

# *COLOMBIA IN CONTEXT*

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## **Colombia: Drugs, peace, and local development**

by Corporación Viso Mutop (Organization that monitors the impacts of drug policies on the human rights of peasant, Indigenous, and Afro-descendent communities)

The Petro administration is working to reduce drug trafficking in Colombia by seizing more cocaine while providing a new approach to peasant farmers (recognizing their representatives, not rounding up large numbers to be put in jail, and less forced eradication because of the negative human rights impacts). This approach faces multiple challenges due to various conflicts with armed groups, whom it has invited to help build peace and bring much needed services to the regions in question.

Almost three years into the presidency of Gustavo Petro, it's worth recalling what he announced, in his inaugural speech, when addressing a packed crowd at the Plaza Bolívar cheering him on August 7, 2022.

*"... Peace is possible if we engage in a social dialogue in every region of Colombia, to encounter one another amidst our differences, to express ourselves and be heard, to seek, through reason, the common paths to coexistence. It is all of society that should engage in dialogue on how not to kill one another, and how to progress... It is more democracy, more participation, that I propose to end the violence.... But let us also call on all of those in arms to lay down their weapons in the fog of the past – to accept legal benefits in exchange for peace, in exchange for a definitive non-repetition of the violence, to work as the owners of a prosperous but legal economy that ends backwardness in the regions."*

*"...Clearly peace is possible if we change, for example, the antidrug policy, seen as a war, and replace it with a strong policy of preventing use in the developed societies."*

*"...It is time for a new international convention that accepts that the war on drugs has failed, that it has left in its wake one million Latin Americans assassinated, over these 40 years, and that results in 70,000 persons in the United States killed by overdoses every year. A convention that acknowledges that the war on drugs strengthened the mafias and weakened the states."*

*"...And that the war on drugs has led states to commit crimes and has seriously limited the possibilities of democracy. Are we going to wait for another million Latin Americans to be murdered, and for the number of people who die from overdoses in the United States to increase to 200,000 annually? Or instead let's move from this failure to a success that enables Colombia and Latin America to be able to live in peace." [1]*

In that same inaugural address he promised to carry out the 2016 Peace Agreement and to follow the recommendations of the Truth Commission, while announcing that "the Government of Life is the Government of Peace." The assessment and the commitments set forth were on the mark in the eyes of the civil society organizations that have promoted drug policy reforms and an effort to carry out the peace achieved in 2016. In his words, a policy of total peace was a necessity.

*"I will work to attain true and definitive peace. Like no one else; like never before. We will carry out the Peace Agreement and follow the recommendations of the Truth Commission. The 'Government of Life' is the 'Government of Peace'...."*

[1]<https://cuestionpublica.com/discurso-de-posesion-gustavo-petro/> (emphasis added).

Carrying out the agreement with the former FARC-EP (Fuerzas Armadas Revolucionarias de Colombia), rapidly achieving an agreement with the ELN (Ejército de Liberación Nacional), offering ways out to the dissident former FARC groups that have persisted in some regions, and finding formulas for novel approaches to the drug trafficking issue were all on the agenda. Legislation was adopted (Law 2272 of 2022) with a view to pursuing this aim of reducing the distinct types of violence; it allowed for simultaneous dialogues with armed actors, some considered political in nature, and others without a political past; some operating in urban areas, others in rural areas; and some with strong ties to or direct involvement in the drug trafficking business.

In light of the participation of irregular armed groups in the drug market, the 2016 Agreement considered that with the exit of the FARC from the drug economy the problem would have a solution, as set forth in point 4 of the Agreement, through **crop substitution, an international debate on shared responsibility, a public health policy, and the pursuit of the criminal networks that profit from the business**. Nonetheless, eight years after the Agreement was signed, there has not been a significant reduction in the web of relationships involved in that market. Colombia continues to be the world's principal source of cocaine,[2] and the various forms of violence associated with the dispute over its control in the different regions are sidelining the effort to achieve peace, while the participation of the armed groups that continue to operate is an obstacle to reducing economic dependence on cocaine in several regions.

As regards the relationship between drug trafficking and peace processes, one aspect that has gone unnoticed by many has to do with the promulgation of Legislative Act 02 of 2019, an initiative of President Iván Duque that amended

[2] "According to the 2023 coca crop monitoring" by SIMCI, Colombia had more than 250,000 hectares at the end of that year and had increased cocaine productivity, most of which is exported to the world market, where demand continues to grow.

Article 150 of the Constitution, establishing a clear prohibition on any connection between kidnapping and drug-trafficking, on the one hand, and the crime of rebellion, on the other, which makes new peace agreements difficult in the current circumstances, as it does not allow for any amnesty or pardon for persons involved in drug-related conduct. Now the Constitution establishes that:

*In no case will the crime of kidnapping, or the crimes related to the manufacture, trafficking, or possession of narcotics, be considered political offenses or as conduct related to these, nor any conduct aimed at promoting, facilitating, supporting, financing, or concealing any offense that attacks the constitutional and statutory regime. Therefore, there may be no amnesty or pardon related to such offenses.*

No doubt there are legal bottlenecks, such as the ones faced by those who availed themselves of the 2016 Agreement and broke it by rearming. The transitory provisions of Legislative Act 01 of 2017 established that the Special Peace Courts (JEP: Jurisdicción Especial para la Paz) are for those who engaged in criminal conduct prior to 2016, thus the new armed groups demand judicial alternatives, especially for those who have held command positions in the contemporary armed groups who are being accused of engaging in drug-trafficking and who may even face indictments handed down by the U.S. authorities, and who therefore could be sought in extradition requests.

The effort to achieve peace, however, was broadly supported by the government under the president's premise that one should "engage in dialogue, and dialogue to reduce violence, to reduce homicide rates, and to find solutions so that we Colombians can stop killing one another". In that process, preliminary conversations were begun with almost all the armed groups along with confidence-building measures, to set the stage for dialogue; **a ceasefire was offered early in Petro's term, on December 31, 2022, without any rules or commitments on the part of the irregular groups. It was received positively by several groups but rejected by the ELN.**

Yet this game of “freeze” did not work with any of the armed groups; the efforts of all the groups to expand their influence and geographic control ended in greater confrontations among them. When agreements were reached for ceasefires, the obligations were between the respective groups and the government forces, yet nothing stood in the way of the illegal groups facing off against one another. It took months to clarify that a given group had a certain degree of hegemony in a given zone; meanwhile it was impossible to guarantee for almost anyone the conditions for sitting down for a calm dialogue anywhere in Colombia, and even more difficult to guarantee that the approach to carrying out social transformations in the different regions could be carried out.

The policy of “*paz territorial*,” i.e. peace arrangements tailored to the circumstances in each region, preached by Commissioner Sergio Jaramillo towards the end of the peace talks in Havana, was based ultimately on the strategies of the Development Programs with a Territorial Focus (PDET: Programas de Desarrollo con Enfoque Territorial – defined in the 2016 Peace Agreement for 16 zones encompassing 170 municipalities hardest hit by the armed conflict). The maxim “nothing is agreed upon until everything is agreed upon” embraced by both parties in the FARC-Government negotiation, meant that one had to wait until the signing of the Final Agreement for the “State to arrive in the territories” through public security, the PNIS (Comprehensive Crop Substitution Program, also provided for in the 2016 Agreement) and PDET programs. A rapid evaluation of these programs, eight years later, finds whole sections not implemented and delays for which three administrations bear responsibility: Santos, Duque, and Petro.

In this respect, President Petro emphasized that the ceasefires only made sense if the civilian population was protected, but also that they must be useful for bringing about the conditions for the State to come in and transform living conditions in the territories. In this case the strategy of the Petro

administration was to *“ir hablando e ir haciendo”*, i.e. to continue the talks while beginning to implement the reforms. In this process, the communities' participation is vital, thus the conditions for such participation had to be guaranteed, avoiding any manipulation or coercion.

Yet amidst talk of peace in a country in which there are multiple armed groups with different motivations, and a State that moves at a snail's pace in terms of its procedures and actions, the conflict continued to unfold. The groups continued to expand their presence and control in different regions, and the negative impacts on the population undermined the possibilities of dialogue. In Toribío (Cauca), members of the Frente Dagoberto Ramos of the EMC (the FARC dissident group Estado Mayor Central) attacked an Indigenous protest, and in the midst of that attack community leader Carmelina Yule, known as “la Mayora,” was assassinated, leading President Petro to suspend the ceasefire in southwestern Colombia with the EMC, which had been engaged in talks with the government. A few weeks later the EMC split; some continued to negotiate, others did not.

The new circumstances led to a change in the President's discourse. In a matter of days Iván Lozada, alias Mordisco, went from being a counterpart in a negotiation to being accused of being a *“traqueto”* (drug trafficker). The idea of introducing social transformations in Cauca went from a holistic approach to being focused primarily on the need to transform the coca economy since, according to the official narrative, “if there's coca there's violence.” Henceforth, the government demanded that the armed groups, first and foremost, commit to suspending their ties with the illicit economies, particularly the coca/cocaine economy.

This posed a challenge to the parties seated at the negotiating tables. The requirement to help break the illicit economies came up against realities such as, in the case of coca leaf, that the plants belong to the peasant farmers, who

very much distrust the government given the failure to follow through with the PNIS, the crop substitution program provided for in the 2016 Peace Agreement and similar experiences in past administrations. But in addition they are calling for land, access to markets, education, health care, roads, and public utilities, all of which require coordinated action that takes time, finances, determination, security, and a sound methodology for approaching the most conflictive zones.

Sometimes the devil is in the details. Something may be agreed upon, with good intentions, and fails when it comes to “entering the territory,” among other things because it has always been thought that it is the State that must arrive, in a manner remarkably similar to the way in which military operations unfold. The government goes in considering that there is a gap that needs to be filled, losing sight of the fact there are people who already live there, and that is with these people, in those places, that one must build the State, i.e. put in place the various services that are so urgently needed. In Colombia successive administrations have also forgotten that in most cases the members of the armed groups are also from those territories, are also part of the local population. The tension between a supposed “arrival of the State” and the right of the local population to be recognized as citizens is evident. The debate is whether the strategy of peace calls for “integrating the territories with all their people,” or merely “reincorporating the armed groups.”

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