

NOREF Policy Brief

Drugs and the peace process in Colombia

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Executive summary

It is significant that the drug issue has been included in the agenda of Colombia's peace process. The illegal drug economy cuts across the country's internal conflict to a greater or lesser degree. One of the reasons why the lives of most of Colombia's rural population have deteriorated is resistance to land reform, underpinned in part

by drug-trafficking interests. A rural policy to tackle this situation is key to solving the problem of illegal drugs in Colombia. This policy brief offers a brief analysis of the drug question within the framework of the peace talks, together with recommendations and proposals.

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Introduction

It is very significant that the drug issue has been included in the agenda of Colombia's General Agreement for Ending Conflict and Building a Stable and Lasting Peace. The illegal drug economy cuts across the country's internal conflict to a greater or lesser degree all over Colombia. The living conditions of much of Colombia's rural population have deteriorated for many reasons, but one is resistance to land reform, underpinned in part by the illicit drugs economy. A rural policy to tackle this situation is key to solving the problem of illegal drugs in Colombia. This policy brief offers a brief analysis of the drug question within the framework of the peace talks, together with recommendations and proposals.

Drug trafficking

Colombia is still the world's top cocaine producer, with an output of 350-400 tons per year (UNODC, 2012b: 46). However, the country has maintained average cocaine seizures of 155-200 tons in the last three years. Production and trafficking for the main international markets (the U.S. and Europe) represent an income of almost \$7 billion, or 2.3% of Colombia's gross domestic product (GDP). A report issued by the Criminal Gang Information Centre, composed of high-ranking personnel from the army, the navy, the Administrative Department of Security and the Technical Investigation Team (a division of the Attorney-General's Office) estimates that there are ten major gangs with about 2,150 members, mainly associated with cocaine trafficking. Cocaine trafficking is currently one of the resources of the 'war economy' and one of the reasons for the rise in criminal organisations with great economic and political power. The drugs trade is becoming increasingly transnational and affects a growing number of geographical areas in the American hemisphere. Drug control policies based on military security and suppression have contributed to this trend towards the transnationalisation and geo-political expansion of drug trafficking.

The transnational drug phenomenon is a forewarning of Colombia's possible post-conflict situation, characterised by rising violence and crime, arms dealing, and the proliferation of

illegal enterprises. With its potential as a lucrative source of finance, drug trafficking is not going to go away – nor will illegal mining, the haphazard management of legal extractive economies or irrational timber extraction in the forests. Post-conflict scenarios in Central America may provide a useful basis for an evaluation of what is likely to transpire in Colombia.

Recommendations on drug trafficking

a) It is important to avoid worsening the state of public order. Borders are particularly vulnerable. Specific policies for these areas must be based on improving the social, economic, political and cultural conditions of the population; increasing respect for fundamental rights; improving physical infrastructure; implementing counter-corruption strategies; providing a viable and accessible system of justice; and implementing effective transnational control of criminal structures.

b) Prevention policies must be agreed in order to pre-empt the appearance of illegal structures, which may or may not be related to the eventual demobilisation of the Revolutionary Armed Forces of Colombia (FARC), which could see former guerillas providing security services to drug traffickers and spoiling the peace process.

c) Regarding the issue of extradition, the peace agreements should answer the question of how to handle the indictments of FARC leadership accused of drug trafficking and U.S. requests for them to be extradited.

d) Colombia's experience with its extradition treaty with the U.S. needs to be evaluated, with reference to its classification of drug trafficking as an inter-domestic crime and its terms for truth seeking, justice and reparation regarding the internal conflict. This evaluation should show whether and/or to what extent U.S. co-operation with the Colombian justice system is symmetrical.

Alternative development and crops for illicit use

According to the United Nations Office on Drugs and Crime (UNODC), coca-leaf-producing areas in Colombia grew from 62,000 hectares in 2010 to 64,000 hectares in 2011, after some 103,000 hectares had been sprayed and 34,170 hectares uprooted (UNODC, 2012a: 7). The old coca-growing area maps persist, mainly in areas populated by settlers. In 2011 coca-growing areas grew by 80% in the Putumayo-Caquetá region and 13% in the Meta-Guaviare region. Further, UNODC figures indicate that 62,400 households (over 300,000 people) are directly dependent on coca. While the crop only represents 0.23% of the country's total GDP, it contributes 3% to agricultural sector GDP (Mejía & Rico, 2011: 35).

The coca-growing areas persist because wealth in Colombia is unequally distributed and because land concentration continues to force peasant farmers to settle elsewhere. In the illegal coca economy the displacement of the peasant farmer population is a symptom of a structural problem that governments have not tackled in their strategies for controlling the drug supply.

Colombia has no alternative livelihoods policy for settlement areas whose inhabitants' income depends on illegal crops. The policies of force prevail (eradication by aerial spraying, compulsory manual eradication) over development alternatives. This distortion explains the repeated failures of a strategy that continues to focus on peasant farmers, who are one of the weakest links in the drug chain.

Recommendations on alternative livelihoods

a) While there is an open agricultural frontier there will be unceasing waves of settlers and, as a result, the coca cycle will persist.

b) A necessary condition for the resettlements to end is to do away with the current unequal and inadequate agricultural model. It is mainly geared to large-scale farming and functions by breaking up small farms and combining their lands.

c) The Ministry of Agriculture has announced that it is to create a Land Bank. This process should include granting land to farmers who are now living as settlers, offering them alternatives within the agricultural frontier. The problem of illegal crops must be solved largely within the agricultural frontier.

d) Communities organised for local and regional development must have a real opportunity to participate, thus providing the context for alternatives to the illegal economy. This would guarantee the legitimacy of the alternative development policy and lay the foundations for a sustainable social, economic, political and environmental order. Community initiatives must be technically reviewed together with land usage and the environment established in each area.

e) The cost benefits of alternative development investment in these areas are poor because infrastructure is bad and services are basic. In these areas it would be advisable to do the following:

- Settlement should be discouraged in fragile areas that need to be protected, and instead land should be allotted within the agricultural frontier using agricultural land reserve models.
- The agricultural frontier should be closed and strategic ecosystems should be protected from extractive activities and monoculture, including coca farming. An Amazon protection policy should be extended to recover and protect ecosystems that today are being used harmfully and irrationally. Lenient policies for mining in the Amazon will start new cycles of settlement that will outnumber those of coca settlers in the future. Buffer zones should be established and areas that would be appropriate for properly managed productive activities should be defined.
- The Forest Warden Families programme should be ended. It has failed in its two-fold strategy to control illegal economies and affirm the legitimacy of the state. Ways of protecting ecosystems should be rethought, building on the progress made by the National Parks Unit and the Environment Ministry's protected areas.

f) In projects with international co-operation agencies, the Colombian government should pledge to protect alternative development programmes and projects from the impact of forced eradication. It must define and establish the relationship between policies of force and alternative development programmes, and must decide whether eradication is still a valid prior condition for alternative development. Eradication must be gradual and voluntary, and part of agreements reached with communities that want legal alternatives.

Drug policy

By and large, opinion makers, think-tanks, governments, experts and those who work on drug policy agree that prohibition-style counter-narcotics strategies have not produced a drug-free world. There is greater discussion about counter-narcotics strategies and potential alternatives in view of the negative impact of drugs and drug policies. The Colombian government has shown signs of being in favour of the discussion and has invited other governments, mainly in the hemisphere, to do the same. Including the subject of drugs on the agenda of the peace talks in Colombia may be an opportunity to take the discussion further. Nevertheless, Colombia must define the subjects and scope of the talks on the basis of its own experience and the lessons learned within its own borders. Here we put forward recommendations in four key areas.

Recommendations on drugs policy

1. Drugs and agencies

- The government should evaluate the National Drugs Directorate (DNE) as the agency in charge of national drug policy, including its role, its status and the number of convictions achieved since it was created.
- The government should also examine the role of the DNE and local authorities with regard to drug policy management at these levels.
- Government agencies must allow the participation of organised civil society, such as users' associations; NGOs that provide prevention, treatment and reintegration

services; and organisations that work in very poor areas.

2. The management of goods seized from the drugs trade

- An inventory of the situation with regard to seized goods should be made covering the amount of goods seized, an assessment of government management, problems in current legislation, and the identification and administration of seized goods.
- Government criteria for the transparent management of the goods seized need to be defined (administration, sale, usufruct, etc.).
- The criteria and channels for civil society to participate in decisions regarding the use of seized goods must be defined. Government policies should be put in place for transparency in handling such goods.

3. Legislation

An inventory should be made of public policies on legal inputs that can be used for illegal purposes.

4. Policies on problematic drug use

The foundations for a public policy on drug use regulation should cover:

- prevention;
- treatment; and
- harm reduction policies.

References

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