transnational institute

Drug Policy Briefing Nr. 42
July 2014

Drugs, armed conflict and peace

How does the agreement on drugs between the government and the FARC help to put an end to the armed conflict in Colombia?

By Ricardo Vargas M.*

This policy briefing analyses the results of the partial agreement on drugs reached at the talks being held in Havana between the Revolutionary Armed Forces of Colombia, FARC, and the Colombian government. The analysis is based on the joint communiqué issued on 16 May 2014,[1] the eve of the first round of the presidential election in Colombia. Following a brief introduction to the drugs issue in the broader framework of the peace talks, the briefing looks at how the subject of illicit crops, drug use and trafficking is dealt with in the agreement. It concludes with an assessment of the progress that the agreement represents in terms of the link between drugs and armed conflict.

One of the main features of the illegal drug economy in Colombia is its link with the prolonged armed conflict and its growth in this scenario. The drug trade subsequently became a war economy, used both by guerrilla groups and by illegal private militias who claimed to be part of a counterinsurgency strategy designed and supported by regional elites and state security forces. The various armed groups have obtained significant benefits from their control of territory, which has enabled them to provide protection services and rake off profits from their role as intermediaries in the market for cocaine base paste (CBP), their involvement in processing and the diversification of trafficking routes, and the links they have developed with major transnational trafficking networks. By buying up land, they were able to launder their illegal capital, assimilate into and transform socio-economic dynamics, and influence political processes – especially elections – at the regional level. This led to territorial control arrangements that have facilitated the survival of social groups that emerged

Key points

- The diversity of participants in the war who are involved in drug trafficking has led to a complex scenario in which the guerrilla groups are only one part of the problem. The criminal economy is able to continue operating regardless of who controls security in the producer regions.
- The territorial approach that the agreement rhetorically claims to adopt is weak. It is not based on an integrated view of the territory and reduces it to the coca situation. A genuinely territorial approach would open the door to participation by rural settlers, indigenous and African-descent communities and give them a say in their territory's future.
- The agreement is a ratification of the ongoing relevance of the current approach to drugs, which is based on prohibition. In this case, the objective is the total elimination of both coca and drug trafficking. To insist on "eradicating drug trafficking" is to repeat old recipes in new packaging because it leaves intact the very mechanism that makes the drug trade competitive: continued prohibition.
- The agreement ignores the significant level of progress made in processes that have become stronger and currently represent a critical mass in favour of a regulation scenario. These processes include the development of harm reduction models. These models are based on the understanding that drugs must be accepted as a reality that must be lived with, while preventing or minimising the harm that drugs may cause to users.
- The agreement fails to envisage a strategic approach to the problem, including the seeking of commitments from other countries to rethink the current policy on drugs.

from illegal activities and currently hold sway in a functional symbiosis with legal power structures.

The diversity of participants in the war who are involved in drug trafficking has led to a complex scenario in which the guerrilla groups are only one part of the problem. The criminal economy is able to continue operating regardless of who controls security in the producer regions.

This is the scenario in which, since August 2012, the Government of Colombia and the FARC have been engaged in talks to put an end to the armed conflict as the initial phase in a strategic peace-building process that should eventually become a reality in the territories affected by the conflict. The fourth point on the agreed agenda for the talks is the issue of "solving the illicit drug problem." We will now examine the nature of the agreement presented by the parties on May 16th 2014.

Addressing illicit crops

Description – The agreement promises to treat the growers of natural raw materials for drugs differently from the criminal economic organisations involved in other stages of the drug trade. It therefore establishes a pathway that begins with participation processes for communities that make a commitment to the state to replace illicit crops and refrain from to participating in the trade of raw materials derived from such crops. All producer communities – regardless of whether or not they agree with crop substitution – will have their illicit crops eradicated, with the eradication being carried out either by the communities themselves or by state agencies set up for the purpose. The eradication may even be done by means of aerial spraying. In return, the communities will be given the right to participate in the design, implementation and monitoring of local crop substitution programmes, to be included in a municipal plan in which the state at the central and departmental government level will be involved.

Analysis - The territorial approach that the agreement rhetorically claims to adopt is weak. It is not based on an integrated view of the territory and reduces it to the coca situation. The agreement does not mention aspects such as the bio-physical features of the territory, the presence of environmentally fragile areas that need to be protected, the structural constraints affecting many areas where coca leaf is grown today that make them unviable for production projects, or the serious difficulties related to communication and infrastructure. It makes not a single reference to the concept of "the environment," revealing the superficiality with which the agreement or the joint communiqué was drafted.

A very serious limitation is the fact that when "substitution" is mentioned, it essentially refers explicitly to coca leaf. Reducing the area of land planted with coca is, of course, the underlying objective, taking it as given that this is the fundamental problem to be solved. The possibility of using land seized from drug traffickers as a way to offer farmers a more viable alternative – for reasons of location, soil quality and access to markets – does not appear in the joint communiqué.

Furthermore, the territorial approach does not take into account the other resources that may be present in the territory, such as oil, minerals and protected areas. According to the agreement, community participation is not envisaged with regard to life in the territory as a whole, but only in relation to crop substitution. Once again, this suggests that the only problem to be solved is the coca leaf, with its eradication being the primary solution. According to this approach, communities will be compelled to deal with the coca problem exclusively, depriving them of the ability to address all aspects of life in the territory. Alternative development cannot fail to take into account productive activities based either on the use of these resources or a ban on their use.

The underlying approach in the joint communiqué is the idea that actions to reduce production in the initial stages of the drug chain will lead to a reduction in supply. This is consistent with the initially-agreed purpose of finding "a definitive solution to the problem of illicit drugs" – an aim that, as well as being vague, is unrealistic

and belongs in the domain of well-known, worn-out slogans about "a drug-free world." But "the problem of illicit drugs" is not even defined in the agreement, beyond a few extremely general references. Neither does the agreement consider a strategic approach to drugs that would include the possibility of dialogue with other countries that are somehow involved in the illegal trade. According to the agreement, these countries may also make contributions to a "definitive solution" to the drug problem, but no ideas, nor approaches, are outlined for bilateral or regional dialogue that would seek to reach commitments at the international level.

In short, what the agreement displays is a ratification of the ongoing relevance of the current approach to drugs, which is based on prohibition. In this case, the objective is the total elimination of both coca and drug trafficking. Compounding this problematic argument, the agreement also ignores the significant level of progress made in processes that – even while the current international agreements on drugs are still in force – have become stronger and currently represent a critical mass in favour of a regulation scenario. These processes include the development of harm reduction models. These models are based on the understanding that drugs must be accepted as a reality that must be lived with, while preventing or minimising the harm that drugs may cause to users. Not only is this approach not mentioned in the agreement, but the Colombian government, by making the FARC commit to cease its involvement in the cocaine base paste market and in any other stages of the illegal drug chain, has managed to consolidate a prohibition-based policy in the agreement. In this sense, it can be said that the government has effectively reaffirmed the key objectives of the standard drug policy that has been in force for decades.

Drug use

The way in which the agreement deals with the problem of drug use is weak. The references it makes to drug use are extremely general and characterised by:

- A failure to differentiate between recreational use and abuse of drugs or problem drug use.
- A failure to differentiate between different substances as a key element in dealing with the issue.
- A failure to acknowledge harm reduction models and the important contribution they can make to the design of a drug strategy that is based on an approach centred around human rights and public health. Colombia could initiate and commit to undertake research on the proven effects of cocaine use and its smokable by-products, which could form part of the search for alternatives under a harm reduction approach.
- A failure to acknowledge the progress made so far with regulated cannabis use and the possibility that the Colombian government could initiate a process leading to regulation – at least in this area. Likewise, the progress that the cannabis debate has managed to gain in the Americas is not acknowledged either.

Addressing drug trafficking

The issue of drug trafficking is addressed in an extremely generalised way. It uses expressions that are extremely vague and imprecise, such as: “the fight against organised crime”, “the strategy to combat asset laundering”, “state control over the trade in inputs and precursor chemicals” and, finally, the reiteration that asset forfeiture procedures will be "effectively applied."

On this last matter in particular, the agreement ignores the main problem: the use of money seized from drug traffickers. This has hitherto been kept in a black box involving a combination of corruption and the influence of the drug traffickers themselves, facilitated by groups of – mainly conservative – politicians who have participated in the squandering of these resources. There are no mechanisms for civil society participation or ways to remove this issue from management principally by the state.

Drugs and armed conflict: What progress has the agreement made in tackling this connection?

The set of statements made in the agreement does not indicate a new strategy for combating drugs. It is the same old policy, described in language that makes the way in which farmers are treated slightly less harsh but continues to subject them to conditions involving the eradication of illicit crops in exchange for government promises to invest in substitution programmes. Proposing sustainable development in settlement areas in Colombia would seem to be a step too far. Up until now, the failure of alternative development has been buffered by continuing to grow coca. Farmers have accepted the aid offered by the state or by multilateral organisations, but at the same time, they are sceptical about whether the aid will continue. They have managed in one way or another to maintain the cash income they receive from the coca economy, and more recently from the mining and oil industries.

As mentioned before, the territorial approach and participation processes refer only to the illegal coca economy and not to the territory in all its complexity. This includes the presence of other resources, the use of which ought to be determined by territorial reorganization processes that give communities decision-making power. It is not clear how the agreement on coca fits with mining policy or with guidelines for the development of infrastructure and other investments seen as a priority by the top levels of government and private-sector interests. Many of these bodies have seen the opportunities offered by the concentration of land ownership in these territories for use in agro-export models.

Broader agricultural issues were addressed in the peace talks last year, and on March 26th 2013 the FARC and the Colombian government reached an agreement on the first point on the agenda: agricultural development designed to help the rural sector in Colombia, which is characterised by highly concentrated land ownership, informal land tenure, vulnerable small producers, institutional weakness, and the concentration of poverty (53.1%) mainly in the farming sector.

In the context of a weak state and armed conflict, the vulnerability of the rural sector creates conditions that favour the illegal economy. In this sense the first point of the agreement is a set of liberal measures for the rural sector in which the formalisation of property becomes important, as well as the presence of institutions that support small farmers with guarantees that provide access to credit, technical assistance, markets and infrastructure.

The implementation of this agreement in the territories will be a major test of the capacity of Colombian state institutions. Rural sector interest groups and landowners view the peace agreement with suspicion. In contrast, they demand from the state protection of property (legal certainty) and policies that support them not the guerrillas, who are considered a threat to their interests. The dominant interest groups in the rural sector are seeking to preserve the status quo, which provides them with property and taxation benefits.[2]

What is most significant about the agreement is that it represents the exit of an armed player, the guerrilla, which was involved in providing protection services to business. This group has the particularity of challenging the authority of the state and seeking political power through armed struggle – a context in which drugs have played an important role in the last twenty years.

The increase in activities linked to illegal mining has had an impact on reducing illicit crops.[3] Nevertheless, the end of the mining boom and the powerful resistance by groups of landowners – and all the others who have gained from the current model that concentrates the ownership of agricultural land in fewer and fewer hands – will ensure that the conditions remain in place for the illegal coca economy to continue to represent an alternative source of income. In addition, if the guerrilla withdraws from the coca-growing areas, it may be an incentive for the communities involved in coca to continue with this activity. The guerrilla has acted in a predatory way in coca-growing areas by taking a large cut of the money circulating in the drug economy in order to wage war, thereby reducing the ability of many families

to gain access to these resources in various ways.

The continuity of the structural factors that prolong the existence of the illegal drug economy in Colombia will work in favour of rebuilding the business in its primary stages. Indeed, the agenda for the negotiations in Havana does not include discussing scenarios for the stages associated with cocaine processing, the development of trade routes and exports. This is firstly because the guerrilla does not control them, and secondly because of the high levels of adaptability and corruption that characterises those who dominate the other stages of the drug trade.

Furthermore, Washington has announced that it will continue to pursue its demands for the extradition of guerrilla leaders involved in drug trafficking, according to statements made by the new US ambassador in Bogotá, Kevin Whitaker, in response to questions he was asked during his confirmation hearing in the US Senate.[4] Thus, the US has ratified the continuity of a strategy based on approaching drug trafficking as a regional security problem, while also pointing the finger at Venezuela as one of the countries that facilitate illegal drug exports.

The regional scenario is still unfavourable. The countries in the Bolivarian Alliance are continuing to apply a repressive approach in drug policy, because this makes it easier for them to propel other security agendas. This can be seen in the case of Nicaragua, which has signed agreements with Russia in the name of drug control.[5] Another example is Bolivia, a declared enemy of decriminalising drugs, or the continued apathy of countries like Brazil.

Without a clear alternative approach that goes beyond the generalities that President Santos is used to proclaiming in international settings, any rethinking of the drug strategy is still uncertain, both in Colombia and in the region. The public in Colombia has not been given information on the subject. For example, in the first round of the presidential election on 25 May, a majority of voters in the department of Caquetá, which would have benefited from the agreements reached in Havana regarding the problem of illicit crops, supported the opposition candidate (who got 51.65% of the vote, compared with just 16.71% for Santos). This outcome essentially preserved the continuity of the war, as proclaimed by the supporters of former president Uribe.[6]

So, there is still a long way to go before a scenario in which drug policy genuinely contributes to reducing conflict in Colombia can be guaranteed.

Final Remarks

The Colombian government's main objective is to put a stop to the involvement of the guerrilla groups in the illegal economy as providers of protection services, mainly in the coca-growing stage of the trade and in the market for cocaine base paste (CBP). The focus on replacing illicit crops until the goal of "zero coca" is reached ignores the fact that illegal coca is a symptom of the social exclusion that prevails especially in rural areas of Colombia, and not the main problem. It follows that a genuinely territorial approach would open the door to participation by rural settlers, indigenous and African-descent communities and give them a say in their territory's future, including with regard to the natural resources present there, the exploitation of which has degraded the environment while failing to lay the foundations for development in these regions.

The criminal economy in Colombia has kept intact its structures for drug processing, domestic transport and export to transit points or consumer markets. To meet their demand for raw material, these criminal groups will seek to restructure their supplies or import them from Peru and Bolivia. The agreement fails to reflect these complexities and falls short when it comes to envisaging a strategic approach to the problem, an approach that would seek commitments from other countries in rethinking the current policy. To insist on "eradicating drug trafficking" is to repeat old recipes in new packaging as it leaves intact the very mechanism that makes it competitive: continued prohibition.

Notes

1 Havana 2014. *Joint Communiqué # 36. Solution to the illicit drug problem by the delegations of the Government and the FARC-EP*, May 16th.

2 Vargas Meza, Ricardo. 2014. "Milestone in Colombia peace process addresses illicit crops but not root problem."Global Observatory, June 4th.

3 UNODC (United Nation Offcie on Drugs and Crime). 2013. *Colombia: Coca cultivation survey 2012*. Vienna: UNODC. June.

4 Gómez Masseri, Sergio. 2014. "Estados Unidos mantendría pedido de jefes de FARC," *El Tiempo*, May 19th. http://www.eltiempo.com/mundo/ee-uu-y-canada/estados-unidos-pediria-jefes-de-farc-si-se-firma-acuerdo-de-paz/14010367

5 Meléndez, José. 2014. "Centroamérica en el punto de mira de Rusia," *El País*, March 18th. http://internacional.elpais.com/internacional/2014/03/18/actualidad/1395113499_139047.html

6 Colombia. 2014. Registraduría Nacional del Estado Civil. http://www.registraduria.gov.co/99PR1/DPR9999999_L1.htm

*Ricardo Vargas M. is a sociologist and research associate with the Drugs&Democracy programme of the Transnational Institute.

This report has been translated from Spanish by Sara Shields.

This publication has been made possible with the financial support from Norwegian Peacebuilding Resource Centre (NOREF)

Transnational Institute

Since 1996, the TNI Drugs & Democracy programme has been analysing the trends in the illegal drugs market and in drug policies globally. The programme has gained a reputation worldwide as one of the leading international drug policy research institutes and as a serious critical watchdog of UN drug control institutions, in particular the United Nations Commission on Narcotic Drugs (CND), UN Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB).

TNI promotes evidence-based policies guided by the principles of harm reduction, human rights for users and producers, as well as the cultural and traditional uses of substances. The project seeks the reform of the current out-dated UN conventions on drugs, which were inconsistent from the start and have been surpassed by new scientific insights and new pragmatic policies that have proven to be successful.

For the past decade, the programme has maintained its main focus on developments in drug policy and its implication for countries in the South. The strategic objective is to contribute to a more integrated and coherent policy where illicit drugs are regarded as a cross-cutting issue within the broader development goals of poverty reduction, public health promotion, human rights protection, peace building and good governance.

Transnational Institute (TNI)
De Wittenstraat 25
1052 AK Amsterdam
The Netherlands
Tel: +31-20-6626608
Fax: +31-20-6757176
E-mail: drugs@tni.org
www.tni.org/drugs
@DrugLawReform
Drugsanddemocracy