

# Coca supply control, territorial transformation policy and new indicators for drug policy success

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There are three main types of intervention to control the supply of illicit crops, as part of the war on drugs: forced aerial eradication, forced manual eradication, and alternative development. This document briefly presents the academic evaluations of each of these interventions, the elements that the Center for Studies on Security and Drugs (CESED) and the Center for the Study of Law, Justice, and Society (Dejusticia) consider should be included in alternative development policies geared towards territorial transformation, and the way in which the design of these new policies is linked to the objectives set out by the Colombian government and the holistic counter-narcotics strategy determined by the White House. This paper discusses the effectiveness of some of the Government's proposals on the required features of the territorial transformation programs and on the reduction of the annual coca crop eradication target.

### **Illicit crop supply control strategies**

The most widely used strategy in Colombia is forced eradication through aerial and ground spraying with glyphosate. Academic evaluations have shown that this strategy is not effective because it displaces illicit crops and results in a higher replanting rate than any other strategy. Also, it is the most expensive intervention. For example, the replanting rate resulting from land spraying is 69%; while from forced manual eradication, it is 30%; and from the current substitution program, it is 7% (UNODC, 2021). Despite having sprayed 866,840 hectares of coca, as of 2008, at a cost of US\$650 million, the cost-effectiveness of this strategy is low considering that eradicating one hectare of coca by glyphosate spraying costs between US\$79,200 and US\$108,000, while by using substitution, it is equivalent to US\$10,000 (Ladino et al., 2021; Mejía et al., 2015; Walsh et al., 2008). Added to this, the unintended effects of these interventions include deforestation and loss of ecosystems, violence due to attacks between illegal armed groups, increased health problems, and loss of state legitimacy in areas affected by illicit crops (Abadie et al., 2014; Camacho & Mejía, 2017; Ciro, 2020; VanBrugen et al., 2018).

The issuance of Ruling T 236 of 2017 limited the Colombian government's ability to resume aerial spraying as the [Constitutional Court](#) clarified that the National Narcotics Council (CNE) may **only** modify the decision not to resume the PECIG "when it has designed and implemented a decision-making process, through the relevant legal and regulatory measures" with the participation of the affected communities, and taking into consideration four requirements. First, a regulation designed and regulated by agencies independent of the National Police Anti-Narcotics Directorate, the Armed Forces, or the Ministry of Defense. Second, this regulation should be based on an evaluation of "objective and conclusive" evidence that demonstrates the absence of harms to health and the environment. Third, the regulation must include mechanisms for automatic review of the decisions made when new risks are reported. Thus, the decision to resume spraying should indicate which entities have the authority to issue such alerts. At the very least, the *Ministerio Público* (integrated by the Office of the Procurator General and Ombudsman's Office) and national and territorial health and environmental authorities should be involved. Finally, the formulation of the regulation should consider comprehensive, independent, and impartial administrative remedy procedures linked to risk assessment, so that people affected by spraying operations do not have to go to the National Police to report damages. They should be able to resort to an independent entity that guarantees the due process at the time of claiming damages.

This series of conditions are an application of the precautionary principle in environmental matters and imply a high evidentiary standard that prevented the government of Iván Duque from resuming the use of glyphosate. In fact, in [Ruling T 413](#) of 2021, the Court reiterated all these requirements, added the principles of sequentiality between coca crop reduction methods and voluntary entry into the substitution program established by the Final Peace Agreement, and overruled the environmental procedure that the National Environmental Licensing Authority had issued in April 2021. It is, thus, important to highlight that the Court's jurisprudence restricts the current government and will limit the power of future governments to resume aerial spraying.

As for manual eradication, it has intensified conflicts between the security forces and communities in areas affected by illicit crops. As of 2020, 95 incidents were recorded between peasants and the public forces in the framework of these operations (Observatorio de Tierras, 2020). In 19% of the incidents there has been at least one injured person and in 6% of the cases there has been at least one dead person. In this respect, based on data from the Ministry of Defense, it has been determined that violence (injured and killed) against members of the security forces is higher in municipalities with coca in which forced manual eradication has been used than in coca-growing municipalities in which this type of intervention has not been implemented. Between 2014 and 2021, the rate of injuries suffered by the security forces was 2 times higher in coca-growing municipalities with forced eradication than in coca-growing municipalities where it has not been implemented (Marín Llanes & Vélez, 2022). In contrast, in areas where substitution was established, no differences were found in terms of violence against the security forces. Besides being ineffective, forced manual eradication, therefore, intensifies conflicts with communities and disproportionately exposes members of the security forces.

The Constitutional Court is currently studying four tutela actions, filed by peasant communities in the Pacific region of Nariño, Catatumbo (Norte de Santander), three municipalities in Cauca (Caloto, Cajibío, and Piamonte), and Putumayo. The cases discuss the possibility of suspending the forced eradication operations, including land spraying with glyphosate, in municipalities where substitution processes are underway or where there is a willingness to accept them. In addition, it has also resolved to repeal the administrative decisions authorizing these operations in the departments of Nariño, Putumayo, Cauca, and Norte de Santander, and to promote compliance with the Final Peace Agreement. These legal processes may restrict the action framework available to Gustavo Petro's government to implement this policy to eradicate illicit crop plantations.

The most cost-effective strategy per hectare involves the establishment of alternative development programs that include voluntary substitution. As mentioned, it is also the most effective in terms of replanting. Alternative development programs are also geared towards solving the structural causes behind people's involvement in illicit economies, such as their socioeconomic

conditions, rural development barriers, product commercialization channels in rural areas, among others, as long as the programs are not limited to the substitution of illegal crops for legal crops. A reflection of the barriers to rural development and evidence of the socioeconomic vulnerability of households related to coca cultivation is that 52.7% of beneficiary households involved in the most recent substitution program were living in multidimensional poverty at the beginning of the program (Rubiano-Lizarazo et al., 2022). The Comprehensive National Program for the Substitution of illicitly used crops (PNIS) was designed and implemented as part of the Final Agreement between the Government and the FARC. This has not been the only program implemented in Colombia; however, it is the alternative development program that has reached more households globally. Certain flaws in the design and implementation of the PNIS have had negative consequences such as the rise in the murder of leaders, deforestation, and inter-ethnic and socio-environmental conflicts (Marín Llanes, 2022; Mejía et al., 2022; Rubiano-Lizarazo et al., 2022). However, in the framework of global cocaine prohibition, alternative development policies are the most potentially effective interventions in terms of addressing the structural causes of illicit crop cultivation and, in the medium term, reducing the hectares planted, conditional on the characteristics of their design and implementation.

Regarding the effectiveness of these strategies, *Sistema Integrado de Monitoreo de Cultivos Ilícitos* (SIMCI) has shown that between 2006 and 2015, 68% of the area planted with coca crops had not been intervened with any alternative development program or project. Of the 32% of the areas with crops where some alternative development program had been established, it was found that 40% had not been subject to replanting in the last three years and only 17% have been permanently present (UNODC, 2016).

### **Aspects of the new territorial transformation policy**

In this section, we present the characteristics that we consider territorial transformation programs should include in a context of cocaine prohibition. First, considering that 52% of coca is located in environmentally strategic areas (Unodc, 2022), the new territorial transformation policy should include an environmental approach that (i) focuses intervention efforts in environmentally strategic zones,

starting with National Natural Parks; (ii) implements community agreements to monitor and contain coca crops, especially in ethnic territories; (iii) designs and implements a Payments for Environmental Services (PES) program in coca growing areas and/or areas threatened by the presence of these crops because productive agro-industrial projects should not be implemented in environmentally strategic contexts; and iv) defines the corresponding entities having to regulate the requirements for signing conservation agreements and land use contracts so as to harmonize the presence of populations and the existence of special environmental management areas, as well as due process in the verification of the families' compliance with the agreements reached.

Secondly, territorial transformation interventions cannot expose communities and their social leaders as happened with the PNIS (Marín Llanes, 2022). Although the contexts and territorial dynamics in which these interventions are implemented have particular dynamics of violence, there are mechanisms and methods of intervention associated with less violence against leaders. In the case of the land restitution policy, intelligence councils were created to analyze information from the security forces to prevent increases on violence against communities. In this context, it has been found that the land restitution policy comprehensively reduced the murder of social leaders in the period subsequent to the ceasefire with the FARC (Marín Llanes et al., 2022). These types of information mechanisms, implemented prior to the intervention, could be replicated in territorial transformation policies (Vélez et al., 2022) and articulated with the Total Peace process to improve security conditions of communities in areas where armed groups are present.

Meanwhile, President Petro mentioned that the new territorial transformation policy will include gradual crop substitution. This is one of the structural changes as it implies that territorial transformation will be gradual and will advance in parallel with the persistence of illicit crops. As a result, on the one hand, the socioeconomic shock to peasants is softened by the diversification of their production; while, on the other, it is a feature of the territorial transformation programs that could restore communities' trust. This, in turn, can lead to a sustained reduction in the cultivation of illicit crops over time (Anderson, 2017; Diskul et al., 2019). In other contexts, such as in Thailand, the main characteristic

that explains the success of alternative development programs targeting long-term poppy crop reduction is their gradual nature (Rubiano-Lizarazo, 2021). In order to materialize this component in the new policy, the Congress of the Republic must pass a law (ideally in the articles of the National Development Plan) allowing for differential criminal treatment to small coca growers. Although a gradual approach is the right way to advance in substitution, it is key to consider that the lifespan of the project must be long enough to advance the other components of the program. Evidence shows that no alternative development program can be successful in a short period of time, even with a gradual approach, without creating difficulties for producers (Mansfield, 2001).

Fourth, the financial and operational planning of the new territorial transformation policy must be aligned with program targeting and the number of beneficiary households. To ensure that the new policy does not repeat the mistakes made with the PNIS, which was limited to monetary and in-kind transfers conditional on voluntary crop substitution, the government must target the areas of the country in which it can deliver the expected territorial transformations, such as trading chains, the development of infrastructure needed to sell the outputs of the productive projects, among others, and align it with its financial and operational constraints. These interventions cannot be successful without sufficient progress in territorial transformation (Torres, 2016). Although this policy needs to be associated with the Comprehensive Rural Reform (RRI) proposed in the Final Agreement, the territorial transformation policy will not resolve the barriers to rural development throughout the country for every coca-growing household in the short term. Rather, the policy should focus on areas most affected by illicit crops and strategic zones in environmental terms, in coordination with the RRI, to progressively transform the territories.

Fifth, the announcements and the definition of rules regarding the new intervention must be made strategically. In the case of the PNIS, announcing the program increased the incentives to grow illicit crops by mentioning payments to beneficiaries (Prem et al., 2021). Thus, baseline information on coca plantations using UNODC satellite images is needed to identify potential beneficiaries of the program with a stipulated cut-off date, to explicitly limit the benefits to current coca growers, and not allow the entry of growers who extend their crops after the

cut-off date to avoid unintended consequences. In the same vein, the formalization of rural property and other benefits of this policy should be announced strategically to ensure that they are not interpreted as an additional payment for growing illicit crops.

Besides, maintaining one of the policy designs of the PNIS, the new territorial transformation policy must be participatory and agreed upon with the coca growers' grassroots organizations. In this regard, the signs so far are good, since many regional leaders who have promoted the substitution process have been appointed by the Directorate for the Substitution of Illicit Crops as departmental coordinators of the program. In this regard, besides the voluntary and participatory formulation of the program, in this new design, agreements need to be made with grassroots organizations to contain illicit crops. Bolivia's model of community monitoring can help prevent crop expansion and protect environmentally strategic areas (Ramos et al., 2022). These containment agreements, made prior to government announcements, can also help avoid the unintended effects mentioned above.

Finally, one component that needs to be included in all dimensions of drug policy is experimentation and evaluation of the results of interventions. Even if we present evidence supporting the Government's proposals, the effects of the characteristics of these programs vary according to the context in which they are implemented. Thus, the policy design and implementation must allow for evaluation and possible adjustments to improve its effects. In this sense, and this connects with the next section, these evaluations can enhance the monitoring of success indicators such as household socioeconomic conditions, community protection, environmental conservation, and the legitimacy of state institutions, among others.

### **New indicators of drug policy success**

One of the objectives of designing a new policy to control the supply of illicit crops is to launch a discussion on success indicators. Ever since the beginning of the war on drugs, success has been measured by the number of coca hectares. Therefore, a structural change that the government can pursue is the reform of the Narcotics Statute (Law 30 of 1986) by defining new policy indicators. In this sense, we



consider that the components proposed in this document for the design of a new territorial transformation program can align the objectives of the National Government and the White House counter-narcotics strategy published in October 2021.

The White House press release outlines the objectives of the new counternarcotic strategy: i) supply reduction, ii) security and comprehensive rural development, and iii) environmental protection. As explained throughout the document, the proposed components for the design of the new policy contribute directly to these objectives and there is an opportunity to strengthen the cooperation channels by financing this new policy of territorial transformation. In the first place, coca crops will not be reduced in the short-term as territorial transformation will be gradual. In fact, eliminating coca crops is not an attainable goal in the short term because, regardless of the punitive or development approach, the cocaine market has 20 million consumers in the world and that demand will be satisfied in one way or another. In this respect, in terms of the supply of illicit crops, drug policy must allocate resources in an efficient and focused manner to solve the structural problems, rather than the symptom, which is the growth in the number of hectares of coca. This design can solve structural problems and prevent crops from expanding, especially to environmentally strategic areas, through community containment agreements. Second, we propose a program component that focuses solely on protecting communities and their leaders. The environmental focus and complementary strategies are aligned with the third objective in a way that reduces deforestation in areas affected by illicit crops, especially in environmentally strategic areas and ethnic territories. Finally, the policy's comprehensive design and strategic approach based on financial and operational restrictions allow for rural development in the country's marginalized areas.

Throughout the 2016 UNGASS organization and discussion process, the U.S. government defended states' flexibility in implementing the drug policy treaties. This argument is strategic when explaining the need for a reform of success indicators in the U.S. Colombia is a country that respects its international obligations, so the reforms that the country is currently discussing are strictly framed within the protection of human rights and the harmony that Article 14 of the 1988 Convention establishes in relation to drug policy.

The conversation regarding new indicators should include the effort made by civil society to assess drug policies in a comparative and comprehensive manner. An example of this is the [Global Drug Policy Index](#), a singular tool that documents, measures, and compares national-level drug policies, providing each country with a score and ranking showing how much their drug policies and their implementation align with the United Nations principles of human rights, health, and development. This index evaluates drug policy in each country on 5 dimensions: absence of extreme responses, proportionality and criminal justice, harm reduction, access to medicines and development. Thus, ideally, the new policy indicators should not be limited to the hectares of coca crops. Rather, they should be expanded to the causes that explain households' connection to this illicit economy in order to approach structural and sustainable solutions. Specifically, the following indicators are proposed: i) socioeconomic conditions through multidimensional poverty measurements, ii) protection of social leaders and their communities, iii) forest conservation, and iv) local legitimacy of state institutions. More generally in the cocaine supply control policy, success indicators must focus on: i) dismantling criminal organizations, ii) increasing seizures of large quantities of cocaine hydrochloride, and iii) interrupting money laundering transactions. One advantage of these indicators is that they are all quantifiable and have already been monitored by cooperation agencies such as the UNODC through surveys of households linked to the PNIS.

### **Conclusion**

The design of the new drug policy is not free of risks which the government should anticipate. On the one hand, the gradual approach and the reduction of the eradication goal may disproportionately expand coca crops and even affect environmentally protected areas. In this regard, the government should be strategic in its announcement of interventions, limit the scope of the policy to be implemented, reach agreements with coca growers' organizations on the non-expansion of crops and establish clear guidelines for forced eradication. The details of the policy should be socialized in a timely manner to avoid the emergence of false incentives and to ensure the safety of the other actors involved, such as the United States. In addition, strategies to control cocaine trafficking and the resources associated with it should be intensified to prevent the empowerment of

criminal organizations. These actions should be complementary, not exclusive, to the rural development approach proposed in this document. Finally, in terms of the country's external relations, the government needs to socialize the details of this policy and its benefits in order to gain the support of interested countries and even strengthen cooperation to finance these interventions. Failing to do so would expose the country to difficult bilateral and multilateral relations and put certification at risk, with significant financial implications.

However, we reiterate that the proposals to reduce the goal of forcibly eradicated hectares, the establishment of gradual territorial transformation, and conservation incentives are favorable as they are geared towards addressing the structural causes of the expansion of illicit crops. As shown, on the one hand, forced manual eradication does not effectively reduce coca cultivation due to high replanting rates, it exposes members of the security forces, increases conflict with communities, and does not address any structural causes underlying the decision to cultivate coca. On the other hand, the gradual approach softens the economic shock faced by farmers as they progressively disengage from coca cultivation, which is one of the success factors for the medium-term reduction of illicit crops. Finally, the conservation incentives that the government has proposed mean that these programs focus differentially on environmentally strategic areas and align the policy with Colombian and U.S. government objectives.

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