

## *Folly in Colombia?*

“Two Wars or One? Drugs, Guerrillas, and Colombia’s New *Violencia*” by William M. LeoGrande and Kenneth E. Sharpe, in *World Policy Journal* (Fall 2000), World Policy Institute, New School Univ., 66 Fifth Ave., Ninth Floor, New York, N.Y. 10011.

The \$1.3 billion in military and other aid that Washington decided last year to put into the war on drugs in Colombia and the Andean region “marks a major shift in U.S. policy”—one that won’t help the United States and may harm Colombia, contend political scientists LeoGrande and Sharpe, of American University and Swarthmore College, respectively.

In the name of fighting the traffic in illegal drugs, the United States is effectively escalating its involvement in Colombia’s long-running war with Marxist guerrillas, the authors maintain. The escalation was prompted by a dramatic increase in coca production in two southern provinces of Colombia. These are strongholds of the main leftist guerrilla force, the Revolutionary Armed Forces of Colombia, which derives millions of dollars a year from “taxes” on the drug production and trade. But the U.S. “war” on illegal drugs “cannot be won in the Colombian rain forest,” say LeoGrande and Sharpe. “Even if the United States defoliates every acre given over to growing coca, burns every laboratory, and destroys every last gram of Colombian cocaine, it will have won a hollow victory. The drug business will simply move elsewhere, as it always does.” The market is too lucrative to die.

In the 1980s and early 1990s, the United States targeted the major drug trafficking organizations in Colombia, which imported most of their coca leaf from Peru and Bolivia. By the mid-1990s, the key leaders of the Medellín and Cali cartels had been

killed or captured, but the flow of drugs continued. Many smaller producers appeared, and some of the business shifted to Mexico (which became the major supplier of cocaine to the western United States). As Colombian coca leaf production expanded (after U.S. efforts succeeded in reducing coca production in Bolivia and Peru), the growers, rather than the traffickers, became the main U.S. enemy in Colombia. For all Washington’s efforts over the last decade, however, the total amount of land planted in coca in the Andean region—almost 500,000 acres—has remained about the same, LeoGrande and Sharpe observe. “Faced with eradication campaigns, peasants simply plant elsewhere.” The new eradication campaign that Washington envisions in southern Colombia will fare no better—and “have no impact whatsoever on the supply of drugs entering the United States.”

But the shift in U.S. policy will have a terrible impact in Colombia, intensifying the violence and making a negotiated settlement between the Marxist guerrillas and the Colombian government more difficult. “Despite fits and starts, the peace process in Colombia is not nearly as moribund as some U.S. officials imply,” the authors believe. But instead of improving the prospects for peace, the United States “is about to put Colombia’s fragile democracy at greater risk by escalating the new *Violencia*. . . . It is the people of Colombia who will pay the price for the inability of the United States to face the fact that its ‘war’ on drugs can only be won at home.”

## *Global Lawfare*

“The Rocky Shoals of International Law” by David B. Rivkin, Jr., and Lee A. Casey, in *The National Interest* (Winter 2000–01), 1112 16th St., N.W., Washington, D.C. 20036; “The New Sovereignists” by Peter J. Spiro, in *Foreign Affairs* (Nov.–Dec. 2000), 58 E. 68th St., New York, N.Y. 10021.

The 1989 United Nations Convention on the Rights of the Child forbids the death penalty for children and sets other standards

for their protection. Only two member nations have refused to ratify the agreement: Somalia . . . and the United States. And that

is not the only international agreement at which the world's lone superpower has balked in recent years. On issue after issue—global warming, land mines, establishing the International Criminal Court, and others—the United States has stubbornly refused to go along. Spiro, a law professor at Hofstra University, finds this deplorable, but Rivkin and Casey, law partners who have practiced before the International Court of Justice, think it's the trend in international law that's the problem.

"International law is enjoying a tremendous renaissance," Spiro exults. "It is now an important and necessary force in the context of globalization, governing the increasingly transnational elements of virtually every area of legal regulation, including such domestic issues as family, criminal, commercial, and bankruptcy law. Respect for human rights has significantly advanced over the last 20 years." Yet the United States has given its full blessings only to free-trade agreements (provided they ignore environmental, labor, and human rights considerations). By otherwise making such a blanket rejection of international agreements, the United States is undermining its position of international leadership, he argues. Particular issues can be debated, but in a globalized world the United States cannot simply "pick and choose" among international conventions and laws, rejecting those it dislikes.

Rivkin and Casey are equally alarmed—but by the efforts of human rights activists, scholars, the UN and other international organizations, and some governments ("including, episodically at least, the Clinton administration") to transform "the traditional law of nations governing the relationship between states into something akin to an international regulatory code." Nongovern-

mental organizations, such as the International Campaign to Ban Land Mines, have played the leading role in this drive—and they are "not elected, not accountable to any body politic, and . . . not inherently better or worse than other special interests," Rivkin and Casey maintain. For centuries, national sovereignty has been "the organizing principle of the international system," and sovereignty is "the necessary predicate of self-government." If the legality of U.S. actions is to be determined by "supranational, or extranational, institutions," they believe, then the American people will have lost their "ultimate authority."

In the "new international law," they contend, are claims (some inconsistent with others) "that heretofore purely domestic public policy issues—such as the death penalty, abortion, gay rights, environmental protection, and the relationship between parents and children—must be resolved in accordance with 'prevailing' international standards; that, with the possible exception of repelling armed attack, only the United Nations Security Council can authorize the use of military force; that the 'international community' is entitled to intervene under a variety of circumstances in the internal affairs of states; and that the actions of individual civilian and military officials of states fall under the purview of international criminal jurisdiction."

Spiro anticipates that "economic globalization will inevitably bring the United States in line" with the new order. In the meantime, though, economic and other pressure on U.S. corporations and individual American states will be needed to help things along. Rivkin and Casey, in contrast, consider it urgent that the new U.S. president champion the traditional law of nations.

## ECONOMICS, LABOR & BUSINESS

### *The Estate Tax Debate*

*A Survey of Recent Articles*

In 1999 and again last year, Congress voted to abolish the estate tax, but each time, President Bill Clinton vetoed the measure, saying it would benefit only the

rich. Although most Americans are not rich, 60 percent favor abolishing the tax, according to a poll last June, and the issue continues to be debated.