

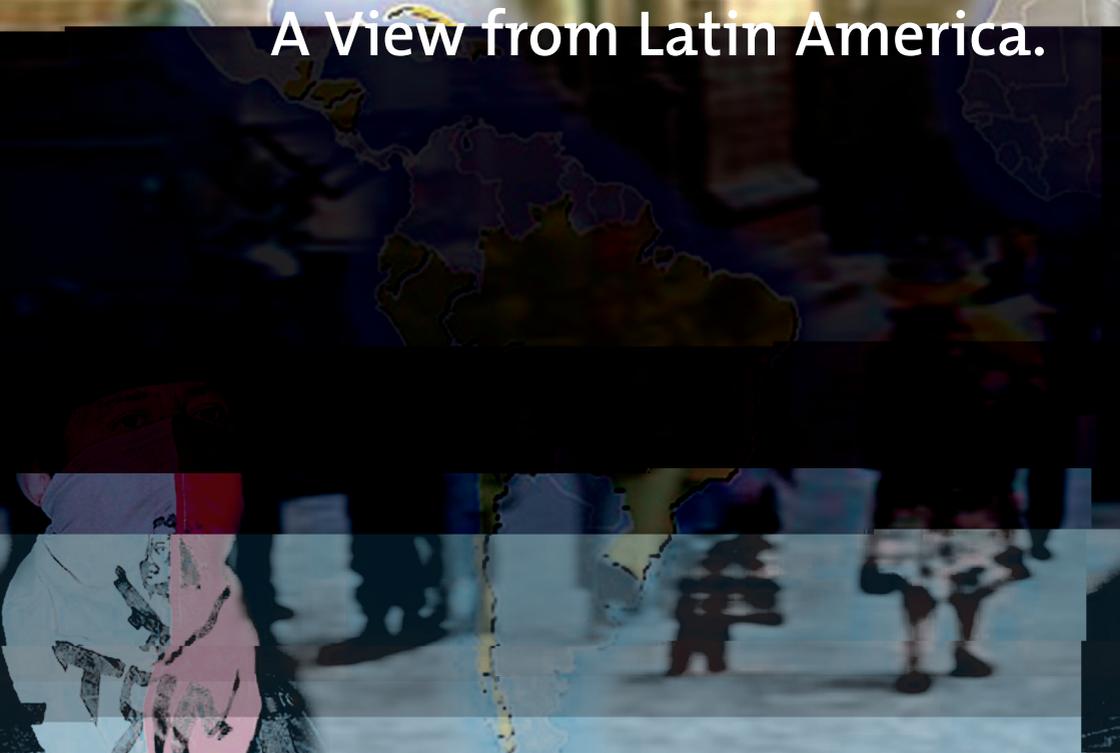
JEDER MENSCH BRAUCHT
FREIHEIT, UM SEINE
ANLAGEN UND FÄHIGKEITEN
ENTFALTEN UND
VERWIRKLICHEN ZU KÖNNEN.
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DIE WIRTSCHAFT.
GEISTIGES LEBEN BRAUCHT
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KÖRPER DIE LUFT ZUM ATMEN.

Liberales Institut

Rafael Pardo Rueda

Human Rights and the Wars on Drugs and Terrorism.

A View from Latin America.



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Tel.: +49 (0) 331.70 19 - 2 10
Fax: +49 (0) 331.70 19 - 2 16
Email: libinst@fnst.org
www.libinst.de

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Human Rights and the Wars on Drugs and Terrorism.

A View from Latin America

Rafael Pardo Rueda

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A number of countries have experienced terrorist attacks because of the al-Qaeda network and the global offensive that was launched against it. In North America there were the September 11, 2001 attacks in New York and Washington; In Europe, there was a terrorist attack in Madrid on March 11, 2004; in Bali, a number of Australian tourists died in a terrorist attack and so also in Jakarta, Indonesia when a car bomb exploded in front of the Australian Embassy. There have been several attacks in Asia and also multiple attacks in the Middle East. Besides, in the 1990s there have been two brutal attacks on North American diplomatic buildings in Oriental Africa as well.

However, so far there have been no terrorist attacks in Latin America which can be linked to the al-Qaeda or the global offensive against it. The only terrorist-linked attack in Latin America was directed against the Israeli mutual fund of Buenos Aires, the AMNIA, a decade ago which was seemingly carried out by an arm of the terrorist group Hamas (the Islamic Resistance Movement).

However, though al-Qaeda related terrorism, which is worrying the rest of the world, has not touched Latin America, this continent has over the decades suffered diverse waves of terrorism.

Terrorism from the Left

With the victory of Salvador Allende in 1970, the beginning of this decade saw the Latin American left focusing more and more on legal electoral activities. Allende's victory also opened a new avenue that could be used by the Left to fight for power. Allende's overthrow in 1973, however, changed the scenario and brought to the fore an armed conflict which this time had characteristics different from the ones that it had had in the past. The south cone of the continent became the epicenter of an armed agitation by groups that challenged the established regime in an unprecedented and open manner. During this phase of the armed conflict, the mountains and forests which had been used by the guerrillas in the sixties, were replaced with big cities in the south of the continent and Montevideo, Buenos Aires, Córdoba, Rosario and Santiago witnessed both intense subversive wars as well as those undertaken against the subversives. During this decade there was another change in the character of the armed conflict: the peasants who constituted the guerilla fighters in the sixties were replaced by more politically educated fighters from the urban middle classes.

These guerilla fighters were influenced by terrorists who had made their presence felt in Europe and the Middle East during this decade. The most prominent

of these were the pro-Palestinian groups who undertook well planned and carefully executed violent attacks against prominent people or against prominent or sensitive places. The intelligence with which these attacks were planned and the effective manner in which they were executed, captivated the guerrillas in South America.

Drawing their inspiration from the pro-Palestinian groups, the guerrillas in Latin America undertook unprecedented terrorist activities like kidnapping entrepreneurs, officials and airplanes and capturing embassies. The force with which these attacks were executed and the publicity that they got, for the guerrillas not only showed the government's weakness in dealing with such attacks, it also got the guerrillas a lot of money. The kidnapping of the Born Impresarios, Fiat's president in Argentina and the capture of the Dominican Republic embassy in Colombia got millions of dollars for the guerrillas – something they had not even dreamt of getting in the past.

Besides, these high-profile attacks also gave birth to new groups of terrorists in South America and some guerrillas also started making their presence felt in rural areas. This in turn also had an impact on urban terrorism. The *M-19* in Colombia, *Alfaro Vive Carajo* in Ecuador and the *Revolutionary Movement Túpac Amaru, MRTA*, in Peru followed the tactics used in the south by the *Montoneros*, *Tupamaros* and *ERP* very effectively in their countries.

Ideologically, the insurgent groups during this phase of urban war were less dogmatic and less committed to international currents of Marxism. Therefore, groups like Marxists, Trozkites, Peronists and nationalists were united not by ideology but by the methods that they used.

However, even though these terrorist attacks were effective, they had their limits. Terrorism did lead to destabilization but it did not have too much of a long-term impact as the attacks were not sustained with an eye towards taking over the establishment.

At the same time, it was much more difficult for these groups to operate in cities as chances of their being exposed were much greater. Equally significantly, instead of being able to get the support of any important social or political sector for their fight, the terrorist attacks led to the suppression of both these sectors as they were considered to be close to terrorist groups. Hence, terrorism only came to be considered as an effective tool for destabilizing governments and achieving other tactical benefits like getting prisoners released, demanding money or highlighting certain political demands. The secrecy with which these groups operated and the violence that they used in their activities, worked against them when it came to certain strategic earnings aimed at taking over power. Terrorism could

destabilize governments but it could not get the same power as the destabilized government to the terrorists.

State Terrorism: The Doctrine of National Security

On its part, the regimes in power adopted severe counter-insurgency methods which were extremely effective in the south cone of the continent. The counter-insurgency steps, however, involved brutal methods and led to the killing of thousands of innocent citizens and deep divisions within societies.

Since there was no opposition or articulation of opinions against these drastic counter-insurgency methods, which were even tolerated as effective tools against communism, the sixties and the seventies were characterized by military and authoritarian rule in the continent.

Little wonder, then, that during this time a military doctrine was being put in place. Though there was no homogeneity in the thought behind the doctrine and though it did not have any specific guidelines, there were some initial basic ideas which were discussed and elaborated upon in several centers of military thought on the continent. The most significant of these was the Inter American School of Defense where high military officials from the continent got together and served as a receptacle for these diverse ideas.

"In almost all the cases two important doctrines were disputed the thought of most of the controls military Latin Americans that at the time that they confronted the guerrilla also they overthrew democratic governments. The smaller importance influence was the North American doctrine of contra-insurgency and the biggest influence came from the French doctrine of the "Revolutionary War". Of the two influences the second has a vision of metaphysical crusade, with deep roots in the French Catholic thought, with the vision of the army as the guardian of the nation's essence threatened by the incompetence, indecision and weakness of the liberal democracies; and the open justification of the torture like the instrument of the arsenal against-rebel's, were from a distance the most influential" ¹

To Colombian political scientist Francisco Leal "the creation of the doctrine was the work of some few South American countries, especially Argentina, Brazil in smaller degree and a little bit later, Chile. By the other hand Peru also made its

¹ Gustavo Gorriti. "Commentary on Utopia Unarmed. Beyond the Epics of Failure: The Post Utopian Left, in: *Journal of Interamerican Studies and World Affairs*. Vol. 36, No. 1, 1994. Pp.13.

contribution through of a very peculiar variant. The military coup of 1964 in Brazil was the initial point of a new rationale in the Latin American political processes. The subsequent Argentinean military intervention of 1966 confirmed the new characteristics, which consolidated progressively with the Peruvian coup of 1968, and the Chilean and Uruguayan coups of 1973 and Argentinean coup of 1976. The particularities of this rationale were being identified little by little. In the decade of the seventies the Doctrine of National Security was generalized."²

Leal elaborates on the characteristics of this doctrine starting from the original text of Costa Pinto. According to him, once the military starts intervening as a corporation in different areas it takes on the role of the state. However, the military's interference in different areas leads to uncertainty which in turn creates a political, institutional and ethical void. The military, however, believes that it is the only organized political force which can integrate the nation. In such a situation, the relationship between the military and the political institutions is marked by the weakness of the latter and not by the force of the former. When political forces lose control over power, they project an image of the country being threatened by chaos. This leads to the formation of a civil group which offers and elaborates on the ideological justification for military intervention.

In Latin America, the army being given the label of 'crusaders' also had to do with certain international developments including the huge defeat of the French colonial army in Dien Bien Phu (Indochina) and the immense political and military difficulties that America, the biggest military power in the world, was facing in the war in Vietnam. These developments made it clear to the military in Latin America that mere military force was not enough to contain the spread of communism. For this to be achieved it was also necessary to have political power. They saw that the popularity of the Cuban revolution grew in Latin America, not only because it was a success, but because it also led to the coming up of student movements.

There were those in Latin America who saw the threat of communism encompassing the entire continent as a real possibility. At the same time, they also realized that they could not expect effective help from the United States which had enough difficulties, both military and political, of its own. Hence, this school of thought realized that they would have to find their own solutions to communism. It was a result of this thinking which allowed the military to take control – either directly or indirectly – of key sectors of the state.

2 Francisco Leal Buitrago. *El Oficio de la Guerra. La Seguridad Nacional en Colombia*. TM Editores, 1994. Pps. 30 y 31.

This military doctrine was applied in different ways by different countries. In Brazil it took on a more elaborate form where it was able to harmoniously solve internal problems by establishing a relief formula for the military administration so that it would not become personalized and in Argentina, Chile and Peru extreme versions of the doctrine were applied. In Uruguay, Ecuador, Guatemala, Honduras and El Salvador this doctrine was applied in a fragmentary form. In some other countries, including some democracies, the influence of this thought was more ideological than operative. But whatever the form, but this doctrine was practically extended to all the armed institutions on the continent. As a result, though the implementation of the national security doctrine was not uniform all across the continent and it changed to accommodate the particularities of different nations it did come to be taken as a way of governing Latin America in this half of the century.

The Militarization of the State: The Narrowing Down of Freedoms

Some of the political consequences of this model of governance were that it led to power being centralized in the executive. The congresses in the different countries were either totally closed down or were partially replaced by emergency legislations. Further, the judiciaries, too, were either fully or partially closed down because of the creation of military tribunals for judging civilians.

At the same time, the scope of the executive increased as it was given more police powers and higher budgets. These in turn led to more benefits. In many countries, political parties were not allowed to operate and freedom of speech was totally done away with. This resulted in the opposition being totally silenced. Strategically this shift of power also meant that the military now directly controlled the economic sectors, production areas and also other services. The navy, aeronautical and chemical industries, banks and radio stations formed a conglomerate in some countries which was controlled by the military.

This form of governance survived in many countries till the end of their military regimes. It was adopted by some democracies as well. The duration of the state of emergency in Colombia for almost forty years practically without interruptions; enormous police powers given to the executive in Venezuela; and a conglomerate of companies and banks being run by military forces in Mexico are examples of a doctrine which became the instrument of governments. It extended its scope beyond the anti-communist military environment and it even worked during that half of the century within a maintained democratic electoral system.

The militarization of society, as defined by British historian John Keegan, is a concept according to which the capacity to make war becomes the reason for undertaking it. "Militarism is a concept that presupposes the existence of an army like a dominant institution but separated from other social institutions", he says. The argument used to justify this thinking is that it was the armies which won independence for Latin American countries and hence it was the military which preceded the creation of states and therefore it became a savior of countries in danger.

This thought when it made its presence felt during the Cold War was, however, not something new as its roots can be traced back to the authoritarian political traditions of the twentieth – and even the nineteenth – centuries. During the time of the Cold War, it was pursued with greater vigor to fight the main threat of communism. Discussing the genesis of this thinking Keegan adds that more than 80 per cent of the Spanish American constitutions in the nineteenth century assigned the mission of protecting the constitution to the armed forces, making it in a certain sense the fourth public power.

According to Keegan, the second half of the nineteenth century was marked by concerns about security in a more restricted sense: the survival or the physical security of the nation-states. However, the essentially military nature of the threats faced by the countries at this time configured a military leadership as much in politics as in security thought, which articulated, among other things, a vision of the armed forces being saviors fighting a supranational enemy. In many countries, the leadership used the army for providing a defense against threatening external forces. This defense came at the expense of political and juridical powers and brought a host of abuses and brutality in its wake. During this time the military also assumed a larger role in matters of national security because there was either none or very little contribution from the other sectors. The identification of the concept of national security with the military establishment on the one hand, and the preponderance of the military in generating a vision for the country on the other, made intellectuals in Latin America averse to the idea of finding alternatives when it came to security. Hence, no alternatives were found for providing security at that time. Further, the ideological division between communism and anti-communism promoted the unanimity that the military was the only option for national security. What should also be stressed here is that the absence of any discussion on the concept of security also in some ways inhibited individual freedoms.

Coming to the period under discussion, the role of the armed forces as guardians of constitutions was not only maintained during the Cold War in national security regimes, but in several cases, also after the constitutional modifications that accompanied the transitions to democracy were made at the end of the 1980s and in the 1990s.

The Eruption of Illicit Drugs

A part of the American continent has been especially shaken by the growth in the consumption of illegal drugs among North Americans. In the sixties the consumption of psycho-tropical drugs increased the use of marijuana and its derivatives in particular. In the beginning these drugs could be traced to Mexico and the Caribbean, and in the early seventies North American authorities declared what was the first war against drug use as a result of which cultivations of marijuana in these regions was eradicated. When this happened, drug traffickers found cultivation areas in the Colombian forests in the south. This led to another war against drugs in the mid-seventies. As a result of this war, Colombia, which was then the main supplier of marijuana to the United States, became a marginal producer. However, the cultivation of these drugs as a result of this war moved to North American territories.

Marijuana, however, soon ceased to be important in international drug trafficking circles and was replaced by cocaine in the eighties, which became a serious problem in the United States because of its high consumption among adults and among young people from the high and middle classes. Traffickers in Colombia responded to this new demand and in the eighties, they had already captured 80 per cent of the market in the north. To begin with, they used the same channels that they had used for marijuana but later they exploited new connections and routes and penetrated the North American market to the south of Florida in a big way.

Given the huge demand for illicit drugs it did not take long for cartels to be formed in the drug trafficking. From scattered traffickers the drug trade became a business which had its own agreements about quotas that had to be supplied and division of work vis-à-vis procurement and distribution of drugs. Small producers and salespersons were either eliminated or were integrated with organizations which had large capitals and strong armed presence. This cartelization of the drug trade became a powerful international organization indulging in crime and its ramifications were felt in several countries. Since the drug trade was being run as a business, it involved undertaking various innovations for expanding the market. Since cocaine is an expensive drug, the traffickers developed a cheaper but more addictive sub-product in crack. With the introduction of crack, the drug market expanded and now even included the relatively poor African-American neighborhoods in the US.

In the beginning of the nineties cocaine was supplied following a simple structure. The coca leaves were cultivated in Bolivia and Peru and in the fields these leaves were converted into paste following a simple manufacturing process. This

paste was then transported to Colombian forests. This paste was chemically treated in these forests and the traffickers got cocaine in its final form which was then transported mainly towards the North American markets. However, this decade saw the structure of the business changing because thanks to the war against drugs a part of the cultivation fields in Bolivia were destroyed and fungus deteriorated the Peruvian coca fields. As a result most of the production of coca leaves was moved to Colombia. The Colombian authorities were quick to act against this development; the cartels were dismantled and their bosses imprisoned. This necessitated the creation of new cartels in Mexico which replaced those that had been functioning in Colombia so far. These new cartels also had greater access to the North American market and Europe and Brazil became important consumers of cocaine.

Organized crime based on illicit drug trade has affected several Latin American societies deeply. The media, which was highlighting this problem, was attacked often and in some societies there was no access to an impartial and fair judiciary. The Colombian case is an exception to this where tribunals and *jueces sin rostro* have now settled down and mechanisms have been authorized to protect the identity of witnesses. All this has been a consequence of the threats and attacks on judicial officials on behalf of those involved in organized crime in drug trafficking.

However, in other countries, protecting judicial officials, ensuring the independence of the judiciary in the face of armed threats and assuring that justice is done is believed to collide with an infringement of human rights. The dilemma in this argument is clear: to protect the independence of the judiciary some extraordinary measures need to be taken against the armed groups. But these in turn can be considered an infringement of their rights.

The fight against terrorism also faces a similar dilemma. Protecting society too can mean temporary restrictions being placed on rights. In my opinion, the biggest risk here is that the fight against terrorism and the fight against organized crimes provides the easy option of appealing to military forces to deal with these problems.

The Armed Forces and Democracy in Latin America today

Since it is the beginning of a long decade of Latin America returning to democracy it seems inappropriate to draw a balance sheet of what has been achieved and what is lacking when it comes to the role of the armed forces in a democratic context.

However, what can be said is that starting from the eighties, attempts were

made and instruments of action were put in place in cases where there was a danger to the democratic system. Not only did the hemispheric organization adopt the principle of defense of the democracy but its member states have also assumed their positions for themselves. The United States, which had been the main supporter of anti-communist dictatorial regimes during the Cold War is now providing a prop in defense of democracy. American countries have approved the Inter-American Democratic Letter which establishes more action being taken to defend democracies. In such a scenario, no space is provided either for coups to grab power or to other anti-democratic authoritarian measures.

It is, however, difficult to define how successful these efforts will be because there are no pre-established parameters to discern which decisions could lead to constitutional ruptures and which would not, especially when it comes to subtle matters. It is also difficult to discern whether some measures have an apparent democratic robe. MERCOSUR, for example, has adopted a democratic clause that excludes any country that adopts a dictatorial régime from the association.

These attitudes have without doubt inhibited the occurrence of ruptures caused by force in America. The frequency of military interventions (or coups) in democratic processes has decreased. However, it should be kept in mind that this has more to do with the coups and military interventions being considered illegitimate in the international context than with transformations within their own forces.

At the same time, the possibility of military coups may have reduced but this does not mean that they have been discarded as a possibility for creating destabilization. Let us remember the devastating effect of the two intended coups in Venezuela in 1992 that finally led to the end of the Venezuelan political régime which was found to be dominated by the promoters of the coups. In Paraguay the military movements in favor of general Oviedo failed, but democratic stability cracked. Even if the possibility of the success of an operation is low and there is near zero possibility of a military coup being recognized internationally it does not mean that we should ignore the noxious effects that this kind of a movement can have, even if it fails, for democracy.

It would be necessary to promote some multilateral measures to disqualify those who try to tunnel democratic regimes, because the messages are sometimes confused. Just to mention one example: the treatment given by Brazil to Oviedo is not encouraging for the Paraguayan democrats. It is for this reason that some procedures that reinforce the isolation of those involved in a coup, even if it is not a success, need to be contemplated in the Democratic Letter of the OAS.

Further, military intervention in the democratic process does not only mean the use of force. There are at least two modalities which need to be analyzed with caution. The first is the use of intelligence organizations by civil governments, with purposes of knowing, to watch over, or to tunnel the legal movements of the opposition. The case of Montesinos, which resulted in sustaining a formal democratic regime, shows the kind of subtle intervention that is possible without resorting to the use of force. Another modality of military intervention in the democratic system is the one that is being used in Venezuela. It consists of granting certain tasks of social and political mobilization to the armed forces. This puts opposition parties at a disadvantage and places the armed force in a plane of open political competition, which in turn generates evident risks of polarization and the manipulation of the armed institutions by the executive.

Military Reforms and the Challenges of Terrorism and Organized Crime

The end of the Cold War, the peace agreements in Central America and the acknowledgement of external threats to democratically elected governments has meant a modification in the defense and security calendars of most of the countries in the region. A change in the historical perspective of the neighbor being the main threat to a country's security has also led to a reduction in tensions in the region. For example, Argentina and Brazil modified their conceptions of mutual threat and canceled their respective nuclear programs. Peru and Ecuador after a brief border clash reached an agreement that ended five decades of high tension. Though many border controversies remain without being resolved even today it can be said that security perceptions have been modified and issues like the protection of the environment, fight against drug trafficking and prevention of natural disasters have become new concerns in the security calendars in the region.

Civic insecurity has notably grown in almost all the countries in the region in the last decade. In some countries this growth is attributed to the presence of democracy and in other countries in Central America it is attributed to peace. Paradoxically these two advances have exposed criminal manifestations to a higher degree. The explosion in drug trafficking in its diverse manifestations, too, is a recent phenomenon in many nations.

This has had a further implication: there has been a change in the profile of military forces. Since police bodies are virtually non-existent in the region, this has meant that military bodies have been undertaking the tasks of the police. The

North American example in this context does not help much because their police model cannot be adapted to the institutional realities in Latin American. It would be highly advisable that national centralized police bodies, with the tradition and credibility enjoyed by them in some European countries, provide institutional consultancy and help in the preparation of official police bodies in Latin America.

The kind of changes that have been discussed - both briefly and in detail - in this paper are just the tip of the iceberg when it comes to the changes that are needed in the military in Latin America because changes within the military institutions alone will not guarantee a horizon free of interruptions to democratic processes.



Rafael Pardo Rueda, who studied economics, urban planning and international relations in Bogotá, The Hague and Harvard, held a number of important public positions in his country Colombia. He worked as a professor and researcher, presidential counsellor and news director. As national security counsellor and as the country's first civilian defense minister he was instrumental in dealing and negotiating with the guerilla. Rafael Pardo has also been active in the liberal Party for many years.