

Drugs and the peace process in Colombia: a moderate radical step

By Juan Gabriel Tokatlian

■ Executive summary

This expert analysis evaluates the May 16th 2014 agreement on illegal drugs reached between the government of Colombia and the Revolutionary Armed Forces of Colombia rebels in the context of the peace process taking place in Havana. This third agreement between the parties is very significant in its content and scope. If it progresses satisfactorily it will be the beginning of a gradual end to the “war on drugs” in the country and will defuse one of the issues – the drug trade – that has most hindered the attainment of peace in Colombia.

The agreement reached in Havana on May 16th 2014 between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) entitled “Solution to the problem of illegal drugs” is momentous in that it constitutes a limited step forward with regard to a very complex issue that is underpinned by a series of very important premises.

The underlying assumptions

In essence, the agreement appears to be informed by two basic postulates. The first relates to the drugs phenomenon and the second to the key stakeholders in the agreement.

The focus of the current paradigm for dealing with illegal drugs is to achieve abstinence and eliminate psychoactive substances that have been declared illegal. This approach places the emphasis on the object – the drug – and not on the subject – the human being. The strategy is geared towards punishing and selectively prosecuting certain (direct and indirect) participants and towards certain stages in the phenomenon. This means that, based on rather opaque criteria, there is a relative level of tolerance towards the practices of some actors under some circumstances.

In general, those most directly affected by practices centred on coercion and harassment are peasants and informal workers involved in the growing of plantations and the harvesting of crops; indigenous people and the rural poor who have to suffer the consequences of policies directed at

forcibly eradicating plantations (often by the use of chemicals) and interdiction efforts; the “mules” who carry drugs to the areas of demand; and the inhabitants of disadvantaged neighbourhoods where violent territorial struggles take place between traffickers, corrupt police, dishonest politicians and criminal organisations. Also affected are sectors of the population who are stigmatised, especially young people, because they live in areas where drug dealing goes on, and the weakest groups who lack the political pressure necessary to ensure that their “view” of the drugs “problem” is taken into account. These and other actors are the weak link in a lengthy and complex chain that culminates in an enormously lucrative business for a few.

Vulnerable human groups who are severely harassed therefore end up dead, or in prison, or without access to health care or alternative opportunities for a decent life. In general, those who reap the greatest benefits from illegal trade enjoy wealth and investments that go untouched, despite the existing array of laws and restrictions of various kinds that are meant to deal with this issue; social standing among the well-to-do classes, who usually welcome the “nouveau riche”; economic and political incorporation into the cracks between illegality and legitimacy and into a state (at the local, department and/or federal levels) that has been partially immobilised because of collusion between certain officials and criminal organisations; the ability to coopt and corrupt officials at the national and international levels; and the personal security guarantees provided as a result of the deregulated small arms market and the services of many private security

companies. This dual model, in which development considerations are noticeably secondary, has served to increase social divisions, economic inequities, political differences and international asymmetries. The agreement between the government and the FARC seems to be inspired by the desire to question some of the foundations of this model and seek public policies other than those that currently prevail (in Colombia and elsewhere).

With regard to the second postulate, the agreement assumes that the guerrillas are ready, willing, and able to break with and get out of the drugs trade once and for all and that the elites and institutions are sufficiently interested, determined and capable to tackle the dismantling of this illegal trade that has permeated society and the state for years. The precedent set by the negotiations between the paramilitaries and the administration of President Álvaro Uribe (2002-10) is not promising, because the armed actors, ruling classes and state sectors have all failed to get rid of the illegality that had penetrated institutions for decades. The hope, both at home and abroad, is that the agreement with the FARC will be the beginning of effectively overcoming the drugs phenomenon.

The negotiating approach

There were two possible paths that the dialogue between the parties could have taken as far as the nature of this issue is concerned. One was to look at the intricate web that characterises the drug problem, which would have meant addressing the entire “value chain” it entails (cultivation, production, processing, trafficking, distribution, marketing, financing, sale and use) and associated aspects (domestic organised crime, transnational criminal alliances, links between illegal economies of various kinds, etc.). Another was to focus on several specific aspects of the drug question that have particularly negative impacts and significance for Colombia.

The negotiators, for reasons of expediency and/or conviction, chose the second route. The agreement should therefore be examined from this perspective and not from a more all-embracing viewpoint. Given the circumstances in Colombia, the option chosen seems the most reasonable, in that it can be advanced and hopefully resolved within the country, and the most realistic, in that it is in keeping with a “modest peace” (see Tokatlian, 2014), given the existing political and military realities.

The commitments made

Some aspects of the agreement reached in Havana are particularly interesting. The government achieved several important things. Firstly, the agreement affirms the view widely held in the country by most of the authorities and a significant section of the community of national and foreign experts that there is a link between the armed conflict and illegal drugs. Indeed, although the communiqué initially states that “the internal conflict in Colombia

has a long history, dating back several decades, that pre-dates and has causes that are unconnected with the emergence of illicit crop cultivation and the production and marketing of illegal drugs within the country”, later on it says that “the cultivation, production and marketing of illegal drugs have also permeated, fuelled and financed the internal conflict”. The first statement probably satisfies the FARC and the second endorses the official position.

Secondly, no criticism has been made of the role (tolerance, collusion, profiteering) played by the establishment in the evolution of the drug problem or by other actors, either internally (paramilitaries, the security forces) or externally (the U.S.), that have been linked with the issue. The FARC has avoided resorting to rhetorical diatribes and the government has paid no symbolic price, either domestically or externally, for a lengthy and futile “war on drugs”.

Thirdly, the executive (especially under the government of President Juan Manuel Santos) has received backing for policies that are already being implemented as part of a less-punitive approach. For example, the parties reportedly agreed

that the National Government will lobby for an international conference to be held under the auspices of the United Nations to reflect on and make an objective evaluation of the policy for combating drugs and move forward in building consensus around any adjustments that need to be made.

In fact, and thanks in part to the steps taken by the Santos government, it has already been agreed that a special session on drugs will be held in 2016 under the auspices of the United Nations.

Fourthly, the executive has obtained a commitment from the FARC that the latter will abandon its ties with the drug phenomenon. The wording used was that “in an end-of-conflict scenario” the guerrillas are prepared to “end any relationship which, in the context of the rebellion, may have arisen in connection with this phenomenon”. This has meant a noteworthy victory for the government.

For its part, the FARC has also achieved certain goals. Firstly, for years it has demanded the provision of genuine services and social development at the rural and urban levels to tackle the drug issue. To do this it was agreed that a new national plan to eradicate illicit crops, together with a comprehensive plan concerning drug use, would be implemented. Secondly, emphasis has been placed on strategies affecting some interests of the economic and political sectors that have been associated with or benefited from the growth of the drug trade. Thus greater action is to be taken against assets generated by drug trafficking and the laundering of narcotic-related proceeds, together with more direct efforts to combat the corruption associated with the drug business.

Lastly, there are two points that both the government and the FARC see as successes. Firstly, for both the matter of territory was and is crucial: in the case of the former, so that it can regain sovereignty (once peace has been won) and in the case of the latter, so that it can maintain its influence (once it has become a legal political force). Secondly, the vast majority of what has been agreed in the negotiations under this agenda item – in an agenda that covers five issues – does not need to go through Congress.¹ This means that it will rely on measures drawn up and implemented by the executive.

Is there hope?

In short, after decades of a failed “war on drugs” in Colombia, the agreement seems to show that the best way to approach the drug question is to restore the legitimacy

of institutions, increase the state’s capacity to combat crime, move in the direction of protecting the most vulnerable, design effective rather than sensational strategies to deal with those who benefit most from the drug trade, and implement comprehensive public policies that are focused on people’s well-being.

Reference

Tokatlian, Juan Gabriel. 2014. “Colombia’s modest peace.” Project Syndicate, January 31st. <<http://www.project-syndicate.org/commentary/juan-gabriel-tokatlian-lauds-the-progress-being-made-toward-a-peace-agreement-between-the-colombian-government-and-the-farc-rebel-group>>

Translated by Marion Marshrons



¹ If President Santos is re-elected in 2014 he will have a smaller majority in parliament than he did in his first term, as the legislative results of last March show.

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