

# UNPACKING THE ACCOMPLISHMENTS OF DRUG PROHIBITIONISM: AN ALTERNATIVE VIEW OF PLAN COLOMBIA'S RESULTS ON VIOLENCE

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## INTRODUCTION

Plan Colombia was one of the main strategies implemented to address the drug phenomenon in Colombia.<sup>1</sup> Through this diplomatic and military aid initiative, the U.S. government provided around seven billion U.S. dollars in assistance to Colombia between 2000 and 2008,<sup>2</sup> making Colombia the largest recipient of U.S. aid in the South American continent.<sup>3</sup> Although the evaluations vary regarding Plan Colombia's effectiveness as a strategy to curb the supply and consumption of drugs, both supporters and detractors tend to agree on its positive results of improving security and reducing violence.<sup>4</sup> In a critical assessment of this strategy, Acevedo, Bewley-Taylor, and Youngers pointed out that “[a]t the international level, it is accepted that there has been some measurable progress in terms of Colombia's internal security. *This improvement has been signaled predominantly by a decrease*

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<sup>1</sup> See PETER DESHAZO, JOHANNA MENDELSON FORMAN & PHILLIP McLEAN, COUNTERING THREATS TO SECURITY AND STABILITY IN A FAILING STATE: LESSONS FROM COLOMBIA 16–17 (2009).

<sup>2</sup> The initial phase of Plan Colombia was from 2000 to 2008 and was subsequently extended until 2015. *See id.*

<sup>3</sup> *Id.* at v.

<sup>4</sup> See, e.g., Arlene Beth Tickner & Carolina Cepeda, *Las Drogas Ilícitas en la Relación Colombia – Estados Unidos: Balance y Perspectivas*, in *POLÍTICAS ANTIDROGA EN COLOMBIA* (Alejandro Gaviria Uribe & Daniel Mejía Londoño eds., 2012); Daniel Mejía Londoño & Pascual Restrepo, *The War on Illegal Drug Production and Trafficking: An Economic Evaluation of Plan Colombia*, CEDE 2008-19 (2010); DESHAZO, MENDELSON FORMAN & McLEAN, *supra* note 1 at 15; U.S. GOV'T ACCOUNTABILITY OFF., GAO-09-71, PLAN COLOMBIA: DRUG REDUCTION GOALS WERE NOT FULLY MET, BUT SECURITY HAS IMPROVED; U.S. AGENCIES NEED MORE DETAILED PLANS FOR REDUCING ASSISTANCE (2009); Beatriz Acevedo, Dave Bewley-Taylor & Coletta Youngers, *Ten Years of Plan Colombia: An Analytical Assessment*, BECKLEY FOUND. DRUG POL'Y PROGRAMME (2008); Adam Isacson & Abigail Poe, *After Plan Colombia Evaluating “Integrated Action,” the Next Phase of U.S. Assistance*, INT'L POL'Y REP. (2009); Vanda Felbab-Brown, Joel M. Jutkowitz, Sergio Rivas, Ricardo Rocha, James T. Smith, Manuel Supervielle & Cynthia Watson, *Assessment of the Implementation of the United States Government's Support for Plan Colombia's Illicit Crop Reduction Components*, BROOKINGS INST. (2009).

*in the levels of drug-related violence within the country*”<sup>5</sup> (emphasis added). In the same way, the United States Agency for International Development (USAID) has established that “[t]he greatest accomplishment of Plan Colombia has been the dramatic improvements in security in the country.”<sup>6</sup> Likewise, James D. Henderson pointed out that “five years after the conclusion of Plan Colombia, it was safe to say that the program fulfilled its military goal, even if it failed in its intent to eliminate cocaine exports from the country. Plan Colombia played a significant role in reducing violence in Colombia.”<sup>7</sup>

Many praise Plan Colombia’s success, particularly in improving security and reducing crime and violence.<sup>8</sup> Some have even gone a step further. For instance, former Homeland Security Secretary John Kelly proposed extending the strategy in Colombia and implementing a similar one in other countries with drug-related violence such as Mexico.<sup>9</sup>

It is hard to deny that Colombia is a safer and less violent country after Plan Colombia. In fact, violent crime rates have decreased substantially. As shown by different reports, homicide rates in the country declined from 65.76 per 100,000 in 2000 to 36.31 per 100,000 in 2008.<sup>10</sup> Kidnapping, a crime performed by insurgent armed groups as a way to finance their war, decreased from 3,572 cases in 2000 to 437 in 2008.<sup>11</sup> Additionally, while 236 massacres<sup>12</sup> were committed in 2000, leaving around 1,403 victims, the numbers dropped to only 37 massacres in 2008 with approximately 169 victims.<sup>13</sup>

Despite these numbers, it is imprecise to say that Plan Colombia decreased *drug-related violence* in the country. In contrast to the traditional understanding, I argue in this Article that if one unpacks the concept of

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<sup>5</sup> Acevedo, Bewley-Taylor & Youngers, *supra* note 4, at 11.

<sup>6</sup> Felbab-Brown, Jutkowitz, Rivas, Rocha, Smith, Supervielle & Watson, *supra* note 4, at 9.

<sup>7</sup> JAMES D. HENDERSON, COLOMBIA’S NARCOTICS NIGHTMARE: HOW THE DRUG TRADE DESTROYED PEACE 173 (2012).

<sup>8</sup> See, e.g., Tickner & Cepeda, *supra* note 4; DESHAZO, MENDELSON FORMAN & MCLAN, *supra* note 1 at 15; Acevedo, Bewley-Taylor & Youngers, *supra* note 4.

<sup>9</sup> See Rachel del Guidice, *Trump Picks Retired Marine General as Homeland Security Secretary*, DAILY SIGNAL (Dec. 7, 2016), <http://dailysignal.com/2016/12/07/trump-picks-retired-marine-general-as-homeland-security-secretary/>, archived at <https://perma.cc/52EA-L738>; Salvador García Soto, *Kelly: un plan Colombia para México*, EL UNIVERSAL (Mex.) (Feb. 8, 2017), <http://www.eluniversal.com.mx/entrada-de-opinion/columna/salvador-garcia-soto/nacion/2017/02/8/kelly-un-plan-colombia-para-mexico>, archived at <https://perma.cc/EK2N-WFYG>.

<sup>10</sup> Ministerio de Defensa, República de Colombia, Logros de la Política de Seguridad Democrática (2007), <http://pdba.georgetown.edu/Security/citizensecurity/Colombia/evaluaciones/logros2007.pdf>, archived at <https://perma.cc/22YQ-7D7N> [hereinafter Statistics from Ministry of Defense]; *Bases de datos ¡Basta ya! Colombia: memorias de guerra y dignidad*, CENTRO NACIONAL DE MEMORIA HISTÓRICA, <https://www.centrodememoriahistorica.gov.co/micrositios/informeGeneral/basesDatos.html>, archived at <https://perma.cc/J4UP-PGNM> (Mar. 21, 2022).

<sup>11</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>12</sup> The term massacre is understood as an indiscriminate and brutal slaughter of people.

<sup>13</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

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violence, this strategy did not necessarily reduce drug-related violence. Instead, Plan Colombia only reduced insurgent violence and related types of violence. Therefore, Plan Colombia failed as a counter-narcotics initiative because it did not diminish the consumption, production, and prices of psychoactive substances and because it did not reduce the violence intrinsic to the drug business. Hence, this initiative should not be presented as a model to combat drug markets and violence produced by the drug business.<sup>14</sup>

I divide this Article into five parts. Part I provides a conceptual framework which defines the different manifestations of violence generally. Part II contextualizes the subject matter by briefly presenting the history of drug trafficking in Colombia and the major actors involved in the business. Part III presents Plan Colombia's purpose, main goals, and results as a counter-narcotics initiative. Part IV argues why there is no evidence to establish Plan Colombia was effective in reducing drug-related violence by examining violence rates during the implementation of Plan Colombia in the departments<sup>15</sup> with high levels of cocaine cultivation and with key zones for drug trafficking. Part V presents the conclusions of this Article.

## I. THE RELATIONSHIP BETWEEN DRUGS AND VIOLENCE

There are various types of violence. Some of them are a consequence of drugs and drug markets. Paul Goldstein has presented three different nexuses that exist between drugs and violence.<sup>16</sup> The first is the *psychopharmacological nexus model*.<sup>17</sup> This type of violence happens when "some individuals, as a result of short or long term ingestion of specific substances, may become excitable, irrational, and may exhibit violent behavior."<sup>18</sup> The second is the *economic compulsive model*, in which "some drug users engage in economically oriented violent crime . . . to support costly drug use."<sup>19</sup> In this scenario, "[e]conomically compulsive actors are not primarily motivated by impulses to act out violently. Rather, their primary motivation is to obtain money to purchase drugs. Violence generally results from some factor in the social context in which the economic crime is perpetrated."<sup>20</sup> Those factors, according to Goldstein, can "include the perpetrator's own nervousness, the

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<sup>14</sup> Markets for illegal drugs are not necessarily violent, for there are other factors that spur violence. See, e.g., Peter Reuter, *Systemic Violence in Drug Markets*, 52 CRIME, L., & SOC. CHANGE 275 (2009); Richard Snyder & Angelica Durán-Martínez, *Does Illegality Breed Violence? Drug Trafficking and State-Sponsored Protection Rackets*, 52 CRIME, L., & SOC. CHANGE 253 (2009).

<sup>15</sup> Colombia is not a federation but a unitary government. The country is divided into Departments, rather than States.

<sup>16</sup> See Paul J. Goldstein, *The Drug/Violence Nexus: A Tripartite Concept Framework*, J. DRUG ISSUES 493, 494 (1985). These nexuses have also been pointed out in further works. See, e.g., DANIEL MEJÍA LONDOÑO & PASCUAL RESTREPO, BUSHES AND BULLETS: ILLEGAL COCAINE MARKETS AND VIOLENCE IN COLOMBIA (2013).

<sup>17</sup> Goldstein, *supra* note 16, at 494–95.

<sup>18</sup> *Id.* at 494.

<sup>19</sup> *Id.* at 496.

<sup>20</sup> *Id.*

victim's reaction, weaponry . . . and so on."<sup>21</sup> The third is the *systemic model*, which refers to:

the traditionally aggressive patterns of interaction within the system of drug distribution and use. Some examples of systemic violence follow below. 1. disputes over territory between rival drug dealers. 2. assaults and homicides committed within dealing hierarchies as a means of enforcing normative codes. 3. robberies of drug dealers and the usually violent retaliation by the dealer or his/her bosses. 4. elimination of informers. 5. punishment for selling adulterated or phony drugs. 6. punishment for failing to pay one's debts. 7. disputes over drugs or drug paraphernalia 8. robbery violence related to the social ecology of coping [sic] areas.<sup>22</sup>

Although drug-related violence includes these three models, this Article only focuses on the third. Accordingly, drug-related violence, for the purposes of this Article, refers exclusively to the systemic model as the two first models are related to drug users rather than the drug trafficking business in particular.

There are also other types of violence that are not linked to drugs in the way Goldstein conceptualized the nexuses. One example is insurgent violence where the person or group commits a violent act to fight the State, the established authority, or other rival groups, in order to defeat them or gain access to power.<sup>23</sup> This has been the violence perpetrated in many cases by Colombian left-wing guerrillas like the *Fuerzas Revolucionarias Armadas de Colombia* – FARC, the *Movimiento 19 de Abril* – M19, the *Ejército Popular de Liberación* – EPL, and the *Ejército de Liberación Nacional* – ELN, among others.<sup>24</sup> Additionally, counter-insurgency violence occurs where there is violence perpetrated by paramilitaries—groups created to defend themselves and fight insurgency due to the lack of protection from the State.<sup>25</sup> Paramilitary groups perpetrate this violence to fight insurgent groups.<sup>26</sup> In both cases, there could be a relationship with drugs, as happened in Colombia, when drug trafficking is used as a way to finance a war or to produce violence.<sup>27</sup> However, unlike drug-related violence, there is a prior motive to commit violent acts, such as taking down the government, and the way to finance such motives and be economically sustainable is to participate in the illicit drug markets.<sup>28</sup> Nonetheless, these violent acts could also

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 497.

<sup>23</sup> See, e.g., MARCO PALACIOS, *VIOLENCIA PÚBLICA EN COLOMBIA 1958-2010* (2012).

<sup>24</sup> *Id.*

<sup>25</sup> See generally DAVID BUSHNELL, *THE MAKING OF MODERN COLOMBIA: A NATION IN SPITE OF ITSELF* (1993).

<sup>26</sup> See PALACIOS, *supra* note 23.

<sup>27</sup> *Narcotráfico motor del conflicto: ONU* [Drug trafficking fuel of the conflict: UN], EL TIEMPO, Apr. 28, 2000 (Colom.), <https://www.eltiempo.com/archivo/documento/MAM-1292839>, archived at <https://perma.cc/T2SQ-F5UT>.

<sup>28</sup> See PALACIOS, *supra* note 23.

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be funded by other activities such as kidnappings and illegal mining, as has also happened in Colombia.<sup>29</sup>

Drug-related violence does not necessarily exclude other categories of violence, since a person or group can perpetrate different types of violence.<sup>30</sup> This scenario happened, for instance, when the guerrillas fought against drug cartels to control a drug trafficking route while they were also fighting against the Colombian Army to exercise power over a territory.<sup>31</sup> They exhibited drug-related violence against the drug cartels, since they were acting to protect their drug business, and insurgent violence against the Colombian Army, since they were acting to defeat the government and gain access to power.

The main achievements of Plan Colombia, as this Article will show in parts III and IV, were in relation to insurgent and other types of violence, because there is not enough evidence to suggest that drug-related systemic violence declined during the period in which this policy was adopted and implemented.

### II. DRUG TRAFFICKING IN COLOMBIA: HISTORY, MAJOR ACTORS, AND VIOLENCE

To better understand Plan Colombia's main goals and achievements, one must understand the evolution of drug trafficking in Colombia to comprehend why the United States and Colombia adopted this strategy.

#### *a. The Beginning of the Drug Trade: The Marijuana Boom*

Before the 1960s, Colombia was not a major player in the world's drug trade.<sup>32</sup> However, during the late 1960s and early 1970s, this situation changed.<sup>33</sup> With increasing marijuana consumption in the United States and the U.S. promoting eradication programs in Mexico, there was a gap to be filled in the market.<sup>34</sup> Jamaica and then Colombia filled in this hole while improving the quality of the substance produced by the Mexicans.<sup>35</sup> The marijuana business started on Colombia's Caribbean Coast, specifically at the "Sierra Nevada de Santa Marta," where Americans supplied seeds to poor

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<sup>29</sup> In fact, according to President Santos in the past years illegal mining was the main source of financing for illegal armed groups. *See generally Santos anuncia guerra a minería criminal, que mueve \$7 billones al año* [Santos announces war against illegal mining, which rakes in \$7 billion dollars a year], *EL TIEMPO* (Colom.) (July 30, 2015), <http://www.eltiempo.com/archivo/documento/CMS-16172335>, archived at <https://perma.cc/Z9TL-VW9K>.

<sup>30</sup> *See e.g.*, BUSHNELL, *supra* note 25.

<sup>31</sup> *Id.*

<sup>32</sup> *See* Francisco E. Thoumi, *Illegal drugs in Colombia: From Illegal Economic Boom to Social Crisis*, 582 *ANN. AM. ACAD. POL. SOC. SCI.* 102, 103 (2002).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 103–04.

peasants who later sold the first marijuana produced.<sup>36</sup> After seeing the profits of marijuana, the business expanded to other country regions.<sup>37</sup> The organizations that ran the marijuana exportation are described as follows:

[They] were relatively simple. The peasants produced for a local exporter who controlled and/or owned one or a few landing strips or a port and negotiated with the American importer. Due to the lack of land titling and the very rudimentary and uncompetitive capital markets, the exporter frequently provided crop financing.<sup>38</sup>

By the early 1980s, Colombia supplied 75% of the marijuana consumed within the United States.<sup>39</sup> Nonetheless, as shown by Thoumi, the marijuana industry started declining at the end of the 1970s due to various factors.<sup>40</sup> First, due to pressure from the United States, the Colombian government implemented aggressive manual eradication programs.<sup>41</sup> Second, the U.S. production of marijuana increased so that business became more competitive.<sup>42</sup> Third, other illicit substances, such as cocaine, started to become more profitable.<sup>43</sup>

During this first period, combating drug trafficking was not the Colombian government's priority because few actors involved in the business existed, and the violence often related to drug marketing was almost non-existent.<sup>44</sup> In fact, the United States government questioned Colombian President Julio Cesar Turbay Ayala's anti-drug efforts, and it was only until then that the Colombian government took some actions to combat drugs, as the mentioned eradication programs.<sup>45</sup>

#### *b. The Cocaine Industry and the Big Cartels*

A combination of (i) Colombia's location and geography and (ii) the difficulty of planting coca leaf in Europe and throughout the majority of the United States contributed to the rise of Colombia's cocaine industry.<sup>46</sup> In the mid-1970s, Colombian smugglers developed trafficking routes, established links with coca base suppliers from Peru and Bolivia, and acquired advanced

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<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 104.

<sup>38</sup> *Id.* (citing Hernando Ruiz-Hernández, *Implicaciones sociales y económicas de la producción de la marihuana, Marihuana: Legalización o represión*, (Asociación Nacional de Instituciones Financieras ed., 1979)).

<sup>39</sup> See Arlene B. Tickner, Diego García & Catalina Arreaza, *Actores violentos no estatales y narcotráfico en Colombia* [Violent Non-State Actors and Drug Trafficking in Colombia] in ALEJANDRO GAVIRIA URIBE & DANIEL MEJÍA LONDOÑO, *POLÍTICAS ANTIDROGA EN COLOMBIA* [ANTI-DRUG POLITICS IN COLOMBIA] 416.

<sup>40</sup> Thoumi, *supra* note 32, at 104.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.* at 104–05.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 104.

<sup>46</sup> *Id.* at 105.

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transportation systems from the United States.<sup>47</sup> During the 1980s and 1990s, Colombia became one of the biggest producers of cocaine globally.<sup>48</sup>

Major cartels located in different places around the country drove the cocaine business.<sup>49</sup> The two major ones were the Medellín Cartel that Pablo Escobar presided over, and the Cali Cartel, whose most visible leaders were the Rodríguez Orejuela brothers (Gilberto and Miguel) and José Santacruz Londoño.<sup>50</sup> The guerrilla and paramilitary groups were not directly involved in drug trafficking but demanded payment to provide security for the crops and to allow the cartels to operate.<sup>51</sup>

At this time, due to pressure from the United States and the rise of the drug business, the Colombian government started combating drug trafficking and prioritized this issue in the political agenda.<sup>52</sup> Because of these tough enforcement policies, the cartels began warring against the government and society.<sup>53</sup> As a result, homicides increased to one of the highest rates in the country's history.<sup>54</sup> Notably, the cartels after 1986 started using terrorism to pressure the government into changing the tough enforcement policies imposed by the recently elected President Virgilio Barco.<sup>55</sup> Every time the government seized a big exportation of cocaine, destroyed a laboratory or threatened the members of the cartels with extradition, the cartels reacted with violence and terror.<sup>56</sup> Terrorism was thus how drug traffickers intimidated the government to negotiate.

The cartels murdered Luis Carlos Galan and two other candidates running for president in 1989, exploded an airplane, and put a bomb in the Administrative Department of Intelligence building, killing several judges, witnesses, and public servants.<sup>57</sup> In 1990, after this massive wave of violence, President Gaviria's newly elected administration decided to negotiate and offer better conditions and benefits to the leaders of the cartels if they agreed to surrender to the Colombian criminal justice system.<sup>58</sup> At the beginning, some leaders, including Pablo Escobar, decided to accept the terms and surrender.<sup>59</sup> Nevertheless, enforcing the agreement between the government and some of the members of the cartels was not easy. The government breached some of the terms of the agreements, which prompted Pablo Escobar to plan and escape his jail cell in 1992.<sup>60</sup> Other drug traffickers stopped

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<sup>47</sup> *Id.*

<sup>48</sup> See GAVIRIA URIBE & MEJÍA LONDOÑO, *supra* note 39.

<sup>49</sup> Tickner, García & Aiteaza, *supra* note 39.

<sup>50</sup> *Id.*

<sup>51</sup> See FABIO CASTILLO, *LOS JINETES DE LA COCAÍNA* (1987).

<sup>52</sup> See GAVIRIA URIBE & MEJÍA LONDOÑO, *supra* note 39.

<sup>53</sup> See CASTILLO, *supra* note 51.

<sup>54</sup> See GAVIRIA URIBE & MEJÍA LONDOÑO, *supra* note 39.

<sup>55</sup> See CASTILLO, *supra* note 51.

<sup>56</sup> *Id.*

<sup>57</sup> See BUSHNELL, *supra* note 25.

<sup>58</sup> This included, among others, a guarantee for no extradition. See *id.*

<sup>59</sup> *Id.*

<sup>60</sup> The agreements included imprisoning Escobar and other members of the cartel in "La Catedral," a personal prison built under the head of the cartel's conditions. However, the gov-

trusting the government when they saw the government's noncompliance, and consequently, violence started rising again.<sup>61</sup>

Gaviria's government responded with tough enforcement, killing some of the heads of the cartels including Pablo Escobar in 1993.<sup>62</sup> However, the violence in Colombia and drug production did not decrease.<sup>63</sup> During Gaviria's (1990–1994) and Samper's (1994–1998) administrations, drug production increased and the security conditions in Colombia deteriorated.<sup>64</sup> The country went from being an importer of coca base to being a major producer of coca leaf.<sup>65</sup> Although coca crops in Colombia accounted for 19% of the total crops of the Andean region in 1990, this number increased to over 70% in 1999.<sup>66</sup> The growth in cocaine production was due to different factors, including (i) a decrease in Peruvian cocaine production because of a fungal infection in some of the crops of this country; (ii) the lack of State presence in a significant part of its territory; (iii) the success of the interdiction programs in Peru; and (iv) the inability of the new Colombian drug dealers to import coca from Peru and Bolivia.<sup>67</sup>

At the same time, the crime rates in the country were the highest in the world with an average of 83.50 homicides per 100,000 people between 1993 and 1996,<sup>68</sup> with similar rates during the remainder of the decade.<sup>69</sup> The situation worsened when drug trafficking penetrated the most powerful political elites by financing Ernesto Samper's presidential campaign, who was elected President in 1994.<sup>70</sup>

In 1998, as a reaction to the previous incidents, recently elected President Andrés Pastrana started designing a comprehensive plan to overcome the mentioned problems and achieve peace within the country.<sup>71</sup> After presenting his initiative to the U.S. government in Washington, D.C., President Pastrana announced in September 1999 the “Plan para la Paz, la Pros-

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ernment announced the decision to move Escobar to a regular prison after some of his former partners were found dead within La Catedral. *See id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Tickner, García & Arreaza, *supra* note 39.

<sup>64</sup> *Id.*

<sup>65</sup> ANA MARÍA DÍAZ & FABIO SÁNCHEZ, A GEOGRAPHY OF ILLICIT CROPS AND ARMED CONFLICT IN COLOMBIA 5 (2004).

<sup>66</sup> *Id.*

<sup>67</sup> UNITED NATIONS OFFICE ON DRUGS AND CRIME, WORLD DRUG REPORT 5–6 (2000).

<sup>68</sup> *See* Jeffrey A. Miron, *Violence, Guns, and Drugs: A Cross-Country Analysis*, 44 J. L. & ECON. 624 (2001).

<sup>69</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>70</sup> The “Cali Cartel” provided around 10 million dollars for financing President Samper's campaign. This was recognized by Samper and the treasurer of his campaign, after the release of conversations between members of said cartel and of the campaign admitting those facts. Mary E. Garcia, *Samper admite por primera vez que el narcotráfico pagó su campaña electoral*, EL PAÍS (Spain) (1998), [https://elpais.com/diario/1998/07/22/internacional/901058401\\_850215.html](https://elpais.com/diario/1998/07/22/internacional/901058401_850215.html), archived at <https://perma.cc/3WKC-NJLL>; *Cartel de Cali financió a Ernesto Samper y hasta absolvió su absolución*, EL ESPECTADOR (Colom.) (2016), <https://www.elespectador.com/noticias/judicial/cartel-de-cali-financio-ernesto-samper-y-hasta-pago-su-articulo-638171>, archived at <https://perma.cc/C74Q-QYZ2>.

<sup>71</sup> DESHAZO, MENDELSON FORMAN & MCLEAN, *supra* note 1.



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peridad y el Fortalecimiento del Estado,”<sup>72</sup> later called “Plan Colombia,” a strategy for bilateral cooperation between Colombia and the United States, whose goals would be accomplished in eight years.<sup>73</sup>

### III. PLAN COLOMBIA: A FAILED COUNTER-NARCOTIC STRATEGY THAT REDUCED VIOLENCE

Plan Colombia’s main objectives were “to fight against the world drug problem, organized crime, and the violence they generate, to revitalize the economy and society, to strengthen democratic institutions, and to make progress in peace negotiations in Colombia.”<sup>74</sup> The plan included a comprehensive approach to reach these goals by aiming to promote human rights, provide alternative plans to coca cultivation, fight corruption, strengthen the judicial institutions and improve governance.<sup>75</sup> Nonetheless, because of the interests in Washington D.C., the majority of the aid from the U.S. went into militarization and combating illicit crops.<sup>76</sup> In fact, 80% of the first U.S. aid package, totaling USD 1.6 billion, was allocated to the Colombian Army and the anti-narcotics policy.<sup>77</sup> Thus, the initiative ended up being a counter-narcotics strategy with special emphasis on combating illegal arms groups since they were active and key actors in the drug business by that time.

According to the Colombian National Department of Planning, from 2000 to 2006, the U.S. government provided USD 6.9 billion for Plan Colombia.<sup>78</sup> From those resources, around USD 1.19 billion (17% of the total resources) were earmarked for promoting social and economic justice, USD 2.4 billion (34% of the total resources) were invested in promoting the rule of law, and USD 3.4 billion (49% of the total resources) were deployed for reducing the availability of illegal substances and improving security.<sup>79</sup>

The resources the U.S. provided for combating drug trafficking and improving security, combined with those set aside by the Colombian government for such purposes, enabled the growth of the military forces fourfold.<sup>80</sup> In 1998, Colombia had 20,000 professional soldiers; however, by 2007, it had 78,000.<sup>81</sup> In addition, these joint resources augmented the size of the police: the public security forces rose from a total of 249,833 in 1998 to 380,069 in 2005.<sup>82</sup> The resources also led to better training for their members, the acquisition of transportation vehicles (such as helicopters and

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<sup>72</sup> In English “Plan for Peace, Prosperity, and the Strengthening of the State.”

<sup>73</sup> DESHAZO, MENDELSON FORMAN & MCLEAN, *supra* note 1.

<sup>74</sup> See DEPARTAMENTO NACIONAL DE PLANEACIÓN, PLAN COLOMBIA PROGRESS REPORT 1999-2005 (2006), [https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/bal\\_plan\\_Col\\_ingles\\_final.pdf](https://colaboracion.dnp.gov.co/CDT/Justicia%20Seguridad%20y%20Gobierno/bal_plan_Col_ingles_final.pdf), archived at <https://perma.cc/89NQ-WFFR>.

<sup>75</sup> *Id.*

<sup>76</sup> See Tickner & Cepeda, *supra* note 4, at 212.

<sup>77</sup> *Id.* at 212–13.

<sup>78</sup> See GAVIRIA URIBE & MEJÍA LONDOÑO, *supra* note 39, at 71.

<sup>79</sup> *Id.*

<sup>80</sup> See DEPARTAMENTO NACIONAL DE PLANEACIÓN, *supra* note 74.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

planes) to enable the performance of military and police operations, and the improvement of the tactics used.<sup>83</sup>

Despite this large investment, the decrease in the availability of narcotics was insignificant. Statistics on coca crops in Colombia vary. According to the United States Department of State, the amount of hectares of cocaine being cultivated remained relatively equal before and after Plan Colombia.<sup>84</sup> In 1999, before the implementation of Plan Colombia, there were 122,500 hectares of cocaine being cultivated.<sup>85</sup> This number, according to the Department, was almost the same in 2008 at around 119,000 hectares despite the implementation of Plan Colombia.<sup>86</sup> On the contrary, the United Nations Office on Drugs and Crime (UNODC) stated in its reports that in 2008, cocaine crops dropped to half of those existing in 1999: while there were 161,700 hectares of cocaine in 1999, there were 82,000 in 2008.<sup>87</sup>

Despite the discrepancies in the reports, both the United States Department of State and the UNODC agree that the reduction in coca crops did not lead to a proportional decrease in the production of cocaine in Colombia nor in its availability on U.S. streets.<sup>88</sup> The following chart<sup>89</sup> helps to compare the statistics before and after of Plan Colombia in terms of hectares cultivated, production of cocaine, price and availability of the substance in the United States:<sup>90</sup>

	<b>Before Plan Colombia Average of 1999–2000</b>	<b>After Plan Colombia Average of 2005–2006</b>
<b>Hectares of cocaine</b>	161,700 (source UNODC)	82,000 (source UNODC)
<b>Production of cocaine</b>	687,490 kilograms (source UNODC)	625,760 kilograms (source UNODC)
<b>Seizure of cocaine in Colombia</b>	49,655 kilograms (source UNODC)	119,683 kilograms (source UNODC)
<b>Final supply in the United States</b>	399,870 kilograms (source UNODC)	495,100 kilograms (source UNODC)
<b>Price in the United States per kilogram</b>	USD \$35,950 (source UNODC)	USD \$25,850 (source UNODC)

<sup>83</sup> See generally Felbab-Brown, Jutkowitz, Rivas, Rocha, Smith, Supervielle & Watson, *supra* note 4.

<sup>84</sup> U.S. Dep’t of State, Bureau of Int’ Narcotics and Law Enf’t Affs, International Narcotics Control Strategy Reports (2021), <https://www.state.gov/international-narcotics-control-strategy-reports/>, archived at <https://perma.cc/J7T2-4GCD>.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> See GAVIRIA URIBE & MEJÍA LONDOÑO, *supra* note 39.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 76 (illustrating the entire chart shown partially above).

<sup>90</sup> I present in this chart the UNODC statistics since they are the most optimistic in terms of reduction of coca crops.

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As shown, while hectares of coca crops were reduced by 49.3%, the production of cocaine only decreased by 9.0%. This small decrease could have happened because technological innovations in the drug trafficking business helped traffickers produce more cocaine with less coca leaves.<sup>91</sup> This suggestion seems plausible given that at the same time, the final supply of cocaine in the United States increased significantly while its price decreased. Taking into account the simultaneous and considerable increase in cocaine seizure, it is possible to conclude from these statistics that the two main counter-narcotic strategies during Plan Colombia—the eradication of crops and the seizure of cocaine—failed to achieve the plan’s main objectives of reducing the supply and increasing the price of cocaine. This failure, as on other occasions, could be a result of the strategies taken by the drug traffickers to satisfy the cocaine demand and adapt to the obstacles caused by the policies adopted.

In terms of security, the literature previously mentioned in the introduction presents the weakening of the guerrilla groups and thus the decreasing of violence as one of the biggest successes of Plan Colombia.<sup>92</sup> The investment in security and the implementation of Álvaro Uribe’s Democratic Security Policy<sup>93</sup> were fundamental in confronting the major guerrilla group in the country: the Revolutionary Armed Forces of Colombia (FARC) (the acronym in Spanish). In addition, the other major left-wing guerrilla group, the National Liberation Army (ELN) (the acronym in Spanish), was also weakened by the Colombian Army.<sup>94</sup> The statistics show an impressive decline in the number of FARC and ELN members during the implementation of Plan Colombia: while the FARC went from 17,000 members in 2000 to around 9,000 in 2007, the ELN was reduced to half of its members: around 5,000 members in 2000 to around 2,500 combatants in 2007.<sup>95</sup>

In addition, during Plan Colombia’s implementation, the government was able to reach a peace agreement with the paramilitaries.<sup>96</sup> Although criticized in many aspects, due to the high levels of impunity provided in the agreement, “30,000 paramilitary combatants handed over their weapons.”<sup>97</sup>

The weakening of the guerrillas and the paramilitary demobilization contributed to the general feeling that the country was a more secure one.<sup>98</sup> After being afraid of traveling by land throughout the country, people started

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<sup>91</sup> See generally MEJÍA LONDOÑO & RESTREPO, *supra* note 16, at 3.

<sup>92</sup> See Tickner & Cepeda, *supra* note 4; MEJÍA LONDOÑO & RESTREPO, *supra* note 16.

<sup>93</sup> This was a landmark policy of President Álvaro Uribe Vélez, whose main purpose was to combat insurgency and strengthen the presence of the State.

<sup>94</sup> See, e.g., PETER DESHAZO, TANYA PRIMIANI & PHILLIP MCLEAN, BACK FROM THE BRINK: EVALUATING PROGRESS IN COLOMBIA, 1999-2007 (2007).

<sup>95</sup> *Id.*

<sup>96</sup> See Felbab-Brown, Jutkowitz, Rivas, Rocha, Smith, Supervielle & Watson, *supra* note 4, at 10–11.

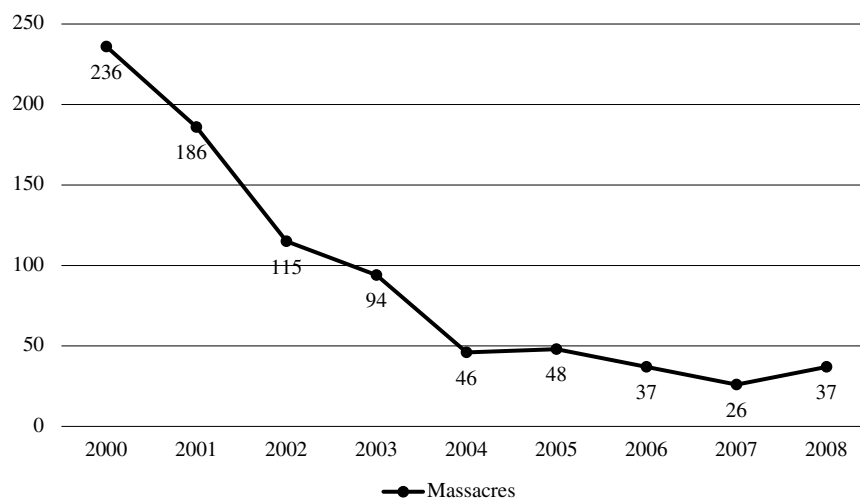
<sup>97</sup> *Id.*

<sup>98</sup> Hernando Salazar, *Colombia: luces y sombras de la política de seguridad de Uribe*, BBC MUNDO (COLOM.), Aug. 2, 2010, [https://www.bbc.com/mundo/america\\_latina/2010/08/100803\\_colombia\\_uribe\\_seguridad\\_democratica](https://www.bbc.com/mundo/america_latina/2010/08/100803_colombia_uribe_seguridad_democratica), archived at <https://perma.cc/T2TK-EJ8N>.

using the Colombian highways<sup>99</sup> more again due to a 54% decline in the number of kidnappings, thefts, and attacks on vehicles.<sup>100</sup>

Attacks directed at civilians also decreased. Massacres, as stated below (and see Figure 1), dropped from 236 in 2000 to 37 in 2008, while terrorist attacks shrank from 1,645 in 2002 to 646 in 2007.<sup>101</sup>

Figure 1. Massacres Per Year<sup>102</sup>



In addition, “[t]he number of oil pipeline bombings dropped from 184 in 2003 to 39 in the first eight months of 2007 . . . [o]verall, according to a Ministry of Defense analysis, by 2008, the government was in full or partial control of 90% of the country, up from 70% in 2003.”<sup>103</sup>

The homicide rates, which were historically one of the highest in the world, declined by around 45% between 2000 and 2008, as depicted in the chart below.<sup>104</sup>

<sup>99</sup> See generally Ministerio de Defensa, *supra* note 10 (highlighting that highway traffic increased 64% between 2003 and 2006).

<sup>100</sup> See *id.*

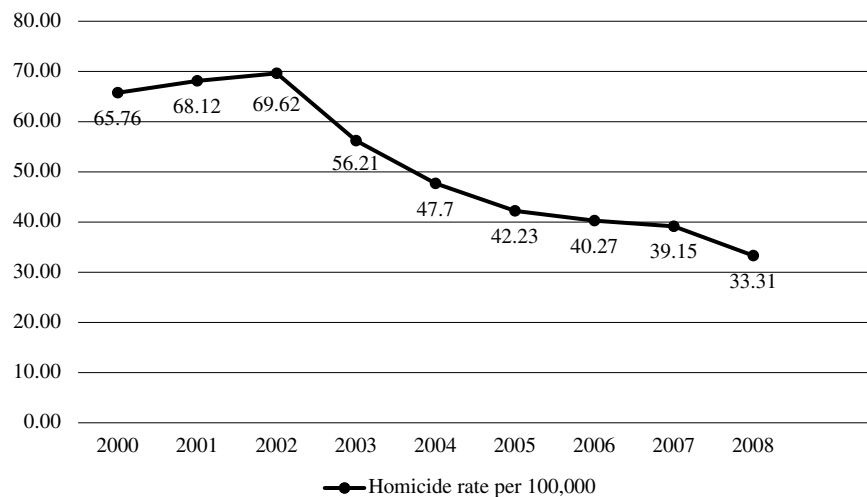
<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> Felbab-Brown, Jutkowitz, Rivas, Rocha, Smith, Supervielle & Watson, *supra* note 4, at 11.

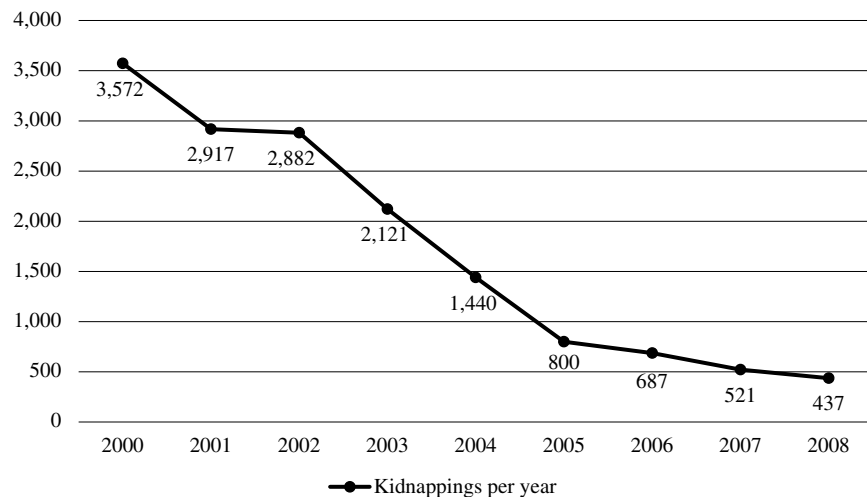
<sup>104</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

Figure 2. Homicide Rate Per 100,000<sup>105</sup>



The rates of kidnapping were one of the highest in the world at the end of the last century, since kidnapping was one of the main financing sources of the guerrillas.<sup>106</sup> However, kidnapping cases declined strikingly by 88% from 2000 to 2008.

Figure 3. Kidnappings Per Year<sup>107</sup>



<sup>105</sup> Ministerio de Defensa, *supra* note 10.

<sup>106</sup> Rony Pshisva & Gustavo Suárez, 'Captive Markets': The Impact of Kidnappings on Corporate Investment in Colombia (FEDS Working Paper No. 2006-18, 2006).

<sup>107</sup> Ministerio de Defensa, *supra* note 10.

As shown in Figure 3, there is strong evidence to argue that as a result of Plan Colombia and the Democratic Security Policy, security improved in Colombia and the levels of violence decreased. However, and as I will argue in the next section, there is no evidence for establishing that drug systemic violence decreased.

#### IV. CHALLENGING PLAN COLOMBIA'S PRESUMED ACCOMPLISHMENTS ON VIOLENCE

As shown above, violence (including homicide rates) fell substantially in Colombia from 2000 to 2008. Nevertheless, Plan Colombia did not necessarily reduce systemic violence. In fact, violence did not decrease in the entire country.<sup>108</sup> There were some areas in which violence increased.<sup>109</sup> Most of those regions, where levels of violence augmented, witnessed an increase in drug trafficking activities or drug production during Plan Colombia, or were important for the drug business.

##### *a. Violence Increased in Key Zones for Drug Trafficking*

Systemic violence usually occurs in strategic places of drug trading.<sup>110</sup> In some cases, violence is a way to obtain control over a specific territory where the crops are located or the illicit substances are produced.<sup>111</sup> This type of violence also occurs where drug business actors operate to enforce contracts and property rights because these players cannot solve their differences through the police or the judicial system.<sup>112</sup> Consequently, in this subsection, I examine violence rates, and more specifically homicide rates, in the departments of Colombia that have the highest rates of drug production and cultivation and where the main drug trafficking actors operate. The analysis is not only restricted to departments but also to specific areas within the departments since drug trafficking activities are sometimes geographically concentrated.

The percentage of coca cultivation per department varies year by year. However, from 2000 to 2008, there were nine Colombian departments where the majority of coca crops were concentrated: Nariño, Guaviare, Cauca, Putumayo, Antioquia, Meta, Vichada, Bolivar and Caqueta.<sup>113</sup>

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<sup>108</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>109</sup> *Id.*

<sup>110</sup> Snyder & Durán-Martínez, *supra* note 14.

<sup>111</sup> *Id.*

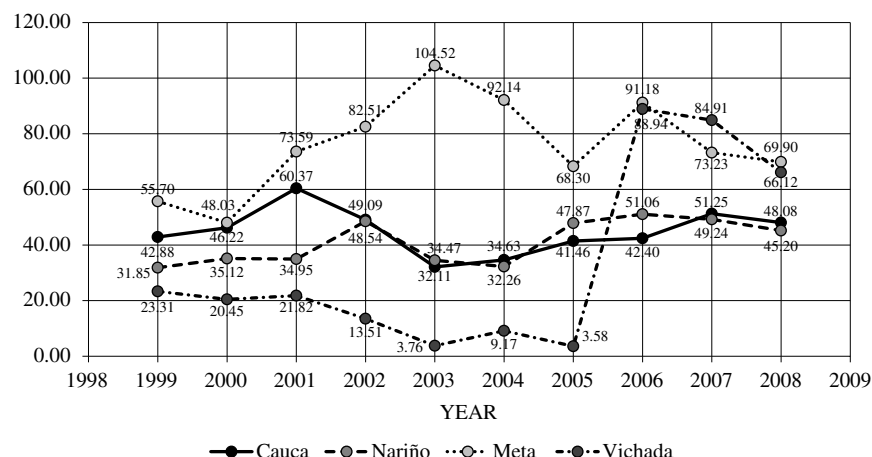
<sup>112</sup> For instance, when a dealer does not pay his or her provider for the substances supplied, there could be violent retaliations to obtain the sums owed.

<sup>113</sup> See generally U.N. Office on Drugs and Crime & Colombian Government, Colombia: Censo de Cultivos de Coca (2010), <https://www.unodc.org/documents/crop-monitoring/Colombia/Colombia-Censo-2009-web.pdf>, archived at <https://perma.cc/9BAL-UN5V>; U.N. Office on Drugs and Crime & Colombian Government, Colombia: Censo de Cultivos de Coca (2006), [https://www.unodc.org/pdf/andean/Colombia\\_coca\\_survey\\_2005\\_es.pdf](https://www.unodc.org/pdf/andean/Colombia_coca_survey_2005_es.pdf), archived at <https://perma.cc/K5GG-BWK8>.

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In five of those departments (Nariño, Cauca, Meta, Guaviare and Vichada), homicide rates increased overall from 1999 to 2008.<sup>114</sup> It is important to note that three of these departments (Meta, Nariño, and Guaviare) were the ones with more hectares of cultivated coca on average during the years under analysis.<sup>115</sup> Although not all the violence caused in those departments can be attributed to drug trafficking, some analysts point out that a significant percentage of the homicides perpetrated arose from disputes over territories important for the drug business.<sup>116</sup>

Figure 4. Homicides Per 100,000 In Departments With Highest Coca Hectares Cultivated I<sup>17</sup>



It is important to add that in three of those five departments in which violence increased (Nariño, Meta and Vichada), the hectares of cultivation for cocaine also tended to grow during Plan Colombia, as can be seen from the following chart:<sup>118</sup>

<sup>114</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

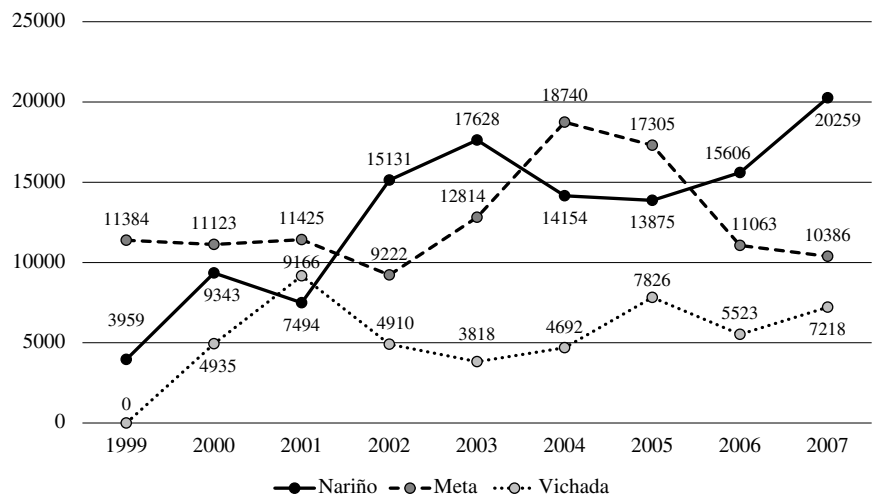
<sup>115</sup> See U.N. Office on Drugs and Crime & Colombian Government (2010), *supra* note 113.

<sup>116</sup> See, e.g., Andrés Sánchez Jabba, Ana María Díaz, Alejandro Peláez, Omar Castellblanco, Johanna Tautiva, Cristina González & Laura Angel, *Evolución geográfica del homicidio en Colombia [Geographic Evolution of Homicide in Colombia]*, 169 Documentos de Trabajo Sobre Economía Regional (2012).

<sup>117</sup> Ministerio de Defensa, *supra* note 10.

<sup>118</sup> U.N. Office on Drugs and Crime & Colombian Government (2010), *supra* note 113.

Figure 5. Number of Hectares of Cocaine Per Department 1<sup>119</sup>



In the other two departments where violence increased (Cauca and Guaviare), the total number of hectares cultivated after Plan Colombia was less than before this strategy.<sup>120</sup> However, in the case of Cauca it is possible that homicide rates started rising when crops began increasing again.<sup>121</sup> While in 1999, Cauca had 6,291 hectares of cocaine cultivated, in 2004 the same metric declined to 1,266 hectares.<sup>122</sup> In 2005, that number increased to 2,705 (more than double the year before) reaching a peak of 4,168 in 2007.<sup>123</sup> During that same period, there was a growth in homicide rates from 34.63 per 100,000 in 2004 to 51.25 in 2007.<sup>124</sup> This number started increasing year by year from 2004, the same year in which crops grown started to increase.<sup>125</sup>

In two of the other four departments with high levels of coca crops (Antioquia and Bolivar), the homicide rates decreased whereas in the remaining two the rate fluctuated (Caquetá and Putumayo), as presented in the next graphic.<sup>126</sup>

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>122</sup> U.N. Office on Drugs and Crime & Colombian Government (2010), *supra* note 113.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

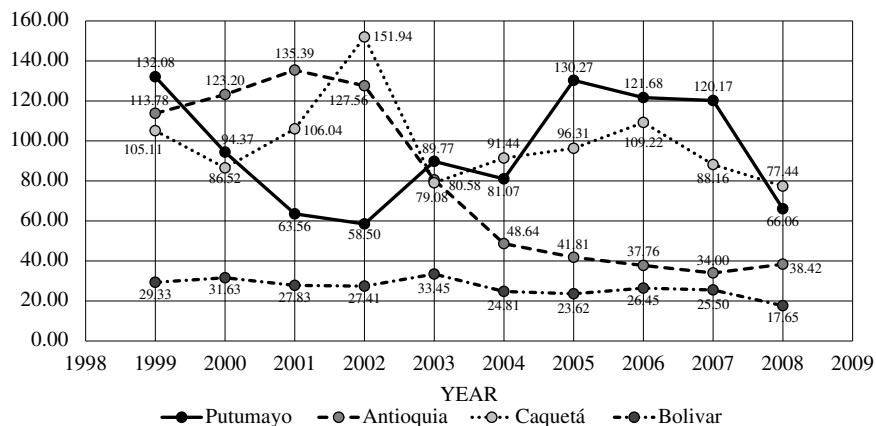
<sup>125</sup> *Id.*

<sup>126</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.



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Figure 6. Homicides Per 100,000 in Departments With Highest Levels of Coca Hectares Cultivated II<sup>127</sup>



While in Bolivar the reduction was not as substantial, and in Caquetá and Putumayo the rate fluctuated, Antioquia’s improvement is impressive. This department went from 113 homicides per 100,000 in 1999 to 38.41 in 2008, with the rate declining almost every year.<sup>128</sup> Nonetheless, upon examining Antioquia’s rates more closely, it is evident that the most crucial areas for drug trafficking were the ones in which violence increased the most over the entire country. In fact, in the area of the “Bajo Cauca,” whose geographic characteristics are ideal for cultivating and producing illicit substances and which is strategically located for shipping drugs to other parts of the country and internationally, homicide rates increased dramatically.<sup>129</sup> The average homicide rates of the six municipalities that compose the sub-region (Cáceres, Cauca, El Bagre, Nechí, Tarazá, and Zaragoza)—which can be seen in the following chart<sup>130</sup>—evidences the extreme escalation of violence that occurred in these locations. Reports determine that the growth in the rates is a consequence of the intensity of violence between rival groups intent on controlling the drug trafficking routes and crops.<sup>131</sup>

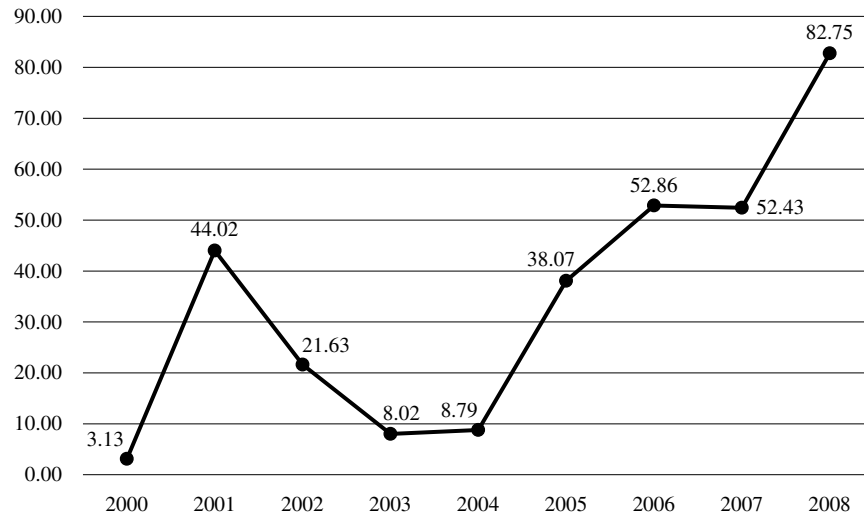
<sup>127</sup> Ministerio de Defensa, *supra* note 10.

<sup>128</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>129</sup> Sánchez Jabba, Díaz, Peláez, Castelblanco, Tautiva, González & Ángel, *supra* note 116.

<sup>130</sup> CENTRO NACIONAL DE MEMORIA HISTÓRICA, *supra* note 10.

<sup>131</sup> Sánchez Jabba, Díaz, Peláez, Castelblanco, Tautiva, González & Ángel, *supra* note 116, at 31.

Figure 7. Bajo Cauca Homicide Rates Per 100,000<sup>132</sup>

Antioquia is not the only department where this phenomenon occurred. There are other departments, such as Valle del Cauca and Norte de Santander, in which homicide rates fell generally but not in all of their areas.<sup>133</sup> While in Valle del Cauca the homicide rate declined from 99.69 in 1999 per 100,000 to 70.31 in 2008, the rates increased in the north area of this department, a zone that is well-known for its drug trafficking activities.<sup>134</sup> The Human Rights Program of the Vice-Presidency office of Colombia attributed the manifestations of violence in this period to the consolidation of paramilitaries in the north of Valle del Cauca.<sup>135</sup> This consolidation led to the confrontation with the established cartels over the drug trafficking business in the zone.<sup>136</sup> Norte de Santander followed a similar pattern to that of Antioquia. Notwithstanding the decrease of homicide rates in the department, violence grew in Catatumbo,<sup>137</sup> an area of said department in which guerrillas and criminal groups have fought to control the drug trafficking routes due to its strategic location.<sup>138</sup> Catatumbo is an attractive area for drug trafficking

<sup>132</sup> Ministerio de Defensa, *supra* note 10.

<sup>133</sup> See Jorge González Jácome, Lorena Urrea Peñaranda & Marta Romero Orozco, *Dinámica reciente de la violencia en el Norte del Valle* [Recent Dynamics in Violence in North Valle], 9 INT. L.: REV. COLOM. DERECHO INT. BOGOTÁ 526–27 (2007).

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.* at 32.

<sup>137</sup> Sánchez Jabba, Díaz, Peláez, Castelblanco, Tautiva, González & Ángel, *supra* note 116.

<sup>138</sup> *Id.* at 34. See also Rodolfo Escobedo, Boris Ramírez, María Paula Lovera & Camila Patiño, *Las dos caras de la reducción del homicidio en Colombia: Logros, nuevas dinámicas y retos para el postconflicto* [The Two Faces of Crime Reduction in Colombia: Achievements, New Dynamics, and Challenges for the Post-Conflict], FUNDACIÓN IDEAS PARA LA PAZ (2016).

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since it has many crops, and it is next to the Venezuelan border. Being close to the Venezuelan border has two main advantages: (i) access to cheaper gasoline, which is a precursor of cocaine production; and (ii) access to a key transit country for transporting the substance.<sup>139</sup>

One of the explanations given for the rise of violence in some of the aforementioned places is that the enforcement measures taken during Plan Colombia pushed drug cartels, guerrilla groups, and paramilitaries to move from the zones they had once controlled and fight for new territories in which they could produce and traffic drugs, causing the so-called “balloon effect.”<sup>140</sup> Additionally, interdiction strategies that were taken during the implementation of Plan Colombia, and the arrest and death of different drug trafficking leaders, also led to violence in those places.<sup>141</sup> Part of the literature suggests:

[These strategies] create organizational power gaps that may lead to pronounced cycles of violence. For example, the arrest of a cartel leader may lead to an internal conflict within the organization over who should assume power. Competing organizations might also attempt to overtake the market or territory of the organization whose leader was captured or killed. And as more fragmented or atomized groups compete over control of the drug trade, levels of violence increase.<sup>142</sup>

In sum, not all the homicides that took place in zones related to drug trafficking were a result of systemic violence. However, by unpacking the statistics, it is possible to determine that this type of violence continued throughout Plan Colombia and its implementation and did not decrease as the majority of the literature has tended to argue.

*b. Paramilitary Demobilization Decreased Violence but not Drug Related Violence*

If drug-related violence did not decrease during Plan Colombia, which types of violence did? Funds from Plan Colombia were also designated for paramilitary demobilization.<sup>143</sup> As mentioned before, during President Álvaro Uribe Vélez’s first and second terms, 30,000 paramilitaries were demobilized.<sup>144</sup> Those combatants stopped being part of an armed group and became part of society by subjecting themselves to a transitional justice system.<sup>145</sup> This massive demobilization contributed to the decline in violence

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<sup>139</sup> *El oro negro del Catatumbo, atractivo de los grupos ilegales* (Colom.), VERDAD ABIERTA (2016) (Colom.), <https://verdadabierta.com/el-oro-negro-del-catatumbo-atractivo-de-los-grupos-ilegales/>, archived at <https://perma.cc/K9H2-ZU3T>.

<sup>140</sup> González Jácome, Urrea Peñaranda & Romero Orozco, *supra* note 133.

<sup>141</sup> See Tickner, García & Arreaza, *supra* note 39, at 283–88.

<sup>142</sup> MEJÍA LONDOÑO & RESTREPO, *supra* note 16, at 12.

<sup>143</sup> DEPARTAMENTO NACIONAL DE PLANEACIÓN, *supra* note 74.

<sup>144</sup> Felbab-Brown, Jutkowitz, Rivas, Rocha, Smith, Supervielle & Watson, *supra* note 4.

<sup>145</sup> *Id.*

rates after 2003 since there were fewer people participating in the internal armed conflict and committing violent acts.<sup>146</sup> It is possible to identify a decline of two types of violence in light of this historic event: (i) insurgent violence; and (ii) counter-insurgency violence.<sup>147</sup> There was a decrease in these types of violence in the sense that there were fewer attacks and confrontations between the guerrilla groups and the paramilitaries. This translates into fewer massacres and homicides.

It is feasible to infer that systemic violence would also decrease because when there is one less participant in the drug market, fewer violent encounters between rival groups to control territories and routes will occur. Nonetheless, this situation could have the opposite effect by making new competitors become violent in order to take control of the part of the market that was abandoned.

The last scenario occurred in Colombia.<sup>148</sup> The void left in the drug market by the paramilitaries was filled by new criminal bands known as the “Bacrim” (“bandas criminales” in Spanish, which translates to “criminal bands”) that started to commit violence associated with the drug trafficking business.<sup>149</sup> Various gangs are part of this category, and the main reason why they were created was to participate in the drug business.<sup>150</sup> First, there are the groups that were new or emerged after the paramilitary demobilization such as the “Águilas Negras” or the “Organización Nueva Generación.”<sup>151</sup> Second, there are the groups that were formed by former members of the paramilitary groups that demobilized such as the “Ejército Revolucionario Popular Antiterrorista de Colombia (ERPAC).”<sup>152</sup> Third, there are the bands comprised of paramilitaries that were not part of the negotiations with the government nor the peace process, such as the Urabeños<sup>153</sup> who were later named “Clan Úsuga” to distinguish them from the people from the Uraba region. Fourth are bands such as the “Rastrojos,” the “Paisas,” and the “Machos” who were military branches of established drug trafficking organizations such as the “Cartel del Norte del Valle” and the “Oficina de Envigado.”<sup>154</sup> It should be noted that all of these gangs are called “bacrim,” even though they each operate in their own manner, possessing their own purposes, ideology, and so on.<sup>155</sup>

In some cases, these gangs were able to enter into informal agreements among themselves and with guerrilla groups and other drug cartels to divide the territories for growing illicit crops and define the most strategic drug

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<sup>146</sup> Kimberly Howe, Fabio Sánchez & Carolina Contreras, *¿El camino hacía la paz o palos de ciego? Impacto del programa de desmovilización paramilitar en la violencia homicida en Colombia*, CEDE 13 (2010).

<sup>147</sup> *Id.*

<sup>148</sup> Tickner, García & Arreaza, *supra* note 39, at 283–88.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.* at 424.

<sup>152</sup> *Id.*

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

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trafficking routes.<sup>156</sup> However, in the places where agreements were not reached, they exhibited extreme violence. This situation generated violence throughout the municipalities in which they operate.<sup>157</sup> For instance, in Buenaventura, a port in the Colombian Pacific Coast, the “Rastrajos” and the “Empresa” were not able to reach agreements with the “Urabeños.”<sup>158</sup> This produced several killings, which converted this town into one of the most insecure cities of the country.<sup>159</sup>

Therefore, of the different types of violence committed by the paramilitaries, systemic violence was the one that fell the least after their demobilization. The lack of reduction in this type of violence is due to the fact that most of the paramilitaries who continued committing crimes, as well as those who did not demobilize, dedicated themselves mainly to the drug business, leaving their counter-insurgent character on the side.<sup>160</sup> In fact, the Urabeños, the biggest bacrim, was created with the purpose of continuing drug trafficking and not as a counter-insurgent strategy.<sup>161</sup> Even the bacrim that were created as counter-insurgent groups later entered into agreements with guerilla groups for drug purposes and fought other counter-insurgent groups as a consequence of the drug business, showing that their real interest were the drug markets.<sup>162</sup>

## V. CONCLUSION

Plan Colombia was adopted to solve the so-called drug problem in Colombia and to diminish the levels of violence that the drug markets produce. As presented before, crime rates reduced dramatically during the implementation of the plan. From being one of the most dangerous countries in the world, Colombia seemingly became a safer place. Indeed, the statistics presented above and the common perception of Colombians, who began feeling safer, contribute to this idea.<sup>163</sup> Nevertheless, the radically reduced violence during this period was not necessarily related to a reduction in drug related violence, as the literature suggests, but to other types of violence, such as insurgent and counter-insurgent violence. The weakening of the Marxist guerrillas of the FARC and the ELN, in addition to the demobilization of the major paramilitary groups, are important factors explaining why the levels of violence decreased so impressively. Moreover, one cannot dis-

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<sup>156</sup> Lauren S. Romero. “Clan Úsuga”: *Dónde Nacieron, Cómo Actúan y Qué Buscan* [“Úsuga Clan”: Where They Were Born, How They Act and What They Look For] EL UNIVERSAL (Colom.), Apr. 16, 2016, <https://www.eluniversal.com.co/colombia/clan-usuga-donde-nacieron-como-actuan-y-que-buscan-223132-HREU328179>, archived at <https://perma.cc/79PJ-MMDZ>.

<sup>157</sup> Tickner, García & Arreaza, *supra* note 39.

<sup>158</sup> Romero, *supra* note 156.

<sup>159</sup> *Id.*

<sup>160</sup> Tickner, García & Arreaza, *supra* note 39.

<sup>161</sup> Romero, *supra* note 156.

<sup>162</sup> Escobedo, Ramírez, Lovera & Patiño, *supra* note 138.

<sup>163</sup> Salazar, *supra* note 98.

count the impact of peace processes in reducing the levels of violence in Colombia. According to a former Minister of Defense, in 2016 Colombia had the lowest homicide rate of the last forty years,<sup>164</sup> and the main reason behind this has arguably been the ceasefire and peace agreement with the FARC on August 29, 2016.<sup>165</sup>

Although many types of violence seemed to have decreased during Plan Colombia, it would be conclusory to state that drug-related violence did, too. In fact, after analyzing the places where illicit substances are produced, transported, retailed, and cultivated, it is possible to see that violence actually increased in many of them. The explanation for this phenomenon is that violence in these places is a consequence of disputes (i) between rival groups over the control of territories used for drug trafficking and/or (ii) between members of a particular group to gain power after the former leaders leave an institutional void in the organization.

Accordingly, this Article suggests that Plan Colombia seemed to have been an effective strategy for reducing insurgent, counter-insurgent and other types of violence but not for diminishing the violence related to the drug trafficking business. While Plan Colombia may have accomplished some positive outcomes in terms of security, this policy should not be presented as a blanket solution to drug-related violence. Thus, proposals for implementing similar policies in other countries, such as Mexico, with high levels of drug-related violence may be inefficient and arguably backfire, by increasing the levels of violence.

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<sup>164</sup> *Bajan cifras de extorsión, secuestro y homicidio* [Frequencies of extortion, kidnapping, and homicide all fall], EL TIEMPO (Colom.), Jan. 2, 2017, <https://www.eltiempo.com/justicia/cortes/bajan-cifras-de-extorsion-secuestro-y-homicidios-en-colombia-39996>, archived at <https://perma.cc/T9XQ-JC5Z>.

<sup>165</sup> *Id.*