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Colombia: The Problem of Illegal Narcotics and U.S. - Colombian Relations

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Summary

The United States has long been concerned with Colombia as a major producer and trafficker of the illegal narcotics entering this country: first marijuana, then cocaine, and now also heroin. Colombia's drug trafficking business has been dominated by two cartels during the two decades in which cocaine trafficking became a major activity: first the Medellin cartel, which dominated during the 1980s and then the Cali cartel, which dominated during the early 1990s. With the arrests of the major Cali cartel leaders in the mid-1990s, independent traffickers have filled the void.

The rise of the cartels had significant social, political, and economic effects in Colombia. During the 1990s, U.S. officials became highly troubled by the degree to which leaders of the drug-trafficking organizations had become accepted into the mainstream of Colombian life and allegedly influenced the political system through funds passed to politicians. Bilateral relations deteriorated significantly with the inauguration to a four year term in August 1994 of President Ernesto Samper, whose campaign received funds from drug lords.

In March 1996 and March 1997, the Clinton Administration "decertified" Colombia in the annual review of cooperation on counternarcotics efforts, faulting the administration of President Samper for insufficient efforts to control traffickers. Decertification led to the required cut-off of certain categories of aid which Colombia was receiving. These included Foreign Military Financing (FMF), International Military Education and Training (IMET) funds, investment guarantees for U.S. businesses through the Overseas Private Investment Corporation (OPIC) and trade financing for U.S. business through the EXIM Bank.

Decertification also required U.S. representatives to international financial institutions to vote against funding for Colombia; funding to Colombia continues through the World Bank and through the normal (i.e., nearly market-rate) lending accounts of the Inter-American Development Bank (IDB), but the threat of the U.S. veto has blocked funding to Colombia through the IDB's concessionary rate, local currency fund. The Administration has not invoked discretionary sanctions, which would curtail trade tariff preferences.

Nevertheless, bilateral counternarcotics efforts continue. Substantial funding has continued through the State Department's counternarcotics program, as permitted by the decertification. In mid 1997, the Clinton Administration authorized resumed FMF and IMET funding to Colombia's security forces, and now provides assistance to the Colombian National Police, the air force and the navy. Assistance to the Colombian army may be provided once the State Department scrutinizes information from the Colombian army on the human rights records of units which would receive the aid.

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Colombia: The Problem of Illegal Narcotics and U.S. - Colombian Relations

Colombian Drug-trafficking Organizations¹

With most of their leaders dead or jailed, the powerful cocaine cartels of the 1980s are declining and apparently being replaced by independent traffickers, who increasingly deal in heroin. The **Medellin cartel** became prominent in the early 1980s, as cocaine replaced marijuana as Colombia's primary illegal export and Colombia became the source of most of the world's supply. (Colombia has also become an increasingly important producer of coca leaf, the raw material from which cocaine is produced. It still ranks behind Peru and Bolivia in coca leaf production, but in 1997 it surpassed both countries in the amount of land dedicated to coca cultivation.) Since its former leader, Pablo Escobar, was killed by security forces after escaping from jail in December 1993, the Medellin cartel has also appeared quiescent, even though in 1996, Escobar's No. 2 man, Jorge Luis Ochoa, and Ochoa's two brothers, Juan David and Fabio, were released after serving less than six years in jail.

Despite the incarceration or death of its principal leaders over the last few years and its apparent decline, the **Cali cartel** remains the primary Colombian trafficking organization, although independent traffickers (see below) are increasingly moving into the market. Much more sophisticated than its predecessors, the Cali cartel "fashioned itself after the Sicilian Mafia and the La Cosa Nostra."² It "pioneered large-scale shipment to the United States and sophisticated money-laundering schemes, and shared these innovations with others..."³ At the height of its power earlier in the 1990s, the Cali cartel earned annual revenues of \$7 billion, according to the U.S. Drug Enforcement Administration (DEA). The cartel's activity reportedly began to decline with the arrest of several leaders in 1995, but drug proceeds remain high. According to DEA testimony in February 1996, by the estimate of Colombian economists, the Cali cartel was then repatriating \$4.5 billion per year to Colombia.

¹ Sources for this section include DEA testimony to Congress. Where cited, the testimony is referred to by date. Thomas A. Constantine, DEA Administrator, testified to the House Subcommittee on the Western Hemisphere, House International Relations Committee, on September 12, 1996, and June 6, 1996; to the House Subcommittee on National Security, International Affairs and Criminal Justice, Committee on Government Reform and Oversight, on September 19, 1996; and to the House Banking and Financial Committee, February 28, 1996.

² DEA Congressional testimony, op.cit. June 6, 1996.

³ *Washington Post*, Drug Lords Feuding in Colombia, June 10, 1996.

The Colombian National Police first arrested a Cali cartel leader, Gilberto Rodriguez Orjeuela, in June 1995. By September 1996, police had arrested the remaining top Cali leaders, including Rodriguez' brother, Miguel. Both brothers pleaded guilty to trafficking in June 1996, and were sentenced in January 1997, Miguel to 9 years and Gilberto to 10. In mid-1997, the DEA testified that the incarcerated Rodriguez Orejuela brothers continue to operate, but "they are unable to control their vast empire from jail" to the extent that they previously did when their empire "reached into the cities and towns of the United States either through their U.S.-based infrastructure or their surrogates who sold crack cocaine on the streets..." Now others, principally Mexican organized crime families, have become the dominant figures in the cocaine trade and the U.S. wholesale market. Nevertheless, according to DEA, "the remnants of the Cali group still directed by the Orejeulas [sic], as well as Cali splinter groups such as the Grajales-Urdinolas, [remain or] have become powerful forces in their own right."⁴

Several groups of **Colombian "independent" traffickers** from the northern Cauca Valley have become prominent in cocaine trafficking and have expanded their activities through the sale of cheap, high quality heroin that is 80 to 90 percent pure. Heroin became a significant export from Colombia after 1990, when substantial opium poppy cultivation in Colombia was first reported. The DEA predicted in early 1997 that, if the current trend continued, Colombia's independent traffickers would dominate the heroin market in North America by 2000. (The Colombian export of heroin to the United States in 1997 was only slightly higher than that of 1996, however.) These groups market heroin throughout the Northeast and East Coast, using groups from the Dominican Republic "to handle, and to some degree, control wholesale and street level distribution of cocaine and heroin."⁵

Links with the Guerrilla Organizations

Colombia's illegal narcotics industry also receives support from leftist guerrilla groups, and provides financing for those groups. The Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) are paid by traffickers to protect crops, laboratories, storage facilities, and airfields from government anti-narcotics efforts.⁶

The Problems of Violence And Corruption⁷

⁴ Testimony of Donnie Marshall, DEA Chief of Operations, before the Subcommittee on National Security, International Affairs and Criminal Justice, July 9, 1997. Available at www.usdoj.gov/dea/pubs/cngrtest/ct970709.htm.

⁵ Ibid.

⁶ National Narcotics Intelligence Consumers Committee. The NNICC Report 1995: The Supply of Illicit Drugs to the United States. August 1996. DEA-96024. p. 15.

⁷ This section is based largely on news reports from the *Miami Herald*, the *Washington Post* (continued...)

Colombia has long been troubled by violence and corruption associated with drug trafficking. The Medellin cartel had attempted to force the government to desist from efforts to curb trafficking largely through assassinations and bombings. In the 1980s and early 1990s, hundreds of policemen, judges, and journalists, as well as four presidential candidates were killed, and the Medellin cartel was believed responsible for many of the killings. The Cali cartel has been seen to operate differently, trying to insinuate itself into elite social and political circles and depending largely on corruption rather than violence to achieve its ends.

Analysts point to the corrosive effects of the illegal narcotics industry on Colombia. A noted Colombian analyst states that the country's weak and elite-based institutions provided an opportunity for the rise of the drug cartels in the 1980s, which in turn weakened the state further through "pervasive" detrimental effects on Colombian society. "The industry's illegal nature coupled with its substantial profits have exacerbated the problems of violence and have contributed substantially to the growth of the underground economy and corruption in society and state institutions," writes Francisco Thoumi. The illegal narcotics industry "took advantage of and enhanced the weaknesses of the state, accelerating its decline as a provider of a framework in which society operates."⁸ The pervasive corruption has led some critics to label Colombia a "narcodemocracy," but others find the label unfair because many government officials and other Colombians reject drug trafficking.

Influence on the Political System

Revelations of connections between members of Colombia's political elite and prominent drug traffickers first surfaced after President Ernesto **Samper** Pizano's August 1994 inauguration. Soon after President Samper's election in May, reports were published that he had accepted Cali cartel funds. As investigations into Samper's campaign finances took place in 1994 and 1995, reports began to circulate of longstanding ties between drug traffickers and several prominent members of the Colombian elite. In August 1995, at a time when 12 members of the Colombian Congress were under investigation for drug-related corruption, Colombian legislators publicly acknowledged drug traffickers' influence in the country's political system. One member of the Colombian Congress stated that most political campaigns had received money from drug traffickers over the previous 15 years.⁹ Although President Samper was eventually cleared by the Congress of charges brought against him by the country's prosecutor general,¹⁰ several members of Colombia's legislature

⁷(...continued)
and the *New York Times*.

⁸ Francisco Thoumi. *Political Economy and Illegal Drugs in Colombia*. Boulder: Lynn Rienner Publishers, 1995. p. 5. Thoumi is an economist and one of Colombia's foremost experts on narcotics trafficking.

⁹ Drug Investigation in Colombia Puts Focus on Ruling Class. *Washington Post*, August 23, 1995.

¹⁰ In February 1996, Prosecutor General Alfonso Valdivieso formally accused President
(continued...)

were eventually arrested and jailed for “illegal enrichment” because of their acceptance of drug money.

Effects on the Economy

Although conventional wisdom among Colombians apparently has held, at least until recently, that the drug trafficking industry benefits Colombia’s economy,¹¹ some analysts have concluded that the overall economic effects are negative. Thoumi describes the illegal narcotics trafficking industry as “an expression of primitive and raw capitalism that contradicts the spirit of change....the industry concentrates income, weakens the legitimacy of property rights, discourages growth in the economy’s formal sector, makes it harder for the government to collect taxes, [and] necessitates increased expenditures...”¹²

Drug traffickers use many individuals and businesses to launder money abroad. As of its latest posting, the U.S. Treasury has placed some 482 individuals and companies (with Colombian addresses) on the Specially Designated Narcotics Traffickers (SDNT) list, developed under the International Emergency Economic Powers Act (IEEPA) of October 1995. This is a list of individuals and companies believed to be operating on behalf of, or owned or controlled by drug traffickers. The U.S. assets of these businesses and individuals are frozen and Americans are prohibited from doing business with them. Among the businesses are several large poultry farms and processing plants, investment and import/export firms, and real estate developers.¹³

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¹⁰(...continued)

Samper of four crimes stemming from the alleged receipt of cartel monies. Evidence against Samper included testimony by his campaign treasurer that the campaign had received \$5.9 million in such funds. Samper insisted that he was unaware of the contribution. After a congressional committee investigated the accusations, Colombia’s House of Representatives cleared the President, 111-43, of the four charges in June 1996.

¹¹ The World Bank estimates that drug trafficking produces an amount equivalent to seven percent of Colombia’s Gross Domestic Product (GDP). See: Colombia: Country Overview, on the World Bank website, <http://www.worldbank.org/html/extdr/offrep/lac/colombia.html>.

¹² Thoumi, op.cit., pp. 5-6.

¹³ The list, dated September 9, 1997, is available at: www.fedworld.gov/pub/tel/t11drugs.pdf, or through the U.S. Treasury Office of Foreign Assets Control home page at www.ustreas.gov/treasury/services/fac/fac.html. Types of businesses described in a Reuters dispatch. January 15, 1997.

¹⁴ Sources include: Guy Gugliotta and Jeff Leen. Kings of Cocaine: Inside the Medellin (continued...)

Traditionally close bilateral relations began to deteriorate in the 1980s as the United States and Colombia differed sharply over approaches to curb illegal cocaine trafficking. Counternarcotics cooperation on marijuana control had been close in the 1970s, and in 1979, the two countries signed a bilateral extradition treaty, just as cocaine was growing into a multibillion dollar export. The U.S. and Colombian perspectives on counternarcotics strategy began to diverge in the mid-1980s, however, as the Medellin cartel retaliated against the government when then-President Belisario Betancour decided to extradite several cartel leaders after the May 1984 murder of Justice Minister Rodrigo Lara Bonilla. Since then, Colombia's priority has been to reduce the violence, while the U.S. priority has been to eliminate the production and trafficking of illegal narcotics.

Former President Cesar Gaviria (1990-1994) broke with his predecessor's policy of extraditing drug traffickers to the United States. In September 1990, he offered drug traffickers the option of trial in Colombia if they turned themselves in and confessed to a crime.¹⁵ This brought relative peace to Colombia as drug violence abated, but provoked strains in bilateral relations, particularly because plea-bargain deals with major traffickers gave them sentences as short as three years. Another cause of friction was Colombia's adoption in 1991 of a new constitution forbidding extradition.

After President Ernesto Samper of the Liberal Party took office in August 1994, relations deteriorated still further. Clinton Administration officials stated that Samper had disregarded U.S. warnings of cartel contributions to his campaign, incurring their distrust. Nevertheless, the Clinton Administration certified Colombia on national interest grounds in the annual narcotics cooperations review of March 1995, even though President Clinton found that Colombia was not cooperating fully on counternarcotics efforts. In March 1996, however, the President "decertified" Colombia, although the Administration acknowledged successes in 1995, including drug seizures, the destruction of clandestine airfields, and the arrest of several top Cali cartel leaders.

Effects of Decertification.

The decertifications led to the required cut-off of certain categories of aid which Colombia was receiving. These included Foreign Military Financing (FMF), International Military Education and Training (IMET) funds, investment guarantees

¹⁴(...continued)

Cartel. New York: Simon and Schuster, 1989; and Dennia M. Hanratty and Sandra W. Meditz, eds., *Colombia: A Country Study*. Washington, D.C.: Department of the Army, 1990.

¹⁵ Extradition has never been well-regarded by Colombian citizens. According to polls conducted by the U.S. Information Agency (USIA), the 11% of Colombians who favored extradition in July 1991 had grown to 31% in December 1996, when most Colombians, 66%, still opposed extradition even though opponents had shrunk from 86% in 1991. From: "Colombian Views on Illegal Narcotics," January 28, 1997, by the USIA Office of Research and Media Reaction.

for U.S. businesses through the Overseas Private Investment Corporation (OPIC) and trade financing for U.S. business through the EXIM Bank. The decertification also required U.S. representatives at international financial institutions to vote against funding for Colombia; funding to Colombia continues through the World Bank and through the normal (i.e., nearly market-rate) lending accounts of the Inter-American Development Bank (IDB), but the threat of the U.S. veto has blocked funding to Colombia through the IDB's concessionary rate, local currency fund. The Administration has not invoked discretionary sanctions, which would curtail trade tariff preferences. Substantial funding has continued through the State Department's counternarcotics program, as permitted by the decertification. In mid 1997, the Clinton Administration took the steps necessary to resume funding to Colombia's security forces, and now provides assistance to the Colombian National Police, the air force and the navy. (See the section on the Scope of U.S. Assistance to Colombian Counterdrug Efforts, below, for more information on the resumption of military funding.)

Colombian Government Action in 1996 and the Clinton Administration's 1997 Decertification

The Colombian government billed 1996 as “a year of significant progress” in its war on drugs, and claims that “Colombia has done more than any other single country to combat drug trafficking.”¹⁶ It states that it spent \$1.3 billion on counternarcotics efforts during 1996, up from \$900 million the previous year. It also: carried out eradication spraying over 73,581 acres of coca and poppy; confiscated 1.35 million pounds of coca leaf, 124,575 pounds of pure cocaine and base, and more than \$400 million in assets; and destroyed “more narcotics processing labs, clandestine airstrips, and transportation infrastructure than ever before”. In addition, the Colombian government enacted new asset forfeiture laws “intended to bankrupt narcotics traffickers,” implemented new laws on money laundering, and concluded a new maritime understanding and eradication verification protocols with the United States.

The Clinton Administration, on the other hand, cited limited cooperation by the presidency and Congress and “pervasive corruption” during 1996 in its March 1997 decertification. In the report accompanying the decertification, the Administration pointed to the short sentences given the Rodriguez Orjeuela brothers as evidence of corruption in the legal system. It faulted Colombia for opposing the testing of herbicides to combat coca cultivation. It stated that coca cultivation had increased by about 30 percent during 1996, and that drug seizures were lower than the previous year.

On the positive side, the Administration praised the “serious work” of Colombia's National Police and of “select elements” of the military in confronting traffickers. It noted “signs that newly appointed members of the cabinet are committed to advance important counternarcotics objectives.”

¹⁶ Embassy of Colombia, Colombia's War on Drugs, Jan. 30, 1997.

The Administration also noted that the Colombian Congress passed in December 1996, "after hesitating," an asset forfeiture law, and, in a February 1997 extraordinary session, legislation to increase sentences for narcotrafficking and money laundering. Nevertheless, the Administration stated that the asset forfeiture law "will have to clear a constitutional challenge in court before we can evaluate its effectiveness," and that Colombia's Congress will have to pass an international asset forfeiture cooperation provision in order to meet standards of the 1988 UN Convention. The Administration faulted the Samper Administration for failing to participate in congressional debate on extradition and to respond to the U.S. request for the extradition of four Cali cartel leaders in 1996.

The Colombian government reacted quickly to defy the United States after the 1997 decertification, but then reversed itself. Within days, the Colombian government suspended aerial spraying of coca crops, announced that it was reviewing cooperation with the United States, and questioned the United States' eradication estimates. The government resumed aerial spraying shortly, however, and in early April, President Samper urged the legislature to revoke the constitutional prohibition on extradition in the debate that was then beginning in Congress.

Colombian Government Action in 1997 and the Clinton Administration's 1998 Certification on National Interest Grounds

In mid 1997, the Clinton Administration listed five steps it wanted Colombia to take to in counternarcotics control during the year, which became the standard against which Colombia was judged for the 1998 certification decision. These were: (1) the extradition of Colombian nationals, including the Cali kingpins; (2) the full implementation of laws on asset forfeiture, money laundering and sentencing, as well as the U.S.-Colombian bilateral agreement on maritime enforcement; (3) tightened prison security to prevent traffickers from carrying out their operations from prison; (4) the use of a more effective herbicide in eradication operations; and (5) efforts to bring corrupt officials to justice.¹⁷ Debate within the Administration apparently centered around whether Colombia had made sufficient progress on these points.

In its explanation of the President's February 1998 decision to certify Colombia on vital national interests grounds, the Administration found that although the Colombian government had made "important progress in some areas this year," there were also serious problems with its performance. "Poor government performance in the extradition debate, lack of a concerted effort to combat official narcotics-related corruption and still lagging enforcement of strong counternarcotics laws all argue against certification," according to the Administration.

Detailing the Colombian government's performance, the Administration stated that the Colombian Congress' December 1997 vote to amend the 1991 constitution by reinstating extradition "represents significant progress." Nevertheless, the

¹⁷ Testimony of Jeffrey Davidow, Assistant Secretary of State for Inter-American Affairs, before the National Security, International Affairs, and Criminal Justice Subcommittee of the House Government Reform and Oversight Committee, July 9, 1997. Available at www.state.gov/www/regions/ara/070997_davidow.html.

Administration criticized the vote as falling short of U.S. expectations because it specifically banned extradition for crimes committed before the reinstatement. The Administration noted that the Colombian government subsequently appealed the retroactivity provision, but cautioned "if the ban is upheld by Colombia's Constitutional Court, then the Cali kingpins would be placed beyond the reach of U.S. justice for crimes committed before December 1997."

The Administration praised the passage in early 1997 of "excellent legislation which stiffened sentences for narcotics laundering, strengthened regulations affecting money-laundering and permitted forfeiture of the assets of narcotics traffickers," but faulted the implementation of these laws as "disappointingly slow" and criticized the Colombian government because it "has yet to apply them aggressively." It also cited the government's steps to improve prison security, stating that the U.S. Embassy had heard "few reports of traffickers carrying out their illicit business activities with impunity from their cells..." Again, however, there was a caveat. The Administration found there were "still indications that the drug kingpins maintain some ability to operate their criminal enterprises and exert some influence from prison." In addition, the Administration judged that the Colombian government had "demonstrated little inclination to root out official corruption and to strengthen democratic institutions from the corrupting influence of narcotraffickers." It lauded the Colombian National Police and units of the military involved in the counternarcotics efforts for the "impressive results" in increasing eradication and seizures.

The Administration explanation did not refer to another action of the Colombian Congress in 1997 that had proved troublesome for U.S. policymakers, i.e., the passage of legislation, ostensibly to relieve prison overcrowding, which would allow prisoners early release and other privileges. For instance, those who have been convicted of crimes related to narcotrafficking are permitted furloughs of up to 15 days after they have served 80% of their sentences.¹⁸ The Samper Administration, however, issued a directive soon after the law was passed which stated that it could not be applied to prisoners convicted of narcotics trafficking or illicit enrichment.

Scope of U.S. Assistance to Colombian Counter-Drug Efforts

Counternarcotics cooperation continues despite the exacerbation of already difficult relations after President Samper took office in August 1994, and after the 1996 and 1997 decertifications. U.S. funding for counternarcotics efforts in Colombia is provided primarily through the State Department. Other U.S. agencies involved in assisting Colombia include the DEA, the Federal Bureau of Investigation, the Agency for International Development, and the Department of Defense. (See table below for the amount of U.S. aid to Colombia.) U.S. agencies work with Colombia's judicial system to improve law enforcement capabilities, criminal justice procedures, and the accessibility and fairness of the justice system. They assist Colombia's eradication and interdiction efforts, providing training, equipment, and

¹⁸ See: Colombia's Jailbirds to Get 'Vacations'. *Christian Science Monitor*. Dec. 22, 1997, and Law Would Give Jailed Drug Lords Furlough. *Miami Herald*. Dec. 18, 1997.

spare parts. For instance, in 1997, the United States turned over to Colombia 18 UH-1H "Huey" helicopters.

Despite the provision of counternarcotics assistance through the State Department, the mandatory cutoff in 1996 of Foreign Military Financing (FMF) and International Education and Training (IMET) funding was perceived as problematic by some analysts and policymakers, including Members of Congress. This cutoff was viewed as punishing the Colombian security forces, particularly the police, for the corruption of high-level civilians officials. On August 16, 1997 the Administration authorized under Section 614 of the Foreign Assistance Act of 1961 (FAA) the provision of up to \$30 million in FMF and up to \$600,000 in IMET to Colombia. Using the FMF funds, the Administration subsequently provided assistance to the Colombian police, air force and navy, and requested information from the Colombian army concerning the observance of human rights by the units which will receive the aid.

Information on six army units was received in mid-January 1998, and the State Department subsequently cleared one unit to receive aid. As of mid-May, State Department officials were anticipating that a second unit would be cleared in June, and had requested the Colombian government to provide additional clarifying information on a third. The three remaining units are considered more problematic, according to a State Department official, and there may be no possibility that they will be cleared.

U.S. Counternarcotics Assistance to Colombia

FY1994-FY1997

(\$ Millions)

	FY1994	FY1995	FY1996	FY1997
Actually spent	28.7	16.4	16.3	37.8
Authorized but not necessarily spent during the fiscal year*		(10.0)	40.00	30.0
Value of indirect support provided by the State Department Air Wing	NA	2.5	6.6	14.0

Source: Compiled from information provided by the State Department in February 1998.

* The \$10 million in FY1995 is FMF that was authorized but not spent before decertification. This figure is in parentheses because it was in effect reauthorized as part of the \$30 million authorized for expenditure under the August 16, 1997 waiver. The \$40 million in FY1996 is support in the form of defense articles provided under the authority of Section 506 of the FAA which permits the President to provide immediate military assistance in the event of an unforeseen emergency. This support is still being delivered.

Congressional Concerns and Action

Congressional opinion on Colombia is sharply divided. On the one hand, some argue that the Clinton Administration should increase aid to military and police forces because the Colombian government's stability is threatened by the violence perpetuated by narcotraffickers and guerrilla forces allied to them. Because of these concerns, in 1997 Congress approved funding for counternarcotics support to the Colombian security forces that had not been requested by the Administration. This included, in the National Defense Authorization Act for FY1998 (P.L. 105-85), authority for the Secretary of Defense to transfer to Colombia, through 2002, several categories of aid to be used for counternarcotics activities.¹⁹ In the Foreign Operations Appropriations Act for FY1998 (P.L. 105-118), Congress also provided funding for equipment for narcotics interdiction. The conference report on the bill (Report 105-401) states that the funds were meant for the procurement of Black Hawk helicopters,²⁰ at a cost of \$36 million, and for the upgrade of UH-1H Huey helicopters, at \$14 million, for the Colombian National Police.

Those who oppose increased aid to the Colombian military and security forces, or who are wary of its potential effects, cite several concerns. Foremost, they argue that by providing such assistance, which can also be used for the army's counterinsurgency efforts, the United States is becoming more deeply involved with security forces that are guilty of gross violations of human rights. As a result of these concerns, the FY1998 Foreign Operations Appropriations Act also included the so-called "Leahy Amendment" (Section 570) which prohibits the use of funds appropriated by the act for assistance to any unit of foreign security forces "if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice..." (This put into law the practice that the Administration had previously adopted, described above.) Further, they argue, the United States undermines efforts to strengthen democracy by centering U.S. policy around a counternarcotics agenda. Rather than providing military assistance which Colombia will also use in its counterinsurgency war, they argue, the United States should broaden its assistance efforts to include support for peace negotiations underway with the Colombian guerrillas and undertake other actions to promote democracy and end the violence.

¹⁹ These include: non-lethal protective and utility personnel equipment; non-lethal navigation, communications, photo and radar equipment; night visions systems; non-lethal components, accessories, attachments, parts, firmware and software for aircraft or patrol boats; riverine patrol boats. The legislation also granted the authority to provide for the maintenance and repair for all equipment used in counterdrug activities. This legislation also provided authority to transfer the same items to Peru, and established a limit of \$9 million available for both countries in FY1998 and \$20 million annually after than through 2002.

²⁰ The U.S. Army reportedly has objected to the transfer of the Black Hawk helicopters, stating that it would compromise military readiness. See: Army, Key Senator Oppose Transfer of Four Black Hawks to Colombia. *Inside the Army*. Feb. 9, 1998.

In early 1998, the debate on military assistance appeared to intensify. Recent activities of the Colombian guerrillas heightened concerns about the country's stability. The Administration reportedly was weighing a decision to increase military aid, including the provision of 12 modified, armored Cobra helicopters requested by the Colombian government. The helicopters reportedly would have a Cobra frame, but not the anti-tank armaments that make Cobras an "attack" helicopter.²¹

²¹ Philip Finnegan. Colombia Wants U.S. Attack Copter. *Defense News*. March 9-15, 1998.