

7. How has the drugs traffic influenced Colombia's democratic structures?

The name 'Colombia' has become synonymous with drugs and lawless gangs in the ideas of many Westerners. Such widespread criminal activities and international attention inevitably have serious effects on politics in a state and these may be positive or negative in their net result. In attempting to answer this question, a number of related issues must be addressed in order to allow a fair assessment to be made. Firstly, the concept of 'democratic structures' must be defined, and then a description of the political structures in place given. After a brief overview of how the illegal industry became a politicised one, it will be shown how structures have been both damaged and reinforced, thereby allowing an evaluation of whether they have become more or less democratic as a result of the trade.

It will be argued that the political consequences have a political cause, as mass migration gave rise to the drug traffic. Part of this essay will examine, therefore, the significance of politically motivated violence, land reform and the Peruvian war.

Democratic Structures

Colombia is generally regarded, as far as the letter of its Constitution and laws is concerned, as democratic. The Constitution of 1886 was broadly modelled on that of the United States and, as such, guaranteed a political party system, free elections, freedom of speech and assembly, the right to education, the abolition of slavery and other so-called ‘democratic’ privileges. It also stressed Bolívar’s principle that the State should be a strong centralised unit and set up a three-way power-sharing system with an executive, legislature and judiciary, complete with checks and balances, although all policy was made by the executive. It did, however, also allow the President to rule almost autocratically whenever a ‘State of Siege’ was declared in all or part of the country and so was reformed in 1991 to make it more realistic in its aims for democracy. Nevertheless, it has been argued that it was very advanced for its time, as proved by the fact that it survived, with only minor amendments, for so long: it was the longest surviving Constitution in the Americas after that of the United States.

If it is assumed that Colombia was a relatively stable, broadly democratic, country in the decades up to about the 1960s, however, it is a mistaken view.

The period between 1946 and 1958 is known as *la violencia*, a time when politically-motivated violence was widespread throughout the country.

Following a serious crisis, discussed below, between the two main parties – which resulted in the Liberals boycotting the 1949 elections, the declaration of a State of Siege by the Conservative victors, and a proposed Constitution allowing a totalitarian regime – the military installed Rojas Pinilla in a coup in

1952. This action was supported by both parties. (This was, however, the only official military dictatorship in Colombia's history which lasted more than one year, and so compares favourably with other Latin American countries.)

Despite public opposition, Pinilla's appointment was confirmed by a Constitutional convention, as the right to vote had been suspended. Eventually, mass discontent forced his resignation and he was replaced, firstly by a military junta in 1957, and then by a coalition government (approved by a popular plebiscite) the following year. The result of these upheavals was a power-sharing system, called the National Front, whereby the Conservatives and Liberals would share power by taking turns to control the main political bodies:

*' ... [I]t alternated the presidency between the two parties in regular elections held every four years, ... it provided for parity ... in elective and appointive positions at all levels of government, ... as well as the election of equal numbers of party members to local, departmental, and national assemblies. And third, it required that all legislation be passed by a two-thirds majority in Congress.'*¹

It is interesting to note how similar this accord was to those written by the Venezuelans in Punto Fijo at about the same time, particularly as the other

¹ Colombia: Country Study

<http://reference.allrefer.com/country-guide-study/colombia/colombia103.html>

effect of the pact was to mean that the left-wing MVP^{*2} and Communist parties would not be able to compete, just as the communists could not in Venezuela. This was no doubt to Washington's approval given its determination not to let the communist principle spread elsewhere in the continent. It also appears to be part of the reason why the Communist party's military wing, the FARC, would turn to drug trafficking to raise money.

This National Front system survived until 1974 in the case of the Presidency and 1978 in the case of the Cabinet, by which time the drug traffickers were firmly installed in Colombia.

Consequently, we may believe that, although there were notionally democratic structures in place, they rarely operated freely in practice, and were able to be suspended or amended at the convenience of whoever was in power.

² A list of abbreviations is given at the end of this document.

La Violencia

Before being able to appreciate fully the extent to which drugs might be considered responsible for any breakdown in democratic structures, therefore, we must examine the reality of the situation before the drugs boom arrived.

In the late nineteenth century, Colombia was described thus:

‘...the police almost do not exist in any part of the country, and the methods for repressing crime are limited and diffuse ... The spirit of obedience is even manifested in penal and detention institutions because our masses are essentially submissive.’
(Oquist 1980: 234)³

This obedience apparently bears little resemblance to the Colombia of today, but the lack of state structures is important, because when serious socio-political upheavals occurred, there was, in many areas, no state presence to control the situation.

Colombian politics from the start of the twentieth century was dominated by the Conservative and Liberal parties, and it quickly became the case that the voters identified with their party; their offspring were said to be ‘born into’ that party and were expected to vote for them. During the early twentieth century, the situation became increasingly polarized, and following the 1931 elections, allegations of fraud by both parties towards the other resulted in a

³ Citing Samper, J.M. Ensayo sobre las Revoluciones Políticas (Bogotá: Universidad de Colombia, 1969), pp. 267-8

breakdown of the state and, in the run-up to the 1949 elections, to violence. This violence, which was at its worst in the early 1950s, but which continued for several decades afterwards, is known as *la violencia*, and throughout this time, an individual's allegiance to one party over the other could be decisive:

'Critical ... became the stamp on the cédula de identidad, which certified that one had voted in the November 27, 1949, presidential elections. Without this proof of Conservative support (the Liberals had abstained), it became very difficult to enter or leave the entire Eastern Plains region. In areas of open armed conflict, it is a fact that party identification often became a question of life or death ... there was no such thing as neutrality'. (Oquist 1980: 167)

A good example of the breakdown of state structures is seen in the events of 9th April 1948, when widespread looting and rioting in Bogotá sparked by the assassination of Liberal party chief Jorge Eliécer Gaitán, led, according to Oquist, to a minimum estimate of 2585 people dead, and the flight, or jailing, of the Conservative authorities in many regions. (Oquist 1980: 119)

La violencia also caused migration on a massive scale, the significance of which will be seen below. According to Sánchez, some 42% of the rural properties in one area were affected:

'In Tolina, for example, from 1949 to 1957, 361,800 people had emigrated ... 34,300 homes had been burned and more than 40,000 rural properties belonging to over 32,000 proprietors had been abandoned.' (Sánchez 1992: 105)

The rôle of land

During the 1930s, and again in the 1970s, a process of land reform was attempted in Colombia, as had been attempted in many Latin American countries before it. This was designed to force modernisation of farming techniques by expropriating land from owners whose farmers who were seen as under-productive, with the result that many people lost their land. The Law 200 of 1936, decreed that uninhabited land belonged to the State but, if occupied for a certain period of time, the person who had settled on it could claim a right to it. This meant that the recently displaced farmers and workers had the incentive to move down the mountains to the semi-tropical areas, clear the land, plant something, and then, after a time, they would be able to lay a claim to that land. In the meantime, they needed a fast-growing cash crop to support themselves. Initially, coffee was a popular choice, but following the collapse of coffee prices in 1955, many turned to illicit drugs for this support.

The implications of Law 200 of 1936

The land reform law:

‘... allowed squatters to apply for free grants of land they had occupied if the landlord could not prove legal ownership. If legal ownership could be proven, the landlord was required to reimburse squatters for improvements they had made to the land ... Few land judges were appointed to decide these claims, and they were not given any instructions for more than a year

*after the law was enacted, giving large landowners time to evict squatters to prevent them from making claims.*⁴

The terms of Chapter 1 of the law may be summarised as follows:

- Article 1 *'restated the principle that validity of private titles to rural lands is subject to economic use'*
- Article 6 said that if a given area was claimed but unused, the claimant had ten years to develop agriculture on as much of this land as he could. After that time, he would be granted double the size he had developed, but the government would take back any remaining land.
- Article 12 *'attempted to deal with the squatter problem by providing that persons who had peacefully and in good faith occupied lands for five years could obtain title to that land.'* (Duff 1968: 12-13)

Because of this law, and Law 100 of 1944 which reversed some of the decisions made under the 1936 law, the squatters took to protecting their land by armed means, since many of the claimants did not give up their titles willingly. As one group of squatters tried to fend off claims from another group, outright battles soon developed, and the groups involved started to gain links with left-wing parties (LeGrand 1992: 41).

According to Molano (1987: 41), in some areas this violence took the form of many localised disputes where the newly settled people had to move and find other land to colonise. His example is *La Columna de Marcha*, in which the

⁴ Book, H. *Land distribution in Colombia* (Calgary: University of Calgary, 2002) pp. 262-263 <http://www.ucalgary.ca/md/PARHAD/documents/2002-Book-259-276.pdf>

population of the Sumapaz area who were not able to fight – up to three thousand people – fled to the Duda Canyon, being targeted by the army during their perilous journey.

Molano (1987: 39-40) further explains how the self-defence which had started with crude rustic arms became a large-scale open conflict.

Elsewhere, the peasants could no longer protect themselves, and so professional protection businesses increased where state infrastructures were lacking, which in turn caused an upsurge in the brutality of the violence.

Peruvian War

Land reform was not, however, the sole cause of mass movement of the population. The 1930 war with Peru had had a similar effect along the border areas, with large numbers of people forced to move towards the interior, where they, too, resettled.

The start of drugs trafficking

The production of drugs is nothing new in Latin America. Well before the arrival of Europeans, the natives had long used drugs, and particularly the coca plant, for ritual purposes. The discovery of cocaine production techniques dates back to 1855, but it was only in the second half of the twentieth century that it became acknowledged as a commercially important drug.

From the mid-1960s into the early 1990s, Colombia was a major source of marijuana production. Hanratty (1990: 128) claims that there were up to 50 000 farmers growing the crop along the country's Caribbean coastline, and possibly the same number of people again who were benefiting from the trade, in sectors from harvesting to banking. He also explains how Colombia's supply rôle grew during the 1970s as Mexican producers, then the most important source for the United States market, were being hindered by government drives against them and the tightening of border controls in the Southern USA. By 1980, he believes, up to 80% of marijuana in the US was Colombian in origin.

Molano (1987: 55-59) describes how, as settlers displaced by the land reform process arrived in the river valleys in Guaviare, they brought modern agricultural techniques to an area where natives already smoked marijuana ritually, and transported merchandise by a well-established system using boats to link the various villages along the banks. Their numbers were swelled by government support for programmes attracting city dwellers to the rural areas of the country. Initially, like the natives, they adopted a subsistence

agriculture, mainly growing maize, as most food crops would not warrant the expensive transport costs. Soon, marijuana was cultivated on a larger scale and this crop was thought to be worth transporting. The crop was produced in the expectation of the bonanza that was underway in the Sierra Nevada in the North of Colombia, which never happened here, resulting in the disposal of thousands of tons.

Nationally, the cocaine trade first started in Colombia as it was considered a suitable country in which to refine and process the large quantities of coca being produced in Peru and Bolivia. The reasons for this are many. Firstly, large amounts of suitable territory were effectively lawless, as the major political crisis of *la violencia* had led to the government losing control of a significant amount of the territory. This violent context also, according to Thoumi's argument (1995: 172), made the people involved more willing to use and risk violence to increase their market-share. In addition, the military had been relatively weak in the country's history, so making action against the developing processing plants less likely.

'The Medellín and Cali cartels became vast international networks that coordinated the production of coca in Peru and Bolivia, its conversion into cocaine in Colombian laboratories, and transportation to and distribution in the United States. By the early 1980s, Colombian traffickers had firm control over the United States cocaine market.'
(Hanratty 1990: xxvi)

This international underground network of *narcotraficos*, already present in the country, who were involved with the processing of foreign, mainly Peruvian, coca into cocaine, soon realised that it made their business much less risky if the coca was being produced locally: consequently they set about expanding their operations in Colombia, where suitable land was available.

The Colombian drug barons became keen to extend their control of the United States market by managing the entire chain including the more risky, but therefore more profitable, processes of export from Colombia and the import and distribution into North America. This was facilitated by a large population of Colombian immigrants, especially those living around Miami, with whom links were established. There was apparently no problem for them in satisfying the seemingly unstoppable demand and, indeed, Thoumi (1995: 175) believes that the Peruvian and Bolivian producers, far from losing their market-share, have been increasing the amounts that they export. Furthermore, he believes that since 1989, the processing is now done in Bolivia and Peru, but by the Colombian gangs, showing that international democratic structures are potentially at risk, not just Colombian ones.

The Colombian government did not react swiftly to the increase in drug trafficking and even as late as 1978, López Michelsen, then President, did not view the activities as a priority for his administration.

Furthermore, Betancourt (1994: 227) notes that in 1983 the first experimental crops for heroin production were detected in the country, but that it was only towards the end of the 1980s that this became large-scale. There is little data available about how profitable this might have become and the extent to which it might be replacing or adding to coca production.

Drugs and Politics

Such trade will have serious political implications, not least because it will impact on United States foreign policy towards the country. It also creates significant domestic issues, since no country can afford to have such large-scale illegal activity and still expect to maintain peace: the price-wars involved between the different gangs will almost inevitably become violent when so many people are involved and the potential profits so high, as may disagreements over corruption and how to respond to government activity.

Colombia's situation, meanwhile, is made particularly complex by the involvement of the FARC, since nobody really knows exactly how or why they became involved with the drugs trade. It is probable that an attempt to make money following the Communist party's exclusion under the Liberal-Conservative pact was at least partly responsible, since the FARC are able to charge for the protection of laboratories and air-strips, as well as charging a tax (the *granje*) from those growing coca in areas held by them. It must be remembered, however, that some leaders of the FARC are thought to be against their organisations' involvement in drugs, since it is seen as degrading their Communist-based ideology. Evidently, the property of coca as a fast-growing cash-crop is seen by a majority as out-weighing their fundamental dislike of a capitalist system.

Nor are the FARC the only guerrillas: Tirado Mejía (1998: 113) lists a number of organisations and their backgrounds, whether they be pro-Soviet, Trotskyist, pro-Cuban or indigenous-based.

Some politicians allowed themselves to be bribed into affording a measure of security for the drug traffickers, many of whom were earning more than the majority of people in public life. Betancourt (1994: 88) believes that the link between drugs trafficking and the State may be even deeper rooted as he alleges that the Colombian Ministry of Health's laboratories were among the first to be used for distribution of cocaine.

In addition to corruption amongst politicians, there is also evidence that individuals within law-enforcement bodies have been corrupted, whilst others have been targets for violence. Tirado Mejía (1998: 118) has described that not only in excess of 230 policemen are thought to have been killed by drug traffickers in Medellín in 1990, but also that up to seven per cent of the police force have been found guilty of, and punished for, corruption. He further highlights the fact that investigations into the massacres in Trujillo, El Nilo, Remedios and Urabá show the '*very direct consequences for the abuse of human rights*' that army and police links with criminal organisations can have.

As American pressure on Colombia grew, it seems that the owners of the processing plants were increasingly willing to disrupt political life through violent means in order to allow their industry to continue.

Damage to political structures

The development of the narcotics trade in Colombia has affected the whole of the society and political structures. The M-19, for example, had been set up following the elections held on 19th April 1970, which ANAPO did not win and claimed were fraudulent. It claimed to be the military wing of ANAPO, even though the party strongly denied any links. Almost a decade after it disbanded in 1982, evidence emerged to link the M-19 with the drugs trade, as a body used by FARC for money-laundering. Quite how early this relationship started is impossible to know, but if the situation was like this from the M-19's inception, and assuming ANAPO and M-19 were linked, it is not inconceivable that a major political party was also knowingly benefiting from illegal money. This is not an exception, either: there have been allegations that subsequent campaigns for most parties and presidents have been funded, at least in part, by the drugs trade, most notably, perhaps, in the United States' criticism of President Samper in the mid-1990s⁵, pointing to the fact that no political sector is free from involvement in the drugs trade, even if they appear to be unconnected.

In the light of this, it is hardly surprising that Colombian drugs policy has been inconsistent, since it depended on who was in power, and their various interests. At the start of the 1980s, politicians who were keen on targeting the drug gangs started to be targeted themselves, which meant that they risked personal danger if they spoke out. In 1984, for example, following the assassination of Rodrigo Lara Bonilla, the Justice Minister, President Betancur

⁵ cf. Kreuse, C. Colombia's Samper and the Drug Link, Newshour (PBS, March 1996) http://www.pbs.org/newshour/bb/latin_america/colombia_3-20.html

declared “war” on the cartels. One of his main policies was to allow the extradition of key figures to the United States, but within four years, the Colombian Supreme Court had declared these extraditions illegal.

The extent of corruption and influence held by the narcotics traffickers in cases such as these is impossible to judge but is almost certainly present. The intimidation of political figures is a key example of the political structures of Colombia being affected by drugs traffic, and continues even today:

‘Recently, about 1,000 mayors received ultimatums from the guerrillas, and the threats have been shockingly effective in shutting down municipal governments. Federal government offers of flak jackets and offices in military bases aren't enough for these local elected leaders.’⁶

Journalists are also regularly threatened, especially if they have uncovered corruption (which, as has been seen, is almost certainly drugs-related).

According to *Reporters Sans Frontières*⁷, the first two months of 2004 have seen death-threats against two journalists (one of whom had mentioned an alleged embezzlement in the Chamber of Commerce), the murder of a local television news presenter (who had accused the Mayor of Cartago of links

⁶ Caballero, M.C. *The Miami Herald*, 17 July 2002 quoted on:
http://www.ksg.harvard.edu/news/opeds/2002/caballero_enhance_democracy_mh_071702.htm

⁷ Reporters Sans Frontières, *Death threats against two journalists in Barrancabermeja*
http://www.rsf.org/article.php3?id_article=9387

with the drugs trade), his colleague tortured, and a French freelance journalist missing, presumed abducted.⁸

The media is widely acknowledged as one of the key players in ensuring accountability in any political system, and as such must be counted as part of the democratic structures of the country. If key figures in the media are also attacked in this way, and the trend seems to be increasing, it is difficult to see how the international community will measure the effectiveness of any reforms being put in place.

Kidnapping, the origins of which lie in *la violencia*, is another major activity undertaken by many interest groups in Colombia, be they paramilitary, guerrillas or common criminals. Rubio⁹ has described how there have been two major peaks in the levels of kidnapping: the first followed the introduction of Law 50 of 1987. This was a series of technical changes made to the workings of the justice system, which was not widely understood and was repealed in 1991. (He believes that it may have been written by lawyers on the drug-traffickers' payroll.) The other came in the late 1990s when the tactics employed by the FARC and ELN changed to include kidnapping of many people for smaller ransoms at roadblocks.

Kidnapping is still a significant source of income for these groups. Rubio also claims that 60% of kidnappings are perpetrated by guerrillas, and the vast

⁸ See Reporters Sans Frontières, Colombia Country Report 2003 http://www.rsf.org/article.php3?id_article=6191 for complete details of intimidation in 2002

⁹ Rubio, M. Kidnapping and Armed Conflict in Colombia. Talk given in Cambridge University, 5th February 2004.

majority of captives are released (after an average of 84 days' captivity) on payment of a ransom, although exact figures are unclear since many choose not to submit a report to the police, which would entail revealing the amounts of money which were exchanged.

Kidnapping provides a major challenge to the government's control of democratic structures, since the majority of kidnaps take place in, or the victims are moved to, the sparsely-populated rural areas where, in such a large country, there is often no state representation. The benefits for the kidnappers are clear, however, and there is evidence, according to Rubio, that suggests that the FARC's tactics have been exported to Western Venezuela and that they are also involved in a kidnapping gang in Peru, which has recently committed a kidnap in Sao Paulo, Brazil. From a practical point of view, the incidence of kidnapping has increased the government's reliance on the military, but few units have any specialised training in dealing with hostage situations. The most serious consequence has, therefore, been the militarisation of some key kidnap territories, which has led to accusations of the violation of human rights, and a drain on the money needed to fight the drugs-traffickers. The two are clearly interlinked as kidnapping is now commonly used as the normal way of collecting 'debts' amongst the Colombian underworld.

Violence in Colombia is often answered by violence, which has led to the creation of the MAS, a movement which claims to use violence and guerrilla

tactics to defeat the guerrillas linked to drugs, even though Rubio sees them as probably having been the first paramilitary group.

In other areas, according to Betancourt (1994: 169), *grupos de limpieza* (cleaning groups) acted, even into the 1990s, supported by sections of the police to kill or torture a whole range of ‘undesirables’ (thieves, prostitutes, drug dealers and homosexuals, for example), so adding to the violence still further.

Positive influence

In a response to the drug trafficking, however, there have been some positive developments. Much of this, it seems, has been the result of United States aid and advice given by Washington. The ‘Plan Colombia’ (the common name for the *Fondo de Inversión para la Paz*) is the main aid package which helps finance the destruction of illegal crops and also the fight to prevent the evermore resourceful traffickers from being able to smuggle to the United States, as well as providing funds for investment in infrastructure and social improvement.

US influence has assisted the government in forming a plan to deal with the crisis, which is an important step. As has been argued, it was Mexico and the United States working together that gave rise to the problem in Colombia in the first place. It must, therefore, be reasoned that if drug production and processing are pushed out of Colombia, they will only move to other places,

such as Peru or Bolivia, where they may still be controlled by the Colombian cartels. Indeed, there is already some evidence for this, as discussed above.

Such international cooperation with such a powerful neighbour is, surely, a net positive influence on the country's democratic structures. If the United States is as keen on democracy as it professes to be elsewhere in the world, it may be argued that some good will come from the crisis. Washington will doubtless attempt to ensure that the Colombian government accepts free and fair elections, and that the elected ministers renounce the corruption and influence from the drug trade that has hindered progress so far. Unfortunately, success still seems unlikely, since US involvement is not new (it dates back almost to the start of the development of the marijuana industry in Colombia) and the progress so far has, at best, been slow and only involves the direct issue of drugs. Until now, the campaigns against the guerrillas have not been permitted funding from the United States due to Washington's fear of becoming embroiled in another country's often fragile political disputes, but there seems to be a change towards allowing this now that the FARC have been branded a 'terrorist organisation' under the US 'War on Terror', according to the Colombian Ambassador to the United Kingdom¹⁰.

The Population

It is worthless, however to assess the democratic structures of a country without considering how the population, the electorate, feels about the situation. According to the Ambassador in the same talk, in a poll asking

¹⁰ Presented in a talk in Cambridge University, 29th January 2004.

whether ‘things’ were getting better in the country, just 10% were in agreement before the election of President Uribe in July 2002: this figure has since increased to 40%. The same source also said that there was virtually no support for the FARC among the population, but this must be queried given the notable lack of open opposition (demonstrations and the like).

Conclusion

Corruption and violence, at all levels throughout society, are the main ways in which Colombian society has been affected by the rise in the drugs trade in the country's recent history. There is some evidence of improvement in the situation with United States government aid, but the vast majority of the population still live in fear of the drug barons and the various warring guerrilla movements which have sprung up from them. The situation was neatly put by Abel Panecho, President of Costa Rica, in a speech given in Bogotá on 23rd February 2004, in which he stresses the link between violence and drug trafficking:

*'Neither Colombia nor the wider world deserve the sadness and grief which violence and drugs trafficking provoke.'*¹¹

¹¹ Casa de Nariño, Saludo del Presidente de Costa Rica
<http://www.presidencia.gov.co/sne/2004/febrero/23/04232004.htm> (My own translation)

*** Abbreviations:**

- ANAPO – Alianza Nacional Popular
Minor opposition party created in the 1970s.
- ELN – Ejército de Liberación Nacional
Marxist group begun in the 1960s but responsible for many kidnappings in the late 1990s.
- FARC – Fuerzas Armadas Revolucionarias de Colombia
A major guerrilla organisation, linked to the Communist party.
- M-19 – Movimiento 19 de abril
Body using violence to protest the fact that the ANAPO did not win the 19th April 1970 elections.
- MAS – Muerte A Secuestradores
A guerrilla group who claim to use their tactics to try to stop other guerrillas.
- MVP – Movimiento Voluntad Popular
Left-wing political party.