

## **The Impact of the Andean Cocaine Trafficking: The Cases of Bolivia, Colombia and Mexico**

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### **Introduction**

Since the end of the Cold War, states began to emphasise on non-military based threats, called non-traditional security threats. Non-traditional threats are emerged from political weakness of a state.<sup>1</sup> In other words, states with weak political structure and integration tend to be suffered from non-traditional security threats. As for transnational organised crime, crime was traditionally regarded as a domestic affair, not a national security threat. The problems caused by transnational organised crime, however, have more complicated implications to state affairs than domestic crimes.

Unlike the activities of terrorist groups, TCOs' activities are mainly for economic profits, not for political or social motives.<sup>2</sup> Hence, it is said that "the threats they pose to others are often the unintended consequence of their activities".<sup>3</sup> The unintended consequence of TCOs' activities is "insidious, pervasive and multifaceted."<sup>4</sup> In addition, the linkage between TCOs and revolutionary groups may increase the risk to the stability in states.<sup>5</sup> The United States, therefore,

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<sup>1</sup> Hurrell, A., 'Security in Latin America', International Affairs, Vol 74, No 3, July 1998, p 541

Non traditional security threats (such as food security, environmental security, migration, drugs/arms trafficking, organised crime) are emerged not from state strength, military power and geopolitical ambition, but rather from state weakness and the absence of political legitimacy; from the failure of states to provide minimal conditions of public order within their borders; from the way in which domestic instability and internal violence can spill into the international arena; and from the incapacity of weak states to form viable building blocks of a stable regional order and to contribute towards the resolution of broader common purposes.

<sup>2</sup> Westrate, D., Remarks in Caucus on International Narcotics Control of The United States Senate, The Congressional Research Service, May 8, 1987, the Government Printing Office, p 2

TCOs as well as multinational corporations seek a high degree of autonomy from state control. The goals of organised crime are the same as those of any rational actors in market systems; the maximisation of wealth, influence and power and the minimisation of risk. (See Williams, P., 'Transnational Criminal Organizations: Strategic Alliances' Washington Quarterly; S. Huntington S. P., 'Transnational Organization in world Politics', World Politics, Vol 25, No 3, April 1973; Schmid, A. P., 'The Links between Transnational Organized Crime and Terrorist Crimes', Transnational Organized Crime, Vol 2, No 4, Winter 1996, p 43; and Williams, P., 'Transnational Criminal Organisations and International Security', p 100)

<sup>3</sup> Matthew, R. A., and Shanbaugh, G. E., 'Sex, Drugs, and Heavy Metal: Transnational Threats and National Vulnerabilities', Security Dialogue, Vol 29, No 2, June 1998, p 165

<sup>4</sup> Williams, P., and Savona, E. U., 1996, p 32; and also Lupsha, P. A., ' Transnational Organized Crime versus the Nation-State', p 44

Those consequences are: such as: political and economic destabilisation; social injustice; unfair competition; institutional delegitimization; corruption; monopoly pricing and organised crime extortion; unfair treatment; violence, intimidation, and fear; oppression; tyranny.

<sup>5</sup> Shultz, G., Quoted in Testimony of Taylor at Joint hearing before Congress International Terrorism, Insurgency, and Drug Trafficking: Narcotic Trafficking, Terrorism, and Political Insurgency, May 14, 1985, United States Senate, Committee on the Judiciary and Committee on Foreign Relations, p 115

has regarded transnational organised crime, particularly drugs trafficking, as a greater threat than communist in these days.<sup>6</sup> TCOs may affect almost all aspects of the state and may also have an influence on other parts of the global village.<sup>7</sup> The actual TCOs' impact on states can be described as follows:

Organized crime poses a direct threat to national and international security and stability, and constitute a frontal attack on political and legislative authority, and challenging the very authority of the state. It disrupts and compromises social and economic institutions, causing a loss of faith in democratic processes. It undermines development and diverts its gains. It victimizes entire populations, targeting and capitalizing on human vulnerability.<sup>8</sup>

The extensive influence of TCOs' activities can be seen broadly in state affairs, both domestically and internationally. However, this paper centres TCO's influence on states related to the Andean cocaine trafficking through bribery and the use of violence, i.e., corruption and intimidation.

### **Guns and Bribes**

Drug trafficking is the most popular and profitable economic activities for TCOs, so much so, it has been considered 'the economic mainstay of organized crime'.<sup>9</sup> The Andes is one of the most notorious regions for the origin of drugs trafficking along side with Golden Triangle, and Golden Crescent.<sup>10</sup> Due to the profitability of drugs trafficking, it is extremely difficult to eliminate. If one anti-narcotics operation resulted in success to wipe out the drug production in one area, it will emerge in different areas instantly. Therefore, it is said that "drug smuggling is like a balloon: squeeze it in one place and it bulges out elsewhere".<sup>11</sup>

The drug trafficking is usually organised by headquarters, producer, transit states, and market. In the case of the Andean cocaine trafficking, Colombia is the headquarters, Bolivia and Peru are (or were) producer states, Mexico and the Caribbean states are the transit states, and North American and European states are the markets. To some extent, drug trafficking organisations resembles trade companies. On the way to the market traffickers ship drugs, then, they bring back other commodities in needs; such as technology and components for weapons of mass destruction, which may cause much more serious problems to states than drugs.<sup>12</sup> Through their activities, TCOs have built enormous wealth in their disposal. The wealth is spent on

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<sup>6</sup> Van de Velde, J. R., 'The Growth of Criminal Organizations and Insurgent Groups Abroad due to International Drug Trafficking', *Low Intensity Conflict & Law Enforcement*, Vol 5, No 3, Winter 1996, p 466

<sup>7</sup> Such as clearing rain forest in Amazon for marijuana, coca and opium cultivation, and the side effects of marijuana, coca and opium field eradication by chemicals are harmful to the environment.

<sup>8</sup> Williams, P., and Savona, E. U., 1996, p 32

<sup>9</sup> Das, D. K., 'Organized Crime: A World Perspective', *Transnational Organized Crime*, Vol 3, No 3, Autumn 1997, p 131

<sup>10</sup> Countries consist those regions are: the Andes (Colombia, Bolivia, Peru, and also including Mexico in the case of drug trafficking), Golden Triangle (Cambodia, Burma, and Thailand) and Golden Crescent (Afghanistan, Pakistan, Turkey, and Iran).

<sup>11</sup> Seccombe, R., 'Troublesome Boomerang: Illicit Drug Policy and Security', *Security Dialogue*, Vol 28, No 3, September 1997, p 294

<sup>12</sup> Williams, P., 'Transnational Criminal Organisations and International Security', p 110

legitimate properties and commodities as well as bribes. This section examines the impacts on states brought by corruption and intimidation.

### *Corruption*

Bribery is an essential strategy for TCOs to ensure minimum disruption of their business and to secure their maximum profit from law enforcement operations. Bribes do not seem to be an immediate danger like terrorism, but they will affect the political status quo of the state through disruption of proper government functions in political and legal spheres, and undermining its legitimacy.

Legitimacy is evaluative, and is formed by opinion and belief of citizens.<sup>13</sup> Also, the capacity of the system to engender and maintain the belief that “the existing political institutions are the most appropriate ones for the society” comes from the legitimacy of a state.<sup>14</sup> A legitimate state, thereby, can lead people to follow order through “the rightfulness of a state” and people’s belief of “moral authority” that “they ought to obey.”<sup>15</sup> In brief, a legitimate state exists only when it is recognised as a proper authority, which has power to make people obey its rule and order due to its rightfulness.

If a state lost legitimacy, state functions become to be paralysed and inoperative, and “it is no longer assured security and provisionment by a central sovereign organisation.”<sup>16</sup> Beetham categorises the loss of legitimacy as ‘illegitimacy’ and ‘delegitimacy.’ Illegitimacy occurs when the power is “either acquired in contravention of the rules (expropriation, usurpation, coup d’état), or exercised in a manner that contravenes or exceeds them.”<sup>17</sup> Illegitimacy, however, differs from ‘legitimacy deficit’ or ‘weakness.’<sup>18</sup> These inappropriateness and inadequacy bring ‘delegitimacy.’<sup>19</sup> Delegitimacy is caused by the withdrawal of consent by “whose consent is necessary to the legitimisation of government” through “Mass demonstrations, strikes, acts of civil disobedience.”<sup>20</sup> In short, an illegitimate state has the government that has obtained power illegally, and a delegitimate state has the government with limited authorities and power to control over the territory and to secure general interests.

Through bribery and intimidation, TCOs may enable to illegitimate or delegitimate a state. According to Manwaring, “The level of corruption of the political, economic, social, and security organs of a nation-state is closely related to the degree of weakness of the state government apparatus, and it is a major agent for destabilisation.”<sup>21</sup> The expansion of TCOs control and continuation in lack of control by the government lead a state to the loss of control on some parts

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<sup>13</sup> Schaar, J. H., ‘Legitimacy in the Modern State’, in Legitimacy and the State, (Ed) William Connolly, 1984, Basil Blackwell: Oxford, p 108

It means that “If a people holds the belief that existing institutions are ‘appropriate’ or ‘morally proper’, then those institutions are legitimate.”

<sup>14</sup> Lipset, S. M., ‘Social Conflict, Legitimacy, and Democracy’, in Legitimacy and the State, (Ed) William Connolly, 1984, Basil Blackwell: Oxford, p 88

<sup>15</sup> Barker, R., Political Legitimacy and the State, 1990, Clarendon Press: Oxford, p 11

<sup>16</sup> Zartman, I. W., ‘Introduction: Posing the Problem of State Collapse’ in Collapsed States, (Ed) Zartman, I. W., 1995, London: Lynne Rienner

<sup>17</sup> Beetham, D., The Legitimation of Power, 1991, MacMillan: London, p 16

<sup>18</sup> *Ibid.*, pp 207-208,

<sup>19</sup> *Ibid.*, p 212

<sup>20</sup> *Ibid.*, p 209

<sup>21</sup> Manwaring, M. G., ‘National Security Implications of Drug Trafficking for the USA and Colombia’, Small Wars and Insurgencies, Vol 5, No 3, Winter 1994, p 392

of their territory, the judicial system and decision making. For transit states of drug trafficking, there is a danger of attack to “an established government from an insurgent group on the outside,”<sup>22</sup> and disagreement to law enforcement decision to it from its own corrupt government. Furthermore, TCOs may enable to support those who can provide them more protective environment to their business financially to overthrow the existing government. The danger of the military and TCO connection is said that: “the rise of military capabilities and armed conflict, far from enhancing the power and authority of the sovereign state, simply points to new uncertainties and capabilities, both subnational and international, which severely weaken that power and authority.”<sup>23</sup> Consequently, the DEA regarded the threat posed by drug traffickers financial resources and power as “the most significant issue facing drug law enforcement today”.<sup>24</sup>

### *Intimidation*

The use of violence by drug trafficking organisations is described as ‘narco-terrorism’ in narrow definition. This term is use in the two ways: one is in broad sense, and the other is in the narrow sense. In the narrow sense, narcoterrorism is purely a term to describe TCOs’ use of violence and intimidation.<sup>25</sup> TCOs’ use of planned, sophisticated, high-threat violence to achieve goals and interests is not in the legal or traditional definitions of the activities of insurgents or terrorists.<sup>26</sup> Indeed, according to Sullivan “A blend of traditional terrorism and quasi-terrorism finds its form in narco-terrorism.”<sup>27</sup> In the broad sense, the term defines relationship between guerrilla/terrorist groups and TCOs. Narco-terrorism in this sense is a product of a ‘marriage of convenience.’<sup>28</sup> Those two organisations with different principles have allied to each other for tactical use of violence (for drug traffickers) and ensuring financial source (for revolutionary groups).<sup>29</sup> The marriage of convenience is truly inconvenient for law enforcement institutions because their officials face both drug trafficking organisations and revolutionary groups in an operation that is supposed to fight against one of them.

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<sup>22</sup> Senator Dodd, Question at Joint hearing before Congress International Terrorism, Insurgency, and Drug Trafficking: Narcotic Trafficking, Terrorism, and Political Insurgency, May 14, 1985, United States Senate, Committee on the Judiciary and Committee on Foreign Relations, p 165

<sup>23</sup> J. A. Camilleri and J. Falk, The End of Sovereignty? (1992) Edward Elgar: Aldershot, p 155

<sup>24</sup> Westrate, D., Testimony at Joint hearing before Congress International Terrorism, Insurgency, and Drug Trafficking: Narcotic Trafficking, Terrorism, and Political Insurgency, May 14, 1985, United States Senate, Committee on the Judiciary and Committee on Foreign Relations, p 141

<sup>25</sup> Schmid, A. P., ‘The Links between Transnational Organized Crime and Terrorist Crimes’, Transnational Organized Crime, Vol 2, No 4, Winter 1996, p 66

It is defined as “activities initiated by drug traffickers using violence or the threat of violence against individuals, property, state, or its agents, to intimidate and coerce people into modifying their actions in ways advantageous to the drug traffickers”.

<sup>26</sup> Taylor, C., Testimony at Joint hearing before Congress International Terrorism, Insurgency, and Drug Trafficking: Narcotic Trafficking, Terrorism, and Political Insurgency, May 14, 1985, United States Senate, Committee on the Judiciary and Committee on Foreign Relations, p 114

<sup>27</sup> Sullivan, J. P., ‘Third Generation Street Gangs: Turf, Cartel, and Net Worriers’, Transnational Organized Crime, Vol 3, No 3, Autumn 1997, p 97

<sup>28</sup> Westrate, D., Remarks in Caucus on International Narcotics Control of The United States Senate, The Congressional Research Service, May 8, 1987, the Government Printing Office, p 2

<sup>29</sup> Williams, and Savona, 1996, p 25

Both forms of narco-terrorism challenge to the monopoly of violence of the state and the supremacy of the government, i.e., the government's sovereignty.<sup>30</sup> In a traditional sense, wars will occur when state territory or sovereignty are jeopardised by other states with violence, but nowadays, transnational organised crime can also threaten the sovereignty of the states.<sup>31</sup> Also, international sovereignty of a state can be damaged by the existence of TCOs.<sup>32</sup> A state weakened through corruption and intimidation may not be considered as a legitimate state which possess equivalent power of negotiation as others in international affairs. It may mean that a state that weakened or lost internal sovereignty will not be recognised as a sovereign state in international relations.

In sum, corruption and intimidation may affect a state both directly and indirectly. Corruption may malfunctionise the government, and consequently there will be a chaos created by injustice and social disorder. Citizens might not accuse government of corruption due to their fear to the revenge of TCOs, but such a government may not enable to maintain its legitimacy. In addition, the use of violence by TCOs is not only intimidate society and decline the proper state functions, but also lead a state to the danger of its sovereignty both domestically and internationally. The uncontrolled use of violence by TCOs should be taken as a challenge to the supremacy of the government and authority over the systemic use of violence. However, lack of ability to restrict TCOs lawlessness will influence on other states' recognition to the state. Without respect from other states, a state's position in international arena will be inferior and will lose power of negotiation. In other words, TCOs selfish pursuit of wealth can endanger the existence of a democratic sovereign state.

The rest of the paper is divided into four sections: first, the case of Colombia (the main actor of the Andean cocaine trafficking) where is known also for over four decades civil war; second, Mexico, a transit state of the Andean cocaine trade; and third, Bolivia that is a producer state in the cocaine trade.

### **Colombia**

Colombia has been headquarters of powerful drug trafficking organisations since the Medellín cartel's success in the 1980s. Two cartels based in Cali and Medellín entirely controlled the Latin American cocaine trafficking until the late 1990s. They supplied 70-80% of the cocaine sold in the United States and 90% of that in Europe. The members of the Cali cartel are (or were) known as 'the Cali's gentlemen' because of the Cali cartel's highly professional and business orientated operation with less use of violence than the Medellín cartel. The Cali cartel, in contrast to its rival, preferred coexistence to confrontation with the government for stable operation of its business.<sup>33</sup> They corrupt and intimidate government officials through either "*plomo o plata*" (death or money). Through effective market strategies, the Cali cartel became a multi-billion

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<sup>30</sup> Dziedzic, M. J., 'The transnational drug trade and regional security', *Survival*, Vol XXXI, No 6, November/December 1989, p 544

<sup>31</sup> Van Creveld, M., *The Transformation of War*, 1991, Free Press: New York, p 204

<sup>32</sup> Jackson, R., 'Sovereignty in World Politics: a Glance at the Conceptual and Historical Landscape', *Sovereignty at the Millennium*, Jackson, R. (Ed), 1999, Blackwell: Oxford, p 12

Sovereignty in world politics is regarded as "a distinctive way of arranging the contacts and relations of political communities, or states, such that their political independence is mutually recognised and they co-exist and interact on a foundation of formal equality and a corresponding right of non-intervention."

<sup>33</sup> 'Colombia's Drug Business', *The Economist*, December 24, 1995, p 25

trading company with estimated \$7 billion annual revenue in 1996.<sup>34</sup> The high financial achievement of the drug cartels has brought enormous wealth in their disposal, and with which they have obtained influential position on the government.

In the following two parts, the impact of bribery and intimidation by the Colombian drug cartels is examined. Their political influence on the government through corruption succeeded to disrupt state functions against the cocaine trade and punishment to the members of drug cartels. Intimidation usually come along with bribery. When money does not 'speak,' violence will be used. Moreover, the Medellín cartel's preference to might made it allied with revolutionary groups to attack the government.

### *Corruption*

"Corruption is everywhere - in government, judiciary, business, and on the streets of Colombia," said Juan Ferro, a member of *El Espectador*.<sup>35</sup> The US law enforcement officials estimated that Colombian drug cartels spend more than \$100 million on bribes every week to buy protection,<sup>36</sup> and failure in bribery is compensated by violence. The Cali cartel and the Medellín cartel, both knew the significance of corruption for their business. The Medellín cartel was primarily known for its fierce use of violence. Violence, however, did not keep support from communities to the cartel, and hence, it sought for political integration into the society.<sup>37</sup> The Medellín cartel was keen to participate in politics directly, while the Cali cartel preferred indirect involvement. Pablo Escobar was a political member of Antioquia and a town called Pacho was controlled its police system by the member of the Medellín cartel.<sup>38</sup> Both direct and indirect influence allowed the Medellín cartel to control the city Medellín and the region around it.

The Cali cartel, on the other hand, has established solid foundation for its business through bribes. Miguel Orejuela, a leader of the cartel, is known for his payroll listed 2,800 Colombian citizens.<sup>39</sup> The extensive use of bribes is symbolised with the words of Gilberto Rodriguez Orejuela: that "We don't kill judges or ministers, we buy them."<sup>40</sup> Consequently, the Cali cartel maintained its influence on the government sufficiently, which allowed its leaders to

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<sup>34</sup> Constantine, T. A., DEA Congressional Testimony, National Drug Control Strategy and Drug Interdiction, Before the Senate Caucus on International Narcotics Control, and The House Subcommittee on Coast Guard and Maritime Transportation, September 12, 1996, <http://www.usdoj.gov/dea/pubs/cngrtest/ct960912.htm>

<sup>35</sup> Chepesiuk, R., 'The Colombian Drug Connection: its source, distribution and impact', Journal of Defense & Diplomacy, April 1988, p 27

<sup>36</sup> Lee III, R. W., 'Global Reach: The Threat of International Drug Trafficking', Current History, Vol 94, No 592, May 1995, p 207

<sup>37</sup> Tullis, L., Unintended Consequences: illegal drugs & drug policies in nine countries, Lynne Rienner: Colorado, 1995, p 17

<sup>38</sup> Isikoff, M., 'Colombia's Drug King Becoming Entrenched', Washington Post, 8 January, 1989

<sup>39</sup> Gelbard, R., Press Briefing by Robert Gelbard, Assistant Secretary of State for International Narcotics Matters; Richard Newcombe, Assistant Secretary of the Treasury, Office of Foreign Assets Control; George Ward, Acting Assistant Secretary of State for International Organizations; and Richard Clarke, Senior Director, Global and Multinational Affairs, NSC, The White House: Washington, DC, October 22, 1995, <http://www.pub.whitehouse.gov/uri-res/I2R?urn:pdi://oma.eop.gov.us/1995/10/23/6.text.1>

The list included politicians, judicial figures, police, and other people holding certain position in the society

<sup>40</sup> Lee III, R. W., 'Global Reach: The Threat of International Drug Trafficking', Current History, Vol 94, No 592, May 1995, p 208

run their business from prisons as well as to influence “a congressional vote on asset seizure legislation, despite repeated US warning.”<sup>41</sup>

The connection between the drug cartels and politicians are formulated during election campaigns. Since there is no financial support to politicians from the government, donation from drug cartels is an important resource for candidates.<sup>42</sup> In the 1990s, the Cali cartel contributed \$6 million to a presidential election campaign to support President Ernesto Samper.<sup>43</sup> The case also exposed “friendly relations between drug traffickers and senior campaign officials of both the Liberal and Conservative parties”.<sup>44</sup> In 1995, Samper’s campaign treasurer, Santiago Medin.<sup>45</sup> and other three ministers of the administration were sent off for their connections with the Cali cartel.<sup>46</sup> The scandal led to case 8000 to evacuate corrupt government officials, and brought the investigation of “the Attorney General, the Comptroller General and 20 members of Congress, as well as members of Samper’s campaign.”<sup>47</sup> This scandal became an origin of another disharmony between the United States and Colombia caused by the decertification and refusal of American visa to Samper except for visiting the United Nations in New York.<sup>48</sup>

Considering the judicial system, drug traffickers tend to escape form legal punishments because in many cases they bought judges and prosecutors or threatened them not to take the case. Even if they were sentenced, the punishment could be light or they would be released in much shorter period than they need to serve. For example, there were only three convictions of drug trafficker in Case 8000, although numbers of traffickers were arrested during the incident.<sup>49</sup> A middle-ranking drug trafficker was arrested for the murder of the editor of *El Espectador* was released after several days in a jail because no judge wanted to try the case.<sup>50</sup> In other case, murder charges against jailed Cali drug trafficker Ivan Urdinola were dismissed by a Colombian judge in October 1997. After this fact was found out, Urdinola has remained in prison, but it is said that he “may be released from prison in 1998.”<sup>51</sup> According to a chief prosecutor for the

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<sup>41</sup> Gelbard, R. S., Narcotics Certification, Remarks at State Department Daily Press Briefing February 28, 1997, [http://www.state.gov/www/policy\\_remarks/970228.gelbard.html](http://www.state.gov/www/policy_remarks/970228.gelbard.html); and Constantine, T. A., DEA Congressional Testimony, International Organized Crime Syndicates and their Impact on the United States, Before the Senate Foreign Relations Committee, Subcommittee on the Western Hemisphere, Peace Corps, Narcotics, and Terrorism, February 26, 1998, <http://www.usdoj.gov/dea/pubs/cngtrtest/ct980226.htm>

<sup>42</sup> Lee III, R. W., The White Labyrinth: Cocaine & Political Power, Transaction Publishers: New Jersey, 1989, p 131

<sup>43</sup> Corruption and Drugs in Colombia: Democracy at risk, A Staff Report to the Committee of Foreign Relations United States Senate, February 1996, GPO: Washington, p vi

<sup>44</sup> Ross, T., ‘Blow to Colombia as tape links parties to Cali drug cartel’, The Guardian, 28 June 1994

<sup>45</sup> Corruption and Drugs in Colombia: Democracy at risk, A Staff Report to the Committee of Foreign Relations United States Senate, February 1996, GPO: Washington, p 4

<sup>46</sup> Menzel, S. H., Cocaine Quagmire: implementing the US anti-drug policy in the north Andes - Colombia, University Press of America: Maryland, 1997, p 149

<sup>47</sup> Corruption and Drugs in Colombia: Democracy at risk, A Staff Report to the Committee of Foreign Relations United States Senate, February 1996, GPO: Washington, p 4

<sup>48</sup> ‘US lifts economic sanctions against Colombia: Improved efforts to fight drug spur move’, February 26, 1998, <http://www.cnn.com/WORLD/9802/26/drugs.colombia/index.html>; and also, INCSR, 1996, pp xxv-xxvi

<sup>49</sup> Corruption and Drugs in Colombia: Democracy at risk, p 6

<sup>50</sup> Lee III, R. W., The White Labyrinth, pp 10-11

<sup>51</sup> Constantine, T. A., DEA Congressional Testimony, International Organized Crime Syndicates and their Impact on the United States, Before the Senate Foreign Relations Committee, Subcommittee on the Western Hemisphere, Peace Corps, Narcotics, and Terrorism, February 26, 1998, <http://www.usdoj.gov/dea/pubs/cngtrtest/ct980226.htm>

judicial police, “It is very difficult to find a person who does not want to do business with the traffickers, given that they pay well, pay in cash and don’t ask for discount.”<sup>52</sup>

The connections between police officers and drug traffickers are affecting not only the national justice system but also joint counter-narcotics operations with the United States. It is said that “The internal corruption has meant that police operations against the traffickers are often compromised before they begin.”<sup>53</sup> The Barco administration’s reform of the police ended with dismissal of “about 2,000 members of the 80,000-person national police” due to their “suspected collaboration with the drug cartels.”<sup>54</sup> Between the early 1990’s and 1998, more than 14,000 police officers were purged for corruption.<sup>55</sup> Furthermore, corruption reached at all levels in the police. In early 1989, a national police general, José Guillermo Medina Sánchez was discharged because his name was on Escobar’s payroll.<sup>56</sup> In 1994, a cartel payroll was found which listed the names of 35 senior and 25 middle level Cali police and 130 agents.<sup>57</sup> The number and the range of corrupt officials make any counter-narcotics operations and law enforcement enable to work effectively.

The military and drug cartels share information about “their common enemy”, revolutionary groups.<sup>58</sup> Bagley, however, points out the inefficiency of anti-drug operations in the Magdalena River valley and sections of the Eastern Plains during the 1980s as a consequence of the military- drug cartel alliance.<sup>59</sup> Moreover, some officers involves in the cocaine trade, and it was referred as ‘the Blue cartel’ from the colour of Colombian Air Force uniform.<sup>60</sup> The existence of the Blue cartel became to be known after the incident of the cocaine seizure in an Air Force plane which expected to fly the Colombian President to the United States.<sup>61</sup> The United States took this incident as a challenge to the US counter-narcotics efforts, and the two states’ relationship were soared for a while.

In sum, drug cartels control large aspects of state affairs in order to ensure their business. A former DEA official said the that Colombian system is run by not a democracy but a ‘narco-democracy’.<sup>62</sup> The effects of bribery can be seen in: delay of legislation and decision making related to drug control issues; disruption of legal due process and fair trial; and idling counter-narcotics and law enforcement operations. Moreover, linkage between the government and a drug cartel declined the Colombian credibility and respect from other states in international arena. Comparing the situation of Colombia with Manwaring’s words, Colombia seems to be a weak state and destabilised by corruption. Therefore, as Clawson and Lee III note: “the Cali cartel may have done more damage to Colombia’s political order than did its Medellín counterpart”.<sup>63</sup>

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<sup>52</sup> Isikoff, M., ‘Colombia’s Drug Kings Becoming Entrenched’, The Washington Post, 8 January 1989

<sup>53</sup> Chepesiuk, R., ‘Colombia Under Siege: Drug-Fueled Violence Tears Country Apart’, Defense & Diplomacy, December 1989, p 43

<sup>54</sup> Bagley, B. M., ‘Dateline Drug Wars: Colombia: The Wrong Strategy’, Foreign Policy, No 77 Winter 1989-90, p 160

<sup>55</sup> Constantine, T. A., DEA Congressional Testimony, February 26, 1998

<sup>56</sup> Bagley, B. M., ‘Dateline Drug Wars’, p 160

<sup>57</sup> Corruption and Drugs in Colombia: Democracy at risk, p 19

<sup>58</sup> Mabry, D. J., ‘Andean Drug Trafficking and the Military Option’, Military Review, March 1990, p 34

<sup>59</sup> Bagley, B. M., ‘Dateline Drug Wars’, p 161

<sup>60</sup> Customs agents find cocaine on Colombian Air Force plane, November 10, 1998, <http://www.cnn.com/US/9811/10/cocaine.seizure/index.html>

<sup>61</sup> Customs agents find cocaine on Colombian Air Force plane

<sup>62</sup> ‘Ex-US Agent Calls Colombia a ‘Narco-Democracy’’, The International Herald Tribune, 1 October 1994

<sup>63</sup> Clawson, P. L., and Lee III, R. W., The Andean Cocaine Industry, St. Martin’s Griffin: New York, 1996, p 173

### *Intimidation in Colombia*

The Medellín cartel was notorious for its preference to violent activities. To some extent, the Medellín cartel's indiscriminate use of violence developed to an internal warfare in 1989, when the cartel displayed its objection to an extradition treaty with the United States. The Cali cartel, on the other hand, uses violence ruthlessly to specific persons to protect its interests. For example, the Cali cartel was not only co-operated with the government to arrest Pablo Escobar and his followers, but also killed "more than sixty of Escobar's supporters, associates and employees".<sup>64</sup>

The direct challenge to the government is most likely to be appeared in the manner of terrorist activity with indiscriminate use of violence in cities. The Barco administration concluded an extradition treaty with the United States in 1989 to exert justice on drug traffickers. The Medellín cartel offered to pay off foreign debt of the state in exchange to decline the treaty. The refusal of the government induced fierce attacks with bombs. Consequently, the headquarters of National Security Police was blasted on 6 December 1989,<sup>65</sup> and approximately 1,700 Colombians and 400 police officials were murdered and "200 bombs were exploded in Bogotá alone" in about a six month period in 1990.<sup>66</sup> Also, when M-19 took 17 Supreme Court justices hostages, it was allegedly said that the Medellín cartel paid \$1 million for the operation.<sup>67</sup>

The narco-guerrilla alliance supported revolutionary groups financially, and also helped revolutionary groups to expand their power. For law enforcement institutions, such alliances became a predicament of their operations. When they are working on anti-insurgency/narcotics operations, they found themselves fighting against not just a revolutionary group or a drug cartel, but both at the same time.<sup>68</sup> In addition, some revolutionary groups engaged themselves in the cocaine trade and have enlarged their size and power. For example, *Fuerzas Armadas Revolucionarias de Colombia* (FARC) doubled its size in the preceding four years due to its drug income.<sup>69</sup> The financially strengthened FARC increased its negotiation power with the government and in the end, it controls Switzerland size land in Colombian territory.

Considering the attacks to individuals, politicians and judicial figures tend to have more risks. As a democratic state, Colombia hold elections with large numbers of candidates. However, those elections are often associated with violence by drug cartels and/or revolutionary groups. During the 1994 presidential election campaign, for example, at least five candidates were kidnapped and four campaign officials were injured by bombings.<sup>70</sup> In the same year, the

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<sup>64</sup> 'The Rise and Fall of the "Gentlemen from Cali"', NACLA: report on the Americas, Vol XXX, No 6, May/June 1997, p 39

<sup>65</sup> Tullis, L., Unintended Consequences: illegal drugs & drug policies in nine countries, Lynne Rienner: Colorado, 1995, p 95

<sup>66</sup> Menzel, S. H., Cocaine Quagmire, p 80

<sup>67</sup> Claudio, A., 'United States-Colombia Extradition Treaty: Failure of A Security Strategy', Military Review, December 1991, p 71

<sup>68</sup> Skol, M., Cocaine Production in the Andes, Hearing before the Select Committee on Narcotics Abuse and Control, House of Representatives 101st Congress, 1st session, June 7, 1989, GPO: Washington, pp 8-9

<sup>69</sup> US narcotics control programs in Peru, Bolivia, Colombia, and Mexico: An Update, Report of a study mission to Peru, Bolivia, Colombia, and Mexico, November 19 to December 18, 1988, to the Committee on Foreign Affairs, US house of Representatives, February 1989, GPO: Washington, DC, p 23; GAO, DRUG WAR: Observations on Counternarcotics Aid to Colombia, Report to Congressional Requesters, September 1991, GAO: Washington, DC, p 20; and Lee III, R. W., The White Labyrinth, p 118

<sup>70</sup> Ross, T., 'Colombian rebels launch pre-election attacks', The Guardian, 23 February 1994

congressional election was ended in at least 10 candidates were killed, kidnapped or injured.<sup>71</sup> The 1997 election resulted with murder of approximately 40 candidates, kidnaps of 200, and threats over 2,000 campaign members to withdrawal from the election.<sup>72</sup> Despite democratic appearance of the system, the procedure in Colombia is controlled by fear and elected politicians actually reflect only interests of drug cartels and revolutionary groups. These experiences of fear may prevent politicians to act against, particularly, drug cartels.

Not only elections, but also each decision making will threaten the lives of politicians. The Senate Vice-chairman Dario Londono Cardona, for example, who was sponsoring a bill to widen Presidential power on counterinsurgency in 1993, was murdered.<sup>73</sup> Another former Minister of Justice, who was also keen to demolish drug cartels, was assassinated in Budapest, Hungary, despite the government efforts to send him remote place from drug traffickers.<sup>74</sup> These incidents in the past apparently shows Colombians that those act against drug cartel's interests will be killed sooner or later, wherever they are. Fear to drug cartels might oblige politicians to remain silence on drug related issues, therefore, the government may be unable to proceed anti-drug policies.

By the 1980s, the use of violence against judicial figures escalated, and judicial figures are also troubled to follow legal due process by dilemma between bribes and death. During the 1980s, more than fifty judges and Supreme Court justices, a Justice Minister, and an Attorney General lost lives in drug related violence.<sup>75</sup> In 1987, more than thirty judges and their families were killed by attacks of narco-terrorists.<sup>76</sup> When judge Eduardo Triana issued the warrant for the arrest of the assassin of a newspaper publisher Guillermo Cano, he received the offer of "20 million pesos (\$81,000) to drop the case."<sup>77</sup> After his refusal of the offer 14 assassins were contacted by traffickers for Triana's life. The number of contracted assassins is not only for warning to others but also for thoroughness of the revenge. Alvaro Lopez, who convicted Pablo Escobar and Jorge Ochoa on the case of Rodrigo Lara was suffered from massive black mails and phone calls for death threat. Lopez claimed that more than 1,000 members of Colombian judicial system were "in serious danger", but there was not enough support from the government.<sup>78</sup>

The government's scheme to extradite drug traffickers failed to support judicial figures, and also evoked damages to citizens as described above. To improve injustice and manipulation of drug cartels in legal procedures, the government adopted an extradition treaty with the United States. After the Barco administration's courageous decision in 1989, all Colombian judges found themselves facing the choice of either "accepting large bribes" from traffickers or "braving their death threats and their hired assassins".<sup>79</sup>

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<sup>71</sup> Kendall, S., 'Violence mars road to Colombia elections', Financial Times, 9 March 1994

<sup>72</sup> Bureau of International Narcotics and Law Enforcement Affairs, Drug Control Fact Sheet - Colombia, March 3, 1998, [http://www.state.gov/www/global/narcotics\\_law/1997\\_narc\\_report/fs\\_colombia.html](http://www.state.gov/www/global/narcotics_law/1997_narc_report/fs_colombia.html)

<sup>73</sup> Menzel, S. H., Cocaine Quagmire, p 130

<sup>74</sup> Skol, M., Cocaine Production in the Andes, Hearing before the Select Committee on Narcotics Abuse and Control, House of Representatives 101st Congress, 1st session, June 7, 1989, GPO: Washington, p 67

<sup>75</sup> Dziedzic, M. J., 'The transnational drug trade and regional security', Survival, Vol XXXI, No 6, November/December 1989, p 538

<sup>76</sup> US congressional Delegation to the Andean Parliament Pipa and Bogota Colombia, Study Mission Report, Report for the selected Committee Narcotics abuse and control, 100th Congress, 1st session, March 15-16 1987, p 7

<sup>77</sup> Nordland, R. and Contreras, J., 'Where Cocaine Is King', Newsweek, February 29, 1988, pp 37-38

<sup>78</sup> Ross, T., 'Colombian judges court death', Independent, 18 November 1991

<sup>79</sup> O'Shaughnessy, H. and Matthews, G., 'Crackdown on the Drug Kings', Observer, 27 August, 1989

The fear to drug cartels was too strong to make any action against drug trafficker in Colombia. The United States “offered \$500,000 for Jorge Luis Ochoa’s arrest and conviction,” Ochoa and other four traffickers had their charges reduced and were released from prison.<sup>80</sup> The malfunction of the judicial system is reported as: “Of some 8,000 drug-related cases before the Cali courts, only 78 convictions were secured” in 1991.<sup>81</sup> Fear of violence by drug cartels and revolutionary groups affected citizens, and Colombian refugees are estimated about 300,000 to 2 million.<sup>82</sup> The government even failed to provide security of people’s lives.

Intimidated judicial figures cannot pursue their jobs, and therefore, drug traffickers prevail in the society with impunity. Although there were some efforts to change the inappropriate practice of law in Colombia, continuous violence and insufficient support and protection from the government prevent them to succeed. Consequently, there are obvious injustice caused by ignoring proper application of laws.

Overall, Colombian drug cartels managed to create their own empire in Colombia, where they can enjoy influence over the government officials to control political and legal matters for their convenience. Corruption has made anti-drug policies difficult to be exerted, and made it easier to be dropped drug related cases during legal procedure. The choice of accepting bribes may be not always what government officials keen to do, but they are sometimes forced to accept it because of their fear to death. Bribery has disrupted state functions, particularly in political and judicial spheres, and also corrupted military officers are nuisance to anti-narcotics operations. Intimidation brought the states to malfunctioning judicial system and little effort to counter-narcotics operations. Obvious injustice as well as continuing use of violence in the states have declined accountability of the government. Some Colombians abandon their country for their safety. The lack of government ability to control its territory and maintain its supremacy seem to be in serious danger in Colombia. Currently, the Colombian government is seeking for counter-narcotics measures, but the US supported measures (Plan Colombia) might bring further problems to the states.

### **Mexico**

Mexico became a significant transit state in the Andean cocaine trafficking since the 1980s, and in the late 1990s, about 70% of South American cocaine are smuggled into the United States via Mexico.<sup>83</sup> The Mexican drug trafficking organisations became to be considered the nearly equivalent power of the Colombian counterparts by the mid-1990s.

Mexican drug trafficking organisations are called ‘cartels’ or ‘federations.’ Mexicans control the major parts of methamphetamine trade and involve in distributions of major drugs (cocaine, heroin, and marijuana) into the United States.<sup>84</sup> Colombian cartels that were suffering from effective law enforcement operations decided to transport cocaine shipments via Mexico to

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<sup>80</sup> Lee III, R. W., The White Labyrinth, p 125

<sup>81</sup> McCaughan, M., ‘Cartel profits fuel a corrupt Colombian boom’, The Guardian, 26 February 1992

<sup>82</sup> DeYoung, K., ‘Conflict Drives Thousands From Their Home in Colombia,’ The Washington Post, 6 September 2000, <http://www.washingtonpost.com/wp-dyn/articles/A17753-2000Sep5.html>, and also ‘Refugees,’ CNN News, <http://www.cnn.com/interactive/specials/0008/colombia.issues/refugees.html>

<sup>83</sup> Constantine, T. A., DEA Congressional Testimony before the Senate Drug Caucus, 24 February 1999, <http://www.usdoj.gov/dea/pubs/cngrtest/ct022499.htm>

<sup>84</sup> Constantine, T. A., DEA Congressional Testimony Regarding Drug Trafficking in Mexico, before the Senate Committee on Banking, Housing and Urban Affairs, March 26, 1996, <http://www.usdoj.gov/dea/pubs/cngrtest/ct960328.htm>

ensure their safety. The reasons that Mexican cartels became to play a significant role in the Latin American drug trafficking are geographical location, terrain near its northern borders, and participation in the North American Free Trade Agreement.<sup>85</sup>

There are several powerful cartels in Mexico mainly control the cocaine trafficking en route to the United States for Colombians: the Tijuana cartel, the Sinaloa cartel, the Juarez cartel, the Guadalajara cartel, and the Gulf cartel. The Mexican cartels are known for their aggression, and particularly, the Tijuana cartel is known as “one of the most powerful, violent and aggressive trafficking groups in the world.”<sup>86</sup> The Tijuana cartel is believed to traffic “approximately 7 tons of cocaine and returned \$90 million to Mexico within a 90-day time frame,”<sup>87</sup> and to afford weekly expenditure of US \$1 million on bribes, and equipped its members with sophisticated arms and well-trained security forces.<sup>88</sup> The Juarez cartel is as strong as the Tijuana cartel’s and reported that these two cartels “operate with few restrictions,” despite continuous Mexico-US joint anti-drug operations.<sup>89</sup> In this section, those cartels’ influence on the state through bribery and violence is concerned.

#### *Corruption in Mexico*

Corruption is “deeply rooted in Mexican institutions and society” as though it is one of Mexican cultures.<sup>90</sup> It was revealed that “almost 90% of the law enforcement officers, prosecutors, and judges in Tijuana and the State of Baja California have been compromised” by the Tijuana cartel and “several high ranking police officers regularly provided information that assisted in locating targets for assassination”.<sup>91</sup> Many of Mexican drug kingpins have *la plaza* to ensure their business.<sup>92</sup> The vulnerability of officials to bribes may stem from generous amount of money drug traffickers can offer, and intimidation.<sup>93</sup> In this part, bribery by the cartels to three government sectors will be examined.

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<sup>85</sup> Larmer, B., ‘A leap of Faith’, Newsweek, 10 March, 1997, p 18; Toro, Maria Celia, Mexico’s “War” on drugs, 1995, Rienner: London, p 12; and ‘Illegal Drug, Mexico And NAFTA’, ABC News, 6 May 1997, [http://more.abcnews.go.com/onair/nightline\\_new/transcripts/nt0506.html](http://more.abcnews.go.com/onair/nightline_new/transcripts/nt0506.html), and Caistor, N., “US and Mexico: A porous frontier”, BBC News, February 15, 1999, [http://news.bbc.co.uk/1/hi/english/world/americas/newsid\\_280000/280192.stm](http://news.bbc.co.uk/1/hi/english/world/americas/newsid_280000/280192.stm)

<sup>86</sup> Milford, J. S., Anti-Narcotics Cooperation with the Government of Mexico, Testimony before the Senate Foreign Relations Committee and Senate Drug Caucus, 29 October 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct971029.htm>

<sup>87</sup> Constantine, T. A., DEA Congressional Testimony, February 24, 1999

<sup>88</sup> Milford, J. S., Anti-Narcotics Cooperation with the Government of Mexico, Testimony before the Senate Foreign Relations Committee and Senate Drug Caucus, 29 October 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct971029.htm>

<sup>89</sup> Anderson, J. W., Farah, D., and Moore, M., ‘Mexico Strains Drug Ally Status’, The Washington Post, 10 February 1999, <http://www.washingtonpost.com/wp-srv/WPlate/1999-02/10/2241-021099-idx.html>

<sup>90</sup> Office of National Drug Control Policy, US-Mexico counterdrug cooperation, <http://www.whitehousedrugpolicy.gov/enforce/rpttocong/usmexcohtml>

<sup>91</sup> Constantine, T. A., DEA Congressional Testimony Regarding Cooperation with Mexico, before the National Security, International Affairs and Criminal Justice Subcommittee of House Government Reform and Oversight Committee, 25 February, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct970225.htm>

<sup>92</sup> Poppa, T., Drug Lord: The Life and Death of A Mexican Kingpin, 1998, Demand Publications: Seattle, p 44  
*La plaza* is explained as: “When someone had the *plaza*, it meant that he was paying an authority or authorities with sufficient power to ensure that he would not be bothered by state or federal police or by the military.”

<sup>93</sup> Robinson, L., ‘An inferno next door’, Newsweek, 24 February, 1997, pp. 37 - 38

In Mexico, “A commander makes \$900 a month; a regular cop, \$300; and a soldier, \$190. A narcotics bodyguard makes \$2,000 to \$3,000 a week”.

The cartels spent about \$3 billion to bribe politicians annually.<sup>94</sup> The influence of bribery at the local government level can be seen in an entire two-city in a cartel's disposal. For example, in Quintana Roo, a former governor, Mario Villanueva, involved in money laundering and protection of the cartel members. In the end, the government convicted large numbers of public officials in the region: Villanueva and more than 100 other officials, "including federal police and prosecutors" in the state were arrested.<sup>95</sup> Those areas under the influence of a drug cartel is possible to turn out to be formation of a state-within-a-state, which created through conspiracy between a drug cartel and a local government.

Bribes affected the judicial system, particularly those regions under the control of the Tijuana and the Juarez cartel. Baja California, where the Tijuana cartel operates is said that "Baja California never had a particularly effective criminal justice apparatus."<sup>96</sup> Amado Carrillo Fuentes, the leader of the Juarez cartel, was arrested on drug charges in 1989, but was released within a few months due to lack of evidence.<sup>97</sup> The Arellano-Felix brothers of the Tijuana cartel are running their business with impunity despite the accusations against them.<sup>98</sup> Whilst Humberto Garcia Abrego, the money launderer for the Gulf cartel, was believed to have been interrogated at the Mexican drug-enforcement office, he waked away from there without interrogation.<sup>99</sup> These cases may be a clear indication of cartel's influence over the judicial system, and particularly, the Tijuana cartel seems to control judicial procedures both at local and national level.

Injustice at home could have been solved by extradition of drug traffickers to the United States. However, the influence of drug cartels often manage to drop the conviction during the legal procedures. The government found the extradition of a lieutenant of the Tijuana cartel was dismissed during the appeal in Mexico. In 1998, the United States sent back Oscar Compillo-Valles, a member of the Tijuana cartel, to Mexico for trial. He stayed in high security prison in Mexico City on drug charges until a judge in Toluca released him due to lack of evidence to prove his commitment in the incidence.<sup>100</sup>

The police institutions in Mexico are apparently supporting drug trafficking. It is most clearly seen in Baja California, where it is allegedly said that both the federal and local police are protecting the Tijuana cartel.<sup>101</sup> Amado Carrillo Fuentes was known to go out with police officers guarding him like private bodyguards.<sup>102</sup> In Baja California, a Tijuana news editor censured

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<sup>94</sup> Builta, J., 'Mexico faces corruption, crime, drug trafficking and political intrigue', Criminal Organizations, vol. 10, No. 4, Summer 1997, [http://www.acsp.uic.edu/iasoc.crime\\_org/vol10\\_4/art\\_4h.htm](http://www.acsp.uic.edu/iasoc.crime_org/vol10_4/art_4h.htm)

<sup>95</sup> Moore, M., 'Mexican Seeks Ex-Governor on Drug Charges', The Washington Post, 8 April 1999, <http://www.washingtonpost.com/wp-srv/inatl/longterm/mexico/mexico.htm>, Dillon, S., 'In Letter From Hiding, Mexican Governor Charges Political Plot', The New York Times, <http://www.nytimes.com/library/world/americas/040799mexico-governor.html>, and Associated Press, 'Former Mexican governor said negotiating surrender in drug case', CNN News, 20 February 2000, <http://www.cnn.com/2000/WORLD/americas/02/20/bc.mexico.fugativegov.ap/index.html>

<sup>96</sup> Golden, T., 'Mexican Tale of Absolute Drug Corruption', The New York Times, 9 January 2000, <http://www.nytimes.com/library/world/americas/010900mexico-us-drugs.html>

<sup>97</sup> Brant, M., 'Most Wanted Kingpin?', Newsweek, March 10 1997, p 18

<sup>98</sup> Constantine, T. A., DEA Congressional Testimony, March 26, 1996

<sup>99</sup> Larmer, B., 'A leap of Faith', Newsweek, 10 March, 1997, p 18

<sup>100</sup> Constantine, T. A., DEA Congressional Testimony, February 24, 1999

<sup>101</sup> Dillon, S., 'Mexico Jails 2 Drug Agents, and U.S. Officials See Graft', The New York Times, 25 September 1998, <http://www.nytimes.com/library/world/americas/092598mexico-drugs.html>

<sup>102</sup> Golden, T., 'Cold Pursuit: A Special Report: Top Mexican Off-Limits to U.S. Drug Agents', The New York Times, 16 March 1999, <http://www.nytimes.com/library/world/americas/031699mexico-drugs.html>

government institutions for corruption was protected by the police until his attempted murder in 1997 by the cartel's order.<sup>103</sup> The police in these regions have systemic commitment to drug trafficking, and hence, the local legal system is conducted with many irregular rules that created between drug traffickers and police officers.

The cartels can even manipulate the appointments of officers in the police headquarters, and thereby, there will be nobody to act against the drug cartels in the police. Widespread corruption in the police is reported that: "more than 1,400 of the 3,500 federal police officers" between 1997 and 1999 because of corruption.<sup>104</sup> Those corrupt officers are said that "the *Federales* are corrupt, but when a *Federale* is doing his job, there [is] no better cop anywhere."<sup>105</sup> Therefore, discharging corrupt officers cause huge losses to the government, in terms of the loss of number and quality its police officers. Worse, there is no guarantee that new recruit will have equivalent quality and remain 'clean.'

The government efforts to reform the police institutions highlighted the difficulties to eliminate corruption in these institutions. The shift of authority in anti-narcotics operations from the General Directorate of Political and Social Investigations (DPSI) to the Mexican Federal Judicial Police (MFJP) authority also changed the degree of corruption in these institutions.<sup>106</sup> The drug cartels react to the change of the government policy immediately, and bribes followed the shift of authorities in counter-narcotics operations.

During the 1980s, corruption in the military became to be apparent and affect its operation, specially in the northern zone of Mexican territory.<sup>107</sup> In the 1990s, drug cartels established their influence on the military from top to bottom. General Jesus Gutierrez Robollo, the military officer appointed as Commissioner of the National Counternarcotics Institute (INCD) in December 1996, was charged on narco-corruption in February 1997 after three months from his appointment.<sup>108</sup> During the investigation, 40 military officers were arrested, but none of them was tried or convicted.<sup>109</sup> After General Gutierrez-Rebollo was resigned, the government dismantled INCD to recreate a new counter-drug squad called the *Fiscalia Especializada Para la Atencion de Delitos Contra la Salud* (FEADS).<sup>110</sup> In February 1998, however, the FEADS commandante in Juarez, who was investigated for the killing among rival drug trafficking

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<sup>103</sup> Constantine, T. A., DEA Congressional Testimony, International Organized Crime Syndicates and their Impact on the United States, Before the Senate Foreign Relations Committee, Subcommittee on the Western Hemisphere, Peace Corps, Narcotics, and Terrorism, February 26, 1998, <http://www.usdoj.gov/dea/pubs/cngrtest/ct980226.htm>

<sup>104</sup> Ledwith, W., Counter-narcotics in Mexico, Testimony before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, 29 February, 2000, <http://www.usdoj.gov/dea/pubs/cngrtest/ct022900.html>

<sup>105</sup> Nadelmann, E. A., 'The DEA in Latin America: Dealing with Institutionalized Corruption', Journal of Interamerican Studies, Winter 1987-88, p 8

<sup>106</sup> US narcotics control programs in Peru, Bolivia, Colombia, and Mexico: An Update, Report of a study mission to Peru, Bolivia, Colombia, and Mexico, November 19 to December 18, 1988, to the Committee on Foreign Affairs, US house of Representatives, February 1989, GPO: Washington, DC, p 30

<sup>107</sup> *Ibid.*, p 31

<sup>108</sup> Office of National Drug Control Policy, US-Mexico counterdrug cooperation, <http://www.whitehousedrugpolicy.gov/enforce/rpttocong/usmexcohtml>

<sup>109</sup> Constantine, T. A., DEA Congressional Testimony, February 26, 1998

<sup>110</sup> Milford, J. S., DEA Congressional Testimony Regarding Anti-Narcotics Cooperation with the Government of Mexico, before the State Foreign Relations Committee and Senate Drug Caucus, October 29, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct971029.htm>

organisations following the death of Amado Carillo Fuentes, was revealed to have close connections with a drug trafficker.<sup>111</sup>

The ties between drug cartels and the military are also influenced on Mexican international affairs. The Bilateral Task Force (BTF) between the Mexico and US militaries has not recorded any remarkable success the United States was expected because of corruption in the Mexican military. Information leaks and distrust of US officers to Mexican officers caused by the connection of the military with drug cartels irritated the US government.<sup>112</sup> Continuous poor performance of BTF risked the Mexican government the halt of US aid.

Overall, corruption in government institutions has created places controlled by drug traffickers within the state territory through the support from local government, the police and the military. In Baja California and Juarez, drug traffickers displayed their relationship with government authorities to public for the purpose of showing off their power over the regions. Drug cartel's enormous financial power and the corrupted judicial system created injustice and unfairness in the Mexican society. The systemic involvement of local police officers into the drug trafficking and display of the connections between drug traffickers and the police may contribute to shape citizen's notion of malfunctioning the police and judicial system. Drug traffickers do not respect any legal order in the state, and operate their lucrative business with impunity. Such operation of law is against the principle of constitutional state. Therefore, the state may risk its accountability and respect from other states as a constitutional state, and also the government may face the disregard and disrespect of its citizens to the law. Also, ineffectiveness in anti-drug operations and the military officers' involvement in the drug trade brought two disadvantages to Mexico: disregard and distrust from Mexican citizens to the military, and pressure from the United States on its domestic affairs.

#### *Intimidation in Mexico*

The use of violence stemmed from their necessity to ensure business against successful counter-narcotics operations and "eradication and the impressive policy developments under the Salinas regime".<sup>113</sup> Moreover, the death of Amado Carrillo-Fuentes in 1997 disrupted balance of power among the Mexican cartels.<sup>114</sup> Consequently, the rival cartels and associates of the Juarez cartel were in the battle for shifting power in the Mexican drug trade. By the end of 1997, "more than 18 people were killed" in Juarez by the end of October 1997,<sup>115</sup> and "nearly 50 murders have occurred in Ciudad Juarez" are believed to be related to the power struggle.<sup>116</sup> Turning to Tijuana, the Tijuana police recorded 323 homicides in the city of about 1.5 million population in 1999,<sup>117</sup> and there were "63 murders in Tijuana, 70% of which [the Tijuana police] believe are related to

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<sup>111</sup> Constantine, T. A., DEA Congressional Testimony, February 24, 1999

<sup>112</sup> Constantine, T. A., DEA Congressional Testimony Regarding Cooperation with Mexico, before the National Security, International Affairs and Criminal Justice Subcommittee of House Government Reform and Oversight Committee, 25 February, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct970225.htm>

<sup>113</sup> Tullis, L., Unintended Consequences: illegal drugs & drug policies in nine countries, Lynne Rienner: Colorado, 1995, p 106

<sup>114</sup> Milford, J. S., DEA Congressional Testimony Regarding Anti-Narcotics Cooperation with the Government of Mexico, before the Senate Foreign Relations Committee and Senate Drug Caucus, October 29, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct971029.htm>

<sup>115</sup> Ibid.

<sup>116</sup> Constantine, T. A., DEA Congressional Testimony, February 26, 1998

<sup>117</sup> Constantine, T. A., DEA Congressional Testimony Regarding SWB Corruption, before the Senate Caucus on International Narcotics Control, May 14, 1997, <http://www.usdoj.gov/dea/pubs/cngrtest/ct970514.htm>

criminal organizations” during the first two months in 2000 only.<sup>118</sup> The majority of the homicides remain unsolved.<sup>119</sup> In this part, Mexican cartels’ use of violence and its impact on the state and society is concerned.

Tijuana and Baja California set their policies to fight against the drug trafficking in their states, and President Zedillo made a speech to support the policies during his visit to the state of Baja California in February 2000.<sup>120</sup> Two days after, the Tijuana police chief Alfredo de la Torre Marquez was ambushed on a busy motorway and shot more than 100 times to death. This may be intimidation to the government by displaying the death as the inevitable consequence of openly declared anti-drug policy. A human rights activist said: “It is a challenge by these people that they murder a police chief just hours later the president has left the state. They are not afraid. In the ‘80s the police had control of the delinquents. Now, the delinquents control the police.”<sup>121</sup>

As for individuals government officials, it is said that Mexico is “where it seems that any law enforcement official who can’t be corrupted is killed”.<sup>122</sup> Indeed, it is also said that: “First they [drug cartels] send you a briefcase full of money. Then, if you reject, they send you a briefcase with a gun.”<sup>123</sup> When the Tijuana city police chief, Federico Benítez, started on sending officers to follow “small-time drug peddlers”, a corrupt federal police commander brought him an offer from the drug cartel for the halt of the patrols. He was shot to death after the refuse of the deal.<sup>124</sup> For Tijuana police, investigation of drug related cases is risky and faced to difficulties after a while they started examination. While the Organised Crime Unit of Mexico was investigated Amado Carrillo-Fuentes, two agents were tortured and shot to death by members of his organisation in April 1997.<sup>125</sup>

Judicial figures are also facing threats from drug cartels. Hodin Gutiérrez, a prosecutor in Tijuana, was killed brutally in January 1997. Gutiérrez convicted a corrupt state police officer for the charge on shooting a federal police commander while the federal police was trying to arrest one of the Tijuana cartel’s members.<sup>126</sup> Pursuing their jobs respectably in Mexico is the equivalence of risking their lives for the police and military officers, and political and judicial figures.

The increased frequency in the use of violence amongst the drug cartels became to involve ordinary citizens. For example, the machine-gun shooting during the power struggle after the death of Amado Carrillo-Fuentes at a restaurant ended with six bodies of drug traffickers and two of bystanders in August 1997.<sup>127</sup> The Tijuana cartel set a bomb at the Camino Real Hotel in Guadalajara to kill its rival trafficker and resulted two deaths and fifteen wounded people.<sup>128</sup> In

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<sup>118</sup> Moore, M., ‘Mexican Stunned by Killing of Police Chief’, The Washington Post, 29 February 2000, <http://www.washingtonpost.com/wp-srv/WPlate/2000-02/29/0791-022900-idx.html>

<sup>119</sup> Constantine, T. A., DEA Congressional Testimony, May 14, 1997

<sup>120</sup> Dillon, S., ‘Tijuana Official Says Slaying Shows Traffickers’ Power’, The New York Times, 29 February 2000, <http://www.nytimes.com/yr/mo/day/news/world/tijuana-slaying.html>

<sup>121</sup> Moore, ‘Mexican Stunned by Killing of Police Chief’

<sup>122</sup> Builta, J., ‘Mexico faces corruption, crime, drug trafficking and political intrigue’, Criminal Organizations, vol. 10, No. 4, Summer 1997, [http://www.acsp.uic.edu/iasoc.crime\\_org/vol10\\_4/art\\_4n.htm](http://www.acsp.uic.edu/iasoc.crime_org/vol10_4/art_4n.htm)

<sup>123</sup> Moore, ‘Mexican Stunned by Killing of Police Chief’

<sup>124</sup> Golden, T., ‘Mexican Tale of Absolute Drug Corruption’, The New York Times, 9 January 2000, <http://www.nytimes.com/library/world/americas/010900mexico-us-drugs.html>

<sup>125</sup> Constantine, DEA Congressional Testimony, February 26, 1998

<sup>126</sup> Robinson, L., ‘An inferno next door’, U.S. News & World Report, 24 February 1997

<sup>127</sup> Constantine, DEA Congressional Testimony, February 26, 1998

<sup>128</sup> Constantine, T. A., DEA Congressional Testimony, 25 February, 1997

Mexico, citizens all know newly build luxurious mansions belong to whom and enjoy “the new swanky restaurants,” but nobody talked about people or organisations behind.<sup>129</sup> They may be benefited from some of cartels’ activities, but they are forced to accept traffickers ruling their communities. According to Toro, “local populations have adapted to the fear and intimidation that have become part of their day-to-day existence”.<sup>130</sup> Those who did not intend to live in the community controlled by a drug cartel are what Toro called the “unintended victims”.

To sum up, the use of violence by drug cartels has influenced on regions and the state. The judicial system does not work according to the law for drug related cases, particularly in Baja California and Juarez. Citizens in such regions are forced to live with fear caused by drug trafficker’s violence, and to accept *de facto* social order twisted by the cartel. Hardly any citizens in such areas may enable to speak out accusation against malfunctioning police system. Intimidated government officials cannot pursue their jobs, and as a result, the government functions partially or very slowly on some issues.

Corruption and intimidation in Mexico are serious set of threat the government. Government officials are in the dilemma of fear and bribes, and in the end those who fear to die must choose bribery. Corruption, supported by intimidation controls the government mainly in judicial and political spheres. There are injustice created by drug traffickers and difficulties of proceeding decision makings in drug control issues. The use of violence by the drug cartels challenged to the government monopoly of systemic use of violence, and also its supremacy in its jurisdiction. Limited state functions, immoral of government officials, and lack of justice in real sense will rise suspicion of people to the government. A state lacks faith and trust to the majority of people will not be regarded as a ‘rightful and moral’ authority. The Mexican government will lose (or has lost) its legitimacy. These affects the state legitimacy in domestic affairs and sovereignty. Also, lack of control over domestic matters may evoke disrespect from other members of international society, and recognition of Mexican legitimacy and sovereignty might be endangered.

### **Bolivia**

Bolivia was known as a major coca leaf producer alongside with Peru. Coca cultivation in Bolivia is based on cultural background among indigenous people since Inca period.<sup>131</sup> Therefore, coca cultivation in Yungas is authorised by the government for consumption of traditional manner. In the 1940s, more than 80% of all Bolivian industrial tax income came from the coca trade, so it was remarkable event when Bolivia accepted the 1961 UN Single Convention on Narcotics Drugs to restrict coca production.<sup>132</sup> Even after the acceptance of the 1961 convention, Bolivia’s coca dependency continued.<sup>133</sup> Through economic crises in the 1980s, it became to be

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<sup>129</sup> Tuckman, J., ‘Mexican town falls victim to its own drug trade’, The Guardian, 30 March 2000, <http://www.newsunlimited.co.uk/international/story/0,3604,153554,00.html>

<sup>130</sup> Toro, Maria Celia, Mexico’s “War” on drugs, p 58

<sup>131</sup> Spedding, A. L., ‘The Coca Field as a Total Social Fact’ in Léons, M. B. and Sanabria, H. (Ed), Coca, Cocaine, and the Bolivian Reality, 1997, State University of New York Press: New York, pp, 48-51

<sup>132</sup> Lema, A. M., ‘The Coca Debate and Yungas Landowners during the First Half of the Twentieth Century’, Léons, M. B. and Sanabria, H. (Ed), Coca, Cocaine, and the Bolivian Reality, 1997, State University of New York Press: New York, p 112

<sup>133</sup> Andreas, P., Free Market Reform and Drug Market Prohibition: US Policies at Cross-Purposes in Latin America, 1995, <http://www.lindesmith.org/news/news.html>; and also, Lee III, R., ‘Dimensions of the South American cocaine industry’, Journal of Interamerican Studies and World Affairs, Vol. 30, No. 2&3, 1988, p 89; and IPS, ‘Narcotics -

said that “the country’s economic and political life revolves around the cocaine trade.”<sup>134</sup> The Bolivia dependency on coca industry brought a series of strong demonstrations against the government’s policy to eradicate illicit coca fields by 2002, named Dignity Plan.<sup>135</sup>

The Bolivian drug trafficking is largely controlled by the rural elite groups in the Beni region and the agribusiness elite in the Santa Cruz region.<sup>136</sup> The estimated number of drug trafficking organisations varies between 12 and 40 groups, 13 of which control 75 to 80% of the total volume of trafficking.<sup>137</sup> The Bolivian drug trafficking organisations traditionally did not involve in international cocaine trafficking because of their lack of market aggression, financial capacity, and expertise in international marketing, and also their geographical isolation. Throughout the 1980s, the Colombian cartels were dominant trade partners of Bolivians, however, increasing world-wide demand of cocaine has given the Bolivian trafficking groups opportunities to work with Italian Mafia types<sup>138</sup> and some Brazilian organisations since the 1990s.<sup>139</sup>

This section will examine influence of the cocaine trade on Bolivia. The financial power of drug trafficking organisation was capable to corrupt the government for their convenience. In addition, coca dependent economy is affected by the government policy, accordingly, coca growers protest to it with demonstrations. Disruption of government functions and destabilised society can be explained from two aspects of corruption and violence like other two states above.

### *Corruption in Bolivia*

It is said that Bolivia created “an ideal political and economic climate existed for the investment of narco-dollars”<sup>140</sup> with “a virtual symbiosis between drug traffickers and the state” between the late 1970s and early 1980s.<sup>141</sup> This widespread corruption is facilitated by widespread poverty and low salaries.<sup>142</sup> In this part, corruption in the government and connections of the police and military with drug trafficking organisations.

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Bolivia: Alternatives to Coca Begin to Take off’, *Inter Press Service*, 20 November 1998, [http://www.oneworld.org/ips2/nov98/21\\_12\\_084.html](http://www.oneworld.org/ips2/nov98/21_12_084.html)

Samuel Doria Medina, a Bolivian economist, estimated that about \$600 million (equivalent to the 1987 total legal exports combined) remained in Bolivia out of \$1.5 billion 1987 coca exports, which represented about 29% of the gross domestic product (GDP). In the 1990s, coca income declined to 2.6% of the GNP in 1997.

<sup>134</sup> Malamud-Goti, J., *Smoke and Mirrors: The Paradox of the Drug Wars*, 1992, Westview Press: Oxford, p 5

<sup>135</sup> Quiroga Ramirez, J., *Congressional Record - Senate*, June 22 1999, S7447, GPO: Washington, DC

<sup>136</sup> Léons, M. B., ‘Risk and Opportunity in the Coca/Cocaine Economy of the Bolivian Yungas’, *Journal of Latin American Studies*, Vol. 25, 1993, p 125

<sup>137</sup> Tullis, L., *Unintended Consequences*, p 109; and also, Painter, J., *Bolivia and Coca: A Study in Dependency*, 1994, Lynne Rienner Publishers: London, pp 29-31

<sup>138</sup> Menzel, S. H., *Fire in the Andes: US Foreign Policy and Cocaine Politics in Bolivia and Peru*, 1996, University Press of America: New York, p 70

<sup>139</sup> The Bureau of International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report 1998*, [http://www.state.gov/www/global.narcotics\\_law/1998\\_narc\\_report/samer98.html](http://www.state.gov/www/global.narcotics_law/1998_narc_report/samer98.html)

<sup>140</sup> Craig, R. B., ‘Illicit Drug Traffic: Implications for South American Source Countries’, *Journal of Interamerican Studies and World Affairs*, Vol. 29, No. 2, 1987, pp 5-6

<sup>141</sup> Lee III, R. W., *The White Labyrinth*, p 119

<sup>142</sup> Tullis, L., *Unintended Consequences*, p 169

A soldier earned US \$50 a month, his commanding officer \$300 a month, a member of congress and judiciary about \$800 a month in 1990. A judge, however, can earn \$15,000 from drug traffickers for a favourable decision, and a ‘co-operative’ officer can earn more than that.

The government's close connection with drug trafficking organisations emerged in the 1970s, when the Hugo Banzer Suarez administration invested in the development of the cocaine industry from the national budget.<sup>143</sup> In the early 1980s, the Meza regime controlled the state with financial support from drug trafficking organisations. 'The coca coup,' as the 1980 coup d'état conducted by General Meza is known, was believed to be financed with narco-dollars (US \$ 1.3 million) by Roberto Suarez Gomez, and Suárez Gómez's relative was appointed as the Interior Minister in charge of antidrug operations.<sup>144</sup> This regime was named as a 'narcocracy' at the first time to describe the political system supported principally from the drug trafficking.<sup>145</sup> As Bolivia was nicknamed 'cocaine superstate' at that time, it could be said of the policies of the Meza regime that the state existed to fund and to promote the drug trafficking domestically and internationally.

Even after the collapse of the Meza regime, the influence of drug trafficking organisations remained strongly in the government due to its economic condition and weak democracy.<sup>146</sup> In 1983, Roberto Suárez brought an offer to support pay off Bolivia's foreign debt with contribution of US 2 billion,<sup>147</sup> and the following year, another proposal to finance the government with US \$3 billion, and asking for the government's tolerance to the drug trade.<sup>148</sup> During the Paz Zamora administration, a police officer revealed that a traditional end-of-year bonus to government employees in 1985 was paid with narco-dollars contributed to the government.<sup>149</sup>

In the 1990s, the Paz Zamora administration carried out 'coca diplomacy' to improve the image of coca leaf and tried to appeal positive aspects of coca products to the World Health Organisation (WHO) in 1993.<sup>150</sup> The efforts not only were denied by the WHO, but also revealed the connection between Paz Zamora himself and a drug trafficker.<sup>151</sup> In 1991, the government announced that traffickers who surrender themselves to the government and informed on other traffickers' activities within 120 days, would not be extradited to the United States.<sup>152</sup> These political connections of drug traffickers tend to be developed by politicians' lack of resources for their election campaign and lack of law to regulate funding, about 10% of the 1989 candidates in Parliament had links with drug traffickers.<sup>153</sup> The well cultivated political connections of drug trafficking organisations even allowed to reflect their interests in the state policies.

The Bolivian justice system is under the pressure from drug traffickers and also politicians. Court's decisions on drug related cases are occasionally overturned due to political pressures. For example, the Interior Minister of the Paz Zamora administration was reported to have received bribes in 1993, including the sum of \$100,000 in 1991, in return for freeing imprisoned drug traffickers.<sup>154</sup> To reduce political pressure on the justice system, the Judicial

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<sup>143</sup> Menzel, S. H., *Fire in the Andes*, p 3

<sup>144</sup> Painter, J., *Bolivia and Coca*, p 59

<sup>145</sup> Henman, A., 'Cocaine Futures' in *Big Deal: The Politics of the Illicit Drug Business*, Henman, A. *et al*, 1985, Pluto Press: London, p 140

<sup>146</sup> Tullis, L., *Unintended Consequences*, p 129

<sup>147</sup> *Ibid.*, p 128

<sup>148</sup> Painter, J., *Bolivia and Coca*, p 27

<sup>149</sup> Tullis, L., *Unintended Consequences*, p 128

<sup>150</sup> Doyle, L., 'Trouble brews over Bolivia's suppa coca', *Sunday Independent*, 24 January 1993

<sup>151</sup> Menzel, S. H., *Fire in the Andes*, p 90

<sup>152</sup> Tullis, L., *Unintended Consequences*, p 101

<sup>153</sup> Painter, J., 'Drugs may fund Bolivian campaign', *Independent*, 6 May 1989

<sup>154</sup> 'US hand stirs controversy in Bolivian election campaign', *Financial Times*, 4 June 1993

Council was established in 1998 for to end corruption in Bolivian courts, intended to “de-politicize the selection of judges.”<sup>155</sup> The Judicial Council removed “the predominance of 30 judges and suspended one of them” in 1998.<sup>156</sup> The following year, it “suspend[ed] or remove[d] 23 judges in La Paz, Santa Cruz and Cochabamba” on charges related to the acceptance of bribes.<sup>157</sup> It, however, is said that “the practice of bribery is common even at higher levels of the judicial system, including several of the prosecutors in Superior Court”.<sup>158</sup>

In January 1990, Ezequiel Chavez-Justiniano arrested on the charge of the murder of Kempff was set free from the Santa Cruz Narcotics Police headquarters. In this incident, the UMOPAR operations chief, allegedly said to have received about \$50,000 for the freedom of Chavez-Justiniano, and 17 UMOPAR officers were involved.<sup>159</sup> Another trafficker, Amado Pacheco, was arrested twice in 1982 and 1992, and bought his freedom from the head of the Narcotics Department and an Interpol police officer respectively.<sup>160</sup> The Bolivian judicial system only punish the poor and leave the rich, and hence, the state was seen to be “scapegoating the small farmer for drug trafficking responsibilities which reside with government-protected elite political and economic groups”.<sup>161</sup>

Law enforcement operations against drug trafficking organisations are affected by the connections of officials and drug traffickers. The police, specially two anti-drug unites, are corrupt. The Rural Patrol Mobile Units (UMOPAR) and the Special Anti-narcotics Forces (FELCN) are both established to fight against the drug trafficking with supports from the United States in the 1980s.<sup>162</sup> The DEA and the UMOPAR not only missed the traffickers but also met hostile resistance from local residents in 1989 due to leaked information.<sup>163</sup> In other case, the DEA had informed the FELCN and requested investigation on a smuggling operation by Amado Pacheco’s organisation. Against the DEA’s expectation, Colonel Gonzalo Butron Sanchez, the head of FELCN Intelligence, paid no attention to it, and the Pacheco organisation proceeded its operation.<sup>164</sup> Continuous leaks of information arose distrust of US officials to Bolivians in joint operations and made the DEA is reluctant to share information with Bolivian anti-drug units.<sup>165</sup>

The United States is keen on military orientated anti-narcotics operations, and is frustrated by the results in Bolivia. Bolivians, however, say that “to bring in the army [for drug control]

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<sup>155</sup> The Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report 1999, [http://www.state.gov/www/global/narcotics\\_law/1999\\_narc\\_report/samer99.html](http://www.state.gov/www/global/narcotics_law/1999_narc_report/samer99.html)

<sup>156</sup> The Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report 1998, [http://www.state.gov/www/global.narcotics\\_law/1998\\_narc\\_report/samer98.html](http://www.state.gov/www/global.narcotics_law/1998_narc_report/samer98.html)

<sup>157</sup> The Bureau of International Narcotics and Law Enforcement Affairs, International Narcotics Control Strategy Report 1999

<sup>158</sup> Farthing, L., ‘Social Impacts Associated with Antidrug Law 1008’, Léons, M. B. and Sanabria, H. (Ed), Coca, Cocaine, and the Bolivian Reality, 1997, State University of New York Press: New York, p 257

<sup>159</sup> Malamud-Goti, J., Smoke and Mirrors, p 53

<sup>160</sup> Williams, J., Waging the War on Drugs in Bolivia, 1997, WOLA: Washington, DC., p 39

<sup>161</sup> Healy, K., ‘Coca, the State, and the Peasantry in Bolivia, 1964-1988’, Journal of Interamerican Studies and World Affairs, Vol. 30, No. 2&3, 1988, pp 117-118

<sup>162</sup> Williams, op cit., p 26

<sup>163</sup> Youngers, C., The War in the Andes: The Military Role in US International Drug Policy, Issue Brief #2, 1990, WOLA: Washington, DC, p 16

<sup>164</sup> Williams, op cit. p 39

<sup>165</sup> Isikoff, M., ‘DEA in Bolivia: ‘Guerrilla Warfare’ Coca Traffic Proves Resistant’, The Washington Post, 16 January 1989

would be the best way to promote drug trafficking in Bolivia.”<sup>166</sup> Linkage between drug traffickers and the military became an obstacle to effective operations, and the United States was irritated by Bolivian performance in anti-drug operations. In 1991, the disharmony between Bolivia and the United States erupted in the end of joint operation Safe Haven in Santa Anna.<sup>167</sup> The US government threatened the Bolivian government to withhold \$58 million in aid due to series of failures to arrest major drug traffickers.

Drug traffickers have maintained the connections with politicians through financial supports to election campaigns, and manipulated state policies. Corruption in the judicial system, political pressure to judicial figures, and legislation manipulated by drug trafficking organisations prevent adequate punishment to drug traffickers in accordance with the law. Such obvious discrimination of drug traffickers may lead to delegitimacy of the state caused by decline of state credibility and reliability of the judicial system and trust from its citizens to the government and the judicial system. The government’s efforts to eliminate influence of drug trafficking organisations were not particularly effective. As Gamarra says, “As more institutions are created to enter into the drug war, more corruption appears to result”.<sup>168</sup> By the late 1990s, institutional breakdown, lack of credibility in the judicial system, and an erosion of morality were the result of public corruption to Bolivian society.<sup>169</sup> In relation to anti-drug operations, the endemic corruption has taken the anti-drug units’ efficiency in operations. The accountability to the Bolivian government declined, and the United States started to see that the Bolivian policies toward the drug control are not efficient. Manipulation of political affairs, the malfunctioned judicial system and inefficient drug control operations show a disruption of proper functions as a democratic state. Corruption can lead to decline of state legitimacy caused by lack of trust from citizens. Bolivia even experienced illegitimacy during the Meza regime.

#### *Intimidation in Bolivia*

Compared with Colombia and Mexico, the Bolivian government does not have serious confrontation with either insurgency groups or drug trafficking organisations.<sup>170</sup> For President Paz Zamora, therefore, the maintenance of relatively peaceful social environment was the central concern of counter-narcotics policies.<sup>171</sup> Certainly, there were the cases of death related to drug trafficking organisations, that victims were mainly those against drug trafficking organisation’s interests. However, abuse of authorities by law enforcement officers and coca growers’ demonstrations against government policies are more significant and urgent issues to Bolivia. Intimidation in Bolivia, therefore, are more from government authorities and workers, not from Bolivian drug traffickers.

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<sup>166</sup> Andreas, P. R. and Sharpe, K. E., ‘Cocaine Politics in the Andes’, Current History, February 1992, p 76

<sup>167</sup> It was one of the biggest anti-drug raids in Bolivia targeted the town of Santa Ana, in the Amazon basin 250 miles north-east of the capital, La Paz. Santa Ana was regarded as Bolivia’s biggest cocaine producing centre, with important links to the Colombian cartels.

<sup>168</sup> Gamarra, E. A., ‘Fighting Drugs in Bolivia: United States and Bolivian Perceptions at Odds’, Léons, M. B. and Sanabria, H. (Ed), Coca, Cocaine, and the Bolivian Reality, 1997, State University of New York Press: New York, pp 247-248

<sup>169</sup> Toranzo Roca, C. F., ‘Informal and Illicit Economies and the Role of Narcotrafficking’, Léons, in Coca, Cocaine, and the Bolivian Reality, pp 208-209

<sup>170</sup> Yungers, C., A Fundamentally Flawed Strategy: The US “War on Drugs” in Bolivia, 1991, Issue Brief #4, WOLA: Washington, <http://www.worldcom.nl/tni/drugs/links/tlcbolivia.htm>

<sup>171</sup> Menzel, S. H., Fire in the Andes, p 89

Bolivian drug traffickers do not use violence against individuals as often as Colombian and Mexican drug traffickers do. However, those against their interests tend to be killed. A member of a leftist political party was shot to death while he was investigating drug traffickers who operated in Huancahca when the Noel Kempff case took place.<sup>172</sup> A journalist who was covering the case received death threats.<sup>173</sup>

Drug related violence, however, has increased following the influx of Colombian traffickers in the areas of cocaine processing and coca growing regions.<sup>174</sup> Foreign traffickers brought weapons for barter or part of payment for coca paste and cocaine,<sup>175</sup> and also provided weapons to protect their drug products from anti-drug operations. In addition, The foreign buyers of cocaine and coca paste fought against each other to hold or robbed their territories with guns. Those factors led the community to the elevated levels of violence.<sup>176</sup> Those engaged in transportation business, for example, forced to carry drug loads in turn. Some who were ferrying drugs in the Chapare and the Beni regions were killed and found in the river.<sup>177</sup> Moreover, some areas in Bolivia are difficult to police due to its terrain, and it may allow drug traffickers to create as area in their entire control. Expansion of areas controlled by drug traffickers, the areas related to coca industry became highly dangerous. In Chapare, for example, the cocaine industry became “not only increasingly indispensable for financial reasons but also increasingly unsafe”.<sup>178</sup> Under such circumstances, the number of armed traffickers and farmers has increased, and the communities began to ‘Colombianise.’

For civilians, fear to law enforcement officials is stronger than to drug traffickers. The way UMOPAR conduct anti-drug operations has been criticised that “the police act with an unnecessary display of power, abuse and indiscriminate attacks against the civilian population in the Chapare.”<sup>179</sup> The nation’s hostility and bitterness to the law enforcement operations strengthened during the demonstrations in 1995. The police and military responded to the demonstration against coca eradication policy in the Chapare with tear gas and the threat of firearms.<sup>180</sup> In Shinahota, “a six-month old baby die[d] from exposure to tear gas, which was fired directly into people’s homes” and “a thirteen year old girl died, after being shot in the stomach by a bullet” by the police and military to seize the demonstrations.<sup>181</sup> Consequently, anti-drug operations led by UMOPAR and the military face to strong resistance from Bolivians, that emerged from both fear and hostility to law enforcement officers and their economic needs.

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<sup>172</sup> Healy, K., ‘Coca, the State, and the Peasantry in Bolivia, 1964-1988’, Journal of Interamerican Studies and World Affairs, Vol. 30, No. 2&3, 1988, p 117

See 4.3 Security Impact for details of the Noel Kempff case.

<sup>173</sup> Yungers, C., A Fundamentally Flawed Strategy

<sup>174</sup> Menzel, S. H., Fire in the Andes, p 74

<sup>175</sup> Léons, M. B., ‘Risk and Opportunity in the Coca/Cocaine Economy of the Bolivian Yungas’, Journal of Latin American Studies, Vol. 25, 1993, p 149

<sup>176</sup> Léons, M. B., ‘After the Boom: Income Decline, Eradication, and Alternative Development in the Yungas’, in Coca, Cocaine, and the Bolivian Reality, p 144

<sup>177</sup> Malamud-Goti, J., Smoke and Mirrors, p 19

<sup>178</sup> *Ibid.*, p 19

<sup>179</sup> Human Rights Watch, Bolivia Under Pressure: Human Rights Violation and Coca Eradication, Vol. 8, No. 4, 1996, <http://www.hrw.org/hrw/summaries/s.bolivia965.html>

<sup>180</sup> Menzel, S. H., Fire in the Andes, p 58

<sup>181</sup> Williams, J., Waging the War on Drugs in Bolivia, p 30

The Bolivian drug trafficking organisations' 'peaceful' nature and farmers' economic needs made it not persuasive to say that drug traffickers are entire harm to the nation.<sup>182</sup> Therefore, it is difficult to convince Bolivians of the necessity of the militarised coca eradication. The first armed eradication operation, the operation Blast Furnace, was conducted in 1989, and it was the beginning of confrontation between the government and coca farmers in Bolivia. Internationally, the Bolivian government secured the US aid through militarisation of anti-drug operations, but domestically, it was the beginning of crash with coca growers.

The coca growers' federations (also called 'coca lobby') are consisted of 70,000 coca-farming families, and can mobilise about 20% of the national population for their activities.<sup>183</sup> Farmers regard government eradication programmes as "a systematic effort to prevent the region's development through psychological pressure and hostile actions aimed at wearing down the peasants and forcing them to migrate elsewhere."<sup>184</sup> Also, they criticised military involvement in coca eradication as a furtherance of abuses.<sup>185</sup> The government believes that these organised demonstrations are carried out with financial support from drug trafficking organisations. In the Yungas, coca growers blocked a key road linking Bolivia's highlands with the tropical low lands in April 2000 to protest the eradication plan.<sup>186</sup> In his remark to the protest, the Interior Minister of the Hugo Banzer administration, Walter Guiteras, said that drug traffickers were behind the protest in the Yungas, and created instability in the state. As a consequence of continuous demonstrations, the government even attempted to declare 'state of siege.'

There are death threats to government officials and journalists from drug trafficking organisations, but it seems that what the Bolivian government affects the most was Bolivian protests against military orientated anti-drug policy. US style anti-narcotics operations brought Bolivia "A growing sense of nationalism, ethnic pride, and antiforeign repression, militarization, and economic recession."<sup>187</sup> As Youngers remarks "in Bolivia's case, US policy many have actually led to the formation of a potentially popular guerrilla movement. Ironically, US anti-narcotics policy appears to provide political ammunition to the region's insurgencies, adding further fuel to the fire of political violence".<sup>188</sup>

Overall, the linkages between the government officials and drug trafficking organisations has dropped in functional efficiency, particularly in drug control operations. The judicial system lost its authority to keep order in the society due to the political pressure created by the connections between politicians and drug traffickers. The government which cannot function at the certain level of efficiency could lose mutual respect from other states, which might weaken the state position in international affairs. In addition, the Bolivian experience of coca coup and the government's ties to drug trafficking organisations led the state to the possibility of drug traffickers' manipulation in domestic affairs. Not violence of drug traffickers but abuse of

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<sup>182</sup> Sanabria, H. The Coca Boom and Rural Social Change in Bolivia, 1993, The University of Michigan Press: Michigan, p 207

<sup>183</sup> Lee III, R., 'Dimensions of the South American cocaine industry', p 93

<sup>184</sup> Dávila, A., 'Participation, not eradication', in Why People Grow Drugs, Smith, M. L. et al., 1992, Panos Publication Ltd: London, p 104

<sup>185</sup> Lee III, R. W., The White Labyrinth, p 68

<sup>186</sup> Associated Press, 'Farmers block key road in Bolivia to protest eradication of coca', CNN, 17 April 2000, <http://www.cnn.com/2000/WORLD/americas/04/17/bolivia.protests.ap/index.html>

<sup>187</sup> Sanabria, op cit., p 207

<sup>188</sup> Youngers, C., The War in the Andes: The Military Role in US International Drug Policy, Issue Brief #2, 1990, WOLA: Washington, DC, p 3

authority by law enforcement officers brought fear to Bolivian society and eradication policy of the government triggered fierce demonstrations by farmers. Bolivia's fragile peace has destroyed, and counter-narcotics policy increased the headache of the Bolivian government in the state. The disruption caused by the coca lobby trembled the state, in spite of its reputation as "the Andes' most stable country and a model democracy."<sup>189</sup>

### **Conclusion**

In Colombia, corruption and intimidation of drug trafficking organisations has malfunctioned the government. There is hardly any democratic means to proceed political affairs: elections, decision making and policy making processes, and justice are controlled by money and violence. Politicians cannot speak out on drug control and anti-drug trafficking policies, and journalists cannot write an article about the drug trafficking. Those try to change this rule were killed by drug cartels. In the judicial system, fear to drug cartels makes judicial figures reluctant to take drug related cases, and law enforcement teams cannot operate with efficiency due to high risk to their lives. As a result, most drug related cases have left unsolved. Although Colombia has a structure of democratic state, its system is not actually working. Besides, the drug cartels' terrorist activities to oppose government's policies and their connections with guerrilla groups threatened citizens' lives, and some of them have forced to abandon their homes. However, the government does not have sufficient power to restore peace and protect citizens' safety due to corruption and lack of rescues. For the government, the narco-guerrilla connections are more dangerous for the state rather than the drug trafficking per se. Narco-related resources have allowed the guerrilla groups to obtain larger power and means to control particular areas. The connection of financial power and ideology are feared by the government. In addition, the notion of unfairness and disappointment among citizens lead the notion of legitimacy crisis of the state.

Political and judicial affairs in Mexico are strongly influenced by them. This seems to root the nature of Mexican drug cartels. The fierce use of violence by drug cartels has victimised large numbers of government officials, and worse, drug cartels have not hesitated to challenge to the government authority explicitly. Some cities in Mexico have been controlled by drug cartels due to corruption and fear to the drug cartels: Presidents' remark on anti-drug cartels led the death of police chief in the region. The drug cartels' control over regions led situations that the entire police and local government are working for drug cartels. In such cities, police officers work as bodyguards of drug traffickers, and residents keep silence and also keep distance from drug related issues. People are living in fear and intimidation. Mexico has lost its political integrity in the state, and allows drug cartels to create states-within-a-state. The government cannot protect its officials and people, and some of state functions are overtaken by drug cartels. The Mexican government's lack of control over domestic affairs also affect its international relationship with the United States. The United States pressured the Mexican government to follow its foot path in counter-narcotics measures using its political and economic power.

In Bolivia, the political and judicial systems are manipulated by drug trafficking organisations like Colombia and Mexico, but the less use of violence allows them to be accepted in the Bolivian society. In Bolivia, citizens concern more about the use of violence and abuse of authorities by law enforcement officers, not by drug traffickers. Although the increase of foreign traffickers led more frequent violence in the state and Bolivians became to feel insecure, fear to violence of law enforcement officers is stronger. If legitimacy is the issue of citizens' trust and

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<sup>189</sup> Keller, P., 'Discontent built in Bolivia', The Financial Times, 14 September, 2000

belief of rightfulness of the authority, the legitimacy of state authorities seems to be questionable, whether they are corrupted or not. Due to their dependence on coca, Bolivians oppose to drug control operations, particularly, to coca eradication. Despite the opposition, the government has been taking actions to eradicate the coca fields because it fears to disrupt the economic relationship with the United States. Although Bolivia has experienced the US disregard and violation of its sovereignty, the government mostly had to accept unfair conditions in treaties and to bear damages on state dignity. The government's determination to eliminate the coca industry following the US demands has brought disharmony between the government and people. Frequent and continuous demonstrations by workers have destabilised social order, and some people might even think to change the government at the next election if it continued the policy.

Considering legitimacy and sovereignty of a democratic state, Colombia and Mexico may have lost it through corruption and the control of drug cartels over part of their territories. Particularly for Colombia, the existence of legitimate authority has been threatened by the expanding power of guerrilla groups because of financial support from drug related incomes to their activities. However, in the case of Bolivia, it could be said that legitimacy of the Bolivian government might be affected more from the opposition to drug control policies caused by different interests between the government and citizens. At this point, the government does not seem to represent the interest of the majority of Bolivians, although the drug industry is illegal. Regarding instability in the three states, drug trafficking organisations (or TCOs) threaten state functions as a democratic and constitutional state with sovereignty. However, the degree of TCOs' influence and damages on a state might vary in politically and economically stronger states than these three states.