

# Colombia: the genesis of the world's first narco-democracy

by Javier Almario

July 4, 1992 was the first anniversary of Colombia's new Constitution, written by 70 delegates chosen by less than one-fourth of that country's voting population. "It could be dubbed the Constitution of ignominy, or of surrender," pronounced former Justice Minister Enrique Parejo González, one of Colombia's few surviving heroes of the years of warfare against narco-terrorism. Or, as one international narcotics expert quoted by the *Washington Post* of July 20 put it, "What you are seeing now is the birth of the first narco-democracy in the world."

The Bush administration was instrumental in creating the conditions which led to the adoption of Colombia's "ignominious" Constitution. Not only has Washington denied Colombia the financial resources, the military equipment, and the political backing for a serious war on drugs, but it is also behind the criminal appeasement policy of "peace negotiations" and plea-bargains that fed into the Constitution as it currently stands. The Bush administration is now seeking to impose similar "constitutional reform" around the globe, but especially in such countries as El Salvador, Peru, Guatemala, and Brazil. The effect, of course, would be a proliferation of such narco-terrorist "democracies" around the globe.

## Mafia blackmail

In his commentary on the one-year-old Constitution, Parejo noted that on the express demand of the drug cartels, it prohibits, for the first time in Colombian history, the extradition of nationals. "We cannot be proud of the fact that one of our fundamental constitutional statutes is, at least in part, the fruit of criminal blackmail and of a lack of moral courage on the part of those who, charged with carrying out a task of such transcendental importance for the future of the country, turned out to be inferior to their historic task," declared the former minister and current Bogotá city councilman. "The shadow of the drug trade, or rather, of bloody terrorism unleashed by criminal organizations dedicated to that illegal activity," is a "shadow which was present at all times" in the deliberations of the Constituent Assembly.

Nonetheless, the Gaviria government celebrated the first anniversary of its surrender to the drug mob with a gathering

of former Constituent Assembly delegates and other notables. Everyone attended, except Marcos Chalita, the "former" M-19 narco-terrorist who was arrested on July 1 in possession of fragmentation bombs and other weapons exclusively provided to the Colombian Armed Forces. Chalita, who was known as the bloodiest of all the M-19 "commanders," was given legal status as an M-19 "leader" as a result of the M-19 amnesty and pardon, approved in 1989 and applauded by Washington. He went on to help write the Constitution.

All other members of the M-19, led by Antonio Navarro Wolf—one of the three co-chairs of the Constituent Assembly—attended the government's celebration, despite the existence of a judge's order for Wolf's arrest stemming from the commission of "atrocious crimes" during the bloody siege of Colombia's Justice Palace in 1985. By the good graces of President César Gaviria and the Colombian Congress, a special law blocking enforcement of the arrest warrant was decreed, overriding the judiciary and allowing Navarro and company to arrive at the Government Palace and partake in the festivities unhampered by their terrorist past.

## The oligarchic 'consensus'

At the celebration, President Gaviria pledged to defend the new Constitution, whose fundamental thesis is the replacement of natural law and the concept of the common weal with an ever-shifting consensus among political forces. This consensus became, at the moment of truth, a consensus among the country's oligarchic elites. "I cannot allow the greatest collective work of pluralist participation in Colombian history to be scorned," said Gaviria in his July 4 address, which was intended to refute Parejo and the many others who have criticized the new Constitution. Gaviria congratulated the several groups of "former" guerrillas who participated in drawing up the 1991 Constitution: "From rebels against the Constitution of 1886, they became co-authors of the Constitution of 1991."

Nonetheless, the Colombian population has already made known its rejection of the new Constitution, and of the Constituent Assembly which wrote it. In the first place, fewer

than 25% of the Colombian electorate even bothered to vote for the Assembly delegates. Further, according to a July 5 poll published by the daily *El Tiempo*, a full 58.8% of those who did vote for the delegates said they felt tricked, and would not vote for another such Assembly. And 72% of those who voted declared themselves dissatisfied with the final results of the Assembly's work.

The government, which deployed all of its power to force the Supreme Court to accept the legality of the Constituent Assembly (the 1886 Constitution forbade its own reform, except by the vote of two consecutive Congresses), argued that the new Constitution would serve to guarantee the national peace, strengthen justice, improve the economy and public services, strengthen the institutions, and eliminate the vice of corruption in the Congress.

None of these promises have been met, nor are they likely to be met. Gaviria insists that the Constitution needs time to adjust, since Colombia is in "a period of transition." But the key problem is the "consensual" vision of César Gaviria and the Harvard "whiz kids" with which he has stocked his administration, whose ideology does not match the Catholic matrix of this country, a matrix which assumes that natural law and the common good must be the guiding forces of good government. Within Gaviria's consensus view of government, fall the political parties, the guerrillas, and the drug traffickers. The Constitution of 1991 was the direct result of such a consensus, in which the real Colombia plays no part.

### **Neither peace nor justice**

Peace has not been won. The FARC and ELN terrorists have seen their M-19 colleagues receive a cabinet post and 17 of 70 Assembly seats by the mere act of disarming, and they are convinced that more terrorism and bloodshed will win them that much greater concessions. More fundamental is the fact that the government's monetarist and free market economic policies prevent any solution to the country's devastating infrastructure collapse and rising poverty levels, all of which feed directly into escalating terrorism.

Justice has not been strengthened. On the contrary, the new Constitution has broken the justice system into pieces, weakening the already moribund institution even further. A Constitutional Court has been created to rule on the constitutionality of laws, once the purview of the Supreme Court. A General Prosecutor's Office has been created, a sort of caricature of the U.S. Attorney General's office which, at its whim, deploys prosecutors against anyone who displeases the U.S. establishment. A General Inspector's Office now exists, a kind of judge charged with trying crimes against the national budget, and so forth. There are clashes among these different judicial bodies on an almost daily basis.

And as if that weren't enough, the Gaviria government and the national congress regularly intervene to create laws in their own name favoring the traffickers and their terrorist allies, even as these continue to threaten the judges

assigned to try their cases.

On the economic front, national life has gone from bad to worse. The new Constitution stripped the central bank of all the functions it exercised as a development bank; today, the central bank is limited to issuing currency to back up dollars coming into the country. And, to cut back on money in circulation, the central bank's open-market operations will be paid with budget allocations, since any new currency printed is considered inflationary. Worst of all, the Bank of the Republic is now operating as an absolutely independent entity over which the Colombian people cannot exercise their sovereign will, not even through the President whom they elect.

### **Loss of economic sovereignty**

Every sector of the economy has been affected by this dictatorship over the credit system. Industry and agriculture are being strangled for lack of capital. Public services are in dramatic decline. The government wants to shirk all responsibility for the nation's basic infrastructure; thus the new Constitution favors privatization. The result is that there is no electricity in most of the country except for a few hours each day, and there are whole sectors of the country which are already experiencing water rationing as well.

At the same time, the Gaviria government has rammed two separate tax reforms through Congress. The most recent one is premised on the argument that the country must recover income lost when customs tariffs on imports were lowered to accommodate the so-called *apertura*, or free-market opening of the economy dictated by President George Bush. Thus, new taxes are required to finance the cost of the new institutions created by the 1991 Constitution.

To win congressional approval for said reform, President Gaviria resorted to all the old vices characteristic of the corrupt Congress itself: He promised everything from public appointments and congressional salary increases to presidential authorization to collect privileges prohibited by the new Constitution—all in exchange for the most absolute "fidelity" of the ruling party congressional bloc. A genuinely independent Congress would never have approved the reform. Indeed, immediately following passage of the reform, Gaviria proceeded to revamp his cabinet to better reflect the constellation of political forces that stood with him on the tax reform.

Of course, when all is said and done, the new Constitution is a matter of political convenience, to be ignored when it gets in the way. Thus, when Attorney General Carlos Gustavo Arrieta demanded to know why the Gaviria government had suspended military operations against the FARC and ELN leaders to permit their safe passage back into the country in late June, Gaviria's "peace adviser" Horacio Serpa Uribe answered that the peace negotiations the government had been holding with the terrorists in Mexico corresponded to an "extra-constitutional" process, within the realm of presidential discretion.