.”*

The different communications exchanged by both parties between their government and their military officers on these facts are to be found in the documents delivered to the Commission and in the press releases issued by the two countries. [See Annex 6 – List of documents received by the Commission].

## **V. Inviolability of the territory**

The Ecuadorian Government has asserted that Colombian troops entered Ecuadorian territory without its authorization. The Colombian Government acknowledges that fact.

This incursion of military forces of one State into the territory of another, without authorization, violates the principle established in Article 21 of the OAS Charter. Article 21 states:

*“The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly*

*or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.”*

This principle is one of the cornerstones of the international legal order and, in particular, the inter-American legal system, and a principle that from has always been indisputably linked to the principle of peaceful settlement of controversies between States and cooperation to safeguard peace, security, and development.

Already in 1888, when the Secretary of State of the United States of America, invoking the authorization granted by the Senate, issued invitations to the First International Conference of American States, held in Washington, D.C. from 1889 to 1890, which later gave rise to the Pan American Union, the origin of the OAS, he said that one of the purposes of that Conference was to consider:

*“First. Measures that shall tend to preserve the peace and promote the prosperity of the several American States.”*

...

*“Seventh. An agreement upon and recommendation for adoption to their respective Governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such Nations may be peaceably settled and wars prevented.”*

Thus, on April 18, 1890, the Conference adopted a resolution on the “Right of Conquest” condemning wars of conquest and affirming that the insecurity of national territory would lead fatally to the ruinous system of armed peace.

From then on, the principles of territorial inviolability and peaceful settlement of disputes among American States have been the cementing factors that have enabled States in the Americas to preserve peace in their relations with one another like no other region in the world.

To cite only one example prior to the OAS Charter, one can mention the “Convention on Rights and Duties of States,” adopted at the Seventh International Conference of American States (Montevideo, 1933). Among other principles, this Convention establishes that:

*“Article 8 – No state has the right to intervene in the internal or external affairs of another.*

*“Article 10 – The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.*

*“Article 11 – The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the*

*employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.”*

These principles were reaffirmed in 1948 when the OAS Charter was drafted. As in Chapter V of the OAS Charter, numerous conventions before and after that Charter referred to the obligation to peaceably resolve differences between States and that has been the path chosen by our States.

There are also numerous agreements reaffirming the importance of cooperation in respecting each State’s internal legal order. To take just two recent examples, let us recall:

a. Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (1997, especially its Articles III (Sovereignty), XIII (Exchange of Information), XIV (Cooperation), and XV (Exchange of experience and training), XVI (Technical Assistance), and XVII (Mutual Legal Assistance).

b. Inter-American Convention against Terrorism (2002), especially its Articles 7 (Cooperation on Border Controls), 8 (Cooperation among Law Enforcement Authorities), and 9 (Mutual Legal Assistance).

Finally, it is worth pointing out that Article 2.c. of the OAS Charter proclaims as one of the Organization’s essential purposes “[t]o prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States.”

As for universal instruments, the Charter of the United Nations cites among the principles governing its member states that of sovereign equality among them and the need to settle their disputes by peaceful means, as well as to refrain from the threat or use of force against the territorial integrity of any state. These principles were then developed in the “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations” (Resolution 2625 of the United Nations General Assembly in 1970), particularly in reference to the principle of the sovereign equality of states, pointing out that “the territorial integrity and political independence of the State are inviolable.”

The United Nations Convention against Transnational Organized Crime (Palermo Convention) establishes, in its Article 4, that:

*“1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.*

*“2. Nothing in this Convention entitles a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.”*

## **VI. Conclusions**

On the morning of Saturday, March 1, 2008, military forces and police personnel of Colombia entered the territory of Ecuador, in the province of Sucumbíos, without the express consent of the Government of Ecuador to carry out an operation against members of an irregular group of the Revolutionary Armed Forces of Colombia who were clandestinely encamped on the Ecuadorian side of the border.

That act constitutes a violation of the sovereignty and territorial integrity of Ecuador and of principles of international law, as indicated in the Declaration of the Heads of State and Government of the Rio Group on this matter and in resolution CP/RES. 930 (1632/08), “Convocation of the Meeting of Consultation of Ministers of Foreign Affairs and Appointment of a Commission.”

At the XX Summit of the Rio Group, President Álvaro Uribe pledged, on behalf of his country, that these events would not be repeated in the future under any circumstances, in compliance with Articles 19 and 21 of the OAS Charter.

Accordingly and taking into account the information that this Commission received from the two governments during its visit, the Commission has reached the following conclusions:

1. The ties of trust between the Governments of Colombia and Ecuador have been seriously damaged.
2. The Ecuadorian and Colombian versions of the manner in which the incursion took place are contradictory.
3. The situation in the border area between Ecuador and Colombia is complex and difficult in terms of geographical aspects, territorial control, communications, and the economic and social situation, among other factors.

## **VII. Recommendations**

Operative paragraph 2 of resolution CP/RES. 930 established that the Commission headed by the OAS Secretary General should visit both countries, traveling to the places that the parties indicate, submit the corresponding report to the Meeting of Consultation of Ministers of Foreign Affairs, and propose formulas for bringing the two nations closer together.

Accordingly, chapters II and III of this report provide a detailed report on those visits. On the basis of the aforementioned conclusions, the Commission suggests or proposes the following recommendations:

1. The restoration of diplomatic relations between Colombia and Ecuador and reactivation of existing political consultation mechanisms.
2. The formation of an OAS mission for follow-up on and verification of commitments assumed and agreements reached by the two countries for cooperation on border issues and other matters of common interest.
3. The strengthening of border mechanisms for dialogue and cooperation, and study of a possible bilateral early-warning system.
4. The development, with the support of international organizations and entities like the IDB, the CAF (ADC), and the UNDP, among others, of border area cooperation and integration programs, including environmental projects.
5. The provision of incentives to dialogue among civil society organizations in the two countries.
6. The strengthening of relations among business organizations of the two countries, to identify ways to increase bilateral trade, including border-area trade.

In this context, the Commission deems it especially important to develop confidence-building measures between the two countries by means of periodic consultations and meetings among officials responsible for border control and security.

## **ANNEXES**

### **Annex 1 – OAS Permanent Council resolution**

### **Annex 2 – Declaration of the Heads of State and Government of the Rio Group on the recent events between Ecuador and Colombia**

### **Annex 3 - Press Release by the United Nations Secretary-General**

### **Annex 4 – Agenda in Ecuador**

### **Annex 5 – Agenda in Colombia**

### **Annex 6- List of documents provided to the OAS Commission by the officials of both countries solely for the preparation of this report**



**ANNEX 1 – RESOLUTION OF THE OAS PERMANENT COUNCIL**

PERMANENT COUNCIL



OEA/Ser.G  
CP/RES.930 (1632/08)  
5 March 2008  
Original: Spanish

CP/RES. 930 (1632/08)

**CONVOCATION OF THE MEETING OF CONSULTATION OF MINISTERS  
OF FOREIGN AFFAIRS AND APPOINTMENT OF A COMMISSION**

(Approved at its meeting of March 5, 2008)

THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

TAKING INTO ACCOUNT:

That the Organization of American States (OAS) is fully competent to take cognizance of deeds and events that jeopardize hemispheric peace and security;

That the purposes of the Organization of American States include respect for the personality, sovereignty, and independence of states and the faithful fulfillment of obligations derived from treaties and other sources of international law;

That Article 15 of the Charter of the Organization of American States establishes that “[t]he right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State”;

That Article 19 of the Charter prescribes that “No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements”;

That Article 21 of the Charter emphasizes that “The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other

measures of force taken by another State, directly or indirectly, on any grounds whatever”;

That the Charter of the Organization of American States stipulates, in Article 28, that “Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American states”;

That the Charter of the Organization of American States reaffirms the principle that “Controversies of an international character arising between two or more American States shall be settled by peaceful procedures”; and

That “[t]o strengthen the peace and security of the continent” and “ensure the pacific settlement of disputes that may arise among the Member States” are among the essential purposes of the OAS Charter;

#### CONSIDERING:

That on the morning of Saturday, March 1, 2008, military forces and police personnel of Colombia entered the territory of Ecuador, in the province of Sucumbíos, without the express consent of the government of Ecuador to carry out an operation against members of an irregular group of the Revolutionary Armed Forces of Colombia who were clandestinely encamped on the Ecuadorian side of the border;

That that act constitutes a violation of the sovereignty and territorial integrity of Ecuador and of principles of international law;

That that act has triggered a serious crisis between those two countries, leading to the breaking off of relations between the two states and grave tension in the region;

That, pursuant to Article 84 of the Charter, one function of the OAS is to keep vigilance over the maintenance of friendly relations among the member states, using the procedures provided for in that Charter; and

That this case meets the conditions for convocation of a Meeting of Consultation of Ministers of Foreign Affairs, in light of Articles 61 ff of the OAS Charter,

#### RESOLVES

1. To reaffirm the principle that the territory of a state is inviolable and may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatsoever.

2. To constitute a commission, headed by the Secretary General and composed of four ambassadors designated by him, to visit both countries, traveling to the places that the parties indicate, to submit the corresponding report to the Meeting of

Consultation of Ministers of Foreign Affairs, and to propose formulas for bringing the two nations closer together.

3. To convene, under the provisions of Articles 61, 62, and 63 of the Charter of the Organization of American States, a Meeting of Consultation of Ministers of Foreign Affairs, to be held on Monday, March 17, 2008, at OAS headquarters, to examine the facts and make pertinent recommendations.



## **ANNEX 2**

### **DECLARATION OF THE HEADS OF STATE AND GOVERNMENT OF THE RIO GROUP ON THE RECENT EVENTS BETWEEN ECUADOR AND COLOMBIA**

(Final revised version, 4:50 p.m., March 7, 2008)

The Heads of State and Government of the Permanent Mechanism for Consultation and Policy Coordination – Río Group – meeting on the occasion of the XX Summit Meeting, in Santo Domingo, Dominican Republic, mindful of the situation prevailing between Ecuador and Colombia, have decided to issue the following Declaration:

1. The entire region views as a matter of grave concern the events that occurred on March 1, 2008, when military forces and police personnel of Colombia entered the territory of Ecuador, in the province of Sucumbíos, without the express consent of the Government of Ecuador, to carry out an operation against members of an irregular group of the Revolutionary Armed Forces of Colombia, who were clandestinely encamped on the Ecuadorian side of the border.
2. We denounce this violation of the territorial integrity of Ecuador, and we therefore reaffirm that the territory of a state is inviolable and may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds.
3. We note, with satisfaction, the full apology that President Álvaro Uribe offered to the Government and people of Colombia, for the violation on March 1, 2008, of the territory and sovereignty of this sister nation by Colombian security forces.
4. We also acknowledge the pledge by President Álvaro Uribe, on behalf of his country, that these events will not be repeated under any circumstances, in compliance with Articles 19 and 21 of the OAS Charter.
5. We note the President Rafael Correa's decision to receive the documentation offered by President Álvaro Uribe and which would have been reached the Government of Colombia after the events of March 1, so as to enable the Ecuadorian judicial officials to investigate possible violations of national law.
6. We also recall the principles, enshrined in international law, of respect for sovereignty, abstention from the threat or use of force, and noninterference in the internal affairs of other states, underscoring that Article 19 of the Charter of the Organization of American States stipulates that "[n]o State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not

only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.”

7. We reiterate our commitment to peaceful coexistence in the region, based on the fundamental precepts of international law contained in the charters of the United Nations and the Organization of American States, as well as in the essential purposes of the Río Group, in particular the peaceful settlement of disputes and its commitment to the preservation of peace and the joint search for solutions to conflicts affecting the region.
8. We reiterate our firm commitment to counter threats to the security of all states, arising from the action of irregular groups or criminal organizations, in particular those associated with drug-trafficking activities. Colombia considers these criminal organizations as terrorist.
9. We support the resolution adopted by the Permanent Council of the Organization of American States on March 5, 2008. Likewise, we express our support for the Secretary General as he carries out the responsibilities assigned to him by said resolution, namely, to head a commission that will visit both countries, traveling to the places that the parties indicate, to submit a report on its observations to the Meeting of Consultation of Ministers of Foreign Affairs, and to propose formulas for bringing the two nations closer together.
10. We urge the parties involved to keep respectful channels of communication open and to seek formulas for easing tension.
11. Taking into account the valuable tradition of the Río Group, as a fundamental mechanism for the promotion of understanding and the search for peace in our region, we express our full support for this effort at rapprochement. In that regard, we offer the Governments of Colombia and Ecuador the good offices of the Group to help bring about a satisfactory conclusion, to which end the Group's Troika will pay heed to the results of the Meeting of Consultation of Ministers of Foreign Affairs.

Santo Domingo, Dominican Republic  
March 7, 2008

### **ANNEX 3**

#### **Ban supports the OAS in the crisis between Colombia and Ecuador**

*March 6, 2008.* The United Nations Secretary-General extended his full support for the efforts of the Organization of American States to mediate the crisis between Colombia and Ecuador.

In a press release, Ban Ki-moon welcomed the leading role being played by the OAS in addressing the tensions between the two countries.

He considered that the resolution adopted in the Organization on Wednesday “provides an impartial mechanism to clarify events and offers both countries a path to resolve their differences peacefully and cooperatively.”

The resolution established that the Colombian Government had violated the sovereignty and territorial integrity of Ecuador and decided to establish a commission that would propose formulas for bringing the two parties closer together. It also convened a meeting of ministers of foreign affairs for Tuesday, March 17, in Washington.



**ANNEX 4**

**COMMISSION PROGRAM, QUITO, ECUADOR  
MARCH 9-10, 2008**

**Sunday, March 9**

- 2:00 a.m. Departure of the Secretary General and party for Quito  
Place: Entrance through the Maryland Gate or the Main Gate, 1535  
Command Drive, Andrews Air Force Base, MD 20762
- 9:15 a.m. **Arrival of the Secretary General and party in Quito**  
Place: Quito Airport
- Secretary General's party:  
OAS Secretary General, Mr. José Miguel Insulza; Chair of the  
Permanent Council, the Ambassador of The Bahamas, HE  
Cornelius A. Smith; the Ambassador of Panama, HE Arístides  
Royo; the Ambassador of Argentina, HE Rodolfo Hugo Gil; the  
Ambassador of Peru, HE María Zavala Valladares; the Ambassador  
of Brazil, HE Osmar Chohfi; the OAS Secretary for Legal Affairs,  
Mr. Jean Michel Arrighi; the OAS Director for Political Affairs, Mr.  
Víctor Rico; the OAS Director of Press and Communications, Mrs.  
Patricia Esquenazi; and Ana M. Pérez Katz, Specialist, Department  
of Sustainable Democracy and Special Missions
- Transfer to the Swissotel
- 10:00 a.m. **Meeting with the President of the Republic, H.E. Rafael Correa**  
Address: Palacio de Carondelet
- 1:00 p.m. **Luncheon with the Vice Minister of Foreign Affairs, Trade, and  
Integration, Mr. José Valencia**  
Place: Ministry of Foreign Affairs, Trade, and Integration
- 3:00 p.m. **Working meeting at the Ministry of Foreign Affairs, Trade, and  
Integration**
- Presentation by the Minister for Coordination of Internal and  
External Security, Dr. Gustavo Larrea  
Presentation by the Minister for Policy Coordination, economist  
Ricardo Patiño  
Presentation by the Vice Minister of Foreign Affairs, Trade, and  
Integration, Dr. José Valencia  
Presentation by the Minister of National Defense, Dr. Wellington  
Sandoval

Presentation by the Commander General of the National Police,  
General Bolívar Cisneros

6:00 p.m. Meeting with representatives of civil society and human rights  
NGOs

**Monday, March 10**

9:00 a.m. Departure of the OAS Commission for Lago Agrio

10:00 a.m. Transfer of the OAS Commission to the site of the Colombian  
incursion on March 1, 2008

Meeting of the OAS Commission with inhabitants of the area

1:00 p.m. Return of the OAS Commission to Lago Agrio

2:00 p.m. **Return of the OAS Commission to Quito**

3:00 p.m. **Meeting with the Colombia/Ecuador Dialogue Group of the  
UNDP-Carter Center**

Place: Swissotel

4:00 p.m. Meeting of the OAS Commission  
Place: Swissotel

5:00 p.m. **Press Conference**  
Place: Swissotel

8:00 p.m. Departure of the Secretary General and party to Bogotá, Colombia  
Place: Quito Airport

9:10 p.m. Arrival of the Secretary General and party in Bogotá

ANNEX 5

REPUBLIC OF COLOMBIA  
MINISTRY OF FOREIGN AFFAIRS

VISIT OF H.E. JOSÉ MIGUEL INSULZA, SECRETARY GENERAL OF THE  
ORGANIZATION OF AMERICAN STATES AND THE MEMBERS OF THE OAS  
STUDY COMMISSION

Bogotá, Colombia – March 10 to 12, 2008

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PROGRAM

**MONDAY, MARCH 10, 2008**

9:10 p.m.

Arrival of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission at the Military Transport Air Command (CATAM) air base, from Quito (Ecuador)

9:15 p.m.

Transfer of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS special commission to the GHL Hotel Capital, Avenida El Dorado No. 69A-51

**TUESDAY, MARCH 11, 2008**

7:00 a.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS special commission to the Military Transport Air Command (CATAM) air base

*Attire: Informal (casual)*

7:15 a.m.

Presentation by the National Government of Colombia to H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission. Working breakfast.

- I. Control over Colombian territory by the Military Forces – Democratic Security Policy, by the Vice Minister for Political and International Affairs, Dr. Sergio Jaramillo Caro
- II. File of alias “Raúl Reyes,” member of the FARC Secretariat, by the Ministry of National Defense
- III. Use of Ecuadorian territory as a base for permanent FARC operations against the Colombian people, by the Ministry of National Defense
- IV. Evidence of FARC camps in Ecuadorian territory, by the National Police
- V. Ties between the FARC and drug trafficking in Ecuador, by the National Police
- VI. Preventive communications by the Colombian Government to the Government of Ecuador and COMBIFRON, by the Ministry of Foreign Affairs and the Ministry of National Defense

9:30 a.m.

Departure by air of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the town of Puerto Asís, department of Putumayo

11:30 a.m.

Arrival of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission in the town of Puerto Asís, department of Putumayo

12:00 noon

Transport by helicopter of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission, and flyover of the operations area in Colombian territory and the border zone

12:45 p.m.

Visit by H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the illicit crop eradication zone

2:15 p.m.

Working lunch on board the river support patrol boat ARC "Pastrana" on the Putumayo River

3:30 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the town of Puerto Asís, department of Putumayo

4:00 p.m.

Departure by air of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the city of Bogotá

6:00 p.m.

Arrival of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission at the Military Transport Air Command (CATAM) air base in Bogotá

6:15 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the GHL Hotel Capital, Avenida El Dorado No. 69A-51

7:45 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the Palacio de San Carlos, headquarters of the Ministry of Foreign Affairs

8:00 p.m.

Dinner hosted by Dr. Fernando Araújo Perdomo, Minister of Foreign Affairs of Colombia, in honor of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission. Place: Nueva Granada Room, Palacio de San Carlos.

*Attire: Dark suits*

10:00 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to their lodgings

**WEDNESDAY, MARCH 12, 2008**

7:00 a.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the Casa de Nariño, Office of the President of the Republic

*Attire: Dark suits*

7:30 a.m.

Breakfast hosted by the President of the Republic of Colombia, Dr. Álvaro Uribe Vélez, in honor of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission

8:45 a.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the Palacio de San Carlos, Indalecio Liévano Room

9:00 to 10:00 a.m.

Meeting of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission with Mr. Ronald K. Noble, Secretary General of the International Police (INTERPOL). Presentation by Dr. Pilar Hurtado, Director of DAS.

10:00 to 10:45 a.m.

Meeting of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission with the UNDP/CARTER Foundation

10:45 a.m.

Press conference of the OAS Study Commission in the press room of the Ministry of Foreign Affairs, Palacio de San Carlos

12:30 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to the Military Transport Air Command (CATAM) air base

1:00 p.m.

Departure of H.E. **JOSÉ MIGUEL INSULZA**, Secretary General of the Organization of American States and the members of the OAS Study Commission to Washington, D.C., United States of America

**END OF PROGRAM**

### **Study Commission**

1. H.E. José Miguel Insulza, OAS Secretary General
2. Mr. Víctor Rico, Director of the Department of Sustainable Democracy and Special Missions
3. Mr. Jean Michel Arrighi, Director of the OAS Department of International Legal Affairs
4. Mrs. Patricia Esquenazi , OAS Chief of Press
5. Mrs. Ana Perez Katz, Assistant to the OAS Secretary General
6. Mr. Cornelius Smith, Permanent Representative of The Bahamas, Chair of the Permanent Council
7. Mr. Arístides Royo, Chair of the meeting, Ambassador, Permanent Representative of Panama
8. Mr. Rodolfo Hugo Gil, Ambassador of Argentina to the OEA
9. Mr. Osmar Chohfi, Ambassador of Brazil to the OAS
10. Mrs. María Zabala Valladares, Ambassador of Peru to the OAS
11. Mr. Sergio Caramagna, Head of the OAS Mission to Support the Peace Process in Colombia

### **Delegation of the Government of Colombia**

1. Mr. Camilo Ospina Bernal, Ambassador, Permanent Representative to the OAS
2. Mr. Luis Carlos Restrepo, High Commissioner for Peace
3. Mr. Jorge Mario Eastman, Presidential Adviser for Communications
4. Mrs. Liliana Pulido Villamil, Adviser, Office of the Vice Minister of Multilateral Affairs
5. Mr. César Felipe González, Minister Plenipotentiary, Ministry of Foreign Affairs

### **Support personnel:**

- Paolo Tufano, interpreter for Mr. Cornelius Smith, Permanent Representative of The Bahamas, Chair of the Permanent Council
- Patricia Cepeda, OAS interpreter
- Pedro Tibocho, Videographer, Office of the President of the Republic of Colombia
- Juan Felipe Barriga, Photographer, Office of the President of the Republic de Colombia

## **ANNEX 6**

### **List of documents provided to the OAS Commission by the officials of both countries solely for the preparation of this report**

#### **Documents provided by the Ecuadorian officials**

- Ministry of Foreign Affairs – Visit by the OAS Commission to Ecuador – Quito, Ecuador – March 9 and 10, 2008
- Armed Forces of Ecuador – Military Technical Report of the Bombing Site
- National Police of Ecuador – National Office of Judicial Police and Investigations – Activities conducted by the Departments of Criminology and Forensic Medicine of the National Police - Case: “Incident in the Province of Sucumbíos – Angostura sector” – March 2008
- Ministry for Coordination of Internal/External Security – Ecuador Plan
- Ministry of Foreign Affairs – Functioning of COMBIFRON
- CD of the Ministry of Foreign Affairs, Trade, and Integration, with presentations by Ecuador on the events of March 1, 2008, in the Angostura sector, province of Sucumbíos – Quito, March 9, 2008
- Ministry of Defense video – Operation Phoenix (*Operación Fénix*)
- Ministry of Defense video – Guerrilla Base in Angostura
- Video of the Ecuadorian delegation’s visit to the bombing site
- Video of the conflict with Colombia

#### **Documents provided by the Colombian officials**

- Information for the OAS Commission from the Government of Colombia
- CD with PowerPoint presentations of the documentation provided to the OAS Commission
- Report on the Case of Devia Silva, Luis Edgar – Alias Raúl Reyes – Target Terrorism – Administrative Security Department – INTERPOL Branch – Target Terrorism – March 12, 2008
- Map of the area of the incident provided by the Colombian Armed Forces [PENDING]