

**UNDERSTANDING THE DETERIORATION IN US-COLOMBIAN RELATIONS, 1995-  
1997. CONFLICT AND COOPERATION IN THE WAR AGAINST DRUGS**

**BY**

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**INTRODUCTION**

Colombia, unlike the majority of its Latin American and Caribbean neighbours, had a remarkable record of friendly relations with the United States throughout most of the twentieth century. However, this situation changed in 1995 when the U.S. downgraded Colombia's previous status of alliance in the war against illegal drugs by granting it a conditional certification (national interest waiver) on its performance in drug control.<sup>1</sup> The drug certification is the annual process by which the U.S. evaluates other countries' accomplishments in drug control making foreign aid conditional to their degree of cooperation. It also involves economic sanctions when cooperation is deemed unsatisfactory. In 1996 and 1997 Bill Clinton's administration decertified Colombia completely. The media reported Colombia's 'Cuba-nisation' in Washington as U.S. policy makers became obsessed with isolating the Colombian president, Ernesto Samper.<sup>2</sup> Colombia was officially branded as a 'threat to democracy' and to the U.S.<sup>3</sup>

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<sup>1</sup> See chapter 3 for detailed explanation of certification.

<sup>2</sup> Expression used by journalist Henry Raymond in Washington and quoted in *El Tiempo*, November 6, 1996, p. 11A.

<sup>3</sup> U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs (INL), *International Narcotics Control Strategy Report (INCSR) 1997*, Washington D.C., March 1997. p. xli.

Colombia and the U.S. quarrelled so severely that they perceived each other as enemies. 'Never before, had relations between the U.S. and Colombia been so tense', claimed Myles Frechette, the U.S. Ambassador to Colombia.<sup>4</sup> Meanwhile, amidst exacerbated anti-Americanism, Colombian policy makers regretted this new and adversarial state of affairs:

Colombia and the United States have maintained a traditional friendship and been resolute allies in the great battle for peace... We do not feel indebted in matters of collaboration with the great power and that is why we are surprised by the change of policy towards Colombia and the hostility shown towards a nation that has proven its friendship.<sup>5</sup>

Drugtrafficking in the Western Hemisphere had become a major security issue in the 1990s and strained relations between the U.S. and those countries categorised as transit or source areas. The Andean region in South America produced 95% of the cocaine flowing into the U.S.; drug cartels became powerful transnational criminal organisations; and the U.S. made approximately 1.14 million arrests per year for drug violations as it still had 1.5 million regular users of cocaine, 9.8 of marijuana and 600 thousand heroine addicts.<sup>6</sup> The U.S. anti-narcotic bureaucracy believed that disrupting insidious drug cartels and fumigating illicit crops diminished the availability of drugs on their streets by raising its price or preventing its production. On the other hand, Latin American countries called for greater control of drug demand in the U.S. They were concerned with the social and economic effects of highly punitive policies in their countries and rejected U.S.'s excessive interference.

However, despite constant disagreements, no Latin American country had ever been decertified by the U.S., except for Panama in 1988 and 1989 before Operation Just Cause --the invasion that aimed at abducting General Manuel Antonio Noriega, the Panamanian leader involved in drugtrafficking. Otherwise, decertification was a politically humiliating category usually assigned to pariah countries outside the hemisphere such as Afghanistan, Burma, Iran, Syria and Laos. This made Colombia's decertification in 1996 and 1997 an uncommon and highly

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<sup>4</sup> El Tiempo, November 7, 1997, p. 10A.

<sup>5</sup> This declaration was signed by 9 Colombian Ambassadors. 'Embajadores en Europea rechazan decertificación', in El Tiempo, March 7, 1996, p. 6A.

inflammatory step. Moreover, the deep deterioration of the U.S.-Colombian relationship between 1995 and 1997 was particularly striking because both countries had a reasonably good record of counternarcotic cooperation. This was characterised by joint operations, the establishment of institutions within the prohibitionist framework, and the concentration on supply-side policies. The U.S.-Colombian counternarcotic cooperation went back as far as the 1960s, when Colombia began producing marijuana. Later on, Colombia switched to producing cocaine, the illegal drug industry grew and bilateral cooperation increased accordingly to the new challenges. Colombia became the showcase of the U.S. Andean Strategy and was considered to be 'the most dedicated of the Andean countries.'<sup>7</sup>

In addition to the the disputes with the U.S. during the mid-1990s, Colombia's experienced the strongest domestic crisis in decades. For the first time, a Colombian president, Ernesto Samper, faced a two-round trial in Congress after being accused of receiving funds from the Cali drug cartel during his presidential campaign in 1994. This was a challenge posed to the President, hence the Executive branch --sacred symbols of democracy and stability in Colombia which had otherwise remained free from serious threats. Overall, there was a sense of instability at both the national and international levels.

This thesis focuses specifically on the U.S.-Colombian relationship from 1995 to 1997. The aim is to determine how and why the relationship deteriorated so severely and also the way in which the domestic Colombian crisis related to this development. The most common explanation contends that a lack of cooperation caused and exacerbated the disputes between both countries. Academics and politicians have turned to this argument for different reasons. U.S. policy makers claim that Colombia was un-cooperative as it refused to arrest Cali cartel members in 1993 and that this led to the clash. On the other hand Colombian policy makers say that the temporary

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<sup>6</sup> U.S. Department of State, INL, INCSR 1997, pp. xiv, xxx , xli; The White House, The National Drug Control Strategy (NDCS) 1997 (Washington: GPO, 1997), pp. 10-11, 18.

<sup>7</sup> U.S. General Accounting Office (GAO), Drug War. Observations on Counternarcotics Aid to Colombia (Washington D.C.: GAO, 1991), p. 15.

suspension in 1994 of legal evidence-exchange regarding drug-related cases was clear proof of U.S.'s. lack of cooperation. Juan Tokatlian, academic specialist on the topic, argued that the U.S., 'motivated only by its own desires and based on individual needs and with the purpose of maximising self-realisation --more a sign of arrogance and clumsiness than a sign of firm and fecund leadership', *deliberately* shifted its attitude towards Colombia from 1992 onwards, generating friction and serious antagonism.<sup>8</sup> Analyses of the 1995-1997 period erroneously ignored the actual continuity of counternarcotic cooperation at the same time that diplomatic confrontation was taking place.<sup>9</sup> The reduction of the meaning of 'counternarcotic cooperation' into specific short-term actions and the manipulated interpretations of the concept prevented a sound analysis and contaminated political discussions.

This thesis illustrates that a prolonged or generalised breach of cooperation did not occur either before or during the rise and worsening of U.S.-Colombian diplomatic disputes. From 1992 to 1998, Colombia and the U.S. dismantled the Cali and Medellin cartels, two of the most powerful drugtrafficking organisations that operated since the early 1980s. The U.S. disbursed more than \$10 billion per year for demand and supply control during that period and it established a preferential trade agreement, still in force, with Andean countries to compensate some of the negative economic consequences of drug control.<sup>10</sup> Colombia finally created stricter legislation resembling laws in the U.S. In addition, regular bilateral mechanisms of evaluation and consultation progressively formed and improved over that period. In reality, the 1990s constitute a peak of international prohibitionism in the Western hemisphere. However, as it will be seen in chapter 2, despite active cooperation, difficulties in implementing anti-drug policies emerged resulting in a profound disillusionment, giving the impression that cooperation was non-existent and providing a fertile ground for recriminations.

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<sup>8</sup> Juan Tokatlian, Drogas, dilemas y dogmas. Estados Unidos y la narcocriminalidad organizada en Colombia (Bogotá: Tercer Mundo Editores-CEI, 1995), p. 22.

<sup>9</sup> See mainly the compilation of articles in Francisco Leal Buitrago (ed.), Tras las huellas de la crisis política, (Bogotá: TME-FESCOL-IEPRI, 1996).

Another explanation of U.S.-Colombian disputes refers to U.S.'s 'securitisation' of illegal drugs (i.e. understanding drugs as a national security concern) and the resulting militarisation of the whole Andean region. This argument has been most favoured by authors such as Bruce Bagley, Juan Tokatlian, Donald Mabry and William O. Walker III.<sup>11</sup> Similarly, it has been adopted by some Colombian authors who suggest that the U.S. deliberately replaced Communism with illegal drugs forcing Colombia to implement policies that eventually caused its domestic crisis in 1995. Following this rationale Francisco Leal Buitrago claims that 'it became necessary [for the U.S.] to invent new enemies and magnify the existent ones, in order to maintain and justify many of the interests created by a long-standing international situation that was now transforming.' Therefore 'drugtrafficking [...]came to occupy a privileged place as a threat to the security of that nation who became the military centre of the world.'<sup>12</sup> Surely, the fact that illegal drugs were seen as a threat to U.S. national security in the mid-1980s turned them into a sensitive issue of U.S. foreign policy towards Colombia and other countries. However, this explanation does not account for the more recent changes in U.S. drug policy during the 1990s.

Therefore, one of the main arguments of this thesis is that the major alteration in U.S.-Colombian relations was the shift from framing illegal drugs in terms of security to framing it in terms of democracy, law enforcement and corruption. Policy makers from the prohibitionist bureaucracy in the U.S. brought their own perceptions, prejudices and pre-conceived ideas on open-ended concepts such as *drugs* and *cooperation* into the U.S.-Colombian relationship. The emphasis in drug policies shifted towards drug cartels and their host countries, who were seen as direct challenges to the hemisphere's democracy. This placed Colombia in the locus of attention; her image changed and it was no longer addressed as the oldest and most stable democracy in Latin American, but as a pariah state taken over by drug dealers. As this thesis will show, by the mid-

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<sup>10</sup> Raphael Perl, 'U.S.- Andean Drug Policy', in Bruce M. Bagley and William O. Walker III, (eds.), Drugtrafficking in the Americas (Miami: University of Miami, North-South Center Press, 1996), pp 40-41; The White House, NDCS 1997, p. 63.

<sup>11</sup> Bagley and Walker III, Drugtrafficking in the Americas.

1990s, U.S. policy towards Colombia was much determined by perceptions embedded in the Bureau for International Narcotics and Law Enforcement (INL) led by the more 'hawkish' wing of Bill Clinton's administration. Policy makers that favoured a hard-line in drug control had survived and guaranteed U.S. supply-side policies thanks to the internal dynamic of the prohibitionist regime within the American establishment and to the fact that illegal drugs remained an unresolved problem.<sup>13</sup> Moreover, policy making regarding Colombia within the U.S. became vulnerable to the fluctuation of domestic politics and the Executive-Congress checks and balances. The State Department, particularly the INL, and Congress used the process of certification capriciously distorting the realities of counternarcotic cooperation in the field and conveying the image of two states in confrontation.

However, perceptions on cooperation are only part of the puzzle. The second main argument of this thesis is that the worsening of U.S.-Colombian relations after March 1995 can be attributed to the complex and perverse intertwining of Colombia's political domestic crisis and U.S.-Colombian disputes related to drug control. These two events were mutually constitutive. The annual drug certification process and the trial of president Ernesto Samper got linked, thereby nurturing the perception within the U.S. State Department that Colombia was failing to cooperate in counternarcotic operations. This explanation contrasts with those analyses closer neo-realist approaches, which have failed to acknowledge the interaction between domestic and international processes thereby attributing the clash exclusively to inter-state incompatibility of interests.

The main arguments of this thesis are developed in four chapters. The first one provides a historical review of U.S.-Colombian relations in the twentieth century; it illustrates the main features of their traditional alliance including the period when illegal drugs become an item of the bilateral agenda. The second chapter is dedicated to the institutionalisation of the war against drugs (WAD) in the early 1990s. It highlights the continuity of counternarcotic cooperation

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<sup>12</sup> Leal, *Tras las huellas*, p. 30.

despite difficulties and disagreements of its implementation. Moreover, it explains why and how anti-drug bureaucracies gained such relevance in U.S. foreign drug policy and eventually in U.S. policy towards Colombia in the mid-1990s. The third chapter demarcates a first stage in the deterioration of U.S.-Colombian relations, from the end of 1994 until March 1995, when the U.S. officially expresses its doubts about Colombia's alliance in the fight against drugtrafficking. It draws on the importance of images and perceptions as crucial factors in explaining why, this time, Colombia and the U.S. did not solve their differences in an amicable way. Finally the fourth chapter introduces the Colombian domestic crisis as the factor that explains much of the bilateral relationship from 1995 up until 1997, the year when hostilities apparently began to fade away.

The research for this thesis relied on secondary literature, official documents and open format interviews conducted in Bogotá and Washington. Especially the last two type of sources were crucial in identifying the views of policy makers. Unfortunately, this method of analysis depends greatly on inferences drawn from the sources. A way to correct possible mistakes in future investigation is to expand the number of interviews and compare, as much as possible, different versions of documents. One of the difficulties doing research on U.S.-Colombian relations *and* the drug issue was the imbalance in amount and quality of information available. For example, the drug issue has been studied extensively and it was hard to cover all the literature thoroughly; on the other hand there is a conspicuous lack of academic work on U.S.-Colombian relations in general. Information was available both in Spanish and English. All quotations in this thesis were translated from the original in Spanish when necessary. The main advantage of writing about this topic in Oxford, instead of Colombia or the U.S., where most of the primary sources of information are, is having the possibility to set oneself away from current political and academic pressures surrounding current U.S.-Colombian relations. In Colombia the line between academia

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<sup>13</sup> See Dwight B. Heath, 'US Drug Control Policy: A Cultural Perspective', and Jeeri A. Husch, 'Culture and U.S. Drug Policy: Toward a New Conceptual Framework', in *Daedalus* vol. 121, no. 3, Summer 1992

and policy making runs thin and in the U.S. polarisation is noticeable when it comes to the drug issue.

## CHAPTER I

### UNITED STATES AND COLOMBIA: A HISTORY OF ALLIANCE

This chapter provides a brief historical overview of the U.S.-Colombian relationship within the regional context, before and after illegal drugs became an issue on the bilateral agenda. Firstly, it intends to show that 'hegemony' mattered, and still does for the period, under scrutiny not just because the U.S. has always been more powerful and could make its interests prevail over Colombia's, but also because throughout history it set a special pattern of mutually accepted and expected behaviour between the countries that allowed them to get interlocked in the WAD and that facilitated U.S. enmeshment in Colombia's domestic politics. Furthermore, the 'idea' of hegemony within the region contributed to create certain images, such as the 'bad' hegemon in the case of the U.S. and the coopted nation constantly struggling for autonomy (from the U.S.) in the case of Colombia. These conceptions became relevant in the mid-1990s as they were used to guide, interpret and justify the actions of both countries.<sup>14</sup>

Secondly, the chapter highlights the fact that the U.S. and Colombia enjoyed a remarkably stable and friendly relationship for nearly eight decades, in contrast to U.S. relations with other countries in the region and in spite of disagreements including those related to the treatment of illegal drugs. This long-standing tradition of alliance makes the deterioration of the 1995-1997 period even more striking hinting also that hegemony alone is not necessarily a cause of conflict. Lastly, it suggests that the illegal drug issue *per se* is not a source of unmanageable conflict, as

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<sup>14</sup> Robert Jervis argues that many times, actors have set images or notions which they tend to use in order to fit new incoming information, hence the importance of (mis)perceptions in the understanding of international relations. Robert Jervis, Perception and Misperception in International Politics (Princeton: Princeton University Press, 1976). Other relevant and insightful analyses from the stream of cognitive and constructivist approaches for the case of U.S.-Latin American relations are Lars Schoultz, National Security and United States Policy toward Latin America (Princeton: Princeton University Press, 1987) and Eldon Kenworthy, America/Américas: Myths in the Making toward Latin America (University Park, PA: Penn State Press, 1995).

the more radical anti-prohibitionists would claim in order to explain tensions between the U.S. and Latin American countries involved in drugtrafficking.

### **1. Building the Alliance: 1900-1960s**

As of the outbreak of the Spanish-American War in 1895, the U.S. began to gain influence in Latin American and Caribbean countries, which had already become independent and were at the whole dedicated to the formation of Western-type nation-states. The U.S. did not proceed to acquire colonies (except for Puerto Rico and the Philippines). Rather, it believed it had taken upon itself the mission to 'guide' the young states towards economic liberal values and good governance; as Woodrow Wilson formulated it in a paternalistic way: 'I am going to teach the South American Republics to elect good men!'.<sup>15</sup> Furthermore, with the aid of the 1823 Monroe Doctrine and its several interpretations, the U.S. became keen on securing the region from European political and economic expansion and for its own advantage by promoting (pan)American alliance.<sup>16</sup>

Progressively, the U.S. laid out the foundations of its sphere-of-influence, defined as a region where a single 'power exerts predominant influence which limits the independence or freedom of action of political entities within it' and whose power is tacitly recognised by other external powers and by the smaller states within the region.<sup>17</sup> Patterns of behaviour that would predominate throughout the twentieth century became visible. American private enterprises spread and investment and trade increased considerably competing with the European waning presence. The U.S. displayed its military superiority by engaging in various interventions (the 'Gunboat diplomacy'), such as the Cuban affair in 1895, Theodore Roosevelt's support to Panama separatists in 1903, Wilson's landing on Veracruz in 1914 and the military occupations of Nicaragua, Haiti and the Dominican Republic. Moreover, the U.S. interfered in the domestic

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<sup>15</sup> For a post-Cold War reading of U.S. liberal democratic heritage see Tony Smith, America's Mission: the United States and the Worldwide Struggle for Democracy in the Twentieth Century (Princeton: Princeton University Press, 1994), p. 60.

<sup>16</sup> Gaddis Smith, The last Years of the Monroe Doctrine 1945-1993 (New York: Harper Collins, 1994).

processes of the region expecting to shape bureaucracies and societies in its own image and altering policies according to the interests of American individuals, corporations or the country as a whole. However, despite the 'Yankee-phobia' nourished by all types of interventions, resistance was not clear or unanimous; often, sectors of the elite welcomed U.S. 'recommendations'.<sup>18</sup> Some thought emulation would lead to prosperity and others simply made use of the U.S. to further their own interests. Latin Americans soon learned to coexist with the regional giant, whose influence was assumed and became an important aspect of U.S.-Latin American relations.

Colombia experienced the influence of the U.S. at an early stage, when the U.S. Navy prevented Colombian troops from crossing the isthmus in 1903 in order to suppress the insurrection ensuing from the Thousand Days civil war of 1899-1902. This episode ended in the dismemberment of Colombia, forming the state of Panama and assuring the century-long American tutelage of the Canal zone.<sup>19</sup> The Panama secession remained in the national collective memory promoting and justifying anti-Americanism. It has also shaped the foundations of Colombia's foreign policy up until the present day, which combines three elements, namely, resorting to international legal norms (attempting to restrain greater powers), seeking autonomy, and, in contrast to the latter, acknowledging the inevitable exercise of U.S. influence over the region.<sup>20</sup> In fact, despite the anti-hegemonic rhetoric, bandwagoning became an actual policy fostered by leaders such as Rafael Reyes and Marco Fidel Suárez. At that time this pragmatic stance was called *Respice Polum*, a dignified term to describe both compliance to hegemony and a positive emulation of a

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<sup>17</sup> See Paul Keal, *Unspoken Rules and Superpower Dominance*, (Hong Kong: MacMillan, 1983), p 15.

<sup>18</sup> The U.S. was often played out by leaders in Latin American countries who pretended to favour their demands in order to achieve their own interests. Abraham Lowenthal, *Exporting Democracy. United States and Latin America* (Baltimore: Johns Hopkins University Press, 1991), p. 264.

<sup>19</sup> Stephen Randall, *Colombia and the United States: Hegemony and Interdependence* (London: University of Georgia Press, 1992), pp. 72-106.

<sup>20</sup> The adherence to international law has become part of Colombia's identity as a member of the international community. See the first official guide to Colombian foreign policy, Ministerio de Relaciones Exteriores (MRE), *Actuar en el mundo: la política exterior colombiana frente al siglo XXI*, (Bogotá: Publicaciones Cultural, 1993). The dilemma of Colombian autonomy in foreign and national affairs can be identified in most of the writing about Colombian foreign policy, see Martha Ardila, *Cambio de norte? Momentos críticos de la política exterior colombiana* (Bogotá: TME, 1991); Gerhard Drekonja, *Retos de la*

perceived legitimate authority. After the Panama incident was settled, and in contrast to other countries in the region, Colombia did not experience U.S. military interventionism, and from the 1920s onwards, a long-standing friendship began.

After the Second World War, the U.S. extended, consolidated and institutionalised its hegemony in the entire hemisphere. The umbrella of power reached medium regional powers of South America and formal organisations, such as the Organisation of American States (OAS) and the Rio Pact, bound the hegemon and its clientele states together. There was an inevitable acceptance by clientele states of U.S. magnitude and means of power with the ensuing consensus and cooption. 'Washington could generally count on Latin American support over such major international issues as Palestine, the exclusion of China from the United Nations, the Korean war and the Cuban missile crisis.'<sup>21</sup> Colombia was part of the aforementioned processes. It welcomed Franklin D. Roosevelt's 'Good Neighbour' policy before the Second World War; actively participated in the creation of the Inter-American System; received military provisions and training from the U.S.; and became an exceptional ally in anti-Communism throughout the Cold War. It performed internationally by sending a small battalion to the Korean war and breaking off relations with Cuba and China. It is important to note that the anti-Communist alliance was supported by right-wing leaders and large land owners within Colombia, who were happy to have the hegemonic power's endorsement to discredit radical reformists in the 1940s and 1950s and fight left-wing guerrillas from the 1960s onwards.

In the 1960s, at a time when U.S. hegemonic role seemed to wane in the region, Colombia became the 'showcase' of the Alliance for Progress, which resulted from Soviet containment, a wave of New Dealers in U.S. policy making and Latin America's demand for its own Marshall Plan. The U.S. Agency for International Development (USAID) began to operate in Colombia, providing different kinds of technical cooperation. Missions of Ivy League economic expertise,

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política exterior Colombiana (Bogotá: Cerec, 1983), and Rodrigo Pardo and Juan Tokatlian, Política Exterior Colombiana. De la subordinación a la autonomía? (Bogotá: TME, 1988).

<sup>21</sup> Andrew Hurrell, 'The United States and Latin America: Neorealism Re-examined', in Ngaire Woods (ed.), Explaining International Relations Since 1945 (Oxford: Oxford University Press, 1996), p. 157.

such as Lauchlin Currie, had a great impact in the management and administrative aspects of Colombia's economy; one example being the creation of the National Planning Department. Amicable political and economic relations between the U.S. and Colombia were not really challenged by the new wave of sub-regional integration that gave birth to the Andean Pact or by *dependencia* consciousness promoted by the Economic Council for Latin America (ECLA). Colombia rejected USAID's formal contributions during Alfonso Lopez Michelsen's administration, had ephemeral disagreements with the International Monetary Fund (IMF) and joined New International Economic Order (NIEO) proposals. However, in practice, this did not alter its economic transactions with the U.S. nor the main trend in its macroeconomic policies. The political and economic development and identity of Colombia, and indeed Latin America, were shaped by a process whereby U.S. hegemony was exercised, adapted, accepted, and simultaneously opposed; although a true balancing-power block never emerged.

## **2. The Alliance and The Management of Illegal Drugs: 1960s-1970s**

By the 1960s, Colombia became a marijuana producer and in the mid-1970s it was already refining Peruvian and Bolivian coca leaf and then exporting it as cocaine. Colombia followed international anti-drug summits, as its traditional self-proclaimed obedience to international law would suggest, and this formed much of its national legislation related to drugtrafficking.<sup>22</sup> In addition to this, Colombia and the U.S. progressively developed a bilateral alliance that followed the pattern of relations established before. This meant that Colombia adopted the anti-drug rhetoric, followed many of U.S. policy suggestions to control drugs, engaged in the institutionalisation of the WAD making part of the everyday dynamics of it, whilst at the same time complained about what it saw as U.S.'s unilateral imposition of a 'foreign' war generated by American drug addicts and the ensuing curtailment of Colombian autonomy and sovereignty.<sup>23</sup>

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<sup>22</sup> Rodrigo Uprimmy, 'Jueces, narcos y políticos: la judicialización de la crisis política.', in Leal, Tras las huellas, p. 112.

<sup>23</sup> According to Rosa del Olmo, the 1970s were dominated by a medical-legal approach to drugs, followed by a political-economic model in the 1980s. These images were 'constructed' by the U.S. and then spread to the Western Hemisphere. See Rosa del Olmo, La cara oculta de las drogas, monografías jurídicas, No. 58 (Bogotá: Temis, 1988).

Despite disagreements on the supply-demand debate, the question of financial resources, the type of equipment and economic rewards (i.e. loans or trade preferences) that Colombia expected to receive, and despite Colombia's limited success to control production and traffic, the alliance concerning illegal drugs was on the whole managed amicably until the deterioration of 1995-1997.

In 1961, the same year of the United Nations Single Convention on Narcotic Drugs, Colombia and the U.S. signed an anti-drug cooperation agreement that allowed the Federal Bureau of Investigation (FBI) and anti-narcotic agents to operate in Colombia.<sup>24</sup> During the 1970s, prohibition laws were tightened in the U.S. and, contrary to what the constant references about Ronald Reagan's drug policy implied, it was presidents Richard Nixon and Jimmy Carter who first included the topic in the agenda with Colombia.<sup>25</sup> Through USAID, the U.S. began to make small donations to be used in drug control. At that time, Misael Pastrana's administration requested additional sophisticated equipment (communication systems and vessels) and training in order to undertake the type of control expected by the U.S. The U.S. agreed to Pastrana's demands conditioning aid to institutional reorganisation of drug control and law enforcement units. The result of this negotiation was a further donation of \$6 million dollars and the creation of the National Narcotics Council (*Consejo Nacional de Estupefacientes*) in 1973, which advised the government recommending policies against trafficking and consumption of illegal drugs and demanded eradication.<sup>26</sup> Moreover, in 1974 Colombia developed its first National Narcotics Regulations (*Estatuto Nacional de Estupefacientes*). According to Gustavo Arrieta and Rosa Del Olmo, these were in line with the regulative tendency set out by the U.S. and spread in the

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<sup>24</sup> Randall, *Colombia and the United States*, p. 247; see also Ethan Nadelman, *Cops across Borders: The Internationalization of U.S. Criminal Law Enforcement* (University Park, PA: Pennsylvania State University Press, 1993), Chapter 5, Appendix B and D.

<sup>25</sup> Randall, *Colombia and the United States*, p. 247. For Nixon's war against drugs see Ethan Nadlaman, *Crops Across Borders*, p. 141.

<sup>26</sup> Bruce Bagley, 'Colombia y la guerra contra las drogas', in Juan Tokatlian and Bruce Bagley, (comps.), *Economía y política del narcotráfico* (Bogotá: Ediciones Uniandes-CEI-CEREC, 1990), p. 187.

Western Hemisphere.<sup>27</sup> This case illustrates firstly, how Colombia engaged in drug-related conditional technical cooperation at an early stage, contrary to Juan Tokatlian's assertions about conditionally in the 1990s being exceptional; and secondly, it shows how the U.S. progressively guided the institutionalisation of its foreign drug policy abroad.<sup>28</sup>

Dealing with the drug issue had its problems. In the 1970s, the U.S. accused president Alfonso López of leniency in combating marijuana in the Colombian Atlantic coast; several episodes had given the impression of limited counternarcotic efforts while, in reality, simply illustrating the complexity of drug control. Drug-related corruption and inter-institutional problems within Colombia broke out. The Police accused the Colombian Department for Administration of Security (*DAS*) of being involved in trafficking and in 1978 *DAS* was relieved of its anti-narcotic duties and replaced by the Judicial Police.<sup>29</sup> In 1976 the Drug Enforcement Agency (DEA) representative in Bogotá was murdered.<sup>30</sup> Pablo Escobar, the Medellín kingpin who the U.S. eagerly wanted to prosecute in 1992, had already been incarcerated for drug offences and was soon released after bribing under-paid judges.<sup>31</sup> Furthermore, links between some politicians and drug dealing were already taking place.<sup>32</sup>

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<sup>27</sup> Carlos Gustavo Arrieta, 'La política criminal, sus planteamientos, normas, prácticas y críticas. Perspectiva socio-jurídica', in Carlos Gustavo Arrieta, et al., Narcotráfico en Colombia: dimensiones políticas, económicas, jurídicas e internacionales (Bogotá: TME-Ediciones Uniandes, 2nd edition, 1991), p. 114.

<sup>28</sup> Juan Tokatlian, 'El nuevo garrote de Estados Unidos' in El Tiempo, February 23, p. 7A. Conditionality in aid, technical cooperation and foreign investment is a new practice or restricted one to U.S-Colombian relations. For cases where Colombia encountered conditionality when receiving state promoted technical cooperation from richer countries see Alexandra Guáqueta, La cooperación técnica internacional como herramienta estratégica de política exterior: El caso Colombiano, Unpublished thesis, Univerisdad de los Andes, Political Science Department, February 1995.

<sup>29</sup> Bagley, 'Colombia y la guerra', p. 188.

<sup>30</sup> Simon Strong, Whitewash. Pablo Escobar and the Cocaine Wars, (London: Macmillan, 1995), p. 58.

<sup>31</sup> Strong, Whitewash, p. 41.

<sup>32</sup> Recent interviews conducted by Francisco Thoumi and Renselear Lee in Bogotá managed to trace some of the history by which politicians got involved with drug dealers. Their findings confirmed that drug-related money infiltrated every single presidential campaign in Colombia since president Alfonso López Michelsen.

In spite of these incidents, Colombians conceived narcotrafficking to be small scale and innocuous: cocaine was not publicised and drug dealing was seen as an eccentricity of the Colombian Atlantic coast.<sup>33</sup> López, who was critical of U.S's policies and promoted the policy of *Respice Similia* (Third World solidarity) instead of the post-Panama secession bandwagoning (*Respice Polum*), argued that drugs were mainly a problem of consumption in the U.S. and other industrialised countries.<sup>34</sup> Though this scenario was bleak, it did not threaten the bilateral relationship: 'The American government was enthusiastic about López announcement to reorganise the efforts to enforce the law and promised to increase resources [...].'<sup>35</sup> As future trends confirmed, the rhetorical condemnation of drug addiction in the U.S. and its emphasis on supply-side policies paralleled Colombia's compliance and institutional cooperation.

In the late 1970s, president Julio Cesar Turbay faced a 'narco-scandal' just as Ernesto Samper had done in 1994. The Bourne Memorandum that was given to the State Department in 1976, before Turbay was elected president in 1978, accused him and other politicians of being linked to drug-related money. However, in contrast to Samper's case, this did not develop into a serious challenge to U.S.-Colombian relations nor did it hinder cooperation against drugs. With U.S. assistance, Colombia carried out eighteen months of military-led *Operación Fulminante* aiming at marijuana crops and traffic in the Atlantic coast, despite some resentment in Colombia because of budget restraints imposed by U.S. Congress on military and other supplies. Turbay continued to follow prohibitionism as he stopped a marijuana legalisation bill from passing through Congress<sup>36</sup> and allowed the highly problematic 1979 Extradition Treaty and the 1980 Mutual Legal Assistance Treaty to be signed.<sup>37</sup> After this, Colombia received from the American

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<sup>33</sup>In general there was social tolerance towards smuggling. See 'Colombia: The Land of smugglers' in The Miami Herald, May 10, 1981. It is interesting to note that this article made hardly any reference to cocaine.

<sup>34</sup>Randall, Colombia and the United States, p. 246.

<sup>35</sup> Interesting enough, part of those resources, which included military equipment, were technically inappropriate for counternarcotic operations. This would not be the only time when such type of technical inconveniences emerged.

<sup>36</sup>The Miami Herald, December 15, 1980.

<sup>37</sup> The treaties with Colombia were negotiated simultaneously, but Colombians preferred to have two separate treaties foreseeing the resistance of Colombian Congress against extradition. See Ethan

government additional US\$16 million (as compared to US\$3.853.000 in 1979) and created the Anti-narcotics Police in 1981. The application of the Mutual Legal Assistance did not mean automatic exchange of legal evidence; a long process of normative harmonisation began and technical problems at this level have emerged ever since.<sup>38</sup> At this stage, the U.S. rapidly reacted against legalisation proposals by some Colombian political circles who had begun to study the marijuana business in a serious way, among them future president Ernesto Samper. In fact, legalisation remains one of the biggest taboos in the U.S. government. It became hard to tell which was worse, whether a 'Marxist' or a legaliser. Samper's endorsement of marijuana legalisation was never forgotten and it became, almost inevitably, a bad omen.

Turbay's administration was also remarkable for its support of the U.S. anti-Communist crusade in the Western Hemisphere through backing 'U.S.-sponsored' condemnation of Nicaragua's Sandinista regime in the OAS, accusing Fidel Castro of financing the Colombian guerrilla group M-19, breaking off relations with Cuba for a second time and vigorously fighting guerrilla movements within the country.<sup>39</sup> Turbay's inflexible resistance to the guerrilla and the need for military resources may explain why there is no evidence that at the time Colombia actually opposed military aid which was initially provided for counternarcotic operations. This would suggest that the argument that a constant and increasing 'militarisation' of the WAD generated conflict between the U.S. and Colombia during this period is inaccurate.<sup>40</sup> In actual fact, Turbay's administration was regarded as 'closely identified with, and most supportive of', Ronald Reagan's administration.<sup>41</sup>

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Nadelmann, 'Negociaciones sobre tratados de asistencia legal mutua', in Bagley and Tokatlian, Economía y política, p. 290.

<sup>38</sup> Interview with Paula Peña, Bilateral and Multilateral Relations Bureau of the Colombian Ministry of Justice, Bogotá, September, 1997.

<sup>39</sup> See The Boston Globe, February 3, 1982. The Colombian Minister of Foreign Affairs at that time, Carlos Lemos Simmonds, accused Cuba of a 'disguised intervention'. See El Miami Herald, November 20, 1981.

<sup>40</sup> Analyses of Turbay's counternarcotic efforts done amid the political environment of the late 1980s and 1990s have often focused on the militarisation of the WAD as a salient characteristic of U.S. foreign policy

### 3. Maintaining the Alliance Despite the Growth of Drugtrafficking in the 1980s

During the early 1980s, the debt crisis and the 'Central American Cold War' were at the heart of the U.S.-Latin American agenda. Colombian president Belisario Betancur, set a different tone to Colombia's foreign policy, hence its relations with the U.S. Even before his election in 1982, Americans feared Colombia would 'strike out on an *independent* foreign policy.'<sup>42</sup> Indeed, Betancur joined the Non-Aligned Movement, rejected Cuba's isolation in the OAS and became actively involved in Central American affairs by forming part of the Contadora group (with Mexico, Venezuela and Panama) through which it promoted peace negotiations in Nicaragua and El Salvador. On the domestic scene, Belisario promoted dialogue with and amnesty towards guerrilla groups. All this was seen as an overt challenge to Reagan's doctrine and U.S. hegemony. Betancur thought that 'one of the basic points for friendly but dignified relations [was] to achieve respectable and independent positions in world policy and not to be considered a satellite of another country'; however he still referred to Colombia 'as the most loyal and natural ally of the United States.'<sup>43</sup> The rhetorical distance did not necessarily imply a stark departure in practice. In great contrast to U.S. relations with other Latin American countries, authoritarianism was not a conflictive issue in the bilateral relationship and the promotion democracy was a common goal. The economic crisis also prompted common ground. Colombia was the only country to maintain its schedule of debt payments, and amid nationalist proclamations, it soon complied to U.S. and IMF requirements for the disbursement of further loans.

In the early 1980s, drug barons emerged from a state of pseudo-anonymity into Colombia's political circles partly because they wanted to avoid extradition to the U.S., and also because they sought social acceptance of upper classes. The topic of illegal drugs in the

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forgetting that strengthening of the military in Colombia at that time was related to Turbay's counterinsurgency policy instead. See Juan Tokatlian. *Drogas, dilemas*, p. 37-39 and 111.

<sup>41</sup> 'Colombia will Show Reagan a New Stand of Independence', in The Miami Herald, November 26, 1982.

<sup>42</sup> The Boston Globe, February 3, 1982.

<sup>43</sup> *Ibid.* See also declarations by Betancur's Minister of Foreign Affairs, Rodrigo Lloreda, quoted in The Miami Herald, November 26, 1982.

bilateral relations became more complex in the 1980s, nevertheless, it followed the usual trend of amicable resolution of disagreements.<sup>44</sup>

Reagan's determination to gain Congressional and public support for the Nicaragua-*Contras* war led the administration to link drug dealers and guerrillas in political rhetoric.<sup>45</sup>

In Colombia, U.S. Ambassador Lewis Tambs introduced for the first time in 1983 the term the 'narco-guerrilla', which at that time was an overstatement.<sup>46</sup> Colombian state and public opinion were extremely sensitive about Tambs' assertion, finding it intrusive and manipulative. They interpreted it as an overt attempt to harm their country's image and a manufactured justification that could have led to military interventionism. Still, even though the invasion of Grenada in 1983 had brought again the negative 'interventionists' image of U.S. hegemony, an invasion of Colombia was highly unlikely and Colombians seemed to be more preoccupied with their image in the international community.

This awkward atmosphere did not prevent anti-drug alliance. In 1982 the U.S. signed a new agreement with the Anti-narcotics Police created after the 1981 negotiations; in 1983 the National Plan to Prevent Drug Addiction was launched; and 1984, with the collaboration of the DEA, the remarkable *Tranquilandia* hit took place --one of the biggest cocaine seizures and destruction of laboratories ever in Colombia. In 1985, Colombia signed an agreement with the United Nations Fund for Drug Control and Cooperation (UNFDAC) for eradication and crop substitution programmes. It accepted the U.S. demand for aerial spraying of marijuana with

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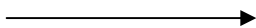
<sup>44</sup>At that time the attention began to shift from marijuana to cocaine. From 1981 to 1985 Colombia already controlled 75% of the exported cocaine to that country. In actual fact, although the total output of cocaine is larger now a days, the percentage of Colombia's share in cocaine exports remained stable from 1981 to 1997: between 70% and 80%. For figures during the 1980s see Hernando José Gómez, 'La economía ilegal en Colombia: tamaño, evolución, característica e impacto', in Bagley and Tokatlian, *Economía y política*, p. 65, for figures in 1997 see U.S. Department of State, INL, *INCSR 1997*

<sup>45</sup>According to testimony at the Robert Gates confirmation hearings in 1991, CIA Director 'Casey wanted a memo that would link drug dealers to international terrorists.' Casey's deputy, Gates kept reassigning the research until he found a CIA analyst who would deliver the desired conclusion. Kenworthy, *América/Américas*, p. 115.

<sup>46</sup>Lewis Tambs was implicated in the Iran-contra scandal; he supported Reagan's policies when he served as Ambassador in Costa Rica. Noam Chomsky, 'The Drug War', in International Antiprohibitionist League, *Questioning Prohibition. International Report on Drugs, 1994*, p. 30

herbicides, although preferred glyphosate rather than paraquat (which had been suggested by the U.S.). However, it took the murder of Rodrigo Lara, Minister of Justice, by the hand of the Medellin cartel in order to activate the newly approved treaty of extradition with the U.S., which the DEA 'considered to be an excellent example of law enforcement cooperation.'<sup>47</sup> Betancur had initially refused to apply extradition as it contradicted his 'dignified', more autonomous foreign policy.

Drug dealers explicitly manifested that extradition was the single menace they most feared, and since then have tried to eliminate it by various means. Firstly, they sought to gain seats in Congress in order to influence the passing of bills, such were the cases of Pablo Escobar and Carlos Lehder. This was quickly prevented by some politicians who understood what a great challenge this meant, and by the media, who straightaway began to expose their illegal fortunes. Secondly, drug dealers tried to 'negotiate' their way out of extradition by offering to pay the foreign debt of Colombia during the controversial 'Panama Talks', but the option of negotiation was eliminated. It is not clear however, whether it was the firm disapproval of the U.S., Colombia's fear of what the U.S. might do if it accepted the offer or actual national moral concerns that were responsible for ruling out the possibility of any sort of negotiation.<sup>48</sup> The U.S.'s objection to any kind of 'negotiation' with drug dealers by foreign governments had a touch of high mindedness. The U.S. became vigilant of any suspected negotiation between Colombian authorities and drug cartels and interpreted any contact between them as an attempt to negotiate. For example, the imperfections of the plea-bargain system adopted by Colombia in September 1990 were often interpreted as a treachery to alliance, and not as a matter of legal weakness and administrative underdevelopment.



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<sup>47</sup> The Miami Herald, February 15, 1986.

<sup>48</sup> It seems that there was no national consensus in Colombia towards rejecting this offer. A poll conducted at that time showed that 48% of the interviewees favoured talks with drug traffickers; as well, Enrique Santos, editor of the daily *El Tiempo* said that the letters in favour received by the newspaper 'were slightly ahead of those against'. See 'Colombia drug kings want a deal' in The Miami Herald, July 32, 1984.

In summary, by the mid-1980s, the U.S. had already ruled out legalisation and negotiation of the Colombian drug policy, the cocaine business had enlarged and cartels' economic and political power had been identified. Their ability to infiltrate society necessarily pointed to corruption at many levels and friction related to extradition arose in the bilateral relations. But at the end, disagreements were managed and counternarcotics assistance increased from US\$3.490.000 in 1983 to US\$10.650.000 in 1986.<sup>49</sup> 'Colombia was greatly applauded for its assault upon drugtrafficking, and in general, was recognised in Latin America as a leader in law enforcement' at the time when Bolivia, Jamaica and Peru were being threatened with cuts in foreign aid until they improved their anti-drug control, Brazil was under diplomatic pressure to sign a bilateral drug-control treaty and Mexico was being issued a travel advisory until DEA agent Enrique Camarena's death was officially solved.<sup>50</sup>

Colombian president Virgilio Barco's term in office, 1986-1990, corresponded to the latter part of Ronald Reagan's administration and the beginning of that of George Bush. Although Barco's foreign policy differed from Betancur's in that it was less ideological in political matters and paid greater attention to the expansion of economic trade, U.S.-Colombian relations followed, to a large extent, the same trend of 'ups and downs' that in the end did not disrupt the relationship.

The U.S. and Colombia coincided in issues such as the regional transition towards democracy and economic liberalisation. While Latin American dictatorships were in the process of democratisation and were criticised for their human rights records, Colombia was leading the way by refining its electoral system. Barco adopted new economic legislation that relaxed old restrictions placed by the Andean Pact Decision 24 on imports and foreign investment and the U.S. welcomed these measures by supporting World Bank and Inter-American Development

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<sup>49</sup>Richard Craig, 'El tráfico de drogas: implicaciones para los países suramericanos productores', in Bagley and Tokatlian, *Economía y política*, p. 319

<sup>50</sup> Bagley, 'Colombia y la guerra', p. 197 and *The Miami Herald*, April 7, 1985.

Bank (IDB) loans for \$850 million dollars.<sup>51</sup> On the other hand, relations were upset by the breach of the Coffee Pact and temporary disagreements on the Gulf War. Colombia had a seat in the UN Security Council in 1990 decided to join other developing countries in blocking some of the resolutions against Iraq. However, in the end, Colombia supported the U.S. in the final vote that led to Desert Storm.

Regarding the drug issue, there were also coincidences and dissent. From 1985 onwards, the U.S. and Colombia began a series of legal and institutional developments in order to improve mechanisms to fight illegal drugs and the new forms of criminal activities related to drug cartels. In 1986 United States passed the Anti-Abuse Act that made foreign aid conditional to counternarcotic efficiency (the certification process) and gave greater participation to Congress on the drug issue. Correspondingly, Virgilio Barco developed the Anti-narcotic Regulations-Law 30 (*Estatuto Anitnarcóticos-Ley 30*) inherited from Betancur's administration, which became the legal base to define and condemn all drug-related crimes.

As soon as Barco came to office he faced the issue of U.S. military intervention in order to enforce drug control. Nearly a month before, Operation Blast Furnance, the U.S. intervention in Bolivia, had taken place motivating worrying reactions in the Andean region. As was expected from Colombia's traditional view against interventionism and in spite of Barco's pragmatic stand towards the U.S., he condemned such action and pointed out that a request for collaboration with U.S. troops to fight in Colombian territory was simply 'unthinkable'.<sup>52</sup> Colombia's fear of a possible U.S. intervention remained latent ever since and was reinforced by various events. One was Bush's classified National Security Decision Directive of 1989 that allowed the deployment of U.S. troops in the Andean region. This directive generated confusion and debate regarding Colombia's case. However, Bush cleared any doubts among both Colombian policy makers and

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<sup>51</sup> Malcom Deas and Carlos Ossa (coords.), El Gobierno Barco. Política, economá y desarrollo social. 1986-1990 (Bogotá: FEDESARROLLO-Fondo Cultural Cafetero, 1994), p. 208.

hawks within his own administration making a special exception in Colombia's case, where he did 'not foresee the use of U.S. combat forces'.<sup>53</sup> Other incidents were the U.S. invasion of Panama in December 1989, and the mysterious approach into Caribbean waters of the U.S. vessels *John F. Kennedy* and *Virginia* in early January of 1990. Colombia firmly questioned the presence of the U.S. Navy near its waters and the U.S. immediately responded with a note claiming it had all been a 'misunderstanding'.<sup>54</sup> One month later, tensions faded away as Barco and Bush met at the Cartagena Summit where new plans for intensive cooperation against supply and demand of illegal drugs were agreed.

During the late 1980s it became very difficult for the U.S. to withdraw support from Colombia or question its commitment to the WAD. Colombia faced a worrying internal situation characterised by exacerbated violence which was partly sponsored by drug dealer who committed a series of assassinations from 1986 onwards in order to pressurize the Colombian government into ruling out extradition to the U.S. One of the most striking murders in December 1986, was that of Guillermo Cano, Director and Chief Editor of the daily *El Espectador*. The reactivation of extradition three days before his death, and Cano's condemnation of drugtrafficking motivated this terrorist act. In addition, drug dealers had formed their own right-wing 'para-military' armies to protect their families and land from the guerrillas, which at the time had increased their troops thereby extending its control to peripheral areas. Among the international community Colombia was seen as a troubled victim.

The frontal attacks from drug dealers encouraged Barco's administration to comply with the U.S. demand to apply extradition. Until February 1990, fourteen Colombians were extradited, among them Carlos Lehder, whose extradition had been requested in 1983. It is important to notice that

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<sup>52</sup> The New York Times, August 8, 1986, quoted by Juan Tokaltian, 'La política exterior del gobierno del presidente Virgilio Barco: en busca de la autonomía perdida' in, Deas and Ossa, El Gobierno Barco, p. 136 and Arrieta, et al., Narcotráfico en Colombia, p. 336.

<sup>53</sup> The Washington Post, September 10, 1989 p, A20.

the wave of violence in Colombia did not result in an automatic or generalised compliance with U.S.'s punitive drug control. Many Colombians believed that the blood-shed was unnecessarily caused by U.S. extradition policy and therefore, this measure began to face all sorts of legal and political challenges. On December 12, 1986, the Colombian Supreme Court of Justice declared the extradition treaty invalid; on December 14, president Barco sanctioned a law that allowed extradition; on June 25, 1987, the Court overruled the Executive order; and by 1989 one day before presidential candidate Luis Carlos Galan's assassination, Barco's cabinet had managed to re-enact extradition. All along, the U.S. praised the treaty's resurrections and condemned its periods of expiration. Although a highly regarded measure by U.S. officials, it was only during 1995-1997 when extradition was placed at the heart of the bilateral relationship becoming the maximal token of cooperation and an inescapable requirement for the normalisation of U.S.-Colombian relations (see chapter 4 below).

Another effect of the menacing war waged by the Medellin cartel, was to consider negotiations that included drug dealers' surrender, the halt of violence and the ban of extradition. Exhausted by the killings, some sectors of public opinion and the establishment supported this idea and secretly advanced contacts with drug dealers while officially president Barco put forward his combative policy. The result was quite similar to the previous experience with the 'Panama Talks' in 1984. U.S. Congressmen exhorted Barco's administration to combat the drug dealers' new declaration of war in 1988 and 1989, and one year later Bush's administration reiterated to Colombia that 'negotiations' were unacceptable.<sup>55</sup>

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<sup>54</sup> Statement by Deputy Press Secretary Popadiuk on President Bush's Telephone Conversation with President Barco Vargas of Colombia, January 10, 1990, in Public Papers of the President, George Bush, vol. I, p. 29-30.

<sup>55</sup> Although there could have been dissent at the national level concerning possible negotiations, Jorge Orlando Melo and Jaime Bermudez suggest that General Secretary Germán Montoya's assertion that he conceived any negotiation without U.S.'s approval impossible meant the government would have negotiated. See Jorge Orlando Melo and Jaime Bermudez, 'La lucha contra el narcotráfico: exitos y limitaciones', in Deas and Ossa, El Gobierno Barco, p. 120.

In the end, Virgilio Barco's policy, which in essence did not make different claims from other Colombian administrations, coincided in time with George Bush's re-structuring of U.S. drug policy. The re-affirmation of U.S.-Colombian alliance was sealed by their close collaboration in manufacturing Bush's Andean Strategy, the Andean Trade Preference Act (ATPA) and the Enterprise for the Americas. These became the core of Bush's Latin American policy in 1990 and the beginning of the institutionalisation of further bilateral cooperation in the WAD (see chapter 2 below). The following chapter treats the period during which the U.S. and Colombia embark on the further institutionalisation of the WAD, highlighting its impact on the particularities of counternarcotic cooperation in the 1990s.

## CHAPTER II

### INSTITUTIONALISING OF THE WAR AGAINST DRUGS IN THE EARLY 1990S

Triggered mainly by the adjustments in U.S. drug foreign policy from 1988 onwards, drug control experienced an accelerated process of institutionalisation, becoming a well established practice in the Western hemisphere, especially in the Andean region.<sup>56</sup> Unfortunately, the limited space does not allow a full account of this period, however, this chapter illustrates certain developments of this process that played a role in the deterioration of U.S.-Colombian relations further on. The first section identifies the new elements in U.S. drug policy highlighting in particular the greater political and administrative role acquired by state agencies, who in turn, became key actors during the period under scrutiny. The second section argues that a total breach in cooperation that could have caused the unprecedented deterioration of U.S.-Colombian relations between 1995 and 1998 did not occur. Colombia became an active ally of the U.S.'s Andean Strategy and was often seen as a 'victim', paying high costs to counteract violent drug dealers. However, the attempts to implement an enhanced agenda of bilateral cooperation led to the re-emergence of old difficulties and the emergence of new sources of divergence. Profound disillusionment followed providing a fertile ground for political recriminations. This period preceded the dramatic deterioration of U.S.-Colombian relations, but it did not constitute an obvious departure from previous experiences of cooperation and dissent. Finally, the third section reviews the elements of continuity and discontinuity stressing the need to look beyond the objective and material manifestations of cooperation in order to understand what exactly changed in the U.S.-Colombian relationship in the mid-1990s.

#### **1. Formulating the Institutionalisation of Drug Control from the United States: Context, Main Features and Implications.**

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<sup>56</sup> The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, hereafter the Vienna Convention, also generated further legislation.

Like a plunge into the unknown, the Bush administration came into office at a time of great changes in the international system. The Cold War was ending and the U.S. did not have anti-Communism as an ordering principal for its foreign policy. Later, Bill Clinton's administration was to become a period of constant re-thinking, debating, and re-defining what U.S. foreign policy should be in the new millennium. In the meantime, general uncertainty left much space for domestic politics and state bureaucracies to influence foreign policy formulation in a way that was unconstrained by the guidelines of an explicit grand strategy. This made U.S. policy towards Latin America and illegal drugs even more vulnerable to the influence of institutions and domestic factors.

The steps taken by George Bush in the Western Hemisphere were strongly influenced by the political, institutional and normative legacies of the Ronald Reagan administration. Several factors contributed to the formulation of the Andean Strategy by which U.S.-Colombian cooperation against drugs initiated the process of institutionalisation. The first factor was the general acknowledgement that Reagan's administration had strained U.S. relations with Latin America through its support to the *Contras* in Central America, the unwillingness to side in favour of Argentina in the Malvinas (Falklands) war and the rejection of multilateral negotiations of the debt crisis.<sup>57</sup> Secondly, it was perceived that drug policy had been sacrificed in order to fight Communism and expel the Soviet Union from Central America, whose real presence in the region had in any case been exaggerated. The disclosure of the Panamanian leader, General Manuel Antonio Noriega's links to drugtrafficking conveyed the idea that the U.S. applied double-standards in its approach to Latin America and to drug policy in particular.

The third and probably most outstanding factor was the legal and institutional development that started during the 1980s, which served as the basis for further institutionalisation. The U.S. Congress approved the 1988 National Narcotics Leadership Act, providing the essential guidelines to implement a new modern and 'comprehensive' anti-drug strategy. At the same time,

numerous agencies involved in the WAD, stimulated not only by new forms of drugtrafficking and their size but also by the inherent course of the prohibitionist machinery, strongly defended their convictions and their own survival within the state apparatus.<sup>58</sup> All this enabled public and bureaucratic support for an improved and better funded WAD in the early 1990s. During Bush's electoral campaign in 1988 when 54% of the population agreed that illegal drugs were a crucial foreign policy issue and 87% considered it to be one of the greatest concerns of American society.<sup>59</sup> It became important for the officials and politicians to appear to be 'doing something' against the 'gravest present threat to [U.S.] national well-being'.<sup>60</sup>

The aforementioned factors helped to justify Bush's Enterprise for the Americas, the Andean Strategy, the Andean Trade Preference Act (ATPA) and the 1989 National Drug Control Strategy (NDCS), which together constituted the pillars of this phase in drug control.<sup>61</sup> There were three main aspects of the process of the institutionalisation of the WAD within the U.S. which in the end had a great impact outside its borders, thus affecting U.S.-Colombian cooperation. The first aspect was the administrative structure of drug control, the second addressed the procedures of technical and political evaluation and the third had to do directly with the strategies and content of policies.

Firstly, the Office for National Drug Control Policy (ONDCP) and the figure of the 'drug czar' were created under the Executive branch. One of the main purposes of the ONDCP was to overcome bureaucratic fragmentation and bring clarity to national priorities of drug control by setting a single leading and coordinating body. However, none of these objectives took place. The effort to encompass all aspects of illegal drugs, that is, to lead a 'comprehensive' policy,

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<sup>57</sup> Thomas Skidmore and Peter Smith, Modern Latin America, second edition (Oxford: OUP, 1989)

<sup>58</sup> The creation of the ONDCP also served the purpose of ending inter-institutional quarrels.

<sup>59</sup> Peter Lupsha, 'La guerra contra las drogas ha muerto. Viva la guerra contra el crimen organizado internacional' in Francisco Thoumi and Alexandra Guáqueta (comps.), El rompecabezas de las drogas ilegales en Estados Unidos. Una visión ecléctica (Bogotá: Ediciones Uniandes), p. 53. and CRS, 'The Drug Problem', CRS Review, p.20.

<sup>60</sup> NDCS. Executive Summary, September 1989, p.1

<sup>61</sup> Paradoxically, the greater demand to solve the drug problem elicited support for contradictory strategies. This is how it was possible for the U.S. to engage in the invasion of Panama, *Operation Just Cause*, and the Andean Strategy, a more multilateral consensual approach, at the same time.

involved different agencies even more in international drug control accentuating fragmentation. Such were the cases of the Department of Defence and Justice which often led their own policies towards Colombia.<sup>62</sup> The ONDCP increased the volume of bureaucracy and in practice it turned into just another competing agency.<sup>63</sup> President Bill Clinton's first administration tried to prevent the overstretch of ONDCP and cut its personnel by 83%. Further he proposed a fusion between the DEA and the FBI. Despite these efforts, institutions proved their endurance, the ONDCP recovered part of its personnel and the DEA continued as a separate body.<sup>64</sup>

But in reality from 1990 until the present, the State Department Bureau for International Narcotic Matters, which became the Bureau for International Narcotics and Law Enforcement (INL) in 1994, adopted additional responsibilities and their influence in the formulation of foreign drug policy surpassed that of the drug czar's.<sup>65</sup> In addition, within the administrative reforms, U.S. Ambassadors acquired a coordinating role in the implementation of drug control programmes abroad.<sup>66</sup> Although from Washington's point of view this seemed to increase efficiency that in turn was expected to improve cooperation, this measure only conferred extended political power to American Ambassadors in the Andean region, making them controversial actors.

The second aspect of institutionalisation referred to a greater political control and oversight of anti-narcotic strategies. This can be attributed to the expanding role of Congress in foreign drug policy and the multiplication of programmes that needed to be coordinated. One of the objectives

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<sup>62</sup> The U.S. Department of Justice established their own contacts with their counterparts in Bogotá in order to disrupt the Cali cartel. See Jim McGee and Brian Duffy, Main Justice. The men and women who enforce the nation's criminal laws and guard its liberties (New York: Touchstone, 1997), Chapter 11, especially p. 165.

<sup>63</sup> 'National Narcotics Leadership Act of 1988', in CRS, International Narcotics Control and United States Foreign Policy: A Compilation of Laws, Treaties, Executive Documents, and Related Materials. (Washington: US, GPO, 1994), p. 1-12.

<sup>64</sup> Peter Lupsha, 'La guerra contra las drogas', p. 54

<sup>65</sup> The New York Times, October 31, 1993, p. 27. Within the U.S. it has been argued that part of the reason why ONDCP did not fulfill the expectation to coordinate U.S. drug policy was its restrictions to control drug-related budget. For example, the INL has its own budget for programmes abroad which is allocated according to its own prescriptions; see 'National Drug Control Budget by Function, FY 1981-1995', in CRS, International Narcotics, p. 508-515. Also, Raphael Perl, 'U.S.-Andean Drug Policy', in Bagley and Walker III, Drugtrafficking in the Americas, p. 31.

<sup>66</sup> U.S. GAO, Drug War. Observations, p. 15.

of monitoring was to *measure* and evaluate the effectiveness of policies and strategies. The issue of measuring and evaluating has been taken for granted in many analyses of international politics of illegal drugs; however, these specific activities gained an important *political* role. Measuring effectiveness assumed the existence of specific 'goals' and the prohibition regime was aimed at a very abstract and immeasurable one: quite simply that of drug control. Drug control could mean many things, for example eradicating all or just a few kinds of drugs, or it could simply mean a complete or partial eradication up to 'tolerable' levels. Given that in the long run, prohibition did not set a clearly defined target, establishing success or failure soon became a matter of perception and politics. In 1991 a U.S. General Accounting Office (GAO) report stated: 'Adequate criteria do not exist to evaluate effectiveness. Because of this, it is difficult to assess how U.S. assistance has improved the effectiveness of Colombia's counternarcotics military and law enforcement programs and if the aid is resulting in reduced Colombian production and shipments of cocaine.'<sup>67</sup> In this way, state officials and policy-makers were forced to claim the success or failure of a strategy based on deficient data or, in some cases, on their own perceptions and interests. This aspect of institutionalisation resulted in a greater and unbalanced intertwining of technical and political aspects of drug policy. For example, flawed procedures attached to certification conditions from 1993 onwards acquired the power to establish whether a country was fully co-operative or not and international political relations were tied to inter-institutional relations and domestic politics.

Thirdly, the formulation of the September 1989 NDCS changed the emphasis of international counternarcotic policies. The 1989 report included the disruption and dismantling of drug cartels as the top priority, then came law enforcement, military and economic assistance to reduce cocaine, heroin and marijuana supply. The Andean Strategy, which sought to reduce the production and trafficking of illegal drugs in Bolivia, Colombia and Peru, was derived partly from Bush's new policies incorporating the dismantling of drug cartels as a major priority. For this purpose, and while president Bush was in office, military assistance was considerably

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<sup>67</sup> Ibid, p. 5.

increased.<sup>68</sup> Economically, the Andean Strategy was supported by the ATPA, which reduced some tariff barriers imposed on Andean goods by the U.S. Other international objectives included the 'elevation of drugs as a bilateral foreign policy issue', U.S. ratification of the Vienna Convention, supporting the certification process and curtailing money laundering activities. It is interesting to note that Bush explicitly set as a U.S. foreign policy objective placing the drug issue as crucial to bilateral agendas, while Colombia was trying to 'de-narcotise' its own agenda with the U.S. Colombia understood *desnarcoticación* to mean lowering the profile of the drugs at bilateral meetings and preventing possible negative political or economic side-effects that could be brought by linking the illegal drug issue to other aspects of the bilateral agenda with the U.S.<sup>69</sup> However, the U.S.'s special leverage over Colombia due to the pattern of historical hegemony and Colombia's progressive internalisation of the WAD guaranteed the prevalence of the foreign drug policy prescribed by the U.S.

In summary, the main implications of the process included the diversification and intensification of cooperation, an increased role of state bureaucracy, the persistence of fragmentation, extended participation of Congress through monitoring drug strategies, a pernicious mixture of policy, politics and technical issues, a change of emphasis in strategies towards legal reform abroad (harmonisation to the U.S. laws) and the dismantling of drug cartels through technical support provided by the military.

## **2. Exporting Institutionalisation to Colombia**

### **2.1. Cooperating with the Ally**

The formulation of the U.S.'s Andean Strategy, which was formally established at the Cartagena Presidential Summit on February 13-15, 1990, coincided with a favourable international

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<sup>68</sup>From 1988 to 1989 U.S. military assistance increased in Bolivia, Colombia and Peru from 0.4 to 5.8 million dollars, 4 to 70.2, and 0.4 to 2 respectively, Larry Nowels, 'U.S. Aid to Bolivia, Colombia and Peru', Foreign Affairs and National Defense Division, CRS, 1989. In 1991 each country was granted 30.9, 37.1 and 18.9 million dollars in military aid, see Perl, 'U.S.-Andean Drug Policy', p. 40. In 1993 it was reported that George Bush doubled the Federal spending to fight drugs to nearly \$12 billion. The New York Times, October 31, 1993, p.27

atmosphere that facilitated a grand launching and a general legitimisation of U.S.'s process of international institutionalisation of the WAD. On August 18, 1989 Luis Carlos Galán, presidential candidate for the *Nuevo Liberalismo*, was assassinated setting a milestone in Colombia's history. Galán's death shocked the international community and laid a fertile ground for Barco to convey the message that he had been preaching years before --it was not that Colombia exported the evils of illegal drugs, keeping the profits for itself, but rather that illegal drugs affected Colombian institutions as much as it did American and European societies. Amid world-wide consternation because of Galán's death, Barco constructed the image of 'Colombia the victim of drugs' as opposed to 'Colombia the home of drugtrafficking', making it an optimum ally for U.S.'s Andean Strategy.

Barco adopted a policy of 'internationalisation' and 'multilateralisation' by which he sought the following: to increase Europe's awareness of the drug problem in the Andean region, thereby, counterbalance the American way of addressing illegal drugs by including what Colombians thought was a less conflictive approach; to highlight the fact that drugtrafficking was a transnational phenomenon requiring the international community to collaborate rather than making things more difficult for each other; and lastly to ask for financial resources not only for the WAD, but to repair the economic damages that drugtrafficking had inflicted upon Colombia. Strategically, this last point meant a 'positive linkage' between drugs and economic benefits. However, it was president Cesar Gaviria, Barco's successor, who built on this idea and focused on obtaining 'fair' treatment with respect to foreign trade.

Barco's aspirations were partially successful. The Declaration of Cartagena was seen as a diplomatic victory in the sense that it finally acknowledged that drug demand (i.e. U.S. illegal drug consumption) was at the heart of the drug *problem*. Barco once declared: 'Every tactic and every weapon in the war against narcotics pales into significance compared with the need to reduce demand. Those who consume cocaine are contributing to the assassination of my people

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<sup>69</sup> MRE, Memorias al Congreso 1990-1991, vol. I, p. 35.

[...].<sup>70</sup> Additionally, the Declaration of Cartagena supported the idea that economic improvement of the Andean region, especially in the rural areas where peasants are dependant on illicit coca leaf-crops, would eventually eliminate drug production.<sup>70</sup> However, the expected counterbalance to the U.S. did not materialise; European countries preferred less controversy with Andean countries *and* the U.S. in this issue.

While Barco was meeting with leaders Jacques Chirac, John Major and George Bush in order to obtain a high profile international statement that could clear the shadow of culpability that hang over Colombia despite its status of alliance, there was active movement at the Colombian state bureaucracy level, which was swiftly working on how to materialise international solidarity, i.e. to acquire foreign funding through state sponsored aid and technical cooperation.<sup>71</sup> The Colombian Special Division for International Technical Cooperation (*DECTI*) managed to put together a technical cooperation scheme, Special Cooperation Programme (*PEC*), of 112 projects, that was allegedly designed to mitigate the negative economic effects of the WAD. In reality, *DECTI* had recycled some of the old project-proposals that had not benefited from aid, added relevant projects related to drug substitution and judicial reform and began to negotiate donations with those European Ambassadors in Colombia, UNDP, UNDCP and USAID.<sup>72</sup> Though unfamiliar with drug control, but extremely ingenious at channelling international resources into Colombia, *DECTI* contributed to shaping the Andean Strategy and assured the permanence of different sorts of drug control programmes within Colombian institutions. The formulation of *PEC* allowed USAID to be formally re-opened in Colombia and it committed the U.S. to certain anti-narcotic projects and other technical cooperation activities not related to illegal drugs. The U.S. promised to provide *PEC* with \$200 million to be used from 1990 to 1995 and granted an

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<sup>70</sup> 'Declaration of Cartagena, February 15, 1990', in CRS, *International Narcotics*, p. 681-688.

<sup>71</sup> Formally, Colombia is not a recipient of international aid, which in official jargon refers to a 100% donation of money or goods. It is a recipient of 'technical cooperation' which includes at least 25% donation and requires a portion of national funds to assure commitment to the clauses of each project. Departamento Nacional de Planeación-DECTI, *Cooperación Internacional para el Desarrollo. Colombia 1990-1994* (Bogotá: PNUD-DNP, 1994).

<sup>72</sup> Centro de Estudios Internacionales, Universidad de los Andes, 'Evaluación del Programa Especial de Cooperación 1990-1994', Bogotá, 1995, mimeo.

emergency allocation of \$65 million for military equipment. European countries contributed further by funding some of the projects and signing their own version of a preferential trade agreement with Colombia.<sup>73</sup>

What Colombia perceived to be a clever strategy to deter the U.S. from emphasising the supply-side approach of the prohibitionist regime was actually a strong encouragement of U.S. leadership in international drug control and an instrument of propagation of U.S. views about drug control and institutions. Colombia acted as a loyal ally, as it historically had done in many occasions, becoming an active legitimiser of U.S. policies. The Andean Strategy became U.S. drug policy showcase of the new post Cold War era, and Colombia became its 'model of commitment'. In a televised speech in 1989, president Bush stated:

You and I agree with the courageous president of Colombia Virgilio Barco, who said that if Americans use cocaine, then Americans are paying for murder... We have the responsibility not to leave our brave friends in Colombia to fight alone... I spoke with President Barco last week and we hope to meet with the leaders of affected countries in an unprecedented drug summit...<sup>74</sup>

Two years later, according to a GAO report, 'US officials consider[ed] Colombia to be the most dedicated of the Andean countries to reducing the production and shipment of cocaine.'<sup>75</sup>

During this period Colombia adopted and adapted a whole range of programmes and increased its cooperation with the U.S. In February 1990 the National Narcotics Bureau (*Dirección Nacional de Estupefacientes*) was created resembling the American ONDCP, and similarly in practice it had little influence in drug policy making. The original 112-project PEC proposal was later transformed. Once César Gaviria came into office in August 1990, he 're-directed' some of PEC funds and spent them on the promotion of Colombia's positive image abroad and lobbying in U.S. Congress. These were definitely not drug-control strategies in the sense in which the U.S.

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<sup>73</sup> Ibid.

<sup>74</sup> Quoted from The New York Times, Septiember 6, 1989 by Juan Tokatlian, 'Política pública internacional contra las drogas de la administración Gaviria y las relaciones entre Estados Unidos y Colombia' in Francisco Thoumi, et al, Drogas ilícitas en Colombia. Su impacto económico, político y social (Bogotá: Ariel-UNDP-Dirección Nacional de Estupefacientes, 1997), p. 518.

<sup>75</sup> U.S. GAO, Drug War. Observations, p. 15.

conceived them, but they certainly constituted a functional policy to counteract U.S. measures that could affect Colombia. PEC helped to trigger the development of drug control institutions in Colombia. Such was the case of *PLANTE*, the Colombian crop substitution and alternative development institution launched in 1994 and based on the programmes originally formulated in 1990. Although the U.S. welcomed *PLANTE*, it withdrew its political and financial support from alternative development programmes, which are now financed from Colombian, European and UNDCP resources. Instead, the U.S. concentrated on eradication by fumigation.

Another key area of U.S.-Colombian cooperation was judicial reform, formulated later by the U.S. as 'institution building'. This became part of the foreign drug policy priorities of the U.S. during the 1990s as it was seen to be an indispensable tool to respond to modern drug cartels and/or criminal transnational organisations, money laundering and corruption. Judicial reform in Colombia would enable the U.S. to advance further in its task to typify criminal activities related to drug cartels and incarcerate drug offenders. The Colombian political domestic atmosphere was most appropriate: since the late 1980s the Colombian government had been trying to reform its constitution, the political system and many other institutions, including the judicial branch. The former had been highly inefficient during the last decade generating endemic problems of impunity and corruption. Finally in 1991, Colombians voted for a new provisional Congress that had the task of reforming the 1886 Constitution. U.S. and Colombian policies seemed to coincide.

Many of the adjustments had either the U.S. system as a model to be followed or U.S. political and financial endorsement. For example, the plea-bargain system was an unknown practice in the Colombian justice, but a common one in the U.S. Right from his arrival in office, president Gaviria progressively issued decrees 2047, 2147 and 3030; these shaped the rules by which the heads of the Medellin and Cali cartels were incarcerated and tried. Although highly controversial for many U.S. officials who saw it as a dangerous case of *negotiation*, the Colombian plea-

bargain system was not developed without U.S. approval or direct participation.<sup>76</sup> The U.S. State Department assigned a team for the formulation of plea-bargain decrees and in particular the polemical 3030.<sup>77</sup> Any doubts that had existed for U.S. officials regarding the policy were clarified and a close stage of cooperation began with U.S. Attorney's office. The U.S. also financed Colombia's adoption of 'faceless' judges from the Italian system through the International Criminal Investigative Training Assistance Program (ICITAP) project directed by the U.S. Justice Department and USAID in Colombia. Even though the creation of a General Prosecutor's Office in 1992 was not a specific item of the bilateral cooperation programme, it was part of Colombia's general judicial reform and adaptation of the accusatory system used in the U.S.

Another important line of cooperation was enhanced by Bush's explicit endorsement of the participation of the military in the WAD. In Colombia militarisation referred mostly to the import of helicopters for fumigation and spare parts, installation of radars to localise aircrafts, the use of AWACS, training of Colombian military officers under the IMET programme (functioning since the 1950s) and intelligence assistance through telecommunications systems. This contrasts starkly with the erroneous picture promoted mostly by the media and to a lesser extent by some academics in Colombia in the sense that 'militarisation' meant a Marines invasion.<sup>78</sup> In Colombia, 'militarisation' was criticised rhetorically, but not in practice. Colombian military and special forces welcomed the assistance and Colombia cooperated actively with the U.S. in this field.<sup>79</sup>

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<sup>76</sup> Rafael Pardo, De primera mano. Colombia 1986-1994: Entre conflictos y esperanzas (Bogotá: CEREC-Norma, 1996), p. 286.

<sup>77</sup> This decree was issued shortly after Azucena Liévano, a Colombian journalist captured by Pablo Escobar, was released and the same day drug dealer Fabio Ochoa surrendered. Public opinion in Colombia and Americans who followed these events interpreted it as Colombia's surrender to the Medellín cartel. However, drug dealers themselves saw it as too harsh a measure and a threat to their interests. Ibid, p. 286-287. In Pardo's memoirs he extensively narrated how the plea-bargain system was his personal idea after weeks of meditation. However, the U.S. ICITAP's project for Colombia shows that there was constant contact of U.S. officials and Colombian judicial reform. 'ICITAP. Colombia Proyecto Description and Budget', p. 13, mimeo provided by U.S. CRS. As well Pardo acknowledges the participation of U.S. in crafting the decrees. Ibid, p. 309.

<sup>78</sup> Indeed, the experiences of Panama and Bolivia with the 'militarisation' of the WAD have been problematic. However, the term has been misinterpreted for Colombia giving a false perception that militarisation means Colombia's invasion. See Tokatlian, Drogas, dilemas, pp. 86-87.

<sup>79</sup> The New York Times (National), September 12, 1989 p. B9

During the Barco Administration the Caribbean Basin Radar Network agreement was signed, placing two fixed radars in Riohacha and San Andres. In 1991 the Aerial South Control programme began and anti-narcotic military infrastructure was constructed in Guaviare, Juanchaco, Leticia, Puerto Leguízamo, Puerto López and Magangué.<sup>80</sup> Finally, at the San Antonio meeting in 1992, it was decided that that U.S. military assistance should be adjusted so that police forces, rather than the army, increased their participation in counternarcotic operations.

The prosecution of major drug dealers from the Medellín and Cali cartels became an essential part of U.S.-Colombian cooperation. Specialised forces from both countries were permanently in contact in order to break down drug dealers' security systems. The DEA, the CIA, the U.S. Southern Command, the Colombian *Bloque de Búsqueda*, *Cuerpo Elite*, the Colombian Anti-narcotics Police and *DAS*, interacted constantly and successfully. 'US agencies had in general a favourable concept of the operations designed to catch Escobar.'<sup>81</sup> After the main leaders of the Medellín cartel were either arrested or shot down, the attention focused on the Cali cartel, which posed new and tougher challenges to the specialised forces.

This period of collaboration was similar to those of previous decades in many ways. Colombia continued its criticism towards U.S. supply-side emphasis but nevertheless engaged actively in suppression. It relied on U.S. financial support for drug control operations, military assistance and the creation of agencies (institution building). It consulted and coordinated its actions with the U.S. and expected signs of approval. It also welcomed advice (i.e., technical cooperation) on how to modernise its institutions, looking to the U.S. as a role model. In the end, Colombia's compliance represented a continuity in the historical pattern of the bilateral relationship. The initiatives of cooperation differentiated themselves from past experiences in the sense that they

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<sup>80</sup> IEPRI, *Síntesis 1994. Anuario social, político y económico de Colombia* (Bogotá: IEPRI-TME, 1994).

<sup>81</sup> Pardo, *De primera mano*, p. 395.

had become more intensified and diversified, there was a greater publicity of issues concerning the bilateral agenda, and mutual knowledge increased, albeit in a distorted way.<sup>82</sup>

## **2.2. Disagreements, Disenchantment and Further Cooperation**

Following historical continuity as well, and as it might have been expected from the obstacles inherent in drug control within a prohibitionist legal framework, the new strategies experienced difficulties. The same rhetorical disagreements persisted, but were exacerbated by the shadow of Panama's invasion, the 1992 Anti-Narcotics Act (which allowed U.S. authorities to arrest criminals abroad) and the accumulated frustration after decades of a costly and inefficient drug war. New difficulties did not bring a total or permanent breach of bilateral counternarcotic cooperation and they definitely did not halt the process of further institutionalisation of the WAD. Nevertheless, they did create a fertile atmosphere of distrust constituting a low point in the bilateral relations which could have remained within the usual margins of amicable resolution, instead of evolving into an unprecedented deterioration.

Different kinds of problems emerged in counternarcotic cooperation. Some were more technical. For example, in the beginning of 1993 Colombia began to explore the possibility of its Air Force bringing down aircrafts if they refused to obey landing signals. This measure had been used in Colombia during the marijuana riots in the 1970s, but has been suspended. Peru put this in practice leaving Colombia as a safe territory for drug dealers. On May 1 1994 the U.S. technicians suspended the transmission of data provided by radars installed in Araracuara and Leticia. The Department of Defence was advised that the indirect participation of U.S. authorities in bringing down aircrafts through its support in the operation of radars violated international treaties. Colombia protested against the U.S. measure, calling it clear evidence of

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<sup>82</sup> For example, John Kerry Chairman of the Foreign Relations sub-Committee on Terrorism, Narcotics and International Operations became acquainted with the process of political reform in Colombia in 1991, however, he believed that the main motivation to write a new constitution in 1991 was to ban extradition. Indeed, extradition was unpopular in Colombia at the time, however, the events that led to reform were related to the obsolescence of the current political system, the need to guarantee individual rights and widen

lack of cooperation. The U.S. Congress amended the anti-terrorist law that had caused the trouble.<sup>83</sup> The radar was 're-connected' in December 1994 during the Samper administration, and Secretary of Defence, William Perry, stated that there was no discontent with Colombia's performance in counternarcotic activities.<sup>84</sup> The radars continue working even today.

Other problems in U.S.-Colombian relations and their cooperation against drugs concerned the way in which general policies and particular events were perceived. For example, during the Gulf War the U.S. transported a radar to the Middle East that had been installed in South America to trace aircrafts in the Peru-Colombia route. This action was politically condemned by Colombia, who began to doubt the extent of U.S. commitment to the WAD.

Furthermore, the implementation of the plea-bargain system uncovered serious flaws that confirmed the persistent weaknesses in Colombia's judiciary. Development of newly created laws was still incomplete and the passage of additional legislation through Congress seemed quite slow. The U.S. increased its criticisms of the plea-bargain system, which American media had reported as 'Colombia's capitulation to the cartels' and a 'bargain with the devil.'<sup>85</sup> By 1994 U.S. officials interpreted these events as a symbol of Colombia's *unwillingness* to dismantle drug cartels. In actual fact, this perception of unwillingness had also been created as drug dealer Pablo Escobar escaped from prison on July 22, 1992 and again after the new challenges faced by the special police forces once the attention shifted towards the less conspicuous Cali cartel. However, the DEA participated actively in Escobar's capture in 1993. In October 1994 there was a revision of DEA's assignments in Colombia and the law enforcement agencies of both countries continued operating together on this. The Chief of the Colombian Police and the Commander of the Armed Forces became the drug war heroes in the eyes of U.S. government.

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democracy. The Washington Post, April 6, 1994, p. A19. As well, interviews conducted in the U.S. State Department in Washington suggested this.

<sup>83</sup> Apparently, a dispute between the Department of Defense and the State Department had also contributed to this shut off, having some repercussions in U.S.-Colombian relations. For the radar incident the following letters were consulted. Secretary of Defence William Perry to Gabriel Silva, Ambassador of Colombia, May 18, 1994 and July 11, 1994; Rafael Pardo, Colombian Minister of Defense to Gabriel Silva, May 4, 1994. U.S. files, Archive, Colombian Ministry of Foreign Affairs, hereafter MRE.

<sup>84</sup> Ibid.

In 1993 the Cali cartel initiated contacts with the Prosecutor General's office. The apparent irregularities in the application of the plea-bargain system in this case, but especially the perception that drug control and prohibitionism were being eroded through what U.S. saw as a condemnable act of negotiation, promoted an overt inter-agency conflict led by U.S. Attorney General Janet Reno and the once praised Colombian Prosecutor General, Gustavo De Greiff. The latter openly questioned the WAD creating a negative image which later was bestowed upon the country as a whole. De Greiff was a legaliser, hence Colombia was a traitor.<sup>86</sup> John Kerry, the Chairman of the Foreign Relations sub-Committee on terrorism, narcotics and international operations argued: 'The United States must engage in a major rethinking of its relationship with law enforcement in Colombia. Recent actions and statements by Colombia's chief Prosecutor, Gustavo De Greiff, threaten to bring about this nation's capitulation to the Cali cocaine cartel.'<sup>87</sup> Washington dropped evidence exchange; though this did not apply to all cases and was only temporary.<sup>88</sup> In the end, U.S. diplomatic pressure and Colombia's fear of being labelled a foe prompted De Greiff's retirement.

In spite of the clear fact that more than two decades of drug control and bilateral cooperation had not resulted in a minimisation of drugtrafficking in the Western Hemisphere, the fact the Colombia continued to be the source of 80% of the cocaine to the United States, the fact that poppy crops had appeared in Colombia and in spite of all the weaknesses of Colombia's democracy, Colombia was still considered suitable for alliance and cooperation. It was viewed as a friend and had many friends within U.S. agencies. The 1994 NDCS stated:

Colombia has manifested strong political will, despite the high price it is paying in violence... Colombia has made good use of U.S. counternarcotic support... Colombia

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<sup>85</sup> The Wall Street Journal, February 1, 1991, p. 11A and The Washington Post, February 28, 1991, MN13.

<sup>86</sup> It is important to note that president César Gaviria's image remained clean as he set himself aside from De Greiff opinions.

<sup>87</sup> The Washington Post April 6, 1994. p. A 19.

<sup>88</sup> Ernesto Carrasco Ramírez, Chief of the International Bureau of Colombia's Prosecutor General Office to Diego Cardona Cardona, Viceminister for the Americas, MRE (1994-1996), August 31, 1995, U.S. files, Archive, MRE.

has reformed its judicial system and interdiction capabilities. With the help of U.S. investigative agencies and prosecutors, Colombia has greatly improved...<sup>89</sup>

Moreover, in 1994, in a clear contrast to his February 1995 speech in New York, U.S. Ambassador Myles Frechette dedicated a speech exclusively to U.S.'s project of a hemispheric free trade zone and Colombia's eligibility to join NAFTA coming second after Chile in the priority list of commercial agreements.<sup>90</sup>

The early 1990s was an extremely active period of cooperation. However, both Colombia and the U.S. had their own high expectations which added to the routine problems rising from counternarcotic activities and the domestic situation in Colombia produced a premature disillusionment giving the impression that bilateral cooperation was not taking place. In the U.S., as early as 1992, when in actual fact the whole process of institutionalisation was still beginning in Colombia, the Andean Strategy was categorised as a failure.<sup>91</sup> In Colombia, there had been expectations in two fronts. The first corresponded to the 1991 Constitution, which had failed to bring immediate and radical change to entrenched practices and problems of Colombian society. In 1992 a poll in Colombia showed that 80% of public opinion claimed to be disappointed with its results. The second corresponded to counternarcotic efforts and the relations with the US. The Andean Strategy, the *PEC* and the ATPA had wrongly signalled that the U.S. approach towards illegal drugs would change. Contrary to this, the U.S. continued to formulate its foreign drug policy within the supply-side of the prohibitionist framework whilst inducing and imposing its own strategies. Furthermore, in spite of the legal, institutional and military efforts the drug problem remained unsolved. In fact, the institutionalisation and reforms revealed, not created, major and long-standing problems of Colombian society, such as corruption.

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<sup>89</sup> 'NDCS 1994: Reclaiming our communities from Drugs and Violence', in CRS, International Narcotics, p. 457.

<sup>90</sup> Myles Frechette, 'Discurso del Embajador de los Estados Unidos de America', held at seminar Logros y Objetivos, Bogotá, August 3, 1994.

<sup>91</sup> The Drug Policy Foundation. The Andean Strategy Reconsidered. Toward a Sensible International Drug Policy, Washington, March 1992, p.1-25.

### **3. New Elements in the U.S.-Colombian Relationship**

Colombia's degree of compliance, cooption and alliance during this new era of institutionalisation was outstanding. Cooperation in the WAD, understood as the undertaking of joint actions and the establishment of institutions guided by the prohibitionist framework and the supply-side emphasis, definitely existed and augmented. However, signs of deterioration in U.S.-Colombian relations and most importantly, the type of attitudes and (mis)interpretations that so clearly characterised the following years started to appear.

This thesis argues that one of the main elements of change and conflict in U.S.-Colombian relations was not a breach in cooperation, but rather the way in which cooperation in drug control and other counternarcotic-related actions were interpreted. One example was the dogmatic reaction towards prosecutor De Greiff's stance. He questioned the long-term effectiveness of chasing and incarcerating re-known drug dealers, but accepted nonetheless the importance of enforcing anti-drug laws at this stage, leading to the crackdown of the Medellin cartel. This was not seen in a pragmatic way; instead, U.S. officials interpreted this as a sign that Colombia was becoming an un-cooperative partner and no longer an ally in the WAD. Similarly, Colombians treated disputes concerning its exports of bananas, roses and tuna to the U.S. as this country's unwillingness to cooperate in the WAD in Colombia. These sorts of disputes often originated because of interest groups lobbying in U.S. Congress, but the Colombian government saw it as U.S. government's policy intent on undermining its economy. One of the factors that motivated officials to interpret things differently was the atmosphere of disenchantment. The time to eliminate the 'scourge' from society had run up and the illegal drug business appeared to be intact. Afterwards, public recriminations and twisted interpretations dragged the bilateral relationship into an unexpected and unwanted stage of crisis. Another factor that facilitated misinterpretations was the gap between technical and political approaches to the drug question. Technical discussion passed from DEA experts and Anti-narcotic Police task forces to the State Department, Ambassadors and Congressmen where the technical debate was transformed, simplified and politicised. For example the Senate Foreign Relations Committee, a 'non-

specialised' politician would support or reject a foreign drug policy based on his or her perception of the strategy's success or based on log-rolling.

The multiplication of actors involved in drug control in both countries and the entrenchment of a hard-line drug control bureaucracy in the U.S. was also a result of the institutionalisation of the WAD and a crucial element in future disputes. Clinton's first treatment of the drug issue focused, in an unprecedented manner, on demand reduction instead of supply reduction. However, this departure from the U.S. approach to drugs did not take place. Based on different reasonings, U.S. Congress had a critical view of the WAD and demanded a tougher policy towards Andean countries. President Clinton was unable to oppose radical conservatives, such as Jesse Helms and Robert Dole in their views regarding U.S. drug policy, not only because the supply-side trend prevail over his views but because he was willing to compromise as he needed support in other subjects such as the budget distribution and fast-track negotiation powers for the enlargement of NAFTA. Moreover, the INL's conviction that foreign drug dealers had turned into the greatest threat to U.S. democracy and free trade policies in the Western Hemisphere (as it will be illustrated in the next chapter), and its desire to survive Clinton's budget re-adjustment encouraged them to continue the supply-side strategies. In this case, there was a lack of presidential leadership in foreign drug issues to the point where Clinton's drug policy was no longer Clinton's. Lars Schoultz assertion in 1987 could not have been more appropriate for the mid-1990s: 'These senior officials are extraordinarily busy people, and under normal circumstances they do not have time for the relatively unimportant places in Latin America. They have to concentrate upon relations with the Soviet Union, the nations of the Middle East, Japan, China or major NATO allies[...]'<sup>92</sup>

It is important to emphasise that Latin America and the Caribbean have not been a priority in U.S. foreign policy as a whole unless a specific critical issue, or at least a *perceived* critical one, arises, like the *Contras*, the Haitian immigrants or Fidel Castro. Once the sphere-of-influence

was consolidated hegemonic power was permanently at work without requiring constant involvement. Paradoxically for Latin American states, the way in which they internalised U.S. power, that is, legitimising U.S. material and moral authority, helped to perpetuate the pattern of unequal relations. The U.S. could rely on a smaller number and less well prepared staff to feed and implement foreign policy towards Latin America, whilst focusing its diplomatic capabilities on other world affairs.<sup>93</sup> This allowed uncoordinated decision-making processes where random actors were able to affect policies towards Latin America without strict monitoring exercised either by a coherent overall strategy or by the White House. This fact actually doomed many Latin American countries to be misinterpreted and unknown to U.S. decision makers. In the end, the fact that Colombia had been an unproblematic state for nearly a century, turned to its disadvantage and U.S. policy towards Colombia was left to the hawkish bureaucracy.

To conclude this section, an explanation of the deterioration in U.S.-Colombian relations during the mid-1990s requires opening the 'black box' and looking beyond inter-state rivalry motivated by the need to maximise their power. It also requires searching beyond material explanations of counternarcotic cooperation. In this way, examining U.S. officials' understandings of illegal drugs and Colombia and examining Colombian policy makers' perceptions of U.S. actions and expectations can pinpoint relevant changes that occurred in the mid-1990s. The following chapter will focus primarily on this aspect of U.S.-Colombian relations.

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<sup>92</sup> Schoultz, *National Security*, p. 26.

<sup>93</sup> Schoultz contends that simplicity, security and stability are core values involved in U.S. policy towards Latin America. *Ibid*, pp. 25-26.

### CHAPTER III

#### COLOMBIA AS A THREAT AND THE DETERIORATION OF THE U.S.-COLOMBIAN RELATIONSHIP

On January 27, 1995, in a speech given in New York to the Council of the Americas and the Colombian-American Society, Ambassador Myles Frechette gave a compendium on both latent and manifest issues on which the US and Colombia disagreed, such as nuclear weapons, the Non-Alignment Movement, Cuba and drugs.<sup>94</sup> Two months later, Colombia was granted a national interest waiver in the U.S. drug certification process. This event was the diplomatic signal that U.S.-Colombian relations had definitely come to a turning point as a first stage of conflict began.

The purpose of this chapter is to describe and analyse the main elements at work in the first stage of the unprecedented deterioration of U.S.-Colombian relations which promoted the idea that Colombia was no longer an ally of the U.S. The first section argues that the major alteration in U.S.-Colombian relations was the shift from framing the illegal drug problem in terms of security to framing it in terms of democracy, law enforcement and corruption. This new way of understanding illegal drugs in turn contributed in turn to create a different and dimmer image of Colombia that assured the emergence of hostility between both countries.

The second section reveals the dispute between president Bill Clinton and president Ernesto Samper regarding the Haitian democratisation process in 1994-1995, which at first sight appears unrelated to the drug issue, but in reality hinges on the role played by U.S. State Department bureaucracy in the bilateral relations and U.S. officials' distrust of Samper's willingness to combat drug cartels. Finally the last part of this chapter tackles the 1995 certification process and the type of debates in which U.S. and Colombian policy makers were embroiled. These public

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<sup>94</sup> Myles Frechette, 'Colombia en enero de 1995', speech for the Council of the Americas, New York, January 27.

and spirited confrontations contaminated the bilateral relationship and characterised the 1995-1997 period.

## **1. Understanding Illegal Drugs and Colombia in the 1990s**

### **1.1. From the 'Securitisation' to the 'Democratisation' of Illegal Drugs**

On April 8, 1986, Ronald Reagan's NSDD No. 221 asked for 'additional emphasis on narcotics as a national security issue in discussions with other nations.'<sup>95</sup> Indeed, drug trade had become highly conspicuous due to its size and had started to disrupt the welfare of local communities both in the U.S. and abroad. However, this political construction of drugs as an overwhelming threat to U.S. security carried the drug problem from the purely social sphere into that of the state and international politics. This way of framing drugs, whether objectively true or exaggerated, had many different effects. Drugs became a challenge to the state, a security target and a compulsory topic on the Inter-American political agenda. Congressional acts that tackled narcotics and adjusted the U.S. legal framework to the new security threat proliferated, as did agencies dealing directly or indirectly with the issue. Moreover, the way an issue was framed not only mattered for conceptual reasons, but because it entailed material changes in administrative structures of state agencies, budget allocations, as well as policies.

One of the most controversial effects of the 'securitisation' of illegal drugs was the militarisation of counternarcotic operations. The 'war metaphor' preconditioned policy makers to provide a military solution and conditioned the public to expect military operations.<sup>96</sup> Hence the

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<sup>95</sup> The NSDD No. 221 has gone into history as the official document that jostled the drug issue into the realm of security 'high politics'. However, a careful reading suggests that its aim was left-wing insurgency instead, advocating the right of the U.S. to fight guerrillas abroad. It seems then, that NSDD No.221 actually ended up serving a different purpose than the initially intended one. 'NSDD No. 221: Narcotics and National Security', in CRS, International Narcotics, p. 548.

<sup>96</sup> Dondal Mabry, 'The Role of the Military', in Raphael Perl, Drugs and Foreign Policy, pp. 101-110.

assignment of military equipment and troops to curtail production and trafficking of cocaine in Bolivia, Colombia, Peru and eventually Mexico. Donald Mabry acknowledged that there is a link between understanding counternarcotic efforts as a war and the increased role of the Department of Defence within the U.S. and abroad. He gives a more pragmatic explanation to the process of militarisation relating it more to the failure of civilians in dealing with drugtrafficking, the transnational character of operations that require specific military equipment, and the bureaucratic need to assign new tasks to an over-developed Cold War machinery.

Authors such as Juan Tokatlian and Bruce Bagley, who have focused their analyses on Colombia, give pivotal relevance to the 'securitisation-militarisation' argument.<sup>97</sup> They assert that militarisation against drugs was one of the major causes, if not the most outstanding one, of conflict in U.S.-Andean relations and U.S.-Colombian relations in particular. Tokatlian claims that 'the idea of national security necessarily encompasses dispute, controversy and polemic' bringing 'coercion, threat, pressure and retaliation'; and for this reason U.S.-Colombian relations were of an essentially conflictive character in the 1990s.<sup>98</sup> However there are problems with this reasoning which demonstrate why 'securitisation' with ensuing 'militarisation' alone cannot explain the deterioration of U.S.-Colombian relations in the 1995-1997 period.

Firstly, although Bolivia, Colombia and Peru show similarities in counternarcotic cooperation with the U.S., the case of militarisation did not develop in the same way in the three countries.<sup>99</sup> In Peru, unlike Colombia, the issue of using military in the WAD became a diplomatic skirmish with the U.S. The shift towards using the military instead of the police in counternarcotic operations was finally imposed on president Alberto Fujimori when the economic crisis of the

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<sup>97</sup> Bruce Bagley, Myths of Militarization: The Role of the Military in the War on Drugs in the Americas (Miami: University of Miami, North-South Center, 1991). Bagley's 'myth' of militarisation does not refer to the actual effects in Bolivia, Peru and Colombia or to misleading generalisations. Rather, it deals with the lack of consensus within the U.S. about using military equipment and personnel for counternarcotic operations, as opposed to the perception of an Executive-Congressional unity in this topic.

<sup>98</sup> Tokatlian, Drogas, dilemas, particularly pp. 11-19.

early 1990s demanded compliance with the U.S. on drug issues in order to obtain loans and economic aid. U.S. troops carried out eradication when Peru failed to do this on time. In Bolivia, the UMOPAR (anti-narcotics police) were also replaced by military, and after Operation Blast Furnace had set a precedent, the presence of U.S. troops was common. During Bush's administration both countries, and Colombia also, received increased military aid. However, Colombia did not experience the deployment of U.S. troops and it did not agree with placing counternarcotic operations in the hands of the military.<sup>100</sup>

Secondly, although this thesis acknowledges the importance of understanding drugs as a security problem, it contends that 'securitisation' alone can not explain the new situation of the mid-1990s. Since the mid-1980s and up until 1994, the fact the illegal drugs and drug cartels were seen as a national security threat to the U.S. had not led it to conceive Colombia as an enemy. This means that there were other factors at play. Indeed, during the mid-1990s there was a further change in understanding illegal drugs that served as a conceptual framework for policy makers to alter anti-narcotic policies and strategies and to alter the way they interpreted events. The period of the 'securitisation' of illegal drugs (1986-1990) was progressively transformed into one of 'democratisation' (1990s).

As mentioned above, Bush and Clinton administrations faced a wide-ranging debate that aimed at redefining the U.S. 'mission' in a transformed world. In this context of uncertainty, the closest and most acceptable reference that U.S. policy makers could hold on to were those of democracy and free trade --the self proclaimed values of American society since its creation as a nation-

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<sup>99</sup> Mabry, 'The Role of the Military'. For the Bolivian case see Eduardo Gamarra, 'U.S.-Bolivia Counternarcotics Efforts During the Paz Zamora Administration: 1989-1992' in Bagley and Walker III, Drugtrafficking in the Americas.

<sup>100</sup> Colombian military have been involved in counternarcotic operations, albeit selectively. The most outstanding case was 1978 *Operación Fulimante*. In the 1990s, they have escorted eradication teams in areas where guerrilla groups engage in the production of coca or poppy or the surveillance of clandestine laboratories and air strips. The closer ties between guerrillas (e.g. FARC) and drug production, i.e. narco-guerrillas, has brought to the open the debate about end-use monitoring of U.S.-donated military equipment for the WAD. U.S. GAO, The Drug War. Colombia is Undertaking Antidrug Programs, but Impact is Uncertain (Washington: GAO, August, 1993), p. 6; Coletta Youngers, 'The Andean Quagmire:

state.<sup>101</sup> Placing democracy and free trade at the core of U.S. policy towards Latin American countries seemed convenient and/or reasonable. Democratic rhetoric had often been present in U.S. policy towards the region, even if it justified military interventions. Latin America's 'democratisation' in the 1980s provided a fertile ground for the acceptance of U.S. leadership in promoting democracy and served as a concrete evidence in the eyes of the international community that the U.S. had been 'truly' committed to democracy. Furthermore, the U.S.'s acknowledgement of Latin America's version of democracy enabled it to view them as legitimate partners for economic integration. The inter-American convergence towards liberal values legitimised the U.S. role as a political and ideological leader. The Santiago Declaration committed the entire Western Hemisphere to democracy and the 1994 Miami Summit of the Americas set out the ambitious plan of a continental Free Trade Area by the year 2005, which had already begun with NAFTA and *Mercosur*.

In this way, the 1990s commenced with an avalanche of 'democracy' rhetoric that permeated interests, discourse, identity, policy, goals, institutions and norms; and U.S. security was defined in terms of democracy.<sup>102</sup> This atmosphere co-existed with the crafting and implementation of counternarcotic institutionalisation thereby leaving noticeable marks on drug policy. A transition took place from conceiving drugs as a national security concern ('securitisation' of illegal drugs), to conceiving illegal drugs *and* drug cartels *and* all perilous effects of drugtrafficking as threats to the essence of U.S. identity and U.S. foreign policy, namely, democracy.<sup>103</sup> Launching the 1994 NDCS, Clinton claimed:

The Strategy also challenges us to change the way in which we look at international drug control programs. International drug trafficking is a criminal activity that threatens democratic institutions, fuels terrorism and human right abuses, and undermines economic development.

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Rethinking U.S. Drug Control Efforts in the Andes', WOLA Briefing Series: Issues in International Drug Policy, Washington, March, 1996.

<sup>101</sup> Tony Smith, America's Mission. For Inter-American affairs in the 1990s see 'Special Issue: U.S.-Latin American Relations', Journal of Interamerican Studies and World Affairs vol. 39, No. 1, Spring, 1997.

<sup>102</sup> See Augusto Varas, 'Post Cold War Security Interests and Perceptions of Threat in the Western Hemisphere', in Lars Schoultz, William C. Smith and Augusto Varas (eds.), Security, Democracy, and Development in U.S.-Latin American Relations (Miami: University of Miami, North-South Center Press, 1994), p. 18.

<sup>103</sup> Not defining democracy, or doing it in a vague manner opened the way for practically every single illegal action to be considered as a grave threat to it.

...The global drug trade affects America's security and welfare in important ways. Rich, violent and powerful drug syndicates pose a growing and fundamental threat to fragile democracies and their economic growth. ...The United States finds that democratic, market-oriented governments are much easier to work with and more willing to cooperate with the international community in a common effort against the illicit drug industry.<sup>104</sup>

The new approach to understanding drugs as threat to democracy came along with changes in U.S. international drug strategy, but not in the way that Colombian policy makers expected. U.S. foreign drug strategies focused particularly on 'source countries', criminal organisations, and all the offences derived from the illicit industry and drug traffickers that could possibly erode democracy. Clear evidence of this was the transformation in 1994 of the Bureau for International Narcotic Matters into the Bureau for International Narcotics and Law Enforcement Affairs; its primary objectives being 'to combat international crime; to help emerging democracies strengthen their national judicial and law enforcement institutions' and to provide support to UN initiatives on drug control.<sup>105</sup>

Moreover, interpreting the threat of drug cartels within the democracy-security framework directed attention towards corruption. Clinton's Counter Narcotic Strategy for the Western Hemisphere stated that kingpins were the main target because they 'are personally responsible for the smooth and efficient management of the trade, and because their ability to corrupt and intimidate constitutes the most serious drug-related threat to democracy, the rule of law and economic stability.'<sup>106</sup> Corruption became a major issue in counternarcotic rhetoric and policies.<sup>107</sup> The International Narcotic Control Act of 1992 included 'legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials' as a criteria by which to grant full certification to other countries in their counternarcotic

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<sup>104</sup> 'NDCS 1994', pp. 410-490, especially pp. 410, 451 and 452.

<sup>105</sup> 'International Organised Crime', Presidential Decision Directive-42 (PDD-42). It is interesting to note that one of the fund sources for INL programmes comes from the Support East European Democracy Act. 'INL Mission Statement, 1997', INL web page.

<sup>106</sup> 'FY Country Programs. A Counternarcotic Strategy for the Western Hemisphere', INL webpage.

<sup>107</sup> U.S. Department of State, INL, INCSR 1997

performance.<sup>108</sup> In other words, corruption became a threat to U.S. national security and foreign policy.

In the case of Colombia, as well as other Andean countries, this reasoning implied a distortion and simplification of reality. The contention that drug dealers corrupted democratic institutions, which is certainly true, supported an erroneous assumption, namely, that current weaknesses in some Latin American democracies were exclusively caused by drugtrafficking. For example, Colombia's crisis and instability in 1995-1997 were mainly associated by U.S. officials to drug cartels; the decay of political parties, social unrest, poverty, white collar corruption and guerrilla violence ascendancy in the 1990s were rarely taken into account.<sup>109</sup> Corruption in Colombia was not new; it had become widespread years ago due to chronic impunity, state inefficiency, distorted values and unequal distribution of wealth in the society.<sup>110</sup>

Moreover, the focus on corruption as a phenomenon that undermined both counternarcotic efficiency and democracy gave rise to another a new element in the understanding of illegal drugs, namely, the issue of willingness. The 1994 NDCS stated:

The United States will assist those nations that have the political *will* to fight the illegal drug trade. ...Meanwhile, in those countries where anti-narcotics political *will* and commitment remain weak, diplomatic and other cost-effective initiatives will continue to strengthen their *will* to combat narcotics production and trafficking [emphasis added].<sup>111</sup>

In this way, it was posited that *unwillingness* of countries to cooperate (because they were corrupt), instead of their incapability to enforce law and implement programmes was the major obstacle for victory. This tendency to highlight perceived unwillingness was reinforced by the atmosphere of disenchantment which arose rising just two years after the U.S.'s new

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<sup>108</sup> U.S. Congress, International Narcotics Control Act of 1992 H.R. 6187, 102 Congress, Sec. 490. Washington, January 3, 1992.

<sup>109</sup> Interviews conducted in the U.S. State Department, Washington, September, 1997.

<sup>110</sup> Fernando Cepeda Ulloa (comp.), La corrupción en Colombia (Bogotá: TME-Fedesarrollo-Universidad de los Andes, 1997).

<sup>111</sup> CRS, International Narcotics, p. 454.

institutionalised WAD had been announced. Unwilling countries became not only enemies in the WAD, but a threat to U.S.'s new grand strategy as a whole.

This novel understanding of drugtrafficking allowed policy makers to formulate interpretations regarding counternarcotic actions and problems in a different way from that of previous years. The effect of this was to place Colombia in a disadvantageous position that differed from the one it held in the past. This was important because, as Lars Schoultz argues, 'when a group of U.S. policy makers sits down at a conference to determine U.S. policy towards, say, Peru, each participant brings to the discussion his or her perceptions about what "Peru" signifies' and the 'understanding of perceptions is critical to the understanding of a policy' even if they are only part of the 'policy-puzzle.'<sup>112</sup>

## **1.2. Colombia's Changing Image in the Eyes of the U.S.**

At the beginning of 1995, the idea of a threat posed by illegal drugs coming from Colombia changed into to 'the increasing drug threat posed *by Colombia* [emphasis added].'<sup>113</sup> Instead of being recognised as the committed ally or the longest and most stable democracy in Latin America it was called a 'narco-democracy'.<sup>114</sup> The Heritage Foundation tried to initiate a *Just say no to Colombia* campaign.<sup>115</sup> The general balance of 1994 mentioned 'tensions' between Colombia and the U.S., but immediately afterwards, as early as January 1995, Colombia's media spoke about an unprecedented 'crisis of confidence' in the relationship.<sup>116</sup> Simultaneously, the dormant, yet ever-present Colombian rejection to U.S. hegemony, became much more forcefully felt and expressed.

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<sup>112</sup> Lars Schoultz, William Smith C. and Augusto Varas, 'Introduction' in, the same, Security, Democracy and Development, p. x-xi.

<sup>113</sup> Robert Gelbard, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs. Remarks at the State Department Daily Press Briefing. 'Narcotics Certification', Washington, DC, February 28, 1997.

<sup>114</sup> Senator John Kerry and Joe Toft, former chief of the DEA mission in Colombia used this expression after Ernesto Samper's election (see chapters 2 and 4).

<sup>115</sup> The Heritage Foundation is a Republican think tank based in Washington that has great influence in U.S. foreign policy making. The Heritage Foundation, Backgrounder No. 1028, March 21, 1995

<sup>116</sup> Semana No. 666, February 7-14, 1995.

It is not suggested in this thesis that the transition of Colombia's status from friend to foe in its relation to the U.S. occurred automatically or that every policy maker supported economic sanctions against Colombia as of 1995. But progressively by the end of 1994 and the beginning of 1995, Colombia ceased being a friend and enjoying the advantages of such a friendship.<sup>117</sup> What had changed? Was it Colombia's performance in drug control? Why did the change occur in the mid 1990s and not before? Which means made this possible? What were the consequences of this change?

In general the knowledge that American policy makers have about Latin America is deficient (the same applies to Colombian policy makers regarding the U.S.). They have 'simplified' images of the most salient features of the region and the countries. The persistence of analysts to address the existence of perceptions, beliefs, myths or preconceptions as a way of explaining U.S.-Latin American relations is a strong sign that rationalist or neo-realist approaches have often failed to grasp the essence of this topic.<sup>118</sup> In the case of Colombia, there were three particular ideas regarding this which eventually changed and which are relevant in understanding how Colombia was downgraded in the mid-1990s.

The first one is its democratic tradition. In 1990 a Congressional Research Service (CRS) document referred to Colombia as 'one of the most stable democracies in South America', it added 'Colombia has been constitutional democracy for over a century.'<sup>119</sup> In 1991 a document from the Bureau for Inter-American Affairs of the State Department claimed 'Colombia has a solid tradition of civilian rule and free elections. Two traditional political parties, the Liberals and Conservatives have dominated the political scene for most of Colombia's 181-year history.'<sup>120</sup>

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<sup>117</sup> See Raphael Perl quoted in p 61 of this thesis.

<sup>118</sup> After reviewing interpretations of U.S.-Latin American relations from neo-realism, liberalism and dependency theory, Andrew Hurrell indicates the flaws of neo-realism, hence the need for alternative approaches. Hurrell, 'The United States and Latin America', p.155-178.

<sup>119</sup> CRS, 'Colombia Briefing', Washington, 1991, mimeo.

<sup>120</sup> Bureau of Inter-American Affairs, Department of States, 'A political Overview of Colombia'.

Secondly, and echoing this idea of *stability*, Colombia was known for its stable economic performance. The same CRS document stated: 'For years Colombia's economy has been considered one of the best in Latin America. Colombia finds itself in a ninth straight year of positive economic growth'. Finally, the third perception about Colombia was its alliance with the U.S. in foreign policy issues.<sup>121</sup>

In fact, the picture that policy makers had about Colombia was even more generous than what Colombians imagined. Raphael Perl, CRS specialist on drug issues and Latin America for the past years explained it in a very illustrating way: 'Colombia is more European', he asserted. Apparently, Colombia had been viewed as a country with a Western-valued intellectual elite. Colombia was different to other Latin American stereotypes and was also a friend. The elements of friendship included 'economic development, liberal values, free trade, democracy, trust and ethnic similarity.' Perl admitted that the image of Colombia was based upon those Colombians with whom U.S. policy makers had contact. These were mainly the elite. Until the mid-1990s, this 'rosy' picture had remained unaltered because no exceptionally critical situation in Colombia (at least one that the U.S. identified as such) had forced either scholars or policy makers to consider the complexities of the country.

However, this situation began to change and the three ideas about Colombia were challenged. Colombia's multi-fold long-term and unresolved crisis became more pressing in the 1990s and president Gaviria's *modernización* and *moralización*, inevitably continued by Samper, revealed old and deep rooted flaws of Colombian institutions which pointed at the existence of wide spread corruption precisely one of the new targets of U.S. foreign drug policy.<sup>122</sup> When the process of institutionalisation of counternarcotic cooperation began, both countries were driven

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<sup>121</sup> The U.S. Department of State uses a UN voting record to measure other state's coincidence with its policies. Colombia's coincidence record declined in the 1990s. However, official John O'Hara, in charge of the Colombia Desk explained that coincidence percentage alone is not determinant; it is also considered whether the country stands out from the general tendency or not. Interview, Washington, September, 1997.

<sup>122</sup> Cepeda, *La corrupción*.

into a more intense and decentralised interaction that required going beyond the existing superficial knowledge they had about each other.

In this way, U.S. policy makers learned about Colombia's weaknesses. Soon after his appointment as head of the INM, Melvyn Levitsky learned about Colombia's 'impotent judiciary', the levels of corruption and the insidious violence.<sup>123</sup> They also learned about the intricate world of drugtrafficking in Colombia, the differences between cartels and the names of the popular kingpins. Likewise, Colombian policy makers learned about the making of U.S. foreign policy. President Cesar Gaviria hired an American lobbying firm who advised the President and his selected staff on U.S. matters. It was the first time that Colombia had 'gone out' to investigate how things worked in Washington.<sup>124</sup> The improvement of knowledge was mutual, yet far from perfect. For example, U.S. policy towards Colombia from 1995 to 1997 reflected a profound lack of knowledge about Colombia's domestic situation. The impact of U.S. decertification on the Colombian domestic crisis was unknown or ignored by officials in Washington, most likely due to their inability to look beyond U.S. internal bickering and the complexity of the crisis itself.<sup>125</sup>

In the case of Colombia, the acquired know-how was not passed over to president Samper's staff during the transition period and this contributed to future misunderstandings that characterised the deterioration of U.S.-Colombian relations. An internal memo of the Colombian Ministry of Foreign Affairs highlights the 'chaotic and almost non-existent process of transition between Gaviria's and Samper's administrations, particularly on such a relevant topic as the relationship with the U.S.' Then it is further explained: 'For a period of approximately two months, between

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<sup>123</sup> The New York Times, August 22, 1989, p. A10.

<sup>124</sup> Miguel Silva, 'Manejo de Imagen, Comunicaciones y Cabildeo de Colombia en Estados Unidos', Washington D.C., March, 1997, paper requested by the *Comisión de Análisis y Recomendaciones sobre las Relaciones entre Colombia y Estados Unidos* established by IEPRI in 1996.

<sup>125</sup> This was clear throughout the interviews conducted in Washington. As well it is reflected in the Congressional hearings and seminars held in 1996-1997 concerning the drug issue and certification. U.S. Congress, Oversight of the United States Counternarcotics Assistance to Colombia, Hearing before the Subcommittee on National Security, International Affairs, and Criminal Justice, Serial No. 105-7, Washington, February 14, 1997; U.S. Congress, Drug Interdiction: U.S. Programs, Policy and Options for Congress, CRS seminar, Serial 104-56, Washington D.C., December 12, 1995; U.S. Congress,

the coming into office of the Secretary General of the OAS [former Colombian President Cesar Gaviria] and the arrival of the Ambassador Lleras to Washington, communication between the former and new governments was interrupted, partly because of mutual distrust.<sup>126</sup>

Ideally, greater knowledge about Colombia would have seemed beneficial. However, as we shall see, U.S. interpretations of Colombia's institutional weaknesses were attributed solely to the actions of drug cartels. There was the impression that Colombia had been, all of a sudden, ruined and brought to 'civil war' because of the capacity of drug dealers to coopt and corrupt.<sup>127</sup> The U.S. GAO reports from 1991 to 1997 concerning Colombia provided a detailed survey of all the difficulties faced by U.S. drug policy in that country. Those most mentioned dealt with the lack of data and information, the inability to measure effectiveness and the lack of inter-agency coordination within the U.S. and in Colombia. However, the diagnosis from 1994 onwards changed. One of the reports stated: 'In many instances, the counternarcotic forces lack the most basic forms of equipment, training and transportation. For example, the director of the counternarcotics police in Colombia said that the police have 10 helicopters available at any one time for drug interdiction and eradication efforts throughout Colombia.' The following and concluding paragraph of the report reads: 'Corruption continues to undercut the willingness and ability of host nations to combat the drug trade. The U.S. Ambassador to Colombia said that corruption in Colombia is the greatest single impediment to a successful counternarcotics efforts.'<sup>128</sup> What is most striking of all the reports is that the same type of problems in implementing counternarcotic cooperation were present throughout the decade, but nevertheless,

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International Drug Trade and the U.S. Certification Process: A Critical Review, CRS seminar, Serial 104-57, Washington D.C., March 1, 1996.

<sup>126</sup> MRE, 'Las relaciones entre Colombia y los Estados Unidos' Internal Memorandum produced by U.S. desk on May 1996, U.S. files, Archive, MRE. There are a series of updates to this document which contain information about the 1995-1997 U.S.-Colombian crisis in general. These were most likely produced by Foreign Officer Francisco Coy.

<sup>127</sup> The expression 'civil war' was used by Anne McDonald and other officials from USAID office in the State Department. Interview, Washington, September, 1997.

<sup>128</sup> U.S. GAO, Drug War. Observations on the U.S. International Drug Control Strategy. Statement. Statement of Joseph E. Kelly, Director-in-Charge, International Affairs Issues, National Security and International Affairs Division (Washington D.C.: GAO), p. 6.

they received different interpretations. U.S. policies were failing not because of operational problems, but rather because of Colombia's unwillingness to cooperate.

In September 1994 Thomas Constantine, DEA Chief, managed to link unsolved issues of underdevelopment and the impact of neoliberal reforms in Latin American societies and Colombia to drugtrafficking. In addition he targeted Colombia's economy thereby undermining its historical record of stability. Constantine asserted:

As the country's reliance upon illicit drug revenue continues to increase, the Colombian drug cartels' influence within the private and governmental sectors threatens to widen the gap between rich and poor. In this liberalised economic atmosphere with the continuous absence of strict financial laws, the financial sway of the drug cartels threatens to undermine the success of the current economic reforms'; [if the Colombian government does not act], 'criminal elements will continue to flourish, jeopardising not only Colombia's economic growth, but regional security throughout Latin America.<sup>129</sup>

Public recriminations and political skirmishes following this report reflected the atmosphere of the time and that characterised the 1995-1997 period (see chapter 4); not only facts but dignity and sovereignty were at stake. Colombians argued that the report 'constitute[d] not only an insult to Colombians, but an insult to intelligence' and Americans felt Colombia's rejection was an overt defiance.<sup>130</sup>

The idea of generalised corruption in Colombia was mostly (if not exclusively) nurtured by the 'narco-cassette' scandal in August 1994 when the newly elected president Ernesto Samper was accused of receiving money from the Cali cartel in return for some kind of compensation. In April 1995 the so called '8000 process', by which more than 50 Colombian politicians were investigated for links to drug cartels, became public, triggering a complex political crisis. However, the 1994 scandal contributed to the deterioration of the bilateral relationship in several

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<sup>129</sup> U.S. Department of Justice, DEA, 'Colombian Economic Reform: The Impact on Drug Money Laundering within the Colombian Economy', Drug Intelligence Report, Intelligence Division, DEA-94072, Washington, September 1994. This report was circulated to 30 agencies, among them, the National Security Council, the ONDCP, the Department of Defense, the Department of Treasury, Department of State, U.S. Customs Service and the Financial Crimes Enforcement Network.

<sup>130</sup> Government of Colombia, Comments on the Document 'Colombian Economic Reform: The Impact on Drug Money Laundering within the Colombian Economy', Published by the Intelligence Division of the

ways. In a first stage, during the latter part of 1994, it helped to change the image of Colombia, bestowing a shadow of distrust over the country's counternarcotic operations, despite the fact that drug control cooperation was being highly institutionalised. Once the bilateral relation had already deteriorated and once the scandal evolved into an acute domestic crisis, a second stage of diplomatic disputes commenced when both domestic crisis in Colombia and its delicate relation with the U.S. began to interact and condition each other (see chapter 4 below).

In 1995 Colombia was no longer treated as a friend. This had less to do with a radical turn in Colombia's domestic situation from 1990 to 1995 and more to do with the *perception* that the country and the main qualities for which it was appreciated, namely democracy and economic stability, were *now* under siege and that this was the result of drugtrafficking. It had less to do with an alleged breach of counternarcotic cooperation (see chapter 2 above) and more to do with the *perception* that U.S. policies were failing because of Colombia's unwillingness to cooperate. The disenchantment with the strategy of institutionalisation, the increased complexities of counternarcotic cooperation, ambiguous measurements of effectiveness and the penetration of 'democracy' in the conceptualisation of illegal drugs and counternarcotic strategies were all factors that together contributed to the alteration in Colombia's image.

Once the idea was formed that Colombia had become a critical and unresponsive country in the WAD, then the approach to it was guided by this logic. The result was conflict. 'When a friend of yours does something bad you are willing to overlook some of his deficiencies, but if is not a friend then you will condemn every mistake.'<sup>131</sup> On March 1st 1995, the U.S. government granted Colombia a national interest waiver; 'downgraded for the first time ever.' Afterwards, from the latter part of 1995 to 1997, the Colombian domestic political crisis acme on the scene and contributed to worsen the already tense bilateral relationship.

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United States Drug Enforcement Agency (DEA), Bogotá, November 21, 1994. mimeo, and The Heritage Foundation, Backgrounder No. 1028, March 21, 1995. p.5

## 2. The Haiti Affair

The misunderstanding between presidents Bill Clinton and Ernesto Samper concerning the possible participation of Colombian police forces in a multilateral peace-keeping mission in Haiti in 1995 was inevitably linked to U.S. reconsideration about Colombia's alliance and the drug-related disputes.

Clinton faced the Haitian crisis upon his arrival to the White House. During his 1992 campaign, he had criticised George Bush's policy towards Haitian refugees escaping from Raoul Cedras' dictatorship and offered a more humanitarian approach. However, his own efforts were also unsuccessful and the attempt to send American troops to Port-au-Prince generated widespread protest. In 1994 Clinton sought support from the UN and the OAS for a negotiated process which would return Jean-Bertrand Aristide, the elected leader, and restore democracy in the island. The plan required the deployment of multilateral military forces in a first stage and police forces in a second stage. It was claimed by the former U.S. sub-secretary of State for Inter-American Affairs, Alexander Watson, that President Ernesto Samper had given a positive response to the question of the possible use of Colombian police in Haiti. However, it seems that later on the Colombian administration backed off, failing to keep its promise.<sup>132</sup>

According to the Colombian Ministry of Foreign Affairs this episode had a number of consequences. The first one was the loss of Clinton's support for any other political affairs regarding Colombia. Clinton perceived Samper as a distrustful person. Second, was the loss of Alexander Watson's influence in the White House and the possibility of counterbalancing the hard-liners in the State Department who dealt with Colombia and the drug issue. Watson was considered by Colombians to be a Liberal and 'soft-liner' in his stance towards Colombia, that is, the 'political-wing' in contrast to the 'enforcement-wing' (*ala policiva*). Robert Gelbard, Assistant Secretary of State for Narcotics and Law Enforcement (1993-1998) was one of the main hard-

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<sup>131</sup> Interview to Raphael Perl, Specialist on Drug Issues in the CRS, Washington, September, 1997.

<sup>132</sup> Internal Memorandum, U.S. files, MRE

liners and hawk in the drug issue. Gelbard's outgoing personality and strong views about drugs not only affected U.S. relations with Colombia but with Bolivia too where he served as Ambassador from 1989 to 1992.<sup>133</sup>

It is not suggested that the Haiti affair or Robert Gelbard on their own triggered the deterioration of U.S.-Colombian relations in 1995-1997. However, it appears that the White House was not interested in promoting moderation in INL's policy towards Colombia. Moreover, once the scandals about Samper became public, the Haitian incident simply added to the negative perceptions that U.S. policy makers already had about him. After a brief meeting with Samper, on June 29 1994, Cresencio Arcos, second in the INL after Gelbard, claimed: 'This man has the arrogance of corruption. He reminds me the president of Honduras as one day I asked him about a huge ring his wife was wearing and which every body knew exactly where it came from.'<sup>134</sup>

The figure of Ernesto Samper and the drug money scandal were crucial in changing Colombia's image in the eyes of U.S. officials, because U.S. foreign policy mixed the individual and the country. Samper's perceived deviousness and his alleged unwillingness to combat drugtrafficking was *Colombia's* unwillingness to cooperate. The attributes of the individual were transposed into the identity of a nation. The problem that the U.S. had with Samper was not only about counternarcotic operations, but about distrust. In the end the Haiti affair added to the perception that an alliance between both countries had been broken.

### **3. The 1995 National Interest Waiver**

#### **3.1. The Certification Process**

In 1986 the U.S. Congress created the certification process which linked U.S. foreign aid to counternarcotics control abroad. It required the U.S. President to present a list of those countries whose territory was used for producing and/or trafficking mainly cocaine, marijuana and heroine.

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<sup>133</sup> Gamarra, 'U.S.-Bolivia', p. 222-223.

The list had to state which of those countries had 'fully cooperated' with the U.S. in its attempt to curtail the flow of drugs into the U.S., after which Congress could disapprove the president's judgement.

Decertified countries would eventually be punished by having foreign aid other than that used for counternarcotic purposes suspended and sometimes by voting against them on multilateral bank loans. There were mainly two motivations for this act: to encourage foreign cooperation in drug control, and to give Congress both a greater say in foreign drug policy and a leverage over the Executive branch. In practice, certification became a diplomatic symbol for 'high politics', a tool that perpetuated the supply-side emphasis of drug prohibitionism, and a measure that exposed U.S. foreign drug policy to domestic politics. For example problematic countries for the U.S. on grounds other than drugs were constantly decertified, such were the cases of Afghanistan, Burma, Iran and Syria; and the former was taken off the list completely in 1998 in order to create a better climate in the Arab-Israeli peace process.

During the institutionalisation of the WAD the 1992 Anti-Drug Abuse Act provided tighter standards for the certification process and for fiscal years 1993 and 1994 it was decided that certification would be granted to those country that had cooperated fully with the United States, or took adequate steps on its own, to achieve full compliance with goals and objectives established by the Vienna Convention. Over subsequent years more specific criteria were set, such as satisfying the goals agreed in bilateral narcotics agreements; preventing illicit drugs to touch U.S. soil or U.S. Government personnel; punishing drug-related money laundering and punishing drug-related public corruption. These legal changes facilitated a harsher attitude towards Colombia, Bolivia and Peru, all of which received a national interest waiver in 1995,

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<sup>134</sup> Mauricio Vargas, Jorge Lesmes and Edgard Tellez, El presidente que se iba a caer. Diario secreto de tres periodistas sobre el 8.000 (Bogotá: Editorial Planeta, 1996), p. 47.

even if certification clearly obeyed more qualitative and discretionary criteria than simply objective measurements.<sup>135</sup>

Moreover, the INL, directed by former Ambassador to Bolivia Robert Gelbard during Clinton's administration had acquired great influence in the formulation and implementation of foreign drug policy and also the certification process. The entrenchment of prohibitionism in U.S. institutions was clear; Frechette claimed that 'a politician that presents [the legalisation] argument today in the United States or Europe commits a political suicide.'<sup>136</sup> The INL was the key bureau in the State Department when it came to account for foreign compliance in the WAD. In this way it became a crucial interlocutor in U.S.-Colombian relations capable of conditioning the entirety of the relationship to drug issue alone.

### **3.2. Colombia's Perceived Unwillingness to Cooperate and the Consequences of the 1995 National Interest Waiver**

In the Western Hemisphere only Panama had been decertified prior to the 1989 invasion and Bolivia, Panama and Peru had been granted a national interest waiver in 1994.<sup>137</sup> By 1994 high-rank Colombian policy makers outside the *Gavirista* circle, as well as public opinion, knew little or nothing about certification. The Colombian President, Ernesto Samper, had apparently been warned by the INL in 1993 that illegal money was infiltrating his campaign; however, it was only once Samper won the elections that the new administration was lectured by U.S. officials on the risks of decertification.

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<sup>135</sup> Fromer Assistant Secretary of State for the INL, Melvyn Levitsky openly acknowledged the subjective character of certification before the process began to be severely criticised in 1996. Melvyn Levitsky, 'U.S. Foreign Policy and International Narcotics Control: Challenges and Opportunities in the 1990s and Beyond' in Perl, *Drugs and Foreign Policy*, pp. 41-59, especially p. 54. This contradicted Madelein Albright's declarations in 1997: 'The United States drug certification [...] is not discretionary, for the Administration is legally obliged to apply it'. U.S. Department of States, 'Press Briefing: INCSR 1996', Washington D.C. February 28, 1997, U.S. State Department web page.

<sup>136</sup> *El Tiempo*, March 8, 1995, p. 7A.

<sup>137</sup> U.S. Department of State, INL, *INCSR 1997*, p. vi.

At a meeting in New York, it was not the U.S. president nor the Secretary of State who addressed Samper and his key ministers, but Deputy Assistants for Inter-American Affairs and the INL within the bureaucracy of the State Department. This reflected a clear departure from the Bush years and was an illustration of who the actors defining U.S.-Colombian relations were at that time. According to former Colombian Minister of Foreign Affairs, Rodrigo Pardo, during this specific meeting the new Colombian government established a bilateral 'agreement in order to make the relationship manageable'. This 'agreement' was based on Colombia's acknowledgement of those U.S. demands that had been transmitted through a 'corrected and revised' version previously handed to the Gaviria administration. In this way, dismantling the Cali cartel became the main target and measurement of cooperation, and a symbol of Colombia's commitment.<sup>138</sup>

The notion that Colombia was unwilling to severely prosecute the Cali cartel had been nurtured by U.S. official's doubts regarding the Colombian plea-bargain system in the sense that it represented a negotiation, i.e. a surrender *to* the cartel rather than a surrender *by* the cartel, and by De Greiff's criticism to prohibitionism.<sup>139</sup> Additionally, the perception that Samper, hence Colombia, were unwilling to cooperate in the WAD was also reinforced by Samper's support for the legalisation of marijuana in 1980 and the new scandal.<sup>140</sup>

The unconfirmed rumours about drug money being used to finance Samper's presidential campaign seem to have had a greater impact in the U.S. than in Colombia, where the issue had already died down by the end of 1994. The U.S. Ambassador to Colombia, Myles Frechette, promptly warned Colombians about a possible decertification in his famous January 1995 speech and U.S. officials began a round of open recriminations that basically announced the March

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<sup>138</sup> Just before president César Gaviria left office and the Administration at the end of July 1994, the U.S. had officially warned Colombia, through a diplomatic note, about the new rules of the game in the certification process.

<sup>139</sup> The explanation text provided along with 1994's certification to Colombia had a lengthy list of achievements in counternarcotic control which were all nullified by U.S. anxiousness towards the Cali cartel incarceration. 'INCSR 1994: Certification Documents', in CRS, *International Narcotics*, p. 526.

<sup>140</sup> Ernesto Samper, 'A proposal to Legalize Marijuana', 1980 paper presented at ANIF Conference, Bogotá, 1980.

national interest waiver. The reaction of Colombia's government and public opinion was immediate creating a mood of altercation. Condemnation of Frechette's statements were particularly harsh and interpreted by Colombians almost as if it were a treason. After a lengthy list of what he considered to be Colombia's anti-drug accomplishments in 1994, García-Peña's words in *El Tiempo*, clearly illustrates the case:

What would truly be an aberration, Mr. Ambassador, is to disregard the mentioned efforts. However, if due to a possible decertification (which seems like an extortion), in which you would have an indisputable influence, you decide to side with Colombia's snipers, we would have lost not only a crucial interlocutor for healthy relations among our countries, but the war as well... A war that we fight not against United State's power, as it has been myopically interpreted by leaders like Helms, but against drugtrafficking.<sup>141</sup>

The Colombian Ministers of Defence, Foreign Affairs and Justice initiated an active lobby in Washington from February onwards; and further, Samper publicly launched *his* counternarcotic strategy, *Compromiso de Colombia Frente al Problema Mundial de la Droga: Plan Nacional 1995*, which closely resembled those of the U.S.'s.<sup>142</sup> However, it seems there was little the Colombian administration could do in order to change the existing perception in Washington, resulting in the national interest waiver on March 1, 1995.

The explanatory text for Colombia's downgrading hinted mainly at public sector drug-related corruption, which in the eyes of U.S. officials had become the main reason why the WAD had not been won. This can be seen in the following statement:

Individual officials from the Police and of other kinds who operate on the fields demonstrate a considerable determination... The sporadic and ambivalent support of some sectors of the political establishment in Colombia do not allow them to harm Colombian cartels significantly... In 1994 no high rank governmental official was accused of corruption... There was a visible lack of support by some sectors of government to reinforce and support the achievements obtained by those governmental institutions that operate in the field...<sup>143</sup>

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<sup>141</sup> D'Artagnan, 'Dear Mr. Frechette', *El Tiempo*, February 5, 1995, p. 5A.

<sup>142</sup> Ministerio de Justicia y del Derecho-DNE, *Compromiso de Colombia frente al problema mundial de la droga. Plan nacional 1995* (Bogotá: Imprenta Nacional, 1995).

<sup>143</sup> 'Justificación por intereses nacionales vitales. Colombia (traducción extra-oficial)'. mimeo obtained in Secretaría Privada, Presidential Dispatch, Government of Colombia.

Overall, the report included much of the dynamic and complexities of U.S.-Colombian cooperation against drugs in the period of institutionalisation and it reflected the disillusionment with the WAD as active cooperation had not prevented trafficking, production or consumption.

The national interest waiver had several consequences. Firstly, it prompted U.S. and Colombian officials to establish a new agreement. The State Department pointed to the actions that the government of Colombia had to follow by June 1995 'to demonstrate the willingness to cooperate more fully.'<sup>144</sup> Despite stark rejection of the decision made by the U.S., Samper's administration showed a high degree of compliance to all demands requested by the U.S. in matters concerning anti-drug legislation and law enforcement. Eventually, Colombia adjusted to U.S. expectations fearing both international isolationism and economic sanctions, but in an attempt to redefine its own identity. Secondly, it disqualified Samper as a legitimate actor in U.S.-Colombian relations; the natural consequence was to find 'replacements' to continue counternarcotic operations. The new Prosecutor General, Alfonso Valdivieso, became one of the 'substitute' allies, who in spite of his pro-American stance was unable to change the image of Colombia and avoid future decertification. Thirdly, it successfully pressed for the re-opening of investigations concerning illicit money used to finance the 1994 electoral campaigns.

Recriminations from policy makers and public opinion against U.S. policies increased, encouraged by the emergence of nationalism; though support for Samper was far from unanimous, as it will be explained in chapter 4 below. The deterioration in the bilateral relations continued and an even more pressing stage arrived when the narco-scandal was resurrected in April, a couple of weeks after Colombia's alliance was formally questioned and the domestic political crisis was exacerbated.

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<sup>144</sup> U.S. GAO, Drug War. Observations on U.S. International Drug Control Efforts, p. 8. See chapter 4 of this thesis.

In summary, it is argued in this chapter that increasing cooperation and interaction between U.S. and Colombia due to the WAD created new perceptions that contributed to changes in the way Colombia was viewed by U.S. officials. The bilateral relationship was left in the hands of an entrenched prohibitionist bureaucracy which was now framing the drug problem in terms of democracy, law enforcement and corruption. The result was the outbreak of an unprecedented conflict between the U.S. and Colombia in 1995.

## CHAPTER IV

### THE WORSENING OF U.S.-COLOMBIAN RELATIONS AND THE OUTBREAK OF THE COLOMBIAN DOMESTIC CRISIS

The national interest waiver of March 1995 was neither the peak nor the end of troubled U.S.-Colombian relations. On April 21 of the same year, the so called *proceso 8000* became public in Colombia. This legal investigation undertaken by the Colombian Prosecutor General's Office revealed irregular transactions by which drug money allegedly infiltrated the presidential campaign of Ernesto Samper and members of Congress in 1994. The 8000 process began a long and tedious trajectory that contributed to the gravest domestic political crisis in Colombia for decades. Simultaneously, the accusations against Samper and the domestic crisis became essential factors in the worsening of U.S.-Colombian relations. In 1996 and 1997 Colombia was fully decertified. For several months, Colombia was left without an Ambassador in Washington, president Samper's visa to the U.S. was withdrawn and anti-Americanism flourished. This represented the climax of U.S.-Colombian confrontations in 1995-1997.

Building upon the arguments maintained in the thesis, this final chapter argues that the worsening of U.S.-Colombian relations between 1995 and the end of 1997 can be attributed to the complex and perverse intertwining of Colombia's domestic political crisis and U.S.-Colombian disputes related to drug control. This contention contrasts with other academic and political explanations that have erroneously focused on an alleged breach of counternarcotic cooperation and Colombia's lack of compliance with U.S. demands. Additionally, it contrasts with neo-realist analyses which have failed to grasp both the connections between domestic and international politics, and also the role of bureaucracies and its misperceptions.

The first section discusses Colombia's domestic crisis. The need to incorporate the role played by the U.S. in order to understand what was so distinct and *critical* about it highlights the fact that

U.S.-Colombian relations, the certification process and counternarcotic cooperation were clearly connected to domestic crisis and influenced by it. The second section tackles the interrelation of international and domestic factors. The domestic scenario in Colombia practically absorbed the bilateral relationship as U.S. officials were brought into the domestic dispute directing U.S. policy away from drug-related issues and making it a prisoner of unfamiliar political conjunctures. In the end, the Colombian regime was weakened partly by the U.S. defining the illegitimate character of Samper's leadership and partly by Colombia being perceived as a foe and pariah country by the international community. The full impact of these overlapping and mutually re-enforcing crises remains to be assessed upon the unfolding of future events. Finally, the last section is devoted to the decertification processes of 1996 and 1997 which illustrates the gap between objective counternarcotic cooperation, the perceptions about cooperation, the linkage of certification and the legal process against Samper and the ensuing political disputes that were together responsible for strained relations between the U.S. and Colombia for over three years.

### **1. Defining the Colombian Crisis of 1995-1997**

The situation in Colombia between 1995 and 1997 was very intense, politically exhausting but most of all confusing due to the myriad of actors and interlocking issues. A narco-terrorist bomb was placed in Congress on June 15, 1995. On November 2, that same year, Alvaro Gómez, the leader of *Movimiento de Salvación Nacional* and one of the most prestigious conservatives of Colombia was assassinated allegedly by an anti-Samper group that called itself 'Dignity for Colombia'. And a coup plan against Samper was uncovered by Ambassador Myles Frechette.

One of the most striking facts about the interpretations of Colombia's crisis is the impossibility of defining exactly what the crisis was about. Was this a 'new' crisis or part of the 'usual' long-standing one? Was it about the existence of drugtrafficking *per se*, its intolerable penetration into

society or rather the efforts to counteract it?<sup>145</sup> Was it about the decline of the traditional bipartisan clientelistic system or purely exacerbated violence? Was it caused by internal factors or external actors such as the U.S.?

The first and most common tendency in the limited analyses of Colombia's crisis focused on the faults of Colombia's institutions and political and social systems. Francisco Leal mentioned the existence of 'two perspectives -structural and conjunctural-, both of which intertwine politics and economics'<sup>146</sup> and Luis Alberto Restrepo spoke of the 'structural roots' of the crisis.<sup>147</sup> These so called 'structural factors' referred to the existence of an incomplete state and a nationhood still in the making. They pointed at the weak legitimacy of institutions, such as the Congress, the judicial branch and the traditional bipartisan system. In a broader sense, institutions also encompassed rules, norms and principles, such as the protection of human rights, private property and family. The structural explanations focused also on the persistence of multiple types of violence in Colombia.

The major contribution of these analyses was to provide a relatively comprehensive picture of all the problematic elements at the state and societal levels *within* Colombia. They highlighted the existence of unresolved problems thereby condemning the perverse sense of passiveness of the Colombian society, which generally opted for the maintenance of the *status quo* and 'institutionalised changes'. However, these kinds of explanation failed to account for the timing of the crisis and its main difference from other 'critical moments' in Colombia. As a Colombian journalist claimed in 1995, 'talking about crisis in Colombia is like talking about heat in the

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<sup>145</sup> This is a key question whose answers reflect the lack of societal consensus about drugtrafficking in Colombia. Barco's formulation of the *PEC* would suggest that it is the WAD, more than drugtrafficking *per se* which has created unrest, violence, hence crisis, in Colombia. In many occasions, especially after 1991 constitutional ban of extradition, the U.S. thought that Colombia was unwilling to fight illegal drugs because it did not understand that drugtrafficking *per se* was more costly than fighting drugtrafficking. In general, this issue deserves a more careful and historical analysis.

<sup>146</sup> Francisco Leal Buitrago, 'Alcances y dilemas de la crisis política', in Leal, Tras las huellas

<sup>147</sup> Luis Alberto Restrepo, 'The Executive in the crisis: dimensions, antecedents and perspectives', in Leal, Tras las huellas, p. 56.

desert.<sup>148</sup> Many of the indicators that were used to illustrate the situation in the mid-1990s were not exceptional since they described factors that had existed for many years. For example, the number of homicides did not change radically in the last 10 years: in 1988 there were 21.100 and in 1995 there were 25.398; the highest year was 1992 when 28.224 homicides were registered. Since the collapse of the National Front in 1974 specialists on Colombian politics had referred to an existent state of crisis where democracy was under siege troubled by guerrillas, corruption, informal economies, violence, militarisation and corruption. Those who have followed Colombia's recent history heard the same story and similar explanations.<sup>149</sup> This begs the question, if the 'structural' factors in 1995-1997 were not radically different from previous years, what exactly had changed? What made *this* crisis so pressing?

A second type of analysis tried to make sense of the confusing 8000 process, which was indeed an unparalleled and a destabilising case of legal prosecution motivated by drug-related corruption among politicians. After the 8000 process was made public in April 1995, congressmen, politicians, former participants of Samper's presidential campaign and Samper himself were progressively included in the 8000 process, creating one the greatest ever political scandals in Colombia. On June 1995 the former treasurer of the campaign was imprisoned; two months later Fernando Botero, the Minister of Defence turned himself in and in January 1996, unable to bear political isolation, he decided to implicate Samper further.<sup>150</sup> The U.S. questioned the validity of the first trial after which no charges were raised against Samper; and at various times, the

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<sup>148</sup> Roberto Pombo in Semana No. 663, Jan 17-24, 1995

<sup>149</sup> An account of Colombia's deep rooted crisis since the early 1970s is found in Daniel Pecaut, Crónica de dos décadas de política colombiana, 1968-1988 second edition (Bogotá: Siglo XXI Editores, 1989). A revealing publication about Colombia's multiple expressions of violence in the 1980s as indicators of crisis is Colombia, violencia y democracia (Bogotá: Universidad Nacional de Colombia, 1987). For analyses done in the 1990s see Consuelo Corredor Martínez, Los límites de la modernización (Bogotá: Cinep, 1992) and Miguel Eduardo Cárdenas (coord.), Modernidad y sociedad política en Colombia (Bogotá: FESCOL-IEPRI-Ediciones Foro Nacional por Colombia, 1994); these works include the widely held debate in Latin America about modernity and the role of the state. See also Francisco Leal Buitrago (comp.), En busca de la estabilidad perdida (Bogotá: TME-IEPRI-Colciencias, 1995).

<sup>150</sup> A detailed journalistic narration of the period 1994-1996, which is critical of Samper can be found in Vargas, Lesmes and Tellez, El presidente; civil society exercised their own oversight, Comisión Ciudadana de Seguimiento, Poder, justicia e indignidad: el juicio al presidente de la República, Ernesto Samper Pizano (Bogotá: La Comisión, 1996); a careful analysis of the inconsistencies of the 8000 process and

certification process was linked to Samper's trials. Politically speaking the debate evolved around Samper's eventual resignation due to the lack of credibility of his regime and the ensuing dangerous atmosphere of instability.

Focusing on the 8000 process indicated the existence of new critical elements in the mid-1990s. This was the challenge specifically posed to the President, hence the Executive branch -sacred symbols of democracy and stability in Colombia which had otherwise remained free from serious threats.<sup>151</sup> However, restraining the analysis to the legal dimension of the 8000 process and its political consequences for Samper did not explain why the investigations actually existed and why it managed to survive. The role of the U.S. in promoting this drug-related corruption investigation was always acknowledged, albeit, without further comment as to why the U.S. and U.S. officials had this particular stance. Most of the analyses simply argued that U.S. interfered because it was an imperialistic state.

An interesting approach was adopted by Rodrigo Uprimmy, who actually tried to discover the particularities of the 1995-1997 period arguing: '[t]he truth is that drug dealing and the discredit of Congress are not new, hence the emergence of an obvious question: what [exactly] provoked the crisis and its judicialisation precisely in these last two years? In my opinion, this is linked to certain institutional transformations and the logic of those actors involved in the crisis'.<sup>152</sup> Uprimmy's argument is based on the transformation of the justice system after the 1991 Constitution and he implicitly suggests that these were related to the WAD induced by the U.S.

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supportive of Samper can be found in Juan Manuel López Caballero, La Conspiración. El libro blanco del juicio al presidente Samper (Bogotá: Editorial Planeta, 1997).

<sup>151</sup> For example, Luis Alberto Restrepo argues that this crisis was caused 'from above and from the outside', meaning that the instability flowed from the president downwards and that the U.S. was responsible for the Executive's unprecedented weakness, Restrepo, 'The Executive in the crisis' p. 52. However, in an ambiguous way, he argues that the crisis came from above and that the majority of the population did not feel part of it or understand it, while at the same time stating that the crisis had 'structural' factors which did address ample societal and political issues.

<sup>152</sup> Rodrigo Uprimmy, 'Jueces, narcotraficantes y políticos', p. 115.

It is significant that every study of the 1995-1997 period in Colombia included, in one way or another, an 'international dimension' as a simple narration of events would have been impossible without including the U.S. However not one of them regarded the role of the U.S. to be the most innovative factor, when in fact it was precisely the deterioration of U.S.-Colombian relations that most starkly contrasted with previous critical episodes in Colombia and which made the mid-1990s a turning point in its history.

Were U.S. policies and the attitudes of its officials the cause of the domestic political crisis? Would the 8000 process have come about if the U.S. had not insisted on its continuation? Would the debates about allies and conspirators, which so strongly signalled the existence of a crisis in the mid 1990s, have come about if the U.S. had not been part of the scenario? Furthermore, did the domestic crisis in Colombia provide a fertile ground for the deep erosion in U.S.-Colombian relations precisely during the 1995-1997 period? It seems impossible to establish what came first, whether the domestic crisis or the deterioration of U.S.-Colombian relations as they were mutually constitutive.

Both incidents were part of a process in which the so called 'international dimension', or the realm of U.S.-Colombian relations, became interlocked with the domestic level. Individual actors and agencies of one country and the other interacted according to their own interests, views and interpretations of the problem, making the barrier between the external and internal, national and international, more or less obsolete.

## **2. The U.S.-Colombian Relationship and the Colombian Political Crisis**

### **2.1. The U.S. and the Domestic Crisis**

One of the major characteristics of the 1995-1997 period was the constant and public bickering of U.S. and Colombian officials, which set the tone of the relationship and curtailed any possible manoeuvring and rapprochement during that period. The 1995 national interest waiver set forth

the series of public recriminations and the emergence of president Ernesto Samper's trial and the 8000 process further removed the political relationship from official diplomatic channels, placing it in the open and making it vulnerable the fluctuations in domestic and bureaucratic politics in both countries.

The U.S. and its officials began to behave more like internal actors within Colombian domestic politics due to their open, frequent and controversial oversight of both Samper's trial and the compliance with certification requirements. By 'opening up its institutional mouth, commenting, criticising, getting involved'<sup>153</sup>, providing selective intelligence information<sup>154</sup> and using the threat of decertification as a leverage, the U.S. managed to guarantee the survival of the 8000 legal process and the two-round trial of Samper.

In reality, the enmeshment of U.S. officials began at an early stage even before the investigation was opened. In 1993, soon after Ernesto Samper launched his presidential campaign, he held a meeting with Assistant Secretary of State for Narcotic Matters, Robert Gelbard, who allegedly warned him of illegal money infiltrating the campaign at that stage.<sup>155</sup> Immediately after Samper won the election, on June 21, 1994, came the so called 'narco-cassette scandal'. These tapes were the result of a CIA-DEA and Colombian intelligence units' operations and the main reason why the investigations against Samper and other politicians were initiated.<sup>156</sup> By August the scandal was dampened down in Colombia and the former Prosecutor, Gustavo De Greiff, dismissed the legal validity of the tapes as evidence against the president.

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<sup>153</sup>U.S. Congress, International Drug Trade, p. 5

<sup>154</sup> Interview, Paula Peña, Office of Bilateral Affairs, Colombian Ministry of Justice.

<sup>155</sup> It is interesting to note, however, that the accusation to the Colombian president are based on 5 million dollars that entered the campaign between May and June 1994 and not before.

<sup>156</sup> Vargas, Lesmes and Tellez, El presidente, p. 36. The question of who had leaked the tapes unraveled a purge in the police, military and intelligence bureaus in Colombia. As well, the DEA and Joe Toft, were suspected of having been in the middle of this episode. However, according to Vargas, et al, the CIA and not the DEA were the one providing technical support for the interception of telephones. Toft new about the tapes because Morris Bussy, U.S. Ambassador to Colombia before Myles Frechette, gave the tapes to him. Bussy received them from a Colombian politician, who belonged to Pastrana's faction and who had worked in Gaviria's administration, both opponents of Samper. Ibid. p. 37.

In September 1994, the former head of the DEA in Colombia, Joseph Toft, revived the scandal by acknowledging the veracity of such tapes and calling Colombia a 'narco-democracy'. Toft declared in a prime time news broadcast: 'In my opinion, there is no doubt that Ernesto Samper's campaign received money from narcotraffic. And my opinion is based on what I know, on intelligence information. I am not sure, though, whether he [Samper] was aware of it. But it would surprise me if he wasn't.'<sup>157</sup> The U.S. Ambassador to Colombia, Myles Frechette officially contradicted Toft and the issue lost momentum again. However, the idea that Samper was corrupt was already set in the minds of U.S. policy makers and the image of Colombia had already been altered (see chapter 3 above).

Later on, Frechette's controversial speech in 1995 and the national interest waiver that year revived the scandal again as the U.S. stated that one of the reasons for not certifying Colombia was the fact that 'no high rank governmental official was accused of corruption'. Nearly two months afterwards, in April, the new Prosecutor General, Alfonso Valdivieso announced the first results of the 8000 process.<sup>158</sup> Ex-Congressman Eduardo Mestre was immediately arrested and files of nine others were passed on to the Colombian Supreme Court of Justice. The U.S. began to follow the 8000 process closely. There were constantly new issues being related to the investigation which were indiscriminately published by the media; it was either another involved politician, an apprehended drug dealer, new pieces of evidence or the emergence of congressional bills with the potential to hinder the investigations as well as anti-drug bills. Widespread publicity of the 8000 process ran in tandem with the U.S. official's declarations about it.

In June 1995, Santiago Medina, former treasurer of the Samper's presidential campaign claimed he was aware of the alleged contributions of the Cali cartel. His declarations took attention away from the recently apprehended Congressmen and gave rise to a full investigation specifically

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<sup>157</sup> Quoted in Vargas, et al, *El presidente*, p. 78.

<sup>158</sup> Alfonso Valdivieso succeeded De Greiff and remained in office until 1997, when he resigned in order to launch his presidential campaign for the 1998 elections. The duration of his term overlapped the 8000 process.

against Samper. Following the Colombian constitution, it was established that a special commission of the House of Representatives (*Comisión de Acusaciones*) was to investigate, interrogate and determine Samper's responsibility. In December the *Comisión* declared his innocence. For the Colombian public and exhausted out policy makers, the outcome of the trial was a chance to close a devastating episode of instability caused by presidential illegitimacy. On one hand, the opportunity had been opened for Samper to have a 'dignified resignation' (*salida digna*); on the other, Samper could continue without the shadow of the accusations and renovated by the *Comisión's* verdict. However, these options were shattered by U.S.'s open discrediting of the trial. Myles Frechette warned that the future certification was in jeopardy. Meanwhile, Robert Gelbard claimed:

It is evident that this had not been a serious investigation, but at the same time I understand that the Prosecutor's Office investigation will continue. I hope president Samper vetoes the conclusion of this committee so as to show the world that he is serious in his will to allow a totally transparent effort.<sup>159</sup>

Challenged by the U.S., Samper's possible resignation was discarded and the revival of the trial was almost assured.

On January 22nd, feeling politically isolated from his previous peers and having lost hope after U.S. persistence on the campaign's case, Fernando Botero, Minister of Defence and the manager of Samper's campaign, spoke out against him. Samper's team had unsuccessfully tried to free Botero by legal, albeit devious, means, and this was misinterpreted by U.S. officials, who saw it as a plot to cover up a crime. After Botero's declarations, U.S. Senator Jesse Helms stated: 'Unfortunately, the revelations [Botero's] do not surprise us. I have said, since the beginning, that Colombia has become a narcodemocracy'. Next he asked Clinton's government to decertify Colombia believing that 'Samper's machinations with the cartels are an insult [...], the continuation of cooperation with a government under Samper's leadership will only delay the day of a true war against the Colombian cartels'.<sup>160</sup> The end-results of U.S. disapproval and Botero's

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<sup>159</sup> 'Rechazo a la declaración de Gelbard', *El Tiempo*, December 18, 1995, p. 1A.

<sup>160</sup> 'Helms pide decertificar a Colombia', *El Tiempo*, January 24, 1996, p. 11A.

declarations were the continuation of investigations, the discrediting of Colombia's democratic (legal) institutions, the endurance of the crisis and the 1996 decertification.

Amid great national and international debate, the *Comisión de Acusaciones* investigated Samper again and with 11 votes to 3 it recommended the final closure of the investigation before the House of Representatives gave the final verdict. Once again, the U.S. disapproved the result. On May 13, at a conference held at Florida International University, Robert Gelbard insisted that he had personally warned Samper about drug-related money infiltrating his campaign and announced further hostility in U.S.-Colombian relations if the House of Representatives accepted the commission's decision.<sup>161</sup> On June 1, the U.S. threatened to apply economic sanctions prescribed by the 1996 decertification, if Samper was again declared innocent. Then Robert Gelbard insisted that: 'We have expressed our concerns over the credibility, impartiality and integrity of the Accusations Commission, which has recommended the House of Representatives to exonerate the president.'<sup>162</sup>

On June 12, the House of Representatives absolved Samper with 111 votes in favour and 43 against and the U.S. withdrew Samper's visa to enter their country. Robert Gelbard was openly confronted by U.S. Senators Benjamin Gilman and Dan Burton for withholding assigned military assistance from Colombia and linking certification to Samper. At this stage, Gelbard's obsession with Samper's impeachment was well known and even rejected by some Congressmen, who had begun to conduct their own control over INL's procedures.<sup>163</sup> As well the U.S. GAO exercised their own control facing a rejection from the State Department when inquired about its policy towards Colombia. GAO claimed: 'The Department of State has delayed us and imposed undue restrictions on our access to documents. Moreover, in some cases, the Department of States has

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<sup>161</sup> Fernando Cepeda Ulloa, 'El Congreso colombiano ante la crisis' in Leal, *Tras las huellas*, p. 84.

<sup>162</sup> 'EE.UU. realizará nuevo examen a Colombia', *El Tiempo*, June 7, 1996, p. 8A

<sup>163</sup> *El Tiempo*, September 12, 1996, p. 8B.

deleted some information from these documents.<sup>164</sup> Again in 1997, Colombia was decertified, however, economic sanctions never came about and Samper remained in power.

## 2.2. Main Consequences

Both the 8000 process and president Ernesto Samper's trial would not have come about without U.S. insistence on the issue and the great support provided to Alfonso Valdivieso, the Prosecutor General.<sup>165</sup> The 1996 and 1997 decertification texts praised the Prosecutor's and National Police actions exclusively and criticised Samper's team. In 1996 U.S. claimed:

A critical point that determines the U.S.'s view that Colombia did not cooperate fully in the war against drugs in 1995 is the fact that corruption remains unpunished despite the efforts of some dedicated Colombians... However, the anti-corruption efforts of the Prosecutor General were hindered by members of Samper's administration, who publicly criticised his effort to enforce the law and tried to put a limit to his term as a Prosecutor.<sup>166</sup>

The Prosecutor welcomed U.S. support and reciprocated this by avoiding any condemnation of U.S. policies:

I have always said Colombia needs to do much more. It is not U.S.'s fault, but the drug dealer's. Colombia should not react in a primitive way and reject assistance just for its own sake. The U.S. is the most indicated partner in the war against drugs.<sup>167</sup>

Whether Valdivieso was reasonable or not, the truth is that his words contrasted with the generalised tendency to reject U.S. certification policies with nationalistic indignation. The Prosecutor General's office became the pillar upon which the U.S. continued carrying out its WAD following the guidelines set out by the new interpretation in terms of democracy (institution building), law enforcement and corruption. The Prosecutor dedicated exclusive attention to drug-related corruption cases in the public sector, which was exactly what the American Anti Drug Abuse Act of 1992 had established. Interestingly enough, a report from the International section of the Prosecutor General's Office states that in spite of the alleged breach in

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<sup>164</sup> U.S. GAO, Dug Control. Delays in Obtaining State Department Records Relating to Colombia, (Washington D.C., July, 1997), p.2

<sup>165</sup> In 1994 U.S.'s remarks neutralized Prosecutor De Greiff's popularity, while in 1995-1997 they boosted Prosecutor Valdivieso granting him a unique role both in Colombia's politics and in the WAD.

<sup>166</sup> 'Documento oficial de decertificación 1996', mimeo provided by Presidential Dispatch, Government of Colombia.

judicial cooperation, 171 of 301 requests for judicial assistance were responded to by the U.S. and most of them were drug-related 'noticeably affecting the result of many penal processes.'<sup>168</sup>

Paradoxically, despite public opinion's rejection of any manifestation of U.S. interference, the continuous endorsement of Valdivieso increased his power and legitimacy *vis à vis* the Colombian Executive branch and Congress. Bestowed with the role of being the highest moral authority in Colombia, Valdivieso went beyond the legal realm and engaged in a political crusade against drug-related corruption in general and Samper's campaign in particular whilst enhancing his popularity for future elections.

The 8000 process and U.S. interference altered the distribution of forces and created sharp divisions and confrontation between the Executive branch, the Congress and the Prosecutor General's Office. The Executive branch and Samper's former campaign staff were eager to counteract Valdivieso's accusations and assure the survival of the regime. Moreover, the Congress, far from a unitary actor, was pulled in many different directions. Fifty of its members were being investigated for drug-related corruption. It was responsible for the enactment of laws required by certification. It also acted as the legal prosecutor and judge of the president. Being one the most discredited institutions in Colombia for the past 20 years, Congress was targeted by the U.S., but considered to be essential for legal reform. In this way, the details of the so called Anti-corruption Law, the Asset Forfeiture Law and also extradition became a matter of dispute.

The interaction between the Executive branch, the Prosecutor General's Office and Congress was completely distorted. On many occasions the main and formal arguments of the 8000 process were replaced by sheer rivalry based on ideas of pride, dignity and nationalism. The deep disagreements among the three aforementioned actors prevented a unified and coordinated response to U.S. disapproval of Samper and to the process of certification, and triggered a strong anti-American reaction.

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<sup>167</sup> El Tiempo, March 2, 1995, p. 8A.

<sup>168</sup> Ernesto Carrasco Ramírez (Chief of OAI) to Diego Cardona Cardona.

The U.S. became a matter of domestic politics in Colombia in a somewhat similar way that Colombia (and drug control there) had become an issue in U.S. domestic politics and bureaucratic interests. Furthermore, being pro-American in Colombia was as politically suicidal as being a legaliser in the U.S. Public opinion expected a strong response to an 'aggressive hegemony'. Even bitter critics of Samper and his machinery, thought the government could not afford to look weak when it came to U.S. accusations and interventions. For example, while General Bernardo Urbina (the ousted director of military intelligence) favoured a possible resignation of Samper, he considered the U.S.'s cancellation of Samper's visa to be a 'great injustice - an insult to the people of Colombia.'<sup>169</sup> Even Hernado Santos, director of *El Tiempo* (one of the two most prominent daily news papers in Colombia) known for its criticism of Samper, asserted that if he 'were the President he would not have doubted, for a single moment, in asking mister Frechette to return to his noble country.'<sup>170</sup> Another significant episode was Colombian Ambassador to the U.S. Carlos Lleras de La Fuente's arguments with the State Department and with Myles Frechette, which resulted in the latter being nicknamed 'the Vampire'.<sup>171</sup> Minister of Interior, Horacio Serpa's charismatic statements always exasperated U.S. officials and attracted Colombian solidarity from both friends and opponents of the regime; responding to Gelbard, Serpa claimed he was 'arrogant, aggressive and lacked objectivity' when Gelbard asserted that Samper was 'cynical and corrupt.'<sup>172</sup>

Ernesto Samper and his team fully exploited the idea of a U.S.-led conspiracy against his regime, which was easily seen by public opinion as a conspiracy against Colombia. The perceived conspirators constituted U.S. officials (particularly those in the INL), *Gaviristas* (former

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<sup>169</sup> Robert Novak, 'Colombian Tinderbox', *The Washington Post*, July 22, 1996.

<sup>170</sup> 'Yo echaría a Frechette', in *Cambio* 16, October 21, 1996, quoted by Rodrigo Pardo, 'Colombia y Estados Unidos. Intoxicados por las drogas' in Socorro Ramirez and Luis Alberto Restrepo, *Colombia, entre la inserción y el aislamiento. La política exterior colombiana en los años noventa* (Bogotá: Siglo del Hombre Editores- IEPRI-Universidad Nacional, 1997), p. 317.

<sup>171</sup> Because he promotes the shedding of blood in Colombia through the insistence on the re-enactment of extradition.

president Cesar Gaviria's followers), *Pastranistas* (the Conservative Pastrana house), Prosecutor Valdivieso and other random opponents. This conspiracy theory served multiple purposes, it discredited any opposition to Samper, it discredited Valdivieso, it condemned U.S. policies and reaffirmed those of Samper's.

The Colombian Minister of Interior, Horacio Serpa, claimed 'the crisis was the product of a conspiracy between neoliberal circles, who, in alliance with North Americans (sic), intend[ed] to take revenge on Samper because of its social and national orientation'.<sup>173</sup> These claims were not taken lightly by the U.S.; Nicholas Burns, State Department's spokesman, stated that 'official declarations of this type, particularly coming from the President's team, are extremely dangerous because of the climate they generate. [...] This type of provocative behaviour can only have a negative effect for our relations.'<sup>174</sup> It is interesting to note, that with except to his declaration in at UN General Assembly in 1995, president Bill Clinton did not form part of the making of U.S.-Colombian relations at the time. U.S. official and unofficial declarations were always left to INL's discretion and to Ambassador Frechette.

In the end president Ernesto Samper was strong enough to withstand internal and external challenges to his continuity in power, yet too weak to govern the country and to lead a coordinated political response to the U.S. The accusations against Samper provoked administrative instability. Public officials at high and medium levels resigned after new and more compromising evidence arose. This affected the continuity in implementing counternarcotic policies and programs that either required interaction with the U.S. or were on the U.S.'s list of demands. Such was the case of the Ministry of Justice, which passed from

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<sup>172</sup> Respectively, 'Malestar en E.U. por declaración de Serpa', *El Tiempo*, February 19, 1997. p. 7A and 'Andanada de Gelbard contra Samper', *El Tiempo*, February 15, 1997, p. 6A.

<sup>173</sup> Restrepo, 'El Ejecutivo en la crisis', p. 54. Horacio Serpa profited immensely from the deterioration in U.S.-Colombian relations and the domestic crisis. His loyal, yet prudent, support for Samper gained him wide favourability, especially from popular sectors, whom his colorful speeches impacted the most. His anti-Americanism was hardly criticised by anyone while he remained Minister of Interior. Currently, Serpa runs for president in the May 1998 elections in Colombia.

Nestor Humberto Martínez, to Carlos Medellín and then to Alma Beatriz Renjifo. Martínez was critical of the Justice system's deficiencies in Colombia and exposed in a report the weaknesses of the plea-bargain system criticised by the U.S. Medellín, also a respected lawyer, emerged from the *Samperista* circle, but soon clashed with the government and the U.S. These frequent changes together with the incompetence of Minister Renjifo, affected the bilateral and multilateral affairs bureaus within the Colombian Ministry of Justice, which was responsible for the development of many counternarcotic laws. These bureaus are now at a standstill and lacking in qualified personnel.<sup>175</sup>

The domestic crisis aggravated to various aspects of the WAD and its process of institutionalisation. Only slowly and with great difficulty were these problems surmounted. This situation was interpreted by the U.S. as a lack of willingness to cooperate in the WAD and as tangible proof that Colombia was ruled by drug dealers. The vulnerability and weaknesses of the regime provided an opportunity for guerrillas and peasants to rise up against fumigation and eradication. They demanded several concessions from the Colombian government, such as the exemption from fumigation of properties sized between 1 and 3 hectares and planted with coca leaf or poppy, and better infrastructure in the region. The negotiations between the government and the peasants of Guaviare and Putumayo were seen by the U.S. as the surrender to drug lords. Another area where the domestic crisis hindered U.S.-Colombian relations was the formulation of laws and the re-enactment of extradition. The different forces at play in Congress and the interest in ameliorating the impact of the 8000 process (which was often seen as the personal crusade of the Prosecutor supported by the U.S.) resulted in dangerous bills. In December 1995, for example, the Senate promoted a measure concerning 'illegal enrichment' (*enriquecimiento ilícito*) which could end the investigation initiated against some Congressmen while at the same time affecting the legal processes against apprehended drug dealers whose time in jail the U.S. wanted to be increased.

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<sup>174</sup> Nicholas Burns, 'Conspiración contra el gobierno Colombiano'. Departamento de Estado de los Estados Unidos, September 28, 1995.

However, it is also argued that the 8000 process had the effect of re-enforcing anti-corruption, hence the new formulation of U.S. drug policy in terms of the threats to democracy. The 8000 process and its daily coverage in national and international media attracted massive attention to the 'corruption component' of the WAD. As well, despite the legal definition of the certification process and its consideration of relevant aspects in determining Colombia's counternarcotic cooperation such as the maritime interdiction treaty, eradication and extradition, it was the 8000 process which ended up symbolising Colombia's WAD.

### **3. Decertification, Cooperation and U.S.-Colombian Mutual Perceptions**

After the 1995 national interest waiver there was the perception among Colombian policy makers that the U.S. had not acted in good faith, as in their view this measure neither acknowledged Colombia's drug control efforts nor respected the agreement reached in 1994 with Michael Skol, Deputy Assistant for Inter-American Affairs, and Cresencio Arcos, Deputy Assistant for Narcotic Matters.<sup>176</sup> This perception nurtured the suspicion that certification was being pegged to the figure of Samper instead of Colombia's counternarcotic operations, which was certainly true but not the only explanation for conditional certification and decertification. In reality, as it will be illustrated below, INL officials actually believed Colombia failed the test of cooperation. Ernesto Samper's administration became keen on proving its commitment to the WAD and especially the dismantling of the Cali cartel, even though it was believed that this could not solve the drug problem in the long term. On the other hand, the INL was eager to exploit Colombian's deep preoccupation to demand what they saw as true and efficient actions to fight drug cartels, drug production and drug-related corruption. In this way, a series of periodical bilateral meetings and agreements began in order to re-formulate acceptable new rules of counternarcotic cooperation between both countries, as the previous ones seemed to have become obsolete.

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<sup>175</sup> As well the *DAS* changed chiefs more than 5 times from 1994-January 1998.

<sup>176</sup> Pardo, 'Colombia y Estados Unidos', p 317.

In 1995 the State Department *told* the government of Colombia of the actions that needed to be taken 'to demonstrate the *willingness* to cooperate more fully.'<sup>177</sup> These included arresting at least one member of the Cali cartel, approving legislation against money laundering, increasing the years of sentences for drug-related crimes and meeting specific eradication targets.<sup>178</sup> However, by 1996 Colombia had been decertified. This came as a surprise to some, especially within the Colombian Ministry of Foreign Affairs. A small group of officials from the Ministry had participated in bilateral meetings with U.S. officials with the intention of monitoring Colombia's performance according to the new targets. From the interaction with the American officials and the evaluation of counternarcotic operations, the Colombian Ministry believed that the overall of Colombia's counternarcotic cooperation during 1995 fulfilled U.S. expectations, hence the profound disappointment in March 1996 when decertification was announced.<sup>179</sup>

The 1996 decertification outraged other policy makers, politicians, economic groups and public opinion alike. A group of Colombian Ambassadors in Europe, which included the former president of Colombia Julio Cesar Turbay, condemned U.S.'s decision:

We believe it is appropriate to express our solidarity taking into account the implausible evaluation of the United States of America regarding the fight against drugtrafficking in Colombia, a country that has battled in a resolute and painful manner against the drug scourge.<sup>180</sup>

According to the International Narcotics Control Strategy Report (INCSR) of 1996 the reason for Colombia's decertification was that:

Colombia 'remained the main producer and distributor of cocaine in the world...The coca leaf illegal crops increased and during 1994 Colombia became, despite its eradication efforts, the second major producer of coca surmounting Bolivia. Colombia is the home of drug dealing organisations... there was a lack of compromise from Samper's administration...it did not judge and sentence the leaders of the Cali cartel that were incarcerated....Colombia failed in passing a legislation that increased drug-related sentences and did not reach a bilateral agreement with the U.S. to fight drugs in maritime zones... The Colombian government did nothing to improve

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<sup>177</sup> U.S GAO, *Drug War. Observations on U.S. International Drug Control Efforts*, p. 8

<sup>178</sup> *Ibid.*

<sup>179</sup> Interview, Leonardo Carvajal, Private Assistant for the Colombian Minister of Foreign Affairs 1994-1996, September, 1997.

<sup>180</sup> *El Tiempo*, March 7, 1996, p. 6A

the security of information provided by the U.S...[and] corruption remained a serious impediment in the progress of fighting drugtrafficking in Colombia.<sup>181</sup> Although the report emphasised the issue of official corruption and implied that Samper was the main problem in Colombia's drug control, U.S. officials truly perceived a lack of cooperation. The notion that Colombia did not cooperate in drug control had come about in 1994 and persisted until 1997 as U.S. officials seemed more prone to look at the obstacles and difficulties faced by drug control in Colombia. These difficulties confirmed their preconceptions about cooperation, preventing any change in their way of thinking. Nevertheless, a kind of tug-of-war between the perceptions of non-cooperativeness and the facts of cooperation were often clear when U.S. officials repeatedly gave contradictory declarations with mixed political signals. After the 1996 decertification Ambassador Frechette believed it was not 'exaggerated demanding even more from Colombia'; he warned economic sanctions would ensue if there were 'no concrete results', but at the same time promised that the U.S. would 'not lobby against Colombia' in multilateral banks and added that Colombia's achievements were 'impressive'.<sup>182</sup>

Colombians did not share U.S. claims of the 1996 INCSR. They supported their discontent using the following evidence. Coca cultivation decreased from 49.910 hectares in 1994 to 45.000 in 1995. Moreover, in contrast to the single member of the Cali cartel that the bilateral agreement in 1995 required, six of the seven Cali cartel leaders were incarcerated in 1995 and there was a 34% increase in drug-related arrests. The Anti-Corruption and Asset Forfeiture Laws, as well as the money laundering legislation were approved in Congress. Decrees 2062 and 2238 of 1995 were enacted by the Presidency; these made drug-related punishments tougher and penalised all types of criminal organisations more severely. Regarding the maritime treaty, Colombia argued that the delays were not a result of an unwillingness to cooperate, but rather they ran in accordance with to the normal period of negotiation of international treaties.<sup>183</sup>

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<sup>181</sup> 'Documento Oficial de Decertificación', 1996.

<sup>182</sup> *El Tiempo*, March 3, 1996, p. 8A ; March 18, 1996, p. 6A; April 9, 1996, p.10A.

<sup>183</sup> Colombian Ministry of Foreign Affairs, 'Argumentos de Colombia con respecto al informe de decertificación de los Estados Unidos', Archive, Colombian Ministry of Foreign Affairs.

Political dispute was particularly sparked by the figures of eradication. In answer to Ambassador Lleras' queries concerning illicit crop measurement, Robert Gelbard asserted: 'Our statistics on eradication were obtained from our annual survey of illicit crop cultivation, and are the best and most reliable[...] Most of the INCSR text was written prior to having these figures, so we simply indicated in the text that figures on hectareage destroyed had not yet been verified.'<sup>184</sup> The Colombian Ministry of Foreign Affairs resented the discrepancy as U.S. Ambassador Myles Frechette had approved Colombia's measurements eradicated zones through the *Evaluación Periódica de Resultados del Plan Resplandor para Erradicación de Cultivos Ilícitos* Act 03 of November 22, 1995. Finally, in December 1996 a Verification Protocol was signed. This case illustrates how U.S. and Colombian officials were fully absorbed in technical discussions which only reinforced the mood of confrontation and perpetuated the perception that both countries were neither dynamically involved in drug control nor cooperative.

U.S. inter-institutional disagreements added to the confusion.<sup>185</sup> The DEA had considerably improved its relations with Colombia after General Serrano was named chief and cooperation in the field with the Colombian Anti-Narcotics Police continued successfully. On March 5, precisely four days after decertification, Cali cartel leader José Santacruz was found and shot dead in the operation. Thomas Constantine, DEA Director, said this was a 'victory' and made sure that the DEA's satisfaction with Colombia's counternarcotic cooperation was clear to Colombia's Ministry of Defence, the agency with whom it dealt directly.<sup>186</sup> On the other hand, the State Department claimed that the death of a drug dealer was not a 'reason' to reconsider its position.<sup>187</sup> Meanwhile Colombian public opinion could not understand how the U.S. did not recognise such events as clear proof of their willingness to fight drugs.<sup>188</sup>

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<sup>184</sup> Robert Gelbard to Carlos Lleras, Ambassador of Colombia, March 26, 1996. U.S. files, Archive, MRE.

<sup>185</sup> An article in *El Tiempo* referred to *Miami Herald*, which reported that the both the DEA and CIA had asked for Colombia's decertification while other publications showed Thomas Constantine favourable stance towards Colombia in 1996. *El Tiempo*, February 19, 1996, p. 8A.

<sup>186</sup> McGee and Duffy, *Main Justice*.

<sup>187</sup> 'Muerte de Santacruz no cambia actual estatus de Colombia', *El Tiempo*, March 7, 1996, p. 8A

The panorama was so convoluted that even academics refused to give their opinion. The IEPRI (Institute for Political and International Affairs Studies), a re-known Colombian think tank that had created a special advisory programme following the need to understand the latest events in U.S.-Colombian relations was dubbed the 'silent commission' when it issued a comunique announcing that in the next six months 'their would be no statements regarding the conjuncture in the bilateral relationship.'<sup>189</sup>

However, amid vivid confrontations visible in official documents and especially in open declarations given to the media, counternarcotic cooperation continued to be improved by positive technical effects ensuing from the political dispute that aimed at establishing whether Colombia was committed or not to the WAD. The political debates about certification had forced Colombian and U.S. officials to support their claims with data and technical evidence. Although this did not manage to calm down rows among INL officials and Samper's staff or alter the perception that there was no cooperation, it did promote technical improvements in drug control, such as DEA intelligence tasks. In addition, after the 1996 decertification the U.S. government announced an increase in drug-related assistance of up to \$80 million dollars, \$34.4 of which were for the Anti-Narcotics Police and \$11.6 for judicial reform and modernisation.<sup>190</sup>

The 1997 decertification followed a similar pattern as that of 1996, albeit with new additional elements. After the 1996 decertification the issue of extradition, a top priority for the U.S. and traditionally anathema for Colombians, monopolised the discussions and became the single most important requirement for the 1997 certification. The concept of cooperation was defined in terms of re-enacting extradition. Therefore, Colombia's compliance and performance in all other drug control areas faded away and did not help to determine whether or not Colombia was a willing and cooperative country.

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<sup>188</sup> Ibid.

<sup>189</sup> COMISION SILENCIOSA#

However, the political climate in Colombia was different from that of the early 1990s and there seemed to be less resistance towards extradition among policy makers and public opinion.<sup>191</sup> It is hard to establish whether the desire to reach certification, or a tactical reformation of extradition, or a change in considering extradition as a useful drug control tool, prompted the review of extradition in official circles. But re-enacting extradition was not an easy task; it had been constitutionally banned in 1991 and required, therefore, the appropriate debates in Congress and eventual constitutional reform. Extradition was not obtained before March 1997 and Colombia was decertified.

This time, Colombian policy makers and public opinion were even more irritated since they were unable to understand why they were being punished at a time when prohibitionism was at its height.<sup>192</sup> They also believed that their compliance was exceptional as compared to the performance of other countries, especially that of Mexico.<sup>193</sup> In February 1997, Barry MacCaffrey, U.S. drug czar, declared that the Mexican General, Jesús Gitiérrez Rebollo, chief of drug control operations 'was a man of absolute and unquestionable integrity'; these were generous words that Samper's administration had been unable to obtain over the past two years. But just a couple of hours after McCaffrey's declarations the same General was linked to the Mexican cartels and abruptly ousted. The whole episode simply reconfirmed to Colombians what they had

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<sup>190</sup> Judicial cooperation included: training for prosecutors, Police's judicial branch, DAS, magistrates and other public defenders and completing the Prosecutor General's Office computer system. El Tiempo, March 7, 1996, p. 6A.

<sup>191</sup> Armando Montenegro, President of ANIF in Colombia asserted: 'Extradition is not a myth any more. Only a couple of months ago only a daring group of people defended it in public. Today the majority of Colombians think extradition is necessary. Even the Government committed itself with the United States to present a project of constitutional reform in the following sessions of Congress.' in 'Colombia-USA: lecciones de dos años de peleas', El Tiempo, February 27, 1997, p. 8A

<sup>192</sup> As well, Colombians could not understand what was so different about Samper's case or Colombia's situation, that earned her the status of enemy. Polls during those year reflected this logic. 'La gran encuesta del 96' in Semana No. 714. January 9.

<sup>193</sup> 70% of illegal drugs coming into the U.S. do so through Mexico. U.S Department of State, INL, INCSR 1997, p. xxvi

originally thought about the U.S: that it was an imperialistic power that governed using double-standard.<sup>194</sup>

Furthermore, president Samper rejected the 1997 decertification:

The government [of Colombia] considers that the decertification given to our country is demoralising and unfair. Demoralising for those 5000 soldiers and policemen who in the southern jungles advanced in eradication operations...Demoralising for the pilots, prosecutor and security agents...for state lawyers...who prepared after long nights of work the Maritime agreement...Demoralising for Congressmen, whose lives were threatened by drug cartels...Public opinion has the right to know which were the real joint efforts undertaken with the government of the United States during 1996 in the fight against drugs, as it follows from the seven acts of oversight meetings, whose content, according to the laws of Colombia, is public.<sup>195</sup>

On August 1997, what had previously been considered unthinkable for Colombian policy makers actually occurred. Extradition was authorised after a constitutional reform. The INL and Attorney General Janet Reno complained that the reform did not apply to the Rodriguez Orejuela brothers, the leaders of the Cali cartel, whose incarceration had symbolised a victory in the WAD even though it was acknowledged, both in Washington and Bogota, that this alone did not eliminate the drug problem. By mid 1997 disagreements in Washington about U.S. policy towards Colombia and illegal drugs were well known. They had been motivated by two issues in particular. The first was the case of Mexico's certification, which profoundly disturbed Congressmen interested in drug policies who believed that Mexico was as much as a problem-area as Colombia and less cooperative than the latter.<sup>196</sup> The second issue was the increased awareness in Washington of Colombia's troubled domestic situation, which they saw as a 'civil war'. Although no direct correlation between U.S. policies since the beginning of 1995 and Colombia's political crisis existed in the minds of many U.S. officials, they did believe that the U.S. could not continue promoting harsh policies towards a country that was highly unstable and about to lose its treasured democracy. What Lars Schoultz identifies as U.S.'s fear for Latin

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<sup>194</sup> 'E.U. tiene dos caras en la lucha antidrogas', El Tiempo, February 21, 1997, p. 9A.

<sup>195</sup> Ernesto Samper, 'Palabras del Sr. Presidente de la Republica Dr. Ernesto Samper Pizano, con Motivo de la Decertificación', Casa de Nariño, Bogotá, February 28, 1997.

<sup>196</sup> The 1996 and 1997 decertifications granted to Colombia elicited great debate in Washington. One of the reasons was the suspicion that the INL had engaged in a 'personal' war against Samper and that its

American instability seemed to have played a role in the Colombian case.<sup>197</sup> A so called period of re-evaluation of U.S. policies towards Colombia began, albeit without no clear results.<sup>198</sup>

During 1995-1997 U.S. drug certification gained remarkable diplomatic relevance in U.S.-Colombian relations, in contrast to U.S. relations with other 'pariah countries' which had consistently been decertified since 1987. But why was certification so important for Colombians if the only sanction resulting from it was the October 1995 embargo against drug cartel-owned enterprises?

The real 'teeth' of certification were not simply the economic sanctions as such, which could have but were never applied. The power was its moral authority, enabled only because the U.S. believed it was entitled to exercise this role and because Colombia 'cared' about the stigma bestowed upon her through certification. Rodney Bruce Hall argues that 'moral authority acquires utility as a power resource to the extent that it is institutionalised as a convention' and that it can be used 'when it becomes socially embedded in a system of actors whose social identities and interests impel them to recognise it as a power resource.'<sup>199</sup> In the case of Colombia, a formidable remark made by Marian Chamber, a member of the House International Relations Committee, well illustrates the situation: 'It's the public opprobrium that is attached to being certified with national interest waiver or being decertified that counts. Governments don't like being called bad names, and that is a far more important motivator [...] than the piddling amounts that most of these countries get in foreign aid.'<sup>200</sup>

U.S.-Colombian counternarcotic cooperation and the certification process acquired meanings and implications beyond their literal definition due to the intertwining of U.S. Colombian domestic

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willingness to ouster him had taken over other priorities of U.S. foreign and drug policies. U.S. Congress, International Drug Trade.

<sup>197</sup> Schoultz, National Security, Chapters 1-3.

<sup>198</sup> Interviews in Washington, September 7, 1998.

<sup>199</sup> See Rodney Bruce Hall, 'Moral Authority as a Power Resource', in International Organisation Vol. 51, No. 4, Autumn, 1997. pp. 594.

politics with the yearly legal procedure of certification, and decertification responsible both for the domestic crisis and the worsening of it. It became the political means by which the U.S. defined Colombia's identity and its position *vis à vis* the U.S. Certification was an institutionalised way of confirming that Colombia was indeed an enemy because it had not 'fully cooperated' with the U.S. It did not matter why, when or even to what extent had drugtrafficking had penetrated Colombia's institutions; so far Colombia was decertified it remained by definition a threat, and as long as it remained a threat, the relationship could not be relieved from the pressure of antagonism. On the other side of the coin, the certification process also contributed to define U.S. identity in the eyes of Colombians. The U.S. became an aggressive double-standard (*doble moral*) hegemon. Unsurprisingly, this image epitomised much of U.S. identity for Latin Americans throughout the twentieth century. The natural consequence was political confrontation.

However, Colombia's counternarcotic performance questioned the image already had already been entrenched in the minds of most U.S. officials who, unsurprisingly, were perplexed with the confusing situation in Colombia at the time. 'Colombia is a country in the midst of a startling paradox. And we all know what the paradox is. The same government, the same administration which is being accused by other Colombians of having taken money from the Cali Cartel during the election of 1994 is the same government which has the best record against the traffickers of any Colombian government.'<sup>201</sup> In 1998 once again Colombia received a national interest waiver again, and was thus upgraded from its decertified status. The long term impacts of the unprecedented deterioration in the U.S.-Colombian relationship will only be visible with the passage of time.

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<sup>200</sup> U.S. Congress, International Drug Trade, p.11.

<sup>201</sup> *Ibid.* p. 4

## CONCLUSIONS

This thesis has found that it is necessary to go beyond 'material' analyses of U.S.-Colombian counternarcotic cooperation in order to explain the unprecedented deterioration in the bilateral relationship during the years 1995 to 1997. There are several reasons why an alternative approach is more useful. Firstly, there seems to be substantial evidence that joint counternarcotic operations were quite regular during the 1990s, despite technical and administrative difficulties, limited resources, political skirmishes and, above all, despite the fact that on the whole drugtrafficking was not being substantially curtailed. In addition, there is evidence that the two countries' anti-drug policies did not differ widely. Whether based on sheer coincidence, on imposed compliance or on more subtle cooption, Colombia progressively adapted its norms and regulations concerning illegal drugs and organised crime according to the expectations of the U.S. Political and rhetorical disagreements concerning the balance between supply-side and demand-side policies should not disguise the existence of policy coincidences in actual fact. The clue to U.S.-Colombian relations seems to lie in the meanings given to cooperation.

Therefore this thesis argues that the major alteration in U.S.-Colombian relations during the mid-1990s was not in the way in which counternarcotic cooperation was being carried out, but rather in the understanding of illegal drugs and the resulting interpretations of events. Illegal drugs shifted from being framed as a security problem in general to being framed in terms of democracy, law enforcement and corruption. Misperceptions followed as a consequence of this. Officials within the well-entrenched prohibitionist bureaucracy in the U.S. came to believe that the WAD was being lost because other weaker countries had fallen prey to drug-related corruption and therefore were unwilling to cooperate. It was assumed in Washington that Colombia had *all of a sudden* been taken over by drug cartels. They believed that Colombian

president Ernesto Samper had arranged a certain deal with the Cali cartel accepting drug-related money for his presidential campaign in 1994. Further, U.S. policy makers established a causal link between Samper's presumed corruption and Colombia's alleged lack of cooperation, as it would have been illogical to have a cooperative country when that country's president was corrupt.

On the Colombian side, policy makers thought that fighting illegal drugs and cartels so harshly was a war imposed by the U.S. This perception was definitely contradictory to the degree of compliance and to the fact that drug cartels had come to pose an enormous threat to Colombia's stability. Moreover, Samper's administration believed that the U.S. intended to overthrow the regime. This assertion was mainly based on the U.S.'s open criticism of Samper. However, exploiting and/or truly believing in a conspiracy of this kind was possible thanks to the history of U.S.'s interventions in Latin America and the Caribbean. Colombians internalised U.S. policy makers' statements by giving them great relevance, perhaps beyond U.S. intentions. It is interesting to note that economic sanctions never followed from decertification; the 'invisible hand' of hegemony was enough to ensure Colombia's compliance. In the past, the principles underlying Colombia's foreign policy had been shaped in terms of its relation to the U.S.; in the 1990s, Colombia's self-perception as an opponent and a victim of the U.S. resulted in exaggerated defensive reactions at first and a bandwagoning later.

In general, the case of U.S.-Colombian relations in the mid-1990s echoes those analyses of U.S.-Latin American relations closer to a constructivist approach, which highlighting the importance of beliefs, images and perceptions as they become embedded in institutions and societies are used by policy makers to explain events and design policies. It would be interesting to determine in further analyses why these kinds of factors, as opposed to more 'objective' ones seem so relevant in explaining U.S.-Latin American relations. Moreover, this case illustrates that mutual perceptions about U.S. and Colombia's behaviour incorporated not only general ideas based on the history of U.S.'s exercise of hegemony in the Western Hemisphere, but 'ideas' regarding

illegal drugs. The fact that exact monitoring of drugtrafficking is largely impossible due to its illegality leaves much room for speculation. Similarly, the nature of this topic makes it particularly vulnerable to prejudices as it is not exclusively a technical or legal matter, but one that is subordinate to ethical and moral questions.

This thesis addresses a second factor in explaining the worsening of U.S.-Colombian relations during the mid-1990s. The unraveling of the bilateral relationship after March 1995 can be attributed to the perverse intertwining of Colombia's domestic crisis and U.S.-Colombian disputes. The U.S.'s disapproval of Samper's exoneration and U.S.'s enmeshment in the 8000 process were more than a simple 'international dimension' of the Colombian crisis. The case studied in this thesis shows how the domestic and international levels relate beyond double-edged diplomacy type transactions where the foreign policy maker consults and negotiates with domestic pressure groups about decisions to be taken in international fora. Instead, it illustrates the penetration of 'foreign' actors into domestic politics. On the other hand, the domestic crisis in Colombia had a 'catalytic' effect on the deterioration of U.S.-Colombian relations as it became a means through which perceptions were propagated and realities distorted. Colombia's declarations concerning the U.S. and vice versa were constrained in content and form by the public debates regarding the crisis. This allowed key personalities and agencies, with views and interests of their own to define the relationship. Afterwards, perceptions were bestowed upon the nation-state creating the impression of antagonistic unitary actors with well defined motivations, intentions and capabilities.

It seems that the complexity of the interrelation between international and domestic processes in this case has to do with the convergence of old and new factors. The pattern of relations between the U.S. and Colombia, determined by a century-long exercise of hegemony, allowed the U.S. to interfere in Colombia's domestic politics. On the other hand, the 'inter-mestic' character of the illegal drug issue drew the U.S. even deeper into the political, legal and even social processes within Colombia. In this way it would not be exaggerated to suggest that the U.S. has

contributed to re-shaping core values and norms in Colombia's society during this period of crisis beyond its expectations and against Colombia's quest for autonomy.