The Search for Negotiated Peace and the Fight against Illegal Drugs

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The issue of illicit drugs has played a radically different role in the ongoing peace talks between the Colombian government and the FARC in Havana compared with the peace process in El Caguán ten years ago. There are two differences. First, while Pastrana aligned himself with the war on drugs as it stood at the time through the design and implementation of Plan Colombia in order to strengthen the state’s military apparatus, Santos has had a more revisionist attitude by calling for a global debate intended to produce changes to the current war on drugs. And second, in contrast to Pastrana, Santos has chosen not to dwell on claims about the close links between the FARC’s insurgent activity and the production and trafficking of illicit drugs. Additionally, I suggest that these differences are explained by the role the United States played in both negotiations. While the US was active and crucial in El Caguán, its absence from the Havana has been quite visible but also rather convenient. That absence, in turn, is explained by the fact that Washington has fewer interests at stake as well as more limited resources for intervening, at the same time as the Colombian government no longer has an urgent need for aid.

Introduction

Illegal drugs have played a fundamentally different, almost fully opposite role in the ongoing peace talks in Havana in comparison with the talks in El Caguán ten years ago. During the Caguán process, the war on drugs served as an instrument that allowed Colombian President Andrés Pastrana to prepare an alternative strategy—a Plan B, so to speak—in case the peace process failed (as it ultimately did). The logic of the war on drugs allowed Pastrana’s government to develop and use Plan Colombia to modernize the country’s armed forces and update their military and intelligence equipment. When the peace talks collapsed, the guerrillas saw themselves facing a much stronger military, leading to a significant shift in the balance of military power in favor of the state, which was then consolidated under the Democratic Security policy that was implemented over the course of Uribe’s two terms in office. That shift in the balance of power—that is, the military weakening of the FARC—has led that armed group to develop a more genuine interest in reaching a negotiated settlement in the present context.

During the ongoing peace process, both parties have agreed to include the issue of the war on drugs as one of the six points of the agenda for the talks. That in itself is a sign that the government is willing and able to implement changes with regard to this topic. Otherwise, it would not have been included in the agenda for negotiation. Furthermore, the Santos administration has used the potentially transformative juncture of the peace process to initiate a drastic change in the Colombian government’s position in relation to the war on drugs. In fact, before the dialogues were made public, Santos started an international campaign to discuss the current terms of the global war on drugs. Even
though Santos has not committed himself to a specific position in this debate, it is clear that he is not entirely unwilling to consider alternatives to Colombia’s historical prohibitionist stance.

For their part, the FARC seem to have assumed a position that is relatively compatible with the government’s effort to reform the national and the global regime against illegal drugs: in February 2013, also in the context of the peace process, they proposed the legalization of coca, marijuana and poppy crops. The parties’ positions on the issue thus appear to be moving closer together, which might lead to an important change in Colombia’s stance on drug policy in a post-conflict scenario.

The second argument in this paper is that this considerable change in the way the war on drugs has been approached in the Havana peace talks as compared with El Caguán is explained in part by the radically different role played by the United States in the two processes. To be precise, the ability of the United States to influence Colombia and its behavior in connection with the war on drugs has declined considerably. This has given the Colombian government substantial autonomy and room for maneuver, and it has been able to take advantage of it to adopt a more flexible position that gives the Santos administration more leeway for negotiation on the subject.

The contrasts are stark. During the talks in El Caguán, US State Department officials met with members of the FARC’s Secretariat in Costa Rica to express their views about the peace process and the war on drugs. Moreover, Washington worked together with the Colombian government in the design, funding, and implementation of Plan Colombia. In fact, the United States provided most of the funding for that program. This took place at the same time as the peace process was under way. Washington’s role in that peace process was thus intensive and sometimes decisive.

Today, the US government is absent from the Havana peace talks—and conveniently so. Even though the Obama administration has declared support for president Santos’ peace efforts, no US government official has directly participated in the talks, and, in sharp contrast to the process in El Caguán, US military aid for the war on drugs has decreased significantly over time.

Thus, a more marginal role for the United States in the peace process has helped give the negotiating parties—especially the Colombian government—more leeway for engaging in more profound and less restricted discussions about the possibility of changing the country’s position regarding the drug war.

The Peace Process in El Caguán and Plan Colombia

The need to obtain military and economic assistance from the US during the peace process in El Caguán reinforced the Colombian government’s idea that subversive groups

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were deeply involved in illegal drug production and trafficking. The centrality of this idea was crucial in the design of Plan Colombia and later, when the peace process failed, it allowed the use of an unprecedented amount of resources to fight the insurgency. Hence, to understand the role the war against illegal drugs played during the peace process in El Caguán, it is necessary to explain the process through which the US government participated in these negotiations, the nature of its participation, and how it changed over time, from the beginning and until the very end of negotiations.

In his inaugural address, Pastrana mentioned his analysis on the relationship between illegal drug production and trafficking and the Colombian armed conflict. This formula was the most important framing resource his administration used in order to increase the United States’ involvement in the effort to end the war against the guerrillas:

“drug crops are a social problem and its solution requires ending the armed conflict (...) developed countries have to help us implement a sort of ‘Marshall Plan’ for Colombia; a plan that allows us to develop large investments in social programs, in the agricultural sector and in regional infrastructure, just to offer our peasants different alternatives to illegal crops.” (Pastrana, 2005, p.51).

In order to implement a strategy to facilitate US involvement in the peace process, a comprehensive approach to both Democrats and Republicans was necessary to prevent the subjection of the policy toward Colombia to the comings and goings of US domestic politics. Then President Bill Clinton promised to work with Congress to increase anti-narcotics assistance, aid for sustainable economic development, human rights protection and humanitarian activities. He also promised to help stimulate private investment and join other donors and international financial institutions to promote economic growth in Colombia (Pastrana, 2005). Meanwhile, the Colombian government was succeeding at selling the ‘counter-narcotic plus counter-subversive’ frame to top officials at the US Congress: the government’s argument was that an efficient war against illegal drugs could not and should not be separated from a strategy to end the armed conflict. Benjamin Gilman, back then the chair of the House Committee on Foreign Affairs, subscribed the thesis:

“If the guerrillas are involved in drug trafficking, we are not going to draw a line and say that ‘these’ guerrillas are rebels fighting for the revolution, and that ‘these other’ guerrillas are involved in drug trafficking. If they are involved in drug trafficking we are going to treat them all the same way... If they are producing and protecting drug traffickers and helping them to take all the supply out of Colombia, we will support the Police’s efforts to stop them” (Revista Semana, 1998).

Both the Colombian government and the US Embassy repeatedly insisted on the fact that drug traffickers and insurgents were virtually impossible to distinguish, which made it very difficult to channel American assistance, since US legislation at that moment still forbade military aid for counter-insurgent purposes. On this issue, a GAO document also stated that “new guidelines have been created to share information, starting in March
1999. The increasing guerrilla participation in drug trafficking is recognized and for this reason intelligence information is being facilitated to counterinsurgency efforts in areas where drugs are produced.” (Revista Semana, 1999).

In sum, due to Colombia’s lobby and to the GAO’s report, Washington realized that it was not a good idea for the US to distance itself too much from the peace process. More importantly, it realized that limiting counter-narcotics aid to Colombia in the zona de despeje, where the talks were taking place, was a shoot-your-own-foot strategy. With this in mind, Thomas Pickering, Under Secretary of State for Political Affairs, traveled to Bogotá at the end of the summer, met with President Pastrana and offered, to the president’s great surprise, the possibility of US support not for one year but for the three years left of Pastrana’s term. According to Pastrana, Pickering’s proposal was an almost perfect match for his idea of a ‘Marshall Plan’ for Colombia (Pastrana, 2005). After this visit, the Colombian president and his staffers started to work on a more elaborate and detailed version of Plan Colombia that would include Washington’s initiative.

During Pastrana’s second visit to President Clinton, it was already clear that US assistance was mainly intended to strengthen the Colombian military in order to force guerrillas to negotiate or, in case negotiations failed, to provide the government with a Plan B to face the insurgency: “it was also rather apparent that the decision (to ‘cautiously reengage’ the Colombian military by supplying it with sophisticated weapons) was made because the Colombian armed forces were losing the war with the guerrillas.” (Ruiz, 2001, p.65). The social components of the aid package became of secondary importance. Pastrana understood that the guerrillas would eventually become stronger during the peace process, and the government could not afford not to modernize its military apparatus and lose more ground in its war on drugs.

As part of the ‘counter-narcotics plus counter-insurgent’ frame that his administration was promoting, his concrete proposal was to try to involve the armed forces more actively in the war against drugs. The idea was to secure resources to modernize and update the Colombian armed forces with US funding. Traditionally, US assistance was given to the Police—the institution in charge of the war on drugs—rather than the military.

On December 19 1998, President Pastrana presented Plan Colombia as “an alliance...with the countries of the world and with the private sector to fight for peace, for human rights, for social rights and ecology, and as a group of foreign investment projects strategic for peace.” (Pastrana, 2005, p.118). In spite of this rhetoric, Plan Colombia was an instrument to modernize and strengthen the Colombian army, “to create new army brigades specialized in the war against drugs, brigades that would now be able to receive military aid from the United States.” (Pastrana, 2005, p.119). Colombia’s government presented a Plan that requested US$2.500 million from the international community.

The Colombian government realized that the approval of Plan Colombia in the US Congress was a priority and would require additional efforts. With this in mind, it
implemented a broad and expensive lobby campaign in order to convince the Republican opposition about the advantages of Plan Colombia and obtain the resources. On January 11, 2000, Clinton formally announced his aid package to Colombia for the following three years. The Plan’s final objectives were to send resources and equipment to two antinarcotics brigades operating in the south of Colombia, to support aerial interdiction operations in Colombia and neighboring countries, to improve the justice system and promote human rights, and to strengthen the rule of law and alternative economic development in Colombia. By June 2000, the US Congress approved a military and humanitarian aid package of US$1043.7 million, a sum slightly lower than the one previously approved by the House (in March 2000): US$1336.9 million. It was the largest US aid package to Colombia in history: 68% was dedicated to military and police assistance and 32% was dedicated to social and justice programs, human rights and alternative development.

Once George Bush took office as president of the United States, the Colombian government began to work on arranging a meeting with the new US leader in order to renew support for Plan Colombia. The first Bush-Pastrana summit took place in February 2001, and on September 11 of that same year the attacks against the World Trade Center in New York and the Pentagon in Washington took place. On February 20, 2002, during the last year of Pastrana’s administration, peace talks with the FARC ended with no concrete results.

At the end of his administration, and using an argument according to which Colombia’s conflict was linked to the new international war on terrorism (Moreno, 2002), Pastrana convinced the US government to lift the restrictions imposed on military cooperation to allow its use not only for the war against drugs, but also in the war against insurgency. A bill was introduced by the US Executive stating that “in fiscal year 2002, funds available to the Department of State for assistance to the government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations” (United States, House of Representatives, 2002, p. 39). President Alvaro Uribe inherited a strong alliance between Washington and Bogotá, an alliance that would contribute not only to Colombia’s war against drugs, but more importantly, would facilitate military efforts against insurgency.

Havana and the Santos government’s policy shift on illicit drugs

Within the context of the current peace process in Havana, the Colombian government has attempted to follow a new approach to the drug issue, both at the negotiating table and beyond it. Santos has changed the traditional position of the Colombian government, which followed a prohibitionist approach to the war on drugs, and replaced it with one characterized by greater openness to debating different strategies for facing this problem. Even though Santos has not advocated a specific type of policy, he has insisted on the
need to hold an open debate about the dominant global strategy and its clear shortcomings. This change in the government’s position has been facilitated by the relatively marginal role played by the United States in the peace process and by that country’s diminished influence over Colombia as a result of the cuts in military and economic aid from Washington to Bogotá for the war on drugs and counter-insurgency.

Santos’ campaign started with a speech before the UN General Assembly in September 2010 when the president spoke, for the first time, about the need to revise and redefine the current terms of the war against drugs. Santos expressed concern about the contradictions of the war on drugs and called for starting a thorough review of the global strategy on the matter:

“...We note with concern the contradictions of some countries that, on the one hand, demand a frontal fight against drug trafficking and, on the other, legalize consumption or study the possibility of legalizing the production and trade of certain drugs ... These contradictions make it a necessity ... to come to an agreement and to review the global strategy against illicit drugs, in order to agree upon a unique global policy, more effective and within which all countries will contribute equally to this effort.” (Colombia, Presidencia de la República, 2010).

In November 2011, Santos gave interviews to various media outlets in the UK and spoke again about his idea of leading a global discussion about what he called a failed global strategy against illegal narcotics. The Guardian reported that president Santos’ voice was “becoming the key one in trying to set the terms for a new international discussion about the war” and highlighted his pronouncements about the world’s need to discuss new approaches, given that

“...we are basically still thinking within the same framework as we have done for the last 40 years... A new approach should try and take away the violent profit that comes with drug trafficking... If that means legalising, and the world thinks that's the solution, I will welcome it. I'm not against it.” (Mulholland, 2011).

Santos’ proposal in this context was precisely to assume leadership and launch a discussion about the topic, but he made clear that he was not willing to pay the high political cost of assuming and advancing a concrete position. On the contrary, the Colombian government would only change its position on drug policy in the event of an international consensus:

“...What I won't do is to become the vanguard of that movement because then I will be crucified. But I would gladly participate in those discussions because we are the country that's still suffering most and have suffered most historically with the high consumption of the UK, the US, and Europe in general... I would talk about legalising marijuana and more than just marijuana. If the world thinks that this is the correct approach... I would never legalise very hard drugs like morphine or heroin because in fact they are suicidal drugs. I might consider legalising cocaine if there is a world consensus because this drug has affected us most here in...
Colombia. I don't know what is more harmful, cocaine or marijuana. That's a health discussion. But again, only if there is a consensus.” (Mulholland, 2011).

In April 2013 these declarations were followed by Santos’ proposal at the Summit of the Americas to form an OAS special committee to analyze the hemispheric war against drugs and to propose new venues for action. The OAS Secretary General made public the content of this report very recently and it is expected to initiate a debate at least within the hemisphere (Organization of American States, 2012). Although this report was meant to be discussed at the 43\textsuperscript{rd} Regular Session of the OAS General Assembly in Antigua, Guatemala, in June 2013, President Santos—the leading promoter of the drafting of the report—excused himself from attending the meeting. The discussion began, but almost no significant changes to the hemisphere’s approach to the war on drugs were agreed upon.

Also as part of this strategy, Colombia, Mexico and Guatemala proposed a joint UN declaration requesting governments to start a discussion about this very same issue. These governments did not mention legalization as an option (and neither has the Colombian government elsewhere) but they insisted on the need to start a broad discussion that would eventually lead to deep reforms to the current narcotics regime.

The shift in the Colombian government’s position has been made possible by the decline in US influence over Colombia. In fact, there has been no public reaction on the part of the US government following President Santos’ various international statements, nor has there been any negative impact on the two countries’ bilateral relations, at least publicly. This recent phenomenon is explained by two different but complementary factors: first, due in part to the financial crisis, the US cannot afford to continue supporting Colombia’s military efforts. In fact, military support has been constantly decreasing since 2009, as Graph 1 shows. Consequently, the United States’ ability to shape or influence Santos’ position and activism on this topic has been severely undermined.

\begin{figure}[h]
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\includegraphics[width=\textwidth]{graph1.png}
\caption{US Assistance to Colombia}
\end{figure}

\textit{Some numbers for 2013 and 2014 are estimates. Source: http://justf.org}
Second, Bogota has not been able to keep framing Colombia’s conflict in a way that would interest Washington and attract its military cooperation. At the end of the Pastrana administration (2002) and just months before president Uribe took office, Colombia’s Ambassador in Washington promoted a strategy of linkage politics according to which Colombia’s conflict was directly linked to the US war on terror. By doing so, Colombia was in a better position to obtain military resources from the US. Colombian Ambassador to the US, Luis Alberto Moreno, stated the government’s new position and spelled out its function within the broader counter-insurgent framework:

“While the United States’ attention is fixed on fighting terrorism in Afghanistan, the Middle East and Asia, a grave threat lurks in the Americas. Colombia is the leading theater of operations for terrorists in the Western Hemisphere. Under the false pretense of a civil war, Colombian guerrilla groups have ravaged the nation with violence financed by cocaine consumers in the United States. The Bush administration, appropriately, is pushing in Congress to have anti-narcotics aid expanded to strengthen Colombia’s ability to defeat terrorists.” (Moreno, 2002).

However, this scenario has changed dramatically. The Obama administration’s take on the war on terror is more focused than it was under former president Bush, and Obama has no intention to expand or extend it (Baker, 2013; Dreyfus, 2013). That hinders Colombia’s intention to frame its civil strife as part of the global war against terrorism and, consequently, makes it more difficult to obtain military and economic resources from the US. That strategy worked for presidents Pastrana and Uribe but it will not work for President Santos, and his administration is aware of it.

These aspects of the bilateral relation, added to the fact that Colombia and Latin America are not high-priority items on Washington’s foreign policy agenda, indicate that US economic and military aid to Colombia is very unlikely to increase in the near future. As a result, it is to be expected that US intervention, participation, and influence over the Colombian government and in the current peace process will remain minimal.

This new situation has not only led to an important (though not radical) shift in the Colombian government’s position on the issue of illicit drugs, but also allowed it to change, slowly but decisively, its official story about the connection between insurgent groups and the production and trafficking of illegal drugs in order to facilitate negotiations in Havana. As noted earlier, during the Pastrana administration, the government was insistent in its charge about the close links between the FARC and the illegal drug economy. Pastrana stressed the need to have enough resources to fight drug trafficking and work toward achieving peace by undermining this source of funding for the guerrillas. For this reason, as explained above, it was not a difficult task to convince the US government to lift all restrictions on military aid once the peace talks collapsed so that these resources could be used not only to fight drug production and trafficking but also for counter-insurgency.
In contrast, the current Colombian government has chosen to steer clear of pronouncements about the links between drug trafficking and subversive groups, and it has completely abandoned the use of terms such as “narco-terrorism” or “narco-guerrillas.” Santos has not made any public remarks openly asserting the FARC’s direct involvement with drug trafficking; and, at least in public, he maintains that he believes the FARC’s claim that its members are not drug traffickers. Likewise, pronouncements about these links on the part of members of the military or the minister of defense have also become less frequent.

Dropping the “narco-guerrilla” discourse has allowed the government to assume a more proactive attitude in the peace talks and made it possible to publicly invite the FARC to join the government and commit to address the problem of illegal drugs in Colombia.

The “revisionist” discourse at the international level in connection to the current terms of the war on drugs, along with the abandonment of the strategy that linked the FARC directly with the illicit drugs issue, allows the government to shape the conditions for conducting negotiations on the subject in a less polarizing way, which is likely to facilitate speedier discussions. Furthermore, this shift allows the government to win over parts of the electorate and public opinion with more progressive views on this subject, preventing the FARC from attempting to win their support. Cognizant of the government’s strategy, that armed group has insisted on its proposal to

“put an end to the policy of criminalization and persecution, suspend aerial fumigation and other forms of eradication that are producing negative socio-environmental and economic impacts (...) We must consider plans for legalizing some marijuana, poppy, and coca leaf crops for therapeutic and medicinal uses, for industrial use, or for cultural reasons.” (Redacción, 2013).

Although the convergence in the two parties’ positions on the issue of illicit drugs is clear and unprecedented, it will be necessary to wait for discussions about this subject (the fourth item in the five-point agenda for the talks) to take place in order to corroborate whether these apparent coincidences will in fact be translated into concrete agreements on the matter. For now, at the time of writing this paper, only one official announcement has been made relating the central points of agreement on the first agenda item, agrarian reform. That declaration suggests that the “comprehensive rural reform” agreed upon by the two parties in Havana will be “universally applicable, and its execution prioritizes the territories that have been most affected by the conflict, by poverty levels, by the presence of crops for illicit use and other illegitimate economies, and with the least institutional presence.”² (El Tiempo, 2013). This is the first formal explicit mention of the drug problem—and its primary component, that of production—in the agreements that have been reached by the negotiating parties so far.

²Emphasis added.
Conclusion

The issue of illicit drugs has played a radically different role in the ongoing peace talks between the Colombian government and the FARC in Havana compared with the peace process in El Caguán ten years ago. There are two fundamental differences. On the one hand, while Pastrana aligned himself with the war on drugs as it stood at the time through the design and implementation of Plan Colombia in order to strengthen the state’s military apparatus, Santos has had a more revisionist attitude by calling for a global debate intended to produce deep changes to the current war on drugs. On the other hand, in contrast to Pastrana, Santos has chosen not to dwell on claims about the close links between the FARC’s insurgent activity and the production and trafficking of illicit drugs. Those two differences—what I call “international revisionism” and the lack of explicit remarks about those links—have brought the parties at the negotiating table closer together and may amount to the first steps toward a substantial shift in the Colombian government’s official position.

The second argument is that the difference between the two governments’ positions on drug policy within the context of their talks with the FARC are explained by the equally profound differences in the role played by the United States in both negotiations. While the US played an active and crucial role in El Caguán, its absence from the Havana has been quite visible but also rather convenient. That absence is explained by the fact that Washington has fewer interests at stake as well as more limited resources for intervening, at the same time as the Colombian government no longer has an urgent need for aid.3

The Colombian armed forces are now more efficient and professionalized, and the strategy of jumping on the war on terror bandwagon in order to receive military assistance is no longer effective with the Obama administration. Moreover, Colombia has gone from being seen as a failed state due to its shortcomings in the war on drugs to defining and promoting itself as a success story, as an exporter of know-how for the fight against illegal drugs, and as a moral authority for leading a global debate on the issue.4


4 Colombia has already shared its know-how in connection to the drug war in several occasions. For instance, in June 2012 it was announced that the Colombian government, along with the US, would assist Honduras, Guatemala, and El Salvador for improving those countries’ institutions, arguing that “Colombia’s trajectory and experience” after 20 years of “so much progress” make the country a strategic ally for this new type of triangular cooperation. (See EFE. (2012). Colombia y EEUU asesorarán a Honduras, Guatemala y El Salvador en mejoramiento de instituciones. Caracol [Online] 1st June. Available from: http://caracol.com.co , [Accessed 21st June 2013] Colombian former prosecutor Sara Salazar, specialized in asset forfeiture, has also served as consultant to the Salvadoran government in designing that country’s asset forfeiture law (see VÁSQUEZ, J.C. (2013). Ley de Extinción de Dominio es de urgencia para El Salvador. El Mundo. [Online] 9th May. Available from: http://elmundo.com.sv . [Accessed: 21st June 2013]. Finally, the most paradigmatic case was that of retired General Oscar Naranjo, former chief of the Colombian National Policy, who was named as a security consultant to Mexican President Enrique Peña Nieto.
Bilateral ties are thus looser, and Washington’s influence over Bogotá has become weaker. The Santos administration thus has more leeway and autonomy regarding drug policy than the Pastrana administration ever did. This has made it possible for Colombia to reformulate its drug policy in a way that may become more consolidated in a post-conflict scenario.

References


