

RESEARCH

# Colombia, the Drug Wars and the Politics of Drug Policy Displacement – from La Violencia to UNGASS 2016

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This article breaks new conceptual ground by questioning orthodox interpretations of nation state agency in the global drug wars. Specifically, it challenges the David vs. Goliath conception of Colombia as a passive, client state simply abiding to the United States' hegemonic war on drugs. It provides the first published analysis of Colombia's leadership during the UN General Assembly Special Session on Drugs (UNGASS) in 2016. It argues that the UN served as a useful forum for Colombia's displacement of state building dilemmas, including drug control, and that Bogota utilised the UN as a proxy negotiating mechanism with the US and other international donors.

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## Introduction

This paper analyses nation state agency in the global drug wars. Specifically, it looks at the case of Colombia, long seen as ground zero in the United States (US)-led war on drug production and trafficking in the Americas. Plan Colombia (PC) remains a centre point of this bilateral relationship and is one of the most discussed and debated US policy interventions in the region. The popular and academic conception of PC as a US imposition is widespread (Pastor 2001; Stokes 2016, 2005). However, this paper challenges this conventional wisdom both on the supposed passiveness of Colombian elites and society in accepting US impositions. Further it challenges the idea of the war on drugs being a solely US hegemonic construct rather than a multi-state negotiated process, underpinned by numerous social, political, and economic power determinants that eschew simple analysis based on power asymmetries between states.

This paper is based on an extensive literature review analysis and is intended to chart a new analytic framework in understanding the relationship between member states and the international drug control system more broadly. It suggests a further research agenda based on primary source research and interviews with policy makers. Attempting to undertake both here would have resulted in a paper that is too thin on both points. The paper's significant contribution to the field is a linking of the siloed research on (a) Plan Colombia and (b) the UN drug control system, particularly the latter's more recent history. It uses these key case studies as they represent arguably the most significant bilateral and multilateral drug policy engagements for Colombia and ones of major national and international significance for the US as well as governments under the UN drug control system more broadly. Plan Colombia represents one of the most extensive and institutionalised bilateral counter-narcotics efforts in global drug control history as well as an epoch shaping strategic framework in Colombia's drug wars and its state strengthening efforts. Meanwhile, Colombia's engagement with the UN drug control system under President Santos, from 2012 through the UN General Assembly Special Session (UNGASS) on Drugs in 2016 represented a pivotal moment for international drug policy reform discussions, and one in which Colombia played a key strategic leadership and normative role.

This paper links broader revisionist drug histories with ‘mutual negotiation’ and ‘Colombian-agency’ based approaches to PC and the UNGASS in 2016. In this rendering, Bogota appears far less a client state of grander US regional designs, and far more an active protagonist both in terms of its own destiny and in terms of the international drug policy consensus. The government of President Juan Manuel Santos undoubtedly played a key role in challenging prohibitionist drug policy precepts in the run up to UNGASS 2016, arguing that prohibitionist drug policies had failed to achieve their aims and were imposing unacceptable burdens on producer and transit states. However, to fully understand the drives to do so, one must look beyond traditional narratives of David versus Goliath and instead view his government’s approach as a manifestation of complex domestic, regional, and international political imperatives. Only then, it argues, can a more comprehensive account of the politics of policy displacement within the war on drugs become apparent.

The paper thereby utilises revisionist accounts of Colombian-US relations, particularly those focused on PC. It links these bilateral accounts with increased revisionism in both drug policy historiography, one which highlights greater role and agency to individual countries and localities, as well as with revisionist accounts of the evolution of the UN drug treaty system. It continues in this trend of challenging orthodox interpretations which ascribe sole agency to the hegemon, the US, and portraying national and local actors as lacking agency or control of their drug agenda. It in many ways reverses this narrative, highlighting the frequent role that drugs played within Colombian diplomatic initiatives and state building exercises, from the 1970s, through Plan Colombia up to the 2012–2016 drug policy reform era.

The paper suggests a further research agenda, one which unpacks the internal power relations that the war on drugs informs and the frequent utility the latter provides to national elites’ agendas. Moreover, it challenges the general portrayal of UNGASS 2016 as an earnest effort by ‘client’ Latin American states to radically challenge the drug policy status quo. It instead highlights a continuation of a complex process of international bargaining and negotiation around funding, influence and policy choices, underpinned by a continuity in domestic coalition politics and state formation.

This is not to say that many Colombian and other Latin American political elites did not hope for policy improvements via the UNGASS process. It instead highlights the UN as a forum where Colombia could safely displace the policy dilemmas of drugs and thereby both challenge a status quo that was increasingly out of step with reform debates, while leveraging the possibility of some additional funding and political legitimacy from new policy linkages such as development, gender, and human rights. This also served to remove the issue, to some degree, from fraught domestic politics and enabled a discussion on policy reform that would likely be infeasible in a domestic context. Further it enabled Colombia and other Latin American states to triangulate their complex bilateral drug diplomacy with the US via the UN and thereby sidestep difficult issues in an era of peace processes, policy fragmentation, popular delegitimization of the war on drugs, and cannabis legalization in the US and Latin America.

## **Rethinking Drug Control and Policy Displacement**

The Lancet Commission on Drug Policy discussed the many ways in which drug policies have too often worked to counter health, security and human rights (Csete et al. 2016). The high financial and human burden of drug war policies and their disproportionate displacement onto poor and marginalized communities is a point widely accepted within the existing literature (Collins 2014a). The question is how these policies are displaced, imported, exported, and/or developed.

The notion of drug control as a policy displacement from the global north, specifically the US, remains widespread in the policy literature. For the purposes of this article, we consider the concept of policy displacement as equating to the viewpoint outlined by Mejia and Restrepo in 2014:

From the perspective of producer and transit countries, prohibitionist drug policies can be understood as a transfer of the costs of the ‘drugs problem’ faced by consumer countries to producer and transit countries. On the one hand, under complete legalisation, consumer countries would end up bearing most of the costs associated with drug consumption (Mejia & Restrepo 2014: 27).

In other words, the costs of the policy of prohibition are widely borne by producer and transit countries, while the apparent public health benefits of reduced consumption are received by consumer countries. This is a point that scholars sympathetic to prohibition, utilizing a cost-benefit analysis from consumer states, agree with. Caulkins accepts that

it does not apply to source or transshipment countries. If there were a country whose people would have no interest in using a drug, and that country were beset by violence, corruption and other ills

from hosting production or international trafficking, then that country might benefit from legalisation, even if final market countries would not (Caulkins 2014: 25).

Meanwhile, proponents of what Collins has termed the 'orthodox school' of drug regime analysis (2021), portray a uniform and analytically parsimonious story on the displacement of these costs. The line of thought within the orthodox school suggests that the war on drugs, and all interventions resulting therefrom, are the product of US hegemonic ambitions to instil its moralising and interventionist drug policies at the international level. It continues, arguing that the US legally enshrined prohibition via the League of Nations and subsequently the United Nations and pursued aggressive imperialist policies to enshrine these in subservient nations, either by UN legislative fiat or intervention by military-economic means (Bewley-Taylor 1999).

PC is a neat fit within this orthodox narrative, suggesting a military intervention funded and guided by the US with minimal legitimacy within Colombia. Further, President Santos' 2012–2016 leadership of global drug policy reform discussions have often assumed a David versus Goliath narrative, one of a small supplicant state challenging the hegemonic status quo. Neither of these conceptions is correct. Both miss the deep complexity of politics and power dynamics within global, US and Colombian drug policies; the US-Colombian relationship; PC and the UNGASS process.

This is not, of course, to negate the role or responsibility of the US in propagating a broader policy of repressive drug policies internationally and how that interacted with national political imperatives. But interact it did. As is often highlighted in many other areas of drug policy, the war on drugs has served as a mechanism for other socio-economic goals, such as enshrining unequal power relations, racial divides and/or maintaining socioeconomic inequalities. These same factors applied to local political elites and constellations. The US in many ways exerted a form of regional policy hegemony, but as the Colombia example demonstrates, it was often only at the invitation of, and thereby influence of, local political elites and alliances.

The same is true for Colombia's leadership role in international drug policy over the 2012–2016 period. Without a recognition of the policy shifts and national-international dynamic underlying it, the changing international drug policy landscape over this period remains inexplicable. Far from a David versus Goliath story of reformist states versus the US-dominated drug regime (Jelsma & Bewley-Taylor 2016; Oakford 2016), UNGASS 2016 represented a continuation of the negotiated power processes of Colombian internal and regional politics and Colombian-US relations. The latter point extends beyond US interventions in Colombia, as the US was undergoing its own legal fragmentation on cannabis, impacting national-international treaty law and state-federal law.

## From La Violencia to Plan Colombia

The seeds of Plan Colombia are generally traced to the emergence of the country's 'unholy trinity': insurgent organisations, vigilante paramilitary groups and the illegal drug industry (Manwaring 2002). The modern configuration of these groups in turn can be traced to the era known simply as *La Violencia* – the Violence (Franz 2016).

*La Violencia* exploded in April 1948 with the assassination of Jorge Eliécer Gaitán, a social reformer presidential candidate. Nationwide clashes between liberals and conservatives deepened decades-old social divisions (Méndez 2012). While the conservative elites remained ostensibly aloof, their client groups killed an estimated 250,000, largely in the rural areas. This only served to further solidify urban-rural divisions and embed frontier justice systems (Méndez 2012). Eventually a relatively static political alignment emerged in the 1960s, divided between 'leftist guerrillas, rightist paramilitaries and blackmarketeering mafias', again only further mobilising discontent in rural areas (Méndez 2012: 92).

The leftist guerrilla Revolutionary Armed Forces of Colombia (FARC) was founded in 1964. In its early years, the group supported socialist ideology, independent peasant republics and specific policies such as land reform, minimum agricultural prices, expanded agrarian credit, health care, and education for peasants (Franz 2016). Following US-backed military campaigns against the FARC, the group underwent an ideological hardening emerging as a Marxist-Leninist guerrilla movement (Mendez 2017). The National Liberation Army (ELN) was also founded in 1964 by young Marxists educated in Cuba (Rosen 2014). Meanwhile, right wing paramilitaries, supported and financed by elite political groups, quickly began to form in the 1960s to counter the momentum of Marxist movements (Franz 2016). The most prominent group would emerge as the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia*, AUC), an umbrella paramilitary organised in 1998 (Richani 2020).

In parallel, the mid-1970s in Colombia saw the emergence and consolidation of power by the drug cartels. The resilience of the coffee and emerald mafias had long testified to Bogota's weakness to impose legal control in many regions (Méndez 2012). Finding a market gap, the Cali and Medellín cartels began to import

coca base from Bolivia and Peru, which they processed into cocaine and exported to the United States and Europe (Suárez & Santos 2018). It remains unclear why Colombia so radically monopolised the cocaine market at the time (Thoumi 2003, 1995). Gaviria and Mejia posit that

The dominance of Colombia might have been due to fortuitous events, historical accidents that were then exploited and maintained for economic reasons, and the experience and specialization that resulted might have created a competitive advantage (Gaviria & Mejia 2017: 3).

The scale of the emerging illicit market began to further disrupt Colombian political economy. The New York Times wrote as early as 1978 that 'the drug traffickers have arisen not only as a new economic class, but also as a powerful political force' (Quoted In: Gaviria & Mejia 2017). Bogota adopted a repressive strategy early on, issuing decree 1206 and creating the National Narcotics Council (CNE) in 1973 (Zorro-Sánchez 2017). Some suggest that conditionality attached to US development assistance drove this institutional developments (Guáqueta 2005). While the timing coincided with the earliest counter-narcotics policies, the relative unimportance of Colombia in the early Nixonian war on drugs suggests as much a home-grown decision as an imposition of the US or the UN drug control system. Indeed, rather than fixating on drugs, in many ways the US at the time was focused on maintaining close clientelist ties with the Colombian military through training cooperation to serve as a bulwark against communism in the region (Richani 2020).

With the growing dominance of drug cartels, violent crime soon 'reached epidemic proportions' and tripled between the 1970s and 1990s, increasing tenfold in some regions, while leaving others broadly untouched (Gaviria 2000: 2). Homicides almost doubled from 57 per 100,000 in 1985, to 95 in 1993. In the province of Antioquia, where Medellín is the capital, the estimated homicide rate reached 400 per 100,000 in the early 1990s (Rosen 2014). In this climate, cartels bid for political protection and sought to corrupt government institutions through bribery, judicial intimidation, and murder, earning Colombia its infamous title as a 'narco-state' (Mendez 2017). The most illustrative example of the control and penetration of drug cartels in the country's institutions was Pablo Escobar's election as an alternate to the National Chamber of Representatives in 1982 (Bushnell 1993).

Eventually political leaders began to view drug trafficking groups as a preeminent threat to the country's institutions, prompting the agreement of a new extradition treaty between Colombia and the United States (Gaviria & Mejia 2017). The threat of extradition sought to curb the violence caused by drug cartels, but instead achieved the opposite effect:

The feral, implacable violence engulfed the nation in assassinations of journalists, judges, politicians, police officers and thousands of innocents, beginning with the virtual annihilation of the Colombian Supreme Court ten months after the first extraditions (Mendez 2017: 61).

On November 6, 1985, members of the M-19 a leftist revolutionary guerrilla group took over the Palace of Justice in Bogotá, assassinating 100 hostages, including half of the Supreme Court. Various key extradition documents were destroyed that day, strengthening claims that the Medellín cartel financed part of the siege (Méndez 2017).

The following years were characterised both by the government's 'kingpin strategy' and the reign of terror of drug cartels (Rosen 2014). Targeting key members of drug cartels resulted in notorious backlashes such as the assassination of Presidential candidate Luis Carlos Galán in 1989 or the bombing of Avianca Flight 203 (Rosen 2014). Responding to these circumstances, President César Gaviria requested technical assistance from the United States, bringing about the capture and death of Pablo Escobar in December 1993 (Crandall 2008). With the partial dismantling of the Medellín cartel, the power vacuum left in the illegal drug business was sought to be filled by FARC and soon AUC (Franz 2016).

## **Colombia-US relations and the genesis of Plan Colombia**

Richani describes the prolonged Colombian conflict as 'a war system' resulting from 'fragmented hegemony' under which 'violence becomes a conflict management mechanism...regulating multiple sets of contentious relationships including intra-elite relationships' (Richani 2020: 326). Within this war system, the US was an important protagonist but only insofar as it could balance within these competing relationships and power dynamics. The US was indeed a key support structure for parts of the Colombian state, but its relationship to drugs and other issues were mediated by its situational role within Bogotá's fragmented hegemony. Alexandra Guáqueta argues that US-Colombia bilateral drug relations up until PC can be divided into four phases.

The first phase, in the 1970s, began with Nixon's declaration of the war on drugs alongside the 1971 UN drug convention (Guáqueta 2005).

Financial support from the US Agency for International Development (USAID) included conditionality around building a drug policy infrastructure, which at the time was heavily focused on cannabis production in the Caribbean region (Guáqueta 2005). As the state drug control apparatus grew, the US Drug Enforcement Administration (DEA) was there to embed, train, and conduct investigations (Nadelmann 1993). It was unclear at the time but at the beginning of the 1970s Colombia was just embarking on its two decades transition 'from a coffee republic to a narcotics nations' (Britto 2020: 1).

Britto attributes the curious rise of the Colombian cannabis industry to 'a series of state interventions that the Colombian government carried out' with the support of the US and private business interests 'in pursuit of agrarian development and nation-state formation' (Britto 2020: 2). The early attempts to 'modernise' and 'develop' these outlier regions came not from US external pressure but internal anthropological, and in many ways fundamentally liberal, initiatives to encourage progress. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) along with a collection of philanthropic groups and the US federal government, sought to create a mixed growth economy along the coast, which would move the economic centre of gravity of the region away from Venezuela and towards Bogota. The initiative failed, but associated projects laid key tangible and intangible infrastructure that was to partly-enable the development of the cannabis export industry (Britto 2020).

Britto continues,

The marijuana region served as a laboratory for the US and Colombian governments to experiment with a novel approach to statecraft and international cooperation, an approach that assumed drug production and traffic to be security threats that warranted bilateral military intervention in peripheral areas where national sovereignty and US hemispheric hegemony were challenged (Britto 2020: 3).

The conditions for this were not just an aggressive US export of its war on drugs on an unwilling neighbour. The overlap in agendas, interests and international cooperation were the by-product of forces within both countries and their hemispheric and global strategies. To some degree the increased US focus on Latin America was a natural outgrowth of its broader foreign policy and its more constrained geographic focus on international drug policies. Increasingly marginalized from drug policy debates in the Middle East and Asia in the 1960s and 1970s, and following its failed effort to strengthen the Single Convention, the US seemed naturally to gravitate towards greater bilateral drug engagement in Latin America (Collins 2015).

The second phase, during the 1980s, was characterised by a 'slow expansion' of the war on drugs in both countries alongside the rapid expansion in cocaine production and trafficking. As insurgents' and cartels' power grew, so too did kidnappings, assassinations and a broad trend of insecurity (Gaviria & Mejia 2017). US President Ronald Reagan responded by authorising foreign aid for Colombian law enforcement programmes thereby expanding US participation in the design of Colombia's drug policies (Guáqueta 2005). The third phase, 'deep institutionalization' ran from 1989 through 1998 and was characterised by a juxtaposition of strong institutional cooperation as well as periodic diplomatic tensions and hostility between the two countries (Guáqueta 2005: 34; Suárez & Santos 2018). In 1989, US President George H.W. Bush authorised the provision of \$65 million in military supplies to the Colombian army and police and in 1990 an extraordinary regional summit produced the Cartagena Declaration, announcing a new phase in the Colombian-US anti-drug alliance (Guáqueta 2005).

The election in 1994 of Ernesto Samper led to an overt diplomatic rupture, in what Crandall describes as a period of 'hypernarco-tization' of Colombian-US relations, as the pervasiveness of drug cartel money in Colombian political institutions became evident (Crandall 2008: 45). In 1995, the US government revoked President Samper's visa and decertified Colombia due to insufficient drug cooperation (Rosen 2014). This coincided with a more hawkish US drug policy where both parties pushed a more assertive approach to foreign governments, one which the US State Department enthusiastically embraced. In response President Samper sought to reassure US and domestic audiences of his drug war sincerity. However, as one author comments, the reality was continuity of institutional cooperation and Samper 'was not forcing prohibition onto the state bureaucracy because it was already institutionalized' (Guáqueta 2005: 44).

The fourth phase centred on the genesis of PC (Guáqueta 2005). Colombia was one of the most unstable and dangerous countries in the region, where a three-front war between FARC, paramilitary groups and drug cartels had critically undermined the government's monopoly of force and exacerbated capital flight (Suárez & Santos 2018). This unravelling had also fundamentally changed Colombian-US relations. As Guáqueta writes,

The old war against drugs had nothing to do with the Colombian conflict. In contrast, the new war was concerned with ending the 40-year-old Colombian conflict in which drugs pose a major security threat because they provide money and local social support to illegal armed groups (Guáqueta 2005: 46).

The blueprint for PC originated during the presidential campaign of Andrés Pastrana. A conservative running a 'Candidacy for Peace' platform he called for a 'new Marshall Plan' along with peace talks with insurgent groups to lead Colombia back from the brink of collapse (Mendez 2017: 87). When elected in 1998, Pastrana unveiled a broader drug policy that included enforcement-oriented supply centric measures as well as alternative development measures. Seeking international funding Pastrana looked to the US (Suárez & Santos 2018). Alternative development is ostensibly a model of drug policy intervention which seeks to address the root causes of illicit drug production by offering support and incentives for farmers to transition beyond their reliance on drug crops (See for example: Brombacher & Westerbarkei 2019).

In 2000, after strong lobbying by the Colombian government, the Republican-dominated congress allocated \$1.3 billion to Plan Colombia with the support of President Bill Clinton (Suárez & Santos 2018). In theory, the aid package was to support judicial reform, foster alternative economic development, reduce drug supply, assist the Colombian police, and expand counter-narcotics operations (Oehme 2010). In practice, the majority of PC's funding was destined to the Colombian military and in many ways the programme supported a counter-insurgency effort against FARC (Guáqueta 2005). A report by the Government Accountability Office of the United States outlines the objectives and budget distribution of PC, emphasising with equal importance counter-narcotics and counter-insurgency efforts. The first of three general objectives was 'to reduce the flow of illicit narcotics and improve security' (GAO 2008: 11). Specific targets were illicit crop eradication, interdiction activities and reclaiming control of FARC-dominated territory 'through a variety of means, including the growth and professionalism of the Colombian military and National Police, systematic military engagement with insurgent groups, and an expanded police presence throughout the country' (GAO 2008: 1). Given the interwoven nature of these objectives, it is impossible to distinguish how much of the \$7.5 billion that was destined to PC by 2005 was intended for counterinsurgency or counter-narcotics efforts, or if one was prioritised over the other.

## Colombian Agency and Plan Colombia

As early as 2005 Alexandra Guáqueta wrote that

[m]ost academic and policy-oriented writing on illegal drugs in Colombia and the United States invariably focuses on diplomatic disagreements between the two countries caused by clashing policy interests and an imbalance of power (Guáqueta 2005: 27).

She continues,

The picture offered, that of a coerced U.S. imposition on a reticent and powerless Colombia is inaccurate (Guáqueta 2005: 27).

As in the broader discussion of Colombian-US relations, the question of agency in PC has featured in a number of academic debates and disciplines. Stances can be categorised into three groups: proponents of Colombian passiveness, proponents of mutual negotiation, and proponents of Colombian agency. Proponents of Colombian passiveness predominate US foreign policy analysis, human rights, and security studies (Buxton 2006; Callaway 2008; Franke & Reed 2005; Holloway 2012; Rochlin 2011; Stokes 2007; William L. Marcy 2010). These lenses view PC as unilaterally imposed, based on American geopolitical and economic concerns. These echo closely the 'orthodox' interpretive lens for international drug control discussed elsewhere in this article whereby nation states were simply railroaded, duped, or blindly led into a system of global prohibition at the behest of the US (Collins 2020).

In a discourse analysis on American constructions of Latin American identities, Holloway highlights how conceptions of Latin American inferiority (derived via perceptions of particular qualities about Latin Americans, such as volatility, infantilism, and barbarism) underpin Colombian-US relations (Holloway 2012). Plan Colombia thus exemplified a 'natural hemispheric leadership' by the US, which was constructed from the perception of Latin American countries as 'incapable of self-control and effective governance (...) [and] as a breeding ground for regional instability' (Holloway 2012: iii). In what Holloway posits as the dominant

academic discourse on PC, where Colombia is defined through a composite set of identities such as 'drug producer/distributor, impotent, unstable, corrupt, indifferent, backward, subordinate', the US locates itself as the victim of an external threat, an unchecked trade, in which it had no involvement (Holloway 2012: 199). The US is thus defined as 'the drug victim, powerful, controlled, honorable, guardian' (Holloway 2012: 199). According to Holloway, this framework explains the US' approval of the multibillion-dollar package to improve the Colombian military. However, the author emphasises how this framing of PC discourse does not entirely write off Colombian agency. In a context of weak institutions and poor governance, Colombia's only option to fight the drug war against insurgent groups was to resort to the intervention of a better-equipped ally, such as the US (Holloway 2012).

Presenting another angle of the Colombian passiveness argument, Stokes characterises PC as a continuation of Cold War counter-insurgency efforts hidden under the facade of humanitarian aid and drug control (Stokes 2007). Framing it as a programme designed to counter insurgency groups which undermine American interests in South America, the author emphasises the disproportionate focus on suppressing FARC insurgents and not paramilitaries, despite their heavy involvement in drug trafficking. The empty humanitarian claims of PC are also evident in the rampant human rights violations committed by the Colombian military, the lack of oversight controls, and the presence of a 'presidential waiver' (Stokes 2007). Stokes views the ostensible goals of PC, for example social development, as 'propaganda devices employed to construct the US as a moral agent in world politics while hiding motives that have more to do with geo-strategic reasoning' (Stokes 2007: 72). In particular this refers to the US' economic interests of stable oil production, which was threatened by the FARC and ELN bombings of oil pipelines.

Similarly, Oehme posits that Washington's intervention in Colombian politics derived from a simple cost-benefit analysis (Oehme 2010). PC enabled the US to tackle insurgency and drug trafficking, two problems which were very costly to US interests. Therefore, despite Pastrana's desire to focus on the social development potential of PC, 'the United States used diplomatic and economic leverage to ensure drug interdiction and massive aerial eradication, conducted by both Colombian military and police units, were the focus of the plan' (Oehme 2010: 225). Buxton echoes this point from a drug control perspective by emphasising the dominance of the US' model of criminalisation and supply eradication in international drug control frameworks, which, she argues, have been devised to ultimately aid American interests (Buxton 2006).

'Mutual negotiation' authors suggest that Colombians had some limited degree of agency in the development of PC. Crandall and Tickner argue that PC was a result of pragmatic negotiations and aligned interests between Bogotá and Washington, who 'shared the common goals of promoting political stability, economic growth, and most important, anticommunism' (Crandall 2008: 3; A. Tickner 2007). Guáqueta Argues that ultimately the Colombian-US drug relationship was one of continuity and overarching overlap of interests (Guáqueta, 2005). Oehme also suggests that, despite the different strategic approaches between Washington and Bogotá, there was 'a clear consensus about the overarching security imperative' (Oehme 2010: 225).

The Colombian agency authors, suggest that PC was conceived in Bogotá and pursued a Colombian strategic agenda (DeShazo et al. 2009; Marcella 2001; Mendez 2017; Suárez & Santos 2018). DeShazo et al. highlight how PC was a 'broad-based approach to security and development' in light of the government's sovereignty gap due to FARC and ELN dominance in crucial territories (DeShazo et al. 2009: VII). In this view, the shift from Pastrana's social development and counter-narcotics agenda to a counter-insurgency campaign in later years was more reflective of the differing political priorities between Pastrana and his successor Álvaro Uribe Velez, rather than primarily the US' interests for the region (DeShazo et al. 2009). In a different vein, Suárez argues that PC's shift to a counter-insurgency agenda was a direct result of Pastrana's decision to involve the international community to avoid state failure. Indeed, by inviting international aid, Pastrana inevitably surrendered to the pressures of *intermestic* issues (such as the failed peace negotiations with FARC) in the development of PC (Suárez & Santos 2018). This approach thereby decentres the hegemon in the negotiation process, seeks to uncover and reiterate the agency of the smaller power in exerting influence over the superpower and in some cases overcoming the reluctance of the hegemon 'to be drawn too far into its internal affairs of its victim' (Méndez 2012).

Arlene Tickner and *Álvaro Méndez*, argue that Plan Colombia represented a continuation of a broader international phenomenon of 'empire by invitation' (Lundestad 1999; Méndez 2012). In the case of Plan Colombia, both Tickner and Mendez label it 'intervention by invitation' (Mendez 2017; A. B. Tickner 2007). Méndez builds on Tickner's earlier exposition that President Pastrana proactively invited US intervention for the purposes of state rebuilding after a confluence of drug, security and economic emergencies, as well as 'chronic debility with deep historical roots' (A. B. Tickner 2007; Mendez 2017: 182). In this view, Pastrana's agenda was characterised by a desire to leverage the FARC and ELN towards peace negotiations through

a revamped military funded by American aid (Mendez 2017). As he writes, 'astute observers knew the Colombian state was headed for failure, and it was clear that the political elite were powerless by themselves to halt it' (Mendez 2017: 181). The Colombian political elite 'had far more to gain from the success, and far more to lose from the failure of their efforts to interest the US in intervening, than did the US itself' (Méndez 2012: 13). More specifically, he argues that the Colombian government's agency was apparent through its 'Janus-facedness' in framing PC according to the audience:

The Plan was represented to the US Congress as a supply interdiction effort in the drugs war; it was represented to the Colombia people as an internal peace and development plan; to the Europeans a process of accommodating romantic revolutionaries. Amongst themselves, the Colombian elites knew it was a state-building and rehabilitation project. The Pastrana administration was endeavouring to win the support of stakeholders everywhere whilst avoiding the fallout from their adversarial interests (Mendez 2017: 184).

The author suggests that the dominant rhetoric of Colombian passiveness and American imposition is the result of scholars only seeing the 'face' that was presented to the US – that of a country in desperate need of foreign intervention to sustain the war on drugs (Mendez 2017). Sandra Borda continues this narrative with a focus on Colombian government efforts to 'pivot' towards key international issues as a way to solidify the relevance of the Colombian conflict to donor governments. In this sense, the narrative Borda portrays is very much a drug war constructed in Bogota and sold in various forums in a manner tailored to perceived audiences' interests (Borda 2016). This is something substantiated by Colombia's engagement with the UN drug control system.

## The International Drug Control System

The origins of multilateral drug control system are generally dated to the Shanghai Opium Commission of 1909 and the Hague Opium Convention of 1912 (McAllister 2012). The system developed over numerous subsequent treaties building on the aspirational foundations enunciated in the 1912 treaty, namely limiting global drug consumption to 'medical and scientific purposes'. Its current legal architecture is built on three international drug conventions, the *1961 Single Convention on Narcotic Drugs* (as amended by the *1972 Protocol*), the *1971 Convention on Psychotropic Substances of 1971* and the *1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (UNODC 2008).

The international drug control system is often examined as an archetype robust regime. Colgan et al. write, 'robust regimes' emerge where there are low conflicts of interest and high concentrations of power (Colgan et al. 2012). Orthodox 'prohibition regime' theories are predicated on such a conception. Namely, the US represented the hegemon, providing stability, leverage and the diplomatic initiatives necessary for the production of a coherent Global Drug Prohibition Regime (GDPR) (Bewley-Taylor 2012, 1999). Under this conception, smaller or weaker states emerge as passive rule-takers, beholden to US power and its ideological pursuit of an interventionist war on drugs. This approach fits closely with orthodox narrative about Colombia's client state role within the US war on drugs.

Historiographical developments, such as the 'new drug history' approach to Latin America (Gootenberg & Campos 2015) shed a more complicating light. First, US drug hegemony represented a relatively delayed structural development (Collins 2020). The US was not even a member of the League of Nations; European states were more activist participants than earlier US-focused historiography gave credit to (Mills 2014); modern drug prohibitions did not originate in the US, but in Asia (Windle 2013); decolonization agendas often buttressed and drove prohibitions rather than passively inculcating them (Collins 2017a); the Cold War and the realities of bipolarity acted as a fundamental constraint on US drug hegemony and thereby the UN's ability to adhere solely to US interests (Collins 2015; Kinder 1981). The analytic parsimony of the US-led global drug prohibition regime narrative does not, as such, hold up to empirical evaluation.

## Colombia and International Drug Control

Colombia's involvement with the UN and drug control has often, if not generally, been driven by an effort 'to advance its internal political agenda' (Borda 2016: 103). Colombia's engagement in UN negotiations of the 1961 and 1971 Conventions were relatively limited, aside from overtly acting as a good citizen of global institutions. This began to change in the 1970s and accelerated in the 1980s with the rapid expansion of, and policy interest in, the illicit drug trade in all parts of the world. Expert groups within the UN Commission on

Narcotic Drugs (CND) began advocating new treaty measures. Law enforcement officials in the Asia Pacific region advocated 'streamlining mutual judicial and other assistance...to facilitate the tracing, freezing and forfeiture of the proceeds of drug crimes at the international level' (United Nations 1998: 2). Extradition support became a key focus for the UN drug secretariat as did drug precursor control, intelligence sharing, and air and sea interdiction efforts (United Nations 1998). These issues, widely exceptionalised in Colombian-US bilateral relations at the time, were but one thread of a broader multilateral momentum on these issues.

The US is also widely ascribed as the propagator of the archetypically prohibitionist 1988 Convention. In fact, Latin American governments provided the key impetus. Struggling to muster national and multinational responses to the growing power of illicit drug actors, Latin American governments sought to in some way displace the burden to, and via, the United Nations. Latin American governments submitted the Quito Declaration against Traffic in Narcotic Drugs to the UN General Assembly in 1984. Signed by Bolivia, Colombia, Ecuador, Nicaragua, Peru, and Venezuela, it called for, among other measures, drug trafficking to be treated as a crime against humanity (United Nations 1998). Facing domestic opposition and a weak state apparatus, displacing the problem to the UN appeared a logical choice for Colombia and other governments. Adherence to international obligations was an easy bypass for complex domestic legislative processes, while strength in numbers would raise enforcement capabilities across the region, ostensibly preventing safe havens.

This was followed in quick succession by the New York Declaration against Drug Trafficking and the Illicit Use of Drugs, submitted to the UN in 1985. This called for a special conference to discuss a global plan of action and reiterated the call for drug trafficking to be treated as a crime against humanity. This time Argentina, Bolivia, Brazil, Ecuador, Peru, and Venezuela signed, with Colombia absent (United Nations 1998).

The UN General Assembly accepted the Quito Declaration as demonstrating the need for a new convention. Latin American suggestions to expand the jurisdiction of the International Court of Justice (ICJ) and to treat drug trafficking as a crime against humanity were massaged out of the proposals by less affected and non-interventionist states. As with the UNGASS 2016 process (see below), Latin American governments floated open ended and more radical departures from status quo policies with the ultimate outcome of producing a brokered and more limited consensus shift. Within a year the emerging Convention proposal had received 'worldwide' support from governments as well as international, regional, and non-governmental organizations (United Nations 1998).

Governments had broadly and implicitly expanded a principle of shared responsibility on the issue of drug trafficking through an enumeration of 14 elements to be included in the convention. These included a focus on asset seizure, extradition, control of precursor chemicals, intelligence sharing, and all activities related to trafficking, including 'crop substitution' (United Nations 1998: 7). Within a decade, Latin American governments had gone from secondary actors in the multilateral drug story to key proponents of transnational legal developments. European governments, ostensibly seeking common ground, supported this idea of a shared responsibility of consumers and producers to mitigate the effects of policy displacement. Europe remained reluctant to support repressive eradication policies and often sought other proactive frameworks grounded in development interventions (Brombacher & Westerbarkei 2019; Laurent 2017). The resulting blurred strategic relationship between states focusing on drug enforcement goals and those targeting development outcomes has led many to critique development approaches to drugs as lacking a true development orientation, and being instead bound to drug control, supply reduction goals (Buxton 2015).

The early efforts at Colombian Alternative Development (AD) saw a shift of eradication strategy away from a sole focus on fumigation and some attempt to incorporate crop substitution as a 'complementary strategy'. This was in line with President Betancur's National Rehabilitation Plan (PNR) (Zorro-Sánchez 2017: 68). The UN undertook the first efforts, ultimately focusing in Cauca and Nariño under the administration of President Virgilio Barco (1986–1990). These were generally isolated and aimed at halting the spread of cultivation. They produced 'no sustainable results' (Zorro-Sánchez 2017: 69). The 1988 Convention had opened new avenues of substitution funding which encouraged the Colombian state to become more directly involved. The administration of César Gaviria (1990–1994) maintained a mixed, 'contradictory', approach, expanding on crop spraying, while scaling-up substitution programmes with UN support (Zorro-Sánchez 2017).

The years 1993–2002 saw the government further expand and mainstream these interventions. International institutions, such as the International Development Bank (IDB) and nongovernmental development organizations increasingly sought to engage. USAID also significantly increased support for substitution programs (Zorro-Sánchez 2017). New programmes, driven by community mobilisation in the

mid-1990s in opposition to fumigation of small-scale producers, led to a firm policy shift towards alternative development as a core policy approach rather than one subservient to fumigation (Zorro-Sánchez 2017). Although external funding helped create institutional structures and programmes that would be internalised by the Colombian state and civil society, it was the delicate negotiation of various domestic coalitions and political movements which ultimately drove Colombian policy towards a greater development orientation. With the adoption of Plan Colombia in 1999 under President Andrés Pastrana, AD became one of its ten strategies, but many would argue was subservient to eradication efforts. The US was a co-financier of these efforts, which some authors view as enabling the US to ensure a strong focus on fumigation alongside development efforts (Zorro-Sánchez 2017).

'Shared responsibility' formally became part of the international drug control strategy at the 1998 UNGASS (UNGA 1998). Further the 1998 UNGASS Action Plan had specifically included AD, in what some commentators have referred to as a 'crucial moment' for donor countries to engage with drug control beyond purely policing-oriented approaches (Brombacher & Westerbarkei 2019: 90). The reality of course was that Colombia was a country ahead of the international curve and the 1998 UNGASS merely served to elaborate what was already an evolving reality on the ground. Nevertheless, 'the principle of shared responsibility turned out to be the life insurance for AD in the decades to come' (Brombacher & Westerbarkei 2019: 90). The administration of Álvaro Uribe again maintained some continuity, particularly based on the mix of economic alternatives and eradication, albeit under changed or evolved domestic institutional structures (Zorro-Sánchez 2017).

Through the early 2000s Colombia maintained this framework as a good citizen of the drug control system, while promoting interests around AD and enforcing anti-production and trafficking laws (Borda 2016). The initiation of the US 'war on terror' led to a deprioritisation of the war on drugs, but the Uribe administration proved adroit at linking its domestic drug agenda to terror, for example the President in a speech to the UN in 2002:

There is concern about weapons of mass destruction in the United Nations forum, and we share this anguish. Please, we must understand that drugs have the capability for mass destruction equivalent to that of the most feared chemical weapon (Quoted in: Borda 2016: 108).

The administration also expanded its active linkage between drugs, human rights and the environment, but to a far less effective degree. As Borda writes, '[t]he central idea is that illegal drug money interposes itself between the state and its objective of guaranteeing the security and human rights of its citizens' (Borda 2016: 114). This ultimately warped the mainstream vision of human rights, including state complicity in human rights abuses and 'the penetration of the same [drug] monies into the Colombian political class and the very apparatus of the state' (Barrett 2012; Borda 2016: 114; Lines 2017). It would take the administration of President Santos before Colombia found a tone on drugs and human rights that would resonate with international human rights groups, largely framing human rights problems as systemic to the war on drugs itself (Collins 2017b).

## **The Fragmentation of International Control, 2008–2016**

One author dates the onset of global drug control fragmentation to 2008 (Collins 2017c). US President Barack Obama, both a vocal sceptic of the war on drugs and attempting to repair regional relations following the perceived unilateralism of the George W. Bush administration, adopted a greater multilateral tone. This coincided with domestic fiscal crises which forced local governments to reassess drug war policies as well as to begin frank assessments of cannabis legalization as a revenue measure (Collins 2017c).

Latin American leaders also began to speak out. The Latin American Commission on Drugs and Democracy, comprising a high-profile list of former presidents and leaders, launched a report challenging the war on drugs and advocating an open discussion on drug policy (Latin American Commission on Drugs and Democracy 2009). This was followed by a 2011 Global Commission on Drug Policy report which called for 'not just alternatives to incarceration and greater emphasis on public health...but also decriminalization and experiments in legal regulation' (The Global Commission on Drug Policy 2011). By 2014, the Global Commission was explicitly advocating a more robust focus on the legal regulation of drugs (The Global Commission on Drug Policy 2014).

Further, sitting world leaders, including in Colombia and Mexico adopted a more reformist tone. In 2012 President Santos of Colombia wrote in a London School of Economics report,

Colombia has experienced progress in this fight, and historic results have been achieved. We are no longer the world's top cocaine producer...However, we are now witnessing, with profound concern, how this situation is drifting to neighbouring countries, along with all the pain, violence and corruption it entails, which we have endured in our country for too many years (Santos 2012: 2).

He continued,

The Colombian Government strongly believes that the time has come to take a fresh look and we invite world leaders, scientists and experts to start an open, serious and honest debate about this war. The time has come to think outside the box. Our invitation is to dutifully study new formulas and approaches screened through an academic, scientific and non-politicised lens, because this war has proven to be extremely challenging and oftentimes, highly frustrating. This is a global problem that demands a global solution, and therefore a new international consensus is needed (Santos 2012: 2).

Ultimately his scope for action was limited by his complex domestic coalition as well as the delicacies of the peace process. These were only complicated by regional dynamics and growing anti-drug war sentiments. All of these factors augured for a removal of the drug issue from domestic politics in so far as possible, while also suggesting the need for some significant changes in Colombian and international drug policy. Displacing the dilemma to international fora to mitigate, and potentially to solve, seemed to represent perhaps the best option for the administration and one which it embraced.

These constraints set the tone for the Colombian and Latin American reformist governments leading into the UNGASS 2016 meeting. They offered a challenge to the status quo within a consensus institutional setting in the hope of finding an evolved or potentially alternative consensus. In parallel, Latin American governments tended to follow a broad continuity in domestic policies. The Colombian peace process saw a much greater focus placed on peacebuilding and development in drug crop settings (Meger & Sachseder 2020), but this tended to follow in the broader domestic institutional lineage of drugs and development policies. Meanwhile, the US government tacitly enabled this dialogue, often against the more hawkish elements within its own administration. In 2012 Vice-President Joe Biden declared the debate on drug war orthodoxy in the region 'totally legitimate', paving the way for a more substantial regional dialogue (Williams & Cattani 2012).

The Organization of American States (OAS) embraced this opening, producing the report *Scenarios for the Drug Problem in the Americas, 2013–2025* (Organization of American States, 2012). Alongside this, Uruguay, Colorado and Washington State moved ahead with cannabis legalization. Again, the Obama administrations' drug war scepticism won out, producing an effectively accommodationist approach at the Federal level, led by the Department of Justice. This forced the US State Department to seek an uncomfortable accommodation with the UN drug conventions, suggesting treaty flexibility and the reality that 'some countries will have very strict drug approaches; other countries will legalize entire categories of drugs' (Brownfield 2014).

To some degree, the controversial US response, what one commentator termed the 'Brownfield doctrine' (Collins 2014b) was not just about squaring US local regulatory changes with international law. It had opened the door for Latin American governments to walk through, perhaps recognising that few, if any, would. None did. Instead the pursuit of consensus continued via the UN and its expansive, but hardly radical – in the sense of really challenging the tenets of the drug control system – UNGASS 2016 Outcome Document (United Nations General Assembly, 2016).

Civil society had staked heavy hopes that the UNGASS era would lead to a collapse of the consensus and the onset of radical systemic drug policy reforms. Many were left reeling in the immediate aftermath (Jelsma & Bewley-Taylor 2016). Some came to recognize the incremental victories it contained (Lines & Barrett 2016), and this ultimately became a consensus view among civil society with time. One commentator suggested that civil society had ignored political realities and 'the assumption that the status-quo arose from a conspiracy of silence rather than the intersection of very tangible interests, concerns and political alignments' (Collins, 2017c, p. 11). Instead, Collins argues, 'member states were always and inevitably set to subjugate reformist rhetoric to consensus' (Collins 2017c: 11).

The 2016 Outcome Document moved beyond a three-pillar approach of drug control based on supply reduction, demand reduction and international cooperation, towards a seven-chapter thematic focus. This directly addressed areas of human rights, gender, and development. The concept of 'development-oriented

drug control', adopted in the 2009 Political Declaration and Plan of Action (Commission on Narcotic Drugs 2009), reached a new level with the UNGASS in 2016. Chapter VII assigns a key role to AD and also conceptually expands the range of development interventions towards urban drug markets and drug trafficking (Brombacher & Westerbarkei 2019; United Nations General Assembly 2016). For Colombia, the apotheosis of UNGASS 2016 in drugs and development terms coincided perfectly with a peace process that required large injections of domestic and international funding into areas affected by drug crop production. As UN discussions moved further beyond the sole focus on policing and enforcement the areas of potential donor overlap only increased.

The real outcome of UNGASS 2016 for Colombia and other Latin American governments was not so much about a radical change in policies or consensus, but in a shift in emphasis, priorities and routes for scaling domestic, and to a lesser degree foreign, funding. For Colombia, the UNGASS process had, in many ways, been an instrument in pursuit of a wider state building project, rather than pursuing an end of drug policy reform in and of itself. Again, the narrative of Colombian agency looms large. Colombia was unquestionably a leading and highly credible voice in the UNGASS process, supported by the particular normative vision of its leader. This occurred at an exact moment when the US lost credibility among conservative states due to cannabis legalisation and a softening of the drug war rhetoric at home, again driven in no small part by the anti-drug war beliefs of President Obama and his Attorney General Eric Holder.

Colombia's reformist rhetoric almost undoubtedly derived from a strong drug war scepticism within the Santos administration, originating with the President himself. However, the UNGASS process must be viewed within the larger history of Colombian policy formation around drugs, security and development. Further, it must be seen as part of a broader effort to secure financial aid and international legitimacy for the fledgling peace process. Lastly, it represented a useful venue to displace the difficulties and complexities of negotiating a shift in drug policy emphasis and priorities away from tense and entrenched national fora and interests and towards legitimating international bodies which could lead on problem-solving and reformulating the approach from the outside.

Unable to maintain a broad drug policy reform coalition at home, the Colombian government displaced the policy problem, first to the OAS, through drug policy scenario planning (OAS 2013), and then to the UN. Should these organizations be able to coalesce a new vision for drug policy and explain the technical implementation of such a policy, Colombia would benefit from a repatriation of drug policy control and the possibility of a more effective 'post-war on drugs' approach'. Should these organisations fail to elaborate a new vision, the political costs of this failure would not directly accrue to the Colombian government, nor the domestic political alliances underpinning it.

## Conclusion

This paper straddles between the Colombian agency and mutual negotiation framework for PC and drug control more broadly. It suggests a far greater Colombian agency than has been traditionally assumed, while recognising the clear and important role the US has played. That the pursuit of prohibition and a war on drugs has imposed immense harm on Colombia is beyond question. That Colombia has served as ground zero in this global fight is further accepted as consensus. This article challenges the conception of the war on drugs as a one-way policy displacement on Colombia as a drug production country. It looks to the evidence of Plan Colombia and Colombia's involvement with the UN drug control system, particularly around UNGASS 2016, to highlight that Colombia was at least a participant in a negotiation of displacement, both to international fora and from the US and UN drug control apparatus. Indeed, it highlights that Colombia utilised drug control to secure desired outcomes from US and UN institutions. Finally, it suggests that the OAS and UN served as useful fora for Colombia's displacement of statebuilding dilemmas, including drug control, and utilised these to serve as a proxy negotiating forum with the US and other international donors.

Taken at face value, Colombia's efforts to 'challenge' the global consensus on drug policy in the UNGASS 2016 period seems like a major departure with the past. Instead, this paper has argued that it fits well within a continued evolution of Colombian drug policy within various national, bilateral, and international alignments. Viewed in isolation Colombia's newfound reticence to blindly pursue a war on drugs appeared a radical departure. Viewed in terms of the history of bargaining and elite politics underpinning its approach to Colombian-US relations, most exemplified by Plan Colombia, it seems less exceptional. Colombia was part of a growing wave of disenchantment with war on drugs policies, both within the US and within producer and transit countries. It was well positioned to utilize its credible position to both externally challenge the status quo and simultaneously negotiate new power relations within the drug control system.

As Méndez writes, '[t]he US government intervened in Colombia's internal affairs on a much grander scale than previously contemplated, largely because the Colombians resolved to invite it' (Méndez 2012: 12). PC was borne of this vision of 'soft' US intervention on the Colombian political and military elites' terms and indeed the Colombian government succeeded in drawing the US into its internal affairs to a far greater degree than it would have generally countenanced, evidenced by visible reluctance within the US Congress (Méndez 2012). The recent UNGASS experience follows this trend. Absent a stable governing coalition to enable domestic policy reforms, President Santos sought instead to displace some of the impetus for policy changes to a regional and, eventually, global level via the UNGASS. This helps explain the paradoxical disconnect between glacial national and local policy reforms at the time, and the seemingly radical open-ended reform discussion at the UN level. It was precisely because the latter operated largely beyond the horizon of day-to-day domestic politics that Colombia and others Latin American governments had a strong interest to displace policy discussions there.

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