

DRUG POLICY REFORM AND
ORGANIZED CRIME SERIES



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

CANNABIS LEGALIZATION IN COLOMBIA

EXPLORING THE POTENTIAL
IMPACTS ON ORGANIZED CRIME

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FROM VISION TO ACTION: A DECADE OF ANALYSIS, DISRUPTION AND RESILIENCE

The Global Initiative Against Transnational Organized Crime was founded in 2013. Its vision was to mobilize a global strategic approach to tackling organized crime by strengthening political commitment to address the challenge, building the analytical evidence base on organized crime, disrupting criminal economies and developing networks of resilience in affected communities. Ten years on, the threat of organized crime is greater than ever before and it is critical that we continue to take action by building a coordinated global response to meet the challenge.



INTRODUCTION

Cannabis is the most widely consumed illicit drug in the world, with approximately 219 million users in 2021, according to the United Nations Office on Drugs and Crime (UNODC) World Drug Report 2023.¹ Globally, it is also the illicit drug that is being legalized most rapidly for medicinal or recreational use. So far, seven countries have legalized the recreational use of cannabis, including parts of the US (18 states, two territories and Washington DC), Canada, Mexico, Uruguay, Georgia, South Africa and Australia. A further 44 countries have legalized the medicinal use of cannabis. Uruguay was the first country to fully legalize cannabis in 2013, followed by Canada in 2018.

Colombia, a major player in the international illicit drug market, particularly as a producer and exporter of cocaine, is also taking steps to regulate cannabis. In 2015, medicinal cannabis was regulated, and in 2023, a bill to amend the constitution to allow for the development of an internal regulatory framework for cannabis was approved in seven out of eight debates in congress, marking a pivotal point in years of legislative attempts to regulate drugs in the country. The legislative project failed in the last debate on 12 December 2023.

For Colombia, one of the main political incentives for cannabis regulation is the understanding that regulation could shift control of the market away from criminal actors, who currently regulate and operate the market under the government's policy of prohibition, towards the state and licit private actors. Although this argument has been made in other regulatory processes, for example in Canada, there is limited evidence that cannabis regulation has a positive impact on lessening the involvement of criminal actors.² Given that the Colombian president and several government ministries have expressed in relevant international forums the need to reform and potentially end prohibitionist cannabis policies,³ and considering the real possibility of reform succeeding in future legislative debates, it is essential to examine the potential consequences of cannabis regulation for organized crime.

This report considers the impacts that cannabis legalization or regulation in Colombia could have on criminal actors and illicit markets, reflecting on the lessons that can be drawn from regulation in Uruguay, Canada and the US and analyzing those lessons in the Colombian context. In doing so, it aims to contribute to the international debate on drug policy reform and the development of novel approaches to dismantling organized crime. Locally, it aims to provide a baseline understanding to inform policy design and implementation in Colombia.



People attend a demonstration demanding the legalization of marijuana for recreational use in the Colombian capital of Bogotá, 20 April 2021. © Raul Arboleda/AFP via Getty Images

Methodology

The research for this report consisted of two qualitative phases, beginning with a desk review of academic literature, contextual reports and journalistic accounts to determine the state of the debate on the impact of cannabis legalization on organized crime. The research in this phase focused on gathering three types of data: information and evidence from the process of legalization and regulation in other countries; information to outline a brief history of cannabis markets in Colombia, the path to legalization and evidence on the impact of medical cannabis regulation; and reports and academic publications describing the challenges and opportunities of drug policy reform, with a focus on Latin America. Finally, the desk review explored various journalistic and policy works on the ongoing process of legalization of recreational cannabis in Colombia, taking into account the legislative advances that have taken place in congress.

Following the literature review, it was possible to define a semi-structured guide for the primary research phase. This involved interviews with experts from different fields, who were asked about the potential impact of cannabis regulation on organized crime. The questions were grouped into two categories, the first of which focused on the potential impact of legalization on the different components of the supply chain, specifically: the potential dismantling of the illegal market; the persistence of a grey market operating in parallel with the legal market; the feasibility of integrating low-level criminal actors into the legal market; and the possible displacement of criminals to other illegal markets. The second category of questions posed to interviewees concerned other consequences that have been identified from the international experience reviewed, mainly related to the implications for security and criminal policy. Four themes were explored: the impact of legalization on violence, on police operational capacity, and on prison and criminal justice policy.

The interviews drew on the expertise of different interest groups, including civil servants, law enforcement officials, civil society representatives and academics. An initial list of 21 potential interviewees was considered, 13 of whom were eventually interviewed in sessions held between 31 July and 10 August 2023.

Sector	Experts interviewed
Civil servants	<ul style="list-style-type: none"> ■ Former congress member ■ Former deputy secretary of security in Medellín ■ Justice ministry consultant
Law enforcement officials	<ul style="list-style-type: none"> ■ Former anti-narcotics police officer ■ Major of the national police
Civil society representatives	<ul style="list-style-type: none"> ■ Senior coordinator for drug policy research ■ Drug policy researcher ■ Co-founder of a security and peacebuilding NGO ■ Independent consultant on drugs
Academics	<ul style="list-style-type: none"> ■ Professor of economics, focusing on governance and natural resource management ■ Professor of development economics, focusing on organized crime and public policy ■ Research professor of political science and international relations ■ Associate professor, focusing on crime, political violence and drug policy

FIGURE 1 Interviewee information.

Although this study has attempted to provide a detailed picture of the state of cannabis legislation in Colombia, it has three identifiable limitations that are worth outlining. The first limitation is that Colombia’s focus on its main drug exports – coca leaf and cocaine – makes it difficult to find comprehensive research describing the illegal cannabis market in the country. On this basis, all of the experts consulted acknowledged the lack of data to fully support their claims and therefore their inability to fully comprehend the market as a whole. Exports of ‘creepy’, a variety of cannabis with higher levels of tetrahydrocannabinol (THC), to the south of the continent appear to be the least understood aspect of the illicit cannabis market.

The second limitation is that, as cannabis legislation in Colombia is an ongoing process with many variables, this report can only be speculative. Despite the progress made in congress so far, there is no clarity yet on the type of upcoming regulation that will be adopted or the specific norms that will underpin it. This was cited by most of the experts as a limitation in answering the questions posed, as the impacts on organized crime will all depend on the actual structure of the regulations put in place. To address this, experts were asked to respond to the questions by exploring as many possible outcomes as they were able to identify. Finally, the research for this report was limited by the difficulty of convening a fully representative and balanced panel of experts, as law enforcement experts were reluctant to participate in the interviews.



MOVING BEYOND SILOS

Potential directions for drug policy reform can be grouped into four paradigms: maintaining the status quo while introducing some reform measures; reforming policies related to demand; expansion of development-oriented interventions; and promoting legalization.⁴

Within the first of these models, which is broadly a position of continuity, some have called for a reinvigorated repressive 'war on drugs', while others have suggested at least a radically different strategic goal of limiting illicit market harms rather than reducing market size. Supporters of prohibition claim that while marginal enforcement of prohibition cannot be expected to drastically shrink or eradicate drug markets, overall prohibition creates significant barriers to access to supply that drastically raise prices, thereby helping to limit overall market demand in consumer countries.⁵ Those who analyze prohibition from the perspective of member states' ongoing policy choices argue for the application of harm reduction policies to the supply side of drug markets in order to reduce the impact of drug prohibition on violence and other measures of social stability.⁶

Approaches that fall into the second category focus instead on building successful public health and harm reduction approaches, decriminalizing consumers and supporting the fundamental human rights of people who use drugs (PWUD).⁷ The third paradigm concerns a focus on expanding development-oriented interventions to address the socio-economic realities of communities reliant on illicit drug production and those affected by drug markets.^{8,9} The fourth paradigm is the pro-legalization alternative and argues for the complete failure of prohibition and the need to legalize and/or state regulate all currently illicit substances.¹⁰

Considering these four paradigms, John Collins predicted that the 2016 UN General Assembly Special Session on the World Drug Problem would usher in a post-war on drugs.¹¹ He explains that the international and multilateral arenas have moved beyond a consensus for repressive prohibitionist policies that rely on a belief in ever greater coherence and implementation of one set of policies, to a wider spectrum that also countenances flexibilities for cannabis legalization, coca leaf decriminalization and regulation, and broader scope for local-based decisions and policy experiments. This particular moment of defining new approaches to illicit drugs leaves at least two theoretical assumptions about the potential impact of drug reform on organized crime.¹² The anti-reform defenders argue that, even under outright legalization, criminal actors will not disappear and will simply monopolize or remain engaged in illicit supply mechanisms or be displaced to other illegal markets or products. On the other side, pro-reform activists argue that in the context of a legal market, criminal organizations will lose their competitive advantage and will ultimately collapse.¹³



The Colombian Senate holds a debate on the recreational use of marijuana for adults as part of a drawn-out regulation process, June 2023. © Juan Pablo Pino/AFP via Getty Images

These two theoretical approaches often track institutional or societal positions with regard to drug markets. The anti-reform positions are usually aligned with law enforcement perspectives that focus on the rationale of criminal actors and the structures of organized crime. The pro-reform perspective, meanwhile, is often related to civil society and highlights the negative consequences of the 'war on drugs'. Others, however, point to a less dichotomous perspective, where communities suffering many of the enforcement and marginalization consequences of the war on drugs are also the ones deriving economic rents from prohibition. These actors could be expected to be excluded from a regulated market and to lose their access to livelihood opportunities, and thus potentially suffer under a policy of legalization.¹⁴

Our research seeks to move beyond these siloed approaches and provide new insights into the potential impact of drug policy changes on organized crime and affected communities. For example, by looking at the experiences of Uruguay, Canada and certain states within the US, it is possible to identify empirical evidence that evaluates the broad theoretical assumptions mentioned above, thereby allowing us to construct categories that move beyond the siloed approach to further a discussion of the Colombian case.

Deriving a policy analysis framework: evidence from the US, Canada and Uruguay

Uruguay

Uruguay made history in 2013 when it became the first country in the world to fully legalize the production, sale and consumption of cannabis. The Uruguayan model is unique in that it was the first of its kind to politically promote regulation as a tool to combat and undermine the illicit market and to address cannabis use as a public health issue under the strict control of the state. The legal methods of obtaining cannabis in Uruguay include cultivating it at home, joining a cannabis club or purchasing the drug from government-authorized pharmacies. However, the initial implementation of these systems has faced challenges due to a combination of supply shortages and the limited number of pharmacies that have agreed to participate in the programme.¹⁵

In terms of international regulations, Uruguay's revised legal framework was initially seen by international observers and multilateral stakeholders as contradicting international drug treaties, causing some tension, particularly with the International Narcotics Control Board. At the same time, however, the global consensus on drug prohibition was starting to fall apart, and cannabis was beginning to be legalized at state level in the US, ultimately following the adoption of cannabis legalization in other countries, such as Canada. As a result, international prohibitions on domestic recreational cannabis have become more of a sub-issue of the UN drug control system and are likely to be absorbed into the de facto implementation of the conventions in the coming years.¹⁶ The main practical problem stems from the fact that US federal law can penalize banks for dealing with entities linked to drugs, including businesses selling legal cannabis in Uruguay. This has led many Uruguayan banks to proactively close accounts related to the cannabis trade to avoid potential repercussions, with consequences for the scale and reach of the country's legal cannabis market.¹⁷

There is evidence that the legalization of cannabis in Uruguay has had an impact on reducing the size of the illegal market, particularly through regulatory measures and the promotion of domestic cannabis cultivation.¹⁸ Regarding the reduction of the illegal market, a 2018 study by Uruguay's National Drug Board, the state entity responsible for overseeing and evaluating the country's drug policy, found that 63% of users obtained cannabis outside of trafficking networks.¹⁹

From a public health perspective, studies examining the impact of Uruguay's revised cannabis law found no significant increase in cannabis use among young people, for example.²⁰ Although the Uruguayan model has demystified the effects of the legalization process for an international audience, challenges to its effective implementation remain, particularly as the legal cannabis market still competes with a 'grey market' that has no restrictions on quantity or on the nationality of buyers (only Uruguayan citizens can access the country's legal market).

The Uruguay experience provides two important lessons for the path to cannabis legalization in other countries. First, the specifics and structure of regulatory models are key to determining the actual outcomes of legalization and to ensuring the successful establishment of the legal market, including the extent to which it is able to displace the illicit market. The supply challenges faced by jurisdictions that have legalized cannabis, and the reluctance of consumers to formally join licit distribution systems, are evidence of this. Second, legalization is not a matter of flicking a switch. Experience shows that the illegal market will not disappear immediately, but as legalization establishes its foothold and regulation adapts, it is likely to eventually shrink in size relative to the legal market. While this is happening, illegal actors will be looking for new alternative opportunities and markets, and for ways to profit from the transition to and establishment of the licit market.

Canada

In October 2018, Canada became the second country after Uruguay to legalize cannabis for adult recreational use, and the first G7 nation to do so. Legalization in Canada, enacted under the Cannabis Act, was designed to achieve three distinct policy goals: keeping cannabis away from youth, diverting profits from criminals, and promoting public health and safety by providing a state-regulated product.²¹

The law allows Canadians, 18 years or older, to purchase up to 30 grams of cannabis through provincially regulated retailers and to grow up to four plants for personal use. This operates in parallel with the nationally regulated market for medical cannabis.²² The change in the regulation has undoubtedly brought economic benefits by creating jobs in the licit market, particularly for cannabis retailers, which increased in number from 217 in March 2020 to 321 in December 2020.²³ In addition, since legalization, tax revenue from the legal market had reached nearly CAN\$15.1 (US\$11 billion) by 2021,²⁴ and there is evidence of a reduction in law enforcement expenditure, with a 13.5% decrease observed between 2018 and 2020.²⁵

In terms of reducing the size of the illicit market, Statistics Canada has reported that by mid-2020, legal cannabis sales had surpassed illegal transactions for the first time, reaching approximately CAN\$803 million (compared to an estimated CAN\$785 million illegal market share).²⁶ However, there are certain hypotheses, mainly from law enforcement, that consider legislation to only have had minimal impact on organized crime.²⁷ From a public health perspective, the Canadian Institute for Health Information found that cannabis-related hospitalizations have remained relatively stable since legalization, indicating that the change in law has not led to an immediate spike in problematic use, as some people predicted.²⁸ However, data from Statistics Canada has indicated an increase in the prevalence of cannabis use in adults following legalization.²⁹ Furthermore, the prevalence of youth consumption, for which Canadians aged 16 to 24 years self-reported use, has not decreased since legalization.³⁰

When considering the impact of cannabis legalization in Canada, there are three main aspects to consider. First, the illegal market appears to be shrinking, at least in its role of supplying the domestic market. Second, the reduction of the illicit market does not necessarily mean the end of organized crime groups that could have either targeted a grey market or infiltrated licit supply chains. Finally, legalization has had other impacts on consumption, and on law enforcement, that will become clearer over time and with further analysis.

United States of America

The effects of cannabis legalization in the US are complex and varied, given the differences in legalization between states and the continued illegality of cannabis at the federal level. Thirty-four states have legalized cannabis for adult recreational use since Colorado became the first to do so in 2014.³¹ As in Canada, cannabis legalization in the US has created a significant new industry, with jobs ranging from cultivation to sales and ancillary services. According to the cannabis research firm New Frontier Data, the legal cannabis market had generated over US\$40 billion in economic output and 414 000 jobs across the US by 2021.³² For example, a study of Nevada by RCG Economics and the Cannabis Policy Group forecasted that recreational legalization in the state would be able to support over 41 000 jobs by 2024 and generate over US\$1.7 billion in labour income.³³ In California, ICF has projected that the legalized cannabis industry could support between 81 000 and 103 000 annual jobs, whether directly or indirectly. It also projected that California would see an increase in annual total labour income of at least US\$3.5 billion.³⁴ Finally, some states, such as Colorado and California, have seen a rise in cannabis tourism, with people travelling to these states specifically to legally purchase and consume cannabis.³⁵ This kind of income generation has an impact on other sectors of the economy, such as tourism and hospitality.

The legal cannabis market is also responsible for a significant amount of tax revenue in the US. In 2022, the states that had legalized cannabis for adult use reportedly generated more than US\$3.77 billion in tax revenue.³⁶ Colorado, which became the first state to legalize recreational cannabis use in 2012, reported over US\$387 million in tax revenue from the drug in 2020, while California, which had been the first to legalize medical cannabis use in 1996, collected more than US\$1.1 billion in the same year.³⁷ These funds are often put towards public services such as education, public health initiatives and infrastructure. Tax revenues in these states may, however, become more modest if more states legalize cannabis.

Legalization has effectively eliminated arrests for simple cannabis possession and broader cannabis-related offences, easing the burden on the criminal justice system and reducing the associated individual and societal costs. For instance, a study in Washington State found that the total number of low-level cannabis court filings decreased by 98% between 2011 and 2015, the year cannabis was legalized.³⁸ A similar change was seen in Colorado, where the number of cannabis-related court cases fell by about 81% between 2010 (before legalization) and 2014, when cannabis was legalized.³⁹



Despite legalization, a black market for cannabis persists in the US, most notably in California. © Robyn Peck/AFP via Getty Images

However, while one of the intentions of cannabis legalization is to regulate sales, an illicit market persists.⁴⁰ Contributing factors include high tax rates on legal cannabis, overproduction in some states, and continued federal prohibition leading to regulatory arbitrage by criminal actors across state jurisdictions.⁴¹ Despite the persistence of a grey market, case studies of Washington State and Oregon have found that the legalization of cannabis has led to a reduction in crime in these states, particularly rape and property crimes in state border areas through a reduction in the involvement of organized crime.⁴² Similarly, there is some evidence that the legalization of cannabis in Colorado has not lead to an increase in crime in neighbouring states; on the contrary, some evidence has shown that property crimes and larceny have decreased in the border counties compared to non-border counties as a result of a spillover from Colorado's legalization.⁴³

From the US experience, it is possible to identify that legalization and regulation of both medical and recreational cannabis have had positive effects on economic development, and decreased criminality, particularly at state's border areas, despite the continuing grey market. Also, although the impact of legalization on crime rates has been studied, there is less available evidence about the impact of legalization on organized crime groups or criminal actors.

Following the evidence presented above from Uruguay, Canada and the US, it is possible to develop a thematic framework for analyzing how the legalization or regulation of cannabis in Colombia could affect organized crime. This would include the potential impact on:

- the dismantling of the illegal market through the integration of low-level actors into licit markets;
- the persistence of an illegal market for export or continued tailoring to consumers' preferences and price elasticities;
- the displacement of hardened and higher-level criminal actors to other illegal markets;
- violence; and
- criminal justice policies and outcomes.

The above variables were taken into consideration when designing the current report.



COLOMBIA'S ILLEGAL CANNABIS MARKET: A BRIEF CONTEXT

The illegal cannabis market in Colombia operates within a complex ecosystem of cultivation, distribution and sales that is deeply intertwined with organized crime and its associated violence. Its operation in the idiosyncratic Colombian and regional context is primarily shaped by the country's favourable environmental conditions for illicit cultivation, an array of robust criminal networks, and socio-political issues such as weak political governance in certain territories.

Colombia's geography, with its many remote and often inaccessible areas, and its climate provide an ideal environment for large-scale illicit cannabis cultivation and evasion of law enforcement. Distribution is carried out through local organizational structures that have developed complex smuggling routes historically used for different types of illicit drugs. The actual routes are flexible and adaptable, often changing in response to law enforcement activities or shifts in international demand. The final stage involves sales, which can occur both domestically and internationally. Within Colombia, cannabis is typically sold in street-level transactions. Sales operations can range from highly organized networks managed by cartels to independent dealers operating on a relatively small scale. In addition to these operational aspects, there are larger societal issues associated with the illegal cannabis market. Corruption is a significant problem, with cartels often bribing law enforcement officials and other authorities to ignore their activities, contributing to the weakening of democracy. Violence is also a major concern, with cartels using force to protect their operations, maintain market share and enforce control over certain territories.

From export market to micro-trafficking: the changing role of cannabis

The history of the cannabis trade in Colombia is intertwined with that of the US. Cannabis use was not federally criminalized in the US until 1937, and it was not until 1939 that the Colombian government completely banned its cultivation and ordered the destruction of existing plants.⁴⁴ Despite this, cannabis consumption and production continued to grow in the Colombian Caribbean, particularly in the departments of Atlántico, Magdalena and Bolívar.

Between 1950 and 1960, Colombia became a major cannabis exporter, with the substance illegally sent to various ports in Florida on ships carrying bananas.⁴⁵ Production expanded to meet increasing demand in the US, driven by the counterculture movement.⁴⁶ The growth in demand was met by local conditions, mainly along the Caribbean coast, where the plant was already being produced and exported by families and clans involved in smuggling or the emerald business.⁴⁷ Another possible explanation for Colombia having become the main exporter of cannabis to the US is the increase in demand caused by the presence of 'peace corps' members in the country.⁴⁸ Finally, it has been suggested that interception of drug trafficking operations such as Condor in Mexico and Buccaneer in Jamaica also contributed to the positioning of Colombia as major supplier of cannabis to the US.⁴⁹

The period from 1974 to 1982 saw the *bonanza marimbera* (cannabis boom) in Colombia, which is considered to be the tipping point for drug trafficking becoming a key component of Colombia's economy.⁵⁰ During this time, Colombia replaced Mexico as the leading exporter of cannabis to the US, supplying 70% of the cannabis consumption market and 39% of all exports in the country, with production concentrated in the Sierra Nevada de Santa Marta, in the Caribbean region.⁵¹ This moment was pivotal for Colombia, as it exemplified a process of 'development and modernization ... of the rural economy, characterized by population migrations, colonization of agricultural frontiers, and efforts to connect the country to international markets'.⁵² It was also seen as 'democratic', with 'free access' to the trade leading to the development of a new social class in the departments of Guajira and Magdalena, called the Marimberos, after the local word for cannabis.⁵³ However, the growing demand for cocaine led to the end of the *bonanza marimbera* in 1989. The increase in cannabis cultivation in the US and bilateral cooperation between Colombia and the US in suppressing cultivation and trafficking had also made the cannabis business more risky and costly relative to potential returns.⁵⁴

Organized criminal groups in Colombia thus shifted their focus to cocaine production, which began to overshadow the attention given to cannabis by policymakers and academic researchers. While cannabis continued to be cultivated, trafficked and consumed, it became a localized phenomenon with no specific policies to regulate it beyond those outlined in Colombia's National Narcotics Statute (Law 30 of 1986).⁵⁵ Since then, the illegal trade in cannabis began to feature less prominently on security and drug policy agendas, and became considered as a problem limited to networks involved in micro-trafficking and street-level distribution (*narcomenudeo*) rather than a serious organized crime issue.



During the 1990s, as the major drug cartels in Colombia were toppled through law enforcement operations, the drug trade came under the control of paramilitary and insurgent groups, such as the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia – FARC), which entered the business as providers of protection and security and came to control the entire cocaine supply chain. This transformed the ways in which Colombia's armed conflict actors finance their warfare capacities

Colombian cities such as Antioquia, where medical cannabis is grown, have expertise and a favourable legal framework. © Juancho Torres/Anadolu Agency via Getty Images

and shifted their incentives, creating a blurred distinction between political and organized crime actors. The demobilization of the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia – AUC) in 2005/6 was pivotal, as these groups exercised territorial monopolies over cocaine production and transportation, and passed their control to successor groups such as the Gaitanista Self-Defence Forces of Colombia (also known as Los Urabeños or Clan Úsuga), Los Rastrojos and the Revolutionary Anti-Communist Army of Colombia (Ejercito Revolucionario Popular Antiterrorista Colombiano – ERPAC).

The disintegration of large drug organizations led to the atomization of operations and the emergence of smaller entities involved in different aspects of trafficking, particularly in micro-trafficking and street-level dealing. At present, cannabis in Colombia is part of this dynamic and is predominantly sold in urban spaces, often in the same areas where other illicit substances such as crack cocaine are bought and sold.⁵⁶

The history of the illegality of cannabis in Colombia has been strongly influenced by its relationship with the US. From an important export market in the 1950s and 1960s, the role of cannabis shifted to that of a domestic phenomenon predominantly characterized by micro-trafficking as cocaine took centre stage in the transnational drug trade. This transformation has been shaped by distinct political, economic and social factors, making cannabis an integral part of the complex dynamics of organized crime and conflict in Colombia.

CANNABIS IN COLOMBIA



The path to regulation

Early attempts to control drug consumption in Colombia date back to the 20th century. International norms and regulations against drugs emerged following the 1909 Shanghai Opium Commission and the 1912 Hague International Opium Convention, but the first attempt to criminalize cannabis consumption came during the presidency of Alfonso López Pumarejo (1934–1938), with the inclusion of drug production and trafficking in the criminal code (*código penal*).⁵⁷ Subsequently, Colombia began incorporated international regulations into its national legislation.

YEAR	LAWS
1920	■ Law 11 punishes drug trafficking and use by levying fines.
1928	■ Law 128 introduces restrictive measures and allows the confiscation of certain substances.
1936	■ President Alfonso López introduces the criminal code, which establishes short sentences in low-security prisons for people involved in the preparation, distribution, sale or supply of controlled substances.
1946	■ Law 45 introduces harsher penalties and longer sentences for drug-related offences in medium-security prisons.
1964	■ Decree 1669 criminalizes for the first time the use of any drug.
1971	■ Decree 522 introduces penalties for the trafficking and production of cannabis, morphine, cocaine and any other prohibited substance, and punishes their use in a public space with a three-month prison sentence. However, it decriminalizes possession and use in private.
1974	■ Decree 1188 increases penalties for trafficking and re-criminalizes drug use in private. Law 13 of the same year ratifies the 1961 UN Single Convention on Narcotic Drugs.
1986	■ Law 30 is approved, allowing the production, manufacture, export, import, distribution, sale, use and possession of narcotics solely for medical and scientific purposes.
1993	■ As a measure by the government to demonstrate its commitment to the fight against drug trafficking, Law 67 is enacted to ratify the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.
1994	■ Ruling C-221 by the Constitutional Court marks a considerable legislative change by declaring unconstitutional the articles of Law 30 that made it an offence to carry or use minimum permitted doses of drugs. This ruling represents a milestone by establishing a legal framework alternative to prohibition and decriminalizing possession of a 'personal dose'.
2009	■ Further constitutional reform takes place with Legislative Act 02, which prohibits drug use but does not impose sanctions or compulsory treatment for users. The reform abolishes the 'personal dose' provisions established in 1994, so that carrying even small amounts of narcotics without a medical prescription is again prohibited, criminalizing drug use.
2011	■ Enactment of the citizen security law reforms the criminal code and upholds the earlier ruling decriminalizing possession of a minimum dose.
2012	■ Through ruling C-491, the Constitutional Court once again makes clear that possession of a personal dose is not a criminal offence and that drug use is an activity protected by the right to the free development of personality.

FIGURE 2 Evolution of drug legislation in Colombia.

SOURCE: Adapted from Nicolás Martínez Rivera, *Los desafíos del cannabis medicinal en Colombia*, Transnational Institute, September 2019



Luis Perez of the Think Big Movement party holds up a Colombian flag embossed with the marijuana symbol during a presidential debate in Bogotá ahead of the May 2022 elections. © Juan Pablo Pino/AFP via Getty Images

The early 1990s marked a turning point when Colombia adopted a new political constitution in 1991 and established the Supreme Court of Justice. During this period, cannabis consumption was enshrined in the law as an expression of individual autonomy and the free development of personality. As a result, the possession and use of personal doses of cannabis were decriminalized in 1994. Despite being controversial, this decision remained in place until 2009, when the presidency of Álvaro Uribe Vélez enacted a constitutional reform that once again prohibited drug possession and consumption. Since then, however, Colombian courts have consistently defended the decriminalization of drug use, reiterating in several rulings that consumers should not face prosecution and that possession of fewer than 20 cannabis plants is not a criminal offence.⁵⁸

The legislative landscape changed when Juan Manuel Santos became president in 2010. Santos publicly supported the decriminalization and regulation of cannabis on both national and international platforms. As a result, his administration approved cannabis for medical and therapeutic use in 2016.⁵⁹ This served as a stepping stone for a broader discussion on adult recreational use of cannabis. To this end, a bill to amend the constitution was submitted to the Congress of the Republic in 2022 (the fourth attempt to do so). The focus of the debate has shifted to the regulation of cannabis production and commercial sale for adult use. The proposal challenges the existing prohibitionist paradigm by recognizing that making consumption, possession and cultivation legal, while keeping acquisition illegal, only serves to perpetuate the domination of illicit markets by drug traffickers, according to the bill's rapporteur, Juan Carlos Losada.⁶⁰

The first and most significant element of the project is to propose an exception to the absolute prohibition laid down in Article 49 of the constitution, allowing the purchase and commercialization of cannabis. It also aims to allocate tax revenues to regions affected by the war on drugs, invest in health and education, and provide treatment services. It focuses on use prevention, involves the education sector, sets limits on consumption in certain places, and requires the government to draw up a comprehensive public policy on drug prevention and addiction treatment within 12 months of the article's modification.⁶¹

After being approved in the House of Representatives and advancing through four rounds in the Senate, the bill came up for a final debate but failed to pass by just four votes.⁶² The opposition won the vote, with opponents of legalization claiming that the measure could have a detrimental effect on public health, increase drug use and addiction, and encourage drug trafficking. They also argued that legalization could have a negative impact on Colombia's international image, undermining its position as a leader in the fight against drugs.⁶³



FINDINGS

Addressing a continued grey market

All the experts interviewed, regardless of their background, agreed that the cannabis regulation would not eliminate the illegal cannabis market in the country, but that a 'grey market' would persist, diminishing in size over time. The main reasons for this are: the regulatory control exercised by criminal actors in rural and urban areas; the persistence of an illegal cannabis export market; and the potentially higher prices of state-regulated cannabis, which criminals could seek to undercut through a grey market. However, our interviewees broadly concluded that some specific segments of the illicit supply chain could disappear.

Interviewees agreed that criminal actors in Colombia have incentives to maintain and remain in the illegal market. In Colombia, the main production of cannabis takes place in the northern department of Cauca, a region where different criminal economies co-exist, such as coca and poppy cultivation, cocaine and heroin production, and illegal mining. The existence of varied illicit markets is intertwined with the presence of different criminal actors, who dominate parts of the territory and exercise control over the inhabitants in order to exploit these illicit markets. This complex criminal ecosystem provides a competitive advantage for criminal actors within this operating model and in the use of violence to control the supply of cannabis from local farmers.

The second reason highlighted by interviewees was the persistence of a cannabis export market. Recent reports indicate that Colombia still exports the 'creepy' variety of cannabis to various countries.⁶⁴ 'Creepy' has comparatively high levels of THC and competes in the south of the continent with lower quality Paraguayan cannabis. There is evidence that transnational organized crime groups from Brazil are attempting to introduce this variety into the Brazilian and Argentinean markets, which is likely to increase demand for it over time.⁶⁵ Local regulatory changes in Colombia are unlikely to affect prohibition in other countries, as the latter provide supply outlets for organized crime groups able to exploit existing transnational illicit drug routes.

The third factor supporting the continuation of a grey market is local arbitrage opportunities between regulated and unregulated production and distribution. Here, the variables of price, price elasticities of supply and demand, consumer stickiness (creating repeat buyers), tax imposition, and the general level of state control over local economies, consumers, growers and producers are key. Interviewees agreed that high taxation of the legal market would support the persistence of the grey market,



Cannabis seized in the municipality of Copacabana in 2016. Criminal actors in Colombia have incentives to retain an illegal market for cannabis even in the face of legalization. © Raul Arboleda/AFP via Getty Images

especially among vulnerable and poor populations. Criminal distribution of cannabis at street level occurs together with other drugs, providing economies of scale and scope that help to reduce cost and price compared to a legal market.

For consumers, if the price is too high and if regulation involves a high level of state oversight, such as government databases, then there will be less incentive for them to switch to the regulated market. As one expert argued, 'The legal market needs to emulate as much as possible the mechanism of how the illegal market distributes nowadays, to ensure a successful transition.'⁶⁶ Finally, given the reliance of local economically marginalized producers on the illicit trade, if the state is to achieve an economically beneficial outcome for these groups, regulation would need to provide special treatment for small producers to enable them to integrate and act as suppliers to the legal market. This also increases the risk of criminal enterprises penetrating the licit supply chain and could inadvertently provide new opportunities for organized crime to profit from legalization or launder the proceeds of criminal activities.⁶⁷

Nevertheless, some experts identified two segments of the illicit supply chain that could disappear or change with legalization. The first is transportation, as this could easily be integrated into formal transit mechanisms without the risks of law enforcement intervention, thereby negating the role of criminal gangs in the process. The second is the contract enforcement service provided by criminal networks under prohibition, which will be explored later when discussing the impact of cannabis regulation on violence:

Since this is an illegal industry, all contract enforcement is done by specialists in violence. If I ordered a shipment of cannabis and only received half, I would probably go and hire a *combo* [street gang⁶⁸], or I would have a group that would use violence to recover the money from the people who didn't deliver as promised. So I do believe that the demand for these kinds of coercive services, which are prevalent and very important [for the functioning of illegal markets], could be reduced [through regulation].⁶⁹

Finally, similar to what has happened with cannabis legalization in Uruguay, Canada and some US states, the size of the cannabis grey market in Colombia is likely to diminish over time, mainly as a result of consumer choice. Competitive state pricing, increased information about product quality and effects, and avoidance of the burden of illegal transactions, could all be important incentives for a gradual consumer transition and the eventual irrelevance of criminal actors in the cannabis trade.

Integration into the legal market

The possibility of integration into the legal market or the displacement of actors into other criminal economies needs to be understood within the reality of each component of the supply chain. The reduction in the size of the remaining grey or illicit market under legalization will generate incentives for criminal actors to either penetrate or integrate into the licit market, or to seek alternative criminal enterprises. The integration of those who are currently simply seeking a livelihood from the cannabis market, and who are not primarily drawn to criminality, would be a key goal and potential success of legalization, if regulation can be correctly designed and implemented. However, the risk of parts of the licit market being captured by criminal actors seeking to exploit legalization for profit or to launder the proceeds of other criminal activities is a significant concern. The overarching goal of regulation is therefore to integrate those who wish to make a living from the trade (and are happy to do so within a legal framework) and exclude those who desire to exploit the trade for criminal purposes.

Meanwhile, the structure and specifics of regulation and the state's ability to control territories and infrastructure against organized criminal activities could be important factors in determining success, given Colombia's experience with other regulated markets. As one interviewee noted:

A good parallel is the gold market. Although it is regulated, 80% of the [gold] market in Colombia is illegal. Formalizing it is very difficult. There are many barriers, because the same fees are charged to big and small players, because people don't know how to do it, because there's no support; so, if there are barriers to licences and there's no support, that could also hinder the transition.⁷⁰

Which segments of the supply chain could be integrated?

Growers

In this segment of the supply chain, regulatory and legislative incentives to ensure technical and financial support from the state to small producers are fundamental to achieving integration into the legal market. This is key to fulfilling the promise of drug policy reform to support the rights of the most affected and vulnerable groups. Experts from civil society and academia more closely associated with Colombia's drug policy reform movement emphasized the importance of understanding the lessons learned from the process of regulating medical cannabis under the Juan Manuel Santos administration. They also noted that regulation of recreational cannabis must avoid vertical integration of the market and the tendency for large companies to take control of production. Another risk to consider is that without countervailing regulations, the geography of legal cannabis production in Colombia could shift to places where agro-industry is already established, such as Antioquia or the Cundiboyacense plateau, leaving small producers in the northern Cauca region, a cluster of illegal cannabis production, to supply cannabis to criminal actors, thereby supporting the grey market.

Meanwhile, the state will need to provide security, policing, conflict resolution as well as other basic social services to growers in the northern Cauca in direct competition with, and ultimately to replace, the governance imposed by criminal actors. This is likely to be complicated by the traditional lack of state presence in these areas and the continued existence of other criminal economies, potentially



Cannabis growers from southern Colombia protest in front of the Colombian Congress during a debate on the regulation of recreational cannabis consumption in June 2023. © Juan Pablo Pino/AFP via Getty Images

leading to violent conflict and disruption of the local criminal political economy. This could worsen instability in these areas if pursued solely through a security agenda rather than a holistic response to service provision in the region.

Small growers in the northern Cauca are left with two options if the regulatory framework and the capacity of the state cannot ensure their integration into the legal

cannabis market. The first is for them to keep operating in the cannabis business, supplying either the grey market or the legal market through larger producers. 'In the north of Cauca, there are three families or clans with the resources to be integrated [into the legal cannabis market]. Other families with smaller plots of land, who also grow cannabis, will have to sell to the big families or to criminal actors'.⁷¹ The second option is for them to become involved in other criminal economies in the area, most likely cocaine and heroin. For small cannabis growers to shift to these economies will depend on the criminal actors who control the zone and their interest in exploiting these markets. Although involvement in the production of other illegal drugs is the most probable outcome of small growers' failure to integrate into the licit cannabis trade, the current crisis in coca production and the rise of synthetic drugs replacing heroin in international markets may mean that this option is not as attractive as it once was.⁷²

Couriers

Under the current market, the transport of cannabis from production centres to local urban markets or to transit points for export usually takes place on intermunicipal buses, as a service provided by the drivers. According to experts interviewed, it is possible that this system could become integrated into the legal market. With the regulation or legalization, transportation of cannabis could be inserted as part of the portfolio of those transportation companies, rather than as an illegal business of the driver, or could insert new players from the food supply chain. As a civil servant noted, 'Today, those who transport cannabis are the fleets of intermunicipal buses, through informal transportation, but if it is regulated, it will be like transporting lettuce and will lead to the consolidation of the food transport chain.'⁷³

Money launderers

This segment could also be inadvertently integrated, according to experts. The rationale here is that if the cannabis business is already legal, there would be no need to 'launder' the profits. On the contrary, given that money launderers use legal structures to incorporate illegal profits from various criminal economies, including cannabis, the creation of legal cannabis enterprises could be used to launder income from the grey market or from other drug-related economies.

Supply chain component	Definition	Geographic differences
Growers and producers	Individuals cultivating cannabis, and harvesting and drying the flower.	<ul style="list-style-type: none"> ■ Rural: Peasants who cultivate crops on a small or medium scale. Most of this production supplies the illegal market. ■ Urban: Normally self-cultivation. Cultivation of up to 20 plants is legal in Colombia.
Couriers	Networks transporting cannabis flower out of production zones for local or transnational distribution.	<ul style="list-style-type: none"> ■ Rural: Private means of transport to move the flower out of cultivation zones. ■ Urban: Distribution networks that provide cannabis to local retailers.
Wholesale buyers	Individuals or criminal organizations buying from growers to supply local or international markets.	<ul style="list-style-type: none"> ■ Urban: Normally provide street vendors, known as <i>oficinas</i> or <i>razones</i> in Colombia.
Local retailers	Individuals and criminal networks selling cannabis to consumers at street level.	<ul style="list-style-type: none"> ■ Rural: Retailers at rural markets closer to production zones. ■ Urban: Local retailers include dealers, <i>ollas de vicio</i> (drug sale and consumption points) and retailers from <i>combos</i> or street gangs.
Exporters	Criminal organizations exporting cannabis to international markets. In Colombia, there is a special variety of 'creepy' that is exported mainly to Ecuador, Perú and Chile, and more recently to Argentina.	<ul style="list-style-type: none"> ■ This component of the supply chain does not differ between rural and urban areas.
Money launderers	Individuals and criminal organizations laundering the proceeds of the illegal cannabis market and introducing them into the 'legal system'.	<ul style="list-style-type: none"> ■ This component of the supply chain does not differ between rural and urban areas.

FIGURE 3 Supply chain for the illegal cannabis market.

Which segments of the supply chain would be difficult to integrate?

Retailers

Experts believe that the retail segment of the cannabis market will be more challenging to integrate into the legitimate trade, for three reasons: street sales of cannabis occur within *ollas* or *plazas de vicio* (drug distribution points), where other illegal drugs are also found; street sales also operate as a subsistence economy that can be contested through violence by street dealers or more organized criminal actors; and those involved in street-level retail face enormous barriers to accessing formal legal markets as a result of socio-economic vulnerabilities.

As noted above, illegal cannabis in Colombia is mainly distributed in the internal domestic market, which is one of the main sources of income for urban drug street dealers,⁷⁴ but these dealers often also sell other illicit drugs. For example, in highly criminally regulated markets such as Medellín, *combos* sell both cannabis and cocaine. In other important but less regulated street markets, such as Cali and Pereira, cannabis is sold as part of a wide portfolio of drugs that includes cocaine and synthetics.⁷⁵ As one expert noted, cannabis is consumed as 'a side or a topping for other drugs',⁷⁶ making it available in all Colombian street drug markets. The legalization of cannabis will have an impact on the size and revenue of street drug markets, which in turn will affect the rents of criminal organizations. According to experts, one possible response from criminal organizations could be violent opposition to the establishment of legal retailers in the neighbourhoods, moving the legal market away from vulnerable and criminally governed territories to upper-class neighbourhoods, and promoting the establishment of an upper-class legal market at the expense of poorer communities.

A second possibility, mentioned by law enforcement officials and civil servants in interviews, is that the cannabis market will be displaced by the sale of other drugs, mainly synthetics. Experts highlighted, in this regard, the preferences of younger consumers for synthetics drugs and the characteristics of synthetic drug production itself, occurring in urban areas next to distribution points. Another possibility, raised mainly by academic experts, is that legalization will lead to an increase in extortion, as criminal organizations seek to compensate for the loss of profits from cannabis. However, others disagreed with this assessment, arguing instead that criminal organizations will seek to protect the remnant drug rents, particularly from cocaine, as this is the basis for organized crime in Colombia:

I don't think it would be a one-to-one [straightforward] replacement, because other income sources, such as extortion, are much more disruptive to communities. Right now, they sell well; things are calm; the neighbourhood is peaceful; no one is getting killed because there's an agreement among *combos* not to kill for the sake of business. If they start extorting too much or selling fentanyl, things will escalate. They will try to keep selling cocaine and will keep selling other things as smoothly as possible to make a living.⁷⁷

A third argument put forward by experts relates to the socio-economic barriers faced by young people working in *combos* or street gangs in impoverished neighbourhoods. School dropout, lack of vocational training, criminal records, familial and past links with criminal groups, and recidivism make it difficult to integrate this particular population into the formal cannabis labour market. As a civil servant explained:

The person who today sells cannabis cigarettes on the corner doesn't have the capacity to assimilate into the regulated market. Especially because more scrutiny will be directed at that person, in terms of safety, compliance and other aspects, and they won't have the resources for that.⁷⁸

Exporters

As mentioned above, there exists an illegal export market for 'creepy' to the south of the South America continent, which, together with criminal governance in rural cannabis production areas and potential regulatory barriers to the integration of growers, could trigger a transformation of the supply chain if cannabis is legalized in Colombia. In this scenario, experts believe that international demand for cannabis could lead criminal organizations operating in the north of the Cauca department, in particular, to attempt a vertical integration of their business, acting as wholesale buyers and exporters, seeking an alternative rent to offset the losses resulting from legalization. In other words, they would seek to sell into international markets where cannabis remains illegal. As an academic remarked:

Criminal groups operating in the north of Cauca have know-how and a competitive advantage and won't want to lose [profits]. They also export other substances and have networks they could use to try to control the cannabis export market.⁷⁹

For most experts, the existence of parallel illegal drug markets and the criminal governance imposed by criminal actors represented an obstacle to achieving better and faster results in terms of integration and preventing the displacement of those involved in cannabis production to other illicit economies:

I don't think we will manage to get everyone to transition to legality. I think that, in the case of Colombia, we will also face security problems related to other illicit substances ... particularly with cocaine remaining illegal. Armed groups that also benefit from that market will create issues during this transition.⁸⁰

Cannabis and violence

A key argument used by Colombian legislators leading the effort to legalize cannabis is that the creation of a regulated market would reclaim regulatory power over the trade from criminal groups and hand it to the state. Given the history of conflict and violence in Colombia, and the role that illicit drugs have played in fuelling conflict, one of the expected outcomes of reclaiming this power would be a reduction in violence. However, there was a consensus among interviewees, regardless of their sector, that cannabis regulation would not be the immediate solution to violence in Colombia, as the far more violent cocaine market would persist.

However, different hypotheses were offered about the potential impact of legalization on violence in rural and urban areas. With regard to rural areas, most of the academics interviewed emphasized that the experience of FARC's demobilization and the coca crop substitution programme could shed light on how violence may change in producer territories in response to legalization. Agreeing with academics, civil society experts noted that in the short term the legalization of cannabis could create tensions between criminal groups as they explore different mechanisms to adjust to the new reality. One academic noted: 'I believe it [violence] tends to rise in rural environments, from the cultivator to the transporter, in that rural part of the chain. It's possible that violence may emerge during reorganization, a very focused and short-lived stage of violence in a specific area of the country.'⁸¹ The spike in violence could come from threats against and assassinations of social leaders who promote integration into the regular legal market, similar to what happened with the crop substitution programme.⁸² It could also be the result of violent confrontations between criminal groups, similar to what happened in the aftermath of the 2016 peace agreement, when different criminal actors fought for control of the criminal economies abandoned by FARC-EP. Each of these scenarios implies violence that could affect the civilian population.

In urban areas, most of the experts interviewed agreed that cannabis legalization would not have a major impact on mitigating violence, but that certain indicators could in fact improve. First, the legalization of at least one illegal street drug could reduce the demand for services from criminal networks that use violence to protect the illegal market from law enforcement and other criminal actors.

I'm not sure how much less violence will be observed. This is because a significant portion of the violence is associated with the cocaine supply chain. However, there should be some noticeable changes. Here in Medellín, people have been killed for selling cannabis where it is not allowed. I believe that these kinds of incidents will happen less frequently [with the legalization of cannabis], despite the continued existence of a [broader] black market.⁸³

Two other potential drivers of violence reduction are related to the peaceful coexistence of law enforcement and consumers, and the stigmatization of users. It is argued that cannabis legalization could reduce confrontations between vigilant police officers, users and dealers in public spaces, which tend to involve violence. Reducing these tensions would also have an impact on a more structural type of violence, given that most of the violent conflicts around illegal cannabis involve racialized youth in impoverished neighbourhoods. As an academic noted, 'Perhaps tensions between the police and the community could be eased, along with the loss of resources and the stereotypes stemming from it that portray the white person as someone who uses cannabis therapeutically and the black person as a drug addict.'⁸⁴

However, the law enforcement experts consulted argued that cannabis legalization could actually increase violence in urban areas. This claim is based on the possibility that urban street gangs will shift to the extortion economy, replacing the economic losses from cannabis with another criminal activity, one that tends to be more violent and socially disruptive.

Impacts on criminal policy

As some of the experts mentioned in interviews, drug policy reform cannot be understood as a security policy, because '[historically] in Colombia, drug policy has turned into a security policy. Yet while drug policy is underpinned by a security approach, it cannot be expected that legalization, as a drug policy reform, will become a security policy'.⁸⁵ In other words, experts believe that cannabis legalization, being a tremendous change in Colombia's drug policy, cannot be held responsible for changes in the country's security situation. However, based on the experiences of Canada and the US, the legalization of cannabis could promote changes in the way criminal policy is understood and implemented, and this could have an impact on reducing organized crime. In exploring this idea, police doctrine and operations, prison policy and criminal justice policy were all considered.

Police doctrine and operations

Interviewees agreed that the legalization of cannabis would not necessarily lead to a change in the national police doctrine, but that it could result in operational changes. When asked about doctrine, most respondents, including law enforcement officers, expressed the view that changes in regulation would not reduce the stigma associated with cannabis, and more broadly drug use, within institutions. There is a long-standing narrative, particularly among the police, that drug consumption equals criminality, and interviewees did not believe that this would change anytime soon. Additionally, the national police doctrine has been influenced by international cooperation funds funnelled into a counter-narcotics focus on eradicating coca crops, and the interdiction of cocaine and cocaine base paste rather than cannabis, so it is unlikely that there will be major changes in response to cannabis legalization.

However, all the interviewees agreed that in a legal cannabis context, vigilant police would no longer have to pursue and detain street-level cannabis dealers and users. Currently, the success of law enforcement is partly measured by the number of people detained for drug-related offences, including possession, manufacture or distribution. Because this measure does not distinguish between types of illicit drug, cannabis-related arrests are usually the easiest way to achieve these results. Although Colombia's constitution protects the right to consume a personal dose of cannabis, police officers can impose administrative sanctions on users who possess or consume cannabis in public places, and in certain cases, depending on the amount, they can charge them with drug trafficking. The decision



The Colombian navy seizes a boat carrying 2.5 tonnes of cannabis in the Port of Buenaventura. Legalization could result in a change in the way in which cannabis-related crimes are handled. © Daniel Munoz /AFP via Getty Images

on the sanction imposed is left to the police officer's own interpretation of the law. All interviewees expect cannabis legalization to bring clarity to this grey operational area.

I believe that in the medium term there could be a change, but first of all we have to consider that we have a significant legislative confusion. We have the minimum dose and cultivation laws, but we also have the police arresting people for using the minimum dose. I think that the implementation of a law that states that it's no longer a crime could potentially lead to a reorganization of police resources.⁸⁶

If police operations are redefined to exclude cannabis as a result of the regulation, experts believe that resources could be freed up for use in fighting other forms of crime. However, two factors were identified during interviews that could affect this. First, stigmatization of cannabis use by citizens and the police may create incentives for police officers to continue pursuing cannabis-related offences. Second, how cannabis regulation is enforced will be key, because if most of the regulatory enforcement functions are assigned to the police, or the government focuses on prosecuting the remaining grey market, law enforcement will not be able to free up resources.

Prison policy

Following the US experience, most experts agreed that regulation should strictly limit new imprisonments related to cannabis. Similarly, the interviewees agreed on the need to release people who are in prison solely for cannabis-related crimes. The viability of releasing cannabis prisoners was explored in the interviews from two perspectives: the operational dimension and the impact on recidivism.

In terms of the operational dimension, the first challenge is that there is no census of the number of detainees from cannabis-related crimes, mainly because Colombia's criminal code punishes the possession, manufacture and trafficking of drugs, but it does not differentiate between the type of substance. The process of releasing prisoners would need to ensure that each individual case is examined by a sentencing judge. Experts from civil society have also noted that in most cases, people

imprisoned on drug charges are accused of other crimes, such as robbery or homicide. Therefore, with cannabis regulation or legalization, criminal policy would need to identify a way to measure only the cannabis-related sentence in each case.

In terms of recidivism, if legalization is implemented, there should be no new detentions or incarcerations related to cannabis. Furthermore, the release of people imprisoned on cannabis charges should help to reduce overcrowding in Colombia's prisons. Academic work on the subject has shown that improved incarceration conditions, resulting from a reduction in overcrowding, are likely to have a positive impact on reducing rates of criminal recidivism.⁸⁷

Finally, a civil society expert highlighted the issue of compensation, asking: 'What will be the reparations for these individuals (the trauma of being in prison, the barriers they face on release, and the impact on their lives)? How can the state repair that amount of damage?'⁸⁸ Experts suggested that the state could help released prisoners reintegrate into society by expunging their criminal records for cannabis-related offences, developing reintegration programmes funded by the new taxes generated by the legal market, and providing reparations to reduce the risk of former prisoners becoming involved in other illegal drug-related activities.

Criminal policy

The experts interviewed argued that a change in cannabis policy would not inherently mean a change in criminal policy. Yet all of them expressed the belief that legalization would result in changes in the way drug-related crimes are prosecuted under the judicial system. This should include formalizing a system to prevent police officers from arresting people for cannabis-related offences and presenting them to prosecutors who then challenge the legality of the arrest.

The prosecutors in charge of sentencing and overseeing due process spend their whole day telling the police not to bring in more cannabis users. Legitimizing detentions is extremely difficult, as it's challenging to prove the quantities being carried – whether they're large or small – and furthermore, no one really knows how to accurately determine these amounts. Prosecutors are ridiculously fed up with dealing with cannabis-related cases, so legalization is the perfect scenario for criminal policy.⁸⁹

Experts also highlighted how the legalization of cannabis would free up resources throughout the criminal justice system, starting with police not arresting cannabis dealers and consumers, prosecutors not having to spend time processing cannabis cases, and greater resources made available in prisons and detention centres:

I remember that around 2018, there were about 47 000 people arrested for cannabis in Colombia. And in 2022, which I believe was the latest data I saw, it was around 18 000. So it has actually decreased a bit, despite the strong emphasis the police place on cannabis. But it's still a lot of arrests. If you have 18 000 arrests and two police officers involved in each arrest, it's taking up the time of 36 000 police officers. Let's say they spend, at a minimum, eight hours on each case, that's at least 288 000 hours. Just of police time. Add to that the time spent by the public defender, the judge for overseeing guarantees, and the prosecutor. This is a super expensive operation. And I think legalization would affect that whole chain of criminal justice.⁹⁰

Most interviewees agreed that free-up resources could be used to prosecute drug-related crimes at the level of criminal organizations. Law enforcement experts suggested the creation of specialized task forces to track and dismantle illegal export operations, while other experts simply noted that

resources could be redirected to target other types of crime, particularly violent crimes, that are more relevant in the context of Colombia.

One of the most interesting findings from the interviews was that all the experts felt that regulation should not define security issues or criminal policy issues. However, they all recognized the need for a parallel transformation of the security approach to drugs, and in this specific case, how security and criminal policy should respond to cannabis legalization to avoid spikes in violence and to use the momentum of legalization to explore other ways of fighting organized crime that break the path of dependency on current drug policies. As an academic explained:

One step forward would be to confront prohibitionism, to demonstrate that prohibitionism doesn't solve the problem, it exacerbates it. Regulation is not the immediate solution But what I see as more urgent is to begin regulating in order to progress, both in response to cocaine and in the fight against organized crime.⁹¹



CONCLUSION

The legalization of cannabis in Colombia would not mean the complete disappearance of the illegal cannabis market. A grey market that supplies local street markets and international markets (particularly through the export of 'creepy') is likely to persist, but its size is most likely to decrease over time.

Segments of the supply chain that could be more easily integrated into a regulated market include growers and couriers. However, the extent to which the regulatory framework can ensure the protection of small-scale and traditional growers will be key to ensuring their integration into the legal market. The ability of criminals to maintain territorial control in cannabis production areas could have a negative impact on the transition of growers to the legal market, so it is essential that cannabis regulatory policy is closely coordinated with security and defence policy.

Exporters and local retailers are less likely to be integrated into the new regulated market. For these segments, the most likely scenario is that they continue to participate in the remaining grey and illegal cannabis markets, or are displaced to other illicit drug markets or other criminal economies, such as extortion. For exporters, the competitive advantage of understanding and operating the trade in other illicit drugs will create incentives to expand the illicit cannabis export market. In the local retail segment, street gangs are likely to try to compensate for losses resulting from regulation by retaining control of some of the grey market and focusing on other illicit drugs, most likely synthetics. Another possibility for criminal groups in rural and urban areas is to increase extortion practices, leveraging the territorial control that already exists. Aligning cannabis regulation with local security policies is once again essential for addressing these challenges. From this, it is possible to isolate three cross-cutting variables for understanding the impact of cannabis regulation on the different segments of the supply chain: the criminal governance imposed on production and distribution in different regions; the characteristics of regulation in terms of price, support for small growers and coordination with the security policy; and the transnational cannabis market operating in the south of the continent.

Levels of violence would not necessarily decrease in the short term in response to legalization, as criminal actors would recalibrate by resisting the establishment and operation of the legal market, and competing among themselves for control of the remaining illicit export market. However, violence between police and youth, and racial and class-based structural violence may decrease as police are able to shift their operational priorities as a result of regulation.



While debates on regulation were happening, Bogotá began holding an annual 'Cannabis in the park' festival in 2021, with products and plants for sale, and featuring talks by cannabis researchers. © Daniel Munoz /AFP via Getty Images

The transformation of the criminal justice system as a result of the freeing up of resources could be one of the most significant effects of cannabis regulation. Police would be able to shift their operational priorities away from pursuing those who would become licit dealers and consumers under regulation. Prosecutors and judges would no longer have to deal with low-level cannabis cases, and prison space would be freed up through decarceration, reducing the burden on the detention system. It is expected that any freed up resources could be used for other public safety and criminal disruption priorities.

To facilitate this potential change, coordination between drug and security policies is essential. This could enable the necessary expansion of state territorial control in current cannabis production zones, complementing overall shifts in criminal justice policy implementation as a result of legalization.

While cannabis regulation or legalization will not be the 'magical solution to criminality and violence in Colombia',⁹² it is a necessary step in working towards new strategies to counter organized crime. It could also encourage the broader regional drug policy reform that policymakers have been calling for over the past two decades. This, in turn, could have a potentially substantial impact on reducing organized crime in Latin America.



NOTES

- 1 UNODC, World Drug Report 2023, <https://www.unodc.org/unodc/en/data-and-analysis/world-drug-report-2023.html>.
- 2 The GI-TOC has been working to address this research gap through its 'Drug policy reform and organized crime series'; see the papers published so far on cannabis legalization in South Africa and Thailand: Pascal Tanguay, Cannabis legalization in Thailand: Exploring impacts on markets and organized crime, GI-TOC, January 2024, <https://globalinitiative.net/analysis/cannabis-legalization-thailand>; and Anine Kriegler, Cannabis policy reform and organized crime: A model and review for South Africa, GI-TOC, February 2024, <https://globalinitiative.net/analysis/cannabis-reform-organized-crime-south-africa>.
- 3 Gustavo Petro dice que se debe avanzar hacia la 'regulación' de la droga, *El Tiempo*, 21 September 2022, <https://www.eltiempo.com/politica/gobierno/gustavo-petro-dice-que-se-debe-avanzar-hacia-la-regulacion-de-la-droga-704012>; Santiago Torrado, 'La prohibición no sirve': la Comisión Global sobre Política de Drogas respalda el vuelco que pide Petro al mundo, *El País*, 9 November 2022, <https://elpais.com/america-colombia/2022-11-09/la-prohibicion-no-sirve-la-comision-global-sobre-politica-de-drogas-respalda-el-vuelco-que-pide-al-mundo-gustavo-petro.html>; Ministry of Foreign Affairs of Colombia, *Con un llamado a apoyar el nuevo enfoque de la política sobre drogas, Colombia cierra su primer día en el 66º periodo de sesiones de la Comisión de Estupeficientes en Viena*, 13 March 2023, <https://www.cancilleria.gov.co/newsroom/news/llamado-apoyar-nuevo-enfoque-politica-drogas-colombia-cierra-su-primer-dia-66o>.
- 4 John Collins, Conceptualizing a spectrum of drug policy reform, GI-TOC internal document, 2022.
- 5 Jonathan Caulkins, Effects of prohibition, enforcement and interdiction on drug use, in *Ending the Drug Wars: Report of the LSE Expert Group on the Economics of Drug Policy*, 2014, pp 16–25, <https://www.lse.ac.uk/ideas/Assets/Documents/reports/LSE-IDEAS-Ending-the-Drug-Wars.pdf>.
- 6 Mark Shaw, What could an asymmetrical strategy against organised crime look like? A lesson from the drug policy debate, *Journal of Illicit Economies and Development*, 1, 1 (2019), 99–106.
- 7 Joanne Csete et al, Public health and international drug policy, *The Lancet*, 387, 10 026 (2016), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00619-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00619-X/fulltext).
- 8 Daniel Brombacher and Sarah David, From alternative development to development-oriented drug policies, *International Development Policy*, 12 (2020).
- 9 Daniel Brombacher and Jan Westerbarkei, From alternative development to sustainable development: The role of development within the global drug control regime, *Journal of Illicit Economies and Development*, 1, 1 (2019), 89–98.
- 10 Global Commission on Drug Policy, Taking control: Pathways to drug policies that work, 2014, <https://www.globalcommissionondrugs.org/reports/taking-control-pathways-to-drug-policies-that-work>.
- 11 John Collins, Development first: Multilateralism in the post-'war on drugs' era, in *After the Drug Wars: Report of the LSE Expert Group in the Economics of Drug Policy*, 2016, pp 9–18; see also Beyond UNGASS 2016: Drug control multilateralism and the end to the 'war on drugs', in Tuesday Reitano, Sasha Jespersen and Luci Bird Ruiz-Benitez de Lugo (eds), *Militarised Responses to Transnational Organised Crime: The War on Crime*, Basingstoke, UK: Palgrave Macmillan, 2018, pp 279–297.
- 12 John Collins, Conceptualizing a spectrum of drug policy reform, GI-TOC internal document, 2022.
- 13 Global Commission on Drug Policy, Taking control: Pathways to drug policies that work, 2014, <https://www.globalcommissionondrugs.org/reports/taking-control-pathways-to-drug-policies-that-work>.
- 14 ML Dispanadda Diskul, John Collins and Daniel Brombacher, Drugs and development in the urban setting—expanding development-oriented interventions beyond illicit drug crop cultivation, *Journal of Illicit Economies and Development*, 2, 2 (2021), 80–90.

- 15 Bryce Pardo, Cannabis policy reforms in the Americas: a comparative analysis of Colorado, Washington, and Uruguay, *International Journal of Drug Policy*, 25, 4 (2014), 727–735.
- 16 John Collins, *Legalising the Drug Wars: A Regulatory History of UN Drug Control*, Cambridge: Cambridge University Press, 2021.
- 17 Guillermo Losa, *Farmacias amenazan con bajarse sin solución bancaria*. *El Observador*, 17 August 2017, <https://www.elobservador.com.uy/nota/farmacias-amenazan-con-bajarse-sin-solucion-bancaria-2017817500>.
- 18 Marcos Baudean and Fanny Rudnitzky, *El crecimiento de la violencia en los mercados de drogas: El caso de Uruguay (2012–2019)*, *Revista de Ciencias Sociales*, 36, 53 (2023), 89–127.
- 19 Junta Nacional de Drogas, *VII Encuesta nacional sobre consumo de drogas en población general*, 2019, https://www.gub.uy/junta-nacional-drogas/sites/junta-nacional-drogas/files/documentos/publicaciones/VII_ENCUESTA_NACIONAL_DROGAS_POBLACION_GENERAL_2019.pdf.
- 20 Ariadne Rivera-Aguirre et al, Does recreational cannabis legalization change cannabis use patterns? Evidence from secondary school students in Uruguay, *Addiction*, 117, 11 (2022), 2866–2877.
- 21 Department of Justice Canada, Cannabis legalization and regulation, 2021, <https://www.justice.gc.ca/eng/cj-jp/cannabis>.
- 22 Curtis et al, The impact of cannabis legalization on organized crime in Canada, GI-TOC and Munk School of Global Affairs and Public Policy, 2023.
- 23 Ibid.
- 24 Deloitte Canada, An industry makes its mark: The economic and social impact of Canada's cannabis sector, <https://www2.deloitte.com/content/dam/Deloitte/ca/Documents/consumer-business/ca-en-consumer-business-cannabis-annual-report-2021-AODA.pdf>.
- 25 Canadian Centre on Substance Use and Addiction, Canadian substance use: Costs and harms, <https://csuch.ca/documents/reports/english/Canadian-Substance-Use-Costs-and-Harms-Report-2023-en.pdf>.
- 26 Matt Lamers, Canada's legal cannabis market continues to erode illicit market's share, *MJBizDaily*, 17 December 2021, <https://mjbizdaily.com/canadas-legal-cannabis-market-continues-to-erode-illicit-markets-share>.
- 27 Public Safety Canada, Cannabis black market, 15 June 2020, <https://www.publicsafety.gc.ca/cnt/trnsprnc/brfng-mtrls/prlmntry-bndrs/20200930/026/index-en.aspx?wbdisable=true>.
- 28 Canadian Institute for Health Information, Hospital stays for harm caused by substance use among youth age 10 to 24, September 2019, <https://www.cihi.ca/sites/default/files/document/hsu-youth-report-2019-en-web.pdf>.
- 29 Statistics Canada, Five years since legalization, what have we learned about cannabis in Canada?, 16 October 2023, <https://www150.statcan.gc.ca/n1/daily-quotidien/231016/dq231016c-eng.htm>; Government of Canada, Cannabis use (non-medical) in Canada, 12 January 2024, <https://health-infobase.canada.ca/cannabis>.
- 30 Toula Kourgiantakis et al, Youth cannabis use in Canada post-legalization: service providers' perceptions, practices, and recommendations, *Substance Abuse Treatment, Prevention and Policy*, 18, 36 (2023).
- 31 Ben Markus, Colorado legalized recreational pot 10 years ago. Here's how the industry has grown, NPR, 1 January 2024, <https://www.npr.org/2024/01/01/1222405951/colorado-legalized-recreational-pot-10-years-ago-heres-how-the-industry-has-grow>. For a list of US states and territories with legalized cannabis use, see Norml: <https://norml.org/laws/legalization>.
- 32 New Frontier Data, The global cannabis report: Growth and trends through 2025, 2021, <https://newfrontierdata.com/product/the-global-cannabis-report-2021>.
- 33 RCG Economics, Marijuana economic and fiscal benefits analysis: Nevada, Nevada Dispensary Association, October 2018, <https://rcgecon.com/wp-content/uploads/2018/10/MJ-Analysis-Report-Final.pdf>.
- 34 Will Cooper, Eliza Johnston and Katie Segal, The economic impacts of marijuana sales in the state of California, ICF International White Paper, April 2016, <https://www.icf.com/insights/health/economic-impact-of-marijuana-sales-in-california>.
- 35 Susan G Hauser, Cannabis tourism is on the rise, *The New York Times*, 3 July 2019, <https://www.nytimes.com/2019/07/03/travel/marijuana-vacation-travel-cannabis-usa.html>.
- 36 Marijuana Policy Project, Cannabis tax revenue in states that regulate cannabis for adult use, 2022, <https://www.mpp.org/issues/legalization/cannabis-tax-revenue-states-regulate-cannabis-adult-use>.
- 37 UNODC, World drug report 2022: Drug market trends of cannabis and opioids, https://www.unodc.org/unodc/en/data-and-analysis/wdr-2022_booklet-3.html.
- 38 Guangzhen Wu, Francis D Boateng and Xiaodong Lang, The spillover effect of recreational marijuana legalization on crime: evidence from neighboring states of Colorado and Washington State, *Journal of Drug Issues*, 50, 4 (2020), 392–409.
- 39 Drug Policy Alliance, From prohibition to progress: A status report on marijuana legalization, 2018, https://ndlegis.gov/files/committees/66-2019/21_5039_03000appendixm.pdf.
- 40 This is particularly the case in California; see, for example, Martin Kaste, Black market cannabis thrives in California despite legalization, NPR, 5 April 2024, <https://www.npr.org/2024/04/05/1242165136/black-market-cannabis-california-legalization-marijuana-recreational-illegal>.
- 41 Joseph Detrano, Cannabis black market thrives despite legalization, Rutgers Center of Alcohol and Substance Use Studies, 2020, <https://alcoholstudies.rutgers.edu/cannabis-black-market-thrives-despite-legalization>.

- 42 Davide Dragone et al, Crime and the legalization of recreational marijuana, *Journal of Economic Behavior & Organization*, 159 (2019), 488–501.
- 43 Guangzhen Wu, Francis D Boateng and Xiaodong Lang, The spillover effect of recreational marijuana legalization on crime: evidence from neighboring states of Colorado and Washington State, *Journal of Drug Issues*, 50, 4 (2020), 392–409.
- 44 Eduardo Sáenz Rovner, *La 'prehistoria' de la marihuana en Colombia: Consumo y cultivos entre los años 30 y 60*, *Cuadernos de Economía*, 26, 47 (2007), http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S0121-47722007000200008.
- 45 Santiago González-Plazas, *Pasado y presente del contrabando en La Guajira: Aproximaciones al fenómeno de ilegalidad en la región*, Bogotá, Colombia: Editorial Universidad del Rosario, 2008.
- 46 Franklin Reynel Bonivento, Review of *Marijuana Boom: The Rise and Fall of Colombia's First Drug Paradise* by Lina Britto (Oakland: University of California Press, 2020), *Maguaré*, 35, 1 (2021), 241–245.
- 47 Nicolás Martínez Rivera, *Los desafíos del Cannabis Medicinal en Colombia: Una mirada a los pequeños y medianos productores. Informe sobre política de drogas*, 52 (2019), The Transnational Institute, https://www.tni.org/files/publication-downloads/policybrief_52_web.pdf.
- 48 Nicolás Martínez Rivera, *Los desafíos del Cannabis Medicinal en Colombia: Una mirada a los pequeños y medianos productores. Informe sobre política de drogas*, 52 (2019), The Transnational Institute, https://www.tni.org/files/publication-downloads/policybrief_52_web.pdf; Luis Rivera Vélez, *De la Colombian Gold a la cannabis medicinal: Historia, desafíos y enseñanza de la marihuana 'hecha en Colombia'*, in David Pere Martínez Oró (ed), *Las sendas de la regulación del cannabis en España*, Manresa, Spain: Edicions Bellaterra, 2017, pp 321–336. This has, however, been criticized by some for the lack of strong evidence; see, for example, Francisco Elias Thoumi, *Drogas ilegales, economía y sociedad en los Andes*, Centro de estudios y observatorio de drogas y delito (CEODD), 2001, p 81.
- 49 See Santiago González-Plazas, *El programa de erradicación de cultivos ilícitos mediante aspersión aérea de glifosato: Hacia la clarificación de la política y su debate*, Bogotá, Colombia: Editorial Universidad del Rosario, 2006; Francisco Elias Thoumi, *Drogas ilegales, economía y sociedad en los Andes*, CEODD, 2001, p 81.
- 50 Luis Felipe Cruz Olivera and Isabel Pereira Arana, *Laberintos de prohibición y regulación: Los grises de la marihuana en Colombia*, Bogotá, Colombia: Dejusticia, 2021.
- 51 Cesed Uniandes, *El boom de la marihuana: Conversación entre Lina Britto y Pablo Zuleta*, YouTube, 22 September 2020, <https://www.youtube.com/watch?v=S56j6TkE-U0>; Ernesto Samper Pizano, *La Legalización de la Marihuana*, Bogotá, Colombia: ANIF, 1980.
- 52 Cesed Uniandes, *El boom de la marihuana: Conversación entre Lina Britto y Pablo Zuleta*, YouTube, 22 September 2020, <https://www.youtube.com/watch?v=S56j6TkE-U0>.
- 53 Santiago González-Plazas, *Pasado y presente del contrabando en La Guajira: Aproximaciones al fenómeno de ilegalidad en la región*, Bogotá, Colombia: Editorial Universidad del Rosario, 2008.
- 54 Cesed Uniandes, *El boom de la marihuana: Conversación entre Lina Britto y Pablo Zuleta*, YouTube, 22 September 2020, <https://www.youtube.com/watch?v=S56j6TkE-U0>.
- 55 Luis Felipe Cruz Olivera and Isabel Pereira Arana, *Laberintos de prohibición y regulación: Los grises de la marihuana en Colombia*, Bogotá, Colombia: Dejusticia, 2021.
- 56 Ibid.
- 57 Nicolás Martínez Rivera, *Los desafíos del cannabis medicinal en Colombia: Una mirada a los pequeños y medianos productores*, Transnational Institute, September 2019, https://www.tni.org/files/publication-downloads/policybrief_52_web.pdf.
- 58 Ibid.
- 59 Ibid.
- 60 Ilse Borrero, *Colombia avanza hacia la regulación de la marihuana para uso recreativo para adultos*, CNN, 15 June 2023, <https://cnnespanol.cnn.com/2023/06/15/marihuana-uso-recreativo-adultos-regulacion-colombia-orix>.
- 61 House of Representatives (Colombia), *Proyecto que regula el consumo de cannabis de uso adulto avanza en su segunda vuelta, con aprobación en el sexto debate*, 9 May 2023, <https://www.camara.gov.co/proyecto-que-regula-el-consumo-de-cannabis-de-uso-adulto-avanza-en-su-segunda-vuelta-con-aprobacion>.
- 62 Juan Miguel Hernández Bonilla, *Colombia le dice no a la regularización del mercado de cannabis de uso adulto*, *El País*, 13 December 2023, <https://elpais.com/america-colombia/2023-12-12/colombia-le-dice-no-a-la-regularizacion-del-mercado-de-cannabis-de-uso-adulto.html>.
- 63 *Se hunde en el Congreso proyecto de ley del cannabis*, ConsultorSalud, 21 June 2023, <https://consultorsalud.com/cannabis-se-hunde-proyecto-ley>.
- 64 See, for example, *La mafia de la marihuana creepy: Las nuevas rutas de los narcos para sacarla del país*, *Revista Semana*, 7 August 2021, <https://www.semana.com/nacion/articulo/la-mafia-de-la-marihuana-creepy-las-nuevas-rutas-de-los-narcos-para-sacarla-del-pais/202106>; Henry Shuldiner and Yago Rosado, *Toda marihuana de Colombia es 'creepy' hasta que se demuestre lo contrario*, InSight Crime, 13 February 2023, <https://es.insightcrime.org/noticias/toda-marihuana-creepy-colombia-contrario>.
- 65 Aiuri Rebello and Santiago Torrado, *La marihuana 'gourmet' colombiana se impone entre las clases altas del Brasil*, *El País*, 14 May 2021, <https://elpais.com/internacional/2021-05-14/la-organizacion-criminal-brasilena-pcc-abre-la-ruta-de-la-marihuana-gourmet-colombiana.html>.

- 66 Interview with a civil society member, August 2023, online.
- 67 Pascal Tanguay, Cannabis legalization in Thailand: Exploring impacts on markets and organized crime, GI-TOC, January 2024, <https://globalinitiative.net/analysis/cannabis-legalization-thailand>.
- 68 *Combo* is the local word used in Medellín to describe street gangs selling drugs.
- 69 Interview with an academic, August 2023, online.
- 70 Ibid.
- 71 Interview with a civil society representative, August 2023, online.
- 72 Camilo Sánchez, Coca business collapses and suffocates rural Colombia, *El País*, 23 July 2023, <https://elpais.com/america-colombia/2023-07-23/el-negocio-de-la-coca-colapsa-y-asfixia-a-la-colombia-rural.html>.
- 73 Interview with a civil servant, August 2023, online.
- 74 Santiago Tobón, *Legalizar la marihuana: 5 razones para madurar como sociedad*, La Silla Vacía, 17 June 2023, <https://www.lasillavacia.com/historias/historias-silla-llena/legalizar-la-marihuana-5-razones-para-madurar-como-sociedad>.
- 75 Interview with a law enforcement officer, August 2023, online.
- 76 Interview with a former law enforcement officer, August 2023, online.
- 77 Interview with an academic, August 2023, online.
- 78 Interview with a civil servant, August 2023, online.
- 79 Interview with an academic, August 2023, online.
- 80 Ibid.
- 81 Ibid.
- 82 Lucas Marín Llanes, *El asesinato de líderes sociales: el efecto no intencionado de la sustitución de cultivos de uso ilícito*, CESED, Universidad de los Andes, 23 November 2020, <https://repositorio.uniandes.edu.co/entities/publication/f021e353-0bde-49af-93ba-47b663ee5506>.
- 83 Interview with an academic, August 2023, online.
- 84 Ibid.
- 85 Interview with a civil society member, August 2023, online.
- 86 Interview with an academic, August 2023, online.
- 87 Santiago Tobón, *Reincidencia criminal en Colombia y capacidades para la resocialización*, Criminal Policy Observatory, Ministry of Justice and Law, 2017.
- 88 Interview with a civil society member, August 2023, online.
- 89 Interview with a civil servant, August 2023, online.
- 90 Interview with an academic, August 2023, online.
- 91 Ibid.
- 92 Interview with a civil society member, August 2023, online.



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