

An anti-narcotic look at Colombia in post-conflict

Una mirada antinarcótica a la Colombia en posconflicto

Abstract: The objective is to describe the results and challenges of post-conflict anti-drug policies covered from 2016, when the Peace Agreement with the FARC was signed, to the first half of 2020. A descriptive methodology is used, applying the inductive method through the collection of updated information with qualitative research instruments that, on occasions, are supported by quantitative standards. The exogenous conditions coming from the marijuana market in the United States, the cryptomarkets and the anti-drug policy destined for Colombia are exposed, showing how not attending to all endogenous factors in depth promotes a political polarization regarding the legality and illegality of psychoactive substances and their respective consumption. The most relevant results focus on the paradigmatic contradictions and the situations of non-victory of the war on drugs. Concluding with recommendations for an urgent post-contemporary diagnosis.

Keywords: Drug trafficking. Security. Consumption. Post-conflict. Colombia.

Resumen: El objetivo es describir los resultados y retos de las políticas antinarcóticas en el posconflicto. Comprendidos entre 2016 cuando se firma el Acuerdo de Paz con las Farc y hasta el primer semestre del 2020. Utiliza una metodología descriptiva que aplica el método inductivo a través de la recolección de información actualizada con instrumentos cualitativos de investigación que, en ocasiones, se apoyan de estándares cuantitativos. Se exponen las condiciones exógenas provenientes del mercado de marihuana en Estados Unidos, los criptomercados y la política antinarcótica destinada a Colombia, sin atender todos los factores endógenos a profundidad. Fomentando la polarización política respecto de la legalidad e ilegalidad de las sustancias psicoactivas y su consumo respectivo. Los resultados más relevantes se enfocan en las contradicciones paradigmáticas y las situaciones de no victoria de la mal llamada guerra contra las drogas. Concluyendo con recomendaciones para un urgido diagnóstico postcontemporáneo.

Palabras clave: Narcotráfico. Seguridad. Consumo. Posconflicto. Colombia.

Diana Patricia Arias Henao

Universidad Militar Nueva Granada,
Facultad de Relaciones Internacionales,
Estrategia y Seguridad. Bogotá, Colombia.
diana.arias@unimilitar.edu.co

Received: May 05, 2020

Accepted: June 09, 2020

COLEÇÃO MEIRA MATTOS

ISSN on-line 2316-4891 / ISSN print 2316-4833

<http://ebrevistas.eb.mil.br/index.php/RMM/index>



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1 Introduction

Before 1945, in the realist school of International Relations, the possibility of using the Military Forces of a regular State as a sovereign tool to solve international conflicts against other sovereign State or States, unilaterally or under the formation of ideological and mainly geostrategic alliances, prevailed. This is how the military coalitions that had clashed in the first half of the 20th century worked, erasing and re-painting the European map.

The socio-political contexts of the world wars led to the abuse of rights in terms of the first provisions of Geneva, in terms of International Humanitarian Law, causing the creation of the *ad-hoc* tribunals of Nuremberg and Tokyo, under the premise of disrespect for the established rules on weapons and conventional methods of warfare. Thus, Transitional Justice as a legal-political concept was born after the Second World War, making international standard change completely.

Contemporary international law prohibits generally the use of armed force to solve international conflicts and, on the contrary, obliges sovereign States to opt for alternative dispute resolution mechanisms, whether judicial or extrajudicial, with a view to putting an end to the confrontations that maintain them in dispute. In addition, it only allows, at least from the theoretical and deontological postulates, the use of armed force in exceptions such as the use of legitimate defense, humanitarian assistance and resolutions issued by the United Nations Security Council.

However, drug trafficking is a controversial issue that has generally been assumed on the contemporary scenario as associated with the security sector and has been crucial to the structuring of central and peripheral agendas as a strategic urgency to mitigate its transversal effects. These central-peripheral international relations are characterized by their asymmetric condition. Thus, states that are weak in political power relations generally give in diplomatically to the recommendations coming from their respective political hegemons.

In Colombian case, it is not a surprise that the hegemony of the United States of America has been established, especially in the diagnosis and design of anti-narcotic policies. The doctrine has described it as a model where the paradigmatic rules of the realist school are established, where the world is anarchic and where disputes are solved under the law of the jungle or of the strongest.

Both Europe and the United States have cooperated since the 1980s on military and financial issues to combat drug trafficking (MONTENEGRO RINCO; DURÁN ESTUPIÑÁN, 2008). It has been decreed that legitimate force is necessary to combat this threat (BUZAN; WÆVER; WILDE, 1998). A very important issue of national security.

With the passage of time, more positive elements have been incorporated from the constructivist schemes, and we even find central States with policies that are beginning to be progressive in the delimitation of the legal framework related to the controlled consumption and sale of drugs that we can consider traditional, especially in the case of marijuana, as is the case of the United States of America specifically. Other drugs are imported by the demands of

local consumption, such as synthetic drugs, whose underground or illegal enterprises are mostly in cyberspace.

The wrongly named *war on drugs* does not respond to the theoretical postulates to classify it in this manner. It is not a regular confrontation of the Armed Forces of a state against another drug state, is it?

1.1 Armed conflict, post-conflict and drug trafficking

For the development of our objective, we allow ourselves to explore in depth the doctrinal concepts related to armed conflict, post-conflict and drug trafficking.

The scope of the Colombian armed conflict and its deep roots in the culture of structural political violence experienced before and after the independence of the State go beyond the strictly legal and sovereign limits.

The legal nature according to which the Colombian armed conflict has been classified is of an internal or non-international type, composed of endogenous armed actions that incite “hostilities directed against a legal government, which present a collective character and a minimum organization. Situations of political or social tension within a State cannot technically be considered an internal armed conflict” (CRUZ ROJA ESPAÑOLA, [2019?], our translation).

Internal armed conflict carries with it many elements common to classical wars but these are developed within a state. An internal armed conflict is in theory strictly internationalized when “one or more foreign states intervene with their own armed forces in favor of one of the parties” (VERRI, 1998, our translation). The official legal definition is:

conflict taking place [...] on the territory of a high Contracting Party between its armed forces and dissident armed forces or organized armed groups which, under the leadership of a responsible command, exercise control over a part of that territory such as to enable them to carry out sustained and coordinated military operations and to implement the current Protocol (UNITED NATIONS, 1977, our translation).

The proliferation of internal or non-international armed conflicts has given rise to the content of the third provision common to the Geneva Conventions, which covers non-international conflicts that occur in the territory of a state party. The rule specifically covers non-international armed conflicts, civil wars, internal conflicts with international consequences, internal conflicts with international intervention, etc. Common Article 3 “extends the principles of the Geneva Conventions to non-international armed conflicts and sets aside some obstacles of national sovereignty” (SPOERRI, 2009, n.p., our translation). It is a mini-agreement that the International Court of Justice referred to as a compendium of elementary considerations of humanity.

In the event of an armed conflict not of an international character, arising in the territory of one of the High Contracting Parties, each Party involved shall have the obligation to apply at least the following provisions:

1. Persons not taking a direct part in the hostilities, including members of the armed forces who have laid down their arms and persons placed hors de combat by sickness, injury, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction based on race, color, religion or belief, sex, birth or wealth, or any other similar criteria.

In this sense, it is prohibited, at any time and in any place, with respect to persons mentioned above:

- a. attacks against life and body integrity, in particular murder in all its forms, mutilation, cruel treatment, torture and physical abuse
 - b. taking of hostages
 - c. attacks against personal dignity, humiliating and degrading treatment
 - d. sentences passed and executions carried out without previous judgement by a regularly constituted court, with judicial guarantees recognized as indispensable by civilized peoples
2. The wounded and sick will be collected and assisted.

An impartial humanitarian agency, such as the International Committee of the Red Cross, may offer its services to the Parties involved in the conflict... (ARIAS, 2019, p. 83).

The minimum steps (ÁNGEL, 2012) to be taken by a state in the course of armed conflict are as follows:

- Before the Armed Conflict: States must implement preventive measures that guarantee compliance with IHL: multiply the normative content and the sanctions to the compliance gives rise.
- During Armed Conflict: Regulatory frameworks must be respected from their inception to their formal end.
- Post-Armed Conflict: The state must take the respective actions to achieve conditions as close as possible to the *status quo ante*. In addition, it must implement normalization procedures such as the release of prisoners, the repatriation of foreigners, the return of victims to their places of origin, the monitoring of medical treatment, the clearing of minefields and the psychological support required to overcome the traumas generated by the development of armed conflicts.

Now, with the controversial Peace Agreement signed with the Farc-Ep, a guerrilla group that after several failed historical-political attempts, gave up its weapons in an implementation process that began in 2016.

2018 was the most violent year against social leaders and ex-combatants of the Farc-EP. Between 2016 and May 2019: 837 deaths. Assassinations that have geographical characteristics: 71.08% of those killed defended the territory and natural resources. Deaths related to coca crops, either substitution or forced eradication pacts total 77 since the signing of the Agreement: 2 in 2016, 20 in 2017, 44 in 2018 and 5 in 2019 (GARAVITO, 2019).

In 2018 the homicide rate per 100,000 inhabitants was 24.3% for a total of 12,130, according to the Forensic Report: Data for Life, which stands out as the highest in the last four years in Colombia, according to the entity, due to the violence of the groups that emerged or grew stronger after the disarmament of the ex-guerrilla FARC. It warned about the new emerging violence that is coming back with all force, especially in the municipalities where the Gulf Clan, the largest drug trafficking organization formed by demobilized paramilitaries in 2006, the ELN guerrillas and FARC dissidents, operates in Bajo Cauca, Catatumbo, Putumayo, Cauca and Nariño, where drug plantations are concentrated and illegal mining is a source of resources for armed organizations (TASA..., 2019).

There are 8,944,137 victims reported up to now from the armed conflict (UNIDAD..., 2020), since 1985, given that since that year they are considered as victims by the legal system. However, the contemporary conflict is much older, and the violence it represents is a small proportion of that which occurs outside it. The risk of Farcim's multiplication is more latent than ever. Because all attention is focused on peace, one of a partial kind. While the other types of violence continue to make up their vicious circles. Peace is everyone's responsibility, even if a few are responsible for the conflict. Peace is built from the inside out, from the rural to the urban and with the prevalence of national, not foreign, identities (ARIAS, 2016). Adding the foundations that proclaim respect for multicultural scenarios from which diverse post-contemporary identity patterns arise, well explained by Huntington (1996).

By 2020, the vast majority of those reintegrated into the FARC-Ep have complied with what was agreed and they are developing productive projects supported by the State and the international community. Other leaders returned to arms, grossly violating and wasting their qualities as congressional representatives. This special process is often called the Colombian post-conflict process.

The Colombian post-conflict is partial, with a negative peace according to Galtung's postulates. It theoretically obeys to a:

period of time following the total or partial cessation of armed conflict. It can be understood as a single-attribute concept: the reduction of the number of homicides related to the conflict below a certain threshold, which gives or denies it the status of active conflict. (POSTCONFLICTO, [2019?], n.p., our translation).

To understand the post-conflict with the FARC as the end of the Colombian internal armed conflict is an exaggerated understanding since the post-conflict is in this case defined according to the particular conflict mentioned and does not include all the elements of the conflict.

Many people have thought that the appropriate term is post-agreement, since it is not about the end of the conflict but the implementation of a peace agreement, which has the following stages:

1. Stabilization (36 months after the signing of the peace agreement), seeking to reduce the indicators of violence and preventing the resurgence of new waves of terror; and 2. Normalization: consolidate the exit of criminal actors

and illegal economies, making the transitional justice model effective in order to guarantee the non-repetition of such acts. (FUNDACIÓN PAZ Y RECONCILIACIÓN, 2018, our translation).

Finally, drug trafficking was considered a political crime:

is spatially fragmented, so that the members of this productive chain demand a wide range of goods and services from the legal economy, whose operation is complex and costly, forcing reductions in operating costs through the formation of criminal enterprises that operate with a high level of subcontracting. (VARGAS, 2005, p. 138, our translation).

This legal classification makes it clear that drug trafficking is a transversal issue that integrates several actors that must restructure themselves in order to continue with the narcotic activities, after the departure of one of the main actors in the sector, such as the Farc, mixing the condition of the drug traffickers that is blurry by the discourse:

[...]the main threat [...] influencing territorial control... do not have a defined political identity, they carry out actions in exchange for economic interests, with no interest in affecting national security, they sell themselves to the highest bidder but intimidate and control areas where the marginalized population and the territorial spaces whose topography makes the work of the authorities difficult and facilitates criminal action. (ESDEGUE, 2017, p. 275, our translation).

Drug trafficking takes advantage of the differentiated characteristics of the national geography (Ortíz, 2007). Since 2006, the subterranean company merged with other criminal groups. According to Haesbaert (2007), territoriality implies dominion and appropriation, dominion from the strictly functional and appropriation from the territorial, the symbolic and cultural things. The very multidimensionality of the threats means that national borders cannot be recognized when talking about a security system (NATIONAL DEFENSE UNIVERSITY, 2000). The production of security has social spaces with permanent evolution of multiple forms of violence and their actors, and the lack of protection of the majority has contributed to increase the inequality and where failed solutions are recycled at the rate of the cycles of violence (LOADER; WALKER, 2007). Encouraging, as Clifford Shearing and Jennifer Wood (2007) note, “imagining other security, other governance practices and putting it in action” (ABELLO, 2012, p. 14, our translation).

Since 2017, the Prosecutor’s Office has reported that the crime that most impacts citizen security is “drug trafficking for internal consumption” (El HERALDO, 2017, our translation). The UNODC¹, reported in 2018 the increase in consumption of all substances in Latin America and the Caribbean (UNITED NATIONS, 2018).

So, drug trafficking has been historically linked to violence. However, as Francisco Gutiérrez Sanín explains, violence precedes the history of drug trafficking, especially linked

1 United Nations Office on Drugs and Crime.

to the Colombian political culture and the dispute for property rights in the midst of a continuing armed conflict, whose main characteristics are thus exposed:

1. militaristic orientation of the Farc that was finally based constantly on drug trafficking;
2. centrality of land with illegal *investments*; and
3. dispersion of paramilitary interests, which led to a situation of anarchy (GALLÓN, 2015).

Drug trafficking has contributed to maintaining Colombia's traditional political violence and to the continued inequity of the political system in a paper democracy that functions in a semi-repressive regime (GUTIÉRREZ SANIN, 2001). The drug trafficking phenomenon has embodied the values, aspirations, hatreds and fears of a large part of Colombian society (CAMACHO GUIZADO, 1992)

The traditional drug trade was equipped with a good team of weapons to carry out its imposed social transactions and its expansionist mission (DUNCAN, 2005). However, over the years and after its narcotic journey in contemporary political history, we can affirm that its greatest capacity is not that of weapons but its power of infiltration into conventional economic, social and political circuits (MEDINA, 2012). A balloon effect was unleashed when the traffickers became associated with guerrillas and paramilitaries (CALVANI, 2006).

The power of the drug trade lies in the illegality that raises the prices of commercialized drugs, quickly assumed by both intermediaries and consumers, and by all legal and illegal subjects and actors. Assuming the weakness of the state and the inefficiency of the judicial systems as common denominators (NÉMOGA, 1995, p. 107). Weakness manifested in “the use of privatized violence [...] largely promoted by the Occident” (AZZELINI, 2005, our translation). Thus, we can start from the statement that: “the international fight against drugs led by the United States has been wrongly focused on Colombia and other countries in the region, when it is possible that it will be the first global conflict” (RAMÍREZ, 2011, p. 22, our translation). Not to mention the non-traditional drugs traded on the Dark Web.

1.2 Anti-drug policies and non-traditional markets

The main philosophical ideas that have structured the classical paradigms of international relations frequently used in the designs of public policies of the States to combat the phenomena associated with drug trafficking, can be classified as follows: the “traditional, realistic or statocentric...; 2. Of the dependence... neo Marxist or structuralist...; 3. The paradigm of the global society, transnationals or of the interdependence” (ARENAL, 2010, p. 29, our translation). Also called: realism, rationalism and revolutionism or functionalism.

A world that is “irreversibly globalized” (BESIO, 2003) offers the possibilities for development to drug trafficking. Comparative studies corroborate that repressive measures related to seizures and detentions, and greater penalties, do not affect either prices on the black market or the control of consumption (POLLACK; REUTER, 2014).

In 2019, coca cultivation increased by 212,000 hectares, a slight increase from 208,000 hectares in 2018, according to the White House Office of National Drug Control Policy. Duque accepts the pressure to reduce cultivation by promising to eradicate 130,000 hectares of coca in 2020, including the possibility of reinstating aerial glyphosate spraying, suspended in 2015 on the recommendation of the WHO, given its carcinogenic effects, among other damages to health and the environment. The interstate goal is a 50% reduction until 2023. (INFOBAE, 2020a).

In 2015, the National Environmental Licensing Authority (ANLA) suspended the aerial spraying of glyphosate, complying with the recommendations of the WHO and the considerations of the Constitutional Court of 2014, but in 2020 it is intended as we saw, to return to spraying it following the U.S. policies (PAZ CARDONA, 2020), who have moved away from this health agency because of its measures in the Covid-19 Pandemic.

After four decades of frontal fight against drug trafficking in the Colombian territory, with great contributions from the international cooperation, Colombia broke its own record in the cultivation of the raw material of cocaine: the coca leaf. This is due to the calculation of crop eradication figures. The manual eradication of 94,000 hectares of 100,000 hectares destroyed in different ways was reported, not determined, given the political controversy regarding the use of glyphosate. Just as Colombia remains the world's largest cocaine producer, the United States remains the largest consumer. Seventy percent of the world's coca is Colombian, and transnational networks are moving in after the disarmament of the Farc, especially the national armed groups and Mexican cartels, such as Sinaloa, mainly (INFOBAE, 2020b).

Other violent actors interested in the drug business have recaptured the territories cleared by the FARC-EP. All this process of adaptation and change of the criminal organizations because of an intervention, far from ending the micro-trafficking dispersed, just strengthened it. They learned to reinvent themselves, because once detected by the authorities, criminal organizations tend to disperse and rearrange themselves into new, smaller organizations that allow them to become invisible to the state (DUNCAN; VELASCO, 2014).

Illegals must compensate in their markets for the impacts of the actions of the authorities that cause the decentralization of crime, including towards the periphery of the city. The panorama is clearly aggravated if the current objective of Colombia's anti-narcotics policies is analyzed (FUNDACIÓN IDEAS PARA LA PAZ, 2017). The problem simply spread to nearby areas (FUNDACIÓN IDEAS PARA LA PAZ, 2017). Similarly, the drug trades in their transnational expansion seek to lower export prices by processing larger quantities (ROCHA, 2011). Common logic in any market.

Colombian drug traffickers since 1993 have seen their strategic powers in the drug business seized like their submarines carrying coca. Just when it was being demonstrated to the world that the dismantling of the big cartels would bring the war on drugs to an end, after the murder of Pablo Emilio Escobar Gaviria. Since they have appropriated from the media that the groups dedicated to drug trafficking preferred to use the submarines to

avoid the easy detection of the speedboats. These submersibles can cover about 3 thousand km, floating and navigating with GPS and GNSS satellite system, as well as being coated with lead avoid detection by infrared viewers (SAUMETH, 2006). The DEA and the Police report that these semi-submersibles are assembled in southwestern Colombia, in territories controlled by the Farc and Los Rastrojos, among the main (SAAVEDRA, 2011).

Drug trade must be suppressed with regulatory equity against the various key links in the illicit trade chains (BLUMSTEIN, 2003). Addressing serious crimes, such as conspiracy to commit a crime, homicide, or the carrying of weapons, first (UPRIMNY YEPES; CHAPARRO-HERNÁNDEZ; CRUZ OLIVEIRA, 2017), not just continuing to persecute the employees of these organizations, who subsist on micro-trafficking, and attacking the consumers making them look like criminals.

In addition, traditional drugs are almost exclusively prosecuted by dismissing the wide variety of substances that come from abroad and many others that are consumed legally in Colombia. The vast majority of the catches are associated with domestic consumption (TOBÓN; GUTIÉRREZ, 2015), neglecting the nets that come from Europe and the United States, such as cryptomarkets.

Cryptomarkets have not escaped of the effects of the economic and financial globalization and of the technological revolution brought by the commercialization in the Internet in the nineties of the 20th century. Likewise, transnational networks dedicated to the production, distribution and sale of drugs have been innovating their markets using virtual portfolios.

The online drug shops are a revolution that is not very well known in 2020, but they are more profitable than the traditional drug trade. There is a latent existence and daily use of illegal electronic platforms that use regulatory gaps in the telecommunications sector to offer greater advantages to their users than the largest and most successful legal online stores in the world in the twenty-first century such as eBay, Amazon and PayPal. Comparative advantages reported by the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), such as not completing electronic transfers until the product is delivered, because it is sometimes seized by the authorities. With respect to their illegal competitors with physical or traditional sales, they offer better products and better prices, understanding that their users must also make an effort to understand the purchase and sale platforms and accept that the products are not for immediate delivery (LERENA, 2017).

Additionally, cryptomarkets offer via their platforms the clandestinity of buyer's data. Tor, for example, is one of those electronic platforms that carry out a varied trade, legal and illegal, on the dark web or dark network, which uses virtual currencies or cryptocurrencies such as bitcoin (OLLERO, 2017).

There are already guilty sentences in the United States for this type of online store. In 2015, Ross William Ulbricht was condemned to life sentence. Ulbricht directed Silkroad, a virtual illegal company that earned in three years more than 1 billion dollars from its more than 200,000 clients from all over the world for its portfolio of 14,000 illegal products and providing illicit employment to almost 41,000 salespeople. The FBI, DEA and Europol, in a joint operation, shut down two illegal virtual platforms: AlphaBay and Hansa.

However, the buyers quickly migrated to new sites in cyberspace. These markets have been shown to grow by an average of 200% per year (OLLERO, 2017).

Advertising is done in dynamic, closed groups via YouTube, WhatsApp and social networks, which makes the detection work of the authorities almost impossible. However, compared to traditional markets, virtual drug trafficking is a peaceful illicit activity. It shows that violence in this context is linked to the declared illegality of the substances. Since it is no longer necessary to have a dispute between gangs to take over traditional or physical distribution and sales areas (OLLERO, 2017).

These obscure platforms of course are not indexed in Internet search engines (CASTELLS, 2017). They are a new form of representation of asymmetrical globalization that goes unnoticed by the weak controls of cyberspace. If it has not been possible to control physical space, think of the virtual space. These are the challenges that must be faced and dynamically accepted by the security schemes of post-contemporary states.

Meanwhile, the United States, with Colombia's permission, has been present with a new military anti-drug mission since June 2020, in the midst of a pandemic and civil disobedience in its confederate states because of the murder of an African descendant under the knee of a police officer. Nerveless is also deploying an international operation against the Venezuelan government as a narcotics threat, intervening Venezuela because of a narcotic reality that has been the daily bread of Colombia for several decades. However, Colombia is still cooperating with the world to confront a reality difficult to control and that every day becomes more and more inserted in its society and state.

1.3 Consumption of illicit substances in Colombia

The Colombian Drug Observatory, which is part of the Vice-Ministry of Justice, estimated in 2019 that the consumption of almost all illicit substances in the country has been increasing for six years:

Chart 1 – Students' consumption

12.4 % of marijuana users tried it before their 10th year.
11.7 % of Colombian schoolchildren have used marijuana.
adds Deputy Minister Espinosa Palacios– because they used it as glues or cleaners for electronic equipment.
School consumption increased as follows: marijuana 156.4%, cocaine 53.3, basuco 44.4 and ecstasy 112.8%.
Increase in university use: 38%; cocaine 28%; amphetamines 125%.
69% of coca users are dependent
Between 2008 and 2018, coca cultivation doubled and manual eradication fell by 35%.

Source: Own elaboration with information of Gossáin (2019).

Making a brief overview of the essential regulations on consumption in the Colombian State, we can highlight the following moments of specific public policies applied at the national level:

Chart 2 – Public policies for drug consumption

1994 – Sentence C-221 of the Constitutional Court	Allowed personal doses – possession of 20 grams of marijuana; 1 gram of cocaine and its derivatives; no other substances specified. – Impossibility of detention	No penalty for the minimum dose. Justification: right to free development of personality. The minimum dose does not have a significant effect on consumption.
2016 – Sentence 2940 – Supreme Court of Justice	Allowed the supply dose – did not specify quantities. An <i>intuito personae</i> case study should be done. Considering the carrier as a disease-addict. It has not been specified who is the owner of the object of evidence	The dose of supply does not significantly affect the increase in drug consumption
1998 – Andrés Pastrana – President	<i>Programa Rumbos</i> (Program Ways) – Coping with Consumption (Decree 127, 2001)	First time that consumption became part of a government platform. Objectives: <ul style="list-style-type: none"> • reduction in demand • international cooperation (management of endogenous and exogenous resources) • Generation of preventive consumption strategies • Promotion of research and practical strategies in selected territories.
2003 – Álvaro Uribe – President	Cancelled the <i>Programa Rumbos</i>	
2006 – Álvaro Uribe – President	Created the Commission National Drug Demand Reduction, with 15 national entities and UNODC.	
2007 – Ministry of Health and Social Protection with the commission National Drug Demand Reduction and UNODC	Creation of the National Policy for the Reduction of Drug Consumption and its Impact. This is a public health issue, not a criminal one	Suppression of the competence of the National Directorate of Narcotics of the Ministry of Justice and Law
2012 – Juan Manuel Santos – President	Rule 1566, 2012	Guidelines to guarantee comprehensive attention to drug users
2015 – Juan Manuel Santos – President	National Plan for health promotion, prevention and care of psychoactive substance use 2014 – 2021 5 axes: i) institutional strengthening; ii) promotion of coexistence and mental health; iii) prevention; iv) risk and damage reduction and v) treatment.	Creation of the National Technical Commission for Drug Demand Reduction

continued

Chart 2 – Continuation

2018 – 2nd Government of Juan Manuel Santos Calderón	Future Route: i) development of protective environments for consumption; ii) prevention of risk factors for the consumption of these substances; iii) comprehensive treatment; iv) social inclusion and v) management, articulation and sectoral and intersectoral coordination.	Public health and human rights approaches for consumers
2019 – Government – Iván Duque	Resolution 0089-2019	Integrated policy for the prevention and care of the consumption of psychoactive substances Not implemented National Plan 2014 – 2021

Source: Own elaboration of information of the *Comisión Asesora para la Política de Drogas en Colombia* (2015).

It is worrying that of 793 new psychoactive substances detected in Colombia between 2009 and 2016, only the personal dosage of traditional marijuana and cocaine will continue to be regulated. Likewise, the National Statute of Narcotics (Law 30 of 1986) dedicated only two articles to the control of demand (COMISIÓN ASESORA PARA LA POLÍTICA DE DROGAS EN COLOMBIA, 2015).

In 2019, the Government announced the appearance of 33 new drugs of chemical or vegetable origin and the application of a technique for rendering the drugs with other substances in order to increase their profits in their sale to the public. Finally, consumers do not know what they are using (GOSSAÍN, 2019). This is a direct problem for the health of the consumers and one of the main irresponsibility of the illegality of these substances.

Another aspect where the lack of responsibility of the state and the great majority of states in the post-contemporary international system is perceived, by making this type of substance of permanent consumption illegal. The problem is that the contents do not have any type of control, which means that the consumers do not know for sure the content of the drugs they use, which is usually one of the greatest causes of death by overdose. People do not die by using drugs, but because of the content of them, or the abusive use of different ones that generate intoxication. Deaths are used to demonize consumption and avoid investment and research in health and education, following the issue of drugs from the mere perspective of security.

There is an urgent need to legalize and regulate the consumption of psychoactive substances in order to reduce the risks to the health and safety of the population and to minimize the damage associated with illegal trade. It is necessary to be responsible and consistent with legal and factual reality, which would allow individuals to regulate their personal and private activities in the way they are now, that is, using drugs. This would generate, in the long term, a responsible and favorable scenario for dealing with chronic cases of dependency, if it is the same individual who asks for state aid (GLOBAL COMMISSION ON DRUG POLICY, 2014).

The new generations of Colombians are particularly concerned, since school victimization rates are increasing, in line with the impact of the presence and sale of psychoactive substances on education centers in Bogotá, the largest proportion is marijuana, followed by ecstasy pills, glue and other types of psychoactive substances:

Chart 3 – Percentages of the increase in school consumption

Public schools – 37.5%
Concessionary schools – 29.4%
Contracted schools – 26.3%
Private schools – 22.9%

Source: Own elaboration of information obtained from the Mayor’s Office of Bogota (2015).

In the capital, homicides are largely concentrated in areas where seizures of psychoactive substances are common, but a causal relationship cannot be assured (BULLA et al., 2016).

Just as Pablo Emilio Escobar Gaviria used minors as hitmen so that if they were captured they could not be imprisoned and he would not lose his armed forces, criminal networks also use minors to distribute their micro-markets. Between 2012 and 2018, 50,742 children and adolescents were reportedly apprehended for the crime of trafficking, manufacturing or carrying drugs (EL ESPECTADOR, 2019).

One of the possible negative trends is to continue applying the “Streetlight effect,” focusing the attention of the authorities where is lighter, or in other words, where there is more noise. Under this justification, there was a regression in jurisprudence regarding the deregulation of personal dosage in Colombia, after the issuance of the Decree 1844 in 2018, persecuting consumers and those who make supplies for permanent consumption.

Decree 1844 of 2018 regulated the National Code of Police and Coexistence, and with respect to the regulation and penalization of the consumption and carrying of psychoactive substances, we must highlight the following articles:

Chart 4 – Behaviors contrary to proper coexistence

33: Behaviors that affect people’s tranquility and respectful relationships between people... Use of substances ... psychoactive or prohibited ...
34: Behaviors that affect coexistence in educational establishments... Drug use... Having, storing, facilitating, distributing, or selling... drugs...
39: Prohibitions on children and adolescents... Selling, distributing, possessing, storing, carrying or consuming psychoactive substances...
59: Behaviors that put the life and integrity of persons at risk in... non-complex public gatherings... 9. Those who, when travelling to an act or event, or during its development, in the event or in its surroundings, carry, consume, or are under the influence of psychoactive substances...
140: Behaviors contrary to the care and integrity of public space... 7. Consumption... of psychoactive substances...

Source: Own elaboration (2020).

It is important to note that in the temporary cut between 2010 and 2016, the apprehending that were recorded, consolidated 94% of the apprehending in situation of concomitant flagrancy and the retained ones did not have significant amounts of weight superior to personal dose (COLOMBIA, 2016a). At the same time, the highest percentage of those arrested were released for lack of evidence linking them to a distribution network. It should be noted that significant interventions against large retail networks have generally identified the involvement of members of the police in this illegal market (BORRADOR DOCUMENTO CONPES, 2017).

Between January, 31 2017 and February, 26 2019, 1,733,727 types of behavior were reported, 45% corresponded to three types of behavior: the consumption of alcohol and psychoactive substances in public spaces, which is the most recurrent (22%), followed by the possession of sharp weapons (15%), and fights (7%) (FUNDACIÓN IDEAS PARA LA PAZ, 2019).

Duque emphasizes the realistic and neo-realistic tendencies that have empowered right-wing security analysts, and in the midst of a post-conflict scenario, where the FARC left promising territory for drug-trafficking entrepreneurs in Colombia, the region and its transnational networks, the *El que la hace la paga* (The one who makes it pays it) plan was created. Through this plan, it is intended to dismantle the centers of collection and massive consumption of psychoactive substances, attacking the micro-traffic and recovering the public space from the practices of personal dose consumption (PRESIDENCIA DE LA REPÚBLICA, 2018).

Certainly, consumption is not a uniform phenomenon, but suffers from several variations depending on the substance in question. Colombia is beginning to be classified not only as a producer and distributor but also as a consumer (NATIONAL PLANNING DEPARTMENT, 2016), losing its category of insignificant consumer despite abundant supply given in 2013 (PÉREZ GOMEZ, 2013).

Likewise, there are no patterns of consumption or forms of distribution, of their links, of profits, of the forms of associated violence, or of their levels. The size of the markets and their territorial deployment also varies, changing depending on the substance and in each particular context (BOYUM; CAULKINS; KLEIMAN, 2011).

The Report on Drug Use in the Americas of the Inter-American Drug Abuse Control Commission (CICAD) of 2019 determined that there are still difficulties at the regional level to identify for sure trends related to the consumption of psychoactive substances, so it can be concluded that there is no consistent pattern in Latin America (ORGANIZACIÓN DE LOS ESTADOS AMERICANOS, 2019).

Consequently, “the military intelligence structures are only innovating in attending to cultural aspects as a guide to understanding the changing dynamics of the drug market...They are comprehending as a novelty that, in order to understand the drug markets, they must particularly approach the cultural bases that represent a working link in large transnational networks” (ARIAS, 2019, p. 13, our translation).

The United States, far from controlling drug use, approved US\$448 million in cooperation with Colombia for 2020. 30 million more than was granted in 2019. The sum in millions must be arranged in this way:

Chart 5 – International Cooperation concerning Drug Use

61 – Development assistance
146 – Economic Support Fund – Peace, Indigenous, NGO, training of ex-combatants, rural development and Prosecutors, among the main
180 – Fight against drug trafficking, terrorist organizations and criminal groups – conditioning the state to report to the United States on the progress so that it can certify Colombia or not.
21 – demining
38.5 – military programs
1.4 – military training and education

Fuente: Own elaboration of information obtained from Gomez Maseri (2020).

This is in clear conflict with the legal sales practices of the United States with regard to marijuana, which, in many of its states, is already legal, not only for medical purposes but also for recreational purposes. In this respect, Colombia as usual is following the example in a slow-moving manner, but in the same direction.

Clearly, it is the illegality of substances and the dangers associated with their sale that raise profits and stabilize narcotics sellers, and even generate alliances with other sectors of illegality that manage to permeate many legal sectors, using the illicit fronts commonly for the execution of criminal acts (MORENO HERNÁNDEZ, 2012).

Perhaps the lack of resources directed to consumption, and favoring repression, is not capable of reducing the use of psychoactive substances, which are in oversupply. The DNP estimates that, of the total budget allocated to drug policy, only between 3% and 5% is invested in reducing drug consumption in the country, since most of the resources are used to reduce the offering (DEPARTAMENTO NACIONAL DE PLANEACIÓN Y MINISTERIO DE JUSTICIA Y DEL DERECHO, 2012).

Studies corroborate that communities can play a fundamental role in dynamics such as drug consumption, regulating their uses and risks with social norms (OKOLIE et al., 2017).

The United States remains the world's largest consumer of cocaine, and additionally, takes over the podium of the world's largest cannabis producer.

California leads the legal marijuana market in the international system and is the first state in the country to legalize medical marijuana use by the Proposal 64. In 2019, there were 538 reported marijuana shops and 263 reported marijuana companies in California. Curiously, this state is in the illegal or black market, which it fights through international cooperation outside, like a great problem in its new marijuana industry, since in the legal scenario the prices of the gram increase due to taxes. Its sales increased by \$2.5 billion in 2018, a growth rate of 23%, despite losses in the first two years. In turn, regulated cannabis sales in California are projected to grow to \$7.2 billion in 2024, but illegal sales will still be \$6.4 billion in the same year (MCGREEVY, 2019).

California's marijuana laws in 2020, unlike other drugs, allow possession, use and cultivation for recreational purposes. After possession of marijuana in small quantities was legalized, since 1996 cannabis is legal in the state for medical use. In 2018, recreational use was authorized by the Proposition 64 approved in 2016. The law allows people over 21 years old to purchase, possess and use up to 28.5 grams of marijuana. It must be done in the person's own residence or in a licensed facility. The sale, distribution, and trafficking of marijuana is punishable (LEYES..., 2020).

It is paradoxical that for a significant sector of the United States it is more important to think about how to reduce taxes in order to have more legal marijuana distribution shops than the black sector that takes customers away for cost convenience. It is paradoxical because the United States has spent and continues to spend billions of dollars in the fight against drug trafficking in Colombia and other parts of the world. Even at the universities of Davis and Berkeley, cannabis law is already taught².

2 Tamar Todd, university teacher of the subject.

In Colombia, legal operations and competencies to obtain marijuana related licenses have been legalized: when the responsible for cultivation is the Ministry of Justice and Law and when marijuana derivatives are produced by the Ministry of Health and Social Protection.

Since 2016, production for domestic use, medical and scientific purposes as well as export, as well as psychoactive cannabis, production of seeds and marijuana products has been regulated by the following main rules:

1. Law 1787 of 2016
2. Decree 613 of 2017
3. Ruling 2891 a 2892 of 2017 (MINISTERIO DE SALUD, 2017).

Regarding the recreational uses of marijuana in Colombia, in May 2019 a project was presented and will be defined in 2020, which would completely change the focus on a specific substance, from public drug policy (EL ESPECTADOR, 2019).

The Ministry of Justice and Law granted, for the first time in Colombia, with the support of the Single Window for Foreign Trade (VUCE of MinCIT), an authorization for the export of 100,000 cannabis seeds to Denver, Colorado, in the United States of America. Santa Marta Golden Hemp is in charge and now the Colombian government states that while in the Covid19 many companies are in crisis, this new sector fulfills important commercial objectives (CÁRDENAS, 2020).

These contradictions show that in relation to drugs it is impossible to speak about a union or a compact scenario, but on the contrary, that each one of the substances must be analyzed, attending to its own contexts, if we wish to make an accurate diagnosis for the production of effective and global public policies.

For example, in the United Kingdom, the method known as Drug Harm Index is used, diagnosing the damage associated with drug use by calculating the effects in relation to the socio-economic costs and those relating to the state, avoiding isolated analyses (MACDONALD et al., 2005).

Likewise, the Police Department of Canada created in 2008 a scale of prioritization about the damage caused by criminality: allowing classifying the degree of damage of each criminal activity for societies. It allows a prioritization for the action of the public force (JOHNSTON et al., 2010). It would help to see actions against consumption as a part of the *ultimate ratio of criminal law*.

2 Results

- The Colombian post-conflict, which reveals a negative peace scenario, in terms of the demobilization of the Farc-Ep, moves the scenarios of production and distribution of traditional drugs in the endogenous and exogenous system of drug trafficking.
- Drug trafficking is a multi-causal phenomenon historically regulated from a unilateral repressive security approach that seeks to satisfy, almost exclusively,

results in terms of objective security, as a complement to realistic public international law schemes.

- Repressive actions are necessary but not sufficient to solve issues related to narcotic activity.
- Anti-drug policies must stop treating the consumer as a criminal and illegal. And for this it is necessary to invest in public policies that seek to prevent consumption or, if consumption exists, to guarantee a responsible and safe consumption.
- Consumer policies have been government policies, not state policies.
- If the unconventional threat is dynamic, the security response must be dynamic and flexible.
- If the threat is multi-sectoral, the response must be multi-sectoral.
- Although Colombia in its narcotic history has not been a significant consumer with respect to consumption in other states, this trend is beginning to be reversed, with a continued increase in consumers of very young ages, and this is added to worrying contexts of violence and poverty. As well as the formation of new narcotic identities.
- There is a strong feeling of rejection and exclusion of drug users in Colombian society, given the violent impact that this sector has had on the contemporary history, present and future of Colombia. However, this trend is beginning to change. It is even proportionally reinforced in places where the state does not exercise eminent domain.
- Endogenous and exogenous contradictions are reflected in government policies regarding the reality of marijuana production and its use in the United States and other hegemonic world centers of political power. Requiring a system of control and comprehensive surveillance against all substances and not just against cocaine.
- Corruption is a central problem in Colombia. The drug trafficking sector is able to make associations with the legal systems and this allows them to expand behind the global consumer demand that is ready to pay increasingly better prices.
- The prohibition of drugs possession to personal consumption encourages the criminalization of the consumer and does not alter the transnational market of psychoactive substances.
- The post-conflict left drug trafficking routes free, but this is not a debt of the drug trade, but a general rule of the market.
- The absence of constructivist tools in international relations that focus their efforts on anti-drug security is evident.
- Non-traditional illicit and psychoactive substances that enter Colombia from Europe and even from United States and China do not seem to concern national and international authorities.
- Synthetic drugs are in cryptomarkets without major impact on criminal judgments and relative seizures. Endogenous and exogenous security structures do not put the same emphasis on combating postmodern drugs in the market as traditional drugs in it.

- The emergence of cryptomarkets in the international system has revealed that if drugs are sold virtually, violence decreases, and there are no longer invisible borders to protect between cartels or organized crime groups.

3 Conclusion

Marijuana is no longer a problem but a potential business. A business that has expanded beyond our lands. A business that has thousands of prisoners because of its sale to retailers and to big businessmen showing its medicinal purposes with enormous profits and exponential growth.

Peacebuilding must address the variables of democratic sustainability from an in-depth, comprehensive and long-term perspective, acting urgently in and with the most vulnerable populations of Colombian society before the contradictory international policies relating to the fight against cocaine trafficking.

One of the main social factors for its production is the exclusionary gap between rich and poor people, as well as the unequal income distribution in Colombia. There will be no successful national antinarcotics public policy without contemplating the conscience and all the actors to whom it is addressed.

Drug trafficking is understood as a uniform problem and treated from a policy mostly focused on qualitative security results. It is not a one-dimensional issue but a complex, dynamic one that cannot be encapsulated in cocaine trafficking.

Studies should be done separately from substances, but not in a disconnected way. Likewise, the particular contexts where illegal businesses occur are very important for making accurate diagnoses and not only political correctness ones. Moral conceptions do not serve to reduce the real damage generated by this type of market, especially its excessive violence.

The lack of homogeneous distribution of the tools of legal control determined in endogenous public policies that are generally aligned with those of their respective political hegemony, distort the effects of these policies in the areas described, activating illegitimate violence as a strategy for maintaining the power of subversive or illegal trades. Likewise, academic research about drug trafficking promote balance between good and bad and leaves aside the intermediaries of these opposites polarized by political considerations that tend to be camouflaged by moral conventions more than legal ones.

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