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ESSAYS

WHO WANTS TO BRING THE GOOD OLD MILITARY INTO THE WAR ON DRUGS IN BOLIVIA?†

Jaime Malamud Goti††

In 1988, Bolivia passed and implemented a strong anti-narcotics law.¹ The law was designed to help eradicate the flow of narcotics from the South American continent and has been successful, to some measure.

Bolivia has made a remarkable transition during this decade from a trafficker-influenced military regime to a democratic government with a coca eradication program. Our certification decision is based on the fact that the 1988 record is the best annual performance to date . . . [They] exceeded the 1,800 hectare eradication target spelled out in our bilateral narcotic agreement signed in 1987 and began forcible eradication . . . However, despite these efforts, total coca cultivation continued to increase

† This article is based, in large part, on interviews conducted by the author throughout the Bolivian countryside. Many of the persons interviewed wish to remain unidentified for obvious reasons. We respect the author's wish to keep these identities confidential and have not included them in the applicable footnotes herein.

†† Senior Human Rights advisor to President Alfonsín and Coordinator of Argentina's drug policy from 1983 to 1987; Solicitor to the Argentine Supreme Court from 1987-88. I take this opportunity to express my thanks to the Harry-Frank Guggenheim Foundation and particularly to Karen Colvard, program officer. I am indebted to United States Ambassador in La Paz Robert Gelbard, and to Argentine ambassador in La Paz Eduardo Iglesias.

¹ *International Narcotics Control: The President's March 1, 1989 Certification for Foreign Assistance Eligibility and Options for Congressional Action*. Under this law, leading trafficker Roberto Suarez was arrested and remains in prison. Interdiction efforts were improved leading to a sharp increase in the number of drug seizures. In addition, the riverine interdiction program, problematic throughout the year, appears back on track with the government of Bolivia's appointment of a new, highly professional navy commander in December, 1988. *Id.*

and high prices for coca leaf are hurting the voluntary eradication program In sum, we think Bolivia made a good effort in 1988, but increased production is particularly worrisome and more must be done to deter the spread of coca cultivation.²

The extent of Bolivia's involvement in the cultivation of coca is, perhaps, better understood in terms of dollars versus hectares. "Bolivia and Peru between them grow almost all the world's coca leaf. La Paz government officials have estimated that drugs bring Bolivia 1.6 billion dollars a year, of which 600 million dollars goes to about 400,000 people involved in coca cultivation."³

Although millions of dollars are being spent to eradicate the narcotics plague, the "war on drugs" has incurred its own casualties. What happens when compelling interests in human rights conflicts with the compelling interest in controlling the flow of narcotics?

I. THE DRUG PROBLEM: A HUMAN RIGHTS ISSUE

In July 1988, I made a visit to Bolivia's Chapare region as the envoy of Argentinean President Alfonsín. The second largest coca producing area in the world after the Upper Huallaga Valley in Peru, the Chapare stretches a hundred miles north of the town of Cochabamba.⁴ At a high, inhospitable cold spot in the mountains between Cochabamba and the coca plantations, there is a police checkpoint where vehicles are thoroughly searched for the tools used in the manufacture of cocaine paste. Presumably to satisfy my curiosity, the police officer in charge ushered me into the shed where they stored the seized items. Among those

² *Id.*

³ Zeballos, Bolivia President to Ask Bush for Help in Drug Fight, Reuters Library Report, Reuters Wire Service, May 6, 1990.

⁴ Estimates about the size of coca and cocaine production in Bolivia vary dramatically from author to author; even official Bolivian and foreign agencies have different figures. Oporto Castro and Campodonico agree as the extent of the cultivation: about 70,000 hectares of coca have been grown in Bolivia, and the country's cocaine yield amounts to about 132,400 tons of leaf. The yield of Bolivian coca leaf lies between 100,000 and 150,000 tons. 100 kilos of leaf yields 4 to 4.5 tons of coca paste. About 50 percent of the volume of this coca paste is lost when it is refined into cocaine hydrochloride. See H. Oporto Castro, *Bolivia: El Complejo Coca-cocaina*, in COCA, COCAINA Y NARCOTRÁFICO: LABAERINTO EN LOS ANDES 171 (Comisión Andina de Juristas ed. 1989)[hereinafter Comisión Andina report]. See also, H. Campodonico, *La Política del Aveztruz*, *supra* Comisión Andina report at 223.

articles stored in the depot were those of the most common nature: toilet paper, kerosene lanterns, plastic sheets and car batteries. According to the policeman, these articles are essential to the illicit drug industry. The kerosene in the lanterns, for instance, is a good solvent to detach the cocaine contained in the coca leaves. Toilet paper is used to dry the paste.

Somehow my memory got caught in that police shed. An enforcement campaign that required the interdiction of toilet paper seemed not only an intrusion into the basic needs of the inhabitants of the Chapare, but also doomed to fail from its inception. A police force that devotes itself to the interception of such basic elements in the life of a South American community devoid of running water and electricity is also necessarily directed against the community itself.

This article addresses the issue of the plight of the poor, resourceless sector of the Bolivian economy which finds itself caught in the war on drugs: the coca growers and stompers.⁵ It attempts to demonstrate that the war on drugs in Bolivia has deepened already existing conflicts between sectors of the Bolivian government such as the army and the police.⁶ The main

⁵ The profits of the cocaine trade in Bolivia exceed 2.5 billion dollars. These profits, however, benefit only a few. It has been conjectured that around two hundred families in Bolivia collected between 80 percent and 90 percent of the global amounts the country's cocaine crop yielded in 1985. Dora Medina, an advisor to current Bolivian President Paz Zamora, explains that less than 15 percent of this amount remains in the country. See S. DORIA MEDINA, *LA ECONOMIA INFORMAL EN BOLIVIA*, at 70 (ed. Bolivians Limitada 1986). Knowledgeable sources claim that cocaine production increased almost 100 percent between 1985 and 1990. Campodónico asserts that, although Bolivia produces 40 percent to 45 percent of the cocaine in the world and Peru produces 50 percent, only small amounts of this cocaine reaches the United States: 5 percent to 10 percent of the Peruvian cocaine and 15 percent of the Bolivian cocaine is exported to the United States. Large portions of this cocaine is exported to Europe through Spain. Comisión Andina report, *supra* note 4 at 223.

⁶ The policy of fighting the "war on drugs" at its source reached its current size during the Reagan Administration, during the period following the Presidents's declaration of war on drugs and narco-traffic. See B. Bagely, *U.S. Foreign Policy and the War on Drugs: Analysis of a Policy Failure*, 30 J. INTERAM. STUD. AND WORLD AFF. 189, (1988). The approach to quelling trafficking organizations in the drug producing countries is a reaction to the inability of consuming countries to intercept drugs smuggled into their markets in the 1970's and early 80's. See S. WISOTSKY, *BEYOND THE WAR ON DRUGS: OVERCOMING A FAILED POLICY*, (1990) [hereinafter WISOTSKY]. This strategy consisted of (a) on-site enforcement by South American police forces aided by the DEA, and (b) crops substitution and eradication programs that, in Bolivia, are administrated by the NAU. Although the U.S. was, and still is, the prominent head of the campaign, many

weight of this friction is borne by the peasants in the coca growing areas. These peasants live in an area with no alternative means of generating income than to grow coca and stomp the leaf into coca paste.⁷ The Bolivian enforcement agencies have targeted this peasant population as their primary (and easiest) target for eradicating the cocaine problem; a group that has already endured violence, harassment and pillage. This situation is not only condoned by the DEA but is encouraged by them. For an overgrown bureaucracy like the DEA, chasing coca growers is also the easiest way to make convincing statistics in the furtherance of sectoral and personal advantages.⁸

A. *A Peculiar Kind of War*

According to the Commander in Chief of the Bolivian Armed Forces, Jorge Moreira, the United States has conditioned Bolivian receipt of military aid to the direct involvement of said military institution in the struggle against narco-traffic.⁹

In late September 1990, while the United Nations¹⁰ was

European countries have been staunch followers of the U.S. approach. This international support has been manifested at the United Nations meeting held in Vienna every February where even the Soviet Union was in full agreement with an all out drug enforcement approach in South America.

⁷ In a recent article, I explained the connection between the repression and the increase in the amount of coca paste stomping among coca growers. See J. Malamud Goti, *Soldiers, Peasants, Politicians and the War on Drugs in Bolivia*, 6 AM. U. J. INT'L L. AND POL'Y 35 (1990).

⁸ In a recent report of the United States Unit for Anti-Narcotics Activities in the Andean Region, it is noted that "[t]he result of the misplaced emphasis on microlevel indicators of success may be inaccurate and/or misleading information provided to Congress. 'Overly positive' International Narcotics Control Strategy Reports (INCSRs) are one example . . ." Thirty-eighth Report by the Committee on Government Operations at 31, Nov. 30 1990. This propensity is revealed by ex-DEA undercover veteran, Micheal Levine. In his book, Levine states: "[I], too, believed the DEA was corrupt, but in a totally different way . . . I believed the 'suits' (highly ranked DEA officials) were lying to the American public to perpetuate the funding of the agency and its programs and, of course, their jobs; not to mention parlaying their easy access to the media into more lucrative careers in the private sector and politics; along with a host of other reasons that had nothing to do with winning the drug war." M. LEVINE, *DEEP COVER: THE INSIDE STORY OF HOW DEA INFIGHTING AND SUBTERFUGE LOST US THE BIGGEST BATTLE OF THE DRUG WAR*, at 159 (1990).

⁹ PRESENCIA (La Paz), Mar. 16, 1990.

¹⁰ Due to the encouragement of its Director, Giuseppe Di Gennaro, the Vienna based United Nations Fund for Drug Abuse Control (UNFDAC), has actively participated in projects to develop the Chapare and the Yungas. Started in 1984, the UNFDAC program

building new roads in the Chapare, the United States Drug Enforcement Agency (DEA) staged a major campaign in the Chapare's Red Area¹¹ to disable dirt roads presumed to be serving drug traffickers as cocaine paste pick-up airstrips. After the completion of the campaign, the author was driven to the site by a UMOPAR¹² agent so that he could view the deep craters produced by the DEA explosives dropped during the campaign. The blasts had damaged straight segments of the roads that link the villages of Isinuta, San Gabriel and Eterazama, which comprise the most active sector in the cocaine paste trade in Bolivia in 1990. The UMOPAR agent pointed out that destroying the roads did not facilitate drug enforcement.

First, the bombings increased the existing tension between local residents and the police forces by damaging peasant property. Although the United States Department of State Narcotics Assistance Unit (NAU)¹³ contributed to the repair of any damaged property, the peasants in the area were not appeased.

As a result of those bombings, in the last days of September, men and women campesinos¹⁴ surrounded a group of UMOPAR and DEA personnel on the stony southern bank of the Isiboro river, near the hamlet of Isinuta, and an hour long shoot-out ensued. A helicopter came to the rescue of the encircled officers and fired at the crowd, killing four campesinos. Claiming that they had been attacked by cocaine traffickers, the DEA agents left the Chapare on a few days rest with only one man shot in the shoulder. While visiting the spot three days

goes on today, building and/or improving the state of the roads in these areas. Carlos Montaña, ex-head of the project "Desarrollo del Chapare" (Development in the Chapare) declares that new roads have been built from the Chapare villages of Alto Mariscal to Bajo Mariscal and Villa 14 de Septiembre. Interview with Carlos Montaña held in La Paz, May 21, 1990.

¹¹ "Red Areas" are zones where cocaine paste transactions take place regularly. Usually, cocaine traffic brings arms and violence into these sectors.

¹² The "Bolivian Mobile Units for Mobile Areas," otherwise known as the UMOPAR, are an elite police force trained by the United States to fight drug traffic in the South American jungle. They are nicknamed the "Leopards."

¹³ The NAU or the Narcotic Assistance Unit, is a United States agency which operates in drug exporting countries. They act like an administrative agency and funnel money to the groups responsible for the actual drug confiscation/eradication, for example, the DEA. Within the United States, the group is called the International Narcotic Matters group or INM.

¹⁴ The English translation of campesinos is "peasants."

later, the author observed the burnt remains of a UMOPAR truck which the enforcers had left behind, lying on the bed of the river.

Second, the bombings had extremely negative consequences on future police activity in that sector. According to a UMOPAR captain interviewed at the scene,¹⁶ the damaged roads would have little effect on traffickers' pick up but would severely hinder land raids in Isinuta and San Gabriel. To carry on with their habitual business, cocaine dealers needed only to offer the local villagers two or three hundred dollars to clean the bush, thus enabling the traffickers' small, light aircraft to land. At most, the task would take three to four days. Ironically, a few miles away from San Gabriel, on our return to Chimoré, we saw a bronze plaque which was fixed to the side of a bridge stating that the bridge had been "built with the effort of the people of the United States: Peace Corps, 1968."

This episode illustrates the way in which the "war on drugs" is being waged in Bolivia. It should not come as a surprise that a sense of inevitable failure haunts the United States Embassy's anti-drug specialized personnel in La Paz. Nevertheless, according to the logic of the "war on drugs," the correct move is to step up available resources to fight the war. According to this logic, calling in the Bolivian army is essential.

This article explores the intricacies of the militarization of the Bolivian anti-cocaine campaign and the politics that underlie contrasting positions about it. It argues that the United States policy that urges military involvement in the "war on drugs" attempts largely to conform to American war rhetoric. The effort to engage the army ignores Bolivian history and the sectoral feud between the military and the police. It also ignores the problems inherent in Latin America's attempts to form democratic governments and the effect of this deomcratization on its relations with the United States. Furthermore, in Bolivia, repression of cocaine related activities has a direct impact on the activities of those who live in the Red Areas and can result in the systematic violations of peasants' basic liberties. Thus the militarization of the "war on drugs" will have a direct effect on

¹⁶ Interview with an unidentified UMOPAR captain in San Gabriel, Chapare, Bolivia (Oct. 2, 1990).

human rights.

B. *Who Wants to Deal With the Military?*

The Commander in Chief of the Bolivian Armed Forces, Jorge Moreira Rojas, suggests that the involvement of the Bolivian military should be as a last resort:

Due to the risks of corruption inherent in repressive actions against narco-traffic, the army will only participate in such actions in case of extreme necessity, but will support in any event activities designed by the government related to prevention and alternative development.¹⁶

Coca growing and cocaine trafficking have relentlessly increased in Bolivia during the 1980s, in spite of enforcement efforts to thwart them. Many believe, as the United States policy maintains, that the "war on drugs" is being lost for lack of resources. This view holds that bringing the army into the "war on drugs" is appropriate. Although the United States Government maintains this position, Latin Americans have persistently demurred from it. At the Cartagena summit of February 1990,¹⁷ the Bolivian administration did agree to engage its army in drug enforcement. However, this move does not reflect the Bolivian political attitude regarding the matter. Bolivian critics of militarizing the "war on drugs" had substantially supported the reasons for their disagreement with the United States policy. A look at the progress made in Bolivia over the last ten years, pursuant to this United States-based policy, provides evidence that these Bolivian critics were right for more reasons than those they had espoused. Moreover, the Bolivians were not alone among Latin Americans in their criticism of United States policy.

¹⁶ Interview with General Jorge Moreira Rojas, the Commander in Chief of the Armed Forces, ULTIMA HORA, La Paz, Jan. 16, 1990.

¹⁷ In February 1990, the President of the United States, George Bush met with the leaders of three South American countries in Cartagena, Columbia. Those leaders were Bolivian President Jaime Paz Zamora, Peruvian President Alan Garcia and Colombian President Virgilio Barco. At that time, Bush pledged to help these Andean nations fight the drug war with aid for development. Zaballos, *supra* note 3.

1. *Latin American Resistance to Militarizing the "War on Drugs"*

At the November 13, 1987 meeting of the American Armies held in Mar del Plata, Argentina, Latin American representatives maintained a consensus about the overriding draw-backs of engaging each country's armed forces in drug enforcement. The Bolivian delegates agreed that despite the unsubstantiated assertion that drug trafficking is strongly connected to radical terrorists,¹⁸ the military should not be directly involved in drug enforcement. Only the Chileans, representing General Pinochet's¹⁹ last holdout of military regimes in the Southern Cone,²⁰ supported the United States proposal that the region's armies should be deployed to persecute drug traffickers.

Several reasons to keep the military out of the "war on drugs" were given. Corruption was likely to undermine soldier morale and disrupt discipline. United States national security doctrine, in its 1970s variant, had driven Latin American armies to wage dirty wars against radical insurgency, and such confusion of police and army roles had already proven costly. "Anti-subversion" campaigns had resulted in massive violations of human rights, politicization of military officers' cadres, and the consequential extreme unpopularity of the armies of the Southern Cone.

Indeed, at the meeting in Mar del Plata, a large majority of the Latin American militaries who were present believed in the "stair-case theory" which claims that all evils requiring repression should be dealt with at the lowest possible governmental level.²¹ In considering themselves their countries' last and loftiest resource, the military felt there would be no purpose in en-

¹⁸ See *Los Ejercitos Frente a la Droga* (an unsigned editorial note), NUESTRA SOCIEDAD CARACAS, July-August 1989, at 136. See also WISOTSKY, *supra* note 6, at 162.

¹⁹ General Augusto Pinochet, who took control of the Chilean government in 1973 in a successful coup, remained in control as president for 17 years. In December of 1989, a democratic election was held in Chile and Pinochet was replaced by a civilian president, Patricio Aylwin.

²⁰ I take the license of overlooking the case of Paraguay, a country where elections almost universally are considered rigged. Information about the meeting was supplied to the author by Adalberto Rodriguez Giavarini, the Argentinian Secretary of Defense under President Alfonsin. Interviews with A. Rodriguez Giavarini held in Buenos Aires (Jul. 9, Sept. 22 and Sept. 29, 1989).

²¹ *Id.*

gaging their personnel in a struggle that the police forces should be able to handle. Most of the high ranking military officers believed the most attractive policy consisted of discreetly removing the armed forces from most of the conflicts related to non-insurgent criminality.²²

When United States "war on drugs" advocates persisted, the weak Latin American transitional civilian administrations demanded a serious assessment of the danger that such a war might incite institutional collapse. They worried that involving armies in policing drug traffickers, whether or not such efforts were ultimately successful, would inescapably have an undesirable consequence. First, if the armed forces failed, the inability of defense systems to confront issues of national security would be exposed to potential enemies.²³ This argument is familiar to U.S. authorities and scholars who adhere to the 1878 Posse Comitatus Act.²⁴ This act prohibits the military from engaging in internal enforcement and presumes that democracy is safeguarded by the distinction between enforcement and defense.²⁵ Second, if the armed forces succeeded, although a highly improbable outcome, they could then argue that politicians are incapable of achieving what only the armed forces could accomplish. As drugs had been formally been labeled an issue of national security since the mid 1980s,²⁶ the military success would point out the inefficiency of civilian government in the management of the countries' most delicate internal affairs. Some Latin American administrations, such as that of Mexico's Salinas Gortari,²⁷ made this point explicit.²⁸

²² *Id.*

²³ See D. Mabry, *The U.S. Military and the War on Drugs in Latin America*, 30 J. INTERAM. STUD. AND WORLD AFF. 53, (1988).

²⁴ "Posse Comitatus" is defined as the power or force of the country. BLACK'S LAW DICTIONARY 1162 (6th ed. 1990).

²⁵ See, e.g., D. Mabry, *supra* note 23, at 53. The issue was discussed during a meeting at the Association of the Bar of the City of New York on Apr. 18, 1990. The Committees of Lectures and Continuing Education and Military Affairs and Justice held a panel discussion on "Using the Military to Fight Drugs: All Right or All Wrong?," Apr. 18, 1990. The author was a member of the panel.

²⁶ Annex 3 of the Cartagena Accord was signed by U.S. President Bush and Bolivian President Paz Zamora in May 1990 to complement the multilateral agreement between Colombia, Peru, Bolivia and the U.S. In this Accord, it is expressly stated that drug traffic poses a threat to the internal security of Bolivia.

²⁷ Carlos Salinas Gortari was elected the president of Mexico in 1988. This cam-

Other grounds for Latin American resistance to military intervention stem from three dangerous dynamics of Latin American military history: (1) the lingering propensity of a number of highly-ranked officers to get along with cocaine businessmen; (2) a demonstrated readiness to abuse the rights of peasants; and (3) the long standing nationalism that makes direct cooperation with the United States impracticable. Moreover, the 1982 Falklands/Malvinas experience had recently made Latin American militaries overly cautious about the sturdiness of alliances established with their North American comrades.

2. *Bolivian Resistance to Militarizing the "War on Drugs"*

The commanders of the Bolivian armed forces had additional reasons for avoiding an engagement in drug enforcement in their own country. Pictures of soldiers stomping coca leaves and of army trucks carrying heaps of basic paste during General Garcia Meza's²⁹ cocaine dictatorship are still circulating among politicians, trade union leaders and students. Such testimonies hamper the army's legitimacy in the contemporary move to establish democracy.³⁰ Cocaine traffic emerged in Bolivia, not only from opportunistic entrepreneurs in the private sector, but under the aegis of military dictatorships which exacerbated the military's current reputation and its role in a democratic state.

paign marked the first serious contest for the presidency in modern Mexican history. Salinas Gortari, who represented the Institutional Revolutionary Party (PRI), won the election by a narrow margin.

²⁸ Rohter, *Mexican Leader Vows Action Against Drugs*, N.Y. Times, Dec. 12, 1988 at A5, col. 1.

²⁹ In 1980, General Luis Garcia Meza took control of the Bolivian government in a successful military coup which prevented duly elected president, Siles Zuazo from taking office. In August 1981, a uprising by soldiers in the eastern part of the country compelled the military chiefs in the capital, La Paz, to eject the unpopular Garcia Meza from office, leaving the government in control of a military junta headed by General Waldo Bernal. "Bolivia to Charge Ex-President with Murder", Reuters Northern European News Service, Reuters Ltd., Feb. 17, 1984 (La Paz). See also Bolivia: A Tale of Two Cities, *ECONOMIST*, Aug. 15, 1981, at 38.

³⁰ Hugo Cochamanidis is the Director of the Bolivian Direccion Nacional de la Coca since January of 1990. In an interview held with the author on May 24 1990, Cochamanidis recalled the army's poor record concerning the coca/cocaine issue. During the times of Garcia Meza, photos were taken of army trucks transporting coca and of soldiers stomping the coca leaves into basic paste. Interview with Hugo Cochamanidis (May 24, 1990).

The combination of governmental violence and the involvement of top political officials in the drug trade may be traced to General Hugo Banzer's³¹ dictatorship from 1971 to 1978. Although Bolivia has borne over a hundred military coups, it was during this period, under Banzer, in which the Bolivian cocaine business took off. General Banzer, now the head of the A.D.M., the third most powerful Bolivian political party, is now under attack from Santa Cruz beer magnate Max Fernandez, whom the MIR party has groomed to succeed President Paz Zamora. Fernandez has demanded that so-called dubious fortunes in Bolivia be investigated and insinuated that Banzer's wealth stems from cocaine trafficking. This accusation, combined with previously held suspicions, makes the declarations by Banzer's political defenders that his reputation should be cleansed, sound purely rhetorical.³² Banzer's party qualified these accusations against him as "groundless and cowardly."³³ It is evident that if the general had not been personally involved in cocaine business, he had at least acquiesced in his relatives and friends devoting themselves to exporting cocaine.

The origin of the Bolivian cocaine trade may be traced to the collapse of the Banzer-promoted cotton industry in Santa Cruz in the 1970s. Inexperienced growers took easy loans for the cotton industry and were impelled to export the produce to repay the banks at a time when the international prices were depressed. Large parts of the cotton production wound up unsold

³¹ General Hugo Banzer ruled Bolivia with an iron fist from 1971 to 1978. While in power, he was allegedly responsible for torturing dozens of members of the current ruling party, the Revolutionary Movement of the Left (MIR) as well as the jailing and subsequent exiling of Jaime Paz Zamora, the current president of Bolivia. In an unexpected turn of events, the former military dictator supported the moderate leftist Paz Zamora for the presidency in the last election because of their mutual dislike for the front running candidate. Based on this alliance, a three month deadlock between Bolivia's three main political parties was broken and Mr. Paz Zamora was elected president of Bolivia. Meanwhile, Banzer was given the presidency of a two party commission which wields much "behind the scenes" power in the government. Boadle, "Ex-Dictator Backs Leftist for Bolivian Presidency," *The Reuter Library Report*, Aug. 3, 1989 (La Paz). See also Bolivia: Giving It Away, *ECONOMIST*, Oct. 20, 1990, at 48.

³² "For the sake of the general, his party and the nation", the general's reputation should be "cleansed." Statement by Bolivian Congressman Guido Camacho, as reported in *ULTIMA HORA*, La Paz, (Feb. 17 1990).

³³ *ULTIMA HORA* (La Paz), Feb. 16 1990.

in an attempt to retract untimely sales.³⁴ The subsequent loss of international markets coupled with business mismanagement drove the industry into bankruptcy. Santa Cruz cotton producers were forced to look for a more lucrative enterprise.³⁵ The enterprise of choice was cocaine hydrochloride, and it required the immediate development and organization of coca cultivation in the Chapare.

Observers claim that there is no way that the government, including General Banzer, could have ignored the events which led up to the development of the cocaine trade. Santa Cruz Banco de Crédito Agrícola had a key role in setting up and financing this novel industry. Banzer himself threw thousands of peasants colonizing the area off their land to make more room for agribusiness. He also deployed the military to quash strikes in the mines.³⁶ In addition, Banzer's son-in-law, Luis Valle, was expelled from Canada after being found in possession of cocaine³⁷ and Banzer's nephew and private secretary were arrested in Miami and Canada, respectively, on drug charges.³⁸

The Banzer regime's cruelty, and its close connection with the cocaine trade, pales in comparison with General Garcia Meza's dictatorship in 1981-82. During his one year rule, Garcia Meza and his Minister of the Interior, Colonel Arce Gomez³⁹ used the armed forces to assassinate protesting workers, to torture dissidents and to abduct persons suspected of conspiracy against the regime. Garcia Meza operated with the expertise of

³⁴ Some observers attribute the fiasco to the attempt to make up for the forgone profits by selling cotton of a shorter strand which was rejected by European purchasers. This version is espoused by Enrique Valverde, who was chief of the NAU in Cochabamba, Bolivia until 1990. See also ECKSTEIN, TRANSFORMATION OF A "REVOLUTION FROM BELOW" BOLIVIA AND INTERNATIONAL CAPITAL 105 (Society for Comparative Study of Society and History)(1983).

³⁵ *Id.*

³⁶ See J. NASH, WE EAT THE MINES AND THE MINES EAT US (1978); DUNKERLEY, REBELLION IN THE VEINS: POLITICAL STRUGGLE IN BOLIVIA 1952-1982 (1984) (hereinafter DUNKERLEY).

³⁷ DUNKERLEY, *supra* note 36, at 318.

³⁸ *Id.*

³⁹ Colonel Luis Arce Gomez was extradited to the United States in December, 1989 on a 1983 drug conspiracy indictment which charged that he had accepted bribes every two weeks to ignore cocaine traffickers who moved in and out of Bolivia. On March 22, 1991, he was sentenced to a maximum punishment of 30 years imprisonment. 30 Year Drug Sentence for Ex-Bolivian Aide, N.Y. Times, Mar. 23, 1991, at 9, col.1.

Argentine officers trained at the Escuela de Mecánica de la Armada("ESMA")⁴⁰ in Buenos Aires. Garcia Meza's nazi bent was revealed by the creation of the "Novios de la Muerte,"⁴¹ which seems still to be active in 1990.⁴² A prominent character linked to Garcia Meza and cocaine magnate Roberto Suarez Gomez was Klaus Altmann Barbie, whose extradition France had requested for the atrocities perpetrated by the Nazis in the city of Lyon where Barbie was the head of the Gestapo.⁴³

In mid 1989, General Arrázola's arrest was a reminder of the early days of Garcia Meza's regime. Arrázola, commander of the 7th Army Division, was apprehended in the city of Cochabamba where the unit is stationed and was charged with being involved with drug traffickers. In October 1990, he was still under arrest in Cochabamba.

The 7th Army Division's connection with cocaine traffickers was not limited to Arrázola. Three highly ranked officers under the general's command managed to flee at the time of the arrest and were still at large in October of 1990. Although no final decision as to Arrázola's responsibility had been made at that time, there was consensus among civilian and military observers that General Arrázola, who acted as Garcia Meza's representative before the trade unions,⁴⁴ was up to his ears in cocaine money. UMOPAR officers assert that what determined the general's arrest was the direct intervention of United States military attaché Colonel Hayes to have Arrázola investigated.⁴⁵

⁴⁰ For a detailed description of what has occurred at the Escuela de Mecánica de la Armada in Buenos Aires since 1976, see *Nunca Mas*, Informe de la Comisión Nacional Sobre la Desaparición de Personas at 80 (ed. Universitaria Buenos Aires, 1986). See also I. GUEST, *BEHIND THE DISAPPEARANCES* (1990), at ch. 1.

⁴¹ Translated into English, this phrase means the "Grooms of Death." This paramilitary group from Santa Cruz boast swastikas and worship symbols of Hitler's Germany.

⁴² Interview with Enrique Valverde, head of the Narcotics Assistance Unit (NAU) in Cochabamba (May 26, 1990).

⁴³ Valverde had the opportunity in his youth to listen to Barbie as the old German recalled the Nazi era with nostalgia. Interview with Valverde, *supra* note 41.

⁴⁴ In 1981, in an attempt to appease the bellicose miners unions, Colonel Arrázola promised to release certain political prisoners and to guarantee workers a minimum amount of stability in their jobs. The government considered this agreement to be too benevolent and did not honor it. DUNKERLEY, *supra* note 36, at 296.

⁴⁵ Interview with an unidentified UMOPAR captain in Villa Tunari, Chapare (May, 1990).

In the contemporary move toward a substantive democracy that implies respect for human rights and intolerance of human rights abuses, Bolivian military officers were aware of the institutional risks presupposed by engaging in drug enforcement. General Moreira Rojas, commander of the armed forces, candidly alerted the administration and the citizenry in general that, by persecuting cocaine dealers, the army would lose control over officers who surrendered to the temptation of cocaine money.⁴⁶

Despite Bolivia's recent history of dictators and cocaine traffic, the United States was also not discouraged from urging Bolivia to engage its military in drug enforcement. Detailed information was received from the DEA and the NAU in La Paz that General Arrázola's entanglement with drug traffickers was not an isolated case among officers of the army.⁴⁷ Despite reasons which outweighed the advantages of involving the army in the "war on drugs," President Bush pressed Bolivia, as well as Peru and Colombia to make a formal commitment in this direction.⁴⁸ The purpose of militarizing enforcement is expressly mentioned in Annex 3 of the Cartagena agreement, in which over thirty-three million dollars was allotted to drug enforcement in Bolivia, largely for army training and equipment. In May 1990, Presidents Bush and Paz Zamora exchanged formal notes ratifying their intent to accelerate the "war on drugs" in Bolivia by engaging the Bolivian army.

At home, Paz Zamora's pledge to the United States found staunch opposition from the coca growers and large political sectors. Peasant unions took a strong stand against President Paz

⁴⁶ The commander in chief of the armed forces, General Jorge Moreira Rojas declared that, by engaging in drug enforcement, the army was running the risk of becoming corrupt *ULTIMA HORA*, La Paz (Jan. 16, 1990). A few months later, the head of the army, General Rolando Espinoza conveyed the same fear: "If the President of the Republic, after the summit, decides to have us participate, we will do it for the sake of national security, despite the risks that this involves" *ULTIMA HORA*, La Paz (Feb. 3, 1990).

⁴⁷ The NAU had made a full report to its headquarters in La Paz. Statement of an unidentified NAU official who participated in drafting the report in an interview (October 4, 1990).

⁴⁸ The U.S. administration's resolution to have these countries' involve their armies in drug enforcement is specified in the The White House Report on the National Drug Control Strategy, Jan. 1990. This report states the purpose "to increase the effectiveness of law enforcement and military activities in the three countries against cocaine trade" is listed among the main goals. *Id.* at 50.

Zamora's commitment. Coca growers vowed through their leader, Evo Morales, to defend plantations with their lives.⁴⁹ The Bolivian Senate adopted a formal resolution strongly disapproving of the army's involvement in drug policing.⁵⁰ In early April, non-governmental organizations in Bolivia expressed their support of the "cocaleros" promising to stage a major campaign against United States-backed militarization of drug enforcement.⁵¹ They argued that engaging the army would unleash human rights abuses. It was thought, in all likelihood, the army would increase the amount of violence borne by coca growers who have already endured constant abuses from the UMOPAR. Sectors of the Catholic Church joined in denouncing the proposed army intervention.⁵² The "cocaleros" also mustered international support.

In March 1990, forty-five legislators from fourteen Latin American countries held the fifth meeting of the Parlamento Latinoamericano.⁵³ On that occasion, the Parlamento issued a statement repudiating the militarization of the coca/cocaine trade war enforcement. They stated that such a step would be a source of social instability.⁵⁴ Confining the Bolivian armed forces to their circumscribed role within a newly democratic system required too much effort for it to be imperiled by U.S. exigencies.⁵⁵

Although the last twenty years of Bolivian history provided abundant data to support the efforts of Parlamento Latinoamericano, the NGO's and peasant unions to keep the army out of the Chapare, was not just history alone that spelled disaster. It was the conflicts between the army and the UMOPAR police in a struggling democracy that made the difference. In response to

⁴⁹ ULTIMA HORA, La Paz (Apr. 14, 1990). See also PRESENCIA, La Paz (May 9, 1990).

⁵⁰ ULTIMA HORA, La Paz (Jan. 16, 1990).

⁵¹ PRESENCIA, La Paz (Apr. 8, 1990). "Cocaleros" is the Spanish term used in Bolivia to describe persons involved in the cultivation of cocaine.

⁵² The Church has historically been concerned about the rights of the peasants being trampled upon by the army. See DUNKERLEY, *supra* note 36, at 215.

⁵³ The Parlamento Latinoamericano is an organization comprised of non-conservative members of the Southern Cone countries (Argentina, Chile, Paraguay and Uruguay) as well as Costa Rica. They are not formalized and do not officially exist.

⁵⁴ See PRESENCIA, La Paz (Mar. 21, 1990). See also ULTIMA HORA, La Paz (Mar. 21, 1990).

⁵⁵ See *Militarization versus Democracia*, PRESENCIA, La Paz (Mar. 17, 1990).

widespread concern, General Victor Vargas, commander of the airborne unit operating in the Chapare, hustled to calm the campesinos. Vargas assured them that the army posed no threat to coca growers and promised that the forces under his command were there to avert abuses from other agencies,⁵⁶ obviously alluding to the UMOPAR.

Paz Zamora's administration was also confronted with a legalistic turn that further complicated the army's intervention. Section 1008 of the 1988 anti-drug law⁵⁷ created a special counsel of cabinet ministers with the authority to dictate drug control policies.⁵⁸ Until May 1990, these policies related to activities of the Bolivian anti-drug "Special Forces" that consisted of the narcotics (urban) police, the UMOPAR police, air force pilots and naval officers. These "Special Forces" had been operating under the unified command of a retired army general. Although Law §1008 envisions the armed forces cooperation with personnel and equipment at the counsel's request,⁵⁹ its procedural provisions confer authority to conduct legal proceedings solely upon the country's "Special Forces."⁶⁰ Thus, the law has been construed as limiting the authority of the executive branch to control the army's intervention in drug enforcement.⁶¹ The army may be called to participate if drug traffick exceeds the police

⁵⁶ Opinion, Cochabamba, Apr. 15, 1990.

⁵⁷ The Law of the Cocaine and Controlled Substances Regime was enacted on July 19, 1988. The law differentiates between coca leaves in their natural state, the possession and cultivation of which is legal; and coca leaves which have been chemically processed to extract cocaine, the possession of which is illegal.

The law sets limits for the harvesting of coca leaves in certain regions and establishes programs in support of alternative crops.

⁵⁸ The Consejo Nacional Contra el Uso Indebido y el Tráfico Ilícito de Drogas (National Counsel Against Undue Use and Illegal Drug Traffic) created by Law §1008 of July 1988, is integrated with the ministers of Foreign Affairs, Justice and the Interior, Coordination and Planning, Public Health, Defense, Finances and Aeronautics (article 133). They have supreme authority over the "Special Forces" and are entitled to appeal to the armed forces for personnel and equipment, under article 135 of the law, which calls for institutional cooperation between the "nation's armed forces and the police, at the request of the National Council." Article 135, Law §1008.

⁵⁹ Law §1008, art. 135.

⁶⁰ Article 85 (a) of the Law §1008 prescribes that the "Special Forces" will initiate the proceedings in drug related cases. Article 86 abbreviates the procedure in drug related cases and foresees the auxiliary role of the police. Similarly, article 92 (a) stipulates that special prosecutors have authority over the police forces.

⁶¹ This intervention is foreseen in art. 135, Law § 1008.

forces' resources.⁶² Nonetheless, when it was suggested in April 1990 that the police were being overpowered by an increase in cocaine traffic, an array of conflicting opinions arose from sectors within the Bolivian government.

The issue of whether to call in the army to cooperate with the UMOPAR could not surmount the objection that, according to the administration's assertion, the country's 1990's anti-drug achievements had substantially surpassed those in previous years. Before meeting with President Bush in May 1990, President Paz Zamora stated that calling the military into the "war on drugs" was unjustified, because the police were faring well enough and the addition of the armed forces would cause "unnecessary violence."⁶³

In May 1990, Paz Zamora's minister of the Interior, Guillermo Capobianco, stated that despite the UMOPAR's lack of equipment, neither Peru nor Colombia could match Bolivia's success at drug enforcement.⁶⁴ In September, 1990, President Paz Zamora went further and proudly declared that his country was controlling the drug business better than any other nation in the region.⁶⁵ Once more, Capobianco used the occasion to come to the forefront and state flatly that the possibility that the traffickers would defeat the UMOPAR was remote, thus implying that there was no room for the army in anti-drug enforcement.⁶⁶

Capobianco's Under Secretary, Loaysa Montoya, who had direct authority over the Bolivian police forces, also assessed the situation. Loaysa Montoya attributed expectations about the army intervention in the "war on drugs" to a stratagem of the

⁶² Such interpretation is cogent with the Cartagena Accord signed by the presidents of the United States, Bolivia, Colombia and Peru in February 15 1990. In this Accord, it is stated that repression of drug trafficking is essentially a police matter (Annex 3, IA of the Accord of May 1990).

⁶³ *ULTIMA HORA*, La Paz (May 8, 1990).

⁶⁴ *ULTIMA HORA*, La Paz (May 9, 1990).

⁶⁵ "I do not know where the ambassador may have gotten the information from. Bolivia has proven to be the first country in fighting narco-traffic in Latin America and has beaten all records of efficiency in that terrain." President Paz Zamora, in response to public complaints from United States Ambassador Robert Gelbard, *La Razon* (La Paz), (Sept. 27, 1990).

⁶⁶ *ULTIMA HORA*, La Paz (May 23, 1990).

political opposition.⁶⁷ According to Loaysa Montoya, enforcement must be dealt with by the police, and the chance that the UMOPAR might be overpowered by the traffickers was only remote. However, Loaysa Montoya felt that, despite the Paz Zamora administration's good record, it was prudent to train army units for the improbable event of an increase in the drug business.⁶⁸

The prevailing opinion at the United States Embassy was at variance with that of President Paz Zamora and his aides. Getting the army involved was a condition of the pledge Bolivia made to the United States. As a signatory to the Cartagena agreement and Annex 3 subsequently negotiated by Presidents Paz Zamora and Bush, Bolivia is formally bound to engage its armed forces in anti-drug efforts.⁶⁹ In addition to the formal promise, there were practical considerations. Although Bolivia is not enduring the nightmare of violent insurgency that plagues Colombia and Peru, cocaine traffickers exercise control over the remote region of Pando and over a number of villages in the northern region of the Beni.⁷⁰ United States and Bolivian authorities are also concerned with reports that Shining Path⁷¹ guerrillas are setting up encampments in north western Pando, a region that borders with the Peruvian and Brazilian Amazon.

Drug traffickers literally control the town of Santa Ana de Yacuma⁷² and San Ramon. A United States Embassy official

⁶⁷ Interview with Under Secretary Loaysa Montoya at the Ministry of the Interior (May 25, 1990).

⁶⁸ *Id.*

⁶⁹ Clause II-B of Annex 3 of the Cartagena Accord; see *ULTIMA HORA*, La Paz (Apr. 29, 1990). In September 1990, as a consequence of the Cartagena Accord, only Bolivia is still committed to the U.S. to engage its army in anti-drug operations as a last resource. Recently inaugurated Presidents Fujimori in Peru and Gaviria in Colombia have staunchly opposed such involvement. In the opinion of President Gaviria, "demilitarizing" drug enforcement despite military claims of considerable success, is a necessary means to reduce out-of-control violence. *Buenos Aires Herald*, Sept. 16, 1990.

⁷⁰ United States Ambassador Robert Gelbard conveyed his concern about this presence to the author in an interview held at the United States Embassy in La Paz, in September, 1989. Today, NAU officials confess that United States forces, the DEA in particular, would not dare deal with cocaine operations known to take place in that area, as revealed by a NAU agent during an interview with the author in La Paz (Oct. 1990).

⁷¹ "Shining Path" is an ultraleftist guerrilla organization known for its terrorist activity. They are believed to operate out of Peru.

⁷² La Paz newspapers narrate how traffickers wanted by the authorities for drug related offenses are able to walk around in broad daylight with no interference from the

maintains that in 1989, two helicopters transporting UMOPAR/DEA personnel to Santa Ana were assaulted in an incident during which the personnel involved could not respond effectively.⁷³ Had those personnel fired back, they would have injured innocent peasants.⁷⁴ This version is at odds with descriptions given by onlookers who recall a violent fray in which several peasants were killed.⁷⁵ The United States Embassy official's version was presumably styled to justify the pressure to involve the Bolivian army. According to the United States Embassy, Annex 3 of the Cartagena agreement prescribes that two light infantry regiments and an engineer battalion operate in the Chapare and Beni regions to watch over the northern Peruvian border.⁷⁶

II. A POLITICAL DILEMMA

The issue of army intervention left Bolivian officials in a quandary. While politicians found it crucial to underline the Paz Zamora administration's success in curbing the coca/cocaine business, the antithesis was also essential: calling in the army would please the U.S., for it would exhibit the staunchness re-

police. See *ULTIMA HORA*, La Paz (Feb. 17, 1990). See also, Wisotsky *supra* note 5 at 157.

⁷³ It is likely that the helicopters were actually hit by stones. A UMOPAR officer that participated in the event disclosed to the author that the UMOPAR/DEA force was compelled to take off by hostile peasants that surrounded them hurling stones at the helicopters. Interview in Villa Tunari (May 28, 1990).

⁷⁴ Interview with a high ranking NAU agent that the author met at the U.S. Embassy in La Paz on May 24 1990. The U.S. Embassy officer's version of the story is at variance with the data collected by the author. See *infra* note 78.

⁷⁵ Elva Morales, a special journalist from Cochabamba maintained that enforcement agents had opened fire on residents of Santa Ana. This story was corroborated by Jorge Torrico, adviser and relative to the Under Secretary of Social Defense, Gonzalo Torrico. In an interview, Jorge Torrico went further and stated that enforcement agents had opened fire on local politicians (interview with Jorge Torrico held at the Social Defense Ministry on May 22, 1990). UMOPAR officers also admit that they had opened fire on local residents and traffickers in a muddled episode (interview with Jorge Torrico in La Paz, Chapare (May 28, 1990)). There are also indicators that United States personnel were directly involved: A United States air force officer, Equatorian born Hugo Duque, was wounded and spent a few hours at the Hospital Clínica Belga in Cochabamba before being taken away to La Paz or the United States. Interview with Elva Morales in Cochabamba (Jan. 15, 1990). An interview with an unidentified NAU officer in Cochabamba (May 28, 1990).

⁷⁶ Annex 3, Section II(D.1.a). Interview with an unidentified high ranking NAU official at the U.S. Embassy (May 24, 1990).

quired to reverse other Latin American countries' incredulity; however, calling in the army would also imply that things were not going well. Clearly, a policy of highlighting the government's achievements on the one hand, and escalating the "war on drugs" on the other hand, are not compatible.

As a number of officials have revealed, large trafficking organizations remain intact. Eradicated plots of coca have been replaced by others in more inaccessible areas. In fact, most experts on the drug issue in Bolivia assert that the number of coca plots increased considerably in 1990.⁷⁷ A Bolivian counselor to the DEA stated that the official figures of eliminated coca do not reveal the real state of affairs: First, there is a considerable degree of deception in the accounting of the areas eliminated; second, new plantations in remote areas more than replace lost co-cales.⁷⁸ Furthermore, crop substitution in these new plantations is highly unlikely because the lack of roads in the region render it difficult, if not impossible, to transport and market perishable produce. Land amenable to growing coca in the Chapare and Isiboro Secure regions alone exceed three million hectares, which implies that, at the most, for every parcel sowed with coca there are thirty potential others.

Deputy Under Secretary of Social Defense, Jorge Torrico, stated that despite the Paz Zamora administration's "improvement" of the coca/cocaine situation, the amount of drug trafficking was surpassing the UMOPAR's capacities to control it.⁷⁹ This view conveys that this special police unit had its own shortcomings in providing solutions for the expansion of coca paste-making and for reaching the upper echelons of cocaine organizations.⁸⁰ These shortcomings, however, are a consequence of the UMOPAR's lack of adequate equipment and information.⁸¹

⁷⁷ The chief of the NAU (Narcotics Assistance Unit) of the United States Department of State until 1990, stressed this fact on several occasions in May and September 1990. The same opinion was espoused by Armando Aquino Huerta, a lawyer who was adviser to the DEA in Bolivia. Interview at Huerta's office in La Paz (May 24 1990).

⁷⁸ *Id.*

⁷⁹ Interview with Jorge Torrico, La Paz, Chapare (May 28, 1990).

⁸⁰ Interviews with NAU agent Gustavo in Cochabamba, and UMOPAR Captain Ayala, Chimoré, Chapare (May 29, 1990).

⁸¹ The UMOPAR equipment shortage is largely a consequence of the army's vetoing each attempt made by the United States Embassy to supply modern arms and communication gear to the UMOPAR. It seems that the army feared the UMOPAR could match

Besides equipment deficiencies there were other developments in 1990 that diminished the capability of the UMOPAR to fight drug trafficking. The NAU office in La Paz turned the UMOPAR training course, "Garras del Valor,"⁸² into an international event. The United States Embassy had dispatched joint American-Bolivian invitations to European and Latin American governments to have their police forces send officers to the "Garras del Valor" course.⁸³ The Americans and Bolivians thought the 55 day training program held in Chimoré would permit the international community to witness the professional capabilities the UMOPAR acquired from their United States trainers.⁸⁴ Unfortunately, opening the course to foreign officers had visible disadvantages: it shrunk the room available for UMOPAR personnel to attend the course and squandered limited resources on foreign agents. Furthermore, the effort turned out to be a futile extravagance. For most of the guest police trainees, the jungle scenario was alien to their countries' law enforcement needs. Italians and Spaniards flatly turned down their invitations to participate. German, Argentine and other police forces who did attend were baffled by the exotic environment where the course was taught. In Argentina and Ecuador, drug enforcement takes place in urban areas rather than the bush. European agents had never even seen such a setting or ever considered operating in it. It was no surprise that most of the guest trainees either did not start the course or did not complete it.⁸⁵ In short, resources were wasted, at the expense of the UMOPAR, for the sake of the NAU and DEA's image.⁸⁶

their own capabilities. See Malamud Goti, *supra* note 7, at 135. Also M. Benitez Larroca, *UMOPAR Libra Una Batalla Desigual Contra el Narcotráfico en Chapare*, PRESENCIA, La Paz (Mar. 18, 1990).

⁸² The English translation of Garras del Valor is "Clutches of Valor."

⁸³ According to the La Paz journal, PRESENCIA, the invitations were issued by U.S. Embassy high official, Brian Stickney as well as General Felipe Carvajal, commander of the Bolivian police force. PRESENCIA, La Paz (Jan. 27, 1990).

⁸⁴ The complaint that the UMOPAR was not equipped with sufficient ammunition, uniforms, mattresses and so forth did not apply to the "Garras del Valor" course. Officers in this program do not endure any such shortages (Interviews with UMOPAR Captain Ayala, and Paraguayan NAU agent Gustavo in Chimoré, Chapare, on May 29, 1990).

⁸⁵ *Id.* Interview with Enrique Valverde, Villa Tunari, Chapare (May 30, 1990).

⁸⁶ UMOPAR and NAU officers in the Chapare believe that the idea came from top NAU agents in La Paz. Interviews with unidentified officers conducted in the Chapare, May 27 - 30, 1990.

After the Cartagena summit in February 1990, the United States Embassy stressed the American demand for the involvement of the army and that the State Department would contribute 33 million dollars in war equipment, conditioned largely on the army's engagement in the "war on drugs." The U.S. plea had a strong impact on the generals in Bolivia and the Bolivian military's view of its role in the "war on drugs" shifted dramatically. Abandoning the abstentionist position they had held in 1987,⁸⁷ those who participated in the discussions at the U.S. Embassy carried with them a long list of items that had caught their eye. United States expectations provided a unique opportunity to obtain these items. Although many Bolivian observers believe that the military were merely receiving post-Korean war scrap,⁸⁸ the Bolivian military who visited the U.S. Embassy were not disenchanted. A U.S. diplomatic official recalled his perplexity when the generals unrolled their inventory list: "We were surprised that they did not demand submarines and aircraft-carriers", he recalls.⁸⁹ Bolivia is a land-locked country.

Not all the officers in the Bolivian army agreed with the government's resolution to engage the army in interdiction. Some high-ranking officers were skeptical, largely for three reasons. First, previous attempts to coordinate the army's action with that of the police had posed insurmountable difficulties;⁹⁰

⁸⁷ *Supra* note 12 and accompanying text.

⁸⁸ Interviews with Hugo Cochamanidis, head of the Direccion Nacional de la Coca, La Paz (May 24, 1990); and Bolivian congressman Ernesto Machicado, La Paz (May 25, 1990).

⁸⁹ Interview with an official from the U.S. Embassy who asked not to be identified (May 23, 1990).

⁹⁰ In "Operation Blast Furnace," staged in Bolivia in 1986, 160 U.S. military troops and UMOPAR units were transported into the Beni, the Chapare, and Santa Cruz on six United States Black Hawk helicopters. An airlift was set up between La Paz and Trinidad where the operation's headquarters was established. Louis Goodman and Johanna S.R. Mendelson quote Colonel Michael Abbott, a participant in the operation, as stating that future undertakings such as "Blast Furnace" were not highly probable because: (1) the costs are not compensated by the potential gains; (2) real payoffs are not relevant once the operation is over; and (3) no country is likely to ask the United States to carry out such operations because the political cost of having U.S. troops at home is too high. See Goodman, *The Threat of New Missions: Latin American Militaries and the Drug War*, in *THE FUTURE OF CIVIL-MILITARY RELATIONS IN LATIN AMERICA*, at 193 (1990). According to NAU official Enrique Valverde, one of the top United States army officers in the "Blast Furnace" operation stated off the record that coordination between the army, the UMOPAR and the DEA was impossible. This United States army officer added that

second, corruption is an everlasting danger for many officers; third, army officers' nationalism threatens to jeopardize the Bolivian's administration's endeavors to improve its relations with U.S. diplomats and drug enforcement officers deployed in Bolivia. Since late 1989, Bolivian "Special Forces" had been under the unified command of a retired, reputable army general named Lucio Añez.⁹¹ In October 1990, General Añez indicated that despite his own military background, he did not believe that, once into the "war on drugs", the "Special Forces" would be any safer from the economic temptations of cocaine than the UMOPAR or the army. He also has suggested that harmony between the military and the UMOPAR at this stage was unlikely.⁹² In fact, the possibility that the army and the UMOPAR would cooperate seemed almost non-existent.

There appeared to be three equally non-viable alternatives: First, each force might operate independently. This option was untenable to all parties because it meant inter-force conflict and inefficiency. Second, the joint command might be unified under the control of army officers. The UMOPAR found this option intolerable. President Paz Zamora had ordered the army to support the UMOPAR with intelligence and logistics, thereby relegating the military to a secondary role;⁹³ and the UMOPAR had reasons to believe that since they were the ones who risked their skins in the jungle, they should be granted a central role. Third, unified leadership might be conferred on the UMOPAR. The armed forces, however, found this option insufferable. The military had traditionally viewed the police as pariahs, historically relegated to less important matters than defending the country's sovereignty. This view was clearly laid out by Marcelo Quiroga Obregon, a member of the Lower Chamber Defense Commission.

he would vehemently oppose any attempt to stage another such operation because coordination and cooperation between the participating forces was deplorable. Interview with Enrique Valverde at Villa Tunari, Chapare, (May 26, 1990).

⁹¹ According to the "Dangerous Drugs" police superintendent in Buenos Aires (Superintendencia de Drogas Peligrosas), General Añez had a unanimous reputation for his personal decency and democratic convictions. Interview on July 11, 1990.

⁹² Interview with General Lucio Añez, May 31, 1990.

⁹³ Samuel Doria Medina, Bolivian presidential adviser, added that the army's role should be confined to contributions toward building an infrastructure which would facilitate the implementation of an alternative development plan. *PRESENCIA*, La Paz (Mar. 16, 1990). This view is widely shared by scholars and politicians in Bolivia today.

Quiroga Obregon rejected the possibility of subordinating the army to the UMOPAR because the former "were born before the Republic and represents the country's fundamental custodian which cannot therefore be subordinated to any other institution than the Constitution."⁹⁴

Military contempt for the police force has a long history. This contempt turned to hatred in 1952, when the Paz Estenssoro revolution toppled the junta of General Ballivián. To this day, the generals are unable to forget that the police force not only supported Paz Estenssoro against the army-led dictatorship, but that they also ventured to close down the military academy.⁹⁵ The army viewed the events of 1952 as a challenge to their *esprit de corps*. In 1990, the prospect of the army joining the UMOPAR in drug enforcement re-opened these old wounds.

III. THE NEW "WAR": THE ARMY VS. THE POLICE

When the interim Commander in Chief of the Army, General Guido Sandoval, stated that the armed forces were ready to "broaden" anti-drug operations, then limited to the police, it was clear that trouble over institutional hegemony had emerged. The chief of the UMOPAR, General Felipe Carvajal reacted briskly by cutting the army down to size. Voicing the convictions of the UMOPAR, Carvajal announced publicly that the army would have to subordinate its job to the UMOPAR.⁹⁶ The head of the UMOPAR explained that the experience and technical skills of the force demanded that the army make do with a secondary role in drug enforcement.⁹⁷ Seemingly, there was no way to minimally satisfy the aspirations of both the army and the UMOPAR.

In early April 1990, President Paz Zamora ordered the Barrientos and Ustariz infantry regiments to get ready to fight cocaine traffic in the Chapare jungle. Shortly before the drill started in May, the commanding officer of the Barrientos unit, Colonel Rodriguez, conveyed to civilians in Cochabamba that

⁹⁴ ULTIMA HORA, La Paz (Apr. 4, 1990). Seemingly, Quiroga Obregon overlooked the president as the constitutional commander of the armed forces.

⁹⁵ For an account of these developments see DUNKERLEY, *supra* note 36 at chapter 1.

⁹⁶ ULTIMA HORA, La Paz (Mar. 21, 1990).

⁹⁷ ULTIMA HORA, La Paz (May 31, 1990).

once joint drug enforcement operations got started, the first task the Bolivian army was ready to tackle would consist of cracking down on the UMOPAR and the DEA. According to the Colonel, the UMOPAR deserved to be dismantled due to what amounts to a twofold contamination: a large sector of the UMOPAR had been bought off by the traffickers, and the entire force had sold its loyalty to the DEA *Yankis*, a bunch of corrupt interlopers.⁹⁸ From other similar declarations recorded at that time, foreign intelligence in La Paz revealed that Colonel Rodriguez had not spoken out of personal eccentricity. The colonel's opinion was shared by many of his comrades.⁹⁹

The declared animosity against the UMOPAR and the DEA proved serious. In addition to a series of minor hostile incidents between the army and the UMOPAR, the army also demonstrated a lack of sympathy for the DEA. Officers from the Barrientos regiment stationed on the road leading from the town of Cochabamba to the Chapare arrested three DEA agents on the grounds that the men did not carry adequate personal credentials.¹⁰⁰ The United States Embassy considered the act exasperating, given the diplomatic status of the DEA personnel.

The entry of the Barrientos infantry regiment, on maneuvers into the Chapare, posed a "dissuasive, psychological obstacle"¹⁰¹ to traffickers, according to their commander, General Victor Vargas. These maneuvers became a landmark in the history of friction between the army and the police. On May 7, a group of young army officers attacked four UMOPAR agents near their barracks in Villa Tunari, after threats and provocations from a dozen officers of the Barrientos regiment. During this incident, which occurred at a canteen near Villa Tunari, three of the UMOPAR agents managed to escape. The fourth

⁹⁸ Opinion voiced to Enrique Valverde, ex-head of the NAU in Cochabamba, by a high military source. The source was not identified. Interview with Enrique Valverde in the Chapare village of Irvirgarzama, May 26, 1990.

⁹⁹ Interview with an Argentine intelligence agent who asked not to be identified (May 21, 1990).

¹⁰⁰ Interview with Enrique Valverde, former head of the NAU in Cochabamba (May 26, 1990).

¹⁰¹ The commander of the airborne brigade, General Victor Vargas declared that the presence of the army posed a psychological deterrent to the traffickers. The army's salient role in protecting the "internal order" also safeguarded the peasantry from alleged abuses from the UMOPAR. Opinion, Apr. 15, 1990.

agent, a corporal named Mariani,¹⁰² was caught after unsuccessfully attempting to hide in his girl friend's room at the back of the canteen. A brief description of circumstances surrounding the beating of Corporal Mariani did not indicate personal feud, but rather institutional incompatibility.

Mariani was severely battered and later driven away to the Barrientos regiment's bivouac where he was beaten almost to death. On May 11, UMOPAR Captain Ayala was called from the Barrientos regiment to take the corporal back to his unit. Based on the physical condition of the corporal, the captain demanded that a written report with a description of Mariani's injuries be signed by military officers. Ayala wanted to avoid the responsibility in the event the corporal did not make it to a hospital alive.¹⁰³

After being flown from the Chapare to a hospital in the city of Cochabamba, Mariani was confined in the intensive care unit for five days. He was still convalescing from the incident at the end of May. The military personnel who had beaten Mariani explained to the army colonel in charge of probing the episode that the victim had been trying to take photos of them. This frail attempt to justify the aggression was thwarted by eyewitnesses who declared that the battered corporal was not carrying a camera at the time of the incident. The investigation brought about further grievances from UMOPAR personnel. Interrogated by army officers conducting the probe, they complained of being inquisitorially dealt with during the investigation, maintaining that they were treated by the colonel and his staff as suspects instead of witnesses.¹⁰⁴

In the aftermath of the Mariani incident, the commander in chief of the army declared that the episode had not altered the "normal activities of both forces."¹⁰⁵ UMOPAR officers did not agree with this statement, as evidenced by the brisk response of the head of the "Garras del Valor" course. In response to the top army commander, UMOPAR Captain Ayala asserted that "fu-

¹⁰² Some versions referred to the corporal as "Mamani".

¹⁰³ Interview with Captain Ayala of the UMOPAR in Chimoré (May 29, 1990). Enrique Valverde agreed with Ayala's version of the story. Interview with Enrique Valverde (May 29, 1990).

¹⁰⁴ An unidentified UMOPAR officer interviewed in Chimoré (May 29, 1990).

¹⁰⁵ PRESENCIA, La Paz (May 16, 1990).

ture provocations" from the army would bring about "unwavering retaliation" from the UMOPAR.¹⁰⁶ This response was not issued by a formal spokesman for the UMOPAR and did not carry the appropriate style required to handle the inter-force conflict; but it did make clear that underneath the Mariani incident lies a deeper confrontation. Corporate friction is likely to neutralize any attempt at attaining an acceptable degree of cooperation between the UMOPAR and the armed forces. By mid-May, the pessimistic forecast that cooperation between the army and the police would not work proved to be correct. Two recent events demonstrate this point.

In May 1990, the second officer in command of the UMOPAR in the Chapare outpost of Chimoré was Major Ramiro Ortega. Through an internal memorandum Ortega reported another perplexing incident to the commander of the Bolivian Special Forces, army General Lucio Añez. According to the memorandum, on the morning of May 10th, Army personnel opened fire on the UMOPAR helicopters to deter them from flying over their encampment. The helicopters immediately flew away in order to avoid a confrontation.¹⁰⁷

The head of the anti-drug forces, General Añez, notified his colleague, Army Commander-in-Chief General Moreira, of the incident. Moreira tried to downplay the report as if nothing serious had happened. To quell the gravity of the accusation and calm public opinion, General Moreira attributed the incident to the "hyper-sensitivity of the UMOPAR."¹⁰⁸ It is unlikely that Moreira's statement had an ameliorating effect on those concerned with the dispute. In fact, the general's reaction had an opposite effect.

In political circles, General Añez's reply to Moreira's complaint was interpreted as too nonchalant as well as untimely. Coincidentally, a bloody occurrence in the Chapare village of Isinuta raised suspicions of further army aggressions against the UMOPAR. A hand grenade hurled at a UMOPAR officer sitting at a bar killed the agent and four civilians, including a four year

¹⁰⁶ *Id.*

¹⁰⁷ ANF News Agency (La Paz), May 17, 1990.

¹⁰⁸ ULTIMA HORA, La Paz (May 22, 1990).

old child, and wounded several bystanders.¹⁰⁹ The assassin was found drunk a few hours later by an enraged mob which burned him to death in a hair-raising execution. The man was a well known "desperado" with links to drug traffickers from Santa Cruz. Although the incident was horrifying, it could have been passed off as an inconsequential felony; an act of sheer lunacy. Nevertheless, UMOPAR officers and regular policemen conducting the investigation grew increasingly suspicious that the military stationed in the Chapare had been behind the event. Examination of the grenade shrapnel indicated that the explosive was of the type to which only the army has access.¹¹⁰ UMOPAR personnel in the Chapare conjectured that this criminal onslaught was designed to demonstrate that the UMOPAR was unable to control the situation, thereby compelling army intervention.

Despite theories as to the origin of the grenade, it is possible that suspicions of military officers' involvement in the quadruple murder were exaggerated. However, the apparently senseless Mariani and helicopters affairs gave much credence to the UMOPAR's misgivings. At the end of May 1990, there was a generalized conviction among the UMOPAR that they would have to safeguard themselves from any treachery that soldiers from the Barrientos or the Ustariz could unleash.¹¹¹ Several politicians attributed this grim picture of joint UMOPAR-Army endeavors to the United States Embassy. Bolivian Congressman Gregorio Lanza claims that Americans in Bolivia not only brought about — but also set the pace of — the UMOPAR/Army confrontation. Congressman Lanza asserts that Americans have done this by urging the policy of military intervention in Bolivia, and by usurping such decisions as which regiments or forces to deploy and the role they were to play.¹¹²

¹⁰⁹ Interview with Enrique Valverde, *supra* note 103. An interview with a regular police officer investigating the case who asked not to be identified (May 29, 1990).

¹¹⁰ An oral report was submitted to one of the top officers in the Chimoré training course "Garras del Valor" by a regular policeman commissioned to probe the incident on May 28, 1990. The author was present at that meeting.

¹¹¹ Conversation between Valverde, a NAU agent called Gustavo and the unidentified police officer conducting the investigation. Interview in Villa Tunari, Chapare (May 30, 1990).

¹¹² See G. Lanza, *Policia, Fuerzas Armadas y Trafico de Drogas*, PRESENCIA, La Paz, at 8 (Apr. 28, 1990).

IV. BEARING THE BRUNT OF THE WAR: HUMAN RIGHTS VIOLATIONS

The reputation of the UMOPAR and the DEA agents in Bolivia remains controversial. Inhabitants of the Beni, the Chapare and the Yungas accuse the UMOPAR of harassment and pillage performed with DEA support.¹¹³ This view, repeatedly espoused by coca growers, has been backed by the Bolivian Senate¹¹⁴ and large sectors of the Catholic Church. The citizenry of the Beni, including farmers and businessmen, issued a strong condemnation against UMOPAR procedures claiming they posed a serious risk to innocent inhabitants of the region.¹¹⁵

The Government's responses clearly suggest that the accusations are true. The administration's Under-Secretary of Social Defense, Gonzalo Torrico, reacted by blaming the traffickers for what he deemed were slanderous charges against the "Special Forces."¹¹⁶ In contradicting Under-Secretary Torrico, Interior Minister Guillermo Capobianco flatly admitted that the UMOPAR had perpetrated abuses against the populace in the Chapare and the Beni. Capobianco advised the UMOPAR personnel in the Chapare to have "more respect for civilians" given the well-grounded accusations that the force had been abusing women and illegally "hindering trade."¹¹⁷

In October 1990, Bolivian Congressman Julio Mantilla Cuellar publicly declared that the UMOPAR had been exacting monies from coca growers in the province of the Yungas. Mantilla Cuellar formally requested that the Interior Ministry inform the

¹¹³ Interview with E. Morales, *supra* note 75; interview with two unidentified members of the San Miguel's "cocaleros union," (Sept. 16, 1989). See also W. WALKER III, *DRUG CONTROL IN THE AMERICAS* 200 (1989).

¹¹⁴ The Bolivian Senate probed thirty-two cases of pillage and "other abuses" in the Beni. Human rights organizations promoted the investigation of further abuses. According to the Senate's spokesman, none of these allegations were answered by the heads of the UMOPAR. *PRESENCIA*, La Paz (Apr. 13, 1990).

¹¹⁵ See *PRESENCIA*, La Paz (Dec. 13, 1989).

¹¹⁶ *PRESENCIA*, La Paz (Mar. 17, 1990).

¹¹⁷ See Minister Capobianco's address to UMOPAR officers in the Chapare, *Presencia* (La Paz), Mar. 16, 1990. Observers of the Chapare acknowledge today that the brunt of indiscriminate police repression is almost exclusively borne by poor "cocaleros" and the landless labor force in the Chapare region. See, e.g., M. PAINTER, *INSTITUTIONAL ANALYSIS OF THE CHAPARE REGIONAL DEVELOPMENT PROJECT (CRDP) 42* (The Institute for Development Anthropology, Clark University, Worcester, Mass)(1990).

Lower House of Congress about reported cases of torture and property invasion perpetrated by the UMOPAR.¹¹⁸ Additionally, the Congressman sarcastically requested information about the UMOPAR's authority to collect taxes.¹¹⁹

As the last decades of Bolivian history have demonstrated, the already existing infringement on the public liberties of the peasants can be expected to worsen as a consequence of any army intervention. The "unnecessary violence" to which Paz Zamora referred as a reason for keeping the military out of anti-drug enforcement¹²⁰ clearly implies that "taxes" upon peasants as well as extra violence will march with the army into the Chapare.

V. SOME CONCLUSIONS

The issue of military involvement in the "war on drugs" poses inescapable paradoxes to the Bolivian government. Acquiescing to United States pressure to have the Bolivian army join the fight against cocaine trafficking would satisfy American expectations. It would also lend credence to the Bolivian government's stated goal to combat the drug trade. By calling in the army, Paz Zamora demonstrated his administration's resolution to take the bull by the horns, once and for all. On the other hand, this apparent solution to drug trafficking poses a dilemma: to justify the army's intervention, the Bolivian government would have to admit that the "Special Forces" have failed to control drug trafficking. This admission would convey a poor image of the "Special Forces" enforcement abilities. If the government continued to claim that their special forces' efforts in the drug war have been successful, there would be no apparent reason to "militarize" enforcement. To be "doing well" in drug enforcement while concurrently militarizing anti-cocaine trafficking endeavors for the purpose of improving drug enforcement capabilities is visibly contradictory.

Those factions responsible for the control of the police have gloated over their success in preventing the army's intervention in the drug wars. Other members of the government vary in

¹¹⁸ PRESENCIA, La Paz (Oct. 1, 1990).

¹¹⁹ *Id.*

¹²⁰ ULTIMA HORA, La Paz (May 8, 1990).

their views of the situation. The varying evaluations about the need for the army's intervention and the degree of support for the United States position have little to do with the real problems of fighting cocaine trafficking and much to do with the politics of sectoral interests.

The apparent increase in power the military lends to control the cocaine trade, has caused unrest among other branches of drug enforcement. As a new, well-defined interest group to the players involved in fighting the so-called war, the army has collided with the UMOPAR and the DEA and eventually will conflict with the navy. The army's initial involvement in the Chapare brought about clashes with the UMOPAR, followed by open quarrels at the upper echelons of the forces. Conflict among the enforcers has taken the place of cooperation and may hinder any efforts to combat trafficking.

Eventually, the military will move back into a central political position as the breadth and weight of the cocaine problem in Bolivia increases. Presumably, this will lead to the deterioration of the already weak, newly-established democratic institutions. In addition, the recent involvement of high-ranking army officials in the cocaine business demonstrates the tendency of military officers to establish alliances with drug traffickers. It is in all likelihood that a new cocaine dictatorship similar to that of General Garcia Meza may reign once more in Bolivia.

The army's intervention is unwarranted. The failure of enforcement is not the consequence of the personnel or means employed in the drug war to date.¹²¹ Rather, it is the result of the misconceived war policy.

Bolivian coca growers have endured extreme violence from the army in the 1970's and early 1980's, and from the UMOPAR now. Political determination to end such violence is likely to be more ineffective as additional agencies are thrown into the war on drugs, especially if one these agencies is the army.

¹²¹ Malamud Goti, *supra* note 7.