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## ***iRelajese, parcero! A Socioeconomic Analysis on Colombian Cannabis Farmers after Regulation of Cannabis Cultivation***

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¡Relajese, parceros!

A Socioeconomic Analysis on Colombian Cannabis  
Farmers after Regulation of Cannabis Cultivation

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2021

Leiden University

# Table of Contents

Acronyms.....	3
Preface.....	4
Introduction .....	5
Chapter 1: Enriching Socioeconomic Thought .....	11
1.1 Which Socioeconomics? .....	11
1.2 The Question of Drug Legalization and Morality .....	19
1.3 Drug Legalization in the Realm of Socioeconomics .....	24
Chapter 2: From Initial Failure to Bonanza, to Green Wave .....	28
2.1 A Contemporary Timeline of Colombian Cannabis (1952-2021) .....	28
2.2 Shifts in the Latin American drug policy debate (1925-2016).....	33
2.3 Socioeconomic change in Colombia throughout the years (2002-2021).....	37
Chapter 3: Five Years of Regulation, So What?.....	43
3.1 Changing Public Attitudes Towards Cannabis .....	43
3.2 Promised Change vs. Contemporary Situation .....	48
3.3 Hope for Inclusion and Improvement .....	54
Conclusion.....	61
Bibliography .....	65
Appendices .....	75
Appendix 1 – Schedule I.....	75
Appendix 2 – Article 23 .....	75
Appendix 3 – Article 28 .....	76
Appendix 4 – License prices 2017 .....	77
Appendix 5 – Steps for obtaining a license.....	77
Appendix 6 – Article 2.8.11.2.1.2.....	78
Appendix 7 – Article 2.8.11.2.1.6.....	79
Appendix 8 – Article 2.8.11.2.1.10 .....	79

## Acronyms

CBD – Cannabidiol

ELN - Ejército de Liberación Nacional

FARC-EP – Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo

LAC – Latin America and Caribbean

MPI – Multidimensional Poverty Index

NFT – Non-Fungible Token

NGO – Non-governmental organization

OAS – Organization of American States

PND – Plan Nacional de Desarrollo

PDET – Los Programas de Desarrollo con Enfoque Territorial

RCT – Rational Choice Theory

RTD – Rural Territorial Development

SSE – Social and Solidarity Economy

SMF – Small and Medium-sized Farmers

THC – Tetrahidrocannabinol

## Preface

As I am currently adding the final touches to this thesis, it is important to acknowledge all who helped me during the process. First of all, I would like to thank my parents for helping me find a concise topic that could hold my interest for a time long enough since that has been a hard thing for me to do the last couple of years, and Dr. Pablo Isla Monsalve for getting the initial idea to the point that it became a workable project. Inequality, development, and irrationality have, for some time, been topics that have grasped my attention. Those three topics can all be found back in this thesis, which made it a perfect combination for me to sink my teeth in. That I was able to stay inspired for this topic does not mean that it at all times came easy to me. Therefore, I can never thank my partner enough for helping me through those moments in which I could not see this thesis come to fruition fast enough and when finding interviewees was nearly impossible. But in the end, it worked out. Hence, I would like to thank Pien Metaal, Javier Roberto Hidalgo Castañeda, Diana Paola Valenzuela, and Pedro Arenas for finding time to talk to me and help me shed light on the issues from a perspective that cannot be found in literature alone. Finally, I would like to thank my supervisor, Dr. Håvar Solheim for guiding me through this process, helping me come to insights, and giving helpful feedback when needed. While this thesis has given me a lot of stressful moments, fortunately, when looking back at the process, I cannot be anything else than satisfied.

# Introduction

As dusk sets on the hills of northern Cauca, far away from the Colombian capital Bogotá, clusters of light glow up in the darkness. Marking the crops that for decades have been part of international debate. The international and national debates surrounding cannabis have been going on for a long time. However, the regulations and legalizations of cannabis around the world are a fairly recent phenomenon. Cannabis has been grown on those Cauca hills since the latter half of the 20th century (Rovner 2007) but only five years ago, the Colombian has decided to regulate the cultivation of cannabis for medicinal purposes. This specific regulation of cannabis in Colombia occurred during an especially interesting time for the country. For the first time, the part of the population that falls within the socioeconomic status of ‘middle-class’ superseded that of the ‘lower-class’ in terms of percentage of the total population (Oxford Business Group 2017).

There have been several investigations around the regulation of cannabis and the growth of the middle-class in Colombia but as separate phenomena. Therefore, it would be interesting to look at if there is a connection between the two. This thesis serves as a way to prove or disprove the notion that the regulation of cannabis for medicinal purposes in Colombia has had such an effect that it was able to change the lives of the Colombian SMFs so that they have been able to move out of poverty, strengthening their socioeconomic status in the process. While I am skeptical of the outcome, it would be stimulating to see that the regulation of a whole new sector in a country plagued by drug violence will have the possibility to change the course of the Colombian conflict, hopefully helping the ones most in need.

As will be explained further throughout this thesis, the Colombian conflict and the subject of cannabis regulation cannot be seen as separate. Even before the US started the War on Drugs, Colombia experienced a boom in cannabis production. When the sudden burst of cocaine demand and reactionary production pushed cannabis to the sidelines, the drug was partly

forgotten. Now that cannabis has been the protagonist in the devaluation of many prohibitionist laws all over the world, Colombia has reawakened its interest in it. Trying to take the utmost advantage of their climate, which is highly suitable for cannabis cultivation due to its proximity to the equator providing consistent days with many sun-hours, Colombia has allowed several (mainly large multinational) companies to set up cannabis farms for the cultivation of cannabis for medicinal purposes. It are those companies that still take the lion's share of the national industry (Benzinga 2021).

Despite the important presence of the large multinationals that currently dominate the Colombian cannabis market, the emphasis of this investigation will be on the way the small and medium farmers (from here on referred to as SMFs) in Colombia have used the regulation of medicinal cannabis to improve their socioeconomic status. The reason that this thesis will focus on those SMFs is that they are the most marginalized group of cannabis cultivators in Colombia, and it is expected that they thus benefitted the most from the regulation of cultivating medicinal cannabis. The time period that will be used for the case study of this research is from 2016 until now. The year 2016 was chosen since that was the year that Law 1787 regulating the cultivation of cannabis for medicinal purposes was approved. While the debate regarding drug policies is mostly centered around the question to legalize or not to legalize, this thesis will focus on the regulation of cannabis. While related terms, there is a slight difference between the two that is important to note. The Cambridge dictionary definition of legalization is “the act of allowing something by law”, while regulation by the same dictionary is defined as “an official rule or the act of controlling something” (Cambridge Dictionary n.d.; n.d.). Both definitions thus have to do with how the law works. But the devil is in the detail. Regulating cannabis does not automatically mean that it is legalized. As will be presented in this thesis, despite the cultivation of cannabis for medicinal purposes being regulated in Colombia, the drug itself is not legalized for (adult) recreational use. While the first chapter will look into the question of legalization, due to its

theoretical applicability of creating a hypothetical “what-if” scenario that is beneficial for looking ahead for possible outcomes, the case study presented in the third chapter will purely be based on the effects of regulation.

This study analyzes the impact that the regulation of cannabis sativa for medicinal use has had on the socioeconomic situation of the SMFs in Colombia. Since the focus of this study is on the regulation of a specific drug, it is first important to know what is actually meant by that drug. Also commonly referred to as marihuana, cannabis comes from the plant named Cannabis Sativa L.. It has been used for centuries to treat a variety of diseases and/or symptoms (The University of Sydney n.d.). While cannabis has hundreds of specific compounds that influence the human body when ingested/inhaled, the two most commonly known are Tetrahydrocannabinol (THC) and Cannabidiol (CBD). THC is the psychoactive actor in cannabis. The amount of THC that is found in cannabis decides if it is classified as psychoactive or non-psychoactive. When the amount of THC that can be found in cannabis is lower than 1%, it is described as non-psychoactive, everything above is classified as psychoactive (Cubillos Sánchez 2020, 3). CBD has been preferred for medicinal use due to its pain-relieving properties (among many other possible beneficial properties), in addition to it not being psychoactive (Grinspoon 2020, Brodzinsky 2016).

The main objective of this thesis will be to analyze what has been the impact of the regulation of cannabis for medicinal purposes on the socioeconomic situation of the SMFs in Colombia. This is going to be looked at through the hypothesis that “the regulation of cannabis for medicinal purposes created a way for the marginalized SMFs to obtain a way of living that is more stable and financially secure, thus improving their socioeconomic status” by using the question “in what way has the regulation of cannabis for medicinal purposes changed the socioeconomic situation of the SMFs in Colombia?”. However, this hypothesis and question are too large to handle at once. Therefore, it is important to split this rather all-encompassing question into sub-theses and



-questions. This will be done by asking what the impact of the regulation of cannabis has been on the lives of the SMFs? In what ways the regulation of cannabis can be responsible for the improvement of the socioeconomic position of the SMFs? And lastly, how the relationship between the improvement of the socioeconomic status of the SMFs and the regulation of cannabis can be described? In doing so, a well-rounded picture can be sketched in which the main question can be embedded. It is expected that since the regulation is in process, the socioeconomic status of the SMFs in Colombia has improved; regulation of cannabis for medicinal purposes helped at least a part of the Colombian population that used to sustain themselves through narco-activities, to create a less stigmatized and more economically stable life; and that the improvement of the socioeconomic status of the SMFs can at least partially be ascribed to the regulation of cannabis. The outcome that is expected is thus that regulating the cultivation of medicinal cannabis has been beneficial for the Colombian SMFs to the point that they have been able to improve their socioeconomic status, meaning that they have left at least the realms of extreme poverty,

Before diving into the theory it is important to firstly note the methodology that has been used for this thesis. Due to the ongoing Covid-19 pandemic, the university did not permit going to Colombia to do fieldwork. Thus, all research had to be done via online interviews, studying literature, and combing through datasets. Since the case study that has been used is located in one of the remoter areas of Colombia, getting in contact with the actual SMFs proved to be impossible. Therefore, a lot of information had to be gathered from academic sources. Despite being a trustworthy source of information, academia cannot always provide the personalized perspectives and/or answers that are needed for research like this one. Unfortunately, it seemed harder than expected to get in touch with the right people, this resulted in fewer interviews than initially hoped for. Nevertheless, the interviews that have been conducted proved to be very useful in proving and strengthening arguments. All the information gathered from all the

different sources has been triangulated to see if the claims hold up against each other. This process of triangulation has been especially important when (dis)proving the hypotheses.

The usage of material differs from chapter to chapter. In the first chapter, where the theory is going to be discussed. All of the sources have been literary, from journals to essays. Since those theories have been mostly static for several years there has been no real need for interviews with those who wrote, added to, or criticized the theories. The theoretical review will thus be done by looking at the multiple viewpoints of the various theories, creating a clear overview of where the literature stands at the moment. In the second chapter, when discussing the historiographic overview of cannabis in Colombia, again, mostly literary sources have been used, along with some datasets and a bit of information that came from one of the interviews. This chapter takes a bird's eye view of the way the Colombian cannabis industry became what it is today. It shows how cannabis gained a foothold in the country and what the population's reaction towards the drug has been. The third chapter, on the contrary, because of its empirical nature and case study basis, is more heavily based on the interviews. Which are in turn supported by the literature. With this case study, the chapter explores the practical implementations of the regulation of medicinal cannabis. It shows the way the government's policies have affected the region and its SMFs.

The research that has been done in this thesis, together with its outcomes, is of importance because the Colombian cannabis industry has the high potential to be a new economic motor for the country. When this happens, all Colombians must benefit from it, not only the already rich and/or the international companies that chip in. This sector can be a gateway for a large portion of the currently marginalized population of the country, that is still forced to resort to the black-market economy to sustain themselves. A correct way of incorporating those people into the formal economy is thus imperative. With this study, I hope to shed light on the processes that have taken place and are still taking place at the time of writing that influences this possible

transition. It is by no means a study that sets out to demand the altering of certain processes, rather, it should serve as a starting point for looking at what to improve in the current situation. Also, I will never claim that the ideas raised in this thesis are better than those in the volumes of literature that have been written and peer-reviewed on the subject. Instead, I tried to combine this literature and find new connections that perhaps have been overlooked. Therefore, the aim of this thesis has been making new bridges between existing concepts and looking at how the case study of the Caucañ SMFs may fit in the theoretical framework discussed. Hopefully, this has created new incentives for further research on the notion of how to improve the current legislative framework surrounding cannabis legalization, not only in Colombia, but possibly in other places as well.

# Chapter 1: Enriching Socioeconomic Thought

## A Theoretical Focus on Socioeconomic Paradigm Shift, Drug Legalization, Morality, and Privilege

To provide a solid basis for this thesis, the theories that will provide the ‘glasses’ for how the hypothesis is tackled first have to be explained and discussed. Therefore, the first section of this chapter will look at the schism that took place within the field of socioeconomics and the subsequent sub-branch of socioeconomics that arose which the author will use for this thesis. In the second segment, the state-of-the-art debate on drug legalization and its current status in the academic world is going to be discussed. The importance of morality will play a central role in this debate. Finally, the last part of this chapter, will connect the two topics and look at how socioeconomics treats the issue of drug legalization. Altogether, this chapter will lay down the foundation for the rest of the thesis to be built on. Providing the theoretical handles necessary to engage in the upcoming case study and its background.

### 1.1 Which Socioeconomics?

The field of socioeconomics is one of much debate. From within, as well from without. For the last decades, neoclassical thought has dominated the field. Neoclassical thought originated from pure, orthodox economics. Neoclassical thought is best seen as a circular relationship in which social factors contribute to the explanation of economic elements on various levels, together with economic factors which take an important role in the construction of social components on the micro-, meso-, or macro-level (Müller 2017, 28). This way, they incorporate the human aspect into the field of reasoning. This, however, keeps a very utilitarian, rational view of the world that is observed. In this chapter, one will explore the alternative theories posed by academics that try

to enrich the field of socioeconomics. Those theories and concepts try to challenge the neoclassical thought on how the economy and society interact with one another.

Due to this internal and external debate on the understanding of what socioeconomics actually entails, Simon Nicolas Hellmich, building on the view of Larry Laudan, would not denote socioeconomics as a discipline. Since academic discipline should depend on homogenous communicative context, a generally accepted corpus of knowledge, a set of questions, paradigmatic problem-solving strategies, and a career path and socialization in discipline-specific institutions (Stichweh 2001). Socioeconomics is still lacking the majority of those things. Hellmich would rather describe it as a research tradition. A concept that is less demanding with respect to the specificity of the theoretical-methodological content than a paradigm or research program. With its core components being loosely connoted to each other and not tied to a specific discipline (Hellmich2017, 20; Laudan 1977). This devaluation of socioeconomics has made it look sometimes like a pseudoscience. However, some forget that the connection of sociology and economics was actually the norm before the two disciplines branched off. It can thus be seen as a return to its former self, but with contemporary insights. The fact that it misses the criteria's set by Stichweh to be called a discipline is because socioeconomics is still reconfiguring to what it should pertain to. What sometimes seems to be overlooked, but is gradually coming back, is the usefulness of a varied toolbox of theoretical approaches, since it makes it easy to implement socioeconomics in many situations.

Currently, socioeconomics is still dominated by the neoclassical paradigm. Within this paradigm, academia is based on neoclassical orthodox economics. This way of looking at the economy demands a very utilitarian approach. The Rational Choice Theory (RCT) is one of the leading theories that has come forward from the neoclassical paradigm. Its main thesis is that any given specimen (man or animal) makes choices that tend to maximize total utility. With utility is synonymous with reinforcement in behavioral psychology. Since one cannot directly observe

utility, it must be inferred from behavior, i.e. from those choices themselves. RCT is thus a role for inferring utility; it argues that whatever an organism is doing is maximizing utility, subject to whatever constraints it encounters. The attractiveness of RCT is its axiomatic foundation. Throughout the years, scholars have formalized the structure of the theory, scraping off the fuzziness of motivation or the messiness of data to the point that only a rigorous theory was left over (Herrnstein 1990, 356-357). This rigid foundation of the theory has not been without attack. Various scholars, among them Kahneman, Slovic and Tversky, and Dawes (1982; 1988), have tried to undermine it by discovering that some choice phenomena are inconsistent with rationality. This was, however, not enough for the majority of scholars to let go of the RCT. This inconsistency with rationality is what led to the split in socioeconomic thought, as one part of the scholars stuck with the RCT, another part started looking for other ways to examine and make sense of human behavior that does not necessarily fit the RCT.

When put into use, the RCT created a theoretical human called *Homo Oeconomicus*, the Rational Man. This completely rational human is based on the core premise that “individuals seek rationally to advance their [material] self-interest” (Mueller 1996, 346). Actors are in essence materialistic creatures, profit-seekers, or rent-seeking agents. This consistent pursuit of profit, wealth, and other related materialistic ends devolves the human into a naïve caricature (Zafirovski 1998, 172). According to the RCT the *Homo Oeconomicus* operates on a spectrum with on the one hand authentic altruism and on the other self-interest. The *Homo Oeconomicus* thus always has to choose on which of the two to give in when making rational decisions since he cannot have both equally in order to maximize total utility (Kamminga 2010, 220). Although self-interest is posed as the opposite of authentic altruism, Vivian Walsh points to the fact that enlightened self-interest can also have elements of humanity about it (1994, 404). As an example, she states that when the sight of poverty makes someone physically ill, and that person dedicates much of their time to relieving the poverty, it is both out of self-interest and kindness.

An issue that arises when using the RCT and the Homo Oeconomicus is that since they are so formalized for utility maximization, they are thus far theoretic that real-life situations cannot be incorporated since it would be a too chaotic variable to be accounted for with any precision. Moreover, RCT downplays the role that moral principles and values play in everyday society. Not surprisingly, a number of scholars that work in the socioeconomic field believe that the neoclassical way is no longer the way to go. This is, because moral principles, values – either your own or communal – along with other variables, are able to explain choices made by individuals that a perfectly rational human being would never do. Without moral principles, shared values, communal feeling, power relations, and so on, we would be able to theorize the world perfectly with the ideas of neoclassical economy and neorealism. Luckily, the world is not so black and white. So, this calls for another way to look at the world. One argues that a more pluralistic worldview is not necessarily a bad thing. It does not automatically mean that when you add one or two extra variables, the focus will be lost. Especially in a world that is becoming more and more interconnected, it is anything but rational to add extra elements that need to be considered in the equation. As stated before, the addition of other variables should be done when looking at human behavior. However, Milan Zafirovski calls the rational choice theory a univariate model. Meaning that it is plagued with *ad-hoc*-isms since *post-hoc* theorems are developed when key hypotheses are falsified in order to save the theory (1998, 171). This univariate lens fits the economic world of pure rationality very well but is in one's opinion ill-suited to look through at the multivariate social realm. Thus, the question may be raised: what is the use of such an elegant, precise theory if it cannot be transported into real life other than using it in an imaginary perfect rational world for hypothetical problems that will never occur outside scholars' minds? Clearly, a theory is to be used to make sense of the world in general terms, but there should still be some practical use to it.

One of the leading scholars that oppose the neoclassical paradigm is Amitai Etzioni. According to him, the neoclassical paradigm and its RCT are unable to encompass the totality of the problems faced within the world of socioeconomic research. In his 1988 book, *The Moral Dimension: Towards a New Economy*, Etzioni proposes the concept of *social encapsulation*. Building on this concept, Beckert (2007), and Guillén, Collins, England and Meyer (2002), used the concept of *embeddedness*. Those two concepts, social encapsulation and embeddedness, created a version of socioeconomics that facilitates interdisciplinary and multidisciplinary focusses (Hellmich, 6). In this way, they were still recognizing the importance of self-interest in the neoclassical paradigm, but they added other variables. The new paradigm that Etzioni proposed in his aforementioned book is called the *I&We Paradigm*. The “I” represents the hedonistic-utilitarian inclination. The “W” stands for the social group the “I” identifies with (Hellmich, 7). This reconfiguration of the way to look at human behavior enabled the transformation of the Homo Oeconomicus into a *Homo Reciprocans*, the Cooperative man. Etzioni attempted to break free from the rationalist framework by advancing the following central thesis:

(1)[I]hat the majority of choices people make, including economic ones, are completely or largely based on normative-affective (N/A) considerations. Not merely with regard to selection of goals, but also of means; and (2) that the limited zones in which other, logical-empirical (L/E) considerations are paramount, are themselves defined by N/A factors that legitimate and otherwise motivate such decision-making (1988, 93).

The I&We paradigm is enriched and supported by the concept of Embeddedness. While closely related to social encapsulation used by Etzioni, it is a separate principle put forward by other academics that also have been critical of the neoclassical paradigm and were looking for alternative ways to tackle the contemporary problems they faced. The idea of embeddedness is



explained by Mark Granovetter as that all economic activity of both individuals, as well as larger economic patterns, is very importantly affected by the networks of social relationships. In his opinion, the embeddedness of individuals in networks of social relations is in many contexts crucial when looking at their independent economic activity. Unfortunately, it is only rarely taken into consideration when drawing up economic arguments (Granovetter in Zelizer 2012, 147). This is unfortunate, especially since the economy itself is embedded in social relations. Without social relations, the economy could hardly, if at all, exist.

Preceding the idea of Granovetter was Karl Polanyi's view of embeddedness. Arguably ahead of his time, Polanyi published his book *The Great Transformation* already back in 1944. Unfortunately, his ideas took almost forty years for them to come back into the academic debate. His initial conception of embeddedness was much broader than that of Granovetter. Jens Beckert explains it as the following: on the one hand, Polanyi argues that markets are limited by the institutional regulations that bound them to the moral fabric of society out of necessity since unregulated markets cannot be more than a "pathological form of organizing the fulfillment of adaptive functions in society and will lead to social anomie". And on the other, it is much more than just an analytical term but also refers to stabilizing a democratic organization of society by the use of regulating the markets (Polanyi in Beckert 2007, 8). Embeddedness is thus an essential part of the correct functioning of various systems. Without considering embeddedness, processes cannot be explained to their full effect.

But for some, embeddedness does not go far enough in going against the standard economic models. In her article, Viviana Zelizer shows critiques from various authors on the idea of embeddedness. While they do acknowledge its aid in transforming colloquial understanding of the economic activity, they argue that economic sociology has to become even more transgressive. Furthermore, scholars articulate a need for a larger implication of the principle, not just centered on interpersonal relations, ties, or networks in which those economic actors and actions are embedded (2012, 149; Zafirovski 1998, 177). Beckert also argues that embeddedness

only gives a general answer to specific problems, but it does not identify the underlying problems themselves. His solution would be to first identify the problems that can be solved through an embeddedness-focused approach. Academics should also look at not just highly developed capitalist economies but also at the pre-industrial market exchange since they experience the same problems as their more developed counterparts (2007, 11). By focusing on both pre-industrial and highly developed economies, scholars can see patterns and pitfalls that can help the transition of pre-industrial markets into highly developed economies over time.

Just as the RCT has the Homo Oeconomicus, Etzioni's I&We paradigm has the Homo Reciprocans. This theoretical human can be seen as the evolved version of the Homo Oeconomicus in the same way as when you let the I&We paradigm evolve from the neoclassical paradigm. It has the same core thoughts as a Homo Oeconomicus but with added variables to take into account. This also fits the multivariate approach Zafirovski asks for in his approach to socioeconomics. He states that:

The rational choices made by the homo economicus are viewed as results of social arrangements and thus as cultural creations. In capturing the full social content of economic processes, socioeconomics evinces a holistic character, unlike the obsessive individualism or truistic atomism of rational choice theory and utilitarian economics. This approach of socioeconomics is exemplified by its attempts to establish the micro-macro link by relating individual choices and the social structures, including institutions, allowing, or constraining these choices (1998, 197).

The holistic character that Zafirovski talks about is something that is very appealing. The fact that a specific problem cannot always be effectively tackled without looking at the bigger picture and incorporating other, maybe at first unrelated looking variables, is something that in one's opinion

contributes to a more effective way of doing socioeconomic research. Especially in a society where everything becomes more and more connected, it is important to sometimes take a step back when looking at a problem and try to see where it fits in the bigger puzzle. This is something that can effectively be done through the use of embeddedness. By looking at how the micro is embedded in the meso and macro, a better understanding can be created for the actions done by certain individuals.

Around the notion of the Homo Reciprocans scholars constructed the idea of communitarianism. And while Etzioni is seen as the driving force behind both communitarianism and his new way of doing socioeconomics, they are two separate schools of thought that are indeed closely related but should not be confused with one another. In the theory of communitarianism, morality is the driving factor and principal rector for individual behavior and collective action. Other than the Homo Reciprocans, communitarianism completely rejects the idea of individualism, there is no I as in Etzioni's I&We paradigm, only We. From the communitarian point of view, excessively searching for your own interest is considered "erroneous" both in factual and normative terms - in the latter sense because it encourages selfish individual behavior that in turn undermines strong and healthy communities (Coughlin 1996). Therefore, communitarianism can be applied to fewer situations than the I&We paradigm. This does not make it less effective, however, the smaller scope makes it not as suitable for the variety of contexts that the I&We paradigm applies to.

One way that Etzioni's socioeconomics is put into use nowadays is through the idea of the Social and Solidarity Economy (SSE). The idea of SSE is to put at the center of attention the well-being of people. Production and consumption are just mere meridians to get to the end goal (Novillo Martín 2016). It is a heterogeneous economic reality that aims to be used as an instrument in combatting poverty, minimizing social exclusion, and generating – both direct and indirect –

work and rent, by aiding in production and commercialization (Morais 2014, 1). Some of the benefits of SSE are decent employment, social cohesion, and flexibility when facing market conditions (Novillo Martín 2016). However, it does have its restrictions in its *modus operandi*. Since its focus lies on the most fragile and vulnerable parts of society, the terms of effectiveness and majority of attempts of elevating this part of society are determined and reliant on the maintaining of government policies (Morais 2014, 10). One important component of SSE is Rural Territorial Development (RTD). Having a long tradition in Latin America (Askunze 2013), it has originally been conceived as a reaction to the contemporary crisis the world faces as a result of the exhaustion of natural resources, RTD is a rethinking of rurality in less conventional ways. It is a convergence of the multifunctionality of the theoretic advances on regional geography; Latin American experiences of agrarian reform; integrated rural development and communitarian development; social movements that focus on the wellbeing of the earth, agriculture, the climate, and non-industrialized countries; decentralized tendencies of political systems; and, above all, the conviction that development is much more than just economic growth (Rojas López 2008, 5). RTD thus believes in the re-evolution of the rural parts of a country. Ever since the industrial revolution, the countryside has lost importance to the nation-wide economy. Especially nowadays with the construction of vertical farms inside the cities. With RTD people try to reclaim the importance the rural areas had for the economy. Upscaling the quality of products and changing the perspective of people on mass production are just some of the ways RTD tries to reach its goals.

## 1.2 The Question of Drug Legalization and Morality

The issue of drug legalization appears to be as old as the use of drugs itself. However, it only became an issue after the first prohibition laws were enacted in late 19th and early 20th century Europe and the USA. The enactment of the 1931 Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs by the League of Nations can be seen as the first

international effort to put an end to the widespread use of narcotics. Interestingly, while the Convention was held in 1931, it took two more years for the document to be registered and it was only in 1947, after an amendment of the Protocol that it actually entered into force (League of Nations 1934). The fact that it took over a decade for the nations to cut the drug market out of their socioeconomic system shows that it was very ingrained in it. While much has been written on this debate in the 1990s the volume of text decreased after the turn of the century. This is interesting, especially since the last decade saw a lot of changes around the world regarding drug legislation. While this shift in public opinion regarding legalization is very interesting, this chapter will focus solely on the theory behind some of the aspects of legalization. The second chapter will go more in-depth in the manner drug legalization came back on the discussion table again.

When looking at the question of drug legalization, a lot of times the issue of morality is brought forward. Notwithstanding the fact that a lot of attempts have been made, morality is often hard to measure since morality differs from culture to culture and from person to person. However, many scholars have written extensively on the topic of morality, though often from a Eurocentric point of view. While morality in itself is a topic worthy of many theses on its own, the concept of morality can be applied to various subtopics that open up an entire field of interdisciplinary studies and thoughts. This chapter will only use a small section of this.

By implementing the issue of morality in the moral permissibility of drug legalization, David Elkins looks at three main theories. Those are Lord Devlin's legal moralism theory, John Rawls's deontological theory of morals as applied by David A.J. Richards on drug legalization, and John Stuart Mill's harm principle. Despite Mill's principle being coined in the 19th century, Elkins still finds it an important enough theorem to be discussed in his text. He finds that while Devlin's theory would not permit the legalization of drugs, both Mill's and Rawls's theories would favor legalizing some illicit drugs (Elkins 1991, 592). Rawls's theory can be connected to the morality of self-ownership (on which one will elaborate in the coming paragraph) since it can

be understood as an understanding of using autonomy as the right to choose and revise one's own ends (Elkins 1991, 599). The deontological approach Rawls takes is very much in line with the way Etzioni set up his I&We paradigm. When Richards applies Rawls's theory, he argues that this understanding of autonomy allows individuals to achieve their rational goals, while still taking responsibility for the realization of their ends. This shows that the individuals represented by Rawls's theory are not driven by rationality alone and are part of a larger societal system to which their actions can be held accountable.

The other theoretical part of this research deals with the logic behind legalization. Also based on the idea of morality, according to James Ostrowski every person has the moral right to self-ownership and freedom (1990, 634). The human being is by nature a unity of mind and body. As a natural fact, the human mind controls the actions of the human body. This is the meaning of the concept of self-ownership to Ostrowski (1990, 640). He thus put much emphasis on the right of self-ownership and freedom. Furthermore, Ostrowski argues that there is a paradox in prohibition itself. Prohibition is meant to take away the responsibility of making the choice not to use a certain substance, however, those who are addicted to it will not be deterred by prohibition. The 'protection' it provides for the rest of the population is redundant, they do not want to engage in using it in the first place (1990, 611). However, by this reasoning, the human mind should then be wise enough to not engage in harmful actions, while some people willfully search for activities that may harm them. This can either be in search of adrenaline, sedation, or suffering. Therefore, at least some degree of the overarching control system should be in place so that possible weaker individuals could be protected from themselves.

The right of self-ownership and the freedom to cultivate cannabis is still a matter of debate. Where Ostrowski takes one fairly radical notions of (1)the differentiation between decriminalization and legalization is equal to solving the problem of drug use entirely (1990, 681), and (2)that violating the rights to self-ownership equals not acting to one's own judgment and

thus becoming stripped of one's own humanity (1990, 635), which is good for riling up critical thought. It would rather be more effective to take a more subtle stance. Legalization will not solve the drug problem in its entirety since there will still be a gray market of people selling their legally bought substances to minors or others for profit. Furthermore, there will still be people overdosing that have to be taken to the hospitals for treatment, which keeps the pressure on the medical system. Therefore, if total legalization would occur, an improved safety net has to be set up for those who still might be at risk or even increased risk.

Interestingly, where Ostrowski and Elkins use morality in favor of drug legalization, Alison Ritter takes morality as a tool for a counterargument. Her take on the moral argument is that legalization will send out the wrong message to society, one of approval of drug use. This works both for legalization and decriminalization in her opinion since lesser penalties also point to at least some sort of acceptance by society on drug use (Decriminalisation or legalisation: injecting evidence in the drug law reform debate n.d.). The main difference between legalization and decriminalization is that while legalization creates a new legal market for drugs to be sold on, decriminalization still maintains the illegal status of the drug but when someone is caught with a certain amount of it this person will not be put in jail for it, thus relieving stress from the penitentiary system. This argument is at least partially flawed since studies show that in places where drugs are decriminalized – such as cannabis in the Netherlands or a variety of drugs in Portugal - usage does not increase drastically and might sometimes even decrease (Domosławski 2011; Drug Policy Alliance n.d.; Greer 2021). Now that cannabis has been legalized in various places worldwide it also shows that there is not yet a significant increase in (troublesome) usage. However, it is still important to give good information on the effects of the drug so that users are very aware of the (harmful) effects it may have.

One idea connected to morality is the process of diminishing external negativities of illegality. Clark divides these externalities into three broad groups: uncompensated harm to others, violence

associated with illegality, and crimes that generate income (2003, 11-12). When looking at the various options as homo reciprocans, the best possible way of action is to diminish these external negativities for the benefit of the group. In both a situation of perfect competition and monopoly, according to Clark, social welfare would increase due to legalization (2003, 14). Moreover, with a regulated situation, society could benefit from a safer and better-quality product. The legalization of cannabis could also decrease external negativities by creating a safer system. A safer system will in its turn create less uncompensated harm to others or violence related to illegality. Furthermore, when drugs get a legal framework to be sold within, the black market of the specific drug will decrease since users can buy a similar or better product in a regulated safer environment.

Haines-Saah et al. discuss the ways in which the use of cannabis is normalized through the media. In their article, they use Paul Manning's concept of a symbolic framework which is made up of four dimensions. Those dimensions are location (spaces and places where drug use occurs), behavior and identity (associations with particular types of substance users,) substance images (signifiers of substance use, such as drug paraphernalia), and causes and consequences (symbols that suggest particular explanations for why drug use occurs). This framing of drug use is implicitly linked to power and status (Haines-Saah et al. 2014, 50). Their main argument is that various discourses speak to a symbolic framework of privileged normalization. In the article several types of privilege emerge; elitism, privilege based on gender bias, marginalization based on visible differences, and linking legalization to national identity and values. Those privileges create the environment of a moral double standard where drug use was normalized for the social elite while ostracizing the lower classes partaking in the same drug use. As long as those double standards are in place, it is very hard for lower-class citizens to get rid of this stigma that is an important driver for their daily activities and how they perceive themselves and are perceived by others.



Surprisingly, a 2020 study by Gboyega Abikoye et al. on cannabis cultivation in Nigeria, found that respondents reported cannabis cultivators to be of middle to high socioeconomic status. They reasoned that in order to sustain a cannabis cultivation plot, one needs to have a strong network that consists of government officials, lawyers, security personnel, and transport personnel (2020, 16). This can only be acquired when one has access to large amounts of capital. While it were the financially fortunate to own and sustain the businesses, the poorer people were still the ones planting and cultivating the actual crop. For many, cannabis proved to be a more stable source of income since the plant is very sturdy and, unlike many other cash crops that are grown in the region, is has high financial yields since the finished product requires little to no process. Furthermore, cannabis has no natural pests which decreases the pesticide cost. As an added benefit, animals that eat the plant doze off nearby and can thus be easily caught by the cultivator and be used as food or be sold for extra profit (Abikoye et al. 2020, 20). This study shows an interesting non-Western perspective on the relationship between cannabis and social status. Apparently, in societies that do not have the same affiliation with drugs as Western societies have, the cultivation of such crops can benefit one's socioeconomic status. This difference in perception of status might have to do with the discrepancy of average disposable income in both countries. In Canada, people who use cannabis are mostly associated with the lower classes, but this still means that they have the money to buy the drug. While in Nigeria, when someone is of the lower classes, they will never have enough money to afford cannabis. In both countries, the elites are at least a bit guarded against social disapproval for either using or cultivating cannabis because of their status.

### 1.3 Drug Legalization in the Realm of Socioeconomics

Despite the previous sections being two entirely independent research entities, they do share common ground. At first glance, the legal and the economic appear as worlds apart. But they definitely influence each other. Firstly, the socioeconomics practiced by Etzioni and his followers

often deals with questions that cannot be explained with rational reasoning alone. This same issue arises when discussing drug legalization. This is partly due to the fact that everyone puts a different amount of value to each argument presented either in favor or against legalization, but also because a lot of variables regarding drugs have to be taken into account; should all drugs be judged the same? What are the societal effects of legalization or decriminalization? And if legalized, what role should the government take?

In his 2001 article *The Economics of Drug Prohibition and Drug Legalization*, Jeffrey A. Miron explains that many problems that are attributed to drug use are actually the cause of drug prohibition, and the way society treats drugs. Without giving favor to either prohibition or legalization he analyzes the different factors that are discussed in the legalization-prohibition debate. An interesting point he makes is the analogy with the 'forbidden fruit'. When a commodity (in this case drugs) is illegal to possess it becomes more desirable for certain people and thus encourages demand (2001, 838). On the other side of the balance, prohibition drives up the costs since suppliers have to operate on the black market without government protection – since they need to avoid getting caught by law enforcement – or any regulations.

Under prohibition, there are a lot of other factors that drive up socioeconomic costs in society as a result of the illegal drug market. The use of violence is a common way of resolving conflicts in the underground scene (2001, 840). Unfortunately, people who are not directly involved in the conflict are also affected. Either by 'mistake-killings' or by general drug-related violence in their neighborhoods. The fact that drugs are not regulated under prohibition also serves as a cause for higher drug-related deaths. When the USA prohibited alcohol in the early 1900s, deaths from adulterated alcohol rose sharply (Miron and Zwiebel 1991; Morgan 1982). When the supply of alcohol got regulated again, the number of deaths dropped.

Not deviating from his economic analysis, Miron notes that when you want to apply the moral argument against legalization, the costs of using prohibition as a moral statement must outweigh the costs of using other policies to this end. This is very hard unless you put infinite

weight on the moral statement in his opinion since the side-effects of the illegal drug market are causing serious damage to innocent bystanders (2001, 847). In Spain, where decriminalization of private possession is already a fact, the focus of the debate is if a user should be labeled as a sick patient or as a delinquent (Vich 2013, 8). When legalization is a fact, income from a regulated drug market could be invested in the welfare system (Clark 2003, 15) which could, in turn, take better care for the users when treated as patients instead of delinquents. It is, of course, imperative that at least some of the economic gains obtained from the legal drug market will flow into the welfare system. This should be an obtainable goal within the legal system when laws are drafted that will enable the legalization of all or certain drugs specifically state this objective.

## Conclusion

This chapter has laid out a concise theoretical framework for the rest of the thesis to be built on. The beginning of this chapter has shown how Etzioni's I&We paradigm was created as a reaction to the dominant neoclassical paradigm. It looked at the various improvements that make the I&We paradigm preferable to the neoclassical paradigm and its RCT, such as the notion of embeddedness, especially when dealing with subjects that do not adhere to rational thought and actions. The importance of a holistic multivariate approach has been shown with the use of communitarianism and the practical application of the I&We paradigm with SSE and RTD. After this discussion on socioeconomics, the importance of morality when focusing on the question of drug legalization was demonstrated. While some of the authors discussed have fairly radical liberal ideas on morality and self-ownership, the main consensus was that the moral argument could only be in favor of legalization since its benefits outweighed the drawbacks. Subsequent to having established that drug legalization is favorable in theory, the drug legalization debate was put in a socioeconomic perspective. With a focus on the economic side of the legalization question, together with the connecting issue of welfare, the overlap was found between the two theoretical fields. A variety of examples were shown in which the issue of drug legalization was

used in a socioeconomic context and what the impact of legalization has been, and possibly can be, on society. The connections made between socioeconomics and drug legalization and regulation will be of importance in the following chapters, where a more in-depth analysis of drug cultivation in socioeconomic context will be explored. So now that the glasses for the rest of this research have been put on, it is important to first take a look at how the situation has come about.

## Chapter 2: From Initial Failure to Bonanza, to Green Wave

### A Historiographic Overview of Cannabis and Its Policies in Colombia

In this chapter, the history of cannabis in Colombia will be discussed. From its arrival in the New World by the Spanish colonizers and via the trans-Atlantic slave trade, through the Bonanza Marimbera in the 1970s, up until the current Green Wave. After having looked at how cannabis cemented its place in Colombian society, the focus will shift to how the drug policy debate has changed throughout those years in Colombia, being both influenced by and influencing cannabis cultivation, up until the current day. It is important to note the influence of the US in this process since for decades they have been the determining factor regarding drug policies in the Western Hemisphere. Intrinsically tied to those two topics of drug policy debate and the place of cannabis in Colombian society is the problem of fair land distribution, something that Colombia still struggles with today. This chapter will dive into this problem and look at the ways the Colombian government has tried to pave the way for fairer land distribution and if it was successful or not. The examination of those several topics will provide a concrete and clear basis to situate the next chapter.

#### 2.1 A Contemporary Timeline of Colombian Cannabis (1952-2021)

Because of the large focus on coca and cocaine production and distribution in Colombia and other countries in Latin America, cannabis has long been overlooked. That is unfortunate, especially since cannabis also has a long and interesting history in both the country and the region. While it is still contested when cannabis was first brought to the new world it is commonly accepted that it has been introduced several times at different places. First records have been of the 17th century when the Spaniards introduced hemp in several places in Latin America, including Colombia, in order to try to break the Russian hemp monopoly and to

provide rigging for their own imperial fleet. Multiple attempts in 1607, 1610, 1632, and 1789 could, however, not compete with the Colombian native plant, Cabuya, which was already used for its fibers by the indigenous communities. Through the transatlantic slave trade, cannabis was introduced in Brazil by Angolan slaves. The African population had already incorporated cannabis as a hallucinogenic into their rituals and thus brought the other use of the plant to the continent. However, since the indigenous already possessed a large array of hallucinogens of their own, the practice was more easily adopted by mestizos than by the indigenous (Warf 2014, 415; Partridge 1975, 148; Corda, Cortés, and Piñol Arriagada 2019, 8).

While some sources argue that the Colombian population had largely ignored cannabis until the *Bonanza Marimbera* of the 1970s (Elejalde 1975; Warf 2014), others have shown that cannabis cultivation was very much existent in Colombia at the beginning of the 20th century (Cubillos Sánchez 2020; Rovner 2007; Corda, Cortés, and Piñol Arriagada 2019), and even between those scholars, there is a discrepancy about the intensity of the cultivation. In his 2007 article *La Prehistoria de la Marihuana en Colombia: Consumo y Cultivos entre los Años 30 y 60*, Eduardo Sáenz Rovner depicts a very different Colombia than authors had previously done. He showed that contrary to popular belief, cannabis cultivation had been relatively active in Colombia during the first half of the 20th century. And that, above all, the Colombian government had already taken up a legal framework to combat it. Starting in 1939, the Ministry of Hygiene published in its own journal an article named “*Marihuana, the grass that goes crazy*”. And even though there were already measures in place related to marihuana, in September of that year, the cultivation of cannabis was prohibited completely. A year later, the government announced that “the fight campaign against the use of marihuana has given satisfactory results”<sup>1</sup> (Rovner 2007, 210). Despite the campaign being deemed successful and the restrictions on cannabis use, in the

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<sup>1</sup> Quote taken and translated from Spanish from the article by Rovner. Stated by Arturo Robledo, who was Secretary of the Ministry of Labor, Hygiene and Social Welfare, to Minister of Foreign Affairs in Bogotá, February 28, 1940.

following years, reports kept coming in on groups of – mostly males – smoking marijuana in plain sight (2007, 213).

The emergence of a large cannabis distribution point in Santa Marta on the Atlantic coast signaled the early beginnings of Bonanza Marimbera in 1952 (Rovner 2007, 213; “La Bonanza Marimbera, era dorada del cannabis colombiano” 2020). The onset for the Bonanza Marimbera is something all authors find consensus in. It is interesting to see some can claim that there has been an apparent boom of cannabis cultivation in the 1960s and 70s without having any basis of cannabis cultivation throughout the country. But this could have been influenced by the amount of information that was accessible at the time. For instance, in the 70s it could have been that researchers did not have access to certain government documents that have been accessible to researchers at the beginning of the 21st century.

Where cannabis was mostly used by low socioeconomic class male day laborers and addicts who grew it themselves on small plots, after the 1960s, its use began to spread to other social circles (Warf 2014, 425; Elejalde 1975, 328). Due to the increase in demand, both domestic and foreign, production could no longer be sufficed through wild plants and small plots only. Thanks to this large increase in demand, cannabis cultivation spread from the coastal regions inward to the Amazonian and Andean regions of the country. At this time, the cannabis trade was mostly a family business, and those families were among the upper strata of social life at that time. As William L. Partridge states in his essay:

“Cannabis trade has been accepted as merely another contraband activity, one of the more lucrative specializations. Members of the best families have been involved in the contraband activity and in the towns and cities, the upper sector families are avid consumers as well. Thus, professionals, landowners, and businessmen of the coastal subculture form the commercial buyers of cannabis.” (1975, 156).

This shows how much cannabis was ingrained in Colombian daily life at the time. Even though the cultivation and distribution of cannabis were still officially illegal – Decree 1699 of 1964, article 23, dictated from 2 up to 5 years of incarceration for cultivation, elaboration in distribution, sale, use, or possession of cannabis – in reality, most public officials and townspeople would simply wink an eye and rather look at all the US dollars it brought in, this alludes to the fact that despite having a strong legislative framework to work from, the practice was weak and rarely applied by the people who needed to enforce it (Elejalde 1975, 342). A possible explanation for this can be that the interest of sustaining the community or at least a part of it weighed heavier than upholding the law. And that it was sustaining a lot of people shows an article from the journal *Colombiana Semana* from 1982, which states that during the bonanza, 300 thousand families lived from cannabis cultivation. Behind every hidden box of cannabis that left the country were thousands of families that were forced to operate on the black market in order to sustain themselves (“La Bonanza Marimbera, era dorada del cannabis colombiano” 2020). Like always, everything must come to an end. After rising tensions and violence between the various families that controlled the cannabis business, the industry imploded on itself. This, together with people in the US setting up their own cultivation plots after obtaining seeds, the rise of the cocaine business, and tighter police control, signaled the end of the Bonanza Marimbera in Colombia (Acevedo-Merlano 2013). It did not, however, signal in the end of cannabis cultivation in Colombia as a whole. Although largely forgotten because of the growing focus on coca, cannabis persevered and kept being grown throughout the country.

This end of the Bonanza Marimbera cannot be seen separately from the US-led War on Drugs that started around the same time. Heavily influenced by US foreign policies, the Colombian government cracked down hard on its drug industry. 1986 saw the implementation of the National Narcotics Statute that cemented the prohibitionist political stance in Colombia (García 2019, 90). This definite turn to prohibitionist policies was, while in accordance with US



policies, in contrast to global tendencies. In 1988, the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was signed in Vienna, declaring that every country could make their own decisions and create their own regulations regarding cannabis (Candela Garcia and Espada Sanchez 2006, 62). Six years later, in 1994, the Colombian Constitutional Court declared Articles 51 and 87 of the National Narcotics Statute to be unconstitutional. Those Articles established penalties of arrest and fines against the possession and use of personal doses of drugs, including cannabis. Throughout the early 2000s, cannabis usage stayed a difficult topic in Colombia. Even though possessing for personal use was permitted, the distribution or cultivation was not. During this time, former President Pastrana implemented Plan Colombia. This plan, that lasted from 1999 until 2015, consisted of many US – together with Colombian US-trained – troops that went on an, initially, six-year mission to end not only the ongoing conflict between the state and the various armed groups but also to eliminate drug trafficking and promote democracy and the rule of law (Veilette 2005, 5). Simply to say, it did not have the expected outcome. The conflict had not been resolved and drug trafficking had not been diminished.

In 2014, the Colombian Congress was presented a plan for a law that was to legalize the use of medicinal cannabis (Murcia and Devia 2020). This brings us to the latest rise in Colombian cannabis production. Even though cannabis cultivation never actually left Colombia – in recent years the Colombian “creepy” varieties became dominant in the black market due to their high THC content (Corda, Cortés, and Piñol Arriagada 2019, 13) – its presence was certainly diminished by the cocaine business. Due to the emergence of pro-cannabis social movements throughout Latin America and a change in perspective on cannabis use for medicinal purposes worldwide, cannabis is making its comeback in Colombia yet again. This renewed interest in cannabis production in Colombia and Latin America as a whole has been dubbed “la Ola Verde” or the Green Wave, which started to gain speed in the 2010s after Uruguay legalized the possession of cannabis in 2013 and several other Latin American nations revisited their cannabis

laws (Dejusticia 2020). For the first time, cannabis use spread effectively through all socioeconomic layers. The arrival of the Green Wave brought in a whole new section for various sectors, from cosmetics to pharmaceutical, to medicine, and agrobusiness. All of those sectors can use different parts of the plant and the commercialization of cannabis became a big theme.

## 2.2 Shifts in the Latin American drug policy debate (1925-2016)

This newly increased interest in cannabis, this time for its medicinal purposes, has both influenced the policy debate in Latin America and has been guided by the change in the debate. For some years now, the countries in the Americas have debated on how to tackle their problem with drug trafficking. In 2012, the Organization of American States (OAS) came together in Cartagena, Colombia to discuss the current drug policies in their countries. While this was regarded as both a failure and a success in terms of actual progress in a change of policy, it did show that Latin America was ready for a more independent and assertive approach towards drug legislation and regulation, away from the formerly US-dominated attitude (Armenta, Metaal, and Jelsma 2012, 2). This approach stands in contrast to former Latin American views on drug policy. Where they almost always uniformly followed US drug policies.

Following the global consensus throughout the years, starting with the 1925 Geneva International Opium Convention, Latin America followed in the first prohibition efforts for the international drug trade. This framework was strengthened in the 1961 Single Convention on Narcotic Drugs – which was amended by the 1972 Protocol – that “codified all existing multilateral drug control treaties and extended the existing control systems to include the cultivation of plants grown as raw material to produce drugs” (TNI and WOLA 2010). In this convention, cannabis, cannabis resin, and its extracts and tinctures of cannabis, were classified in Schedule I<sup>2</sup> (the strictest one) and were subject to Articles 23<sup>3</sup> and 28<sup>4</sup>. In Latin America

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<sup>2</sup> See appendix 1

<sup>3</sup> See appendix 2

especially, national laws went beyond what was required by the treaties (Corda, Cortés, and Piñol Arriagada 2019, 6). It is thus interesting to see the countries that previously had the strictest laws regarding drug policy now stand at the forefront of cannabis regulation. This change in attitude can be attributed to the consensus that was established during the Cartagena summit in 2012. While not actually changing any policies, the OAS member states did come to an understanding that the prohibitionist approach – at least in regard to cannabis, and to some extent to illicit drugs in general – has not achieved the aspired results as imagined by the 1961 Single Convention (2019, 16).

The global consensus is thus changing, and with it, the policies regarding cannabis legislation and regulation. This change is partly due to the wider acceptance of and more research on the medicinal purposes of cannabis and its derivatives (García 2019, 18). In Colombia, one of the main drivers of this was Senator Juan Manuel Galan. Galan and his team, inspired by testimonials of patients about the clinical benefits of cannabis, set out to create the medical cannabis legislation. This was to be based on:

“access, quality, fair price and safety, embracing the principles of social justice, seeking to ensure technology transfer for the production of material, raw materials and processing, bringing benefits for both the small growers wanting to become part of the legal industry, as well as large agropharmaceutical companies” (Cubillos Sánchez 2020, 2).

Those principles would eventually be the core of the newly created legislation in Colombia regarding cannabis regulation, formally known as Law 1787 of 2016, that was approved by the

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<sup>4</sup> See appendix 3

Colombian Congress on July 6th, 2016 (Calderón Vallejo, Caicedo Cano, and Chica Ríos 2017, 45). One of the outcomes of the debate in Colombia before the Law was approved was that the research that was being done on cannabis regarding its possible effects on the body and mind and the implications that regulation might have on the sociocultural changes in society, had to be continued, together with increased pedagogical exercise towards the users and non-users alike of what specific regulation includes (2017, 48). This educational part was deemed especially important because of a big lack of knowledge regarding the effects of cannabis and its derivatives. Something that apparently has not changed since the 70s where Elejalde also already noticed a lack of understanding on those issues (1975, 340). This shows the need for social education on the subject because a good understanding of how a substance can contribute to preventing abuse and also create an open environment for people who need help to battle their addiction to seek this help.

In accordance with the principles set up by Galan and his team, Calderón et al. also conclude from the interviews that they have held with health, law, sociology, and psychology professionals, that there is a need for policy that is based on people instead of on the drug itself (2017, 49). The question then arises how to bring this education to the remote areas where cannabis cultivation is most abundant. Because of bad infrastructure in the Colombian hinterlands, information often takes time to reach the most remote places, the same goes for new education programs. Fortunately, non-governmental organizations (NGOs) and other organizations that focus on spreading knowledge and helping marginalized groups play a connecting role in this issue.

As mentioned before, Law 1787 entails the regulation of medicinal cannabis in Colombia. But the fact that a framework has been set up does not automatically mean that it is easy for cultivators to transition from the illicit to the licit market. For a grower of medical cannabis to obtain all the correct licenses one needs two very important things, time and money. While those commodities

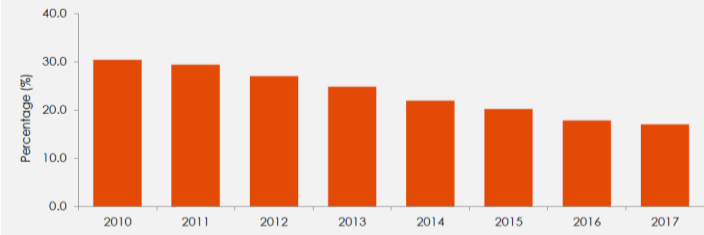
are not a problem for the large (international) agropharmaceutical companies, the smaller growers

often lack one or both. Even though the Multidimensional Poverty Index (MPI) (see Figure 1) fell from 49% in 2003 to 17% in 2017 in Colombia, it was still the second most unequal country in the Latin America and Caribbean (LAC) region (The World Bank 2019; Moreno, Ariza, and Uribe Mallarino 2017). This inequality was especially visible in the rural areas, where extreme poverty was over three times higher than in urban ones (2019, 8). Since it is in those rural areas that cannabis is cultivated, and the fact that cannabis farmers belong to the marginalized groups of society it is easy to understand why it has been so difficult for many of them to obtain those licenses<sup>5</sup> which can be up to thousands of US dollars

In Colombia, the Multidimensional Poverty Index (MPI) was adopted as a monitoring instrument for public policy based on the *Plan Nacional de Desarrollo 2010-2013 "Prosperidad para todos"*. Furthermore, in 2012, the CONPES 150 introduced the MPI as an official poverty measure, that would complement the existing monetary measures. The selection of indicators that compose the current MPI was based on data available through the *Encuesta de Calidad de Vida (ECV)*, and their relationship with the national development plan.

Since 2010, Colombia has been estimated the MPI following the methodology developed by Alkire and Foster (2007). Currently, the index is comprised of five dimensions (education, youth and children, labor, health and housing), each of them with several indicators. The official MPI fell from 30.4 percent in 2010 to 17.0 percent in 2017 (Figure B1), implying that over 5 million Colombians are today considered non-poor in multidimensional terms.

**Figure B1.1 Multidimensional Poverty Reduction**



Source: World Bank calculations based on data of the *Departamento Administrativo Nacional de Estadística (Colombia's National Administrative Department of Statistics), DANE*

Colombia has experienced an improvement in 14 of the 15 indicators that composed the MPI (Figure B2). The main drivers of the official Multidimensional Poverty reduction have been the increase of educational attainment, the increase in the access to the health system and the reduction of the informal employment. Regarding the health dimension, an additional 10.7% of the population got access to the health system in the last 8 years mainly due to the expansion of the subsidized regime (SR), particularly after 2004.

Though a progress regarding informal employment has been observed, the share of people working informally is still high (62.36% of Colombian in 2017).<sup>2</sup> Long-term unemployment is the only indicator that presents a deterioration, especially during the period 2012-2017. These results are related to the weaker economic performance that the country faced after 2014.<sup>3</sup>

More importantly, out of the 15 indicators considered in Colombia's MPI, universal coverage has almost been achieved on 4 of them: adequate walls, adequate floors, non-child labor and school attendance; with only a small portion of private households remaining deprived of these opportunities (2.2%, 3.7%, 2.7% and 3.2%, respectively). As a result, the Colombian government has decided to revisit and update the cutoffs and weights of the panel of indicators that compose the current MPI. The new measure should consider the improvements of welfare that Colombia had experienced in recent years.

**Figure B1.2. Evolution of Colombia's Multidimensional Poverty by indicator, 2002-2012-2017**

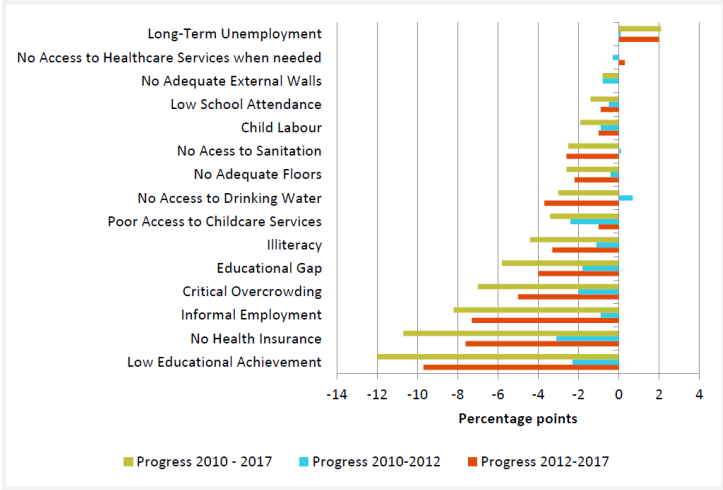


Figure 1 The Multidimensional Poverty Index in Colombia

Source: The World Bank (2019, 4-5)

<sup>5</sup> For all license prices see appendix 4

according to, Javier Hidalgo, co-founder of LaSanta Botanicals<sup>6</sup>. The process that one must go through in order to obtain those licenses is also very time-consuming. As Leidy Toro Vergara demonstrates in her paper, there are six steps<sup>7</sup> that have to be completed before a license is given to a company (2018, 8). Those steps require a lot of bureaucratic work and time to be processed in the See government's systems. For this reason, some smaller companies or families of cannabis growers have united in cooperatives so that they can bring up the necessary funds together. One of the first to obtain a cultivation license was Caucannabis, an association of 63 families, located in Cauca in the southwest of Colombia. They have been the first of several. Almost 3.000 small and medium farmers, producers, and traders have been registered by 2019, with hopefully many more to come. But being registered does not mean that they have their own licenses. Thus, most of them are contracted to work on large-scale company-owned plantations (Jelsma, Kay, and Bewley-Taylor 2019, 7). As of February 2021, the Colombian government had issued a total of 116 licenses to manufacture medical cannabis-based products ("Medical Cannabis Manufacture Licenses Colombia 2021" n.d.). While at first, the number might seem impressive it rapidly loses significance when thinking about the thousands of families that still depend on cannabis cultivation for their livelihood but do not have the means to access the legal market.

### 2.3 Socioeconomic change in Colombia throughout the years (2002-2021)

As stated before, Colombia has been making strides when it comes to reducing poverty in society. Unfortunately, less poverty does not equal more equality. Because while the poor might get richer, the richer get even richer. From 2002 to 2017, Colombia's Gini<sup>8</sup> coefficient did decline

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<sup>6</sup> Interview with Javier Roberto Hidalgo Castañeda, co-founder and master grower at LaSanta Botanicals LTD. The third chapter will go more in-depth in the licenses and their prices

<sup>7</sup> See appendix 5 for the steps

<sup>8</sup> Gini coefficient: The most common measure of wealth distribution. It is based on the Lorenz curve, a cumulative frequency curve that compares the distribution of a specific variable (for example, income) with the uniform distribution that represents equality. To construct the Gini coefficient, graph the cumulative percentage of households (from poor to rich) on the horizontal axis and the cumulative percentage of income (or expenditure) on the vertical axis. The Gini captures the area between this curve and completely equal distribution. If there is no difference between these two, the Gini coefficient becomes 0, equivalent to perfect equality, while if they are very far apart, the Gini coefficient becomes 1, which corresponds to complete inequality.

from 57,2 to 50,8, but it is thus showing that there is still a large difference in income equality. This large difference is especially visible when looking at income distribution per quintile of the population. As shown in Figure 2, despite a small decrease for the richest quintile from 2002 to 2017, they still hold over half the income in 2017 while the poorest only account for not even a tenth of that. This shows that while progress has been achieved in this period in terms of poverty reduction, the socioeconomic structure of Colombia has not changed much. One factor that can be attributed to this is the problem Colombia has when it comes to land distribution and land

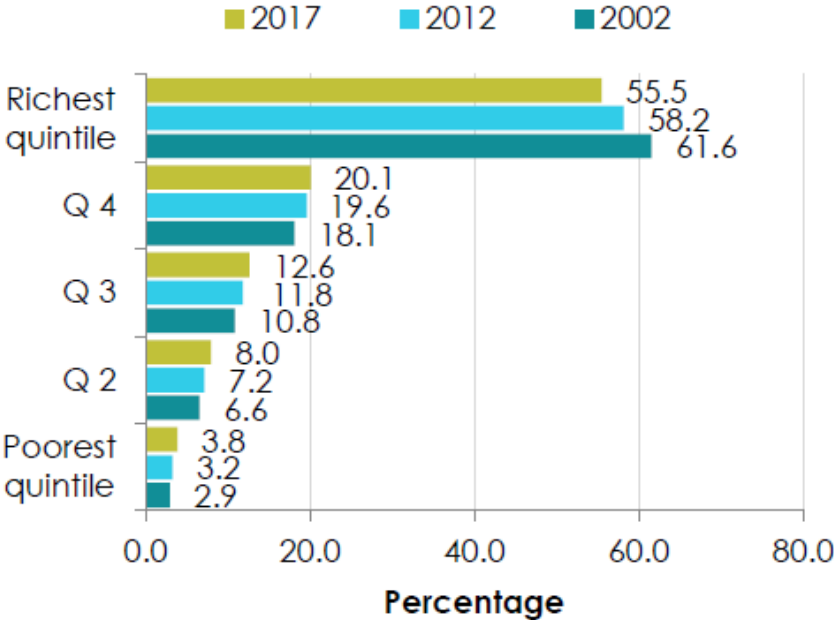


Figure 2 Distribution of income divided over the five quintiles in 2017, 2012, and 2002  
 Source: LAC Equity Lab tabulations based on SEDLAC (CEDLAS and World Bank) and World Development Indicators (WDI).

rights. A 2013 research report from Oxfam states that in 2010, 80% of land in Colombia was in hands of only 14% of landowners (2013, 7). This thus not even accounts for all of the population but only for the ones that actually have their own land, which is already a small part of the population. This enormous discrepancy can happen because there are no general restrictions on the number of hectares an individual or single entity (like a large agro-company) can have (2013, 8).

The history of this way of land distribution can be led back to the beginning of the colonial period when the Spaniards assigned land by the concept of “*morada y labor*” (dwell and work), which meant that land should be given to the person who dwelled and worked on it. This later developed in the possibility of buying land for a fixed price and in the 18th century, the colonization of new lands was permitted (Hirschman 1965). When Church lands – a third of the country at that time – was auctioned off for reduced prices in 1861, businessmen and other wealthy individuals saw their chance, increasing landowner concentration. While the availability of colonizing new land made it possible for day laborers and sharecroppers to become landowners themselves, it were the big, pre-existing, landowners who benefitted the most because of relative gains in property enlargement. They were also the ones who were first in line when land titles were granted since they had close links with the state institutions that gave those titles (Binswanger, Deininger, and Feder 1995).

After centuries of anarchic land colonization, seizures, and intensifying conflict between the large and small-scale landowners, the Colombian government passed Law 200 of 1936, with the main objective to clarify property titles, undertake a land reform program, and introduce stricter regulations regarding the eviction of sharecroppers by large landowners. Despite the good intentions, the land reform failed horribly with large landowners legalizing their disputed possessions and switching their use of manpower – for which they used the sharecroppers – to intensive capital investments and an enlarged cattle stock which required less human capital (Ibañez and Muñoz-Mora 2010, 285). Other land reform laws passed in 1961 (Law 135), 1988 (Law 30), 1994 (Law 160), and 2007 (Law 1152) but all have had the same unsatisfactory results as the one from 1936 (Deininger 1999; De Janvry and Sadoulet 2001; Latorre 2015).

Another important factor regarding land distribution that has been ingrained in Colombia’s history as a red line has been the conflict between the government and *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP), the *Ejército de Liberación Nacional* (ELN),



other guerrilla groups, and paramilitaries. For over half a century, Colombia was held in a chokehold by the armed conflict. This conflict can be seen as a direct result of the War on Drugs. While it is important to acknowledge the influence the conflict has had on both cannabis cultivation, as well as land distribution, it is a too large subject on its own to fully explain in this thesis. What is relevant is that the immense impression the conflict has pressed on the country as a whole is still heavily influencing almost all aspects of daily life in the country, not just in regard to drug legislation. Seeking safety from government institutions in the dense forest of the interior of the country, the guerrilla groups took over control of large areas, displacing millions of people in the process. By the end of 2008, of the around 2.8 million people who were forced to migrate, more than half of them had access to land before this (Ibañez and Muñoz-Mora 2010, 292; Oxfam research reports 2013, 26). This land that they left behind was quickly claimed by whichever party had control of the area for their own use.

Thus, in each case where land was distributed, redistributed, or granted, the small landowners have been the ones that suffered losses, time over time. Despite “[...] land and territory have been at the center of the Colombian armed conflict, in several ways: military disputes for territorial control, the need to establish corridors for transporting arms and illicit drugs, the exploitation of natural resources, and the use of land as war booty” (Ibañez 2008) no real effective ways have been found for the losing parties of this conflict to regain their rights as landowners. This shows the lack of institutional capacity of the state to protect the property of the small landowners, or/and a lack of interest for this part of the population. While on paper policies should benefit all and aim for improving the current situation, in reality, they are often oriented to the interests of certain interest groups that have the power to influence decision-making at the highest level. The Oxfam report also points to a favoring of large-scale landowners and their companies (2013, 22). Therefore, as long as the Colombian government does not drastically change its policies regarding land distribution, this problem will continue to influence

the daily lives of many Colombians, making it near impossible for them to transition out of (extreme) poverty.

## Conclusion

This chapter has explored the fundamentals of the current Colombian cannabis sector. It showed how cannabis grew in importance for the Colombian farmers and how it lost some of that importance due to the rise of cocaine production. Nevertheless, a large portion of society kept on cultivating and using cannabis, with concentrations mostly in the lower socioeconomic classes up until the turn of the millennium, when the medicinal properties of cannabis became more widely accepted and it attracted users from higher socioeconomic strata. This history of cannabis in Colombia has also seen its fair share of Laws, policy implementations, and above all, failures. Throughout the 20th century, Colombia has followed the global consensus on combatting drugs and using the political and legislative tools to enforce those policies. It is important to understand that the events, the policies, and the attitudes that have been described in the subchapters all have to be understood in the wider context. They are all either connected to each other or are influenced by one another. However, like many OAS countries now acknowledge, this approach did not produce the desired effects. This means that it is time for a new approach, one that puts the people first and creates a more compassionate society. Obviously, states do not take into consideration theories as put forward in the first chapter when drawing up their drug policies. However, when they would, it can be argued that more effective laws would be put out that do not only benefit the citizens but would also be beneficial for the state since it would diminish the resources states would have to dedicate to it. With regards to the land reforms, Colombia has tried several times to create this, to start with a clean slate, and give small landowners the opportunity to regain their lands. But unfortunately, this has not worked out yet. With the millions that are still displaced, and their lands still occupied by parties that have illegally obtained

it, Colombia still has a long way to go before we can state that it has changed the land distribution for the better.

## Chapter 3: Five Years of Regulation, So What? The Effects of Regulating Medicinal Cannabis on the SMFs in the Cauca Department (2016-2021)

This chapter is going to take a closer look into what has happened for the past five years after Law 1787 of 2016 was passed. Has it had the desired effects? Was it able to affect the desired part of the population? By comparing data sets retrieved from the Colombian government and the World Bank, articles that are written on the matter by various authors, and interviews I have done in the last couple of months with experts on the issue, this chapter will bring forth important insights on the fallacies that are currently plaguing the cannabis industry in Colombia, and then especially the SMFs, defined as those with a cultivation area not larger than 5,000 square meters (Pascual 2019). Such an analysis demands a deeper focus than the previous chapters, this will be done by using the northern part of the department Cauca and some of its surrounding territory in the southwest of Colombia as a case study. Cauca has been chosen since it has a high density of cannabis cultivation and is marked as the major center of cultivation for the creepy variant, that has been mentioned in the previous chapter, (Méndez 2021; Robbins 2019) which is in popular demand due to its high THC contents, and cannabis has been cultivated in the area since the Bonanza Marimbera so the cultivation of cannabis has long been ingrained in Caucan culture.

### 3.1 Changing Public Attitudes Towards Cannabis

First of all, it is important to take a look at the perception the Colombian people have with regard to cannabis, its cultivation, and its consumption. As of today, opinions in Colombia regarding cannabis are gradually shifting. Overall, Colombia is still regarded to be a rather conservative country (Gaviria and Mejía 2011), but, as of the turn of the millennium, there have been signs of a progressive shift (Sanjuro 2013) away from this dogmatic approach of prohibition and negativity surrounding cannabis as we have seen in the previous chapter. When looking at the

absolute numbers, academia underlines this shift. Andrés Mendiburo-Seguel et al. argue that in regard to the question “do you think that recreational use of drugs should be an individual right” 50% of Colombians interviewed said yes and the other 50% said no. When phrased in a more open question, 43% of the interviewees either agreed or strongly agreed<sup>9</sup> to the statement “cannabis should be legal” (2017, 10, 11). It should be noted that the interviews from this study were only conducted in Bogotá, which – even though the study was widespread within the city – does not necessarily give a good representation of the ideas of the entire country. Wilson López López et al. conducted a similar study (also only in Bogotá), two years prior to Mendiburo-Seguel et al., but with a more specified outcome of groupings. They noted that the group they referred to as radical constructionists<sup>10</sup> were found to be proportionally more numerous among the sample group. Interestingly, their study showed that only a small portion of the Colombian society was in favor of free trade libertarian views<sup>11</sup> and that this number decreased in frequency when people graduated (2016). This change that is linked to education might seem somewhat counter-intuitive at first, but when looking at the data López López et al. provide, a shift from free trade libertarians to progressive advocates of legislation<sup>12</sup> can be seen, together with a move towards cultural conservatism<sup>13</sup>. This shift indicates that either a more refined or harsh stance on the issue is formed during years of education. Those changes are in line with the theories regarding the morality of legalization, showing that freedom of choice is important to half of the Colombian population. Also, self-ownership seems to be prevalent in the answers due to a divergence from a mainly prohibitionist societal stance that would favor less self-ownership in such matters.

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<sup>9</sup> The answering scale ran from 1: strongly disagree to 5: strongly agree.

<sup>10</sup> Radical constructionists argue that neither prohibition nor legalization can tackle the root of substance consumption. The only option they advocate is prevention (López López et al. 2016, 692).

<sup>11</sup> Free trade libertarians assert that prohibiting the production and trading of any substances amount to denying people’s liberty (ibid, 691).

<sup>12</sup> Progressive advocates of legalization have a more pragmatic stance. When the drug market was to be regulated, prices would drop together with the frequency and severity of overdoses, creating a safer environment (ibid, 691).

<sup>13</sup> Cultural conservatives state that all substances that do not form part of the traditional background of the society must be prohibited (ibid, 690).

Only 10% of the sample group used in the study by López López et al. were in favor of complete prohibition (2016, 704). This showed that while it was still in accordance with the completely prohibitionist law at that time (the study was done in 2015), public opinion had already shifted towards a more progressive stance on drug management<sup>14</sup>. The effective continuation of this progressive movement has been underscored by the findings of Mendiburo-Seguel et al. Unfortunately, no comparable research to that of Mendiburo-Seguel and López López has been done specifically on the public opinion in the department Cauca. Reasons for this can be the difficulty of interviewing people in the rural areas of Cauca (which can partly be due to safety issues), a preferred focus on urban society for representation of a country, or any other reason a researcher might have when choosing its reference group. Nevertheless, the attitude of the *Caucanos* (i.e. people from Cauca) towards cannabis cultivation should be taken into consideration when doing research on the respective subject in their department.

Historically, cannabis is not a crop that has had any significant ancestral meaning to the indigenous communities of the Northern Cauca like coca does. So what drove those communities to start cultivating it? Especially since they initially disliked the plant<sup>15</sup> since they only knew it as drugs through the connotation with the War on Drugs that ravished the country for years. The importance of the connection between public attitude towards cannabis cultivation, land ownership, and the War on Drugs has been explained in the previous chapter in general. But since the Cauca has been geographically at the heart of the conflict, it took the *Caucanos* perhaps longer than other areas in Colombia to start seeing the benefit of cannabis instead of the negative connotations it previously brought with it. Especially since it were members of various guerilla groups who initiated the cultivation of cannabis in multiple areas of the Cauca (Méndez 2021; Robbins 2019).

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<sup>14</sup> The fact that the Colombian people have a more progressive stance towards cannabis than their government has is something that has come back in all the interviews done by the author as well.

<sup>15</sup> Interview with Pien Metaal, Leiden (online), October 6th 2021. It was translated by the author from Dutch.

The positive shift in Caucan attitude towards cannabis cultivation can be seen in media coverage, and it came back as well in the interviews conducted. A 2018 article from the Colombian newspaper “Semana” wrote on cannabis cultivation in the municipalities of Corinto, Miranda, and Toribío, calling the zone (see Figure 2) between the municipalities, stretching over 100.000 hectares, the “golden triangle” of cannabis (Editors of Semana 2018). “Golden” hints at the high prices the creepy variety yields. This economic incentive has been one of the major reasons Caucanos shifted to cannabis cultivation<sup>16</sup>. Due to decreasing prices of coca leaves (Editors of Semana 2018) and crises in prices of legal agricultural products<sup>17</sup> (Nación 2019), many have opted to start cultivating cannabis illicitly.

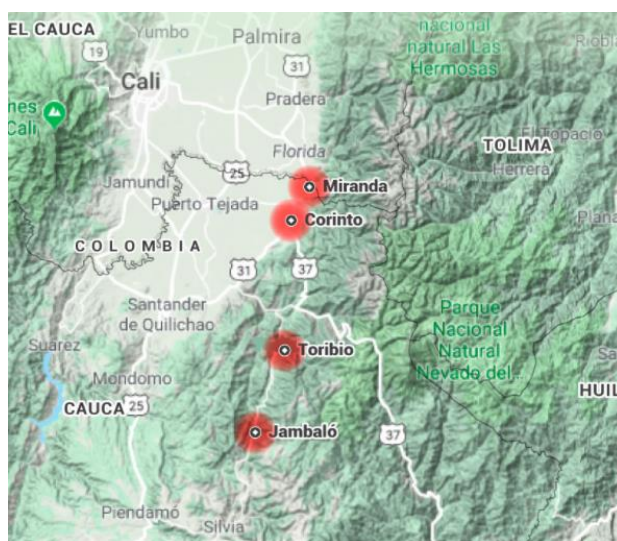


Figure 3 The Golden Triangle situated in northern Cauca

Source: Robbins 2019

Unfortunately, this way of cultivation also has some serious downsides. The illicit cultivation keeps the narcotraffickers close by, enabling them to effectively still dominate the area (Espejo Muñoz 2021). A nasty side-effect of this is ongoing assassinations of both social leaders and

<sup>16</sup> See footnote 15.

<sup>17</sup> Interview with Pedro Arenas, Leiden (online), November 8th, 2021. It was translated by the author from Spanish.

people trying to make the leap from illicit to licensed cultivation (Robbins 2019). Those problems hold the area and its society in a chokehold that they cannot escape.

In theory, there can be a fairly simple solution for at least one part of the problem. When the almost unobtainable high standard regarding licenses is lowered, and the Colombian government puts emphasis on their SMFs instead of the large multinational companies for cannabis cultivation, together with a stop of condemning those who have not yet had the opportunity to enter the regulatory framework, a sustainable future can effectively be built from a cooperation between local SMFs and both national and regional governments. This would fall in line with a more I&We paradigm focused approach, where the government would not only try to obtain their goals but help the less fortunate and privileged in the process. However, history has shown that theory alone does not suffice when tackling a problem as big and complex as this. Theory can certainly be helpful when trying to describe the mechanisms behind the problem, but to actually understand and fix the problem, practical and especially workable solutions must be found. As long as this does not happen, less positive news articles such as the Attorney General's Office demanding shutting-off power in 16 points of 18 villages, dispersed over four municipalities due to allegations of energy use for illicit cannabis cultivation (Arias 2019, Nación 2019), and the response of the four mayors to please reconsider since cutting-off energy supply does not only hurt illicit cannabis cultivators but also the rest of the inhabitants (Popayán 2019), will keep coming up in the media. Based on the findings, it may be concluded that there is a need for improvement in a) investing in human capital and resources; b) creating a safe space for SMFs to operate in so that they too can reap the benefits of the cannabis market, on a local, national, and perhaps international scale; c) investing in SSE in Colombia; and d) stop chastising those who have not yet had the opportunity to incorporate themselves into the formal economy but instead help them do it.



### 3.2 Promised Change vs. Contemporary Situation

Every four years, the Colombian government presents a plan called *El Plan Nacional de Desarrollo*, or National Development Plan (PND by its Spanish acronym). This plan is issued through the National Department of Planning and the latest one (covering the years 2018-2022) has the subtitle “*Pacto por Colombia, Pacto por la Equidad*”. With 1457 pages, this edition is almost double the size of the previous one. The title already shows the importance the Colombian government has put on the issue of equity in this plan. The way they are aiming to achieve this equity is through the equation:

$$\text{Legality} + \text{Entrepreneurship} = \text{Equity}$$

They strengthen this equation by a multitude of pacts (Alonso Másmela, Puyana Martínez-Villalba, and Dorado Hernández 2018). Since a pact is something that is agreed upon by two or more parties, this demonstrates that the Colombian government is reaching out by creating an incentive for the population to engage in those pacts. While this definitely has elements of self-interest for the government – a better functioning legal society that engages in entrepreneurship creates a lot of tax revenue – it advocates for social change.

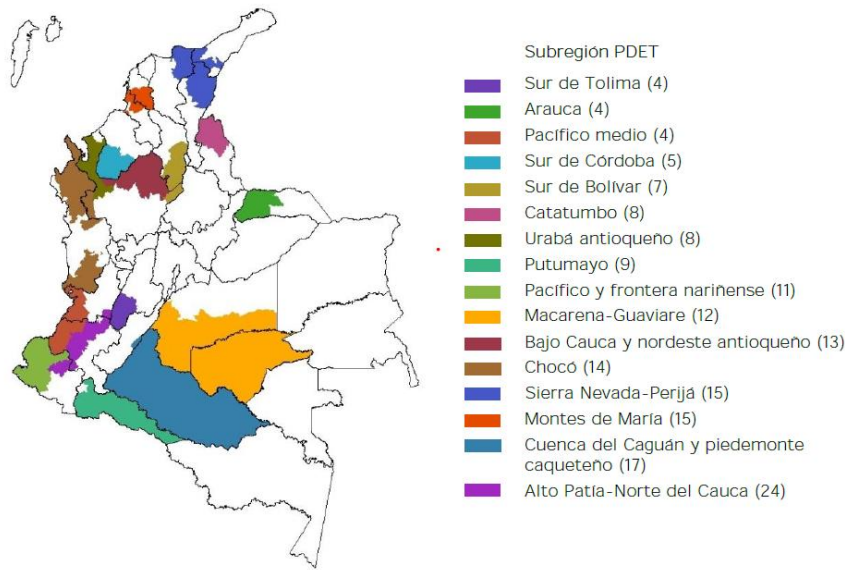


Figure 4 PDET Subregions

The subregion Alto Patía – Norte del Cauca is circled in red

Source: (Alonso Másmela, Puyana Martínez-Villalba, and Dorado Hernández 2018, 772)

A reoccurring theme in both the 2014-2018 and the 2018-2022 PNDs is the importance of integrating people into the legal economy. The notion of seeing the medicinal cannabis market as a project of national interest and a possible motor for economic development (Jaramillo Mejía and Vélez Otoyá 2021) is thus very much in line with the course the Colombian government sets out in their PNDs. By Decree 893 of 2017, 170 different municipalities – divided over 16 subregions throughout the country, as can be seen in Figure 4 – have been defined as part of the Territorial Focused Development Plans (PDET by its Spanish acronym). Those 170 municipalities are affected the hardest by poverty, violence, weak institutional power, and the illicit economy (Alonso Másmela, Puyana Martínez-Villalba, and Dorado Hernández 2018, 771). Those PDET's can be seen as a prime example of the Colombian government trying to engage in SSE through the use of RTD. This shows a great leap in the right direction. Considering the fact that the 2014-2018 PND did acknowledge the fact that multidimensional poverty had to be reduced in the area (Gaviria Muñoz, Mejía Alzate, and Castro Quiroz 2014, 664-667) but it lacked

the profound research as has been done in the 2018-2022 PND. Nevertheless, the fact that the Colombian government has put this much effort in characterizing all the different elements that constitute the state those regions are in does not automatically mean that it works. In an interview with Pedro Arenas, co-founder of the corporation Viso Mutop<sup>18</sup>, ex-mayor of San José del Guaviare and promotor of drug policy reform, he told that:

“Our government has made many commitments to the communities, but subsequently they do not follow through on their offers. The security forces are not guaranteeing protection to these families that are needed. It has been almost five years since the peace agreement, but the Colombian government has not delivered the promised resources to the peasant families so that they can establish licit productive projects to replace their former illicit agriculture.”<sup>19</sup>

This statement shows the lack of actual perseverance of the plans set up by the Colombian government. This is underlined by a recent post by La Via Campesina<sup>20</sup> which said:

“However, once the construction processes were completed, the communities were neither summoned nor heard. Thus, in this case, this exclusion from the process led organizations in the Alto Patía – North Cauca sub-regions to establish a regional observation group to monitor the implementation of the initiatives. [...] [T]he implementation of these programs has been reduced to the construction of infrastructure, works whose prioritization has not been approved by the

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<sup>18</sup> Viso Mutop is an organization established in 2012 that focuses on helping rural communities in various regions of Colombia, working closely with them in the construction of peace, promoting full respect for their rights, and caring for the environment (Viso Mutop n.d.).

<sup>19</sup> See footnote 17. The quote was translated by the author from Spanish.

<sup>20</sup> La Via Campesina is an international peasants’ movement that brings together millions of peasants, SMFs, landless people, rural women and youth, indigenous people, migrants, and agricultural workers from around the world (La Via Campesina 2016).

communities. Social leaders reported that “PDET is reduced to just constructions, in bridges built without community participation, in infrastructure as a shopping list. They have nothing to do with the regional transformation of territories and do not recognize the historical abandonment of the state in the regions.” (La Via Campesina 2021)

The Foundation Ideas for Peace, an independent Colombian thinktank, acknowledges those problems by noting the importance of local civil participation in the decision-making, especially so that the general idea of the PDETs can be reformulated (Guarín, Tovar, and Amaya 2018, 28). However, they also sidenote that one of the reasons the PDETs fail to function properly is the fact that there are problems regarding the public order in multiple municipalities that hinder the advancement of the PDETs (2018, 16).

As can be seen in Figure 4, the subregion Alto Patía–Norte del Cauca has the most PDET municipalities of all the subregions, with a total of 24. Unfortunately, when looking at the statements given by both Pedro Arenas and La Via Campesina, the conclusion can be drawn that until now, the largest subregion in the number of municipalities has not been able to provide the around 32.000 people that are covered by this PDET with the help they need and were promised. According to the CONPES 3932 document issued by the Colombian government in 2018, the Alto Patía – Norte del Cauca region was assigned 12,41 billion Colombian Pesos (Calderón et al. 2018, 65) which translates to 2.789.837,66 Euros. When putting this in perspective of the total amount of government expenditures in 2018, which was 210.181 billion Colombian Pesos (“Colombia Government Expenditures | Moody’s Analytics” n.d.), it shows that only 0,005% of the total government expenditure when to improving and developing the country’s largest PDET. Furthermore, this amount was to be divided over the region in a period of 10 to 15 years. Since the subregion consists out of 24 municipalities, this means that every municipality would receive 11.624,32 Euros (based on the 10-year period) on a yearly basis. Keeping in mind that in

23,6% of the population of the department of Cauca, 15,8% of that of Nariño, and 14,2% of that of Valle del Cauca (the departments that make up this subregion) live under conditions of extreme monetary poverty (DANE 2021, 61), it is clear that despite the intentions, which are questionable at its finest, of this monetary aid by the Colombian government, those numbers are far from sufficient.

It is both logical and worrisome that this subregion stands out because of the fact that, especially the department of Cauca, it is very representative of the local and rural reality that is still strongly present in contemporary Colombia. In the interview with Diana Paola Valenzuela, an academic investigator on drug policies who has done research on the situation in the northern Cauca region, she told me that the area is a place of convergence. The abundance of environmental and cultural richness, the presence of armed criminal forces, and it being a strategic geographic location of drug trafficking routes<sup>21</sup> all compound to a highly interesting site of investigation that reflects the situation of the country as a whole, concentrated in a relatively small area.

So how well do all the promises of the Colombian government hold up? At first, it seems that they are doing fairly well. A report by the World Bank shows a steady downward trend regarding levels of (extreme) poverty, as well as informality trends (2020). This shows that more and more Colombians are entering the legal market which results in a steadier income and thus the ability to escape poverty. However, since those numbers account for the country as a whole, it is hard to say whether or not this is as much the case in Cauca as it is for the whole of Colombia. A distinction is made between urban and rural which shows that both informality trends and extreme poverty declined faster in rural areas. Nevertheless, Colombia was still only second to Brazil when it comes to inequality in Latin America (2020, 16).

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<sup>21</sup> Interview with Diana Paola Valenzuela, Leiden (online), November 9th 2021. It was translated by the author from Spanish.

When it comes to land ownership and the distribution of land, Cauca has 43% of its rural agricultural land available for the market (Aguirre Gutiérrez et al. 2019, 43), this places it 20th in comparison to the other Colombian departments, situating it in the lower half. Through the use of the Gini coefficient, the Land Market Atlas shows that in places where land has the lowest cadastral value, the Gini coefficient is the highest (2019, 142), this is also the case in Cauca. Whether it has a high, medium, or low cadastral valuation<sup>22</sup>, inequality in land ownership is high. Furthermore, the low availability of land in Cauca is a sign that the majority of the land is still in hands of a few large landholders<sup>23</sup>. Unfortunately, those who do own land in Cauca, especially those of indigenous descent, suffer additional problems. According to an indigenous census, the 94,000 people that live in northern Cauca and belong to the Nasa Páez people, possess around 390,000 hectares of land, which is around 73.4% of the indigenous territory in Cauca. Of this land, 2% is used for agriculture which is divided into 80% for food crops and 20% for commercialized or collective business. Then 3% is used for non-extensive cattle raising and 2% is destined for outsourced forestry. Finally, 2,5% is used for illicit crops (70% cannabis, 29.5% coca, and 0.5% poppy) (Espejo Muñoz 2021). This means that 83.5% of the total land held by those indigenous peoples is unproductive and/or unused. The amount of commercialized or collective business within the agricultural sector is also surprisingly low. This means that cultivation is mostly done for one's own sustaining. Rather than a communitarian approach, this way of sustaining is more closely linked to the RCT. This can either (or both) be contributed to the low population density of the area which makes it hard for people to work together, or to the ongoing presence of the narcotraffickers making it unsafe for people to try to start businesses on their own. This low use and low productivity of land disables socioeconomic growth, especially when the population, as the indigenous one in Cauca, is highly dependent on their land due to a lack of other possibilities.

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<sup>22</sup> Cadastral valuation is the monetary value given to property in the land registry records.

<sup>23</sup> See footnote 15.

Next to the never-ending looking problem with Colombia and land ownership, the regulatory framework set up for cannabis cultivation that was initially set up for helping the SMFs, with the prime example being the fact that 10% of cannabis used in the medicinal industry had to be sourced from SMFs, appeared to be one of the major obstacles for SMFs to enter the regulatory framework. Moreover, the rules and regulations that are in place regarding the cultivation of medicinal cannabis have caused a growing schism between large (mainly multinational) companies and small and medium local cannabis farmers. The main problems which inhibit the SMFs from entering the market are the high costs and strict regulations. Both Javier Hidalgo, co-founder and master grower at LaSanta Botanicals Ltd., and Diana Paola Valenzuela pointed to the high costs of obtaining licenses for entering the legal market of medicinal cannabis. According to Hidalgo, there are at least three licenses needed for starting a legal cannabis farm, and each of those licenses costs around 8.000 USD. In total, it would cost at least around 26.000 USD to get started<sup>24</sup>. Those are amounts of money no cannabis farmer in Northern Cauca would be able to gather. Chances would even be slim if they were to form a cooperation to get the needed funds. Therefore, Valenzuela points to the need of keeping in mind the social realities, opportunities, and processes that take place within those communities when looking for possibilities to regulate<sup>25</sup>. And of now, the social realities in northern Cauca do not show a lot of possibilities for SMFs to transition their cultivations into the regulatory framework.

### 3.3 Hope for Inclusion and Improvement

Despite the apparent failure of the Colombian government to include the SMFs into the legal economy, there is some light at the end of the tunnel. As of July 2021, Decree 811 has been approved and issued by the Colombian Congress and Senate which is to replace Decree 613 of

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<sup>24</sup> Interview with Javier Hidalgo, Leiden (online), July 30th. It was translated by the author from Spanish.

<sup>25</sup> See footnote 21.

2017, the former main regulatory framework regarding cannabis regulation. The most relevant and important changes, for the SMFs, are:

- Article 2.8.11.2.1.2. - new categories in cultivation licenses<sup>26</sup> Article 2.8.11.2.1.6 and .7 (specifically point 4) – the allowing of industrial use<sup>27</sup>
- Article 2.8.11.2.1.10. - the speed of decision-making regarding issuing licenses<sup>28</sup>

The new categories resemble the ones specified in the 2017 613 Decree a lot but the difference is that they have been divided clearer. Additionally, an “extraordinary” license can be issued in the cases of a licensee’s license is about to expire, it will then grant another license up to six months; or for non-commercial research, the license will then be issued once an may be extended once as long as the total time does not exceed twelve months (Ministerio de Salud y Protección Social 2021, 11,12). The allowing of industrial use means “the non-medical, non-scientific uses, including, but not limited to, fiber uses, horticultural and food uses, beverages, dietary supplements and cosmetic uses of the grain, plant component and non-psychoactive derivatives of cannabis for human and veterinary use” (Ministerio de Salud y Protección Social 2021, 8). This is especially beneficial for the Caucan SMFs since the creepy variant they mostly grow is not suitable for medicinal use due to the high levels of THC. Medicinal cannabis demands levels that are lower in THC and higher in cannabidiol (CBD), the chemical which has analgesic, anti-inflammatory, and anti-anxiety properties that make it suitable for medicinal use (Brodzinsky 2016). In regards to the decision-making progress, Decree 811 states that “the study and decision of license applications shall be resolved in a term of up to 30 days, provided that compliance with the requirements established for each type of license and modality, as applicable, is accredited” (Ministerio de Salud y Protección Social 2021, 16). It, furthermore, approves the export of dried cannabis flower for medical and industrial uses (NetworkNewsWire n.d.) this marks an important

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<sup>26</sup> For the full article see appendix 6.

<sup>27</sup> For the full article see appendix 7.

<sup>28</sup> For the full article see appendix 8.



possible step forward for the Caucan SMFs because it enables them to bring their products on the market through new routes. However, we must not forget that the three articles that have the possibility to be beneficial for the Caucan SMFs operate within the same framework that notes 29 obligations and 19 prohibitions for license holders (Ministerio de Salud y Protección Social 2021, 28-31).

As stated before, especially the opening up of the cannabis market for new applications of the plant is especially beneficial for the SMFs. This would mean that they get the opportunity to transition into the legal market with their crops, without having to deal with the unreachable high standards set up by the pharmaceutical industry and government. The reduced waiting period for obtaining a license is also a move in the right direction since this shortened waiting period enables the SMFs to get a more concise idea of the time it takes to obtain a license instead of the endless waiting periods before (Ramírez 2019, 27). This reduced waiting period does not mean that there are fewer institutions that have to be visited or approached to get the right licenses. Those institutions are the Ministry of Health and Social Protection for obtaining licenses regarding the fabrication of cannabis derivatives, the Ministry of Justice and Law for licenses regarding cannabis seeds for commercialization and scientific use both for psychoactive as well as non-psychoactive cannabis, the Colombia National Food and Drug Surveillance Institute for registering the commercialization of products that contain cannabis, the Colombian Agriculture Institute for authorizing the sowing of the cannabis seeds. When sowing cannabis, additional licenses also need to be obtained from the Ministry of Justice and Law for legal cultivation. Furthermore, when cultivating psychoactive cannabis, a production quota must be obtained which is granted by the National Drug Fund (2019, 18). The distance many SMFs have to travel in order to get all their licenses in check also influences the ability to obtain the said licenses. When looking at the Land Market Atlas, the connection between Caucan municipalities, the Cadaster Office and Registry of Public Instruments Office shows that even though in general Caucanos have to travel no more than five hours to get to one of the offices, there are exceptions

that take up to ten hours, depending on where from the department a person has to come from (Aguirre Gutiérrez et al. 2019, 96). The amount of time SMFs thus have to put into obtaining licenses also highly influences the ability to enter the legal market because in order to travel you need enough money for the trip, sums that many cannot afford. Nevertheless, the amount of licensed Caucanos is on the rise. Where in 2020, out of 4217 Colombians that were listed by the Ministry of Justice as either national grower, producer, or marketer of medicinal cannabis, 2590 came from Cauca with 812 of those having a license, in 2021 the numbers rose to 4268 countrywide, 2604 Caucanos with 986 having a license (Minjusticia 2020; 2021)

Despite the various difficulties Caucan SMFs have to endure, there are some exciting sounds arising that might aid them in going forward. Already back in 2017, an agreement was signed at the University of Cauca between indigenous Caucanos, Walacannabis S.A.S<sup>29</sup>, and the Seneca Indigenous Nation of New York, for a special technical cooperation. The goal of this cooperation was to provide the indigenous Caucanos with the knowledge obtained in the US by their indigenous relatives. The project is situated in the aforementioned golden triangle in northern Cauca (Editors of Universidad del Cauca 2017). Even though, unfortunately, no information could be found on how the project was going at the moment, the collaboration between the various parties showed at least large amounts of goodwill for improving the situation of indigenous SMFs in the region.

Another promising, more recent factor is the innovative company called Bancannabis. Its vision is focused on connecting the cannabis market to the digital monetary world by using cryptocurrency, non-fungible tokens (NFTs), blockchain, and decentralized funding. Their goal is to provide financial aid through crowdfunding for SMFs who cannot gather those funds on their

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<sup>29</sup> Walacannabis is a federation of small cannabis cultivators with the social goal of the sustainable development of cannabis cultivation for medicinal and scientific purposes, together with the interchange of traditional knowledge and social development of the indigenous peoples of the Cauca in the post-conflict territories (Federación Walacannabis n.d.).

own. The money is sourced through the sale of NFTs with cryptocurrency. People who buy and NFT get a unique digital representation of a cannabis seed or flower and a guaranteed return of 8% interest. The money spent on the NFT is invested by Bancannabis during a period of six months, after which the investor can either get its money plus interest back or invest it again. Thanks to their alliance with the Caucan company Pharma Indigena Misak Manasr, they already have 1,500 cultivated plants at their disposal that can be sponsored through this NFT market system (Gutiérrez Núñez 2021). With NFTs being the latest craze for investors, this way of sourcing funds for SMFs can have a bright future. One critical point, however, is the need for a digital connection. Far from all who might benefit from this platform have internet access, and if they do, chances are slim they have experience with cryptocurrency. This calls for a central office or point where SMFs can come to ask for help with this new technology, and where cryptocurrency can be converted into conventional money and put in their traditional accounts. Just over the departmental border to the north, in Valle de Cauca, a sustainable project made up of over 40 producers, called *Comunidad Tribal* or tribal community in English, grows cannabis in a sustainable agroecological model together with other products like coffee, mango, and oranges. Important actors within this project are women. Women, as heads of the family<sup>30</sup>, take an important place in the social fabric of Colombian and Caucan society. These women in Valle de Cauca, through confronting all who are connected to cannabis cultivation even in the slightest manner, consolidated around a hundred groups in their department which allowed them to empower themselves individually and collectively, aiding the community development in the department (Rodríguez 2021). This tribal community can serve as a good example and possible partner for the SMFs in northern Cauca. All those initiatives bring at least some form of hope for the Caucan SMFs. Interestingly, where the Colombian government fails to deliver, local initiatives, company-led ideas, and collaborations between local and international actors fill the much-needed gap in aid.

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<sup>30</sup>See footnote 25.

## Conclusion

As has been demonstrated in this chapter, there is a large discrepancy between what is imagined by the Colombian government regarding the regulation of cannabis cultivation, and the reality of what has actually been achieved over the last five years. There are large inconsistencies especially in regard to the various plans that have been set up by the government that were created to aid the transition of a large portion of society out of poverty and the actual situation. Furthermore, as has been observed, the actual situation of the SMFs, or Colombia as a whole, is not much different than that it has been in the previous decades. The department Cauca has served as a good case study for this due to its strong historical bonds with cannabis cultivation and its strong representation for the SMFs cultivating cannabis in Colombia. Despite the positive shift in public opinion regarding the cultivation of cannabis, the Colombian people are far from unified in their opinion about it. Fortunately, many different optimistic sounds regarding cannabis cultivation have arisen in Cauca and its bordering departments in the last couple of years. Ranging from international collaborations to digital innovations, a multitude of initiatives has been set up to improve the current situation of the Caucan SMFs. While this is certainly something to be celebrated, the underlying problems must not be forgotten. Ongoing problems such as narcotrafficking, governmental neglect, and difficulties for SMFs to obtain the many different licenses mandated by the regulatory framework, and the unequal distribution of land are definitely issues that require undivided attention. The initiation of the PDET initiative by the Colombian government is a step in the right direction. While this initiative can be seen as a good example of RTD it stands quite alone in its existence, which is unfortunate. Furthermore, when done with insufficient funds, it has become clear that it cannot have the desired effects. This specific part of the total problem, among many others, is one that, when developed properly, has the ability to improve the socioeconomic status of many Caucan SMFs. However, since this demands not only a shift in governmental priorities but also in that of large multinational

companies that can aid the process, the possibility for success is, once again, out of the hands of the people who most depend on it.

## Conclusion

So now that there is a clear picture of the situation of the SMFs in northern Cauca, it is evident that the initial hypothesis, stating that “it is expected that regulating the cultivation of medicinal cannabis has been beneficial for the Colombian SMFs to the point that they have been able to improve their socioeconomic status, meaning that they have left at least the realms of extreme poverty”, does not hold. Contrary to initial belief, the regulation of medicinal cannabis that has been in place for the last five years, has not been able to provide the Caucan SMFs with enough means for improving their socioeconomic status enough for them to improve their socioeconomic status. As the unfortunate outcome is demonstrated throughout the thesis, this failure can be attributed to a variety of factors.

First of all, when looking at the initiatives set up by the Colombian government, such as the PDETs, it shows that a lack of institutional (will)power has led to unsatisfactory results. By only putting in 0,005% of the total government expenditures of 2018, this initiative can perhaps not even be seen as a form of SSE and RTD. This is very unfortunate. Especially since SSE can be seen as a Latin American way of handling those problems, it would be safe to assume that Colombia would be able to implement such measures more naturally. When the real commitment would have been there, more money would have been devoted to the cause. Secondly, the issue of landownership is still very pressing, not only in Cauca, but in Colombia as a whole. The many attempts by the Colombian government to change this, as have been discussed in chapter two, still have not led to a system in which equality is promoted and that helps the currently ‘landless’ in acquiring their own plots of land. Furthermore, while the national consensus regarding the legality of cannabis might have changed, the reality is that due to the exclusion of many SMFs by the high industry standards and requirements many of them still have to resort to the black-market industry, which is still dominated by the narcotraffickers. Therefore, a lot more effort has to be put in by the Colombian government to make the theoretical and institutional changes that

have been discussed, and have been implemented until a certain degree, seep through into the practical and social fabric. The abovementioned narco-traffickers presence perpetuates the high levels of violence in the area and stands in the way of implementing policies that can effectively alter the livelihoods of those affected for the better. Also, when looking at the Cauca case, it can be said that the current situation is essentially a continuation of how it was before the beginning of the regulation in 2016. The majority of the SMFs has not been able to integrate in the licit market so for them nothing has changed. The ones that have been able to make the transition are not much better off. The example of narco-traffickers that still control the area, shows that it does not matter whether you cultivate cannabis licitly or illicitly, violence does not discriminate, unfortunately. Again, showing the discrepancy between the theoretical perfect picture that is described in the first chapter, and the unfunctional reality seen in the third chapter. Lastly, it became apparent that the majority of the SMFs is not able to participate in the medicinal cannabis industry due to its high demands for quality and additional costs that are required such as security costs. So, for them, the allowing of using cannabis for industrial purposes as well can finally open doors for new possibilities. This being on the precondition that those usages are not subjected to those unreachably high standards set up for the medicinal cannabis industry. Therefore, looking back at the many ways the regulation of medicinal cannabis has failed to incorporate the people who are most in need of improving their socioeconomic status, the hypothesis set up in the introduction can be regarded as failed. This does not mean, however, that the whole study can be discarded. By understanding the actual problems that underly this web of failed attempts, improved incentives can be set up. Fortunately, there have been several initiatives that came from either local or regional actors, international institutions that focus on creating better circumstances for groups such as the SMFs to live in, or from state-of-the-art sectors such as the crypto market, that have shown promising projects that take over the role of the government in actually improving the settings in which the Cauca SMFs have to operate their businesses.

While the thesis has averted the subject in total to keep the focus on the subject of regulation and its possible influence on the socioeconomic status of the SMFs, it is important to note the influence the current Covid-19 pandemic has had on the casus. Like everywhere else on the planet, Colombia has suffered from a harsh lockdown as well. Putting a country on hold, especially one that is not regarded a highly developed nation, puts a lot of strain on the economy and connecting systems. Therefore, the influence Covid-19 has had on the development of the cannabis industry in Colombia is undeniable. As already mentioned in the introduction of this work, due to the pandemic, all research had to be carried out online. Therefore, if this thesis were to be used for further research, it is very much recommended to go to the area discussed in the casus and look for the evidence on the ground. Because without actual field research, it is impossible to get an actual insight of what the SMFs are experiencing. Talking to them is one thing but seeing with your own eyes what is going on is what makes the difference.

Because of the scope of this thesis, there are some points that have been raised that possibly require some further investigation. To begin with, it would be good to further look into the several initiatives set up by other actors than the government that can advance the development of the area. Unfortunately, via the digital mediums, they have been hard to find so it has not been possible to see how they are holding up at the moment. But, when those locations are visited in person, the stories of the people who work on those projects regarding the issues raised in the previous chapters can be of great value for studies similar to this one. Also, the Cauca casus only represents a part of the total Colombian medicinal cannabis sector, besides it being focused on the medicinal cannabis it also geographically excludes a lot of other regions in the country that cultivate the crop. So, while Cauca can be seen as an exemplary region when looking at the sector, it is important to know if there are any exemptions in other areas that might aid or hinder the development of the sector as a whole. Besides, it would be interesting to see how other actors influence the sector. An example can be the influence of the large multinational



companies, the influx of foreign direct investment, and the creation of joint ventures between local growers and international companies. When positioning those large players against the SMFs discussed in this work, a rather complete overview of the sector and its connecting problems and hurdles can be given.

Lastly, even though the current situation of the SMFs seems bleak at times, I am confident that there still is hope for those who currently are not able to be included into the formal cannabis industry. Decree 811 looks very promising in speeding up this process. However, it is still to be seen how much help the SMFs will get. Rigorous changes might come when the world as a whole is ready for accepting cannabis as an asset, instead of a liability. This will not only take a different mindset from the upper echelons, like the UN for example, but also from the ordinary people. Education on all the various uses of cannabis is thus imperative. However, only time will tell if real paradigm-shifting changes eventually come.

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# Appendices

## Appendix 1 – Schedule I

Whether a drug is added to Schedule I is determined by Article 3 stating that:

If the World Health Organization finds that a drug in Schedule I is particularly liable to abuse and to produce ill effects (paragraph 3) and that such liability is not offset by substantial therapeutic advantages not possessed by substances other than drugs in Schedule IV, the Commission may, in accordance with the recommendation of the World Health Organization, place that drug in Schedule IV.

Source: (Koninkrijksrelaties n.d.)

## Appendix 2 – Article 23

Article 23 contains that:

1 A Party that permits the cultivation of the opium poppy for the production of opium shall establish, if it has not already done so, and maintain, one or more government agencies (hereafter in his article referred to as the Agency) to carry out the functions required under this article.

2 Each such Party shall apply the following provisions to the cultivation of the opium poppy for the production of opium and to opium:

- (a) The Agency shall designate the areas in which, and the plots of land on which, cultivation of the opium poppy for the purpose of producing opium shall be permitted.
- (b) Only cultivators licensed by the Agency shall be authorized to engage in such cultivation.
- (c) Each license shall specify the extent of the land on which the cultivation is permitted.
- (d) All cultivators of the opium poppy shall be required to deliver their total crops of opium to the Agency. The Agency shall purchase and take physical possession of such crops as soon as possible, but not later than four months after the end of the harvest.

(e) The Agency shall, in respect of opium, have the exclusive right of importing, exporting, wholesale trading and maintaining stocks other than those held by manufacturers of opium alkaloids, medicinal opium or opium preparations. Parties need not extend this exclusive right to medicinal opium and opium preparations.

3 The governmental functions referred to in paragraph 2 shall be discharged by a single government agency if the constitution of the Party concerned permits it.

Source: (Koninkrijksrelaties n.d.)

### Appendix 3 – Article 28

Article 28 contains that:

1 If a Party permits the cultivation of the cannabis plant for the production of cannabis or cannabis resin, it shall apply thereto the system of controls as provided in article 23 respecting the control of the opium poppy.

2 This Convention shall not apply to the cultivation of the cannabis plant exclusively for industrial purposes (fibre and seed) or horticultural purposes.

3 The Parties shall adopt such measures as may be necessary to prevent the misuse of, and illicit traffic in, the leaves of the cannabis plant.

Source: (Koninkrijksrelaties n.d.)

## Appendix 4 – License prices 2017

Tarifas de seguimiento y control Vigencia 2017			
Modalidad de solicitud	Tarifas <u>pago único</u> para los 5 años	Modalidad de solicitud	Tarifas pago <u>cuota anual</u> correspondiente al primer año
1. Licencia de fabricación de derivados de cannabis para uso nacional.	\$20'279.840,33	1. Licencia de fabricación de derivados de cannabis para uso nacional.	\$4'055.968,066
2. Licencia de fabricación de derivados de cannabis para exportación.	\$20'427.383,73	2. Licencia de fabricación de derivados de cannabis para exportación.	\$4'085.476,746
3. Licencia de fabricación de derivados de cannabis para investigación científica.	\$20'176.559,95	3. Licencia de fabricación de derivados de cannabis para investigación científica.	\$4'035.311,990
4. Licencia de fabricación de derivados de cannabis para uso nacional y exportación.	\$20'538.041,28	4. Licencia de fabricación de derivados de cannabis para uso nacional y exportación.	\$4'107.608,256
5. Licencia de fabricación de derivados de cannabis para uso nacional e investigación.	\$20'279.840,33	5. Licencia de fabricación de derivados de cannabis para uso nacional e investigación.	\$4'055.968,066
6. Licencia de fabricación de derivados de cannabis para investigación y exportación.	\$20'427.383,73	6. Licencia de fabricación de derivados de cannabis para investigación y exportación.	\$4'085.476,746
7. Licencia de fabricación de derivados de cannabis para uso nacional, investigación y exportación.	\$20'538.041,28	7. Licencia de fabricación de derivados de cannabis para uso nacional, investigación y exportación.	\$4'107.608,256

Source: (Toro Vergara, 8)

## Appendix 5 – Steps for obtaining a license

1. Dar cumplimiento a cada una de las especificaciones y requisitos definidos en el decreto 780 de 2016.
2. Tener en todo momento información sobre las condiciones de la licencia “para que las autoridades competentes puedan realizar la verificación” y controles que requieran.
3. Entregar cada tres meses reportes bajo los lineamientos definidos en el capítulo 8 de la resolución 1816 de 2016.
4. Solo es posible el cultivo y cosecha de plantas del Cannabis hasta el cupo otorgado por el ministerio.
5. Se debe tener claridad al momento del registro sobre la dirección donde se realiza el cultivo.
6. “Presentación de pólizas de seguros que amparen los riesgos de cumplimiento, responsabilidad civil extracontractual y adicional a los daños ambientales”.

Source: (Toro Vergara, 7-8)

## Appendix 6 – Article 2.8.11.2.1.2

Artículo 2.8.11.2.1.2. Tipos de licencias. Las autoridades señaladas en el artículo

2.8. 11. 1.4 del presente título expedirán las siguientes licencias:

1. Licencia de fabricación de derivados de cannabis: otorgada por el Invima para la transformación de cannabis psicoactivo y no psicoactivo y de componente vegetal en derivados psicoactivos y no psicoactivos, en las modalidades de uso nacional, investigación y/o exportación. Esta licencia incluye todas las actividades propias de la licencia de fabricación de derivados no psicoactivos sin que se requiera realizar trámite de modificación de la licencia.
2. Licencia de fabricación de derivados no psicoactivos de cannabis: otorgada por el Invima únicamente, para la transformación de cannabis no psicoactivo y de componente vegetal en derivados no psicoactivos.
3. Licencia de semillas para siembra v grano: otorgada por el Ministerio de Justicia y del Derecho a través de la Subdirección de Control y Fiscalización de Sustancias Químicas y Estupeficientes para el manejo de semillas para siembra y grano, en las modalidades de comercialización o entrega, investigación y/o transformación de grano.
4. Licencia de cultivo de plantas de cannabis psicoactivo: otorgada por el Ministerio de Justicia y del Derecho a través de la Subdirección de Control y Fiscalización de Sustancias Químicas y Estupeficientes para el cultivo de plantas de cannabis psicoactivo, en las modalidades de producción de semillas para siembra, producción y transformación de grano, fabricación de derivados, fines industriales, investigación y/o exportación. Esta licencia incluye las actividades propias de las licencias de semilla para siembra y grano.
5. Licencia de cultivo de plantas de cannabis no psicoactivo: otorgada por el Ministerio de Justicia y del Derecho a través de la Subdirección de Control y Fiscalización de Sustancias Químicas y Estupeficientes para el cultivo de plantas de cannabis no psicoactivo, en las modalidades de producción de semillas para siembra, producción y transformación de grano, fabricación de derivados, fines industriales, investigación y/o exportación. Esta licencia incluye las actividades propias de las licencias de semilla para siembra y grano.
6. Licencia extraordinaria para el cultivo de plantas de cannabis: otorgada por el Ministerio de Justicia y del Derecho a través de la Subdirección de Control y Fiscalización de Sustancias Químicas y Estupeficientes de manera excepcional de acuerdo con los requisitos que se establezcan en la regulación que para el efecto expidan los ministerios de Agricultura y Desarrollo Rural, Justicia y del Derecho y Salud y Protección Social. Esta licencia se otorgará para los siguientes casos:
  - a. Agotamiento de existencias: Procederá cuando el licenciatario cuente con existencias de semillas para siembra, grano, plantas de cannabis, componente vegetal o cannabis y su licencia este próxima a vencerse. Esta licencia podrá otorgarse por una única vez y hasta por seis (6) meses. Vencido el término otorgado sin que se hayan agotado en su totalidad las existencias se deberá proceder de inmediato a su destrucción. Si el material fuere psicoactivo la destrucción se realizará con acompañamiento del FNE o de los fondos rotatorios de estupeficientes.
  - b. Investigación no comercial: Esta licencia podrá otorgarse por una única vez, a persona natural o jurídica, con fines de investigación no comercial, investigación que deberá contar con el aval de una institución de educación superior reconocida por el Ministerio de Educación Nacional. Podrá otorgarse hasta por doce (12) meses; sin embargo, los términos inferiores de otorgamiento podrán prorrogarse por una sola vez, sin que se exceda de doce (12) meses. Vencido el término otorgado se deberá proceder de inmediato a la destrucción. Si el material fuere psicoactivo la destrucción se realizará con acompañamiento del FNE o de los fondos rotatorios de estupeficientes.

7. Licencia extraordinaria para la fabricación de derivados: otorgada por el Invima de manera excepcional de acuerdo con los requisitos que se establezcan en la regulación que para el efecto expidan los ministerios de Agricultura y Desarrollo Rural, Justicia y del Derecho y Salud y Protección Social. Esta licencia se expedirá en los siguientes casos:
  - a. Agotamiento de existencias: Procederá cuando el licenciatario cuente con existencias de componente vegetal, cannabis o sus derivados. Esta autorización podrá otorgarse por una única vez hasta por seis (6) meses. Vencido el término otorgado sin que se hayan agotado en su totalidad las existencias se deberá proceder de inmediato a su destrucción, con acompañamiento del FNE o de los fondos rotatorios de estupefacientes.
  - b. Investigación no comercial: cuando se requiera adelantar por una única vez, por persona natural o jurídica, con fines de investigación y sin fines comerciales actividades relacionadas con la fabricación de derivados de cannabis psicoactivo y no psicoactivo, y las mismas se encuentren debidamente justificadas y avaladas por una institución de educación superior reconocida por el Ministerio de Educación Nacional, de acuerdo con los criterios que se establezcan en la regulación que para el efecto expidan los ministerios de Salud y Protección Social, Justicia y del Derecho y Agricultura y Desarrollo Rural. Esta autorización se podrá otorgar hasta por doce (12) meses; los términos inferiores de otorgamiento podrán prorrogarse por una sola vez sin que con la prórroga el término exceda de doce (12) meses. Vencido el término otorgado se deberá proceder de inmediato a la destrucción, con acompañamiento del FNE o de los fondos rotatorios de estupefacientes.

Source: (Ministerio de Salud y Protección Social 2021, 11-12)

#### Appendix 7 – Article 2.8.11.2.1.6

Artículo 2.8.11.2.1.6. Modalidades de la licencia de cultivo de plantas de cannabis psicoactivo. El Ministerio de Justicia y del Derecho a través de la Subdirección de Control y Fiscalización de Sustancias Químicas y Estupefacientes otorgará la licencia de cultivo de plantas de cannabis psicoactivo para una o varias de las siguientes modalidades:

4. Fines industriales: comprende el cultivo de plantas de cannabis psicoactivo desde la siembra hasta la entrega o uso del componente vegetal con destino a usos industriales, sin que implique actividades de fabricación de derivados. Lo anterior, incluye las actividades de importación o adquisición a cualquier título de semillas para siembra, siembra, cosecha, postcosecha, almacenamiento, comercialización, transporte, distribución, exportación y disposición final. Bajo esta modalidad no es posible entregar cannabis para fabricar derivados ni para ningún otro fin.

#### Artículo 2.8.11.2.1.7

4. Fines industriales: comprende el cultivo de plantas de cannabis no psicoactivo desde la siembra hasta la entrega o uso del componente vegetal con destino a usos industriales. Lo anterior incluye las actividades de importación o adquisición a cualquier título de semillas para siembra, siembra, cosecha, postcosecha, almacenamiento, comercialización, exportación, transporte, distribución y disposición final. Bajo esta modalidad no es posible fabricar derivados psicoactivos y/o no psicoactivos ni entregar cannabis

Source: (Ministerio de Salud y Protección Social 2021, 14,15)

#### Appendix 8 – Article 2.8.11.2.1.10

Artículo 2.8.11.2.1.10. Trámite de la solicitud. El estudio y decisión de las solicitudes de las licencias deberán ser resueltas en un término de hasta treinta (30) días, siempre que se acredite el cumplimiento de los requisitos establecidos para cada tipo de licencia y modalidades, según aplique

Source: (Ministerio de Salud y Protección Social 2021, 16)