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**International Intervention and the Monopoly on the Legitimate Use of Force:
The Case of Colombia**

The increasing globalization of organized criminal operations has led to a sharp increase in multinational cooperation among state law enforcement groups. Nations join forces and respond to both domestic and international issues – human smuggling, arms control, immigration, piracy, and illicit drug production and trafficking – on the grounds that these issues have dangerous international implications. Extending law and crime control beyond national borders represents a new expansion of state sovereignty past traditional state boundaries and into a sort of gray zone of international insertion. This paper discusses the Colombian state, the U.S. role in a social and military aid package to Colombia, and internal non-state power brokers in order to establish a more flexible understanding of the relationship between the strength of post-conflict states and the use of force by international actors in a given territory. After establishing a theoretical framework for this discussion international aid, this project engages with the Colombian case where a fragmented state receives continuing challenges from violent non-state actors. Finally, this paper discusses specific parameters that host countries should establish during the process of negotiating aid from other states.

The highly complex Colombian case is especially important to the evolving discussion on definitions of the state. As of 2000, Colombia produced 80% of the world's cocaine and 70% of the heroine on the United States east coast (Shifter 2000: 52). Together with conflict related to drug production, the country has been mired in civil war over control of at least 35%

of its territory for the last 30 years. Transnational criminal organizations (TCOs)¹ like the Fuerzas Armadas Revolucionarias de Colombia (FARC) and Autodefensas Unidas de Colombia (AUC) challenge the legitimacy of the Colombian government and the sovereignty of the state by engaging in revolutionary activity and contesting the state's control of territory. At the core of the Colombian situation is state fragmentation and a lack of institutional capacity to deal with organized threats to its own legitimacy. As a result, international actors execute strategies to support the Colombian government, the most significant of which is the United States' Plan Colombia. This kind of intervention raises important questions about the role of the sovereign state vis-a-vis international state actors that exert significant force in a host territory.

Theories of State and Democracy

In classic Weberian terms, a state is defined as “that human community which within a defined territory successfully claims for itself the monopoly of legitimate physical force; and a territory it should be noted is a characteristic of a state” (Weber, 131). The state, then, “employ[s] the means of violence and act[s] on the basis of an ethic of responsibility” (267). This responsibility, bestowed upon the state in a traditional Hobbesian pact, establishes the legitimacy of the state to exert force in the best interests of its citizens. The central value here is legitimacy; a simple analogy can explain the meaning and importance of this concept. When a vehicle is parked in a no-parking zone on a city street, the difference between towing and grand theft is legitimacy. As opposed to a private citizen, the government has the legitimate authority accepted by those it governs to impound the illegally-parked vehicle. In a world where private security exists alongside the public security sector, the state has not only the capability, but the legitimacy to exert force in a given territory.

1 This term is borrowed from Gamarra 2008, p. 146.

Weber expressed the importance of legitimacy – a level of organic trust ceded to the state by those who inhabit it – in the delicate project of building a democratic structure within the state. For Weber, the state maintains legitimacy through the way that it distributes power in an equitable fashion (Weber 1968). Public incorporation within democratic structures strengthens the quality of democracy by encouraging that the broader population supports state leadership and national political processes. In his seminal work on defining and measuring democracy, Guillermo O'Donnell argues that, although democracy is most-significantly defined by regime type, other factors, including citizen agency for participation are important in determining the quality of a democracy (2004). Democratic structures that dictate the rules that define and regulate channels of participation are essential to a qualitative evaluation of democracy.

In stronger Latin American democratic states, citizen agency and broad democratic consensus among the population create a sort of participatory society where multiple political actors ensure that democratic institutions do not fracture at the first challenges of social conflict. A greater number of actors that establish, maintain, and implement democratic processes increases the durability of government institutions against the threat of political disruption or social crisis. In this way, considering the legitimacy of political processes allows for the construction of a viable, consolidated democracy despite social problems like deep inequality and widespread violence. The weaker Colombian state, however, devolves into a more fragmented reality that gives way to nontraditional entities of governorship which operate on a parallel level to the actual state. By definition of democratic citizenship and participation, violence and social disruption contradict established systems for democratic inclusion. This type of violent disruption does not lend itself to O'Donnell's idea of

maintaining citizen agency for democratic participation, nor does it qualify for participatory democracy.

Both Weber and O'Donnell agree that armed conflict and victimized civilians impact state legitimacy in a negative way. Citizens withdraw support from a system mired in pervasive crime and violence – one that does not maintain this legitimacy and the rule of law. The Latin American Public Opinion Project (LAPOP) draws on extensive in-country surveys to make conclusions about the culture of democracy throughout the region. Based on data from 1999-2004, LAPOP concludes that, “People who have been the victims of corruption, crime, or the armed conflict, are less supportive of the system” of democratic governance in Colombia (LAPOP 2004: xiii). In responses to internal challenges, Colombia has looked both inward and to the international community for support against challenges to the state. Current Colombian president Álvaro Uribe declared that, “The main task of the Colombian government on the domestic and foreign fronts is to strengthen democratic governance” (Quoted in Ulloa 2008: 217). Arguably the most important piece of strengthening democratic structures and building state legitimacy is the task of reducing insecurity throughout the country.

Since 2000, the United States has played an integral role in supporting the Colombian government with an extensive package of directed military and social aid. The United States also provides administrative and small-scale troop support through the “Plan Colombia” initiative. At this point of intervention – even in an apparently supporting role – where external groups engage in the use of force, international actors can potentially erode the Weberian state's ethical or “legitimate” foundation. As part of Plan Colombia, for example, the United States entered into an agreement with Colombia to provide social and military aid. The direction of that funding, however, has the potential to undermine the sovereignty of the

Colombian government to make social policies that maintain certain national values. In 2002, the U.S. Congress passed the Bush administration budget that included a shift in the direction of military operations in Colombia. This shift changed the focus of Plan Colombia military aid away from purely counternarcotics operations, and it included counterinsurgency and counterterrorism measures as well (Tickner 2003: 81). In the same way, Congress may condone or even mandate a shift in military operations without the necessary consent of the Colombian government. In an increasingly interconnected global community, the internationalization of domestic security operations necessitates a reexamination of theories of the state. Once a state employs physical force outside its territory in a crime control or law enforcement capacity, what are the implications for the legitimacy of the host state?

More flexible theories of state: focus on legitimacy

Given the progressively globalized socio-political arena, our discussion here on the state and legitimacy should take place within the context of international relations. While Weber attempts to distill the state down to its most basic element, a better conceptualization of the state must have the flexibility to accommodate the interaction between and cooperation among international power brokers. This requires a more complex understanding than mere independence of the state and sovereignty of internal decision-making; similarly, it calls for a comprehensive conversation than that of Hobbesian sovereignty as the right to maintain and impose order over a population or territory. Furthermore, it should reflect a departure from traditional theories of physical land boundaries (see Herbst 2000) in more global context of state policy and social problems that bleed across borders.

Instead of limiting the state as the lone agent of legitimate force in a defined territory, I employ Weinert's comprehensive understanding of democratic sovereignty. This theory shapes

the state as creator and keeper of “just socio-political orders.” Weinert's conceptualization of the state “divorces the idea of supreme authority from rigid hierarchies of authority and power within states” and is not undermined by utilitarian populism or “a monopolizing state sovereignty” (Weinart 2007: 44, 56-57). Furthermore, the concept of democratic sovereignty emphasizes a “shared political purpose” that includes “multiple agents” contributing to the collective project of sovereignty (196). The most important attribute of this theory is its flexibility to accommodate international cooperation and internal conflict without branding a challenged state as a failed one. It allows for a more complex understanding of the degree to which the state builds and maintains control through legitimacy.

Violence and Domestic Responses in Colombia

Over the course of more than forty years of internal armed conflict in Colombia, violence has divided the population, territory, and government. While drug cartels and guerrilla groups control and stimulate drug production across the country, the government attempts to regain control of state territory and implement the rule of law. Left-wing guerrilla forces like the Fuerzas Armadas Revolucionarias de Colombia (FARC) and right-wing paramilitary groups like Autodefensas Unidas de Colombia (AUC) disrupt the Colombian government and threaten the sovereignty of the state by engaging organized violence and contesting the state's control of territory. Together with conflict related to drug production, the country has been mired in civil war for the last 30 years against insurgent groups that controlled as much as 40% of national territory in 1999 (GAO 1999: 7-8). In this non-institutional environment, guerrillas, paramilitary groups, and drug lords form structures that operate parallel to the Colombian state and pose a challenge to its very legitimacy.

In this same vein, the reality of non-traditional power structures that exist in a parallel

relationship with the official state gives rise to yet another substantial challenge to the fragmented Colombian state. This “parainstitutional” narco-state complements Colombian state and its existence demonstrates state flexibility to work outside traditional or legitimate political channels (Palácio 1991). With this in mind, simple political reforms on their own will not lead to the consolidation of state power since these informal yet parallel institutions exist alongside the state in a sort of symbiotic relationship.² Even though questions of violence, drugs, and informal institutions are intertwined in Colombia, the most damaging aspect for the state is violence against citizens and the government.

The volatile combination of violence and state fragmentation may seem impossible to unravel, but dividing violence and collective goals into broad categories eases the task of understanding the situation in Colombia. Four broad groups capture the spectrum of violent indicators that actually interact with one another in both supporting and conflictive roles. The first – and appropriate for a discussion on Weberian constructions – is the Colombian state, which includes the official police and military forces in the country. A second grouping includes paramilitary organizations that evolved from right-wing vigilante groups, originally built by land owners looking to protect their property from guerrilla fighters. These groups operate under a military structure and carry out similar functions as the official armed forces but are not explicitly connected with the state's official military apparatus. Third, key players involved in the drug trade carry out violence as a means to establish and maintain systems of drug production and transport. Finally, and most explicitly acting against the Colombian government, guerrilla groups are highly organized and often act under a strong, left-wing ideological banner.

2 An example of parallel institutions involves the justice system. The state relies on a constitution, formalized laws, and courts to adjudicate potential violations of the established system. An informal system of justice exists alongside the formal institution and involves extrajudicial measures like assassinations and lynch mobs.

These simplified classifications are especially helpful to understand how both cooperation and conflict between groups create a tangled reality of violent exchange. Rumors of ties between the government and paramilitary organizations exploded when two Colombian senators, a former governor, and at least six other politicians were arrested in 2006 for colluding with paramilitary fighters to plan assassinations and fix elections (Forero 2006). Even though the government claims to take a tough stance against paramilitary forces, the anti-guerrilla sentiment in Colombian paramilitary ideology can sometimes prove too convenient to turn away. Paramilitary groups also find themselves in the midst of the drug trade, where they offer protection for property and cartel trafficking routes, use force to persuade small-time farmers to cultivate coca and poppy plants, and actually engage in large-scale trafficking on their own (Tate 2001). Guerrilla groups like the FARC also engage in the drug business in addition to their outright war against the Colombian government. This dynamic of overlapping and interconnected relationships makes the task of violence reduction a complex challenge for Colombian policy makers.

Álvaro Uribe, President of Colombia since 2002, has implemented the doctrine of democratic security as a way to combat not only violence but also insurgency and a lack of territorial control. Democratic security works in pursuit of five strategic goals: 1) consolidation of control over state territory; 2) protection of the population; 3) elimination of the illegal drug trade in Colombia; 4) protect land and maritime borders as a deterrent to criminal traffic; and 5) efficiency and transparency in the government. The policy seeks to strengthen the judicial system, armed forces, national police, intelligence organizations, and state finances. Uribe has coordinated the implementation of this plan in conjunction with the Counsel for Security and National Defense, the national intelligence community, the Ministry

of Defense, and “other support structures” (Colombia 2003). The plan is highly centralized and concentrates on strengthening national institutions and structures of governance.

Negotiating Intervention: Establishing Plan Colombia

It is unrealistic to expect that the weak and underfunded Colombian government implement – on its own – policies that “combine punitive actions seeking to disperse large and centralized drug organizations with the creation of greater opportunities for legal employment” (Mares 2004: 121). Specific to the Colombian case, the discussion on state strength and international support requires a framework for contextualizing internal challenges to the state. I use Brinkerhoff’s theory of the post-conflict theater, where violence “has subsided to a greater or lesser degree, but is ongoing or recurring in some parts of the country” (2007: 3). According to this formulation, strengthening post-conflict states “can usefully be conceptualized as targeting the governance sub-systems associated with the three: 1) re-establishing security, 2) rebuilding effectiveness, and 3) reconstituting legitimacy” (2007: 5). International actors must make critical assessments of the side effects of intervention in order to manage operations without contributing to exacerbating vulnerabilities present in the recipient state. In addition to constructing a comprehensive plan outlined by Brinkerhoff, interventions should also include a comprehensive temporal component: “Interventions to address conflict necessarily have a rehabilitative dimension oriented to the past, a resolute dimension oriented to the present, and a preventive dimension oriented to both the present and the future” (Leatherman, et al. 1999: 8). The outline for such a plan came in 1998 when Colombian president Andrés Pastrana introduced the original version of Plan Colombia.

Pastrana introduced Plan Colombia as a comprehensive package that would promote economic development, end violent conflict, and stamp out the drug industry. In addition, the

plan would secure Colombian territory under the control of the government, thereby strengthening the state and the legitimacy of its institutions. The Colombian government outlined the new plan as it relates to long-term strengthening democracy and state institutions: “The government is committed to consolidating the central responsibilities of the state: promoting democracy and the rule of law and the monopoly in the application of justice, territorial integrity, employment, respect for human rights and human dignity, and the preservation of order as established by political and social rules” (Plan Colombia 1999). Pastrana envisioned a circle of development (see Appendix A) that would begin with an initial investment in security and the reclaiming of public space. Security breeds confidence in markets and institutions, which would lend stability to those public systems and give way to private investment, both foreign and domestic. Investment in Colombian markets would spawn economic growth, leading to higher tax revenues that could be inverted into social investment. Finally, this whole scheme creates an improved social environment in Colombia where basic citizen needs are satisfied (Colombian Embassy 2007).

Instead of a primary focus on peace through economic development, the United States based its vision for Plan Colombia around counternarcotics operations and what has been termed the “Narcoguerrilla Theory.” Tickner describes this concept based on three simple premises: “1) the FARC controls most aspects of the drug trade, given the demise of the major drug cartels in the mid-1990's; 2) the Colombian state is too weak to confront this threat, primarily due to the inefficacy of the country's armed forces; and 3) United States military support is warranted in wresting drug-producing regions from guerrilla control” (2003: 80). According to this theory, U.S. military intervention essentially saves the Colombian state from outside forces that threaten its legitimacy and existence.

In their political rhetoric leading up to and following the Plan Colombia agreement in late 1999, prominent U.S. officials highlighted the role of drug control policy as a central piece in international support for Colombia. Secretary of State Madeline Albright identified the military-drug connection as the driving force behind U.S. investment in Plan Colombia. She reasoned that, “Efforts to stop the drug trade are linked to the quest for peace because of rebel and paramilitary involvement in drug trafficking [...] The question is whether [Pastrana] can muster a combination of pressure and incentives that will cause the guerrillas to respond” (qtd. in Ulloa 2008: 214). Similarly, President Clinton articulated the dual priorities of a U.S.-backed initiative in Colombia that would be, “pro-peace and anti-drugs” (Ibid.). Whereas the Colombian focus of an internationally-supported strategy highlighted economic development, funding priorities for the U.S. government placed the international war on drugs at the center of U.S. involvement in Colombia. As such, the Colombian government was left with a choice between condoning U.S. plans to expand transnational counternarcotics operations or forgoing military or social aid that was promised in Plan Colombia.

When the plan moved from the negotiating table and both governments implemented the agreed-upon strategy, the imbalance of military and social aid reveals the true priorities of the program. From 2000 to 2008, the U.S. Department of Defense provided financial assistance in the amount of \$4.86 billion for various military objectives and policing services (GAO 2008: 28).³ During the same time period, the U.S. State Department invested \$1.27 billion toward social programs as well as initiatives designed to reinforce the judicial system

3 Military operations and services receiving aid enumerated in Department of Defense budgets include army aviation, army ground forces, infrastructure security, air interdiction, and coastal and river interdiction. Policing services receiving financial assistance and listed in the same budget outline include drug crop eradication, air service, interdiction, and police presence in conflict zones (GAO 2008: 28).

and the rule of law (2008: 47).⁴ For a program designed first by the Pastrana administration as an economic development strategy, U.S. assistance toward Plan Colombia consists of 79% of funding for military aid and just 21% for economic and social programs over the eight-year average. While some may argue that the helicopters used in counterinsurgency operations and drug interdiction require more capital than alternative crop development, the underdevelopment of plans for social programs underscores the fact that U.S. aid for plan Colombia follows the preference for a military response to the country's issues of violence.

As mentioned above, the United States has realized a shift in Plan Colombia funding priorities from almost entirely a counternarcotics strategy to one that includes counterinsurgency and counterterrorism operations. The strategic change occurred in the post-9/11 context of taking the fight to the home turf of those considered to be transnational terrorists. This shift in assistance targeted arguably the most devastating contributor to Colombian state fragmentation: control over territory. Guerrilla groups represent a kind of substitute for state institutions where the government does not maintain control of the territory. For Thoumi, "It is interesting that they [guerrilla organizations] also substituted for civil, social, and other institutions, and today authoritarian guerrilla organizations are a main obstacle to the development of these institutions (2003: 286). With U.S. military aid, the Colombian government can more effectively fight guerrilla insurgency in areas where state control of territory is weak.

Several new policies⁵ in the last decade – including Plan Colombia – have effectively chipped away at the power and social capital of paramilitary groups, drug cartels, and guerrilla

4 Categories of non-military programs receiving aid enumerated in Department of State budgets include alternative crop development, support for internally displaced persons, demobilization and reintegration of armed fighters, democracy and human rights, and judicial reform (GAO 2008: 47).

5 One particularly successful policy is current president Uribe's "democratic security policy" detailed in the

forces. The shift in international support in favor of counterinsurgency and counterterrorism operations has led to steady yet dramatic decreases in statistics for violence indicators in Colombia (see Appendix B). From 2002 to 2007, the total number of reported kidnappings in Colombia have fallen by 82%, from 2,882 to 521 (Ulloa 2008: 239). During the same period, massacres dropped from 680 to 128 (81%); from 2002 to 2006⁶ acts of terrorism fell by 61% from 1,645 to 646 in the first half of 2007 (Ibid.). In spite of these impressive gains toward peace and the consolidation of state power throughout the territory, the state faces challenges to some of the very policies that have been part of the national anti-violence agenda. For example, peasants routinely organize in protest against aerial fumigation that can cause serious collateral damage to farmers and the environment (Thoumi 2003: 193). Though some may view this dissent as representative of a disconnect between a government struggling for legitimacy and its people, it is more importantly an indicator of a healthier democracy where citizens engage in peaceful protest against specific government policy. These gains may not have been realized without the assistance of international donors applying targeted aid, primarily the United States.

At the same time, the United States' continued support of military operations over social and economic development may not be the most effective way to gain and maintain legitimacy for the Colombian government. As described above, legitimacy is crucial for the consolidation and quality of democracy, effective governance, and state control over its territory. The Colombian government finds itself at a stalemate with the FARC because neither entity can agree to make concessions to the other. With Washington fixated on military intervention –

section of this paper of domestic responses to violent actors in Colombia. The main premise behind this strategy is for the government to regain control over 100% of state territory.

⁶ The most current full year of data available for this category is 2006. Based on the available statistics for the first half of 2007 (213 incidents through July 2007), Colombia was on track to see another dramatic reduction in acts of terrorism.

and for some good reason – the U.S. Department of Defense advocates for counterinsurgency-style intervention when domestic diplomacy does not solve problems of persistent violence (Marks 2002). This approach attempts to use force in order to win legitimacy for the state, but such a process is more delicate than brute military action. Weber articulates how legitimacy is built and maintained through a sort of organic trust, a value highly-regarded in contemporary Colombia. Given the country's history of violence, weak state, and cultural values, some Colombians suggest that “trust is a lot more valuable than capital” (Molano 1990: 48). Although an aid-enhanced military does play an important role in securing peace in Colombia, greater social investment in conjunction with counterinsurgency operations may be a more effective way to cultivate this fragile bond between weak state and skeptical citizen. It could be argued that citizens may desire a state that takes a hard-line stance against opposition and prefer a reversion to more authoritarian systems of governance; recent history shows, on the other hand, that Colombians desire strong institutions and effective democratic governance rather than heavy-handed policy.⁷ Furthermore, even with U.S. assistance, the Colombian professional military stands at one-sixth the size that counterinsurgency experts say is needed to effectively eradicate violent guerrilla opposition (Sweig 2002: 135).

Lessons Learned for Future International Intervention

Plan Colombia, with its hotly-debated hybrid strategy of counternarcotics and counterinsurgency, provides a good example of a strategy whose benefits and drawbacks can be evaluated when considering future international intervention. A series of questions arise

7 The clearest example from recent history is the 1991 constitutional convention that attempted to strengthen democratic participation at the local level and the rule of law. Electoral reforms transferred substantial political power to the local level by taking away the presidential privilege of appointing governors and mandating their popular election. Judicial reforms were designed to reinforce the justice system and strengthen the autonomy of the Supreme Court. Additionally, Sweig gives examples from Latin America where U.S.-backed, authoritarian-style repression was not effective in eradicating revolutionary opposition forces (2002).

when a policy holds the potential to encroach on the state's authority as a sovereign entity: If counterinsurgency policy in Colombia holds the potential to further destabilize the state, the what are the consequences for state legitimacy should that occur? What should the host state's obligations be before permitting a sovereign international actor to implement strategies that demand the exertion of force or, more importantly, the use of violence? What factors should the government concentrate on in order to protect its legitimacy in spite of its obligations to a donor nation? Even when a host country permits another to control a portion of strategic operations within its borders, Laurence Whitehead outlines the necessary conditions for one country introducing political and social strategies in another country, paying special attention to issues of consent:

Starting with control, it is not enough for an initiative to be proclaimed democracy-promoting; it is not enough for the proclamation to be seriously intended, properly researched, and adequately funded. The recipients of the initiative have to accept the truth of all of that and need to share the understanding of the what, how, and why of the initiative with its promoters. They also have to believe that this external input will add more to the chances of success of a democratizing process than it subtracts (by diluting the authority of the domestic actors involved or by tacking on additional unwanted considerations) (2008: 37).

This kind of international agreement begins with a mutual understanding of the goals and terms of the strategy. More importantly, the receiving country must be convinced that the apparent benefits of a plan will outweigh the potential erosion of its power and legitimacy. In addition to these initial concerns, both donor and recipient states must consider other issues relevant to maintaining and reinforcing democratic institutions.

The Colombian state is not entirely dysfunctional, but it is a weak, rather fragmented one propped up by a strong presidential institution and military support from international actors. Several scholars with various evaluations of Plan Colombia agree that international support is critical for the survival of the weak Colombian state (Ulloa 2008; Marks 2002;

Sweig 2002; & Veillette 2005: 13). As such, military support should come from a coalition of multiple international actors. The United States failed to garner substantial, broad-based support among European allies or neighboring Latin American nations through the process of implementing Plan Colombia. When this kind of near-unilateral approach to military intervention occurs, not only does a single donor country bear the cost of assistance; by virtue of its status as a lone donor, the country would face substantially less opposition should it attempt to implement programs that the host government resisted or opposed. An international coalition, on the other hand, would add further safeguards against one state co-opting another's sovereignty and destroying the legitimacy of existing democratic institutions.

In addition to multinational collaboration, policy makers should take care to negotiate and set clearly-defined limits on the in-country power, presence, and decision-making authority of donor nations. Adam Isacson, Colombia program coordinator at the Center for International Policy's "Colombia Project" watchdog group, points out the so-called "growth potential" for U.S. troop involvement in Colombia because of the country's complex, long-term struggle against guerrilla forces and paramilitary groups (2004). The Colombian government squares off against at least 40,000 guerrilla and paramilitary fighters across a territory three times the size of California. Because of the relatively small, underfunded Colombian military, the U.S. could be drawn in to further assist with military operations on the ground. More troops deployed in Colombia equates to greater control of actual operations, thereby wresting operational management away from Colombian authorities. This is why in 2002, Julia Sweig worried, "And whereas Plan Colombia limits American military and civilian personnel on the ground to [a total of] 800, the cap may not cover new programs under consideration" (2002: 135). While the U.S. continues to agree on paper to limited troop deployment, Congress went

about authorizing a troop limit increase in 2004 after agreeing in 2000 to a defined troop cap of 400 soldiers and 400 private contractors. The 2004 increase doubled the limit for military personnel to 800, while the number of private contractors allowed to operate in the country at one time increased to 600 (Ibid.). In 2009 under President Obama, the United States again proposed troop level increases in Colombia. Obama contends that the move “[...] would merely update an existing accord [...],” but BBC News reports that, “[...] the U.S. wants to relocate its base for anti-drug operations in Latin America to Colombia [...]” (2009). Because of the difficulty of controlling this type of external pressure from a donor, it is important that a host country set defined parameters for maintaining control over the number and mission of troops within its own territory.

Similar sentiment regarding the expansion of U.S. involvement into other South American territories lingers in contemporary debates on Plan Colombia. Some argue that the strategic alliance between the U.S. and Colombia under this plan threatens to undermine regional security. Termed, “spillover,” Colombian paramilitaries, guerrillas, and those involved in the country's drug trade cross regularly into neighboring territories, including Brazil, Panama, Peru, Venezuela, and Ecuador (Bagley 2001: 20). Similar to growing U.S. influence in Colombia, this “policy creep” leads U.S. military operators outside the host country in pursuit of their Colombian target. This kind of trend threatens to subvert the governments of other territories, especially those who have not expressly welcomed or condoned a foreign military presence within their sovereign borders.

Since all of these collaborative military operations are intended as part of a strategy to consolidate state power across a territory and fortify state institutions, foreign intervention and the fight against violence must be carried out within the host's formalized legal framework.

Colombia renewed its commitment to enact reforms that strengthen the judicial system when it created extensive measures to reinforce legal systems and the rule of law constitutional convention of 1991. As part of the peace process, Uribe brokered an agreement with paramilitary groups that has led to the demobilization of over 32,000 of their fighters since 2005. While this large disarmament represents a significant step toward consolidating state control and engineering peace, the process of demobilizing occurs essentially outside of the traditional Colombian legal framework. Paramilitary leaders agreed to the deal because it meant lax, if any, legal repercussions for past human rights violations committed, but critics argue that the process, “allowed for the possibility that those who committed serious crimes could escape prosecution, obstructed efforts to dissolve paramilitary structures, and did not guarantee victims’ rights to reparations and truth” (Hanson 2008). Proponents of the program point to the fact that once-violent actors are becoming absorbed into legitimate social structures, but this kind of suspension of justice for systematic human rights abusers does nothing to strengthen the power or legitimacy of the justice system.

Finally and most important for maintaining legitimacy in this case is prioritizing the discussion on a transfer of responsibility to the host state. Most governments are ill-equipped to provide the economic and physical resources to solve the most substantial of another government’s domestic issues. Larger and more powerful ones (particularly the United States before the most recent financial crisis) can, in some limited cases, fill this need without overwhelming concern for an end point for the assistance. It is in these cases that planning for a transfer of full responsibility to the host is of utmost importance because aid packages and particularly military assistance can signal an effort by a state to form a consolidated base of regional power (Petras 2000-2001). This is not to say that a country lending assistance to

another must set a public and inflexible time line for the termination of their aid program; rather, states should focus on preserving the mutual autonomy of other states and their institutions. As such, policy makers from all parties should prioritize the ultimate goal of handing over full control of a particular area or situation to the recipient of the aid.

Conclusion

The question of legitimacy is especially important when discussing one state's approved use of force in another's territory. After outlining the complex reality of Colombian violence and a fragmented state, this paper explored the implications of external military aid within the borders of another sovereign nation. When receiving aid from another country, especially assistance that includes a heavy dose of military operations, states should consider forming multinational coalitions, limit the in-country presence of the donor state, monitor "spillover," maintain and fortify the judicial framework, and prioritize the transfer of responsibility for the overall in-country situation. With these goals in mind, states receiving aid can better protect their legitimacy and can stand to fortify fundamental state institutions.

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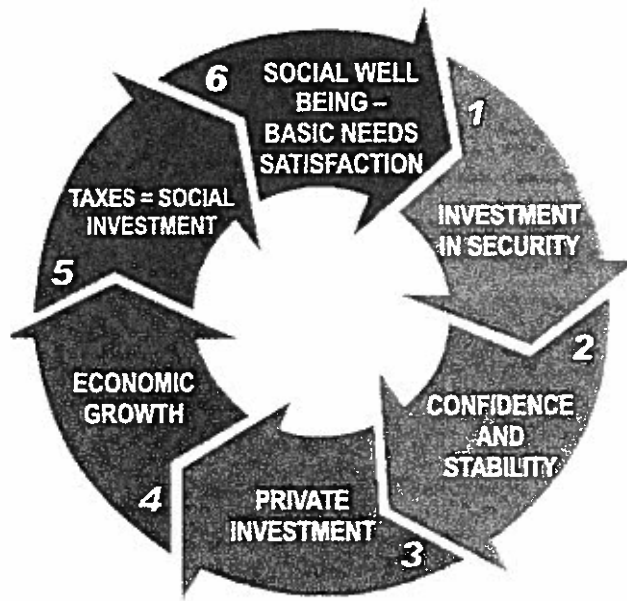
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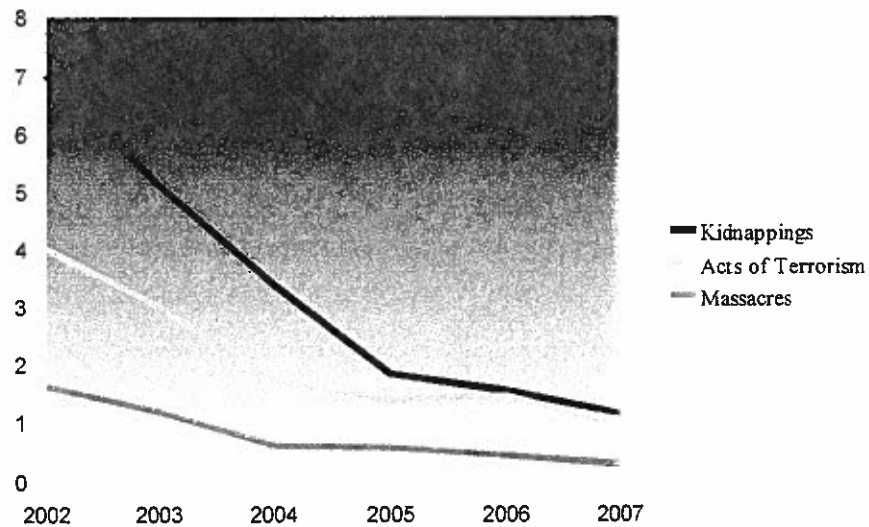
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Appendix A



Source: Colombian Embassy 2007.

Appendix B



Violence Indicators per 100,000 population.

Source: Ulloa 2008: 239. Data adjusted by author to reflect number of incidents in relation to total population. Data included from Office of the Presidency of the Republic of Colombia, Vice Presidency of the Republic, and Office of Communications. Acts of Terrorism for 2007 estimated based on data from January through July 2007.